



Dževada Šuško

Bosniaks & Loyalty: Responses to the Conscription Law in Bosnia and Hercegovina 1881/82

Doing military service to protect the borders of a state and the security and safety of its citizens is a clear indicator of loyalty. Furthermore, military service is a measure of the extent to which a citizen identifies with the norms and values of a state. When Austria–Hungary, as a leading European power, was granted the right at the Congress of Berlin to occupy and administer Bosnia, the Muslim Bosniaks, who once had been the guardians of the westernmost border of the Ottoman Empire, suddenly had to deal with non-Muslim rulers and found themselves a religious minority in Austria–Hungary, an overwhelmingly Christian empire. A key occasion to demonstrate allegiance to their new state came in 1881 with the issue of the Conscription law. Bosniak Muslim soldiers had to serve in an army led by non-Muslims. An insurrection occurred and a heated discussion was initiated to find an acceptable answer to the question of whether or not it was permissible for a Muslim to live under non-Muslim rule and whether a Muslim could serve in the military under a non-Islamic flag. Thus, modernist and reformist thought became an important force in assessments and reassessments of traditional concepts of Islam. Contemporary *fatwas*, newspapers, witness reports, and archival documents offer crucial insights into the discourses and reasoning of the Bosniaks at the time when these changes were taking place. Many important political decisions concerning Bosnia and Hercegovina were discussed in the Gemeinsamer Ministerrat. However, its proceedings during the years in question have not yet been edited and remain inaccessible. Nonetheless, the accessible sources in Sarajevo shed light on the efforts of the Bosniaks to accommodate themselves to the new ruler and adapt to and identify with “Western” norms and values. Furthermore, these sources demonstrate that as long as the territorial integrity of Bosnia and the religious rights of the Muslim communities were respected, Bosniaks displayed loyalty, military courage, and devotion to the state.

Keywords: Bosniaks, loyalty, Bosnia, Austria–Hungary, Conscription law, military service, uprising, Orthodox, Serbs, migration, Islam

Introduction

The Berlin Treaty, which was signed in July, 1878, stipulated that Bosnia and Hercegovina¹ would be “occupied and administered” by Austria–Hungary, while the sovereignty of the Ottoman Empire was preserved. Soon it became

1 For the sake of simplicity, I use the term Bosnia instead of Bosnia and Hercegovina in the rest of this essay.

clear that this provision was theoretical and that Bosnia would be treated as a third state within the Monarchy.² The Conscription law, which came into force in 1882, provided additional evidence of this, since it effectively ignored the Sultan's *de iure* sovereignty and recruited soldiers from among the inhabitants of Bosnia for the Austro–Hungarian military. The bilateral Convention between the Ottoman Empire and Austria–Hungary, which was signed nine months after the Congress of Berlin (April 21, 1879), confirmed that the Austro–Hungarian Kaiser possessed administrative, judicial, financial and military sovereign rights in the territories in question. Gradually, the Austro–Hungarian administration embraced all spheres of life with the aim of performing a cultural mission and essentially effectuating an annexation, i.e. integrating the new lands into the Monarchy. Hence, the Bosniaks³ were at once confronted with non-Muslim rulers and different norms and values in the spheres of the military, politics, administration, economy, culture and education. Participation in the Austro–Hungarian military was a litmus test for loyalty to non-Muslim rule.

The Concept of Loyalty

When it comes to loyalty, the term itself is usually understood as a form of sincerity, fidelity, allegiance and affiliation which requires reciprocity. In a socio-political sense, loyalty involves faithfulness to the state, service in the military, protecting the borders of the state and the security and safety of its citizens, paying taxes to the state, obeying the laws, and serving national interests in general.⁴ Loyalty is self-evidently perceived as a basic duty of each citizen involving expectations and moral values. These expectations go back to the French Revolution and the understanding of the French term *citoyen* (citizen), who was expected to serve in the military, go to war, and even die for

2 Mustafa Imamović, *Pravni položaj i unutrašnje-politički razvitak BiH od 1878–1914* (Sarajevo: Bosanski Kulturni Centar, 1997), 31.

3 Historically “Bosniak” is the term used to refer to all inhabitants of Bosnia regardless of their religion, but due to political processes in the nineteenth century (processes that were influenced by the so-called Spring of Nations), gradually the Orthodox began to refer to themselves as Serbs and the Catholics slowly came to identify themselves as Croats. Thus, the term Bosniak came to refer to Muslims only. In this essay I use the term to refer to Muslim Bosniaks. When I mention the Orthodox or Catholics, I often use these terms interchangeably with the terms Serbs and Croats.

4 Anna Stilz, *Liberal Loyalty. Freedom, Obligation, and the State* (Princeton–Oxford: Princeton University Press, 2009), 93.

the state.⁵ From the perspective of political and military loyalty, a time of war is seen as litmus test. In cases of emergency and states of defense against an external enemy, loyalty is crucial, and it is tested.

The question arises, how difficult was it to distance Bosnian Muslims from old loyalties (basically to the Sultan) and establish new allegiances to Austria–Hungary? For instance, Croats or Catholics identified themselves more readily with predominantly Catholic Austria–Hungary and thus were preferred when it came to service in the administration and military.⁶ However, the smooth functioning of Austria–Hungary in Bosnia depended on the loyalty of the Bosniaks as well. They had to strike a balance between their personal sentiments on the one hand and practical advantages on the other when negotiating their loyalties. However, as inhabitants of the westernmost border of the Ottoman Empire (which was constantly attempting to expand or defend its territory), the people of Bosnia had not only served in the Ottoman military but had also participated in the expansion and defense of Ottoman lands. This history of conflicts between Bosnia and its neighbors explains why the question of loyalty at the beginning of Austro–Hungarian occupation was not as simple as perhaps had been expected. Nonetheless, the Conscription law obliged all male citizens not only to protect the borders of Bosnia, but also to defend the territory of the whole Monarchy.⁷ Furthermore, as Jörn Leonhard argues, military service in the multi-ethnic army of Austria–Hungary functioned as an instrument of integration and cohesion. Austria–Hungary wanted to create within the military units a feeling of unity and equality, particularly among members of the younger generations.⁸

This was also a component of the cultural mission and the modernization process applied by Austro–Hungarian authorities in Bosnia. The modern states that began to emerge in the nineteenth century indeed had higher expectations with regards to loyalty than pre-modern tributary states. Instead of being merely a tax-paying subject of the monarch, the citizen was expected to show

5 Martin Schulze Wessel, “Loyalität als geschichtlicher Grundbegriff und Forschungskonzept: Zur Einleitung,” in *Loyalitäten in der Tschechoslowakischen Republik 1918–1938. Politische, nationale und kulturelle Zugehörigkeiten*, ed. Martin Schulze Wessel (Munich: Oldenbourg, 2004), 12.

6 Hamdija Kreševljaković, *Izabrana djela IV. Prilozi za političku istoriju Bosne i Hercegovine u XVII i XIX stoljeću* (Sarajevo: Veselin Masleša, 1991), 73–167.

7 Eventually, Bosnians would have to fight against the Ottoman Empire, i.e. against the Sultan.

8 Jörn Leonhard and Ulrike von Hirschhausen, *Empires und Nationalstaaten im 19. Jabrbundert* (Göttingen: Vandenhoeck & Ruprecht, 2011), 81–85. In comparison to Austria–Hungary, Great Britain didn’t introduce general conscription until 1916, as it regarded itself as a naval power.

personal devotion, attachment, and loyalty to the state. Thus, in Bosnia the modernized bureaucracy, railway construction, infrastructure, mining industry, health system, educational system etc. were expected to elicit a positive response from the “citizens” in the form of identification with the state. In addition to modernization in infrastructure, modern states also offered their citizens equality in front of the law, political participation and social permissiveness. A citizen of a modern state was expected to serve the country out of inner conviction and motivation, and not because he was forced to.⁹

Historical Context

Even before 1878, the Minister of foreign affairs Gyula Andrassy claimed that Bosnia’s internal and external instability, which was caused by the uprising of 1876 during the Eastern Crisis, could only be resolved by strong Austro–Hungarian leadership.¹⁰ Aware of ethnic and social tensions (including even “Communist aspirations” among the *kmets*), the Habsburg officials in Bosnia regarded ensuring stability, security and prosperity their main task.¹¹ The government knew that it would take a long time to create peace in the occupied province, but on the other hand, representatives of the empire expressed willingness not to spare energy and to build efficient state institutions (administration) and install a strong and visible government that would be led by a military commander.¹² Thus, the Austro–Hungarian occupation was presented as a necessity as well as a peacebuilding mission, but also meant the consolidation of circumstances in the Balkans and an obstacle to the territorial expansion of Serbia, i.e. to the creation of a southern Slav state.¹³ The decision to pass the Conscription law undoubtedly has to be analyzed in the light of the secret Treaty of Three Emperors, which was concluded on June 18, 1881. The text of the treaty states that (1) Germany,

9 Martin Schulze Wessel, ed., *Loyalitäten in der Tschechoslowakischen Republik 1918–1938. Politische, nationale und kulturelle Zugehörigkeiten* (Munich: Oldenbourg, 2004).

