

THE DYNAMICS OF ISLAMIC LAW IN THE BALKANS: Husein Dozo's Renewal Thoughts

Yusdani¹, Januariansyah Arfaizar², Ahmad Arifai³

¹Universitas Islam Indonesia, Yogyakarta

Jl. Sleman, Daerah Istimewa Yogyakarta, Indonesia

²STAI Yogyakarta Wonosari Gunungkidul Yogyakarta – Peneliti PS2PM Yogyakarta

Jl. Sleman, Daerah Istimewa Yogyakarta, Indonesia

³STAI Raudhatul Ulum Sakatiga

Jl. Sakatiga, Indralaya, Ogan Ilir, Sumatera Selatan, Indonesia.

E-mail: ¹yusdani@uii.ac.id; ²januariansyaharfaizar@gmail.com; ³sugrhu@gmail.com

Abstract: This article examines the dynamics of Islamic legal thought in the Balkans with a focus on the thoughts of a Muslim modernist and reformer Husein Dozo (1912-1982). He is one of the most prominent Bosnian Muslim scholars of the last two hundred years. Hussein Dozo was born at a time when the many challenges the Balkan Muslim world is experiencing are so complex and overwhelming. Therefore, it is on that basis that Husein Dozo offers his main idea to reinterpret Islamic teachings which are intended for the younger generation of Muslims. This study uses qualitative research methods that are presented descriptively using theological and sociological approaches. Hussein Dozo was a native Balkan Muslim scholar who was well aware of the impact of modernity on Islamic legal traditionalism. At a time when scholars were discriminated against for their thoughts and beliefs, Hussein Dozo tried to provide space through seminars to introduce that religious activities have broad benefits. He also gave a *fatwa* regarding the collection and distribution of zakat that can be managed by zakat institutions with the aim of people's welfare. Through zakat, Hussein Dozo was able to alleviate poverty and intellectual decline in the Balkans.

Keywords: renewal of Islamic law; Husein Dozo; *ijtihad*; modernity; traditionalism

Abstrak: Artikel ini mengkaji dinamika pemikiran hukum Islam di kawasan Balkan dengan fokus pemikiran seorang modernis dan reformis muslim Husein Dozo (1912-1982). Tokoh ini merupakan seorang cendekiawan Muslim Bosnia paling menonjol dalam dua ratus tahun terakhir. Husein Dozo lahir pada saat banyaknya tantangan yang dialami dunia Muslim Balkan yang begitu kompleks dan luar biasa. Oleh karena itu, atas dasar itulah husein Dozo menawarkan gagasan utamanya untuk menafsirkan kembali ajaran Islam yang diperuntukan bagi generasi muda muslim. Kajian ini menggunakan metode penelitian kualitatif yang disajikan secara deskriptif menggunakan pendekatan teologi dan sosiologi. Pada penelitian ini ditemukan bahwa Husein Dozo adalah seorang cendekiawan Muslim asli Balkan yang sangat menyadari dampak modernitas terhadap tradisionalisme hukum Islam. Di saat para cendekiawan mendapat diskriminasi atas pemikiran dan kajiannya, Husein Dozo mencoba memberikan ruang melalui seminar untuk memperkenalkan bahwa kegiatan agama memiliki manfaat secara luas. Ia juga memberikan fatwa mengenai pengumpulan dan pembagian zakat yang dapat dikelola oleh Lembaga zakat dengan tujuan kesejahteraan rakyat. Melalui zakat, Husein Dozo mampu mengentaskan kemiskinan dan kemunduran intelektual di daerah Balkan.

Kata kunci: pembaruan hukum Islam; Husein Dozo; *ijtihad*; modernisasi; tradisionalisme

Introduction

Husein Dozo was a reform thinker of his time (1912-1982) who received quite a bit of attention. This scholar can be said to be one of the most prominent Bosnian Muslim scholars in the last two hundred years. Husein Dozo was born at a time when challenges both externally and internally

to the Muslim world were so complex and extraordinary. Therefore, Dozo made the main goal of his ideas to reinterpret Islamic teachings to generations because the truth and reality of his religion were no longer relevant. And indeed, with his many works and other scholarly engagements and endeavours, Husein Dozo represents a rare

and valuable example of a native Balkan Muslim scholar who recognized the impact of modernity on religious traditionalism.

This figure loudly voiced *ijtihad* and opposed dogmatism and rigid Islamic legal thinking. Without hesitation Dozo promotes free thinking and encourages critical research into understanding religious sources and texts. According to Husein Dozo Islam is religious reasoning, he seeks to challenge the stagnation in the development of the main Islamic disciplines, especially interpretation, *fiqh*, and creed, and so that Islam or Islamic law can be accepted by the modern human mind. There are two approaches: first, returning to the original sources of sharia to understand the essential message of Islam, and then adapting it to contemporary life situations. This is important for proper interpretation and application of the teachings of the holy book of the Quran in the socio-economic, socio-political and socio-cultural context of today's society.¹

The publication of his works is Dozo's main means of communicating his modernist and reformist ideas to the general public and academics. More than two hundred and fifty of his works have been published. This shows that Dozo is a very prolific writer. His works appear to be written in an easy and logical style. The scope of his writings, Dozo covers a wide spectrum of topics, all addressing the position of Islam not only from an ethical and spiritual point of view but also from an educational and sociological point of view that is appropriate to the needs of the Balkan Muslim community.

Of his many works, his efforts in the fields of Islamic law (*fiqh*) and the interpretation of the Quran (*tafsir*) are the most prominent. For example, his translations and comments on the Quran marked a new way of understanding and interpreting the message of the Quran in the Balkans. Dozo sees in the Quran the basic Islamic doctrine of man as a servant of God (*'abd-Allah*) which contains teachings on personal rights, freedom, harmony and social justice.

