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I N T R O D U C T I O N

The title of the special volume of Poligrafi *Islam and Democracy* could be slightly misleading, since none of the authors explicitly addresses the “umbrella” topic in the systematic and structural way. Nevertheless, on the basis of their case studies that took place in different areas – from Bosnia and Herzegovina, Kosovo, Turkey and Slovenia – all authors are addressing the key challenges and dynamics regarding the possibilities for democratic coexistence in Islamic as well as in religiously plural environments. In this way, the grandeur of the title is at least partially covered by various approaches which are trying to present and establish different ideas of Islam and democracy. In their articles, the authors present individual cases and challenges faced by Muslims in different settings, from European “secular” society to Bosnian and Kosovan political realities, but also the challenges that a Christian minority in Turkey is facing living in a Muslim country. Some authors try to explain the causes for religious extremism, while others are searching for successful models to be implemented in the multicultural societies, thus, indicating the possibilities of how new generations of Muslims should actively participate in moulding democratic societies.

The first chapter “Religious Extremism vs. Multiculturalism in Bosnia and Herzegovina” written by Muhidin Mulalić and Ahmed Kulanić analyses the key concepts of prominent Bosnian scholars who argued for the Bosnian Tradition as a model of multicultural societies. Nevertheless, this research paper also aims at discussing the current threat of religious extremism and how religious communities, in particular the Islamic Community, use their legal, administrative and educational models for countering the above mentioned threat. Using content analysis, the two authors analyse randomly selected daily newspaper articles on extremism and multiculturalism.

The second chapter entitled “Challenges and Temptations: Debates and Reactions of the Islamic Community to the War in Bosnia and Herzegovina 1992–1995” written by Hikmet Karčić describes the challenges and the difficult position of Islamic Community in Bosnia and Herzegovina during the war in the former Republic of Yugoslavia. The

main objective of this article is to describe and explore the approach and response of the Islamic Community to war and genocide, based on the writings in the official publication of this institution, the Glasnik newspaper . This chapter also deals with analysing some sensitive issues like the issues of shahids, raped women, jihad and other, which emerged during the above-mentioned war.

In the chapter titled “Religious Contestations in Post-Independent Kosovo,” the author Jeton Mehmeti tries to analyse the new reality of Kosovan society where, according to Mehmeti, the ‘architects’ of the new multi-cultural and independent Kosovo tried to avoid the religion and ethnicity issues when forming the new Kosovo identity. According to Mehmeti and based on this new approach, the Kosovan public has been divided into three main actors: firstly, the political elites that are usually more responsible to international community and keen to show that Kosovo is a secular state with a constitutional framework, like other European states; secondly, there are the media, intellectuals and NGOs, divided among the secular and more religious-friendly views; and thirdly, the religious communities with their own interest in the issue. Finally, the article explores the evolving differentiation between political and believers’ position on major debates on Islamic issues in the Kosovan society.

“An Analysis of National and Minority Identity Relationality: The Case of Antiochian Eastern Orthodox Community in Istanbul” is the title of the article prepared by Özgür Kaymak and Anna Maria Beylunioğlu. It focuses on the Antiochian Orthodox minority living in Istanbul and their perceptions of the relation between their ethno-religious and national identities in Turkey. The authors argue that Turkey and its society has been going through a process of change recently, in particular with regard to the political recognition of ethno-cultural and religious diversity as well as the transformation of the debates on the institution of national citizenship. Despite the above mentioned reforms for the benefit of the non-Muslim communities, Turkishness has continued to be defined on the basis of religion and is equated with Islamic identity. Finally, the article recommends new policies and regulations emphasising ethnic diversity, religious pluralism and multi-ethnic tolerance.

The article titled “Waqf as a Traditional Legal Institution for Social Responsibility according to Natural Law” prepared by Orsolya Falus emphasises the role of voluntary activities in Muslim societies and how this religion spells out the basic principles of the legal institutions as zakat, sadaqah and waqf in order to reach the well-being of Muslim societies. According to Falus, the above mentioned Islamic legal institutions have close relations to the classical natural law theory, as well as the ancient and natural legal institution of waqf seems to be a renewable and everlasting solution to many problems emerging in Islamic societies.

“Morality or Money? Democracy and Islamic Economic Predicaments” is the article written by Sami Al-Daghistani, analysing the classical, revivalist and contemporary literature on Islamic (political) economy, finances, Islamic law and ethics, as well as exploring the genealogical and hermeneutical approaches to Islamic economic philosophy. In the meantime, Al-Daghistani proposes a new reading of economic thought in Islamic tradition in relation to socio-political, epistemological, and Sufi-philosophical discourse. In the conclusion, he proposes to approach economic theories in the Middle Eastern societies through human development, founded on the Islamic ethos of justice, equity, and spiritual uplift.

Oskar Opassi is the author who in his article presents a historical overview of the construction of the Muslim as the European “Other” and analyses European religious reality. On the basis of theoretical derivations, he shows how and why secularization supports the idea of religious choice, rather than the disappearance of religious experience. The article focuses on the category of orthodoxy in the case of religious fundamentalism. Opassi argues that a careful analysis proves that people practicing “traditional” religion in the West have more in common with the fundamentalists from the East than they do with those practicing “modern” religion in the West. In the West, the most intense negative emotions are currently directed against immigrants: they are similar to images depicting the character of the “Turk” in the early modern period.

The article titled “Islamophobia and Xenophobia in Slovenia through the Eyes of Covered Muslim Women” written by Maja Pucelj focuses

on Islamophobia and xenophobia in Slovenia, as perceived by veiled Muslim women. Pucelj's article is based on fifteen semi-structured interviews with covered Muslim women in Slovenia, whose religious affiliation and identity is recognized through the covering of individual parts or the entire body. According to the findings from the conducted interviews, Islamophobia and xenophobia exist in Slovenia and have been increasing in recent years. According to the interviewees, the main reasons for the existence of islamophobia and xenophobia lay in the insufficient knowledge of Islam, as well as in the events occurring around the world which are associated with Islam in a negative context.

Muhamed Ali and Anja Zalta

RELIGIOUS EXTREMISM VS. MULTICULTURALISM IN BOSNIA AND HERZEGOVINA

Muhidin Mulalić
Ahmed Kulanić

Introduction

This paper begins with a survey of historical, cultural and civilization dynamics in Bosnia and Herzegovina. Since ancient times, Bosnia has been at the crossroads of different cultures, civilizations, religions and traditions, which inevitably affected the creation of a unique Bosnian multicultural model. Pilarska¹ is right in asserting that “such tradition joints the elements of the Christian and Muslim culture, creating a specific content-related and cultural borderland stemming from the Greek-Byzantine (Orthodox), Western-European (Catholic and Ottoman (Islamic) provenance”². Many critics often question this model and multicultural discontinuity. However, common socio-cultural characteristics have never disappeared because in today’s Bosnia and Herzegovina after a bloody war, multiculturalism ensures the continuation of peace, equal opportunities and mutual tolerance, civil rights and multi-ethnic coexistence. Actually, in the past two decades, multiculturalism contributed a lot to peace-building and state-building. Multiculturalism and interfaith dialogue can be regarded the avenues towards successful tackling of extremism and terrorism. In this regard, besides the state and state institutions, the religious communities have contributed a lot towards peace and coexistence in Bosnia and Herzegovina. Content analysis of leading newspapers clearly illustrates that all religions stand together in the face of extremism and terrorism.

¹ Justyna Pilarska, “Bosnian multiconfessionalism as a foundation for intercultural dialogue,” *European Journal of Social Sciences Education and Research*, Vol. 10, No. 2 (2017): 24-33.

² Pilarska, “Bosnian multiconfessionalism,” 28.

In the age of globalization and in the world of diversity it has become an imperative to foster and preserve tolerance, understanding and co-existence in multicultural and multi-ethnic societies as an alternative to Huntington's civilizational clash.³ In this regard, the inclusive Bosnian multicultural model could position a country as a very unique state-model, which other multicultural and multiethnic countries worldwide could follow. This is in particular true for the EU member-states that presently cope with the challenges related to minorities, religion, culture, language and ethnicity.

Historical Paradigm of Bosnian Multiculturalism

Socio-political and cultural patterns of one society, including an idea of multiculturalism, have always been subject to change and modification. Therefore, from the medieval times multiculturalism in its essence was the hallmark of the Bosnian state. Medieval multiculturalism integrated various Christian confessions and ethnicities; the Ottoman *millet* system was the foundation of religious tolerance and coexistence among Orthodox Christians, Jews, Catholics and Muslims; Bosnia and Herzegovina was a model for former Yugoslavian national, ethnic and religious coexistence. What is common to all these historical periods? Multiculturalism as a model, which integrated socio-political and cultural patterns, prevented the destruction of the Bosnian state and the society. Therefore,

the history of Bosnia-Herzegovina indicates that ethnic distinctive bonds have been flourishing throughout centuries while common national identification and a sense of interconnected relationship between diverse groups of people had always been strongly felt. Actually, the history of Bosnia-Herzegovina points to cultural inclusion and cross-culture, not exclusive cultural isolation. That is why nowadays as throughout the past, although belonging to different groups of people, many distinguished Serbs, Croats and Bosniaks have accepted a common and shared Bosnian national identity.⁴

³ Rusmir Mahmutćehajić, *Bosnia the Good: Tolerance and Tradition* (Budapest: Central European University Press, 2000), 88-90.

⁴ Muhidin Mulalić, "Socio-Cultural Diversity of Bosnia and Herzegovina," in *Islam in Southeast Europe: Past Reflections and Future Prospects*, ed. Mesut Idriz and Osman Bakar, 55-67 (Bru-

Nowadays, Bosnia and Herzegovina is often presented as a state where Serbs, Bosnjaks and Croats live in peace with each other. The above explained historical understanding of multiculturalism in Bosnia and Herzegovina gives us right to believe that in spite of different nationalistic, extremist and secession challenges Bosnian state and the society will prevail. As during the 1990s, in today's Bosnia and Herzegovina multiculturalism is in collision with the forces of disintegration, separation and the creation of divided and utterly separated societies, something that is in essence foreign to *Being of Bosnia*. Bosnia has always been different as it is at the crossroads of cultures, religions, ethnicities and civilizations and because of its multiculturalism has been vulnerable before those who attempted to take exclusively 'forbidden fruit.' Bosnian multiculturalism kept the society together throughout the history and today's multiculturalism will inevitably breed democratic and liberal values that will pave the way for the future of the Bosnian state and the society. On the contrary,

...whenever an exclusive socio-cultural model was presented as an alternative, requesting transformation and assimilation of the existing socio-cultural models, the country experienced conflicts and wars. Therefore, the historical continuity of Bosnia-Herzegovina as a state has been characterized by an inclusive socio-cultural model, a model that embraces diversity. Actually, Mahmutčehajić in his work *Bosnia the Good: Tolerance and Tradition* used the tradition as a basis of tolerance, understanding and coexistence.⁵

Bosnia and Herzegovina as such was exposed to different influences during the Ottoman and Austro-Hungarian periods. These influences were assimilated into the already existing multicultural model that facilitated flourishing of the Bosnian Church. The Bosnian Church shaped distinctive religious and cultural identity of the citizens; therefore, multicultural model as such began with the Bosnian Church.⁶ Pilarska is right in asserting that "Bosnia-Herzegovina as a certain kind of a transitional zone between the Balkans and the Mediterranean, setting

nei Darussalam: UDB Press, 2014), 63-64.

⁵ Mulalić, "Socio-Cultural Diversity," 55.

⁶ Mahmutčehajić, *Bosnia the Good*, 31-33; Mitja Velikonja, *Religious Separation and Political Intolerance in Bosnia and Herzegovina* (Austin TX: Texas University Press, 2003), 19; Noel Malcom, *Bosnia: A Short History* (London: Macmillan, 1994), 27-42.

the transitional area to the Catholic world of the mainland Europe at the northern frontiers.⁷ Bosnian multicultural model also integrated the religion of Islam and the Ottoman heritage. Multicultural model was enriched by Sultan Mehmed II who granted freedom, safety and security to the Bosnian Franciscans.⁸ Thus, Bosnian society during the Ottoman times was denoted as a multicultural because of coexistence of Muslims, Catholics and Orthodox Christians; even European exiled and excommunicated heretics and the Shepardi Jews found Bosnia as their sanctuary. Then, from demographic point of view, different censuses from 1910, 1991 and 2013 affirm religious diversity in Bosnia and Herzegovina.

Bosnia's administrative, socio-cultural and economic structures were directly shaped by the Ottoman presence.⁹ Therefore, in affirmative and constructive ways the

Ottomans brought the religion of Islam to Bosnia and with it new cultural and spiritual opportunities. New civilization brought along a higher living standard and urban, architectural, administrative, economic and commercial development. The people of Bosnia, considering benefits provided by the new worldview, had integrated themselves without rejecting their past heritage of Western civilization.¹⁰

On the other hand, Austro-Hungarian Empire through its modernization and westernization processes brought Bosnia and Herzegovina closer to the West. Socio-political, economic, administrative, infrastructural and educational changes and developments had significant impact on lifestyle of the people and their gradual turning the West.

Bosnian famous conception of universal neighbourhood relations (*komsiluk*) as a sociological and anthropological concept assimilated different religions whereby all of them began focusing on neighbourliness and coexistence within the Bosnian society. Countering alleged

⁷ Pilarska, "Bosnian multiconfessionalism," 27.

⁸ Robert Donia and John Fine Jr., *Bosnia and Herzegovina, A Tradition Betrayed* (New York: Columbia University Press, 1994), 64-65; Ignacije Gavran, *Fellow-Travellers of Bosnian History: Seven Centuries of Bosnian Franciscans* (Sarajevo: Svjetlo riječi, 2001), 63-69.

⁹ Hamid Algar, "Some Notes on the Naqshbandī Tariqat in Bosnia," *Die Welt des Islams* 13(3/4) (1971): 168-203.

¹⁰ Mulalić, "Socio-Cultural Diversity," 56.

animosity and hate among the Slavic tribes, this explains why even during the war and after, orthodoxy and exclusive separation of different ethnic groups has not prevailed in Bosnia and Herzegovina. *Komsiluk* is often used by Bosnjaks, Croats and Serbs for explaining the centuries old relations in Bosnia and Herzegovina. According to this notion, a neighbour is beyond religious exclusive identification.¹¹ Therefore, Doubt stated that “*Komsiluk* is not just passive tolerance but active goodwill toward neighbours from different ethnic communities”.¹² For example, intermarriages in Bosnia have been very popular, especially before the war. Intermarriage as such was a hallmark of the Bosnian multicultural society. Often, intermarriages were used to strengthen not only multicultural model but at the same time Yugoslavian concept of brotherhood and unity.¹³ Another good example of multicultural model in Bosnia and Herzegovina is Sarajevo and its demography, arts, architecture, religions, cultures and traditions. With such characteristics Sarajevo is truly a multicultural model city.

During Austro-Hungarian period, modern, secular and liberal dimensions of multiculturalism paved the way to Bosnian multicultural model. Thus, multiculturalism was enriched and strengthened. It is significant to articulate that multiculturalism began to be viewed and equated with modernization, development and democratization. Bosnia under Austro-Hungarian rule began with rapid political and socio-cultural transformation and modernization of the country in terms of governance, law, economy, social structure, urbanization and cultural transformations.¹⁴ Bosnian multiculturalism was recognized by the communists who accepted the reality of different ethnic groups, cultures and religions. In 1943, the *Anti-Fascist Council of People's Liberation of BiH* (ZAVNOBiH) reaffirmed the statehood of Bosnia-Herzegovina

¹¹ Mevlida Serdarević and Ajnija Omanić, *Bosnjacka kultura ponasanja [Bosnjak cultural behaviour]* (Sarajevo: Svjetlost, 2000), 189-192.

¹² Keith Doubt, *Through the Window: Kinship and Elopement in Bosnia-Herzegovina* (Budapest-New York: Central European University Press, 2014), 133.

¹³ Dušan Janjić and Paul Shoup, eds., *Bosna i Hercegovina između rata i mira [Bosnia and Herzegovina between war and peace]* (Belgrade: Dom Omladine, 1992), 32-33.

¹⁴ See Fikret Karčić, *The Bosniaks and the Challenges of Modernity* (Sarajevo: El-Kalem, 1999).

and strengthened the bond between Bosnia-Herzegovina's peoples such as Serbs, Croats and Muslims.¹⁵

This short survey clearly indicates that Bosnia-Herzegovina is an embodiment of both Western and Eastern heritages, religions and cultures, which position this small European country as very unique and exemplary.¹⁶ In today's turbulent world, Bosnia and Herzegovina, from a geo-cultural and civilization perspective, is vital for global, cultural and security balance. Christianity, Judaism and Islam, as three major world religions make the distinctive physical and spiritual feature of Bosnia and Herzegovina and they guarantee a necessary religious balance. Bosnia-Herzegovina as a multicultural and multinational state functions as a bridge between the two exclusively ethno-states of Serbia and Croatia and from the global perspective Bosnia and Herzegovina, to use Izetbegovic's terms, is between East and West.¹⁷ Therefore,

being a multicultural state, Bosnia-Herzegovina has always flourished as a part of a greater whole, i.e., the Ottoman Empire, Austro-Hungarian Empire and Yugoslavia. Therefore, the future of this small country lies in joining the EU, a family of nations that uphold diversity. Upholding liberal values, cosmopolitan multiculturalism, the tradition and diverse socio-cultural values derived from Bosnia's past and present would in turn uphold and strengthen the EU road towards achieving the goal of creating a family of nations.¹⁸

Velikonja states that

despite destruction, liquidation, and persecution, this country is still inhabited by members of different nations and religious communities. The solution will not be found in a religious moral campaign, national exclusion, political radicalism, "final solutions" of all sorts, national or religious conversion, or by ignoring or overstating the significance of the religious factor... I think — optimistically, someone would surely argue — that a multinational and

¹⁵ Omer Ibrahimagić, *Constitutional Development of Bosnia and Herzegovina* (Sarajevo: The Congress of Bosnian Intellectuals, 1998), 95.

¹⁶ Mahmutčehajić, *Bosnia the Good*, 54-64.

¹⁷ Muhidin Mulalić, "Multiculturalism and EU enlargement: the case of Turkey and Bosnia-Herzegovina," in *The Islamic World and the West*, ed. Christoph Marcinkowski (Zurich: LIT Verlag, 2009), 119-120.

¹⁸ Mulalić, "Socio-Cultural Diversity," 65.

multireligious Bosnia-Herzegovina is possible because of its predominately tolerant and plural history.¹⁹

Tackling Extremism and Terrorism in Bosnia and Herzegovina

During the late 1980s, Serbian Orientalists wrote numerous works so as to presents the Serbs as defenders of the Christianity against the religion of Islam.²⁰ These works were purposefully written to cover main Serbian strategic objectives and an attempt to create Greater Serbia. Fortunately, misinterpretation of history and attempts to present Muslims in former Yugoslavia, especially in Bosnia and Kosovo as fundamentalists, extremists and radicals had failed. On the contrary, at the end of the 1990s wars, mainly the Serbs were accused and sentenced for committed crimes and atrocities. However, after September 11 and with the beginnings of the war against terrorism, Serbian Orientalism experienced significant revival. Serbian intellectuals and policy-makers often make reinterpretation of the Bosnian war, putting into perspective the war itself with September 11 and global terrorism. They have been purposefully rewriting the history as to counter Serbian aggression on Bosnia and Herzegovina, Srebrenica genocide, committed crimes and sentenced Serbian politicians and generals in the Hague. Therefore, Serbian intellectuals and policy-makers are not sincere in fighting against terrorism and extremism, having one objective to minimize genocide and ethnic cleansing that they had committed in Bosnia and Herzegovina. In addition, in such a complex country as Bosnia and Herzegovina is, the Serbs and lately even the Croats use demonization of the Bosnjaks and their depiction as extremists and radicals as a tool to achieve their political and national objectives. The continuous articulation, claiming that that Bosnia and Herzegovina is a terrorist state and as such a threat to Serbia, Croatia, Europe and the world has been the strategic attempt to gain the international support for their political interests and to weaken the position of those who have been struggling

¹⁹ Velikonja, *Religious Separation*, 294.

²⁰ Norman Cigar, „Serbia's Orientalists and Islam: Making Genocide Intellectually Respectable,” *The Islamic Quarterly* 38 (1994) 3: 147-170.

to preserve Bosnia and Herzegovina as a multicultural state, a home to different religions, cultures, traditions, nationalities and ethnicities. Moreover, global geopolitical and geostrategic power struggle of the great powers shapes the views, perceptions and strategies of tackling extremism and terrorism in Bosnia and Herzegovina. A very unique historical position of Bosnia and Herzegovina, nestled between East and West, in some way explains different influences and socio-political inclinations of this country. Bosnian destiny was often decided in Istanbul, Wien, Paris, Washington, Moscow and Brussels. The great powers have treated Bosnia as a laboratory for their political and cultural experiments. This was especially the case with the beginnings of the war in Bosnia and Herzegovina when the local population was expecting more from the West.²¹

The above short historical glance at the relationship between Bosnian present realities, socio-political and security developments and terrorism was primarily written with an aim to put in the perspective the present-day discourses on how Bosnia and Herzegovina tackles and deals with terrorism and extremism. The first part of this paper clearly indicates that Bosnia and Herzegovina has been fostering multiculturalism throughout the centuries, naturally, the establishment of Bosnia is against any kind of extremism. Secondly, Bosnia and Herzegovina as the state made significant efforts so as to tackle extremism and terrorism in the same way as other countries do throughout the world. Strategic objectives are clearly stated in the *Strategy of Bosnia and Herzegovina for Preventing and Fighting Terrorism* regarding global terrorist threats in compliance with the Anti-Terrorist and Anti-ISIL Coalition. Certainly, Bosnia and Herzegovina developed strategies, policies and activities

established under the Global UN Anti-Terrorist Strategy, the European Union's Strategy for Combating Terrorism and Combating Radicalization and Recruitment for Terrorism, as well as other relevant international instruments, taking into account the most recent, such as the Conclusions and Recommendations on Combating Violent Extremism, the White House Summit (February 2015), Joint Declaration of the Eastern Partnership Summit

²¹ See Adam LeBor, *A Heart Turned East: Among the Muslims of Europe and America* (New York: St. Martin's Press, 1997).

(Riga, January 2015), Joint Statement of Belgrade (April 2015), Joint Statement of St. Polten (May 2015), and a number of other documents.²²

Thirdly, religious communities also made significant contributions to prevent and curb religious extremism and terrorism.

Bosnia and Herzegovina adopted the *Strategy of Bosnia and Herzegovina for Preventing and Fighting Terrorism (2015-2020)*²³ in order to strengthen national capacities in managing and tackling terrorism at home and to meet international commitments and responsibilities. As early as in 2001, Bosnia and Herzegovina became an active member of the *Antiterrorist Coalition* and two more strategic plans were adopted to curb terrorism and terrorist-related phenomena at the time of intensifying global security challenges and threats. The newly adopted *Strategy (2015-2020)* clearly defines foreign terrorist fighters, violent extremism, hate speech, the promotion of terrorism and a call to join paramilitary forces. The *Strategy (2015-2020)* clearly defined the following goals:

“1. Prevention of hate crimes, radicalization and terrorism in all its manifestations; 2. Critical infrastructure protection; 3. Improved procedures in investigation and prosecution of terrorist offences and related crimes; 4. Response / reaction to possible terrorist attack and aftermath recovery.”²⁴ (p. 7).

Bosnia and Herzegovina also made significant changes in the legislation and the Criminal Code as to prevent and fight terrorism. More importantly, foreign terrorist fighting law was passed in July 2014, preventing Bosnian citizens to participate in any paramilitary organizations.²⁵

²² Bosnia and Herzegovina Council of Ministers, “Strategy of Bosnia and Herzegovina for preventing and combating terrorism: 2015-2020,” Sarajevo, Bosnia and Herzegovina, 2015, accessed August 15, 2017, http://msb.gov.ba/PDF/STRATEGIJA_ZA_BORBU_PROTIV_TERORIZMA_ENG.pdf, 4.

²³ Bosnia and Herzegovina Council of Ministers, “Strategy of Bosnia and Herzegovina for preventing and combating terrorism: 2015-2020,” Sarajevo, Bosnia and Herzegovina, 2015, accessed August 15, 2017, http://msb.gov.ba/PDF/STRATEGIJA_ZA_BORBU_PROTIV_TERORIZMA_ENG.pdf.

²⁴ Bosnia and Herzegovina Council of Ministers, “Strategy (2015-2020),” 7.

²⁵ Vlado Azinović and Muhamed Jusić, “The Lure of the Syrian War: The Foreign Fighters’ Bosnian Contingent,” The Atlantic Initiative, Sarajevo, Bosnia and Herzegovina, 2015, accessed August 10, 2017, http://atlanticinitiative.org/images/THE_LURE_OF_THE_SYRIAN_WAR_THE_FOREIGN_FIGHTERS_BOSNIAN_CONTINGENT/The_Lure_of_the_Syrian_War_-_The_Foreign_Fighters_Bosnian_Contingent.pdf, 23.

In addition, law enforcement agencies became very active in finding legal solutions for the following: spreading of hate and violence, incitement to terrorism and extremism, recruitment of terrorists, spreading of radical ideology, establishing a special watch list of potential terrorists, social media and internet monitoring for hate speech and terrorism and cooperation with all international organizations on terrorism.²⁶ Therefore, the *European Commission Report on Bosnia and Herzegovina*²⁷ and the recent *State Department Report*²⁸ articulated positive criminal sanctioning of terrorist fighters, joining the terrorist organizations and publically encouraging terrorism. These reports show that the Bosnian authorities and institutions have taken up a serious fight against terrorism.

Apart from the state and state institutions, religious communities in Bosnia and Herzegovina have contributed a lot towards interreligious dialogue. Islamic, Orthodox, Catholic and Jews religious communities and their leading theologians and intellectuals always refer to a genuine religious diversity and coexistence in Bosnia and Herzegovina. For the sake of illustration, it is important to mention a few authors and their works: Luka Markovic, *Polemika ili dijalog s Islamom [Polemics or a Dialogue with Islam]*, Mato Zovkic, *Medjureligijski dijalog iz katolicke perspektive u Bosnia i Hercegovini [Interreligious Dialogue from Catholic Perspective in Bosnia and Herzegovina]*, Resid Hafizovic, *Muslimani u dijalogu s drugima i sa samim sobom [Muslims in a Dialogue with Others and Themselves]*, Adnan Silajdzic, *Islam u otkricu krcanske Evrope: Povijest medjureligijskog dijaloga [Islam in Discovery of Christian Europe: A history of Interreligious Dialogue]*, Milan Vukomanovic, *Religions in the Balkans: The new Basis for Dialogue*, Aleksandar Djakovac, *Pravoslavlje i druge religije [Orthodox Christianity and Other Religions]*.²⁹

²⁶ Bosnia and Herzegovina Council of Ministers, "Strategy (2015-2020)," 14-23.

²⁷ European Commission, "Bosnia and Herzegovina 2016 Report," Brussels, November 9, 2016, http://europa.ba/wp-content/uploads/2016/11/20161109_report_bosnia_and_herzegovina.pdf.

²⁸ United States Department of State Publication Bureau of Counterterrorism, Country Reports on Terrorism 2016, Washington D.C.: July 28, 2017, <https://www.state.gov/documents/organization/272488.pdf>, 106-108.

²⁹ See Luka Markovic, *Polemika ili dijalog s Islamom* (Sarajevo: Svijetlo riječi, 1995); Mato Zovkic, *Medjureligijski dijalog iz katolicke perspektive u Bosnia i Hercegovini* (Sarajevo: Vrhbo-

The Islamic Community in Bosnia and Herzegovina is very active in establishing interreligious dialogue and preventing any form of extremism and terrorism. In 2011, for the sake of the promotion of tackling extremism and terrorism issues, the Islamic Community in partnership with Konrad Adenauer organized a conference and published the proceedings entitled *Islamic Scene in Bosnia and Herzegovina*.³⁰ The following year, the Islamic Community founded the *Center for Dialogue Vesatija* (CDV) as to promote moderate dimensions of Islam and to foster tolerance and understanding. In 2013, in partnership with the Islamic Faculty of Pedagogy and the Center for Dialogue Vesatija, an international conference was organized with the title *Umjerenost kao metod institucionalnog djelovanja obrazovnih ustanova regije [Moderation as an Institutional Functioning of Islamic Religious Institutions in the Region]*. In 2014, Islamic newspaper called *Preporod* and the *Center for Dialogue Vesatija* launched a forum as to promote interreligious dialogue and moderation. Most importantly, on December 4, 2015, the leading Bosnian politicians, religious representatives, academics and businessmen gave joint declaration on open rejection of extremism and terrorism. A year later, in 2016, the Islamic Community made an initiative to close parallel religious communities in Bosnia and Herzegovina. In 2016, the Islamic Community organized a series of seminars for religious leaders entitled *Religious Call, Religious Radicalism and Violent Extremism*. All religious education institutions foster religious tolerance and understanding.³¹ Then, the media that are under the Islamic Community of Bosnia and Herzegovina articulate the problems of radicalism, terrorism, and extremism and dissociated themselves from the same.

sanska katolička teologija, 1998); Resid Hafizovic, *Muslimani u dijalogu s drugima i sa samim sobom* (Sarajevo: El-Kalem, 2002); Adnan Silajdzic, *Islam u otkricu krscanske Evrope: Povijest medjureligijskog dijaloga* (Sarajevo: Fakultet islamskih nauka, 2003); Milan Vukomanovic, *Religious Dialogue in the Balkans: The Drama of Understanding* (Belgrade: Belgrade Open School, 2005)

³⁰ Enes Karić, Fikret Karčić, Dževad Hodžić, Mustafa Spahić, Ahmet Alibašić, Muhamed Jusić, Ekrem Tucaković, *Islamska scena u Bosni i Hercegovini* (Sarajevo: Udruženje islamske zajednice u BiH and Fondacija Konrad Adenauer, 2011), accessed on August 11, 2017, http://www.kas.de/wf/doc/kas_29771-1522-1-30.pdf?11121913564.

³¹ Muhamed Jusić, ed., *Ideologija tekfira i nasilni ekstremizam [An Ideology of Takfir and Violent Extremism]* (Sarajevo: El-Kalem, 2017), accessed August 10, 2017, http://cdv.ba/wp-content/uploads/2017/08/Ideologija-tekfira-i-nasilni-ekstremizam_Analiza.pdf, 8-12.

For instance, in the period from December 2015 until the present day, the *Islamic Newspaper Preporod* published fifty articles, columns and opinions that condemn terrorism and radicalism as such, while at the same time radio channel of Islamic Community *Radio BIR* published more than fifty-two news, shows and radio programs or reprinted stories on their channel. Therefore, the Islamic Community effectively uses hundreds of its mosques, faculties, institutes, religious schools, endowments, newspapers and journals to promote home-grown and traditional dimensions of Islam.

The main religious leaders signed the famous “*Statement of Shared Moral Commitment*” on 9 June, 1997, which inevitably led to the formal establishment of the Inter-religious Council of Bosnia-Herzegovina. Inter-religious Council set key objectives aimed at religious freedom and legal status of religious communities, media, education, gender and youth. Since 1999, the Inter-religious Council, in cooperation with state institutions and international organizations, contributed to drafting of a new law on religious freedom and legal status of religious communities and churches in Bosnia and Herzegovina as to confirm to European standards on freedom of religion. As a result, in 2003 the law on “*Freedom of Religion and the Legal Status of Religious Communities and Churches*” was adopted. This law enabled the Ministry of Justice of Bosnia and Herzegovina to keep the main register of all churches and religious communities in Bosnia and Herzegovina. Inter-religious Council organized a number of round tables, seminars and conferences in order to promote religious freedom among religious communities and churches, political parties, government representatives, NGOs, intellectuals and the youth.

The Inter-religious Council targets the youth through different education, social and academic activities and trainings. Its Youth Working Group organized a series of inter-religious conflict resolution trainings in Sarajevo, Banja Luka, Brcko and Bihac. These trainings and seminars provided a platform for the young to engage in dialogue, peace and conflict transformation regardless of their religion, ethnicity or language. Some of these trainings and seminars include: “Hope for a Better Future: Transforming Attitudes and Building Community;” “Open

Our Hearts;” “Day of Solidarity with Children without Parental Care,” “All Together;” and many others.

The Inter-religious Council is organizing meetings of young theologians. Since 2006, numerous theology students exchange visits were organized, where the Muslims visited the Orthodox and the Catholic students and vice versa. In additions, numerous seminars, meetings and debates were organized on different subjects such as dialogue between believers and atheists, bioethics, conflict resolution, anti-drug campaign, curbing violence and extremism and others. Inter-religious Council has been very active in media, which contributed towards producing a number of programs aimed at tolerance and peace. Some of these programs include: “*Susret [Meeting of Persons]*” and “*Culture of Religions*”; Finally, Inter-religious Council established the Women Working Group, which started to focus on social problems, education, poverty, women’s rights and fostering cultural and religious heritage. This group successfully published a book entitled *Religious Customs of Muslims, Orthodox Serbs, Catholics and Jews in Bosnia and Herzegovina*.³²

Content Analysis of Religious Extremism and Multiculturalism in Daily Newspapers

September 11 and the terrorist attacks directed the world media attention to the religions and religious issues. Since 9/11, the role of religious communities in promoting peace, cooperation and coexistence on one side and the use, abuse and misuse of religion on other became one of the most discussed topics in the international media. Similar topics also made headline stories in Bosnia and Herzegovina. Therefore, there is the rationale for studying the content of Bosnian media headlines and news on religions and religion-related phenomena.

The content analysis of the daily-newspapers was based on the frequency of appearance of the ten terms related to the religious communities, multiculturalism and extremism. The research included articles from January 1st, 2017 till June 30th, 2017, covering four major

³² Interreligious Council in Bosnia and Herzegovina, accessed August 11, 2017, <http://www.mrv.ba>.

| Daily Newspapers | Period (January-June 2017) | | | | | | | | | | Total |
|-------------------------|----------------------------|------------------|-----------|-----------|-----------|---------------------|-------|-----------------------|-------------------|---------|--------|
| | Religion | Multiculturalism | Tolerance | Extremism | Terrorism | Interfaith dialogue | Islam | Orthodox-Christianity | Roman-Catholicism | Judaism | |
| <i>Dnevni avaz</i> | 17 | 0 | 25 | 4 | 13 | 0 | 109 | 11 | 9 | 5 | 193 |
| | 0.70% | 0% | 1.03% | 0.16% | 0.53% | 0 | 4.51% | 0.45% | 0.37% | 0.20% | 7.99% |
| <i>Oslobodjenje</i> | 46 | 0 | 27 | 2 | 13 | 1 | 125 | 53 | 26 | 28 | 321 |
| | 2.02% | 0% | 1.19% | 0.08% | 0.57% | 0.04% | 5.51% | 2.33% | 1.14% | 1.23% | 14.19% |
| <i>Nezavisne novine</i> | 7 | 0 | 19 | 2 | 4 | 0 | 27 | 29 | 1 | 0 | 89 |
| | 0.75% | 0% | 2.03% | 0.21% | 0.42% | 0% | 2.89% | 3.11% | 0.10% | 0% | 9.54% |
| <i>Dnevni list</i> | 8 | 0 | 15 | 1 | 10 | 0 | 41 | 23 | 14 | 2 | 114 |
| | 1.02% | 0% | 1.93% | 0.12% | 1.28% | 0% | 5.27% | 2.96% | 1.80% | 0.25% | 14.67% |

Table 1: Number of articles frequency and percentage.

daily newspapers in Bosnia and Herzegovina, namely the *Dnevni avaz*, the *Dnevni list*, the *Nezavisne novine* and the *Oslobođenje newspapers*. During this time period, the above mentioned newspapers published 6.390 articles, among which the *Dnevni avaz* with 2.413 articles in the newspaper with highest number of published articles, after which comes *Oslobođenje* with 2.268 articles, then the *Nezavisne novine* with 932 articles and the *Dnevni list* with 777 published articles. Unlike before 9/11, the above data clearly indicated that religious-related topics are significantly represented in daily newspapers.

The frequency of the published articles using the key terms targeted in this study represents how the media deal with the religious topics in Bosnia and Herzegovina. The selected news clearly indicated the public perceptions and the context of such topics. Thus, Table 1 shows the results of the frequency of appearance of the key terms in daily newspapers in the period of six months in comparison to the overall number of articles they published.

717 totally published articles in the period of six months deal with one or more studied terms among which the highest number deals with Islam or Muslims (42 %) while the multiculturalism received no attention with none of the published articles on this topic. An extremely low number of news on multiculturalism clearly shows that there is no interest in its promotion. On the contrary, Bosnian nationalists 'promote' Bosnia and Herzegovina as "a deeply divided society," "ethnic democracy" and an "Ethnopolis" where different ethnic groups, due to strong nationalistic rhetoric and 'ethnopolitics', live isolated from each other.³³ The second most frequent topic is Orthodox-Christians, while the term tolerance is placed third with 86 or 12 % of the totally published articles. It is interesting that the *Oslobođenje* newspapers published the highest number of articles on Orthodox-Christians 53 or 45.68 % out of 116 articles. Also, it is noticeable that the *Oslobođenje* newspaper published most of the articles with these topics 44.76 % out of 717 or 321 published articles, while the *Nezavisne novine* published the fewest number of articles, 89 on them or 12.41 %. Therefore, the

³³ Asim Mujkić, *Mi građani etnopolisa* (Sarajevo: Sahinpasic, 2007).

| Daily Newspapers | Period (January-June 2017) | | | | | | | | | | Total |
|-------------------------|----------------------------|------------------|-----------|-----------|-----------|---------------------|--------|-----------------------|-------------------|---------|--------|
| | Religion | Multiculturalism | Tolerance | Extremism | Terrorism | Interfaith dialogue | Islam | Orthodox-Christianity | Roman-Catholicism | Judaism | |
| <i>Dnevni Avaz</i> | 17 | 0 | 25 | 4 | 13 | 0 | 109 | 11 | 9 | 5 | 193 |
| | 21,79% | 0% | 29,06% | 44,44% | 32,5% | 0% | 36,09% | 9,48% | 18% | 14,28% | 26,91% |
| <i>Oslobodjenje</i> | 46 | 0 | 27 | 2 | 13 | 1 | 125 | 53 | 26 | 28 | 321 |
| | 58,97% | 0% | 31,39% | 22,22% | 32,5% | 100% | 41,39% | 45,68% | 52% | 80% | 44,76% |
| <i>Nezavisne novine</i> | 7 | 0 | 19 | 2 | 4 | 0 | 27 | 29 | 1 | 0 | 89 |
| | 8,97% | 0% | 22,09% | 22,22% | 10% | 0% | 8,94% | 25% | 2% | 0% | 12,41% |
| <i>Dnevni list</i> | 8 | 0 | 15 | 1 | 10 | 0 | 41 | 23 | 14 | 2 | 114 |
| | 10,25% | 0% | 17,44% | 11,11% | 25% | 0% | 13,57% | 19,82% | 28% | 5,71% | 15,89% |
| TOTAL | 78 | 0 | 86 | 9 | 40 | 1 | 302 | 116 | 50 | 35 | 717 |
| | 100% | 0% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | |

Table 2: Number of articles frequency and percentage in comparison to total number of articles on the studied topics.

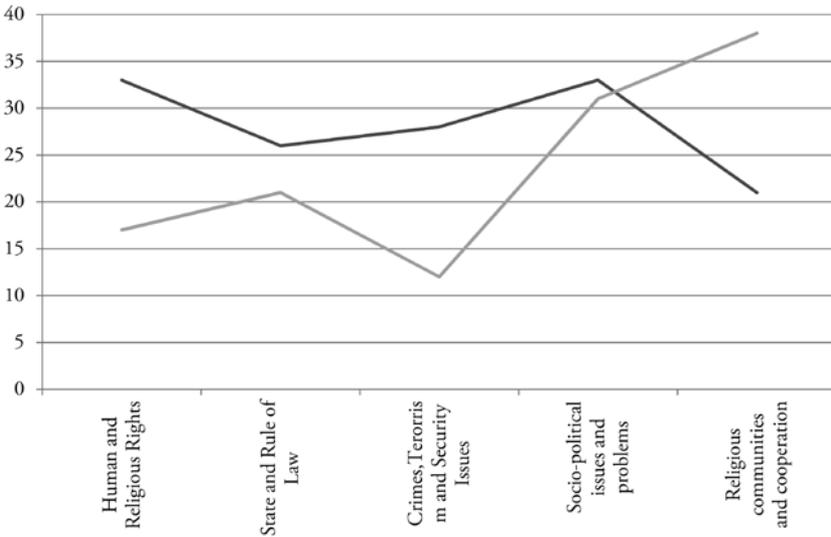
data clearly indicates that all four daily newspapers promote tolerance and understanding.