10 Horst Haselsteiner, “Zur Haltung der Donaumonarchie in der Orientalischen Frage,” in *Der Berliner Kongress von 1878*, ed. Ralph Melville and Hans-Jürgen Schröder (Wiesbaden: Franz-Steiner Verlag, 1982), 232–34.

11 *Zur Orientierung über den gegenwärtigen Stand der bosnischen Verwaltung* (Vienna: Aus der Königl. Hof- und Staatsdruckerei, 1881), 1.

12 *Ibid.*, 1–5. Thus, the heads of the provincial government in Bosnia (Landeschef) were always military commanders.

13 Imre Rész, “Versuch einer Nationsbildung um die Jahrhundertwende,” accessed August 5, 2014, <http://www.poinترنت.pds.hu/kissendre/magyarfilozofia/20060621020933525000000260.html>.

Austria–Hungary and Russia would take a neutral stance in the event of war and (2) Russia and Germany would respect Austria–Hungary’s interests in the Balkans and its new position according to the Treaty of Berlin. Interestingly, there was an additional protocol that went into detail regarding Bosnia: “*L’Autriche-Hongrie se réserve de s’annexer ces deux provinces au moment qu’Elle jugera opportun.*”¹⁴ Hence, Austria–Hungary was given the right to annex Bosnia and Hercegovina. It merely had to decide when the annexation would take place. Russia’s change of mind is interesting, as it obliged itself not to oppose an annexation. On the other side, Austria–Hungary obliged itself not to oppose a union of Bulgaria and Eastern Rumelia. Strikingly, both the annexation and the union meant a clear infringement on the terms of the Berlin Treaty.¹⁵ Additionally, Article 5 of the Austro–Serbian agreement, signed on June 28, 1881, says:

If Austria–Hungary should be threatened with war or find herself at war with one or more other Powers, Serbia will observe a friendly neutrality towards the Austro–Hungarian Monarchy, including therein Bosnia, Hercegovina and the Sanjak of Novi-bazar, and will accord to it all possible facilities, in conformity with their close friendship and the spirit of this Treaty.¹⁶

Benjámín von Kállay, who was soon to become the most influential administrator of Bosnia, pushed for annexation.¹⁷ Later, Kállay stated that the Western part of the Balkan Peninsula had never been seen as an integral part of the Ottoman Empire.¹⁸ Thus, the Sultan’s sovereignty was definitely negated.

14 *Die Große Politik der europäischen Kabinette 1871–1914. Sammlung der diplomatischen Akten des Auswärtigen Amtes*, vol. 3 (Berlin: Auswärtiges Amt, 1922), 176–79. The Treaty of Three Emperors remained secret until the end of World War I, although there were rumors in the press about the annexation of Bosnia. The treaty still followed the spirit of the “great reformer,” Russian Czar Alexander II, and his friendly policy towards Berlin. Alexander II was assassinated in March 1881, and under the reign of his successor Alexander III relations with the Central European powers declined.

15 Ernst S. Rutkowski, “Der Plan für eine Annexion Bosniens und der Herzegowina aus den Jahren 1882/83,” in *Mitteilungen des Oberösterreichischen Landesarchivs*, vol. 5 (Graz–Cologne: Hermann Böhlau, 1957), 116. Rutkowski (116–23) describes the evolving debate whether to remain with the occupation or to attempt to annex Bosnia.

16 “Treaty of Alliance between Austria–Hungary and Serbia. Belgrade, June 16/28 1881,” in *The Secret Treaties of Austria–Hungary 1879–1914*, ed. Alfred Francis Pribram (Cambridge: Harvard University Press, 1920), 51.

17 *Ibid.*, 119.

18 Benjámín v. Kállay, *Die Lage der Mohammedaner in Bosnien. Von einem Ungarn* (Vienna: Adolf Holzhausen, 1900), 9.

Austria–Hungary could ask its new subjects to protect the borders of the Monarchy.

The Conscription Law

While the Conscription law was applied all over the Monarchy, Boka Kotorska, and particularly the villages in Krivošije, showed resistance to Austro–Hungarian rule as early as 1869.¹⁹ The division of Bosnia between Austro–Hungarian occupation and administration on the one hand and the Sultan’s sovereignty on the other hindered the Monarchy’s call for recruitment.²⁰ However, as early as January 1881 sessions of the common government discussed a draft of the Conscription law in Bosnia (*Entwurf eines Wehrgesetzes für Bosnien*). On October 24, 1881, the provisional conscription law for Bosnia and Hercegovina was approved and issued, together with a Decree that was issued to the provincial government (*Verordnung an die Landesregierung*) on November 4, 1881.²¹ On November 5, another Decree addressed the treatment Muslim citizens were to be given as members of the military (*Behandlung der Mohammedaner während der activen Militärdienstzeit*).²² Eventually, on August 11, 1912 the Conscription law was passed.²³ However, the people of Bosnia reacted negatively, particularly to the provisional law adopted as mentioned in 1881, which was in force as of January 1, 1882. This is why often the Conscription law is usually referred to as a law of 1882.²⁴

The decree related to the Conscription law was addressed to the people of Bosnia and Hercegovina and was published in the Sarajevo newspaper *Sarajevski list*.²⁵ According to the text of the law, the existence of the armed forces is a

19 The developments in Boka played a role for the Serbs only, not the Bosniaks.

20 Hamdija Kapidžić, *Hercegovacki ustanak 1882. godine* (Sarajevo: Veselin Masleša, 1973), 75.

21 *Verordnung der Landesregierung für Bosnien und die Hercegovina vom 4. November 1881*, Zahl 2679/P, betreffend die Kundmachung des provisorischen Wehrgesetzes für Bosnien und die Hercegovina, accessed February 2, 2014, <http://alex.onb.ac.at/cgi-content/alex?aid=lbh&datum=18819004&seite=00000695>.

22 *Auszug aus dem Circularerlasse der Landesregierung für Bosnien und die Hercegovina vom 5. November 1881*, Z. 2698/Pr. betreffend der Behandlung der Mohammedaner während der activen Militärdienstzeit, accessed February 2, 2014, <http://alex.onb.ac.at/cgi-content/alex?aid=lbh&datum=1881&page=756&size=28>.

23 *Gesetz vom 11. August 1912, betreffend die Einführung eines neuen Wehrgesetzes für Bosnien und die Hercegovina*, accessed on February 2, 2014,

<http://alex.onb.ac.at/cgi-content/alex?aid=lbh&datum=19120004&seite=00000243>.

24 *Provisorisches Wehrgesetz für Bosnien und die Hercegovina*, accessed February 2, 2014, <http://alex.onb.ac.at/cgi-content/alex?aid=lbh&datum=18819004&seite=00000697>.

25 *Sarajevski list*, 4, no. 102, November 4, 1881.

necessity in all countries, as without the armed forces the state would not be able to maintain peace and order or protect the lives and property of its citizens against external enemies. The law also contains the following assertion:

Henceforth, the time has come for the sons of the country to fulfill their duty, and without regard to religion they shall honorably bear weapons to protect the home country. [...] No one, whatever religion he may belong to, shall be hindered in the fulfillment of his religious duties.²⁶

The decree declares that the *Kaiser und König* accords the same respect to all religions, as well as to the creeds and sentiments of the peoples of his empire and the customs and habits of Bosnia, and that he will not tolerate any preferential treatment for any group among his subjects.

The provisional conscription law, which consists of 36 articles issued in German and Bosnian, sets the duration of military service, the age of the conscripts, preconditions, exemptions, consequences for conscientious objection to military service, identification of conscripts, conditions for sending substitutes, and conditions related to the reserve. In the context of this inquiry, the following details are relevant: The law obliges all male citizens of Bosnia between the ages of 17 and 36 and fit for military service to participate in the protection of the country and the Monarchy. Various segments of Bosnian society were exempted. The Conscription law excluded, first, criminals who had been sentenced for a crime or a delinquency committed due to acquisitiveness and, second, men who had been born in 1858 or earlier or had served the Turkish military or were still serving Turkish troops. Article 11 is most interesting, particularly in terms of religion, as it enumerates the religious positions that were exempted from military service: priests, chaplains, monks, imams, Shari'a judges, Muslim lecturers (*muderis*), Friday prayer leaders (*batib*), religious scholars (*shaykh*), Sufis (*dervish*) and religious teachers (*bodžia*). Doctors were also exempted, as were veterinarians and pharmacists who were practicing their professions. Interestingly, Article 12 expands the exemption to include theology students who were studying at an institution of higher education that was acknowledged by the Ministry. Furthermore, Article 13 exempts a single male relative (husband, son, brother, grandson) in a family the members of which were dependent on the income or labor of that single male.

