

# CONTEXT

JOURNAL OF  
INTERDISCIPLINARY STUDIES

■ VOLUME 8  
NUMBER 2  
2021

ČASOPIS ZA  
INTERDISCIPLINARNE STUDIJE

■ GODINA 8  
BROJ 2  
2021.

ISSN 2303-6966



9 772303 695801

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*Context: Časopis za interdisciplinarnu studiju (ISSN-print 2303-6958, ISSN-online 2303-6966)*

dva puta godišnje izdaje

Centar za napredne studije, Marka Marulića 2C, 71 000 Sarajevo, Bosna i Hercegovina, tel: +387 33 716 040, fax: +387 33 716 041, email: [sekretar@cns.ba](mailto:sekretar@cns.ba).

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## JOURNAL OF INTERDISCIPLINARY STUDIES

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*Context: Journal of Interdisciplinary Studies* is a peer-reviewed scholarly journal committed to the advancement of interdisciplinary research in exploration of the most pressing and emerging key social and political issues of the 21st century. These include the implications of accelerated globalization, pluralism and diversity, human rights and freedoms, sustainable development, and inter-religious encounters. Researchers in the humanities and social sciences are invited to contribute to a better understanding of major moral and ethical issues through creative cross-pollination of ideas, perspectives, and methodologies. In an effort to bridge different cultures, the journal will also publish translations of significant articles. *Context* welcomes articles, essays and book reviews in all areas of interdisciplinary studies.

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*Context: Journal of Interdisciplinary Studies* (ISSN-print 2303-6958, ISSN-online 2303-6966) is published biannually by the Center for Advanced Studies, Marka Marulića 2C, Sarajevo 71 000, Bosnia and Herzegovina, tel: +387 33 716 040, fax: +387 33 716 041, email: [sekretar@cns.ba](mailto:sekretar@cns.ba).

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Printed in Bosnia and Herzegovina.

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# CONTEXT

Članci i rasprave / Articles

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## The Production and Transmission of Islamic Knowledge in Europe: Authority, Ethics, and Methodology in the Politics of Imam Training\*

*Thijl Sunier*

### Abstract

This article deals with the training of imams to work for Muslim communities in Europe with a migrant background. Imams are considered the prime actors in conveying Islamic knowledge and the training of these figureheads is a crucial issue with many implications. Imam training is a particular aspect of a broader multifaceted process that includes the production, transmission, reception, and interpretation of Islamic knowledge. Imam training is thus part of the much broader issue of the positioning of Islam and Muslims in Europe, particularly given European governments' intention to take a more active role. It should be analyzed within this broader political and historical context. The "politics of imam training", as I call the ongoing debates, negotiations, and initiatives involving the various stakeholders, entail more than just educational logistics. At heart, these are issues of authority and legitimacy and ultimately the questions of who is entitled to produce, transmit, and, of course, teach Islamic knowledge, and who is accepted by Muslim communities. This aspect has not been widely addressed by researchers.

**Key words:** Islamic knowledge, Imam training, Muslims in Europe, Islamic authority, Governance of Islam

\* I am grateful to the *Center for Advanced Studies* (CAS) in Sarajevo, Bosnia and Herzegovina, for offering me a grant to carry out the bibliographical research on the politics of imam training in Europe on which this article is based. My overall argument draws on fieldwork conducted for a research project on Islamic authority in Europe, with a strong focus on the Netherlands, which ran from 2013 to 2018 and was funded by the *Dutch Research Council* (NWO). While much of what I address in this article also applies to European countries with an indigenous Muslim population, there are context-specific characteristics with regard to Muslims with a migrant background that justify a focus on the latter category.



## Introduction: the stake

In November 2020, shortly after the terrorist attacks in Vienna, the president of the European Council, Charles Michel, called for the creation of a European institute to train imams “as a way to curb hate speech and to prevent terrorism.”<sup>1</sup> National governments have taken a number of initiatives with the same aim of getting involved in the institutional infrastructure for educating imams across Europe in recent decades.<sup>2</sup>

In this article I look at the discussions, negotiations, arrangements, and opportunities associated with training imams to work in Muslim communities with a migrant background in Europe. Imams are considered the prime actors in conveying Islamic knowledge, and the training of these figureheads is a crucial issue with many implications. Imam training is thus a particular aspect of the broader multifaceted process of the production, transmission, and, ultimately, reception and interpretation of Islamic knowledge.

With European governments intent on taking a more active role, Imam training is part of the much broader issue of the positioning of Islam and Muslims in Europe and should be analysed within this broader political and historical context. Opportunities, discussions, and arrangements differ considerably from country to country. In some countries the government is hardly or not at all actively involved; in others there are plans to set up state-sponsored training infrastructures. In countries with sizable Muslim populations of a migrant background, imams tend to be trained abroad (mostly in countries-of-origin). The number of “home-grown” imams (trained in the country of residence) is still relatively low but clearly on the rise. In practically all countries, there are initiatives to set up and extend training facilities. Most Islamic movements active in Europe have their own standards for quality and training programmes. Imams educated within these organisations usually work for their own communities.

1 H.A. Hellyer, “European Muslims are already European. Top-down efforts to train the continent’s imams will only make things worse”, Politico (November 20, 2020), <https://www.politico.eu/article/european-muslims-are-already-european/>

2 For an overview see, e.g., Franck Fregosi, *La formation des cadres religieux musulmans en France* (Paris: Editions l’Harmattan, 1998); Jørgen S. Nielsen, *Towards a European Islam* (London: Palgrave MacMillan, 1999); Jean-François Husson, *Training imams in Europe the current status* (Brussels: King Baudouin Foundation, 2007); Willem Drees and Pieter Sjoerd Koningsveld, *The Study of Religion and the Training of Muslim Clergy in Europe Academic and Religious Freedom in the 21st Century* (Leiden: Leiden University Press, 2008); Hussain Dilawar and Henry Tuck, *The Education and Training of Islamic Faith Leaders in Europe: A Comparative Evaluation of Approaches in France and Germany* (London: Institute for Strategic Dialogue, 2014); Ednan Aslan and Zsofia Windish, *The training of imams and teachers of Islamic knowledge in Europe* (Vienna: Peter Lang, 2012); Mohammed Hashas, Jan Jaap de Ruiter, and Niels Valdemar Vinding (eds.), *Imams in Western Europe: Developments, Transformations, and Institutional Challenges* (Amsterdam: Amsterdam University Press, 2018); Niels Valdemar Vinding and Raida Chbib, *Education and Training of Muslim Religious Professionals in Europe and North America* (Frankfurt am Mein: Academy for Islam in Research and Society [AIWG], 2020).

All EU member states have constitutionally guaranteed freedom of religion, which entails that Muslims are in principle free to worship, organise themselves, open mosques, and hire imams. Some countries also offer official recognition as a religious denomination. The situation on the ground differs considerably between countries.<sup>3</sup> This is a result of the combination of historic state-religion relations, political decision-making, and the image of Islam and Muslims.

All countries in Europe with sizable Muslim migrant populations have private community-based activities for training and Islamic education. In the UK, most such activities are organised by community-funded Muslim seminaries (*Dar-al-ulum*). In the Netherlands, thanks to its “pillarized” school system, a legacy of its pillarized history, private educational institutes can ask for official recognition by accreditation and so financial support from the state, based on article 23 of the Constitution<sup>4</sup>. The Islamic University of Rotterdam is currently engaged in an ongoing bid for official recognition as an applied science university.<sup>5</sup> They have an accredited programme for Islamic spiritual care. In Germany, outside of some local initiatives, most training facilities are organised by Muslim organisations that train their own personnel. The biggest is the German branch of the Turkish state-backed *Directorate of Religious Affairs (Diyane)* (DITIB).<sup>6</sup>

European governments’ keen interest in monitoring the activities of Muslims dates back to the early stages of migration. The authorities in Europe have, however, shown a stronger sense of urgency about monitoring the work of imams since 9/11 and in reaction to the growing number of online preachers.<sup>7</sup> Their involvement often goes further than monitoring, ranging from facilitating or curbing initiatives by private stakeholders to offering financial incentives or setting up state-commissioned educational infrastructure. During the early stages of migration, many countries made agreements with countries-of-origin to send qualified imams. This was not just the only option then available to meet Muslims’ growing demand for religious accommodation. It was also considered the best way to ensure at least some control over who was entering the country.

3 For a more detailed description see the Egdūnas Račius, et al. (eds.), *Yearbook of Muslims in Europe 12* (Leiden: Brill, 2021). The Brill *Annotated Legal Documents on Islam in Europe* series is a useful source of references in this respect. A book has been or will be published in the near future for each European country, providing an overview of the relevant legal issues for Muslims.

4 Naar een nieuwe schoolstrijd?, *BMGN*, 119:4 (2004).

5 Niels Valdemar Vinding and Raida Chbib, *Education and Training of Muslim Religious Professionals in Europe and North America* (Frankfurt am Mein: Academy for Islam in Research and Society [AIWG], 2020).

6 Thijl Sunier and Nico Landman, *Transnational Turkish Islam, Shifting Geographies of Religious Activism and Community Building in Turkey and Europe* (Houndsmill: Palgrave Macmillan, 2015).

7 Ron Geaves, “Drawing on the Past to transform the Present, Contemporary Challenges for Training and Preparing British”, *Imams Journal of Muslim Minority Affairs*, 28:1 (2008). Frank Peter, “Training of Imams and the Fight against Radicalization”, in *IEMed Mediterranean Yearbook* (Barcelona: IEMed, 2018).

Today, there is much greater demand for imams familiar with the situation in the country of residence and so for “home-grown” imams. The provisional deficit in training facilities across Europe has resulted in special courses being organised in countries-of-origin for imams from Europe. The *Turkish Directorate of Religious Affairs* (Diyamet) has set up such courses and similar initiatives have been explored in Morocco.<sup>8</sup>

Growing concerns about radicalisation and foreign influence have also led to stricter conditions for employing imams at mosques. In many countries, foreign imams must take additional courses. In the Netherlands, all imams who have entered the country since 2002 must finish an “integration course” in which they are taught about Dutch society and its “basic values”. Attendance at similar courses is mandatory in both France and the UK. In many countries there is an implicit pressure to reduce the number of imams coming from abroad.<sup>9</sup>

The extent to which national legislation facilitates training activities or the accreditation of training programmes varies by country. Accreditation requires stakeholders to engage with national educational legislation and the national educational structure. In general, recognition, accreditation, and funding are considered the most challenging obstacles to setting up domestic imam training programmes.<sup>10</sup> In France, there is hardly any such provision in the educational and legal system. Imam training is basically a private affair with no state involvement. There is legislation governing private education, but it is limited in scope. As a result, imam training is almost entirely an activity of private stakeholders.<sup>11</sup> In the past, recommendations have been made by state commissions for the French state to take a more active role in religious educational affairs but without success.<sup>12</sup> In Denmark the situation is comparable to that in France, in that there are no legal options for the accreditation of private (religious) educational programmes.<sup>13</sup>

It is often argued that European governmental involvement in religious matters like imam training should be understood in the context of dominant secular-liberal state ideologies. While this is to some extent a relevant point of reference

8 Thijl Sunier and Nico Landman, *Diyamet, The Turkish Directorate of Religious Affairs in a Changing Environment*. Benjamin Bruce, *Governing Islam Abroad, Turkish and Moroccan Muslims in Western Europe*.

9 Welmoet Boender and Jan Jaap de Ruiter, “The imam as an organic public intellectual”, in *Imams in Western Europe, Developments, Transformations, and Institutional Challenges*, Mohammed Hashas, Jan Jaap de Ruiter and Niels Valdemar Vinding (eds.) (Amsterdam: Amsterdam University Press, 2018). Anne Fornerod (ed.), *Annotated Legal Documents, France* (Leiden: Brill, 2016).

10 Niels Valdemar Vinding and Raida Chbib, *Education and Training of Muslim Religious Professionals in Europe and North America*.

11 Anne Fornerod, *Annotated Legal Documents, France*.

12 Jean-François Husson, *Training imams in Europe the current status* (Brussels: King Baudouin Foundation, 2007). Dilawer Hussain and Henry Tuck, *The Education and Training of Islamic Faith Leaders in Europe, A Comparative Evaluation of Approaches in France and Germany* (London: Institute for Strategic Dialogue, 2014).

13 Niels Valdemar Vinding and Raida Chbib, *Education and Training of Muslim Religious Professionals in Europe and North America*.

for understanding state agendas, it underestimates the crucial differences that exist between various European modes of governance, which necessitate a more sophisticated approach that takes into account how governments interfere. The specific forms of intervention and ways of monitoring the training of imams are intricately intertwined with their historically developed national civil cultures and specific features of the state and religion relationship in particular nation-states.<sup>14</sup>

In some countries, public universities are involved in Islamic educational programmes. Following a recommendation of the *Academic Council* in 2010, chairs for Islamic theology have been established at seven universities in Germany, with a total budget of around 45 million euro.<sup>15</sup> Graduates in Islamic theology at these universities are not being trained as imams, however. In the Netherlands only the Vrije Universiteit in Amsterdam (a confessional university within the Dutch educational system) offers a scientific BA and MA programme in Islamic theology within its broader programme of religious studies. It is coordinated by the *Centre for Islamic Theology* (CIT) there. In 2006, Leiden University opened a similar programme, while Amsterdam University for Applied Sciences also started a programme in close cooperation with the national *Council of Muslims* (CMO), but both programmes closed due to a lack of students.<sup>16</sup> The Dutch government funded these programmes as they considered them the best strategy for accomplishing a fully-fledged state-controlled imam training programme compatible with their integration policies. The Dutch government is probably the most active in Europe when it comes to state-commissioned training facilities for imams and Dutch governmental involvement dates back to the mid-1990s. Two state-commissioned advices have been published<sup>17</sup> and there was a survey in 2019 to determine Muslim support for such imam training.<sup>18</sup>

14 Werner Schiffauer, Gerd Baumann, Riva Kastoryano, and Steven Vertovec (eds.), *Civil Enculturation. Nation-state, School and Ethnic Difference in Four European Countries*, (Oxford: Berghahn Books, 2004).

15 Hanna Fülling, *Religion und Integration in der deutschen Islampolitik, Entwicklungen, Analysen und Ausblicke* (Wiesbaden: Springer VS, 2019). Niels Valdemar Vinding and Raida Chbib, *Education and Training of Muslim Religious Professionals in Europe and North America*.

16 Welmoet Boender, "Dossier imamopleiding, het Nederlandse 'imamopleidingsdebat' in historisch perspectief", *Tijdschrift voor Religie, Recht en Beleid*, 5:2 (2014).

17 Nico Landman, *Imamopleiding in Nederland, kansen en knelpunten* (Den Haag: Ministerie van Onderwijs en Wetenschappen, 1996). Commissie de Ruijter, *Imams in Nederland, wie leidt ze op?* Rapport van de Adviescommissie Imamopleidingen (Den Haag: Ministerie van Onderwijs en Wetenschappen, 2003).

18 Onderzoek Labyrinth and Advies, *Imamopleiding in Nederland, een verkenning van draagvlak* (Utrecht: Labyrinth, 2019). This involvement is no doubt based on the Dutch history of religious pluralism during the first half of the 20<sup>th</sup> century. The Christian Democrat Party, which had a dominant position in Dutch governments from the 1920s until well into the 1990s, has always been in favour of state-funded religious education. An intriguing condition was that any state-funded training program had to have majority support from the relevant religious community. Internal ideological disagreements were secondary. Muslims were bound by this clause too. Current government engagement, however, should also be traced back to the Dutch government's elaborate integration programmes. Their interest in training was due to their idea that imams could form a bridge between the Muslim population and the wider society that strengthened Muslim social participation and citizenship. Bridging has always been a central policy goal in Dutch integration politics. Imams from abroad would have the opposite effect.

This brief and incomplete account of initiatives and activities in European countries demonstrates that European governments do actually interfere in the curricula of training programmes to “domesticate” Islam and organise religious activities and religious communities after the political format of the national state with the ultimate aim of creating a specific “brand” of Islam. Domestication is a mode of governance, a broad and complex disciplining intervention that controls but also creates appropriate subjectivities and objects of governance. I have referred to the domestication of Islam as:

...a process of containment, pacification and legitimization based on a national imaginary. It is about the place of Islam in European societies and the challenges they face, against the backdrop of a particular conception of national identity. Different nation-states have historically grown nationally specific modes of dealing with religious difference, sometimes informed by colonial practices, experiences and histories, so the domestication of Islam takes on nationally specific features and outlooks.<sup>19</sup>

Bowen shows how the French state’s strategies to create “domesticated forms of Islam” have entailed a set of dilemmas for the state when it comes to controlling transnational religious communities. They revolve around three basic issues: the behaviour of Muslims, the extent to which the Republic wishes to control Muslims, and the adaptation of Islamic to French norms.<sup>20</sup> Other European states grapple with similar challenges. The figure of the imam epitomises these concerns and is considered a pivotal element in such endeavours. Attempts by European governments to initiate new training programmes are intended to gain influence over the training of imams being appointed to Muslim communities in their countries. As El Asri argues, “Training religious leaders in Europe is almost analogous to directly touching the construction of a semiotics of faith, which involves considering the selection of methodologies, the choices of scientific disciplines, and the filtering of theological currents.”<sup>21</sup> Hashas refers to the European imam as a “nationalised religious authority” expected to disseminate a depoliticised ethical message in line with the principles of the secular liberal state and its integration goals.<sup>22</sup>

19 Thijl Sunier, “Domesticating Islam: Exploring Academic Knowledge Production on Islam and Muslims in European Societies”, *Ethnic and Racial Studies*, 37:6 (2014), 1142.

20 John Bowen, “Beyond Migration, Islam as a Transnational Public Space”, *Journal of Ethnic and Migration Studies*, 30:5 (2004).

21 Farid Al Asri, “Imam training in Europe: Changes and challenges”, in *Imams in Western Europe: Developments, Transformations, and Institutional Challenges*, Mohammed Hashas, Jan Jaap de Ruiter, and Niels Valdemar Vinding (eds.) (Amsterdam: Amsterdam University Press, 2018), 102.

22 Mohammed Hashas, “The European imam, A nationalized religious authority”, in *Imams in Western Europe, Developments, Transformations, and Institutional Challenges*, pp. 79-101.

## Research into imam training in Europe

The training of imams and the outcomes of negotiations and discussions entail more than educational logistics. They have to do with issues of authority, legitimacy, and engagement with Muslim communities. This aspect has received remarkably scant systematic attention in the academic literature. The “politics of imam training”, as I call the ongoing debates, negotiations, and initiatives various stakeholders are involved in, is ultimately a question of who is entitled to produce, transmit, and, ultimately, teach Islamic knowledge to Muslims of a migrant background in Europe and who the Muslim communities themselves find acceptable. Before unfolding the argument further, I shall give a brief and necessarily sketchy overview of the relevant scholarly output in this field and trace a number of themes and perspectives that emerge in the literature. Such an overview can hardly be complete.<sup>23</sup> The role of imams and the production and teaching of Islamic discourse is a boom topic of academic inquiry and is covered by virtually every book on the organisational characteristics of Islamic landscapes across Europe.<sup>24</sup>

There have been several reports published in recent years that provide a country-by-country overview of training activities,<sup>25</sup> as well as publications focus-

23 I have confined myself to publications written in English, German, French, and Dutch, which are languages I can read directly. This is no doubt a shortcoming in this overview. I have also left out the many publications with an Islamic theological focus, as my main argument concerns the socio-political context of the position of imams in Europe.

24 See, e.g., Jan Rath, Rinus Penninx, Kees Groenendijk, and Astrid Meyer, *Western Europe and Its Islam* (Leiden: Brill, 2001); Anthony Shadid and P.S. Van Koningsveld, *Intercultural Relations and Religious Authorities: Muslims in the European Union* (Leuven: Peeters, 2002); Yvonne Yazbeck Haddad, *Muslims in the West: From Sojourners to Citizens* (Oxford: Oxford University Press, 2002); Stefano Allievi and Jørgen S. Nielsen, *Muslim Networks and Transnational Communities in and across Europe* (Leiden: Brill, 2003); Marcel Maussen, *Constructing Mosques. The governance of Islam in France and the Netherlands* (Amsterdam: ASSR (Doctoral thesis), 2009); Jonathan Laurence, *The Emancipation of Europe's Muslims: The State's Role in Minority Integration* (Princeton: Princeton University Press, 2012); Jørgen S. Nielsen, *Islam in Denmark: The Challenge of Diversity* (Boulder: Lexington Books, 2012); Kerstin Rosenow-Williams, *Organising Muslims and Integrating Islam in Germany* (Leiden: Brill, 2012); Ahmet Yükleyn, *Localizing Islam in Europe* (Syracuse: Syracuse University Press, 2012); Elvire Corboz, *Guardians of Shi'ism: Sacred Authority and Transnational Family Networks* (Edinburgh: Edinburgh University Press, 2015); Elvire Corboz, “Shi'i clerical networks and the transnational contest over sacred authority: dynamics in London's Shi'i Triangle”, *Global Discourse: An interdisciplinary journal of current affairs*, 9:4 (2019), 721-739; Raida Chbib, *Organisation des Islams in Deutschland. Diversität, Dynamiken und Sozialformen im Religionsfeld der Muslime* (Baden-Baden: Ergon Verlag, 2017); Mario Peucker and Rauf Ceylan (eds.), *Muslim Community Organizations in the West: History, Developments and Future Perspectives* (Wiesbaden: Springer VS, 2017); Benjamin Bruce, *Governing Islam Abroad: Turkish and Moroccan Muslims in Western Europe* (Cham: Springer International Publishing, 2019).

25 See, e.g., Jean-François Husson, *Training imams in Europe The current status* (Brussels: King Baudouin Foundation, 2007); (2007); Ednan Aslan and Zsofia Windish, *The training of imams and teachers of Islamic knowledge in Europe* (Vienna: Peter Lang, 2012); Dirk Halm, Martina Sauer, Jana Schmidt and Anja Stichs, *Islamisches Gemeindeleben in Deutschland (im Auftrag der Deutschen Islam Konferenz)* (Nürnberg: Bundesamt für Migration und Flüchtlinge, 2012); Valdemar Vinding and Raida Chbib, *Education and Training of Muslim Religious Professionals in Europe and North America* (Frankfurt am Mein: Academy for Islam in Research and Society [AIWG], 2020).

ing more explicitly on the production of Islamic knowledge in Europe,<sup>26</sup> and a growing body of literature dealing with new forms of online preaching and online knowledge platforms.<sup>27</sup> While some monographs and articles focus explicitly on the figure of the imam and the Muslim intellectual in specific political contexts,<sup>28</sup> other studies focus more on the governance and monitoring of Islam by European governments, including the increasing securitisation of Muslims.<sup>29</sup> Finally,

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- 26 See, e.g., Robert Hefner and Muhammad Qasim Zaman, *Schooling Islam: The Culture and Politics of Modern Muslim Education* (Princeton: Princeton University Press, 2007); Alexandre Caeiro, "The Power of European Fatwas: The Minority Fiqh Project and the Making of an Islamic Counterpublic", *International Journal of Middle East Studies*, 42:3 (2010), 435-449; Alexandre Caeiro, "Secular Governance and Islamic Law. The Globalization of the Minority Question", *Sociology of Islam*, 7:4 (2019), 323-343; Martin Van Bruinessen and Stefano Allievi, *Producing Islamic Knowledge: Transmission and Dissemination in Western Europe* (London, New York: Routledge, 2011); Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press, 2012); Roel Meijer and Edwin Bakker, *The Muslim Brotherhood in Europe* (London: Hurst, 2012); Masooda Bano, *Modern Islamic Authority and Social Change. Evolving Debates in Muslim-Majority Countries* (Volume 1) (Edinburgh: Edinburgh University Press, 2018); Masooda Bano, *Modern Islamic Authority and Social Change. Evolving Debates in Muslim-Majority Countries* (Volume 2) (Edinburgh: Edinburgh University Press, 2018); Semiha Sözeri, *The Pedagogy of the Mosque. Portrayal, Practice, and the Role in the Integration of Turkish-Dutch Children* (Amsterdam: University of Amsterdam (Doctoral Thesis), 2021).
- 27 Dale F. Eickelman and Jon W. Anderson, *New Media in the Muslim World: The emerging Public Sphere* (Bloomington: Indiana University Press, 2003) and Gary R. Bunt, *Hashtag Islam: How Cyber-Islamic Environments Are Transforming Religious Authority* (Chapel Hill: The University of North Carolina Press, 2018 [Kindle Edition], [2009]) provide a good overview of this quickly expanding field. See also Stig Hjarvard, "Mediatization and the Changing Authority of Religion." *Media, Culture and Society*, 38:1 (2016), 8-17.
- 28 See, e.g., Felice Dassetto & Albert Bastenier, *L'Islam transplanté. Vie et organisation de minorités musulmanes de Belgique* (Bruxelles: EPO, 1984); Jytte Klausen, *The Islamic Challenge* (Oxford: Oxford University Press, 2005); Jonathan Birt, "Good Imam, Bad Imam: Civic Religion and National Integration in Britain post-9/11", *The Muslim World*, 96:4 (2006), 687-705; Sophie Gilliat-Ray, "Educating the Ulama: Centres of Islamic Religious Training in Britain", *Islam and Christian-Muslim Relations*, 17:1 (2006), 55-76; Welmoet Boender, *Imam in Nederland* (Amsterdam: Bert Bakker, 2007); Ron Geaves, "Drawing on the Past to transform the Present: Contemporary Challenges for Training and Preparing British", *Imams Journal of Muslim Minority Affairs*, 28:1 (2008), 99-112; Betina Gräf and Jakob Skovgaard-Petersen (eds.), *Global Mufti: The Phenomenon of Yusuf al-Qaradāwī* (London: Hurst, 2009); Ellen van de Bovenkamp, *La popularité de Tariq Ramadan au Maroc* (VU Amsterdam, Doctoral Dissertation, 2017); Mohammed Hashas, et al. (eds.), *Imams in Western Europe: Developments, Transformations, and Institutional Challenges* (Amsterdam: Amsterdam University Press, 2018); Frank Peter, "Training of Imams and the Fight against Radicalization", in *IEMed Mediterranean Yearbook* (IEMed: Barcelona, 2018), 342-345; Semiha Sözeri, Hülya Kosar Altinyelken and Monique Volman, "Training Imams in the Netherlands: the Failure of a Post-Secular Endeavour", *British Journal of Religious Education*, 41:4 (2018), 435-445; Hansjörg Schmid and Noemi Trucco, *Bildungswege von Imamen aus der Schweiz* (Freiburg: SZIG Universität Freiburg, 2019); Hansjörg Schmid, "I'm just an Imam, not Superman' Imams in Switzerland: Between Stakeholder Objects and Self-Interpretation", *Journal of Muslims in Europe*, 9:1 (2020), 64-96.
- 29 See, e.g., Yvonne Yazbeck Haddad and Michael J. Balz, "Taming the Imams. European Governments and Islamic Preachers since 9/11". *Islam and Christian-Muslim relations*, 9:2 (2008), 215-235; Luis Manuel Hernández Aguilar, *Governing Muslims and Islam in Contemporary Germany. Race, Time, and the German Islam Conference* (Leiden: Brill, 2018); Martijn de Koning, et al., *Islamic Militant Activism in Belgium, the Netherlands and Germany: 'Islands in a Sea of disbelief'* (London: Palgrave, 2020). In many countries, imams and imam training are a topic frequently addressed by security services in pursuit of the prevention of radicalisation.

there is a steadily growing body of more conceptual and analytical literature on the making of Islamic authority.<sup>30</sup>

Most of the reviewed literature covers a wide variety of themes and topics and provides a description of the debates, negotiations and arrangements, activities, initiatives, and, in general, ramifications of the institutionalisation and bureaucratic incorporation of training programmes in various countries. Some offer explicit cross-national comparison to show how different political and national contexts offer different outcomes and possibilities. In many cases, policy-oriented recommendations for the future are added.

Systematic review of the literature brings to the fore a number of perspectives and problem definitions, revealing underlying assumptions and approaches. The first and most common perspective is the political context of the national state as that in which the production and dissemination of Islamic knowledge is embedded or into which it is supposed to integrate. The imagined net result of this process would be to “adapt” imam training to national political contexts. This has resulted in analyses of the political opportunity structure of these national contexts and the limits and possibilities entailed. It also results in descriptions of how imam training is tangled up with the more general cultural encounter, creating challenges, dilemmas, and even security issues. Such a national perspective may be an obvious and even self-evident one, as national political context is a powerful force that largely determines opportunities and developments and cannot be ignored. The adoption of such a perspective runs the risk of restricting analytical rigour to the level of national integration, however, and so disregarding relevant developments that fall outside the context of the national state.<sup>31</sup>

Another common tendency is an almost exclusive focus on the producers and providers of Islamic knowledge and on the institutional settings and educational and organisational logistics within which imams operate, viz., the “supply side”.

30 See, e.g., Jeanette S. Jouili and Schirin Amir-Moazami, “Knowledge, Empowerment and Religious Authority among pious Muslim Women in France and Germany”. *Muslim World*, 96:4 (2006), 617-642; Jeanette S. Jouili and Schirin Amir-Moazami, “Knowledge, Empowerment and Religious Authority among Pious Muslim Women in France and Germany” in *Islamic Feminism: Current Perspectives*, Anitta Kynsilehto (ed.) (Tampere: Tampere Peace Research Institute, 2008), 57–90; Frédéric Volpi and Bryan S. Turner, “Making Islamic Authority Matter”, *Theory, Culture and Society*, 24:2 (2007), 1-19 (Special issue Theory, Culture & Society); Masooda Bano and Hilary Kalmbach, *Women, Leadership and Mosques: Changes in Contemporary Islamic Authority* (Leiden: Brill, 2012); Gudrun Krämer and Sabine Schmidtke, *Speaking for Islam: Religious Authorities in Muslim Societies* (Leiden: Brill, 2014); Allen James Fromherz and Nadav Samin (eds.), *Knowledge, Authority and Change in Islamic Societies: Studies in Honor of Dale F. Eickelman* (Leiden: Brill, 2021). Marleen de Witte, Martijn de Koning, and Thijl Sunier, “Aesthetics of Religious Authority: introduction”, (special issue) *Culture and Religion*, 16:2 (2015), 117-125; John Bowen, *On British Islam. Religion, Law, and Everyday Practice in Shari'a Councils* (Princeton: Princeton University Press, 2016); Tanya Walker, *Shari'a Councils and Muslim Women in Britain. Rethinking the role of Power and Authority* (Leiden: Brill, 2017).

31 This has been referred to as methodological nationalism, the conceptual equation of society with the nation-state and the idea that the nation-state is the neutral (even natural) analytical level at which society has to be assessed (Daniel Chernilo, “Social theory’s methodological nationalism”, *European Journal of Social Theory*, 9:1 [2006], 5-22).



Though essential, this is often at the expense of rigorous assessment of the proposed intervention in the content of the training programmes or of the reception and digestion of Islamic knowledge, viz., the “consumer side”.

The recent boom in research on radicalisation, on the role of so-called “hate imams”, and on foreign financial and ideological influence has often ignored the fundamental question of how impressionable audiences are or how susceptible to such influences. The crucial question of why a given imam is legitimate or has authority among ordinary practitioners necessitates analysis of the field of forces within which he operates. Sözeri et al.<sup>32</sup> address the question of why the establishment of state-funded Islamic theology and imam-training programmes in the Netherlands has failed, arguing that a lack of trust in the organisers is one of the main reasons. The authors’ observations and conclusions are one of the very few assessments of the perceived legitimacy of educational programmes among recipients.

## The quest for imams

How should one assess the longstanding interest of European governments in the production, dissemination, and teaching of Islamic knowledge and its effects? Hefner and Zaman<sup>33</sup> link Western concerns with religious education to anxieties about Muslim radicalisation and trace them back to the moment the Taliban entered Kabul in 1996. Concerns were already being expressed by European governments about the role of imams during the 1980s, though worries about radicalisation were much less prominent.<sup>34</sup> In the 1970s and early 1980s, European governments hardly bothered with the activities of Muslims in this regard, because they were expected either to return to their countries-of-origin or assimilate into the host society. The training, recruitment, and employment of imams were considered an internal affair and left entirely to Muslim communities and their organisations.

Muslims of a migrant background in Europe had a need for religious knowledge and guidance from the beginning, despite the relatively isolated position of early migrants. By the mid-1960s, the *Turkish High Council of Religious Affairs* had already published a booklet with answers to questions from Turkish Muslims in Europe prompted by life under new and unfamiliar circumstances.<sup>35</sup>

32 Semiha Sözeri, Hülya Kosar Altinyelken and Monique Volman, “Training Imams in the Netherlands, the Failure of a Post-Secular Endeavour”, *British Journal of Religious Education*, 41:4 (2018).

33 Robert Hefner and Muhammad Qasim Zaman, *Schooling Islam, The Culture and Politics of Modern Muslim Education* (Princeton: Princeton University Press, 2007).

34 See: Anthony Shadid and P.S. Van Koningsveld, *The Integration of Islam and Hinduism in Western Europe* (Kampen: Kok Pharos, 1991); *Intercultural Relations and Religious Authorities, Muslims in the European Union* (Leuven: Peeters, 2002); Thijl Sunier and Nico Landman, *Diyanet, The Turkish Directorate of Religious Affairs in a Changing Environment* (Amsterdam/Utrecht: VU/UU, 2011).

35 Jan Den Exter, *Diyanet, een reis door de keuken van de officiële Turkse islam* (Beverwijk: Peregrinus, 1990); Anthony Shadid and P.S. Van Koningsveld, *Intercultural Relations and Religious Authorities, Muslims in the European Union*.

Initially, imams were brought in from countries-of-origin only on special occasions, like Ramadan. With the opening of mosques, a more permanent supply of imams was needed. For the first generation of migrants, attachment to religious authorities in their countries-of-origin was self-evidently based on loyalty to their country of origin and on familiarity. When they needed religious advice about new situations, they resorted to religious facilities and authorities in their countries-of-origin or in other Muslim majority countries. For this first generation, interaction with the surrounding society was superficial and incidental. Muslim communities lived relatively isolated lives and consisted predominantly of men. Local mosques were not just places to fulfil religious duties. They served a strong local function as places where Muslims from the same ethnic or regional background could meet.<sup>36</sup>

During the 1980s, European governments became increasingly interested in what was going on in “their” Muslim migrant communities and what was being taught in the mosques. The role of imams in integrating Muslims became an important political issue.<sup>37</sup> Several European governments negotiated with country-of-origin governments and especially with the *Turkish Directorate of Religious Affairs* (Diyanet) about the supply of qualified imams and agreements were signed to send certified imams to Europe.<sup>38</sup> These “imported” imams were to function as intermediaries between Muslim communities and the new society. They were also supposed to be allies in the effort to spread a “moderate brand” of Islam.<sup>39</sup> Islamic schooling and guidance of the various Muslim communities has remained prominently on the political agenda ever since. In the 1990s, the production and transmission of Islamic knowledge became a pivotal point in the development of Islamic landscapes in Europe.<sup>40</sup>

36 Thijl Sunier, Heleen van der Linden, and Ellen van de Bovenkamp, “The long arm of the state? Transnationalism, Islam, and nation-building, the case of Turkey and Morocco”, *Contemporary Islam*, 10:3 (2016), pp. 401-420.

37 See, e.g., Jan Rath, Rinus Penninx, Kees Groenendijk, and Astrid Meyer, *Western Europe and Its Islam* (Leiden: Brill, 2001); Welmoet Boender, *Imam in Nederland* (Amsterdam: Bert Bakker, 2007); Kerstin Rosenow-Williams, *Organising Muslims and Integrating Islam in Germany* (Leiden: Brill, 2012); Thijl Sunier, Heleen van der Linden, and Ellen van de Bovenkamp, “The long arm of the state? Transnationalism, Islam, and nation-building: the case of Turkey and Morocco”, *Contemporary Islam*, 10:3 (2016), 401-420; Mohammed Hashas, Jan Jaap de Ruiter, and Niels Valdemar Vinding (eds.), *Imams in Western Europe: Developments, Transformations, and Institutional Challenges* (Amsterdam: Amsterdam University Press, 2018); Luis Manuel Hernández Aguilar, *Governing Muslims and Islam in Contemporary Germany: Race, Time, and the German Islam Conference* (Leiden: Brill, 2018); Benjamin Bruce, *Governing Islam Abroad: Turkish and Moroccan Muslims in Western Europe* (Cham: Springer International Publishing, 2019); Semiha Sözeri, *The Pedagogy of the Mosque. Portrayal, Practice, and the Role in the Integration of Turkish-Dutch Children* (Amsterdam: University of Amsterdam [Doctoral Thesis], 2021).

38 Thijl Sunier and Nico Landman, *Diyanet, The Turkish Directorate of Religious Affairs in a Changing Environment*.

39 Jan Rath, Rinus Penninx, Kees Groenendijk, and Astrid Meyer, *Western Europe and Its Islam*, (Leiden: Brill, 2001); Thijl Sunier and Nico Landman, *Diyanet, The Turkish Directorate of Religious Affairs in a Changing Environment*; Luis Manuel Hernandez Aguilar, *Governing Muslims and Islam in Contemporary Germany. Race, Time, and the German Islam Conference* (Leiden: Brill, 2018).

40 Jørgen S. Nielsen, *Towards a European Islam* (London: Palgrave MacMillan, 1999); Adis Duderija and Halim Rane, *Islam and Muslims in the West, Major Issues and Debates* (Cham: Palgrave Macmillan, 2019).

It also became clear in the 1980s that the majority of migrants would be staying in Europe permanently, given that they had brought their families. For the next generation, routines and practices developed with the first generation in mind would be much less useful and adequate, and the question of where to find the right religious sources and right guidance was not at all so obvious for them. Established centres of Islamic learning in Muslim majority countries had difficulty responding effectively to these changing circumstances and to the implications of life as a religious minority.

Several new initiatives emerged to guide “European Muslims” and a discussion arose on Islamic jurisprudence for minorities (*fiqh al-aqalliyat*) and what “European Islam” might imply. One of the earlier initiatives was the Dublin-based *European Council for Fatwa and Research* (ECFR), founded in 1997 and intended to develop a centre for religious guidance for Muslims in Europe. But there were several more such initiatives in competition for audiences.<sup>41</sup> Many of them also issue fatwas regularly,<sup>42</sup> and they paved the way for subsequent (predominantly online) knowledge platforms.

It has not been just a matter of the development of Islamic law in ways that suit changing circumstances. The emergence of a vocal and highly educated generation of young pious Muslims, born or raised in Europe, required radically different forms of religious knowledge. Their situation in society was fundamentally different from that of previous generations of migrants; their engagement as residents, students, and employees with a non-Islamic environment was complex and multifaceted and generated unprecedented conditions. Ethical issues and dilemmas were expressed and explored much more explicitly.<sup>43</sup> This has shaken up the Islamic landscape and undermined established institutional and authoritative structures

41 As this issue falls partly outside the scope of this article, I refer to the extensive body of literature on the topic. See, e.g., Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009); Alexandre Caeiro, “The Power of European Fatwas: The Minority Fiqh Project and the Making of an Islamic Counterpublic”, *International Journal of Middle East Studies*, 42:3 (2010), 435-449; Alexandre Caeiro, “Secular Governance and Islamic Law. The Globalization of the Minority Question”, *Sociology of Islam*, 7:4 (2019), 323-343; Martin Van Bruinessen and Stefano Allievi, *Producing Islamic Knowledge: Transmission and Dissemination in Western Europe* (London, New York: Routledge, 2011); Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press, 2012); Masooda Bano, *Modern Islamic Authority and Social Change. Evolving Debates in Muslim-Majority Countries* (Volume 1) (Edinburgh: Edinburgh University Press, 2018); Masooda Bano, *Modern Islamic Authority and Social Change. Evolving Debates in Muslim-Majority Countries* (Volume 2) (Edinburgh: Edinburgh University Press, 2018).

42 Gary R. Bunt, *Virtually Islamic, computer-mediated communication and cyber Islamic environments* (Cardiff: University of Wales Press, 2000).

43 See, e.g., Tariq Ramadan, *To be a European Muslim* (Leicester: The Islamic Foundation, 1999); Sarah Bracke, “Conjugating the Modern-Religious, Conceptualizing Female Religious Agency: Contours of a ‘Post-secular’ Conjuncture”, *Theory, Culture and Society*, 25:6 (2008), 51-68; Samuli Schielke and Liza Debevec (eds.), *Ordinary Lives and Grand Schemes. An Anthropology of Everyday Religion* (Oxford: Berghahn Books, 2012); Shelina Janmohamed, *Generation M: Young Muslims, Changing Worlds* (London: IB Tauris, 2016); Daan Beekers and David Kloos, *Straying from the Straight Path: How Senses of Failure Invigorate Lived Religion* (New York: Berghahn Press, 2018); Thijl Sunier, “The making of Islamic authority in Europe”, in *Imams in Western Europe: Developments, Transformations, and Institutional Challenges*, Mohammed Hashas, Jan Jaap de Ruiter, and Niels Valdemar Vinding (eds.) (Amsterdam: Amsterdam University Press, 2018), 51-69; Hussein Kesvani, *Follow me, Akhi: The Online World of British Muslims* (London: Hurst, 2019); Daan Beekers, *Young Muslims and Christians in a Secular Europe* (London: Bloomsbury, 2021).

whose status was long uncontested. The “traditional” imam was simply not equipped to handle these dilemmas adequately. The rapid growth in digital media, online preaching, and knowledge platforms has also considerably altered relations between religious leaders and Muslim communities in Europe.<sup>44</sup>

Digitisation and the spread of online knowledge platforms have not only tremendously increased the supply of Islamic knowledge. They have also affected the modes of engagement between preachers and audiences and challenged “traditional” imams. A crucial task for imams is to remain meaningfully connected to their communities. A common concern often expressed by young Muslims about imams working in mosques in Europe is their scant knowledge of the continuously changing Muslim population and their life-worlds. Online knowledge platforms and “cyber-imams” can only meet that need to a certain extent.

Contrary to what is often claimed, life in Europe and the growth of digital media have in no way made religious guidance obsolete for young Muslims. The so-called “individualisation thesis”, which appeared in many academic publications in the late 1990s, predicted a transformation of religiosity among Muslims in Europe. This entailed the dissolution of collective and normative Islamic traditions brought by migrants to Europe and their replacement by privatised forms of religiosity. This would make authoritative guidance superfluous.<sup>45</sup> Current developments among young Muslims in Europe have refuted this questionable thesis.

The increase in the number of online knowledge platforms, often operating on a global scale, has brought to the fore an intriguing challenge: Where to find proper knowledge? How to be sure that preachers and teachers can be trusted and do have the right knowledge? Whom to ask? The quest of Muslims for truthful and trustworthy knowledge and guidance has become increasingly urgent. For practitioners, access to knowledgeable, qualified, and, above all, trustworthy imams and to reliable knowledge remains crucial, just as demand for “real life” imams remains strong. Recent research shows that young Muslims often use several different platforms, as well as relying on the “local” imam for guidance. In all countries in Europe, one finds young and popular imams who were born and raised there and often act as public figures and appear in the media.<sup>46</sup> This is

44 Dale F. Eickelman and Jon W. Anderson (eds.), *New Media in the Muslim World, The emerging Public Sphere* (Bloomington: Indiana University Press, 2003); Peter Mandaville, “Globalization and the Politics of Religious Knowledge”, *Theory, Culture and Society*, 24:2 (2007), pp. 101-105; Bryan S. Turner, “Religious authority and the New Media”, *Theory, Culture and Society*, 24:2 (2007), pp. 117-134; Gary R. Bunt, *Hashtag Islam, How Cyber-Islamic Environments Are Transforming Religious Authority*.

45 See, e.g., Jocelyne Cesari, “Muslim Minorities in Europe, The Silent Revolution.”, in *Modernizing Islam, Religion in the Public Sphere in Europe and the Middle East*, John L. Esposito and François Burgat (eds.) (London: Hurst and Company, 2003), pp. 251-269; Jocelyne Cesari, *When Islam and Democracy Meet. Muslims in Europe and in the United States* (New York: Palgrave Macmillan, 2004).

46 See, e.g., Ellen van de Bovenkamp, *La popularité de Tariq Ramadan au Maroc* (VU Amsterdam, Doctoral Dissertation, 2017); Welmoet Boender and Jan Jaap de Ruiter, “The imam as an organic public intellectual”, pp. 165-185.

indicative of new emergent modalities of user practice and the new ethics of usage and forms of interaction.

Religious guidance thus continues to be important, which makes the training of imams all the more urgent and topical, and not just for practitioners. As we have seen, European governments consider the training of imams for the domestic market a crucial tool for monitoring developments in Muslim communities. Involvement in developing educational infrastructure is a logical strategy. Muslim stakeholders have their particular motives for staying involved and providing themselves with a more extensive and sophisticated supply. For established Muslim organisations, well-trained imams and religious teachers are a crucial means of influencing quickly transforming Muslim communities in Europe. On the other hand, “traditional” providers of Islamic knowledge, like *al-Azhar*, *Diyanet*, *the Muslim Brotherhood*, and *Deobandis*, have stepped up their efforts to cater to growing global demand and new platforms have emerged.<sup>47</sup> Whatever the motives and interests of all these stakeholders, the net effect has been one of “stretching” the role and function of the imam and of adapting to evolving desires, sensibilities, and circumstances. In policy documents, the imam is being “reinvented” as theological expert, spiritual and ethical guide, community leader and, after the model of the municipal civil servant, as instrumental in fostering integration with the host society.<sup>48</sup>

Since 9/11, preventing radicalisation among young Muslims in Europe and countering extremism have become priority issues for European governments. Imams are a prime tool used by European governments in their fight against radicalisation.<sup>49</sup> According to Birt, in the eyes of British policy makers, the post-9/11 “good imam” embodies “civic virtues, interfaith tolerance, professional managerial and pastoral skills, possibly becom[ing] involved in inner city regeneration, work[ing] as an agent of national integration (most importantly on behalf of his young unruly flock), and wag[ing] a jihad against extremism.”<sup>50</sup>

47 See, e.g., Betina Gräf and Jakob Skovgard-Petersen (eds.), *Global Mufti: The Phenomenon of Yūsuf al-Qaradāwī* (London: Hurst, 2009); Martin Van Bruinessen and Stefano Allievi, *Producing Islamic Knowledge: Transmission and Dissemination in Western Europe* (London, New York: Routledge, 2011); Roel Meijer and Edwin Bakker, *The Muslim Brotherhood in Europe* (London: Hurst, 2012); *Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press, 2012); Masooda Bano, *Modern Islamic Authority and Social Change. Evolving Debates in Muslim-Majority Countries* (Volume 1) (Edinburgh: Edinburgh University Press, 2018); Masooda Bano, *Modern Islamic Authority and Social Change. Evolving Debates in Muslim-Majority Countries* (Volume 2) (Edinburgh: Edinburgh University Press, 2018). Bano explores these developments and argues that instead of a decrease in the number of centres of knowledge production, we are seeing a tremendous increase and diversification.

48 Solenne Jouanneau, “The reinvented role of imams in French society”, in *Imams in Western Europe, Developments, Transformations, and Institutional Challenges*, Mohammed Hashas, Jan Jaap de Ruiter, and Niels Valdemar Vinding (eds.) (Amsterdam: Amsterdam University Press, 2018); Schmid, Hansjörg, “‘I’m just an Imam, not Superman’ Imams in Switzerland, Between Stakeholder Objects and Self-Interpretation”, *Journal of Muslims in Europe*, 9:1 (2020).

49 Yvonne Yazbeck Haddad and Michael J. Balz, “Taming the Imams. European Governments and Islamic Preachers since 9/11”. *Islam and Christian-Muslim relations*, 9:2 (2008), pp. 215-235.

50 Jonathan Birt, “Good Imam, Bad Imam: Civic Religion and National Integration in Britain post-9/11”, *The Muslim World*, 96:4 (2006), p. 688.

The emphasis on preventing radicalisation has also increased the political urgency of governments getting involved in supplying and training imams. Initiatives developed by Muslim organisations in Europe and especially those instigated or supported (including financially) by countries-of-origin and other countries in the Islamic world have been increasingly met with suspicion by European politicians, as effective potential channels of radical influence on Muslims in Europe.<sup>51</sup> As such, they might complicate and even impede government goals. For their part, many Muslim organisations have expressed worry over the increasing interference of European governments in religious affairs, not least when not restricted to a merely facilitating or supervisory role or when governments seem intent on interfering in the content of the religious sources, given their focus on the curriculum. Hardly surprisingly, this is an extremely sensitive issue.<sup>52</sup>

## The politics of imam training

The developments sketched above constitute the background of current controversies, discussions, negotiations, and struggle over the question of who is in charge of the production, dissemination, and teaching of Islamic knowledge and of the training of imams for the European market. As indicated, it can seem as though this were primarily a “supply side” issue, when looking at literature and policy agendas. This is, however, a rather one-sided approach. The position of imams in Europe is inextricably linked with the fundamental question of who is entitled to produce, transmit, and teach Islamic knowledge to Muslims with a migrant background in Europe. This entitlement is not simply a matter of good training, qualified teachers, and the right religious sources, or of traditional authority, for that matter. The crucial question is whether or not an imam is accepted by the community he is to serve. As I have already indicated, the relevance of legitimacy is recognised by scholars but has hardly resulted in new research agendas.

This also raises the question of what we mean by Islamic knowledge. As Van Bruinessen argues, not only do Muslims disagree as to what proper Islamic knowledge is, but Islamic knowledge is itself broader and more encompassing than the

51 Enes Bayrakli and Fareed Hafez (eds.), *The state of Islamophobia in Europe* (Vienna: European Islamophobia Report (EIR), 2017).

