

Vakuf Administration in Bosnia and Herzegovina: A Closer Look at the Case of Sarajevo's Gazi Husrev-Begov Vakuf

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Abstract

This article first offers a historical overview of *Vakuf institution* in the land known today as Bosnia and Herzegovina. It then briefly outlines the role that the *Islamska zajednica u Bosni i Hercegovini* (Islamic Community of Bosnia and Herzegovina) and *Vakufska direkcija* (Vakuf Directorate) have played in the oversight of the Bosnia and Herzegovina's *vakufi* (pl. of vakuf). The final section of this article offers an original case study of the Gazi Husrev-Begov Vakuf where, via original document analysis and oral interviews conducted with the administrative leadership of the Gazi Husrev-Begov Vakuf, we discuss its leadership structure, unique rules and regulations, and overall functioning within the context of Bosnia and Herzegovina's broader Islamic institutional apparatus. We will conclude by arguing that, by and large, *vakufi* have been effectively managed in Bosnia and Herzegovina's over the years and that they share both Weberian and distinctly non-Weberian traits which make them a unique case to further explore when looking at non-Western models of administration.

Keywords: Bosnia and Herzegovina, Islamic Community of Bosnia and Herzegovina, *Vakuf Directorate*, Islamic Public Administration.

Introduction

Islamic charitable endowments, also known as *waqfs* (pl. *awqāf*) played a critical social and economic role throughout the various Islamic empires and Caliphates that emerged over the centuries (Ghazaleh 2011, Dallh 2023). A *waqf* – or *vakuf* (pl. *vakufi*) as they are known as in Bosnia and Herzegovina – can be understood as "an unincorporated trust established under Islamic law by a living man or woman for the provision of a designated social service in perpetuity [whose] activities are financed by revenue-bearing assets that have been rendered forever inalienable" (Kuran 2001, 842). In order for a *vakuf* to be established, Muslim jurists established four minimum criteria that all *vakuf* deeds needed to fulfil in order to be valid:

[...] first, a written declaration recorded as an official document; second, the wealth or property endowed had to be designated for a particular purpose; third, a beneficiary

or beneficiaries had to be named, whether a person or persons, a category of people (orphans, the poor) or the public; and fourth, a living benefactor/founder of the waqf had to be named (Dallh 2023, 24).

Vakufi were also integral to the administration and development of the Ottoman state, including those territories held in the Balkans, between the 14th to 19th centuries. *Vakufi* were so prevalent in the Ottoman Empire that, according to some estimates, by the beginning of the 19th century, *vakuf* endowments constituted almost two-thirds of the land in the Empire (Pianciola and Sartori 2007, Dallh 2023).

From their earliest beginnings, *Vakufi* were always connected to a higher purpose. They were described by the renowned Islamic historian Marshall Hodgson (1974, 124) as "the material foundation of Islamic society." According to Fariba Zarinebaf (2005, 90), *vakufi* provided "the framework for the realization of [...] important Qur'anic individual and communal obligations to help the needy, the orphan, and the weak." Up to the present time, *vakufi* still continue to shape Bosnia and Herzegovina's social, economic, cultural, and urban landscapes.

This article will first give a brief overview of the history and legacy of *vakufi* in Bosnia and Herzegovina. It will then look more closely at two important institutions that have helped maintain *vakufi* in Bosnia and Herzegovina over the years: the *Islamska zajednica u Bosni i Hercegovini* (IZBiH) and the *Vakufska direkcija*. The article's final substantive section will offer a more detailed case study of Sarajevo's largest and most famous *vakuf*: the Gazi Husrev-Begov *Vakuf*. The article concludes by arguing that, by and large, *vakufi* have been effectively managed in Bosnia and Herzegovina over the years and that *vakuf* administration in Bosnia and Herzegovina shares both Weberian and distinctly non-Weberian traits. This fact alone makes Bosnian *vakufi* a unique case to further explore when looking at non-Western models of administration.

***Vakufi* in Bosnia – A Brief Overview**

The presence of *vakufi* in the land that is today known as Bosnia and Herzegovina dates all the way back to the Ottoman conquest of the region in 1463. Over the next 400 years, their growth spread steadily to the point that by 1878, "it was estimated that nearly one-third of all usable land in Bosnia was owned by *vakufs*" (Malcolm 1994, 146). During these four centuries, numerous different types of *vakuf* properties dotted Bosnia's picturesque landscape. The different *vakuf* property types that were commonly found in Bosnia included: *hans* (inns), *bezistans* (marketplaces), bridges, and building complexes (Obralić and Ćorović 2021, Halilović 2022).

During the period of Ottoman rule, unlike in other parts of the Empire, *vakufi* functioned as independent institutions in Bosnia and were largely left free to pursue their own desired ends with little state interference (Karčić 1999, Halilović 2022). As the 19th century drew to a close however, the institution of *Vakuf* began to lose its autonomy, most specifically, after the Hapsburg Monarchy took control of Bosnia from the Ottomans following the 1877–1878 Russo-Turkish War. Soon after the war, the Bosnian population found themselves subject to new stipulations set forth in the Berlin Congress.