26 *Verordnung*, 4 November 1881, 696.

Of utmost importance is the Decree related to the treatment of the Muslims during their military service, which was attached to the provisional conscription law and published in the Sarajevo newspaper a few days later.²⁷ This supplement to the Conscription law demonstrates the intention of the Monarchy to attract the Bosniaks, nurture loyalty among them, and motivate them to serve the Kaiser instead of the Sultan. The Decree included precise and detailed guidelines regarding the treatment of the Muslim conscripts of Bosnia. It prescribes respect for the religious laws and customs in eight points. First, “soldiers of Muslim faith” are given days off on Fridays as well as the three days of Ramadan Bayram (*Eid al-Fitr*) and four days of Kurban Bayram (*Eid al-Adha*). Second, Muslim soldiers were allowed to have a separate kitchen with their own pots and pans, to cook their own food, and to buy necessary things. The cookware was to be branded in order to ensure that it would not be mixed up with the pots and pans of the non-Muslims, because as the text says, “[i]n all cases, attention must be paid to the fact that Muslims are prohibited from eating pork, lard, wine and the meat of clubbed animals.”²⁸ If the cookware were to be mixed up, new implements were to be purchased. Thus, Muslim soldiers would be assured that they would only eat *halal* food. Furthermore, the law stipulates that there were to be no restrictions regarding when meals were to be served. This allowed Muslims, who would sometimes fast (particularly during the month of Ramadan), the liberty to adapt their meal times according to their religious calendar. Third, at medical examinations, the Islamic understanding of indecent parts of the body was to be respected. Hence, medical examinations were to be performed individually in a separate room, where only the doctor and the patient were present. Fourth, Muslims were free to perform the Friday prayer (*Juma*) between 11:00 o’clock and 13:00 o’clock as well as the Bayram prayers (*Eid*) in a mosque. If there was no mosque nearby, then a special room was to be designated for that purpose. Additionally, for the religious ablution, the necessary number of metal washbasins and pots was to be provided. Fifth, in the case of a funeral, the reception was to be conducted silently, accompanied by readings from the *Qur’an* without music. Sixth, Muslims were allowed to purchase whatever they felt would be necessary for themselves. Seventh, imams were to be appointed to lead the prayers for the Muslim soldiers and to provide

27 *Sarajevski list*, 4, no. 105, November 11, 1881.

28 This meant that the meat for Muslims had to come from animals that had been butchered according to the principles of Islam. Such meat is called *halal* meat.

spiritual care.²⁹ According to the eighth and final point, some Muslim soldiers were to be taught nursing in order to enable them to look after fellow Muslims who had been injured or fallen ill and to provide spiritual care for the dying and even wash corpses.

Responses

After the provisional conscription law was announced on November 4, 1881, the provincial government in Sarajevo adopted several measures to implement it. In addition to security measures, steps were taken in order to assess people's mood and sentiments. Baron Dahlen, who was the head of the provincial government (*Landeschef*) and general commander in Bosnia (1881–1882), ordered all districts (*kotar*) to inform him precisely about the reactions of the masses and the district councils (*medžlīs*) to the Conscription law.³⁰

Having received information from people on the ground, Dahlen sent a report to the Common Ministry of Finance in Vienna, which was in charge of Bosnia, to inform it of the situation in Bosnia after the proclamation of the Conscription law. This report, which is dated December 11, 1881, characterized the atmosphere as extremely tense and explosive, particularly in Foča and Eastern Hercegovina. The report states that: (a) Muslims were applying en masse for emigration to the Ottoman Empire, which was understood by Dahlen as part of a strategy to convince the authorities to refrain from enforcing recruitment; and (b) members of the Orthodox Church would be willing to serve in the military if the agrarian question were to be resolved, i.e. if lands were to be taken away from Muslim landlords and given to the kmets (Orthodox). Interestingly, although the situation was very delicate, the Austro–Hungarian government

29 Christoph Neumayer and Erwin A. Schmidl, eds., *Des Kaisers Bosniaken. Die bosniakisch–herzegowinischen Truppen in der k.u.k. Armee. Geschichte und Uniformierung von 1878 bis 1918* (Vienna: Verlag Militaria, 2008), 110. The military imams in the Austro–Hungarian army from 1882 until 1918 are listed, including the cities in which they performed their military duty as imams: Mehmed ef. Kokić (1892–1888, Sarajevo), Mehmed ef. Bećiragić (1888–1895, Vienna/Sarajevo), Ahmed Šukri ef. Bajraktarević (1891–1904, Vienna/Sarajevo), Asim ef. Doglodović (1895–1902, Vienna), Hašim ef. Dženanović (1902–1914, Vienna/Budapest/Graz/Sarajevo/Trieste), Hafiz Abdullah ef. Kurbegović (1904–1918, Vienna; from 1914 as military mufti; received medal of Kaiser Francis Joseph), Salih ef. Atiković (1909–1918, Graz), Hafiz Ibrahim ef. Jahić (1909–1918, Budapest) and Osman ef. Redžović (1914–1917, Trieste). There were also some 100 military imams in reserve (cf. enumeration in Zijad Šehić, “Vojni imami u bosanskohercegovačkim jedinicama u okviru austrougarske armije 1878–1918,” *Godišnjak Bošnjačke zajednice kulture „Preporod”* 6, no. 1 (2006): 309–21.

30 Kapidžić, *Hercegovački ustanak*, 81.

in Bosnia decided not to modify its principles in agrarian policy. They wanted to preserve good relationships with the Muslim landowners and hoped that the landowners would call for peace among the Muslims and influence them positively.³¹ Austria–Hungary indeed had the support of loyal landowners and religious scholars, such as Mehmed beg Kapetanović-Ljubušak (an intellectual and politician), Mustafa beg Fadilpašić (the mayor of Sarajevo), Muhamed Emin Hadžijahić (a prominent religious scholar), Mustafa Hilmi Hadžiomerović (the Mufti of Sarajevo and the future head of the Islamic Community, or *Reisu-l-ulema*), and particularly Mehmed Teufik Azapagić (an influential religious scholar on whom I go into more detail later in this essay).

In a report sent from the German Consulate in Sarajevo to Berlin dated December 4, 1881, the Consul said that the Conscription law came as a surprise to the people, as they had believed that Bosnia would return to Turkish rule. The report describes the atmosphere among the Bosniaks and Serbs as follows:

The introduction of the conscription is—to the extent that one can tell—not welcome among the citizens. The Muslims do not want to grasp that they will no longer serve in the military of the Sultan, but rather in the military of the Christian sovereign. [...] The Greek-Orthodox population does not seem to be happy about the new measure because their sympathies do not lie with the Austro–Hungarian Monarchy. Many people—especially the Muslim inhabitants—under the first impression of the provocation, immediately expressed the intent no longer to remain in the country. Indeed, many Muslim families (in Sarajevo allegedly more than one hundred) applied for passports in order to emigrate. [...] according to what I have been able to ascertain, the public mood, following the publication of the conscription law, is very excitable. [...] the concerns and objections that could be raised against military service for religious reasons were dulled by the issue of the special provisions that cleverly took these objections into consideration.³²

Before going into detail regarding the reaction of the Muslim Bosniaks, one should note that before the Congress of Berlin Bosnia and Austria–Hungary had only come into contact with each other on the battlefield. Austria–Hungary had attempted to occupy Bosnia on several occasions, and cities and towns had

31 Ibid., 81–82.

32 *German Consulate to Bismarck*, Sarajevo, December 4, 1881. Nacionalna i Univerzitetska Biblioteka Sarajevo. Original in German.

been overrun and partially burnt down in the course of these incursions.³³ Thus, the *occupation* and *administration* of Bosnia, to use the terminology of the Berlin Treaty, was regarded by many Bosnian Muslims as a kind of final victory of an old enemy. It meant, first and foremost, a psychological challenge for the Muslims, as they felt themselves compelled to become citizens of an “infidel” state. The people simply felt lost and disoriented, as the Ottoman Empire did not protect them from the new ruler, nor did the Sultan send a clear message regarding how to conduct themselves in the new situation. The Bosniaks identified the Sultan, Istanbul, and the Ottoman Empire with Islam, and they feared that separation from the Ottoman Empire might also mean separation from their religious identity. Additionally, they assumed that Austria–Hungary would reform the system of inherited feudal rights without regards to their religion or the societal system. This “*shift of civilizations*,” empires, a change of the sides of the world, of East and West, as well as a “*shift of masters*” explain why masses of Bosniaks showed resistance in the first months of Austro–Hungarian occupation, and why, when this failed, they fled from Bosnia to remaining Ottoman lands immediately following the occupation in summer 1878.³⁴

One of the most visible responses of the Bosniaks to the encounter with Austria–Hungary was migration to remaining Ottoman lands (Arabic *hijra*, Bosnian *bidžra*) and the abandonment of their estates and properties. The religious and cultural link with the Ottoman Empire, the (feared and real) harshness of the new political and military system towards its opponents, the (anticipated and actual) proselytism of the Catholic church, the preference given to colonists, the change from a barter and natural economy to a money-oriented economy, the impoverishment of craftsmen due to the massive import of industrial goods, and the increase in the cost of living encouraged the Bosniaks to leave and look for a better life elsewhere.³⁵

33 To this day people in Bosnia recall Eugene of Savoy, who burned down Sarajevo.

34 Enes Karić, “Aspects of Islamic Discourse in Bosnia-Herzegovina from Mid 19th till the End of the 20th Century: A Historical Review,” in *Sebrayin. Die Welt der Osmanen, die Osmanen in der Welt; Wahrnehmungen, Begegnungen und Abgrenzungen. Illuminating the Ottoman World Perceptions, Encounters and Boundaries*, ed. Yavuz Köse (Wiesbaden: Harrassowitz Verlag, 2012), 286.