52 There is an abundance of academic literature on liberalism, state neutrality, and religious freedom in Western countries. Most works take a politico-philosophical approach and deal with constitutional principles. Only a few authors address the actual policy dilemmas created by the contradiction between neutrality as a principle of non-intervention and active intervention to guarantee religious freedom. (See, e.g., Jereon Temperman, “State Neutrality in Public School Education”, *Human Rights Quarterly*, 32 [2010], 866-898).

generally accepted standards of orthodoxy.<sup>53</sup> Following Talal Asad's notion of Islam as a discursive tradition, he contends that Islamic knowledge is co-constituted by contextual, historical, cultural, and political circumstances. This discursive tradition follows a continuously evolving and transforming dynamic. Islamic knowledge is not just the inculcation of normative doctrinal canons into ordinary believers. It is also bottom-up critical reflection of established authoritative canons. In this way, Islamic knowledge includes the religious reasoning, social critique, and critical reflection of Muslims who are not religious experts. As Bano argues, discussion of Islamic knowledge production is discussion of the status of religious knowledge and of the institutions that produce that knowledge, the "Islamic authority platforms." Scholarly knowledge remains lofty and aloof, so long as scholars cannot engage with the realities of the time.<sup>54</sup> Many of the contemporary practices and initiatives of young Muslims involve reflection on the meaning of Islamic sources in novel ways that nonetheless retains reference to the past.<sup>55</sup>

In short, Islamic knowledge production is the result of what Lambek calls a "political economy of knowledge": "How are we to characterize the order to which people submit? Where is the locus of power?"<sup>56</sup> Authority-making is by definition embedded in specific historical, political, and social power configurations that generate religious truth-claims that cannot be traced back solely to normative doctrinal standards.

Islamic authority cannot be taken for granted as a quality unto itself and vested in professionals; it must be conferred continuously and stretches far beyond the limited confines of Islamic scholarly circles, doctrinal reflections, or debate. The legitimacy of religious professionals speaking authoritatively about Islam is based on much more than their command of "proper" Islamic sources or qualified training. As Mandaville<sup>57</sup> argues, religious authority is the result of the interaction between text, discursive method, and personified knowledge. This has always been the central discursive methodology in Islam, albeit in different modalities.

53 Martin van Bruinessen and Stefano Allievi (eds.), *Producing Islamic Knowledge, Transmission and Dissemination in Western Europe* (London-New York: Routledge, 2011).

54 Daan Beekers and David Kloos (eds.), *Straying from the straight Path: How Senses of Failure invigorate lived Religion* (New York: Berghahn Press, 2018).

55 See also see Sarah Bracke, "Conjugating the Modern-Religious, Conceptualizing Female Religious Agency: Contours of a 'Post-secular' Conjuncture", *Theory, Culture and Society*, 25:6 (2008), 51-68; Annelies Moors, "'Islamic fashion' in Europe: religious conviction, aesthetic style, and creative consumption", *Encounters*, 1:1 (2009), 175-201; David Kloos, *Becoming Better Muslims: Religious Authority and Ethical Improvement in Aceh, Indonesia* (Amsterdam: VU University [doctoral dissertation], 2013); Daan Beekers, "A Moment of Persuasion. Travelling Preachers and Islamic Pedagogy in the Netherlands", *Culture and Religion*, 16:2 (2015), 193-214; David Kloos and Mirjam Künkler, "Studying Female Islamic Authority: From Top-Down to Bottom-Up Modes of Certification", *Asian Studies Review*, 40:4 (2016), 479-490.

56 Michael Lambek, "Certain Knowledge, Contestable Authority: Power and Practice on the Islamic Periphery". *American Ethnologist*, 17:1 (1990), 28.

57 Peter Mandaville, "Globalization and the Politics of Religious Knowledge", pp. 101-105.

Valdemar Vinding distinguishes two types of authority vested in imams in Europe: (1) institutional, denoting the authority vested in imams within a certain institutional structure, and (2) epistemic, denoting knowledge-based authority. He argues that the articulation of these two types of authority takes on specific forms against the background of the imam's position within a given Muslim community.<sup>58</sup> While I go along with this typology, the position of the imam produces another type of authority that is more difficult to grasp but is essential for understanding that position. This modality of authority centres on two qualities: trust and "local knowledge." Neither knowledge of the society in which they operate nor the fact of having been born and raised in the country are in themselves enough to secure an imam the status of trustworthiness within the community. Even if his theological and didactic qualities are uncontested by the community, they do not automatically generate legitimate status. Imams must also be trustworthy local leaders. Their pastoral skills ultimately rest on this trustworthiness; they must have "urban charisma". According to Blom Hansen and Verkaaik, effective urban leaders

...emerge on the basis of their capacity to interpret, manage and master the opacity of the city. The specificity of the urban can neither be understood through the city's functions nor the dynamics of its social networks. The urban is also a way of being in the world and must be understood as a dense and complex cultural repertoire of imagination, fear and desire. We propose to understand the urban and its charismatic potential through three registers: the sensory regimes of the city; the specific forms of urban knowledge and intelligibility; and the specific forms of power, connectivity and possibility which we call urban infra-power.<sup>59</sup>

Charisma here is understood in a broader sense than the very specific but extraordinary qualities of individuals described by Weber.<sup>60</sup> The type of charisma posited here rests on special forms of knowledge, networks, connectedness, courage, and daring that enable certain individuals to assume leadership.<sup>61</sup> I argue that "urban charisma" is a crucial aspect of the authoritative status of an imam, particularly in circumstances of societal change. In situations of relative stability, Muslims abide by

58 Niels Valdemar Vinding, "Towards a typology of imams of the West", in *Imams in Western Europe, Developments, Transformations, and Institutional Challenges*, Mohammed Hashas, Jan Jaap de Ruiter, and Niels Valdemar Vinding (eds.) (Amsterdam: Amsterdam University Press, 2018).

59 Blom Hansen, Thomas and Oskar Verkaaik, "Introduction—Urban Charisma: On Everyday Mythologies in the City", *Critique of Anthropology*, 29:1 (2009), p. 5.

60 Martin Riesebrodt, "Charisma in Max Weber's Sociology of Religion", *Religion*, 29:1 (1999), pp. 1-14.

61 Thomas Blom Hansen and Oskar Verkaaik, "Introduction—Urban Charisma: On Everyday Mythologies in the City", *Critique of Anthropology*, 29:1 (2009), pp. 5-26.



prevailing normative and authoritative frames. In such instances, the two types of authority that Valdemar Vinding distinguishes may suffice to engage effectively with a local community.

It is, however, precisely when Muslims find themselves under changing social conditions but still wish to live pious lives in accordance with established traditions, as in the case of Muslims with a migrant background, that frictions, ambiguities, and dilemmas emerge and Islamic authority becomes a subject of discussion and reflection. In these circumstances the imam, as trustworthy and reliable local community leader, becomes very important. It should be kept in mind that this type of authority cannot be claimed simply on the basis of acquiring certain skills. It develops, as it were, organically over a longer period of time.

## Concluding remarks

In this article I have addressed the multifaceted process of producing and transmitting Islamic knowledge and the status of imams as key figures within Muslim communities in Europe. Many countries in Europe have put considerable effort into monitoring, facilitating, and even initiating programmes for training imams. Surveying those efforts, we can hardly avoid concluding that they have not been particularly successful to date. There are, in my view, two main reasons for this. The first is that the existing training facilities and arrangements, provided by established and often powerful private Muslim stakeholders, remain effective and, in most situations, adequate. Secondly, and more importantly, European governments seem to misjudge the characteristics and potential of the rapidly transforming Muslim communities in Europe. They seem obsessed with their own policy priorities and efforts to gain control. Clearly, this is not the way to go.

I have argued that it is ultimately a question of who is entitled to produce, transmit, and teach Islamic knowledge to Muslims with a migrant background in Europe and who those Muslim communities accept. The “politics of imam training” is a contentious and evolving field with a wide array of actors and stakeholders.<sup>62</sup> The

62 I borrow the concept of “field” from the work of Doug McAdam, Sidney Tarrow, and Charles Tilly (*Dynamics of Contention*, Cambridge: Cambridge University Press, 2001) and more recently of Manlio Cinali (“Fields of Contentious Politics: Migration and Ethnic Relations”, in *Social Movement Studies in Europe: State of the Art*, Olivier Fillieule and Guya Accornero (eds.) (New York: Berghahn, 2016, pp. 86-102) to denote a realm of power-laden activity with a range of political actors, specific stakes, and conflicting definitions of interests and problems. See also Marcos Ancelovici, “Bourdieu in movement: toward a field theory of contentious politics”, *Social Movement Studies*, 20:2 (2021.), pp. 155-173. Tarrow, McAdam and Tilly distinguish two categories of contentious politics, viz., contained and transgressive. In the first category, only established actors participate and outcomes are more predictable and follow scripts. In the second, actors and stakes are much less prefabricated and outcomes less predictable (*Dynamics of Contention*, 7). I consider the politics of imam training exemplary of transgressive contentious politics.

relevant actors in this field are not confined to (foreign and domestic) governments with policy agendas or established (foreign and domestic) Muslim organisations with vested interests and positions. To fully grasp the field dynamics, we must take into account existing power configurations and mechanisms at work in the politics of imam training, the requirements and prospects for continuous transformation of Muslim communities in Europe, and the new (online and offline) preachers and producers of Islamic knowledge who challenge established organisations and institutions, as well as any other stakeholders.

The position of the imam in Europe is thus ultimately a product of the dynamics of a contentious field that shapes the evolving Islamic landscapes in Europe to a large extent. How this evolves and what courses it may take are unpredictable and contingent on many different factors. It is my contention here that the manifold reflections in the literature on the idea of a “European Islam” or any future prospects it may have are often shots in the dark.

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## Proizvodnja i prenošenje islamskog znanja u Evropi: autoritet, etika i metodologija u politici obuke imama

### Sažetak

Ovaj članak bavi se obukom imama za rad u evropskim muslimanskim zajednicama migrantskog porijekla. Imami se smatraju prvim faktorom u prenošenju islamskog znanja, pa je obuka ovih nominalnih vođa ključno pitanje sa mnogim značenjima. Obuka imama je poseban aspekt šireg, višestranog procesa koji obuhvata proizvodnju, prenošenje, usvajanje i tumačenje islamskog znanja. Obuka imama je, stoga, dio mnogo šireg pitanja pozicioniranja islama i muslimana u Evropi, posebno s obzirom na namjeru evropskih vlada da uzmu aktivniju ulogu. Ona se mora analizirati u ovom širem političkom i historijskom kontekstu. "Politika obuke imama", kako nazivam aktuelne debate, pregovore i inicijative koji uključuju različite učesnike, podrazumijeva više od obične obrazovne logistike. U središtu su pitanja autoriteta i legitimnosti, a u konačnici pitanja ko ima pravo da proizvodi i prenosi islamsko znanje i, naravno, poučava ga, te koga muslimanske zajednice prihvataju. Ovaj aspekt istraživači nisu šire obrađivali.

**Ključne riječi:** islamsko znanje, obuka imama, muslimani u Evropi, islamski autoritet, islamsko upravljanje



## The Role of Islam in Foreign Policymaking\*

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*Emir Hadžikadunić*

### Abstract

Religion has often been an ignored dimension of statecraft, particularly so by realist or neorealist schools. This article explores the question of how a number of states, in which all or a considerable part of the population is Muslim, incorporate Islam as a guiding principle into their broader foreign policy. In this regard, it reviews a selected number of foreign policy cases using individual, domestic and international levels of analysis in which diverse Islamic incentives from major theoretical perspectives interplay with foreign policy. Its ultimate objective is to provide a deeper synthesis of the literature on Islam in foreign policymaking and relating it to major IR theories.

**Key words:** Foreign policy, Foreign policy analysis, Islam and diplomacy, Islam and foreign policy

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\* This research was funded by the Center for Advanced Studies.

## Introduction

Foreign policy is generally associated with a state's formal relations with other states and international actors in the system.<sup>1</sup> This policy includes specific activities of national governments defined and taken through their official representatives such as heads of state, foreign ministries, embassies, diplomats, or other authorized agents to achieve specific foreign policy goals. James N. Rosenau speaks more specifically about three aspects of foreign policy: (1) principles and orientations, (2) commitments and decisions, and (3) behaviour and actions.<sup>2</sup> Wilkenfield and others define foreign policy as official actions and reactions which state governments initiate or receive and subsequently react to, for the purpose of altering or creating a condition outside their territorial sovereign boundaries.<sup>3</sup> Brian White explains that foreign policy is formulated within the state, but unlike domestic policy is directed and implemented in the environment external to that state.<sup>4</sup> In this respect, William Wallace sees it as a boundary issue between domestic politics and the international environment.<sup>5</sup>

Foreign policy analysis (FPA) is a complex inquiry about diverse sources of influence that describe, explain or predict a state's external relations. It is a complex inquiry because it employs, as suggested by various scholars, multilevel assessments with diverse frameworks, methodologies, and theories. David Singer thus introduced scholarly approaches by discussing two levels of analysis. According to him, foreign policy could be explained either at the level of nation-states or at the level of the international system.<sup>6</sup> Snyder, Bruck and Sapin viewed decision-makers "as operating in dual aspect setting so that apparently unrelated internal and external factors become related in the actions of the decision-makers."<sup>7</sup> James N. Rosenau identified a sequence of explanatory variables and divided them into five categories: idiosyncratic, role, governmental, societal, and systemic.<sup>8</sup> In a specific case study,

1 M. Fatih Tayfur, "Main Approaches to the Study of Foreign Policy: A Review", *METU Studies in Development*, Vol. 21, No.1 (1994), p. 113.

2 J. N. Rosenau, "The Study of Foreign Policy", in *World Politics: An Introduction*, J. Rosenau et al. (eds.) (New York: The Free Press, 1976), pp. 16-19.

3 J. Wilkenfield et al., *Foreign Policy Behavior, The Interstate Behavior Analysis Model* (Beverly Hills: Sage publications, 1980), p. 22.

4 B. White, "Analyzing Foreign Policy: Problems and Approaches", in *Understanding Foreign Policy*, M. Clarcke and B. White (eds.) (Hants: Edward Elgar, 1989), p. 5.

5 W. Wallace, "Establishing the Boundaries", in *The Nature of Foreign Policy: A Reader*, J. Barber and M. Smith (eds.) (1974), pp. 12-17.

6 David Singer, "The Level of Analysis Problem in International Relations", in *The International System: Theoretical Essays*, K. Knorr and S. Verba (eds.) (Princeton: Princeton University Press 1961), pp. 72-92.

7 R. C. Snyder, H. W. Bruck and B. Sapin, *Foreign Policy Decision Making: An Approach to the Study of International Politics* (Glencoe, IL: Free Press, 1962), p. 74.

8 J. N. Rosenau, "Pre-Theories and Theories of Foreign Policy", in *Approaches in Comparative and International Politics*, R. Barry Farrell (ed.) (Evanston: IL, 1966), p. 122. See also: James E. Harf et al., "Systemic and External Attributes in Foreign Policy", in *Comparing Foreign Policies*, James N. Rosenau (ed.) (USA: Sage Publications, 1974), pp. 236-237.

Graham Allison constructed different models – the rational actor, organizational process, and governmental politics models – to explain the guiding principles that the Kennedy administration applied during the Cuban Missile Crises.<sup>9</sup> Kenneth Waltz offered three ‘images of analysis’ as three different categories in understanding the causes of conflicts between states. While the first (human nature) and the second one (domestic make-up) describe forces for state policies, the third category (international system) offers the framework for international politics.<sup>10</sup> Valerie M. Hudson compiled different factors from the micro level with political psychology of world leaders to the international systems as the most abstract foreign policy assessment. As she argues, variables at different levels of abstraction ultimately interact in the real world.<sup>11</sup> What influences foreign policy, therefore, “depends on the situation at hand, on the one hand, and on how the researcher formulates his explanatory framework, on the other.”<sup>12</sup>

Mainstream theories, such as realism and liberalism, generally ignore religion as a source of influence in international relations. Even constructivism, which highlights ideational factors such as collectively held beliefs, norms and identities, underestimates the role of religion. Founding fathers of these three theories as well as their contemporary scholars mostly use secular terminology and hardly adopt religious notions and frameworks. As Carolyn M. Warner and Stephen G. Walker propose: “religion’s influence in the interactions of states is one of the great and least understood security challenges of the twenty-first century.”<sup>13</sup> Islam as an intervening variable that facilitates the formulation and implementation of specific foreign policies is overlooked as well. Different reasons can be given for limited literature on the subject. First of all, this is not unexpected from the Western perspective, for the West lacks a discourse on religion in international relations.<sup>14</sup> For this reason, as Elizabeth S. Hurd argues, it fails to understand the Islamic argument.<sup>15</sup> Second, the study of how Islamic faith affects political activity has been more the domain of social or political sciences and far less the domain of foreign policy analysis. In other words, Islam has gained dominance within the national boundaries, and little of it is seen in the area of international relations. Third, Islam is not tangible and easily

9 Graham T. Allison, “Conceptual Models and the Cuban Missile Crisis”, *The American Political Science Review* 63, no. 3 (1969), pp. 689-718. Accessed February 13, 2021. doi:10.2307/1954423.

10 Kenneth Waltz, *Man, the State, and War: A Theoretical Analysis* (New York: Columbia University Press, 2001).

11 Valerie M. Hudson, *Foreign Policy Analysis, Classic and Contemporary Theory* (Maryland: Rowman and Littlefield, 2007), p. 165.

12 Tayfur, “Main Approaches to the Study of Foreign Policy: A Review”, p. 138.

13 Carolyn M. Warner and Stephen G. Walker, “Thinking about the Role of Religion in Foreign Policy: A Framework for Analysis”, *Foreign Policy Analysis* (2011) 7, p. 113.

14 Maurits Berger, *Religion and Islam in Contemporary International Relations*, Netherlands Institute of International Relations ‘Clingendael’, 2010, p. 31., accessed December 20, 2020: [https://www.clingendael.org/sites/default/files/pdfs/20100400\\_cdsp\\_book\\_mberger.pdf](https://www.clingendael.org/sites/default/files/pdfs/20100400_cdsp_book_mberger.pdf)

15 Elizabeth S. Hurd, “Political Islam and Foreign Policy in Europe and the United States”, *Foreign Policy Analysis*, 3, no. 4, (2007), pp. 345-367.

observable in foreign policy so as to be explored systematically. Mehmet Ozkan and Kingshuk Chatterjee even contend that “it is not possible to essentialize any single set of values (except in very generalized terms) that can be identified as exclusively Islamic (i.e., found in no other belief system), or even generally understood as such across the Muslim world.”<sup>16</sup>

However, this elusive role of Islam in broader foreign policy needs further elaboration. First, Islam evolves in constant interaction with specific historical conditions. It is also in continuous interplay with diverse Muslim leaders. For example, Kemal Atatürk’s Turkey attempted to expel Islam from the Turkish Republic and Turkish leadership from the Islamic world. However, in Recep Tayyip Erdoğan’s Turkey, Islam appears to be a more important tool in foreign policymaking. Second, Islam as a religion has a different status in different Muslim states. Turkey clearly declared a separation of politics from religion; Saudi Arabia distinctly integrated royal power, religion, and the ruling family; Iran regards itself as an Islamic republic; Pakistan was founded in the name of Islam even though the state separates its political system from religion; Egypt, Syria, and Indonesia tacitly separate politics from religion without a clear declaration.<sup>17</sup> Third, unlike Catholic Church, Islam is not attached to any transnational institution. For that reason, its impact on foreign policy cannot be explored in the same way that Catholic religion can. Fourth, historical interpretations vary as different Muslim states follow different madhhabs, faith practices, and traditions. In some cases, these interpretations are rather dramatic. For example, Iran’s foreign policy occasionally focuses on traditionally inherent religious methods of Twelver Shi’ism, namely *taqiyyah*<sup>18</sup>. Fifth, Muslim diplomacies may differently value foreign policy ends which their Islamic ethics are well suited for. For example, while Saudi Arabia and Iran both define themselves as Islamic, the differences between their foreign policies could hardly be more dramatic.<sup>19</sup> Sixth, Islamization in the Muslim world is also a complex interaction of attributing values, wishful thinking, true beliefs, devotional, and oppressive instruction.<sup>20</sup> As Berger suggests, “it may very well be the discourse of the true

16 Mehmet Ozkan and Kingshuk Chatterjee, “Islamic Values in Foreign Policy – Perspectives on ‘Secular Turkey and ‘Islamic’ Iran”, in *Values in Foreign Policy: Investigating Ideals and Interests* (2019), p. 116.

17 WU Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, *Journal of Middle Eastern and Asian Studies* (in Asia) Vol. 5, No. 3, (2011): 2-3, accessed January 10, 2021: [http://mideast.shisu.edu.cn/\\_upload/article/dc/a8/516b324541b397b494938cdfd3f4/04f9994d-bbd1-4321-bc7d-d58c6c689e39.pdf](http://mideast.shisu.edu.cn/_upload/article/dc/a8/516b324541b397b494938cdfd3f4/04f9994d-bbd1-4321-bc7d-d58c6c689e39.pdf).

18 From one side, the doctrine of *taqiyyah* was fashioned as an instrument to safeguard the faithful and protect their lives while keeping alive the Shi’a claim to the spiritual primacy and leadership of the Islamic community. Carel M. Landsberg and Hussein Solomon, “How do Iranian Diplomats Negotiate?”, *American Foreign Policy Interest*, 32:1, (2010): 14-15, DOI: 1080/1080392090354808. Amir Taheri defined *taqiyyah* as ‘double dealing’ or the ‘pursuit of two different objectives at the same time.’ See: Amir Taheri, *The Spirit of Allah—Khomeini and the Islamic Revolution* (London, 1985), p. 110 and p. 232.

19 W. Andrew Terrill, “The Saudi-Iranian Rivalry and the Future of Middle East Security,” *Strategic Studies Institute*, Dec (2011), p. ix, accessed January 10, 2021: <https://www.files.ethz.ch/isn/142831/pub1094.pdf>.

20 Berger, *Religion and Islam in Contemporary International Relations*, p. 8.

believer, but also of the shrewd politician.” Seventh, Muslim countries that claim their foreign policies are being guided by Islam may have different motivations for their claim. On some occasions, it can be a particular understanding of Islam in a given situation (contextual); on others, Muslim states may also use Islam to legitimize any other course of action (instrumental).<sup>21</sup> Eight, Muslim states vary widely in size, geography, ideology, economic output, military or soft power. In practical terms, it makes it “difficult to find any two Muslim countries pursuing similar policies motivated by similar considerations of the faith in exclusion of other factors.”<sup>22</sup> Indeed, rather than making a general assessment, we ought to ask what country is picking what elements from the Islamic faith to pursue a foreign policy.

Alternative option would be to deny all those differences and pursue general foreign policy trends or seek its regularity-seeking nature. Such preference would be based on the uniformity status of Islam within the Muslim world. In other words, Muslim states would be unrestricted by any other barriers related to diverse geographies, ethnicities, cultures, faith practices, or madhabs. An often-presented assumption from this methodology is that Muslim countries with Islamic discourse as their common force would have radically different foreign policy goals, commitments or actions from those of Western countries. In this realm, Samuel Huntington most famously wrote his influential book on the ‘clash of civilizations’ and generalized Islamic civilization as a single variable or meta-force in international affairs. He also argues that a country’s religious heritage determines its enemies and allies in the post-Cold War era. Another similar hypothesis “is that a common religious heritage may provide common norms which, in turn, might facilitate convergence on policy, including international treaties.”<sup>23</sup> This scholarly approach to find regularity-seeking nature may also reveal some specific foreign policy issues such as common diplomatic efforts by Muslim countries within international bodies to have the defamation of Islam criminalized at the international level – efforts largely opposed by the EU member states on the grounds of protecting the rights to freedom of expression. However, this setting of the Muslim world against the Western world leaves out an important question, namely the role of Islam in relations within the Muslim world.<sup>24</sup> Huntington’s approach also leaves out individual, domestic or any other diversity within states with a Muslim majority. From that perspective, it is not easy to analyse Islam as monolithic entity because it is comprised of different interpretations, communities, and practices. Thus, an effort to assess the influence of religion in a particular case, for example, “Islam and the foreign policy making in Afghanistan,” might miss differences within Islamic tradition of that particular state and their potential varied influences on Kabul’s foreign policy.

21 Ozkan and Chatterjee, “Islamic Values in Foreign Policy...”, p. 116.

22 Ozkan and Chatterjee, “Islamic Values in Foreign Policy...”, p. 116.

23 Warner and Walker, “Thinking about the Role of Religion in Foreign Policy...”, p. 119.

24 Berger, *Religion and Islam in Contemporary International Relations*, p. 3.



## Three levels of analysis

This article explores the question of how several Muslim states, restricted by their particularities, have incorporated Islam into their foreign policy. The issue at hand is not only about Islam as a religion *per se*, but Islam as an identity, culture, a belief system, or any other major element derived from the social tradition of Islam. The article excludes politics, norms or values that are claimed to be 'Islamic' by violent and outrageous groups such as Da'ish (or the Islamic state). This study approaches three major levels in foreign policy analysis - individual and domestic (within nation-states), and international (between nation-states) - and looks for specific occasions of any major impact using diverse theoretical frameworks, methodologies and literature on the subject. In the first part, the article selects few prominent Muslim leaders and reviews the relationship between their Islamic leanings on the one side and foreign policy views, commitments, and actions on the other. Certainly, in reviewing the recent diplomatic history across the Muslim world, it would be difficult to portray all major events as simply a consequence of geopolitical realities, ignoring the impact of Muslim leaders such as General Muhammad Zia-ul-Haq, Suharto, Ayatollah Ruhollah Khomeini, Mahathir Mohamad, Saddam Hussain, Recep Tayyip Erdogan and others. Their often-debated individual attempts to Islamize or de-Islamize their states domestically is not our subject and is therefore largely ignored in this part. The second part selects a few Muslim countries and reviews how their shared Islamic ideas, identities, norms, symbols or regime ideology shape their foreign policy preferences. In some specific cases, it also reviews local Islamic groups with a profound impact on foreign policymaking. Again, their impact on social or domestic environments is not the subject of this article and is therefore largely ignored. In the third part, the article reviews, in both directions, the relationship between Islamic incentives and pressures within selected Muslim states, on the one hand, and sudden geopolitical changes from the external environment, on the other. The emphasis here is on the international system or the regional subsystem in which more powerful Muslim states operate mainly by the rules of balancing behaviour.

Indeed, there are limits to what each level of analysis can offer in this regard. For example, neither the human nature of Saudi King Faisal nor the Saudi domestic context during his reign in the mid-60s can fully explain the Islamic unity and solidarity that Saudi Arabia's foreign policy promoted in the regional subsystem at the time. In this regard, it is expected to find many occasions in which Islamic constraints from different levels interplay and interact with or reinforce each other. Thus, individual traits of Ayatollah Rouhollah Khomeini have interacted with domestic attributes inaugurated by the 1979 Islamic Revolution and external realities from the international system to promote Iranian foreign policy of "Neither East, nor

West, Islamic Republic”. It is also important to highlight here that all the Islamic related constraints throughout this text are treated as they appear in a given time in each specific case. The study does not attempt to characterize them as more or less religious or more or less Islamic; nor does it attempt to moralize the field of foreign policy by declaring specific diplomatic moves contrary to Islamic discourse or in conformity with it. Instead, it brings various and, on some occasions, opposing views on the subject as different foreign policies that are being labelled as Islamic may be Islamized for other underlying purposes.

## Muslim leaders and Islamic related constraints on foreign policymaking

Foreign policy is ultimately formulated and implemented by individuals in leadership positions, “suggesting that obvious and important avenues of research in the role of religion in foreign policy are the beliefs of leaders.”<sup>25</sup> The behavioural school also equated the state with concrete decision-maker(s) whose behaviour can easily be observed in a systematic way.<sup>26</sup> Therefore, the question of who draws what Islamic ideas among prominent Muslim leaders to pursue certain foreign policies must be essential.

It is generally accepted that the influence of the political elite is hierarchical. The higher the rank of the individual in the state, the greater influence he or she exerts. Though he was not effective and long serving, Turkey’s first Islamist prime minister Necmettin Erbakan “openly called for the creation of an Islamic version of the North Atlantic Treaty Organization, an Islamic United Nations, an Islamic common market, and a group of eight developing Islamic nations (D-8) to counter the industrialized Group of Seven (G-7).” He also “turned down invitations to Europe and opted instead to visit Muslim countries throughout Asia and Africa, including decidedly anti-Western nations like Iran and Libya.”<sup>27</sup> In some cases, if an individual can make a difference in the foreign policy of a given state it will stem from how he or she sees the world.<sup>28</sup> The way Ayatollah Ruhollah Khomeini saw the world around him at the peak of his political authority strongly, if not exclusively, shaped the Islamic Republic’s foreign policy. According to James H. Kruse, Khomeini’s world was divided into oppressors and the oppressed. “The US and the Soviet Union were clearly the leading oppressors and divided the world

25 Warner and Walker, “Thinking about the Role of Religion in Foreign Policy...”, p. 126.

26 Tayfur, “Main Approaches to the Study of Foreign Policy: A Review”, p. 120.

27 Gregory A. Burris, “Turkey-Israel: Speed Bumps”, *Middle East Quarterly*, Fall 2003, Volume 10, pp. 67-80, accessed March 4, 2021 <https://www.meforum.org/569/turkey-israel-speed-bumps>.

28 Tayfur, “Main Approaches to the Study of Foreign Policy: A Review”, p. 131.

between their capitalist and socialist views.”<sup>29</sup> His world was also divided into “those who follow the ‘right path’, the ‘path of God and belief’ and those who follow the ‘corrupt path’, the path of Satan and disbelief”.<sup>30</sup> This led to Khomeini’s support for an isolationist foreign policy of “neither east, nor west.”<sup>31</sup>

M. Hermann identifies other circumstances in which leadership assessment is more important. According to her, it is more suitable when the head of state is charismatic.<sup>32</sup> General Muhammad Zia-ul-Haq, the ruler of Pakistan (1977-1988), was a charismatic political figure responsible for turning his country into a global centre for political Islam.<sup>33</sup> His motivation possibly included Zia’s piety that came from his religious family.<sup>34</sup> It was also reinforced by strong incentives from local Islamic organizations. During his reign, religion and politics were the most closely connected in Pakistan’s history.<sup>35</sup> In his case, individual and domestic constraints largely interplayed. Notwithstanding his intention to Islamize Pakistan domestically and enforce often argued and disputed Nizam-e-Islam, no less significant was Zia-ul-Haq’s interest in promoting the unity of Muslim Ummah. Thus, he drew on Pakistan’s Islamic, trade, and military ties to the Middle East, including stationing Pakistani troops in Saudi Arabia and training missions in several other countries. He played a prominent role in the OIC by serving on committees concerning the status of Jerusalem and the Iran-Iraq war. He also played a key role in the readmission of Egypt to the OIC at the 1984 summit at Casablanca.<sup>36</sup>

On the opposite side was the Indonesian leader Suharto (1965-1998). Even though he ruled over a state with the largest number of citizens professing the Islamic faith in the world, his authoritarian regime repressed political Islam at home and banned it from Indonesian foreign policy.<sup>37</sup> With a strong human agency that interplayed with a strong and secular military, Islamic attributes

29 James H. Kruse, “Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic and Ideological Factors” (Unpublished Master thesis, Naval Postgraduate School, California, 1994), p. 53, accessed 10, 2021, <https://calhoun.nps.edu/bitstream/handle/10945/28116/determinantsofir00krus.pdf?sequence=1&isAllowed=y>.

30 Shireen T. Hunter, *Iran and the World, Continuity in a Revolutionary Decade* (Bloomington and Indianapolis: Indiana University Press, 1990), p. 37.

31 Kruse, “Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic...”, p. 53.

32 M. Hermann, “Circumstances under Which Leader Personality Will Affect Foreign Policy: Some Propositions”, in *In Search of Global Patterns*, J. Rosenau (ed.) (New York: Free Press, 1976), pp. 326-32.

33 Husain Haqqani, *Pakistan: between mosque and military* (Washington: Carnegie Endowment for International Peace, 2005), p. 131.

34 Haqqani, *Pakistan: between mosque and military*, p. 132.

35 Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, pp. 2-3.

36 Sabiha Hasan, “The Casablanca Islamic Summit”, *Pakistan Horizon* 37, no. 1 (1984), pp. 74-87, accessed February 14, 2021: <http://www.jstor.org/stable/41403909>. See also: Defense Journal, *Special Report* (April 1998), accessed January 10, 2021: <http://www.defencejournal.com/april98/ziaregime.htm>.

37 Ann Marie Murphy, “Islam in Indonesian Foreign Policy: The Limits of Muslim Solidarity for the Rohingya and Uighurs”, *The Asan Institute for Policy Studies* (Dec 08, 2020), p. 1, accessed December 25, 2020: <http://en.asaninst.org/contents/islam-in-indonesian-foreign-policy-the-limits-of-muslim-solidarity-for-the-rohingya-and-uighurs/#2>.

could not constrain Indonesian relations with other Muslim or non-Muslim states in any meaningful way. Only with his resignation in May 1998 did Islam become noticeable in the policymaking process. Some changes were already visible under President Susilo Bambang Yudhoyono (2004-2014), whose operational and psychological environments were seemingly different from Suharto's. In a speech in Saudi Arabia, Yudhoyono reviewed many problems the Muslim community faced, including "Islamophobia," and argued that Muslims should respond by embracing "technology and modernity and a culture of excellence." Noting that Islam was not only a religion of peace, but also one of progress, Yudhoyono also called for an Islamic renaissance and urged his Muslim brethren to embrace globalization, reach out to non-Muslims, and cooperate against terrorism.<sup>38</sup> His motivation to include an Islamic reference in the Indonesian foreign policy also interplayed with more important emergence of Islam as a political force in the Indonesian domestic politics. In the same light, individual inputs of Yudhoyono's successor Joko Widodo, who called for a "middle way" form of Islam (*wasatiyyah Islam*)<sup>39</sup> in Indonesia's foreign policy, were expectedly reinforced by much stronger domestic factors that we will discuss in the next part.

If ever there was a Muslim leader whose foreign policy performance also called for qualitative interpretation, surely it is the Mahathir Mohamad's Administration in Malaysia. He promoted an Islamic image of the country internationally but he did that "over and beyond any of its predecessors."<sup>40</sup> The significance of Islam in his foreign policy has to be understood in terms of Mahathir's understanding of the significant role that Islam plays in the mindset and values of the Malays.<sup>41</sup> To Mahathir, according to Ahmad Faisal Muhamad, "the problems of Muslim Malays are not unique to them, but typical of the Muslim *ummah* as a whole."<sup>42</sup> In this regard, individual and domestic constraints in this particular case interacted and reinforced each other. In terms of foreign policy commitments, the Malaysian

38 President Susilo Bambang Yudhoyono, Speech at Islamic University of Iman Muhammad Bin Sa'ud, Riyadh, Saudi Arabia. See: Murphy, "Islam in Indonesian Foreign Policy: The Limits of Muslim Solidarity for the Rohingya and Uighurs", p. 2.

39 Evan Laksmana, "Will religious sectarianism change Indonesian foreign policy?", *The Strategist* (December 11, 2018), accessed February 25, 2021, <https://www.aspistrategist.org.au/will-religious-sectarianism-change-indonesian-foreign-policy/>. See also: KH Ma'ruf Amin, "Emergence of Wasatiyyah Islam: Promoting 'Middle Way' Islam and Socio-Economic Equality in Indonesia", An excerpt of his Distinguished Lecture at RSIS in Singapore on 17 Oct 2018, S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU), Singapore, accessed February 25, 2021, <https://www.rsis.edu.sg/rsis-publication/rsis/emergence-of-wasatiyyah-islam-promoting-middle-way-islam-and-socio-economic-equality-in-indonesia/#.XAbIsy2ZM1g>.

40 Shanti Nair, *Islam in Malaysian Foreign Policy* (London and New York: Routledge, 1997), p. 269.

41 Ahmad Faisal Muhamad, "The Struggle for Recognition in Foreign Policy: Malaysia under Mahathir 1981-2003", A thesis submitted for the degree of Doctor of Philosophy in International Relations, 2008, p. 245.

42 Ahmad Faisal Muhamad, "The Struggle for Recognition in Foreign Policy: Malaysia under Mahathir 1981-2003", p. 245.

Prime Minister was outspoken on issues where Muslim people were victimized by non-Muslim states. His sentiments can be summarized by the following words: 'We are all Muslims. We are all oppressed. We are all being humiliated.'<sup>43</sup> He also raised the issue of a pitiful state of Muslim affairs and concerns of contemporary conditions of Muslim ummah and Islam. Mahathir's opening remarks at KL Summit from December 2019 illustrate his deep-seated concerns:

The Muslims are running away from their own countries to seek refuge in non-Muslim countries. We cannot deny that we are largely dependent on the non-Muslims for most of our needs. In fact, although the Quran enjoins us to be prepared to protect the ummah, we are unable to do so because for a long time we cannot even equip ourselves with means to ward off attacks by others... If the future remains as we are now, we will suffer continues oppression, we will decline further, and our great religion will be denigrated as a religion of a failure...<sup>44</sup>

In terms of specific foreign policy actions, Mahathir repeatedly raised in multilateral and bilateral forums the challenges of his time, in particular the issues of Palestine and Bosnia and Herzegovina. For example, Mahathir announced that his administration would accord the Palestinian Liberation Organization (PLO) diplomatic status in 1981, making Malaysia the only country in Southeast Asia and the second in the world, after Pakistan, to do so at the time.<sup>45</sup> He also emerged as an outspoken champion of the Bosnian cause. Driven by his principles, he severed relations with Belgrade and used any opportunity to vocally criticize the West for tolerating rampant injustices towards the Bosnians. Similar expressions of solidarity were made by other Muslim leaders. Tansu Çiller caused a stir when, without Israel's approval, she visited the Palestinian headquarters in eastern Jerusalem known as the Orient House and met with a Palestinian delegation in 1994.<sup>46</sup> In the same year, Çiller and Benazir Bhutto, then prime minister of Pakistan, also visited Sarajevo under siege and demonstrated their political support for the besieged Bosnian government.

Some may look for more empirical approaches in assessing the relationship between individual decision-makers from Muslim-majority states and their foreign policy outcomes. In such cases, it is not an easy task to define a notion of what it means to be a Muslim foreign policy leader guided by his or her Islamic faith. For this reason, analysts may look for other individual attributes that can reveal

43 Prime Minister Mahathir bin Mohamad at the opening of the tenth session of the summit of the Organization of Islamic Conference, 16 October 2003; See also: Berger, *Religion and Islam in Contemporary...*, p. 20.

44 Prime Minister Mahathir bin Mohamad at the opening of the KL Summit, December 19, 2019, accessed March 10, 2021: <https://www.youtube.com/watch?v=w2CagBqqZns>.

45 Nair, *Islam in Malaysian Foreign Policy*, p. 269.

46 Burris, "Turkey-Israel: Speed Bumps", pp. 67-80.

some sensitivities with Islam or expose their absence from foreign policymaking. Leadership and cognitive theories come close to this conceptualization of mutually interwoven elements of culture, worldview, and religion. Hermann, for example, involves psychological traits to yield fruitful insights into the nature of leadership. As a result of her framework, one can systematically learn whether decision-makers from Muslim-majority states score low or high on nationalism. This particular score indirectly discloses whether the same decision-makers perceive their “ingroup” more or less as fellow Muslims. Hermann also demonstrates that combinations of related traits define a specific leadership style.<sup>47</sup> In this regard, one might explore what Muslim leader has an evangelistic profile that is characterized by “persuading others to join one’s mission and mobilizing others around one’s message”.<sup>48</sup> These characteristics that interrelate with religious constraints may predispose a person to a certain type of foreign policy action.

Different authors have already measured the influence of these traits on foreign policymaking in Muslim-majority states. Aylin S. Gorener and Meltem S. Ucal investigated Recep Tayyip Erdogan’s worldview to evaluate its impact on his foreign policies in 2009.<sup>49</sup> In comparison with the reference group consisting of 214 political leaders from around the world, Erdogan’s low scores on nationalism indicate that he defines his “ingroup” more as fellow Muslims. For Gorener and Ucal “Erdogan perceives Islamic identity as one that subsumes all other differences among people and nations”. Hakan Yavuz similarly claims that “Erdogan has no special sense of nationalism or of being a Turk... From Erdogan’s perspective, a nation is a religious community and the people of Turkey constitute a nation by sharing Islam.”<sup>50</sup> Among different foreign policy moves that reflected his style is Ankara’s interest within the Organization of Islamic Cooperation and its intention to utilize religious diplomacy at the institutional level.<sup>51</sup> With the election of Ekmeleddin Ihsanoglu as the OIC secretary-general in 2004, Turkey upgraded its role within the OIC structure to the highest level.<sup>52</sup> In addition to Erdogan’s low score on nationalism, his high level of distrust of others “leads him to approach

47 Margaret G. Hermann, “Assessing Leadership Style: A Trait Analysis”, in *The Psychological Assessment of Political Leaders - With profiles of Saddam Hussein and Bill Clinton*, Jerold M. Post (ed.) (Ann Arbor: University of Michigan Press, 2003), p. 185.

48 Hermann, “Assessing Leadership Style: A Trait Analysis”, p. 195.

49 The profile of Erdogan is derived from 53,629 words collected from interviews and press conferences from January 1, 2004, to December 31, 2009. See: S. Gorener and Meltem S. Ucal, “The Personality and Leadership Style of Recep Tayyip Erdogan: Implication for Turkish Foreign Policy”, *Turkish Studies*, Vol. 12, No. 3 (2011), p. 366, accessed Dec. 10, 2014 DOI: 10.1080/14683849.2011.604216.

50 M. Hakan Yavuz, *Secularism and Muslim Democracy in Turkey* (Cambridge: Cambridge University Press, 2009), p. 120; Deborah Sontag, “The Erdogan Experiment”, *New York Times* (May 11, 2003), Yavuz (2009), p. 131.

51 Ozkan and Chatterjee, “Islamic Values in Foreign Policy...”, p. 119.

52 Mehmet Ozkan, “Turkey in the Islamic World: An Institutional Perspective”, *Turkish Review of Middle East Studies* 18 (2007), pp. 159–93.

politics as a battle between good and evil and as a struggle to defend his kind.”<sup>53</sup> His aggressive policy toward Israel is “an exemplar of his attitude toward those whom he does not perceive as reliable dialogue partners”. In this regard, “there is no denying that his religious sentiments play a significant part in who he deems as friends or foes”.<sup>54</sup> Gorener and Ucal have finally concluded that Erdogan exhibits behaviour consistent with *evangelical* leadership style. Such leaders are the least sensitive to the political context. Their most important goal is to attract as many people to their cause as possible.

Former Iranian president Mahmoud Ahmadinejad also scores low on nationalism in comparison to the reference group and shares some features of evangelistic leadership style as well.<sup>55</sup> On different occasions, he used religiously inspired terminology and presented himself as a spiritual leader and messianic missionary. An example of it is a rather vague 18-page letter that he sent to President Bush in Farsi on May 9, 2006. In this letter, Ahmadinejad quoted holy verses and discussed religious values and history. The following part is very illustrative:

We increasingly see that people around the world are flocking towards a main focal point - that is the Almighty God. Undoubtedly through faith in God and the teachings of the prophets, the people will conquer their problems. My question for you is: Do you not want to join them?

Interestingly, Ahmadinejad does so by avoiding words like ‘Islam’ or ‘Muslim’. “He actually does not take the position of a Muslim speaking on behalf of an Islamic republic, but as a member of the international community who argues for the introduction of ethical values - preferably monotheistic values - into international relations.”<sup>56</sup> Part of his much longer statement at the UN from September 19, 2006 is a good illustration: “The Almighty and Merciful God, who is the Creator of the Universe, is also its Lord and Ruler. Justice is His command. He commands His creatures to support one another in good, virtue, and piety, and not in decadence and corruption. He commands His creatures to enjoin one another to righteousness and virtue and not to sin and transgression.”<sup>57</sup>

53 Gorener and Ucal, “The Personality and Leadership Style of Recep Tayyip Erdogan: Implication for...”, p. 375.

54 Gorener and Ucal, “The Personality and Leadership Style of Recep Tayyip Erdogan: Implication for...”, p. 373.

55 Selected data that the author of this analysis conducted included 36,107 words. All selected transcripts focused primarily on foreign policy issues. They involved 4 of his speeches at UN forums and 6 of his interviews for international media throughout his presidency. Data analysis was conducted with *Profiler Plus*.

56 Berger, *Religion and Islam in Contemporary International Relations*, p. 21.

57 Statement of Iranian President Mahmoud Ahmadinejad before the Session of the UN General Assembly, September 19, 2006, accessed March 11, 2014: <http://www.npr.org/templates/story/story.php?storyId=6107339>, also accessed on official web site of Iranian Embassy at United Nations on March 10, 2014, <http://iran-un.org/en/2006/09/19/19-september-2006/>.

Given the common leadership style between Erdogan and Ahmadinejad, this article finds it possibly instrumental for cordial and brotherly relations between Turkey and Iran in the late 2000s and early 2010s. For example, referring to the Iranian President Mahmoud Ahmadinejad, Erdogan says, “there is no doubt he is our friend ... as a friend so far we have very good relations and have had no difficulty at all.”<sup>58</sup> On the other hand, the Iranian government led by Ahmadinejad trusted Turkey more than other nations and therefore selected Istanbul as the venue for important nuclear talks with five permanent UN Security Council members, the USA, Russia, China, Britain and France, plus Germany in January 2011. Iran, Turkey and Brazil also signed the Tehran declaration in May 2010 whereby Iran agreed “to deposit 1200 kg LEU (Lightly Enriched Uranium) in Turkey”.<sup>59</sup> This event was joyfully marked at the end of the signing ceremony when then Prime Minister Erdogan crossed the room, joined group of journalists and made photos of smiling at then presidents Ahmadinejad and Lula. As for other issues, Erdogan and Ahmadinejad also made complementary complaints about the functioning of the existing international order and the UN system based on an unequal distribution of power. As Erdogan famously stated in his speech at the 74<sup>th</sup> UN General Assembly, “the world is bigger than five”, his doctrine entered textbooks. Ahmadinejad also called throughout his presidency for the veto power in the UN Security Council to be removed.

This chapter may be concluded with leadership traits of then Iraqi president Saddam Hussein. His profile was compiled from an overview of 21,000 words from compiled interviews he had given since 1979. Given his high scores on nationalism and distrust of others, he was likely to take actions on his own, different from those of other leaders with lower scores on nationalism. Furthermore, he likely perceived the world as highly anarchic and full of threats. As Hermann explains, all the scores of Saddam Hussein suggested that he had an expansionistic orientation in politics.<sup>60</sup> However, his high scores on nationalism and distrust of others also resembled his eccentric interpretation of Islam that Ba‘thist intellectuals had developed in the mid-twentieth century. For Saddam Hussein and many other Ba‘thists, Islam was the religion of Arabs.<sup>61</sup> As Samuel Helfont maintains, Saddam Hussein considered non-Arab Muslims to be lesser Muslims and expected them to recognize the special role of the Arab people.<sup>62</sup>

58 “Iran is Our Friend” says Turkish PM Recep Tayyip Erdogan”, *Guardian*, October 26, 2009.

59 Julian Berger, *The Guardian*, accessed December 10, 2020: <https://www.theguardian.com/world/julian-borger-global-security-blog/2010/may/17/iran-brazil-turkey-nuclear>.

60 Saddam Hussein’s profile was derived from an assessment of 21,000 words compiled interviews he had given since 1979. His trait results were compared with leaders from the Middle East representing the first reference group and a group of 87 heads of state representing the second norming group. Hermann, “Assessing Leadership Style: A Trait Analysis”, p. 185.

61 Samuel Helfont, “The Legacy of Saddam’s Islam”, *The Caravan*, Hoover Institutions: December 4, 2018, accessed January 13: <https://www.hoover.org/research/legacy-saddams-islam>.

62 Helfont, “The Legacy of Saddam’s Islam”.



Though Islamic constraints on foreign policymaking are not limited to the selected Muslim leaders from this analysis, they are sufficient to present the diversity of their foreign policy views, commitments and actions. The selected leaders are also sufficient to demonstrate that a strong and charismatic leadership may act as an intervening variable in a limited number of foreign policy issues - promoting relations within the Muslim world, boosting Islamic solidarity, voicing out violations of human (Muslim) rights, calling for a “middle way” (*wasatiyyah Islam*), addressing the pitiful state of Muslim affairs, in short, putting related Islamic issues on their foreign policy agenda.

## Domestic level and Islamic-related constraints on foreign policymaking

In addition to their individualities, leaders almost always face domestic constraints on foreign policymaking.<sup>63</sup> At this level, it largely concerns two theoretical frameworks. On the one hand, it is about domestically shared ideas, beliefs and identities, which is more related to constructivist approach in IR. On the other, it brings common ideology, interests and institutions into foreign policy analysis, which is more related to liberalism. In this paper, it seems appropriate to limit the scope and delve into the pressures placed by: (1) attributes embedded in shared Islamic symbols, principles or norms on the one hand, and (2) Islamic ideas, interests and institutions from local Islamic organizations, parties and pressure groups with access to policymakers, on the other.

Following the 1979 Islamic Revolution in Iran, virtually all of the domestic attributes that theorists argue are important in foreign policy formulation radically changed, in particular the ideology which affected values and objectives, the institutions which developed and implemented foreign policies, and the political elite with new conceptions of national goals and interests.<sup>64</sup> Such radical domestic change in any given state is also expected to alter conditions outside of its sovereign territorial boundaries, which was what the Islamic Republic of Iran did in 1979 in its relations to the systemic powers of the US and Soviet Union and regional powers in the neighbourhood, which is why the same year was marked as a turning point in the history of Islam and international relations.

Constructivist IR scholars have been the main proponents of collective ideas and norms as sources of influence. Furthermore, these ideas and norms construct

63 Marijeke Breuning, *Foreign Policy Analysis – A Comparative Introduction* (New York: Palgrave Macmillan, 2007), p. 116.