The outcome of the Berlin Congress – though jarring – was not all bad for the local Bosnian population. While Article XXV of the Berlin Treaty gave Austro-Hungary the right to occupy Bosnia and Herzegovina, "it did not explicitly get any international legal obligation pertaining to the administration and treatment of its population" (Karčić 2012, 251). As a result, the Austro-Hungarian monarchy was able to do whatever it wanted in terms of how it went about administering *vakufi*. It was not required to impose any specific taxes or meet any particular international demands regarding how the *vakufi* were operated.

In addition to not imposing any major changes regarding how *vakufi* in Bosnia were to be administered, the Berlin Congress also guaranteed religious freedom to the local Bosnian population. However, this freedom came at a price. The Austro-Hungarian government, as noted before – free to administer Bosnia however they pleased – ultimately did decide to limit the scope *Shari'a* and Ottoman *qānūn* law to personal affairs much to the dismay of many Bosniak Muslims.¹ The well-known Bosnian scholar Fikret Karčić (1999, 539), commented that during the period of Hapsburg rule, "the status of Islam dramatically changed. Instead of being the basic principle of social cohesion as it was in the Ottoman times, it now became one of several "recognized religions" within a non-Muslim state. The Bosniaks became a religious minority instead of being a part of the ruling elite."

Despite the new restrictions imposed upon Muslims, the Bosniaks living in the Bosnian Vilayet integrated into the Austro-Hungarian monarchy with relative ease and daily life, for the most part, went on as normal for the next couple of decades.

In 1882, while under Hapsburg rule, the IZBiH or Islamic Community of Bosnia and Herzegovina was officially founded and shortly after, in 1883, the monarchy established the *Zemaljska Vakufska Komisija* or Land *Vakuf* Commission. The Land *Vakuf* Commission's primary job was to register the numerous unregistered *vakufi* in the newly acquired territory (Omercic 2017).² Despite seemingly rather straight-forward, this task turned out to be a rather cumbersome procedure. For example, without the Commissioner for *Vakuf* Affairs' approval, neither a meeting nor a decision by the Land *Vakuf* Commission could be made which hindered *vakuf* autonomy and functionality (Durmišević 2011). In the end, the new commission, overall, had negative repercussions on Bosnian *vakufi*.

A little over a decade later, in 1894, the Austro-Hungarian government established a new entity known as the Land *Vakuf* Directorate (*Zemaljska Vakufska Direkcija*). It was yet another formal state institution that was imposed on the local population that added an additional layer of centralized bureaucratic control over *vakuf* property. The Directorate's responsibilities were numerous and included establishing procedures for collecting *vakuf* taxes, creating models for *vakuf* rules and regulations, developing human resources, and disposing of *vakuf* income in ways that it sees fit (Omercic 2017). The Land *Vakuf* Directorate was viewed with disdain by the local Bosnian population because it notoriously excluded Bosnians from its day-to-day affairs. Due to pressure from local Bosniak religious leaders however, in 1909, the Austro-Hungarian Monarchy eventually adopted what was known as the *Statute for Autonomous Administration of Islamic Religious and Vakuf-mearif's Affairs*.

¹ *Qānūn* laws are those laws that were promulgated by Ottoman sultans that fall outside the immediate scope of *Shari'a* but at the same time do not contradict or go against it. They represent a significant body of administrative, economic, and criminal law.

² Mustafa Hilmi-efendi Hadžomerović was appointed by the monarch to be the first *Reis-ul-ulema* of the Islamic Community in Bosnia and Herzegovina in 1882.

This new statute gave the local population more direct control in *Vakuf* affairs since prior to the adoption of this document, The Land *Vakuf* Directorate was exclusively controlled by government officials. Following the statutes adoption, the *Vakuf-mearif* parliament became the supreme administrative and supervisory body for the management of *vakufi* in Bosnia and Herzegovina (Durmišević 2011). The *Vakuf-mearif Parliament* consisted of twenty-four lay members of society and eight members who possessed formal religious training. Included among these eight religiously trained members were the *Reis-ul-Ulema*, the Director of the *Vakuf-mearif*, and six *mutevellies* (trustees). However, despite this new, more inclusive form of *vakuf* administration, *vakuf* property continued to be confiscated and even destroyed by the ruling authorities. Eventually all of *vakuf* properties in Bosnia and Herzegovina came under Austria-Hungarian supervision which led to these institutions losing the autonomy that they had enjoyed for centuries.

Following Austria-Hungary's collapse in 1918, Bosnia was quickly integrated into a newly created South-Slavic state that would later come to be known as Yugoslavia. Between 1918 and the onset of Second World War (WWII), *vakufi* in Bosnia faced severe repression. During this time, "[m]any *waqf* properties were confiscated and distributed, mainly to immigrant Serbs, [and] the *waqf-mearif* statute was declared null and void" (Omercic 2017, 346). *Vakufi* faced even more difficult times in post-WWII Yugoslavia. Under the Communist rule of Josep Broz Tito (d. 1980 C.E.), especially during the early years of his rule, many *vakufs* were confiscated and nationalized.