35 Srećko Džaja, *Bosnien-Herzegovina in der österreichisch-ungarischen Epoche, 1878–1918. Die Intelligentsia zwischen Tradition und Ideologie* (Munich: n.p., 1994), 209; Imamović, *Pravni položaj*, 109; Zoran Grijak, “O nekim važnijim aspektima problema konverzija na katolicizam u Bosni i Hercegovini u austrougarskom razdoblju u svjetlu neobjavljenih arhivskih izvora,” in *Međunarodna konferencija, Bosna i Hercegovina u okviru Austro-Ugarske 1878–1918, održana u Sarajevu 30. i 31. marta 2009, Zbornik radova*, ed. Filozofski Fakultet u Sarajevu (Sarajevo: Filozofski Fakultet u Sarajevu, 2011), 143–65; Aydin Babuna, “The Berlin Treaty,

One of the waves of migration came in 1882, after the provisional conscription law had been issued.³⁶ According to Kapidžić, this came as surprise to the Austro–Hungarian authorities in Sarajevo and in Vienna.³⁷ They thought that their policy of siding with the Muslim landowners would bring about the opposite result. They failed to realize that Austro–Hungarian rule was perceived as aggressive occupation by the broader Muslim masses, who had not forgotten the inhumane and harsh treatment to which they had been subjected by Habsburg forces in the course of earlier military clashes. Significantly, Austro–Hungarian authorities tried to downplay the importance of the massive waves of migration, as they sent a negative image to neighboring states and the European great powers. Migration waves might well be understood as a sign of discontent with the new emperor, which could seriously compromise Austria–Hungary. The local press could do little to inform the outside world of the mood in the region due to very strong censorship. However, a few voices at least indirectly accused the new authorities of not doing anything to stop the mass migration of Bosniaks.³⁸ *Sarajevski list* published a report about a telegram from Istanbul dated December 4, 1881 stating that diplomatic circles had not noticed any Ottoman opposition to the Conscription law. Since *Sarajevski list* was a state organ, rumors about resistance from the Porte regarding the Conscription law were invented by the people and circulated. The general argument made by Austria–Hungary was that soldiers must be recruited to keep order and peace.³⁹

The Conscription law, according to which Bosniaks should serve an “infidel” army, caused unrest and a sense of uncertainty, particularly from a religious-legal perspective. It crushed the last hope and illusion that Austria–Hungary would only remain in Bosnia for a certain period of time, and it gradually began to become clear that with the Conscription law the Monarchy was trying to strengthen its position in the territory.⁴⁰ Middle-class Bosniaks in particular were against the idea of Muslims serving in the army of a non-Muslim state, but

Bosnian Muslims, and Nationalism,” in *War and Diplomacy*, ed. Hakan Yavuz (Salt Lake City: The University of Utah Press, 2011), 203; Sandra Biletić, “Iskustva bosanskohercegovačkih povratnika iz iseljništva za vrijeme austro-ugarske uprave (1878–1903),” *Grada Arhiva Bosne i Hercegovine* 5, no. 5 (2013): 20–182.

36 There are several estimates of the number of migrants. According to Imamović, around 150,000 Bosniaks fled to remaining Ottoman lands between 1878 and 1918. See Imamović, *Pravni položaj*, 113.

37 Kapidžić, *Hercegovački ustanak*, 83.

38 Osman Lavić, “Iseljavanje Bošnjaka Muslimana iz BiH za vrijeme Austro-Ugarske vladavine i risala Mehmeda Teufika Azapagića,” *Analitički časopis Husrev-begove biblioteke* 17–18, (1996): 123.

39 *Sarajevski list*, “Brzojavne vijesti,” 4, no. 116. December 7, 1881; Kapidžić, *Hercegovački ustanak*, 80.

40 Kapidžić, *Hercegovački ustanak*, 83.

Austria–Hungary continued to assume that it would not face military resistance among the Muslims. In contrast, the Austro–Hungarian authorities did expect resistance among the Orthodox, since in the Ottoman Empire they had not had to serve in the military.⁴¹

While predominantly Muslim Bosniaks in northern Bosnia put up only passive resistance and often perceived the prevailing law and order ushered in by the authorities as a relief after decades of instability in Bosnia, Muslim feudal lords in southern Bosnia (i.e. Hercegovina) were very much opposed to the new order, even if the *kmet*s still had to pay dues to the Muslim landowners. They occupied a position in a social structure that made them quite closed to anything new and unfamiliar.⁴² Nonetheless, there was a tendency among the Austro-Hungarian authorities (with some success) to curry the favor of Muslim Bosniaks who were perceived as the “most likable” from both of these two groups. According to one account, “the Orthodox found the first reason for dissatisfaction in the tendency of the government, which soon became apparent, to win over Muslims who initially were rebellious but who were recognized as the most sympathetic.”⁴³

Furthermore, the Bosniaks were regarded as “softer and more passive,” while the impoverished Orthodox in Hercegovina were seen as people who were much more willing to fight:

From youth, they are used to fighting with nature and people, they have an unrestrained mind, guided by a self-confidence that has grown

41 Ibid., 81.

42 *Der Aufstand in der Hercegovina, Süd-Bosnien und Süd-Dalmatien 1881–1882. Nach Authentischen Quellen dargestellt in der Abtheilung für Kriegsgeschichte des k.k. Kriegs-Archivs.* (Vienna: n.p., 1883), 4. The original text is as follows: “So began ein Theil der einsichtsvolleren mohammedanischen Classen sich nach und nach mit der neuen Ordnung der Dinge auszusöhnen. In Bosnien wenigstens, vollzog sich dieser Umschwung ziemlich rasch; die Masse der mohammedanischen Einwohner der nördlichen Gegenden hatte ohnedies schon während des Einmarsches der k. k. Truppen eine ziemlich passive Haltung beobachtet und empfand daher auch die spätere strenge Handhabung der gesetzlichen Ordnung, die überall herrschende Sicherheit und Erleichterung des Verkehres bald als eine Wohlthat. Im südlichen Theile Bosniens dagegen, sowie hauptsächlich in der Hercegovina, wo alle Gegensätze weit schärfer auftreten, verkehrten die fanatischen Begg, wiewohl sie der Gewalt weichen mussten, innerlich im alten Hass und der angeborenen Verachtung gegen alles ihnen Fremde und Neue: sie konnten die Schmach nicht verwinden, ihre frühere unbedingte Herrschaft durch das österreichische Regime gebrochen zu sehen, und begriffen nicht, wie die geknechtete Rajah die gleichen Rechte wie sie selbst, vor dem Gesetze genießen sollte. Unter diesen, so recht eigentlich die alte türkische Feudal-Herrschaft repräsentierende Gesellschaftsclassen fanden Sympathien für die österreichisch-ungarische Verwaltung nur sehr schwer Eingang.”

43 Ibid., 5.

excessively during a long-term fight against their oppressors, the whole character of a Hercegovinian stands in sharp contrast to the naturally softer and more passive Bosniak. [...] Thus, he moves, followed by his wife and child and meagre cattle, to the mountains in order to join a *četa* of a bandit chief whose name in the course of time evolves into a sort of nimbus of national heroism.⁴⁴

The reactions in Bosnian cities were characterized by passive resistance. In Foča, about 80 Bosniaks asked for permission to emigrate, while others refused to pay taxes or did not appear before the court. In the district of Bihać and Travnik, an intense migration movement took place, and petitions were sent to the Sultan. Furthermore, another report was sent by the German Consulate to Bismarck in Berlin on January 20, 1882 describing the situation in Bosnia in comparison with the situation in Hercegovina. According to the report, the majority of the Muslim population remained calm, particularly as the Sultan did not protest against the Conscription law. Furthermore, the Muslims gradually realized that it would be unrealistic to hope for Bosnia's return to Ottoman rule, and that if the Muslims had to choose from among the Christian rulers of the Balkans, then Austria–Hungary would prove a much more prudent choice than hateful Serbia or Montenegro.⁴⁵

Similarly, Dahlen was not terribly worried about these parts of Bosnia, but he was acutely concerned with eastern Hercegovina, where the situation had become explosive.⁴⁶ A peaceful solution became impossible. Much earlier, individual cases of robber bands (*razbojničke bande*) were sanctioned in Krivošije (then eastern Herzegovina, today Montenegro), as several sources indicate, such as the newspaper *Sarajevski list*, which reported on it.⁴⁷ Since Hercegovina had a common border with Montenegro, the territory of which had expanded towards Hercegovina with the Treaty of San Stefano (and cut off with the Berlin Treaty), Montenegro was particularly interested in regaining strategic cities in Hercegovina, such as Trebinje, Bileća and Gacko. Thus, the Orthodox Montenegrins had

44 Ibid., 7, Eduard von Kählig, *Vor zwanzig Jahren. Lose Blätter der Erinnerung an die Bekämpfung des Aufstandes in der Hercegovina im Jahre 1882* (Graz: Leykam, 1902), 9–10. Kählig also gives an interesting description of the temper of Hercegovinian people.