64 Kruse, “Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic and Ideological Factors.”

identities and interests and eventually shape foreign policy preferences. Islamic religion embedded in a country's national identity is quite compatible with these propositions. For example, in a typical theocratic state, such as Saudi Arabia, Islam is enacted as the faith of citizens. This faith reflects their collective Islamic identity that, according to constructivist approach, is expected to result in specific foreign policy preferences. Saudi Arabia is also "a state of monarchy operating in a system that integrates politics with religion, where there is no constitution, no political party, and no secular legal system."<sup>65</sup> Speaking of principles and orientations in its foreign policy, the fundamental objective appears to carry forward the "orthodoxy" of Islam, achieve its national interests through Islam, and even consolidate its status as a leader of faith in the Islamic world.<sup>66</sup> In one of his public speeches, King Faisal emphasized Saudi foreign policy as being based on religious doctrine: "The affair of Israel and usurped Palestine is neither political nor economic. It is an affair putting in question the basics of Islam."<sup>67</sup> These foreign policy orientations were also the guidelines for specific foreign policy actions, however limited they were. In some cases, Saudi Arabia spent its financial resources and used its political leverage to defend the rights of Islamic faith and protect the interests, dignity and national rights of Muslim majorities or minorities in countries that were occupied or exposed to external powers, such as those in Palestine or Bosnia and Herzegovina. For example, Saudi Arabia has at numerous occasions offered its good offices to help mediate the PLO-Hamas divide.

At the same time, the Saudi dependency on the US for security reasons was deemed un-Islamic and occasionally challenged domestically by dissidents, clergy and religious scholars. This is another example of how their shared ideas and beliefs impact the Saudi foreign policy preference, however limited their success might be. In September 1992, over 100 members of religious and political opposition groups jointly presented a "memorandum of expostulation," which described their viewpoints of the Saudi Arabian foreign policies since the beginning of the Gulf War. They also requested that the Saudi Arabian royal family should listen to commoners' opinions and suggestions and avoid the political alliance with the US which, according to them, violated the religious law of Islam.<sup>68</sup> In the light of these pressures, the Saudi government tended to separate its foreign policy from domestic policy. At home, it would maintain a harder line on issues like the Arab-Israeli conflict and solidifying the unity of the Muslim *umma*.<sup>69</sup> In the international arena, it could slightly adjust its behaviour from time to time. One

65 Yungui, "The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries", pp. 3-4.

66 Yungui, "The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries", pp. 3-4.

67 William Ochsenwald, "Saudi Arabia and the Islamic Revival", *International Journal of Middle East Studies* 13.3 (1981), p. 276 (271-28), See also: Altoraiifi, p. 121.

68 Yungui, "The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries", pp. 13-14.

69 Altoraiifi, "Understanding the Role of State Identity in Foreign Policy Decision...", p. 121.

such example was the bilateral agreement with the US for it to retreat its air forces from the Saudi Arabian airbases after 9/11.<sup>70</sup> The story becomes even more complicated when the domestic context pushes Saudi Arabia to act as a defence wall of Sunni Muslims in the Middle East or Central Asia region against the surging expansion of Shia-dominated Iran. In this respect, the thin line that separates Islamic from sectarian constraints becomes even thinner.

If the state's identity is defined as strictly Islamic, as was in Iran after 1979, it is likely that religious factors will strongly affect its foreign policy. The Islamic Republic of Iran also changed the focus of diplomacy after the Islamic revolution to emphasize the religious dimensions that remained largely alien to the international community.<sup>71</sup> As Douglas Johnston notes, the world suddenly came "face to face" with religion as the missing and (often) ignored dimension of statecraft.<sup>72</sup> Various other authors also discussed new normative doctrines that originated in the Iranian/Islamic revolution. First, the constitution of 1979 granted supremacy to the supreme leader based on Khomeini's principle of the *velayat-e faqih*. Under this principle, the supreme leader was the ultimate authority and the earthly trustee of the Shia "Hidden Imam" until his reappearance near the Day of Judgment.<sup>73</sup> Second, the Preamble of the 1979 Constitution of the IRI declared other essential but contentious elements:

With due considerations to the Islamic content of the Iranian revolution, which was a movement for the victory of all the oppressed people over their oppressors, the Constitution paves the way for the perpetuation of this Revolution in and outside of the country, particularly in the area of expansion of international relations with other Islamic and peoples' movements; it tries to prepare the ground for the creation of a single world community and the perpetuation of the struggle for delivering all the deprived and oppressed nations of the world.

Article 152 of the Iranian Constitution also underlines the foreign policy based on "defence of the rights of all Muslims." While it refrains from the interference in internal matters of other nations in Article 154, it supports just struggles of the Mustad'afun (oppressed) against the Mustakbirun (oppressors) in any corner of the world.<sup>74</sup> In light of these principles, it is easier to understand Iran's foreign

70 Yungui, "The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries", p. 14.

71 Landsberg and Solomon, "How do Iranian Diplomats Negotiate?", p. 13.

72 Douglas Johnston, "Introduction— Realpolitik Expanded", in *Faith-Based Diplomacy - Trumping Realpolitik*, D. Johnston (ed.) (New York, 2003), pp. 3–4.

73 David E. Thaler et al., *Mullahs, Guards, and Bonyads: An Exploration of Iranian Leadership Dynamics* (Santa Monica: Rand Corporations, 2010), p. 24.

74 "Constitution of the Islamic Republic of Iran 1979"; accessed on March 11, 2016, <http://en.parliran.ir/index.aspx?siteid=84&pageid=3053>. [http://en.parliran.ir/UploadedData/previmages/iran-parliament\\_English\\_SHR01.pdf](http://en.parliran.ir/UploadedData/previmages/iran-parliament_English_SHR01.pdf).

policy commitments and behaviour. Amir M. Haji-Yousefi found their impact on Iran's external relations in the realm of goals and strategies.<sup>75</sup> The Iranian negotiating approach becomes also faith-based according to Landsberg and Solomonn. It focuses on religious methods that are traditionally an inherent part of Twelver Shi'ism, namely *taqiyyah*<sup>76</sup>, *tanfiḥ*<sup>77</sup>, and *khod'eh*.<sup>78</sup> Anoushiravan Ehteshami and Mahjoob Zweiri speak of Iran's support for Islamic resistance and undertakings to portray itself as the heart of the Muslim world.<sup>79</sup> However, critical voices would link these doctrines with threatening and contentious activities - that is exporting the Iranian revolution to other Muslim countries in the region, at least in the initial stage. According to James H. Kruse, Iran sought to expand its revolution to the neighbouring states and encouraged the "oppressed peoples" to rise up against their "corrupt illegitimate governments."<sup>80</sup> Noof Rashid ALDosari links the Preamble of the Iranian Constitution with global aspirations of the Iranian state that advocates for a single world community ruled by the Supreme Leader. As he argues, it offered Iranian Islamic imperialism against Western imperialism.<sup>81</sup> Rakel highlights a dilemma in the Iranian geopolitical culture of whether the Iranians should identify with the ummah (Islamic community), as was proclaimed by Ayatollah Khomeini, or with Iran as a nation-state, as former Presidents Rafsanjani and Khatami see it.<sup>82</sup> Roger M. Savory holds that new ideology was employed to generate political activism in foreign affairs. It was also used as the basis for attempts to subvert the governments of other states. Countries from the region soon realized that the ideology of the Islamic Revolutionary Movement which had brought Khomeini to power had an external as well as an internal dimension.<sup>83</sup>

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- 75 Haji-Yousefi, "Iran's Foreign Policy during Ahmadinejad: From Confrontation to Accommodation", p. 3.
- 76 The doctrine of *taqiyyah* was fashioned as an instrument to safeguard the faithful and protect their lives while keeping alive the Shi'a claim to the spiritual primacy and leadership of the Islamic community. Landsberg and Solomon, "How do Iranian Diplomats Negotiate?", p. 14; Amir Taheri defined *taqiyyah* as "double-dealing" or the "pursuit of two different objectives at the same time", Amir Taheri, *The Spirit of Allah—Khomeini and the Islamic Revolution* (London, 1985), p. 110 and p. 232.
- 77 The key message is that a given country must wait, doing nothing until it becomes centre of gravity by default. By employing this indirect and static tactic, Iran intends to weaken the enemy's position and take the sting out of (its) potential enemies. Landsberg and Solomonn, "How do Iranian Diplomats Negotiate?", pp. 14-15; Amir Taheri defines *tanfiḥ* as a strategy of aloofness that suggests that one is "judiciously doing nothing", see also: Taheri, *The Spirit of Allah—Khomeini and the Islamic Revolution*, p. 109 and p. 233.
- 78 Amir Taheri defines *khod'eh* as the historic Shi'a tradition of tricking one's enemies to benefit from them. The frequent use of half-truths instead of direct lies is a well-known *khod'eh* tactic. Landsberg and Solomonn, "How do Iranian Diplomats Negotiate?", p. 15; See also: Taheri, *The Spirit of Allah—Khomeini and the Islamic Revolution*, p. 233.
- 79 A. Ehteshami and M. Zweiri (ed.), *Iran's Foreign Policy / From Khatami to Ahmadinejad* (Reading: ITHA-CA Press, 2011), Introduction xiii.
- 80 Kruse, "Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic..." p. 109.
- 81 N. Rashid ALDosari, "Foreign Policy from Khatami to Ahmadinejad: There is One Foreign Policy in Iran, which is Khamenei's Foreign Policy", *Foreign Policy* 2, no. 1 (2015), p. 49.
- 82 E. P. Rakel, "The Iranian Political Elite, State and Society Relations, and Foreign Relations since the Islamic Revolution", PhD dissertation, Amsterdam Institute for Social Science Research (AISSR) (2008), p. 45.
- 83 Roger M. Savory, "Religious Dogma and the Economic and Political Imperatives of Iranian Foreign Policy", in *Iran at the Crossroads*, Routledge, (2019), p. 52.

The second emphasis of this part is on countries in which local Islamic organizations appear to impact foreign policy. They generally carry out social, political and economic functions and, in some Muslim-majority societies, they are quite active. Indonesia is, again, a good reference point. It is also a country where individual and domestic constraints were interacting and reinforcing each other. In addition to the resignation of Suharto in 1998, the Indonesian political system also changed by becoming less authoritarian and more democratic. Islamic political parties and pressure groups were not only mushrooming but also playing a wider domestic role in the policymaking process. Many of them adopted Islam as their shared ideological orientation and utilized Islam as their political linkage between the party, Muslim communities, and the state.<sup>84</sup> Anak Agung Banyu Perwita believes this phenomenon was one of the crucial indicators of dramatic changes in Indonesia's domestic political map and of the re-emergence of Islam as a political force in Indonesia's domestic politics and foreign policy.<sup>85</sup> Ann Marie Murphy also agrees that only during the democratic era did Islam play a role in Indonesian foreign policy. "Incorporating it into foreign policy is at once a reflection of domestic values, a result of bottom-up domestic pressure, and a strategic response to a post-September 11 environment in which Indonesia's democracy, reputation for toleration, and moderate form of Islam were perceived as domestic assets that could be leveraged in foreign policy."<sup>86</sup>

New ideational factors in Indonesia brought new items to the Indonesian foreign policy agenda. Islamic factor was argued to manifest itself most prominently "in efforts to promote the rights of Muslims persecuted abroad" or "policies toward conflicts in which Muslims are victimized" since these are issues that resonate with Islamic domestic constituencies.<sup>87</sup> Traditionally, this impetus manifested itself mostly in Indonesian policy toward the Middle East, particularly in support of Palestinian independence, opposition to the 2001 invasion of Afghanistan, opposition to the 2003 Iraq War, and condemnation of Israel's use of force against Lebanon and in the Gaza strip.<sup>88</sup> In the recent past, Indonesia is a strong advocate of the Palestinian cause in the UN. It also offered, at numerous occasions, its good offices to help mediate the PLO-Hamas divide.<sup>89</sup> Today, public opinion expressed by Islamic organizations on issues of their interest can serve again as a constraint on Indonesian foreign policy. For example, when the US moved its Israeli embassy to Jerusalem, the American embassy in Indonesia became the site of massive street protests. Similarly, Indonesia protested

84 Anak Agung Banyu Perwita, "Islam 'Symbolic Politics', Democratization and Indonesian Foreign Policy" in *Centro Argentino de Estudios Internacionales*, p. 13, accessed February 5, 2021: [https://www.files.ethz.ch/isn/125059/AP\\_04.pdf](https://www.files.ethz.ch/isn/125059/AP_04.pdf).

85 Banyu Perwita, "Islam 'Symbolic Politics', Democratization and Indonesian Foreign Policy", p. 2.

86 Murphy, "Islam in Indonesian Foreign Policy: The Limits of Muslim...", p. 1.

87 Murphy, "Islam in Indonesian Foreign Policy: The Limits of Muslim...", pp. 12-13.

88 Rizal Sukma, *Islam in Indonesian Foreign Policy* (London: Routledge, 2004), p. 117.

89 Murphy, "Islam in Indonesian Foreign Policy: The Limits of Muslim...", p. 3.

Australia's December 2018 announcement of its plan to follow the US lead and delayed signing a free-trade agreement with Australia until after Canberra announced its support for a two-state solution with the Palestinian capital in East Jerusalem.<sup>90</sup>

Other Muslim countries have their own domestic contexts. In states like Turkey, in which there is a formal and institutional separation of religious and state authority, it is generally assumed that impact of Islam on foreign policymaking is lower. However, Turkey has a powerful Islamic civil society and religious groups with strong religious identity that can easily mobilize the public on some foreign policy issues, especially in last two decades. Thus, Turkish people regularly denounce Israel's aggressive incursions into Palestinian-controlled areas. In 2000, even Turkish intellectuals and celebrities launched a campaign urging people to turn out their lights for one minute every evening at 9 P.M. to show solidarity with the Palestinian people.<sup>91</sup> Interestingly, in October 2000, Turkey voted in favour of a UN resolution condemning Israel for using excessive force against the Palestinians and, later that month, President Ahmet Sezer harshly denounced Israel at an Islamic economic conference in Istanbul.<sup>92</sup> When Turkish foreign policy takes demands of Turkish society into consideration, Ozkan and Chatterjee call it "an Islam-sensitive foreign policy, but not an Islamic one per se."<sup>93</sup>

Though a secular state, Turkey's external relations are also shaped by religious institutions such as Turkey's Presidency of Religious Affairs (Diyanet). With the budget of 1.4 billion Euros and 100,000 employees, Diyanet's influence is most relevant when it comes to Turkish soft power projection capabilities in areas of common cultural and religious heritage controlled in the past by the Ottoman Empire. For example, having Diyanet in their central focus, Ahmet Erdi Öztürk and İhtar Gözaydın presented Turkey's increasing involvement and activism in the Balkans between 2002 and 2016.<sup>94</sup> In another article, Ahmet Erdi Öztürk and Semiha Sozeri advance a similar claim that Diyanet serves as a primary foreign policy tool of Turkey in countries with a significant Turkish-Muslim minority.<sup>95</sup> Apparently, Diyanet went far beyond the neighbouring states and organized large religious leaders' summits with Muslim representatives from African countries in 2006 and 2011, and Latin America in 2014.

Turkish political parties inspired by shared Islamic norms, such as the Welfare Party, Justice and Development Party or Felicity Party, played their role as well.

90 Tani, Shotari, "Indonesia and Australia Finally Sign Free Trade Deal", *Nikkei Asian Review*, March 4, 2019, accessed Feb. 25, 2021; <https://asia.nikkei.com/Economy/Indonesia-and-Australia-finally-sign-free-trade-deal>.

91 Cengiz Candar, "Turkey: An Unexpected Response", *Journal of Palestine Studies* 31, no. 4 (2002), p. 63.

92 Middle East News Agency (Cairo), Oct. 26, 2000; See also: Burris, "Turkey-Israel: Speed Bumps", pp. 67-80.

93 Ozkan and Chatterjee, "Islamic Values in Foreign Policy...", p. 121.

94 Ahmet Erdi Öztürk and İhtar Gözaydın, "A Frame for Turkey's Foreign Policy via the Diyanet in the Balkans", in *Journal of Muslims in Europe*, Vol 7, Issue 3, October (2018), <https://doi.org/10.1163/22117954-12341370>.

95 Ahmet Erdi Öztürk, and Sozeri, Semiha, "Diyanet as a Turkish foreign policy tool: evidence from the Netherlands and Bulgaria", *Politics and Religion*, 11 (3). (2018), pp. 624-648. ISSN 1755-0483.

Interestingly enough, the AKP, as the ruling political party in Turkey for almost 2 decades, maintains a moderate path in foreign policy. Its government has not brought many Islamist tendencies in its professional diplomatic service but has allowed new ambassadors to express their religiosity. For example, the current Turkish Ambassador to Malaysia, Merve Safa Kakakçi, wears the Islamic headscarf, a practice that was previously much restricted by secular norms. The AKP government also demonstrates a strong sentiments and concerns over Muslim solidarity and did so remarkably well with regards to refugees from Syria. Among other thought-provoking issues, it engaged in diplomatic discussions with Hamas representative Khaled Meshal to help Palestinian people in Gaza, and the AKP-dominated Turkish parliament refused to allow US soldiers to use Turkish bases in attacking Iraq.<sup>96</sup>

Significant aspects of international relations within Islamic world are not always shaped by material factors. Ideational factors, norms, identities, which are historically and socially constructed, play their role as well. Pakistan, for example, maintains its secular identity of the state that “is separated from Islamic religion, where Islamic organizations are regarded as non-government religious organizations that are not permitted to participate in political games of elections in the name of a political party.” However, the ideology of Islam “is revered as the ideological foundation of Pakistan, so Pakistan’s right-wing religious groups often pose heavy pressure on secular political parties and government in the name of Islam, with an attempt to turn Pakistan into a “real” Islamic country that takes on Islam as the supreme divine principles guiding its domestic and foreign policies.”<sup>97</sup> These groups, for example, have taken a great effort to support the military government of Zia-ul-Haq in their common mission to promote a process of Islamic transformation over the system and institutions of the Pakistani state, including its foreign policy.<sup>98</sup> It was a powerful domestic force that shaped the foreign policy orientation of his successors too – Benazir Bhutto and Nawaz Sherriff.

The influence of Islamic opposition groups, such as the Muslim Brotherhood, is another illustrative example of the domestic influence on foreign policymaking. The Muslim Brotherhood has taken on distinctly different shapes and strategies in Egypt, Jordan, Sudan, Kuwait and Syria, as has the *Jamaat-i-Islami* in Pakistan and Bangladesh.<sup>99</sup> Omar al-Bashar, who held the office of president in Sudan for a long time, cooperated with the Muslim Brotherhood and adhered to their Islamic principles as the major guiding principle of Sudan’s foreign policy.<sup>100</sup>

96 Burris, “Turkey-Israel: Speed Bumps”, pp. 67-80.

97 Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, pp. 4-6.

98 Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, pp. 5-6.

99 Berger, *Religion and Islam in Contemporary International Relations*, p. 4.

100 Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, p. 11.

Their protagonist Hassan Abdulla Turabi sponsored the “Islamic Arab People’s Conference” in Khartoum among like-minded Islamists from various Muslim countries to promote similar agenda internationally. However, the impact of the Muslim Brotherhood on foreign policymaking has been different in Egypt. Before the Arab Spring, for example, it largely opposed, criticized or advised government affairs in Egypt through different channels. During the Gulf War, together with other religious groups, it questioned the righteousness of Arab countries’ alliances with the US.<sup>101</sup> When Muslim Brotherhood shortly ruled Egypt from 2011 to 2013, given the strong regional and international constraints, its foreign policy changed more in terms of principles and far less in terms of actions. For example, Egyptian President Mohamed Morsi “preserved the movement’s anti-Israel agenda,” stood by his principal refusal “to meet Israelis by outsourcing those negotiations to Egyptian intelligence officials,” and his political party “drafted legislation to unilaterally amend the 1979 treaty.” At the same time, the US administration “took comfort in Morsi’s handling of the Gaza War” from November 2012. From Washington’s viewpoint, “the Egyptian president resisted using the conflict as a pretext to break relations with Israel, and instead authorized negotiations with the Jewish state to achieve a relatively speedy ceasefire.”<sup>102</sup> President Barack Obama told his aides that “he considered Mr. Morsi a straight shooter who delivered on what he promised and did not promise what he could not deliver.”<sup>103</sup>

Though domestic context within which foreign policy is formulated is distinct in each Muslim state, with diverse Islamic pressure groups, identities, and ideas, a similar reference points occasionally appear on their foreign policy agenda. Such similarity among Muslim majority states usually derives from collectively held norms and beliefs that construct their collective interests. It is usually about Islamic solidary, pro-Palestinian agenda, the protection of religious symbols and other similar views, orientations and actions. For example, diverse and occasionally rival Muslim states were united in their support of Bosnia and Herzegovina when the besieged country faced external aggression and internal insurgence in early 1990s.

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101 Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, p. 14.

102 Eric Trager, “Think Again: The Muslim Brotherhood”, *Foreign Policy*, January 28, 2013; See also: Peter Baker and David D. Kirkpatrick, “Egyptian President and Obama Forge Link in Gaza Deal”, *New York Times*, November 21, 2012; “FJP drafts amendment to Israel peace treaty for Morsi, Parliament to review”, *Egypt Independent*, November 13, 2012.

103 Baker and Kirkpatrick, “Egyptian President and Obama Forge Link in Gaza Deal”, *New York Times*, November 21, 2012.



## International level and Islamic-related constraints on foreign policymaking

Realists pay little attention to human or domestic factors in foreign policy analysis and focus, instead on states as unitary and rational actors who primarily act to survive in an anarchic international system. Structural realists, for example, underline the balance of threat among states as the major reference point.<sup>104</sup> As such, it is expected that statesmen will behave in accordance with limits imposed by external attributes such as power distribution, regional order or other factors that arise outside of national borders. Statesmen from Muslim-majority states should not act differently in this regard. Whatever their guiding Islamic ideology, whatever their domestic makeup, and no matter what Islamic ideas and cognitive beliefs shadow the minds of their foreign policymakers, Muslim states are also constrained by the anarchic nature of their wider international environment.

Nevertheless, international realities occasionally interact with domestic pressures. Some even contend that Islam has emerged with a ‘political profile’ to the international scene.<sup>105</sup> As Reza Simber argues, “we cannot understand the politics of the Middle East without some reference to it.”<sup>106</sup> “If Islam is driving force behind political phenomenon”, according to him, “it must also have a role in international politics.”<sup>107</sup> In terms of Islam and international relations, according to Maurits Berger, the year 1979 was a turning point. “A post-colonial period where socialism and secularism had reigned dominantly in the Muslim world was abruptly ended, and a new period started where the forces of Islam - religiously, politically and ideologically - gained momentum.”<sup>108</sup>

The international level of analysis is only about the great power politics. This discussion may, therefore, focus only on powerful Muslim states that merge religion with national interests or merge Islam with rules of balancing behaviour. On some occasions, these states seem to have incorporated Islam as an effective tool to pursue their external goals and agendas. In this regard, we may discuss how Saudi Arabia as a status quo power boosted Islamic unity and solidarity to address external challenges faced by revisionist powers in the system in the mid-1960s, how Iran after the Iranian revolution combined revolutionary Islam and regime interest to promote its influence abroad or even challenge dominant powers in the system, or how Turkey combined Othman Islamic heritage and national interest to expand its strategic

104 Kenneth N. Waltz, *Theory of International Politics*, (New York: McGraw-Hill, 1979), pp. 102–12

105 Reza Simber, “Political Islam and International System: Impacts and Implications”, *Journal of International Area Studies*, Volume 16, Number 2, (2009), p. 107.

106 Simber, “Political Islam and International System: Impacts and Implications”, p.119.

107 Simber, “Political Islam and International System: Impacts and Implications”, p.107.

108 Berger, *Religion and Islam in Contemporary International Relations*, p. 1.

depth in its neighbourhood.

There are times, particularly in the wake of great systemic or subsystemic changes, when a nation-state may encounter profound uncertainty on this point.<sup>109</sup> For example, Pan-Arabism and its commitment to revolutions throughout the Middle East was an attempt by Egypt and a few other countries to make serious changes in the regional subsystem. Nasser overthrew the Egyptian monarchy already in 1952 and pledged ever since to oppose the remaining monarchies who were “self-serving tools of foreign interests”.<sup>110</sup> It is well known that threatened Muslim states, such as the Kingdom of Saudi Arabia, opposed the secular nature of revisionist powers and their commitments to radicalism and revolutions. However, to encounter a profound external uncertainty, Saudi Arabia promoted a powerful idea of Islamic unity and solidarity. For example, it founded the Muslim World League (Rabtiah al-'Alam al-Islami) in 1962. By 1965, then-King Faisal had also emerged as a serious contender to Nasser and the Ba'athists by using Pan-Islamism as a foreign policy tool; specifically, he advocated an “Islamic Entente” after the failure of the Jeddah Agreement designed to bring peace to Yemen.<sup>111</sup> Without being side-tracked by the Islamic rhetoric, one can easily unwrap new ideas of Islamic unity and solidarity and interplay them with the rules of balancing behaviour. Thus, Saudi Arabia acted rationally for the purpose of counter-balancing Egypt and for a display of its status as a spiritual leader in the Islamic world.<sup>112</sup> According to Wilson and Graham, King Faisal's response to Nasserism was to advocate for Muslim solidarity in an attempt to promote Saudi Arabia's role as the cradle of Islam and protectorate of the Muslim cause.<sup>113</sup> Saudi King also perceived Islam as the source of Arab advancement as a people and civilization according to Adel Altoraiifi. Therefore, Islamic unity would empower Arab unity and would serve Arab interests at the international level.<sup>114</sup> Sullivan also found the explanation in the nature of the Arab state system and the challenge posed by Cairo rather than in the style of Saudi Arabia or its leader, King Faisal.<sup>115</sup> Later on, Saudi Arabia and Egypt reconciled their relations because Egypt suffered a disaster in the third Arab-Israel War of 1967 and urgently needed Saudi Arabian economic aid. Since then, Saudi Arabia has repeatedly emphasized the significance of its leadership in religious affairs and converted it into its diplomatic tool to expand its influence in the Islamic world.<sup>116</sup>

109 Hudson, *Foreign Policy Analysis, Classic and Contemporary Theory*, p. 105.

110 R. B. Reppa, Sr., *Israel and Iran Bilateral Relations and Effect on the Indian Ocean Basin* (NY: Praeger, 1974), p. 92.

111 Robert R. Sullivan, “Saudi Arabia in International Politics”, *The Review of Politics*, 32.4 (1970), p. 439.

112 Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, pp. 4-5.

113 Peter W. Wilson and Douglas Graham, *Saudi Arabia: The Coming Storm*, (Armonk, NY: M. E. Sharpe, 1994), p. 98.

114 Altoraiifi, “Understanding the Role of State Identity in Foreign Policy Decision...”, p. 119.

115 Sullivan, “Saudi Arabia in International Politics”, p. 440; See also: Altoraiifi, “Understanding the Role of State Identity in Foreign Policy Decision...”, p. 118.

116 Yungui, “The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries”, pp. 4-5.

An in-depth historical account of diplomatic relations between Iran and Saudi Arabia also points to a systemic recurrence of their friendlier behaviour at the time. It is because Iran and Saudi Arabia in their common subsystem feared their rivals among Arab nationalists, socialists, or communists far more than they feared each other. This fear was great enough that it not only drew together Saudi Arabia, a Wahhabi Islamist state, and Iran, then a nationalist and pro-secular Shia state, but also made them more receptive to Islamic political movements, such as the Muslim Brotherhood.<sup>117</sup> As Iran and Saudi Arabia accepted American dominance in the international system, they complemented each other and set aside the sectarian divide. The strength of their collaboration in 1950s was expressed in different arenas, such as converging Saudi-Iranian interests in Egypt after Gamal Abdel Nasser overthrew King Farouk in the socialist-republican coup; joint support for Jordan when revolts threatened the continuity of the Hashemite monarchy in 1958; and preventing a socialist coup in Lebanon in 1958. In 1960s, Iran and Saudi Arabia founded the Organization of Islamic Cooperation with other Muslim states and established the Arab–Iranian Friendship Organization. Iran also supported Saudi Arabia in a proxy war against Egypt in Northern Yemen from 1962 to 1965. When King Faisal turned for help to the shah to counter south Yemen’s air raids in Saudi Arabia in 1969, the Shah ordered round-the-clock flights for two days to deliver military equipment. In 1970s, the two states exchanged high-level visits, contained Iraq’s aggressive aspirations, and supported other pro-Western governments, such as Oman, against internal revolutionary elements. It is also indicative that Iran declared a week of mourning when King Faisal was assassinated in 1975.<sup>118</sup>

However, when Iran departed from their shared order and contested the status of the Saudi state in the regional subsystem or confronted an old Saudi monarchy’s claim to the leadership of the Muslim world, Saudi’s vision of the role of religion in the foreign policy was revised as well. Two choices were presented to Saudi authorities, according to Abir Mordechai. The first was to moderate the state, revising the strict Wahhabi practice advocated by senior ulama’. The second choice entailed pursuing a more conservative religious path. The Saudi policy-makers would decide to take the latter option, embarking on a campaign to promote Wahhabi Islam in the face of Shi’ite expansionism at home and abroad.<sup>119</sup> As Nevo Joseph argues, “By employing religion for this purpose, the Saudi monarchy has actually availed itself of Islam to change the situation in which religion constitutes the predominant provider of the regime’s legitimacy.”<sup>120</sup> It was also a

117 Emir Hadzidakunic, “Iran-Saudi Ties: Can History Project Their Trajectory?”, *Insight 2015*, Middle East Institute, National University of Singapore, (2019), page 5, accessed January 20: 2021 <https://mei.nus.edu.sg/wp-content/uploads/2019/10/Insight-215-Saudi-Iranian-Ties.pdf>.

118 Hadzidakunic, “Iran-Saudi Ties: Can History Project Their Trajectory?”, p. 5.

119 Mordechai Abir, *Saudi Arabia: Government, Society, and the Gulf Crisis* (London: Routledge, 1993), p. 13.

120 Joseph Nevo, “Religion and National Identity in Saudi Arabia”, *Middle Eastern Studies*, 34.3 (1998), p. 34.

policy that would make Saudi Arabia the leading Arab country to instrumentally employ Sunni political Islamic movements - such as the Egypt-based Muslim Brotherhood International Organization - as a shield against its political opponents in the system.<sup>121</sup> The Saudi strategic interest at the time combined two segments, according to WU Yungui. The first was to construct a defence barrier of Sunni Muslims that could effectively obstruct the surging expansion of Shiite-dominated Iran. The second was to seek an appropriate agent of its own strategic interest in Central Asia through its support and assistance to some specific factions or groups of Afghanistan's Mujahedeen, including the Taliban, who later seized Afghan national regime.<sup>122</sup> Following the logic of structural realism, Saudi Arabia also sought to balance the perceived Iranian threat by expanding its own military and economic capabilities.<sup>123</sup>

In the case of Iran, individual, domestic and international incentives interplayed with and reinforced each other in the wake of the 1979 Islamic Revolution. Driven by Khomeini's own religious zeal at the individual level, new Islamic constitutional doctrines at the domestic level, the Islamic Republic of Iran declared and pursued a daring and challenging foreign policy objectives in the regional subsystem. The essence of Iranian foreign policy toward the United States became a defiance and challenge of its presence, and its principal objective: the demonstration of US impotence to stem the rising tide of Islam.<sup>124</sup> Khomeini also vowed to fight "the Great Satan until the absolute annihilation of its interests in that part of the world."<sup>125</sup> As the structural theory holds, the introduction of a new threat to the existing order will result in a change to the status quo, and this turning point arrived on 4 November 1979, when 52 American diplomats were taken hostage at the US Embassy in Tehran. With this act, in addition to efforts to consolidate the clerical rule domestically, the Islamic Republic of Iran also abandoned its alliance with Americans, the one that was shared with Saudi Arabia. It is not coincidental that, in that same month, sectarian riots in the Saudi eastern province of Al-Sharghiya erupted. It was also during this time that Ayatollah Khomeini argued that "...the Islamic world must turn to Iran's leadership to win its freedom and independence".<sup>126</sup> In addition to opposing the American military presence in the subsystem, Tehran also ignored the Soviet pole, initiating a new foreign policy - "Neither East, nor West - but the Islamic Republic!" The Soviet Union

121 Oliver Roy, Antoine Sfeir and John King, *The Columbia World Dictionary of Islamism* (New York: Columbia University Press, 2007), p. 290.

122 Yungui, "The Influence of Islam over the Foreign Policies of Contemporary Islamic Countries", pp. 3-4

123 Kruse, "Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic...", pp. 104.

124 Hunter, *Iran and the World, Continuity in a Revolutionary decade*, p. 59. See also: Kruse, "Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic and Ideological Factors", p. 70.

125 David Menashri, *Iran, a Decade of Revolution* (New York and London: Holmes and Meier, 1990), p. 205.

126 Parsi, T. *Treachorous Alliance: The Secret Dealings of Israel, Iran, and the United States* (New Haven: Yale University, 2007).

was just “the lesser satan whose godless communist ideology was abhorrent.”<sup>127</sup> Iran also withdrew from its formal alliances with Turkey within the Central Treaty Organization (CENTO) that included the United States, the United Kingdom and Pakistan, and attempted to isolate itself from the international system. Turkey remained a NATO member, serving the “US regional interests,” whose commitment to secular nationalism was “anathema to” Iran’s “ideology of Islamic revolutionary universalism”.<sup>128</sup> Within CENTO, Pakistan was one of the few nations with which Khomeini honoured the previous regime’s formal relations.<sup>129</sup> In this respect, Islamic Republic showed little sensitivity to the limits imposed by the international system.<sup>130</sup>

However, some argued that Iranian foreign policy in the post-revolutionary stage, despite its professedly Islamic orientation, was predominantly motivated by realpolitik.<sup>131</sup> For Kruse, “neither domestic politics, composition of the political elite, nor regime made any difference.” He contends that “Iran engaged in balancing behaviour, allying with Syria, a secular state based on Arab nationalism,” abandoned its initial efforts “to isolate itself from the international system and sought arms from its most repugnant ideological enemies, the US, Israel and the Soviet Union,” when confronted with the Iraqi invasion.<sup>132</sup> Iranian adaptive behaviour in the system happened on many other occasions. For example, as American military intervened in Afghanistan and removed Taliban from power in 2002, Iranian diplomats gave an essential contribution in the formulation of the post-Taliban government of Hamid Karzai. According to James Dobbins - the US special envoy to Afghanistan and America’s senior official at the talks - no delegation was more helpful.<sup>133</sup>

Turkey faced different external realities in different phases and Islam as a reference point expectedly played different roles. During the Cold War, Turkish state followed “a strictly Western orientation in foreign policy, leaving almost no space for religion.” At the same time, security concerns and the Soviet threat have denied Islam “any space, even in cultural terms.”<sup>134</sup> However, toward the end of the bipolar world, and especially after the end of the Cold War, Ankara began to interplay the assets of its geography, historical legacy and religion. As argued, this transformation also hinges upon a growing embrace of the philosophy of neo-Ottomanism.<sup>135</sup> For example, then prime minister and later president Turgut Ozal popularized the Ottoman heritage

127 Kruse, “Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic...”, pp. 78-79.

128 Hunter, *Iran and the World, Continuity in a Revolutionary decade*, p. 134.

129 Kruse, “Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic...”, p. 95.

130 Stephen Walt, *Revolution and War* (Ithaca, NY: Cornell University Press, 1996), p. 264.

131 Ozkan and Chatterjee, “Islamic Values in Foreign Policy...”, p. 116.

132 Kruse, “Determinants of Iranian Foreign Policy: The Impact of Systemic, Domestic...”, p. v.

133 D. Murray, *US Foreign Policy and Iran, American – Iranian relations since the Islamic revolution* (Routledge, 2010), p. 122.

134 Ozkan and Chatterjee, “Islamic Values in Foreign Policy...”, p. 117.

135 Alexander Murinson, “The Strategic Depth Doctrine of Turkish Foreign Policy”, *Middle Eastern Studies* 42, no. 6 (2006): 945, accessed March 10, 2021: <http://www.jstor.org/stable/4284512>.

both domestically and in Turkish neighbourhood. Then Prime minister Tansu Çiller gave Turkey the essential status in the world by promoting it as a model country among 52 Muslim states. Interestingly, in the interview for PBS in 1995, she compared Turkey with the Iranian model as the remaining option for Muslim countries.<sup>136</sup> The Islamic reference and geopolitics strongly interplayed with the premiership of Necmettin Erbakan (1996-97), at least rhetorically. He went as far as to call for the creation of an Islamic version of the North Atlantic Treaty Organization. Given new international circumstances and the boost provided by a potent leadership of the Justice and Development Party (AKP), Turkish foreign policy reached out to previously neglected regions such as the Balkans, the Middle East, the South Caucasus and even wider areas in Asia and Africa. This foreign policy shift was, on a much bigger scale, a part of a new doctrine that Ahmet Davutoğlu had already proposed academically as a viable Turkish grand strategy. According to the intellectual who soon after served as chief adviser to Prime Minister Recep Tayyip Erdogan (2003-2009), Turkish foreign minister (2009-2014), and finally prime minister (2014-2016), Turkey possesses a “strategic depth” which allows it to implement a pro-active and multi-dimensional foreign policy and claim a central role in international politics. “Instead of letting other countries use Turkey to promote their regional and global strategic role, Turkey should develop a proactive policy commensurate to its historic and geographic depth, which is amplified by its Ottoman legacy.”<sup>137</sup> Davutoğlu argued that “Turkey is the natural heir to the Ottoman Empire that once unified the Muslim world and therefore has the potential to become a Muslim regional power.”<sup>138</sup> Even though he no longer serves in the government, his foreign policy discourse - conceptual repertoire and geographically prominent areas from Turkey’s strategic depth - remain untouched with new Turkish governments.<sup>139</sup>

The position, status and foreign policy behaviour of Saudi Arabia, the Islamic Republic of Iran and Turkey in the international system have clearly demonstrated that Islam is not completely isolated from their security dilemmas. Considering their centrality, each of them has attempted to expand its influence by promoting common Islamic heritage in their neighbourhood. By extension, attached smaller states with common religious values would strengthen the centre’s capability, build closer friendships, possibly build alliances. This chapter also implies three models of Islamic leadership - Saudi, Iranian and Turkish - each inspired by its own historical heritage and rationalized by its own geography and balancing behaviour.

136 Interview with PBS (Public Broadcasting Company, USA), 18 April 1995, See: Keşgin, “Tansu Çiller’s Leadership Traits and Foreign Policy”, p. 42.

137 Ioannis Grigoriadis, *The Davutoglu Doctrine and Turkish Foreign Policy*, Hellenic Foundation for European and Foreign Policy, Working Paper No-8 (2010), pp. 1-12.

138 Walker, “Learning Strategic Depth: Implications of Turkey’s New Foreign Policy Doctrine”, pp. 33-34.

139 Bezen Balamir Coskun, “The Post-Davutoglu Era in Turkish Foreign Policy”, *E-International Relations*, June 3, 2016, accessed March 10, 2021, <https://www.e-ir.info/2016/06/03/the-post-davutoglu-era-in-turkish-foreign-policy/>.

## Conclusion

The objective of this article was to provide an overview of the role of religion in Muslim-majority states, in this case the religion of Islam, in their foreign policy-making. Notwithstanding the complex relationship with international affairs, the article revisited specific foreign policy cases restricted by Islamic constraints at the individual, domestic and international levels of analysis.

At the individual level, we could not speak of issues of religious incentives and pressures in foreign policymaking without making reference to charismatic and powerful Muslim decision-makers. In some countries where domestic and international political environments have been more stable for longer periods, a strong individual leadership has had an opportunity to act as an intervening variable in a limited number of foreign policy issues. The impact of Mahathir Mohamed on Malaysia's foreign policy is a strong reference point. He was especially outspoken on issues where Muslim people were victimized by non-Muslim states. Yet in other cases, Muslim leaders inspired by Islamic incentives could not make any major foreign policy impact due to opposite pressures from domestic and international environments. Examples of Turkish prime minister Erbakan and Egypt's president Mursi are most visible instances.

Some may look for more empirical approaches to explore specific human attributes that can reveal Islamic sensitivities or expose their absence from foreign policymaking. Cognitive theories come close to this conceptualization of mutually interwoven elements of individual belief systems, on the one hand, and foreign policy decision-making, on the other. They possibly suggest that specific philosophical and instrumental beliefs of leaders interrelate with religious constraints in foreign policy making. They may even predispose a person to a certain type of foreign policy action. This article establishes that, by using this or other similar methodologies, new insights on Muslim states foreign policies could be explored. For example, what the influence on foreign policy is by different Muslim leaders who score low on nationalism and who consequently value their "ingroup" as fellow Muslims high. Literature on this or other similar idiosyncratic factors is quite limited.

At the domestic level, we could not speak of issues of religious incentives in foreign policymaking without reference to shared beliefs and norms. Identity of a state also implies its preferences and consequent actions. This article reflects that Muslim majority states share many religious and nonreligious diversities. Some countries, such as Saudi Arabia, operate in a system that integrates politics (House of Saud) and religion (House of Al-Wahhab) without specific constitutional guidelines. Yet, in others we find normative impact more important. Constitutional guides of the Islamic Republic of Iran are illustrative examples. Different

local groups also play their part in foreign policy making. Islamic political parties and pressure groups in Indonesia after 1998; ulema and religious scholars in Saudi Arabia; Diyanet in Turkey after 2000s are a few selected examples of many others that exist. Islamic religion, which became a revived element in some countries, such as Indonesia in late 1990s and Turkey in early 2000s, has shown a strong transformative power of these groups.

Depending on conditions from the external environment, the role of Islam in foreign policy making also tends to fluctuate. In some countries, Islamic incentives were boosted by sudden changes of geopolitical realities at the regional or international level. For example, Saudi Arabia deliberately designed a specific foreign policy of Islamic unity and solidarity in 1960s to meet new external challenges in the regional subsystem. In some other cases, Islamic incentives at the individual and domestic levels boost changes in external realities. Driven by Khomeini's religious zeal and new Islamic constitutional doctrines, the Islamic Republic of Iran pursued bold foreign policy objectives of "Neither East, nor West - but the Islamic Republic!" Iran also opposed American military presence in the subsystem, ignored the Soviet pole, withdrew from its formal alliances with Turkey, and challenged Saudi leadership in the Middle East. In Turkey, systemic factors have interacted with domestic attributes, especially since Erdogan came to power in 2002. Their mutual interplay added religion as yet another element in shaping what Ahmet Davutoglu called Turkish strategic depth. All these examples suggest that Muslim states face different geopolitical realities. It is quite possible that different Islamic traditions might also develop different strategic cultures that shape choices within the Muslim world. This article identifies literature gaps in this particular area.

In conclusion, Islam as an intervening variable receives less attention within the confines of the international domain. At this level of analysis, it is more elusive and not easily observed in a systematic way. Of all the possible topics, it is anticipated that Islamic incentives only play more active role in issues of religious solidarity, relations within Muslim world, human (Muslim) rights, pro-Palestinian views, promotion of the soft power, aid-programs, state of Muslim affairs and the like. Of three major features of foreign policy - principles, commitments and actions - Islamic constraints are also more effective in the realm of views and orientations. In other words, they are rather part of Islamic vocabulary, speeches or declarations. In the realm of concrete foreign policy outcomes, with an exception of aid programs, protection of Islamic symbols and other similar activities, Muslim states are more vulnerable to their national interests. In patterns of conflict and alliances, Muslim states are still exposed to traditional power politics and balancing behaviour that emanate outside of national borders.



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# Uloga islama u kreiranju vanjske politike

## Sažetak

Religija kao faktor u analizi vanjskih poslova uglavnom je imala podređen status u oblasti međunarodnih odnosa, pogotovo u školama realizma ili neorealizma. Ovaj članak istražuje koliko islam može utjecati na proces definiranja, artikuliranja ili vođenja vanjske politike u državama s muslimanskom većinom. Značaj islama kao vodećeg principa na kreiranje vanjske politike predstavljen je na tri nivoa: individualnom, nacionalnom i međunarodnom. Glavni cilj jeste ponuditi detaljniju sintezu dostupne literature o islamu u kreiranju vanjske politike, te je dovesti u vezu s glavnim teorijama međunarodnih odnosa.

**Ključne riječi:** vanjska politika, analiza vanjske politike, islam i diplomatija, islam i vanjska politika

## End-of-Life Decisions for Muslims in Albania: An Interdisciplinary Approach\*

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### Abstract

This study investigates end-of-life decisions through Islamic and legal comparative approaches by focusing on the Albanian context. The methods applied in this paper are critical legal reasoning and legal comparison. The goal of this research is to review the impact of the Islam legal culture (Qur'an and *hadith*) on the Albanian law of end-of-life decisions. From a legal approach, this paper underlines the unconstitutionality of the Albanian Code of Medical Ethics. In addition, the review of the Islamic literature on medical jurisprudence demonstrates the attitude of Muslim community regarding end-of-life decisions in addition to scientifically examine the various rules governing end-of-life situations codified in the Islam legal sources by only considering the Qur'an and *hadith*. This investigation aims to understand the similarities and differences between these two different approaches by also underlying the importance of Islam approach on end-of-life situations on the Albanian legislation.

**Key words:** Advance Directives, Code of Medical Ethics, *Hadith*, Islamic Literature on Medical Jurisprudence, Legal Approach, Qur'an

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\* This paper was funded by the Center for Advanced Studies.



## I. Introduction

Human dignity is one of the most fundamental human rights, which shall be protected also in the patient-physician relationship. The Albanian constitution recognizes human dignity not only as one of the basic principles (Article 3 Albanian Constitution), but also as one of the foundations of the Albanian constitution (Preamble Albanian Constitution).

In addition to the constitutional protection, Albania has ratified several important supranational and international conventions that recognize patient autonomy. In the international level, between others, the patient's active role has been acknowledged in the *European Convention of Human Rights* (ECHR) and in the *European Convention on Human Rights and Biomedicine* (Oviedo Convention). The application of the ECHR for the right to refuse medical treatment has been acknowledged by the doctrine.<sup>1</sup> From October 1996, the ECHR is part of the Albanian legislation. In addition, since July 2011, the Oviedo Convention entered into force also in Albania. It should be underlined that Article 9 of the Oviedo Convention states that *the previously expressed wishes relating to a medical intervention by a patient who is not, at the time of the intervention, in a state to express his or her wishes shall be taken into account.*

Focusing on the supranational level, the *Charter of Fundamental Rights of the European Union* protects human dignity. It shall be underlined that, since 1 December 2009, the *Charter of Fundamental Rights of the European Union*, has the same legal status as European Union (EU) treaties (Article 6 TEU). Although Albania is not part of the EU, Article 70 of the Stabilization and Association Agreement (SAA) between Albania and the EU states that Albania agrees to ensure that its existing laws and future legislation will gradually be made compatible with the EU *acquis*. According to the Albanian legal hierarchy, national laws shall be aligned not only with the constitution but also with ratified international treaties (Article 116(1) Albanian Constitution), as is considered the SAA.

In end-of-life situations, there are several types of medical circumstances. According to the 'Guide on the decision-making process regarding medical treatment in end-of-life situations',<sup>2</sup> published in May 2014 by the Committee on Bioethics of the Council of Europe, the main four types of end-of-life situations are: withholding or withdrawing treatment from a conscious patient; withholding or

1 Elizabeth Wicks, "The right to refuse medical treatment under the European Convention on Human Rights", *Medical Law Review* 9:1 (2001), pp. 17-40; David Harris, "The right to life under the European convention on human rights" *Maastricht Journal of European and Comparative Law* 1:2 (1994), pp. 122-138; Peter J. Duffy, "Article 3 of the European Convention on Human Rights". *International & Comparative Law Quarterly* 32:2 (1983), pp. 316-346.

2 Council of Europe, Guide on the decision-making process regarding medical treatment in end-of-life situations, 2014.

withdrawing treatment from an unconscious patient; physician-assisted suicide (PAS), and euthanasia (or “mercy killing”).

In general, in Europe, while withholding or withdrawing treatment from a conscious patient is considered legal (ECtHR, *Pretty v. the UK*, application no. 2346/02, par. 63), different approaches have been applied for withholding or withdrawing treatment from an unconscious patient, PAS, and euthanasia. For instance, several Western European countries have legalized forms of PAS or euthanasia through national laws (such as the Netherlands, Belgium, and Luxembourg, Germany, or Switzerland) or through the interpretation of Constitutional legal decisions (such as Italian Constitutional Court, R.O. 43/2018 or the German Constitutional Court, 2 BvR 2347/15). In addition, the majority of the members of the European Council<sup>3</sup> as well as all the English-, German-, and Romance-speaking countries<sup>4</sup> recognize the right to not be treated (the right to withhold or withdraw medical treatment) by unconscious patients.

In Albania, the interpretation of Articles 76, 79, and 99 Penal Code (PC) as well as Article 39 Code of Medical Ethics concludes that euthanasia and PAS are deemed criminal offences in addition to be considered as a violation of medical ethics. On the contrary, the interpretation of Article 6(2)(c) Law no. 10.107 of March 2009 results in the legality of withholding or withdrawing treatment from a conscious patient since consent in medicine is considered as one of the most important requirements of the patient-physician relationship.<sup>5</sup> The legal and bioethical discussion regarding withholding or withdrawing of treatment from an unconscious patient is quite complicated and it is directly correlated with the absence of an *ad hoc* law ruling on advance directives (ADs).

This contribution offers a general overview of end-of-life decisions in Albania by focusing on ADs. The investigation of the Albanian medical jurisprudence, Albanian legal system did not give a positive result since there is neither *ad hoc*

3 Roberto Andorno, ‘The previously expressed wishes relating to health care Common principles and differing rules in national legal systems’ in Steering Committee on Bioethics 35th meeting, 2008.