As shown in Table 3, most of the daily newspapers have negative views on terrorism, extremism and violence in general; however, some as the *Dnevni list* newspaper portray and contextualize certain religious groups in Bosnia and Herzegovina negatively in the context of radicalism and terrorism. Thus, it is obvious that media, especially based on its primary roles to inform and educate, needs to approach certain topics and issues carefully and elaborate more on them in order to further educate the masses. Furthermore, the entire media industry should return to ethical and moral standards of the journalist profession and go beyond daily sensationalism in the news.

Besides the content analysis of media portraying of religion and religious issues in Bosnia and Herzegovina, this paper analysed public statements of two religious leaders in Bosnia and Herzegovina, namely: Husejn ef. Kavazovic, Grand Mufti of Islamic Community and the Archbishop Vinko Puljic, Roman-Catholic Church. For the purpose of the study, 20 randomly selected public statements consisting of approximately 3,500 words for each one of them were selected. Based on the computer-assisted analysis for the word and category frequency most frequent words were analysed. They were classified as follows: Human and Religious Rights; State and Rule of Law; Crimes, Terrorisms and Security Issues; Socio-Political Issues and Problems; and Religious Communities and Cooperation.

| Newspaper | Positive article tone | Negative article tone |
|-------------------------|---|---|
| <i>Dnevni avaz</i> | For a decade 27 terrorists were sentenced on 135 years of jail (06.02.2017) The most severe condemnation of terrorism (05.06.2017) | Bosnian Misconceptions and Ideals (24.06.2017) – On Bosnian Muslims and their politicians |
| <i>Dnevni list</i> | Franjo Topic: Catholic Church is for united and integral Bosnia and Herzegovina (09.02.2017) Mile Lasic: And Serb Republic is my country/land (10.01.2017) The coexistence example: Bishop Grigorije made iftar for Mostar Mufti (10.06.2017) | Holy father, you are surrounded with hypocrites in Vatican as well (27.02.2017) – Commentary of Pope Francis message that it is better to be atheist than hypocrite Bosnia is a state of PTSD, radicalism is our destiny and my letter to Kolinda was not sexist (09.01.2017) Saudi Arabia and Turkey are financing Salafes in BiH (08.4.2017) The Flags of ISIL in Croatian Village (27.5.2017) |
| <i>Nezavisne novine</i> | Children need practice, not religious education (04.04.2017) Let us rejoice to life and each other (15.4.2017) – on coexistence in Mostar Violent extremism problem of all in Bosnia (13.3.2017) Arnaudija mosque will complete the Banjaluka picture/postcard (23.4.2017) | BiH is the only one that haven't participated at meeting related to destruction of Islamic state (03.02.2017) "Jihadists get fake identities in BiH" (16.6.2017) |
| <i>Oslobodenje</i> | The killing of innocent people is crime and unforgivable sin (29.04.2017) – On Islam and terrorism Islam and terror don't go together (22.04.2017) Hagada- Symbol of unity and humanity | The religious communities and political leaders have common goal. (03.04.2017) – on relationships between church and secular state in BiH Extremism of Muslim brotherhood and Bosnia and Herzegovina (07.01.2017) |

Table 3: Selected titles of article according to the tone of publishing.



Legend:

- Vinko Puljić, Archbishop, Roman-Catholic Church
- Husejn ef. Kavazović, Grand Mufti, Islamic Community in Bosnia and Herzegovina

Table 4: Content Analysis of the Religious leaders' speeches

Table 4 clearly indicates that both religious leaders did not put much emphasis on the state, the rule of law, crime, terrorism and security issues, perhaps considering them matters of the state. However, both religious leaders similarly stressed the importance of human and religious rights and religious cooperation. Both religious leaders highlighted socio-political issues and problems since Bosnia and Herzegovina has to divert its attention from daily politics to better education, healthcare, state institutions services and overall better quality of life. This is especially the case because of a significant decline in birth rates and depopulation of the country as many young people, professionals and experts have decided to migrate to Europe.

Conclusion

In today's world of globalization where the lines between East and West, between "us" and "them," and between the Christian and the Muslim are too often a source of conflict, warfare and terrorism, the need to engage in dialogue – with other religions, cultures, and peoples – is even more urgent than ever before to reach peaceful coexistence. Both Christianity and Islam have the resources to support inter-religious dialogue and notions of pluralism and tolerance that respond to the realities of the 21st century. Although the Islamic Community has been very active in tackling extremism in Bosnia and Herzegovina, the traditional local believers who adhere to the virtues of peaceful coexistence in the plural societies and Islam within the European context gave no space to new religious forms that are foreign to the social and cultural environment to take ground in their communities. Sometimes, even European intellectuals, diplomats and policy-makers express an autochthonic, traditional and centuries-old practices of Islamic religion in Bosnia and Herzegovina; therefore, such religion obviously has its place within Europe. The religion of Islam in Bosnia and Herzegovina is often as a part of cultural and civilization heritage within secular and liberal state.

In spite of past and present socio-political predicaments, Bosnia-Herzegovina as a microcosmic multicultural model represents an increasingly interconnected and diverse world. Bosnian multicultural paradigm defies the perspective of Huntington's clash of civilizations. Therefore, the multicultural paradigm is not only central to the rebuilding and transition of Bosnia-Herzegovina but of the world as a whole. Bosnia-Herzegovina throughout history has managed to incorporate ethnic, religious and cultural diversities and has projected a distinctive multicultural state identity. Certain instances of disputes and conflicts, as clearly elaborated in the paper, have often been sparked by outside influences. Such influences have been in particular politically and economically motivated by regional states such as Serbia and Croatia. Being a multicultural state, Bosnia-Herzegovina has always flourished as a part of a greater whole. Therefore, the future of this small country lies in joining the EU, a family of nations that uphold diversity. Uphol-

ding liberal values, cosmopolitan multiculturalism, the tradition and diverse socio-cultural values derived from Bosnia's past and would in turn uphold and strengthen the EU road towards achieving the goal of creating a family of nations.

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CHALLENGES AND
TEMPTATIONS: DEBATES AND
REACTIONS OF THE ISLAMIC
COMMUNITY TO THE WAR IN
BOSNIA AND HERZEGOVINA
BETWEEN 1992 AND 1995

H i k m e t K a r č i ć

Introduction

The Socialist Federal Republic Yugoslavia (SFRJ) had a centralized Islamic Community (hereinafter IC, *Islamska vjerska zajednica*) responsible for the affairs of Muslims in Yugoslavia. The structure and organization of the IC was modified and expanded from the original idea initiated and implemented by the Austro-Hungarian Empire in 1882 in Bosnia and Herzegovina (B&H).¹ During the socialist regime, there were three main institutions of the IC: the office of the *Reis-ul-ulema*, the leader of the IC; *Vrhovni sabor* – the IC Assembly and the *Vrhovno islamsko starešinstvo* – the main executive body of the IC.² The last Constitution of the IC was adopted in 1990 and it provided organizational divisions within the Republics of Yugoslavia. The Reis-ul-ulema of the IC was Jakub ef. Selimovski, a Muslim from Macedonia, who was officially elected by the main authority, the *Vrhovni sabor* in March 1991 although he was in this position since mid-1990s.

¹ For a summary of Islam in Bosnia and Herzegovina see: Aid Smajić and Muhamed Fazlović, “Bosnia and Herzegovina,” *Yearbook of Muslims in Europe*, Volume 7, ed. Oliver Scharbrodt, Samim Akgönül, Ahmet Alibašić, Jørgen S. Nielsen and Egdūnas Račius, 114–129 (Brill, 2015); Fikret Karčić, “The Office of Rais al-Ulama Among the Bosniaks (Bosnian Muslims),” *Intellectual Discourse*, Vol 5, No 2 (1997): 109–120.

² For more about the IC see: Mustafa Imamović, “Islamska zajednica u Bosni i Hercegovini i bivšoj Jugoslaviji,” *Glasnik* 1-2 (1992): 90.

Soon after, Slovenia and Croatia declared independence and the war broke out. The war in Slovenia ended after ten days but the war in Croatia was a brutal one which lasted several months ending in a status quo with Croatia being divided into two parts – one controlled by the official state and the other by Serbian separatists. After several months of political unrest, B&H declared independence on 1st March 1992. Soon the war broke out with the Yugoslav People's Army (YPA) along with Serbian paramilitaries conducting a genocidal campaign throughout B&H. The war officially started on 6th April 1992 when the Užice Corps of the YPA attacked different towns along the Drina River. Sarajevo was instantly bombarded and fired by snipers. Sarajevo was attacked with full force on 2nd May 1992 with the aim of dividing the city into two parts. After this unsuccessful attack, the city was placed under full siege and all water, electricity and gas shut off. The Bosnian Serbs, who boycotted the referendum, formed their own rebel army with the help of the YPA called the Republika Srpska Army. The Bosnian Serb authorities started a genocidal campaign to get rid of the Muslim and Croat populations in B&H. These military actions became infamously known as 'ethnic cleansing'.

Throughout the country, imams as the religious leaders in their local communities were targeted. Several dozen imams were executed, while dozens were rounded up in concentration camps and tortured.³ Sarajevo was placed under siege and its citizens subjected to sniper fire and indiscriminate bombardment. Several hundred mosques were destroyed or damaged by the Republika Srpska Army.⁴

Along with its fellow citizens, the IC officials and employees shared the same fate in the besieged city. As a result of the war, the IC was limited in its work since there was a physical barrier – the siege – between the IC and the rest of the IC institutions called the *majlises* (organizational structure of IC per town) and *muftiates* (mufti offices, eight in total in B&H). However, the IC institutions continued functioning

³ Muharem Omerdić, *Prilozi izucavanju genocida nad Bosnjacima* (Sarajevo: El-Kalem, 1999).

⁴ At least 600 mosques were destroyed by the Republika Srpska Army and Croatian Defense Council from 1992–1995. The YPA officially 'left' B&H on 19 May 1992, but in reality it was just renamed into the Republika Srpska Army.

throughout the territories which were under the control of the BH Government. In Sarajevo, the IC had three important media institutions which continued to function in 1992: The Preporod newspaper (The Revival), a biweekly newspaper published since the 1979's; The *Glasnik* newspaper (The Herald), the official herald of the IC and *MINA*, the Muslim Informative News Agency, founded prior to the independence of B&H with the aim of informing the public about news from the IC and Muslim communities in B&H.

This article will focus on the reaction of the IC and Bosniak intellectuals through the writings of the *Glasnik* newspaper. The emphasis will be on the year 1992 as well as important decisions, fatwas and religious opinion given by Muslim authorities related to questions and dilemmas faced by Bosniaks in the first year of the war. Writings of other, above mentioned publications have been partially covered in some works, but the content of the *Glasnik* newspaper, to our knowledge, was not.⁵

The Herald of the Islamic Community

The Herald of the Islamic Community (*Glasnik Islamske zajednice*) is the official publication of the IC in B&H. The Herald was established in 1933 by the IC Executive in the Kingdom of Yugoslavia which was based in Belgrade.⁶ The IC moved back to Sarajevo in 1936 where the *Glasnik* newspaper continued to be published until 1945. This was due to the end of the Second World War and the establishment of the Communist regime. The *Glasnik* newspaper was reactivated in the 1950s and has been published ever since. It is an important publication of the IC because ever since its establishment it has had two parts: the academic part where *ulama* including the Reis-ul-ulema published ar-

⁵ For an analysis of some articles from the Preporod newspaper, see: Dino Abazović et al, "Ethno-Mobilization and the Organized Production of Violence in Bosnia and Herzegovina - Conscious Preparations." EURAC, 2007. <http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/Bosnia%20and%20Herzegovina%20Report.pdf>. Harun Karčić in his M.A. "Islamic Revival in Bosnia and Herzegovina: Foreign factors, their activities, and the reaction of the Islamic Community" which was defended in the University of Bologna also analysed writing in Preporod.

⁶ Zejnil Fajić, *Bibliografija »GLASNIKA« Vrhovnog islamskog starješinstva u SFRJ od 1933. do 1982. godine* (Sarajevo: Vrhovno islamsko starešinstvo u SFRJ, 1983), 5–6.

ticles, and the official part where official statements, decisions, instructions, directives, decrees and other are published.

Prior to the war of 1992, the Glasnik newspaper was a respectable publication published six times a year – twice every two months.⁷ It had summaries of academic articles in English and Arabic languages and a modern design. Apart from the academic and official parts, the newspaper also contained a “Question and Answer” part where readers could ask religion-related questions and received answers from religious authorities.

On the Brink of War

The first issue of the Glasnik newspaper was published in March 1992 and its content did not differ much from the previous issues. This issue contained several small press releases from the IC: an appeal from the IC regarding the referendum on independence of B&H which stated “Since these are moments of ‘to be or not to be’ for Bosnia and Herzegovina and for the Muslim people, we appeal to all Muslims to show a high level of conscience and seriousness and to appear at the referendum. If we fail this exam, history will not, for long, give us this opportunity to make-up”⁸. Another news report gives information about the meeting of the Sabor (IC Assembly). The report stated that almost half of the members of the Assembly were not able to attend because of the severe political tensions. The Assembly also noted that they will issue an appeal to the public to vote at the referendum.⁹ However, the next issue, published in mid-1992 clearly showed the shock of war and crime-related texts.¹⁰ This double-issue contained articles written by Bosniak intellectuals such as “Genocide in the Light of Qur’anic Regulative” by Enes Karić; “A Crime Which Lasts” by Aziz Kadribegović; “War Crimes

⁷ The editor of Glasnik from 1990 until the end of 1992 was Fikret Karčić. See: Zejnil Fajić, *Bibliografija Glasnika Vrhovnog islamskog starješinstva u SFRJ i Rijasetu Islamske zajednice u SFRJ od 1983. do 1992. godine* (Sarajevo: Rijaset Islamske Zajednice u Republici Bosni i Hercegovini, 1995), 253.

⁸ Glasnik, 1992, 105.

⁹ Glasnik, 1992, 103.

¹⁰ Glasnik, 1992, 107–191.

in Bosnia and Herzegovina in 1992 with a Special Emphasis on the Suffering of Civilian Population in Concentration Camps and Prisons” by Smail Čekić; “Destroyed and Damaged Religious Buildings of the Islamic Community in the Republic of Bosnia and Herzegovina during the Aggression of 1992” by Muharem Omerdić and finally “The Break-down of Yugoslavia and the Question of Organization of the Islamic Community” by Fikret Karčić. All of these articles were a reflection of the state that the IC, the country and Muslims were at that crucial moment.

This issue also contained a “Question and Answer” section as well as official IC press releases. One press release mentioned the attacks on mosques in the towns under the control of the Bosnian Serb authorities. Another press release dealt with the attacks on the Muslim population in Zvornik and included an open letter from Reis Selimovski to the Patriarch of the Serb Orthodox Church asking him to react to the killings in Zvornik and to the armed attacks on B&H.¹¹ Another open letter to the Patriarch was again sent by Muharem Omerdić, as a representative of the IC. The letter contained a list of six members of the IC who went missing during the Serb attack on Bosnian towns.¹² The next report dated 23.06.1992 is the Instructions for all IC committees in B&H stating that all destruction and damages on IC infrastructure must be evidenced in a serious manner for the future use in courts and trials. This shows a high level of consciousness of IC authorities regarding war crimes cases of the time. However, the reality was much more difficult in conducting these instructions. The third letter was again sent to Patriarch Pavle on 1.7.1992 signed by Reis Selimovski urging him to condemn crimes while raising concern why he had not done that so far. Selimovski once again gives a list of IC employees who were missing.¹³ Another press release dated 30.7.1992 containing an appeal to international organizations and the international community to pressure the Bosnian Serb Army to release 22 imams who were held in concentration camps.¹⁴

¹¹ Glasnik, 1995, “Poglavaru Srpske pravoslavne crkve,” 173.

¹² This letter was dated 20.6.1992.

¹³ Glasnik, 1992, 181.

¹⁴ Glasnik, 1992, 182.

Probably the only non-Bosnian related report in this issue of the Glasnik newspaper is a letter from Reis Selimovski to Macedonian President Kiri Gligorov dated 1.10.1992, voicing his concern about the building of crosses on two Ottoman-built clock-towers in Bitola and Prilep in Macedonia.¹⁵ Another interesting letter is one sent to the United Nations High Commission for Refugees dated 20.10.1992, where the IC is appealing to them to take into consideration the Muslim dietary needs – that pork and pork fat products should not be part of the humanitarian aid delivered by UNHCR.¹⁶

In the next issue of Glasnik, Muharem Omerdić is the author of two academic articles: about war crimes against the Muslims in B&H and about the killings of members and employees of the IC. The next part of the Glasnik newspaper is composed of witness statements given to a War Crimes Commission set up by Riyasat.¹⁷ Finally, a translation of the concept of jihad in the publication *Faces of Islam* by British philosopher Ziauddin Sardar was published.¹⁸ A set of press releases was also published: regarding the fate of Muslims in the south-eastern town of Gacko; a joint statement by Reis Selimovski and Bishop Vinko Puljić condemning crimes committed by the Bosnian Serb Army; report of the visit of Reis Selimovski to Kosovo and the condemnation of Yugoslav terror against Kosovar Albanians including members of the IC; speech of Reis Selimovski at the Inter-religious conference in Bern between 24th and 26th September.

War-time Fatwas

In the first issues of the Glasnik newspaper in 1992, several questions were posted to the IC from the citizens requiring religious opinion on certain issues. Since this was a relatively new circumstance with no prior religious ruling, IC officials answered their questions in the “Question and Answer” section. Because of the war time, the newspaper was

¹⁵ Glasnik, 1992, 186.

¹⁶ Glasnik, 1992, 187.

¹⁷ Glasnik, 1992, 210-220. The statements were taken in Sarajevo and in Zagreb.

¹⁸ Glasnik, 1992, 254.

published as double issues. The questions were answered by Muharem Omerdić and Ibrahim Džananović for issue 1–2, whereas for issue 3–4 it is not indicated who answered and in issue 5–6 it is indicated that only Omerdić answered.¹⁹ In the first issue of the Glasnik newspaper it is visible that all of the questions are related to war-related issues concerning new moments in the lives of Bosniaks. The first such question was: For which deceased can be said that he is a shahid on Allah's path and does all that is written about martyrdom in the Qur'an and Sunnah apply to them?²⁰ The answer to this question was a theological one, where Omerdić gave two ways in which one can be considered a shahid: first, anyone who dies on Allah's path is a shahid and second, that martyrdom is attributed to a concrete person by name and surname. In the reply, Omerdić gives a detailed explanation of both these cases. Another question was posted by the Muslim NGO *Merhamet* which was one of the organizers of *janazah*²¹ of Muslim victims of the siege in Sarajevo: "How should the body of a shahid be prepared and is there a difference between conducting this obligation if there are different categories of killed Muslims in combat who can be classified as shahids?" In this case, Omerdić gives a much more detailed explanation of how one shahid must be buried. He states that there are two types of shahids: a shahid of this world and the afterlife. "The Shahid of this and that world is the shahid of the first category." Furthermore, Omerdić describes what are the conditions that need to be fulfilled in order for someone to be a shahid. Interestingly, Omerdić also mentions another category *titularni šehid* (titular shahid) i.e. the shahids of this world. These are people who died in non-combat circumstances – killed outside of battle, killed as hostages or prisoners, in a fire, by sniper fire etc.

Another question was posted regarding the *qurban*, the sacrifice of a livestock animal during Eid al-Adha. The question stated that since there were war circumstances, whether a counter value could be given instead of a *qurban*. Omerdić replied that all those who are obliged to sacrifice a *qurban* must fulfil this obligation and that no counter value

¹⁹ Muhamed Čajlaković, *Hanefijski mezheb i njegov značaj za muslimane u Bosni i Hercegovini* (Sarajevo: Muhamed Čajlaković, 2016), 239.

²⁰ Glasnik, 1992, 165.

²¹ Islamic term for burial.

can be given since one of the conditions for a qurban to be religiously acceptable is for the animal to be slaughtered.

The last question in this issue was posted regarding the question of raped women. The core of the question was whether an abortion was religiously acceptable in cases where women and girls became pregnant as a result of rape by enemy soldiers. Omerdić replied that according to Islamic law, abortion is allowed within 120 days after conception. Omerdić further stated that the child born in this case belongs to the mother and her family and that it should not “be considered of second-class importance, or unclean, neither it nor its mother since they are not guilty for what happened”.²²

In the next issue, the first question was posted by a BH Army soldier asking “Is our fight on the level of fighting on God’s path and do Muslims who fight in the Bosnian Army against the Aggressor have the position of fighters on God’s path?” Omerdić replied: “Our fight against Chetniks and all other aggressor fighters who endanger our freedom and coexistence, is indeed a fight on God’s path...” adding on “Is there a more honourable fight and honourable fighters than those who fight against criminals who destroy our mosques, kill civilian population, persecute Muslims from their homes, rape Muslim women and slaughter the weak, hold Muslims in concentration camps and tortured prisoners?” He ends on a patriotic note: “In our Bosnia and Herzegovina, even though it is not only Muslim, we have to fight along those who fight for its integrity and freedom.”²³

The next question was also posted by several B&H Army soldiers regarding the issue of deserting from the front line and what is the Islamic position on desertion. Omerdić replied that desertion is one of the most difficult and ruinous sins, citing excerpts from the Qur’an.²⁴ Another question, most probably also from a soldier, asked whether it is “permissible to cheat the enemy?” This was related to warfare tactics and so Omerdić replied that during war one has to be cunning and that

²² Glasnik, 1992, 169. Another important response to the issue of rape was written by Derviš Ahmed Nurudin, “Poruka silovanim ženama,” published in the *Islamska misao* in May 1993.

²³ Glasnik, 1992, 274.

²⁴ Glasnik, 1992, 275.

“We face an enemy which uses special methods and means of fighting,” thus, one has to be more careful.²⁵

Another interesting question was posted regarding bribes. It said: “One member of our jamah (congregation) from Vogošća told us that he bribed his Serb neighbour who helped him save him and his family and escape to the free territory.” He asks if this kind of bribery is haram? Omerdić replied: “Giving bribery to save oneself from violence and save one's life from the hands of criminals and to save their dignity and their children is permissible.”²⁶

The final question in this issue was related to the term jihad. Several questions were posted regarding this term. The readers asked what does the term jihad mean and to which extent it can be used in the context regarding the resistance to “the aggression on B&H and the fight against Chetniks.” Omerdić replies by giving the definition of jihad and by emphasizing it as an intellectual and moral fight. In the last paragraph of his reply he states: “With our fight we defend Islam and Muslims from destruction, as we defend this country and family from physical extermination,” adding that only malicious people can equalize this term in a negative connotation.²⁷

Re-organization of the IC

Since there was no end in sight regarding the war, being physically cut off from the rest of the IC and Muslim communities, the absence of the Reis-ul-ulema and other reasons led to the meeting of Bosniak members of the IC in Sarajevo including Bosniak intellectuals in besieged Sarajevo where an initiative to reorganize the IC was brought.²⁸

²⁵ Glasnik, 1992, 276.

²⁶ Glasnik, 1992, 277.

²⁷ Glasnik, 1992, 278.

²⁸ See: Edin Radušić, “Stav Islamske zajednice prema raspadu Jugoslavije,” *Prilozi*, 36 (2007): 193-202. This idea had its oponents, some of which tried to divide the existing IC, see documentary “Glas imama” by Muhamed Halilović and Nedim Hrbat, Udruženje Ilmije, 2013.

In the first issue of the Glasnik newspaper in 1993, the Initiative for the re-organization of the IC was published:²⁹

In the name of God, the Most Gracious, the Most Merciful

On Thursday, 1st April 1993, on the initiative of Interim authority of Mešihat of Islamic Community in Sarajevo, and on stimulus of recently formed working bodies (committees, office of Mešihat), and considering newly emerged opportunities in which Muslims live in Bosnia and Herzegovina, a community meeting of employees was held in all institutions and establishments of Islamic Community in Sarajevo in which are after an extensively discussions, the following conclusions and recommendations were adopted:

1. The International recognition of the state of Bosnia and Herzegovina has gained necessary conditions for establishing the Islamic Community in the state of Bosnia and Herzegovina with the head of Riyasat – Bosnia's Muslims as appropriate institution since 1882.
2. All existing institutions and establishments of Islamic Community with a deadline of three days, or until Monday, April 5th, 1993, will appoint two representatives for a working group that will manage all the affairs in a further procedure of reorganization of Islamic Community. Also, the Muslim institutions in Sarajevo, each separately, will appoint two representatives for previously mentioned working group, within the foreseen deadline. (A list of institutions and establishments of the Islamic Community as well as of the Muslim institutions is attached).
3. This working group has a mission to work on reorganization of the Islamic Community of the state of Bosnia and Herzegovina in accordance with the newly emerged needs and requirements by coordinating similar working groups established by the same principle in other regions (Zenica, Tuzla, Mostar, Bihac and Eastern Bosnia – Gorazde).
4. The above-mentioned working groups will formally establish a joint body by 25th April, 1993, the body that will manage the affairs of Islamic Community until the new elections in Islamic community and represent it in the state of Bosnia and Herzegovina and abroad.
5. Until the establishment of the aforementioned joint body which will represent the Islamic Community and make decisions in the transitio-

²⁹ Glasnik, 1993, 45.

nal period, the existing organs and institutions of Islamic Community in Bosnia and Herzegovina will retain their legitimacy and legality in carrying out tasks within their jurisdiction.

6. After the establishment of independent Islamic Community in the state of Bosnia and Herzegovina, the conditions for possible binding of Islamic Community of Bosnia and Herzegovina with other Islamic communities from the area of former Yugoslavia, from the Balkans and beyond will be fulfilled.

This Initiative was brought on 1st April 1993 and signed by the Commission for Conclusions composed of Vejsil Godinjak, Zijad Ljevaković, Adnan Silajdžić and Mehmedalija Hadžić.

The Renewing Assembly (*Obnoviteljski sabor*) for the IC was held on 23rd April 1993 in Sarajevo. The aim of this Assembly was to renew the autonomy of the IC according to the IC Statute from 1909 during the Austro-Hungarian Empire.³⁰ This assembly elected a new Executive Body and a new Reis-ul-ulema Mustafa Cerić, a former imam from Chicago and Professor in Malaysia. One of the first decisions he brought was a fatwa in May 1993 regarding a janazah prayer, in absence, for shahids of the war. Another significant fatwa was brought in December 1993 and it was related to the interpretation and practice of Islam:³¹

Bearing in mind the historical fact that Muslims in Bosnia, since the arrival of Islam in this area of sunni Hanafi madhhab (law school), never questioned their membership to this madhhab, knowing for the frequent occurrence of deviations from the Hanafi madhhab in certain religious practices, especially recently, upon coming into contact with Muslims from other madhhabs, whether in the country or abroad in exile.

1. Muftis, Imams, elders of tarikats and other religious officials in muftiates, committees, institutions and establishments of Islamic community in the country or abroad in exile are obliged to strictly adhere to the rules of Hanafi madhhab in performing religious rituals in mosques, masjids, tekke and all other Islamic gatherings.
2. Muftis, Imams, elders of tarikats and other religious officials are obliged to educate the people that is not allowed in the ibadah part to self-

³⁰ Fikret Karčić, "Disolucija SFRJ i njene posljedice za Islamsku zajednicu" in *Islamske teme i perspective* (Sarajevo: El-Kalem, 2009), 155.

³¹ Glasnik, 1993, 198.

-initiatively mix the regulations of the recognized madhhab, in some cases that is proceeded according to one madhhab, and in other cases according to regulations of other Hanafi madhhab.

3. When composing textbooks from the field of ibadah, we should take in consideration not to harm the principles of Hanafi madhhab.

This fatwa was a significant one since the war in B&H saw an increase in different interpretations of Islam being propagated by certain foreign humanitarian organizations.³² This was the first official reaction to the rise of foreign influences and interferences in the interpretation of Islam in B&H. Another new moment with the presence of foreign aid workers and foreign fighters were shariah marriages. There was an increase in marriages concluded either by local or foreign religious leaders, in most cases imams. The IC could not stop the entire practice in the country and in order to decrease it, they issued instructions in October 1994, prohibiting shariah marriages without previously conducting a wedding at the municipality:³³

It is Prohibited

to conclude the shariah marriages between Bosniak women and foreign citizens until the same marriage is previously registered with responsible state authorities and until the interested parties bring valid documentation as a proof of that registration.

Muftiates are obliged to bring this prohibition for the knowledge of all imams in their area as they are obliged to strictly adhere to it. The most severe disciplinary measures will be applied against the official of the Islamic community who violates this decision of the Riyasat of the Islamic Community.

In the issues of Glasnik in 1994, the official part is mainly overloaded with numerous documents, decisions and minutes from meetings. There is interesting information which deserves to be mentioned. On the constitutive inaugural meeting of the Riyasat of the IC on 29th and 30th January 1994, the Mufti from Bihać Hasan ef. Makić informed the attendees that he had appealed to the people in the Bihać region to

³² For more on the foreign influences: Harun Karčić, "Globalisation and Islam in Bosnia: Foreign Influences and their Effects," *Totalitarian Movements and Political Religions*, 11: 2 (2010): 151-166.

³³ Glasnik, 1994, 295.

stop the fratricidal war i.e. the war between the Bosnian Army and rebels led by a pro-Serb Fikret Adbić.³⁴ He also said that some people had asked whether a janazah should be a prayer for soldiers of Fikret Adbić and that he said that it should not.

Conclusion

After the war ended in December 1995, B&H and the IC were faced with new problems and struggles. Destroyed communities, jamaats, mosques, mass atrocities including genocide committed in more than half of the country, the problem of returning to pre-war homes and rebuilding new returnee communities and such. At this time, the IC spearheaded the rebuilding processes, the return of internally displaced persons' and the commemoration of mass atrocities throughout the country. These processes went on for several years although it can be said that in some areas, the rebuilding of communities and infrastructure is still taking place to this day.³⁵

The position, ideas, debates and experience of the IC on the eve of the dissolution of Yugoslavia and especially during the war and genocide taking place between 1992 and 1995 are still a subject of academic research. Based on this work, it can be concluded that the Glasnik newspaper played a huge role during the war as the official herald of the IC. Both in its academic and official parts it can be noticed that the war came as a shock to the IC and to the Muslim population. The most interesting parts are the questions asked by the Glasnik's readers who asked for religious opinions regarding new war conditions. The answers were important since they were provided by the official authorities of the IC. This contribution covers a small segment in the century-old work of one of the most interesting Muslim communities in the world.

³⁴ Fikret Adbić is a former businessman from Velika Kladuša – a town in North-western Bosnia – who established his own tiny para-state which was against the Bosnian government and which sided with the Serbian authorities who provided them with arms and training.

³⁵ For example, mosques in Banja Luka and Foča are still in the process of being rebuilt.

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RELIGIOUS CONTESTATIONS IN POST-INDEPENDENT KOSOVO

J e t o n M e h m e t i

Introduction

The diverse ethnic and religious composition of Kosovo today signifies a diverse multi-ethnic society. Given the experience of war when different groups used arms against each other, the big challenge for post-war Kosovo was to create an environment where these groups could re-negotiate their differences and live in harmony with each other. However, the legacies of ethnic divisions as well as of conflict and unrest which culminated with the war of 1998 and the subsequent NATO intervention has cast long shadow on the evolution of institutional arrangements in post-war Kosovo. Gradually, religion became a widely contested issue, which was reflected in the evolving institutional framework regulating the new relations between the state and its religious communities. Islam in particular has occupied a great space of public discussion and contestation in the last decade.

This paper shows how the Ahtisaari plan, in order to minimize the role of religion and hence to prevent any potential incidents on religious grounds, has created a strong secular system, with its roots in the new Constitution of Kosovo. The strong commitment to build that system, however, has been manifested with a lack of enthusiasm to provide a proper legal framework for the traditional religious communities in Kosovo. The only law that regulates religious communities is the 2006 Law on Freedom of Religion, which, from the perspective of the main religious communities, is “vague and ineffective.”

This paper consists of three parts. The first part provides a brief background of the ethnic and religious composition of Kosovo's population. The second part outlines the legal arrangements that ensure

Kosovo will indeed be a secular polity respecting its different ethno-religious groups. The last part shows how the institutional arrangements to regulate religion have been overshadowed by the emergence of new challenges of religious nature. Here we focus on the evolving differentiation between political and believers' position on major debates that have captivated the interest of the public, such as the participation of Kosovars in the Syrian conflict, the exclusion of faith-based organizations, and the controversy over religious education in public schools.

Kosovo's Multi-ethnic and Multi-religious Society

According to the most recent national population census organized in Kosovo in 2011, the overwhelming majority of the population declared themselves as Muslims. Out of a population of nearly 1.8 million people, over 95 per cent declared themselves as Muslims, 2.2 per cent as Christian Catholics and 1.5 per cent as Christian Orthodox¹. In other words, 1,663,412 citizens of Kosovo declare themselves as Muslims, 38,438 as Catholics, and 25,837 as Orthodox. This is the official statistics, recognized both nationally and internationally². There are indeed the three main religious communities in Kosovo. The official body representing the Muslims in the Islamic Community of Kosovo.³ There are other communities too: Protestants, Jews, and the non-religious, but these groups are rather small. Jews remain a small community of less than a hundred members, based in the southern city of Prizren. The Protestants mainly belong to the Albanian ethnic community, just like the Catholics. Most of the Muslims tend to be Albanians although it includes also the Turkish and Bosniak minorities. Most Kosovo Serbs are Orthodox, and even those who are not active religious believers

¹ Since the 2011 census was boycotted by most of Kosovo Serbs, who predominantly belong to the Orthodox Church, the exact number of Christian Orthodox is unknown.

² The organization of the census was based on Law no.03/L-237 on Population and Housing Census and census data were recognized by EUROSTAT and the European Union Office in Kosovo. (See: European Union Office in Kosovo/European Union Special Representative in Kosovo, "Census data ready for use (21/09/2012)," archived on 12/09/2016, http://eeas.europa.eu/archives/delegations/kosovo/press_corner/all_news/news/2012/21082012_01_en.htm).

³ D. Kasumi, *Bashkësia fetare në Kosovë* (Prishtinë: Instituti i Historisë së Kosovës, 1988); Xh. Hamiti, *Bashkësia islame e Kosovës* (Prishtinë: Bashkesia Islame, 2010).

consider Orthodoxy as an important component of their Serbian national identity. Hence the official name of the church – the Serbian Orthodox Church.

In Kosovo's case, religious divisions signify ethnic divisions too, especially in the case of Albanians and Serbs who have experienced a deeply antagonistic and tumultuous relationship throughout the 20th century. As Noel Malcolm argues, for most of their existence within Yugoslavia, Serbs in Kosovo tended to see the dominant Albanian majority as a threat to their culture and sovereignty, while the Albanians increasingly saw the Serbs as oppressors and even occupiers. While the Serbs believed that the Albanians “stole” the majority during what is known as the “Great Migration” of Serbs in 1690, the Albanians believed that the Serbs used their dominant position in Yugoslavia to homogenise and possibly cleanse Kosovo from the Albanians.⁴ The latter is also argued by another foreign observer, Henry Perritt Jr., who claims that during the 20th century the Serbian policy towards the “Albanian problem” was to cleanse the province from the Albanians whenever possible. Accordingly, in 1937, Vaso Cubrilovic, a professor and cabinet officer in Serbia, authorised a report – *The Expulsion of Albanians* – where he proposed to reclassify Albanians as “Turks” and to make their lives in Kosovo “so miserable that they would be eager to emigrate”.⁵ Arrangements were ultimately made between Serbia and Turkey in order to encourage the relocation of tens of thousands of Kosovan Albanians to Turkey, a policy that continued during 1950s and 1960s under Tito. The anti-Albanian policy intensified further under the direction of Aleksandar Rankovic, who became the interior minister after World War II until he fell from power in 1966. Under his leadership, the Serbian police and intelligence forces routinely raided Albanian homes whereas Albanian leaders were jailed, and Albanian language education was gradually banned. In 1989, Milosevic finally stripped Kosovo out of its political autonomy and intensified the control over Kosovo at all sides. These policies led to the emergence of the 1998 armed conflict between

⁴ N. Malcolm, *Kosovo a short history* (London: Pan Books, 2002), xlvii.

⁵ H. Perritt, *The road to independence of Kosovo - a chronicle of the Ahtisaari Plan* (Cambridge: Cambridge University Press, 2009), 19.

the Serbian police and military forces on the one hand and the Kosovo Liberation Army on the other.

The 1998 conflict that turned into a massive war with a lot of civil casualties and displaced people, ended after NATO's bombing campaign, which lasted from 24th March till 11th June 1999, and forced Milosevic to withdraw all military forces from Kosovo. Afterwards, a NATO peace keeping force (KFOR) and a U.N. civil administration (UNMIK) were mandated to administer and supervise the transition of Kosovo into an independent state. KFOR's mission, which is based on U.N. Security Council Resolution 1244, was to establish and maintain a secure and safe environment in Kosovo. KFOR has been present in Kosovo since 12 June 1999, although the size of its troops has significantly decreased as more and more responsibilities were transferred to the Kosovo Police and to the Kosovo Security Forces. UNMIK's mission, which is based on the same resolution, was divided into four sections or pillars: police and justice, civil administration, democratization and institution building and reconstruction and economic development. UNMIK is still present in Kosovo, although with minor responsibilities. Its current mandate is to help ensure conditions for a peaceful and normal life for all inhabitants of Kosovo⁶. Indeed, the atrocities of war and conflict increased the already deep-seated divisions among different communities and left behind painful memories and legacies.⁷

Ethnic tensions between Serbs and Albanians are at least partly nourished by religious differences between them.⁸ Although religion remained a marginal issue during the war, it was an inseparable part of how the parties identified each other. Indeed, religious monuments became the primary target that embodied these divisions during and after the war. According to the report titled *The Destruction of Cultural Heritage*

⁶ UNMIK: Mandate and Structure, <http://www.unmikonline.org/Pages/about.aspx>

⁷ A. Elbasani, and O. Roy, "Islam in the post-Communist Balkans: alternative pathways to God," *Southeast European and Black Sea Studies*, vol. 15, no. 4 (2015): 457-471; K. Oktem, "Between emigration, de-islamization and the nation-state: Muslim communities in the Balkans to-day," *Southeast European and Black Sea Studies*, vol. 11, no. 2 (2011): 155-171.

⁸ Piro Rexhepi, "Unmapping Islam in Eastern Europe. Periodization and Muslim Subjectivities in the Balkans," in *Eastern Europe unmapped: beyond borders and peripheries*, ed. I. Kacandes and Y. Komska (New York: Berghahn Books, 2017), <http://hdl.handle.net/11858/00-001M-0000-002E-2DD5-E>.

in Kosovo 1998–1999, submitted to the International Criminal Tribunal for the Former Yugoslavia (ICTY) which was used during the trial of Slobodan Milosevic, nearly half of the mosques and Islamic congregation spots were damaged or destroyed by Serbian military forces during the war. In the same manner, over 30 per cent of the Serbian Orthodox Church buildings were damaged or destroyed by the Kosovan Albanians after the war. However, “these acts of reciprocal vandalism seemed motivated on both sides more by the desire to eradicate the evidence of the other’s presence in Kosovo than by religious fanaticism,” says an International Crisis Group Balkans Report.⁹

The Legal Foundations of an Independent and Secular State

The Ahtisaari plan for an independent state

In November 2005, the Secretary-General Ban Ki-moon appointed Martti Ahtisaari, the former President of Finland, as his Special Envoy to envisage and facilitate the future status process for Kosovo. After leading a long process of direct talks and bilateral negotiations between the leaderships of Serbia and Kosovo that were unable to reach an agreement on Kosovo’s future status, in 2007 Ahtisaari submitted his report to the UN Security Council with concrete recommendations. He stated that “Kosovo is a unique case that demands a unique solution and does not create a precedent for other unresolved conflicts”.¹⁰

“Upon careful consideration of Kosovo’s recent history, the realities of Kosovo today and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial period by the international community. My Comprehensive Proposal for the Kosovo Status Settlement, which sets forth these international supervisory structures, provides the foundations for a future independent Kosovo that is viable, sustainable and stable, and in which all communities and their members can live a peaceful and dignified existence”.¹¹

⁹ International Crisis Group Balkans Report - ICG, *Religion in Kosovo*, 2011, 1.

¹⁰ M. Ahtisaari, *Report of the Special Envoy of the Secretary General on Kosovo’s Future Status* (United Nations: Security Council, 2007).

¹¹ *Ibid.*

He came to such conclusion after ruling out two existing options. Firstly, “reintegration (of Kosovo) into Serbia is not a viable option” explained Ahtisaari, after “Belgrade's brutal repression, involving the tragic loss of civilian lives and the displacement and expulsion on a massive scale of Kosovo Albanians from their homes, and from Kosovo,” and secondly, “continued international administration is not sustainable,” said Ahtisaari. He further explained the second point by saying that UNMIK had made considerable achievements in Kosovo, especially in creating Kosovan institutions and assisting them to take on the responsibility of managing Kosovo’s affairs, however, UNMIK “has not been able to develop a viable economy and Kosovo’s uncertain political status has left it unable to access international financial institutions, fully integrate into the regional economy or attract foreign capital. Unlike many of its western Balkan neighbours, Kosovo is also unable to participate effectively in any meaningful process towards the European Union”.¹² Therefore, “independence is the only option for a politically stable and economically viable Kosovo,” suggested the report.