45 *German Consulate*, Sarajevo, January 20, 1882. Nacionalna i Univerzitetaska Biblioteka Sarajevo.

46 *Bericht des Präsidiums der Landesregierung für Bosnien und die Hercegovina vom 27. Januar 1882*: An das hohe k.u.k. Ministerium (Bureau für Angelegenheiten Bosniens und Hercegovina); IV. Situationsbericht; includes: Dahlen, Hohes Ministerium. Sarajevo, January 27, 1882. Arhiv Bosne i Hercegovine Zajedničko Ministarstvo Finansija Odjeljenje za Bosnu i Hercegovinu (hereinafter ABIIH ZMF) Präs. 218/1882. Cf. Kapidžić, *Hercegovачki ustanak*, 82–83.

47 *Sarajevski list*, “Uvaćeni ajduci,” 4, no. 113, November 29, 1881; Kählig, *Vor zwanzig Jahren*, 13.

strong sympathies with the neighboring Orthodox Hercegovinians, and they supported them in the upcoming rebellion. The agrarian conditions combined with the Conscription law made things difficult first and foremost for families who lost a son (i.e. necessary labor) when he went to the army, but it was also a motive for political agitation.⁴⁸ The Orthodox who owned neither land nor domiciles argued that they did not know what they were supposed to protect.⁴⁹ Furthermore, rumors were spread according to which Christians would have to send all their sons to the military and Muslim recruits would have to convert to Catholicism and serve the military abroad.⁵⁰ Thus, to some extent the Muslims and Orthodox had a shared opposition to the Conscription law. Major General Eduard Kählig puts it as follows:

Thus, both parties were dissatisfied with the conditions of the Austro-Hungarian administration, which introduced a policy of full equality among the confessions. The Muslims wished for the return of Turkish rule, while the Greek [Orthodox] envisioned a reunion with tribal relatives in Montenegro.⁵¹

The strategy of Serbian leaders was to advocate for a Serbian-Muslim brotherhood against the “foreigners” (Austrians). Also, some middle-class Muslims were eventually forced to take part in the insurrection, as Mehmed Rašidović, a Bosniak Sergeant in the Austrian services, later estimated.⁵² Eventually, popular discontent led to a rebellion in the beginning of January 1882, though Austria-Hungary initially did not want to use force and attempted to influence people through their elders and clerics.⁵³

48 Babuna, “The Berlin Treaty,” 53–58.

49 Kapidžić, *Hercegovaički ustanak*, 83.

50 *Der Aufstand*, 12.

51 Kählig, *Vor zwanzig Jahren*, 11. The aforementioned “Greeks” were not Greeks in a national sense, but Orthodox citizens of Bosnia who gradually started regarding themselves as Serbs in the course of nineteenth century and the rise of the Serbian nation state. Often sources refer to the Orthodox population as Greeks or Greek-oriental people. In comparison, the Muslim population of Bosnia is often referred to as Turks or Mohammedans.

52 “...liegt der nähere Grund der Insurrektion des mohamedanischen Elementes darin, daß diese Leute meistens wohlhabend sind und zum Schutze ihrer Habe sich der Insurrektion anzuschließen bemüht waren. Der ausgeübte Zwang wird dadurch erhärtet, daß diejenigen, die an der Insurrektion nicht teilgenommen haben, ihrer Habe beraubt worden sind.” Mehmed Rašidović: Hohe Landesregierung! Sarajevo, October 12, 1882, (Abschrift) ABiH ZVS 1970/1882.

53 Kapidžić, *Hercegovaički ustanak*, 75–76.

Nonetheless, the aim of the insurgents was to dislodge Austro–Hungarian power (“*Abschüttelung der österreichischen Herrschaft*”).⁵⁴ By February 26, however, the rebellion had largely been crushed, even if encounters with insurrectionists continued into the following months and even the summer, as Kählig describes in his diary.⁵⁵ As Kählig notes, on August 18, 1882 a celebratory lunch was held in Avtovac for the *Kaiserparade* where Joseph Haydn’s hymn “*Gott erhalte Franz den Kaiser*” was sung and a toast was raised to “*Seine Majestät unsern Kaiser und König und Allerhöchsten Kriegsherrn.*” Several Muslim and Orthodox dignitaries were among the guests. Interestingly, Kählig mentions the efforts that were taken to cook the meals without lard in order to respect the religion of the Muslim guests. He concludes, “Orient and Occident were peacefully together here.”⁵⁶ In the following period, the Muslim Bosniak population in particular began to show increasing trust for the Austro–Hungarian authorities and cooperated on a daily basis with the representatives of the military.⁵⁷ Impressed by their capabilities, devotion to duty, and self-sacrifice, the Bosniaks eventually stated, “*Ihr könnt wirklich alles!*”⁵⁸ This statement could be interpreted as an indication that the Bosniaks had gradually come to welcome the presence of the system and the new rulers. In the end, they adopted a more open stance with regards to the process of modernization through daily, close contacts with the new authorities, soldiers, officers, and even neighbors (German settlers). Life under non-Muslim rule turned out to be acceptable. Kählig concludes that in general the Muslims were rather silent, sweet-tempered and friendly. They did not lack intelligence, but they had to be treated with strictness, benevolence and justice.⁵⁹

A major role in quelling the uprising was played by Mehmed beg Kapetanović, a leading political figure and intellectual of the time.⁶⁰ He knew how to take a chance politically and personally and how to profit from the change of system, and he gave clear proof of his loyalty to Austria–Hungary. Kapetanović was the first Muslim to be knighted and thereby made part of the Central European nobility in 1881, when Duke Württemberg, Landeschef of Bosnia from 1878 to 1881, nominated him as “Ritter.” Kapetanović was sent to Hercegovina

54 Ibid., 78.

55 Kählig, *Vor zwanzig Jahren*, 101.

56 Ibid., 95.

57 Ibid., 117.

58 Ibid., 120.

59 Ibid., 118.

60 Kapetanović is often quoted as Mehmed beg Kapetanović-Ljubušak to denote his place of birth Ljubuški.

in December 1881 in order to counteract the uprising and the campaign to establish a common Serbian–Bosniak front. Although the local Austro–Hungarian officials did not always follow his advice (for instance his suggestion to form local Muslim “*Pandur*” militia units as armed frontier security guards, which he supported by citing the Latin slogan, “if you want peace, prepare for war”), his expedition to the local Bosniak communities in eastern Hercegovina (Mostar and Nevesinje) during the crisis doubtlessly contributed to the collapse of the Montenegrin–Serbian strategy.⁶¹ His reports from this mission provide a detailed account of the situation in eastern Hercegovina.⁶² Kapetanović observed a great deal of unrest, for which he blamed not only the “enemy” (local Serbs or “Greeks”), but also newspapers in Montenegro and Istanbul, and even the Ottoman ambassador in Vienna. He accused them of agitating among the local Bosniaks against the Austro–Hungarian authorities. Whereas some of the Hercegovinian Bosniaks were obviously upset enough to join the Serbian movement on the grounds of “local” conditions and sentiments, others wanted to emigrate. Since Kapetanović was better informed, he warned them about Serbian national aspirations and goals. He advised the Bosniaks to cooperate with Austro–Hungarian authorities, as it was their fate (“*vom Schicksal bestimmt*”) to live under Austro–Hungarian rule: “the only salvation for the Bosnian–Hercegovinian Muslims lies in Austrian strength, and everything else leads to disaster.” In his reports he also pointed out that the many rumors notwithstanding, the number of those who actually wanted to emigrate was comparably small. He vigorously urged the authorities to encourage more participation among the Bosniaks and their religious leaders, and also to make efforts to further their integration into the new administrative structures, for instance by installing a new municipal authority (Magistrat) in Mostar, appointing a Mufti from the government, and renovating the mosque in Nevesinje. Thus, Kapetanović gave valuable recommendations and hints to the Austro–Hungarian administration regarding how to mollify the

61 ABiH Präs. ZMF 3038 30/12 1881; Präsidium der Landesregierung für Bosnien und Hercegovina: Hohes Ministerium. Sarajevo, February 14, 1882 ABiH ZMF 358/82.