4 Enkelejda Koka and Denard Veshi, ‘A new law of ‘living will’ in Italy: A critical analysis’, *Liverpool Law Review* 40:2 (2019), pp. 113-130.

5 Article 76 PC states that *intentional homicide shall be punishable to a term of ten to twenty years imprisonment*; Article 79(1)(b) PC states that *deliberate homicide committed: against physical or psychic handicap persons, very ill persons or pregnant women, when the victim’s attributes are evident or known is punished by imprisonment not less than 20 years or by life in prison*; Article 39 Code of Medical Ethics states that *accelerating the end of life or provoking death is contrary to medical ethics. If the patient is unconscious, with no hope of living, the doctor must act at his judgement in order to provide the best possible [treatment]. He, in consultation with other colleagues and closest relatives of the patient, decides on the therapeutic attitude that needs to be maintained.* [translation by the authors]. Article 6(2) (c) Law no. 10.107 of 30 March 2009 states that *every citizen is responsible for [has the right to]: ç) providing assistance in financing health care services, through compulsory health insurance contributions and fixed direct payments*; Article 4 Albanian Charter of Patient Rights states *every patient has the right to access all information that enables him or her to actively participate in his or her health decisions. This information is a prerequisite for any treatment and procedure, including participation in research* [translation by the authors].

law nor case-law dealing with the right to not be treated. However, particular attention is given to the Code of Medical Ethics since this is the only legal document that includes some reference to the end-of-life decision process. In addition, the authors also consider the religious interpretation of the Albanian legislation dealing with ADs by focusing on the Muslim Community in Albania.

The novelty of this paper stands to offer to the reader information regarding the Islamic legislation regarding end-of-life process by showing that these types of medical circumstances were also discussed in the *Qur'an* (Qur'an) and in the *Hadith* (sayings and traditions of the Prophet Muhammad himself). In addition, the review of the Islamic legal framework demonstrates the clear position taken by the Prophet Mohamed regarding end-of-life decisions. Moreover, and more importantly, our desk research showed that the current Islamic literature on medical jurisprudence has not applied its results to the international, supranational (EU), and national Albanian legal documents. End-of-life issues is a competence to national parliaments.<sup>6</sup> Within different countries where Muslims live, the paper considers the Albanian case because most of its population recognize themselves as Muslim.<sup>7</sup>

The manuscript has the following sections: Section II underlines the importance of ADs by briefly examining the legal interpretation of the current legislation. It also investigates the Albanian legal framework governing instructional medical directives by focusing on the Code of Medical Ethics. Its goal is to give a constitutional interpretation of Article 39 Albanian Code of Medical Ethics by also considering the experience of other Western European countries. Section III considers the Muslim approach to end-of-life situations. Although in Albania several religious entities live together, according to the World Population Review,<sup>8</sup> in 2021, almost 58% of Albanian's are Muslim. This data is similar to the previous census of 2011.<sup>9</sup> In the conclusion, the authors argue that the current absence of an *ad hoc* law ruling end-of-life decisions does not protect patient autonomy. In addition, the contribution shows the similarities and differences between the Islam literature and sources of law with the current academic debate and legal situation in Albania.

6 Denard Veshi, and Gerald Neitzke, "Advance directives in some Western European Countries: a legal and ethical comparison between Spain, France, England, and Germany", *European Journal of Health Law* 22:4 (2015), pp. 321-345.

7 Instat, „Albania, Census 2011“, [http://www.instat.gov.al/media/177354/main\\_results\\_\\_population\\_and\\_housing\\_census\\_2011.pdf](http://www.instat.gov.al/media/177354/main_results__population_and_housing_census_2011.pdf) accessed 30 November 2021; World Population Review, „Albania Population 2021 (Live)“, <https://worldpopulationreview.com/countries/albania-population> accessed 30 November 2021.

8 World Population Review, „Albania Population 2021 (Live)“.

9 Instat, „Albania, Census 2011“.

## II. Advance Directives in Albania: A Legal Approach

This Section gives an overview of the legal situation regarding ADs in Albania by applying a critical legal thinking and legal comparison. The Section studies the two types of ADs by also underlying the absence of *ad hoc* rules governing end-of-life decisions. In addition, the Section gives the opportunity to the reader to understand some policy suggestion coming from the experience of other Western European countries. It should be mentioned that Albania is a secular country. Thus, the legal approach is applied to all citizens, independently from their religion affiliation.

In the case of withholding or withdrawing treatment from an unconscious patient, ADs is the main instrument for communication with the medical staff. An AD should be considered a medical declaration, which, based on the principle of extended autonomy, gives directives for future medical care in case of future unconsciousness. Within ADs, two different types can be considered: the “instructional medical directives” (also known as “living wills”) or the “surrogate will.” From a medico-legal perspective, these types of ADs should be complementary.<sup>10</sup>

In the case of instructional medical directives, citizens express their preferences regarding specific medical treatments that they want to permit or to reject in case of future unconsciousness. The second form of ADs, the surrogate will, gives enduring power for health care affairs to another competent citizen: the “surrogate”. Surrogates must understand patients’ wishes and values. Although Albania does not rule end-of-life decisions, the interpretation of the rules of the civil code leads to some important results. First, instructional medical directives should be considered as unilateral legal transactions that produce legal effects in the non-pecuniary individual sphere: their aim is to (consent to or) reject future medical treatment in case of an agent’s incapacity.<sup>11</sup> Second, “surrogate will” is considered invalid (absolute invalidation) for violation of normative rules (Article 92(1)(a) Albanian Civil Code; CC). In more concrete terms, a power of attorney is legally valid only for those exchanges with a monetary value (Article 10 CC) and codified in the law (Article 64(2) CC). In addition, a power of attorney can act while the agent is fully competent (Article 76(1)(c) CC). Thus, at the moment the agent is unconscious, the power of attorney ends.<sup>12</sup>

10 Denard Veshi, and Gerald Neitzke, “The role of legal proxies in end-of-life decisions in Italy: A comparison with other Western European countries”, *Journal of Law and Medicine* 24:4 (2017), pp. 959-969.

11 Denard Veshi, et al., “End-of-Life Decisions in Albania: The Call for an Ethical Revision”, *Liverpool Law Review*, 41:3 (2020), pp. 315-330.

12 Article 92(1)(a) CC states *The void legal transaction does not create any legal consequences. Such ones are those which: a) conflict with an ordering provision of law*[translation by the authors]. Article 10 CC states: *The adult who by reason of psychological illness or mental underdevelopment is completely or partially unable to look after his affairs, may be taken away or limited the legal competence by a decision of court* [translation by the authors]. Article 64(2) CC states: *The representation shall not be allowed when the law requires a legal transaction to be conducted by the person himself*[translation by the authors]. Article 76(1)(c) CC states *The proxy terminates when: c) the representative or the representee die, or when one of them loses the competence*[translation by the authors].

The Albanian legal system does not establish *ad hoc* rules regarding end-of-life decisions. As a result, the Albanian Code of Medical Ethics of November 2011 should be examined since the application of these rules are mandatory for all physicians that aim to exercise their profession in Albania (Article 3 Code of Medical Ethics). In other words, disciplinary sanctions may be applied in cases of its infringement (Article 68 Code of Medical Ethics and Article 1 Regulation of 08.04.2016 of the Albanian Federation of Physicians).

Article 39 Code of Medical Ethics states that *if the patient is unconscious, with no hope of living, the doctor must act at his discretion for the best possible* [medical treatments]. *He, in consultation with other colleagues and closest relatives of the patient, decides on the therapeutic attitude to be maintained* [translated by the authors]. This approach is unconstitutional, and it does not protect patient autonomy for several reasons. First, Article 39 Code of Medical Ethics might be considered unconstitutional since it violates the fundamental principle of equity, established in Article 18 of the Albanian constitution. In other words, Article 39 Code of Medical Ethics makes a distinction between conscious and unconscious patients by allowing the right to refuse medical treatments only to the first group. Second, Article 39 Code of Medical Ethics violates Article 116 Albanian Constitution. Article 9 of the Oviedo Convention, in force in Albania from July 2011, states that the *previously expressed wishes relating to a medical intervention by a patient who is not, at the time of the intervention, in a state to express his or her wishes shall be taken into account*. Although “previously expressed wishes” are not legally binding, Article 39 of the Albanian Code of Medical Ethics does not include at all their importance. According to Article 116 Albanian Constitution, the national legislation, as well as Statutes of associations or in their internal legislation, shall be coherent with the international law ratified in Albania, as it is the case of the Oviedo Convention. Third, Article 39 Albanian Code of Medical Ethics violates Principle 15(1) Recommendation REC (2009)11, which states *advance directives which do not have binding effect should be treated as statements of wishes to be given due respect*. Although this is a *soft-law*, the doctrine<sup>13</sup> and the jurisprudence<sup>14</sup> have shown that judges can apply them.

It should be noted that Article 39 Albanian Code of Medical Ethics violates patient autonomy and patient’s right to self-determination. In other words, in the case of unconscious patient, the medical staff in consultation with patient relatives should follow the patient’s wishes rather than seek to serve the patient’s best interests. This

13 Denard Veshi, “Studio relativo alla Raccomandazione CM / Rec (2009) 11 in merito agli Stati di lingua latina (Italia, Francia, Portogallo e Spagna), tedesca (Austria, Germania e Svizzera) e inglese (Irlanda e Regno Unito di Gran Bretagna e Irlanda del Nord)”, *Rivista Italiana di Medicina Legale*, 37:3 (2015), pp. 1277-1294.

14 ECtHR has applied the Convention on Human Rights and Biomedicine of 1997 towards the UK that has not ratified it yet (ECtHR, Glass v. the UK, Application No. 61827/00).

approach gives a better implementation of Principle 3(1) in correlation with Principle 10(1) Recommendation REC(2009)11.<sup>15</sup> In more concrete terms, in the case of “surrogate will”, or better, in the case of consultation with the patient relatives, they shall aim the so-called substitute medical decision. In simple words, a surrogate must take into account the patient’s emotional, physical, and social health, not merely the illness, injury, or infirmity. Specifically, surrogates should take into consideration, between others, the patient’s present levels of physical, sensory, emotional, and cognitive function; (2) the quality of life, life expectancy, and prognosis for recovery with and without treatment as well as whether the medical treatment being provided is causing or may cause pain, suffering, or serious complications.<sup>16</sup> Thus, the medical staff – in consultation with the patient’s relatives – shall act according to the patient’s best interests (understood as objective medical criteria) when those wishes are unclear.<sup>17</sup>

By considering that Article 39 Albanian Code of Medical Ethics includes several legal and ethical controversial problems, *ad hoc* rules governing end-of-life decisions is fundamental. Thus, in the case of request to withhold or withdraw medical treatments by unconscious patients, physicians have would have clear legal rules.

Currently, an academic legal discussion regarding end-of-life decisions has been developed. On one side, part of the legal doctrine<sup>18</sup> believes that withdrawing treatment cannot be punished because despite the facts being similar to criminal offences – such as international homicide, homicides committed in other specific circumstances, or aid in suicide, also recognized in the Albanian Penal Code in Articles 76, 79, and 99 respectively – physicians cannot be punished since they fulfilled a duty (Article 21 PC).<sup>19</sup> However, part of the legal community<sup>20</sup> argues that humans do not have the moral right to die. Thus, in the case of an unconscious patient, even if the patient has during some point of his life given consent to withhold or withdraw medical treatments, there is the necessity to save the patient’s life. In these cases, the doctor is neither liable for kidnapping nor for

15 States should decide to what extent advance directives should have binding effect. Advance directives which do not have binding effect should be treated as statements of wishes to give due respect. States should address the issue of situations that arise in the event of a substantial change in circumstances.

16 Thaddeus Mason Pope, “The best interest standard: both guide and limit to medical decision making on behalf of incapacitated patients”, *The Journal of Clinical Ethics*, 22:2 (2011), pp. 134-138.

17 Veshi and Neitzke, “Advance directives in some Western European Countries: a legal and ethical comparison between Spain, France, England, and Germany”, p. 327.

18 Stefano Canestrari, “Le diverse tipologie di eutanasia: una legislazione possibile”, *Rivista Italiana di Medicina Legale*, 25: 5 (2003), pp. 751-775.

19 Article 21(1) PC states *no one shall be held criminally liable while acting to exercise rights or fulfill duties determined by law or an order issued by a competent authority, unless the order is obviously unlawful* [translation by the authors].

20 Gianfranco Iadecola, “Note critiche in tema di “testamento biologico”, *Rivista Italiana di Medicina Legale*, 24:3-4 (2003), pp. 473-483.

unlawful detention (Articles 109 and 110 PC) since there exists the exculpation act of extreme necessity (Article 20 PC).<sup>21</sup>

Focusing on instructional medical directives, some principles can be stated. First, ADs should be legally binding. Thus, physicians shall follow the patient's wishes, except when the instructional medical directives are contrary to the legal provisions. For instance, instructional medical directives shall impose on physicians a legal obligation of "not acting" or to withdraw medical treatment, but cannot include an obligation to act (i.e. euthanasia). Second, ADs shall not have a time limitation. Although the renewal of ADs means to legally codify the philosophy of Derek Parfit (1994),<sup>22</sup> who believes that personal identity is not continuous over time and place. Currently, only few countries establish a time limitation. These examples of time limitation can be found in: Austria (Article 7(1) Law of 8 May 2006),<sup>23</sup> and in Portugal (Article 7(1) Law of 16 July 2012). Also, France, which previously established a time limitation, in 2015, abrogated it (Article 1111-11 CSP).<sup>24</sup> Third, instructional medical directives should not have an object limitation either; in particular, artificial nutrition and hydration or artificial ventilation can also be included in the case of instructional medical directives. Also, the ECtHR has underlined that it is lawful to withdraw these types of life-supporting medical equipment.<sup>25</sup>

These instructional medical directives should be established only in written forms in order to not confuse the "instructional medical directives" with the concept of *amanet*, which derives from the Turkish language and translates to "a supplication for God's sake". *Amanet* are oral declarations given to the closest family member that generally include concern about property, internment and funeral arrangements (i.e. place to be buried, the funeral ceremony) as well as advice for the future (i.e. taking

21 Article 20 PC states *no one shall be held criminally liable having committed the criminal offence due to the necessity to confront a real and imminent danger threatening him, another person or the property against a serious damage, not avoidable by other means, provided that it has not been instigated by him and the damage incurred is greater than the damage avoided*; Article 109(1) states *kidnapping or holding a person hostage in order to gain wealth or any other benefit, to facilitate the preparation of conditions for committing a crime, helping in hiding or departure of perpetrators or collaborators of a crime, avoiding the punishment, forcing the realization of certain requests or circumstances, for political or other reasons, is punishable by ten to twenty years of imprisonment*; Article 110(1) PC states that the *unlawful detention of a person constitutes criminal contravention and is punishable by fine or by up to one year of imprisonment* [translation by the authors].

22 Derek Parfit, *Reasons and persons* (Oxford: Oxford University Press, 1984).

23 In Austria ADs could be legally-binding or not. In case of legally binding AD, the interested party must receive complete medical information by the physician and legal information by the Noter. In addition, this document is valid for five years; if not renewed with the same formalities, it will have only an advisory power. This document may be registered in the Austrian Chamber of Notaries.

24 The old version of the French law established that advance directives have a validity of 3 years. Nevertheless, they could be renewed by a simple signature of the existing document (article 1111-18 CSP). On the contrary, the new version of the French Law of (2015) does not establish any time-limited of these documents.

25 Arend Cornelis Hendriks, "End-of-life decisions. Recent jurisprudence of the European Court of Human Rights", *ERA Forum*, 19:4 (2019), pp. 561-570

care of the spouse or for his/her children).<sup>26</sup> Although the Albanian legal system is based on liberty of forms (Article 663 CC), unilateral acts that produce a legal effect in the non-pecuniary sphere – i.e. recognition of a natural child (Article 181(1) Family Code) or its legitimacy (Article 176 Family Code) – has always established them in a written form *ad substantiam*.<sup>27</sup> Thus, in Albania, also the ADs should be considered valid only if they are established in written forms.

Focusing on “surrogate will,” the granter might have the possibility to nominate more than one surrogate (Principle 4(2) Recommendation REC(2009)11 and Article 10(4) Mental Capacity Act in the UK).<sup>28</sup> The nomination of multiple surrogates will solve the problems that might arise when the surrogate is not found<sup>29</sup> or it will give the opportunity to balance the powers.<sup>30</sup> In addition, Albania should also establish a third party to evaluate eventual conflicts of interests or to supervise the surrogates (Principle 12(2) Recommendation REC(2009)11).<sup>31</sup> The review of the Western European policies on this issue concludes that two possible models can be used. The first one, codified in Portugal, resolve the controversial within the hospital, while the German and Great Britain and Northern Ireland approach to it is the *ad hoc* judge, which underlines the principle of impartiality.<sup>32</sup>

To sum up, the “instructional medical directives” and “surrogate will” are the two main forms of ADs. Article 39 Albanian Code of Medical Ethics should be considered unconstitutional since it also violates the ethical principle of patient autonomy. Moreover, *ad hoc* rules are needed for governing end-of-life decisions. The Albanian legislator should also consider the experience of other Western European countries.

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- 26 Gentian Vyshka, and Jera Kruja, “Inapplicability of advance directives in a paternalistic setting: the case of a post-communist health system”, *BMC Medical Ethics*, 12:1 (2011), p. 12.
- 27 Article 663 CC states *The requisites for the existence of the contract are: consent of the party that has undertaken the obligation, the legal motive of the obligation, the object that constitutes the content of the contract and the form as required by law* [translated by the authors]. Article 181(1) Family Code states, *The father of a child born outside of wedlock is considered to be the adult male who recognizes him/her as their child* [translated by the authors]. Article 176 Family Code states, *When a child has been registered with unknown parents, the mother can recognize the child. The recognition of the child can be also performed by a minor mother* [translated by the authors].
- 28 Principle 4(2) Recommendation REC (2009), 11 states *The granter may appoint more than one attorney and may appoint them to act jointly, concurrently, separately, or as substitutes*. Article 10(4) Mental Capacity Act states, *The instrument may appoint them to act (a)jointly; (b)jointly and severally, or (c)jointly in respect of some matters and jointly and severally in respect of others*.
- 29 Joint Committee on the Draft Mental Incapacity Bill, „Draft Mental Incapacity Bill 1st Report“, <http://www.publications.parliament.uk/pa/jt/jtdmi.html>, accessed 30 November 2021.
- 30 Council of Europe, Committee of Ministers, *Recommendation CM/Rec (2009)11 and Explanatory Memorandum* (2009) [98].
- 31 *States should consider introducing a system of supervision under which a competent authority is empowered to investigate. When an attorney is not acting in accordance with the continuing power of attorney or in the interests of the granter, the competent authority should have the power to intervene. Such intervention might include terminating the continuing power of attorney in part or in whole. The competent authority should be able to act on request or on its own motion*.
- 32 In Portugal: Article 9 of the Law No 25 of 16 July (2012); in England and Wales: Articles 45–53 of the *Mental Capacity Act 2005*; in Ireland: Articles 13–32 of the *Assisted Decision-Making (Capacity) Bill 2013*; in Scotland: Article 50 of the *Adults with Incapacity (Scotland) Act 2000*; in Germany: Article 1904 of the *German Civil Code*.



### III. An Islamic Approach to Advance Directives: Focusing on the case of Albania

This Section examines end-of-life decisions through an Islamic approach since cultural and religious aspects impact on the implementation of ADs.<sup>33</sup> The authors review the various notions – such as ‘disease,’ ‘death,’ ‘futile treatment,’ ‘euthanasia,’ and ‘PAS’ – according to Islamic sources of law by considering the Qur’an and *hadith*. In addition, the authors offer a short overview of the Islam literature on end-of-life issues by also considering the application of these results to the international, supranational and in particular Albanian legal systems.

According to Islamic literature, disease is a natural phenomenon and a type of suffering that expiates patient’s sin.<sup>34</sup> This interpretation helps Muslim families cope with the diseases.<sup>35</sup> As a result, sometimes, patients prefer to not receive pain management to show to Allah patience. This is also based on two important parts of the Qur’an: Qur’an 2:155<sup>36</sup> and Qur’an 57:22.<sup>37</sup> In addition, for Muslims, death is the starting point of a future life.<sup>38</sup>

Although disease is considered a natural phenomenon, patients should request medical treatments, if it is not a *haram* (futile treatments). In other words, if the medical treatment is *mandub* (preferred) or *makruh* (optional), Muslims should request medical treatments. Unfortunately, due to emotional issues as well as the effects of the medical treatment and financial costs, it is difficult to define in concrete medical situations the case of medical futility.<sup>39</sup> In addition, in the case of Muslim families, futility is even more a difficult concept for two reasons. First, Muslim families strongly believe in God’s miraculous cures.<sup>40</sup> Second, Muslim families believe that Allah pre-determines the exact time and place of death.<sup>41</sup> Eventually, therefore, on several

33 Baharoon H Al-Jahdali, et al., “Advance medical directives: A proposed new approach and terminology from an Islamic perspective”, *Medicine, Health Care and Philosophy*, 16:2 (2013), pp. 163–169.

34 Mohammed Ali Albar, “Seeking remedy, abstaining from therapy and resuscitation: An Islamic perspective”, *Saudi Journal of Kidney Diseases and Transplantation* 18:4 (2007), pp. 629–637.

35 Mohamad A Tayeb, et al. “A “good death”: perspectives of Muslim patients and health care providers”, *Annals of Saudi Medicine*, 30:3 (2010), pp. 215–221.

36 *And certainly, We shall test you with something of fear, hunger, loss of wealth, lives and fruits, but give glad tidings to the patient.* Baharoon H Al-Jahdali, et al., “Advance medical directives: A proposed new approach and terminology from an Islamic perspective”, p. 165.

37 *No calamity befalls on the earth or in your selves but it is inscribed in the Book of Decrees before We bring it into existence. Verily, that is easy for Alla’h (God)* Baharoon H Al-Jahdali, et al., “Advance medical directives: A proposed new approach and terminology from an Islamic perspective”, p. 165.

38 Sarhill Nabeel, et al., “The terminally ill Muslim: Death and dying from the Muslim perspective”, *The American Journal of Hospice & Palliative Care*, 18:4 (2001), pp. 251–255.

39 Keri L Rodriguez, and Amanda J. Young “Perceptions of patients on the utility or futility of end-of-life treatment”, *Journal of Medical Ethics* 32:8 (2006), pp. 444–449.

40 Baharoon H Al-Jahdali, et al., “Advance medical directives: A proposed new approach and terminology from an Islamic perspective”, p. 166.

41 Mohamad A Tayeb, et al. “A “good death”: perspectives of Muslim patients and health care providers”, p. 218.

occasions, families demand futile heroic treatments.<sup>42</sup> The fact that Allah predetermines the exact time and place of death is also based on the hadith 1, vol. 76 Kitab of Sahih al-Bukhariyy.<sup>43</sup> However, when medical treatments create more harms than benefits for the patients, physicians shall be able to stop end-of-life treatments,<sup>44</sup> although contrary to the family's position, since the majority of the Islam literature agrees that medical attention is recommended and not mandatory.<sup>45</sup> In these cases, although medical treatment stops, care and nutrition shall continue.<sup>46</sup>

After explaining the “accessory” notions – such as ‘death,’ ‘medical treatment,’ ‘futility,’ – it should be underlined that the Muslim sources of law take a clear position regarding the different types of medical situations. PAS and euthanasia are prohibited in Muslim beliefs since life not worth living is an unacceptable concept because it violates the principle of sanctity of life. This approach is clearly stated on the interpretation of the various parts of the Qur’an: Qur’an 2:195,<sup>47</sup> Qur’an 5.32,<sup>48</sup> Qur’an 17:33,<sup>49</sup> and Qur’an 45:26.<sup>50</sup>

Regarding advance directives, Al-Bukhari underlines that the Prophet Muhammad recognized the right to not be treated. In order words, when the Prophet Muhammad was terminally ill and unconscious, he asked his wives to not pour medication in his mouth. Nevertheless, his wives did not follow the medical declarations of the Prophet Muhammad. Once conscious again, the Prophet Muhammad underlined the importance of the application of the right to not be treated.<sup>51</sup> The right to not be treated is clearly established in two different parts of

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- 42 Clarissa de Pentheny O’Kelly, Catherine Urch, and Edwina A. Brown, “The impact of culture and religion on truth telling at the end of life”, *Nephrology Dialysis Transplantation*, 26:12 (2011), 3838-3842; Hassan Chamsi-Pasha, and Mohammed Ali Albar, “Ethical dilemmas at the end of life: Islamic perspective”, *Journal of Religion and Health*, 56:2 (2017), pp. 400-410.
- 43 *There is no disease that Allah has created, except that He also has created its treatment*
- 44 Baharoon H Al-Jahdali, et al., “Advance medical directives: A proposed new approach and terminology from an Islamic perspective”, p. 167.
- 45 Mohammed Ali Albar, “Seeking remedy, abstaining from therapy and resuscitation: An Islamic perspective”, *Saudi Journal of Kidney Diseases and Transplantation*, 18:4 (2007), pp. 629-637.
- 46 Wahaj D. Ahmed, “An Islamic View of Death and Dying”, *Journal of the Islamic Medical Association of North America*, 28 (1996), pp. 175-177.
- 47 *Nor kill (or destroy) yourselves* Khan, Faroque A. “Religious teaching and Reflections on Advance Directive-Religious Values and Legal Dilemmas in Bioethics: An Islamic Perspective.” *Fordham Urban Law Journal* 30:1 (2002), pp. 267-275.
- 48 *For that we have ordained to children of Israel; that whoever slains a person, without being soul (life) for soul (life) or corruption on earth, it is as if he stained the whole of humanity; and that who saves a life, he is as he saved the whole of humanity* Khan, Faroque A. “Religious teaching and Reflections on Advance Directive-Religious Values and Legal Dilemmas in Bioethics: An Islamic Perspective.” *Fordham Urban Law Journal* 30:1 (2002), pp. 267-275.
- 49 *Do not kill the soul which Allah prevented except in righteous situation* Hamdan Al-Jahdali, et al. “Advance medical directives: a proposed new approach and terminology from an Islamic perspective”, p. 167.
- 50 *It is Allah Who gives you life, then gives you death* Khan, Faroque A. “Religious teaching and Reflections on Advance Directive-Religious Values and Legal Dilemmas in Bioethics: An Islamic Perspective.” *Fordham Urban Law Journal* 30:1 (2002), pp. 267-275.
- 51 Baharoon H Al-Jahdali, et al., “Advance medical directives: A proposed new approach and terminology from an Islamic perspective”, p. 169.

the *hadith* of Sahih al-Bukhariyy: vol. 7, Book 70, Hadith 550;<sup>52</sup> and vol. 7, Book 71, Hadith 610.<sup>53</sup>

According to the Islamic literature on medical jurisprudence the Islam sources of law allow both types of ADs: *wakalah* (“instructional medical directives”) and *wakeel* (“surrogate will”).<sup>54</sup> Nevertheless, most of the Muslim communities – both physicians and patients – were not aware of ADs: once they understand this concept, they advocate for ADs.<sup>55</sup> In order to correctly apply ADs, patients should be aware of their diagnosis and prognostic since in most of the cases, death does not happen suddenly.<sup>56</sup> But, while in Western European countries, telling the truth to patients is one of the main ethical principles, studies in Muslim communities has shown the application of family-centered approach,<sup>57</sup> which might also contradict medical confidentiality.<sup>58</sup> Generally, the truth is hidden to Muslim patients in Muslim countries since it might increase fear on the patient,<sup>59</sup> although the patient knows that he is dying and pretends that he does not know.<sup>60</sup> Thus, patients do not have the opportunity neither to say goodbye to his relatives nor to write or change important legal documents, such as *testamentum*, or to decide where to die (home or in the hospital). It should also be underlined that the family-centered approach is also codified in the codes of medical ethics in 14 different Islamic countries,<sup>61</sup> as well as in the Albania,<sup>62</sup> a country with a Muslim majority.

52 *I visited the Prophet (peace and blessings be upon him) while he was suffering from a high fever. I touched him with my hand and said, “O Prophet! You have a high fever.” The Prophet (peace be upon him) said, “Yes, I have as much fever as two men of you have.” I said, “Is it because you will get a double reward?” The Prophet (peace and blessings be upon him) said, “Yes, no Muslim is afflicted with harm because of sickness or some other inconvenience, but that Allah will remove his sins for him as a tree sheds its leaves.*

53 *Abu Bakr kissed (the forehead of) the Prophet when he was dead. ‘Aisha added: We put medicine in one side of his mouth but he started waving us not to insert the medicine into his mouth. We said, “He dislikes the medicine as a patient usually does.” But when he came to his senses he said, “Did I not forbid you to put medicine (by force) in the side of my mouth?” We said, “We thought it was just because a patient usually dislikes medicine.” He said, “All of those who are in the house will be forced to take medicine in the side of their mouth while I am watching, except for Al-‘Ab- bas, for he had not witnessed your deed*

54 Abul Fadl Ebrahim, “The living will (Wasiyat Al-Hayy): a study of its legality in the light of Islamic jurisprudence”, *Medicine & Law*, 19 (2000), p. 147.

55 Mohamad A Tayeb, et al. “A “good death”: perspectives of Muslim patients and health care providers”, p. 219.

56 Hein JJ Wellens, et al. “Sudden death in the community”, *Journal of Cardiovascular Electrophysiology*, 14 (2003), pp. S104-S107.

57 M. A.Chamsi-Pasha, and M. A Albar, “Ethical challenges of deactivation of cardiac devices in advanced heart failure”, *Current Heart Failure Reports*, 11:2(2014), 119–125; Subrata Chattopadhyay, and Alfred Simon, “East meets West: Cross-cultural perspective in end-of-life decision making from Indian and German viewpoints”, *Medicine, Health Care and Philosophy*, 11:2 (2008), pp. 165-174.

58 Mohamad A Tayeb, et al. “A “good death”: perspectives of Muslim patients and health care providers”, p. 221.

59 Abdullah Mobeireek, et al., “Information disclosure and decision-making: The Middle East versus the Far East and the West”, *Journal of Medical Ethics*, 34:4 (2008), pp. 225–229.

60 Farzaneh Zahedi, “The challenge of truth telling across cultures: A case study”, *Journal of Medical Ethics and History of Medicine*, 4 (2011), p. 11.

61 Hunida E. Abdulhameed, Muhammad M. Hammami, and Elbushra A. Hameed Mohamed, “Disclosure of terminal illness to patients and families: Diversity of governing codes in 14 Islamic countries”, *Journal of Medical Ethics*, 37:8 (2011), pp. 472–475.

62 Denard Veshi, et al., “End-of-Life Decisions in Albania: The Call for an Ethical Revision”, p. 321.

Some scholars<sup>63</sup> might be against ADs since Muslim citizens cannot decide the time and place of death and they shall support the pain. However, on the other hand, there is the *hadith* of Sahih Bukhari that underlined the fact that the Prophet was not happy when his right to not be treated was not respected. The joint interpretation of these legal documents concludes that Muslims are allowed to write ADs that are applicable in the case that they are unconscious and that others are obliged to follow them. The respect of ADs can also be understood from the analysis of the story of the migration of the Prophet Muhammad to Yathrib (Medina) where planning was fundamental.<sup>64</sup> However, ADs should be respected only if the efforts are sincere and do not violate the commands of Allah.

After briefly reviewing the Islamic ethical and legal literature on end-of-life situations, it is important to understand the application of this literature to the legal documents. In other words, from this review it is understood: 1. There is a distinction of documents classified as ADs from other similar legal documents; 2. The right to not be treated by an unconscious patient is different from euthanasia and PAS; 3. In the Muslim community, physicians apply a family-centered approach rather than a patient-centered approach.

First, the Islamic literature has underlined the importance to distinguish between the concept of *alwasiyah* and the notion of ADs.<sup>65</sup> *Alwasiyah* is an Islam term that indicates the last wishes of the person before his death that mostly includes issues regarding inheritance. On the contrary, ADs are documents that are applicable when the patient is still alive, but he is unconscious and deals only with medical issues. Both the *alwasiyah* and ADs are recognized in the Muslim sources of law. In concrete, the *alwasiyah* is established in the Qur'an<sup>66</sup> and on the *hadith* of El-Bukhari,<sup>67</sup> while ADs are established in two different parts of the *hadith* of El-Bukhari: vol. 7, Book 70, Hadith 550 and vol. 7, Book 71, Hadith 610.

Also, the international and European literature has underlined the difference between ADs from *testamentum*. First of all, the importance of ADs has been

63 Margaret A. Miklancie, "Caring for patients of diverse religious traditions: Islam, a way of life for Muslims", *Home Healthcare Nurse*, 25:6(2007), pp. 413–417; Abdul Rashid Gatrads, "Muslim customs surrounding death, bereavement, postmortem examinations, and organ transplants", *British Medical Journal*, 309:6953 (1994), pp. 521–523.

64 Faroque A. Khan, "Religious teaching and Reflections on Advance Directive-Religious Values and Legal Dilemmas in Bioethics: An Islamic Perspective", *Fordham Urban Law Journal*, 30:1 (2002), pp. 267-275.

65 Hamdan Al-Jahdali, et al. "Advance medical directives: a proposed new approach and terminology from an Islamic perspective", p. 168.

66 *If one of you facing death can leave a legacy, he should bequeath "leave" it to his parents and relatives, according to the law. This is the duty of the pious*

67 *It is not permissible for any Muslim who has something to will to stay for two nights without having his last will and testament written and kept ready with him*

recognized by several international scholars.<sup>68</sup> With the recognition of the importance of ADs, a patient's position evolves from a passive role of personal, physical, and mental protection to an active role of freedom and quality of life.<sup>69</sup> Moreover, and more importantly, it should be underlined that the term "living will" is confusing for people because wills take effect only after an agent's death, and are directed to other people.<sup>70</sup> Thus, in order to not confuse between these terms – *testamentum* (will) and future medical declarations applicable at the moment of unconsciousness – the term used is "instructional medical directives."

Similarly, the Albanian literature has given a similar result.<sup>71</sup> Indeed, the authors agree that shall be a difference between the notions of *amanet*, *testamentum* and ADs. As stated above, *amanet* derives from the Turkish language and translates to "a supplication for God's sake". As stated above, this notion is given to the closest family member through (in general) oral declarations in order to deal with issues about property, internment and funeral arrangements (i.e. place to be buried, the funeral ceremony) as well as advice for the future (i.e. taking care of the spouse or for his/her children). On the contrary, *testamentum* is a unilateral legal transaction written by a competent citizen that has its own legal effects after death. However, this document deals only with the economic relations of the *de cuius* (testator). On the other side, although there is no *ad law* ruling ADs, the literature, as stated above, has qualified ADs as unilateral legal transactions that produce legal effects in the non-pecuniary individual sphere. ADs should be viewed as an application of the right to self-determination recognized by Article 27 of the Albanian Constitution since there exists a right to life, but not a duty to live.

Second, the Islam literature recognizes the right to not be treated by an unconscious patient through ADs, while it considers euthanasia and PAS as criminal offences. In concrete, while euthanasia and PAS are considered as violation of sanctity of life (Qur'an 2:195, Qur'an 5:32, Qur'an 17:33, and Qur'an 45:26), the *hadith* of El-Bukhari (Vol. 7, Book 70, Hadith 550 and Vol. 7, Book 71, Hadith 610) recognizes the right to not be treated. This is why it is fundamental to distinguish between forms of PAS and euthanasia, on one side, and ADs, on the other side.

68 Susan E Hickman, et al., "Hope for the future: achieving the original intent of advance directives", *The Hastings Center Report*, 3:6 (2005), pp. S26-S30; Maria J. Silveira, Scott YH Kim, and Kenneth M. Langa, "Advance directives and outcomes of surrogate decision making before death", *New England Journal of Medicine*, 362:13 (2010), pp. 1211-1218; Joan M. Teno, et al., "Do advance directives provide instructions that direct care?", *Journal of the American Geriatrics Society*, 45:4 (1997), pp. 508-512; Linda L. Emanuel, et al., "Advance directives for medical care—a case for greater use", *New England Journal of Medicine*, 324:13 (1991), 889-895; Marion Danis, et al., "A prospective study of advance directives for life-sustaining care", *New England Journal of Medicine*, 324:13 (1991), pp. 882-888.

69 Veshi and Neitzke, "Advance directives in some Western European Countries: a legal and ethical comparison between Spain, France, England, and Germany", p. 327.

70 Giuseppe Spoto, "Questione di Fine Vita tra modelli adottati in Europa, negli Stati Uniti e Proposte Interne", *Europa e Diritto Privato* 13:4 (2011), pp. 1175-1196.

71 Denard Veshi, et al., "End-of-Life Decisions in Albania: The Call for an Ethical Revision", p. 320.

In the international level, the international code of medical ethics does not clearly recognize the right to euthanasia or PAS by establishing an obligation to comply with the national ethical codes. Also, the Council of Europe, neither with the Oviedo Convention of 1997 nor with the Guide on the decision-making process regarding medical treatment in end-of-life situations of 2014 establish rules about euthanasia or PAS. However, regarding withholding and withdrawing medical treatments by a conscious patient, the international code of medical ethics states *a physician shall respect a competent patient's right to accept or refuse treatment*. Also, Article 5(1) of the Oviedo Convention underlines that *an intervention in the health field may only be carried out after the person concerned has given free and informed consent to it*.

In the EU level, neither the European Charter of Medical Ethics nor the European Code of Medical Ethics take a position regarding PAS or euthanasia. Thus, national codes of medical ethics have the competence to establish rules regarding these types of medical practice. As stated above, in Albania, while PAS and euthanasia are considered criminal offenses (violation of Articles 76, 79, and 99 PC as well Article 39 Code of Medical Ethics) and withholding and withdrawing treatment by a competent patient are considered legal (Article 6(2)(c) Law no. 10.107 of March 2009), nothing has been established regarding the right to withholding and withdrawing treatment by a unconscious patient. Currently, there is an academic debate regarding the application of ADs, which was uncovered in Section II.

Third, in the Muslim community, physicians apply a family-centered approach rather than a patient-centered approach. On the other side, several studies have shown that patients discuss end-of-life issues more with their families rather than with physicians.<sup>72</sup> Thus, the legal validity of family-centered approach should be considered.

In the international level, the International Code of Medical Ethics states that *a doctor shall preserve absolute secrecy on all he knows about his patient because of the confidence entrusted in him*. In the EU level, the European Charter of Medical Ethics and the European Code of Medical Ethics underline the importance

72 Ciaran T. Bradley, Karen J. Brasel, and Margaret L. Schwarze, "Physician attitudes regarding advance directives for high-risk surgical patients: a qualitative analysis", *Surgery*, 148:2 (2010), pp. 209-216; Keshia M. Pollack, Dan Morhaim, and Michael A. Williams, "The public's perspectives on advance directives: Implications for state legislative and regulatory policy", *Health Policy*, 96:1 (2010), pp. 57-63; Ronald S. Go, et al., "Advance directives among health care professionals at a community-based cancer center", *Mayo Clinic Proceedings*, 82:12 (2007), pp. 1487-1490; Hines, Stephen C., et al. "Dialysis patients' preferences for family-based advance care planning", *Annals of Internal Medicine*, 130:10 (1999), pp. 825-828; Morrison, R. Sean, Elizabeth W. Morrison, and Denise F. Glickman, "Physician reluctance to discuss advance directives. An empiric investigation of potential barriers", *Archives of Internal Medicine*, 154:20(1994), 2311-2318; Davidson, Kent W., et al., "Physicians' attitudes on advance directives", *The Journal of the American Medical Association*, 262:17 (1989), pp. 2415-2419.

of professional confidentiality. In more concrete terms, Principle 5 European Charter of Medical Ethics states that *the physician is the patient's essential confidant. He betrays this confidence on revealing what he has learned from the patient.* Moreover, Articles 7<sup>73</sup> and 8<sup>74</sup> of the European Code of Medical Ethics establish similar rules.

It seems that neither in the international level, nor in the EU level, there is clear information if the physician can share the patient information with the family. Thus, the national approach should be considered. Between the English-, German-, and Romance-speaking countries, the authors focuss only on the Romance-speaking countries since all these countries as well as Albania share the Mediterranean Sea. The review of some Romance-speaking countries found out that the national codes of medical ethics can apply two different approaches: the information to the family can be given, unless the patient has decided the contrary *or* the information to the family is given only if there is the express consent of the patient. While the first approach is taken in France,<sup>75</sup> the second one is applied in Italy,<sup>76</sup> in Spain,<sup>77</sup> and in Portugal.<sup>78</sup>

France, differently from the other countries, has had a strong colonial connection with North African Countries (Morocco, Algeria, and Tunisia) and other African countries (Niger, Burkina Faso, and Mali), where the Muslim religion is the vast majority; sometimes, also almost 95% of the total population is Muslim, as it is the case of Mali.<sup>79</sup> Today, a high number of Muslim families live in France.<sup>80</sup> Indeed, in 2016, the last available data, within the Romance-speaking countries,

73 *The doctor is necessarily the patient's confidant. He must guarantee to him complete confidentiality of all the information which he may have acquired and of the investigations which he may have undertaken in the course of his contacts with him. The death of a patient does not absolve a doctor from the rule of professional secrecy.*

74 *A doctor must respect the privacy of his patients and take all necessary steps to prevent the disclosure of anything which he may have learned in the course of his professional practice. Where national law provides for exceptions to the principles of confidentiality, the doctor should be able to consult the Medical Council or equivalent professional authority.*

75 Article 35 (3) code of Medical Ethics in France states: great care must be taken in revealing a terminal prognosis, but persons close to the patient should normally be informed, unless the patient has already indicated that he does not wish them to be informed or has designated third parties to whom the information should be given.

76 Article 34(1) code of Medical Ethics in Italy states: *Information to third parties may be provided with the explicit consent expressed by the assisted person, without prejudice to the provisions of Articles 10* [the case of professional secrets given to other doctors] *and 12* [information about the patient given to him or his legal representative], *when the health or life of the person himself or of others is in grave danger* [translated by the authors].

77 This is the result of the international of Article 9(2), Article 15(2), and Article 27(7) of the Spanish Code of Medical Ethics. In more concrete terms, Article 9(2) states *In the exercise of their profession, doctors will act correctly and delicately, respecting the privacy of the patient.* Article 15(2) underlines that *the information is to be transmitted directly to the patient, persons designated by him or his/her legal representative. The physician shall respect the patient's right not to be informed, noting this in the medical record;* Article 27(7) includes that *the doctor will preserve the confidentiality of patients in their social life, work and family.*

78 Article 50 (4) code of Medical Ethics in Portugal states: *the diagnosis and prognosis can only be made known to third parties, namely family members, with the express consent of the patient, unless the patient is minor or cognitively incompetent, without prejudice to the provisions of article 89 of this Code* [translated by the authors].

79 ArcGis Hub, „Mali Religion Areas“, <https://hub.arcgis.com/content/nga::mali-religion-areas/about> accessed 30 November 2021.

80 Global Religious Futures, „Europe“, <http://www.globalreligiousfutures.org/regions/europe/>, accessed 30 November 2021.

France has the highest number of Muslims among the total population.<sup>81</sup> While in the other countries, Muslims constitutes less than 5% of the total population – Portugal (0.4%), Spain (2.6%), and Italy (4.8%) – in France, 8.8% of the local population is Muslim. This is why France has registered the largest Muslim community in the Western European Countries.<sup>82</sup>

In Albania, the Code of Medical Ethics gives to family a fundamental importance. Indeed, Article 26 (Informing family members) states *the doctor has a duty to show understanding and concern with family members. S/he should keep them informed of the medical procedures and care provided to the patient, his progress and perspective, provided that such a thing does not go against the will of the patient* [translated by the authors]. It seems that the Albanian Code of Medical Ethics has applied a similar approach to the French one. In addition, in none of the Romance-speaking countries, a rule focusing on the right to be informed by the family was found.

To sum up, the legal analysis of the Islamic sources of law uncovers that the right to refuse medical treatment as well as the planning medical treatments are clearly established. In addition, the Muslim community applies a family-centered approach to end-of-life decisions. Moreover, the Islamic literature on ADs is very similar to the international literature on ADs. However, while Western European countries apply a patient-centered approach, the literature has shown that Muslim families apply a family-centered approach. But, this is not an issue for the Albanian legislation since the Code of Medical Ethics establishes a clear article focusing only on the right to inform the family members.

## Conclusion

Differently from other Western European Countries, Albania does not have *ad hoc* rules governing end-of-life decisions. Although Albania has ratified international agreements that protect patient active role in medical situations, the national legislation has applied a paternalistic approach.

According to the medical literature, there are four main types of end-of-life situations: withholding or withdrawing treatment from a conscious patient, withholding or withdrawing treatment from an unconscious patient, PAS, and euthanasia. Although in the international and EU levels patient autonomy is protected, national lawmakers have the competence to rule on end-of-life situations.

81 Pew Research Center, „5 facts about the Muslim population in Europe“, <https://www.pewresearch.org/fact-tank/2017/11/29/5-facts-about-the-muslim-population-in-europe/>, accessed 30 November 2021.

82 European Monitoring Centre on Racism and Xenophobia, „Muslims in the European Union“.



In general, national parliaments have recognized the right to refuse medical treatments by conscious adult patients. Regarding ADs, all Western European Countries have recognized it. On the contrary, only few Western European countries have established clear rules regarding PAS and euthanasia.

In Albania, the national lawmaker has not taken a clear position for all these types of end-of-life situations. While PAS and euthanasia are considered criminal offenses (violation of Articles 76, 79, and 99 PC as well as Article 39 Code of Medical Ethics), withholding and withdrawing treatment by a competent patient are considered legal (Article 6(2) (c) Law no. 10.107 of March 2009). The importance of clear rules governing ADs is fundamental since this approach will eliminate legal uncertainties. By considering the legal experience of other Western European countries, ADs should be without time or object limitations. Moreover, attention should be given to the solutions of the conflicts between surrogates and physicians. Furthermore, the importance of international law – including *soft-law* – should be considered.

The review of the Islamic literature showed the similarities and differences between the Western approach and Islamic approach to end-of-life decisions. Although there is the principle of sanctity of life, patients do not have an obligation to seek medical treatment since medical treatment might be *mandub* (preferred) or *makruh* (optional). In addition, if the medical treatment is a *haram* (futile treatments), Muslims should not request medical treatment. As a result, due to the principle of sanctity of life, euthanasia and PAS are considered as a violation of Qur'an (Qur'an 2:195, Qur'an 5:32, Qur'an 17:33, and Qur'an 45:26). However, since Muslims do not have an obligation to seek medical treatments, *hadith* recognizes the right to not be treated (Vol. 7, Book 70, Hadith 550 and Vol. 7, Book 71, Hadith 610). Both literatures agree on the fact that there is a difference between ADs and *testamentum* as well as between the right to refuse medical treatments by an unconscious patient from euthanasia or PAS. However, while the medical culture in Western European Countries is based on the patient, in the Islamic culture, physicians – as well as Codes of Medical Ethics – apply a family-centered approach.

Although Albania is located in Europe, the majority of the population is Muslim. Between the Islamic approach and national Code of Medical Ethics there are several similarities. First, both the Qur'an and the Albanian Code of Medical Ethics recognize the right to withhold or withdraw medical treatments by a conscious patient. Second, both these documents consider PAS and euthanasia not coherent with their own principles. Third, the family-centered approach, typical for Muslim culture, is also established in Article 26 Albanian Code of Medical Ethics.

On the contrary, in the case of ADs, while the Islamic literature as well as *hadith* recognizes the right to refuse medical treatments also in the case of unconscious patients, the Albanian Code of Medical Ethics does not recognize instructional medical directives while it codifies the role of the surrogate as a guardian to protect patient's best interest rather than patient's wishes.

To sum up, Albania does not rule end-of-life decisions. *Ad hoc* rules on ADs are fundamental in order to protect patient extended autonomy. The approach on end-of-life situations between the current Albanian legislation and the Islamic source of law is similar. The impact of the Muslim culture on end-of-life decisions can be shown by the family-centered approach on end-of-life situations established not only in the other Muslim counties, but also in the Albanian Code of Medical Ethics. But, while the *hadith* recognizes the right to refuse medical treatments also in the case of unconscious patients, the Albanian Code of Medical Ethics takes a paternalistic approach by not recognizing instructional medical directives and focusing on the patient's best interest rather than patient's wishes.

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# Odluke o okončanju života kod muslimana u Albaniji: interdisciplinarni pristup

## Sažetak

Ova studija ispituje odluke o okončanju života u islamskom i uporedno pravnom pristupu u albanskom kontekstu. Metodologija primijenjena u ovom radu jeste kritičko-pravna analiza i pravna poređenja. Cilj istraživanja jeste dati pregled uticaja islamske pravne kulture (Kur'ana i hadisa) na albansku zakonsku regulativu koja se odnosi na odluke o okončanju života. Iz pravne perspektive rad naglašava neustavnost albanskog Kodeksa medicinske etike. Pored toga, pregled islamske literature o medicinskom pravu daje prikaz stava muslimanske zajednice o odlukama o okončanju života, zajedno sa naučnim ispitivanjem različitih pravila koja uređuju situacije vezane za okončanje života koje su kodificirane u islamskim pravnim izvorima, i ti razmatranjem samo Kur'ana i hadisa. Cilj tog istraživanja jeste bolje razumjeti sličnosti i razlike između ta dva različita pristupa kroz naglašavanje značaja islamskog pristupa odlukama o okončanju života za albansku zakonsku regulativu.