The Plan was crucially important for the future of the country. It became the basic document which justifies the creation of an independent Kosovan state in 2008. To ensure that Kosovo will fully implement the Ahtisaari Plan, the International Civilian Office (ICO) was established. During its mandate from 2008 until 2012, the ICO made sure that everything the Plan foresaw was turned into a law. The Plan also became the focal point of evolving Constitutional framework and broad institutional choices in the new state.

With regard to the religious sphere of Kosovo, the Ahtisaari Plan strictly emphasized that “the Constitution of Kosovo shall affirm that Kosovo has no official religion and shall be neutral on questions of religious beliefs” (Article 1.4). The only religious community mentioned in the Plan is the Serbian Orthodox Church. Annex V of Ahtisaari Plan, although entitled Religious and Cultural Heritage, in all of its six pages speaks only about Serbian Orthodox Church. Here the rights, privileges and immunities of the Church are defined, while offering guarantees that Kosovo shall recognize the Serbian Orthodox Church

¹² Ahtisaari, *Report of the Special Envoy*.

in Kosovo, including monasteries, churches and other religious sites, as an integral part of the Serbian Orthodox Church seated in Belgrade. Although the Plan was designed to create a secular state and a multi-ethnic democracy where neither religion nor ethnicity would be the primary source of identification, it pays specific attention to the Orthodox community as the one in danger of extinction. The religious heritage of the Orthodox Church was regulated in an unprecedented manner, while the small community of Serbs was guaranteed “extraordinary” powers in political life, compared to the rights and privileges accorded to other minority groups.¹³

The constitutional framework to ensure a secular state

The Constitution of the Republic of Kosovo, which was ratified on 9th April 2008, two months after Kosovo’s declaration of independence, literally adopts the prescription of Ahtisaari Plan that “the Republic of Kosovo is a secular state and is neutral in matters of religious beliefs” (Article 8). At the same time, the Constitution provides that “Freedom of belief, conscience and religion is guaranteed. Freedom of belief, conscience and religion includes the right to accept and manifest religion, the right to express personal beliefs and the right to accept or refuse membership in a religious community or group” (Article 38).

The Constitution also provides for the independence of religious denominations concerning their internal organization and activities when stating that “the Republic of Kosovo ensures and protects religious autonomy and religious monuments within its territory. Religious denominations are free to independently regulate their internal organization, religious activities and religious ceremonies. Religious denominations have the right to establish religious schools and charity institutions in accordance with this Constitution and the law” (Article 39).

Kosovo's multi-ethnic and multi-religious character is emphasized in all of its legal provisions. Article 3 of the Constitution of Kosovo for

¹³ Jeton Mehmeti, “Faith and politics in Kosovo: The status of religious communities in a secular country,” in *The Revival of Islam in the Balkans: From Identity to Religiosity*, eds. A. Elbasani and O.Roy (London: Palgrave, 2015).

example states that “the Republic of Kosovo is a multi-ethnic society consisting of Albanians and other Communities.” Therefore, the flag, the seal and the anthem, as the state symbols should reflect the multi-ethnic character (Article 6). The anthem of Kosovo has no official lyrics, while the flag shows a golden map of Kosovo sitting in a blue field with six white stars, which represent the six major ethnic groups.

Of 120 seats at the Assembly, 20 seats are guaranteed for the representation of communities that are not in the majority in Kosovo according to the following manner: 10 seats for Serbian community, 3 seats for the Bosnian community, 2 seats for Turkish community, one of Gorani community and 4 seats are distributed among Roma, Ashkali and Egyptian communities (Article 64). Non-majority communities are further guaranteed due positions in the Government cabinet too.

The legal status of religious communities

From 1999 until 2010, there were three sets of laws applicable in Kosovo, namely: non-discriminatory pre-1989 laws of former Yugoslavia, UNMIK regulations and laws adopted by the Kosovo Assembly after the declaration of independence in 2008. Since 2010, the only applicable laws have been those of the Kosovo Assembly and a limited number of UNMIK regulations.

Most UNMIK regulations have been amended later on by the Kosovo Assembly. The same has not happened however to the 2006 UNMIK regulation on Freedom Religion in Kosovo. This is the only existing law that regulates religion in Kosovo. Specifically, the law applies to the five recognized religious communities – the Islamic Community, the Serbian Orthodox Church, the Roman Catholic Church, the Jewish Religious Community and the Evangelical Church¹⁴.

According to an analysis published by the Institute on Religion and Public Policy in 2006,¹⁵ the law does not address a critical aspect of fre-

¹⁴ Official gazette, Republik of Kosova, Regulation No. 2006/48 on the Promulgation of the Law on Freedom of Religion in Kosovo (Law No. 02/L-31), http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=64&Itemid=28&lang=en.

¹⁵ Institute on Religion and Public Policy, *Analysis of the Law on Freedom of Religion in Kosovo Adopted by the Assembly of Kosovo* (Organization for Security and Co-operation in Europe, 10

edom of religion, namely, the right of religious communities to acquire legal form and to attain access to legal entity status. Accordingly, the impact of this law cannot be truly assessed until the issue of registration and legal entity status is clarified via legislation and regulation. “Without entity status, religious communities can only function on the most basic level,” says the report. The institute also warns that religious communities encounter discriminatory legal obstacles to acquiring or renting a place of worship, financially supporting clergy and other religious personnel, entering into contracts necessary to carry out religious activities and protecting their rights legally.

Religious communities, especially the Islamic Community, have constantly urged the government to upgrade the law. Since 2011, the government keeps promising to look into this matter by including the Draft Law for Amending and Supplementing the Law on Religious Freedom on its Legislative Program each year. However, in two attempts, in January 2012 and in December 2015, the draft law did not pass even the first hearing in the parliament, with a general justification that the bill needs more revision. It is unclear why the government has failed to amend this law during all these years. One reason could be due to the complexity to deal with policies pertaining to religious and ethnic groups.

Emerging Religious Challenges

In particular, two issues have received special attention in the public debate since the declaration of independence in 2008. One is the participation of the Kosovan citizens in the Syrian conflict and the second is about introducing a course on religion in state curricula and allowing head-covered girls to attend public schools.

New law prohibiting participation in foreign armed conflicts

One of the major public debates in recent years has focused on the participation of the Kosovans in the conflict in Syria. At the beginning

October 2006), <http://www.osce.org/odihr/21529>.

of the Syrian conflict, the Kosovan government publicly supported the struggle of Syrian people for freedom. In April 2012, the Kosovan Government hosted the representatives of the Syrian opposition camp in Prishtina and promised to support the Syrian opposition and the aspirations of Syrian people to create a democratic place. The government said that the Republic of Kosovo was “the first in the Balkans that has officially and publicly supported a democratic and free Syria.”¹⁶ This was the government's position until the Kosovans started to join military groups that were later designated as terrorist organizations by the U.S. Department of State¹⁷.

The number of the Kosovans joining the conflict constantly increased, as did the number of casualties. According to a study, there are 232 people from Kosovo who have joined militant organizations¹⁸ in Syria and Iraq. According to this study, around 54 per cent of them joined the conflict in 2013; around 46 per cent are young people born between 1985–1999; the majority of them only have secondary education; the overwhelming majority of them were unemployed; and around 40 per cent of them hold criminal records before departing to Syria.¹⁹

In the meantime, the U.S. State Department warned that the number of extremists in Kosovo was increasing. In its Kosovo 2013 Religious Freedom Report, the State Department quoted anonymous security sources that extremists oversee 30 mosques in Kosovo which serve as “recruitment and transit centres for extremists on their way to fight

¹⁶ The Kosovo Government, accessed December 20, 2017, <http://www.mfa-ks.net/?page=1,4,1216>.

¹⁷ U.S. Department of State, Diplomacy in Action, “Foreign Terrorist Organizations,” accessed December 20, 2017, <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

¹⁸ One of them, Lavdim Muhaxheri occupied a crucial position in the hierarchy of ISIS leadership and called on Muslim brothers in Kosovo to join jihad in the sacred lands. He appeared on a video in October 2013 calling on fellow Albanians to join the war against the regime of Bashar al -Assad. He posted another video with the same message again in January 2014 (Shpend Kursani, *Report inquiring into the cause and consequences of Kosovo citizens' involvement as foreign fighters in Syria and Iraq* (Kosovo Centre for Security Studies - KCSS, 2015), http://www.qkss.org/repository/docs/Report_inquiring_into_the_causes_and_consequences_of_Kosovo_citizens%27_involvement_as_foreign_fighters_in_Syria_and_Iraq_307708.pdf. He also posted violent videos where he is seen beheading an Iraqi citizen which became viral.

¹⁹ Kursani, *Report inquiring*.

in Syria²⁰". This was seen as a clear call from Kosovan authorities that more had to be done to regulate the incoming religious influences.

In August 2014, Kosovo authorities launched a major operation against suspected domestic militants who were believed to have fought in Syria and Iraq, arresting at least forty people. The then Prime Minister Hashim Thaci said to foreign press that he himself had authorized the operation in order to arrest suspected members of groups who fought in Syria and Iraq.²¹ He blamed the social media and a few individual imams for encouraging people to fight this war. According to Thaci "a small number of young people have been encouraged to join the fight via social media. However, some have been influenced by a few individual imams who have returned to the country from the Middle East"²². The President of Kosovo praised the police for this action, vowing that "Kosovo will not be a shelter for extremism"²³. A few weeks later, authorities in Prishtina launched a second operation, arresting another 15 people, this time nine imams²⁴ and six other influential Muslim leaders for charges including "terrorism, threatening the constitutional order, and incitement of religious hate speech"²⁵.

The Islamic Community that hires and pays imams, initially did not object to this operation, stating that "no one is above the law and if there is proof that our employees have threatened the constitutional order

²⁰ United States Department of State, Bureau of Democracy, Human Rights and Labor, "Kosovo 2013 International Religious Freedom Report," accessed December 20, 2017, <https://www.state.gov/documents/organization/222443.pdf>.

²¹ Laurence Norman, "Kosovo Arrests 40 Suspected Islamist Militants," *The Wall Street Journal*, updated August 11, 2014, <http://www.wsj.com/articles/kosovo-arrest-40-suspected-islamist-militants-1407754434>.

²² *Ibid.*

²³ Nektar Zogjani, "Kosovo President Hails Round-up of Suspected Militants," *Balkan Insight*, August 11, 2014, <http://www.balkaninsight.com/en/article/kosovo-police-arrests-suspected-terrorists>.

²⁴ Among the arrested imams were some of the most active and influential imams such as Shefqet Krasniqi, Ekrem Avdiu, Mazllam Mazllami, Enis Rama, Enes Goga. The leader of the openly Islamist political party LISBA (acronym of Islamic Movement Unite), Fuad Ramiqi was also arrested in this action.

²⁵ Fatos Bytyci, "Kosovo imams arrested in push to stop fighters going to Syria, Iraq," *Reuters*, September 17, 2014, <http://www.reuters.com/article/2014/09/17/us-kosovo-islamist-arrests-idUSKBN0HC1B420140917>.

then everyone is equal before the law”²⁶. Later on, BIK said that “they believe in their innocence until proven guilty” and invited the people to be calm and trust in the justice system²⁷. At the same time, BIK issued a public statement inviting people not to join the Syrian conflict, because “this war has nothing to do with religion and it only prolongs the life of Asad's regime and the suffering of the Syrian people”²⁸.

By January 2015, Kosovan authorities arrested more than 80 individuals under suspicions of being involved in terrorist actions or organizations. However, more than 60 per cent of them were soon released, some due to lack of evidence and some to be monitored for their future activities.²⁹ According to the government, Kosovo is a leader in the region for fighting radicalization, religious extremist and terrorism³⁰. Kosovo is part of the Global Coalition Against ISIS’.³¹

The issue was vehemently debated in the media. The arrest of “jihadists”, as the media labelled them, not only became a media show, it also spurred harsh contestation. Some of the Kosovan intellectuals, including Rexhep Qosja, a renowned academic, compared these operations with the operations of leaders in former Yugoslavia. “We were used to be put in prison by Rankovic and Milosevic for nationalistic indoctrination, but I did not expect that Albanians even in a democracy will be put to jail for indoctrination: this time for religious indoctrination,” said Qosja³².

Another public figure, Gezim Kelmendi, at that time a member of parliament from the Justice Party which is regarded as an Islamic-roo-

²⁶ *Ibid.*

²⁷ “BIK: Të mos politizohet arrestimi i imamëve,” *Zeri i Amerikes*, September 18, 2014, <http://www.zeriamerikes.com/content/kosovo-islamic-community/2453893.html>.

²⁸ “Bashkësia Islame kundër luftës së kosovarëve në Siri,” *Gazeta Zeri*, November 13, 2016, <http://old.zeri.info/artikulli/20495/bashkesia-islame-kunder-luftes-se-kosovareve-ne-siri>.

²⁹ Kursani, *Report inquiring*.

³⁰ “Kosova, lidere e rajonit në luftimin e ekstremizmit fetar,” *Koha Ditore*, February 24, 2015, <http://koha.net/?id=27&l=46033>.

³¹ “President Jahjaga meets General John Allen, Special Presidential Envoy for the Global Coalition to Counter ISIL,” Kosovo President Office, accessed December 20, 2017, <http://www.president-ksgov.net/?page=2,6,3906#.VXoJJvViko>.

³² “Qosja kundërshton arrestimet per terrorizem ne Kosove,” *Gazeta Tema*, accessed October 7, 2017, <http://www.gazetatema.net/2014/10/07/rexhep-qosja-kundershton-arrestimet-per-terrorizem-ne-kosove-deklaratat-e-tyre-njesoj-si-te-maks-velos/>.

ted party, withdrew from the coalition with Thaci's party as a sign of protest against the arrest of imams. He called Thaci's action "politically motivated" and saw it as revenge against imams who did not support him in the 2014 parliamentary elections³³. Kelmendi too brought to attention the contribution of arrested imams during the Kosovo war, stating that most of them participated in the fight against Milosevic's regime. Kelmendi later on abandoned his own party too, accusing it with "treason and cheating its voters"³⁴. The Justice Party continued to be part of the Government coalition though.

In a much harsher tone, arrests were condemned by the Forum of Young Muslims, a Kosovan non-governmental organization which maintained that "Kosovans who went to Syria should not be blamed because they were misled by the propaganda of the Kosovan government which hosted the Syrian jihadist in 2012 and joined the West in the struggle to overthrow the Syrian government".³⁵ Police operations against other imams have continued and more have been arrested on charges for recruiting young people to fight alongside ISIS.

To stop the increasing number of the Kosovans fighting in the Syrian conflict, in early 2015 Kosovo adopted the Law on Prohibition of Joining the Armed Conflicts Outside State Territory. According to this law, "whoever organizes, recruits, leads or trains persons or group of persons with the aim of joining or participating in a foreign army or police, in foreign paramilitary or parapolice formations, in organized groups or individually, in any form of armed conflicts outside the territory of the Republic of Kosovo, shall be sentenced with imprisonment from five to fifteen years" (Paragraph 1, Article 3)³⁶. Furthermore, the law criminalizes any public invitation to join such conflicts, stating that

³³ "Gezim Kelmendi largohet nga koalicioni me PDK-ne," *Koha.net*, accessed December 20, 2017. <http://archive.koha.net/?id=27&cl=25778>.

³⁴ "Gëzim Kelmendi, me shokë, braktis Partinë e Drejtësisë," *Zeri*, March 4, 2015, <http://www.zeri.info/aktuale/22409/gezim-kelmendi-me-shoke-braktis-partine-e-drejtesisel/>.

³⁵ "Reagon FRM: Në mesin e të arrestuarve edhe nënkryetari i LISBA-s," *Portali Telegrafi*, August 11, 2014, <http://www.telegrafi.com/lajme/reagon-frm-ne-mesin-e-te-arrestuarve-edhe-nenkryetari-i-lisba-s-2-49153.html>.

³⁶ "Law on prohibition of joining the armed conflicts outside state territory (Law No. 05/L-002)," Republic of Kosovo, Assembly, March 12, 2015, <http://www.kuvendikosoves.org/common/docs/ligjet/05-L-002%20a.pdf>.

“whoever publicly, at a gathering or through publications, audiovisual recordings, including and not limited to social networks or any other form of communication calls or incites others to commit criminal offences (as stipulated in Paragraph 1) shall be sentenced with imprisonment from six months up to five years” (Paragraph 4, Article 3).

The law does not specifically mention the participation in the war in Iraq and Syria, but it is meant for this purpose, as explained by government members during the presentation of the bill.³⁷

Part of the government’s campaign against radicalization was the exclusion of faith-based organizations. In 2014, at least ten religious non-governmental organizations with an Islamic profile, including the well established *Asociacioni per Kulture dhe Edukim* – AKEA were shut down. The KCSS study suggests that “state structure should not abruptly close charity organizations, but should cooperate with them in order to identify potential extremists working and infiltrated in such organizations. Religious charity organizations should be directed into serving also for the deradicalization process through lectures, as well as through funding.”

Headscarves and religious education in public schools

In 2011, the Justice Party proposed to the parliament two amendments to the law on pre-university education; one was against discrimination in public schools as the girls wearing headscarves were prohibited to enter the school property on primary and secondary level, and the other one on including religious education in public school curricula. Despite being part of the government coalition during 2011–2014, the Justice Party failed to pass the two amendments. The majority of deputies voted against the removal of the ban for covered

³⁷ The sponsor of this bill, the former Interior Minister Bajram Rexhepi after being asked why the law does not mention which foreign conflicts are we talking about said that ‘regarding the issue on why it is not specified that the law is targeting those who go to Syria, this is because the origin and the initial intention of this bill is inspired by it (Syria), but we cannot bring a law specifically for one country. We already know that some of those fighters have moved to the Iraq territory and go to other territories too, therefore some of the articles of the law should be more general, and not very specific to one country’.

girls to attend public schools and against the introduction of religious education in the state curricula.

In an opinion poll organized a month later, on the question whether there should be a law that guarantees girls the right to wear headscarves in public schools, 42.4 per cent of the respondents were in favour and 34.5 percent against. On the question whether religion education should be taught in public schools, the majority of respondents (42.7 per cent) categorically replied yes, and 26 per cent categorically said no³⁸. According to the authors of this poll, this could be justified due to a widespread perception in Kosovo that 'religion teaches for good' and pushes people for better conduct and behaviour.

It is not only the public that was divided on whether religion should be taught in public schools; religious communities too had their differences. The Islamic Community was the first to demand that the Ministry of Education should include "religious education" as a subject in elementary and secondary schools, clarifying that the course is not meant to be an Islamic education and that students belonging to different religions be taught about their respective religion. Their argument was that religious education is taught in at least ten EU countries and in most countries in the region.³⁹

The Catholic Church was one of those who opposed the idea of teaching religious education in public schools. "Religious education should be taught at churches and mosques, while teaching about religions, about tolerance and the historical inter-religious coexistence could be part of public education,"⁴⁰ said the Church in a press release prior to the parliamentary debate.

³⁸ *Interesi publik dhe religjioni* (Qendra per Studime Humanistike 'Gani Bobi', september/October 2011), <http://kfos.org/public-opinion-and-religion/>.

³⁹ "Edukata fetare ne Kosove", *Telegrafi.com*, accessed December 20, 2017, <https://telegrafi.com/edukata-fetare-ne-kosove/>.

⁴⁰ E Mërkurë, "Kisha Katolike e Kosovës, kundër mësim-besimit në shkolla," *Albinfo.ch*, August 24, 2011, <http://www.albinfo.ch/kisha-katolike-e-kosoves-kunder-mesim-besimit-ne-shkolla/>.

Concluding Remarks

All the institutional arrangements so far were made to make Kosovo a secular and multi-ethnic society. Religious freedom and freedom of association, however, were firmly guaranteed by the same legal provisions. This, however, did not prevent the emergence of many religious issues over the years. Religious communities, especially the Islamic community, asked for a more attentive government, to listen to their needs and concerns. A better legislation that would provide religious communities a proper legal status was specifically required. Government's attention, on the other hand, was gradually shifted towards other emerging religious issue, especially the increasing concerns over radical Islam. Non-state actors criticized the government's approach to fighting this phenomenon, which was a more reactive than proactive approach.

The public debate over religious issues shows that there are existing gaps on institutional arrangements of religion in Kosovo. The imprisonment of imams and the attempt to introduce religious education in public school divided the public opinion into different groups, those preserving the principles of secularism, those with a mixed opinion and those demanding a state which is more attentive to the religious concern of its people.

Such opinions are presented by three groups: the political elites that are usually more responsible to international community and keen to show that Kosovo is a secular state with a constitutional framework, like other European states; secondly, there are the media, intellectuals and NGOs, divided among secular and more religious-friendly views; and thirdly, the religious communities with their own interest in the issue.

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AN ANALYSIS OF NATIONAL
AND MINORITY IDENTITY
RELATIONALITY: THE CASE
OF ANTIOCHIAN EASTERN
ORTHODOX COMMUNITY IN
ISTANBUL

Özğür Kaymak,
Anna Maria Beylunioglu

Should I have the same religious identity in order to claim a land of my own? (36, Woman)

Introduction

This article focuses on the Antiochian Orthodox¹ minority living in Istanbul and their perceptions of the relation between their ethno-religious and national identities in Turkey, a Sunni-Muslim majority country. To date, the subject has attracted little scholarly attention or systematic analysis. This oversight in the field is arguably driven for the most by the thorny issue of state-religion relations in Turkey. A secular state since the founding of the republic in 1923, Turkey is nevertheless a Muslim-majority country and the question of the rights of its non-Muslim citizens has proved remarkably difficult to resolve.

¹ There are insufficient data regarding the precise population of Antiochian Orthodox at present although sources estimate 5000. The Treaty of Lausanne (1923) – which was the final WWI settlement, in this case between the Allied powers and the successor state of the defeated Ottoman empire – established the legal basis of religious minority rights in Turkey. No particular group of non-Muslims was explicitly favoured in the Treaty, leaving the Antiochian Orthodox and Istanbul Rum Orthodox communities with equal minority status. For the rights of non-Muslims under the Treaty, see Republic of Turkey, Ministry of Foreign Affairs, “Lausanne Peace Treaty,” accessed April 20, 2014, http://www.mfa.gov.tr/lausanne-peace-treaty-part-i_political-clauses.en.mfa.

Despite this secular order, Islam has always played an important role in the symbolic formation of Turkish identity. Indeed, modern state-society relations have remained embedded in the framework of national consciousness that reflects the Sunni-Islam identity of the majority of the population at large. In reality, Turkey has never been as homogeneous as the official discourse and historiography would have us believe. But it is only comparatively recently – the last thirty years or so – that researchers have been able to publish research openly questioning this hegemony. Even as the diversity of Turkish communities at the macro level is increasingly laid bare by research, a close of look at the ever-shrinking non-Muslim communities themselves at the micro level reveals much heterogeneity. They include economic and cultural – not to mention gender – differences that prevent them acting collectively most of the time.

Compared to other non-Muslim groups², the Antiochian Orthodox community is seldom studied in the social sciences. More to the point, qualitative research focusing on how this minority group conducts its daily life is practically non-existent. Therefore, this study problematizes how this particular ethno-religious minority community has drawn the relationship between national and minority identities in comparison to other non-Muslim minority communities. In this context, this study asks the following questions:

- How do Antiochian Orthodox people based in Istanbul construct their national identity as a minority group?
- Do they link their ethno-religious identity to their national identity, and if so how?
- Do they consider their ethno-religious identity as an important factor in defining their national identity?

² Along with the Rum (Istanbul Greek Orthodox community), Jewish and Armenian communities, the body of non-Muslims living in Turkey today is a diverse group composed of Syriacs, Chaldeans, Maronites, Bulgarian and Georgian Orthodox, Levantines, Antiochian Orthodox, etc. The Treaty of Lausanne does not mention any non-Muslim communities by name. Thus, despite the extreme limitations and obstacles even they have encountered, only the most well-positioned – the Rum, Jewish and Armenian communities – have been able to benefit from the rights granted to non-Muslims in the Treaty.

- Is it possible to create a supranational (i.e. citizenship-level) identity for minorities in Turkey? If so, what are the obstacles to the construction of such a supranational identity?

We have sought to answer these questions by analysing narratives collected through in-depth interviews conducted between 2016 and 2017. This field research was part of a research project conducted by the authors titled “A study on Identity Perception of Antiochian Orthodox based in Istanbul and Their Relationality with the Istanbul Rum Community”.³ The data collected through this fieldwork will be presented in the light of the theoretical debates within the citizenship, nationalism and secularism literatures.

Although there has been a remarkable increase in research on non-Muslim minorities over the last 20 years, scholarly works focusing on the sociology of daily life of non-Muslims are limited. Moreover, the qualitative work on Antiochian Orthodox based in Istanbul forms a minor share of this small literature.⁴ These studies have also tended, ironically enough, to render the Antiochian Orthodox community invisible and even silent while at the same time marking the group out clearly from the (significantly larger) Istanbul Rum Community.⁵ As it is indicated in a recent study, official Rum discourse disregards the existence of Antiochian Orthodox in their daily life in Istanbul.⁶ Considering this gap in the literature, this article aims to question how the relationship between ethno-religious and national identity is constructed. It draws on interviews conducted with Antiochian Orthodox of various ages, socio-economic classes and genders. In so doing, it also contributes to the identity and citizenship studies in the minority literature.

³ This study, which partially includes data used for this article, will be published as a book chapter by İstos Publishing by January 2018.

⁴ For the recent studies in this field see: Anna Maria Aslanoglu, Foti Benlisoy and Haris Rigas, *Istanbul Rumları: Bugün ve Yarın* (İstanbul: İstos Yayınları, 2012); Parthena Gioltzoglou Polina, “Making a Home: Symbolic Representations of Domestic Space Among The Christian Orthodox Antiocheans In Istanbul,” (Masters Thesis, İstanbul: Sabancı Üniversitesi, 2014); Tevfik Usluoğlu, *Arap Hristiyanlar* (Ankara: Ütopya Yayınları, 2012).

⁵ The definition of “Istanbul Rum Community” includes those (at least) third and fourth generation Orthodox Christians born and grown up in Istanbul who speak Greek.

⁶ Polina, “Making a home,” 19.

The rest of the article proceeds as follows. We will first detail the social profile of Antiochian Orthodox along with their historical background in Antioch and its surroundings. This will be followed by an outline of the methodology of the study followed by a statement of the main issue of this research and an analytical assessment based on the conceptual and theoretical background.

Istanbul-based Antiochian Orthodox: Social Profile and Historical Background

Even though Antiochian Orthodox are considered part of the Istanbul Rum Orthodox community due to their religious identity, they are in practice differentiated based on their mother tongue and socio-cultural status. The large-scale migration of Antiochian Orthodox from their traditional homelands in Turkey's southeast to Istanbul during the last 20 years has cast a bright light on this differentiation (and the discrimination that often comes with it).

Since the question of religious belonging has been excluded from the population census since 1965, no certain data on the population of ethno-religious communities in Turkey exists. Similarly, different sources make varying claims about the population of Antiochian Orthodox. In his book *Rums in Turkey*, Akgönül estimated the Antiochian Orthodox living in Istanbul in 2007 at between 500 and 1,000.⁷ A more recent study has put the number at 800.⁸ According to the head of the Antiochian Orthodox community, while the total number of Antiochian Orthodox in the Hatay–Mersin region in southeast Turkey number around 8000, the first and second generation who migrated to Istanbul from the 1970s and 1980s are between 1500 and 2000.⁹

⁷ Samim Akgönül, *Türkiye Rumları: Ulus-Devlet Çağından Küreselleşme Çağına Bir Azınlığın Yok Oluş Süreci* (İstanbul: İletişim Yayınları, 2007), 346-347.

⁸ Aslanoğlu et. al., *İstanbul Rumları*, 223-233.

⁹ Fadi Hurigil, "Hatay ve Mersin Bölgesinde Yaşayan Hristiyan Cemaatlerin Yapısı, Sorunları ve Çözüm Önerileri [Demography, Problems of Christian Communities Living in Hatay and Mersin Region and Suggestions for Solution]," in *Azınlık Vatandaşları-Eşit Vatandaşlar: Rum Cemaati Üzerine Çalışma Metinleri* (İstanbul: Rum Cemaat Vakıfları Destekleme Derneği, 2010), 107.

Although Antiochian Orthodox are considered to be a part of the Istanbul Rum Orthodox Community, they are under the authority of Greek Orthodox Church of Antioch – located in Damascus – which acknowledges the Ecumenical Patriarchate of Constantinople as *primus inter pares*. Thus, language appears to be the main objective axis of division Istanbul Rums and Antiochian Orthodox, who are in fact part of the same confessional community (i.e. they share a common liturgy and rites). While Istanbul Rums speak Greek as their mother tongue, the Antiochians' mother tongue is Arabic.¹⁰

The Arabic-speaking Orthodox belong to an ethno-religious community whose regions of origin are Hatay, Iskenderun and Mersin in the southeast of the country. Hatay is the present Turkish name given to Antioch (Antakya in Turkish). The region that includes Antioch was subject to Arabification policies until 1098 A.D., when the crusades began. Following a short period under Christian rule, Arabification of the region continued after the region was conquered by the Mamluk Sultanate in 1298.¹¹ The Orthodox based in the region first became Ottoman subjects in 1516 with the Battle of Marj Dabiq and have since then continued to exist as culturally Arab Christians.¹²

According to various sources, a close relationship between the Patriarchate of Antioch and the Patriarchate of Constantinople during the Ottoman era was preserved until the 1890s,¹³ when the rise of Arab nationalist movements in the region saw the election of an Arab Patri-

¹⁰ This is mostly the case among the first and second generations of Antiochians, some of whom were born in Mandate Syria and whose educational and cultural inheritance derives from there. The third generation of Antiochians (those born after 1970), in contrast, were all born in Turkey have been wholly assimilated into the Turkish language and society through education. Thus, unlike their parents and grandparents they generally do not speak Arabic, even at home.

¹¹ Bruce Masters, *Christians and Jews in the Ottoman Arab World: The Roots of Secterianism* (UK: Cambridge University Press, 2001), 49-50.

¹² Haris Theodorelis-Rigas, "Model Citizens or a Fifth-column? Greek Orthodox (Rum) Communities in Syria and Turkey between Secularism and Multiculturalism," in *Diasporas of the Modern Middle East: Contextualizing Community*, ed. Gorman, A. and Kasbarian, S. (UK: Edinburgh University Press, 2015), 38.

¹³ Usluoğlu, *Arap Hristiyanlar*.

archate in Damascus.¹⁴ As a result of these developments, the churches in Adana, Mersin and Tarsus decided to declare their independence from the Patriarchate of Antioch, demanding to join the Patriarchate of Constantinople instead.¹⁵ Although this conflict between the patriarchates of Antioch and Constantinople – in many ways a product of the clash of 19th century Greek and Arab nationalisms within the context of the late Ottoman transformations – was never resolved due to intensified warfare occurring in the region. At this time, the Greek nationalist discourse increasingly referred to the local Arab Christians as *Greeks speaking a different language (Başka dilli Yunanlılar)*.¹⁶

In July 1939, the surrounding Hatay region was ceded to Turkey from the French Syrian Mandate and Antioch itself was renamed Hatay. The Antiochian Orthodox along with the other ethnicities in the region thus became Turkish citizens, and their religious centre, Patriarchate of Antioch in Damascus remained within Syrian borders. The Orthodox community of this region today continues to be a part of the Patriarchate of Antioch as well as recognising the authority of the Ecumenical Patriarchate of Constantinople but performs religious rites in Arabic (whereas Orthodox use Greek).

Antiochian Orthodox began to migrate to Istanbul in the 1940s in search of better educational, occupational and economic opportunities. This migration wave was redirected overseas from the early 1980s. While the community spread to various countries around the world – including France, Sweden, Australia, South America – the majority of the community preferred to go to Germany as a part of that country's guest worker program. Those who emigrated to Istanbul as a part of the first wave preferred to settle together in the same neighbourhoods with their relatives who then helped them find jobs. Those who came with

¹⁴ Church of Greece, "Greek Orthodox Patriarchate of Antioch and All the East: Historical Overview," accessed August 22, 2016, http://www.ecclesia.gr/english/news/antiocheia/historical_overview.htm; J. G. Melton and M. Bauman, eds., *Religions of the World: A Comprehensive Encyclopedia of Beliefs and Practices* (ABC-CLIO, 2010), 1253.

¹⁵ Foti Benlisoy and Stefo Benlisoy. *Türk Milliyetçiliğinde Katedilmemiş Bir Yol 'Hristiyan Türkler' ve Papa Efim* (İstanbul: İstos Yayınları, 2016), 63.

¹⁶ *Ibid.* 249

the first wave mostly settled in the neighbourhoods surrounding the churches belonging to Istanbul's Rum community.

Examining the socio-cultural profiles of the Antiochian Orthodox one also realizes that the education level of the first generation of Antiochian Orthodox who migrated to Istanbul is quite low.¹⁷ According to one study, 70 % of the Antiochian Orthodox in Istanbul experience financial difficulties, generally working for low wages within the church community – either as sacristy workers or as security guards in the churches, schools or other buildings belonging to the Istanbul Rum Community.¹⁸ This has produced first and second-generation Antiochian Orthodox with lower cultural and economic capital, which means they are considered different from the Istanbul Rum community in terms of their social status. One measure of this is the fact that the share of the Arabic-speaking Antiochian Orthodox in schools that belong to the Istanbul Rum community is increasing day by day.¹⁹

Against this background, this study will examine how Antiochian Orthodox based in Istanbul approach their national identity, develop the linkage between their ethno-religious identity with national identity, and question if it is possible for non-Muslims to build a citizenship-based identity. In the remainder of the article, we will provide brief information regarding the fieldwork and later analyse the data derived from the field in the light of the research questions set earlier for this study.

Methodology

Among the burgeoning oral history research that has been published in general in Turkey over the last 15 years, only a handful of memory studies focusing on non-Muslim minority communities have been un-

¹⁷ Theodoretis-Rigas, "Model Citizens or a Fifth-column," 47

¹⁸ Aslanoğlu et. al., *İstanbul Rumları*, 223-233.

¹⁹ According to oral history research drawing on in-depth interviews conducted between 2013 and 2016 as a part of doctoral dissertation fieldwork, today there are 2500 to 3000 Rum Orthodox living in Istanbul most of whom are above 60 years old. It is estimated that around 1500 of these people are, in fact, Antiochian Orthodox. Özgür Kaymak, "İstanbul'da Rum, Yahudi ve Ermeni Cemaatlerinin Sosyo-Mekânsal İnşası" (PhD diss., İstanbul Üniversitesi Kamu Yönetimi ve Siyaset Bilimi, 2016).

dertaken.²⁰ Worse still, few if any of these studies focus on the Antiochian Orthodox community. Their small share among the other religious minority communities – as well as their being scattered across different parts of Turkey – their geographical distance to the centre, and their introverted characteristics are the main reasons for this absence in the literature. Therefore, this community and their daily life routines have not received fair attention in the academic literature.

This study aims to fill part of this gap in the social science literature by focusing on Istanbul-based Antiochian Orthodox of different generations, gender and social class. In this context, we conducted interviews with 17 men and women who immigrated to Istanbul at different time periods. The universe of the fieldwork was kept limited to eight female and nine male Antiochian Orthodox who emigrated to Istanbul a while ago and who either continue living in Istanbul or left to go abroad. In the selection of the interviewees we tried to maintain a gender balance, while the group can be roughly categorized in the following age ranges: 20–30, 30–40 and 40–50 year-olds. It is also important to mention that the interviewees were specialized in different occupations. Only one of the interviewee described herself as a housewife. The others include a psychologist, a CEO (Chief Executive Officer), a journalist, a marketing expert, and an academic researcher. Among the male interviewees, there are academics, journalists along with merchants and jewellers.

To be able to focus on the socio-cultural differences among the Antiochian Orthodox community we also aimed to reach community members of different social classes. Therefore, while most of the interviewees belong to the middle class, some of them belong to upper-middle or even upper socio-economic class. One of the difficulties encountered during the data collecting process was to approach members of the communities from the lower socio-economic classes. Although we tried to overcome this obstacle through the snowball technique (via our existing interviewees and our social networks) we experienced serious

²⁰ For general information on memory and oral history studies in Turkey see: Leyla Neyzi, “Oral History and Memory Studies in Turkey,” in *Turkey’s Engagement with Modernity: Conflict and Change in the Twentieth Century*, ed. Kerslake, C., Kerem Öktem and Robins P. (London: Palgrave Macmillan, 2010), 443-459; Esra Özyürek, *Hatırladıklarıyla ve Unuttuklarıyla Türkiye’nin Toplumsal Hafızası*. 2. bs. (Istanbul: İletişim Yayınları, 2012).

difficulties in reaching these people. When minority status combines with poverty and lack of education it can reinforce these disadvantages and lead to religious, ethnic and class-based discrimination.²¹

The interviewees were found through snowball sampling. Due to the sensitivity of the topic at hand, individuals' names are not revealed throughout the text. Instead, a coding method commonly found in sensitive qualitative studies is embraced. Thus, narrations quote interviews and use a categorization scheme including the interviewee's gender and age (35 (Age), F/M (Gender)). The in-depth interviews were designed thematically through semi-structured questions. The qualitative approach employed also revealed Antiochian Orthodox experience through the voices of the community members, as well as the construction of the link between ethno-religious and national identities through their daily life practices. Although it is not possible to achieve a 'perfect' profile of Antiochian Orthodox based in Istanbul – and this study does not promise to offer one – we still believe it makes a significant contribution to our knowledge about Antiochian Orthodox in Turkey.

National and Minority Identity Relationality in Turkey

The article is indeed the first of its kind in the citizenship and minority literatures to cover Antiochian Orthodox. It thus questions the national identity perceptions of the Antiochian Orthodox people as well as their construction of the link between national and ethno-religious identities. However, this construction cannot be separated from the general setting – the controversial design of secularism in Turkey that has led religious minorities to experience limited freedom of religion under the shadow of Islamic identity.

Freedom of religion has been a very sensitive issue since the foundation of the Turkish Republic, despite the principle of secularism being stated in the country's constitution since 1937. This is especially evident in considering the status of non-Muslim minorities.²² Contrary

²¹ Kaymak, "İstanbul'da Rum, Yahudi ve Ermeni."

²² Anna Maria Beylunioglu, "Freedom of Religion in Turkey between Secular and Islamic Values, The Situation of Christians," (PhD diss., Florence: European University Institute, 2017), 1.

to the expectations of the early Turkish secularists – who assumed that as Turkey became more civilized and modern, it would also become more secular – Islam has remained the effective symbolic force and a strong cultural referent in the construction of Turkish national identity.²³ İnalçık has also underlined the fact that Turkish secularism and its relationship to Islam represented a continuity between the Ottoman state and modern Turkey in the sense that “the temporal authority supersedes the religious authority.”²⁴ Turkish modernity is based on secular premises. However, as Türkmen has stated, the aim of the Turkish form of secularism has never been to accommodate the political authority and Islam, it has rather been to maintain religious authority under the reign of secularism.²⁵ For non-Muslim communities, thus, secularism in Turkey appears, ironically enough, to be heavily “Islamic”, thereby restricting the practical applicability of the principles of universality and impartiality.²⁶

Despite all the reforms undertaken in the name of secularism, religion remained a fundamental disjunctive element which led to an *us versus them* divide within Turkish society. Along with secularisation processes in Turkey, the state neither remained impartial to religion nor limited it to the private sphere, a core principle of laicism as espoused by political elites.²⁷ In practice, the state – especially since the 1980s – has promoted Sunni Islam as a kind of public theology even while implementing Westernization reforms.²⁸ Thereby, the institutionalization

²³ Nilüfer Göle, *The Forbidden Modern* (Ann Arbor: University of Michigan Press, 1996); Nilüfer Göle, *Melez Desenler* (Hybrid Designs) (Istanbul: Metis, 2000); Binnaz Toprak, “The Religious Right,” in *Turkey in Transition*, ed. I.C. Schick and A.E. Tonak (New York: Oxford University Press, 1987).

²⁴ Halil İnalçık, “Osmanlı Hukukuna Giriş [Introduction to Ottoman Law],” *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* 13(2) (1958): 102-126.

²⁵ Buket Türkmen, “A Transformed Kemalist Islam or a New Islamic Civic Morality? A Study of ‘Religious Culture and Morality’ Textbooks in the Turkish High School Curricula,” *Comparative Studies of South Asia, Africa and the Middle East* 29 (3) (2009): 381-397.

²⁶ E. Fuat Keyman, “Modernity, Secularism and Islam, The Case of Turkey,” *Sage, Theory, Culture and Society* Vol. 24(2) (2007): 225.