62 Präsidium des Bureau für die Angelegenheiten Bosniens und der Herzegowina: Landesregierung Sarajevo legt vor den Bericht des Reg. R. Mehmed Bey Kapetanovic über die Situation in der Herzegowina. Ibid., January 15–20, 1882. Prezidijalni spisi (ABiH ZMF Pr.) 62/1882, including: Dahlen, Präsidium der Landesregierung für Bosnien und die Hercegovina: Hohes Ministerium. Sarajevo, December 29, 1881 (see also ABiH ZVS Präs. 3460/1881); Abschrift der Übersetzung eines Berichtes des Regierungsrathes Kapetanovic d.d. Mostar, 16. December 1881 an das Präsidium der Landesregierung. The corresponding file in the documentation of the Bosnian government (ABiH ZVS Präs. 3460/1881) contains additional reports from regional and local authorities in Mostar and Nevesinje.

Bosniak population with symbolic gestures. His suggestions were met with the immediate approval of by Landeschef Dahlen and the Common Minister of Finance, to whom they had been forwarded. The decision was made to observe, in cooperation with the police, the contacts of local leaders with Istanbul and the Ottoman embassy in Vienna. The Ministry of War was to be advised about the influence of the political press from Istanbul and Montenegro. The Bosnian government was advised to follow the suggestions that were made in the report and to draw a distinction between Muslims and people of other confessions, to secure the tolls and deliveries for the Agas, and to allow for the creation of Muslim Pandur-units. It was to be kept in mind that some officials might have turned against the Muslims, but this was not to be allowed to cloud clear political analysis.⁶³ In order to gain the loyalty of the people, a gradual approach was to be adopted in the application of the Conscription law.⁶⁴ Furthermore, amnesty was to be given to the insurgents. Many Muslims gave up resistance and plans to migrate:

Many Muslims gave up the initial intention to leave the country rather than to submit to the oppressors. They realized that the government had not cut back privileges, but instead insisted on strict fulfillment of the duties of the kmets, asked emphatically for payment of duties, and did not hinder the free practice of religious and public customs and traditions.⁶⁵

Around the same time, the new Minister of Finance Kállay was appointed to rule over Bosnia. Kállay introduced a policy shift and for two decades (1882–1903) played a key role in the modernization of Bosnia and winning the sympathies of the Bosniaks. He realized that the Bosniaks, who were the landowners and descendants of the medieval Bosnian aristocracy, were loyal and should be used as means of preserving stability.⁶⁶

63 Dahlen, Präsidium der Landesregierung für Bosnien und die Hercegovina: Hohes Ministerium. Sarajevo, December 29, 1881 ABiH ZMF Präs. 3460/1881; Landesregierung Sarajevo legt vor den Bericht des Reg. R. Mehmed Bey Kapetanovic über die Situation in der Herzegovina; *ibid.*, January 15, 1882 62 1882; cf. Robin Okey, *Taming Balkan Nationalism. The Habsburg 'Civilizing Mission' in Bosnia, 1878–1914* (Oxford: Oxford University Press, 2007), 52.

64 Kapidžić, *Hercegovinački ustanak*, 80.

65 *Der Aufstand*, 5.

66 Interestingly, Kállay's perception of Bosniak national identity is an adaptation of the contemporary Hungarian national policy, according to which the aristocracy and the landowners played a nation-building and nation-keeping role. See Ress, "Versuch," s.p.

Theological Debates

Enes Karić claims that the first years of Austro–Hungarian presence in Bosnia were a “time of hush and great silence” due to the dramatic shifts in “civilizations and masters,” a time during which the “Bosnian Muslims largely withdrew among themselves”:

[T]here is no record of a single epistle (*risala*) or book written by Bosnian Muslims between 1878 and 1882, when they may be said to have been in a state of cultural and civilizational shock. One could say that this was the ‘discourse of silence’ or ‘discourse by silence,’ however self-contradictory the term may seem.⁶⁷

However, Austro–Hungarian authorities tried to influence broad Muslim masses through religious scholars. They were supposed to convince the Muslims of Bosnia not to emigrate and to serve in the Austro–Hungarian military. The Sarajevo mufti Mustafa Hilmi Hadžiomerović (1816–1895) played an important role not only in this regard, but also in establishing a separate Islamic Community that further distanced the Muslims from the Ottoman Empire and incorporated them into the Austro–Hungarian system. Hadžiomerović completed his higher education in Istanbul and worked as high school teacher in Bosanski Novi and Sarajevo, where he was appointed as mufti in 1856. With the establishment of Austro–Hungarian rule, Hadžiomerović issued several *fatwas* (religious legal rulings) in which he rationalized non-Muslim rule as long as the ruler was just, respected by his subjects and allowed religious scholars to perform their functions.⁶⁸ Furthermore, he issued a fatwa (included among the documents published by Omer Nakičević) in which he called on Muslims to follow the Conscription law and serve in the Austro–Hungarian military.⁶⁹ On October 13, 1882 the Ministry of Finance sent the following message to the Kaiser in Vienna confirming Hadžiomerović’s fatwa according to which Muslims would serve in the military:

Mustafa Hilmi Effendi Hadžiomerović, the Mufti from Sarajevo, who was appointed by the Porte, is a very devoted and reliable person to

67 Karić, “Aspects,” 286.

68 Ismet Bušatlić, “Hadži Mustafa Hilmi-efendija Hadžiomerović,” *Islamska misao* 82 (1985): 3–8.

69 Omer Nakičević, *Istorijski razvoj institucije Rijaset* (Sarajevo: Rijaset Islamske Zajednice u BiH, 1996), 83.

Your Majesty, and has [...] issued a fatwa on our request according to which the Muslims have been asked to submit to the Conscription law. Thus, I think that the appointment of this loyal person through the Porte is a very opportune circumstance that can be used perfectly by Your Majesty to appoint him [...] as Reisu-l-ulema.⁷⁰

With the establishment of the Islamic Community in Bosnia in 1882, Austria–Hungary appointed Hadžiomerović as the very first Grandmufti (Reisu-l-ulema) of Bosnia, with the approval of the Porte. He held this office for eleven years until 1893. Robin Okey makes the following observation in this regard:

The fact that the Sultan was anxious for an Austro–German–Turkish alliance, and in March 1882 had empowered the Mufti of Sarajevo to choose all Bosnian religious officials, smoothed the way for an inauguration of the new hierarchy, with Mufti Omerović as Reis and a Medžlis of four ulema, corresponding to the Catholic chapter and the Orthodox consistory.⁷¹

At the same time, a heated discussion was initiated among various scholars to find an acceptable answer to the question of whether or not it was permissible for Muslims to live under non-Muslim rule, whether Christian Europe and European culture were acceptable for Muslims, whether Bosnia under Austro–Hungarian rule could be treated according to traditional Islamic principles of *Dar al-Islam* (House of peace) or as *Dar al-harb* (House of war), and whether a Muslim could serve in the military under a non-Islamic flag. This bipolar classification of the world was very much thrown into question when Muslim societies became an integral part of non-Muslim rule, mainly due to colonization. The division of the world into Dar al-Islam on the one hand (understood as an area of the world in which Muslims can practice their religion freely under the rule of Islam) and Dar al-harb on the other (generally meaning lands in which Muslim law is not in force) exerted a strong influence on attitudes among Muslims. However, it soon became clear that this categorization was overly simplistic, as there were cases of non-Muslim rule under which Muslim subjects enjoyed religious liberties, for

70 Vermerk über Vertrag betreffend die Einsetzung eines Reis-el-Ulema und eines Medžlis-el-Ulema für die Cultus-Angelegenheiten in B.-H. ABiH ZMF Pr. 1939/1882. Interestingly, Benjámín Kállay personally gave a lecture to the Kaiser about this topic. He consulted Kutschera as well and included his remarks. *Vortrag betreffend die Einsetzung eines Reis ul Ulemas u. Medželis Ulema für die Kulturangelegenheiten der Mohamedaner in B. u. H.* Vienna, October 13, 1882; seq. *ibid.* 1957/1882.