**Ključne riječi:** anticipirana naredba, kodeks medicinske etike, hadis, islamska literatura o medicinskom pravu, pravni pristup, Kur'an



## Publishing as a Tool for the Formation and Accumulation of Symbolic Capital in Russia: The Medina Publishing House

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*Renat Bekkin*

### Abstract

*Medina Publishing* is one of the oldest and largest Islamic publishers in Russia in terms of volume. This article examines its evolution from a project publishing work on local history and the Nizhny Novgorod Tatars to a publisher of modern theological literature written by representatives of the Renovationist movement. *Medina* characteristically distributes most of its books, newspapers, and magazines free. Its core aims are educational, image-building, and ideological in nature. This article looks at *Medina's* role as a tool for the formation and accumulation of symbolic capital by one of Russia's Islamic religious organisations (muftiates), the *Spiritual Administration of Muslims of the Russian Federation* (DUM RF). The author notes *Medina's* unique position in the Russian publishing market as a publisher focused on literature for the educated reader with special knowledge in the fields of religious studies, philology, etc. *Medina's* publications encourage readers to believe that the centre of Islamic theological thought in Russia is at DUM RF, legitimating the claims of the muftiate and its leader to spiritual leadership of the Russian ummah. Both DUM RF and *Medina* focus their efforts on building the profile of intellectuals as people government officials, as those whose decisions govern the fate of religious associations in Russia, can work with rather than as representatives of an alien, incomprehensible, and hostile force (which is how bureaucrats in Russia have viewed Islam for centuries).

**Key words:** *Medina Publishing*, Damir Mukhetdinov, Islamic Renovationism, muftiate, the Spiritual Administration of Muslims of the Russian Federation (DUM RF), *Iman Publishing*



## Introduction

As the Soviet era came to a close in the late 1980s and early 1990s, publishers specialising in Islamic literature began to appear in different regions of the USSR. They were not created by publishing professionals but by enthusiasts whose main goal was the religious enlightenment of Muslims in the former Soviet republics. High levels of consumer demand provided an incentive to saturate the market with Islamic literature quickly, but few publications of the 1990s were of high quality. They were often unedited translated texts or poor-quality reprints of pre-revolutionary and Soviet-era books. Ordinary readers were, however, satisfied with such literature, as it allowed them to get to know certain basics of Islam and take pride in earlier scholars.

In the early 1990s, Islamic publishers did not engage deeply with the content of the literature they were publishing, printing instead anything on the topic of Islam they found of interest. As a result, they published, without comment or preface, works by authors of fundamentally different viewpoints on issues of Islamic doctrine.

As Muslim publishing enthusiasts in Russia acquired more knowledge about Islam, they increasingly appreciated the need for care in picking manuscripts for publication, which in turn required clear and considered publishing policies.

Salafi publishing houses (e.g., *Santlada*, *Badr*,<sup>1</sup> etc.) were the first to formulate and implement such policies, while publishers with no direct association with a specific religious or political group retained what can only be called a pluralistic approach to their publishing plans into the late 1990s.

*Iman Publishing*, active in Kazan, played a significant part in the revival of Islamic knowledge there. Developed in 1990 out of the *Iman Youth Centre for Islamic Culture*, it quickly became an independent publishing structure distributing product throughout the Russian Federation. *Iman* initiated its publishing program with an eponymous newspaper in 1990, first issued as a supplement to the *Tatarstan yashlare* (*Youth of Tatarstan*) newspaper and then as a separate sheet.<sup>2</sup> Many other Islamic publishers in Russia would follow a similar pattern, starting off publishing periodicals for a Muslim public organisation.<sup>3</sup>

Between 1990 and 2011, *Iman* published 1,119 titles, 627 of them in Tatar.<sup>4</sup> The focus was initially on translations of Salafi-oriented authors, with funding from Arab charitable foundations. As the views of the founder and the head of

1 For a brief overview of some of *Badr's* books, see Rushan Abbyasov and Arslan Sadriev, "Obryadovaya skhologika radikalizma", *Nezavisimaya gazeta*, 27 October (1999), [https://www.ng.ru/world/1999-10-27/sch\\_radikalizm.html](https://www.ng.ru/world/1999-10-27/sch_radikalizm.html), accessed 12 November 2021.

2 A newspaper called *Vera* was published in Russian and Tatar. Each edition had its own editorial board. See Interview with Nail Garipov, 29 May 2018, the author's fieldwork materials.

3 One of the best known examples is *Medina* itself, whose history started with the *Nur al-'Ilm* newspaper.

4 *Katalog knig izdatel'stva 'Iman'* (Kazan, Iman, 2011), p. 2.

the publishing house, Valiulla Yakupov (1963–2012), evolved from Salafism to “traditional Islam”,<sup>5</sup> the repertoire changed. During the 2000s, *Iman* shifted to publishing classical works by Tatar theologians and books on the history and culture of the Tatar people. After Yakupov’s death in 2012, *Iman* remained active but proved unable to maintain the status of largest Islamic publishing house in Russia (by number of titles issued and geographical distribution) that it had held in the 1990s and for most of the 2000s. Even in Tatarstan, *Iman*’s position came under pressure from *Khuzur Publishing*, established in 2013 by the *Spiritual Administration of Muslims of the Republic of Tatarstan* (DUM RT).<sup>6</sup> By the mid-2010s, there were hardly any Islamic publishing houses in Russia that were not either subordinate to or at least cooperating with the official Islamic religious organisations or muftiates<sup>7</sup> active at federal and regional level and under full state control.<sup>8</sup>

Islamic publishing houses here refers to publishers who produce exclusively or predominantly theological literature. Such large houses as *Mardjani* or *Sadra* (both in Moscow) cannot be fully characterised as Islamic in this sense, as they specialise in academic Islamic literature.

Some *Medina* publications are difficult to place by genre, including some books and articles by the publisher’s founder and *de facto* head, Damir Mukhetdinov. Academic in structure, they nonetheless aim to spread and popularise theological and legal ideas.<sup>9</sup> One of the largest Islamic publishers in recent Russian history, the unique thing about its position was that it put out both theological and academic literature on Islam from the start.

This article is not focused on how *Medina*’s publishing plans developed, however. Rather, the intention is to use *Medina* as an example of what happens when an Islamic publishing house plays a significant role in the formation and accumulation of symbolic capital by the spiritual administrations (muftiates). Symbolic capital is here understood, after Pierre Bourdieu, in terms of positive reputation and so of an image that opens up opportunities for an individual or legal entity and can help it accumulate other types of capital, whether economic, social, or

5 For more on the concept of traditional Islam, see *The Concept of Traditional Islam in Modern Islamic Discourse in Russia*, Renat Bekkin (ed.) (Sarajevo: Center for Advanced Studies, 2020).

6 For more on *Khuzur Publishing*, see its official website: <https://huzurshop.ru>.

7 In Russia and certain other countries, a muftiate (synonym: spiritual administration of Muslims) is a collegial body that acts as an official representative of Muslims in their relations with other confessions and the state and performs certain administrative functions (e.g., for the Muslim communities under their jurisdiction). See further Renat Bekkin, *People of reliable loyalty...: Muftiates and the State in Modern Russia* (Huddinge: Södertörns högskola, 2020).

8 The *Ummah* publishing house, established in 2002, is an exception. *Iman*, although not the official publishing house of the Spiritual Administration of Muslims of the Republic of Tatarstan, has nonetheless published materials for the muftiate since 1998.

9 See Renat Bekkin, “The Renovationist Movement in Contemporary Russian Islam”, in *The Concept of Traditional Islam in Modern Islamic Discourse in Russia*, Renat Bekkin (ed.) (Sarajevo: Center for Advanced Studies, 2020), pp. 87–114.

cultural.<sup>10</sup> Given the evolution of the range of books it has published over the years, one can trace *Medina's* trajectory from a publishing initiative driven by the Nizhny Novgorod Tatars and specialising in local history to one producing books addressed primarily to a professional academic and expert readership and Muslim graduates. Acting as a major source of information in Russian on Islam and Muslim culture in Russia, *Medina* has shaped for itself a loyal audience that includes Muslim intellectuals and influential academicians, experts, officials, and figures influential in the implementation of confessional policy in Russia and responsible for relations with the various religious associations in the country. The following text therefore looks at *Medina's* various functions (commercial, educational, ideological, and image-building) and notes their impact on the formation and multiplication of symbolic capital for the various muftiates overseeing the publishing house at different times.

This article is one of few academic publications on the topic and deploys the example of *Medina*, one of the largest Islamic publishing houses in post-Soviet Russia, to understand publishing activity by Muslims in Russia. No claim is made to cover all aspects of *Medina's* activities. Organisational and financial aspects lie outside the scope. Such questions might afford us a better understanding of why the publisher is not more focused on the commercial aspect of its operations, but the opacity of *Medina* and its leadership render it impossible to treat the topic in any real way.

Nor is the issue of cooperation with other Russian publishers touched upon. *Medina* was one of the first Islamic publishing houses to engage widely in joint publishing ventures with other publishers (*Sadra*, *Mardjani*, etc.). This policy has served more than just *Medina's* commercial purposes (viz., sharing risks related to preparation and publication). Partnership projects with other publishers have also allowed *Medina* to expand its readership and increase not only its own symbolic capital but also that of the structures with which it is associated.

## Medina Publishers: a brief history

According to its website, *Medina* was officially registered in 2007, but the catalogue released for its 5<sup>th</sup> anniversary contains titles published before that date (going back to the mid-1990s), when not even a plan for the publishing house existed.<sup>11</sup> From a legal point of view, no such expansive interpretation of its

10 Pierre Bourdieu, *Sotsiologiya politiki*, transl. into Russian by N.A. Shmatko (Moscow: Socio-Logos, 1993), p. 56.

11 *Katalog izdatel'skogo doma 'Medina'. 2007–2012 gg.* (Moscow and Nizhny Novgorod: *Medina*, 2012), available at <http://idmedina.ru/photos/extra/file/katalog.pdf>, accessed 12 November 2021. It is worth noting that the publishers' books are referred to as "printed and electronic products".

publishing activities can be correct, and, although *Medina* is repeatedly indicated as the publisher in the catalogue, the books' *impressa* carry quite different names.<sup>12</sup>

From the perspective of ideological continuity, it is quite appropriate to accept the thematic and meaningful continuity between the first books published under the *Medina* logo and the publishing activity previously carried out under the auspices of the Spiritual Administration of Muslims of the Nizhny Novgorod region between 1995 and 2006. The books published before 2007 may be considered as belonging to two major thematic areas: local literature (the history of Tatar villages in Nizhny Novgorod and other regions)<sup>13</sup> and theological publications.<sup>14</sup>

A focus in both these areas continued to be pursued after *Medina* was formally established as a publishing house. The local studies thematic area was enriched with research by authors not just from Nizhny Novgorod but from other regions of Russia too. As the Russian historian Marat Safarov has noted, these local history publications were extremely important for the self-definition and self-esteem of Mishar Tatars,<sup>15</sup> who tended to consider *Medina* "their" (i.e., a Mishar) publishing house and one where they could not just get literature of interest to them but also publish their own academic works.<sup>16</sup> What is more, *Medina's* list of publications made clear to readers that the Mishars included amongst their number many outstanding figures, including prominent scientists, entrepreneurs, educators, etc.<sup>17</sup>

At the same time, the author list included many Kazan Tatars (Azat M. Akhunov, Ilshat F. Gimadeev, Aidar Khairutdinov, Aidar N. Yuzeev, Aidar Y. Khabutdinov, etc.) without whom *Medina* would not have the status of a nation-wide publisher. The reason was that there were no Islamic Tatar scholars in Nizhny Novgorod capable of translating Arabic manuscripts written by Tatar scholars of the 19<sup>th</sup> and early 20<sup>th</sup> centuries or of commenting on them. Interest in Mishar Tatar spiritual heritage prompted the publication of such works by Tatar theologians and works on the Hanafi *madhhab*, the historically dominant school among the Turkic Muslims of Russia.

12 E.g., see Olga Senyutkina, *Pervyi s'ezd musul'man Rossii (k 100-letiyu provedeniya)* (Nizhny Novgorod: "Makhinur", 2005) and idem, *Tretiy s'ezd musul'man Rossii (k 100-letiyu provedeniya)* (Nizhny Novgorod: "Makhinur", 2006).

13 Umar Idrisov et al., *Iz istorii nizhegorodskikh musul'manskikh obshchin v 19 – 30-ke godakh XX vv* (Nizhny Novgorod: Publishing House of the NNSU, 1997); Ryashit Bayazitov and Valeriy Makarikhin, *Nizhegorodskie tatarsy mishari v novoe vremiya* (Nizhny Novgorod: Medina, 1996); Ryashit Bayazitov and Valeriy Makarikhin, *Vostochnaya Meshebera v srednie veka: etnogenez tatar v Nizhegorodskom krae* (Nizhny Novgorod: Medina, 1996).

14 Abu Hanifa Numan ibn Thabit, *Traktaty* (Nizhny Novgorod: DUMNO, 2001); Rustam Batrov, *Musul'manskiy post* (Nizhny Novgorod, DUMNO, 2001); Marat Khairutdinov, *Tseli i sposoby dzbikhada* (Nizhny Novgorod: Research Institute named after Kh. Faizkhanov, 2005).

15 Mishar Tatars are a sub-ethnic group of the Volga-Ural Tatars living in the Sergachsky district of the Nizhny Novgorod region, as well as in other regions of Russia. They speak the Western (Mishar) dialect of the Tatar language.

16 Interview with Marat Safarov, 10 December 2020, author's fieldwork materials.

17 Despite this, most of the periodicals issued by *Medina* have been and continue to be in Russian.

By the mid-2000s, *Medina* was publishing on general Islamic issues and hosting events on an all-Russian scale, first in Nizhny Novgorod and then in Moscow and other cities. These included the Muslim International Forum (since 2004), the Faizkhanov readings (since 2004), the Fakhretdin readings (since 2009), etc. Reports presented at these events increasingly promoted the ideas of Renovationism in Islam and books by Russian authors who would later describe themselves as Muslim Renovationists (*obnovlentsy*) were launched.<sup>18</sup> The leader of this group within Russian Islam is the *de facto* head of *Medina*, Damir Mukhetdinov.

Muslim renovationists are not a single rigidly structured group with a common ideology. Most renovationists share a critical approach to the Sunnah and a desire to revise provisions of Islamic dogma and law that are based on what they consider unreliable hadith and subsequent tradition. Unlike the Qur'anites, however, Muslim renovationists in Russia do not completely deny the Sunnah.<sup>19</sup>

Promotion of the religious and philosophical views of the Russian Renovationists has become one of the main pillars of *Medina's* publishing activity since the early 2000s. Like Mukhetdinov, the other stalwarts of the publishing house, Rustam Batrov (Batyр)<sup>20</sup> and Tawfiq Ibrahim, are also leading ideologists of Russian Renovationism in Islam.<sup>21</sup>

*Medina's* publishing activity includes another area of focus that deserves mention, viz., reference literature. In 2007, the house released a series of dictionaries on "Islam in the Russian Federation". The purpose was to "study the problems of the emergence, formation, and development of Islam in Russia".<sup>22</sup> This series allows us to identify the strengths and weaknesses of the publishing house.

On the one hand, the dictionaries were one-of-a-kind publications that presented the history and current situation of Muslim communities in various regions of Russia (the Nizhny Novgorod region, Moscow, St. Petersburg, etc.) in a comprehensive form. On the other, they received well-deserved criticism for unprofessionalism.<sup>23</sup>

18 Tawfiq Ibrahim, *Na puti k koranicheskoy tolerantnosti* (Nizhny Novgorod: Medina, 2007); Rustam Batyr, *Vmesto reform* (Nizhny Novgorod-Yaroslavl: Medina, 2007); Damir Mukhetdinov, *Islam v XXI veke: programma obnovleniya: sbornik dokladov* (Moscow: Medina, 2016); Damir Mukhetdinov, *Rossiyskoe musul'manstvo: tradicii ummy v usloviyah evrazijskoj civilizatsii* (Moscow: Medina, 2016).

19 See further Renat Bekkin, "The Renovationist Movement in Contemporary Russian Islam", in *The Concept of Traditional Islam in Modern Islamic Discourse in Russia*, Renat Bekkin (ed.) (Sarajevo: Center for Advanced Studies, 2020), pp. 87-114.

20 Rustam Batyr, *Vmesto reform* (Nizhny Novgorod-Yaroslavl: Medina, 2007); Rustam Batrov, *Abu Hanifa: zhizn' i nasledie* (Nizhny Novgorod: Medina, 2007).

21 Tawfiq Ibrahim, *Na puti k koranicheskoy tolerantnosti* (Nizhny Novgorod: Medina, 2007); Tawfiq Ibrahim, *Koranicheskiy gumanizm* (Moscow: Medina, 2015).

22 Series of encyclopedic dictionaries, "Islam in the Russian Federation", <http://www.idmedina.ru/books/encyclopedia/?260>, accessed 12 November 2021.

23 See, e.g., Renat Bekkin and Almira Tagirzhanova, *Musul'manskiy Peterburg. Istoricheskiy putevoditel'. Zhizn' musul'man v gorode na Neve i v ego okrestnostyakh* (Moscow and Saint Petersburg: Institut Afriki RAN, 2016), pp. 17-19; Roman Silant'ev, "Islamskiy slovar' ne otlichaetsya entsiklopedichnost'yu", *NG-Religii*, 6 December 2017, [https://www.ng.ru/printing/2017-12-06/15\\_433\\_tatarstan.html](https://www.ng.ru/printing/2017-12-06/15_433_tatarstan.html), accessed 12 November 2021.

The series also revealed the limits of *Medina's* ability to attract new authors and collaborators. As already noted above, from its first years, the publisher had drawn on authors and editors from Kazan and other cities for the preparation of its academic programme, as there were no scholars in Nizhny Novgorod who specialised in Islamic and Turkic studies. When it attempted to broaden its coverage to other Muslim regions of Russia, *Medina* faced problems. This was true not just of the North Caucasus but even of the neighbouring Republic of Bashkortostan. It became clear that *Medina* could successfully coordinate projects on Tatar issues but go beyond that only with difficulty.

The publisher's website mentions that the following dictionaries were planned for 2013–2014: *Islam in Dagestan, Islam in Chechnya, Ingushetia and Ossetia, Islam in North West Caucasus*.<sup>24</sup> None of them has yet been published. We can only speculate as to why *Medina* had difficulties cooperating with authors and editors from other regions. One cannot exclude the possibility that local muftiates in the North Caucasus actively opposed the implementation of such projects among the communities under their jurisdiction by a publishing house that belonged to a rival spiritual administration. The conflict over the *Salam* newspaper, published by the Muftiate of Dagestan, offers vivid illustration of how seriously the Russian muftiates take the problem of competing Muslim religious organisations distributing printed materials on their turf.<sup>25</sup>

By the end of the 2010s, the number of book titles being published by *Medina* had narrowed significantly. Most were now works of theology, whose covers bore the names of mufti Ravil Gaynutdin or his deputy Damir Mukhetdinov.<sup>26</sup> In 2020, the publishing house released series on “Revival and renewal” and on “Islamic thought in Russia: revival and reinterpretation.” According to Mukhetdinov, in 2021 “the plan is to publish at least 50 books, including academic translations of the works of Musa Bigeev, the works of Rizaetdin Fakhretdin, and local and foreign thinkers into modern Russian and Tatar.”<sup>27</sup> As of September 2021, not even a quarter of the planned books had been published.

24 ‘Islam in the Russian Federation,’ dictionaries, <http://www.idmedina.ru/books/encyclopedia/?260>, accessed 12 November 2021.

25 Arthur Priymak, “Koordinatsionnomu tsentru Severnogo Kavkaza nekogo koordinirovat”, *NG-Religii*, 5 April 2017, [https://www.ng.ru/ng\\_religii/2017-04-05/12\\_418\\_kavkaz.html](https://www.ng.ru/ng_religii/2017-04-05/12_418_kavkaz.html), accessed 12 November 2021.

26 Ravil Gaynutdin, *Islam: verouchenie, poklonenie, nnavstvennost', zakon* (Moscow: Medina, 2020); Damir Mukhetdinov, *Sovremennye islamskie mysliteli* (Moscow: Medina, 2020).

27 Damir Mukhetdinov, *Otvetstvennyi sekretar' MMF Damir Mukhetdinov vystupil na onlain konferentsii, posvyashchennoi 145-letiyu so dnya rozhdeniya vydavushchegosya dzhadida Makhmudkhozbi Bekhbudi*, Muslim International Forum, 2 December 2020, [http://muslim-forum.info/happening/mezhdunarodnaya-panorama/otvetstvennyy-sekretar-mmf-damir-mukhetdinov-vystupil-na-on-layn-konferentsii-posvyashchennoi-145-lel?sphrase\\_id=1031](http://muslim-forum.info/happening/mezhdunarodnaya-panorama/otvetstvennyy-sekretar-mmf-damir-mukhetdinov-vystupil-na-on-layn-konferentsii-posvyashchennoi-145-lel?sphrase_id=1031), accessed 12 November 2021.

## Medina's functions as a publishing house

A traditional publisher is a commercial enterprise that buys the rights to publish books, prepares them for the press, and prints them at its own expense, paying the author a fee (usually in the form of royalties). Some publishers, which one may think of as commercial middlemen between the author and the printers and so term intermediary publishers, print books at the authors' expense. Such publishers still have an interest in obtaining income from the sale of books and related products, but, in contrast to the first case, any commercial risk has been minimised. The intermediary publisher does not bear the risk of the book, in which funds have been invested, not paying off, whether fully or even partially. As a rule, such books, whose preparation and printing is financed by the authors, are published in small runs, so that the publisher does not incur major costs for storage of unsold copies.<sup>28</sup>

In this regard, one may ask how correct it is to refer to an enterprise as a publishing company if it has no intention of gaining from the sale of copyrighted materials, of publishing books for a fee, or of paying royalties or any other remuneration to authors? Obtaining income from books sales and other print products is not such a subsidised publishing house's main goal (or priority). It is a major feature of any publishing house that it publishes books and other printed materials. How the publisher finances the production and printing of its products does not affect the essence of its activities. Including manuscripts in the publishing plan that are promising from the point of view of reader-demand increases the chances of receiving funding from sponsors.

Any publishing house can perform four main functions: commercial, educational, image-building, and ideological. One can combine all four of these functions, but at any given stage, one of them will dominate.

We will now look at these four functions with reference to the example of the *Medina* publishing house.

1) *The Commercial Function.* *Medina* cannot be called a commercial project. From the mid-1990s to the present day, the publishing house has distributed its products free of charge. Publication of its books has and continues to be at the expense of sponsors. Initially, these were private patrons, but *Medina* later began to receive funding from state programs, including, more particularly, a training program for specialists with an in-depth knowledge of the history and culture of Islam.<sup>29</sup> Sponsorship

28 The classical publishing house was an intermediary, not only between the copyright holder (author) and the printing house, but also between the author and the reader. The publishing house offers authors channels for marketing their books. This is the major advantage for most authors when choosing between an intermediary publisher and a self-publishing system.

29 A plan to train specialists with in-depth knowledge of the history and culture of Islam in the Russian Federation began to be implemented in 2005. Several pairs of partner universities have taken part, each comprising a secular university and a religious institute. The program does not provide funding for the publication of books but does allow for funding to be allocated for the preparation of monographs and textbooks.

funds from abroad have been received for projects related to Islamic studies and education since 2007 through the *Fund for the support of Islamic culture, studies, and education*.<sup>30</sup> Unfortunately, the present researcher has not been able to access any information related to the financial activities of the publishing house, rendering it extremely difficult to estimate the role of the various sources of funding in the publishing house's finances.

Up until the mid-2010s, the main distribution channel for *Medina's* products was the free distribution of literature at various events held by three muftiates, who facilitated and continue to facilitate *Medina's* work: the Spiritual Administration of Muslims of the Nizhny Novgorod region (DUMNO), the Council of Muftis of Russia (SMR), and the Spiritual Administration of Muslims of the Russian Federation (DUM RF).<sup>31</sup> Each conference participant was given a bag with several *Medina* publications as well as the conference program. Some of the literature was posted on the official DUMNO website and later on the website of the publishing house. The HTML format of the materials on these sites could not fully compete with the paper literature distribution channel, but, since the mid-2010s, most of the publications are published in pdf-versions via the *Medina* website.

Thus, the publishing house has never faced the problem of recouping costs. Moreover, the website states that the publisher "provides a full range of printing services, starting from prepress preparation of the publication (typesetting, design, lay-out, and publishing), and including all types of typesetting and processing services."<sup>32</sup> In other words, the publisher also prepares and prints books for authors at their own expense, which means, it is a hybrid publishing house (combining the functions of a traditional publisher and an intermediary publisher). Unfortunately, I have no information as to how many of *Medina's* books have been published in either way.

2) *The Educational Function*. The *Medina* website vision section (it is the publisher's own text) states that "In future, the *Medina* website plans to publish not only our own publications but also works that have already become a bibliographic rarity, provided they contribute to our goal, which is to promote interfaith tolerance, encourage enlightenment, and lead those seeking knowledge along the path of faith and progress."<sup>33</sup>

In the preface to the publisher's catalogue, Mukhetdinov says that "The main goal in creating it [the publishing house – R.B.] was enlightenment. We see enlightenment through sermons, newspapers, and books as the most effective method of

30 For more information on the Fund, see <https://www.islamfund.ru/>

31 Initially under the auspices of DUMNO, *Medina* later became the main publishing house of SMR and DUM RF.

32 For the services offered by *Medina*, see <http://idmedina.ru/services/>, accessed 12 November 2021.

33 For the vision statement or concept page on the *Medina* website, <http://idmedina.ru/about/concept/>, accessed 12 November 2021.



Calling [to Islam] (*da'wah*). Our goal has been to return Nizhny Novgorod residents, and later all Russian Muslims, to their roots."<sup>34</sup>

Education is thus not for *Medina* an end in itself but a tool for *da'wah*. The problem is that such literature is completely different in format and written according to different genre rules from those applied in *Medina* publications. Even such books as do fall under the category of theological literature address well-educated secular Muslims or non-Muslims interested in Islam. Apologetic works that provide a comparative analysis of religions and polemical materials would be better suited to the purpose of calling to Islam (at least in terms of academic or popular literature). Critical editions of various translations of the Qur'an (with commentaries) and collections of *hadith*<sup>35</sup> can also be used to contribute to the goals of *da'wah*. Such publications were being issued at the time by Islamic publishers like *Ummah*, *Ansar*, etc.<sup>36</sup>

3) *The Ideological Function*. The vision statement of the *Medina* website also states that "at the forefront of its activities the *Medina* publishing house initially put the promotion of a tolerant and, for Russian Muslims, traditional legal school of Islam, the *madhhab* of Abu Hanifa."<sup>37</sup>

As noted earlier, enlightenment is not an end in itself but is focused on achieving a goal, namely *da'wah*. This is, in actual fact, not so much the "Call to Islam" itself as the popularisation of certain ideas. At an early stage, this was the concept of Misharistan, coined by the historian and regular *Medina* author Damir Khayretdinov, who promoted the idea of the Mishars' significant contribution to the Islamic culture of Russia.<sup>38</sup> To this end, *Medina* published literature on the history of the region and biographies of prominent Nizhny Novgorod Tatars. This ideology allowed the Mishar wing to strengthen their position in two of the above-mentioned muftiates, viz., the SMR and the DUM RF. Thanks to *Medina's* publications, Mishars became active participants in Islamic discourse in Russia.

The success of the "Mishar project" contributed to the transformation of the Spiritual Administration of Muslims of Nizhny Novgorod region into one of the most authoritative Islamic religious organisations in Russia. *Medina's* publishing

34 *Katalog izdatel'skogo doma 'Medina'. 2007–2012 gg.* (Moscow and Nizhny Novgorod: Medina, 2012), <http://idmedina.ru/photos/extra/file/katalog.pdf>, accessed 12 November 2021.

35 In 2015 *Medina* published a Russian translation of the Tafsir of the Qur'an by Abdullah Yusuf 'Ali. In a speech at a forum on "Islam in a multicultural world", Damir Mukhetdinov announced plans in the near future to publish "an 8-volume encyclopedia of hadiths, an 8-volume encyclopedia on "Islam in the Russian Federation," an 8-volume encyclopedia of the Qur'an, as well as a series of books on *falsafa, kalam, tasawwuf, fiqh*, history." (Damir Mukhetdinov, X Mezhdunarodnyi forum 'Islam v mul'tikul'turnom mire'. Vystuplenie D. Mukhetdinova na plenarnom zasedanii, *Muslim International Forum*, 25 December (2020), <http://muslim-forum.info/happening/deyatelnost-mmf/kh-mezhdunarodnyy-forum-Islam-v-multikulturnom-mire-vystuplenie-d-mukhetdinova-na-plenarnom-zasedanii/>, accessed 12 November 2021.

36 For more details on these publishers see: Vyacheslav Danilov, "Osnovnye kanaly rasprostraneniya musul'manskoi knigi v Sibiri (konets XX – nachalo XXI v.)", *Bulletin of Omsk University*, 4 (2008), pp. 88-94.

37 See <http://idmedina.ru/about/concept/>, accessed 12 November 2021.

38 Interview with Marat Safarov, 10 December 2020, author's fieldwork materials.

policy helped the muftiate, which operated in a region with a small Muslim population, to acquire symbolic capital amongst adherents of Islam living outside the Nizhny Novgorod region.

The authority of a particular muftiate today is determined not only by the number of communities it covers as by the ideological influence it exerts on other regions. For example, the jurisdiction of the Spiritual Administration of Muslims of the Republic of Tatarstan (DUM RT) includes only communities within Tatarstan, but its influence extends to communities in other regions too. An effective tool of this influence is the muftiate's publishing activity, exercised through the *Khuzur* publishing house, mentioned above. In the autumn and winter of 2019, DUM RT presented a series of translations of the meanings of the Qur'an into Tatar, prepared by Islamic scholars from Tatarstan. The translation aroused great interest not only among the Tatars but also among representatives of other Muslim peoples of Russia.<sup>39</sup>

After Mukhetdinov moved to Moscow and began working at the Spiritual Administration of Muslims of the European part of Russia (since 2014, the Spiritual Administration of Muslims of the Russian Federation) as a deputy mufti, *Medina* was assigned other more ambitious tasks. By the mid-2010s, Mukhetdinov's religious credo had been finally formed. He began to promote the idea of Renovationism in Islam. This is an ideology that, if not fully shared, is at least supported by mufti Gaynutdin, Mukhetdinov's chief.

The core idea of Renovationism is not limited to theological and legal discussion in Muslim print or electronic publications. The administrative position of the Renovationists as officials in Muslim religious organisations means that their texts have become a part of official discourse. Renovationism, as promoted by Mukhetdinov and his associates (R. Batrov, A. Sadriev, et al.), is a secularised version of Islam, attractive not only to some secular Muslim intellectuals but to politicians with a role in regulation of the confessional sphere. Since the first days of its existence, *Medina's* publications have always served as a platform for Russian renovationists.<sup>40</sup>

In recent years, *Medina* has paid much attention to the publication and propagation of the views of foreign supporters of Renovationism in Islam. This is because of the goal Mukhetdinov has been pursuing over the past five years: breakthrough of the Spiritual Administration of Muslims of the Russian Federation to the international level and promotion of the muftiate as an instrument of

39 See, e.g., Alfred Muhametrakhimov, "U sunnitskikh musul'man svoego perevoda ne bylo: novyi knizhnyi bestseller ot DUM RT", *Biznes Online*, 10 December 2019, <https://www.business-gazeta.ru/article/449291>, accessed 12 November 2021.

40 Renat Bekkin, "The Renovationist Movement in Contemporary Russian Islam", in *The Concept of Traditional Islam in Modern Islamic Discourse in Russia*, Renat Bekkin (ed.) (Sarajevo: Center for Advanced Studies, 2020), p. 96.

citizen or people's diplomacy in the Western world. Renovatism is seen as a convenient model for European Islam, through which a common language can be sought with Muslim and non-Muslim politicians and public figures in European countries. The *Islam v sovremennom mire (Islam in the Modern World)* journal serves these goals. Its editor-in-chief happens to be Mukhetdinov. A significant number of the journal's publications are devoted to analysis of the views of foreign Renovatists.<sup>41</sup> Another journal published by Medina, *Minaret Islama (the Minaret of Islam)*, has similar content, but, unlike *Islam in the Modern World*, it is a popular academic journal addressed primarily to Muslims.

It is no coincidence that *Medina* has published hardly any "practical" literature, viz., texts on liturgical practice in accordance with the Hanafi *madhhab* (e.g., execution of the religious rituals prescribed by Islam, Islamic ethics, education, etc.).<sup>42</sup>

Thus, we see that, throughout its history, *Medina* has served an ideological program set by the management of the publishing house to address specific political tasks.

4) *The Image-building Function.* This function is closely related to the preceding one. Given how closely *Medina* was related as a project to the personality of Mukhetdinov, it has worked primarily on his image as organiser, educator, and researcher. The growing symbolic capital of Nizhny Novgorod as a centre of Muslim social and academic and cultural activities influenced the career development of the head of *Medina*. He proved useful on the staff of the Spiritual Administration of Muslims in the European part of Russia.

Mukhetdinov is considered the author of the project to reform the Council of Muftis of Russia (SMR). As a result, this interregional muftiate, which had existed since 1996, ceased *de facto* to exist as a horizontal structure or umbrella organisation for the regional spiritual administrations of Muslims.<sup>43</sup> Instead, there was a strengthening of the Spiritual Administration of Muslims of the Russian Federation (DUM RF), which had previously been the key muftiate within the structure of the SMR. DUM RF has turned into a muftiate with a rigidly built vertical axis of power. Ravil Gaynutdin has come to be known in all DUM RF documents as the "spiritual leader of the Muslims of Russia". Theological works had to be published under Gaynutdin's surname to confirm this status. It is no accident that increasing attention has been paid in recent years to publishing theological texts by Gaynutdin and

41 This peer reviewed journal also publishes articles and reviews by well-known Russian and foreign orientalists. Reviews of *Medina's* own books are published in almost every issue.

42 At present, such literature is mainly published by *Islamic Book*, a publisher working under the auspices of the Council of Muftis of Russia. The head of this muftiate is, as noted above, Ravil Gainutdin, the mufti of the DUM RF.

43 Renat Bekkin, *People of reliable loyalty...: Muftiates and the State in Modern Russia* (Huddinge: Södertörns högskola, 2020), p. 248.

Mukhetdinov.<sup>44</sup> In 2020, the publishing house released new series on “Revival and renewal” and on “Islamic thought in Russia: revival and reinterpretation.” The former was opened by Gaynutdin’s *Islam: doctrine, worship, morality, law*; the latter by Mukhetdinov’s *Modern Islamic thinkers*.<sup>45</sup>

Through its quasi-academic publications, *Medina* has thus introduced and continues to promote the idea that the centre of Islamic theological thought in Russia lies at DUM RF, providing support to the muftiate and its leader’s claims to spiritual leadership in the ummah of Russia. Both DUM RF and *Medina*’s efforts are aimed at building an image of educated intellectuals with whom government officials, who decide the fates of the religious associations in Russia, can work rather than of representatives of an alien, incomprehensible, and hostile force (which is how bureaucrats in Russian have seen Islam for centuries).

*Medina* actively publishes books, articles, and conference proceedings by Russian Islamologists. As a result, Mukhetdinov is treated as their peer. It is a mutually beneficial strategic alliance. Islamologists can publish their works in *Medina*, while Mukhetdinov increases his symbolic capital among his fellow Muslims by entering the circle of academic scholars. Lacking any previous experience at a secular University, he was nonetheless appointed professor at the St. Petersburg State University, one of the leading universities in Russia. Following his appointment, Mukhetdinov has created a talent pool of young Mishars from Tatar villages of the Nizhny Novgorod and Mordovia regions who have enrolled on a Master’s program at the Faculty of Oriental Studies there. Mukhetdinov supported their admission to the Master’s program and then promoted their appointment to administrative positions in the regions as heads of the *muhtasibat*.<sup>46</sup> of the DUM RF. In fact, the Faculty of Oriental Studies has turned into a personnel forge for the administrative unit of DUM RF.

Thanks to *Medina*’s connections with centres of Oriental Studies, a number of Mukhetdinov’s staff and associates have enrolled on postgraduate programmes. In 2020, Mukhetdinov himself successfully defended his dissertation for the degree of doctor of theology on “The Islamic renovationist movement from the end

44 Mukhetdinov has repeatedly been accused of not being the author of academic works published under his name. So far no such charges have been proven or refuted. See, for example: “Kto pisal za Damira Mukhetdinova ego doktorskuyu dissertatsiyu po islamskoy teologii?” *Telegram channel ‘Secrets of Lake Kaban’*, <https://t.me/thesecretsoflakekaban/247>, accessed 12 November 2021.

45 According to Mukhetdinov’s statement of December 2020, there are “21 books by the theologian Musa Bigiyev” and “10 works by mufti Rizaetdin Fakhretdin” in print (Damir Mukhetdinov, X Mezhdunarodnyy forum ‘Islam v multikul’turnom mire’. Vystuplenie D. Mukhetdinova na plenarnom zasedanii, *Muslim International Forum*, 25 December 2020, <http://muslim-forum.info/happening/deyatelnost-mmf/kh-mezhdunarodnyy-forum-Islam-v-multikulturnom-mire-vystuplenie-d-mukhetdinova-na-plenarnom-zasedanii/>, accessed 12 November 2021.

46 Muhtasibat – an administrative unit within the structure of the Muftiates in the USSR and the Russian Federation which unites several Muslim communities (*mahallahs*). A *muhtasibat* is headed by a *muhtasib*, who is appointed by the mufti.

of the 20<sup>th</sup> century to the beginning of the 21st century: ideas and prospects” at the St. Petersburg State University. The dissertation board included established Russian Islamologists.<sup>47</sup>

The image-building function has thus turned out to be the main one for *Medina*. Neither putting profit first or considering education a self-sufficient task, the management of the publishing house has instead focused on the image-building and ideological functions. As a result, not just the publisher but the muftiates that have supervised its activities at different periods have acquired social capital.

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47 For more information on the defense and other related documents, see <https://diss.spbu.ru/zashchita-uchenoj-stepeni-spbgu/285-mukhetdinov-damir-vaioovich-muhetdinov-damir-vaioovich.html>, accessed 12 November 2021.

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# Izdavaštvo kao instrument stvaranja i akumulacije simboličkog kapitala u Rusiji: izdavačka kuća Medina Publishing

## Sažetak

*Medina Publishing* je, po broju objavljenih publikacija, jedan od najstarijih i najvećih islamskih izdavača u Rusiji. U ovom članku se ispituje njegov razvoj, od projekta izdavačke djelatnosti u lokalnoj historiji Tatara Nižnjeg Novgoroda do izdavača savremene teološke literature koju pišu predstavnici renovacionističkog pokreta. Značajno je što *Medina Publishing* većinu svojih knjiga, novina i časopisa najčešće distribuira besplatno. Po karakteru, glavni ciljevi ovog izdavača su obrazovni, ideološki i izgradnja imidža. U ovom članku se razmatra uloga *Medine* kao instrumenta za stvaranje i akumuliranje simboličkog kapitala jedne od najvećih ruskih islamskih religijskih organizacija (muftijstava), Duhovne uprave muslimana Ruske Federacije (DUM RF). Autor ukazuje na jedinstveni položaj *Medina Publishinga* na ruskom izdavačkom tržištu, kao izdavača fokusiranog na literaturu za obrazovanog čitatelja koji posjeduje posebno znanje iz područja religijskih nauka, filologije, itd.. Izdanja *Medine* podstiču kod čitatelja uvjerenje da je DUM RF centar islamske teološke misli u Rusiji, čime legitimiraju pravo ovog muftijstva i njenog lidera na duhovno vođstvo ruskog *ummata*. I DUM RF i *Medina Publishing* svoje napore usmjeravaju na izgradnju profila intelektualaca kao funkcionera narodne vlasti, kao onih čije odluke upravljaju sudbinom religijskih udruženja u Rusiji, sa kojima se može saradivati, a ne kao nekog ko predstavlja tuđinsku, nerazumljivu i neprijateljski nastrojenu silu (kako su stoljećima birokrate u Rusiji doživljavale islam).

**Ključne riječi:** *Medina Publishing*, Damir Muhetdinov, islamski renovacionizam, muftijstvo, Duhovna uprava muslimana Ruske Federacije (DUM RF), *Iman Publishing*





## Primjena UN doktrine „Odgovornost za pružanje zaštite“ i zločini nad Rohinja narodom u Mijanmaru

*Elvedin Mulagić*

### Sažetak

Nakon što su krajem XX stoljeća identifikovane ozbiljne manjkavosti mehanizma UN sistema odgovora na učestale slučajeve ozbiljnog ugrožavanja i opstanka ljudskih grupa, 2001. godine podnesen je izvještaj „Odgovornost za pružanje zaštite“, koji je, potom, ugrađen u sistem UN-a s ciljem unapređenja mehanizma odgovora na spomenute prijetnje. Na početku XXI stoljeća Rohinja narod Mijanmara suočio se sa sistematskim uskraćivanjem osnovnih ljudskih prava i višedecenijskim zločinima. U radu je predstavljen odnos međunarodne zajednice prema uskraćivanju osnovnih ljudskih prava i zločinima nad Rohinja zajednicom u Mijanmaru. Elaboriranje spomenutog odnosa izvršeno je na osnovu principa doktrine odgovornosti za pružanje zaštite. Utvrdili smo da međunarodna zajednica nije primijenila principe odgovornosti za zaštitu te nije poduzela neophodne mjere zaštite i obnove osnovnih ljudskih prava Rohinja iako su postojali pouzdani pokazatelji da se nad njima više decenija provode zločini protiv čovječnosti i drugi zločini.

**Ključne riječi:** ljudska prava, odgovornost za pružanje zaštite, humanitarne intervencije, zločini protiv čovječnosti, Mijanmar, genocid, Rohinje

## Uvod

Historija čovječanstva snažno je oblikovana masovnim, sistematskim i planskim zločinima čiji je ishod često bivalo potpuno ili djelimično istrebljenje ljudskih grupa.<sup>1</sup> Tek je bolno iskustvo čovječanstva u proteklom stoljeću zasnovano na strahovitim razmjerima ljudskog stradanja kroz dva svjetska rata rezultiralo uspostavljanjem ozbiljnijih pravila u odnosima među državama i oštrijim ograničenjima u upotrebi oružane sile. Potpisivanje Povelje Ujedinjenih nacija (u daljem tekstu: UN) može se s pravom smatrati ključnim događajem u regulisanju odnosa između država, dok se donošenje Opće deklaracije o pravima čovjeka Generalne skupštine UN-a može smatrati ključnim u uspostavljanju međunarodnih mehanizama zaštite osnovnih ljudskih prava. Daljnja nadogradnja osnovnih ljudskih prava i zaštita pojedinca, od represalija režima, događa se 1966. godine, kada Generalna skupština UN-a usvaja Međunarodni pakt o građanskim i političkim pravima i Međunarodni pakt o ekonomskim, socijalnim i kulturnim pravima.<sup>2</sup> Spomenuta evolucija međunarodnog prava predstavlja najveći domet čovječanstva jer se fokus s apsolutne državne suverenosti prenosi na zaštitu pojedinca<sup>3</sup> i, što je mnogo važnije, normiraju se obaveze država da članovima zajednice garantuju osnovna ljudska prava. Donošenje Konvencije UN-a o sprečavanju i kažnjavanju zločina genocida s pravom se smatra krupnim dodatnim iskorakom u izgradnji međunarodnog humanitarnog prava, jer se od tog momenta svako masovno stradanje ljudskih grupa prosuđuje sa stanovišta Konvencije o genocidu i opravdanosti za vojnim intervenisanjem.

Odnosi među državama snažno su oblikovani upravo nastojanjima da se osiguraju povoljni ili ekskluzivni pristupi resursima, tržištima i potrošačima u interesnim geografskim područjima. Pojedine države takve težnje čak otvoreno definišu svojim nacionalnim interesom, zalazeći tako u sferu prava drugih nacija i država. S druge strane, pojedine države to rade vrlo prikriveno, ali se njihovi interesi u konačnosti održavaju na blokiranje donošenja odluke u Vijeća sigurnosti UN-a za intervenisanje radi zaustavljanja zločina protiv čovječnosti i drugih zločina.<sup>4</sup> Klasičan primjer jeste kinesko blokiranje odluka Vijeća

1 Irving L. Horowitz, *Taking Lives: Genocide and State Power* (New Jersey: Transaction Publishers, 2002), str. 30-31; Slavko Kulić, *Strategija nasilja kao strategija razvoja* (Zagreb: Naprijed, 1996), str. 160.

2 Kancelarija visokog komesara za ljudska prava UN-a (OHCHR), dostupno na: <http://www.ohchr.org/EN/pages/home.aspx>, pristupljeno 2. 2. 2018.

3 Redefiniranje koncepta sigurnosti počinje podnošenjem izvještaja generalnog sekretara UN-a Boutrosa Ghalia 1992. godine (*An Agenda for Peace*), u kojem se u proširenoj definiciji sigurnosti posebno mjesto daje zaštitu ljudi – njihovih života, zdravlja, ekonomske i socijalne dobrobiti i njihovih temeljnih ljudskih prava i sloboda. Ibrahim Azeem, *The Rohnigyas – Inside Myanmar's Hidden Genocide* (London: Hurst and Company, 2016), str. 70.

4 Eric A. Heinze, „Humanitarian intervention – morality and international law on intolerable violations of human rights“, *The International Journal of Human Rights*, 8:471 (2004), str. 473.

sigurnosti UN-a prilikom razmatranja donošenja odluke o vojnoj intervenciji u Sudanu.<sup>5</sup>

Zbog zloupotrebe veta u Vijeću sigurnosti UN-a u funkciji zaštite partikularnih ekonomskih interesa velikih sila,<sup>6</sup> mase obespravljenih ljudi i zajednice širom Planete često trpe ogromne posljedice. U takvim okolnostima, Izvještaj Međunarodne komisije za intervenciju i suverenost država postaje jedna nova vodilja tijelima UN-a, koja je više usmjerena ka obezbjeđenju prava i zaštiti obespravljenih, nemoćnih i ugroženih članova ljudske zajednice.<sup>7</sup>

Početak XXI stoljeća na Dalekom istoku vrše se zločini nad manjinskim narodom Rohinja u Mijanmaru, kojima se sistematski uskraćuju osnovna ljudska prava. Iako su zločini nad Rohinja narodom vršeni u kontinuitetu više decenija, ti zločini nisu do unazad nekoliko godina izazivali posebnu pažnju međunarodnih organizacija i svjetskih sila. U tom pogledu, predmet ovog rada jeste analiza odnosa međunarodne zajednice prema uskraćivanju osnovnih ljudskih prava i počinjenim zločinima nad Rohinja narodom. U elaboriranju spomenutog odnosa koristili smo principe uspostavljene doktrinom odgovornosti za pružanje zaštite koja je prihvaćena kroz rezolucije Generalne skupštine UN-a,<sup>8</sup> a na osnovu izvještaja Međunarodne komisije za pitanja intervencije i državne suverenosti. Prije analize bit će ukazano na zločine počinjene nad Rohinja narodom.

## Hronologija zločina nad Rohinjama i ugrožavanja njihovih prava

Rohinje nastanjuju provinciju Rakhine, bivšu provinciju Arakan, koja se nalazi na jugozapadnoj obali Mijanmara, uz granicu s Bangladešom. Arakan je bio samostalno kraljevstvo dok ga nije okupirala Burma, 1784. godine, nakon čega postaje provincija unutar Burme. Burmanska vlast 1989. godine mijenja naziv provincije Arakan<sup>9</sup> u Rakhine provincija, što je identično imenu većinske mijanmarske nacionalne

5 Dieter Janssen, „Humanitarian intervention and the prevention of genocide“, *Journal of Genocide Research* (16. 6. 2008), str. 10; vidjeti također: Evelyn Leopold, „Russia, China Block Sudan Sanctions“, *Reuters* (17. april 2006), dostupno na: <https://www.globalpolicy.org/component/content/article/206/39703.html>, pristupljeno 4. 12. 2018.

6 Feil R. Scott, „Preventing Genocide How the Early Use of Force Might Have Succeeded in Rwanda“ (New York: Carnegie Corporation of New York, 1998), str. 4, dostupno na: [https://media.carnegie.org/filer\\_public/02/45/0245\\_add3-b6aa-4a08-b9fc-6eb91f4e2975/ccny\\_report\\_1998\\_genocide.pdf](https://media.carnegie.org/filer_public/02/45/0245_add3-b6aa-4a08-b9fc-6eb91f4e2975/ccny_report_1998_genocide.pdf), pristupljeno 4. 12. 2018.

7 Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. 13.

8 Generalna skupština UN-a, „Rezolucija Generalne skupštine UN-a donosena 16. septembra 2005. godine“ (25. oktobar 2005), dostupno na: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/pdf/N0548760.pdf?OpenElement>, pristupljeno 8. 2. 2018.

9 Toponim Arakan stari je termin arapsko-perzijskog porijekla. Haradhan Kumar Mohajan „History of Rakhine State and the Origin of the Rohingya Muslims“, *The Indonesian Journal of Southeast Asian Studies*, 2:1 (juli 2018), str. 20.