²⁷ Kaymak, “İstanbul’da Rum, Yahudi, Ermeni.”

²⁸ Nükhet Sandal incorporates the term public theologies as an analytical framework in order to discuss the obstacles set against the equality of Christian citizens of Turkey in public space. Nükhet Sandal, “Public Theologies of Human Rights and Citizenship: The Case of Turkey’s Citizenship,” *Human Rights Quarterly* Vol. 35, No. 3 (Ağustos 2013): 631-650.

of secularism has occurred alongside the marginalization of non-Muslim minorities.²⁹ As a result, given the close relation between Islam and Turkish national identity, non-Muslim Turkish are often led to feel like “second-class citizens” and face a constant struggle against exclusion from the system.

All of this is bound up in the legacy of modern Turkish state formation following the collapse of the Ottoman empire during the First World War. Non-Muslim ethno-religious identities carry regrettable stigmas that religious identities separate these Turkish citizens from the rest of the Turkish society. Along with the Ottoman principle of Muslim superiority over other “Peoples of the Book”, the memory of the supposed “treachery” of non-Muslim Ottoman subjects and the related Armenian genocide have left a mark on Turkey’s collective memory that make it impossible to separate religious and national identities³⁰ As Çağaptay and Beylunioglu have argued, today most Turks view Christianity as a challenge to their national identity because it stands as a threat to their nominal Islamic identity.³¹

As explained in details above, by not being a Muslim, non-Muslims are being excluded from Turkish national identity, which is followed by the perception of *communities that cannot be assimilated*. Therefore, Islam emerges with a very powerful symbolic and cultural role in the constitution of societal relations and social identity formations of

²⁹ Lerna Ekmekçioğlu, “Paradoks Cumhuriyeti: Milletler Cemiyeti’nin Azınlıkları Koruma Rejimi ve Yeni Türkiye’nin Üvey Vatandaşları,” *Toplum ve Bilim* 132 (2015): 106.

³⁰ In times of crisis or conflict given that people who have an ethnic, cultural or religious background that diverges from the “projected ethno-national identity” are in a position to “destabilize and disrupt the normativity of national cultural forms and practices” and “homogenous identities.” (H. Bhabha, “Cultural diversity and cultural differences,” in *The post-colonial studies reader* (2nd ed.), ed. B. Ashcroft, G. Griffiths, & H. Tiffin (London: Routledge, 2006); Tatjana Takseva and Agatha Schwartz, “Hybridity, ethnicity and nationhood: legacies of interethnic war, wartime rape and the potential for bridging the ethnic divide in post-conflict Bosnia and Herzegovina,” *National Identities*, April 24, 2017, <http://dx.doi.org/10.1080/14608944.2017.1298580>).

³¹ Soner Çağaptay, *Islam, Secularism and Nationalism in Modern Turkey, Who is a Turk?* (London and New York: Routledge, 2006), 139; Beylunioglu, “Freedom of Religion,” 121.

Turkish people³² and differences on basis of religion become a tool to determine “foster children” aka non-Muslim citizens of the republic.³³

Antiochian Orthodox and their Ethno-religious and National Identity

As mentioned, religious identity forms the basis for most people in Turkey to construct a national identity. For the Antiochian Orthodox that we interviewed, this involves a double move for constructing citizenship. Interviewees first emphasize their ethno-religious background after which they highlight their Turkish citizenship. Since being Turkish is perceived as equivalent to being Muslim, Antiochian Orthodox have developed an identity definition that indicates that they are not Turkish by referring to their membership to a different ethno-cultural-religious community. As Frederik Barth has suggested, both an individual's identity perception and others' perception towards his or her identity matters in regard to ethnic groups and identity perceptions.³⁴ This study, drawing on Barth's claims, argues that the perception of *not being an equal citizen* is an identity attributed to non-Muslims by the society at large. Antiochian Orthodox, therefore, tend to refer to Turkish citizenship / being a Turk not in the context of ethnicity, but instead as a cultural phenomenon in reference to geography, collective memory, language and culture.

The interviews also suggested that the main obstacle that prevents Antiochian Orthodox from adopting Turkish identity based on citi-

³² Fuat Keyman and Ahmet İçduygu. *Citizenship in a Global World: European Questions, Turkish Experiences* (London: Routledge, 2005).

³³ Ekmekeçioğlu, “Paradoks Cumhuriyeti,” 106; According to 1974 decision by the Council of State they defined non-Muslims as ‘foreign citizens’. This statement has also been repeated in 1988 at the article 5/j of the “Regulation for defence against sabotage” which included a referred to non-Muslims as “foreign citizens within the country and those who are of foreign ethnicity” in listing the possible categories that can make a sabotage attempt. In addition to that an administrative court also referred to a Rum from Turkey as “foreign citizen” on 17th April 1996. Elçin Aktoprak, “Bir Kurucu ‘Öteki’ Olarak: Türkiye’de Gayrimüslimler,” *İnsan Hakları Çalışma Metinleri*, 16 (Ankara, 2010), 44.

³⁴ Fredrik Barth, *Etnik Gruplar ve Sınırları [Ethnic Groups and Boundaries]* (İstanbul: Bağlam Yayınları, 2001).

zenship is the religion factor.³⁵ This confirms the existing research on minorities in Turkey, which emphasizes the importance of religious identification in defining national identity.³⁶ As quoted in the narration below, the Antiochian Orthodox considers the negative perception towards them as a discrimination against themselves which in many cases forces them to declare their identity and prove that they are *as Turkish as anyone else*.³⁷

“Yes, I am a Turk. I feel Turkish emotionally. In certain cases, I tried to convince my friends. Because in Turkey, even if they have also emigrated to this land, people do not accept the fact that Christians are also Turks. They equate being Muslim with being a Turk.” (32, W)

Üstel³⁸ also emphasizes that Turkish citizenship is not only defined by the legal and political relationship between individual and state, it is also constructed through systematic sacrifice, loyalty and servility. In Turkey, men and women build a personal citizenship definition through fulfilling their duties to the country. As the following example also reveals, this is also the case for non-Muslims. It is sometimes distinctly expressed and exemplified with such words as “fighting for one’s country and sacrificing your life for that purpose.” The aforementioned long-standing view that non-Muslims acted with Allied powers in the First World War to subjugate Anatolia (leading to a collective trauma) has seen non-Muslims stigmatized as faithless, infidel citizens of the republic. This official discourse has been reinforced through schooling, official history and by the statements of political elites. Therefore, non-

³⁵ A recent doctoral study analyzing the daily lives of non-Muslims in Istanbul has argued that these claims about the impact of religion on identity perception is valid for Rums, Jews and Armenians of various ages, socio-economic backgrounds and genders. Kaymak, “İstanbul’da Rum, Yahudi ve Ermeni.”

³⁶ Article 66, paragraph 1 of the Constitution states that ‘Everyone bound to the Turkish state through the bond of citizenship is a Turk’. Although Turkish officials insist that the usage of ‘Turk’ does not denote an ethnic identity, non-Muslims do not find this explanation credible and convincing.

³⁷ This finding is also valid for the first and second generation Rum, Jews and Armenians based in Istanbul, Ibid.

³⁸ Füsün Üstel, *Makbul Vatandaşlığın Peşinde: 2. Meşrutiyetten Bugüne Vatandaşlık Eğitimi*. 5. Baskı (İstanbul: İletişim Yayınları, 2011), 327-328.

-Muslims have not been considered as “approved citizens” and constantly remain in need to prove their loyalty to the population at large:³⁹

“My father says, ‘your grandfather fought in the Independence War with Turkey; not with the British. Therefore, they were the Turks who were ready to sacrifice their life for this country.’ I was moved by this.” (32, W)

Almost all the interviewees defined their citizenship on the basis of rights and duties. In another word, similar to the population at large, voting at elections, doing military service, paying taxes were considered as being *good citizens* for non-Muslims. Non-Muslim citizens due to the reasons referred above, feel the urge to *be better citizens than ordinary Muslims* and *prove* this against the population at large.

“...but due to being a minority there is this ‘state of being obliged to be a good citizen.’ In order to make sure that people accept you, ‘you need to be good, you have to be a good citizen.’” (30, M)

Along with the definition of citizenship on the basis of rights and duties, it was also possible to observe the emotional bond to citizenship during the fieldwork. In reference to this bond some of the interviewees drew attention how they establish a strong symbolic bond with the codes embedded in the Turkish culture by featuring the emotional ties they harbour with the Turkishness:

“I laugh to the same things that a Turkish person laughs at... I do not laugh at an American’s joke! I am a Turk. I am a Turk but I am a Christian.” (52, F)

“I am a person of this land.” (28, M)

While for some Antiochian Orthodox being of Arab origin and being from Antioch are prominent in building a relationship between their ethno-religious and national identity, for others being an Orthodox Christian or a *Rum* Orthodox is the primary identification. They generally refer either to their Rum / Arab ethnic origins or being a Rum Orthodox / Orthodox, Christian / Greek Orthodox as their religious

³⁹ According to Mesut Yeğen another factor determining Turkishness other than religion is the loyalty to the country. Mesut Yeğen, *Müstakbel Türk’ten Sözde Vatandaşa*. 5. Baskı (İstanbul: İletişim Yayınları, 2014), 112.

identity before they complete this identification by emphasizing being *a citizen of Turkish Republic*. In that sense, there is a duality in the identification process: on one side there is the political-cultural identity, on the other side their ethnic identity, an intertwining of nationality and religious belonging, as emphasized by Smith.⁴⁰

Even when conscious group identities do coalesce, they do not necessarily do so around the ideas of shared descent or ethnicity. Some Antiochians seem to have rejected an “ethnic-based sense of identity” (Arabness/*Rumness*), celebrating instead a sense of group identity that is informed by a strong sense of geography and the immediate local (Antioch) belonging. In the following description “Turkish Republic / Turkish Citizen” does not include an ethnic connotation but indicates a political citizenship.

“For me, being able to preserve this distinct identity in a 99 % Muslim country is a kind of richness. Therefore, I want to underline that I say, I am of ‘Greek Arab Orthodox’ origin. In addition to that, I also mention that I hold a Turkish identity, in political sense. ‘Greek’ means religious identity to me. Then I say, ‘I am a Turkish citizen.’” (37, M)

“I say, I am from Antioch. I am against the term ‘Hatay’ because we were renamed Hatay much later. I am a Christian of Antiochian origin and I am from Turkey.” (28, F)

“I am a Turk. I am a Turk based on citizenship. But my religion is Christianity. If you go deeper, I am Rum Orthodox. If you go even deeper, I am an Arabic Speaking Rum Orthodox. Then they ask ‘how can this happen? The Rums here (in Istanbul) speak Greek’. The answer is that there was an [Arabic] acculturation since Antiochians are close to Syria.” (30, W)

These statements where interviewees describe themselves “...of ‘Greek Arab Orthodox’” origin by mentioning that they “hold a Turkish identity” afterwards is striking. It shows that – while there are those who prioritize ethno-religious identity over national identity, – the vast majority emphasizes ethno-religious and national aspects of their citizenship equally This can be observed from the following statement

⁴⁰ Anthony D. Smith, *Milli Kimlik*. Çev: Bahadır Sina Şener. 7. Baskı (İstanbul: İletişim Yayınları, 2014), 40.

made by two different interviewees: “I am a Turk as a citizen. But my religion is Christianity.” (31, F; 24, F)

Another observation that can be drawn from the fieldwork is the fact that the way that Antiochian Orthodox construct identity-citizenship varies according to age, socio-cultural and educational background. Two of the female interviewees’ families belong to the middle and upper middle class; they came to Istanbul to attend university and decided to stay in Istanbul afterwards. One of these interviewees describes their identity as based on “being from Antioch”. Another interviewee whose family is from *Samandağ*, Antioch talked about his / her identity perception as being *Antiochian Arab Orthodox*, thus emphasizing geography and geography-related ethnicity. According to this narrative, being an Antiochian Arab Orthodox signifies having a common diet and musical culture as well as a distinct language, customs and traditions deriving from spatial origins.

“There have been many who asked me where I was from after seeing my identity document. In such cases, I say ‘I am Antiochian Arab Christian’. Although we were born in Mersin, our diet, music, culture and language are Arabic. Even the meat we eat comes from a butcher in Antioch. When we were young (up to the age of about six), we would visit and stay two – three weeks with our family. But they do not understand when I say ‘Arab and ‘Christian’. Then I try to explain them that there were Arab Christians in that region during the Ottoman era. In the end, I say ‘I am also a citizen of Turkish Republic’. You see, you find yourself in a situation where you need to explain this just because your name is different [...]. My father is a leftist; once I asked him how should I express myself in such situations. He told me the right way is to tell people ‘I am a citizen of Turkish Republic’. But when people ask me I generally say ‘I am from Antioch, I am Christian.’” (35, F)

Another interviewee was born in the centre of Antioch states, however, she claims that she is neither an Arab nor a Rum. Instead, she feels Turkish and she prioritises Turkishness in her identity. According to her, the reason why she speaks Arabic instead of Turkish is linked to the fact that she grew up in a city bordering Syria. She admits that she is differentiated from the entire Turkish society because she is a member of a Christian community but she underlines that she feels *like a Turk*. It is possible to explain these two distinct narratives of two female

interviewees coming from the same ethno-religious background and speaking Arabic with the socio-cultural background.

“I am a Turk who can also speak Arabic. I know Arabic because we live at the Syrian border. I am Christian but I feel like a Turk. There are no question marks in regard to that. I feel deeply as a Turk. But I also feel people do not see me like that. According to them, the general perception is ‘you are a Christian but not a Turk’. My name is A.⁴¹ and [with this name] I can never be a Turk anyway!” (28, F)

The Turkishness constructed as a supra identity by the centralized state has weakened against globalization trends on one hand, and on the other hand, localization demands have led to the deconstruction of Turkish citizenship as a category. With the rise of the supra-identity versus sub-identity debate, it has been observed that especially the young generations tend to embrace the expression of *Türkiyeli* (from Turkey) instead of Turk (Turkish):

“I do not describe myself by saying ‘I am Turkish’ because it represents a nationalistic attitude and things become complicated [...]. When I am abroad, I tell them ‘I am from Turkey’. When they comment, ‘What an interesting name’, I say ‘I am from the Greek minority’.” (28, M)

Concluding Remarks

Since the founding of the republic, a constant reproduction of *us vs other* debate over religion on the state-society level has been observed. Ethno-religious and cultural traits are the main marker of Turkishness and national identity. The concept of non-Muslim thus also harbours an implicit hierarchy in that sense. In Turkey, the religions other than Islam are defined with reference to Muslimhood and are mostly equated with impiety and atheism. Marginalization of non-Muslims and the reproduction of the perception of ‘internal enemies’ and ‘foreign citizens’ through the national and public discourse as well as the educational system also contribute to increasing discriminatory attitude towards these groups.

⁴¹ A is a name which reveals her Christian identity. Kept anonymous by the authors.

Turkey has been going through an enormous process of change in the last decade, especially with regard to the political recognition of ethno-cultural and religious diversity, as well as to the transformation of the debates about the institution of national citizenship. During the Justice and Development Party (AKP) period, attempts made toward democratization of the country in the first half of the 2000s along with the European integration which were path-breaking in rupture of the homogeneity discourse. According to a recently completed doctoral study, the state still lacks a comprehensive legal framework guaranteeing freedom of religion on par with European norms; certain changes have nevertheless been observed in almost all aspects of freedom of religion, indicating an ongoing recasting process.⁴² Despite these reforms having taken place for the benefit of non-Muslim communities, Turkishness has continued to be defined on the basis of religion and equated with Islamic identity. Policies and regulations drawing on religion and language are still the main determinants of Turkish identity. As it has been argued, “non-Muslim minorities continued to experience enhancements of their rights and a relative expansion of their freedom of religion after 2011, as the recasting of the parameters of freedom of religion took shape through policies and practices inspired by the idea of freedom of religion, albeit conducted under the shadow of Islamic values.”⁴³ In this context, Kaya has also suggested that the Turkish national citizenship regime still bears strong ethno-cultural and ethno-religious elements originating from the Ottoman millet system despite the on-going process of Europeanization in different spheres of social and political life.⁴⁴

A close look at the construction of the relationship between national and minority identities of the Antiochian Orthodox living in Istanbul also reveals the predominant role played by Islam in the definition of national identity in Turkey. However, the perception of citizenship narrated by the Antiochian Orthodox may vary according to their age, socio-cultural background and gender. Almost all the interviewees

⁴² Beylunioğlu, “Freedom of Religion,” 224.

⁴³ *Ibid.*

⁴⁴ Ayhan Kaya, “Ethno-religious narratives of citizenship in Turkey: Fabricating citizens through national education.” *Routledge* Vol.1, No.2 (2016): 119.

enjoy a two-pronged citizenship ideal by describing themselves with their ethno-religious identities such as Arab / Rum Orthodox, followed by an emphasis on their citizenship of the Turkish Republic. Since Turkishness has been equated with being a Muslim, the Antiochian Orthodox reproduce a discourse indicating their non-Turkishness and underlining the culture they belong to, in which their religious (Orthodox Christianity) and ethnic (Rum / Arab) identities are intertwined. Within this context, it would be possible to refer to a dual structure in terms of ethnic and political identity in construction of identity-citizenship relationship whereas they prefer to use “Arab / Rum Orthodox” and “citizens of Turkish Republic” expressions together to underline the fact that although they hold a distinct ethno-religious identity with respect to the ruling elite, they are still Turkish in terms of their political citizenship. When Antiochian Orthodox embrace the term Turkish Citizen / being a Turk, they do so not in its ethnic connotation but rather with cultural reference to its symbolic significance, including their belonging to the geography they were born into, a collective memory, and language (Turkish). With the stretching of the cultural identities both in global and local terms in the recent years, the new generation of interviewees tends to describe themselves as “being from Turkey” rather than “being a Turk”. However, the in-depth interviews still demonstrate that Istanbul-based Antiochian Orthodox of various ages, socio-cultural backgrounds and gender face obstacles derived from the religion factor in adopting a citizen-level Turkish identity.

To summarise, based on the Antiochian Orthodox group this study focused on, is it possible to talk about a national identity that would keep distance from ethno religious symbols? In other words, is it possible to overcome the ethno-religious divide and create a Turkishness in a supra-national sense? It would of course not be easy for a country of a Muslim majority to create a supra-national identity and internalize it on societal basis as well as perceiving non-Muslims as equal citizens of the republic. Primarily, in order to take a step forward towards this ideal, the discriminatory ethno-political discourses need to come to an

end following a reorganization of educational system⁴⁵ and redefinition of public memory which has referred to non-Muslim minorities as the “internal enemies” because national and ethnic identities are accomplished in the everyday practices and ordinary people simultaneously “negotiate and reproduce official versions of nationalistic discourses.”⁴⁶ Introducing new policies and regulations, an emphasis on ethnic diversity, religious pluralism, multi-ethnic tolerance and recognition of cultural hybridity is needed, along with engaging citizens in alternative forms of national identification that promote hybridity, inter-group connections, social trust and civic rather than ethnic politics and social engagement.

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⁴⁵ Textbooks in Turkey have long included negative misinformation about some Christians, representing them often as traitors. During the AKP period some discriminatory statements in textbooks have been removed or softened. However, Armenians and Rums (the Greek Orthodox community of İstanbul) continue to be viewed generally as a “treacherous” fifth column. Beylunioğlu, “Freedom of Religion,” 122.

⁴⁶ As Fox and Miller-Idriss have stated, ‘nation’ is a discursive construct, constituted largely by and through intersubjectively mediated claims that produce collective identity, mobilize people for collective projects and evaluate individuals and practices. Such communities operate based on excluding and marginalizing those defined and perceived as ‘other’. J. E. Fox and C. Miller-Idriss, “Everyday nationhood,” *Ethnicities* No. 8 (2008): 536–563.

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WAQF AS A TRADITIONAL
LEGAL INSTITUTION FOR
SOCIAL RESPONSIBILITY
ACCORDING TO NATURAL
LAW

O r s o l y a F a l u s

The motto: "And We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and as a criterion over it. So judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth. To each of you We prescribed a law and a method. Had Allah willed, He would have made you one nation [united in religion], but [He intended] to test you in what He has given you; so race to [all that is] good. To Allah is your return all together, and He will [then] inform you concerning that over which you used to differ."

/Qur'an 5:48/

1 Natural Law: Is It Only for the Christians?

It seems obvious to European law historians that *natural law* is a traditional European invention and, thus, it is absent in the Islamic world. Natural law theory is a label that has been applied to theories of ethics, politics, civil law, and religious morality. Some writers use this term with a broad sense that any theory that contains positive moral claims can be considered as natural law. This is the conception of moral realism.¹ Most of the scholars, however, rather use it narrowly so that no moral theory that is not grounded in a very specific form of Aristotelian teleology could count as a natural law view.

¹ Geoffrey Sayre-McCord, *Essays on Moral Realism* (Ithaca: Cornell University Press, 1988), 106.

Based on the history of the Christian Church in Europe, law theorists start analysing this phenomenon from Thomas Aquinas's natural law doctrine. For Aquinas, there are two key features of natural law, of which he structures his discussion of this legal phenomenon at Question 94 of the Prima Secundae of the *Summa Theologiae*.² The first is that, when the focus is placed on God's role as the giver of the natural law, the natural law is just one aspect of divine providence; and so the theory of natural law is from that perspective just one part among others of the theory of divine providence. The second is that, when the focus is placed on the humans' role as recipients of the natural law, natural law constitutes the principles of practical rationality, the principles by which a human action is to be judged as reasonable or unreasonable; and so the theory of natural law is from that perspective the preeminent part of the theory of practical rationality. This argument has two central objectives. Firstly, it aims to identify the defining features of natural law through a moral theory. Secondly, it aims to identify some of the main theoretical options that natural law theorists face in formulating a precise view within the constraints set by these defining features and some of the difficulties for each of these options. In Article 4, Aquinas argues: "Consequently, we must say that the natural law, as to general principles, is the same for all, both as to rectitude and as to knowledge."

According to Aquinas's theory, divinity is not absent from natural law theory, as the original creator of the world, God, must be in some sense ultimately responsible for nature and its laws. Starting with this reasoning, it can be stated that God is the source of all values, which is the predominant philosophy and theology of the Islamic world as well.³ An important feature of this sense of natural law thought has a straight connection to *maslaha*, which refers basically to the purpose or goal which the law is to serve. *Maslaha* is a concept in traditional Islamic law. It is not *Shari'a*, but a notion that belongs to *fiqh* as the Islamic jurisprudence. It is one of the secondary sources in Islamic jurisprudence used by some *madhhab* to interpret *Shari'a* (the general

² Thomas Aquinas, *A Summa Theologica kérdései a jogról*, trans. Tudós Takács János, ed. Varga Csaba (Budapest: Szent István Társulat, 2011), 29-37.

³ Anver M. Emon, *Islamic Natural Law Theories* (New York: Oxford University Press, 2010), 10.

principles present in the Qur'an and the Sunnah) in order to set rules. It is invoked to prohibit or allow something on the basis of whether it serves the common good or public welfare.⁴ "The concept was first clearly articulated by al-Ghazali (d. 1111) who argued that *maslaha* was God's general purpose in revealing the divine law, and that its specific aims were the preservation of the five essentials of human well-being: religion, life, intellect, offspring, and property."⁵

2 Waqf as a Legal Institution of Natural Law

Continuing with this argumentation, a waqf as a legal institution which intends to serve common good or public welfare should be studied. Voluntary sector plays an important role in Muslim societies as opposed to Christian states. Islam, as a religion, lays considerable stress on pious deeds. Islam, as a way of life, however, spells out the basic principles of the legal institutions as zakat, sadaqah and waqf, as well, in order to reach the well-being of the *ummah*.

Ummah is a common Arabic word meaning *nation*. The term takes on religious connotations in the Qur'an where God is said to have sent to each *ummah* its own messenger. The messengers given special prominence as the recipients of scripture and founders of an *ummah* are Moses, Jesus, and Muhammad. As the concept of *ummah* corresponds to our understanding of *nation*, it does not exactly have the same meaning. *Nation* is a strictly political concept; it may be defined as a community of peoples possessing a given territory with their own government; whereas the membership in *ummah* involves commitment to a particular religion. To the Muslim way of thinking, *ummah* represents a universal world order, ruled by an Islamic government in accordance with the Shari'a.⁶

⁴ Abdul Aziz bin Sattam, *Shari'a and the Concept of Benefit: The Use and Function of Maslaha in Islamic Jurisprudence* (London: I.B. Tauris&Co Ltd, 2015), 41.

⁵ Felicitas Opwis, "Maşlahā in Contemporary Islamic Legal Theory", *Islamic Law and Society* Vol. 12, No. 2 (2005): 186.

⁶ Osman Bakar, *Islamic Civilisation and The Modern World: Thematic Essays* (Brunei Darussalam: UBD Press, 2014), 51-52.

Islamic economic system seems to be egalitarian. The primary function of the Islamic voluntary sector is therefore to bring about an equitable distribution of income and wealth. It can be operated either through direct unilateral transfer from the rich to the poor, or may be done via certain aid schemes that would enable the poor to be economically self-reliant.⁷

Voluntary charities in Muslim states takes different forms, one of which is a waqf. The potential of it can be discerned by the consistent insistence on the non-transferability of the ownership rights of the property. Once a piece of property is donated for charitable purpose, the owner ceases to have any claims over it, because in Islam all property is said to belong to no one, only to Allah. The trustee in the form as a single person or a group of individuals will have to manage the property for the generation of income which is distributed as specified by the donor.⁸

This concept is important for the economic and financial development of the poor sections of society because such waqf properties would be managed to generate income for distribution or even for further accumulation of assets. A waqf can therefore be regarded as an important economic legal institution for the purpose of generating economic activity whilst at the same time ensuring that the benefits will accrue to some specific sections of society. A waqf, thus, can be concerned as one of the means of collaborative finance in Muslim societies.

In classical Islamic law, the legal institution of waqf was shaped to its modern form with precisely specified validity requirements for all parts of the obligation – all of them are permeated by the spirit of natural law.

⁷ Mohamed Ariff, *The Islamic Voluntary Sector in Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 1991), 4.

⁸ Ariff, *The Islamic Voluntary Sector in Southeast Asia*, 118-119.

2.1 Validity Requirements on the Side of the Founder (*al-wakif, al-muhabbis*)

The founder of the waqf must have general capacity to act and counteract. Accordingly, he has to be:

- a) an adult;
- b) sound of mind;
- c) capable of handling financial affairs;
- d) a free person;
- e) not under interdiction for prodigality or bankruptcy.

Being a Muslim is not required, thus, waqfs founded by dhimmis were valid as well. The word *dhimmitude* comes from *dhimmi*, an Arabic word meaning *protected*. Dhimmi was the name applied by the Arab-Muslim conquerors to indigenous non-Muslim populations who surrendered by a treaty (*dhimma*) to Muslim domination. Islamic conquests expanded over vast territories in Africa, Europe and Asia, from 638 to 1683. The Muslim empire incorporated numerous varied peoples which had their own religion, culture, language and civilization. For centuries, these native, pre-Islamic peoples constituted the great majority of the population of the Islamic lands. Although these populations differed, they were ruled by the same type of laws, based on the Shari'a.⁹

It is also an important requirement, that if a person founds a waqf during his last illness, its value may not exceed one-third of the estate. It is because this case is under the regulation of wills. According to the Maliki Law School, furthermore, a married woman would need her husband's authorization if the value of the waqf (or any other kind of donation) exceeds one third of her property.¹⁰

⁹ Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (San Francisco: Harper, 2005), 204.

¹⁰ Gabriel Baer, "The Waqf as a Prop for the Social System (Sixteenth-Twentieth Centuries)", *Islamic Law and Society* Vol. 4, No. 3 (1997): 264-297.

2.2 Validity Requirements on the Side of the Object (*al-makuf, al-muhabbas*)

Regarding the object of the waqf, the general regulations are applicable, namely, the ones that are valid for the objects of other contracts involving the transfer of property. It means that they are not excluded from legal traffic and can be the object of a valid contract, therefore:

- a) people have control over them (hence a fish in the sea cannot be its object);
- b) their use is lawful (hence not the things that Islamic law objects to, such as objects used by other religions for worship or impure goods like wine and pork);
- c) they are in no other way excluded from legal traffic (hence not of public domain or a waqf domain);
- d) they must be the property of the founder and cannot be pledged, which means that the founder must be entitled to dispose of the object of the waqf.

In the Hanafi Law School, however, there are even stricter regulations. According to their basic concept, only immovable property can be the object of the waqf. There are only three exceptions:

- a) if the movable goods follow immovable property (such as slaves, animals and tools belonging to a rural estate);
- b) movable goods that are mentioned in certain hadiths as valid objects for a waqf (such as horses and weapons for *jihad*, i. e. a war or struggle against non-believers);
- c) movable goods that people are accustomed to dedicating to a waqf (such as shovels used in the graveyards, copies of the Qur'an used in mosques or shools, pots used in public kitchens for the poor).¹¹

¹¹ Brannon M. Wheeler, *Applying the Canon in Islam. The Authorization and Maintenance of Interpretive reasoning in Hanafi Scholarship* (Albany: State University of New York Press, 1966), 32-35.

2.3 Validity Requirements on the Side of the Beneficiaries

As opposed to the *zakah*, the beneficiaries of the waqf can be not only private persons, but also public utilities, such as schools, hospitals, mosques, drinking fountains, graveyards and bridges. Private persons may mean one or more individuals (such as: *my child, my offspring*), or collective groups (such as: *the poor of this town, the travellers*) as well.

Modern legislation distinguishes between charitable waqfs (*waqf khayri*) which is dedicated to pious causes (public utilities for the poor) and family waqfs (*waqf ahli*) dedicated to the founder's relatives and descendants.¹²

All valid foundations, however, must satisfy the following conditions:

- a) the immediate beneficiaries must exist at the time of the foundation of the waqf, so therefore the designation of an unborn child is invalid (only the Maliki Law School argues that the proceeds of the waqf can be saved until the expected child is born and if this does not happen, it can be returned to the founder or his heirs – this is again a typical natural law concept);
- b) the beneficiaries must be capable of acquiring property, so slaves and dhimmis are excluded from this opportunity (regarding waqfs in favour of public utilities, however, their users can be slaves and dhimmis as well, so in this context their existent beneficiaries do not make the waqf invalid);
- c) the purpose of the waqf must be lawful, which means waqfs for churches and monasteries are invalid (there are some scholars, however, who claim that even these waqfs can be valid if their purpose is not related to worship, but rather social help, such as offering hospitality to the poor or the travellers).

¹² Chadly Fitouri, "The meaning of Islamic brotherhood", in *The Different Aspects of Islamic Culture. The Individual and Society in Islam*, ed. Abdelwahab Bouhdiba et al. (Paris: UNESCO, 1998), 248-249.

3 Waqf and Family: Further Aspects of Natural Law

A controversy can be discovered concerning the validity of a waqf in favour of the founder or his family. In Hungarian law, these foundations break the Civil Code so such stipulation is invalid. In Islamic law, the founding a waqf implies the transfer of the right to dispose of and also the right to use the waqf property as well. Consequently, retaining the totality or even a part of the right to use the property may cause a conflict in this principle.

Family endowment may be created for various reasons, such as a legal fiction to prevent revocation of a sale or to secure property whose ownership is contested, to avoid confiscation, or simply as an act of loving kindness toward a dying husband. Whatever is the founder's motive, the endowment here is an appropriate form for keeping the property intact and so assuring the entitlement of beneficiaries for the duration of the object and regulating the transmission of usufructory rights from generation to generation.

This rule is a natural law item based on the basic thinking of people, which is, therefore, easy to accept with respect to voluntary law-abiding behaviour. Abu Dawud és Hakim also notes that the need of a child, the family, the kinship always precedes that of strangers', so it is not allowed to donate even to the needy aliens at the expense of the family. The same principle is followed by the rule that if one presents his entire fortune, but he has a dependent relative who needs support, he commits a shameful act (*makruh*).¹³

Al-Bukhári wrote in Hadith 2:508, narrated by Hakim bin Hizam: „The Prophet said, "The upper hand is better than the lower hand (i.e. he who gives in charity is better than him who takes it). One should start giving first to his dependents. And the best object of charity is that which is given by a wealthy person (from the money which is left after his expenses are settled). And whoever abstains from asking others

¹³ Mawil Izzi Dien, *Islamic Law from Historical Foundation to Contemporary Practice* (Edinburgh: Edinburgh University Press, 2004), 98.

for some financial help, Allah will give him and save him from asking others, Allah will make him self-sufficient.”¹⁴

4 Waqfs and Foundations

Most law historians suppose that there was no precedence for a waqf in the pre-Islamic Arabia.¹⁵ It has also been argued that the roots of this legal institution in Islam are identical or at least similar to the ancient Christian foundations, and if so, the Muslims were exposed to the idea of Byzantine / Christian foundations that were dedicated to the public benefit and were administered by the bishops.¹⁶ Anyway, it is obvious that the separation of usufruct from ownership was not a new legal concept even at the beginning of Islamic conquest in the Middle East. The operation of waqfs, and the complex Islamic legal system, however, developed to allocate, administer and dispense the usufruct, however, it can be clearly stated that this is a typical Islamic phenomenon.¹⁷ The ritualistic and ecclesiastical administration of medieval Christian foundations is considerably different from that of the Islamic waqfs'. While the former foundations were led exclusively by the bishops of the church, waqfs were administrated by well-behaved individuals. Especially if there were more than one beneficiaries, the founder usually appointed an administrator (*mutawalli*, *nazir*, *kayyim*) and laid down the rules for the appointment of his successors. According to most Law Schools, the founder was entitled to administer the waqf himself during his lifetime. Only the Maliki Law School argued that it was not valid, since the founder actually handed over the property to the beneficiaries or the administrator. In ancient Roman and then in European law only this argument was acceptable from the origins of the legal institution of foundation. The administrator had to have the

¹⁴ Simon Abram, *Shari'a Law. Islamic Quranic Law* (Ontario, California: Douglas Chick, 2011), 103.

¹⁵ Willi Heffening, "Wakf", in *Law in the Middle East. Encyclopedia of Islam*, ed. M. Th. Houtsma et al., First Edition, vol. 4. (Leiden: Brill, 1934), 1096-1103.

¹⁶ *Ibid.*

¹⁷ Henry Cattan, "The Law of Waqf", in *Law in the Middle East*, ed. Majid Khadurri et al. (Washington: The Middle East Institute, 1955), 203-222.

capacity to act and contract. According to all Law Schools, except the Hanafis, he was expected to be a man of Islamic religion. In addition, he had to be trustworthy (*amin*) and had to have the necessary skills.¹⁸

Waqfs had a much broader application and supported a wide range of life-oriented actions from the beginning, as opposed to the mainly sacral Christian endowments. Ron Shamam even argues that there were Palestinian Christians and Jews who established and operated the Muslim waqf as a pious endowment legal institution intentionally during the late Ottoman period. As we have already mentioned, in Judaism and Christianity we also find pious endowment institutions: the Jewish *Hekdesh* and the Christian *Piae Causae*. We can state, however, that these only resembled the waqfs. In spite of this, Christians and Jews in Muslim territories availed themselves of the waqf from the Middle Ages until the end of the Ottoman state. This was a typical example of the use of the majority's legal system by minorities.¹⁹

5 Waqf Nowadays in Turkey

The first known waqf in Anatolia was set up in 1048. It is known that tens of thousands of such Islamic charitable foundations were set up in the Seljuk and Ottoman geography in the historical process and a particular jurisprudence special to these foundations was formed. Since 11th century, these waqfs have constructed thousands of buildings such as mosques, churches, synagogues, shrines, lodges used by Mevlevi dervishes, domes, madrasahs, imarets, Turkish baths (*hamam*), caravansaries, covered bazaars, fountains, bridges, mansions, pavilions, palaces, clock towers with various functions, which also cover some parts of Europe.

The foundations whose managers and trustees have not remained in the historical process and who enable the services to be carried out in a lot of areas such as prosperity activities, social services, education, he-

¹⁸ Ahmad Dallal, "The Islamic Institution of Waqf," in *Islam and Social Policy*, ed. Stephen P. Heyneman (Nashville: Vanderbilt University Press, 2004), 24.

¹⁹ Ron Shamam, "Christian and Jewish Waqf in Palestine during the late Ottoman period," *Bulletin of the School of Oriental and African Studies*, Volume 54, (London, 2009): 460-472, accessed May 28, 2017, DOI: <https://doi.org/10.1017/S0041977X0000823>, 460-472.

alth, religious and town planning are run in compliance with the deeds of trust by *Directorate General of Foundations (GDF)* established with a law on 3rd March, 1924. This institution takes the concepts of helping each other and solidarity as its basis. Through the years, some changes and additions were made on that law and finally the principles regarding the current structure of Directorate General of Foundations were regularized with the Foundations Act no. 5737 dated 20.02.2008.²⁰

5.1 The Turkish VakıfBank

In Turkey in 1926, family waqfs were abolished and public waqfs got nationalised. Public waqfs were transferred to public ownership, known as *foundations*. On 13th April, 1954, under the special charter act (Act no. 6219) dated 11th January, 1954. Türkiye Vakıflar Bankası (VakıfBank) was incorporated in Ankara. Its initial purpose was the management of the cash revenues and expenditures of the charitable foundations set up during the Ottoman Empire period.²¹ As of 31st March, 2017, VakıfBank is the seventh largest bank in Turkey in terms of asset size. Since its very first date of foundation, VakıfBank has continued its activities towards the growth and development of the country's economy and the integration with the world economy pursuant to the provisions of its private law. VakıfBank has been reaching out for its corporate and individual customers in a most efficient manner through its internet and telephone banking services. As of 31st March, 2017, VakıfBank has undertaken a leading role in the financing of domestic and foreign trade through 924 branches, 3,957 ATMs and 200.249 POS units that constitute its alternative distribution channels. VakıfBank has three international branches located in New York, Bahrain and Arbil. In addition, VakıfBank operates in Austria with a subsidiary, VakıfBank International AG, which has branches in Vienna,

²⁰ "Our History," T. R. Prime Ministry Directorate General of Foundations, accessed May 22, 2017, <http://www.vgm.gov.tr/sayfa.aspx?Id=78>.

²¹ "History of VakıfBank," accessed May 22, 2017, <http://www.vakifbank.com.tr/history.aspx?pageID=840>.

Cologne and Frankfurt.²² On 31 st March, 2017, the share capital of VakıfBank was TL 2,500 million consisting of 250,000,000,000 shares, each share with a nominal value of TL 0.01. VakıfBank is controlled by over 40,000 charitable foundations which are managed by the Turkish Prime Ministry's General Directorate of Foundations. During September 2005, VakıfBank and VakıfBank Pension Fund sold, respectively, 27,900,000,000 and 4,300,000,000 Class D common shares of VakıfBank in the IPO, representing 21.8 % and 3.37 %, respectively.²³

A cash waqf can be extended to a waqf bank for several reasons. Almost all waqf issues are rational (*ijtihadi*), and so are based on natural law. According to the rules of Shari'a, the establishment of a waqf bank could also be permitted, if the members of the society can benefit of it, and so it coincides with the interests of the community – here we can again understand the meaning of *maslaha*.²⁴

The Turkish VakıfBank, however, is rather an interest-based and state-owned institution, and therefore its model cannot be entirely followed, though the distribution of dividends on its shareholders, which are Muslim charitable foundations, can be an example to follow for most Western banks. In any case, we can conclude that banks nowadays play a very important role in supporting the poor in Islamic countries, taking social responsibility through the operation of their Islamic foundations.

5.2 Charity-sponsoring Legislation

In modern Turkish legal system, we cannot find specific regulations regarding charity *expressis verbis*, neither in the Constitution nor in private or tax law. However, regulations on types of charitable institutions are maintained in the Turkish legal order.²⁵ In Turkish practice,

²² "VakıfBank in Brief," accessed May 22, 2017, <http://www.vakifbank.com.tr/vakifbank-in-brief.aspx?pageID=839>.

²³ "Ownership Structure," accessed May 22, 2017, <http://www.vakifbank.com.tr/ownership-structure.aspx?pageID=842>.

²⁴ Mohammad Tahir Sabit Haji Mohammad, "Towards an Islamic Social (Waqf) Bank", *International Journal of Trade, Economics and Finance* Vol. 2, No. 5 (2011): 383.

²⁵ Billur Yalti, "Taxation of Charities in Turkey (draft)," accessed May 22, 2017, <http://eatlp.org/uploads/public/Reports%20Rotterdam/National%20report%20Turkey.pdf>.

the most important and common types of charitable institutions are the waqf (vakif). Foundations are regulated by the Turkish Civil Code (TCC) and the Foundations Law. The legal definition of a foundation is provided under Article 101 of the TCC, Section Three:

”ARTICLE 101 – The foundations are the charity groups in the status of a legal entity formed by real persons or legal entities dedicating their private property and rights for public use. The entire property or all kinds of income received or to be received from the activities, or economic values of any real person or legal entity may be endowed to a foundation. There is no membership status in the foundations. Formation of a foundation contrary to the characteristics of the Republic defined by the Constitution, Constitutional rules, laws, ethics, national integrity and national interest, or with the aim of supporting a distinctive race or community, is restricted.”²⁶

The right to establish associations and foundations is granted under Article 33 of the Turkish Constitution:

”ARTICLE 33 – (As amended on October 3, 2001; Act No. 4709) 16 Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission.