71 Okey, *Taming Balkan Nationalism*, 48.

instance in Austria–Hungary. Nonetheless, many questions still remained, such as how to survive as a Muslim outside an Islamic state, how to maintain links with Muslim countries, and how to preserve Islamic identity and still be modern:

In the 1880s *hijra* (migration) from Bosnia was growing so fast that it roused the ‘*ulamā*’⁷² concern for the future of Muslims in Bosnia. Such anxiety, in fact, reflected the Muslims’ loyalty to Bosnia and to the Ottoman Empire. In this new situation these ‘*ulamā*’ came to see that it was the *vatan* (Bosnia) and not the *din* (Islam) that was in danger, as [the] continuation of *hijra* would gradually empty Bosnia of its Muslims.⁷³

Fatwas were issued and articles were published in the local press. Among the first was a writing by Hafiz Muhamed Emin Hadžijahić (1837–1892), a respected theologian from Sarajevo, who had studied in Istanbul and taught at Gazi Husrev-beg medresa (the Muslim high school founded by Gazi Husrev-beg). He exhorted Muslims not to leave the lands of their birth and warned of the negative consequences of *hijra* (migration), such as the disappearance of Islam in certain areas as well as demographic losses of Muslims in Bosnia. He concluded that Bosniaks should stay in their home country even if this meant living under Austro–Hungarian rule.⁷⁴ A recently published collection of witness reports of Bosniaks who had migrated to Ottoman lands and returned to Bosnia confirms the economic and psychological impact of these upheavals.⁷⁵ Obviously the migrants were curious but misinformed. They expected a better life and were persuaded that in Turkey they would be given fertile land, housing and cattle. However, the reports of 308 migrants who chose to return reveal that they were met with an array of challenges, beginning, for instance, with their ignorance of Turkish, but also including unemployment, lack of income and finances, as well as lack of food and clothing. They also had to contend with low living standards, disease, barren and rocky land, poor housing, the new condition of being a foreigner, discrimination against Bosniaks, and the unreceptiveness of the locals. This combination of factors prompted them to return to Bosnia, sometimes on foot. Many of them begged for money in order to survive and be able to return

72 ‘*Ulamā*’, Arabic word for scholars.

73 Muhamed Mufaku Al Arnaut, “Islam and Muslims in Bosnia 1878–1918: Two Hijras and Two Fatwas,” *Journal of Islamic Studies* 5, no. 2 (1994): 248.

74 Lavić, “Iseljavanje,” 126.

75 Biletić, “Iskustva,” 20–182.

to Bosnia.⁷⁶ For example, Mehmed ef. Jahić from Banja Luka noted that eight members of his family decided to leave for Turkey, where they were told to settle down in Ankara. There they were given only one room of six square meters where they had to eat and sleep. After months of no improvement, they spent their savings, started begging, and decided to make the journey home on foot, which took them three months. According to his account, almost all Bosniaks suffered similar hardships. He concluded that he would never go to Turkey, nor would he advise anyone else to go there.⁷⁷ Some admitted in these reports that they had fled to Turkey in order to avoid serving in the Austro–Hungarian military.⁷⁸

Another religious scholar who was even more influential than Hadžijahić was Mehmed Teufik Azapagić (1838–1918), of whom I made mention earlier.⁷⁹ He received his University degree in Istanbul and then returned to Bosnia to become the director of a high school in Sarajevo and later in Tuzla, while at the same time also serving as a Shari’a judge (*kadi*). When Austria–Hungary occupied Bosnia, he became a loyal and devoted protector of the new order, and soon he was appointed as the mufti of Tuzla. In 1893, after Hadžiomerović’s retirement, Azapagić was appointed as Reisu-l-ulema, a position he held until his retirement in 1909.⁸⁰ Azapagić wrote an influential treatise entitled “*Risala fi al hijra*” (Treatise on migration) in Arabic in 1884 in order to address questions that were topics of debate in theological circles of the time.⁸¹ In 1886, in order to address the broader audience, he published it in Turkish in the Bosnian newspaper Vatan.⁸² Although his treatise contains the word “migration” in its title, it is about life under non-Muslim rule in general. He was of the opinion that the Muslims of

76 Ibid.

77 Ibid., 35. The reports of other returnees contain similar accounts of experiences in Turkey.

78 Ibid., 48.

79 Mehmed Teufik Azapagić was born in Tuzla and studied in Istanbul. He was mufti of Tuzla and first director of the Shari’a school in Sarajevo. In 1893 he was appointed Reisu-l-ulema, and he held this position until 1909.

80 Lavić, “Iseljavanje,” 126.

81 Interestingly, when Bosnia was part of the Ottoman Empire, alongside Bosnian, which was the daily vernacular, Arabic was the language of theology, Turkish the language of administration and Persian the language of literature and poetry. Even after Bosnia had fallen under Austro–Hungarian rule, educated people knew how to express themselves in all of these languages. With new generations of students completing their degrees primarily in Vienna and with German as the language of the new administration, German became a further commonly known language.

82 The Gazi Husrev-beg Library in Sarajevo holds two manuscripts of this treatise in Arabic. Osman Lavić translated the treatise: Mehmed Teufik Azapagić, “*Risala o hidžri*”, trans. Osman Lavić, *Anali Gazi Husrev begove biblioteke* 16–17, (1990): 197–222.

Bosnia should not migrate, but rather should stay in their dwelling places as long as they were not forced to abandon their religion and were able to perform their religious duties. Karić describes the discourse of migration (*hidžra*) versus the discourse of staying (*watan/homeland*) as follows:

The discourse of *watan* or staying (or of homeland and patriotism), as exemplified by the short epistle *Risala Concerning Hijra* by Mehmed Teufik Azapagić from 1884, was also the choice made by the Islamic Community Rijaset⁸³ (founded in 1882). In its fatwas, views and activities, Rijaset promoted a new interpretation of *hijra*. Its advocates claimed that emigration to Turkey did not amount to performing *hijra* according to its original purposes. Therefore, a “*hijra*” to Turkey could hardly compare with the Prophet’s *hijra* from Mecca to Medina in 622. Practically speaking, at the end of the nineteenth century Bosnian Muslim authorities re-evaluated classic Muslim views on *hijra*. The new discourse of adaptation is clearly visible in officially issued statements about the then current issues. A good example is Rais al-*ulama* Hilmi ef. Hadžiomerović’s (1816–1895) support for the new law of conscription into Austria–Hungarian army, with which he encouraged Muslims to join in.⁸⁴

Azapagić was unquestionably one of the leading reformist thinkers of the time in Bosnia, as he took into consideration the real political and societal circumstances (context). His hope was to contribute to the progress and advancement of Muslim Bosniaks, while applying human rationale and trying to analyze the messages and sources of Islam (Qur’an and Hadith). He reinterpreted Qur’anic verses and adapted the experiences of the prophet Mohammed to the challenges of his time. At the beginning of the revelation of Islam to the prophet Mohammed, flight from Mecca was necessary because Muslims were oppressed and they resolved to leave Mecca for a better place. Azapagić quoted a saying from the Prophet according to which after the liberation of Mecca there would be no more obligatory migrations. Thus, he came to the conclusion that migration cannot be a religious duty.⁸⁵ On the other side, the contemporary Ottoman Shaykhu-l-Islam issued a fatwa in 1887 according to which Muslims should migrate to Ottoman lands. While many imams at the time felt that it was a religious duty for a Muslim to flee Austro–Hungarian rule, Azapagić raised

83 Rijaset is the central administrative and executive organ of the Islamic Community in Bosnia.

84 Karić, “Aspects,” 286–87.

85 Azapagić, “Risala o hidžri.” For the purpose of this paper, translations from Bosnian to English were done by the author.

his voice against these teachings and also consulted other scholars. He was influenced by the reasoning of Mohammed Rashid Rida, an Egyptian thinker. In 1909, in an article published in the journal *Al-Manar* on emigration (*hijra*), Rida wrote the following regarding the situation of the Bosniaks under Austro–Hungarian rule:

Hijra is not an individual religious incumbency to be performed by those who are able to carry out their duties in a manner safe from any attempt to compel them to abandon their religion or prevent them from performing and acting in accordance with their religious rites.⁸⁶

Azapagić states that there is no religious justification for migration as long as the people in a country are not oppressed, forced to do things contrary to Shari'a, compelled to perform immoral acts, abused, or made the subjects of accusations for their beliefs. For him, devotion to Islam was not shown by leaving one's home country or place of dwelling.⁸⁷ For Azapagić, *Dar al-harb* would become *Dar al-Islam* if Islamic religious rites and observances such as Friday prayers (*juma*) and Bayram prayers were allowed and practiced, even if the majority of the population of the country in question was non-Muslim or did not belong to an Islamic country.⁸⁸ The position of a Shari'a judge (*kadi*) had always been of key importance, but Azapagić believed that it would be acceptable if among the Muslims a non-Muslim judge were to be appointed if the Muslims were satisfied with him.⁸⁹ Furthermore, having analyzed various hadith and the lives of the first generations of Muslims, he came to the following conclusions:

A country in which Christians are in power and Muslims are governing their religious affairs essentially is not in the hands of Christians. Governing and regulating specific affairs means a certain independence. It is said: regulating things and governing them is as if you surrender power to someone [...] I claim that it is permissible to accept non-Muslim rule because the *ashab*⁹⁰ were allowed to follow Yazid [...].⁹¹

86 Rida quoted in Al-Arnaut, *Islam*, 253.

87 Azapagić, "Risala o hidžri," 201–02.

88 *Ibid.*, 203.