(budističke) grupe.<sup>10</sup> Rohinja muslimani Arakana nastali su interakcijom različitih etničkih grupa, uključujući Arape, Mogule i Bengalce kao i domicilno stanovništvo koje je prihvatilo islam.<sup>11</sup> Ukupnu populaciju Rakhine provincije čini 3.188.963 stanovnika, uključujući 1.090.000 Rohinja. Rohinje su bili izostavljeni iz popisa stanovništva koji je u Mijanmaru proveden 2014. godine.<sup>12</sup>

Uzroci obespravljanja Rohinja naroda mogli bi se pronaći u Drugom svjetskom ratu, kad je došlo do disolucije Arakan provincije, pri čemu je većina Rohinja, muslimana po vjerskom opredjeljenju, dala podršku Britancima, dok je s druge strana većina budističke populacije Rakhina Burme stala uz japansku okupacionu vlast. Spomenuto je uzrokovalo masakre na objema stranama, ali je u konačnici formiranje nacionalno homogenih područja Rohinja na jugu i Rakhina na sjeveru izazvalo mnogo pogubniji efekat.<sup>13</sup> Naredni događaj koji bi se mogao smatrati značajnim uzrokom zločina nad Rohinjama jeste vojni udar 1962. godine, koji se ujedno može definisati kao period od kada se počinju sistematski, posredstvom državnih inistitucija, uskraćivati elementarna ljudska prava Rohinja narodu.<sup>14</sup>

Rohinje Mijanmara predmet su stigmatizacije i dehumanizacije više od tri decenije, a prijelomnim momentom smatra se brisanje Rohinja s liste zvanično priznatih manjina 1983. godine.<sup>15</sup> Od tog momenta zvanične institucije sistematski onemogućavaju nacionalno samoodređenje Rohinja, zabranom korištenja nacionalnog imena Rohinja. Nakon toga u zvaničnom vokabularu počinje se koristiti zamjenski termin "Bengalci", koji implicira da su Rohinje "imigranti" iz Bangladeša.<sup>16</sup> Predsjednik Mijanmara Thein Sein čak je javno izjavio "da ne postoji termin Rohinja u Mijanmaru" te da Rohinje nemaju legitimitet da zahtijevaju državljanstvo.<sup>17</sup> Nakon zakonskog uskraćivanja državljanstva i zabrane nacionalnog smoodređenja Rohinja,

10 Penny Green, Tomas MacManus, Alicia de la Cour Venning, *Countdown to Annihilation: Genocide in Myanmar* (London: International State Crime Initiative, 2015), str. 7 i 46.

11 H. K. Mohajan, „History of Rakhine State and the Origin of the Rohingya Muslims”, str. 20-21.

12 Republika Myanmar, "Popis stanovništva i domaćinstava Myanmara 2014. godine": Sažetak preliminarnih rezultata" (Department of Population, Ministry of Immigration and Population, august 2014), dostupno na: [http://countryoffice.unfpa.org/myanmar/drive/SummaryoftheProvisionalResults .pdf](http://countryoffice.unfpa.org/myanmar/drive/SummaryoftheProvisionalResults.pdf), pristupljeno 3. 2. 2018. godine.

13 Ovaj izveštaj zasnovan je na dvanaestomjesečnoj studiji koju je proveo ISCI-jev tim od tri istraživača s Univerziteta Queen Mary iz Londona (Pennyom Green, Thomas MacManus i Alicia de la Cour Venning), istražujući više od četiri mjeseca (prvenstveno u državi Rakhine, ali i u Jangonu) da li progon Rohinja u državi Mijanmar predstavlja genocid. Green i dr., *Countdown...*, str. 8.

14 Green i dr., *Countdown...*, str. 8; Amnesty International, *Caged Without Roof – Apartheid in Myanmar's Rakhine State* (London, 2017), str. 8 i 16.

15 Green i dr., *Countdown...*, str. 53; Amnesty International, Rohingy – „Stalled Reforms: Impunity, Discrimination and Ongoing Human Rights Abuses“, *Universal Periodic Review* (novembar 2015), str. 10.

16 *The Dawn* (12. 2. 2009), dostupno na: <http://www.dawn.com/news/342940/myanmar-en-voy-terms-rohingyas-ugly-as-ogres>, pristupljeno 30. 1. 2018; McLellan, *Sustanbale...*, str. 5.

“Riječ Rohinja izuzetno je osjetljiva u Mijanmaru i sve je više pod političkim nabojem. Više vlada u kontinuitetu odbija da koristi ovaj termin, kao i mnogi ljudi širom zemlje, tvrdeći da u Mijanmaru nema takve grupe. Umjesto toga, Rohinje se često nazivaju 'Bengalci' (...)” Amnesty International, *Caged...*, str. 17.

17 “Thein Sein talks at Chatham House”, *Asia Pacific – New Mandala* (17. 7. 2013), dostupno na: <http://asiapacific.anu.edu.au/newmandala/2013/07/17/thein-sein-talks-at-chatham-house/>, pristupljeno 30. 1. 2018.

uslijedio je sistematski proces dehumanizacije Rohinja na osnovu njihove boje kože, vjerske pripadnosti i drugog.<sup>18</sup>

Promoviranjem politike da su Rohinje ilegalni migranti dolazi do prvog značajnijeg prisilnog iseljavanja (progon) Rohinja u periodu od 1977. do 1978. godine. Kao posljedica toga, 200.000 osoba izbjeglo je ili prognano u Bangladeš. Međutim, većina izbjeglog stanovništva iste se godine vratila u Mijanmar. Novi val progona i iseljavanja Rohinja u Bangladeš događa se od 1991. do 1992. godine. U ovom valu progona, pod uticajem vojnih operacija u Arakanu, u Bangladeš je prognano 250.000 osoba. Progon Rohinja bio je popraćen grupnim egzekucijama, zatočenjima, mučenjima i silovanjima. Pod nadzorom UNHCR-a izvršena je repatrijacija izbjeglica u periodu od 1993. do 1995. godine.<sup>19</sup>

U periodu između spomenutih dvaju valova progona, 1982. godine donesen je Zakon o državljanstvu, kojim je Rohinjama uskraćeno pravo na mijanmarsko državljanstvo. Od tog momenta status Rohinja radikalno se mijenja. Nakon uskraćivanja državljanstva uslijedilo je oduzimanje ličnih karti pripadnicima Rohinja zajednice. U narednom periodu nastavljen je trend ozbiljnog ugrožavanja ljudskih prava Rohinja. U 2001. godini događa se novi val nasilja nad Rohinjama, koji je rezultirao uništavanjem na desetina džamija i objekata vjerskih škola te značajnim internim raseljavanjem Rohinja.<sup>20</sup>

Zločini nad Rohinjama 2012. i 2013. godine dobijaju jednu novu dimenziju jer se učestalo vrše masovna pogubljenja civilnih osoba.<sup>21</sup> Masovna pogubljenja uzrokovala su novi val prisilnog iseljavanja. U periodu od 2012. do 2015. godine u Bangladeš je izbjeglo oko 150.000 Rohinja.<sup>22</sup>

Masovni zločini nad Rohinjama vrše se i tokom 2016. i 2017. godine. Osim što je ubijen veliki broj civila, zločini su rezultirali egzodusom između 600.000 i 700.000 Rohinja u Bangladeš.<sup>23</sup>

18 „Mijanmarski visoki zvaničnik u Hong Kongu Ye Myint Aung poredio je ‘poštenu mehku kožu’ mijanmarskih ljudi s ‘tamnosmedim’ kompleksom Rohinja opisujući da su ružni kao čudovišta“, *The Dawn*, (12. 2. 2009).

19 Amnesty International, *Caged...*, str. 8, 9 i 16.

20 Green i dr., *Countdown...*, str. 9; Amnesty International, *Caged...*, str. 2, 8.

21 McLellan, *Sustanbale...*, str. 5; CQ, „The Rohingya and Myanmar’s ‘Buddhist...“.

22 UNHCR, “South-East Asia Irregular Maritime Movements” (januar – novembar 2014), str. 2, dostupno na: <https://reliefweb.int/sites/reliefweb.int/files/resources/Irregular%20Maritime%20Movements%20-%20Jan-Nov%202014.pdf>, pristupljeno 7. 2. 2018. godine; UNHCR, “South East Asia Irregular Maritime Movements” (april – juni 2015), str. 2, dostupno na: <http://www.unhcr.org/53f1c5fc9.html>, pristupljeno 2. 2. 2018. godine.

23 Amnesty International, *Caged...*, str. 9; Vanredni izvještaj OHCHR misije u Bangladešu (3. 2. 2017), str. 6; UNHR, „Izvještaj misije OHCHR brzog odgovora za Cox Bazar“, str. 10.

## Doktrina odgovornosti za pružanje zaštite

Poslije neuspjeha međunarodne zajednice da spriječi zločine počinjene devedesetih godina na Balkanu i u Ruandi i kritika na račun međunarodne zajednice zbog navodnog kršenja zabrane upotrebe sile u slučaju vojne intervencije protiv Savezne republike Jugoslavije (u daljem tekstu: SR Jugoslavija) u kontekstu zločina počinjenih na Kosovu, provedena je snažna debata o reakciji na ozbiljna i sistematska kršenja ljudskih prava. Ovaj problem apostrofirao je u godišnjem izvještaju UN-a za 1999. godinu kao i u milenijskom izvještaju UN-a iz 2000. godine. U milenijskom izvještaju naglašen je izazov dvojbe između vojnog intervenisanja u slučajevima teških kršenja ljudskih prava naspram suverenosti država.<sup>24</sup> „Međunarodni razvojni centar za istraživanje“ iz Otawe formirao je Komisiju za pitanja intervencije i državne suverenosti (u daljem tekstu: Komisija), čiji su članovi eminentni stručnjaci za međunarodno pravo. Komisija je 2001. podnijela izvještaj o istraživanju spomenute dvojbe.<sup>25</sup> Na samitu svjetskih lidera 2005. prihvaćeni su osnovni principi spomenutog izvještaja, koji su verifikovani kroz rezoluciju Generalne skupštine UN-a 16. septembra 2005. Tim principima apostrofira se obaveza država da se pridržavaju doktrine odgovornosti za pružanje zaštite kroz odgovornost za zaštitu vlastitog stanovništva od genocida, ratnih zločina, „etničkog čišćenja“ i zločina protiv čovječnosti, kao i obaveza međunarodne zajednice da reaguje u slučajevima propusta države.<sup>26</sup>

## Sistem ranog upozorenja

U izvještaju Međunarodne komisije za pitanja intervencije i državne suverenosti navodi se da je nezadovoljstvo trenutnom situacijom uzrokovao porast nevladinih organizacija (u daljem tekstu: NVO) koje se bave ranim upozorenjem na sukobe. Kao ključne organizacije navode se: Međunarodna krizna grupa (ICG), Amnesty International (AI), Human Right Watch (HRW) i dr. Ove organizacije nadziru područja u kojima bi se mogli pojaviti sukobi i izvještavaju o njima. Organizacije

24 UN kancelarija za prevenciju genocida i odgovornosti za zaštitu, „Odgovornost za zaštitu“, dostupno na: <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>, pristupljeno 8. 8. 2018.

25 „Milioni ljudskih bića ostaju na milosti građanskih ratova, pobunjenika, državne represije i državnih kolapsa. Ovo je snažna i neosporna stvarnost, i ona je u srcu svih pitanja kojima se ova komisija bavila. Ovdje nije u pitanju težnja da se svijet učini sigurnim za velike sile, niti je u pitanju gaženje suverenih prava manjih država, već pružanje praktične zaštite običnim ljudima, čiji su životi ugroženi jer njihove države nisu spremne ili nisu u mogućnosti da ih zaštite.“ Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability to Protect“ (Ottawa: International Development Research Centre, 2001), str. 11.

26 Generalna skupština UN-a (16. 9. 2005).

upozoravaju vlade država i medije i na kraju alarmiraju međunarodnu zajednicu radi poduzimanja preventivnih akcija. U svojoj ranijoj historiji djelovanja, spomenute organizacije nisu se bavile upozorenjem na moguće sukobe, već praćenjem i izvještavanjem o kršenju ljudskih prava. U izvještaju je identificirano da se u prošlosti problem ranog upozorenja više povezivao s opravdavanjem neintervenisanja u slučajevima masovnih ubijanja nego što su se time eventualno željele detektovati praznine u sistemu.<sup>27</sup>

## Suverenitet država nasparam obaveze osiguranja osnovnih ljudskih prava

Polazna premisa, na kojoj Komisija temelji svoj stav o nužnosti razvijanja svijesti o odgovornosti za pružanje zaštite, ima ishodište u slučaju kada država kao prvenstveni zaštitnik ljudskih prava svojih građana ne želi ili nije u mogućnosti da osujeti ozbiljno stradanje vlastitog stanovništva. Tada princip neintervenisanja međunarodne zajednice prelazi u obavezu njenog intervenisanja. Prevencija je prvenstveni alat koji treba da se koristi i maskimalno iscrpi u pokušaju osujećivanja masovnog stradanja ljudi, poslije čega se, u slučaju neuspjeha, može pristupiti primjeni blažih oblika prisile, dok se intervencija treba koristiti kao krajnje sredstvo.<sup>28</sup>

Komisija je došla do zaključka da suverenitet ne znači ekskluzivno pravo države da provodi mjere protiv vlastitog stanovništva bez ograničenja u upotrebi sile. Naprotiv, novi koncept suvereniteta, primijenjen u konvencijama o ljudskim pravima i praksi UN-a, podrazumijeva dvojni odgovornost: „vanjsku, poštivanje suvereniteta drugih država, i internu, poštivanje dostojanstva i osnovnih prava svih ljudi unutar države“. Komisija navodi da je država potpisivanjem Povelja UN-a prihvatila i odgovornost koja proizlazi iz toga članstva, što znači da su državni organi odgovorni za svoje postupke. Glavni fokus stavlja se na dužnost zaštite zajednica od masovnog ubijanja, zaštite žena od sistematskog silovanja i djece od gladi. Primarnu odgovornost za zaštitu snosi država i tek kada država nije u stanju ili ne želi da ispuni ovu odgovornost, ili je sama počinilac, tada nastupa odgovornost međunarodne zajednice za djelovanje.<sup>29</sup>

27 Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. 21.

28 Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. XI.

29 Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. 8, 13 i 17.



## Osnovni preduslovi i principi za provođenje intervencije

Komisija je predvidjela određene preduslove i principe koji se moraju ispuniti prije negoli dođe do razmatranja odluke o provođenju vojne intervencije. Kao prvo, navodi se da je neophodno ispuniti pravedni povod kao osnovni preduslov, a koji se javlja u slučaju velikog obima ljudskog stradanja ili velikog obima „etničkog čišćenja“.<sup>30</sup> Prema Komisiji veliki obim ljudskog stradanja predstavlja svaki slučaj „aktuelan ili predviđen, s genocidnom namjerom ili bez nje, koji je proizvod namjerne akcije države, ili nezainteresiranosti države da reaguje, ili nemogućnosti djelovanja, ili je rezultat propale države“. Komisija „etničkim čišćenjem“ velikog obima smatra slučajeve „aktuelne ili predviđene, izvršene kroz ubijanje, prisilni progon, teror ili silovanje“.<sup>31</sup>

Da bi se, u slučaju spomenutog stradanja ljudi, moglo pristupiti provođenju vojne intervencije, neophodno je da postoje načela predostrožnosti: ispravna namjera, posljednje sredstvo (rješenje), proporcionalnost i razumna vjerovatnoća. Primjena intervencije kao krajnjeg sredstva predviđa da su iscrpljena sva druga raspoloživa sredstva za mirovno rješavanje krize. Proporcionalnost znači da dužina i intenzitet vojne intervencije treba da budu limitirani osiguranjem zaštite ljudskih života. Razumna vjerovatnoća predviđa prihvatljive mogućnosti za uspjeh u zaustavljanju ili sprečavanju stradanja, čime se, također, garantuje da posljedice akcije neće pogoršati stanje.<sup>32</sup>

U Izvještaju se naglašava prvenstvo Vijeća sigurnosti kao davaoca ovlaštenja za intervenciju. Vijeće sigurnosti trebalo bi u kratkom roku razmotriti svaki zahtjev koji se tiče velikog obima ljudskog stradanja ili ozbiljnih zločina protiv čovječnosti. Komisija predlaže da stalne članice Vijeća sigurnosti naprave sporazum kojim će se obavezati da će odustati od posezanja za vetom osim u slučaju vitalnog nacionalnog interesa. Predloženo je uspostavljanje kodeksa ponašanja stalnih članica kojim bi se članice obavezale da neće koristiti veto u slučaju akcija koje bi trebale da spriječe značajne humanitarne krize. U slučaju neuspjeha Vijeća sigurnosti, alternativa je donošenje odluke kroz Generalnu skupštinu po procedurama udruživanja za mir ili akcija unutar jurisdikcije regionalnih ili subregionalnih organizacija utvrđenim u poglavlju VII Povelje UN-a. Komisija smatra kontroverznim intervenisanje regionalne organizacije protiv države koja nije članica te organizacije.<sup>33</sup>

30 Potrebno je naglasiti da Komisija u izvještaju učestalo koristi termin „etničko čišćenje“, koji nema utemeljenje u međunarodnom humanitarnom pravu.

31 Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. XII.

32 Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. XII.

33 Izvještaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. XII, XIII, 51 i 54.

Doktrina odgovornosti za pružanje zaštite zasniva se na apsolutnoj postupnosti provođenja mjera odgovora na krizu. Tek nakon što se utvrdi da preventivne mjere nisu urodile plodom i da država nije u mogućnosti ili ne želi riješiti krizu, može se pristupiti intervencijskim mjerama šire zajednice država. Nakon toga se, uvijek, poseže za političkim, ekonomskim i sudskim mjerama prinude, kao alatima koji obavezno moraju prethoditi vojnoj intervenciji, jer ovi alati imaju prednost u korištenju. Tek na kraju, kada se iscrpe spomenuti alati, može se pristupiti vojnoj akciji, kao ekstremnom sredstvu.<sup>34</sup>

Izveštaj je kategorisao izuzetne okolnosti koje zahtijevaju poduzimanje vojne akcije. Spomenute izuzetne okolnosti podrazumijevaju nasilje koje predstavlja značajnu prijetnju za međunarodnu sigurnost. Komisija je također navela koje vrste nasilja ne podliježu obavezi međunarodne zajednice da interveniše: sistematska rasna diskriminacija, sistemsko pritvaranje ljudi, represalije na političkoj osnovi, podrška svrgavanju režima, secesionističkih pokreta i drugo.<sup>35</sup>

## Sistematsko uskraćivanje ljudskih prava i ugrožavanje opstanka rohinja

Zakon o državljanstvu Mijanmara iz 1982. godine kategorisao je građane u osam nacionalno-rasnih i 135 etničkih grupa. Rohinje nisu navedene niti u jednoj nacionalno-rasnoj ili etničkoj grupi.<sup>36</sup> Izostavljanje Rohinja s liste nacionalnih i etničkih grupa kojima pripada pravo na državljanstvo kreiralo je ograničenja njihove slobode kretanja s reperkusijama na pristup lokacijama za rad i obezbjeđivanje sredstava za život.<sup>37</sup> U Izveštaju Amnesty Internationala naglašeno je da se Rohinje zbog diskriminatorskih vladinih zakona i propisa ne mogu nazvati ni 'građanima drugog reda'.<sup>38</sup>

Rohinjama su od 1995. godine izdavane privremene registracijske karte (TRC), koje su inače izdavane licima koja su prethodno izgubila lične karte ili su čekala na izdavanje lične karte. Privremene karte, često nazivane bijelim kartama,

34 Mjere prinude obuhvataju: vojne (embrago na uvoz/izvoz naoružanja i obustva vojne saradnje), ekonomske (finansijske sankcije, ograničenja aktivnosti koje generiraju prihode i ograničenje pristupa gorivima) i političko-diplomatske (ograničenje diplomatskog predstavljanja, ograničenje putovanja i suspenzija članstva u međunarodnim i regionalnim forumima). Izveštaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. 29-31.

35 Izveštaj Međunarodne komisije za pitanja intervencije i državne suverenosti, „Responsability...“, str. 33, 36 i 47.

36 Amnesty International, *Caged...*, str. 2; *Sustanbale Future and Human Security: Society, Cities and Governance*, Benjamin McLellan (ur.) (Singapur: Springer Nature Singapur Pte Ltd., 2018), str. 5.

37 Amnesty International, „Rohingyas – Stalled Reforms: Impunity, Discrimination and Ongoing Human Rights Abuses“, *Universal Periodic Review* (novembar 2015). godine, str. 10.

38 Amnesty International, *Caged...*, str. 11

nisu sadržavale podatke o mjestu rođenja. Nosioi bijelih karti nisu mogli dobiti mi-janmarsko državljanstvo. Rohinjama su zatim 2015. godine oduzimate privremene lične karte i izdane potvrde o oduzimanju ličnih karti, zvane potvrde o bijelim kartama. Ove potvrde su, potom, služile kao jedino sredstvo za identifikaciju.<sup>39</sup>

Birokratski aspekt segregacije Rohinja nastavljen je 2017. godine donošenjem instrukcije Odjeljenja za imigracije i nacionalnu registraciju Rakhine provincije (nekadašnji Arakan) kojom se strancima i “benglaskoj rasi” nalaže da za svako kretanje između gradova moraju izvaditi privremenu dozvolu za putovanje.<sup>40</sup>

Procedure za apliciranje za dozvolu bile su rigidne i zahtijevale su da podnosilac predoči dokaz o vlasništvu nad domaćinstvom, potvrdu o predaji bijele karte, dvije slike, pismo preporuke od lokalnog administratora, pozivno pismo rodbine i podatke o destinaciji i licu koje se posjećuje. Pored toga, taksa se plaćala između 0,75 i 1,00 dolara a podnosilac je bio obavezan da se prijavi pri dolasku na destinaciju.<sup>41</sup> Vidljivo je da su procedure za dobijanje dozvole za putovanje u potpunosti prilagođene procedurama za dobijanje vize i putovanje u inostranstvu, što znači da je odluka o uvođenju obavezne dozvole za putovanje za Rohinje, s ciljem ograničenja njihovog kretanja, tijesno povezana sa zakonom o oduzimanju državljanstva i predstavlja kontinuitet birokratske politike diskriminacije Rohinja.

Ukoliko se u obzir uzme dug period između zakona o oduzimanju državljanstva i instrukcije o nametanju obavezne dozvole za kretanje, naslućuje se jedna jasna vertikala birokratskih odluka koje imaju za cilj nametanje sračunatih mjere za ugrožavanje opstanka Rohinja na njihovim ognjištima.

U Izvještaju Međunarodne nezavisne misije za utvrđivanje činjenica o Mi-janmaru iz 2018. konstatuje se da je danas prevladavajuća većina Rohinja bez državljanstva, dokaza o legalnom statusu ili identitetu.<sup>42</sup>

## Ekonomsko slabljenje i obespravljanje Rohinja

U izvještaju Međunarodna inicijativa o državnom kriminalu (u daljem tekstu: ISCI) navodi se: “Intervjui i zapažanja otkrivaju da je u dijelovima Rakhino provincije proces institucionalne diskriminacije počeo prije više od 25 godina, kada su muslimanska preduzeća polako ali sistematski izbacivana iz gradskih centara, a Rohinje su uklanjane s položaja u državnoj službi.”<sup>43</sup> Vlada je još 1983. godine

39 Amnesty International, *Caged...*, str. 29; Green i dr., *Countdown...*, str. 9.

40 Amnesty International, *Caged...*, str. 12.

41 Green i dr., *Countdown...*, str. 83; Amnesty International, *Caged...*, str. 43.

42 “Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar”, UN Human Rights Council (A/HRC/39/64) (17. 9. 2018), par. 460.

43 Green i dr., *Countdown...*, str. 70.

konfiskovala 43 prodavnice Rohinja u gradu Kyauktaw a vlasnike protjerala.<sup>44</sup> Ambasada SAD-a u Mijanmaru u svom telegramu iz decembra 2008. godine navodi da 80% Rohinja u sjevernom dijelu Rakhino provincije ne posjeduje zemlju. Rohinje se istovremeno suočavaju s prisilnim mjerama zabrane izgradnje ili popravke kuća. Sankcije za kršenea propisa jesu pritvaranje ili torture.<sup>45</sup> U Izvještaju specijalnog izvjestioca UN-a iz 2017. godine naglašava se da konfiskovanje zemlje ima svoju historijsku dimenziju i da postoji 8.000 neriješenih zahtjeva oštećenih Rohinja za povrat zemljišta. Povrat konfiskovane zemlje za Rohinje predstavlja životno pitanje jer se oni uglavnom bave poljoprivredom. Izvještaj govori o drastičnom povećanju ekonomsko-socijalnog obespravljanja Rohinja u 2016. godini. Naime, Izvještaj ukazuje da je vlada Rakhino provincije u septembru 2016. pokrenula akciju širih razmjera identificiranja “objekata navodno izgrađenih bez dozvole i njihovog rušenja”. Posljedice su bile katastrofalne. U narednim mjesecima samo je u Maungdawu porušeno oko 2.000 objekata, među kojima džamije, medrese, prodavnice i drugi objekti. Vlasnicima porušenih objekata nije objezbijeden alternativni smještaj. Izvjestilac na kraju navodi zabrinutost “da je rušenje ovih objekata dio očigledne šire sistematske i institucionalizovane diskriminacione politike vlade protiv Rohinja i muslimanskog stanovništva u državi Rakhine”.<sup>46</sup>

Prema rezultatima istraživanja UN-ove Kancelarije visokog komesara za ljudska prava – OHCHR (u daljem tekstu: OHCHR) napadi na sela Rohinja imali su, pored ostalog, za cilj uništavanje zaliha i izvora hrane, što bi onemogućilo dalji život u selima i pospiješilo prisilni progon stanovništva.<sup>47</sup> Činjenice ukazuju da je fizičko i psihološko slabljenje Rohinja vršeno kroz sistematski orkestrirano izazivanje bolesti, gladi, gubitka sredstava za preživljavanje i uskraćivanje osnovnih ljudskih prava.<sup>48</sup>

## Uskraćivanje prava na obrazovanje i zdravstvenu zaštitu

Rohinjama se, također, kroz primjenu raznih mjera uskraćuje i pravo na obrazovanje i liječenje, prvenstveno kroz onemogućavanje pristupa gradskim bolnicama

44 Green i dr., *Countdown...*, str. 70.

45 Telegram Ambasade SAD-a iz Yangoona, “UNHCR and Burma: NRS Presence at Risk: High Commissioner May Visit” (12. 12. 2008), dostupno na: [https://wikileaks.org/plusd/cables/08RAN GOON936\\_a.html](https://wikileaks.org/plusd/cables/08RAN GOON936_a.html). prema Green i dr., *Countdown...*, str. 83.

46 Izvještaj specijalnog izvjestioca za ljudska prava u Mijanmaru (UN Human Rights Council, 1. 3. 2017), str. 7, 38 i 39.

47 Izvještaj OHCHR misije u Bangladešu, „Interviews with Rohingyas fleeing from Myanmar since 9 October 2016.“, vanredni izvještaj (3. 2. 2017), str. 42.

48 Green i dr., *Countdown...*, str. 90.

i lokalnim ambulantom.<sup>49</sup> Ograničavanja pristupa medicinskim ustanovama nisu pošteđeni ni teški, životno ugroženi pacijenti. Kontrolni punktovi limitiraju i usporavaju pristup zdravstvenim ustanovama, dok policijski sat u potpunosti sprečava pristup ustanovama tokom noći. One koji uspiju pristupiti bolnici osoblje i pacijenti u bolnici često tretiraju ponižavajuće.<sup>50</sup> Pristup mijanmarskih vlasti ukazuje na to da uskraćivanje medicinske zaštite predstavlja moćno sredstvo i namjernu akciju koja ima za cilj populacijsku kontrolu.<sup>51</sup>

Parlament Mijanama je 2015. godine usvojio zakon o kontroli zdravlja stanovništva, kao dio paketa zakona o zaštiti populacije, koji su donoseni pod pritiskom budističke monaške grupe Ma Ba Tha. Zakon ograničava žene na rađanje jednog djeteta unutar perioda od tri godine.<sup>52</sup> Postoje dokazi da je čak i administracija pojedinih gradova, kao u Maungdawu, donosila mjere kojima je uslovlila sklapanje brakova između Rohinja njihovim obavezivanjem da će se ograničiti u rađanju djece.<sup>53</sup>

Nadležne institucije Mijanmara 1994. godine obustavile su izdavanje rodni listova za Rohinja djecu, zbog čega je hiljade djece ostalo neregistrovano.<sup>54</sup> Vlada je donijela Zakon o brakovima budistkinja, koji je nametnuo ograničenja za sklapanje braka ženama budističke vjere s pripadnicima drugih konfesija. Nadalje, Zakonom je naložena registracija svih prethodno sklopljenih miješanih brakova.<sup>55</sup>

Država je 2012. godine uvela restrikciju vršenja vjerskih obreda u Rakihno provinciji, namećući zabranu okupljanja više od četiriju lica na jednom mjestu. Na taj način Rohinjama je onemogućeno da grupno obavljaju vjerske obrede, čime im je uskraćeno pravo na slobodu ispovijedanja vjere.<sup>56</sup>

Mijanmarska praksa uskraćivanja elementarnih ljudskih prava Rohinjama obuhvata i velika ograničenja u obrazovanju. Od 2012. godine Rohinja djeci i omladini uskraćuje se pravo na obrazovanje kroz zabranu pohađanja nastave ili odbijanje nastavnika da edukuju Rohinja djecu. Omladini se pak u potpunosti zabranjuje pohađanje Univerziteta u Sittweu, glavnom gradu provincije Rakhine.<sup>57</sup>

49 „A reluctant hero of the Rohingya in Myanmar“ (8. 4. 2015), dostupno na: <https://www.amnesty.org/en/latest/campaigns/2015/04/a-reluctant-hero-of-the-rohingya-in-myanmar/>, pristupljeno 1. 2. 2018; Izvještaj specijalnog izvjestioca za ljudska prava u Mijanmaru, str. 7.

50 Amnesty International, *Caged...*, str. 64.

51 Green i dr., *Countdown...*, str. 94.

52 DVB, „Upper house approves population control bill“ (19. 2. 2015), dostupno na: [http://www.dvb.no/news/upper-house-approves-population-control-bill-burma-myanmar/48491\\_](http://www.dvb.no/news/upper-house-approves-population-control-bill-burma-myanmar/48491_), pristupljeno 9. 2. 2018.

53 Green i dr., *Countdown...*, str. 72.

54 Projekt Arakan, „Issues to be Raised Concerning the Situation of Stateless Rohingya Women in Myanmar (Burma)“, *CEDAW* (oktobar 2008), str. 3, dostupno na: [http://www.burmalibrary.org/docs6/CEDAW\\_Myanmar\\_AP\\_Submission-Final-Web.pdf](http://www.burmalibrary.org/docs6/CEDAW_Myanmar_AP_Submission-Final-Web.pdf), pristupljeno 7. 2. 2018.

55 DVB, „Controversial marriage...“.

56 Amnesty International, *Caged...*, str. 12; Green i dr., *Countdown...*, str. 49.

57 Amnesty International, *Caged...*, str. 12.

## Dehumanizacija ciljne grupe – homogenizacija izvršilaca

Pokretanje masa radi izvršenja masovnih zločina nije moguće bez prethodno provedene dehumanizacije ciljne grupe, ali i homogenizacije vlastite grupe.<sup>58</sup> Svaki proces dehumanizacije karakterizira upotreba dehumanizirajućeg naziva za žrtvenu grupu.<sup>59</sup> U slučaju Rohinja vladini zvaničnici podstiču korištenje pogrđnog dehumanizirajućeg termina “Kalara”,<sup>60</sup> što ima značenje slično terminu ‘crnčuga’, koji se u negativnom kontekstu koristi za Afroamerikance. Korištenje pogrđnog dehumanizirajućeg naziva za žrtvenu grupu isprofilisalo se kao standardni pristup u pripremljenoj fazi za izvršenje genocida.

Budistički sveštenici ali i vjerske ustanove odigrali su značajnu ulogu u kreiranju ideologije netrpeljivosti prema Rohinjama.<sup>61</sup> Ashin Wirathu, budistički sveštenik, vođa bivšeg “poretka 969”, ističe da se ponosi time što ga nazivaju radikalnim budistom. Kada govori o “prijetnji” Rohinja, kaže da se ne može spavati pored “bijesnog psa”. Rohinje naziva “smutljivcima i izazivačima nevolja”.<sup>62</sup> U dehumaniziranju Rohinja, Wirath ih naziva „muslimanskim gadovima“, „muslimanskim đavolima“, šireći propagandu da muslimani mrze budiste, homogenizirajući budističku populaciju prijetnjom da ukoliko muslimani preuzmu kontrolu, neće dozvoliti budistima da praktikuju svoju religiju.<sup>63</sup> Međutim, Wirathu nije usamljeni pojedinac. Iskrivljena verzija budizma prihvaćena je u mnogim manastirima širom Mijanmara. Takvu verziju budizma karakterizira islamofobija.<sup>64</sup> U junu 2014. na masovnom okupljanju budističkih monaha formira se Ma Ba Tha budistička grupa. Lideri grupe prikazali su islam kulturno škodljivim za mijanmarske vrijednosti i “nasljedno nasilnim”, s pretenzijama vladanja nad drugima.<sup>65</sup> U februaru 2015. rukovodeća institucija budističkih monaha uvela je zabranu propagiranja vjere za umjerenog budističkog sveštenika U Pinnyasiha.

58 Israel W. Charny, “Dehumanization: ‘Killing’ the Humanity of Another”, u *Encyclopedia of genocide*, Charny Israel (ur.), vol. 1 (California, 1999), str. 155; *Dictionary of Genocide*, Samuel Totten i Bartrop R. Paul (ur.) (London: Greenwood Press, 2008), str. 3.

59 *Dictionary...*, Totten i R. Paul (ur.), str. 104.

60 “Pogrđni izraz, izveden iz prastarog jezika za ‘crno’ koji se u Mijanmaru koristi da bi opisao muslimane, Indijce ili druge narode južnoazijskog porijekla”. Amnesty International, *Caged...*, str. 17.

61 Matthew J. Walton i dr., *Contesting Buddhist Narratives: Democratization, Nationalism, and Communal Violence in Myanmar* (Honolulu: East-West Center, 2014), str. 17.

62 „The serene-looking Buddhist monk accused of inciting Burma’s sectarian violence“, *Washington Post* (27. 5. 2015), dostupno na: [https://www.washingtonpost.com/news/morning-mix/wp/2015/05/27/the-burmese-bin-laden-fueling-the-rohingya-migrant-crisis-in-southeast-asia/?utm\\_term=.7f1438d0d2af](https://www.washingtonpost.com/news/morning-mix/wp/2015/05/27/the-burmese-bin-laden-fueling-the-rohingya-migrant-crisis-in-southeast-asia/?utm_term=.7f1438d0d2af), pristupljeno 30. 1. 2018; „Extremism Rises Among Myanmar Buddhists“, *The New York Times* (13. 6. 2013), dostupno na: <http://www.nytimes.com/2013/06/21/world/asia/extremism-rises-among-myanmar-buddhists-wary-of-muslim-minority.html>, pristupljeno 30. 1. 2018.

63 „Boycott Muslim Businesses: Nationalist-Monk Shin Wirathu“ (8. 3. 2013), dostupno na: <http://hlaoo1980.blogspot.ba/2013/03/boycott-muslim-businesses-nationalist.html>, pristupljeno 30. 1. 2018.

64 „The Rohingya and Myanmar’s ‘Buddhist Bin Laden’“, *GQ*, dostupno na: <http://www.gq-magazine.co.uk/article/myanmar-rohingya-muslim-burma>, pristupljeno 29. 1. 2018.

65 Walton i dr., *Contesting...*, str. 2.

Spomenuti sveštenik propagirao je doktrinu budizma koja nalaže miroljubivu koegzistenciju s drugim konfesijama.<sup>66</sup> Spomenuta zabrana može se smatrati sistemskom mjerom homogeniziranja Rakhino naroda, kojom je dat primjer poželjnog obrasca ophođenja prema Rohinjama. Dakle, može se konstatovati da su ekstremni elementi iz budističkih vjerskih pokreta svojim djelovanjem razvili vjerski aspekt dehumanizacije Rohinja koja je direktno podupirala mjere ostalih državnih struktura. Širenje ideologije mržnje i netrpeljivosti, ali i razvijanje osjećaja straha kod budističke populacije vršeno je upotrebom modernih sredstava komunikacije: društvenih mreža, internet-stranica, blogova i drugog.<sup>67</sup>

Politički zvaničnici također su podsticali ideologiju zločina. Optuživali su Rohinje za genocid nad Rakhinama te da žele brojčano nadjačati Rakhine.<sup>68</sup> Urednik stranačkog lista najjače Rakhino partije u Arakanu – RNDP u svojoj kolumni napisao je: “Hitler i Eichman su bili neprijatelji Jevreja, ali su vjerovatno bili heroji za Nijemce (...). U svrhu preživljavanja nacije, odbrane nacionalne suverenosti, zločini protiv čovječnosti ili nečovječna postupanja mogu biti opravdani (...).”<sup>69</sup> Tokom posjete Rakhino provinciji i ostalim dijelovima Mijanmara, Istraživački tim ISCI uočio je na ulicama nacistički folklor u vidu SS rikvizita i kopija *Main Kampfa*. Istraživači ISCI-a obavili su u januaru 2015. intervju s glasnogovornikom Arakanske nacionalne partije (u daljem tekstu: ANP), koji je tom prilikom kazao da “Rohinje treba preseliti u ‘koncentracione kampove’ u centralni Mijanmar”.<sup>70</sup> Bez sumnje se može ustvrditi da je ideologija zločina, proistekla iz vladajuće stranke, bila značajno bazirana na njemačkoj nacističkoj ideologiji. Spomenutim mjerama dehumanizacije uklanjani su zadnji osjećaji empatije Rakhina populacije prema Rohinjama i istovremeno “zbijani redovi” Rakhina za provođenje pripremljenog projekta.

Šef mijanmarske Komisije za ljudska prava 2015. izjavio je: “Kao ljudska bića mi imamo pravo na hranu, zdravlje i druga ljudska prava, ali ako tvrdiš da si Rohinja, to je drugačije.”<sup>71</sup> Dehumanizirajuća izjava šefa Komisije za ljudska prava ima

66 “Burma’s opposition demands government gives citizenship to Rohingya refugees adrift on the Andaman Sea”, *The Independent* (19. 5. 2015), dostupno na: <http://www.independent.co.uk/news/world/asia/burma-opposition-demands-government-gives-citizenship-to-rohingya-refugees-adrift-on-the-andaman-sea-10262125.html>, pristupljeno 29. 1. 2018.

67 Green i dr., *Countdown...*, str. 65.

68 Green i dr., *Countdown...*, str. 20 i 45; Amnesty International, *Caged...*, str. 9.

69 „Silence as Myanmar ‘Genocide’ Unfolds”, *Asia Times* (24. 2. 2014), dostupno na: <https://www.transcend.org/tms/2014/02/silence-as-myanmar-genocide-unfolds/>, pristupljeno 4. 2. 2018. RNDP je preteča ANP-a (Arakan nacionalna partija). ANP je nastao 2014. ujedinjenjem stranaka RNDP i ALD. Na zadnjim izborima, 2015. godine, ANP je osvojio većinu u provincijskoj vlasti. Vidjeti: [http://themimu.info/sites/themimu.info/files/documents/50-Sector\\_Map\\_Gov\\_IFES\\_St-Rg\\_Constituency\\_Bd\\_Parties\\_in\\_Rakhine-State\\_MIMU1327v04\\_3Dec15\\_A3.pdf](http://themimu.info/sites/themimu.info/files/documents/50-Sector_Map_Gov_IFES_St-Rg_Constituency_Bd_Parties_in_Rakhine-State_MIMU1327v04_3Dec15_A3.pdf), pristupljeno, 4. 2. 2018.

70 Green i dr., *Countdown...*, str. 45.

71 G. Paluch, “As Myanmar rights official, an Elvis impersonator sings different tune”, *LA Times* (1. 7. 2015), dostupno na: <http://www.latimes.com/world/asia/la-fg-ff-myanmar-elvis-20150701-story.html#page=1>, pristupljeno 4. 2. 2018.

posebnu težinu jer ona, ako se uzme u obzir njegova pozicija, direktno ukazuje na obim provedene dehumanizacije Rohinja, odnosno ukazuje da su ideologija zločina i dehumanizacije Rohinja obuhvatile sve sfere mijanmarskog društva.

## Masovni zločini i progon Rohinja

Višedecenijsko sistematsko institucionalno uskraćivanje prava Rohinjama, diskriminacija i dehumanizacija kulminirali su masovnim progonima i drugim oblicima zločina tokom XX i početkom XXI stoljeća. Nakon prisilnih progona u XX stoljeću uslijedio je masovni povratak Rohinja na vlastita ognjišta, dok su progoni u XXI stoljeću dobili jedan sasvim novi oblik.

U junu 2012. godine provode se zločini širih razmjera protiv Rohinja. Zločini počinjeni 2012. godine, prema Paluchu, „dostigli su nivo brutalnosti rezultirajući teškim gubicima stotina Rohinja“. <sup>72</sup> Prema jednom drugom izvještaju, ubijeno je preko 600 osoba, a mnogobrojna Rohinja sela opljačkana su i popaljena. <sup>73</sup>

Dokumentarni film *Al Jazeera* prikazuje zločine počinjene u junu u Sittweu, glavnom gradu Rakihno provincije. U centru Sittwea Rakhine su sistematski uništavale (palile) stambene i druge objekte Rohinja, a zatim su vladine snage sigurnosti zločin nad zaštićenim objektima okončale upotrebom benzina, specijalno pripremljenog za tu svrhu. Mijanmarska granična policija (u daljem tekstu: Na Sa Ka) 9. juna 2012. godine u jednom selu u blizini Sittwea, pored džamije u kojoj je utočište potražilo oko 400 lica, strijeljala je grupu između 20 i 40 ljudi. Granična policija je prilikom dolaska uzvikivala poklič: „Jeste li vi ljudi izazivači nevolja“, što se može dovesti u vezu s mentalnim elementom namjere jer su budistički monasi tako govorili s ciljem podsticanja nasilja nad Rohinjama. U pokušaju da pronađu utočište, oko 10.000 ljudi iz Sittwea izbjegli su u selo Duanrung. Na Sa Ka i Vojska Mijanmara u Duanrungu su ubili na stotine, možda čak i nekoliko hiljada Rohinja. Preživjeli su bili očevici ukopavanja oko 100 ubijenih u dvije masovne grobnice. <sup>74</sup>

Istraživači OHCHR-a su, početkom 2012. godine, intervjuisali 204 Rohinje prognane u Bangladeš. Preko 65% posto ispitanika bilo je svjedokom ubijanja, 56% svjedokom odvođenja lica koja su zatim nestala i 43% svjedokom silovanja. Od 204 intervjuisane žrtve, 13% ih je bilo ustrijeljeno ili izbodeno, 45% prijavilo je prisilne nestanke članova porodice, 47% prijavilo je ubistvo člana porodice,

72 McLellan, *Sustanbale...*, str. 5.

73 GQ, „The Rohingya and Myanmar’s ‘Buddhist...‘“.

74 Al Jazeera, „The hidden genocide“, dokumentarni film, dostupno na: <https://www.youtube.com/watch?v=dSkZlglk76-E>, pristupljeno 6. 2. 2018.



a preko 50% prijavilo je silovanje ili seksualno zlostavljanje.<sup>75</sup> Mnogobrojna svjedočanstva potvrdila su da je vojska spaljivala kuće u kojima su se još uvijek nalazile porodice te da je vojska u pojedinim slučajevim prisiljavala porodice da uđu u kuće koje su bile u plamenu.<sup>76</sup> Više svjedoka govorilo je o različitim zločinima ubijanja djece različite dobi. Pogubljenje žrtava često su vršili Rakhino budisti koristeći noževe i mačete.<sup>77</sup>

Provincijska vlast se, nakon junskih zločina, odlučuje na radikalnu mjeru „razdvajanja zajednica“. Rohinja zajednica preseljena je u kampove s maksimalnim ograničavanjem kretanja. Vlada Mijanmara pokušala je junske zločine i prisilni progon Rohinja prikazati kao spontani sukob izazvanim sporadičnim slučajem silovanja i ubistva. Međutim, ISCI istraživanje pokazalo je da se radilo o dobro isplaniranom napadu, u čijoj su organizaciji učestvovala najviša državna tijela. Sljedeća mjera bilo je uvođenje policijskog sata, koji je godinama kasnije bio obavezujući samo za Rohinje.<sup>78</sup> U junu 2012. provode se zločini širih razmjera protiv Rohinja.

Zločini nad Rohinjama nastavljeni su tokom 2013, pa je tako u martu 2013. gradu Meiktilau budistička masa u muslimanskoj četvrti ubila na desetine Rohinja žena i djece i 32 đaka islamske škole Mingalar Zayone.<sup>79</sup> Zbog zločina i provođenja drugih opresivnih mjera nad njima, procjenjuje se da je od januara 2012. do novembra 2014. godine u Bangladeš izbjeglo oko 120.000 Rohinja,<sup>80</sup> dok je od aprila do juna 2015. godine izbjeglo dodatnih 31.000 lica.<sup>81</sup>

Zadnji val nasilja i zločina nad Rohinjama izvršen je u periodu od 2016. do 2017. godine. Nakon što su pobunjenici iz Oslobođilačke vojske Rohinja Arakan (u daljem tekstu: ARSA) u oktobru 2016. napali tri policijske stanice u Maundowu i Rathedaungu i ubili devet policajaca, uslijedila je velika vojnopolicijska odmazda.<sup>82</sup> Razmjere zločina koji su uslijedili nad Rohinjama najbolje ilustruje činjenica da je znatan broj Rohinja izbjegao u Bangladeš plutajući na plastičnim kanisterima.<sup>83</sup> Tada je u Bangladeš prognano između 70.000 i 90.000 Rohinja.<sup>84</sup>

75 Vanredni izvještaj OHCHR misije u Bangladešu, „Interviews with Rohingyas fleeing from Myanmar since 9 October 2016.“ (3. 2. 2017), str. 9-10.

76 Vanredni izvještaj OHCHR misije u Bangladešu, „Interviews...“, str. 17; UNHR, „Mission report of OHCHR rapid response mission to Cox’s Bazar“ (Bangladeš, 13-24. 9. 2017), str. 6.

77 Vanredni izvještaj OHCHR misije u Bangladešu, „Interviews...“, str. 16.

78 Green i dr., *Countdown...*, str. 74 i 80.

79 GQ, „The Rohingya and Myanmar’s ‘Buddhist...“.

80 UNHCR, „South-East Asia Irregular Maritime Movements“ (januar – novembar 2014), str. 2, dostupno na: <https://reliefweb.int/sites/reliefweb.int/files/resources/Irregular%20Maritime%20Movements%20-%20Jan-Nov%202014.pdf>, pristupljeno 7. 2. 2018.

81 UNHCR, „South East Asia Irregular Maritime Movements“ (april – juni 2015), str. 2, dostupno na: <http://www.unhcr.org/53f1c5fc9.html>, pristupljeno 2. 2. 2018.

82 Amnesty International, *Caged...*, str. 9.

83 Vanredni izvještaj OHCHR misije u Bangladešu (3. 2. 2017), str. 6.

84 Amnesty International, *Caged...*, str. 9; Vanredni izvještaj OHCHR misije u Bangladešu (3. 2. 2017), str. 6.

Krajem augusta 2017. ARSA je ponovo izvršila napada na vladine snage sigurnosti u sjevernom dijelu Rakhino provincije. Uslijedila je strahovita odmazda vojnih snaga, koja je, u dvomjesečnom periodu, rezultirala egzodusom između 500.000 i 650.000 Rohinja u Bangladeš.<sup>85</sup> Izvještaj UNHR-a ukazao je na brižljivo organizovan i planiran napad snaga sigurnosti, čija je meta postala cjelokupna populacija Rohinja sjevernog Arakana.<sup>86</sup> Prilog Associated Pressa objelodanio je masovni zločin u selu Maung Nu 27. augusta 2017, u kojem je ubijeno 82 Rohinja.<sup>87</sup> Policija Bangladeša je u periodu od 31. augusta do 20. septembra 2017. prikupila 100 tijela ubijenih Rohinja (20 muškaraca, 38 žena i 42 djece) koje je rijeka Naf donijela na teritoriju Bangladeša.<sup>88</sup>

Prema procjeni Ljekara bez granica i nekoliko drugih grupa za ljudska prava, u prvom mjesecu izvršenja zločina počinjeni su masakri velikog razmjera, u kojima je ubijeno oko 6.700 civila Rohinja.<sup>89</sup> Krajem 2017. Ljekari bez granica procjenjuju da je u nasilju u drugoj polovini 2017. ukupno ubijeno između 9.000 i 13.700 Rohinja, od čega je 70% nasilnih smrti. Ubijeno je preko 1.000 djece mlađe od pet godina.<sup>90</sup> U izvještaju UNHRC-ove Međunarodne nezavisne misije za utvrđivanje činjenica o Mijanmaru navodi se da su „operacije čišćenja“ koje su počele 25. augusta 2017. godine imale za rezultat više od 10.000 žrtava.<sup>91</sup> Razmjere uništavanja imovine Rohinja u ovom valu nasilja najbolje ilustruje satelitska analiza Human Rights Watcha, kojom se došlo do pokazatelja da je od augusta do decembra 2017. u potpunosti ili djelimično uništeno 288 sela<sup>92</sup> Svi očevici zločina izjavili su da su u zločinima učestvovali vojska, policija i/ili Rakhino seljaci. U Izvještaju se nasilje provedeno u periodu od 2016. do 2017. ocjenjuje do tada nezapamćenim.<sup>93</sup> Očevici i žrtve zločina posvjedočili su da su zločini, gotovo kao zakonitost, počinjali ulaskom mijanmarskih snaga sigurnosti, koje su slijedili budisti naoružani noževima i mačeta, nakon čega je slijedilo izvršenje zločina.<sup>94</sup>

85 UNHR, „Izvještaj misije OHCHR brzog odgovora za Cox Bazar“, str. 10; Amnesty International, *Caged...*, str. 9.

86 UNHR, „Mission report of OHCHR rapid response mission to Cox's Bazar“, str. 10.

87 „Rohingya survivors: Myanmar's army slaughtered men, children“, *Apnews* (21. 12. 2017), dostupno na: <https://apnews.com/484246542340481598a8bba5a548d6a7>, pristupljeno 2. 2. 2018. .

88 UNHR, „Mission report of OHCHR rapid response mission to Cox's Bazar“, str. 6-7.

89 *Apnews*, „Rohingya survivors: Myanmar's army slaughtered men, children“ (21. 12. 2017), dostupno na: <https://apnews.com/484246542340481598a8bba5a548d6a7>, pristupljeno 5. 2. 2018.