No one shall be compelled to become or remain a member of an association.

Freedom of association may be restricted only by law on the grounds of national security, public order, prevention of commission of crime, public morals, public health and protecting the freedoms of other individuals.

The formalities, conditions, and procedures to be applied in the exercise of freedom of association shall be prescribed by law.

Associations may be dissolved or suspended from activity by the decision of a judge in cases prescribed by law. However, where it is required for, and a delay constitutes a prejudice to, national security, public order, prevention of commission or continuation of a crime, or an arrest, an authority may be vested with power by law to suspend the association from activity. The decision of this authority shall be submitted for the approval of the judge having jurisdiction within twenty-four hours. The judge shall announce his/her decision within forty-eight hours; otherwise, this administrative decision shall be annulled automatically. Provisions of the first paragraph shall not prevent im-

²⁶ ”Turkish Civil Code,” Text updated Law No. 4963, dated 6/8/2003 published in official Gazette No.25192 dated 7/8/2003, accessed May 22, 2017, http://www.tusev.org.tr/usrfiles/files/Turkish_Civil_Code.pdf.

position of restrictions on the rights of armed forces and security forces officials and civil servants to the extent that the duties of civil servants so require. The provisions of this article shall also apply to foundations.”²⁷

Accordingly, everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission. No one shall be compelled to become or remain a member of an association. The provisions of this article are also applicable to foundations.

Generally, there are no restrictions concerning the purpose of foundations. Article 33 of the Turkish Constitution stipulates that the freedom of establishing associations and foundations may only be restricted by law on the grounds of protecting national security and public order, preventing crime or protecting public morals and public health. In addition, a general restrictive provision on the purpose of a foundation exists in Article 101 of the TCC. The purpose of a foundation must comply with the characteristics of the Republic as defined in the Constitution, fundamental Constitutional principles: laws, ethics, national unity and national interest (*maslaha*) and the formation of a foundation with the aim of supporting a particular race or community is forbidden. In addition, Article 47 of the TCC stipulates: if the purpose of an entity becomes incompatible with law and ethics, the entity is not entitled to retain its legal identity:

”ARTICLE 47 – Group of persons organized to create a single body and independent property groups constructed for special object are defined as legal entity as per the provisions contrasting its qualities, relations etc. The groups comprising persons and properties of which the object is contrary to the laws and ethics may not be entitled to possess the status of legal entity.”²⁸

In Turkish tax law, there are no specific provisions which provide a general tax exemption applicable for charity institutions. However, tax-exempt statute may be granted to foundations under specific conditions, although this statute does not generate an income tax exemption

²⁷ ”Constitution of the Republic of Turkey,” accessed: May 22, 2017, https://global.tbmm.gov.tr/docs/constitution_en.pdf.

²⁸ ”Turkish Civil Code.”

and has limited impact on other obligations arising from other taxes and duties.

Tax-exempt statute is not applicable on corporate income tax applied on profits of business enterprises of foundations. This statute, nevertheless, grants donors the right to deduct their donations to tax-exempt foundations from their taxable income to a certain extent. Similarly, tax-exempt statute does not generate a general exemption on the value added tax (i.e. VAT) applied on the supplies of goods and services of a foundation or vice versa. However, the supply of goods and services conducted for the purpose of cultural, educational and social purposes by tax-exempt foundations is exempt from value added tax. In addition, certain supplies made by taxable persons to tax-exempt foundations benefit from exemptions specified by the law. Tax-exempt foundations are exempt from the obligation of real estate tax applied on their buildings provided that those buildings are allocated to the purpose specified in their charter. Such foundations are also exempt from registration fees applied on the immovable property donations, acquisitions or sales. Since foundations are not taxable themselves, gifts and donations made to such entities are not taxable either.²⁹ Tax exemption is again a typical solution of natural law, as it would admittedly be contrary to fundamental moral norms if the good deed and the donation were to be taxed or otherwise punished officially.

6 Waqf Nowadays in Islamic Economy

All kinds of donations acted by the wealthy and the poor alike helped the Muslims to build their special and charity-based civilization. The principal goal of waqf endowments is to create a lasting charity institution that can be used for various benevolent purposes as desired by the donor while the principal bequest property remains intact. Such waqf property enables different welfare foundations to plan their multifarious future activities. At the dawn of Islam, people normally bequeathed lands and buildings to a waqf. Nowadays, businessmen rather start to bequeath shares and bonds of Islamic financial institutions to a

²⁹ Yalti, "Taxation of Charities in Turkey."

waqf. For the 21st century, it is a generally accepted practice to donate to waqfs the shares of such establishments whose dividend can be used as charity. The number of Islamic banks and Islamic insurance companies is increasing all over the world. There are many industries that are following Islamic principles in investment, production and marketing. The ancient and natural legal institution of waqf seems to be an always renewable and everlasting solution of many problems that emerge in Islamic societies. "In fact, a waqf is an engine of economic growth."³⁰

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³⁰ Shah Abdul Halim, *Waqf: Scope and Dimension*, 2007, 1-6., accessed May 28, 2017. http://www.shahfoundationbd.org/halim/Waqf_Scope_Dimension.pdf.

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MORALITY OR MONEY? DEMOCRACY AND ISLAMIC ECONOMIC PREDICAMENTS¹

Sami Al-Daghistani

I Introduction and the Research Question

Economic tradition in Islam is as old as the religion itself. The Prophet Muhammad and the early caliphs procured economic endeavours and encouraged healthy market activities relying on the moral predicaments of *Shari'a*. Classical Muslim thinkers also provided seminal contributions to *Shari'a*-stipulated and ethical economic behaviour that was grounded in juridical, philosophical and Sufi-mystical traditions of Islam (e.g. Abū Yūsuf, al-Shaybānī, Ibn Abi al-Dunyā, al-Muḥāsibī, al-Ghazālī). They invoked concepts such as prohibition of hoarding, fair price, equal distribution, demand and supply, division of labour, market inspection, the role of the governmental authority, and other mechanisms and concepts, while justifying their arguments based on the Qur'anic episteme of ethics. In the late 19th century and the beginning of the 20th century, with the rise of political Islam, many revivalists (Jamāl al-Dīn al-Afghānī, Muḥammad 'Abduh, Rashīd Riḍā, Ḥasan al-Banna, Syed Quṭb, Muhammad Iqbal) addressed economic and social issues of the time, yet the so-called "economic Islam" or contemporary Islamic economic thought emerged as a distinct field of study only with the religious scholars and Muslim economists (Muhammad Hamidullah, Abu al-'Ala Mawdudi, Ahmed Khurshid, Isma'il al-Faruqi, Nejatullah Siddiqi, Umer Chapra, Anas Zarqa, Choudhury, Muḥammad Baqir al-Ṣadr, and others) in the 20th century.² Contem-

¹ This paper is partially based on my research on the genealogy and epistemology of economic ideas in Islamic tradition.

² See Muhammad Akram Khan, *What is Wrong with Islamic Economics? Analysing the Present State and Future Agenda* (UK, US: Edward Elgar Publishing), 2013.

porary Islamic economic thought emerged as a distinct field of study in the second half of the 20th century, and ever since it has been a newly established platform, theory, and scientific domain encapsulated in the ideological formation of a modern nation state that has nonetheless encompassed religious thought. It gradually gained momentum with the expansion of Islamic finance and banking as a by-product of lucrative financial markets and global capitalism. Not only has classical Islamic scholarship and its epistemological contributions on economic thought not been sufficiently studied by the contemporary Muslims scholars, but its predicaments on social and economic justice have also been largely omitted by contemporary Muslim economists. Moreover, Islamic economics and finances were made fit within the dominant narrative of the global political economy.³ This indicates that the conceptualization of contemporary Islamic economics and finances does not necessary translate into the ethical postulates of justice, equality, equilibrium and fair distribution in real-life (Muslim) societies. This concern leads to the research question of the paper, namely “What is moral economy in Islam and how do ethical predicaments reflect democratic values of prosperity and wellbeing in a (Muslim) society?” Drawing from the intellectual history in Islam, those values do not necessarily lie in the separation of religion and state as it is known in the West, but are embedded in the notion of a just and welfare-oriented economic reality.

In order to present the subject of Islamic economics, its specifics and its shortcoming, this paper will examine classical Islamic scholarship and analyze the revivalist and contemporary literature on Islamic (political) economy, finances, Islamic law, and ethics. In order to deconstruct and analyze the already existing theories on Islamic economics, this article explores the genealogical and hermeneutical approaches to Islamic economic philosophy. This entails the questions pertaining to the nature of economic ideas in Islamic tradition and the role of Islamic law therein. In the conclusion, I propose a new reading of economic thought in Islamic tradition in relation to socio-political, epistemological, and Sufi-philosophical discourse. The article is divided into

³ See e.g. Charles Tripp, *Islam and Moral Economy* (Cambridge: Cambridge University Press, 2006).

eight parts, including Introduction and Conclusion. The second part explores the notion of secularism, democracy and state, and the critical appropriation of those terms for (Muslim) societies. The third part discusses the history of Islamic law and its relation to the phenomenon of the “Islamic state”. The fourth, fifth, and sixth parts analyze the classical, modernist, and contemporary approach to (socio)economic thought in Islamic tradition, respectively, whilst the seventh part provides a critique of the existing structures of Islamic economics thought and Islamic finances. In conclusion, I propose to approach economic theories and economic development in (the Middle East) societies also through human development, founded on the Islamic ethos of justice, equity, and spiritual uplift.

2 Secularism, Democracy and the State – Convergences or Contestations?

Often the ideas of democracy and democratic rule are portrayed by providing fundamental human rights and liberties. Democracy is associated with exercising the rule of law, holding a representative and participatory government, separation of powers, and rule of law. Often, human rights and liberties are portrayed to manifest human dignity, which is protected against the coercive power of the state. Yet, analyzing political agency and political power, democratic processes have also emerged in tandem with political reverberations, colonial quests, and economic excursions.⁴ Multiple examples exist suggesting that Islam envisages and differentiates between the civilian system of rule and theocracy.⁵ In Islamic tradition, this idea goes back to the very first Muslim community in which the head of state was elected by the members of the community through consultation and pledge of allegiance (*bay'ah*). Despite its practical implication and political power, the religious con-

⁴ See Timothy Mitchell, *Carbon Democracy: Political Power in the Age of Oil* (London and New York: Verso, 2011).

⁵ See e.g. Wael Hallaq, *The Impossible State*, (New York: Columbia University Press, 2013); Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2008).

stituency of the Islamic governmental authority has always been nominal in managing political and socio-economic affairs in Islamic history.⁶

For Abdolkarim Soroush, a government needs two compulsory components in order to retain itself – a source of legitimization and a normative framework.⁷ He holds that secularism “is nothing but the ‘scientification’ and rationalization of social and political thought and deliberation.”⁸ The pre-modern ethical system has been replaced by the system of material gains and secular ethics, leading to a certain type of utilitarianism,⁹ which explains the nature of man and ethics without the spiritual component. Following this reasoning, the secular design of society appears as a manifestation of this very process.¹⁰ By analyzing the concept of secularism and secularization in the Middle East, Saba Mahmood states that “It has become *de rigueur* for leftists and liberals alike to link the fate of democracy in the Muslim world with the institutionalization of secularism – both as a political doctrine and as a political ethic.”¹¹ In this perspective, the modern notion of secularism emerged in the seventeenth century as a political solution with an aim to end the religious wars between conflicting Christian sects, which

⁶ For more see Wael Hallaq, *Shari'a: Theory, Practice, Transformations* (New York: Cambridge University Press, 2009), part one.

⁷ Abdolkarim Soroush, *Reason, freedom, and democracy in Islam: essential writings of Abdolkarim Soroush*, trans., ed. Mahmoud Sadri, Ahmad Sadri (Oxford: Oxford University Press, 2000), 57.

⁸ Abdolkarim Soroush, *Reason, freedom, and democracy in Islam*, 57.

⁹ “Bentham, the father of utilitarianism and one of the forerunners of this transformation, made morality into an inner-worldly calculus; Mandeville turned the ethics of everyday life on its head; likewise, Machiavelli reversed the foundations of political ethics. But modern utilitarianism turned this wild beast of accidental and irrational happiness (which was at the core of the old ethics and around which a whole constellation of habits, conventions, expectations, and behavioral patterns had formed) into an obedient, domesticated animal. Ethical axioms were evaluated in terms of their ability to ensure public happiness, pleasure, and welfare.” Abdolkarim Soroush, *Reason, freedom, and democracy in Islam*, 41.

¹⁰ Abdolkarim Soroush, *Reason, freedom, and democracy in Islam*, 68.

¹¹ Saba Mahmood, “Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation,” *Public Culture*, Vol. 18, No. 2 (2006): 323. Compare this with Vali Reza Nasr’s opposite thesis to promote economic prosperity in the Middle East through neo-liberal ideology in order to counteract extremism across Muslim societies. See Vali Reza Nasr, *The Rise of Islamic Capitalism: Why the New Muslim Middle Class Is the Key to Defeating Extremism* (New York: Free Press, 2009).

in turn defined political ethics independently from religious doctrinal understanding.¹²

Regardless of the given socio-economic reality in the Middle East and (South) Asia, which largely owes its political, economic and legal form to the colonial excursions,¹³ according to Abdolkarim Soroush, two kinds of human values exist: the so-called guiding values and serving values.¹⁴ Guiding values such as goodness, justice (and even *maslaha* or public good) transcend time and space and are ahistorical, whereas the serving values according to which man lives on day-to-day basis, are functional and part of man's social life. This precludes cultural, material and industrial progress that alternates the serving values in order to follow socioeconomic development, as dictated by the current global political and economic demands, and does not guarantee a just and equitable economic system. The guiding values that promote moral and spiritual endeavours, applicable also in the domain of economics, in theory, ought to provide for the society's basic needs and healthy economic provisions.

According to Mahmood, secularism as it is known nowadays, does not necessarily translate into the separation of religion and in religious freedom, but rather

in the kind of subjectivity that a secular culture authorizes, the practices it redeems as truly (versus superficially) spiritual, and the particular relationship to history that it prescribes. These aspects of secular culture, now often noted under the section of secularity, are propagated through not only the agency of the state but also a variety of social groups and actors who might even challenge the state's sovereign claim to define the exception. It is suggested that the political solution which is proffered by secularism lies not so much in tolerating difference and diversity but in remaking certain kinds of religious

¹² "Insomuch as liberalism is about the regulation of individual and collective liberties, it is the principle of freedom of conscience that makes secularism central to liberal political philosophy in this account." Saba Mahmood, "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation," 324.

¹³ See e.g. Iza Hussin, *The Politics of Islamic Law* (Chicago: Chicago University Press, 2016), chapter five; Wael Hallaq, *Shari'a: Theory, Practice, Transformations*, part three.

¹⁴ Abdolkarim Soroush, *Reason, freedom, and democracy in Islam*, 39-40.

subjectivities (even if this requires the use of violence) so as to render them compliant with liberal political rule.¹⁵

In the secularization of ethics, the current development of global capitalism expounds primarily the serving values, pertaining to individual endeavours and gains. As such, socioeconomic development grounded on a just, socially conscious and moral order, intended to achieve universal liberties of human beings from the shekels of material needs, has to be set as one of the primary aims of democratization, for socially-oriented policy can prevail only when there is no injustice and poverty. The concept of democracy, which is nowadays available only to some, can be in light of this consideration, identified as a manifestation of achieving a certain level of (economic and social) justice in society.¹⁶ Yet, in order to briefly explore the correlation between the notion of democracy, religious freedom, and state in Islam, it is inevitable to look closer at the function of Islamic law and *Shari'a* in how the legal structure has managed that very dynamics.

3 *Shari'a* and legal reasoning in Islamic tradition

Islam is often interpreted as one's submission to the will of God by confirming the Divine Unity of existence, and *Shari'a* is by many Muslim scholars perceived as the divine code of conduct. If *fiqh* is a legal and ethical system that measures and foresees relations between men in society, "its notion of legal capacity is based on the concept of the rational actor."¹⁷ In the modern period, however, the perception of

¹⁵ Saba Mahmood, "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation," 328.

¹⁶ "Democracy is desirable for all, but in practice it is not available to all. It requires a certain level of normative, political, and governmental development that is contingent upon economic development. The greatest dictatorship is that of poverty and ignorance... Subtle and spiritual values (such as the love of liberty and of knowledge) are more prevalent in developed societies because human beings are less enslaved by elementary needs. Still, ideology, the instrument of intellectual enslavement that imposes subjective schemes on objective realities, has not lost its hold on such societies." Abdolkarim Soroush, *Reason, freedom, and democracy in Islam*, 45.

¹⁷ Baber Johansen, *The Changing Limits of Contingency in the History of Muslim Law*, third Annual Levtzion Lecture, The Nehemia Levtzion Center for Islamic Studies, The Institute for Asian and African Studies, The Hebrew University of Jerusalem, 2013, 33. The science of applying *Shari'a* or the academic discipline that inquires upon *Shari'a* stipulations was developed

Shari'a changed due to the modernization of Muslim countries, the introduction of educational, political and legal reforms, and the adaptation of Western legal norms and codes.¹⁸ *Shari'a* has often been conflated with the law of the Muslim lands called *qanun*. New interpretations of *Shari'a* by Muslim scholars and activists such as Ḥasan al-Banna, Sayyid Quṭb, and Abu l-'Ala Mawdudi¹⁹ called for the integration of *Shari'a* in Muslim countries. Muslim scholars provided a critique of the existing social constraints and precarious conditions by advocating a morally conscious economic behaviour, either by reinvigorating “authentically” Islamic vision of society and economy, or by flirting with socialist ideas.²⁰ This, however, was interwoven into the concept of the state, which for modern Muslim scholars exhibited a solution wherein their ideas could flourish rather than an ideological apparatus. “It was the state which would both defend society against the depredations of capitalism and lay the foundation for its Islamic reassertion” since “the peoples of the Islamic world and the Middle East had experienced capitalism through the intrusion of the modern state as the vehicle of a capitalist order.”²¹ It was the state, which did not facilitate the implementation of social and political revivalism through Qur'anic ethics, but rather incorporated and allowed the power structure that would eventually accommodate the blossoming of capitalism in the upcoming decades.

According to Griffel, many nowadays perceive *Shari'a* as a canonized code of law, similar to Western codes and laws.²² The ubiquitous-

in the classical period and is called *fiqh* whereas the methodology of the *Shari'a* sources is called *usūl al-fiqh* or the principles of jurisprudence. See Harald Motzki: *Die Anfänge der islamischen Jurisprudenz: ihre Entwicklung in Mekka bis zur Mitte des 2.18. Jahrhunderts* (Stuttgart: Steiner, 1991); Wael Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005); Mohammad Hashim Kamali, *Shari'a Law: An Introduction* (Oxford: Oneworld, 2008).

¹⁸ Hussin, *The Politics of Islamic Law*, chapter six.

¹⁹ See e.g. Seyyed Vali Reza Nasr, *Mawdudi and the making of Islamic revivalism* (New York, Oxford: Oxford University Press, 1996).

²⁰ See e.g. Sayyid Quṭb, *Ma'arakat al-islām wa-l-ra'smaliyah* (Cairo: Dār al-Shurūq, 1993) and *Al-'Adālat al-ijtima'iyah fi al-islām* (Cairo: Dar al-Shuruq, 1977).

²¹ Tripp, *Islam and Moral Economy*, 77.

²² On the modernization of traditional religious learning and its transformed of the Islamic law see Aria Nakissa, “An Epistemic Shift in Islamic Law: Educational Reform at al-Azhar and Dār al-'Ulūm,” *Islamic law and society*, 21 (2014): 209-251. On the modernizing of the Middle East, the role of *Shari'a* therein and islamists' turn see Wael Hallaq, *Introduction to Islamic Law*

us perception of Islamic law as *Shari'a* is ingrained in the continuous, unchallenged and assumptive analysis made by various Western and Muslim scholars who dichotomized law from morality. This approach differentiates between the law, which is procured by the law-making entity, namely the modern state, and the moral implication thereof. The problematic of reading *Shari'a* as Islamic law as being diverged from Qur'anic morality as a separate entity stems from the Western intellectual discussions and later Orientalists' appropriation of such dichotomies.²³ In the pre-modern Islamic tradition, however, the moral and the legal were not dichotomized and were interwoven into the Qur'anic fabric of a worldview. Hallaq states that "the conceptual and linguistic transformation that occurred within the Enlightenment was to be more or less replicated about a century or two later in *modernized Islam*."²⁴

It has been well documented that with the onslaught of colonialism, the institution of *Shari'a* as one of the central paradigm in Islam has been marginalized and gradually replaced with European codes and laws.²⁵ Consequently, the concept of Islamic state has emerged along with the discourse on revival of Islamic law as an alternative to the abolished caliphate.²⁶ The concept and modern understanding of Islamic

(Cambridge: Cambridge University Press, 2009), part two, and Wael Hallaq, *Shari'a: Theory, Practice, Transformations*, part three.

²³ The very culture in which this dichotomy is embedded has been generated through certain philosophical discourse. See Descartes, *Discours de la Méthode et Essais*, ed. Marie Beyssade and Denis Kambouchner, 3 Vols. (Paris: Gallimard, 2009); Carl J. Friedrich, *The Philosophy of Law in Historical Perspective* (Chicago: University of Chicago Press, 1963); Alasdair MacIntyre, *A Short History of Ethics* (London: Routledge, 1998); on the critique of the dualism between *is/ought* see Friedrich Nietzsche: *Sämtliche Werke*, ed. Giorgio Colli and Mazzino Montinari (Berlin and New York: de Gruyter, dtv, 1967); on the notion of the Qur'an as a structure for moral law see Wael Hallaq, "Groundwork of the Moral Law: A New Look at the Qur'an and the Genesis of Shari'a," *Islamic Law and Society*, 16 (2009): 239-279.

²⁴ Wael, Hallaq, "Groundwork of the Moral Law," 257; see also Thomas Bauer and his theory of Islam as a culture of ambiguity in relation to how Cartesian philosophy and worldview via the colonization shaped a modern Islamic vision of fields of knowledge, including the law.

²⁵ Kamali, *Shari'a Law: An Introduction*, 233.

²⁶ Kamali notes that "Although dawah Islāmiyyah has been with us for about a century, it seems to have had a checkered history, as no consensus has yet emerged over the definition and basic requirement of an Islamic state. Somewhat like the caliphate, dawah Islāmiyyah also lacked a textual basis in the Shari'a, but unlike the former, for which a precedent had existed, dawah Islāmiyyah lacked even that, and controversy over it has persisted even in Iran and Pakistan (and more recently Afghanistan) which have formally embraced the idea. The history

state are rather problematic, since they are based on the predicaments of the modern nation state that includes a specific realization of the socio-economic state.²⁷ Even if some scholars claim that Islamic law is compatible with the modern state,²⁸ the gist of the matter in restructuring the discourse on economics and law in Islam presupposes the restructuring of the moral fiber of an individual, which in turn inevitably leads to rethinking the concept of the modern state and its apparatuses.

Despite the fact that law and legal reasoning has always played an important role in reinforcing ethical and economic ideas in Islamic tradition, many classical Muslim scholars had deliberated economic ideas not only within the legal discourse but primarily in connection with the moral and spiritual aspects of existence and wellbeing.

4 Classical Islamic Economic Thought

The history of Islamic economics relates to the very first scriptural sources of Islam, namely the Qur'an and *Sunna*, each containing a number of economic ideas and applied practices. Ascetic behaviour (*zuhd*) that was applied by many classical Muslim scholars does not presuppose a negation of worldly affairs, but rather a healthy engagement in economic affairs pertaining to the overall behaviour of man. The teachings of scriptural sources were combined with the individual reasoning (*ijtihad*) and judgment of learned men ('*ulamā*') in solving the emerging difficulties. According to Islahi, medieval Muslim scholars and their writings on economics can be divided into three periods.²⁹ Various classical and medieval Muslim scholars had contributed

of state and government in Islam has known a variety of nomenclatures, including caliphate, imamate, sultanate and emirate, which, however, did not include dawlah Islāmiyyah. Was this an accidental exclusion, or indicative perhaps of an understanding that religion and state, although related entities and concepts, were not necessarily an extension of one another?" Kamali, *Shari'a Law: An Introduction*, 242.

²⁷ Hallaq showed that a modern Islamic (nation) state is rather an impossibility and a paradox. See Hallaq, *The Impossible State*.

²⁸ See An-Na'im, *Islam and the Secular State*.

²⁹ The first phase or the formation period, spanning from the commencement of the Qur'anic revelation to the end of the era of Companions, i.e. *ṣahāba* (632 – 718 A.D.); the second phase or the translation period, during which many texts were translated into Arabic (8th – 11th century A.D.); and the third phase designates the transmission period, which witnesses the dis-

to economic ideas and moral conduct in Islamic tradition while invoking economic postulates within legal, philosophical, theological, and Sufi-mystical framework. For instance, al-Shaybānī, Ibn Abi al-Dunyā and al-Muḥāsibī analyzed the concepts of earning, wealth and money from a moral angle. Among many other scholars, al-Ghazālī believed that Islam advocates a spiritual and balanced approach to one's life that stretched between *dunyā* (the here) and the *ākhirā* (the hereafter).³⁰ Ibn Taymiyya had also made contributions to economic ideas by developing the term just price and labour value. He analyzed how fair price shapes social boundaries in relation to the common good. Ibn Taymiyya also believed that value is an increment obtained from both labour and capital.³¹ Al-Dimashqī argued that mutual cooperation and division of labour are being utilized for more than just barter exchange.³² Further, Ibn Khaldūn (1332-1406 A.D.), known as a historian and the father of modern sociology, also provided a more rational approach to economic reasoning and the cyclic theory of societies. In his opus *Muqaddima*, he attempted to detect the natural laws that are present in the deve-

semination of translated texts from the hands of Muslim scholars, when Greco-Islamic ideas reached Europe (12th-15th A.D. century). The translation period is designated as the era in which foreign ideas and authors, e.g. the Greeks, were translated into Arabic, bearing a certain relevance and impact on the further development of Medieval Islamic economic science by combining Islamic heritage with foreign knowledge. A second group tried to discern between beneficial and controversial ideas in relation to Islamic principles, whereas the third group comprised Islamic philosophers who were deeply influenced by Greek philosophy. A fourth group, namely Sufis or *ahl al-taṣawwuf*, incorporated mystic elements of divine worship also found in Islamic sources. Abdul Azim Islahi, *Contribution of Muslim Scholars to Economic Thought and Analysis*, 11-905 A.H./632-1500 A.D., (Jeddah: Islamic Economics Research Centre, King Abdulaziz University, 1425/2004), 15.

³⁰ See Abu Hamid al-Ghazālī, *Iḥyā' Ulūm al-Dīn*, 4 Vols, (Beirut: Dār al-Nadwah, n.d.).

³¹ See Ibn Taymiyya, *Majmu' Fatāwa Shaykh al-Islām Aḥmad Ibn Taymiyya* (Al-Riyāḍ: Matābī' al-Riyāḍ, 1963), Vol. 30, 87, 103.

³² Abu'l-Fadl Ja'far al-Dimashqī, *Al-Ishārah ilā Maḥāsini al-Tijāra* (Cairo: Maktabah al-Kulliyat al-Azhariyyah, 1977).

lopment of societies.³³ For many classical scholars, social and economic development was perceived as socially obligatory duties.³⁴

5 The Revivalist Movement in Islam and Capitalism

Many Muslim revivalists such as al-Afghānī, Muḥammad ‘Abduh, Rashīd Riḍā, Muhammad Iqbal and others envisioned a moral order that would not be indicted by or associated with Western capitalism and socialism.³⁵ For many revivalists, the individual, within the narrative of the *umma* (Muslim community) was to be the prime aim of restructuring values, norms, and principles, including the underpinning of Islam’s moral economy.

Capitalism as a system of economic life has been associated with a view of human rationale, which advocates individual self-interest, ends / means calculations, and utilitarian gains.³⁶ This was possible due to the role of the market which encourages commodification and the free flow of trade. In a capitalist-driven system

“the market is not only the major site for the exchange of commodities, but becomes the supreme institution and dominant metaphor for most social transactions... Money and the search for profit become the measures of all things, completing the circle of disembodied cash transactions in which

³³ One of the most important discoveries of Ibn Khaldūn was that economic development appears in his theory of cycles to correlate with the expansion of urban areas and empires. Once an empire reaches its highest point in development, a decline in strictly economic terms also commences. As far as the labour theory of value is concerned, Ibn Khaldūn insists that “profit is the value realized from labour.” Ibn Khaldun, *Muqaddimah*, Vol. 2, (Beirut: Dar al-Fikr, 1967), 272. On another occasion he states that “it has, thus, become clear that gains and profits in their entirety or for most part, are value realized from human labour” (Ibn Khaldun, Vol. 2, 314).

³⁴ See for instance al-Ghazālī, *Iḥyā’ Ulūm al-Dīn*, 32.

³⁵ For instance, ‘Abduh was concerned about excessive conduct and; Rashīd Riḍā trying to theorized basic provisions for the community within the parameters of *Shari‘a*; for Iqbal materialism deprived human being of spiritual wealth. For more see Jamāl al-Dīn al-Afghānī, *Al-A‘mal al-Kāmilah* (Cairo: Dār al-Kitāb al-‘Arabī li al-Tab‘ah wa al-Nahar, 1968); Rashīd Riḍā, *Al-Ribā wa al-mu‘āmalāt fī al-islām*, ed. Muḥammad Bahjat al-Bitar (Beirut, 1986); Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, electronic version, available at www.alhassanain.org/english.

³⁶ See e.g. Milton Friedman, “The Methodology of Positive Economics,” in *Essays in Positive Economics* (Chicago: University of Chicago Press, 1953).

ethical constraints are no longer considered part of the process, except prudentially. This model of rationality colonises the ethical world, suggesting that it is the model for a universal rationality, its triumph evident in the ethically sanctioned freeing of ‘human nature’ to become the agent that will reproduce capitalist enterprise”.³⁷

Its inhumanity depends heavily upon the commodification of labour, whereby human exploitation is inevitable. In the context of African, Middle Eastern and Asian countries, the colonial powers diminished the local cultures, including social and economic realities. However, under the pressure from the ruling classes, local elites accommodated the political, legal and economic implementations, which were at times confronted with the Islamist call for an Islamic society.

...Those who responded in an Islamic idiom were reacting sceptically to the benefits of material progress and were articulating the perturbation of societies undergoing legal, economic and political change. They were also giving voice to an idealised and consciously ‘Islamised’ version of the moral economy. This provided a touchstone of authenticity, as well as terms of reference for the projected reconstruction of an integral Islamic order.³⁸

Hence, one of the most pertinent questions is whether the so-called Islamic vision of society and its moral postulates could be asserted in its distinctive form and constructed independently from the emerging economic trends of global capitalism.³⁹

³⁷ Tripp, *Islam and Moral Economy*, 5. For more see Roger Friedland and A. F. Robertson, eds., *Beyond the Marketplace: Rethinking Economy and Society* (New York: Routledge, 1990).

³⁸ Tripp, *Islam and Moral Economy*, 32-33.

³⁹ This would inevitably address also the question on whether global capitalism is conducive with the Islamic values of economic conduct and how the two intermingle in contemporary world. “Capitalism itself was being moderated from within through Keynesian welfare economics, and challenged from without by the model championed by the USSR and its allies. Thus, the period opened up the possibilities for various forms of action, stimulating the imagination of many in the region. This raised the fear for those who were determined to reshape public life, society and economy along distinctively Islamic lines that others, inimical to Islam, were also preparing to seize this moment of historical possibility”. Tripp, *Islam and Moral Economy*, 46.

6 Contemporary Islamic Economics – between Islamization and the Global World Order

As there are many definitions and theories,⁴⁰ there is no clear indication what exactly Islamic economics encompass or what its subject matter consists of; however, what was formulated as the Islamic position on economics was a value system of Islam.⁴¹ The majority of contemporary scholars on Islamic economics approach the subject of Islamic economics from a comparative viewpoint, analyzing Islamic economics in relation to socialism and capitalism. Various mechanisms within Islamic thought⁴² have been appropriated and advanced in the field of Islamic economics in order to juxtapose it to capitalism and socialism, by defining it as a “third way.” The Islamic economic project addressed moral and economic issues, modeling an economic idea based on Islamic principles that would compete with the twentieth century capitalism. Reza Vali Nasr asserts that Islamic economics has evolved along three distinct modes.

⁴⁰ See for instance Mohammad Nejatullah Siddiqi, *Muslim Economic Thinking: A Survey of Contemporary Literature* (UK: Leicester Islamic Foundation, 1981); Syed Nawab Haidar Naqvi, *Islam, Economics, And Society*, (London: Kegan Paul International, 1994); Abbas Mirakhor, *A note on Islamic Economics* (Jeddah, Saudi Arabia: Islamic Development Bank, Islamic Research and Training Institute, 2007); Masudul Alam Choudhury, *The Islamic worldview* (London, New York: Kegan Paul, 2000); Masudul Alam Choudhury, *Studies in Islamic Social Sciences* (GB, USA: Macmillan, St. Martin's Press, 1998); Masudul Alam Choudhury, *The Principles of Islamic Political Economy: A Methodological Enquiry* (New York: Macmillan, 1992); Muhammad Akram Khan, *An Introduction to Islamic Economics* (New Delhi: Kitab Bhavan, 1999).

⁴¹ Rauf A. Azhar, *Economics of an Islamic Economy* (Leiden: Brill, 2010), 6.

⁴² *Falāḥ* (well-being), *ʿadl* (social justice), and *maṣlaḥa* (social welfare or public good) are some of the basic norms by which the legitimacy of economic activity can be established. *Falāḥ* implies an Islamic emphasis on the well-being of the society as a whole as well as of each of its members, and avoidance of luxuries. Also, the notion of justice (and just price) plays a prominent role in Islamic economics, whilst *maṣlaḥa* has been rendered an objective and aim of contemporary economic thought. Man's struggle has been in the modern period directed towards the production, consumption and distribution of wealth and that is why the redistributive system is so pertinent to the discussion at stake. For *maṣlaḥa* and *maqāṣid al-Sharīʿa* see e.g. Jaser Ouda, *Maqāṣid al-Sharīʿa: An Introductory Guide* (Herndon: IIIT, 2008); for *maṣlaḥa* and Islamic economics see Mohammad Umer Chapra, *The Islamic Vision of Development in the Light of Maqāṣid al-Sharīʿa* (Jeddah: Islamic Research and Training Institute Islamic Development Bank, 2008); for Islamic economics as a third way see Bāqir Muḥammad al-Sadr, *Iqtisāduna* (Tehran: World Organization for Islamic Services, 1982); on the Qurʿanic philosophy of moderation see Qurʿan e.g. 7:31-32.

First, as a socio-political ideal contrasting capitalism, socialism and/or any political economy that may be drawn up as a result of the marriage of the two. In this regard Islamic economics is presented as a Third Worldist ideology which is defined in terms of capitalism and socialism, and also as that which the two Western ideologies are not... Second, Islamic economics has been shaped around the practical aspects of the process of Islamization... Finally, Islamic economics has developed as a new philosophical approach to the science of economics.⁴³

It is not pertinent for Islamic economics only to engage in a dialog with Western economic ideas, but moreover, to establish and formalize Islam-inspired economic postulates into a scientific and humanistic corpus that would encourage and provide for the social order. Such an approach combines religious-ethical stipulations with economic science. In this regard, the Islamic conception of a worldview rests upon the notion of *tawhīd*, whereby the historic development is cyclic rather than linear.⁴⁴ Economics would ideally occupy a place in this cosmic realm balancing the material and the spiritual domain of human beings, resting upon the mechanisms of unity, well-being, equilibrium, freedom, justice, and responsibility.⁴⁵ Wealth and income, as being contingent upon socioeconomic conditions of man, thus vary and as such are not objectifiable, whilst the institution of *zakāt* (flat tax) in Islamic tradition indicates two and a half percent on savings and property in order to provide for the needy and poor.⁴⁶ Also, labour in Islam is not simply an instrument to obtain a higher level of production, but rather the agreements between the employer and the employee ought to be carried out in accordance with the ethical stipulations in order to achieve a certain degree of social justice. The ideal level of consumption and moderation

⁴³ Seyyed Vali Reza Nasr, "Towards a Philosophy of Islamic Economics," *Muslim World*, 77, 3-4, (1987): 175-176; Vali Reza Nasr, "Islamization of Knowledge: A Critical Overview," *Islamic Studies*, Vol. 30, No. 3 (1991): 387-400..

⁴⁴ See for example Seyyed Hossein Nasr, *An Introduction to Islamic Cosmological Doctrines* (Cambridge: Harvard University Press, 1964); Henri Corbin, *Cyclical Time and Ismaili Gnosis* (Boston: Routledge & Kegan Paul, 1983). For a classical analysis of this view, see Ibn Khaldūn, *Muqaddimah*.

⁴⁵ See e.g. Syed Nawab Haidar Naqvi, *Ethics and Economics* (UK: Islamic Foundation, 1981).

⁴⁶ Muhammad Abdul Mannan, *Islamic Economics* (Kent: Hodder & Stoughton; Boulder: Westview Press, 1986), 220-221.

has been promulgated in Islam according to basic human needs.⁴⁷ As such, the aim of Islamic economics is in theory “ethical ‘orthodoxy’ and not market efficiency.”⁴⁸ The vocal point of Islamic economic philosophy, embedded in labour ethics and healthy economic development is thus inextricably related to the operation of trade agreements, market function, and above all, the concept of equity and (social) responsibility. By providing for the poor, restricting levels of extravagance, prohibiting hoarding and interest, and protecting individual rights, the above-mentioned values are made easier to be obtained within the framework of egalitarian, humanitarian, and democratic social ethos based on the principles of Islamic tradition, whereby the personal values intercept with the communal ones.

7 The Critique of Contemporary Islamic Economics and Banking Project

Despite the progressive, ethical, and socially oriented ideas of Islamic economics, the whole field of study as well as the factual practice of Islamic finances and banking indicates flaws and causes suspicion.⁴⁹ The development of Islamic economics that presupposes conditions based on Islamic principles for an Islamic society, which was carved into the existing model of nation state, invokes epistemological confusion. The assertion that Islamic economics and Islamic finance provided development programmes through the free market economy while advancing technological and economic growth did little to further a morally conscious economic behaviour in real-life societies. Instead, it provided incentives and prosperity for some: “Not only does this show an understanding of a distinctively economic arena that is heavily influenced by the discourse of mainstream economics, but it also projects a programme of economic development suggested by the historical trajectory of

⁴⁷ Mannan, *Islamic Economics*, 127.

⁴⁸ Quoted in Seyyed Vali Reza Nasr, “Towards a philosophy of Islamic economics,” 189.

⁴⁹ See for instance Khan, *What is Wrong with Islamic Economics?*; Azhar, *Economics of an Islamic Economy*; Mirakhor, *A note on Islamic Economics*.

the countries of the capitalist, industrialised West.”⁵⁰ By the late 1990s, the idea of Islamic economics developed not as a third way and a distinct economic system, but rather as a capitalism-driven hybrid system embellished with Islamic terminology and mechanisms, upholding the prohibition of monopoly, while being integrated into the global conglomerates and lucrative financial markets.⁵¹ In this regard, the *homo Islamicus* or “Islamic personality,” as to oppose the *homo economicus*,⁵² “is an ideal construct, an argumentative device to allow the reconciling of apparently contrary currents. It was bound to reflect the preoccupations of those concerned about capitalism and socialism.”⁵³

Whether theoreticians, economists, and religious scholars were conscious of their texts’ impact on the ground for the flourishing of Islamic finances, and whether they upheld Islamic banking project is of a little relevance to the subject at hand. Nonetheless, what became to be regarded as interest-free Islamic financial institutions, which commenced in the 1950s and 1960s, and then blossomed in the 1970s and 1980s

⁵⁰ See Rashid al-Barrawi, *Al-Iqtisād al-islāmi* (Cairo, 1986), 5-9 quoted in Tripp, *Islam and Moral Economy*, 114. For further critique of Islamic economics see for instance Volker Nienhaus “Islamic Economics’ – Policy between Pragmatism and Utopia,” *Economics*, Vol. 25, 1 (1982): 80-100; Volker Nienhaus: “Islam, Democracy and Market Economy,” *Internationale Politik – Transatlantic Edition*, Vol. 3, 2 (2002): 58-64; Nienhaus, Volker, “Grundzüge einer islamischen Wirtschaftsordnung im Vergleich zur Sozialen Marktwirtschaft,” *Kas Auslandsinformationen*, 11/2010; Timur Kuran, *Islam and Mammon: The Economic Predicaments of Islamism* (Princeton: Princeton University Press, 2004); Timur Kuran, “Modern Islam and the Economy,” *New Cambridge History of Islam*, Vol. 6, ed. Michael Cook and Robert Hefner (Cambridge: Cambridge University Press, 2010): 473-94; Timur Kuran, “Islamism and Economics: Policy Implications for a Free Society,” *Islam and Public Policy, International Review of Comparative Public Policy*, Vol. 9, ed. Sohrab Behdad and Farhad Nomani (Greenwich, Conn: JAI Press, 1997): 72-102; Timur Kuran, “Islamic economics and the Islamic subeconomy,” *Journal of Economic Perspectives*, 9 (1995): 155-173; Timur Kuran, “On the notion of economic justice in contemporary Islamic thought,” *International Journal of Middle East Studies*, 21 (1989): 171-191; Timur Kuran, “The economic system in contemporary Islamic thought: Interpretation and assessment,” *International Journal of Middle East Studies*, 18 (1986): 135-164; Timur Kuran, “The Genesis of Islamic Economics: A Chapter in the Politics of Muslim Identity,” in *Islam & Mammon*, ed. Timur Kuran (Princeton: Princeton University Press, 2004).