The epistemological and methodological foundations of Dozo's Islamic law appear in his discussion of the concept of *ijtihad*. Dozo regards the practice of *ijtihad* as the primary means of reviving Islamic law and adapting it to the needs of contemporary society. Adaptation of Islamic law to the conditions of modern life and the continuous practice of *ijtihad* with a view to realizing the goals of Islamic modernism.²

Husein Dozo is arguably the most important proponent of modernist and reformist Islamic thought and especially Islamic law in the second half of the 20th century in the Balkans. As a Muslim scholar living in a European, secular, multi-religious and multi-cultural society, Dozo and his works provide very interesting and dynamic explanations for the development of innovative and reformist interpretations of Islam and especially Islamic law. In addition, in Dozo's scientific work, it is intended for academics, researchers, and the general public to position and fill in the voice of European Islam, especially in the Balkans as a former part of a Communist state that has not been comprehensively articulated. Dozo's writings on Islam in general and his *fatwas* in particular, continue to be published in Balkan countries to this day.

However, based on the references the author found, discussions about Husein Dozo's thoughts seem to be less popular in Indonesia. This could be due to the lack of information about Husein Dozo or not many of Husein Dozo's works being translated into Indonesian. Therefore, this paper attempts to examine the dynamics of Islamic legal thought in the Balkans with a focus on Husein Dozo's reform thoughts.

Method

This study is a literature study with the aim is to analyze descriptively and interpretatively the reasoning of Islamic law and the Balkan Muslim figure, namely Husein Dozo. Meanwhile, to analyze and reveal in more detail Husein Dozo's thoughts, discourse analysis is used.³ Discourse

¹ Sejad Mekic, "Dynamics of Islamic Thought in the Balkan Region: A Critical Study on Husein's Dozo Modernist and Reformist Thought" in *the Indonesian Journal of Interdisciplinary Islamic Studies (IJIIS)* vol. 5 no. September 1 (2021).

² Sejad Mekic, "Dynamics of Islamic Thought in the Balkan....,(2021).

³ Eriyanto, *Analisis Wacana: Pengantar Analisa Teks Media*, (Yogyakarta: LKiS, 2001), p. 2.

analysis aims to examine the "text structure" as well as "linguistic and socio-cultural dimensions in an effort to determine how meaning or discourse is constructed."⁴

Results and Discussions

Husein Dozo's Short Biography

1. Dozo's Early Life and Education

Husein Dozo was born in 1912 in Bare, a small village in Southeastern Bosnia. Dozo received his first education from Šaćir Mujezinović, a local preacher who taught Dozo basic Islamic beliefs and practices, the Latin, Cyrillic, and Arabic alphabets, and simple mathematics. When he was eleven years old Dozo joined the Mehmed-Pasha Kukavica madrasa in the nearby town of Foča. After a year at the Kukavica madrasa, the principal, Hamid Muftić (d. 1941), recommended that Dozo transfer to the more prestigious Merhemića madrasa in Sarajevo.⁵

At the Merhemića madrasa, Dozo studied under several respected scholars, including Mehmed Teufik Okić (d. 1932), Ibrahim Burek (d. 1948), and Mujaga Merhemović (d. 1959). Between 1928 and 1933, Dozo was a student of the Mekteb-i Nuvab (the Sharī school of magistrates). a) where he was taught by some of the most prominent Bosnian scholars of the time, including Mehmed. Čaušević (d. 1938), Abdullah A. Bušatlić (d. 1948) and Šaćir Sikirić (d. 1966). In the summer of 1934, Dozo received a scholarship from the Directorate of Waqf of the Kingdom of Yugoslavia to study at al-Azhar University. While in Cairo, Dozo was deeply impressed by his teachers at Azhar, especially M. Rashīd Ridhā (d. 1935), M. Musthafā al-Marāghī (d. 1945) and Mahmud Shaltūt (d. 1963).⁶ In August 1939, Dozo graduated from al-Azhar University obtaining a Bachelor of Islamic Law degree.

2. Professional Career Husein Dozo

Returning from Cairo, Dozo began his career as a volunteer. Within a year, he secured a teaching

position at the historic Gazi Husrev-bey madrasa where he taught Arabic and other core Islamic subjects. In 1941 Dozo was appointed Head of Religious Affairs and Education of the Islamic Religious Community in the Kingdom of Yugoslavia. In the same year, he became a member of the executive board of the El-Hidaje Society.⁷ In 1964 Dozo was elected president of the prestigious Ilmijja Association and served as editorial head of its annual periodical *Takvim* for an extraordinary twenty years (1960-1980).⁸ In 1970, with colleagues from the Ilmijja Association, Dozo co-founded the publication of a biweekly newspaper called *Preporod* (Renaissance).⁹ When the Faculty of Islamic Theology (ITF) opened in Sarajevo in 1977, Dozo became the first professor of Quranic Studies, a position he held until his death in 1982.¹⁰

On the one hand, all these titles and positions gave credibility to Dozo's ideas, but on the other hand, it made him feel a moral responsibility to provide timely answers to the many problems experienced by Yugoslav Muslims.¹¹ Mainly through the Q&A column on *Glasnik*¹² and then in *Preporod*, Dozoseeks to respond to the urgent needs of the Yugoslav Titoist Muslim community. Between 1965 and 1979, Dozo issued more than eight hundred *fatwas* relating to various aspects of Muslim life. His *fatwa* was aimed at a wider segment of society, including the elite and secularly educated youth. It is worth mentioning here that most of the content of *Glasnik* and *Preporod* deals with legal and social matters, and follows the precedent

⁷ *El-Hidaje Society* is a charitable and educational institution founded in March 1936 in Sarajevo.

⁸ The Ilmijja Association is a union of Bosnian scholars founded in 1912 in Sarajevo with the main aim of gathering Muslim scholars from the region and Sarajevo with the main aim of gathering Muslim scholars from the region and uniting their efforts in spreading traditional Islamic teachings and practices.

⁹ Husein Dozo was editor-in-chief of *Preporod*, this position until the end of 1972. Then as editor-in-chief of *Preporod* for the second time from 1976 to 1979.

¹⁰ Husein Dozo died on May 30, 1982 in Sarajevo. He was buried the next day in the Balkan city of Bare.

¹¹ Xavier Bougarel, "The Role of Balkan Muslims in Building a European Islam" EPC Issue Paper No. 4323 November 2005 quoted from https://www.researchgate.net/publication/32230189_The_Role_of_Balkan_Muslims_in_Building_a_European_Islam accessed June 21, 2023.

¹² *Glasnik* [Herald] is the official journal of the Islamic Community of the former Yugoslavia, published since 1933.

