

Freedom and Participation in a Multireligious Colony

On the Ambivalences of the Rule of Law in Habsburg Bosnia

Abstract: This contribution examines the interplay between participation and freedom rights in Habsburg-administered Bosnia-Herzegovina from 1878 to 1918. While establishing an efficient bureaucracy and undertaking a *mission civilisatrice*, the Habsburg Empire initially limited Bosnian participation in secular public and political affairs. This was partly mitigated by relatively extensive participation rights in religious administration, particularly among Orthodox Christians and Muslims, who obtained state-recognized autonomous religious statutes in 1905 and 1909 respectively. However, this participation in religious and local governance affairs was often restricted by government oversight and veto. The 1910 Landesstatut introduced a provincial parliament, but ongoing tensions and the suspension of civil liberties during the Balkan Wars hampered its effectiveness. The paper analyses the negotiation processes, legal practices, and strategic use of religious and historical arguments employed by Bosnian elites to secure greater participation and freedom.

Keywords: Habsburg Empire, Bosnia-Herzegovina, colonialism, civil rights, participation, freedom, religion, local governance, autonomy, Landesstatut, Balkan Wars.

The Habsburg monarchy ruled Bosnia-Herzegovina for 40 years, but the Bosnian population never reached the level of participation and freedom rights that was common in Austria-Hungary. From 1878 to 1918, Bosnians and Herzegovinians enjoyed

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Heiner Grunert, Institute of Old Catholic Theology, University of Bern, Länggassstrasse 51, 3012 Bern, Switzerland; heiner.grunert@unibe.ch

a multi-layered hybrid status in terms of international and constitutional law. Until 1908 the dual monarchy occupied and administered the provinces, which formally remained under the sovereignty of the Ottoman state. Such a legal status was quite a novelty in international law, especially as Bosnia-Herzegovina was both a condominium of two parts of the Habsburg Empire and of two empires. However, international lawyers such as the Swiss Johann Caspar Bluntschli (1808–1881) already in 1880 considered the double sovereignty of the Austro-Hungarian Emperor and King and the Ottoman Sultan Habsburg and the Ottomans as “a contradiction between the form and essence of the state and legal order that requires a solution”.¹ Even after the annexation of October 1908, the promised *Landesstatut* of February 1910 – the de facto constitution that was not to be called that – did not put the territory and its inhabitants on the same level as other territories and citizens of the Monarchy. Nevertheless, it granted Bosnians and Herzegovinians as *Landesangehörige* – literally residents of the province – a number of constitutional civil rights. Once again, Bosnia’s constitutional status was linked to the fact that it remained a condominium of both parts of the empire. As the Innsbruck law professor Karl Lamp (1866–1962) wrote in 1910, the constitutional situation of Bosnia “contains at its core the great state problem of Austria-Hungary itself”.²

The ambivalent legal situation in Bosnia under Habsburg rule was determined not only by international law but also by the treatment of religion. At least from the sixteenth century, Bosnia had been characterized by religious diversity. Orthodox and Catholic Christians, Sunni Muslims, and Sephardic Jews lived in close neighbourhood. Between 1878 and 1914, Muslims in Bosnia-Herzegovina made up a (declining) share of 39 to 32 per cent, Orthodox Christians 42 to 44 per cent, Catholic Christians 18 to 23 per cent, and Jews always less than one per cent.³ The Habsburg confessional state was deeply involved in religious affairs, co-determining, controlling, and paying religious structures and functionaries. Habsburg thus

1 Johann Caspar Bluntschli, *Deutsche Statslehre und die heutige Staatenwelt. Ein Grundriß mit vorzüglicher Rücksicht auf die Verfassung Deutschland und Österreich-Ungarn*, 2. edn., Nördlingen 1880, 438; Mustafa Imamović, *Pravni položaj i unutrašnje politički razvitak Bosne i Hercegovine od 1878. do 1914*, 2. edn., Sarajevo 1997, 21; Nada Boškowska, *Die österreich-ungarische Verwaltung Bosnien-Herzegowinas im Auftrag des Berliner Kongresses (1878–1908)*, in: Fabian Frommelt (ed.), *Zwangsadministrationen. Legitimierte Fremdverwaltung im historischen Vergleich (17. bis 21. Jahrhundert)*, Berlin 2014, 163–182, 166.

2 “Denn die Entscheidung dieser in den folgenden Ausführungen zu behandelnden Frage charakterisiert nicht nur die staatsrechtliche Stellung des Annexionslandes im Verbande der Monarchie, sondern sie enthält im Kerne das große Staatsproblem Oesterreich-Ungarns selbst.” Karl Lamp, *Die Rechtsnatur der Verfassung Bosniens und der Herzegowina vom 17. Februar 1910*, in: *Archiv des öffentlichen Rechts* 27 (1910), 288–337, 290.

3 See Bericht über die Verwaltung von Bosnien und der Hercegovina. 1–8/1906–1916, edited by K. u. K. Gemeinsamen Finanzministerium, Vienna 1906–1917.

exercised a big part of its rule through religious structures. Religious communities were to provide the framework for the pillarization of Bosnian society. In Bosnia, the Habsburg state organization thus adapted and developed legal and structural solutions for all four major religious groups.⁴ As a result, Ottoman and customary law traditions, most of which differed in terms of faith, continued to exist in fragments under Habsburg administration until 1918.