⁵¹ On the pro-market economy, despite his critique of capitalism and solid analysis of Islamic economics, see Azhar, *Economics of an Islamic Economy*.

⁵² For the division of the two schemes see e.g. Mohamed Aslam Hanēef and Hafas Furqani, “Developing the Ethical Foundations of Islamic Economics: Benefiting from Toshihiko Izutsu,” *Intellectual Discourse*, Vol. 17, No. 2 (2009): 173-199.

⁵³ Tripp, *Islam and Moral Economy*, 122.

in Egypt, Pakistan, Kuwait, Malaysia, Saudi Arabia and elsewhere, displayed a perseverance of Islamic identity and, at the same time, an engagement with the global economy.⁵⁴

Largely, political Islam bolstered Islamic economics,⁵⁵ and Islamic banking flourished along with the financial support of the Islamist groups. Between 1979 and 1983, the governments of Pakistan, the Islamic Republic of Iran, and Sudan introduced measures in order to “Islamise” their state economies.⁵⁶ In Iran, the Islamist movements seized control of the state economy, and consequently made the banking sector a distinctively Islamic financial institution.⁵⁷ The logic of capital accumulation and the pursuit of profit accompanied various ways of commodification within the Islamic banking sector. From the very outset, Islamic banks have incorporated *Shari‘a*-board *fiqh* specialists intended to advise and adjudicate on financial matters with economists, an approach that displayed an Islamic character within the banking

⁵⁴ See al-Sadr, *Iqtisādunā*. For the objectives by the International Association of Islamic Banks (1990) as cited in Charles Tripp’s *Islam and Moral Economy* (page 138), see al-Omar and Abdel-Haq, *Islamic Banking*, 27: “the Islamic banking system involves a social implication which is necessarily connected with the Islamic order itself . . . Profitability is therefore not the sole criterion or the prime element in evaluating the performance of Islamic banks, since they have to match both between the material and the social objectives that would serve the interests of the community as a whole.”

⁵⁵ Robert Dreyfuss, *Devil’s Game* (New York: Owl Book, 2005), 168.

⁵⁶ In Sudan also the IMF dictated the reforms the application of IMF dictated reforms indicated that the driver of the economy was neither the Islamic banks nor the realisation of an Islamic financial ideal, but the international financial institutions of a global capitalist order. See e.g. J. Millard Burr and R. O. Collins, *Revolutionary Sudan: Hasan al-Turabi and the Islamist State 1989-2000* (Leiden: Brill, 2003); Dreyfuss, *Devil’s Game*.

⁵⁷ “These institutions took two directions. Either they became the institutions of national economies, such as the Iranian banking system, which, whilst they undoubtedly benefited those Muslims within the jurisdiction of the state, although by no means all equally, became a recognisable subsidiary of a global economy that owed nothing to distinctively Islamic principles or practices. Alternatively, they developed as private financial institutions, initiating the dynamic expansion of Islamic banking witnessed since the 1970s and providing Muslims with ethically sound vehicles for full participation in global markets of capital and commodities. In both cases, the response to the dominant capitalist order has been distinct, but largely integrative in effect.” Tripp, *Islam and Moral Economy*, 9. Furthermore, the state economy required also collaboration with the global framework in the world trade and finance. See e.g. Sohrab Behdad, “A disputed utopia: Islamic economics in revolutionary Iran,” *Comparative Studies in Society and History*, Vol. 36, No. 4 (1994): 775-813.

system.⁵⁸ Yet, on the ground, the Islamic banks did neither question nor challenge global capitalism; on the contrary, Islamic finance has proven that those institutions sought a distinctive niche within the established political economic realm of the neoliberal market system.⁵⁹ The capital market and the notion of global capitalism have remained untouched, attracting those who felt morally obliged to participate in *ribā*-free and unconventional economic platform.⁶⁰ In this sense, Islamic banking integrated itself into the global financial market, despite its apparent compliance with Islamic ethical values.⁶¹

8 The Way Forward – Values of Moral Cosmology

Whether Islamic economics will provide for socially conscious economic development within (Muslim) societies, and how much it will influence Western economic thought, to a great degree depends on how Islamic economists will elaborate the philosophy and develop the factual economy of Islamic economics. In Islamic thought, societal balance corresponds to a pre-modern notion of moral economy, reflecting man's balanced approach to economic conduct encapsulated in the metaphysical order. It is impossible to think economy on its own terms, as if being detached from other fields of knowledge, since Islamic science of economics is based on the ethics of religion. Consequently, Muslim economists have so far developed only an overall conception of economic ethics, while relying on the capitalistic principles within the democratic processes of a nation state: "The difficulties which confront Islamic economics as a result of the Islamization process are demonstrative of the pitfalls of attempts to formulate a discipline without prior elaboration of a coherent philosophy to support it."⁶²

⁵⁸ For more see Ibrahim Warde, *Islamic Finance in the Global Economy* (Edinburgh: Edinburgh University Press, 2000).

⁵⁹ See Tripp, *Islam and Moral Economy*, 142; Dreyfuss, *Devil's Game*, 168-190.

⁶⁰ For more see for instance Hallaq, *The Impossible State*, 140-146; Tripp, *Islam and Moral Economy*, 103-150.

⁶¹ Nomani, Farhad and Ali Rahnama, *Islamic Economic Systems* (London: Zed Books, 1994).

⁶² Seyyed Vali Reza Nasr, "Towards a philosophy of Islamic economics," 195.

The Islamic bankers and Muslim economists to a large extent envisioned a system being in accordance with modern democracy in the West that would support human values while trying “to imagine a distinctive and unique Islamic society and, in doing so, had found that the discipline of sociology had so shaped their views of society that it coloured their views of a properly functioning Islamic society.”⁶³ The same goes for their view of (political) economy, which shaped certain perception of reality. The stalemate is, however, that Islamic economics as a field of study did not generate mechanisms to eliminate poverty, or institutionalize mechanisms that would assure the socioeconomic prosperity, envisioned within a spiritually and morality-driven framework to stipulate economic behaviour. Moreover, Islamic banking, serving primarily one segment of society,⁶⁴ does not provide for the overall socioeconomic wellbeing of society. It has thus shown that there is no alternative yet to capitalism, and that capitalism can transform an alleged alternative system into a subservient, market-driven approach of identity politics.

Exercising “democratic development” by securing financial markets and institutions does not assume restructuring the social conditions across the Middle East.⁶⁵ Thus, it is pivotal to recuperate the democratic project of human development along with the spiritual characteristics of a moral economy. As much as Reza Vali Nasr’s critique of Islamic economics portrays factual shortcomings of the Islamic economic project,⁶⁶ and while his analysis is correct in that “the political as well as

⁶³ Tripp, *Islam and Moral Economy*, 148.

⁶⁴ “Instead, the Islamic banks and finances have become a recognisable part of the landscape of advanced capitalism, catering to – indeed creating – a particular section of the market. This aspect of Muslim engagement with global capitalism was reinforced in 1999 when both the New York and the London stock exchanges launched indexes of companies judged to be ethically sound as far as Islamic principles are concerned, reassuring Muslim investors that their funds could grow without harming their moral values.” See F. Bohkari, ‘Indexes clear the way for investors’, *Financial Times*, 26 October 2000 cited in Tripp, *Islam and Moral Economy*, 149.

⁶⁵ “What is needed in the current moment of political chaos is not so much stringent and pious calls for the reassertion of secularism but a critical analysis of what has been assumed to be the truth of secularism, its normative claims, and its assumptions about what constitutes “the human” in this world”, Saba Mahmood, “Secularism, Hermeneutics, and Empire,” 347.

⁶⁶ Seyyed Vali Reza Nasr, “Towards a philosophy of Islamic economics,” 175-196; Seyyed Vali Reza Nasr, “Islamic economics: novel perspectives on change in the Middle East,” *Middle East Studies*, Vol. 25, No. 4 (1989): 516-530; Seyyed Vali Reza Nasr, *The Vanguard of the Islamic*

the economic dimensions of statecraft have become increasingly judged by the yardstick of religion and at times ‘Islamized,’⁶⁷ his solution on how to increase economic development based on the idea of free-markets across the region would facilitate even more economic disparity in those societies.⁶⁸ To this assertion, Mahmood’s explanation on understating secularism provides incentives on how to tackle the problematic of exporting secular democracy to the Middle East whose aim is only to achieve material development: “The convergence of the U.S. imperial interests and the secular liberal Muslim agenda needs to be understood, therefore, not simply as a fortuitous coming together of political objectives and an indigenous social formation, but, given my earlier argument, from the standpoint of normative secularity and the kind of religious subjectivity it endorses.”⁶⁹

Western economics concentrates on the linkages, which tie various distributive channels of economy.⁷⁰ The issue of the current economic and political excursions across the Middle East is that it does not deny the *religious* or religion as such, but that it curtails the spiritual side of economic endeavours. Alternatively, understating Islamic economics through its metaphysical intentionality along its universal (moral) values, translates into placing greater importance on the correlation between the distributive mechanisms of the economy and social equity. Labour cannot be deprived of its spiritual meaning, for work is spiritual in essence,⁷¹ whereas the secularisation of the production processes

Revolution: The Jama'at-i Islami of Pakistan (London: I. B. Tauris, 1994); Seyyed Vali Reza Nasr, *Islamic Leviathan* (Oxford: Oxford University Press, 2001).

⁶⁷ Seyyed Vali Reza Nasr, “Towards a Philosophy of Islamic Economics,” 175.

⁶⁸ Nasr’s analysis of how to tackle extremism while providing the solution for the socioeconomic growth across the Middle East is rooted in the propagation of creating a new middle class based on foreign investments and free market trade. See Nasr, *The Rise of Islamic Capitalism*.

⁶⁹ Mahmood, “Secularism, Hermeneutics, and Empire,” 329.

⁷⁰ Seyyed Vali Reza Nasr, “Towards a philosophy of Islamic economics”, 195.

⁷¹ There are three purposes of work: to provide for necessary goods and services; second, to use gifts and goods, and third, to be in service with other individual to liberate oneself from ego-centricity. This is the role of jihad in work. See Waleed El-Ansary, “Islamic Science and the Critique of Neoclassical Economic Theory,” *Contemporary Islamic finance: Innovations, Applications, and Best Practices*, ed. Karen Hunt-Ahmed (Hoboken, NJ: Wiley, John Wiley & Sons, Inc., 2013).

strips away the idea of economic equilibrium. Economic equilibrium is hence necessary if a long-term environmental crisis is to be avoided. The environmental capital has been waning down, whilst humanity is treating the depletion of resources as income.⁷² While science and technology are vital for human progress, they do not necessarily provide a so-called fix to the spiritual crisis, including the quality to quantity reduction, which addressed a pertinent question on how to solve man-nature relationship. The secularisation of economic theory stems from this very reduction, and economic issues cannot be resolved on their own, for they are sociological, philosophical, and moral in nature. Hence, technical solutions in applying democratic values of liberal capitalism, based on material wealth alone, are inadequate in addressing social problems in societies.

According to the Islamic perception of reality,⁷³ every aspect of life is as such sacred. Even work fulfils this category, for it provides for human prosperity.⁷⁴ The principles of development that are grounded in the concept of justice are composed out of two sets of ethics: the ethics of science and ethics of prosperity.⁷⁵ The idea of *'adl* (justice) in economic tradition of Islam secures fulfilling needs and restricting wants, whilst aiming at eradicating poverty and social inequality. From such a perspective, justice and human rights are intimately connected in the space of democracy. An ideal Islam-inspired governance (and not state) would derive its function from the need to give political authority to the enforcement of a just social system which would guarantee basic needs for all its members and ensure their economic rights, e.g.

⁷² The problem of production has yet to be solved, for the current economic system is trading capital as income. E. F. Schumacher, *Small is Beautiful* (London: Harper Perennial, 1973).

⁷³ See e.g. Hossein Nasr, *An Introduction to Islamic Cosmological Doctrines*; Seyyed Hossein Nasr, "Spirituality and Science – Convergence or divergence?," *The Essential Sophia*, accessed 27 June, 2016, <http://www.worldwisdom.com/public/library/default.aspx>

⁷⁴ Schumacher, *Small is Beautiful*, 3.

⁷⁵ "The rights concerning government, power, and the just relationship between the ruler and the ruled are among the most significant elements of these rights. Therefore, the effort to restrain and restrict power is closely related to the establishment of justice and human rights. Indeed, the two efforts are in such constant exchange and harmony that any trouble or tension in one reverberates in the other. Justice, then, is a metareligious category, and the right and acceptable religion should, inevitably, be just." Soroush, *Reason, freedom, and democracy in Islam*, 52 and 132.

basic standard of living, labour rights, provision for the poor, etc. It would have to improve the conditions of each individual citizen through social cooperation, education, and economic prosperity based on the moral self. For many classical Muslim scholars, choosing poverty and deprivation over wealth was Sufi ordinance intended to increase one's well-being, for "poverty is better and safer than affluence because the poor have less of an interest in the worldly affairs and to that extent, they will be more inclined to prayer and pious reflection", and "in the majority of cases the danger of poverty is less than that of affluence, because the temptations of wealth are greater than those of poverty."⁷⁶ On the other hand, for instance the Iranian poet Saa'di, sought the superiority of poverty over wealth, since for him financial security meant also spiritual security and vice versa. "On the contrary, if the virtues of poverty and those of wealth are properly observed, they would be morally equivalent. If the modern way of life is somehow flawed, it is not because it fails to be poor and patient, but because it fails to be rich and grateful."⁷⁷ The ultimate aim of economic prosperity hence ought not to be only financial freedom and security, but also first and foremost economic conduct attained through spiritual and moral breakthrough.

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MUSLIMS AS THE EUROPEAN
"OTHER": BETWEEN
SELF-AWARENESS AND
FUNDAMENTALISM

Oskar Opassi

Secularisation

In his seminal work *The Sacred Canopy: Elements of a Sociological Theory of Religion*, Peter Berger declares secularisation to be an empirical fact, though geographically and historically restricted to the modern history of Western Europe.¹ He defines secularisation as "(...) the process by which sectors of society and culture are removed from the domination of religious institutions and symbols."² By this, he means the separation of church and state, the expropriation of church lands, and the emancipation of education from ecclesiastical authority.³

Both Berger's and other theories of secularisation have come under scrutiny. Alongside the critique, there remains the fact that the individuals living in the Western world have a much greater variety of religious beliefs at their disposal.

As the potential to choose a belief grows, so does the "crisis of credibility" of religions which, after the process of secularisation, can no longer claim to possess valid explanations of reality. Hence, a "market" of possible explanations of reality forms, because there is no obligation for an individual to adhere to the dominant religion as they are now granted the freedom of choice. Before, there was only one possible explanation of the world, which had been integrated into the common sense. Now, the monopoly a religion had over a certain area has disin-

¹ Peter Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (New York: Anchor books, 1967), 107.

² *Ibid.*

³ *Ibid.*

tegrated. Berger labels this process as “pluralisation” and deems it an inevitable consequence of secularisation.⁴

Religion loses its classical function to give meaning to all aspects of social life. It influences only a limited number of people, who may also retreat from the secular world and live in seclusion according to their religious beliefs. It can be said, according to Berger, that religion has been relegated into the private domain. To illustrate his claims, he uses the example of how a religious explanation can fall on fertile ground only in a segregated community: a nuclear family.⁵

In a market society, religious explanations compete for “customers” and, therefore, act as economic subjects: “The pluralistic situation is, above all, a market situation.”⁶ Under such circumstances, a religion behaves as a commodity. As such, it is subjected not only to the competition for “customers” but also to the laws of the market. Since this is the case, it is no longer true that only the leading scholars shape the religious explanations because the adherents contribute as well. The adherent penetrates the religious sphere as a consumer and replaces the “static” explanations with “dynamic” ones.⁷

The processes I have just described do not only pertain to the realm of culture, but also to social psychology: religion is no longer able to legitimise the world as a whole, however, it can legitimise the whole world of a particular part of the society. Such a situation was named by Berger as a “subworld.”⁸ The world as such is not given but is rather the world of an individual’s subjective consciousness. Berger envisions two possible reactions to this: adaptation to the pluralistic situation or insistence on the old models of explaining the world.

The “Visibility” of Religion

Thomas Luckmann develops the concept of *invisible religion* in his appropriately named work *The Invisible Religion*. According to him, an

⁴ *Ibid.*, 127 and 135.

⁵ *Ibid.*, 134.

⁶ *Ibid.*, 138.

⁷ *Ibid.*, 145.

⁸ *Ibid.*, 152.

individual may construct their own mode of living as transcending the biological nature of the human being, because of which they may experience tensions with their surroundings. Such an individual may adopt an elevated position and deem their own truth as the universal truth. However, Luckmann's definition of religion is not unproblematic.

When religion is understood as a private matter, it necessarily encompasses the possibility of free choice. This possibility, as we have already established, corresponds to the metaphysical framework of the consumer society. The individual is driven by their individual choices which pervade the pluralistic society, and the field of religion is no exception. The world view is no longer a unit but a collage, a pluralistic view. Consequently, an individual now holds the role of a "consumer" of religious content.⁹ "In the absence of an 'official' model, the individual may select from a variety of themes of 'ultimate significance'. The selection is based on consumer preference."¹⁰

Even though Luckmann's theory is important for the rejection of the thesis of secularisation, it is necessary to impose some restrictions to this applicability. First and foremost, one needs to take into account the historical context in which religion was in fact prevalently "invisible". This was the case primarily in the 1980's and 90's in light of the logic of neoliberalism. Berger believes the progression from the first phase of liberalism to neoliberalism is no more than the continuation of the same process, only more radical.¹¹ As secularisation matures, it opens the door for pluralisation. The religious experience is moved from the context of the cosmos, or history, and to the individual's consciousness.¹²

After the year 2000, it became problematic to speak of an "invisible" religion since a very "visible" enemy led to the formation of a tight alliance in the West. A key factor contributing to this newfound "visibility" was the attack on the World Trade Centre on the 11th September 2001 by Al Qaeda.

⁹ Thomas Luckmann, *The Invisible Religion* (New York: Macmillan, 1967), 98.

¹⁰ *Ibid.*, 105.

¹¹ Berger, *The Sacred Canopy*, 166.

¹² *Ibid.*, 167.

Ruthven described the attack as “(...) a classic case of ‘propaganda of the deed’”¹³ as, from one point of view, this act became a symbol of terror inflicted by the Islamists, or, from the other, an example of rebellion against the USA as the symbol of the West’s hegemony. This opinion arose in spite of the fact that it is impossible for an act of a small group of extremists to be generalised to the whole religious community, as well as religious violence being anything but restricted to Islam.¹⁴

The institution of the Muslim as “the Other” was of course not only contingent on the attack on the World Trade Centre: during the course of history, this “otherness” has been emerging in different forms and with different levels of danger attached.

A Historic Overview of the Construction of the Muslim as the European “Other”

There have been several groups of people serving as Europe’s antagonists throughout its history. However, it is necessary and of exceptional importance to focus on the Muslim “Other” due to the present circumstances in which all followers of Islam are being portrayed as violent extremists. This has already been shown by Anja Zalta: “(...) the ultimate ‘Other’ in the European collective memory remains the ‘Turk’”.¹⁵ It is for this reason only that we will not be touching upon the attitude towards the Jews who have been banished from what is today Slovenian territory under the decree of Maximilian I between the 15th and the 16th century.¹⁶

Another reason to focus in the construction of the Muslim as the European “Other” is the following the thesis proposed by Mastnak: “Without this adversity, there would not be a European history in the

¹³ Malise Ruthven, *Fundamentalism: a very short introduction* (New York: Oxford University Press, 2007), 2.

¹⁴ *Ibid.*, 3.

¹⁵ Anja Zalta, “Evropski ‘drugi’: turški islam in njegova evropska perspektiva.” *Teorija in praksa*, 43(3–4, 2006): 558.

¹⁶ Maja, Toš, “Judje na Štajerskem do druge svetovne vojne,” in *Slovenski Judje: zgodovina in holokavst: pregled raziskovalnih tematik*, ed. Irena Šumi and Hannah Starman (Maribor: Center judovske kulturne dediščine Sinagoga, 2012), 33–34.

narrow sense of the word".¹⁷ The Muslims settled on the continent during the 7th and 8th centuries but were not immediately recognised as the main enemy. The Christian rulers labelled them simply as one of the "infidels."

The beginning of their construction as the "Other" stretches back to the end of the 11th century. Europe underwent massive transformation after substantial social change, which was the result of the power shift and the consequential changes in the social life. The atmosphere in which those changes were taking place in the end of the 9th century and the beginning of the 10th was "overflowing with millenarian, eschatological, apocalyptic, and chiliastic fears."¹⁸ The united "Christian Europe" started to behave as a unit at the end of the 11th century by taking part in the Crusades which were at least spoken of as holy war.

The term "Europe" did not acquire an emotional undertone during the Crusades, however, the undertone only started to develop in the 14th and 15th centuries. It was only then that Europe began to exist as a political term and an incorporation of a certain set of values, which would make it a community. As Constantinople fell and was occupied by the Ottoman Empire, so did it become a symbol of the "Turkish" threat.¹⁹ Mastnak points out that the anti-Islamic sentiment was not born with Europe, but rather "played a key role in the making of Europeans, and of Europe."²⁰ This process undergone, Europe was able to become self-aware as a united entity. The antagonism towards Muslims survived the Middle Ages and transformed during the Early Modern Period under the influence of the fall of Constantinople and the Ottoman conquest, thereby allowing the transition from the "Christian Europe" to the self-aware West.

The Ottoman conquest brought about an important transformation of the European "Other." The conquest meant the resentment against an abstract "Muslim world" could find a new, concrete target in the

¹⁷ Mastnak, Tomaž, "Europe and the Muslims: The Permanent Crusade," in *The new crusades: constructing the Muslim enemy*, ed. Emran Qureshi and Michael A. Sells (New York: Columbia University Press, 2003), 205.

¹⁸ *Ibid.*, 206.

¹⁹ *Ibid.*, 207.

²⁰ *Ibid.*

character played by the “Turk” who needed to be driven out of Europe.²¹

The conquest only made the situation worse: the pillage and plunder could not result in anything other than the increased adversity towards the Ottoman Empire. This is how “(...) the Turks became a standard against which every other brutal military practice was measured.”²² As we have already said, the construction of an Other is crucial for the formation of the awareness of belonging to a community. This awareness did not only pertain to the widespread idea of Europe, which did acquire an emotional undertone, but also to the use of the label of “homeland.” Whenever a particular piece of land felt threatened, it too acquired an emotional component – it became a homeland.²³ The echoes of such a characterisation of the “Turk” can still be heard since one of the arguments against Turkey joining the European Union is that the Union is a *European* project to which, historically, the Turkish identity supposedly does not belong.²⁴

The End of the Cold War and the West’s Identity Crisis

The fall of the Berlin Wall on 9th November 1989 was followed by the symbolic collapse of the Eastern or Communist Bloc controlled by the Soviet Union, whose downfall ensued in 1991. From the end of the World War II onwards, the Communist Bloc would serve as the main antagonist of the Western Bloc under the USA’s hegemony. Many, starting with American political scientist Francis Fukuyama, celebrated the Eastern Bloc’s fall as “the end of history.” Fukuyama understood the ruin of the Bloc as the victory of a universal combined doctrine of liberal democracy and capitalism. He and Samuel Huntington claimed the remaining regimes not practicing democracy represent new chal-

²¹ *Ibid.*, 208.

²² Vasko Simoniti, “O vojni, množični smrti, domovini, njenih junakih in mitu kot ‘strašnem opozorilu’ (vpliv obdobja turških bojev na oblikovanje nekaterih slovenskih mitov),” in *Množične smrti na Slovenskem: zbornik referatov*, ed. Stane Granda and Barbara Šatej (Ljubljana: Zveza zgodovinskih društev Slovenije), 100.

²³ *Ibid.*, 104.

²⁴ Mastnak, “Europe and the Muslims,” 231.

lenges for the West. Picking among several different opponents of the Western ideals, they identified Islam as the liberal democracy's enemy number one. With that, the Muslims not only became the main threat to the West, but have also been declared irrational.²⁵

This is why the spectre of the former Communist Bloc did not disappear: it simply metamorphosed. Establishing the new enemy did not dictate a structural change in international relations, it required but a different antagonist. The East was relieved of the communist representation and was turned back to the Orientalist: developing of backwards region where Islam and Confucianism are the dominant ideological forces. What did this mean for the identity of the West? It can be observed that the construction of the enemy always plays a key role in its establishment – in this case, antagonising the “Islamic world” as opposed to the “free” West enables the latter to build its identity.²⁶

During the 1980's, different factors contributed to the increased “visibility” of the members of the Islamic faith in the West. Let us take France under scrutiny: one of the more important ongoing affairs was the “stabilisation” of the Muslim minorities who have immigrated to the country in the 1960's and 70's. It was often the case that their settling would take time, as would the reunification of their families since it was typical for the fathers to migrate to the West first in order to look for work, and only after a successful employment would they arrange for the rest of the family to follow.²⁷

As stated in the introduction to this discussion, in the 1980's, there were changes ongoing in the realm of economy as well. This was due to the impending end of the crisis of the late 1970's and the rise of neoliberalism. The precarious situation of the economy illuminated the previously invisible migrant workforce. Their newfound “visibility” was

²⁵ Fatema Mernissi, “Palace Fundamentalism and Liberal Democracy,” in *The new crusades: constructing the Muslim enemy*, ed. Emran Qureshi and Michael A. Sells (New York: Columbia University Press, 2003), 53.

²⁶ Emran Qureshi and Sells Michael A., “Introduction: Constructing the Muslim Enemy,” in *The new crusades: constructing the Muslim enemy*, ed. Emran Qureshi and Michael A. Sells (New York: Columbia University Press, 2003), 12.

²⁷ Neil MacMaster “Islamophobia in France and the ‘Algerian Problem’,” in *The new crusades: constructing the Muslim enemy*, ed. Emran Qureshi and Michael A. Sells (New York: Columbia University Press, 2003), 296–297.

of course not the result of their loss of physical transparency but the increased amount of attention from the media.

“The 1970’s equation ‘immigrant / worker = Arab = Algerian was slowly displaced through the 1980’s by another interchangeable set of terms ‘Muslim = Arab = Algerian = Terrorist.’”²⁸

How was it possible for the attitude towards migrant workers to change so drastically over the course of a single decade? A part of the blame can certainly be attributed to the economic crisis and the unavoidable sordid atmosphere which followed, but what was also important is the shift in legitimation of racist standpoints. The largest proponent of the shift was the then-prevalent (and now re-emergent) extreme right-wing party *Front national*, the National Front. The key transition for the popularisation of racism was the one from racism on biological grounds to the new racism on cultural grounds.²⁹

This shift can be observed on the level of transcending the biological nature of the human being, which Luckmann deems to be the foundation of religion as such.³⁰ In this case, it was the “French culture” which adopted the elevated position: the position of the civilised and progressive culture threatened by the immigrants from the “underdeveloped world.”

And so, the paradigm for the “clash of civilisations” had been created around a decade before Huntington’s article *The Clash of Civilisations* was published. The paradigm energised the emergent populist movements. It must be said that this new resentment against the immigrants was not only part of the far right’s discourse – it pervaded the whole French political spectrum, including the Communists.³¹

It was through this process that the connection between Islam and terrorism was drawn and solidified. The fear of communism (after the Communist Bloc’s downfall) was replaced by the fear of Islamic fundamentalism. The concept used to connect the Islamic doctrine with the

²⁸ *Ibid.*, 296.

²⁹ *Ibid.*, 298–299.

³⁰ Luckmann, *The Invisible Religion*, 49.

³¹ MacMaster, “Islamophobia in France and the ‘Algerian Problem’,” 298–299.

Soviet one was “aggressive fanaticism.”³² The cohesive material between the two concepts was the totality advocated for by both of these doctrines as both claim to possess the ultimate answer to all of the world’s questions.³³

Alongside identity-building, a new enemy was paramount for the needs of the weapon industry, which would suffer devastating losses without a new “threat” on the horizon.³⁴

If we follow Huntington’s logic, we come across a paradox: the “Islamic threat” in fact saved the Western identity since, as he writes, multiculturalism is “(...) eating away at the whole set of ideas and philosophies which have been the binding cement of American society.”³⁵

Fundamentalism

As has been settled in this discussion already, secularisation brought about the freedom of religious choice, not the disappearance of the religious experience. The space formerly belonging to “traditional” religions was vacated and became open for occupation by any alternative ideology. Secularisation took place in the private domain as well, not only setting up an individual’s freedom to consume religious explanations of the world, but also opening up the public sphere to various religious content. Among that content, we will take a close look at what Lester Kurtz has named “antimodernist movements.”³⁶

Hunter saw the collapse of the dominant religious paradigm as the start of a particular polarisation. His research on the American society led him to differentiate two categories based on the submission to religious norms. On one hand, there are those who are “tight-bounded”

³² John Trumbour, “The Clash of Civilizations: Samuel P. Huntington, Bernard Lewis, and the Remaking of the Post–Cold War World Order,” in *The New Crusades: Constructing the Muslim Enemy*, ed. Emran Qureshi and Michael A. Sells (New York: Columbia University Press, 2003), 101.

³³ *Ibid.*

³⁴ MacMaster, “Islamophobia in France and the ‘Algerian Problem,’” 228.

³⁵ Trumbour, “The Clash of Civilizations,” 107.

³⁶ Lester R. Kurtz, *Gods in global village: the world's religions in sociological perspective* (Thousand Oaks: Pine Forge Press, 1995), 169.

to the norms, and on the other, there are the “loose-bounded.”³⁷ Kurtz builds on Hunter’s two categories and renames the tight-bounded to the orthodox and the loose-bounded to the modernists. With this, he shows the tendency to perceive the looseness of traditional religious norms as modern, and religious orthodoxy as opposing modernity.³⁸ We shall now turn our attention to the category of the orthodox, more specifically to religious fundamentalism.

Fundamentalism is primarily opposed to the legacy of the Enlightenment and modern-day science. Additionally, there is its activist component present in some groups of adherents of contemporary Judaism, Christianity and Islam.³⁹ The fundamentalists advocate a wholesome revision of the contemporary world in which minority beliefs are being driven towards marginality. What prevails is reading the sacred texts verbatim as they are understood as infallible dogmas. It is important for them to spread the dogmas and thereby halt the “degradation of the world” caused, according to them, by placing human rationality above the word of God. It is worth noting that in spite of their unwavering opposition to science, the fundamentalists do not reject the use of scientific discoveries. Therefore, the “(...) modern medicine, electrical wiring, jets, computer technology, mass media and telecommunication etc. are not at all unfamiliar to the fundamentalists.”⁴⁰ Quite the opposite: they appropriate modern technology to achieve their aims with a large degree of success. Let us take a look at a high-profile example, the use of the mass media by IS. They want to “bring down” the modern society “in its own backyard, taking it on at its own game.”⁴¹ This example additionally sheds light on another fundamentalist tactic: to familiarise oneself with the enemy before taking it down using its own arsenal.

With fundamentalism, it is of course imperative that there be no more than one interpretation of the sacred text. Hence, they strongly

³⁷ James Davidson Hunter, *Culture Wars: The Struggle to Define America* (New York: Basic-Books, 1991), quoted in Lester R. Kurtz, *Gods in global village*, 172.

³⁸ Lester R. Kurtz, *Gods in global village*, 172.

³⁹ Aleš Debeljak, *Oblike religiozne imaginacije* (Ljubljana: Znanstveno in publicistično središče, 1995), 21.

⁴⁰ *Ibid.*, 24.

⁴¹ *Ibid.*

oppose plurality of interpretations. They constitute their identity in relation to an enemy and legitimise themselves as adherents to the "true" religion with particularised reading of the sacred texts. The particularised reading is based on the rhetoric of "the end of the world."⁴² Whenever this rhetoric is accepted as genuine, there is usually an upturn in acts and actions (e.g. terrorist attacks) deemed illegal, unacceptable, and deplorable by the rest of society.

In short, fundamentalism strives to return a particular monopolistic religious explanation back to the public domain so that it would displace secularism. The heads of fundamentalist organisations are usually "charismatic and authoritative, 'full-time job' leaders"(...).⁴³ It is actually a remarkable turn of events that such movements succeeded and keep succeeding at forming a collective body around fundamentalist leaders in an ever-increasingly atomised society.

Malise Ruthven defined fundamentalism in the broadest sense as "(...) the religious way of being that manifests itself in a strategy by which beleaguered believers attempt to preserve their distinctive identities."⁴⁴ This definition is congruent with the "anti-modernist movements" coinciding with the emergence of the religious "market." There is a common "face" to different fundamentalist movements around the globe, which is not limited either to Islam or the original protestant varieties of fundamentalism.⁴⁵

We will now focus solely on Islamic fundamentalists due to their "privileged status" as the Europe's main Other. Standard Arabic does not have a word which would correspond to *fundamentalism*. The word which stands in for it denotes the "antimodernist movement" campaigning against secularisation and consequential plurality of religious explanation. On the structural level, *fundamentalism* denotes "(...) the response of individual or collective selfhoods, a personal or a group identities, to the scandal or shock of the Other."⁴⁶ What is especially problematic when resurrecting an "original community" is the fact that

⁴² *Ibid*, 27.

⁴³ *Ibid*, 30.

⁴⁴ Ruthven, *Fundamentalism*, 5–6.

⁴⁵ *Ibid*, 6.

⁴⁶ *Ibid*, 22.

the historical and social circumstances have irreversibly changed between now and the time the Bible or the Quran were written. It has, simply put, become impossible to avoid religious pluralism. Contemporary adherents will inevitably be faced with more than one religious explanation and will therefore become acquainted with different paths toward salvation, which may rouse in them the suspicion that they might be led on by a false explanation of the world.

Islamic fundamentalists believe that Muhammad's successful military campaigns have been the "golden age" of Islam. This worldview has been adopted primarily by the more militant currents, such as the Salafists and the Wahhabis who use particularised readings on Islam's beginnings to legitimise Islam as a religion of conquest.⁴⁷

The end of the "golden age" is followed by what we can call "religion-shock." Cupitt writes: "Religion-shock occurs when someone who is a strong and sincere believer in his own faith confronts, without evasion and without being able to explain it away, the reality of an entirely different form of faith, and faces the consequent challenge to his own deepest assumptions."⁴⁸ When faced with the shock cause by religious plurality, the fundamentalists engage in an active rebellion.

"The encroachments of modernity through state power and state bureaucracies are pervasive and continuous and a constant challenge to all religious traditions."⁴⁹ Fundamentalism provides its followers with "psychological reassurance in a world in which areas of relative security interlace with relative doubt and with disquieting scenarios of risk"⁵⁰ as well as "sources of authority".⁵¹ But, the fundamentalist religious ideologues do not read the sacred texts as paths towards the revelation of "true morality" but rather for personal gain, which is further backed by the fact that most Islamic activists are not educated in theology but in other fields. The modern education they have acquired is used to achieve their own strategic goals.⁵²

⁴⁷ Olivier Roy, *Globalizirani islam* (Ljubljana: Krtina, 2007), 121–125.

⁴⁸ Don Cupitt, *The Sea of Faith* (London: BBC, 1984), quoted in Ruthven, *Fundamentalism*, 30.

⁴⁹ Ruthven, *Fundamentalism*, 39.

⁵⁰ *Ibid.*, 53.

⁵¹ *Ibid.*

⁵² *Ibid.*

Another recurrent theme affiliating fundamentalisms is equating a constructed myth with actual history. This enables the sacred texts to be used purely as tools for legitimising the ultimate goal. They would abuse the eschatological function of religion by proclaiming the end of the world to legitimise many a violent act against either religious or secular movements.⁵³

Religious Violence and the Demonization of the Enemy

It is common knowledge that fundamentalist movements often escalate into violent or even suicidal attacks. This is far from the normal and expected: in order for the adherents to willingly sacrifice themselves for their faith, there needs to be a very tight social organisation in place. It is therefore no surprise that fundamentalists display a great level of loyalty to the group. Often facilitated by a charismatic leader, a unified goal and the answer to all of the world's questions consolidate the bond between the group and the individual, to whom the group offers all the support they need. There is a lot of emphasis on a rigid hierarchy, which serves to prevent disputes and polarisation. It is precisely the polarisation of opinions which disrupts fundamentalist associations, and usually even the most insignificant dispute is enough to split the association into smaller fractions.⁵⁴

The fundamentalist cause has a paradoxical consequence. Namely, it facilitates the secularisation of religion despite explicitly fighting against it. The adherents' acts of rebellion against modernism are for them of transcendent nature. In "classical" religion, the myths, traditions, transcendence and the like belong to the realm of the spiritual. However, fundamentalism renders all those spiritual matters belonging to the world of humans, the realm of the mundane, secularising them in the process.⁵⁵ The mythological images of the afterlife are meant to give the religious some sense of meaning to their pain and suffering, but fundamentalism distorts this as well: their reading of mythology does

⁵³ *Ibid.*, 56–58.

⁵⁴ *Ibid.*, 126.

⁵⁵ *Ibid.*, pp. 126–127.

not involve any explanation of God's intentions, only legitimisation of violent rebellion.⁵⁶ Fundamentalism is therefore "(...) a religion materialized, the word made flesh, as it were, with the flesh rendered, all too often, into shattered body parts by the forces of holy rage."⁵⁷

We can safely claim that fundamentalist movements are bringing elements from the realm of the spiritual into the realm of earthly life. This is not limited only to the elements of the myths of salvation – an important part of fundamentalism is the demonization of the enemy, and with that, the sacralisation of the war. There is a new phenomenon on the rise: religious nationalism, which sees nationalism extend into the cosmic dimension. George W. Bush, the former president of the USA, in 2003 demonstrated the rhetoric of Good versus Evil, the typical rhetoric of religious nationalism. He joined Iraq, Iran, and North Korea into not just an alliance of enemies of the USA but into an "axis of evil," a formulation which bears more than a hint of the cosmic clash between good and evil.⁵⁸ The use of religious terms causes an even bigger splash in the countries where religion plays an important role in the culture. The conflicts become inflated and leave realm of the mundane, escalating to the realm of the cosmic – they become sacralised. The conflict between the absolute Good and the absolute Evil creates an apocalyptic atmosphere for the war.⁵⁹

This leads us to an important question: why do "tight-bounded" communities which operate with a high degree of internal cohesion make violence against the outside world such an integral part of their systems of belief? Again, we see how important the construction of the Other is for identity creation. Aleš Črnič states that "(...) as religion ties a religious community together, providing it with identity and meaning, it simultaneously excludes everybody else"⁶⁰ and "(...) it is not uncommon for religion to display its vitality through tensions with

⁵⁶ *Ibid.*, 119.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, 102.

⁵⁹ *Ibid.*

⁶⁰ Aleš Črnič, "Sodobne religijske apokalipse – nova religijska gibanja in nasilje" ["Modern Religious Apocalypse – New Religious Movements and Violence"], in *Religija in nasilje: eseji in razprave*, ed. Iztok Simoniti and Peter Kovačič Peršin (Ljubljana: Fakulteta za družbene vede: Revija 2000, 2008), 77.

neighbouring communities, and utilise the tensions to strengthen its own identity and mobilise its adherents.”⁶¹ The violent conflicts are of course not a part of every religion. What is of key importance here is the interpretation of the sacred texts and this interpretation is usually extremely distorted.

Psychoanalysis can be of use for understanding the connection between prominent internal cohesion of fundamentalist groups and resistance against the outside world with the consequent emergence of violence. It teaches how severe repression is connected with suppression to the subconscious. Following that logic, we can see how the aggression produced by the fundamentalist reading of the sacred texts is being “piled up” inside the unconscious. This is happening unbeknownst to the individuals, but it is precisely because of this rough and aggressive defence mechanism that they are always under threat of violent tendencies breaking into the realm of the consciousness.⁶² This is called projection, and it is a defence mechanism at work “(...) whenever we attribute our internal, occluded and undisclosed matters to others.”⁶³ There is another important phenomenon explained through projection: at first glance, it is difficult to understand how God can be perceived as aggressive or vengeful. However, that is because we project our “(...) unacceptable and usually subconscious attributes (...)”⁶⁴ onto the image of God.