90 ABC, „Rohingya death toll likely above 10,000, MSF says amid exodus“, By South Asia correspondent James Bennett (14. 12. 2017), dostupno na: [http://www.abc.net.au/?WT.z\\_navMenu=abcNav-Logo&WT.z\\_srcSite=news&WT.z\\_link=ABC%20Home](http://www.abc.net.au/?WT.z_navMenu=abcNav-Logo&WT.z_srcSite=news&WT.z_link=ABC%20Home), pristupljeno 8. 2. 2018.

91 Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, UN Human Rights Council (A/HRC/39/64) (17. 9. 2018), par. 1395.

92 Human Right Watch, „Burma: New Satellite Images Confirm Mass Destruction/288 Villages, Tens of Thousands of Structures Torched“ (17. 10. 2017), dostupno na: <https://www.hrw.org/news/2017/10/17/burma-new-satellite-images-confirm-mass-destruction>, pristupljeno 8. 2. 2018.

93 Vanredni izvještaj OHCHR misije u Bangladešu (3. 2. 2017), str. 41.

94 UNHR, „Izvještaj misije OHCHR brzog odgovora za Cox Bazar“, str. 10.

S tim u vezi, može se konstatovati da su, pored prisilnog progona preko pola miliona Rohinja, sistematskog uništavanja materijalnih dobara, masovnih silovanja, izvršena i masovna pogubljenja Rohinja. U valu nasilja 2017. ta pogubljenja dobijaju obilježje stradanja većih razmjera. Iz konsultovanih i dostupnih izvora nije se moglo doći do saznanja o približnim ukupnim ljudskim gubicima Rohinja u zločinima izvršenim nad njima u periodu od 2012. do 2017. godine.

Kampanja nasilja u periodu od oktobra 2016. do februara 2017. obilježena je masovnim silovanjima.<sup>95</sup> Glavnina žrtava silovanja bila je podvrgnuta grupnim silovanjima i drugim oblicima seksualnog nasilja, u čemu je učestvovala Vojska Mijanmara.<sup>96</sup> Više izvještaja ukazuje na ozbiljne razmjere silovanja i odvođenja žena i djevojčica koja su rezultirala nestancima.<sup>97</sup>

U nasilju i zločinima koji su vršeni nad Rohinjama na početku XX stoljeća, namjerno je uništavana njihova nepokretna imovina, ali i džamije i drugi sakralni objekti. Tako su u Sittweu 2012. uništene 33 džamije i svi ostali sakralni objekti koji su podsjećali na postojanje muslimana na tom prostoru.<sup>98</sup> Svrha ovih zločina, prema OHCHR-u, bila je „da se efikasno izbrišu svi znakovi podsjećanja na takav način da povratak na njihovu zemlju ne bi značio ništa do povratak na pusti i neprepoznatljivi teren“.<sup>99</sup>

## Koncentracioni kampovi i geto „Aung Mingelar“

Tokom junskih masovnih zločina 2012. kompletno preostalo stanovništvo Sittwea i okolnih mjesta, nakon temeljitog uništavanja njihove imovine, protjerano je i sabijeno u koncentraciona područja i strogo kontrolisana sela. Procjenjuje se da je u nasilju i zločinima nad Rohinjama u junu i oktobru 2012. raseljeno oko 138.000 Rohinja, uglavnom u predgrađu i okolini Sittwea i nekoliko drugih mjesta. U centru Sittwea formiran je geto za preostalih 4.500 Rohinja.<sup>100</sup>

Četiri godine kasnije, oko 120.000 Rohinja i dalje je zatočeno u koncentracionim logorima.<sup>101</sup> Izvještaj Savjetodavne komisije za Rakhino državu, pod predsjedavanjem

95 Amnesty International, *Caged...*, str. 99.

96 Vanredni izvještaj OHCHR misije u Bangladešu (3. 2. 2017), str. 21; Izvještaj specijalnog izvjestioca za ljudska prava u Mijanmaru (UNHRC, 1. 3. 2017), str. 11; UNHR, „Izvještaj misije OHCHR brzog odgovora za Cox Bazar“, str. 188.

97 Vanredni izvještaj OHCHR misije u Bangladešu (3. 2. 2017), str. 7; „Rohingya survivors: Myanmar’s army slaughtered men, children“, *Apnews* (21. 12. 2017); Associated Press, „Investigation: Rohingya methodically raped by Myanmar’s armed forces“ (11. 12. 2017), dostupno na: <https://apnews.com/5e4a-1351468f4755a6f861e39ec782c9>, pristupljeno 6. 2. 2018.

98 Green i dr., *Countdown...*, str. 2; Amnesty International, *Caged...*, str. 9.

99 UNHR, „Mission report of OHCHR rapid response mission to Cox’s Bazar“, str. 1.

100 UNHR, „Mission report of OHCHR rapid response mission to Cox’s Bazar“, str. 1.

101 Izvještaj specijalnog izvjestioca za ljudska prava u Mijanmaru (UN Human Rights Council, 1. 3. 2017), str. 7.

Kofija Anana, također je utvrdila da je 120.000 muslimana zatvoreno u kampove za raseljena lica.<sup>102</sup> Prema izvještaju Amnesty Internationala skoro 120.000 interno raseljenih Rohinja prisilno živi u 36 kampova za raseljena lica, od čega je 94.000 smješteno u predgrađu Sittwea. Cijeli kompleks sela i koncentracionih logora u Sittweu ograđen je bodljikavom žicom.<sup>103</sup> Stanovnici koncentracionih logora, osim ogromnoj oskudici u hrani i lijekovima, izloženi su ponižavanju, iskorištavanju i uznemiravanju, koje vrše zvaničnici i šefovi kampova. Sveukupno stanje u koncentracionim logorima i vojno opsjednutim selima obilježeno je “prenapučenostu, glađu, oboljenjima i očajem”.<sup>104</sup>

Termin *geto* čovječanstvo pamti po „varšavskom getu“, koji su formirali nacisti za Jevreje u Drugom svjetskom ratu. Teško je bilo zamisliti da će čovječanstvo na početku XXI stoljeća ponovo svjedočiti postojanju geta, ovoga puta u Mijanmaru. U Aung Mingalaru, centralnoj četvrti grada Sittwea, zatočeno je 4.000 Rohinja, koje od ostatka svijeta odvaja bodljikava žica, naoružani stražari i osam kontrolnih punktova.<sup>105</sup> Rohinje se u prenapučenom “Aung Mingalar getu” nalaze u svojevrsnom zatvoru. Tokom svog istraživanja Tim ISCI posjetio je ovaj geto. Stanovnici geta nisu registrovani kao interno raseljena lica, zbog čega im se ne dostavlja humanitarna pomoć. Posljedice su strašne. Istraživači su među populacijom uočili prisustvo gladi i bolesti zbog uskraćivanja hrane i liječenja.<sup>106</sup>

## Oblici počinjenih zločina nad rohinjama i primjena un doktrine „odgovornost za pružanje zaštite“

Dvije ključne studije na koje se ovaj rad primarno oslanjao, zasnovane na empirijskim istraživanjima u Mijanmaru, utvrdile su da se Rohinjama kontinuirano uskraćuju i ugrožavaju ljudska prava kroz segregaciju i dehumanizaciju, kojim diriguje i koje provodi državna birokratija putem diskriminirajućih zakonskih rješenja i raznih drugih birokratskih odluka, od najviših do najnižih instanci vlasti. Takva politika rezultirala je izvršenjem mnogobrojnih ratnih zločina nad pripadnicima Rohinja zajednice.<sup>107</sup> Uočava se birokratska dimenzija ovog zločina, koju može provesti jedino država. Dakle, radi se o državnom zločinu.

Kad je pak u pitanju klasifikacija zločina koji su izvršeni nad Rohinjama, Amnesty International je počinjene zločine nad civilnim stanovništvom Rohinja

102 „Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine“, Final Report of the Advisory Commission on Rakhine State (august 2017).

103 Amnesty International, *Caged...*, str. 53.

104 Green i dr., *Countdown...*, str. 90.

105 Green i dr., *Countdown...*, str. 84; Amnesty International, *Caged...*, str. 56.

106 Green i dr., *Countdown...*, str. 85.

107 Amnesty International, *Caged...*, str. 100; Green i dr., *Countdown...*, str. 85, 90, 99 i 100.

klasifikovao kao *aparthejd* – zločin protiv čovječnosti i međunarodnog prava.<sup>108</sup> Međutim, uzimajući u obzir da je primarna svrha *aparthejda* sistematično ugnjetavanje i dominacija jedne rasne grupe nad drugom, smatramo da se pojedini zločini počinjeni nad Rohinjama, pogotovo zločini počinjeni 2017. godine, ne mogu podvesti pod *aparthejd* jer su tada počinjena masovna ubijanja i prisilni progon ogromnog broja stanovništva, čiji razmjeri nadilaze zločin *aparthejda*. S druge strane, tim istraživača Međunarodne inicijative o državnom kriminalu s Univerziteta Queen Mary iz Londona u zaključku izvještaja utvrdio je da zločini počinjeni nad Rohinjama od 2012. godine dobijaju jednu novu formu, te da se “Rohinje suočavaju s posljednjom fazom genocida”.<sup>109</sup> Međunarodna nezavisna misija za utvrđivanje činjenica o Mijanmaru, pod patronatom UNHRC-a, u svom izvještaju utvrdila je da su počinjeni zločini protiv čovječnosti kroz izvršenje ubistava, zatočenja, progona, tortura, silovanja, seksualnog ropstva i drugih oblika seksualnog zlostavljanja, ropstva, prisilnih nestanaka i drugih oblika zločina, ali i da su prisutni svi faktori koji upućuju na postojanje genocidne namjere, te da je na nadležnim tijelima tužilaštava da istraže odgovornost pojedinaca.<sup>110</sup> Navedeni rezultati istraživanja zločina počinjenih nad Rohinjama ukazuju na velike razmjere počinjenih zločina, što konstituše pravedni povod za intervenisanje međunarodne zajednice kao osnovni preduslov doktrine odgovornosti za pružanje zaštite.

Kada je u pitanju primjena načela predostrožnosti doktrine UN-a koja se moraju razmotriti prije donošenja odluke o intervenisanju, očigledno je postojanje ispravne namjere, *čija je* svrha zaustavljanje dalje ljudske patnje i stradanja Rohinja. Međutim, već kod drugog načela predostrožnosti dolazi se do ograničenja jer ovo načelo nalaže da moraju biti iscrpljena sva druga raspoloživa sredstva za mirovno rješavanje krize, , prije nego se donese odluka za provođenje vojne intervencije. Human Right Watch je u svom posebnom izvještaju o zločinima protiv čovječnosti koje je počinila mijanamarska vojska u Tual Toli dao preporuku da se nametnu „ciljane sankcije za burmanske vojne lidere i ključna vojna preduzeća, uključujući zabranu putovanja i ograničenja pristupa finansijskim institucijama i nametanje sveobuhvatnog vojnog embarga Burmi“.<sup>111</sup> Međutim, UN nikada do sada nije nametnuo bilo kakav vid sankcija protiv odgovornih lica za zločine provedene nad Rohinjama, u skladu s doktrinom odgovornosti za pružanje zaštite. Međunarodna zajednica nije posegnula niti za jednom od propisanih mjera, čak ni poslije zločina najvećih razmjera nad Rohinjama, počinjenih tokom 2017. „Vijeće sigurnosti bilo

108 Amnesty International, *Caged...*, str. 100.

109 Green i dr., *Countdown...*, str. 99-100.

110 “Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar”, UN Human Rights Council (A/HRC/39/64) (17. 9. 2018), par. 1511 i 1441.

111 Human Right Watch, „Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli“ (2017), Dostupno na: <https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli>, pristupljeno 5. 2. 2018.

je slijepi posmatrač stradanja Rohinja“ ne koristeći ništa od dostupnih mehanizama za zaustavljanje zločina.<sup>112</sup> Jedan od uzroka, koji postaje zakonitost, jeste hronični problem partikularnih interesa stalnih članica Vijeća sigurnosti, koje su i u ovom slučaju blokirale donošenje rezolucije. Kina se višestruko protivila donošenju rezolucije Vijeća sigurnosti za zaustavljanje zločina nad Rohinjama.<sup>113</sup> Kao i u slučaju Južnog Sudana, Kina je blokirala odluku Vijeća sigurnosti zbog ličnog interesa pristupa prirodnim resursima. Ovog puta Kina je to uradila radi zadržavanja povlaštenog pristupa plinu kroz “Shwe Gas”, projekt u Rakhino provinciji.<sup>114</sup> Početkom novembra 2017. godine Vijeće sigurnosti UN-a prvi put je formalno osudilo zločine nad Rohinjama, u vidu izjave predsjednika Vijeća sigurnosti, u kojoj se nigdje ne spominje termin zločin.<sup>115</sup>

Princip doktrine koji predviđa, u slučaju blokade Vijeća sigurnosti, angažman regionalne sigurnosne asocijacije, podrazumijevao je, u konkretnom slučaju, angažman Asocijacije južnoazijskih nacija (u daljem tekstu: ASEAN).<sup>116</sup> ASEAN je, međutim, također ostao potpuno indiferentan prema zločinu nad Rohinjama, ne poduzimajući nikakvu inicijativu za rješavanje problema Rohinja.<sup>117</sup> ASEAN ne samo da nije poduzeo konkretne akcije na sprečavanju i zaustavljanju zločina nad Rohingyama nego nije čak ni javno kritizirao lidera mijanmarskog režima.<sup>118</sup>

Prilikom izrade doktrine odgovornosti za pružanje zaštite utvrđeno je da pojedine humanitarne krize ne izazivaju pažnju međunarodne javnosti.<sup>119</sup> Uzimajući u obzir da je međunarodna zajednica primijenila vrlo malo od dostupnih mjera, može se kazati da su međunarodna zajednica i globalni mediji zapostavili problem Rohinja. Ovu tezu potkrepljuje činjenica da je za potrebe ovog rada bilo veoma teško doći do podataka na osnovu kojih bi se utvrdili razmjeri stradanja Rohinja. Ovdje bi se, ujedno, mogao tražiti uzrok slabe reakcije UN-a i ASEAN-a, jer je izostao pritisak međunarodnog javnog mnjenja.

112 Philippe Belopion, „How Long Will UN Security Council be Missing in Action on Burma? – New Resolution Opportunity for Council to Address Crisis“ (Human Right Watch, 1. 11. 2017), dostupno na: <https://www.hrw.org/news/2017/11/01/how-long-will-un-security-council-be-missing-action-burma>, pristupljeno 5. 2. 2018.

113 Belopion, „How Long...; Stefan D. Smith, „The Rohingya Genocide is Unfolding in Front of Our Eyes“, *Huffington Post* (17. 12. 2017), dostupno na: [https://www.huffingtonpost.com/entry/the-rohingya-genocide-is-unfolding-in-front-of-our\\_us\\_5a371d0be4b02bd1e8c60811](https://www.huffingtonpost.com/entry/the-rohingya-genocide-is-unfolding-in-front-of-our_us_5a371d0be4b02bd1e8c60811), pristupljeno: 19. 2. 2018.

114 Green i dr., *Countdown...*, str. 39; Amnesty International, *Caged...*, str. 9.

115 UN, „Security Council Presidential Statement Calls on Myanmar to End Excessive Military Force, Intercommunal Violence in Rakhine State“, Sastanak Vijeća sigurnosti, 6. 11. 2017, dostupno na: <https://www.un.org/press/en/2017/sc13055.doc.htm>, pristupljeno 19. 2. 2018.

116 Asocijacija jugoistočnih azijskih država.

117 Chatham House, „Root Causes of Rohingya Crisis Must Not be Ignored“ (28. 9. 2017), dostupno na: <https://www.chathamhouse.org/expert/comment/root-causes-rohingya-crisis-must-not-beignored>, pristupljeno 5. 2. 2018.

118 Yang Razali Kassim, *The Geopolitics of Intervention – Asia and the Responsibility to Protect* (Singapur: Springer, 2014), str. 64.

119 Report of the International Commission on Intervention and State Sovereignty, str. 8.

Tek 24. marta 2017. godine Human Right Watch je, kao dio UN sistema ranog upozorenja, formirao Misiju za utvrđivanje činjenica o Mijanmaru. Misija je dobila širok mandat, koji predviđa pregled svih navoda o ugrožavanju ljudskih prava u Mijanmaru.<sup>120</sup> Zvaničnici Mijanmara osporavaju rad Misije UN-a, prijeteci uskraćivanjem mijanmarske vize i ograničavanjem pristupa područjima pogođenim sukobima i nasiljem.<sup>121</sup>

## Zaključak

Pripadnici Rohinja zajednice više decenija podvrgavani su državno orkestriranoj dehumanizaciji, diskriminaciji i uskraćivanju velikog broja osnovnih ljudskih prava. Više puta tokom posljednjih nekoliko decenija, a najviše u drugoj deceniji XXI stoljeća, mijanmarska državna praksa ugrožavanja Rohinja prerasla je u masovne zločine. Pripadnici Rohinja naroda masovno su ubijani, pojedinačno, grupno i masovno porobljavani, prisilno premješteni, zatvarani ili na druge teške načine lišavani fizičke slobode. Rohinja narod trpio je torture, mučenja, pojedinačna, grupna i masovna silovanja, progon, prisilne nestanci i druge oblike zločina. Zločini su vršeni kao dio rasprostranjenog ili sistematičnog napada usmjerenog protiv civilnog stanovništva s ispoljenim znanjem izvršioca o postojanju namjere za izvršenje takvog napada, *što su elementi koji čine zločin protiv čovječnosti*.

Prema izvještajima nekoliko međunarodnih organizacija postoje elementi koji ukazuju da je nad Rohinja zajednicom počinjen zločin *genocida*. No i bez postojanja dokaza da je na Rohinja zajednicom počinjen genocid, sama saznanja da su nad Rohinja zajednicom počinjeni ratni zločini i zločin protiv čovječnosti upućuju na to da su bili ispunjeni preduslovi (pravedan povod) da Ujedinjene nacije postupe u skladu s doktrinom odgovornosti za pružanje zaštite.

Usvajanjem doktrine odgovornosti za pružanje zaštite UN je naglasio obavezu država da zaštite vlastito stanovništvo od genocida, ratnih zločina, „etničkog čišćenja“ i zločina protiv čovječnosti, kao i obavezu međunarodne zajednice da reaguje u slučajevima propusta države. Iako se zločini nad Rohinjama u posljednjem stoljeću provode u većim razmjerima, UN nije odreakovao u skladu sa usvojenom doktrinom.

120 Human Right Watch, „United Nations Fact-Finding Mission on Myanmar“ (2. 8. 2017), dostupno na: <https://www.hrw.org/news/2017/08/02/qa-united-nations-fact-finding-mission-myanmar>, pristupljeno 6. 2. 2020.

121 Radio *Slobodna Azija*, „Myanmar Says it Will Not Grant Visas For UN Fact-finding Mission on Rakhine“ (29. 6. 2017), dostupno na: <https://www.rfa.org/english/news/myanmar/un-visas-06292017165515.html>, pristupljeno 5. 2. 2018.; Human Right Watch, „Joint Letter to Governments on the UN Fact-Finding Mission on Burma Urge the Burmese Government to Allow Unfettered Access“ (27. 4. 2017), dostupno na: <https://www.hrw.org/news/2017/04/27/joint-letter-governments-un-fact-finding-mission-burma>, pristupljeno 5. 2. 2018.

Zabrinjavajuće je da UN u slučaju Rohinja, nakon neuspjeha preventivnih mjera, nije posegnuo za političkim, ekonomskim i sudskim mjerama prinude, alatima koji obavezno moraju prethoditi vojnoj intervenciji kao krajnjem sredstvu. Upravo je neprovođenje spomenutih mjera postalo smetnjom razmatranja i eventualnog donošenja odluke o vojnoj intervenciji, u vrijeme kulminacije zločina nad Rohinjama u posljednjem stoljeću, jer nisu primijenjeni mehanizmi koji treba da prethode vojnoj intervenciji. Kao primjer ističemo da niti jednom javnom rukovodiocu Minjanmara nisu nametnute bilo kakve sankcije. Najdrastičniji pokazatelj zakašnjele primjene principa doktrine odgovornosti za zaštitu jeste formiranje Misije za utvrđivanje činjenica o Mijanmaru, kao dijela UN sistema ranog upozorenja, tek početkom 2017. godine.

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# Implementation of UN Doctrine “Responsibility to Protect” and Crimes Committed Against Rohingya People in Myanmar

## Abstract

After the serious shortcomings of the mechanism of the UN system of response to frequent cases of serious threats and survival of human groups were identified at the end of the 20<sup>th</sup> century, the report “Responsibility to Provide Protection” was submitted in 2001 and incorporated into the UN system in order to improve the mechanism for responding to these threats. At the beginning of the 21<sup>st</sup> century, the Rohingya people of Myanmar faced systematic denial of basic human rights and decades of crime. The paper presents the attitude of the international community towards the denial of basic human rights and crimes against the Rohingya community in Myanmar. The elaboration of the mentioned relationship was made following the principle of the doctrine of responsibility for providing protection. We found that the international community did not apply the principles of responsibility for protection and did not take the necessary measures to protect and restore the basic human rights of the Rohingya, although there were reliable indications that crimes against humanity and other crimes had been committed against them for decades.

**Key words:** human rights, responsibility to provide protection, humanitarian interventions, crimes against humanity, Myanmar, genocide, Rohingya

## Current Challenges and Societal Responsibility of the Islamic Community in Bosnia and Herzegovina\*

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*Dževada Šuško*

### Abstract

The Islamic Community has been the core organisation serving the needs of Muslims in and from Bosnia and Herzegovina for 140 years. It has faced diverse challenges over its history but the current are different. Challenges currently being faced by Muslims and society in Bosnia and Herzegovina (and elsewhere) include how to counter accusations of radicalization and violent extremism, how to make a meaningful contribution to peace and stability, and how to respond to the pandemic, climate change, and the migrant crisis. This paper examines the Islamic Community's response to these issues.

**Key words:** Islamic Community in Bosnia and Herzegovina, international cooperation, EU integration, prevention of radicalization and violent extremism, resilience, pandemic, climate change, migration crisis

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\* This research was funded by the Center for Advanced Studies.

## Preventing radicalization and violent extremism

Over more than 40 years of socialism, the Communist party of the former Yugoslavia, like those of the other Communist countries, applied a policy of suppressing religion in the public sphere and of controlling religious institutions closely. A democratisation process was launched as Communism fell all across Southeastern Europe. Democratisation meant human rights and freedom of religion or belief, with a concomitant increase in the visibility of religion and religious practice. The experience of war, forced migration, ethnic cleansing, and genocide that lasted from 1992 to 1995 led many to turn to God, while humanitarian organisations from East and West organized help and offered life-saving aid. People received more than just food, clothes, and other necessities. Islamic literature was translated from Arabic, Persian, and Turkish in books, often just small booklets, that were easy to and quickly read and distributed for free. There was also an increasing presence of foreign aid workers, some of whom married local Muslim women. This led to attempts to introduce a new understanding of Islam into Bosnia. The reaction of the Islamic Community would show it was not welcome.<sup>1</sup>

During the war, more than 1,000 Islamic buildings, mostly mosques, were either entirely or partially destroyed. While few Western countries showed any interest in rebuilding such religious buildings, Turkey and other Middle Eastern (the Gulf countries, Saudi Arabia, Jordan) and Southeast Asian (Indonesia, Malaysia) states did. Later, first Turkey but then also Iran and Kuwait also showed an interest in primary and high schools and granted scholarships to Bosnian university students to study, mainly theology, at Middle Eastern Universities (in Syria, Jordan, Saudi Arabia, Egypt, etc.). These graduates often adopted a new understanding of how Islam should be lived, interpreted, taught, and practiced. All of this led to pluralization of the Islamic scene in Bosnia and Herzegovina.

The influence of other actors should not be neglected. The EU has played an important role in guiding Bosnia and Herzegovina through the EU accession process, as has the US in strengthening democracy, peace, and stability in the country and the wider region. Russia's interest in the region and the Serb orthodox population more particularly has historical roots and has always been there. More recently, China has been spreading its influence through investment in heavy industry and power plant projects. The *One Belt One Road Initiative*, which aims at connecting China to European markets via the Balkans amongst other regions, has been evaluated as highly damaging to the long-term economic and financial stability of Bosnia and Herzegovina.

1 Peter Münch, "Unerwünschter Import. Wie sich Bosnien erfolgreich gegen aggressive Einflussnahme wehrt", *Süddeutsche.de*, 27 December 2018, <https://www.sueddeutsche.de/politik/balkan-unerwuen-schter-import-1.4266860>.

Against this background of competing geopolitical and great power interests, intense competition evolved during and after the war between the states of the Middle East over Bosnia and Herzegovina, mainly to save ‘Bosnian Muslim souls.’ At the same time, Islamophobia and intolerance towards Muslims were both on the rise, spurring radicalization and violent extremism.

The question thus arises as to how mainstream Bosnian Muslims and their representative organ, the Islamic Community, responded to these emerging circumstances and influences.<sup>2</sup> The Islamic Community’s measures can be summarized in three terms: education, prevention, and building resilience.

By 1993, the Islamic Community had already issued a decree declaring the Hanafi school, the traditional school of law for Bosnian Muslims since the Ottoman period, the standard for religious practice in mosques, prayer rooms, and tekkes. The decree called for Islam to be practiced in ways that were in line with its norms. The need for this was obvious to imams who had noticed individuals starting to perform their prayers in ways that diverged from the centuries-old Islamic traditions of Bosnia, something that was causing insecurity and anxiety among congregation members. This is why the Islamic Community, seeking peace and order in the mosques, prayer rooms, and tekkes, established clear guidelines and reminded Bosnian Muslims that they had traditionally performed their prayers and interpreted Islam in line with the Hanafi school of thought. This was followed by ongoing education, discussions, conferences, publications, manuals on alternative interpretations of Islam and on moderation in Islam, youth work, etc., affirming the Bosniak Islamic tradition and strengthening the resilience of members and followers of the Islamic Community.

In 2007, a resolution was issued stating that the interpretation of Islam had to be institutionally anchored. This was important insofar as self-proclaimed online preachers were increasingly interpreting Islam in ways foreign to Bosnia and Herzegovina. The Islamic Community established the Institute for the Islamic Tradition of Bosniaks in 2008 to affirm how Bosnian Muslims have lived, interpreted, practiced, and taught Islam, and to give this affirmation an academic character. In addition to already existing faculties of Islamic studies in Sarajevo, Zenica, and Bihać, a research institution had thus been founded to promote research into Islam and Muslims in Bosnia and Herzegovina and strengthen the Bosnian Muslim identity and sense of belonging in Europe.<sup>3</sup> In 2012, a Centre for intra-Muslim Dialogue and Moderation in Islam (*Vesatijja*) was established. It

2 Hamza Preljević, “Preventing Religious Radicalization in Bosnia and Herzegovina: The Role of the BiH Islamic Community,” *Journal of Muslim Minority Affairs*, 37 (2017), pp. 8-14. Cf. Muhamed Jusić (ed.), *The Ideology of takfir and violent extremism: an analysis*. Issued by the Council of muftis of the Islamic Community in Bosnia and Herzegovina, Sarajevo, El-Kalem, 2018.

3 For the institute’s work, see [www.iitb.ba](http://www.iitb.ba).

has brought out a series of publications and organised lectures that affirm the culture of dialogue and a moderate interpretation of Islam, including a series of seminars for imams entitled “Toward different interpretations of Islam.”<sup>4</sup>

The Islamic Community and its various institutions also organized a range of seminars and conferences for imams, parents, religious teachers, and young people to help them face such attempts to introduce new practices of Islam. For example, the Association of imams (*Ilmijja*), in cooperation with the German Konrad Adenauer Foundation, organized a round table discussion on the Islamic scene in Bosnia and Herzegovina, papers from which were later collected and published.<sup>5</sup>

One side effect of the democratization process has been the growing number of NGOs, some of them faith-based organizations whose activities in the civil society sector draw on faith for their motivation and as an integral part of their activities. In 2013, the Islamic Community launched a platform for cooperation with other faith-based organizations in Bosnia and Herzegovina to pursue synergies and work together for the benefit of the people.<sup>6</sup> A few years later, in 2016, the Council of muftis adopted a strategy to integrate Muslim activists and groups outside of the Islamic Community (in so-called para-jamaat organisations) in order to counter fragmentation and parallelism, to identify illegal jamaat organisations, and to avoid deviant interpretations of Islam that might eventually become a security threat.<sup>7</sup> This position of the Islamic Community is in line with the state-level Law on Freedom of Religion and the legal status of churches and religious communities, which recognises the sole right of the registered religious communities in Bosnia and Herzegovina to establish prayer facilities and to teach and interpret the faith.<sup>8</sup> As a result, faith-based organisations and informal faith organizations at which self-proclaimed imams and preachers give religious classes and lead prayers, including the Friday congregational prayers, are considered illegal.<sup>9</sup>

With the rise of terrorist attacks, often claimed as committed in the name of Islam, the Islamic Community gathered the most influential Bosniaks (politicians, theologians, and intellectuals) to sign a joint Declaration in 2015 against

4 See further [www.cdv.ba](http://www.cdv.ba).

5 Sabina Wölkner and Mensur Pašalić (eds.), *Islamska scena u Bosni i Hercegovini. Islamic Scene in Bosnia and Herzegovina* (bilingual edition), Sarajevo, 2011.

6 Text at [https://static.islamskazajednica.ba/index.php?option=com\\_content&view=article&id=18958:platforma-o-saradnji-iz-sa-organizacijama-islamskog-odredenja-koje-djeluju-u-bih&catid=201:aktuelnosti-kat&Itemid=457](https://static.islamskazajednica.ba/index.php?option=com_content&view=article&id=18958:platforma-o-saradnji-iz-sa-organizacijama-islamskog-odredenja-koje-djeluju-u-bih&catid=201:aktuelnosti-kat&Itemid=457), accessed 14 September 2020.

7 “Krajem februara spisak paradžemata” <https://www.islamskazajednica.ba/index.php/vijesti/aktuelno/23492-krajem-februara-spisak-paradzemata>, accessed 13 November 2020.

8 “Zakon o slobodi vjere i pravnom položaju crkava i vjerskih zajednica u Bosni i Hercegovini”, <http://www.mpr.gov.ba/biblioteka/zakoni/bs/ZAKON%20o%20slobodi%20vjere.pdf>, accessed 13 November 2020.

9 Interview with Sarajevo mufti Enes Ljevaković in weekly magazine Stav. “Paradžemati su izravan atak na institucionalni autoritet Islamske zajednice”, <https://www.islamskazajednica.ba/index.php/vijesti/aktuelno/23407-paradzemati-su-izravan-atak-na-institucionalni-autorit-et-islamske-zajednice>, accessed 13 November 2020.

violent extremism, terrorism, and the abuse of religion in Bosnia and Herzegovina, Europe, and the world more widely. The Declaration states:

We, citizens of Bosnia and Herzegovina, Bosniaks and Muslims, representatives of political, cultural and religious life, are worried about terrorist acts in Bosnia and Herzegovina, Europe, and the world, and we are aware of our responsibility to preserve freedom, peace and coexistence in our home country.<sup>10</sup>

The Declaration clearly condemns any sort of violence and terrorism at home and abroad. It calls on the government authorities to oppose all kinds of radicalization, violent extremism, and terrorism and to preserve the rule of law and the safety, health, and other rights and freedoms of all people. It affirms the centuries-old tradition of coexistence in Bosnia and Herzegovina. The Declaration expects Muslim countries, religious and academic scholars to respect the religious tradition, the institutions and autonomy of the Islamic Community. The Declaration also calls on the EU:

We expect the leaders of European countries, particularly in the EU, where Muslims are a minority, to oppose islamophobia, discrimination against Muslims, and categorization of them as terrorists and enemies of civilization.<sup>11</sup>

Over the past two decades, there have been several projects with embassies and international organisations in Bosnia and Herzegovina to engage in PRVE (Prevention of Radicalization and Violent Extremism) activities and develop PRVE tools. The aim in organising these projects has been to provide clarification and information from psychological, theological, sociological, and political perspectives and to prevent radicalization, extremism, and violence. In 2016, in cooperation with the Embassy of the Kingdom of Norway a project on “Working with Youth to guide them on the Right Path and Prevent the Disorders of Addiction, Violence, and Extremism” has been implemented.<sup>12</sup> This included training trainers to apply skills learnt in their congregations and local communities, with three manuals published for trainers, parents, and children, respectively, addressing the security of children and protection from abuse on the internet.

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10 For full text, see <https://www.cdv.ba/vijesti/zajednicka-izjava-najodgovornijih-bosnjackih-predstavnika/>, accessed 13 November 2020.

11 See <https://www.cdv.ba/vijesti/zajednicka-izjava-najodgovornijih-bosnjackih-predstavnika/>, accessed 13 November 2020.

12 “Bjelašnica: Kamp za 50 mladih iz cijele domovine”, <https://static.islamskazajednica.ba/vijesti/aktuelno/23436-bjelasnica-kamp-za-50-mladih-iz-cijele-domovine>, accessed 14 September 2020.

The same year, OSCE funded seminars with imams to inform and discuss religious radicalism and violent extremism. The EU as well has shown interest in supporting the Islamic Community's preventive work and supported a project on PRVE training in 2018. The target audience were again principally imams but also included female religious teachers in mosques and schools (muallimas), parents, practitioners, and young activists at mosques. At these workshops, they learned how to detect, prevent, and counter cases of radicalization. A further outcome was three manuals for further action at mosques, schools, and at home. A similar PRVE project was realized in cooperation with the Embassy of Germany with teachers at Islamic high schools. Theologians, sociologists, psychologists, political scientists, and security experts held the seminars and workshops and topics covered included the process of radicalization into violence, psychological aspects of radicalization, religion and ideology, etc. Seminars with parents covered the broader topic of advanced parenting, including parenting styles, approaches to non-adaptive behaviour and radical extremist ideas, self-esteem, unachieved life goals, and the risk of adopting non-adaptive behaviours, specific aspects of adolescent development, adolescence and identity crises, and the links between non-adaptive behaviour, radicalism, and violent extremism. Young people were addressed through life-skills workshops, including building their capability for independent decision-making, communication skills, resisting peer pressure, non-violent dispute resolution, critical thinking, and assertiveness.

These manuals and workshops help with recognising and reacting appropriately to the first signs of radicalization. They also strengthen the capacities of imams, religious teachers, parents, young people themselves, and the local community. Sustainability was reached through the training of trainers, and both the adults and young people involved have continued to apply the knowledge and skills they acquired within their local communities. In conclusion, these projects have contributed to social resilience within the Bosnian Muslim community.<sup>13</sup>

## EU integration: strengthening common values, dialogue, peace, and stability

The EU is a unique international community initially established to strengthen peace and security in Europe and prevent any further war. These founding pillars were later expanded with EU enlargement and the inclusion of former Communist

13 The Grand Mufti's speech at a presentation of certificates for participants at the "Prevention of radicalism and violent extremism among youth" project, <https://english.islamskazajednica.ba/news/326-the-grand-mufti-speech-at-the-ceremony-for-presentation-of-the-certificates-for-the-participants-of-the-project-prevention-of-radicalism-and-violent-extremism-among-youth>, accessed 14 September 2020.

states from East Europe. After the experience of war, the Islamic Community realized the importance of complying with EU standards in Bosnia and Herzegovina for the sake of stability, security, peace, and prosperity, as well as in support of common universal values.

The Islamic Community had already developed and applied democratic procedures within its organizational structures and adapted for work within a secular state. While the historical experience of the Bosnian Muslims or Bosniaks, in terms of their ethnic or national identity, has been of being both Muslim and European, EU integration was considered a natural development for Bosnia and Herzegovina. The Islamic Community supports this EU integration process. Both the current grand mufti, Husein Kavazović, and his predecessor, Mustafa Cerić (who lead the community from 1993 to 2012), have emphasised the European identity of Bosniaks and their practice of “Islam with a European face”, based on liberalism, the desire for peace, reconciliation, and openness to the world.<sup>14</sup> As Riada Ašimović Akyol said:

Today, the history and practice of Bosnian Islam yield a number of noteworthy lessons for those seeking to cultivate a liberal Islam in Europe. One is that an institutionalized, centralized form of Islam can be highly successful, as seen in the case of the Islamic Community. This probably can't be replicated precisely in other European countries—the Bosnian organization of Islamic religious affairs is distinct in that it is independent of the state and incorporates elements of representative democracy for legislative and representative bodies—but it can still serve as a useful example to the rest of Europe.<sup>15</sup>

Over recent decades, the Islamic Community has developed continuous communication with the EU and with embassies in Bosnia and Herzegovina. Several visits have been organized to Brussels and to European countries, particularly those where the Bosniak diaspora is strong, as it is in Germany, Austria, Switzerland, and the Scandinavian countries, as well as to the US.<sup>16</sup>

Since 2016, the Islamic Community has had a Representative Office registered with the EU in Brussels to strengthen dialogue, cooperation, and joint programmes with EU institutions and other religious institutions. The Islamic Community

14 Dževada Šuško, “A Model for Europe? History and Practice of Islam in Bosnia-Herzegovina,” *International Reports* 4 (2017): 7.

15 Riada Ašimović Akyol, “Want to cultivate a liberal European Islam? Look to Bosnia.” *The Atlantic*, January 13, 2019, <https://www.theatlantic.com/international/archive/2019/01/bosnia-offers-model-liberal-european-islam/579529/>, accessed 14 September 2020.

16 Dževada Šuško (ed.), *Islamska zajednica u Bosni i Hercegovini. Uprava za vanjske poslove i dijasporu. Zadaci. Aktivnosti. Projekti. Rezultati* (Sarajevo: Dobra knjiga, 2019) outlines the various activities, including the Islamic Community's visits to and dialogue and conferences with local and international actors.



published a booklet on “Major Policy Considerations” for the first official visit of the Grand Mufti to Brussels that included texts by him and other relevant actors that stress Bosnian Muslims’ sense of belonging to the EU and the importance of EU integration for Bosnia and Herzegovina.<sup>17</sup> In one of these texts, the Grand Mufti Kavazović stated:

I argue firmly that the Islamic Community can and should be a representative actor in developing European forms of representing Muslims and in establishing valuable relationships of European institutions and Muslim communities. The basis for our argumentation lies in the religious, institutional, and historical continuity of the Islamic Community in Bosnia and Herzegovina. The Islamic Community is the institutional form and traditional framework of religious life of the Bosniaks, an indigenous European people. It is an independent religious community with the largest number of members of indigenous Muslims in Europe. It is a moral community. No one is forced to believe, nor do we make any differences among the believers. Our faith and institutional foundations has its roots in the universal tradition of Islam and the continuity of religious life of Muslims from prophet Muhammed.<sup>18</sup>

The Grand Mufti regularly meets senior politicians and ambassadors from the EU, other states and religious communities. Such intensifying cooperation with the EU has required the establishment of a new office within the Directorate for Foreign Affairs and the Diaspora. An Office for International Cooperation and the Western World was therefore established. The aim is to strengthen dialogue, exchange, and cooperation with international actors both in and outside Bosnia and Herzegovina. Many visits and conferences have been organised, with projects launched to raise the awareness of the importance of the EU and of interreligious dialogue for the sake of peace, stability, and prosperity. Bosnian Muslims’ European identity and their identification with European values, such as democracy, the rule of law, and human rights, and the importance of the EU integration process for Bosnia and Herzegovina have been addressed in a further joint project of the Islamic Community and the EU delegation in 2019. This project, “My place in Europe”, addressed high school students at all six Islamic high schools in Bosnia and Herzegovina. It included lectures on the history and system of the EU, the EU accession process, the common Muslim and European heritage, and the compatibility of European and Islamic values. In workshops, students developed their perspective on the EU through art and photographic, video, and written essays. The best works were chosen for an exhibition shown in Brussels at

17 *The Islamic Community in Bosnia and Herzegovina and the European Union. Main Policy Considerations* is a booklet for internal use and handed out during official visits to the EU and on similar occasions.

18 Grand Mufti Kavazović’s speech has not been published. The author of this chapter used the manuscript.

the EEAS and the students were awarded with a trip through Europe and to the EU in Brussels.<sup>19</sup> A further project entitled “My green deal” was realized in 2021 again with the support of the EU in order to raise awareness among students and organise concrete activities on environment protection. The EU, the Islamic Community, and the high school students who were the target group evaluated both projects as useful and successful.<sup>20</sup>

## Response to the COVID-19 pandemic, climate change, and the migrant crisis

The ongoing COVID-19 pandemic has changed everyday life for people and how they interact with the outside world. Religious communities have also had to adapt in response to the new circumstances especially the measures to prevent the spread of the virus. On the one hand, community life in churches and mosques had to be adapted. On the other, the role of the religious communities as a supportive element in preserving the mental health of and supporting their members psychologically and spiritually has not been an easy task. The recommendation by experts to maintain social and physical distancing has been a particularly hard challenge, as communal prayers and ceremonies are an integral part of church and mosque activities. This has been insofar challenging as Muslims perform their collective prayers in rows placed immediately beside each other.

Given the various crises it has experienced since its establishment, the Islamic Community had already endorsed in its Statute (Art. 84) that all its organs should continue their work under exceptional situations and times of war by adapting to the new circumstances.<sup>21</sup> The Islamic Community issued a series of guidelines that also cover community activities by members in the region or the diaspora, stressing that activities follow instructions from local or state authorities. These guidelines were addressed to all of the Community’s organizational units, including congregations (*džemats/jamaats*), local organisational units (*medžlis/majlis* and *muftijstvo/muftiates*), administrative units, centres, agencies, Islamic high schools (*medrese/madrasahs*), and university faculties and departments.<sup>22</sup> The Grand Mufti and his deputy offered the *hutba*/sermon and lead

19 “Učenci sa direktoricom Genoveva Ruiz Calavera”, <https://mojemjestoeu.ba/novost/10/ucenici-s-direktoricom-genoveve-ruiz-calaverom>, accessed 13 November 2020.

20 See <https://mojemjestoeu.ba/>, accessed 14 September 2020.

21 *Ustav Islamske zajednice u Bosni i Hercegovini – službeni prečišćeni tekst*, [https://www.islamskazajednica.ba/images/stories/Ustavi/Ustav\\_IZ-e\\_precisceni\\_tekst\\_2014.pdf](https://www.islamskazajednica.ba/images/stories/Ustavi/Ustav_IZ-e_precisceni_tekst_2014.pdf), accessed 13 November 2020.

22 “Instrukcija Islamske zajednice za postupanje u slučajevima širenja korona virusa. Sva okupljanja će se organizovati prema instrukcijama nadležnih državnih organa”, 10 March 2020, <https://www.aa.com.tr/ba/balkan/instrukcija-islamske-zajednice-za-postupanje-u-slu%C4%8Dajevima-%C5%A1irenja-korona-virusa-/1761058>, accessed 13 November 2020.

congregational prayers at the central Gazi Husrev-bey mosque via live stream, carried by RTV Bir and TV Hayat, ensuring global reach. In a *hutba* of 27 March 2020, the mufti stated:

To stay at home is the best good deed and the highest level of responsibility. Currently, on earth, the message is to stay at home and save mankind, as Allah said: Who saves the life of one human being has saved all of humankind.<sup>23</sup>

The importance of responsibility and solidarity regarding the pandemic are also reflected in more intense use of key messages on social media, including the Grand Mufti's official facebook and twitter accounts.<sup>24</sup> Other imams and muftis have followed the Grand Mufti in calling for responsibility and taken a unified position to counter the spread of the virus.

In mid-March 2020, the Council of muftis issued a fatwa on how to perform regular prayers, including the obligatory Friday prayers (*juma*) at the mosque.<sup>25</sup> Due to lockdown, the Grand Mufti issued additional measures, restricting prayers in mosques to the imam and the mujezin (who makes the call to prayer), and for obligatory Friday prayers, the members of the mosque council.<sup>26</sup> The call for prayer (*ezan*) continued to be made, however. The elderly and sick were asked not to come to the mosque. All these rules were based on respect for the guidelines issued by local and national authorities for the sake of protecting public health and lives.

As time passed and government instructions changed, e.g., on the number of persons allowed to gather, the Islamic Community adjusted its own guidelines. Prayer in mosques were therefore allowed with certain restrictions. Those entering a mosque had to wear masks, bring their own prayer mat, and keep a distance of 2 metres.<sup>27</sup> Many mosques put stickers on the floor to mark the distance

23 "Reis Kavazović predvodio džumu: Pogodila nas je nevolja i veliko iskušenje", 27 March 2020 <https://avaz.ba/vijesti/bih/557793/reis-kavazovic-predvodio-dzumu-pogodila-nas-je-nevolja-i-veliko-iskusenje>, accessed 13 November 2020.

24 <https://www.facebook.com/media/set/?vanity=ReisKavazovic&set=a.454521208251667>

25 "Fetva o načinu obavljanja dnevnih namaza i džume-namaza tokom pandemije koronavirusa", 17 March 2020, <https://www.islamskazajednica.ba/fetve-i-rezolucije/28830-fetvu-o-nacinu-obavljanja-dnevnih-namaza-i-dzume-namaza-tokom-pandemije-koronavirusa>, accessed 14 September 14 2020; "Formiranje safova u vrijeme pandemije korona virusa", <https://www.islamskazajednica.ba/namaz-egan/29021-formiranje-safova-u-vrijeme-pandemije-korona-virusa>, accessed 14 September 2020. Further fatwas have been issued on the organization of funerals and the washing of the COVID 19 dead.

26 "Instrukcija imamima i džematskim odborima za postupanje u okolnostima vanrednog stanja proglašenog zbog pandemije koronavirusa", published 20 March 2020, <https://www.islamskazajednica.ba/vijesti/aktuelno/28745-instrukcija-imamima-i-dzematskim-odborima-za-postupanje-u-okolnostima-vanrednog-stanja-proglasenog-zbog-pandemije-koronavirusa>, accessed 14 September 2020. Friday sermons (*hutba*) like that of the deputy grand mufti have dealt with the coronavirus and been distributed via social media, see <https://www.islamskazajednica.ba/vijesti/aktuelno/28890-hutba-zamjenika-reisu-l-uleme-dr-enesa-ef-ljevakovica-u-gazi-husrev-begovoj-dzamiiji>, accessed 14 September 2020.

27 "Instrukcija Rijaseta o obavljanju dnevnih namaza u džamijama", published 30 April 2020, <https://www.islamskazajednica.ba/vijesti/aktuelno/29008-instrukcija-rijaseta-o-obavljanju-dnevnih-namaza-u-dzami-jama>, accessed 14 September 14 2020.

required. Many Muslims remained insecure as to whether God would accept such prayers, as it is clearly prescribed that participants should stand next to each other while performing prayers in congregation. The Islamic Community website ([www.islamskazajednica.ba](http://www.islamskazajednica.ba)) includes a regular column on “Questions and answers”. A legal scholar answers on a regular basis questions Muslims have regarding everyday life. With the new circumstances that have arisen under the pandemic required as well new responses had to be given.<sup>28</sup>

Furthermore, religious classes, normally held at the mosque during the weekend, have been either cancelled or moved online.<sup>29</sup> Many imams also used social media, such as for example viber groups to keep in contact with mosque members. Contact with the mosque and the imam is particularly important during the holy month of Ramadan. The traditional religious practice of collective prayers and Qur’anic recitations had to be reorganized. In April 2020, the Islamic Community launched its own TV station (RTV Bir) with a programme of Qur’anic recitations and other content at a time when mosque attendance was still greatly reduced because of physical distancing.

A further challenge has been continued work on projects and cooperation with partners, particularly in the field of humanitarian aid.<sup>30</sup> The Grand mufti has held regular meetings with government agencies, representative of the authorities, and the heads of the other traditional religious communities for advice, consultation, and support and to adjust Islamic Community activities accordingly.<sup>31</sup>

Organising activities related to the fifth pillar of Islam, pilgrimage to Mecca and Medina, is an important regular activity that had to be cancelled due to the pandemic. Several consultations were held, but health and security considerations and decisions made in Saudi Arabia meant the hajj had to be postponed.<sup>32</sup>

28 This legal scholar is known in the community as the *fatva-i-emin*. He offers answers to theological questions in Islamic law and so communicates with the public on current social issues. One pandemic-related question was about performing prayers using social distancing: “Formiranje safova u vrijeme pandemije korona virusa”, published 8 May 2020, <https://www.islamskazajednica.ba/namaz-ezan/29021-formiranje-safova-u-vrijeme-pandemije-korona-virusa>, accessed 14 September 2020.

29 “U Muftijstvu zeničkom održan radni sastanak o temi „Mektebska nastava na daljinu – Online mekteb, iskustva i preporuke””, published 25 June 2020, <https://www.islamskazajednica.ba/muftijstva-s/vijesti-iz-muftijstava/29190-u-muftijstvu-zenickom-odrzan-radni-sastanak-o-temi-mektebska-nastava-na-daljinu-online-mekteb-iskustva-i-preporuke>, accessed 14 September 2020.

30 “Islamska zajednica koordinira svoje napore sa nevladinim organizacijama u suprotstavljanju pandemiji koronavirusa” published 25 March 2020, <https://www.islamskazajednica.ba/rijaset-s/rijaset-vijesti/28790-islamska-zajednica-koordinira-svoje-napore-sa-nevladinim-organizacijama-u-suprotstavljanju-pandemiji-koronavirusa>, accessed 14 September 2020.

31 “Reisu-l-ulema i ministar Radončić o širenju koronavirusa”, published 20 March 2020, <https://www.islamskazajednica.ba/aktivnosti-reisu-l-uleme/28757-2020-reisu-l-ulema-i-ministar-radoncic-o-sirenju-koronavirusa>, accessed 14 September 2020. “Reisu-l-ulema sa pomoćnikom ministra zdravlja Federacije Bosne i Hercegovine”, published 21 April 2020, <https://www.islamskazajednica.ba/aktivnosti-reisu-l-uleme/28939-reisu-l-ulema-sa-pomocnikom-ministra-zdravlja-federacije-bosne-i-hercegovine>, accessed 14 September 2020.