Tito assumed power in 1945 and by 1958, the *Vakuf* Directorate of Bosnia was completely shut down due to the fact that almost all of its property had been confiscated and nationalized (Vakufska direkcija 2022). The Tito government made efforts to confiscate just about everything that had any material value during this time such as like *vakuf* plots, hotels, residential buildings and apartments, most *medrese* buildings, shops and businesses, mills, workshops, palaces, spas, and even cemeteries.³ Between 1945 and 1958, over ten-thousand *vakuf* properties such as shops, houses, apartments, mosques, and buildings were confiscated amounting to an astonishing loss of over thirty millions square meters of land. Hundreds of *vakuf* properties including *tekiye* and imam residences were either confiscated or demolished altogether (Vakufska direkcija 2022). Entering into the 1960s the IZBiH controlled only a few explicitly religious sites, mosques, *imams'* residences, *mektebs* (Islamic weekend schools), *turbeta* (mausoleums), *tekiyes* (Dervish monasteries), and one *medresa* (religious high school).

During this period, legal cases were routinely brought before the Yugoslav courts against the Tito government regarding *vakuf* confiscation and destruction, however they were rarely successful (Vakufska direkcija 2022). Not only were these cases rarely successful, during this time numerous laws were passed that made it even easier for the government to seize other properties.⁴ Things like this continued for the next three and a half decades until the dissolution of the Socialist Federal Republic of Yugoslavia in 1992 and the onset of the Bosnian War.

³ As a result, neither the *Vakuf* Directorate nor the *Vakuf* as an institution were mentioned in the IZBiH Constitution in 1959. However, in 1969, a new constitution was adapted that once more designated the *vakuf* as its property. This was noteworthy since it suggests that several additional endowments may have been gifted over the previous ten years, thus making it necessary to acknowledge the *vakuf* in the IZBiH Constitution.

⁴ For example, see, The Law on Agrarian Reform and Resettlement of 28 August 1945, The Law on the Use of Apartments and Commercial Premises of 17 February 1945, The Law Governing the Nationalization of Private Enterprises of 6 December 1946 (with amendments from 29 December 1948), The 1947 Basic Law on Expropriation, and The Law on Nationalization of Buildings for Rent and of Building Lots of 28 December 1958.

During the war, Bosnia and Herzegovina was almost totally destroyed. By 1995, its Gross Domestic Product (GDP) per capita had plummeted to approximately 19.8% of its pre-war level; production and exports virtually ceased, and much of the country's already aging and dilapidated infrastructure lay in ruins (Hukić 2000). Numerous vital facilities crucial for the normal functioning of the state, such as buildings, roads, bridges, tunnels, water supply and sewage systems, power grids, and telecommunications were either completely destroyed or severely damaged to the point that they were no longer serviceable (Silber and Little 1996).

In addition to the loss of civilian lives, Bosnian cultural heritage was systematically dismantled; the War saw the wanton destruction of priceless Bosnian cultural and religious artefacts, including *vakuf* properties (Preljević 2017). In total during the War, one thousand three hundred and eleven *vakuf* buildings, six hundred and fourteen mosques, two hundred and eighteen *masajid* (mosques without minarets), sixty-nine *mektebs*, four *tekiyes*, and thirty-seven *turbeta* were destroyed. In addition, four hundred and seventy-two other buildings owned by the Islamic Community were also severely damaged. Many of these demolished mosques were significant parts of Bosnian cultural heritage and were protected by the United Nations Educational, Scientific and Cultural Organization (UNESCO).⁵

Following the War's end in 1995, the institution of *vakuf* came back to life despite all the tragedy and destruction that transpired during it. Most of the religious sites that were destroyed were eventually restored. Many new *vakufi* were also established after Bosnia and Herzegovina achieved its independence (Vakufska direkcija 2022). The nascent Balkan nation-state's newly found independence also meant that older *vakuf* property was no longer subject to state seizure. Some *vakuf* property that was unlawfully confiscated during the socialist Yugoslavia era was even finally returned to the IZBiH through restitution requests derived from the provisions of a 2003 state-level law on religious freedom.

However, it is important to point out here that many Bosniaks remain unsatisfied with the slow progress regarding the return of previously confiscated *vakuf* properties; many of these properties remain under government ownership. Since 1996, the Islamic Community's endowment in this region has suffered significant financial losses due to its inability reclaim its assets, with the total damage reaching upwards of 1.3 billion BAM (Bosnian konvertibilna marka) or just under 665 million Euros (Durmišević 2011).

About the IZBiH in BiH

As referenced earlier, the IZBiH is over 140 years old and is the formal institutional representative of the broader community of Muslims living in Bosnia and Herzegovina, as well as of Bosniaks living abroad (Salkić 2001). It follows the *Ḥanafī madhhab* – one of the four Sunni Islamic schools of Islamic jurisprudence – along with the *Māturidī* school of theology (‘*aqīda*).⁶ Today, the IZBiH is an independent, self-financed entity that is approved by the state but is not under

5 Several of the oldest mosques in Bosnia and Herzegovina that suffered destruction or damage during the 1992–1995 war including the *Gazi Husrev-bey Mosque* (1532), the *Emperor's Mosque* (1565), and the *Ali Pasha Mosque* (1561), and the *Sheikh Magribija Mosque* (1766), all located in Sarajevo. Additionally, the *Aladža Mosque* (1551) and the *Emperor's Mosque* (1483) in Foča, as well as the *Ferhat Pasha Mosque* (1579), and the *Arnaudija Mosque* (1595) in Banja Luka. Furthermore, the *Emin Turhan Bey Mosque* (1448/9) in Ustokolina, the *Karadžo Bey Mosque* (1570) in Mostar, the *Sultania Esma Mosque* (1745) in Jajce, and the *Sultan Abdul Aziz Mosque* (1862) in Brčko were also destroyed (Walasek, 2015).