⁴ Nyoman Kutha Ratna, *Teori, Metode dan Teknik Penelitian Sastra: Dari Strukturalisme Hingga Postrukturalisme, Perspektif Wacana Naratif* (Yogyakarta: Pustaka Pelajar, 2004), p. 247.

⁵ Husein Dozo, *Sjećanja radi ibreta. Preporod*, (1976), pp. 7- 5.

⁶ Husein Dozo, *Izabrana djela: 1.* (Sarajevo: El-Kalem, 2006), p. 427.

and jurisprudence of magazine *fatwas* set by the earlier reformist magazine, namely the popular al-Manâr magazine led by Muḥammad `Abduh (d. 1905) and M. Rashîd Ridhâ (d. 1935). These two Muslim reformers are often cited as providing a formative influence on the development of modern Islamic reform movements in most parts of the world, including in the Balkans.

Through the media of fatwa as an answer to public questions, Dozo tries to show the relevance of Islamic law and its sources in providing adequate solutions to issues that arise in the Yugoslav Muslim community which is so diverse and diverse. For example, many of his *fatwas* regarding the collection and distribution of zakat and the proceeds of zakat *al-fithr* served as the main motto for the creation of a new and much needed financial base for the Islamic Community of the former Yugoslavia. In this connection it can be said that Dozo continued the work of his predecessors in Bosnia, such as Mehmed Teufik Azapagić (d. 1918) and MehmedDž. Čaušević (d. 1938) who also called for the reform of Islamic thought and Islamic law, Dozo's modernist and reformist ideology was inspired and influenced directly and especially from the works of `Abduh and Ridhâ.

A Brief History of Renewal Thought in the Balkans Intellectual Context

At the turn of the 19th and 20th centuries, Balkan Muslim scholars were very active in reading Quranic interpretations and *fatwas* written according to progressive and enlightening Islamic arguments, reasoning and ideology. According to Fikret Karčić, the process of spreading and establishing modernist and reformist ideas in Dozo's native Bosnia and Herzegovina began in 1887 with the arrival of the Habsburg Empire.¹³ The Habsburg occupation meant that Bosnian Muslims came into direct contact with European political, social, administrative, and cultural institutions and values.¹⁴ Prior to that, Bosnia was nearly

five centuries under Ottoman rule and traditional Islamic culture and values.

In the first decade of their reign at the top, Austro-Hungarian officials proposed modernizing the justice and education systems.¹⁵ In 1930, the traditional *fiqh* code was abandoned in favor of the modern Turkish and Egyptian codification and compilation of Islamic law. In family law, for example, marriage is under the exclusive jurisdiction of Sharia courts with restricted polygamy and women are given the right to initiate divorce proceedings.

As Kar?¹⁶ It was at this time that some native Muslim writers began to support certain modernist and reformist ideas which they had access to in two ways, namely: through reformist publications, such as *Sirat-i mustakim* from Turkey and *al-Manar* from Egypt, and through education in modern schools in Turkey and even in Bosnia.

Promoted mainly by the Muslim intelligentsia, the ideas of secular modernism find themselves in the foreground. it was during this period that several folklore clubs and cultural societies, such as Behar and Gajret, were formed and thrived.¹⁷ However, the majority 'Ulama' still adhere to the view of traditionalism. A small number of ulama tended towards a moderate version of religious reformism. The clash between these two tendencies marks disputes over religious, social and cultural issues which in turn exert a certain influence on the positive law and social behavior of the Muslim population.¹⁸ More traditional intellectual circles opposed changes in social ethics, particularly in dress and customs.

As Fazlur Rahman points out, 'the most important challenge posed by modernity to Muslims is in the realm of religious institutions and social ethics'.¹⁹ This certainly happened to the

¹⁵ F. Karčić, *The Bosniaks and challenges of modernity*, (Sarajevo: El-Kalem, 1999), pp. 92-105.

¹⁶ Karčić, *Društveno-pravni Apekt*, 198-199.

¹⁷ Sulejman Kemura, *Uloga "Gajreta" u drust' venom živ' otu Muslimana Bosne i Hercegovine (1903-1941)*, (Sarajevo: Veselin Maslesa, 1986).

¹⁸ Pebi Sapitri, "The Balkan War and Its Implications for Islamic Socio-Political Life in Southeastern Europe (1876-1914 AD)", in *Journal of Intellectuality: Islam, Social and Science*, vol 6, no 2 (2017), pp. 229-242, <https://doi.org/10.19109/intellectualita.v6i2.1608>

¹⁹ Fazlur Rahman, *Islam*, (Chicago: University of Chicago Press, 2002), p. 214.

¹³ F. Karčić, *Društveno-pravni Aspect Islamskog Reformizma: Pokret za reformu serijatskog prava i njegov odjek u Jugoslaviji u prvoj polovini XX vijeka*. (Sarajevo: Islamski teološki fakultet, 1990), p. 197.

¹⁴ Saiful Maarif, "Harapan Damai Muslim Balkan", in *The Columnist Intermediate Writer, Milenial Reader* quoted from .

Muslim population in Bosnia and Herzegovina, all kinds of civil issues were raised. Women's emancipation and free mixing are among the contentious issues. Muslim reformers, such as Bušatlić and Čaušević, called for the emancipation of Muslim women while 'more traditional ulamâ', such as AL Čokić (d. 1933) and AR Karabeg (d. 1944), opposed it.

In the third decade of the 20th century, each group led campaigns and published works that argued their point of view and refuted others. Then as a young student at Al-Azhar University, Dozo also joined in the polemic. In 1936, he published an article entitled "Whether the question of unveiling women is religious or social".²⁰ It is evident from his article, Dozo supports the emancipation of Muslim women as promoted by Qasim Amin and other Muslim reformers and modernists in the 20th century.

Following the abolition of sharia law in 1946, modernist and reformist views of Islam were expressed through interpretations of the law that had social implications. Despite limited practical results, modernist and reformist tendencies have played a major role in the adaptation of the Muslim population to the new socio-political situation. For example, the Grand Mufti of the Islamic Community of the former Yugoslavia, Ibrahim Fejić (d. 1962), gave religious legitimacy to several pressing socio-political trends, including the separation of religion from the State and the abolition of the veil (*niqab*). In short, the basis for the spread of Islamic modernist and reformist views and ideas in the territories of the former Yugoslavia was provided by profound political, social and cultural changes.