Alongside others, Mark Juergensmeyer studied the incorporation of violence and war into religion. He estimates that this incorporation proves how religion seeks to create a system which would consociate “(...) every human experience into a meaningful unit(...)”⁶⁵ This leads us to believe that explaining violence and death is necessarily inherent

⁶¹ *Ibid.*

⁶² Janko Bohak, “Religija in nasilje – psihoanalitski pristop” [“Religion and Violence – a Psychoanalytical Approach”], in *Religija in nasilje: eseji in razprave*, ed. Iztok Simoniti and Peter Kovačič Peršin (Ljubljana: Fakulteta za družbene vede: Revija 2000, 2008), 59.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ Christian Moe, “Kdo se boji monoteistov?” [“Who is afraid of Monotheists?”] in *Religija in nasilje: eseji in razprave*, ed. Iztok Simoniti and Peter Kovačič Peršin (Ljubljana: Fakulteta za družbene vede: Revija 2000, 2008), 245, cf. Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of religious Violence* (Berkeley: University of California Press, 2001), 158–159.

to all systems of thought, not just religion, aiming to cover the whole range of the human experience.

Why, then, is it important to analyse *religious* violence if violence is also present in secular systems of thought? It is the aforementioned sacralisation of war which is the distinctive feature of religious violence. The sacred texts do not universally portray violence as positive whereas particularised reading is in fact able to paint such a picture.

This reading which legitimises the holiness of the war is, as mentioned above, not always carried out by theologians. On the contrary, such a reading is most often one of the drastic measures undergone by secular leaders as a last-ditch attempt to achieve their goals. Saddam Hussein, for example, had been supporting the secularist agenda as well as advocated the complete separation of church and state in the early stages of his political career. It was only when “stronger” legitimation was required that he started to use the rhetoric of the holy war and thereby gained the support of the extremists.⁶⁶

Nationalism and fundamentalism complemented each other very efficiently during the break-up of former Yugoslavia. Their deadly alliance claimed many lives during that time. Because of that and the similar phenomena, Juergensmeyer does not describe nationalism as a phenomenon as such but either a complement or even a variety of fundamentalism. He labels the movements which combine the two as “religious nationalism.”⁶⁷ Both nationalism and fundamentalism “(...) serve the ethical function of providing an overarching framework of moral order, a framework that commands ultimate loyalty from those who subscribe to it.”⁶⁸

The demonization of the enemy means that he or she has had its human characteristics alienated from him or her. Such an enemy represents “the animalistic gaze of the ‘Other’” as described by Žižek.⁶⁹ By

⁶⁶ Roy P. Mottahedeh, “The Clash of Civilizations: An Islamicist’s Critique,” in *The New Crusades: Constructing the Muslim Enemy*, ed. Emran Qureshi and Michael A. Sells (New York: Columbia University Press, 2003), 149.

⁶⁷ Ruthven, *Fundamentalism*, 88.

⁶⁸ *Ibid.*

⁶⁹ Slavoj Žižek, “Živalski pogled Drugega” [“The Animal Gaze of the Other”], *Problemi*, (1–2, 2011): 49.

robbing the enemy of their humanity, the now "it" is assumed to also be devoid of rationality. This lack of rationality becomes the counterpart to the rationality of the aggressor: the enemy has been reduced to some kind of "primitivism" caught in the past from which there is no escape. Having said that, let us return to the case of the former Yugoslavia. To the then audience, there was something new in Slobodan Milošević's idea of an ethnically pure country. When establishing something "(...) radically New, all of its past with all of its inconsistencies must be reduced to a single basic signification."⁷⁰ The perspective we humans have of animals is a felicitous metaphor. Just as we usually (and erroneously) perceive animals from only our perspective, so, too, we err when perceiving the Other. In Milošević's case, the "civilised" Serbian nation is juxtaposed to the "barbaric" Muslims.⁷¹ There are a lot of parallels to be drawn between the examples: the human and the Serbs are fully developed and civilised, and clearly distinct from the animal and the Muslim, who both only follow their instincts. This distinction "human / animal not only mystifies the fact that animals are indeed independent from humans but also the very distinction as such, which effectively signifies the human being ripped out of the animal universe."⁷² The Serbs therefore occupy the position of the more advanced, the mature and fully developed nation as opposed to Bosnian Muslims who represent backwardness through the Serbian optic. Serbian nationalism grasps the conception of Islam as formed by Bat Ye'or and Ellul. The only option for Islam to reform is in their view to walk the same path as the Soviet Union – a total collapse.⁷³

Let us consider the adversity that the powerful create tensions even with a simple gaze. Here is another example from the relationship between humans and animals: Derrida's discomfort caused by the gaze of his cat when he was standing naked in front of the shower. He was so disturbed by the gaze that he tied a towel around his waist and chased

⁷⁰ *Ibid.*, 6.

⁷¹ Using the term "Muslim" for all Bosnian people is problematic on its own.

⁷² Žižek, "Živalski pogled Drugega," 8.

⁷³ Michael A. Sells, "Christ Killer, Kremlin, Contagion," in *The New Crusades: Constructing the Muslim Enemy*, ed. Emran Qureshi and Michael A. Sells (New York: Columbia University Press, 2003), 366.

the cat out of the bathroom. This is of interest to us since “the gaze of the cat represents the gaze of the Other – the non-human gaze, which renders this gaze even more that of the Other in all of its bottomless impermeability.”⁷⁴ Bringa applies this discomfort and adversity to Serbian nationalists and their attitude towards Bosnian Muslims: “They thought of Islam as a foreign object on the European soil which needs to be (or rather needed to be) eliminated by defeating the Ottomans.”⁷⁵

The Clash of Fundamentalisms?

It now seems appropriate to ask ourselves if we are living in a world of conflicts and if yes, what kind of conflicts they are. Žižek believes in the world of conflict and describes the contemporary society as one of two universes: “(...) the modern open ‘risk society’ versus the safety of the old secluded universe of Meaning.”⁷⁶ The two universes can safely be re-labelled as *the modern world* and *the fundamentalist world*. As Berger has shown, the contemporary society is mainly a society of choice, and religion is no exception. Secularisation sparked the liberation of the ultimate signification, which in turn caused the domain of religion to partly model itself after the marketplace.⁷⁷

Where there is no universal system of ultimate signification, there is uncertainty. To abscond to a fundamentalist community is to take shelter from the “risk society.” But how can a closed community address the risks of modernity? It is by mythology: the fears transform “into a mythical threat with which the community establishes a temporary truce and against which it has to maintain a permanent state of emergency.”⁷⁸ And it is precisely this upkeep of the state of emergency that sounds all too familiar to contemporary Westerners – Fear is not the predominant mobilisation technique only in the anachronistic fun-

⁷⁴ Žižek, “Živalski pogled Drugega,” 10.

⁷⁵ Tone Bringa, “Islam and the Quest for Identity in Post-Communist Bosnia-Herzegovina” in *Islam and Bosnia, Conflict Resolution and Foreign Policy in Multi-Ethnic States*, ed. Shatzmiller, Maya (Montreal & Kingston – London – Ithaca. McGill-Queen’s University Press, 2002), 25, quoted in Zalta, “Evropski “Drug””, 559.

⁷⁶ Slavoj Žižek, *Violence: Six Sideways Reflections* (New York: Picador, 2008), 29.

⁷⁷ Berger, *The Sacred Canopy*, 138.

⁷⁸ Žižek, *Violence*, 29.

damentalist world but also in the contemporary West. Fear has become the key element of modern politics,⁷⁹ affecting both the “concerned citizens” of the West and the fundamentalists. The “concerned citizen” is tormented by the “(...) fear of immigrants, fear of crime, fear of godless sexual depravity(...)”⁸⁰ Still, it seems odd that such fears should arise in a liberal society, especially regarding immigration. Žižek addresses those in fear thy neighbour as thyself. He believes that tolerance is an illusion, as the “Other” is “(...)just fine, but only insofar as his presence is not intrusive, insofar as this Other is not really other (...)”⁸¹ In that specific atmosphere, a new principal right is formed, which Žižek names “(...) *the right to not be harassed*, which is a right to remain as a safe distance from others.”⁸² Europe is upholding the distance between itself and other cultures because of a special codex of mutual evasion.⁸³

The alienation of social life typical of the West can have a positive effect on the tolerance of other cultures. Ignoring the Neighbour can, paradoxically, benefit the attitude towards the Other. But alongside this perspective, which is rather pessimistic from the humanistic point of view, there is another way to view the West’s ostensible high degree of tolerance. “The crisis of meaning,” being the legacy of modernisation, had been lingering on in the West, but the breaking of ties or identities was simultaneously compensated by the formation of new ties proliferated by cultural institutions. In the East, however, modernisation was mostly forced by colonial overlords, which meant the tradition had collapsed immediately and that there had been no time to build bridges between the old and the new, other than, of course, recursion and reclusion.⁸⁴

Žižek brings to our attention the significant switch of science and religion. Science, traditionally a source of certainty, now represents security. Meanwhile, religion has relinquished its function of providing security in favour of providing certainty. In this turn of events, religion

⁷⁹ *Ibid.*, 40.

⁸⁰ *Ibid.*, 40–41.

⁸¹ *Ibid.*, 42.

⁸² *Ibid.*

⁸³ *Ibid.*, 56.

⁸⁴ *Ibid.*, 82–83.

becomes “(...) one of the possible places from which one can deploy critical thoughts about today’s society. It has become one of the sites of resistance.”⁸⁵ It is from precisely this turn of events that the fundamentalist groups get the fuel for the legitimacy of their existence, be it the “classic,” religious fundamentalisms or populist movements, which operate almost identically to fundamentalisms, especially regarding mobilisation. This sheds further light on Europe’s far right’s resurgence, which can to a large extent be attributed to their insistence on being “against the system.”

We are standing before an important intersection. The first road leads to the modern pluralistic society in which secularisation has not abolished religion but rather liberalised the choice of “ultimate significance.” The second road leads to an enclosed world of “tight-bounded” religious norms leaving no room for those who think otherwise. Taking the first road makes us lose certainty but lets us keep the option to choose between models of ultimate significance. Taking the second road relinquishes the right to personal opinion and the right to choose a model of ultimate signification in favour of a certain Meaning.

Religion was described by Žižek as “(...) one of the possible places from which one can deploy critical thoughts about today’s society”⁸⁶ and such a provocative thesis deserves to be critically analysed. The critical doubt Žižek speaks of is very likely present with most of reactionary leaders but not as much with their followers. Juergensmeyer has researched this situation in the case of fundamentalisms. His conclusion is that religious violence is the most attractive option for marginalised groups, but not as a result of premeditated, critical doubt. It is rather the consequence of social pressure and discrimination. He estimates that the groups which are the most likely to use religious violence are those without access to power and ignored by the powers.⁸⁷

The “critical doubt” provided by religion as the response to the challenges of modernity can also be viewed as the response of the frustrated masses betrayed by their officials. The tensions between the tradition-

⁸⁵ *Ibid.*, p. 77.

⁸⁶ *Ibid.*

⁸⁷ Mark Juergensmeyer, *The New Cold War?: Religious Nationalism Confronts the Secular State* (Berkeley: University of California Press, 1994), 167–170.

ally religious and their pluralistic surroundings stem from when the latter nurture their identity by projecting their problems onto groups displaying otherness. This is the reason why the West spits vicious vitriol on immigrants: it is projecting the same imagery as it did onto the "Turks" during the Early Modern Period. It was then that "(...) the Turks became a standard against which every other brutal military practice was measured."⁸⁸ We will understand these fears brought into a contemporary context as the result of major social precariousness and the "collapse" of future stability – in the world where, as mentioned above, fear is the key element of politics,⁸⁹ anachronistic stories about "the good old times" appear ever so attractive. Fundamentalist adherents of monotheistic religions abuse this sentiment to construct myths: "Myth does not deny things, on the contrary, its function is to talk about them; simply, it purifies them, it makes them innocent, it gives them a natural and eternal justification (...)."⁹⁰

This quote by Jan Assmann can be used to conclude our discussion: "The fuse on the semantic dynamite, hidden inside the sacred texts of monotheistic religions, is not lit by the adherents but by fundamentalists in search of political power, using violent religious motifs to attract masses of followers."⁹¹

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⁸⁸ Simoniti, "O vojni, množični smrti," 100.

⁸⁹ Žižek, *Violence*, 41.

⁹⁰ Roland Barthes, *Mythologies* (New York: The Noonday Press, 1972), 143.

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ISLAMOPHOBIA AND XENOPHOBIA IN SLOVENIA THROUGH THE EYES OF COVERED MUSLIM WOMEN

M a j a P u c e l j

Introduction

Issues of Islamophobia and xenophobia have become an important part of discourse (in the public, in the media, and in political rhetoric) in recent years. The phobias, which do not have a psychopathological origin, represent a stereotypical discourse that the members of one group, who perceive themselves as superiors (non-Muslims living in the West), are against the other group that is placed opposite them, placing the other group's members (Muslims and foreigners) automatically in inferior position because they do not share the characteristics of the first group. It is an artificially created construct, which was created without any real foundation since there is no reason for a justifiable fear of Islam and Muslim or foreigners. The arrival of refugees and migrants from the Middle East and North Africa has, in recent years, further influenced the rise of various worrying phenomena such as racism, xenophobia, Islamophobia, antisemitism and deviation / hostility towards anything that is different. Since there is an evident lack of scientific literature in the field of Islamophobia and xenophobia studies as perceived by Muslim women, we have decided to carry out the following research. Our research, therefore, attempts to first identify Islamophobia and xenophobia through theoretical discourse as the fear of the "other" – that is, the fear towards Muslims (Islamophobia) or towards the foreigners (xenophobia). The research then lingers at the question on how Muslim women perceive the question of the existence and the increase of Islamophobia and xenophobia in Slovenia. The aim is to analyse this question through the method of partially structured interviews which we

carried out in the period between August and October of 2016 among fifteen covered Muslim women in Slovenia, with the aim of determining their own perception of the existence (and the increase in recent years) of both phenomena in Slovenia. The article concludes with a reflection on the findings of empirical research, which is further placed in the wider social context.

Defining Islamophobia and Xenophobia

A phobia is defined in the dictionary¹ as a very strong resistance or fear of someone or something. In recent years, a specific phobia has developed in Western societies, namely, Islamophobia. Richardson states that Islamophobia dates back to the early and mid-1990s from the United Kingdom², while the Runnymede Trust report states that the word was "formed" in the late 1980s³. The definition of "Islamophobia" in the United States claims that the term "Islamophobia" was first introduced as a concept in the Runnymede Trust report in 1991, where it was defined as "unfounded hostility to Muslims and as such constitutes a fear or a feeling of reluctance to all or most Muslims." Berkley faculty then established the following definition of Islamophobia: "Islamophobia is a fictitious fear or prejudice that is exacerbated by the existing Eurocentric and Orientalist global structure of power. It is focused on an alleged or actual Muslim threat through the maintenance and extension of the existing differences in economic, political, social and cultural relations, while at the same time it rationalises the need to use violence as a method of achieving "civilization rehabilitation" of the target communities (Muslim or any other). Islamophobia reinstates and confirms the global racial structure, through which the uneven di-

¹ "Merriam-Webster," Phobia, accessed June 26, 2017, <https://www.merriam-webster.com/dictionary/phobia>.

² Robin Richardson, *Mis/Representing Islam: the racism and rhetoric of British broadsheet newspapers* (Amsterdam/Philadelphia: John Benjamins, 2004).

³ Runnymede Trust report, "Islamophobia a challenge for us all," accessed May 15, 2017, <http://www.runnymedetrust.org/companies/17/74/Islamophobia-A-Challenge-for-Us-All.html>.

tribution of resources is maintained and expanded."⁴ According to the Gallup survey, researchers define Islamophobia through various details, but the essence of the term remains unchanged, irrespective of origin, namely excessive fear, hatred and hostility towards Islam and Muslims, which has been maintained by negative stereotypes and which results in prejudices, discrimination, marginalization, and exclusion of Muslims from social, political and public life⁵. The negative perception of Islam and Muslims in the West represents a perpetual agony, lasting for many centuries, which also manifests itself in Islamophobia, discrimination, and finally, in the less successful integration of Muslims into the West than desired. The point of initial dispute between Muslims and Western countries was in principle set in the time of the Crusades and it has continued through colonialism, imperialism, and is still noticeable now. According to the EUMC report, Muslims are experiencing Islamophobic outbursts ranging from oral threats to the physical attacks⁶.

Islamophobia can be manifested in latent, institutional, or obvious form. It is more difficult to detect latent, institutional Islamophobia, than obvious Islamophobia, as it is often hidden. It can be perceived, for example, in the statistics of economic integration that have been shown in the terms of Muslims. Obvious Islamophobia is much easier to recognize, as it perceives obvious forms of violence and hostility towards Muslims, which are also often reported to the police. Forms that exist are, for example, making (particularly offensive) jokes about Muslims / Islam, harassments, attacks, insults on the street, etc. The reasons for the occurrence of Islamophobia, as represented by various research, can be found in the lack of knowledge about Islamic faith and the way of life of Muslims, in the distorted image of Islam, which is represented by the mass media, in the historical or current disputes, in the political and economic reasons, and in the lack of adequate educa-

⁴ Berkley, "Defining »Islamophobia," accessed May 19, 2017, <http://crg.berkeley.edu/content/islamophobia/defining-islamophobia>.

⁵ Gallup, "Islamophobia: Understanding Anti-Muslim Sentiment in the West," accessed May 25, 2017, <http://www.gallup.com/poll/157082/islamophobia-understanding-anti-muslim-sentiment-west.asp>.

⁶ EUMC (European Monitoring Centre on Racism and Xenophobia), "Muslims in the European Union – Discrimination and Islamophobia," accessed June 2, 2017, http://fra.europa.eu/fraWebsite/attachments/Manifestations_EN.pdf.

tion and inadequate / insufficient mutual dialogue (between Muslims and the majority of (non-Muslim) population). The failure of existing integration policies and models of integration, which resulted in the unsuccessful integration of Muslims in the West, has been the topic of the numerous discussions in recent years. Whatever the causes of Islamophobia are supposed to be, the real "justification" for the execution of it cannot be found, since discrimination or re-examination only on the basis of religion (which have occurred over the centuries) are not really understandable, as this means that a person of a certain religion feels superior to the person of another religion. There is no basis for such feelings since religions are (or at least should be) equal to each other and differ only from the content of religious belief and the number of followers. Western societies (at least declaratively) strive to integrate the Muslims who came into their societies, and should, consequently, limit or eliminate Islamophobia which manifests itself through the discrimination against Muslims and, consequently, a sense of (social) exclusion, and can also result in the unsuccessful integration of Muslims into Western society.

What is xenophobia? As given by Guide to the Law for Youth (Xenophobia), in its literary sense, xenophobia indicates the fear of everything foreign, mostly foreigners and their culture,⁷ which is confirmed by the Dictionary of Standard Slovenian Language.⁸ The Guide to the Law for Youth further states that "xenophobia can appear as a mere discomfort in contact with a foreigner. However, this discomfort may turn into a more or less violent reaction to foreigners, which is seen as nationalism. This is followed by calls for the expulsion of foreigners, and also violence over them could follow."⁹ So, it is a prejudice against everything that is foreign. Concerning the situation in Slovenia, Čotar notes: "In the last decade, both the defensive and offensive forms of ethnocentric nationalism have been observed among the Slovenian public. Generally speaking, for Slovenians, the defensive form is more

⁷ Guide to the Law for Youth, "Kažiprav, Rasizem and xenophobia," accessed June 27, 2017, <https://kaziprav.wordpress.com/diskriminacija/rasizem-in-ksenofobija-2/>.

⁸ SSKJ, "Ksenofobija," accessed June 15, 2017, http://bos.zrc-sazu.si/cgi/a03.exe?name=sskj_testa&expression=ge=ksenofobija.

⁹ Guide to the Law for Youth, "Kažiprav, Rasizem and xenophobia."

characteristic, which is expressed in self-esteem and xenophobia. This form of nationalism was shown to immigrants from the area of the former Yugoslavia, to a lesser extent to refugees, occasional excesses with the Roma occurred, followed by illegal immigrants, where defensive nationalism began to turn into an offensive one. The still present problem / ... / of building an Islamic religious centre in Slovenia is a sufficient indication that we have not seen the disappearance of xenophobia and ethnocentric nationalism, but only their enlargements."¹⁰

The current formation of the society with the tendency of a capitalist touch, demands from people almost complete denial of private life and dedication almost exclusively to the demands and needs of the employer, which manifests itself in the increasing alienation of people among themselves, the increase of depression, the withdrawal within itself and the questioning about the meaning of life. It also manifests itself in feelings of hostility towards each other, which reflects in the occurrence of hostile speech, Islamophobia and xenophobia, which we have been witnessing for quite some time. On one hand, the apathy of the people to react to the acts of hostilities and, on the other hand, a strong feeling of nationalism and the words / expressions of hostility that we can witness in Western countries (as well as in Slovenia), lead to frightening situations, also implied by statistical data, which we can bear witness to all over Europe. However, the situation is very worrying in the United States, where we witnessed an increase in anti-Muslim incidents (from 2014 to 2016 this percentage rose by 65 %, from 1,341 cases in 2014 to 2,213 cases in 2016), while hate crimes in this country also increased from 2014 (when dealing with 38 such cases) to 2016 (when 260 cases were dealt with), by as much as 584 %¹¹. Will our passivity, following the perception of hostile speech / acts, Islamophobia and xenophobia, be followed by the US example, due to the high-level standards to prosecute such acts, or will we seriously consider various

¹⁰ Roberta Čotar, »Nacionalizem in ksenofobija v Sloveniji – analiza trenda v zadnjem desetletju«, Thesis, University of Ljubljana, 2004.

¹¹ Andrew Buncombe, "Muslim hate crimes: Reports of Islamophobic incidents in the US soared again in 2016," accessed June 5, 2017, <http://www.independent.co.uk/news/world/americas/muslim-hate-crimes-increased-2016-islamophobia-donald-trump-latest-a7735141.html>.

preventive and repressive measures in terms of the elimination of hate speech, Islamophobia and xenophobia?

If we could facilitate the prosecution of hate speech, Islamophobia and xenophobia, we could consequently lower the level of discrimination and achieve an improvement of psychological integration in terms of greater acceptance. In addition, employers' prejudices could also be reduced, which would have an impact on the increased involvement of Muslims and foreigners (of course, those who want it) into the labour market. However, the conditions for proving the existence of hate speech / acts, Islamophobia and xenophobia in all Western countries are set very high, which means that it is necessary to change the criminal law legislation in these countries in order to facilitate the prosecution of such acts, which, ultimately, could lead to extreme acts, committed because of hatred (which can even result in the death of victims of such acts). Although we are aware that there is a high degree of probability (given the fact that this problem has been pointed out for many years) that there will be no change in the criminal law legislation, we hope that in Slovenia we will not witness such a brutal increase of Islamophobia, xenophobia, and hostility, as has been witnessed in the United States, where such acts are even being promoted by the political rhetoric of President Donald Trump. Slovenia is obviously on the right track to achieve successful integration of Muslims (as we can conclude on the basis of our research¹²), therefore, all future steps that will be taken towards facilitating the integration of these social groups (i.e. Muslims and foreigners), need to be taken thoughtfully and with extreme caution, and at the same time we need to consider how to reduce the level of hate speech, Islamophobia and xenophobia, which we bear witness to in Slovenia.

Islamophobia in Europe and Slovenia

The EUMC survey states that Muslims in European Union Member States are the victims of discrimination and marginalization in the area

¹² Maja Pucelj, *Nivo uspešnosti integracije priseljencev islamske veroizpovedi v zahodne države* (Ljubljana: Založba Vega, 2016).

of employment, education, and residence, and are also the victims of negative stereotyping by the majority (non-Muslim) population and the media¹³. In recent years, Islamophobia in Europe has been fuelled by the immigration of refugees / migrants from the Middle East and North Africa (which linked the "refugee crisis" to the Muslim population in Europe, as confirmed by Bayrakli and Hafez¹⁴ and Zalta¹⁵) and the unsuccessful / less successful integration of Muslim minorities into majority of Europe's society. Factors like the economic crisis, the rise of nationalist parties, and the terrorist attacks carried out by Muslim extremists across major European cities, contributed to the increase of Islamophobia. In our scientific monograph¹⁶, we found that discrimination against Muslims is present in all major Western (reviewed) European states, and can be most notable in the labour market. Bayrakli and Hafez have found that Islamophobia represents a major risk to the democratic foundations of the European constitutions and to the social peace, as well as to the coexistence of different cultures in Europe, and they have added that both civil society and countries should recognize the seriousness of this problem and formulate concrete policies to combat Islamophobia¹⁷.

As Zalta¹⁸ points out: "Islamophobia is present in Slovenian society. Its consequences can be detected in the stereotyping of Muslims based on the ignorance of the heterogeneity of Islamic tradition and the rejection of Islam as a European (and consequently Slovenian) religion." According to the research carried out by Dragoš¹⁹ and Pašič²⁰, the existence of Islamophobia in Slovenia can be noted in printed media,

¹³ EUMC, "Muslims in the European Union."

¹⁴ Enes Bayrakli and Farid Hafez, "European Islamophobia Report," accessed June 27, 2017, http://www.islamophobiaeurope.com/reports/2015/en/EIR_2015_NORWAY.pdf.

¹⁵ Anja Zalta, "Islamophobia in Slovenia – national report 2016," accessed July 03, 2017, <http://www.islamophobiaeurope.com/wp-content/uploads/2017/03/SLOVENIA.pdf>.

¹⁶ Pucelj, *Nivo uspešnosti integracije priseljencev*.

¹⁷ Bayrakli and Hafez, "European Islamophobia Report."

¹⁸ Zalta, "Islamophobia in Slovenia".

¹⁹ Srečo Dragoš, »Islam in suicidalno podalpsko pleme,« in *Poročilo skupine za spremljanje nestrpnosti 02*, ed. Tomaž Triplan and Roman Kuhar, 34-53 (Ljubljana: Inštitut za narodnostna vprašanja, 2003).

²⁰ Ahmed Pašič, *Islam in muslimani v Sloveniji* (Sarajevo: Emanet, 2002).

Dragoš²¹ adds that a variety of Islamophobic statements given by Slovenian politicians and intellectuals can be found in numerous Slovenian printed media, whereas Pašič²² adds that: "The articles written in a negative spirit prevail / ... / the most common prejudices are the global fear of Islam and the "Islamic fundamentalism," the spread of faith with the fire and swords and the support of terrorism, the confusion with the expressions of Muslim and Mohammedan, the status of Isaa a.s. and Muhammed a.s., the suppression of women, the construction of the mosque in Ljubljana and sects in Islam." In his study that Dragoš titled *Islamophobia in Slovenia*, he draws attention to the history of the problems Muslims encountered while building a Muslim religious centre, highlighting certain prejudices and opinions of certain politicians²³. Zalta²⁴ adds: "Yet Islamophobic discourses mainly related to the construction of the mosque as the central symbol of Muslim presence in the country, are continuing, in particular on Internet networks and public forums, but also in certain media outlets (which will be discussed in the next chapters). These kinds of discourses are not (only) a result of the fear of terrorist attacks, but are fuelled by the fear of medieval Turkish incursions, embedded in the Slovenian collective memory."

Muslims in Slovenia, like Muslims around the world, are perceived as "the others." They face discrimination and Islamophobia, which we also confirmed in our research²⁵. In Slovenia, after the terrorist attack in Paris in January 2015, an additional increase in the level of discrimination and Islamophobia can be detected (for example, in January 2015, the inscription "Ubi sve muslime" (Kill all Muslims) appeared in Jesenice, while throughout Slovenia, leaflets appeared with intolerant content directed against Muslims, which were glued primarily to the places owned by the members of Islamic religion). Zalta adds that: "The year 2016 witnessed one of the first known Islamophobic acts to be

²¹ Dragoš, *Islam in suicidalno podalpsko pleme*.

²² Pašič, *Islam in muslimani v Sloveniji*, 123-124.

²³ Srečo Dragoš, »Islamofobija na Slovenskem,« in *Poročilo skupine za spremljanje nestrpnosti 03*, ed. Tomaž Triplan, Sabina Autor and Roman Kuhar, 10-27 (Ljubljana: Inštitut za narodnostna vprašanja, 2004).

²⁴ Zalta, "Islamophobia in Slovenia."

²⁵ Pucelj, *Nivo uspešnosti integracije priseljencev*.

given media publicity in the country: heads of pigs and jars of blood were dumped on the building site of an Islamic religious and cultural centre.” Due to the fact that Zalta²⁶ points out that “islamophobia is felt most by those Muslims who outwardly show their religious affiliation (either visually by way of dress and / or participation in the media)” the following chapter presents how covered Muslim women in Slovenia perceive Islamophobia and xenophobia in Slovenia.

Perception of Islamophobia and Xenophobia through the Eyes of Covered Muslim Women in Slovenia

In this chapter, the problems of the existence and increase of Islamophobia and xenophobia in Slovenia are dealt with as perceived by the covered Muslim women. This is determined by using the method of partially structured interviews conducted in the time period between August and October 2016 among the covered Muslim women in Slovenia. The main goal of the analysis of semi-structured interviews is the interpretation of data which is read as a narration of the covered Muslim women in Slovenia about their subjective perception of the existence and possible increase of Islamophobia and xenophobia towards them. This interpretation includes opinions and / or experiences of fifteen interviewees with whom interviews (personal, telephone or electronic) were conducted in the time period between August and November 2016. The main goal of the analysis of semi-structured interviews is the interpretation of data that is read as a narration of the covered Muslim women in Slovenia about their subjective perception of the existence and possible increase of hostile speech and Islamophobia directed against them, as well as the level of their integration success. The youngest interviewee was 22 years old, while the oldest was 37. Ten interviewees were born in Slovenia, four in Bosnia and Herzegovina, and one in Yemen. One interviewee, born outside Slovenia, has been living in Slovenia for two years now and has a temporary residence permit, the other has been here for eight years and has a permanent residence, the next one has been here for ten years and also has a permanent residence,

²⁶ Zalta, “Islamophobia in Slovenia.”

the last one came to Slovenia as a seven-month-old infant in 1981 and has Slovenian citizenship. Women who were not born in Slovenia came to this country primarily with the aim of family reunification, since their husbands first came here as workers, and later they joined them.

All interviewees were born into the Islamic faith, they made their decision to cover up by their own will. Two of them have covered up early, during their childhood, one said that she started covering herself because of the cultural environment in which covering was expected from her, while one pointed out the desire to hide in order to protect her from the views of other men. One of the interviewees also stated the (negative) fact that after she had covered up with the niqab, her family gave her up. They have been covering themselves up primarily because of religious reasons, the desire for obscurity and modesty, for cultural reasons and for the preservation of one's identity. Most interviewees use hijab (N = 11), to a lesser extent niqab (N = 2), galabiya, kimar (N = 1) and abaya (N = 1), while one of them uses both hijab and niqab. An interviewee who started covering herself up the last has been covering up for one year now, while the interviewees who have been covering up the longest have been covered up for 17 years. Covering has an impact on the quality of their lives, especially in terms of obtaining greater respect from the others, a greater sense of security and protection, greater self-esteem, happiness, personal refinement and a declaration of devotion to God. Some interviewees (N = 4) state that covering does not affect the quality of their lives, while two interviewees have noted a negative impact, especially in terms of employment limitations. Most of the interviewees (N = 12) used Slovenian language in the interview, two used Bosnian language, and one used English. Due to the knowledge of both languages, an interpreter was not needed, interviews were held in the desired language of the interviewees (i.e. in Slovenian, Bosnian and English). The search for interviewees was carried out orally by the snowball method as well as on social networks (Facebook, etc.). During the search for the suitable interviewees, numerous covered Muslim women were helpful in finding the right persons for the author to conduct the interviews with, especially by searching through their own personal circles of covered Muslim women.

Interviewers perceive both the existence as well as an increase of Islamophobia and xenophobia in Slovenia. They detect it indirectly and directly. They detect it indirectly through the media, social networks (such as Facebook), on media websites (such as RTV SLO) or in politics. One of the interviewees states: "I repeat myself. Media, media. Politicians who want voices and people who cannot read and educate themselves... but are becoming more and more Americanized ... sheep."²⁷ They directly perceive Islamophobia and xenophobia in the restrained relationship of others, and by visiting shopping centres, streets, and health facilities (one interviewee²⁸ points out that she had a problem with a doctor who was very Islamophobic and therefore she stopped visiting her). However, some of them warn that it also depends on individuals (in some cases it is possible to observe Islamophobia and xenophobia, while in others it is not, as some reject Muslims, while others accept them). The interviewees see the reasons for the existence and increase of both phenomena (i.e. Islamophobia and xenophobia) in particular in:

1. the misrepresentation of cultures, religions, and events by the media. One of the interviewees states that: "Islamophobia exists and is increasing. Especially due to reporting about extremists who were supposed to be Muslims. Media report about Muslims only when it comes to negative cases. So it is not surprising that people get the feeling that everything that starts with "Islamic" is bad and means something terrible."²⁹ One of the interviewees adds that: "Islamophobia exists in Slovenia. Fear of Islam and Muslims is absolutely visible in the eyes of people, not just fear, but also hatred towards Islam or Muslims. I cannot say whether xenophobia has increased in recent years since I have not been living in Slovenia for so long, but it does exist. The reason is mainly that people are not well educated about different cultures, religions and backgrounds / origin of Muslims. The media play an

²⁷ INT 9, interview (interviews are a part of author's Ph.D. dissertation and all information about the interviewees, who decided to be anonymous, are available at the author of this article).

²⁸ INT 8, interview.

²⁹ INT 12, interview.

- important role in creating fear and hatred, so I personally think that people should educate themselves better in this sense"³⁰;
2. the events that occur around the world (such as the Islamic state, terrorist acts, the arrival of refugees and migrants from the Middle East and North Africa, etc.). One of the interviewees notes that: "Islamophobia and xenophobia have always been present, but they have increased even more due to the arrival of refugees, not only in Slovenia but also in Europe. Islam was "revived" even more than before"³¹;
 3. the insufficient knowledge about Islam, which is illustrated in the following quote by one of the interviewees: "I think that islamophobia exists, I perceive it most in the media, everything that the Muslim do, all allegedly comes from their religion, although if they knew the situation, they would see that it derives from him, from his family. This should be regulated at the level of education, the ministry, people should know what the religions are and that the negative actions are not allowed on the level of Islam. Xenophobia exists, I have seen it on the example of a friend from Morocco who is covered and black, people have a totally different attitude towards her than, for example, towards me. She is always under scrutiny, wherever she goes, and I think the reason for that is that Slovenia is small, there is not much multicultural intertwining and that is the biggest problem. There is very little work done on integration, for example, employment of a black man. For instance, if a black man or a covered woman worked in a bank, then it could be said that we have a successful integration. The biggest issue among all these problems is the unemployment and, consequently, it leads to a deviation in opinions"³²;
 4. the diversity of the cultures.

One of the interviewees pointed out that the problem of the existence and growth of both phenomena can be explained also by the fact that in times of financial crisis, there was a lack of employment for the rest,

³⁰ INT 14, interview.

³¹ INT 11, interview.

³² INT 4, interview.

that is, the citizens of Slovenia and, consequently, an increase in fear for one's own existence was noted.

Conclusion

In recent years, there has been a noticeable increase in Islamophobia around the world. In particular, in Europe, after the mass migration of migrants / refugees from the Middle East and North Africa towards Europe, there has been a noticeable public-media anti-migrant discourse. Various reports and surveys (such as Spindler³³, ECRI report³⁴, Vežjak³⁵, ENAR report³⁶, Zalta³⁷ and so on) perceive an increase in Islamophobia following the massive arrival of refugees / migrants, the rise of anti-migrant discourse (Spindler³⁸; ECRI³⁹; Vežjak⁴⁰) and the existence of racism (ECRI report⁴¹ and ENAR report⁴²). Also, in Slovenia, it was possible to detect the rise of Islamophobia after the arrival of refugees / migrants on our territory. Islamophobic / hate speech was perceived on social networks, online forums and so on. In recent years, however, there has been an increase in Islamophobia, as well as an increase in terrorist attacks or attacks by Islamists in various major cities, mainly across Europe. Both phenomena are consequently connected, as the rise of Islamophobia is visible after a terrorist attack, as the level of media reporting on a particular terrorist attack increases. With occurrence of any terrorist attacks, we can see an increase in Islamophobic

³³ William Spindler, "UN refugee chief calls for concerted action to defend asylum on International Day of Tolerance," accessed June 28, 2017, <http://www.unhcr.org/437b5ea94.html>.

³⁴ ECRI, "Annual report on ECRI'S activities," accessed June 2, 2017, http://www.coe.int/t/dghl/monitoring/ecri/activities/Annual_Reports/Annual%20report%202014.pdf.

³⁵ Boris Vežjak, "Sovraštvo Slovencev do beguncev: zelo kratek vodič," accessed April 24, 2017, <https://vezjak.com/2015/08/29/sovraštvo-slovencev-do-beguncev-zelo-kratek-vodic/>.

³⁶ ENAR report, "Black people in Europe report widespread racism in anti-immigration context," accessed June 27, 2017, <http://www.enar-eu.org/Black-people-in-Europe-report-widespread-racism-in-anti-immigration-context>.

³⁷ Zalta, "Islamophobia in Slovenia."

³⁸ Spindler, "UN refugee chief calls."

³⁹ ECRI, "Annual report on ECRI'S activities."

⁴⁰ Vežjak, "Sovraštvo Slovencev do beguncev."

⁴¹ ECRI, "Annual report on ECRI'S activities."

⁴² ENAR report, "Black people in Europe."

statements in media and public discourses. The appearance of terrorist attacks as the reason for an increase of Islamophobia coincides with the findings of the 8th OIC Report⁴³, which cites terrorism and extremism as the cause of the emergence and growth of Islamophobia. The violent actions of members of the Islamic State, such as beheading, rape, taking over the responsibilities for terrorist attacks in major cities in Europe, undoubtedly does not give rise to sympathy for individuals living in the West, but contributes to an increase in Islamophobia as members of the Islamic State are perceived as Muslims whose actions the non-Muslim Western public has simply generalized onto the entire Muslim population and, consequently, it increases the sense of Islamophobia. The Islamic community also warns about the necessity of separating the actions of the individuals from the Muslim community because actions of terroristic attacks, carried out by individuals, are also condemned by the majority of Muslim members, but until now, such warnings have not achieved the desired effect. Through an overview of the various already conducted research, however, we encountered another "culprit" for the rise of Islamophobia, that is the negative biased media reporting, which is also confirmed by various studies (for example Said⁴⁴, Allen⁴⁵, Shaheen⁴⁶, EUMC⁴⁷, Femyso⁴⁸, Haque and Hossain⁴⁹, Jackson⁵⁰, Jureković

⁴³ OIC, "Eight Oic Observer Report on Islamophobia," accessed June 15, 2017, http://www.oic-oci.org/oicv3/upload/islamophobia/2015/en/reports/8th_Ob_Rep_ Islamophobia_Final.pdf.

⁴⁴ Edward W. Said, *Covering Islam: How the media and the experts determine how we see the rest of the world* (New York: Vintage, 1997).

⁴⁵ Christopher Allen, "Islamophobia in the Media since September 11th." Paper presented at the conference "Exploring islamophobia: Deepening Our Understanding of Islam and Muslims" University of Westminster, School of Law, London, September 29, 2001, accessed June 26, 2017, <http://www.fairuk.org/docs/islamophobia-in-the-media-since-911-christopherallen.pdf>.

⁴⁶ Jack G Shaheen, *Reel bad Arabs* (Northampton: Olive Branch Press, 2001).

⁴⁷ EUMC, "Muslims in the European Union."

⁴⁸ Femyso, "Islamophobia in the media," accessed May 29, 2017, http://p9445.typo3server.info/uploads/media/21Jan2006_en.pdf.

⁴⁹ Faatin Haque and Mahjabeen Khaled Hossain, "Global media, islamophobia and its impact on conflict resolution," accessed May 16, 2017, <http://www.ihtmsaw.org/resource-files/1260034024.pdf>.

⁵⁰ Liz Jackson, "Images of Islam in US media and their educational implications," *Educational Studies* 46: 3-24.

et al.⁵¹, Mešič⁵² etc.). According to the interviewees, the consequences of populist media reporting do not strengthen only discrimination, but also radicalism in the form of strengthening right-wing political rhetoric, Islamophobia and xenophobia and the use of hate speech.