6 For more information, see the IZBiH's official website, <https://islamskazajednica.ba/>

its control; it is led by its own elected leader and possesses its own elected assembly. It is financed by other *vakufi*, membership fees, *zākat* (a form of almsgiving treated in Islam as a religious obligation), *Ṣadaqāt ul-Fiṭr* (a form of almsgiving specifically during the Islamic holy month of *Ramaḍān*), other gifts from external donors, and revenue from its profit-generating agencies and investments (Alibašić 2007, Alibašić 2015).

The IZBiH has multiple levels of organization. It is composed of eight *muftiluks*, which are district-level organizational units of the Islamic Community, as well as a ninth military *muftiluk* that specifically works with Bosniak Muslims serving in the Bosnian Armed Forces. *Muftiluks* are further divided into *majlises* which can be understood as local organizational units of the IZBiH that typically include at least seven *jamaats* that form a whole. *Jamaats* represent the smallest organizational unit, typically organized at the individual mosque level. The upper body of the IZBiH incorporates the *Rijaset* which is the main executive body of the IZBiH, the *Reis-ul-Ulema* or the President of the *Rijaset* (who is also the Grand Mufti and is considered the supreme authority of the IZBiH), the Assembly of the IZBiH, and the Constitutional Court of the IZBiH (Karčić 1999, Alibašić 2015).

The IZBiH's main purpose is to help its members to live a good life in accordance with the values of Islam (Alibašić 2007). At a more fundamental level, this means ensuring that Muslims under its purview have the necessary material and infrastructural means to meet their basic Islamic religious obligations. The IZBiH is also a steward of Islam's *Sharī'a* and assists in its legal interpretation and formal application. On the economic front, the IZBiH organizes and supports activities that are aimed at improving the social and financial living conditions of Muslims. Finally, in accordance with its constitutional mandate, it "establishes and maintains contact and cooperation with Islamic communities, institutions, and organizations worldwide and cooperates with other religious communities and organizations promoting peace, justice, and good will among all people" (Alibašić 2015, 441).

The Newly Re-established Vakuf Directorate

In 1996, shortly after the bloody war in Bosnia had officially ended, the Assembly of the IZBiH enacted Decision no: 2486/96 which formally brought back the previously defunct *Vakuf* Directorate which had ceased operations nearly 40 years earlier back in 1958. In addition, shortly after the war's end, the IZBiH gained absolute autonomous control of all *vakuf* operations in Bosnia and Herzegovina (Vakufska direkcija 2022). Article 28 of the IZBiH's 1997 Constitution declared that all *vakufi* are property of the IZBiH, while Article 32 gave authority to the *Vakuf* Directorate to oversee all the *vakuf* property while conforming to the instructions from *vakufnamas* or official documents bequeathing a *vakuf* property for charitable purposes.⁷

In 2004, another important law was adopted known as, the Law on Freedom of Religion and the Legal Status of Churches and Religious Communities, which granted religious communities exclusive property rights over their own assets. Alibašić (2015, 437) contends that "the Law can safely be said to uphold the principle of separation with cooperation between state and religious communities." Additionally, this law ensures that religious communities possess the

⁷ See, 1997 IZBiH constitution, <https://www.islamskazajednica.ba/component/content/article?id=43:ustav-islamske-1997>

right to reclaim any property that was previous confiscated, regardless of its location within the state's jurisdiction at time it was confiscated.

The aforementioned legislation helped better integrate religious communities into society by granting them the opportunity to engage in a range of socially advantageous endeavors. These new opportunities included new possibilities for establishing new business enterprises, institutions, and associations that would have the same rights as institutions founded by the state or other authorized entities. Furthermore, apart from the matter of restitution, this legal provision facilitated in the establishment and sustenance of new relations between churches, religious communities, and other entities. Moreover, it stipulated that religious communities possessed the right to solicit and obtain voluntary contributions. The *Vakuf* Directorate is permitted to collaborate with various institutions, particularly those from the Islamic world, to initiate and complete projects that would normally be impossible to complete due to the unique geopolitical and economic context in which Bosnia and Herzegovina is situated (Vakufska direkcija 2022). Even though the newly created legal provisions partially facilitated in the implementation of restitution, a comprehensive law specifically addressing this matter was never enacted.

It is worth pointing out here that process of restitution is also critically important for Bosnia and Herzegovina's EU accession prospects. In 1995, the EU addressed denationalization and restitution through the *Resolution on the return of plundered property to Jewish communities* (Official Journal C017, 22/01/1996, 0199), however restitution issues remain unresolved in Bosnia and Herzegovina but will eventually appear under Chapter 23, related to the rule of law, during the accession negotiations.⁸ However, when resolving one religious community's issues, such as Bosnia's Jewish community which is the primary concern of this particular resolution, other religious communities' restitution issues will also have to be resolved since the Law has to be applied equally to everyone.