Husein Dozo's Renewal Thoughts The Socio-Political Context in which Dozo Lives and Works

Husein Dozo lived in a society where Marxism, atheism and communism prevailed. On the other hand, religious leaders and intellectuals are often interrogated, imprisoned, and some are even executed. Tito's regime took drastic measures to

discipline and control all religious communities and their official organs and institutions. Compared to other religious communities in the former Yugoslavia, as Malcolm points out, 'the Islamic community suffers a double disadvantage: first, because Islam is seen as a type of religion interacting in public life, and secondly, it is seen as an underdeveloped and Asiatic religion'.²¹ Sharia courts were abolished in 1946 and the wearing of the veil criminalized in 1950.

One of the reasons for the above cruel acts against the Muslim population is the state's program to forcibly secularize society. The general conditions of religious life improved after 1954 when a new law was passed which placed all religious communities under the direct control of the state, and "guaranteed freedom of religion". However, in real life it is still very tense with public worship and religion-based customs are highly discouraged. To illustrate this continuing difficulty, no book with Islamic content could be published until 1964. Despite all this, Dozo remained true to his beliefs and made it a clear goal to defend Islam and its traditions at a time when religious beliefs and institutions were openly questioned.²²

The extraordinary socio-political circumstances surrounding Dozo's activities influenced his legal thinking. For example, in his *fatwas* and Quranic commentaries, Dozo advocates a commonsense understanding of ritual practices that can complement more modern lifestyles. Moreover, in his *fatwas* Dozo always aims at ease, gentleness, and moderation, as if these represent the main characteristics of Islamic thought. Although Dozo interacted directly with state officials, there was nothing to suggest he was one of their people. Instead, it is well documented that his activities were constantly monitored by Tito's secret police (known as the UDBA). Much of Dozo's work was influenced by or attempted to influence the socio-political environment of his time. For example,²³

²¹ N. Malcolm, *Bosnia: A Short History*. (London: Papermac, 1994), p. 195.

²² The overall treatment of the Islamic Community in the former Yugoslavia improved during the 1970s. Several factors led to this shift, including a generational change in the Communist League and a shift in foreign policy which of course made a bigger impact than the two.

²³ Husein Dozo, *Dijete iz epruvete*, Glasnik, 46, (1979), pp. 1-6.

²⁰ Husein Dozo, *Da li je problem otkrivanja žene vjerskog ili socijalnog karaktera*, (1936).

in many of his works one can detect a strong emphasis on preserving the cultural and historical traditions of the Balkan Muslim peoples.

In addition, certain elements important for establishing a national identity for Bosnian Muslims are highlighted in several of Dozo's articles, especially those published in Preporod. Indeed, with the founding of the Preporod, the writings of Yugoslav Muslim scholars gained a new niche. According to Radić, 'the articles and notes published in the Preporod became very different from the statements and writings that appeared on the pages of the official organ of IVZ in the previous decade.²⁴ Until 1960, the state authorities were pleased with the level of co-operation of leading IVZ officials headed by Ibrahim Fejić.²⁵

As Novaković notes, 'since the launch of the publication of Preporod Muslim writers have started to show a marked openness to secular topics like never before'.²⁶ This was especially the case under Dozo's editorials. For example, in 1970 and 1971 an edition emphasizing the existence of a Muslim Bosnian state written by Muslim and non-Muslim intellectuals was featured on the pages of the Preporod. In her article entitled "The Role of Islam in the Academic discourses on the National Identity of Muslims in Bosnia and Herzegovina 1950–1980", Omerika argues that 'the creation of a purely secular Yugoslav Muslim state, as envisioned by the Tito regime, failed due to informal networks of Muslim scholars such as Husein Dozo'.²⁷ For example, during the 1971 Memorandum campaign, Atif Purivatra (d. 2001) and Dozo organized several seminars in which historians and intellectuals as well as politicians briefed Imams and other IVZ officials on the importance of a Bosnian Muslim national identity.²⁸

The aim of the above seminar was to provide an opportunity for the Imams to present the concept of a Bosnian Muslim nation among their respective members of the congregation. Activities like this by Dozo and his colleagues make an important contribution so that religious activities can open a deadlock over the stigma of the Yugoslav regime which considered religious activities to be of no benefit. Through this shrewd strategy and well-planned campaign, the communist regime began to deprive IVZ's departments and institutions of authority and position in public life.

As it is known that Muslims experienced a very difficult period in previous years. According to Novaković, written warnings were regularly sent by the central government and the republic to the then Grand Mufti of the Islamic Community, Sulejman Kemura (d. 1975), regarding certain senior IVZ officials for "provoking" the State and their "harmful" comments and views.²⁹ No doubt the name Dozo was included. It would not be an exaggeration to say that Dozo was the main target of the campaign. The culmination of this secret surveillance by the UDBA was reached in September 1979 following an incident in the village of Poriče after which Dozo resigned from most of his posts and isolated himself from public life. In the following years, he focused on academic activities. Enes Karić elaborates that Dozo used to express his concern for him in the following words in their joint office at the Faculty of Islamic Theology:

I hate it most when the police phone me on Friday afternoon saying that I must report to them the first thing on Monday morning. It ruins my whole weekend. It stopped me weeding the onions or doing any gardening at my weekend house.³⁰

Dozo thus emerged as the backbone behind the new mode of religious discourse in the communist world. Likewise, his discourse on issues of Islamic law reform has strong social and personal elements and is not presented in purely theoretical terms.

²⁴ R. Radić, Država i verske zajednice 1945-1970, (Belgrade: INIS, 2002), p. 372.

²⁵ R. Radić, Država i verske zajednice 1945-1970...p. 372.

²⁶ D. Novakovic, Odnos Islamske zajednice u socijalističkoj Jugoslaviji prema izdavačkoj delatnosti kao modernom načinu informisanja vernika, *Politics of religion*, 2, (2008), p. 161.

²⁷ A. Omerika, "The Role of Islam in the Academic discourses on the National Identity of Muslims in Bosnia 1950-1980", in *Islam and Muslim Societies*, vol. 2 (2006), p. 368.