89 *Ibid.*, 204.

90 *Ashab* were the followers and friends of the prophet Mohammad who witnessed his sayings and actions.

91 Azapagić, "Risala o hidžri," 205–06. Yazid I, son of Muawiya, Caliph 610–83. Yazid was a violent ruler who approved the killing of the prophet's grandson Husein and often he is accused of even being a non-believer. Thus, if it was acceptable to live under Yazid's rule why would it not be acceptable to live under Austro–Hungarian rule?

The Qur'an in the sura Mumtahanah, verse 8–9, which Azapagić quotes, reminds believers that friendly relations with unbelievers who are not hostile to the Muslim community are permissible and even desirable:

Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes – from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly. Allah only forbids you from those who fight you because of religion and expel you from your homes and aid in your expulsion – [forbids] that you make allies of them. And whoever makes allies of them, then it is those who are the wrongdoers.⁹²

Additionally, he states that “respecting a ruler is like respecting Allah,” and that it is a Qur'anic principle to behave kindly to others, including believers and unbelievers, as well as rulers.⁹³ According to Fikret Karčić, Azapagić was the first Bosniak scholar in modern times to recognize the importance of the territorial dimension for Muslim communities in non-Muslim surroundings.⁹⁴ The importance of Azapagić's interpretation lies in the modernist or reformist approach towards traditional concepts of Islam (*hijra*, *Dar al-harb*, *Dar al-Islam* etc.). While Azapagić's elaboration influenced future generations of Muslim scholars, there was also a voice calling for migration. Omerović ibn Husein Taslidžali, known as Bosnali Omerović-baba, advised Bosniaks to migrate, but not to Istanbul, as it had become too Western. He encouraged migration to lands in which Shari'a law was applied, such as Syria, Palestine and the Sinai in the Near East. His perspective, according to Karčić, was typical of scholars who lived on the borderlands of the Muslim world and who were disappointed with the corruption and incompetency of the disintegrating Ottoman Empire, leading them to a traditional, conservative and anti-modern understanding of religion.⁹⁵ However, Azapagić's view was ground-breaking and popular on both the Muslim and non-Muslim sides.

Soon the Bosniaks realized that Austria–Hungary did not pose a threat to their religious identity, and when World War I broke out, the Bosniaks formed an elite military unit as part of which they proved their utmost loyalty to Austria–Hungary.

92 Ibid., 206. Translation of the Qur'anic verses accessed on May 13, 2014 <http://quran.com/60/8-9>.

93 Azapagić, “Risala o hidžri,” 207.

94 Fikret Karčić, *Bošnjaci i izgovori modernosti. Kasni osmanlijski i habsburški period* (Sarajevo: El Kalem, 2004), 113.

95 Ibid., 115–16.

A correspondent of the “Berlin Daily” (*Berliner Tageblatt*) wrote about the “Holy war in Berlin”⁹⁶ and the Bosniaks who were accommodated in the Vienna *Rudolfskaserne* (Rudolf barracks) and fought in Poland as part of the infantry.⁹⁷ There were 600 Muslims living in the barracks, who were described as tall men with typically Slavic features. The correspondent gave a detailed description of a Friday prayer led in the barracks by the military imam Husein efendi Durić. The imam wore a dark grey officer’s coat and a grey *fes*, like the Bosniak soldiers. The Friday prayer was performed meticulously with recitations from the Qur’an, a Friday sermon (*khutbah*) in Arabic and Bosnian, and a common prayer in a separate room on carpets provided for the Muslim soldiers. In the *khutbah*, the imam informed the soldiers of the *jihad fatwa* issued by the Shaykhu-l-Islam in Istanbul. He alleged that Russia, England, France, Serbia and Montenegro had formed a plot against Islam and Muslims, so *jihad* had to be waged against them, as they were enemies of Islam. No Muslim was permitted not to take part in this *jihad*. The prayer concluded with the words “Let us pray for the glory and victory of our ruler the glorious Kaiser and King Franz Joseph.” The praying Bosniaks did not react in any particularly distinctive way, but the correspondent made the following observation:

The faces did not reveal anything regarding the proclamation of jihad. The Bosniak does not like to reveal his feelings through gestures or exclamations; yet the call for jihad will be seen in the battlefield, as they know from their ancestors how to fight for an idea.⁹⁸

Assuming the correspondent was astute in his powers of observation (and not simply writing something he hoped his editors would like), the attitude he discerned among the Bosniaks could be interpreted as a sign of readiness to show

96 On November 11, 1914, a *fatwa* was issued by the Shaykhu-l-Islam in Istanbul. The Statute for Religious and Cultural Autonomy, §141, allowed Bosniaks to ask the Shaykhu-l-Islam for his legal opinion in critical issues of dogma as well as in questions relating to Shari’a. On November 26, 1914, he addressed a letter in Bosnian to the Grandmufti, the head of the Islamic Community in Bosnia (*Reisu-l-ulema*), Mehmed Džemaludin Čaušević. In that letter, the Shaykhu-l-Islam analyzed the political context of his *fatwa*, a binding order, calling for *Jihad* against Russia, England and France. Thus, all Muslims were to side with and fight for Austria–Hungary and Germany. On the other side, the Shaykhu-l-Islam stressed that the Muslims should behave amicably and live peacefully in countries that respected the treaties and were kind to Muslims. Thus, it would have been against this *fatwa* for Muslims under the rule of England, France, Russia, Serbia, Montenegro, and their allies to fight against Germany and Austro–Hungary, which were the allies of the Ottoman Empire.

97 Karl Aspen, *Kriegsanekdoten. Heitere und ernste Tatsachen aus dem Jahre 1914/1915* (Regensburg: J. Habel, 1918), 200–02.

98 *Ibid.*, 202.

devotion to a cause, which is a form of loyalty. Furthermore, the correspondent describes another officer who assisted the imam and who was a scholar from the prestigious Al-Azhar University in Cairo. This again indicates that even a religious scholar who was educated in the Ottoman Empire, in the oldest Islamic University, adapted to the new situation and sided with Austria–Hungary.

Bosniak soldiers not only protected the borders of their new homeland, they were also deployed during World War I to various battlegrounds abroad. Bosniak regiments were sent primarily to the Russian and Italian fronts. On the Russian front, Bosniaks fought in Galicia between the Vistula and Bug Rivers. Many of them did not make it back home. On the Italian battleground, Bosniaks had to participate in nine theaters of fierce fighting between the Austro–Hungarian and the Italian armies around the province of Gorizia, close to the city of Trieste. Thus, many Bosniaks lost their lives fighting on the side of Austria–Hungary during World War I. In the cemetery of Lebring, District Leibnitz, in Steiermark, Austria there is a burial ground for soldiers in which one finds 805 Bosniak graves. Interestingly, each grave has a *fez*, the typical Bosniak male head cover, on top of the grave marker. This cemetery is referred to as the “Bosniakenfriedhof,” and it is testimony to the loyalty of Bosniaks to Austria–Hungary. The commemorative plaque reads: “In memory of the brave Bosniaks who heroically defended the common Austrian fatherland in World War I to the very last.”⁹⁹

Conclusion

The Treaty of Berlin stipulated that the Ottoman Empire had to withdraw from Bosnia and that Austria–Hungary would administer and occupy the newly acquired territory. The new political and military system meant a dramatic change for the Bosniaks. Suddenly they found themselves a religious minority under the rule of a predominantly Catholic empire. Their main fear was that they would lose their religious identity. Many of them migrated to remaining Ottoman lands. When the Conscription law was passed, another wave of migration occurred in Bosnia, and in Hercegovina there was an uprising. The Conscription law was indeed one of the ways of bringing the sovereignty of the Sultan to an end and completing the annexation of Bosnia. Bosniak hopes that the Sultan might return were crushed, and additionally Bosniaks found themselves compelled to address the question

⁹⁹ Onlineprojekt Gefallenendenkmäler, accessed August 22, 2014. http://www.denkmalprojekt.org/2009/lebring_kgs_wk1_stmk_oe.htm.

of whether or not it was permissible for a Muslim to serve in a non-Muslim military. Further questions regarding the life of a Muslim in a predominantly non-Muslim country arose. Thus, religious scholars faced the challenges of the time, analyzed the possible consequences of migration, and reinterpreted Islamic sources in order to find new responses to the circumstances. This all gave momentum to the rise of a reformist trend in Islamic thought according to which life under non-Muslim rule was acceptable as long as the religious rights and practices of Muslims were respected. Austria–Hungary showed respect for the religious needs of the Bosniaks and issued separate rules and regulations for Muslim soldiers. The Bosniaks, in turn, gradually realized that Austria–Hungary did not pose a threat to their religious identity, and they showed allegiance to Austro–Hungarian authority and responded to the expectations of the state, such as serving in the military in times of peace and times of war.

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