In 2009, the Faculty of Economics at the University of Sarajevo studied property value and restitution, estimating confiscated property at a staggering 53 billion BAM (or slightly more than 27 billion Euros). Senaid Zaimović, director of the Islamic Community's Endowment Directorate comments that:

When we talk about the usurpation of *waqfs* by municipalities, we mean the adoption of new legal or by-law solutions aimed at the usurpation of what is already in the hands of municipal structures or completely new *waqf* real estate for which we are filing protests or conducting court cases. Unfortunately, there are many such cases throughout BiH, and that is why we believe that the law on restitution, or denationalization, is necessary for the state of BiH to correct all these historical injustices somehow and satisfy all those whose property was illegally taken away.⁹

In the present context, the *Vakuf* Directorate has made great efforts to establish a legal framework that facilitates in the restitution or compensation of properties, thereby allowing

8 Waqf Directorate BiH (20 September 2023). Restitucija, stanica na putu ka EU na kojoj mnogi u BiH decenijama čekaju. <https://vakuf.ba/bs/aktuelnosti/restitucija-stanica-na-putu-ka-eu-na-kojoj-mnogi-u-bih-decenijama-cekaju/2092>

9 Kemal Zorlak (28 October 2024). Konferencija u Sarajevu: Zakon o restituciji nužan je Bosni i Hercegovini kako bi se ispravila historijska nepravda. *Anadolu Agency*. <https://www.aa.com.tr/ba/balkan/konferencija-u-sarajevu-zakon-o-restituciji-nu%C5%BEan-je-bosni-i-hercegovini-kako-bi-se-ispravila-historijska-nepravda/3376960>

for the proper restoration and revitalization of previously confiscated *vakufi*. A consensus was reached among the various religious communities in Bosnia that the year 1945, which predates the Tito regime's emergence, shall serve as the designated starting point for the enactment of the Law on Restitution (Vakufska direkcija 2022). Currently, the *Vakuf* Directorate primarily focuses on engaging with local community bodies since they possess the authority to facilitate the restitution of confiscated assets (Mehmedović 2017).

These days, the *Vakuf* Directorate's primary activities are mostly related to the management, maintenance, revitalization, and establishment of new *vakufi*, and the restoration of previously nationalized *vakuf* property (Vakufska direkcija 2022). In order to ensure maximal efficiency, the *Vakuf* Directorate, by means of its Statute, has delegated the authority to administer and dispose of these assets to the *mejlis* (regional bodies), representatives of specific *vakufi* who possess equivalent obligations and rights as the *mejlis* (Special judicial *vakuf*), and to *vakuf mutevellis*. The *mejlis* are responsible for several fundamental duties, including the maintenance of property records, the negotiation of contracts pertaining to *vakuf* property in collaboration with the *Vakuf* Directorate, the oversight of the *Mutevelli's* activities, the approval of the *vakuf* budget to ensure that it falls within the limit of 10,000 BAM (or approximately 5112 Euros), and the submission of a comprehensive report to the *Vakuf* Directorate regarding the status and operations of *vakuf* property (Vakufska direkcija 2022). On the other hand, the *mutevellis* assume the responsibility of overseeing and ensuring compliance with the stipulations outlined in the *vakufnama*. The aforementioned institutions serve a specific function as a subsidiary of the *Vakuf* Directorate (Hrvačić 2001).

Since its re-establishment, the *Vakuf* Directorate has made significant efforts in various other important areas as well. These efforts include the inventory and registration of *vakuf* property, the digitization and centralization of data, the development of an information system for *vakuf* real estate, the identification and registration of *Vakuf* property, and the organization of educational programs, seminars, and scientific gatherings focused on the topic of *Vakuf* (Vakufska direkcija 2022). These endeavors have been ongoing and will continue to be a priority for the *Vakuf* Directorate in the years to come.

The Gazi Husrev-Begov Vakuf

We will now look in greater detail at the most well-known *vakuf* in Bosnia and Herzegovina: the famous Gazi Husrev-beg *Vakuf*. Gazi Husrev-beg (d. 1541) was an Ottoman Bosnian *Sanjak-bey* (a high-ranking district-level officer) who served as the governor of the Sanjak of Bosnia during the periods of 1521–1525, 1526–1534, and 1536–1541.¹⁰ He gained wide-spread recognition for his successful military endeavors that helped expand the Ottoman Empire's reach into Croatia and Hungary (Malcolm 1996, Kuran 2001). During his lifetime, Gazi Husrev-beg endowed several properties in Bosnia and Rumelia, an area which corresponds to present-day Greece. He personally acquired the property in Bosnia, whereas he inherited the endowed properties in Rumelia from his father, Ferhat-beg. The assets and possessions originating from Rumelia were eventually lost, while land holdings within the territory now recognized

¹⁰ *Sanjak-bey* literally translates to 'lord of the standard' and is a high ranking position within the Ottoman bureaucratic structure that entails being responsible for the military and administrative command of a particular district within the Empire. However the rank of *Sanjak-bey* is usually lower than that of *Pasha*. A *Sanjak-bey*, in Arabic, is equivalent to the title 'amīr liwā'.

as Croatia were forfeited when they found themselves situated beyond the newly defined boundaries of Bosnia and Croatia as legally articulated a few centuries later (Malcolm 1996).