²⁸ A. Purivatra, Uloga Husein ef. Doze u popisu stanovništva. In *Život i djelo Husein ef. Doze*, (Sarajevo: FIN, 1998), pp. 56-58.

²⁹ E. Karić, Prilozi za povijest islamskog mišljenja u Bosni i Hercegovini XX stoljeća: 1, (Sarajevo: El-Kalem, 2004), p. 519.

³⁰ E. Karić, Prilozi za povijest islamskog mišljenja u Bosni i Hercegovini XX stoljeća: 1. (Sarajevo: El-Kalem, 2004), p. 519.

For example, in his works Dozo rarely discusses the literal and technical meaning of basic legal terms, such as *ijmâ'*, *qiyâs*, *mashlahah* and so on. On the other hand, through his *fatwas* and other works, Dozo made a big impact on the lives of the Muslim community living in socialist Yugoslavia. For example, inspired especially by Dozo's methods of teaching thought and some of his *fatwas*, for the first time in a long time a generation of graduates of Gazi Husrev-bey's madrassas decided to work as Imams and religious teachers instead of state officials and civil servants.³¹

Dialectic of Islamic Law and Balkan Social Reality

The idea of reforming Islamic law and adapting it to the needs of modern times can be considered a major focus and concern of Dozo's intellectual career. For example, his earliest and most recent writings discuss the concept of *ijtihad* and emphasize the need for *ijtihad* to be a step toward a religious revival. As a prominent proponent of the agenda for promoting the ideas of *ijtihad* and rational thought, Dozo did everything he could to take the discussion of Islamic religious and legal matters beyond traditionalist boundaries. He writes by presenting fresh ideas that adorn the pages of leading Islamic magazines such as *Glasnik*, *Takvim*, and *Preporod*. In each of these media, Dozo is actively and intensely involved in the practical aspects of writing, editing, and publishing.³²

This extraordinary level of involvement in the press enabled Dozo to express and promote his modernist and reformist views and ideas before the public. The fact that most of Dozo's works are published on the official organ of IVZ. It should be noted here that the traditionalist Balkan scholarly circle was significantly weakened during the period during Dozo's intellectual peak (1960 – 1982). This was due to two main factors, namely: between 1878 and 1918 many prominent Balkan Muslim

scholars migrated to Turkey, Syria and other Muslim areas; and the immense pressure exerted by Tito's anti-religious regime allowed most of the clergy who stayed behind to isolate themselves from public life.³³

Nevertheless, Dozo was criticized by some of the clergy from his native Bosnia. For example, Derviš Spahić (d. 1978) and Muhamed Pašić (d. 1980) criticized Dozo for his modernist and reformist views. According to them, Dozo was an innovator (*mubtadi'*) and some of his views were heretical.³⁴ Whenever his views or ideas were criticized, Dozo responded in writing providing further explanations and arguments. Most polemics like that usually end. Characteristically, in this polemic Dozo never recanted his views and, unlike some of his critics, he always displayed a high level of respect and politeness.

As seen in his works, in relation to traditional orthodox belief structures, Dozo was not an innovator, but, by emphasizing the right of reason in religious thought, he allowed for the possibility of reformulating doctrine in modern, rather than medieval, terms. For example, he severely limited the realm of miracles by being skeptical of miracles performed by prophets and saints. On the other hand, regarding the honor and dignity given to the Prophet Muhammad and the Quran itself, Dozo is very conventional.

Dozo's legal thought reflected the circumstances surrounding his time and his own views and personality. His *fatwa*, for example, was based on consideration of the specific socio-political situation of communist Yugoslavia. In addition, Dozo's *fatwas* have proved to be a useful medium for dealing with medical and scientific issues not recognized by pre-20th century *fiqh*. Here's an interesting example:

The issue of whether one can consume the meat of animals is not mentioned in the Quran or Hadîth should be left to science and rules deduced based on scientific findings. Namely, if

³¹ I. Džananović, Kratak osvrt na odgovore Husein ef. Doze u rubrici

Glasnica Pitanja i Odgovori. In *Život i djelo Husein ef. Doze*, (Sarajevo: FIN, 1998), pp. 103-112.

³² Dozo was one of the founders of *Preporod* and its chief editor for several years. Additionally, he was editor-in-chief of *Takvim* for a full two decades and co-editor of *Glasnik* for several years.

³³ Ibrahimî, "Islam's first contacts with the Balkan Nations" quoted from <https://www.iiu.edu.my/deed/quran/albanian/nexhat.html>, accessed June 22, 2023.

³⁴ Dozo's views on the status of the Qur'anic narrative in relation to origin and destination can be considered the most controversial of all.

*by scientific analysis it is proven that the meat of a certain animal does not have harmful effects on the human body, then such meat should be permissible or halal. This applies to all animals whose meat is categorized as makruh.*³⁵

Evident in this response, Dozo tried to bring about the acceptance of modern scientific research methods within the framework of orthodoxy. Like his favorite teacher Shaltût, Dozo also wanted to reactivate dialectics among Islamic scholars through his innovative *fatwas* at a time when many traditional muftis considered this impossible or even wrong. It should be noted here that both Shaltût and Dozo lived and worked in similar socio-political circumstances, namely Nasir's Egypt and Tito's Yugoslavia.

As a mufti, Dozo had many opportunities to draw public attention to customs that were not legally valid. For example, someone from Montenegro asked: is it permissible in Islam to offer a glass of wine to an Imam during funeral prayers? Dozo's response was, "the practice is contrary to explicit sacred texts (*nashshshyar'i*) and therefore must be abandoned".³⁶ In his response, Dozo also underlined that these customs were the product of a strong Christian influence which was prevalent in certain areas, such as Serbia, Montenegro, and Eastern Bosnia. On the other hand, interesting examples were found, Dozo not only approved but even encouraged customs that contradicted clear Islamic texts. In his own words:

Although the Quran and the Sunna allow the marriage with one's close relative, including first cousin, the custom prevalent in our lands discourages so. This is a reasonable custom and, in our opinion, it should be maintained. Namely, marriage with one's close relative has been discouraged because of the common genetic complexities it brings. Recent medical findings confirm this. There is also a saying of the Prophet Muhammad which reads, *ghariban ankihû* (marry non-relatives).³⁷

Apparently, this custom has become part of the

Muslim ethos and mentality in much of the Balkans. That is, the average Muslim from the lands of the former Yugoslavia does not believe that marriage with a first cousin is legal under Islamic law.³⁸ For example, when shown to some Bosnian Muslims a translation of the verse of the Quran relevant to the list of all persons who could not be married, some of them began to doubt the authenticity of the copy of the Quran used.³⁹ As shown in the responses above, when issuing his *fatwas* Dozo always took into account the existing socio-political situation and proved his ability to exercise creative *ijtihad* by using the most suitable legal methods.