32 “Saudijski ambasador i direktor centra Kralj Fahd kod reisu-l-uleme”, published 1 July 2020, <https://www.islamskazajednica.ba/aktivnosti-reisu-l-uleme/29199-saudijski-ambasador-i-direktor-centra-kralj-fahd-kod-reisu-l-uleme>, accessed 14 September 2020.

Travel abroad by employees of the Islamic Community was suspended generally and only gradually reinstated, in accordance with government guidelines.

Commemoration of the Genocide in Srebrenica on July 11 is an annual Islamic Community activity, particularly given the ongoing need for burial of newly discovered and processed bodies from the mass graves around Srebrenica. July 2020 was the 25<sup>th</sup> anniversary of the Srebrenica genocide and the commemoration and other memorial events were to have involved much larger gatherings than usual. Senior politicians and leading figures from all around the world were expected. The commemoration was, however, significantly reorganised to respect pandemic-related restrictions.<sup>33</sup>

The work of the administration (*Rijaset*) was generally carried out from home, with occasional use of the workplace, where necessary. As a result, the Islamic Community at no point ceased offering services, activities, or work. The focus was on social responsibility, countering conspiracy theories, and adapting to the new circumstances brought about by the pandemic and respecting the guidelines set by government experts.<sup>34</sup>

Another important challenge nowadays is undoubtedly climate change, care for environment, and biodiversity. The Office for International Cooperation has established contacts with UNEP, the UN's environment protection agency, and the Faith for Earth Initiative. After participation at a capacity-building seminar at UNEP, the Islamic Community was one of the hosts of an international conference in March 2020 on "People and Planet: Faith in the 2030 Agenda". The conference was held simultaneously at six hubs around the world (Nairobi, Pretoria, Amman, Jakarta, Sarnosand, and Sarajevo) to discuss the UN's Sustainable Development Goals and strengthen the link between environmental protection and faith communities.<sup>35</sup> It is worth noting that the Islamic Community was the only faith-based organisation in Southeastern Europe to respond to the initiative. The Faith for Earth representative in Bosnia and Herzegovina is actually an employee of the Islamic Community. Since then, the Islamic Community has participated in various meetings and conferences and realized a project, as above

33 "U Potočarima 11. jula dženaza-namaz i komemoracija žrtvama Genocida", published 3 June 2020, <https://www.islamskazajednica.ba/vijesti/aktuelno/29137-u-potocarima-11-jula-dzenaza-namaz-i-komemoracija-zrtvama-genocida>, accessed 14 September 2020. "Centralna svečanost 510. dana Ajvatovice", published 29 June 2020, <https://www.islamskazajednica.ba/vijesti/aktuelno/29195-centralna-svecanost-510-dana-ajvatovice>, accessed September 14, 2020. "Dženaza za žrtve Prijedora i Kozarca 20. jula 2020. u Kozarcu", published 2 July 2020, <https://www.islamskazajednica.ba/vijesti/aktuelno/29203-dzenaza-za-zrtve-prijedora-i-kozarca-20-jula-2020-u-kozarcu>, accessed 14 September 14 2020.

34 "Muftija Dizdarević: Vjernici će biti primjer disciplinovanog ponašanja u ovom vremenu", published 23 April 2020, <https://www.islamskazajednica.ba/muftijstva-s/vijesti-iz-muftijstava/28949-2020-muftija-dizdarevic-vjernici-ce-bit-primjer-disciplinovanog-ponasanja-u-ovom-vremenu>, accessed 14 September 2020.

35 Link to the event <https://wedocs.unep.org/handle/20.500.11822/32730?show=full>. For a publication related to this conference, see <https://wedocs.unep.org/bitstream/handle/20.500.11822/32730/PPFA.pdf?sequence=1&isAllowed=y>, accessed 14 September 2020.

mentioned, to increase its involvement with climate change issues. A further progress has been made in 2021 when all four traditional religious leaders of the Islamic Community, Catholic Church, Orthodox Church and Jewish Community gave their commitment on the conference “The importance of environment protection and climate change from the perspective of faith communities”, an event organized in cooperation with UNEP, URI and the Interreligious Council.

Humanitarian aid is a further area of social responsibility. It is dealt with primarily by the Office for Social Care, which has a remit for care and the distribution of aid to the needy in Bosnia and Herzegovina and organises the collection at various institutions, including the Islamic high schools and the university faculties, of money, food, and clothes to help those in need. The Office for Social Care also provides financial support to individuals and families and offers scholarships for high school and university students in Bosnia and Herzegovina, Sandžak, Kosovo, and North Macedonia. Food is distributed to migrants and families in need. During Ramadan and on religious festivities like Eid, gifts are distributed, primarily to children.<sup>36</sup> Teams have been formed to care for the elderly and sick. This care consists of regular home visits, as well as the distribution of food packages, financial support, hygiene products, and medicines.<sup>37</sup>

To help people in need more efficiently, the Islamic Community has also been building bridges with the non-governmental sector. An ongoing project is a mobile library for children in remote rural areas. A van full of books travels to many villages, particularly in the Republika Srpska, to gift or lend books to children. Food and clothes are collected within the Islamic Community’s institutions to support better living conditions for migrants now temporarily living in Bosnia and Herzegovina.<sup>38</sup> Obligatory juma prayers have been organized in refugee camps for the predominantly Muslim migrants, in cooperation with the International Organization for Migration (IOM).<sup>39</sup> The Grand Mufti himself visited a migrant center in Western Bosnia and has on various occasions, including during

36 Elvedin Subašić, “Socijalno-humanitarne aktivnosti u 2019. godini”, *Preporod*, 5:1159 (1 March 2020), p. 4.

37 “U Zenici održan sastanak timova za posjete starijim i iznemoglim osobama”, <https://www.islamskazajednica.ba/vijesti/aktuelno/29327-u-zenici-odrzan-sastanak-timova-za-posjete-starijim-i-iznemoglim-osobama>, accessed 14 September 2020.

38 “Predstavnici Ureda za društvenu brigu posjetili migrantski Centar u Blažuju”, published 23 February 2020, <https://www.islamskazajednica.ba/rijaset-s/rijaset-vijesti/28501-predstavnici-ureda-za-drustvenu-brigu-posjetili-migrantski-centar-u-blazuju>, accessed 14 September 2020. “Mreža mladih Muftijstva travničkog realizovala akciju pomoći migrantima”, published 6 December 2019, <https://www.islamskazajednica.ba/muftijstva-s/vijesti-iz-muftijstava/28363-mreza-mladih-muftijstva-travnickog-realizovala-akciju-pomoci-migrantima>, accessed 14 September 2020.

39 “Islamska zajednica organizovala džumu-namaz u privremenim prihvatnim centrima za migrante”, <https://www.islamskazajednica.ba/vijesti/aktuelno/28555-2020-islamska-zajednica-organizovala-dzumu-u-privremenim-prihvatnim-centrima-za-migrante>, accessed 14 September 2020.

the juma, addressed the migration crisis and the responsibility Muslims have to help people in need.<sup>40</sup>

## Conclusion

As the largest traditional organisation serving the religious needs of Bosnian Muslims, the Islamic Community in Bosnia and Herzegovina has shown social responsibility, particularly in times of crisis. Recent challenges include preventing radicalisation and the spread of violent extremism, promoting peace, stability, and security in line with the goal of EU integration for Bosnia and Herzegovina, providing humanitarian aid, and tackling climate change, as well as guiding the faithful during the pandemic. One may sum up its activities in terms of education, prevention, and building resilience.

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## Trenutni izazovi i društvena odgovornost Islamske zajednice u Bosni i Hercegovini

### Sažetak

Islamska zajednica je jedinstvena organizacija koja 140 godina služi potrebama muslimana unutar i izvan Bosne i Hercegovine. Suočavala se sa raznim izazovima od svog osnivanja ali trenutni izazovi su drugačiji. Trenutni problemi s kojim se muslimani i društvo Bosne i Hercegovine, kao i u drugim zemljama, suočavaju su optužbe za radikalizaciju i nasilni ekstremizam, očuvanje mira i stabilnosti, pandemija, klimatske promjene i migrantska kriza. Ovaj članak analizira odgovore Islamske zajednice na ove izazove.

**Ključne riječi:** Islamska zajednica u Bosni i Hercegovini, međunarodna saradnja, EU integracije, prevencija radikalizacije i nasilnog ekstremizma, rezilijentnost, pandemija, klimatske promjene, migrantska kriza





# CONTEXT

Prikazi knjiga / Book Review

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# CONTEXT

Časopis za interdisciplinarne studije  
8:2 (2021), 155-157

Prikazi knjiga - Book Review  
DOI: 10.55425/23036966.2021.8.2.155

Shabbir Akhtar, *The Verses and the Fury Be Careful with Muhammad! Salman Rushdie and the Battle for Free Speech* (2nd Edition with a New Preface). BIJAK Publishing, 2020. pp. 187. ISBN: 978-623-94742-2-5.

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In the absence of a plausible and well-argued response by Muslim intellectuals to the neoliberal inquisition and the “hegemonic ideology”, the second edition of *Be Careful with Muhammad! Salman Rushdie and the Battle for Free Speech* is welcome for several reasons.

To remind ourselves, this book by British writer Shabbir Akhtar presents a concise account of the complex reception of Salman Rushdie’s *The Satanic Verses*, as well as the repercussions Rushdie’s whimsical screed had around the world at the twilight of the twentieth century.

Shabbir Akhtar was an active participant in the Muslim response to this malicious parody of Muslims and their religion and, more particularly, of the Prophet Muhammad, peace be upon him, so in outline the book is actually his deeply intimate recollection of a time when Muslims “wrote off the Empire” from its centre. His book is thus an illustrative example of contemporary Muslim culture of memory. In this sense, *Be Careful with Muhammad!* offers a panoramic picture of the Muslim polemic with Rushdie and his devotees. The geography of the polemic was firmly fixed and value-marked from the beginning. Muslims were pre-marked as a group of angry and unreasonable demonstrators (a kind of wicked mob). At the same time, Rushdie and his supporters were defenders of freedom and the most advanced human rights (a civilised aristocracy).

Shabbir faithfully conveys the experience of diasporic dislocation and otherness first-hand. He worked as a local coordinator of the initiative to ban the publication and promotion of *The Satanic Verses* and was a participant in debates in Bradford and London. He was also a (primarily censored) guest or an author on the many media that followed the Rushdie “affair” closely. His autobiographical testimony contains what are perhaps the book’s most valuable messages regarding the complex field of absolute freedom of expression and Muslim (non) conformism within the global cultural context.

Indeed, absolute freedom and Muslim (non)conformism form the narrative backbone of Shabir's book. The author uses them to crystallize the neuralgic points of Rushdie's *Verses*, while also questioning the position/image of Muslims in the modern geopolitical arena. These phenomena are elaborated in six relatively short chapters.

The first chapter, "*Be Careful with Muhammad!*", describes the role and presence of Muhammad, peace be upon him, in the daily lives of Muslims. Akhtar believes that such knowledge can help in understanding Muslims' heightened sensitivity about their beloved Prophet, peace be upon him. Only on this basis can the unprecedented reaction to Rushdie's *Verses* be discussed. In the chapter of the book entitled "From Tehran with Love", the author contrasts this picture to the analysis of sacrilege and blasphemy from a diplomatic perspective. He shows how a malicious narrative has been used to augment political power and provoke global hysteria, while the demand not to allow a particular group of people to be publicly degraded and their sanctities ridiculed from the viewpoint of the neoliberal dictate of the supremacy of the individual has passed unnoticed, under the radar. Shabbir then analyses the mechanisms of the liberal inquisition, which is the title of the third chapter. In it, he looks at how Rushdie's book was promoted and the iconization of his personality in the West. With somewhat less persuasiveness, the author then turns to the field of literary theory and the artistic (un)foundedness of Rushdie's novel in the chapter on "Art or Literary Terrorism?"

Shabbir reveals his intellectual anchorage most clearly in the concluding chapters, "What's Wrong with Fundamentalism?" and "Faith and Power". These chapters offer meticulous observations on religion as a proactive subject and the forceful destruction of such a viewpoint from the Enlightenment down to the present. The author recognizes the contemporary "guilt" of Islam and Muslims for their resistance to the mental and moral fashions the West prescribes the rest of the world and which represent the only ticket for admission to the fold of advanced modern civilization. As Muslims in Britain opposed self-degradation disguised as emancipation, Islam came to represent a subversive and destructive force seeking to destroy Britain as a multicultural society. Ordinary civic activism and looking for protection from unjust and malicious provocation were transformed, over ("Rushdian-Satanic") night, into a demand for theocracy. Such distorted images and propaganda phantasms have, unfortunately, become canonical in media infinity, as well as in geopolitical concepts.

The affair over Rushdie's *Verses* seems distant and foggy today, but its repercussions and the unresolved issues that emerged with it onto the fragile surface of our time have proven their enduring significance many times over. A prominent Muslim thinker, Shabbir Akhtar, recognized these questions at the time and has

articulated them and conveyed them convincingly and with unique narrative charm. The new edition offers a kind of intellectual recapitulation of the phenomenon of the verses of the powerful and the anger of the subordinate. The preface to this edition functions as a *post-festum* chapter in which the author offers an overview of the situation three decades after the book was first published. The new edition may thus be considered a kind of philosophical epic. As with every epic, this one has to do with verses, oppression, rebellion, and rage. Indeed, in *Be Careful with Muhammad! Salman Rushdie and the Battle for Free Speech*, Shabbir succinctly depicts the evolution of a struggle, writing a valuable historical and cultural document on civic resistance, diasporic uneasiness, and introversion within British society, the visible and hidden domains of censorship, the power of disobedience, and the many facets of freedom of expression. Thirty years after Rushdie's *Verses*, one question remains unanswered: Was there a winner?

*Mirza Sarajkić*



Ann El-Moslimany, *Teaching Children: A Moral, Spiritual and Holistic Approach to Educational Development*, London & Washington: IIIT, 2018. pp. ix+124. ISBN 978-1-56564-989-7.

*Teaching Children: A Moral, Spiritual and Holistic Approach to Educational Development* [Poučavanje djece: moralni, duhovni i holistički pristup razvoju obrazovanja], djelo je dr. Ann El-Moslimany, američke autorice i profesorice u penziji, bazirano na višedecenijskom iskustvu poučavanja u Islamskoj školi u Seattleu, Washington, čiji je ona i osnivač, ali i na studioznom istraživanju razvojnih ideja i principa islamske i zapadne obrazovne filozofije.

Djelo ukazuje na nedostatke postojećih obrazovnih sistema (muslimanskih i zapadnih), koji na paradigmi reduciranog kognitivnog modela škole djeci nerijetko nude mnoštvo nepovezanih informacija i fragmentiranih „porcija znanja“, lišenih duhovnosti i internalizacije vrijednosti. Autorica apelira na nužnu potrebu za temeljitom obrazovnom reformom, predstavljajući model škole kakva bi trebala biti. Model počiva na revitalizaciji temeljnih načela islamske obrazovne filozofije, holističkoj viziji odgoja i obrazovanja te kurikulumu integriranog karaktera pri čemu je sve što djeca uče u školama prožeto duhovnim smislom.

Djelo je podijeljeno na 11 poglavlja. U uvodu autorica upozorava na negativne karakteristike savremenih škola i primjere loše prakse, naglašavajući potrebu za trostrukim djelovanjem: 1) promišljanjem (*idžtihad*) izvan okvira normativne obrazovne kulture koju smo nekritički usvojili; 2) definiranjem vlastite obrazovne svrhe, vizije i misije utemeljenih u fundamentalnim islamskim izvorima i 3) revitalizacijom temeljnih načela islamske obrazovne filozofije: koncepta Božijeg jedinstva (*tawhid*), namjesništva na Zemlji (*hilafet*), urođene ljudske prirode (*fitra*), svijesti o Bogu (*taqwa*), pravde (*adl*), kooperacije i dogovaranja (*šura*).

U drugom i trećem poglavlju autorica predstavlja pojmove *taklid* (imitacija), *tadždid* (obnova) i *idžtihad* (kritičko promišljanje) te njihove implikacije na polju obrazovanja. Opisujući tipove škola u muslimanskim zajednicama, nastale imitacijom zapadnih materijalističkih paradigmi kolonijalnog i postkolonijalnog perioda i zadržane sve do danas, autorica skreće pažnju na pristupe koji obeshrabuju



refleksiju, kritičko promišljanje i kreativnost učenika, razdvajajući vjeru od realnog života. Odlike ovakvih škola, utemeljenih na tvorničkom modelu tejlizma, jesu šefovsko upravljanje, standardizacija metoda i suhoparna reprodukcija informacija, čime se djeca treniraju za podaničko izvršavanje naredbi. Djeca se uče da pasivno šute i slijede naredbe, dogmatski reproduciraju informacije, dok se zanemaruje razumijevanje i obeshrabruje slobodno i kritičko mišljenje. Nisu važni učenici i internalizacija znanja i vrijednosti, već sistem u interesu menadžmenta i sponzora koji profitiraju. Prisjećajući se zlatnog perioda islamske civilizacije i muslimanske opsesije znanjem, a referirajući se na Ziauddin Sardara, autorica podsjeća da je Božija Riječ važeća za sva vremena i prostore, stoga je naša obaveza kontinuirano stjecanje znanja, raspravljanje i diskutiranje, istraživanje i pisanje te traganje za najboljim primjerima obrazovne prakse za naše vrijeme i prostor. Znanje koje nudimo budućim generacijama ne bi smjelo biti kombinacija dvaju oprečnih viđenja života dominantnih u sekularnim i religijskim školama, lišenih svake upotrebljivosti, već jedinstvena vizija utemeljena na principima integracije znanja, tvrdi autorica.

Četvrto i peto poglavlje posvećeni su razradi temeljnih principa islamske obrazovne filozofije i njihovoj implementaciji u obrazovanju. Koncept Božijeg jedinstva (*tawhid*), vodeći princip i esencija Božanske poruke, reflektira se u Njegovom svrsishodnom, uređenom i integriranom stvaranju. Autorica ističe da međusobna povezanost, preciznost i harmonija među entitetima demonstriraju Božije jedinstvo, koje mora prožimati cjelokupnu odgojno-obrazovnu atmosferu, kurikulum te funkcioniranje islamske škole (planiranje nastavne jedinice, dogovaranje pravila, komunikacija s učenicima i osobljem). Konceptom tevhida nastoji se prevladati prividna oprečnost između ideja i stvari, promoviranjem holističke vizije koju Zahra Al Zeera naziva „dijalektikom tevhida“. Ovaj pristup omogućava učenicima da otkriju sebe, razviju empatiju i ostvaruju kvalitetne odnose s drugima i sredinom u kojoj žive. Prema riječima autorice, izolacija nije rješenje i u koliziji je s navedenim principom. Nama je potreban civilizacijski dijalog prožet socijalno pravednim obrazovanjem utemeljenim na univerzalnim vrijednostima. Autorica ističe da bi se svijest o Bogu i Njegovoj sveprisutnosti (*taqwa*) trebala razvijati u multikulturalnoj obrazovnoj atmosferi prožetoj poštovanjem, podrškom i ljubavlju. Samo na takav način djeca će internalizirati toleranciju i pripremati se za svijet, koji je nerijetko pun opasnosti, predrasuda, stereotipa i diskriminacije, tvrdi autorica.

U narednim poglavljima autorica iznosi kritiku sekularnog pristupa, koji je doveo do redukcije i dezintegracije pojma znanje (*ilm*), upozoravajući na opasnost scijentizma i zamku koju krije tvrdnja o „dvjema istinama“. Kontradiktornost između religijskih normi i naučnih dostignuća često je samo prividna. To je prilika za dublje i kreativnije promišljanje s ciljem dolaska do istine, za što treba

osposobljavati djecu. Znanje nije puko akumuliranje činjenica i pasivno prihvatanje onoga što se prezentira. Pojam *ilm* višeslojan je i uključuje znanje, razumijevanje, mudrost, odgovornost i pozitivno djelovanje. Autorica ističe da je obaveza nastavnika pomoći djeci da razviju alate kritičkog mišljenja i reflektiranja, osposobljavajući ih za cjeloživotno učenje i stjecanje znanja. To se može postići uvažavanjem koncepta kooperacije i dogovaranja (*šura*), ohrabriranjem diskusije, neslaganjem uz poštovanje, postavljanjem pitanja te razmjenom mišljenja i ideja. Autorica nadalje upozorava na negativne tendencije popularne neurologije i mitova o mozgu, koji su znanstveno opovrgnuti, ali i dalje pronalaze svoje mjesto u školama kao dio ustaljene obrazovne prakse. Nasuprot tome, ona naglašava važnost poštivanja principa poučavanja te potrebu za individualizacijom pristupa. S obzirom na to da nijedan mozak ne funkcionira na isti način, autorica podstiče nastavnike da se istinski potrudu razumjeti individualne razlike među učenicima, kombiniranjem različitih pristupa, metoda i tehnika učenja i poučavanja. Kako bi poticali dugoročno pamćenje kod djece, autorica učiteljima i roditeljima preporučuje diferencijaciju poučavanja, uvažavanje predznanja djece, poticanje učenja na prirodan način, povezivanje znanja s okolinom i životom, osiguranje emocionalno podržavajuće atmosfere, fokusiranje na učenika te korištenje humora.

S ciljem osiguranja uspješne implementacije ranije izloženih postavki, autorica naglašava kako je neophodno osmisliti kurikulume i udžbenike zasnovane na principima jedinstva i integracije. Ona sugerira da kurikulumi budu koncipirani prema multidisciplinarnim tematskim cjelinama, a ne predmetima/oblastima. To bi omogućilo istinsku integraciju, prelazenjem s jedne na drugu aktuelnu temu, čime bi se prevladala filozofija redukcionizma i formirao jasniji makropogled integriranih znanja, vrijednosti i djelovanja kroz vrijeme i prostor. Autorica naglašava da je pri integraciji potrebno voditi računa o šest preporuka: 1) nastavnik ima svrhovit cilj za svaku temu koju prezentira; 2) učenici/studenti uključeni su u planiranje; 3) učenje je relevantno i u vezi sa životom; 4) primarni cilj jeste konceptualno razumijevanje, iako on ovisi o predmetu i temi; 5) dovoljno vremena za obradu teme fundamentalna je pretpostavka te 6) zanemarivanje tvrdnje da se znanje usvaja isključivo čitanjem i slušanjem, već kreativno obogatiti proces učenja i poučavanja.

U narednim poglavljima autorica analizira islamski i bihevoristički pogled na ljudsku prirodu (*fitra*), ulogu čovjeka na zemlji (*hilafet*), slobodu izbora i odgovornost, vrste motivacije, teoriju samoodređenja, fiksirani i razvojni mentalni sklop djece, razvoj identiteta i druga pitanja važna za razvoj integriranih obrazovnih sistema. Razumijevanje prirode čovjeka (*fitra*) kao urođene prirodne predispozicije u svim ljudskim bićima, nepromjenjive i usmjerene ka činjenju dobra i obožavanju jednog Boga, trebalo bi zauzeti centralnu ulogu u islamskom načinu poučavanja, tvrdi autorica. Ona podsjeća kako je Montessori sistem obrazovanja

upravo utemeljen na ovoj pretpostavci iskonske čistote djeteta. Prema tome, težnja nastavnika trebala bi biti usmjerena ka održavanju čistote djeteta kreiranjem unapređujućeg okruženja koje će mu omogućiti razvoj u skladu s iskonskom dobrotom. Nasuprot tom pogledu, u djelu je predstavljen bihevizizam, koji negira čovjekovu prirodu, a djetetovo ponašanje nastoji objasniti izvanjskim stimulusima. Na ovakvim postavkama razvio se koncept odgoja i obrazovanja dominantno utemeljen na nagradama i kaznama. Autorica ilustrira kako nagrade i kazne potiču ekstrinzičnu motivaciju, koja se u brojnim istraživanjima pokazala inhibitorom uživanja, interesa i internalizacije vrijednosti, naročito kod starije djece. Suprotno tome, nastavnici i roditelji trebali bi preferirati intrinzičnu motivaciju, koja u djeci budi vlastite izbore, težnje, ambicije, interese i vrijednosti, usmjeravajući ih na proaktivno djelovanje uz slobodno i kritičko razmišljanje. Promovirajući teoriju samoodređenja (*self-determination theory*), koju su razvili Edward Deci i Richard Ryan, autorica naglašava kako se intrinzična motivacija kod djece razvija pomoću triju ključnih faktora: 1) autonomijom koja se potiče slobodom i pozitivnom povratnom informacijom nastavnika; 2) osjećajem kompetentnosti i samopouzdanja djeteta 3) te povezanošću s drugima i osjećajem pripadnosti.

Autorica u posljednjim poglavljima naglašava da je temeljna obaveza (*emanet*) nastavnika da kod djece razvijaju jaku vjeru i želju za proaktivnim djelovanjem, čime će ona preuzeti ulogu Božijeg namjesnika (*halifa*) na Zemlji. Permanentna borba za pravdu i ukazivanje na nepravdu prema pojedincima i grupama trebala bi biti obrazac ponašanja naše djece koji ćemo razvijati u našim školama, tvrdi ona. Kroz koncept tevhide, kod djece je važno osvijestiti da sve što je lišeno Boga postaje štetno za čovjeka i društvo u cjelini. Autorica tvrdi da internalizaciju navedenih vrijednosti možemo postići kroz modeliranje u našim domovima i školama, po uzoru na praksu Vjerovjesnika, s.a.v.s. Ključno je da roditelji i nastavnici budu nosioci univerzalnih vrijednosti, demonstrirajući ih ličnim ponašanjem, primjerom i stilom življenja. Prema riječima autorice, ovdje se pojavljuje prilika za informalne oblike obrazovanja, projekte, putovanja, kampove, praktično iskustveno učenje i vannastavne aktivnosti, tokom kojih bi učenici učili iz ponašanja svojih nastavnika. Kako bi se ostvarili postavljeni ciljevi, autorica naglašava da je vrlo važno osigurati pretpostavke u porodičnom, socijalnom i fizičkom okruženju te se aktivno zanimati za savremene probleme i izazove s kojima se naša djeca suočavaju.

U zaključku, autorica ponovo ističe potrebu za reformom obrazovanja u duhu islama i prema ranije izloženim pretpostavkama, s ciljem osposobljavanja generacija za doprinos, proaktivno djelovanje i pozitivno mijenjanje svijeta u kojem žive. Navedenu reformu potrebno je zasnovati na holističkoj viziji obrazovanja utemeljenoj na četirima važnim pretpostavkama: 1) jedinstvu znanja; 2) jedinstvu čovječanstva; 3) realnosti ljudske prirode te 4) odbacivanju postavki

biheviorizma i afirmaciji intelekta i slobodne volje. Nakon zaključka autorica je ponudila dva priloga: A) primjer Montessori modela islamske škole i B) primjere mogućih tema i pitanja za istraživanje s učenicima/studentima. Na kraju slijede bilješke autorice i bibliografija korištenih izvora.

Djelo je od velikog značaja za oblast islamske pedagogije, ali i edukacijske znanosti općenito, jer ukazuje na negativne elemente obrazovnih sistema koji inhibiraju holistički razvoj učenika. Usto, autorica nudi preporuke i smjernice za njihovo prevazilaženje. Iako je djelo primarno usmjereno ka razvoju i unapređenju obrazovnih sistema u muslimanskim zajednicama, njegove preporuke i principi jedinstva i integracije znanja, uvažavanja čovjekove prirode, poticanja intrinzične motivacije i kritičkog razmišljanja – primjenjivi su na postojeće obrazovne sisteme, koji se odlikuju parcijalizacijom znanja i kognitivnim modelom škole.

Posebna vrijednost djela ogleda se u činjenici da je izložena filozofija obrazovanja bazirana na bogatom iskustvu autorice kroz višedecenijski rad u Islamskoj školi te potvrđena rezultatima brojnih empirijskih istraživanja. Argumentacija koju je autorica prezentirala, referirajući se na autore kao što su Ismail al-Faruqi, Muzaffer Iqbal, Seyyed Hossein Nasr, AbdulHamid Abu Sulayman, Ziauddin Sardar, Mohamed Yasin, Sebastian Gunter, Gordon Allport, Jerome Bruner i brojni drugi mislioci reformatorskog usmjerenja, osigurava jasno razumijevanje i potiče na proaktivno razmišljanje o mogućnostima implementacije navedenih ideja. Iako je u prikazu ponuđen opšti pregled ključnih ideja, djelo obiluje zornim primjerima i konkretnim smjernicama koje mogu poslužiti kreatorima obrazovnih politika, nastavnici, odgajateljima, roditeljima i upravama škola.

Djelo je napisano na engleskom jeziku, a stil pisanja je jasan i zanimljiv. Ideje i argumentacija izloženi su razumljivo, pregledno i sistematično. Autorica na dosta mjesta postavlja pitanja za razmišljanje, čime ostvaruje jaču interakciju s čitaocem, držeći ga budnim i prisutnim. Knjiga čini jednu zaokruženu, logičnu i skladnu cjelinu usmjerenu ka promociji holističkog pristupa poučavanju i razvoju obrazovanja. Preporučujemo da se ovo djelo prevede i na bosanski jezik kako bi bilo dostupno i široj čitalačkoj publici na našem govornom području.

*Ahmed Čolić*



Omer Hasan al-Qijjam, *Literarni aspekti kur'anskog teksta: analiza tefsirskih teorija*. Prijevod s arapskog: Berin Bajrić, Sarajevo: Centar za napredne studije, 2020. Str. 200, ISBN: 978-9926-471-35-4.

Jezički izraz Kur'ana zaokupljao je pažnju od početka njegovog objavljivanja. U manjoj ili većoj mjeri, kroz različite pristupe, njime se bavilo kroz historiju tumačenja Kur'ana. Prije svega, kur'anski izraz vrlo je karakterističan u odnosu na književnu tradiciju Arapa. Teorija *i'džaza* – (nadnaravnost kur'anskog izraza) vrlo brzo se pozicionirala kao strateški važna polazna tačka u razumijevanju kur'anskog teksta. To je značajno podstaklo razvoj *'ilmu-l-belaga* (stilistika) i drugih lingvističkih disciplina u klasičnim školama jezika tadašnjeg arapskog svijeta.

Od kraja 19. i tokom 20. stoljeća muslimanski svijet, sada u drugačijoj stvarnosti, protkan brojnim izazovima i pozivima na različite vrste reformi u tradiciji islama i muslimana, iznjedrio je i nekolicinu savremenih čitanja Kur'ana. Ta su čitanja u značajnoj mjeri smještena u kontekst susreta sa svjetonazorom, epistemološkim matricama i metodologijama zapadnih naučnika i istraživača. Stoga će zanimanje i za literarni aspekt kur'anskog izraza porasti. Time se u svome djelu bavio jordanski autor i profesor Omer Hasan el-Kijjam. Prijevod njegove knjige *Literarni aspekti kur'anskog teksta: analiza tefsirskih teorija* na bosanski jezik potpisuje Berin Bajrić 2020. godine u izdanju Centra za napredne studije.

U četiri poglavlja ove knjige autor el-Kijjam u najvećoj se mjeri bavio radom muslimanske uleme i intelektualaca Muhammeda Abduh, Emina el-Hulija, Aiše Abdurrahman, Šukri 'Ijjada, Muhammeda Arkuna i Nasra Hamida Ebu Zejda. Kontekstualni pristup razvoju njihovih ideja, stavova i cjelokupnog djela, svakako, uključio je i imena drugih učenjaka i istraživača, a među njima brojnih orijentalista. Takvom strukturom i hronologijom poglavlja autor je zadovoljio samu hronologiju pojave i razvoja savremenih čitanja Kur'ana, u konkretnom slučaju razviđajući pristup literarnom aspektu Teksta. Korištena literatura i izvori te podnožne napomene odaju temeljit analitički pristup tematici literarne recepcije Kur'ana. Napominjemo, autor je i doktor iz oblasti arapskog jezika i književnosti. Na bavljenje ovom tematikom ponukan je radom na jednom od djela imama Bakillanija (10–11. st.), što ističe u „Uvodu“ knjige. U tom dijelu autor naglašava da je u svojoj analizi

nastojao napraviti “distinkciju između dvaju načina ili pristupa kur’anskom tekstu, a to su retorički, odnosno stilistički i hermeneutički» (str. 16).

Nije neobično da el-Kijjam svoju knjigu otvara analizom metodologije Muhammeda Abduhua, čime ga je pozicionirao u proćelje teme o savremenim čitanjima Kur’ana. Na ovaj način autor je u Abduhuovoj reformatorskoj misli istakao njegovo insistiranje na razumijevanju kur’anskog jezika na putu ka muslimanskom preporodu. El-Kijjam navodi: “Muhammed Abduhu smatrao je da unapređenje tefsirske nauke treba da počne od reanimacije lingvističkih istraživanja i razvijanja literarnog ukusa...” (str. 26). Time je autor ukazao na utemeljenje ideje reformatorskog, savremenog pristupa Tekstu i, uopće stvarnosti. To je prema Abduhuu, itekako zahtijevalo oživljavanje uloge jezika.

Prva značajnu tranziciju u svojoj analizi autor pravi u slučaju Emina el-Hulija, pri čemu naglašava njegov doprinos u oblasti interpretativnih metoda, ali i u oblasti jezika, odnosno stilistike. Dat je uvid u el-Hulijeve stavove koji se temelje na mišljenju da je Kur’an “najsvetije književnoumjetničko djelo” (str. 48). Između ostalog, naglašen je el-Hulijev stav kojim “poziva proučavanju kur’anskog teksta u njegovom sveobuhvatnom kontekstu” (str. 57). El-Kijjam iznosi i mišljenja el-Hulijevih učenika koji su nastavili razvijati njegovu metodologiju. Na nekoliko stranica autor donosi primjer primjene el-Hulijevih metoda.

Nakon toga, el-Kijjam se u svome djelu bavi pristupom Aiše Abdurrahman, učenice, a kasnije i el-Hulijeve supruge. On navodi: “Aiša je ulagala ogromne napore u svom imanentnom pristupu kur’anskom tekstu, naglašavajući kako je Kur’an savršena jezička struktura, čiji dijelovi tumače jedni druge. Time je praktično prodrila u samu suštinu problema klasičnih tumačenja i suprotstavila se tradicionalističkim komentatorima, za koje kaže kako nisu vodili brigu o vezi između kur’anskih pojmova i njegove strukture, niti su u obzir uzimali unutrašnje okolnosti teksta” (str. 74). Posebno je naglasio njeno čvrsto slijedenje el-Hulijeve metodologije. Na poslijetku, zaključuje da se, i pored njenih nastojanja da svojim doprinosom unaprijedi metodologiju tefsira, jedan drugi učenik, ipak, više istakao – Šukri ‘Ijjad. Tako je el-Kijjam jasno skicirao njegove osnovne ideje. Njegov pristup karakteriziralo je i nastojanje – po uzoru na učitelja – da pronikne i u intencije Kur’ana kada su u pitanju humanistički i društveni ciljevi Kur’ana. To ga je, prema el-Kijjamu, dovelo “do proučavanja veze između vjere i umjetnosti, čime je prevazišao okvire svoga učitelja i savladao potencijalne prepreke na putu literarnog tumačenja kur’anskog teksta» (str. 95).

Autor drži da ‘Ijjadova istraživanja “predstavljaju odgovor na dvije temeljne osobenosti literarnog tefsira. Prva se tiče tematskog pristupa tumačenju Kur’ana, a druga se odnosi na njegovo nastojanje da se posebno posveti analitičkom proučavanju kur’anske leksike i to na potpuno nov način i u skladu sa savremenim

lingvističkim metodama” (str. 104–105). I za ‘Ijjada, ističe autor, Kur’an je *središnji tekst arapsko-islamske kulture*, jer se u njemu zrcali potencijal arapske stilistike na najbolji način te Kur’an obogaćuje druge tekstove.

U samom naslovu trećeg poglavlja el-Kijjam se određuje spram jedne od osnovnih postavki pristupa Muhammeda Arkuna u tefsiru – poimanja svetosti Kur’ana. Naime, Arkun ne podrazumijeva svetost Kur’ana. Arkun Kur’anu ne pristupa u sakralnom, već u svjetovnom smislu, “služeći se pri tome specifičnim kritičkim mehanizmima, snažno oslonjenim na poznate metodologije religijskih znanosti ustanovljene u kulturama Zapada. To podrazumijeva pristupanje tekstu Kur’ana uz upotrebu istih ili sličnih metodoloških koncepata korištenih u analizama Starog i Novog zavjeta, te uz primjenu dostignuća iz oblasti komparativnih religija, historije religije, historije tefsira i teologije, uz konsultiranje i ostalih nauka poput semiotike, lingvistike, historiografije, sociologije i antropologije” (str. 120). Kroz tri međunaslova, el-Kijjam pojašnjava Arkunovu rezervisanost spram klasičnih komentara Kur’ana, odnosno alternativu i pristup koji zastupa. U značajnoj mjeri tretira se Arkunovo akcentiranje potrebe za lingvističkim i semiotičkim čitanjem.

Trećim poglavljem el-Kijjam počinje analizu heremeneutičkog pristupa. U četvrtom poglavlju, koje tretira Ebu Zejdovo razumijevanje kur’anskog teksta, autor se posebno osvrnuo na njegovu odbranu literarnog pristupa kur’anskom tekstu, pojašnjavajući njegov stav o tome da nema nikakve barijere da čovjek kojem je upućena poruka na taj način pristupi Tekstu. U tom kontekstu autor pojašnjava jedinstvenost kur’anskog teksta, iako se on pojavljuje u okvirima arapskog jezika. Osim toga, naglašeno je Ebu Zejdovo zastupanje muʿteziljske ideje o stvorenosti Kur’ana. Iako smatra da je Kur’an kulturni produkt, on ne smatra da se mora negirati njegovo božansko porijeklo. Značajan dio poglavlja autor je posvetio Ebu Zejdovoj recepciji religijskog jezika.

Iako svi tretirani pristupi pripadaju korpusu savremenih metodoloških pristupa, knjiga donosi jasnu distinkciju posebno u odnosu na temelje na kojima su postavljani. Autor ove analize u znatnoj mjeri uspješno parcijalizira tretiranu tematiku i prati postojeću vezu između različitih pristupa. Čitatelji mogu uočiti određena favoriziranja mišljenja/škola, ali s obzirom i na „Predgovor“ el-Alvanija i na „Uvod“ knjige, i ne treba očekivati isključivo objektivan i nepristrasan pristup autora.

Ipak, njegova analiza, smještena na manje od dvije stotine stranica, nameće se kao kvalitetan pregled savremenih tefsirskih teorija. Takav pregled širem čitateljstvu može približiti kretanja savremenih čitanja kur’anskog teksta, a usto i pregled kretanja savremenih muslimanskih mišljenja na općem planu. Kada je riječ o užem čitateljstvu, knjiga može naći svoje mjesto i u silabusima Fakulteta islamskih nauka u Sarajevu, pa i na predmetima koji tretiraju opći razvoj i historiju metodologije tefsira, a, svakako, na predmetima koji tretiraju savremene tefsirske teme i studije.

*Hasan Hasić*





# CONTEXT

## Uputstva autorima

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### Tematika

*Context: Časopis za interdisciplinarnu studiju* je recenzirani, naučni časopis posvećen unapređenju interdisciplinarnih istraživanja najurgentnijih društvenih i političkih tema našeg vremena kao što su posljedice ubrzane globalizacije, pluralizam i raznolikost, ljudska prava i slobode, održivi razvoj i međureligijska susretanja. Pozivamo istraživače u humanističkim i društvenim naukama da daju doprinos boljem razumijevanju glavnih moralnih i etičkih problema kroz kreativnu razmjenu ideja, gledišta i metodologija. U nastojanju da premostimo razlike među kulturama, u ovom časopisu objavljivat ćemo i prijevode značajnih radova. *Contextu* su dobrodošli i članci i prikazi knjiga iz svih područja interdisciplinarnih istraživanja. Svi radovi za ovaj časopis moraju biti originalni i zasnovani na znatnom korištenju primarnih izvora. Uredništvo također podstiče mlađe naučnike, na počecima karijere, da dostavljaju svoje radove.

### Etički i pravni uvjeti

Podnošenje rukopisa za objavljivanje u *Contextu* podrazumijeva sljedeće:

1. Svi autori saglasni su u pogledu sadržaja rukopisa i njegovog objavljivanja u časopisu.
2. Sadržaj rukopisa je prešutno ili eksplicitno odobren od odgovornih rukovodilaca institucije u kojoj je istraživanje provedeno.
3. Rukopis nije prethodno objavljivani, ni u dijelovima ni u cijelosti, na bilo kojem jeziku, osim kao sažetak, dio javnog predavanja, magistarskog rada ili doktorske teze.
4. Rukopis nije i neće biti ponuđen za objavljivanje nijednom drugom časopisu dok se o njegovom objavljivanju razmatra u ovom časopisu.
5. Ako rad bude prihvaćen, autor pristaje da prenese autorska prava na Centar za napredne studije, pa se rukopis neće moći objaviti nigdje drugdje, ni u kom obliku, na bilo kojem jeziku, bez prethodne pismene saglasnosti izdavača.
6. Ako rad sadrži slike, grafikone ili veće dijelove teksta koji su ranije objavljeni, autor će od prethodnog vlasnika autorskih prava pribaviti pisanu dozvolu za reproduciranje ovih stavki u sadašnjem rukopisu, kako za *online*, tako i za štampano izdanje časopisa. U rukopisu će se, za sav navedeni materijal, propisno navesti kome pripadaju autorska prava.

### Dvostruko anonimna recenzija

*Context* koristi sistem dvostruko anonimne recenzije, što znači da autori rukopisa ne znaju ko su njihovi recenzenti, a recenzenti ne znaju imena autora. Stoga vas molimo da izbjegavate spominjanje svake informacije o autoru nakon naslovne strane. U slučaju da je takva informacija iz nekog razloga neophodna, molimo vas da nam na to skrenete pažnju kako bismo anonimizirali taj dio prije predavanja rukopisa recenzentu.

## Uvjeti za prijavu

Radove slati u elektronskom obliku u programu Microsoft Word. Rukopisi treba da budu napisani na engleskom ili bosanskom. U radu na engleskom, dosljedno se držati jednog pravopisa (britanskog ili američkog) u cijelom radu. Rukopis ne treba imati više od 10.000 riječi skupa s fusnotama. Diakritički znakovi ne smiju se koristiti u transliteraciji turskih, arapskih ili perzijskih imena i naziva.

## Struktura rukopisa

Tekst treba biti napisan dvostrukim proredom. Svi radovi treba da imaju sažetak od maksimalno 100 riječi, kao i popis od 3–10 ključnih riječi. Autori moraju dosljedno pisati velika slova. Treba izbjegavati pretjerano korištenje velikih slova. Skraćenice „vol.“, „no.“ i „pt.“ ne pišu se velikim slovom. Naslove djela i periodike po pravilu pisati italicom. Strane riječi također treba pisati italicom.

## Bibliografske jedinice u fusnotama

1. Rad iz časopisa: Ime autora, "Naslov rada u časopisu", *Naziv časopisa*, 16:2 (1992), 142–153. [John Smith, "Article in Journal", *Journal Name*, 16:2 (1992), 142–153].
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3. Knjiga: Ime autora, *Naslov knjige* (Mjesto izdanja: Izdavač, Datum), str. 65–73. [John Smith, *Book Name* (Place: Publisher, Date), pp. 65–73].
4. Ako je referenca iz fusnote već spomenuta u nekoj ranijoj fusnoti, u ovoj fusnoti treba navesti prezime autora i dati skraćeni naslov, npr. Prezime, *Knjiga*, str. 23. [Smith, *Book*, p. 23] ili Prezime „Članak“, str. 45. [Smith, "Article", p. 45]. Ne koristiti op. cit.
5. Za radove koje je napisalo više od troje autora, u fusnoti će se navesti ime prvog popisanog autora i nakon toga „et al.“ ili „i dr.“ [„and others“], bez ubačene interpunkcije.
6. Za izvore sa interneta slijediti sljedeći format: Ziaudin Sardar, „Welcome to postnormal times“, <http://ziauddinsardar.com/2011/03/welcome-to-postnormal-times/>, pristupljeno 4. 12. 2014.
7. Tamo gdje je neophodno, naslove djela na jezicima koji nisu jezici rada navoditi u izvornom jeziku, a u uglastim zagradama dati prijevod naslova na jezik na kojem je rad pisan. Naslove u nelinearnim pismima navoditi transliterirane, s prijevodom na jezik na kojem je rad pisan, kao gore.
8. Koristiti samo fusnote i označavati ih brojevima (a ne latiničnim slovima). Kada se u glavnom tekstu spominje referenca iz fusnote, potrebno je da broj kojim je označena prati neki interpunkcijski znak.

## Slike

Dijagrami, grafikoni, mape, nacrti i drugi crteži moraju se predati u formatiranom obliku. Mora se dati popis potpisa pod slikama označenih kao Slika 1, Slika 2, itd., uključujući odgovarajuće priznanje autorskih prava. Fotografije se dostavljaju u elektronskom formatu (JPEG ili TIFF) i moraju imati minimalno 300 dpl. Za sve ilustracije na koje postoje autorska prava autori moraju pribaviti odgovarajuće saglasnosti od njihovih vlasnika.

## Opće upute za oblikovanje rada

- Autor prvenstveno mora biti dosljedan. U cijelom radu mora se pridržavati pravopisa; organizacija rukopisa (naslovi i podnaslovi) mora biti razgovijetna.
- Ako autor nije izvorni govornik engleskog jezika, preporučuje se da verziju rukopisa na engleskom provjeri izvorni govornik.
- Navodnici: Polunavodnici ( ‘ ’ ) se koriste za isticanje riječi, pojmova ili kratkih fraza unutar teksta. Direktni citati koji sadrže manje od dvadeset i pet riječi stavljaju se pod navodnike („ “). Pod navodnike se stavljaju i naslovi članaka iz časopisa i referentnih djela. Veći dijelovi citiranog teksta

(npr. više od dva retka) pišu se u posebnom odjeljku, uvučenom s lijeva, sa po jednim praznim redom iznad i ispod odjeljka. Ove veće odjeljke, tzv. „blok-citate“, ne treba stavljati u navodnike.

### Prikazi knjiga

Prikaz obično sadrži između 800 i 1.200 riječi. Podnaslove treba svesti na minimum, a fusnote treba što rjeđe koristiti. Prikaz knjige treba biti naslovljen bibliografskom informacijom u skladu sa sljedećim pravopisom:

Ime i prezime autora, *Naslov knjige*, Sarajevo: Matica bosanska, 2014. Str. 215, ISBN ....., 25 KM.

ili

*Observing the Observer: The State of Islamic Studies in American Universities*, By Mumtaz Ahmad, Zahid Bukhari & Sulayman Nyang (eds). London: IIIT, 2012. Pp. xxxiii+258. ISBN 978 1 56564 580 6. €17. \$23.

Ime autora prikaza i njegovu institucionalnu pripadnost navesti na kraju rada (npr. Sarah Kovačević, Free University of Sarajevo).

### Sadržaj prikaza

Prikazi se pišu za multidisciplinarno čitateljstvo koje obuhvata naučne, političke i religijske zajednice. Na autoru je da odluči na koje će se elemente u prikazu usredotočiti, kojim redoslijedom i koliko temeljito, ali, kao putokaz može poslužiti sljedeći spisak:

- Dati *kratak pregled* glavnih ciljeva djela za koje se piše prikaz, glavnih teza i tema kojima se bavi te koju vrstu empirijskih izvora koristi. Za uredničku knjigu, sumirati glavne teme i naznačiti, samo ukoliko je to potrebno, pojedina poglavlja.
- Navesti koji je *originalni doprinos* tog djela kako konkretnom području istraživanja, tako i nauci općenito (i uporediti ga s drugim djelima, ako je potrebno).
- Ako je svrsishodno, označiti širi kontekst (npr. društvene, političke, naučne probleme ili kontroverze), kojemu ovo djelo daje doprinos i/ili njegov značaj za politiku, istraživanja i praksu.
- *Procijeniti snage i slabosti* (konstruktivno): Koliko je to djelo ispunilo svoju svrhu? Je li ono teorijski i metodološki pouzdano? Jesu li empirijski podaci tačni i dostatni? Je li dobro napisano i dobro urađeno?
- Ako je potrebno, ukazati na greške kojih čitatelji treba da budu svjesni. (Pri tome se treba čuvati klevete). Preporučiti ciljno čitateljstvo za knjigu (npr. istraživači, učenici, studenti, nastavnici, opće čitateljstvo – precizirati na kom nivou, u kom području studija i u kakvoj vrsti nastavnog plana i programa).

### Priprema: Korektura i separat

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# CONTEXT

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1. Article in journal: John Smith, “Article in journal”, *Journal Name*, 16:2 (1992), 142-53.
2. Article in edited book: John Smith, “Article in journal”, in *Book Name*, John Smith (ed.) (Place: Publisher, Date), pp. 24-9.
3. Book: John Smith, *Book Name* (Place: Publisher, Date), pp. 65-73.
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### Book Reviews

Reviews should normally be between 800 words and 1,200 words in length. Subheadings should be kept to a minimum and footnotes used sparingly. A book review should be headed by the bibliographical information according to the following convention:

*Observing the Observer: The State of Islamic Studies in American Universities.* By Mumtaz Ahmad, Zahid Bukhari & Sulayman Nyang (eds). London: IIIT, 2012. Pp. xxxiii+258. ISBN 978 1 56564 580 6. €17. \$23.

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Reviews should be written for a multi-disciplinary readership that spans academic, policy, and religious communities. It is up to the individual reviewer to decide exactly what points should be covered in the review, in what order and in what depth, but as a rule of thumb, please consult the following checklist:

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# CONTEXT

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