Gazi Husrev-beg's most significant legacy however lies in his substantial contribution to the city of Sarajevo's development along with its surrounding areas (Obralić and Ćorović 2021). Indeed, he allocated most of his wealth, through his testamentary disposition, to the ongoing maintenance and financial sustenance of religious and educational establishments in Sarajevo. In the words of noted Bosnian historian Noel Malcolm (1994, 68), regarding the *vakufi* in Bosnia, Gazi Husrev-beg's "was the richest of them all."

Gazi Husrev-beg's *Vakuf* was established based on three *vakufnamas* (written agreement that formalizes the conditions of the *vakuf*) issued over a 6-year period that are directly attributed to him (Husić and Lavić 2013). The first *vakufnama* was issued in November 1531 and called for the creation of the famous Gazi Husrev-beg Mosque (*Gazi Husrev-begova džamija*) which actually first started being built in 1530, one year prior to the first *vakufnama*'s issuance. The 1531 *vakufnama* also called for the creation and continued maintenance of an *imaret* (a charitable communal kitchen), a *musafirhana* (a traveler's guest house), and a *hanikah* (residence for dervishes and sheikhs). The second *vakufnama* was created in January 1537 and called for the establishment and construction of the Kuršumlija *medrese*, along with the acquisition of new books and other publications in order to furnish its library. The third and final *vakufnama* pertaining to Gazi Husrev's *Vakuf* was issued only few months later in November 1537 and made a substantial contribution of additional resources to ensure continued financial support for the mosque and its various associated facilities (Husić and Lavić 2013).

Gazi Husrev-beg's particular *vakuf* is unique due to how well-preserved its original legal documentation is; much of it can still be read today despite originally being compiled several centuries ago (Husić and Lavić 2013). Another thing that makes it particularly unique among other *vakufi* is the fact that there have only been modest changes – due primarily to necessity – regarding the services the *Vakuf* has provided over the years. The *hanikah* and *imaret* serve as good examples illustrating how the Gazi Husrev-beg *Vakuf* has adjusted to the challenges of changing times while simultaneously making its best efforts to remain as consistent as possible with the three *vakufnamas* earlier stipulations.

The *hanikah* that exists today was reconstructed in 2000 and is a part of the larger Gazi Husrev-beg *medrese* complex. It has a rectangular base with dimensions of 31.60 x 16.60 meters and "originally consisted of an entrance portal, an open courtyard with a portico, dervish rooms, a *semahana* [space for religious ceremonies] and a *shadrvan* [outdoor public foundation used by people to perform ritual ablution before praying]" (Commission for the Preservation of National Monuments 2006). The Gazi Husrev-beg *hanikah* was originally created to house the dervishes from the Halveti *ṭarīqa* (Sufi order), which Gazi Husrev-beg himself followed. However, this particular *ṭarīqa* never ended up establishing a strong presence in Bosnia and Herzegovina. As a result of this reality and in keeping with the spirit of the endowment's original purpose as best as possible, the *hanikah* eventually transitioned into a space aimed at meeting the needs of the nearby *medrese*.¹¹

¹¹ See, <https://www.vakuf-gazi.ba/sluzbenici/>

The *imaret*, on the other hand, operated largely unchanged from how its function was initially outlined in the 1531 *vakufnama* until 1943, when World War II forced its closure. *Imarets* were widely built throughout the Ottoman Empire between the 14th through 19th centuries and provided food, free of charge, to certain travellers and destitute locals, as well as *medrese* students, special visitors, and the officials responsible for managing *vakuf* properties (Singer 2004). Gazi Husrev-beg's first *vakufnama* even stipulated the portions of food to be served to each person working for the *vakuf*: "From this *imaret*, the *Vakif* determines that all officials of the *imaret* mosque, except for the *mutevelli*, should be given 2 *kevc*i soups a day, one for morning and one for evening, and four loaves of bread."¹²

Today, many of the *imaret*'s functions are conducted within the premises of the Gazi Husrev-beg *medrese* which also functions as a boarding school and "has been working continuously for over 486 years."¹³ The *medrese* possesses a modern kitchen that can provide meals for many people. In the spirit of the *imarets* original charter, during the holy month of *Ramaḍān*, the local *Vakuf* Administration organizes as many public *iftārs* (meal that breaks the *Ramaḍān* fast at sundown) as possible in the *medrese* kitchen. One *imaret* adjacent service does remain completely unchanged from original *vakufnama* however: the public toilet. Except during short periods of maintenance and upkeep, the public toilet has been in continual operation since 1529, two years prior to the official signing of the first *vakufnama*.