Dozo's *fatwas* can be considered as an important force and a kind of witness to the socio-political situation in which the fatwa was issued. Originally written in Bosnian, Dozo's *fatwa* represents the first significant contribution to the genre of *fatwa* in a South Slavic language. It may be noted here that in the period between 1965 and 1980 Dozo's *fatwas* were among the most widely read genres of Islamic literature in the Balkans. And in recent years, several editions of his *fatwas* have been published in different parts of the Balkans. This shows that Dozo's *fatwas* remain popular today. In fact, his collection of *fatwas* can be purchased at bookstores and book fairs in Sarajevo, Zagreb, Belgrade, Skopje, Ljubljana and Novi Pazar.

It should be remembered that Dozo does not act as Mufti in the strict sense of the term. By adopting a different methodology in its iftar practice, Dozo's collection represents one of the main contributors to the recent shift in *fatwa* literature. As shown so far, his *fatwas* are characterized by a general rejection of blind *taqlid*, consideration of certain social conditions, choosing more acceptable solutions, and preference for the public interest over the individual interest. In the following section an analysis of one of Dozo's most important *fatwas* is presented. The selected *fatwas* reflect Dozo's consideration of a given social context and his preference for serving the common good.

³⁵ Husein Dozo, *Izabrana djela*: 4. (Sarajevo: El-Kalem, 2006), pp. 207-208.

³⁶ Husein Dozo & A. Hasanovic, *Fetve*, (Sarajevo: Bemust, 1999), p. 213.

³⁷ Husein Dozo & A. Hasanovic, *Fetve...*, pp. 408-409.

³⁸ Florian Bieber, "Muslim identity in the Balkans before the establishment of nation states" in *Nationalities Paper*, vol 28, no. 1. 2000, <https://doi.org/10.1080/00905990050002434>

³⁹ Lopasic, Alexander. 1994, "Islamization of The Balkans With Special Reference to Bosnia" in *Journal of Islamic Studies*, vol. 5, no. 2, ISLAM IN THE BALKANS (July 1994), pp. 163-186, <https://www.jstor.org/stable/26195614>

Fatwas Zakat and Zakat al-Fithr Husain Dozo

Dozo clearly supports the tendency of Muslim modernists and reformers to question classical positions on all matters of faith, including the rules of zakat and zakat al-fithr. In 1967 Dozo issued a fatwa regarding the collection and distribution of zakat and the proceeds of zakat al-fithr. In the fatwa, Dozo is of the opinion that zakat proceeds may be given to IVZ for the public interest and community empowerment. Among the native scholars who disagree with Dozo on this view is Derviš Spahić who chose to publish his critique in Glasnik stating the following:

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

- a. it contradicts the Quran and the Sunna - Allah has decided in His Book who is eligible to receive zakât and zakât al-fithr proceeds (Q 9:60),*
- b. it means that the rights of the poor will be taken away which is zhulm [unjust],*
- c. it also means that shadaqa [zakât] of many people will not be qabul [accepted by God], and finally*

the new initiative would pave the way for many Imams to go astray as they would be transmitting this incorrect opinion to their congregations.⁴⁰

Spahić's criticism seems to be a fatwa in itself. According to him, giving zakat and the results of zakat fitrah for the general needs of Muslims is wrong. One of his arguments is that the poor and needy will be wronged if they do not accept these results. In response to Spahić's criticism, Dozo wrote a lengthy fatwa which was also published in Glasnik. Here's a summary of the responses:

Because of the social circumstances we live in, the issue of giving zakât and zakât al-fithr proceeds towards the general needs of the IVZ became so crucial. First, we would like to again stress the necessity to give your

zakât and zakât al-fithr proceeds to the IVZ. Secondly, we shall categorically prove that it is legally valid and even recommended to do so. ... According to verse 60 of Sûra al-Tawba, giving zakât proceeds for the general needs of our Islamic Community falls under one of the deserving categories as specified in the noble verse, namely fî sabîli Allâh. Rashid Ridhâ, a well-known mufasssîr, asserts that the phrase fî sabîli Allâh includes all necessary things to maintain the practice of Islam. ...

The author of Fiqh al-Sunna suggests that the best way of giving fî sabîli Allâh is to support those who preach Islam. ...

Indeed, zakât proceeds must be distributed to one of the seven categories specified in the Quran. The dilemma, however, is which of the categories should be given a priority? ... When solving this dilemma, the following points should be considered. First, during the reign of Abû Bakr the category of those whose hearts have been reconciled (muallafati qulûbuhum) became suspended. As we all know, the category of freeing slaves (fî al-riqâb) vanished over time. ... In our opinion, the categories of the traveler (Ibn al-sabîl) and the debtors (al-ghârimîn) should be suspended too since it is no longer practical to distribute zakât and zakât al-fithr proceeds to those. And, in our Yugoslav context the categories of the poor (al-fuqarâ') and the needy (al-masâkin) could be suspended too because the local authorities look after them.

... So, the category of fî sabîli Allâh remains as the only relevant one and hence should be given the priority over all others. From whatever angle we look, securing a financial basis for our IVZ has become paramount. By solving this crucial matter many other issues will become solved.⁴¹

While Spahić's fatwa was relatively brief, Dozo's response on the other hand was lengthy and addressed the question with style and sophistication. For example, several sources were cited in his response, including the Quran, Sunnah, Tafsi'r al-Manâr and Fiqh al-Sunna of S. Sâbiq.

⁴⁰ D. Spahić, Pitanja čitalaca and naši odgovori, Glasnik, 30, (1967), p. 248

⁴¹ Husein Dozo, Pitanja čitalaca and naši odgovori, Glasnik, 30, (1967), pp. 248-250.