Interviewees perceive both the existence and also an increase in Islamophobia and xenophobia in Slovenia. They perceived them indirectly (in the media, through social networks (such as Facebook), on media websites (such as RTV SLO), in politics) and directly (in the restrained attitude of others, by visiting the shopping centres, on the streets, in health institutions). They point out that it is also dependent on individuals (since it is possible to feel Islamophobia and xenophobia by some of them, while by others it is not; some reject Muslims, others accept them). The reason for the existence and increase of the two phenomena (by the interviewees) has been mainly detected in: (1) the misrepresentation of cultures, religions, and events by the media; (2) events occurring worldwide; (3) the insufficient knowledge of Islam, and (4) the diversity of the cultures. The existence of Islamophobia in Slovenia was perceived by Pašič⁵³, Dragoš⁵⁴ and Zalta⁵⁵, and we have also pointed out its existence in our own monograph⁵⁶. The existence of Islamophobia was also shown by the present research. In recent years, we noted an increase in Islamophobic acts in Slovenia. For example, in January 2015, the inscription "Kill all Muslims"⁵⁷ appeared in Jesenice. In other parts of Slovenia, leaflets with intolerant content directed towards Muslims, which were glued primarily to the places owned by members of Islamic religion, appeared. From January 12th to January 13th, 2016,

⁵¹ Igor Jurekovič, Matjaž Zgonc and Oskar Opassi, "Večni "drugi": muslimani v slovenskih medijih," accessed May 14, 2017, <http://www.sociologija.si/zapisi/vecni-drugi-muslimani-v-slovenskih-medijih/>.

⁵² Mirza Mešič, "The Perception of Islam and Muslims in the Media and the Responsibility of European Muslims Towards the Media," accessed June 26, 2017, <http://www.culturelink.org/conf/dialogue/mesic.pdf>.

⁵³ Pašič, *Islam in muslimani v Sloveniji*.

⁵⁴ Dragoš, *Islam in suicidalno podalpsko pleme*.

⁵⁵ Zalta, "Islamophobia in Slovenia."

⁵⁶ Pucelj, *Nivo uspešnosti integracije priseljencev*.

⁵⁷ Translated from the original »Ubi sve muslime« by the author.

the pigs' heads and blood spill were left along the construction site of the Islamic Cultural Centre, and so on.

In our midst (i.e. in Slovenia), the Muslims are practically unrecognizable with their behaviour and appearance – there are few covered women and they mostly use hijab for covering up (there is a significantly lower number of those covered with niqab or other forms of coverings). Moreover, the cultural and geographical proximity of Muslims living in Slovenia has contributed to facilitating the integration of Muslims, due to the fact that in many Western countries, different cultural origins of Muslims cause problems in integrating them. The media thus reflect and also affect the social relation towards the Muslims, and form a public opinion, which, unfortunately, is often negatively perceived both towards Muslims and foreigners in general. “Despite the fact that the media are not the main factor influencing the decisions of the people how they will perceive a subculture or a group of people, the negative picture provided by the media undoubtedly does not contribute to a better / more successful integration, but it even prevents or obstructs it to some extent.”⁵⁸ After the events of September 11th, the media image deteriorated considerably, since Muslims are considered terrorists, despite the fact that research⁵⁹ suggests that the vast majority of Muslims reject extremist / terrorist acts. The stereotyping of Islam and Muslims in today's media has a long history. Following the preconceptions of references to Islam from the 8th century onward – prejudices later transmitted by the Reformers such as Martin Luther, dramatists and poets such as Shakespeare, Dante, and historians such as Gibbon, a distinguished diplomat and scholar, Erskine Childers observed that the subject of Islam as a curse of the world, of revenge, of its own leniency, which begins with Mohammed and then infects all Muslims, has been held in western academic circles even to this day⁶⁰. Similarly, Said⁶¹ argued that

⁵⁸ Pucelj, *Nivo uspešnosti integracije priseljencev*, 90.

⁵⁹ Open Society Institute, “Muslims in Europe - A Report on 11 EU Cities,” accessed May 11, 2017, https://www.opensocietyfoundations.org/sites/default/files/a-muslims-europe-20110214_0.pdf.

⁶⁰ Muzaffar v: Sucharita S. Eashwar, ed., *Dialogue, understanding and tolerance: First Asia Media Summit 2004*. Kuala Lumpur: Asia-Pacific Institute for Broadcasting Development.

⁶¹ Edward W. Said, *Covering Islam* (New York: Pantheon Books, 1981).

for the general public in America and Europe today, Islam is a particularly unpleasant type of "news." Media, government and geopolitical strategists and academics are all sceptical although this is marginal to culture in the broader sense, Islam is a threat to Western civilization. Said further notes that negative images of Islam are far more widespread than any other and that such images do not correspond to Islam, but to what the reputable sectors of a particular society want it to be. These sectors have the power and the will to propagate a certain picture of Islam which becomes more widespread, more present than all others.⁶²

Since we have very limited knowledge about Islam and Muslims, and we do not acquire knowledge (at least not fast enough), we can – because of (biased and incorrect) media coverage, terrorist attacks, discussions in politics, on social networks and forums – quickly allow ourselves to be “dragged” into anti-Muslim rhetoric, which consequently leads to Islamophobia. Islam is, in its primal basis, just like any religion in this world, formed positively, and has, like every religion, extremists who want to interpret a religious book for their evil intentions. Therefore, it is absolutely necessary to separate the actions of extremists from the actions of the majority of Muslims. It would also be necessary to raise the level of knowledge of Islam among non-Muslims (mainly through fairly documented programs, reportage, newspaper articles, round tables and, nevertheless, also with interaction with Muslims), since we can learn a lot from each other if we do not yield to fear, which some deliberately produce for their different (mostly negative) purposes. And instead of concluding, we would like to point out the thought given by the Islamic Community after the public speech of the Slovenian politician Branko Grims, claiming that the security problem exists due to possible infiltration of foreign ideas or individuals into the functioning of the Islamic Cultural Centre, which they say is: "fantasy, undermining and exploiting the crisis in international relations to create a stigma over Muslims in Slovenia."⁶³ Islamic Community completes their press release with a strong substantive connotation, which questions the level

⁶² Said, *Covering Islam*, 1981, 136.

⁶³ Islamic Community, "Načrti za rušenje džamije," accessed June 27, 2017, <http://www.islamska-skupnost.si/novice/2017/06/sporocilo-za-javnost-islamske-skupnosti-v-zvezi-z-izjava-mi-branka-grimsa/>.

of Islamophobia that the Muslims feel in Slovenia: "Do you want us to start apologizing for being Muslims?" (Ibid.). We do not think that an additional comment is needed, since it is clear from the above written that the level of Islamophobic rhetoric in Slovenia (especially in the field of political rhetoric) is almost absurd. All this poses new questions to the Muslims living in this country. What do the non-Muslims want from them, perhaps even to renounce their own faith and consequently their own identity? Where is the end?

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A B S T R A C T S

Muhidin Mulalić and Ahmed Kulanić

Religious Extremism vs. Multiculturalism in Bosnia and Herzegovina

Fostering multiculturalism is vital in post-conflict societies where religious extremism, enriched with ethno-national flavour, is challenging peace and stability of our societies. Historical progress and dynamics clearly indicate that multicultural states, cultures, civilizations and religions respectively clash, meet and coexist. In the case of Bosnia and Herzegovina, it is significant to explore how a unique socio-cultural model could be used to tackle or counter religious extremism. This paper will analyse and discuss key ideas and concepts of some leading Bosnian scholars who argued for the Bosnian Tradition as a model for multiethnic and multicultural societies. This paper also aims to analyse the current threat of religious extremism and how religious communities, especially the Islamic Community, use their legal, administrative and educational models for countering religious extremism. An emphasis shall be placed on introducing readers to the main activities and initiatives of the state institutions and the religious communities in tackling religious extremism. Finally, using content analysis, this paper will also analyse randomly selected news in daily newspapers on extremism, terrorism, interreligious dialogue and multiculturalism.

Keywords: Multiculturalism; Religious Extremism; Bosnia and Herzegovina; Religious Communities; Interreligious Dialogue.

Hikmet Karčić

Challenges and Temptations: Debates and Reactions of the Islamic Community to the War in Bosnia and Herzegovina between 1992 and 1995

The Islamic Community of Yugoslavia found itself in a new and difficult position when the war in the former Republic of Yugoslavia broke out. The Islamic Community in Bosnia and Herzegovina faced several new political and religious struggles. The contribution aims to explore the response of the Islamic Community to the break-up of Yugoslavia, the war, mass atrocities and genocide. In order to present an official view, the writings in the official Glasnik newspaper (the official Herald) will be presented. The research will focus on several debates which arose

during the war of 1992 – 1995, including the issues of shahids, raped women, jihad etc., as well as other official decisions brought by the Islamic Community during these turbulent times.

Keywords: Islamic community, Glasnik, Bosnia and Herzegovina, war, Islam.

Jeton Mehmeti

Religious Contestations in Post-Independent Kosovo

The ‘architects’ of the new multi-cultural and independent Kosovo tried to avoid the religion and ethnicity issues in the new Kosovo identity as much as possible. Religion in particular was relegated to the background. Secularism and modernity were the new concepts that replaced religiosity and tradition. The basic provision of the Ahtisaari plan that Kosovo should be a secular state, with no official religion and with a neutral attitude on religious affairs was later reflected on Kosovo's Constitution and its legal system. All the institutional arrangements were made to make Kosovo a secular and multi-ethnic society. This did not prevent, however, the emergence of a public debate over religious issues such as the participation of Kosovars in the Syrian conflict, the imprisonment of the most influential imams, the exclusion of faith-based organizations, and the denial of headscarves and religious education in public schools.

The debate on religious issues has polarized the public opinion in Kosovo. Three main groups have emerged: firstly, the political elites that are usually more responsible to the international community and keen to show that Kosovo is a secular state with a constitutional framework, like other European states; secondly, there are the media, intellectuals and NGOs, divided among secular and more religious-friendly views; and thirdly, the religious communities with their own interest in the issue. This paper analyses the institutional arrangements regarding religion in Kosovo as an unfinished business and explores the evolving differentiation between political and believers’ position concerning major debates on Islamic issues.

Key words: religion, Kosovo, secular system, radical Islam, religious education.

Özgür Kaymak and Anna Maria Beylunioglu

An Analysis of National and Minority Identity Relationality: The Case of Antiochian Eastern Orthodox Community in Istanbul

Examining state-society relations in Turkey, one can acknowledge the association of national identity with Sunni-Islam which constitutes the population at large. There have been numerous significant contributions in social science literature with regard to non-Muslim minorities in Turkey which questioned the idea of homogenous national identity aimed to be constructed in such a geographical position where various ethnic minorities are based. Their purpose was to pave the way for important academic studies and to challenge official history arguments for the first time. A close observation of non-Muslim minority communities whose numbers are decreasing day-by-day will demonstrate how diverse these groups are. They include economic, cultural and gender differences which all prevent them from acting together most of the time.

Compared to other non-Muslim groups, the topic of the Antiochian Orthodox community is an understudied topic in social sciences. Indeed, there is a scarce amount of qualitative studies which deal with this minority group taking their daily lives into consideration. Benefiting from the in-depth interviews from different age, socioeconomic profile and gender of Istanbul-based Antiochian Orthodox, this study problematizes how this particular ethno-religious minority community establishes the relationship between their national and minority identity in respect to other non-Muslim minority communities.

Key words: non-Muslim minorities, national identity, ethno-religious minorities, Turkey, the Antiochian Eastern Orthodox, Istanbul.

Orsolya Falus

Waqf as a Traditional Legal Institution for Social Responsibility according to Natural Law

It has become apparent for the 21st century that natural sciences evolving even with the speed of light are unable to answer all problematic issues of the recent economic and political crises. The focus thus seems to get relocated from the natural to the social sciences. To solve these global problems, only global solutions should be applied. This in turn raises the question of tensions caused by differences among cultures. The challenge is to find a common denominator, which, in all legal researches, is founded on natural law and is independent of any cultural backgrounds.

Regarding the fragmentation of societies on basic sociological level, only internal social safety net can provide an evident solution, which seems to work more naturally and efficiently in Islamic states than in European Christian societies. Islam, as a religion, lays considerable stress on pious deeds. Islam, as a way of life, however, spells out the basic principles of the legal institutions as a zakat, a sadaqah and a waqf, as well, in order to reach the well-being of the ummah. These Islamic legal institutions have close relations to the classical natural law theory. The ancient and natural legal institution of waqf seems to be an always renewable and everlasting solution for many problems that emerge in Islamic societies.

Key words: natural law, social safety, pious deeds, ummah, legal institutions, everlasting.

Sami Al-Daghistani

Morality or Money? Democracy and Islamic Economic Predicaments

The article analyzes the economic philosophy of certain classical Muslim thinkers and their spiritual ideas, applying a critical approach towards the modern notion of economic growth and its association with democratizing of modern societies. In the 20th century, with the rise of political Islam, the so-called “economic Islam” or contemporary Islamic economic thought emerged as a distinct field of study. It gradually gained momentum with the expansion of Islamic finances and banking as a by-product of lucrative financial markets and global capitalism. Yet, classical Islamic scholarship and its epistemological contributions on economic thought have not been sufficiently studied by the contemporary (Muslims) scholars, as well as its predicaments on social and economic justice. Islamic economics and finances were made fit within the dominant narrative of the global political economy.

Key words: economic philosophy, Islamic economic thought, Islamic finances, economic justice, global political economy.

Oskar Opassi

Muslims as the European "Other": Between Self-awareness and Fundamentalism

The sphere of religion underwent significant changes during the course of the 20th century. Among those, the one that left the biggest impact was secularisation. It is possible for us to state that while the process of secularisation certainly took place, that alone does not imply that religion will disappear but rather indicates the dissolution of the monopoly over the choice regarding the final significance. The new interpretation of subjectivisation as well as the new relation between the mundane and the cosmic is causing a major stirrup in the domain of religion. These tensions started to become strained after the fall of the Iron Curtain and after the increase of the importance of »The Clash of Civilisations« between the East and the West. A careful analysis proves that people practising »traditional« religion in the West have more in common with the fundamentalists from the East than they do with those practising »modern« religion in the West. There is, therefore, an apparent rift in the society. It has been labelled »The Clash of Civilisations« although it should probably be classified as »The Clash of Fundamentalisms.«

Keywords: secularisation, fundamentalism, construction of the Other, identity of the West, religious violence.

Maja Pucelj

Islamophobia and Xenophobia in Slovenia Through The Eyes of Covered Muslim Women

The article focuses on Islamophobia and xenophobia in Slovenia, as perceived by veiled Muslim women. The starting research questions are: 1) are Islamophobia and xenophobia present in Slovenia, 2) where do interviewees perceive Islamophobia and xenophobia the most and 3) have, according to the opinion of the interviewees, Islamophobia and xenophobia been increasing in recent years. Methodologically, the article is based on fifteen semi-structured interviews with covered Muslim women in Slovenia, whose religious affiliation and identity is recognized through the covering of individual parts or the entire body. Islamophobia and xenophobia in Slovenia, according to the findings from the interviews carried out, exist and have been increasing in recent years (especially after the arrival of refugees and migrants from the Middle East and North Africa). Interviewees perceive these two forms both indirectly (through communication channels such as mass media and social networks as well as through the political rhetoric) as well as

directly (through negative attitudes in interpersonal communication, by visiting shopping malls, on the street, in a health facility). According to the interviewees, the main reasons for the existence of Islamophobia and xenophobia lay in the insufficient knowledge of Islam, and in the events occurring around the world (deviant behaviour of Islamic Country, acts of terrorism and so on), which are in a negative context associated with Islam.

Keywords: Islamophobia, xenophobia, covered Muslim women, Islam, Islamic Country, terrorism, negative attitude.

P O V Z E T K I

Muhidin Mulalić and Ahmed Kulanić

Verski ekstremizem proti multikulturalizmu v Bosni in Hercegovini

V postkonfliktnih družbah, v katerih verski ekstremizem, obogaten z etno-nacionalizmom, izziva mir in stabilnost naše družbe, je spodbujanje multikulturalizma bistvenega pomena. Zgodovinski razvoj in dinamika jasno kažeta, da se multikulturene države, kulture, civilizacije oziroma religije, ko trčijo med seboj, hkrati tudi spoznavajo in sobivajo. V primeru Bosne in Hercegovine je pomembno raziskati, kako lahko edinstven družbeno-kulturni model uporabimo za soočanje z verskim ekstremizmom. Pričujoči članek analizira in obravnava ključne ideje in koncepte nekaterih vodilnih bošnjaških strokovnjakov, ki zagovarjajo bošnjaško tradicijo kot model za multietnične in multikulturene družbe. Članek skuša analizirati tudi trenutno grožnjo verskega ekstremizma in pokaže, kako verske skupnosti, še posebno islamska, uporabljajo svoje pravne, administrativne in izobraževalne modele za nasprotovanje verskemu ekstremizmu. Članek seznanja bralce z glavnimi aktivnostmi in iniciativami državnih institucij ter verskih skupnosti pri spopadanju z verskim ekstremizmom. Na koncu pa članek ponudi še analizo vsebin dnevnega časopisa s poudarkom na vprašanju ekstremizma, terorizma, medverskega dialoga in multikulturalizma.

Ključne besede: multikulturalizem, verski ekstremizem, Bosna in Hercegovina, verske skupnosti, medverski dialog.

Hikmet Karčić

Izzivi in skušnjave: razprave in odzivi islamske skupnosti na vojno v Bosni in Hercegovini med letoma 1992 in 1995

ob izbruhu vojne v bivši Jugoslaviji se je Islamska skupnost Jugoslavije znašla v težkem položaju, daj se je soočila z novimi političnimi in verskimi konflikti. Pričujoči prispevek si prizadeva raziskati odziv Islamske skupnosti na razpad Jugoslavije, na vojno ter na množične grozote in genocid. Na podlagi analize člankov v v uradnem časopisu Glasnik bomo predstavili uradni pogled skupnosti. Raziskava se bo nato osredotočila na različne razprave, ki so se pojavile med vojno v letih 1992-1995, vključno z vprašanji o mučenikih, posiljenih ženskah, džihadu idr.,

predstavila pa bo tudi druge uradne odločitve, ki jih je sprejela Islamska skupnost v teh turbulentnih časih.

Ključne besede: Islamska skupnost, Glasnik, Bosna in Hercegovina, vojna, islam.

Jeton Mehmeti

Religijski spori po osamosvojitvi Kosova

»Arhitekti« novega multikulturalnega in neodvisnega Kosova so se v novi koso-vski identiteti poskušali čim bolj izogniti problematiki religije in etničnosti. Reli-gija je bila še posebej potisnjena v ozadje. Koncepta sekularizma in modernosti sta nadomestila religioznost in tradicijo. Temeljna določba Ahtisaarijevega načrta je bila, da naj Kosovo postane sekularna država, brez uradno religije in z nevtralnim odnosom do religijskih zadev, kar se kasneje odrazilo v kosovski ustavi in pravnem sistemu. Ureditev vseh institucij je stremela k temu, da bi Kosovo postalo sekularna in multietnična družba. To pa vendarle ni preprečilo javne debate o religijskih problematikah, kot na primer psodelovanje Kosovarjev v konfliktu v Siriji, zapi-ranje najbolj vplivnih imamov, izključevanje insitucij, ki so utemeljene na veri in pa zavračanje naglavnih rut in verske vzgoje v javnih šolah.

Debata o religijskih temah je polarizirala javno mnenje na Kosovu. Pojavi-le so se tri glavne skupine: prva so politične elite, ki so običajno bolj odgovorne mednaridni skupnosti in si prizadevajo, da bi pokazale, da je Kosovo sekularna država z ustavnim okvirom kot druge evropske države; drugo sestavljajo mediji, intelektualci in nevladne organizacije, njihova mnenja pa se delijo na sekularna in bolj naklonjena religiji; tretja skupina so verske skupnosti, ki imajo pri tem lastne interese. Članek analizira institucionalne ureditve glede religije na Kosovu kot nedokončan projekt in raziskuje diferenciacijo med političnimi stališči in stališči vernikov glede pglavitnih debat o islamskih vprašanjih.

Ključne besede: religija, Kosovo, sekularni sistem, radikalni islam, verska vzgoja.

Özgür Kaymak and Anna Maria Beylunioglu
*Analiza nacionalne in manjšinske identitetne povezanosti: primer antiohijskih
ortodoksnih kristjanov v Istanbulu*

Pri raziskovanju odnosa med državo in družbo v Turčiji izstopa povezava nacionalne identitete s sunijskim islamom, kateri je hkrati tudi večinska religija v državi. Obstajajo pa številni družboslovni viri in razprave, ki postavljajo pod vprašaj idejo homogene nacionalne identitete, ki se je skonstruirala na geografskih prostorih, kjer najdemo različne etnične manjšine. Ti viri in razprave so tlakovale pot pomembnim akademskim študijam in prvič izzvale uradne zgodovinske argumente. Natančno opazovanje nemuslimanskih manjšinskih skupnosti, katerih število se vsakodnevno zmanjšuje, pokaže, kako raznolike so te skupine. Vključujejo ekonomske/kulturne in spolne razlike, zato ne morejo enotno delovati. V primerjavi z drugimi nemuslimanskimi skupinami so antiohijski ortodoksni kristjani skupina, ki se je praktično ni kompleksno obravnavalo. Obstaja nekaj kbalitativnih študij, ki se ukvarjajo s to manjšino, predvsem z njihovim vsakodnevnim življenjem.

Na podlagi globinskih intervjujev med pripadniki antiohijske ortodoksne manjšine v Istanbulu, naša raziskava problematizira, kako ta etnično/religijska manjšina oblikuje svojo nacionalno in manjšinsko identiteto v navezavi na ostale nemuslimanske skupnosti.

Ključne besede: nacionalna identiteta, nemuslimanske skupnosti, etno-religijske manjšine, Turčija.

Orsolya Falus

Waaf kot tradicionalna pravna institucija za družbeno odgovornost glede na naravno pravo

V 21. stoletju je postalo jasno, da naravoslovne znanosti, četudi se razvijajo s svetlobno hitrostjo, ne morejo odgovoriti na vsa problematična vprašanja nedavnih ekonomskih in političnih kriz. Pozornost se preusmerja od naravoslovnih k družbenim znanostim. Da bi lahko razrešili te globalne probleme, je treba uporabiti globalne rešitve. To pa po drugi strani zastavlja vprašanje napetosti, ki jih povzročajo razlike med kulturami. Iskanje skupnega imenovalca predstavlja izziv, v vseh pravnih raziskavah skupni imenovalac predstavlja naravno pravo, ki je neodvisno od kateregakoli kulturnega ozadja. Če na fragmentacijo družb gledamo s temeljnega sociološkega stališča, očitno rešitev lahko predstavlja le notranja družbena varovalna mreža, ta pa deluje bolj naravno in učinkovito v islamskih državah kot

v evropskih krščanskih družbah. Islam kot religija precej poudarja dejanja vere. Islam kot način življenja pa postavlja temeljne principe pravnih institucij, kot so zakat, Sadaqah in waqf, da bi dosegli dobrobit ume. Te islamske pravne institucije so v tesni povezavi s klasično teorijo naravnega prava. Zdi se, da se starodavna in naravnopravna institucija waqf vselej znova obnavlja in predstavlja trajno rešitev za številne težave, ki se pojavijo v islamskih družbah.

Ključne besede: naravno pravo, družbena varnost, dejanja vere, uma, pravne institucije, trajno.

Sami Al-Daghistani

Moralnost ali denar? Demokracija in islamske ekonomske posledice

Članek proučuje ekonomsko filozofijo določenih klasičnih muslimanskih mislecev in njihove duhovne ideje v kontekstu kritike pojma ekonomske rasti, ki je povezan s procesom demokratizacije modernih družb. V 20. stoletju se z nastopom političnega islama pojavi »ekonomski islam« oziroma sodobna ekonomska misel kot nova disciplina. Višek doseže z razširitvijo islamskih financ in bančništva kot ko-produkta dobičkonosnih finančnih trgov in globalnega kapitalizma. A sodobni (muslimanski) učenjaki niso zadovoljivo proučili klasično islamsko misel in njen epistemološki doprinos, kakor tudi predikamente socialne in ekonomske pravičnosti. Islamska ekonomija in finance tako postanejo del prevladajoče globalne politične ekonomije.

Ključne besede: ekonomska filozofija, islamska ekonomska misel, islamske finance, ekonomska pravica, globalna politična ekonomija.

Oskar Opassi

Muslimani kot evropski Edrugi": med samozavedanje in fundamentalizem

Religijska sfera se je tekom 20. stoletja bistveno predrugačila. Med različnimi spremembami jo je najbolj zaznamoval pojav sekularizacije. Trdimo lahko, da se je sekularizacija nedvomno dogajala, vendar to ne pomeni izginotja vere, temveč le razbitje monopolov izbire zadnjih pomenov.

Novo dojemanje subjektivizacije ter odnosa do svetega je dodobra pretreslo religijsko sfero. Trenja so se začeli zaostrovati po padcu železne zavese in narašča-

jočem vplivu »spopada civilizacij« med Zahodom in Vzhodom. Po podrobni analizi lahko opazimo, da imajo »tradicionalni« verniki Zahoda več skupnih točk s fundamentalisti Vzhoda kot s »sodobnimi« verniki Zahoda. Obstaja torej viden in nevaren razkol, ki se kaže pod oznako »spopada civilizacij«, čeprav bi ga bilo bolje označiti kot »spopad fundamentalizmov«.

Ključne besede: sekularizacija, fundamentalizem, konstrukcija »Drugega«, identiteta Zahoda, religijsko nasilje.

Maja Pucelj

Islamofobija in ksenofobija v Sloveniji skozi oči zakritih muslimanskih žensk

Prispevek se osredotoča na islamofobijo in ksenofobijo v Sloveniji, kot jo dojemajo zakrite muslimanske ženske. Raziskovalna vprašanja so: 1) ali sta islamofobija in ksenofobija prisotni v Sloveniji, 2) kje intervjuvanke najbolj opazijo islamofobijo in ksenofobijo in 3) ali sta se se po mnenju intervjuvank v zadnjih letih islamofobija in ksenofobija povečali. Metodološko gledano članek temelji na petnajstih polstrukturiranih intervjujih z zakritimi muslimanskimi ženskami v Sloveniji, katerih verska pripadnost in identiteta sta prepoznani skozi zakrivanje posameznih delov telesa ali celotnega telesa. Glede na ugotovitve izvedenih intervjujev islamofobija in ksenofobija v Sloveniji obstajata in se v zadnjih letih povečujeta (zlasti po prihodu beguncev in migrantov iz Bližnjega vzhoda in Severne Afrike). Anketiranke zaznavajo obe obliki posredno (prek komunikacijskih kanalov, kot so množični mediji in socialna omrežja ter skozi politično retoriko), kot tudi neposredno (skozi negativen odnos v medsebojni komunikaciji, pri obisku nakupovalnih središč, na ulici, v zdravstvenih domovih, bolnišnicah in tako dalje). Po mnenju intervjuvank sta glavna razloga za obstoj islamofobije in ksenofobije nezadostno poznavanje islama ter dogodki, do katerih prihaja po vsem svetu (deviantno vedenje islamske države, teroristična dejanja in tako naprej), ki se jih v negativnem kontekstu povezuje z islamom.

Ključne besede: islamofobija, ksenofobija, zakrite muslimanske ženske, islam, Islamska država, terorizem, negativen odnos.

ABOUT THE AUTHORS / O AVTORICAH IN AVTORJIH

MUHIDIN MULALIĆ

Muhidin Mulalić holds a Ph.D. (2007) from the International Islamic University Malaysia, a country where he has lived and worked for more than a decade. He began his academic career at the University Tenaga Nasional, Malaysia, where he was lecturing for five years. In 2007, Mulalić returned back to Bosnia and Herzegovina for good, joining the International University of Sarajevo. At the International University of Sarajevo, he began developing his academic-administrative career as he was working in different posts: Program Coordinator of Social and Political Sciences (2007-2010), Vice-Rector for Academic and Student Affairs (2010-2011), Vice-Dean of Faculty of Arts and Social Sciences (2011-2013) and the Dean of Faculty of Arts and Social Sciences (2013-2016). Mulalić is a holistic scholar and intellectual; his research and publications are related to comparative history of civilizations, cultural studies, social studies, political history, philosophy, comparative religion, historiography and philosophy of education.

Muhidin Mulalić je doktoriral leta 2007 na Mednarodni islamski univerzi v Maleziji, kjer je več kot desetje živel in delal. Svojo akademsko kariero je začel na Univerzi Tenaga Nasional (Malezija), kjer je poučeval pet let. Leta 2007 se je vrnil v Bosno in Hercegovino, kjer je na Mednarodni univerzi v Sarajevu razvijal svojo akademsko in administrativno kariero kot programski koordinator Družbenih in političnih ved (2007–2010), prorektor za akademske in študijske zadeve (2010–2011), prodekan Fakultete za humanistične in družbene vede (2011–2013) in nato kot dekan Fakultete za humanistične in družbene vede (2013–2016). *Mulalić* je strokovnjak in intelektualec širokega spektra; njegove raziskave in publikacije se nanašajo na primerjalno zgodovino civilizacij, kulturne študije, družbene študije, politično zgodovino, filozofijo, primerjavo religij, historiografijo in filozofijo vzgoje.

AHMED KULANIĆ

Ahmed Kulanić graduated in theology from the Faculty of Islamic Studies, University of Sarajevo in 2007. In 2008, he has been appointed at the position of Assistant at Faculty of Arts and Social Sciences, Social and Political Sciences Department. He obtained his Master's Degree in 2011 in the field of Political Sciences from the Department of Social and Political Sciences at the International University of Sarajevo. Kulanić was appointed at position of Senior Assistant at the Department of Social and Political Sciences at IUS in 2014. Ever since, he has been involved in

several domestic and international research projects. He is currently a Ph.D. candidate in the field of Political Sciences at IUS. He has published several articles, encyclopaedia entries, reports and analysis. In 2016, he co-edited a book titled "Bosnia and Herzegovina: Law, Society and Politics."

Ahmed Kulanić je leta 2007 diplomiral iz teologije na Fakulteti za islamske študije na Univerzi v Sarajevu. V 2008 je začel delati kot asistent na Oddelku za družbene in politične vede Fakultete za humanistične in družbene vede Mednarodne univerze v Sarajevu, kjer je leta 2011 magistriral na področju političnih ved. Od leta 2014 dela kot višji asistent na Oddelku za družbene in politične vede Fakulteta za humanistične in družbene vede Mednarodne univerze v Sarajevu, kjer je sodeloval pri številnih domačih in mednarodnih projektih in kjer trenutno dela doktorat iz političnih ved. Objavil je več znanstvenih člankov, sestavkov v enciklopedijah, poročil in analiz. V letu 2016 je so-uredil knjigo "Bosnia and Herzegovina: Law, Society and Politics [Bosna in Hercegovina: pravo, družba in politika]."

HIKMET KARČIĆ

Hikmet Karčić is a Researcher at the Institute for Islamic Tradition of Bosniaks in Sarajevo and he is specialized in genocide and demographic changes. He is also a Ph.D. candidate at the International University of Sarajevo. His thesis focuses on detention camps in Bosnia and Herzegovina in the period between 1992 and 1995. He is the editor of *Remembering the Bosnian Genocide: Justice, Memory and Denial*.

Hikmet Karčić je raziskovalec na Inštitutu za islamsko tradicijo Bošnjakov v Sarajevu, specializiran za področje genocidov in demografskih sprememb. Na Mednarodni univerzi v Sarajevu piše doktorat na temo taborišč v Bosni in Hercegovini v obdobju od 1992 do 1995. Je urednik publikacije *Remembering the Bosnian Genocide: Justice, Memory and Denial [Spomin na bosanski genocid: pravica, spomin in zaničanje]*.

JETON MEHMETI

Jeton Mehmeti finished his undergraduate studies in Kuala Lumpur and received his Master's Degree from the Central European University in Budapest. He is the recipient of the German Marshall Fellowship for study visit to U.S.A, BIRN Fellowship for Journalistic Excellence, and OeAD Fellowship for research at University of Vienna. His academic papers have been published by Palgrave Macmillan, Brill, Brown Walker Press, Nomos, Peter Lang, Friedrich-Ebert-Stiftung, and others. He has presented his papers at the University of California, University of Louisiana, Gent University, Graz University, European University Institute, Yıldız Technical University, among others. Jeton works as Researcher and lectures on communication at the University of Prishtina.

Jeton Mehmeti je diplomiral v Kuala Lumpurju in magistriral na Osrednji evropski univerzi v Budimpešti. Prejel je German Marshall Fellowship štipendijo za študijski obisk v ZDA, štipendijo BIRN Fellowship for Journalistic Excellence, ter štipendijo OeAD Fellowship za raziskovalno delo na Univerzi na Dunaju. Njegovi znanstveni članki so bili objavljeni pri založbah Palgrave Macmillan, Brill, Brown Walker Press, Nomos, Peter Lang, Friedrich-Ebert-Stiftung, in drugih. Svoje raziskave je med drugim predstavil tudi na Univerzi v Kaliforniji, Univerzi v Louisiani, Univerzi v Gentu (Belgija), Univerzi v Gradcu (Avstrija), na European University Institute (Italija) ter na Yıldız Technical University. *Jeton Mehmeti* dela kot raziskovalec in predava o komunikaciji na Univerzi v Prištini.

ÖZGÜR KAYMAK

Özgür Kaymak completed her Ph.D. at the Istanbul University, Department of Public Administration and Political Science in July 2016 with her dissertation titled "The Socio-Spatial Construction of Istanbul's Rum, Jewish and Armenian Communities." She is the author of a book titled *Istanbul'da Az(ınlık) Olmak: Gündelik Hayatta Rumlar, Yahudiler, Ermeniler [Being a Minority in Istanbul: Rums, Jews, Armenians in the Daily Life]*, published in September 2017 by Libra.

Özgür Kaymak je leta 2016 doktorirala na Oddelku za Javno administracijo in politične vede na Univerzi v Carigradu z disertacijo "The Socio-Spatial Construction of Istanbul's Rum, Jewish and Armenian Communities [Družbeno-prostorske konstrukcije grških, judovskih in armenskih skupnosti v Carigradu]." Je avtorica knjige *Istanbul'da Az(ınlık) Olmak: Gündelik Hayatta Rumlar, Yahudiler, Ermeniler [Biti manjšina v Carigradu: Grki, Judje, Armenci v vsakdanjem življenju]*, ki je septembra 2017 izšla pri založbi Libra.

ANNA MARIA BEYLUNIOĞLU ATLI

Anna Maria Beylunioğlu Atlı has recently completed her Ph.D. at the Department of Social and Political Sciences of the European University Institute (EUI), Florence (Italy) with her dissertation titled "Freedom of Religion in Turkey between Secular and Islamic Values: The Situation of Christians." Her latest publication "Recasting the Parameters of Freedom of Religion in Turkey: Non-Muslims and the AKP" appeared as a book chapter in the edited volume *Authoritarian Politics in Turkey: Elections, Resistance and the AKP*, published by IB Tauris in May 2017.

Anna Maria Beylunioğlu Atlı je doktorirala na Oddelku za družbene in politične vede na European University Institute (EUI) v Firencah (Italija) z disertacijo "Freedom of Religion in Turkey between Secular and Islamic Values: The Situation of Christians [Svoboda religije v Turčiji med sekularnimi in islamskimi vrednotami: položaj kristjanov]." Njena zadnja publikacija "Recasting the Parameters of Freedom of Religion in Turkey: Non-Muslims and the AKP [Na novo opredeljeni parametri

svobode religije v Turčiji: ne-muslimani in AKP]” je bila maja 2017 objavljena kot poglavje v knjigi *Authoritarian Politics in Turkey: Elections, Resistance and the AKP* [*Avtoritativna politika v Turčiji: volitve, odpor in AKP*], izdani pri založbi B Tauris.

ORSOLYA FALUS

Orsolya Falus obtained her M.Sc. in linguistics and Ph.D. in political and juridical sciences from the University of Pécs, Hungary. Her main field of research is medieval legal history and law theory. She deals most notably with Islamic and Christian comparative law in charity legislation and the role of non-profit organizations in the economy of societies. She is an Associate Professor at the Dunaújváros University, also one of the founding members and the Secretary General of the Institute of Islamic Research at the Kaposvár University, Hungary. She is a founder of the Zrínyi Research Group, and a member of Tárkány Szűcs Ernő Research Team at Legal Ethnography.

Orsolya Falus je pridobila magisterij iz jezikoslovja in doktorat iz političnih in pravnih ved na Univerzi v Pécsu, Madžarska. Njeni glavni področji raziskovanja sta srednjeveška pravna zgodovina in teorija prava, pri tem se ukvarja predvsem z islamskim in krščanskim primerjalnim pravom v zakonodaji o humanitarnih organizacijah in z vlogo neprofitnih organizacij v družbeni ekonomiji. Je izredna profesorica na Dunaújváros University, ena od ustanovnih članov in generalna sekretarka Inštituta za islamske študije na Univerzi Kaposvár, Madžarska, ustanoviteljica Zrínyi Research Group ter članica Tárkány Szűcs Ernő Research Team za področje pravne etnografije.

SAMI AL-DAGHISTANI

Sami Al-Daghistani is a Research Fellow at the Department of Culture Studies and Oriental Languages, at the University of Oslo in Norway, and a Research Scholar at the Institute for Religion, Culture, and Public Life, at Columbia University in New York. He obtained Ph.D. in Islamic Studies (supervision at Leiden University, Columbia University, and WWU Münster, 2017), ResMA in Middle Eastern Studies at Leiden University (2013), and a double-major BA in Sociology of Culture and Comparative Literature (2011) from the University of Ljubljana. He studied Arabic and Islamic studies in Sarajevo (2010), Cairo (2011), Rabat (2012), and at McGill University (2014) and published numerous articles on Islamic intellectual history, Islamic law, and economics, and two book translations from Arabic to Slovenian – Ibn Tufayl's philosophical novel *Hayy ibn Yaqzan* (*Živi sin budnega*, KUD Logos, 2016), and Ibn Battuta's travelogue *Rihla* (*Veliko popotovanje*, FDV, Skodelica kave, 2016). His two monographs on Abu Hamid al-Ghazali and Islamic economics are forthcoming in 2018.

Sami Al-Daghistani je podoktorski raziskovalec in predavatelj na Oddelku za kulturne študije in oreintalne jezike, na univerzi v Oslu na Norveškem, in raziskovalec na Inštitutu za religijo, kulturo in javno življenje, na Columbia University v New Yorku. Doktoriral je iz islamskih študijev (mentorstvo na univerzi v Leidnu, Columbia University in WWU Münster, 2017), magistriral iz Bližnje vzhodnih študijev na univerzi v Leidnu (2013), in diplomiral iz Sociologije kulture in Primerjalne književnosti (2011). Sami je prav tako študiral arabski jezik in islamske študije v Sarajevu (2010), Kairu (2011), Rabatu (2012), in na McGill University (2014). Objavil je več znanstvenih člankov na temo islamske intelektualne zgodovine, islamskega prava in ekonomije, in prevedel dve knjigi iz arabskega v slovenski jezik – Ibn Tufaylov filozofski roman *Hayy ibn Yaqzan* (*Živi sin budnega*, KUD Logos, 2016) in Ibn Battutin potopis *Rihla* (*Veliko popotovanje*, FDV, Skodelica kave, 2016). Sami-jevi dve monografiji na temo Abu Hamid al-Ghazalija in islamske ekonomije bodo izdane v letu 2018.

OSKAR OPASSI

Oskar Opassi obtained his degree in sociology and history and is currently continuing his studies, completing his Master's thesis in social and cultural history at the Faculty of Arts, the University of Ljubljana. His research combines both sociological and historical thoughts and is focussed on the positions of the marginalised and the deviant in the society as well as the problems of violence and the practice exercised by repressive authorities.

Oskar Opassi je diplomiral iz sociologije in zgodovine. Trenutno nadaljuje študij na magistrskemu programu Socialna in kulturna zgodovina na Filozofski fakulteti v Ljubljani. Na stičišču sociologije in zgodovine raziskuje položaje marginalnih in deviantnih skupin ter vprašanje nasilja in praks represivnih organov.

MAJA PUCELJ

Maja Pucelj holds a Master's Degree in International Studies and European law. She is currently a doctoral student at Alma Mater Europaea ISH. In the recent years, her research interest has focused on the question of the successful integration of Muslims into the western countries, as well as on questions of Islamophobia, hate speech towards Muslims and the question of banning the covering of Muslim women.

Maja Pucelj ima znanstveni magisterij iz mednarodnih študij in bolonjski magisterij iz evropskega prava ter je trenutno doktorska študentka na Alma Mater Europaea ISH. V zadnjih letih se raziskovalno posveča vprašanju uspešne integracije muslimanov v zahodne države, kot tudi islamofobije, sovražnega govora, usmerjenega proti muslimanom in prevpraševanju smiselnosti prepovedi zakrivanja z burko in nikabom zakritim muslimanskim ženskam.



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