As noted earlier, Gazi Husrev-beg's original endowment was incredibly specific in detail. It originally called for seventy-five employees to help maintain the mosque, *hanikah*, *medrese*, *mekteb*, and *imaret*, eventually raising this number to seventy-eight by time the second *vakufnama* was issued.¹⁴ The number of *Vakuf* employees over the centuries has remained remarkably stable. Today, Gazi Husrev-beg's *Vakuf* employs sixty-six full-time employees. The Gazi Husrev-beg mosque alone employs a total of thirty-five individuals – the exact number specified in the original 1531 *vakufnama* – including a *khaṭīb* (a lecturer), an *imam* (leader of group prayer), a *muezzin* (one who calls to prayer), a head *mu'allim* (*Islamic trained teacher*) who is responsible for overseeing teaching in the *medrese*, an assistant to the *mu'allim*, and five *ḥuffāz* (people who have memorized the entire Qur'an) who recite passages from the Qur'an on Fridays prior to *salāt al-jumu'a* (Islam's congregational Friday afternoon prayer).

The *vakufnamas* also articulated comprehensive employment requirements and specific individual incomes for each position that the *vakuf* funds. Additionally, they outline all responsibilities assigned to the endowment as well as the establishment of facilities to host specific activities. In the context of the mosque, supplementary religious rituals are observed in conjunction with the five daily prayers. As per the stipulations outlined in the initial *vakufnama*, these rituals have been consistently practiced since the time of Gazi Husrev-beg's death up until the present day. One of the most interesting stipulations of the *vakufnama* is a requirement that a recitation of the *hatma* (recitation of the complete Qur'an) on the soul of Gazi Husrev-beg occurs on a daily basis following the midday prayer. This recitation is conducted in a synchronized manner, wherein thirty reciters simultaneously read their respective Qur'anic *juz* or section of the Qur'an and subsequently engage in collective prayer.

According to the *vakufnamas*, *Vakuf* facilities and activities are to be maintained by income

¹² Cited from the 1st *Vakufnama*. See, <https://www.vakuf-gazi.ba/sluzbenici/>.

¹³ Quoted from Gazi Husrev-beg's *Medrese*'s website, <https://medresasa.edu.ba/>

¹⁴ See, <https://www.vakuf-gazi.ba/sluzbenici/>

generated from other endowment properties. It is explicitly specified that these properties should be competently managed in a manner that will increase their value and productivity (Husić and Lavić 2013).¹⁵ The old *imaret* building serves as the *Vakuf's* administrative office building today. The *Vakuf's* administrative office consists of a *mutevelli*, *nazir* (*vakuf* custodian), *džabija* (debt collector), and scribe, all of whom work under the supervision of the *Rijaset* of the IZBiH. In addition, in order to ensure transparency, an individual serving as an external collaborator oversees the acquisition and processing of documentation pertaining to all *Vakuf* property. During the periods of increased tourist activity, the administration employs two additional individuals at the reception desk who are either students or alumni of the Faculty of Islamic Studies at the University of Sarajevo.

The *mutevelli's* enduring role within the Gazi Husrev-Begov *Vakuf* aptly illustrates how the directives outlined in the earlier *vakufnamas* continue to be regarded as the fundamental principles governing the operations and activities of the endowment. In the initial *vakufnama*, Gazi Husrev-beg entrusted the administration of his *vakuf* to "his best freed slave, the leader of his chosen people, vojvoda Murad, the son of Abdullah" (cited in Zlatar 2007, 104). The person this is in reference to was Gazi Murat-beg Tardić, one of Gazi Husrev-beg's commanders and closest confidants. According to the 1537 *vakufnama*, the designated successors to Tardić's position were to be his "best sons, his grandchildren, and so forth, from generation to generation, the best of the best; then the sons and daughters, then the sons of their sons from generation to generation, as long as they have progeny and as long as they are able to inherit" (cited in Gazić 1985, 61). The principle outlined in this statement and the subsequent tradition that followed established that the *mutevelli* for Gazi Husrev-beg's *Vakuf* should be one of Gazi Murat-beg's descendants (*evladu-l-utekai*). However, the primary criteria for selecting *mutevellis* that are emphasized in all the *vakufnamas* is that individual appointed should be well-known amongst the community for their trustworthiness, competence, and piety. The selection process today for *mutevelli* involves conducting an open call among all individuals who ostensibly satisfy the requirements specified in the earlier *vakufnamas*.

Like all *vakufi* in Bosnia, the Gazi Husrev-Begov *Vakuf* faced formidable new challenges in the 20th century. Following World War II, a significant amount of the Gazi Husrev-beg *Vakuf's* income-generating assets – similar to the other *vakufi* in Bosnia and Herzegovina – were confiscated via Communist nationalization efforts and were done so without any financial remuneration (Alibašić 2007, Karčić 1999). Despite the new challenges faced by the *vakuf*, the central area of Sarajevo still saw the construction of new residential and commercial structures alongside a hotel, a new *medrese* and a new *mekteb* building later in the 20th century.¹⁶ These new developments were made possible through the utilization of funds derived from *vakuf* collections along with proceeds obtained from the sale of *vakuf* properties that had not been confiscated by the state. The ultimate survival of the Gazi Husrev-beg *Vakuf* can be largely attributed to the IZBiH's shrewd dealings with a hostile Communist government along with its effective administrative organization even during the hardest of times. It is also worth mentioning here that the Gazi Husrev-Begov *Vakuf's* administrators have always taken fiscal responsibility and budgetary oversight seriously. It has remained similar in size and scope for

¹⁵ By 1537, Gazi Husrev-beg himself felt that seventy-eight employees would be sufficient to effectively manage the entire *Vakuf*.