This shows that the fatwa is mainly addressed to Islamic scholars and law students. Right at the beginning of his response, Dozo pointed to the social situation which according to him made the problem of collecting and distributing zakat and zakat yielding so central. Dozo then stated the real intention behind his response was to prove the legitimacy of giving zakat and the proceeds of zakat *fitriah* for the general needs of the Islamic Community of the former Yugoslavia.

The core of Dozo's argument lies in his understanding and interpretation of the expression *fî sabîl Allah* which literally means "in the way of God". Dozo, like Rashid Ridhâ and S. Sâbiq, generalized the phrase to include all actions done for God's sake, including preaching. Ibn Athîr, in his monumental book *al-Nihâya*, shows that the expression *fî sabîl Allah* is general enough to include any good deed.⁴² However, he emphasized that in terms of Islamic law (*fiqh*) this expression seems to be limited to the meaning of *jihad*.⁴³

Classical jurists seem to agree that *jihad* is carried out according to the expression above, but disagree whether it includes other good deeds or not. Abû Yûsuf, for example, argues that the expression includes poor Muslim soldiers. Al-Shaybânî adds pilgrims traveling to Mecca who run out of money or resources.⁴⁴ Al-Kâsânî, a prominent Hanafi jurist from the 12th century, is of the opinion that zakat and the proceeds of zakat *fitriah* should be given to individuals and not institutions or groups of people.⁴⁵ Another prominent Hanafi jurist, Ibn Nujaym, has explained this in his book *al-Bahr al-Râ'iq* that the condition of poverty is necessary in all cases.⁴⁶ Ibn `Âbidîn thus concludes that zakat and the proceeds of zakat *fitriah* cannot be spent on building or maintaining mosques, schools, hospitals and so on.⁴⁷

On at the end of his fatwa, Dozo concluded that in the socialist context of Yugoslavia the only category that could receive zakat proceeds was

the *fî sabîl Allah* category. Most Muslim jurists are of the opinion that the categories of "poor" and "needful" are the most important of all deserving categories, and to suggest the suspension of these categories would be contrary to the primary goals of zakat and other charitable institutions in Islam.⁴⁸

Dozo, on the other hand, argued that local authorities took care of the poor and needy. Although all modern countries have promised to serve the poor and needy, increasing poverty and destitution pose a serious challenge to most countries even today. This was of course the case for the former Yugoslavia which entered a phase of serious economic recession from 1970 and never recovered from it until it finally collapsed in 1989.

Therefore, Dozo's suggestion to suspend the category altogether was highly controversial. Dozo emphasized that the category of *muallafat qulûbuhum* has been frozen in line with the position *Hanafi*. In his book *Radd al-Muthtâr*, Ibn `Âbidîn explains 'since the causes of heart reconciliation no longer existed, a consensus was reached to suspend this category'.⁴⁹ Most medieval jurists stated that certain conditions had to be met before the debtor was eligible to receive the proceeds of zakat, but none of them suggested that this category be suspended.

Likewise, apart from Dozo, only M. al-Marâghî is known to have suggested the suspension of the traveler category.⁵⁰ On the other hand, most Muslim scholars demonstrate the benevolent nature of Islam towards needy travelers and debt-ridden individuals by making them both eligible to receive financial assistance through the zakat scheme.

Undoubtedly, it was Dozo's desire to strengthen the weak and declining Islamic Community of the former Yugoslavia that led him to make such a suggestion and conclusion. Namely, during World War II the Muslim Ummah experienced severe material poverty. After the war, the Tito regime introduced several measures that directly affected the national, religious and

⁴² Ibn Athîr, *al-Nihaya*: 2, p. 156.

⁴³ Ibn Athîr, *al-Nihaya*: 2, p. 156.

⁴⁴ Ibn `Âbidîn, *Radd al-Muthtâr*: 2, pp. 83-84.

⁴⁵ Al-Kâsânî, *Badâ'i' al-Shanâ'i'*: 2, p. 49.

⁴⁶ Ibn Nujaim, *al-Bahr al-Râ'iq*: 2, p. 260.

⁴⁷ Ibn `Âbidîn, *Radd al-Muthtâr*: 2, p. 85.

⁴⁸ Yusuf al-Qaradhâwî, *Fiqh al-Zakat*, (Cairo: Maktabah Wahbah, 2006), pp. 376-384.

⁴⁹ Ibn `Âbidîn, *Radd al-Muthtâr*: 2, 89.

⁵⁰ Tafsîr al-Marâghî: 28, commentary (Q. 59:6).

property rights of the Islamic Community. For example, the body administering IVZ's permanent endowments (*al-Awqâf*) is under state control and is ordered to hand over many of its valuable assets to local authorities. The final blow to the Awqaf decline came in 1958 with the nationalization of rental properties. As a result, several centuries-old charitable foundations have died.

With a view to replacing income from nationalized permanent endowments, a membership fee was introduced. Since the fee system never lived up to its expectations, the Islamic Community was in dire need of a more promising solution. Therefore, in 1969 the Supreme Religious Authority (VIS) IVZ issued a decree instructing Muslims to support the proposed centralization of zakat and the results of zakat al-fitr for the advancement of the Islamic Community.⁵¹ The decision also emphasizes the necessity to do so.

It should be noted here that the decree was signed by the then Grand Mufti, Sulejman Kemura, and his special adviser Husein Dozo. Since Dozo had issued similar *fatwas* before and because his signature was on the official decree itself, it was quite clear that Dozo was the chief architect of the project. The fact that competitors raised their objections primarily to Dozo suggests a similar conclusion. The following summarizes the main achievements of the project:

- a. it strengthened IVZ's faltering financial situation,
- b. it allows the continuation of the five century old Gazi Husrev-bey madrasa,
- c. it led to the founding of the Faculty of Islamic Theology, and
- d. it facilitates the production of official IVZ organs, including Glasnik, Preporod and Takvim.

Especially, this project is being implemented to this day and without any antagonism. One may ask, is there another or better solution? As noted above, when Dozo issued his initial *fatwa* on zakat in 1967, the economic base of the Islamic

Community of the former Yugoslavia had nearly crumbled. Moreover, the idea of negotiating with the Tito regime for the possible repossession of a nationalized endowment never materialized. So, given that the project is legal under Islamic law, one really needs to acknowledge its historical significance.