¹⁶ Alibašić (2007, 2) notes that "In the late 1960s the political and economic situation in Yugoslavia generally improved and religious communities and believers regained some of their freedoms." It was during this time that mosques were rebuilt, Gazi Husrev-beg's *medrese* expanded, and the Faculty of Islamic Theology was opened at the University of Sarajevo.

much of its existence and has avoided the dreaded administrative bloat that contemporary public administration scholars regularly warn about (Ford and Slocum 1977, Aucoin 1990, Boon and Wynen 2017). This has allowed it to remain focused on providing the services that the original *vakufnama* called for and has helped it avoid falling into corruption or disrepair.

Conclusion

For centuries, *vakufi* have provided essential spiritual and moral guidance to Bosnian Muslims and continue serve as critical nodal points of social interaction for the people living in Bosnia and Herzegovina and beyond. However, it should be noted here that their function was never meant to be limited to spiritual affairs – or even only Muslims for that matter. Bosnian *vakufi* have always tried to help all people in need, regardless of their confessional background. Indeed, *vakufi* augmented state welfare capacities, and as noted by Edib Smolo (2019, 103), "played a tremendous role in [Bosnia and Herzegovina's] socio-economic development" and very often helped the government to provide "social services that, otherwise, may not [have been] available." Despite periods of severe repression, ethnic violence, and war during the 20th century, the ecumenical spirit of the *vakufi* in Bosnia and Herzegovina never wavered.

Therefore, all things considered, it is reasonable to conclude that *vakuf* administration in Bosnia and Herzegovina has, by and large, been a success story. Ahmet Alibašić (2015, 443) contends that "the Bosnian model of Islamic religious affairs administration [still] seems to be performing better than alternative solutions" and "is an asset that needs to be further developed and theoretically legitimized in order to ensure its sustainability against the challenge of other concepts and models." This resonates with Wolfgang Drechsler's (2018, 1039) more recent contention, namely, that "Islam in BiH has a form of institutionalized, semi-government-affiliated self-administration that is often singled out as superior to any other one in the Balkans." This leaves us with the question: Does *vakuf* bureaucratic administration in Bosnia and Herzegovina operate more or less the same as what Drechsler (2018, 1043) calls "the global-Western model [i.e., Weberian] prevalent in Europe" or are there some notable differences?¹⁷

The answer is complicated. Turning back to the case of the Gazi Husrev-Begov *Vakuf*: we can clearly see from our discussion above that its administrators have always been deeply concerned with adhering to the original *vakufnama* as best as possible (and within reason). Such a concern with both practicality and procedural fidelity, in many ways, parallels Max Weber's (2015) claim that effective bureaucratic organization entails a fixed hierarchical structure for an organization along with clear rules, regulations, and lines of authority that regulate it. When looking closer at the Gazi Husrev-Begov *Vakuf*, it is clear that there are many elements of effective Weberian bureaucratic proceduralism and good-governing present.

However, not all aspects of the Gazi Husrev-Begov *Vakuf's* administration are exactly Weberian nor have any real parallels with the global-Western model prevalent in Europe. For example, as per the *vakufnama's* original mandate, the Gazi Husrev-Begov *Vakuf* is to always

¹⁷ Drechsler's (2018, 1043) full quote contends that, "From a scholarly perspective, it would be so interesting to have Islamic PA [public administration] in Europe, but while there are Muslim-majority countries, Islamic PA in Europe hardly exists. But even if it did—if we look at the tiny vestiges that are there, as well as at the multifaceted, often reformist legacy of the Ottoman Empire—it [Islamic public administration] would probably not be the radically other of the global-Western model prevalent in Europe, nor even of the EU itself."

be administered by someone ideally from within the lineage of one particular family who is viewed within the community as morally adept and intellectually qualified. The personal character and public perception of the *mutevelli* overseeing the *Vakuf* has always been of primary importance and is one of the keys to maintaining what one would call *the equilibrium of the organization* (Simon 1997, 140).

Herbert Simon (1997, 164) also famously argued that "the survival and success of organizations depend on their providing sufficient incentives to their members to secure the contributions that are needed to carry out the organizations' tasks." While Simon was primarily talking about material incentives, *vakuf* maintenance also comes with a distinctly *immaterial*, spiritual set of incentives that for the true believer far outweighs any possible worldly material benefits. The sense of communal obligation – what in Islamic terms can be roughly understood as a *farḍ al-kifāya* or collective obligation of the broader Muslim community – along with the trust and honor that comes with being chosen to oversee the historic *vakuf* have been among the main drivers that have allowed for it to successfully carry out its tasks and duties for nearly five centuries. These non-quantifiable, distinctly spiritual incentives along with an enduring sense of communal obligation rooted in divine precepts most certainly is a departure from the Weberian model prevalent in Europe and the United States.

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