A study of Husein Dozo's modernist and reformist thoughts regarding the conception and interpretation of contemporary Islamic law reformist thought needs to be understood and placed within the complex socio-political and cultural context of the Balkans. Dozo is one of the few Balkan Muslim scholars who accommodates both the tough dilemmas posed by modernity and the belief that Islam can become a dynamic force in modern society. The Dozo period was marked by ideological repression, atheism, communism, and strong anti-religious propaganda.

On the other hand, these profound political, social and cultural challenges helped spread modernist and reformist Islamic views and ideas in the region. Dozo was a modernist in the sense that he encouraged the teaching of modern thought, Dozo believed that it could only confirm Islamic religious thought. Even a study of Dozo's scientific endeavours would say that he spoke out loud against dogmatism and rigid Islamic thought. With his many publications, Dozo has been able to effectively communicate traditional Islamic teachings and make the inner reality of Islamic law and faith accessible to his fellow believers. It can also be believed that Husein Dozo is a thinker who deserves attention for his various scientific contributions, as a theologian, as an expert on the interpretation of the Quran.

Dozo has had a distinguished educational career having graduated from two outstanding institutions of higher education: Mekteb-i Nuvab in Sarajevo and al-Azhar University in Cairo. Dozo's reputation as a graduate of al-Azhar University and his mastery of Arabic underline his authority among Balkan clergy. After being convinced by his Azhar teachers that the "reform" and "revival" of Islamic scholarship was the right thing to do, Dozo hardly changed his mind after that. The darkest period of Dozo's life was his involvement in the 13th SS division and the next five years were spent

⁵¹ Sulejman Kemura, and Husein Dozo, *Raspis Starješinstva Islamske Vjerske Zajednice u SFRJ and tumačenje šerijatskog propisa o prikupljanju zekata i sadeka-i-fitra u Fond Gazi Husrevbegove*, 1969).

in various prisons. The Islamic community of the former Yugoslavia and its religious and educational institutions were clearly influenced by Dozo's views and ideas. Also, The Ilmijja Association was under Dozo's presidency for several years and the periodicals *Takvim* and *Preporod* were under his editorial judgment. On the one hand, this important role and position provided Dozo with many opportunities to spread his reformist views and ideas, but on the other hand it kept him under constant pressure from Tito's repressive regime.

Dozo mastered more than one Islamic discipline, however, his main concentration was in interpretation and *fiqh*. Through the media of *fatwas* and fresh interpretations of the Quran, Dozo responded to the challenges he and his people faced, especially Tito's version of communism and modernity. Dozo's approach to Quranic exegesis is characterized by two main features: first, his affirmation of the harmony between revelation and reason, and secondly, his distinction between universal concepts and principles contained in the Quran on the one hand and the contextualization of Quranic interpretation. Interpretation of these concepts and principles on the other hand. Likewise, his legal opinion is characterized by a rejection of blind *taqlid* and consideration of certain social conditions.

Dozo's work is significant for both its Islamic content and influence. For example, thanks to his inspirational *fatwas* and other works, the professional structure of Islamic scholars has been transformed in a positive direction. Arguably, the most striking feature of Dozo's work is his passion for defending Islam and his desire to demonstrate its conformity with modernity. Dozo's passion for providing practical solutions through his *fatwas* to dilemmas generated by modernity and his passion for the text of the Quran mean that he provides a bridge between theory and practice.

Mainly because of his concern for the people, elements of educating and *da'wah* are all evident in his works. Not everyone who reads Dozo's popular column may agree with his stance on certain issues, but many are drawn to his message of Islamic reform and revival. For example, Dozo will always be remembered as a key proponent of the *zakât* and *zakât al-fi* projectsthr IVZ. Even

though scholars differed from Dozo's views and methods, such as D. Spahic and M. Pašić, they acknowledged the value of Dozo's contribution to Islamic legal reform. When compared to other prominent Muslim reformers of the 20th century, such as `Abduh, Ridhâ, Iqbal, and Shaltût, Dozo's uniqueness lies in its direct impact on the socio-political environment in which he works and publishes.

Teaching and writing are two areas that Dozo excels at. His influence on a whole new generation of Balkan Muslims through his teaching endeavors first at the Gazi Husrev-bey madrasa and then at the Faculty of Islamic Theology cannot be underestimated. The establishment of a special library collection in 2006 by the Faculty of Islamic Studies on behalf of Dozo demonstrates the urgency and relevance of his current work. In addition, Dozo's radical approach to the methodological issues underlying the formation of Islamic law decisions has had a major impact on recent developments in the field of Islamic law. For example, several Bosnian muftis including Nusret Abdibegović, Hasan Makić, Šukrija Ramić and Muamer Zukorlić, followed Dozo's pattern of issuing *fatwas* outside of the madhhab *Hanafi*.

Conclusion

Understand Marxism, atheism and communism growing rapidly in the Balkans. Religious leaders and intellectuals are discriminated against, in prison and even killed if they have different views or try to break the applicable law through their thoughts. One of the cruel acts against the Muslim population is the state program to force the secularization of society. Husein Dozo is here to offer a reformist and modernist understanding of Islam, advocating a more rational understanding using his intellectual abilities. Such as holding seminars to provide space for intellectuals with the aim of opening up the stigma of the Yugoslav regime which considered religious activities to be of no benefit.

Husein Dozo issued a *fatwa* regarding the collection and distribution of *zakat* so that it can be managed by *zakat* institutions with the aim of public interest and community empowerment. He also had a hand in reforming the law on

the separation of religion and state, as well as abolishing the *niqab*. Its main focus is reforming Islamic law and adapting it to the needs of modern times.

As seen above, the views and ideas of modernist and reformist Islamic interpretations are clearly reflected in Dozo's works. On the other hand, through the prism of his thinking, these views and ideas have acquired the dimension of a "Yugoslavian/Balkan" locality and have faced many formidable challenges. While Dozo's success in explaining the relevance of Islamic law in modern times is debatable and the analytical depth of his understanding of modern sciences, there is no doubt that he was aware of the most important issues facing the modern mind. And, prior to making a definitive assessment of Dozo's position in the history of contemporary Islamic thought, it is necessary to carry out comprehensive and further research on the religious thought of this phenomenal figure.

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