Austro-Hungarian administrators and journalists of the time recognized Bosnia-Herzegovina as a colony: Ferdinand Schmid (1862–1925), a prominent statistician, legal scholar, and expert on Bosnia, stated in 1914 that Austria-Hungary had “acquired the provinces as colonial territories”, which they mostly remained until then.⁵ Most historians also used this characterization for Vienna’s rule. Nevertheless, the term colonialism in the Bosnian context has only been explored more systematically in the last two decades.⁶ Alongside notions such as quasi-colonialism, substitute colony, or *situation coloniale*, the most convincing term for Habsburg’s Bosnia still seems to be Robert Donia’s “proximate colony”, which emphasizes on the one hand the ambivalent hegemonic power relations, and on the other a certain gradual rapprochement between colonizers and colonized.⁷ Clemens Ruthner has elaborated on this, distinguishing several factors of Habsburg’s colonial rule in Bosnia: military conquest; comparatively authoritarian rule, including limited rights and freedoms of the local population compared to the ‘core population’; indirect rule through co-optation of local elites; a growing and patronizing administration; a powerful missionary ideological justification of rule (*mission civilisatrice*) and identity politics; economic and military exploitation; and the settlement of farmers from abroad.⁸

4 On the term coined by Robert Crews, see Robert Crews, Empire and the confessional state. Islam and religious politics in nineteenth-century Russia, in: *American Historical Review* 108 (2003), 50–83.

5 Ferdinand Schmid, *Bosnien und die Herzegovina unter der Verwaltung Österreich-Ungarns*, Leipzig 1914, 1.

6 Some of the most recent publications are Jana Osterkamp, *Vielfalt ordnen. Das föderale Europa der Habsburgermonarchie (Vormärz bis 1918)*, 2. edn., Göttingen 2020, 374; Clemens Ruthner et al. (eds.), *Wechselwirkungen. Austria-Hungary, Bosnia-Herzegovina, and the Western Balkans, 1878–1918*, New York 2015; Bojan Aleksov, Habsburg’s ‘Colonial Experiment’ in Bosnia and Herzegovina revisited, in: Ulf Brunnbauer/Andreas Helmedach/Stefan Troebst (eds.), *Schnittstellen. Gesellschaft, Nation, Konflikt und Erinnerung in Südosteuropa*, Munich 2007, 201–216; Johannes Feichtinger/Ursula Prutsch/Moritz Csáky (eds.), *Habsburg postcolonial. Machtstrukturen und kollektives Gedächtnis*, Innsbruck et al. 2003.

7 Robert J. Donia, *The Proximate Colony. Bosnia-Herzegovina under Austro-Hungarian Rule* 2007, <http://www.kakanien.ac.at/beitr/fallstudie/RDonia.pdf> (20 December 2024).

8 Clemens Ruthner, *Sleeping Beauty’s Awakening: Habsburg Colonialism in Bosnia and Herzegovina, 1878–1918*, in: František Šítek (ed.), *Imagining Bosnian Muslims in Central Europe. Representations, Transfers and Exchanges*, New York 2021, 76–91; Clemens Ruthner, *Colonial lessons to learn from Habsburg: Bosnia-Herzegovina, 1878–1918*, in: *Philosophy & Social Criticism* 50 (2024), 571–583.

In this article, I analyse the negotiation processes in which freedom, equality, and participation were demanded, obtained, or denied as state-guaranteed rights in various public spaces of Habsburg-administered Bosnia-Herzegovina. I examine the arguments, political means, and goals of groups of actors in Habsburg Bosnia. In addition to the normative debates on statutes and laws, the actual practice of law also played an important role. On the one hand, actors repeatedly questioned existing legal norms or applied their own norms. On the other hand, legal practice often lagged behind sanctioned rights. Therefore, the reciprocal influence of normativity and factuality of rights seems to be of particular importance. Based on a recourse to the Ottoman reform period, I explore participation and civil liberties within the political and religious administration of the Habsburg Empire in Bosnia in terms of granted, gained, and denied rights.

Without going into the history of the ideas of freedom and participation, it seems useful to point out the relationality of these concepts: freedom, equality, and participation are not only changeable *abstracta* but also practical *concreta* in everyday life. While freedom is a holistic concept, sometimes even a religious one, it is also an almost tangible freedom to handle, own, inherit, manage, write, or speak publicly. All these freedoms were, of course, complex and changeable. The same is true of participation. It depended on a variety of social factors such as religion, gender, origin, language, and place of residence. And participation was also practised, demanded, guaranteed, fought for, or denied in society as a whole, as well as structurally and situationally in concrete social processes, in socializations, organizations, and offices.

The national movements in particular, which spread Enlightenment ideas to the peripheries of south-eastern Europe at the end of the nineteenth century, combined a great deal of religious, or at least sacralized, pathos with concrete secular demands. So, the slogan “for the honourable cross and golden freedom”⁹ was probably one of the most famous of the Serbian national movement of the nineteenth century. In addition, Mihailo (Mićo) Ljubibratić, a well-known Serbian Orthodox priest from Herzegovina, secret agent of the Serbian government and initiator of various anti-Ottoman uprisings, wrote to a friend in 1867: “Our holy Church teaches that the human soul will not find peace until its body is baptised in water – in the name of the Father, the Son, and the Holy Spirit – but I add that the soul of today’s Serbian generation will only be saved if it is baptised in the blood of its

9 In Serbian: *za krst časni i slobodu zlatnu*.

tyrants – in the name of freedom, unity, and equality.”¹⁰ Freedom and equality therefore took on religious connotations in a partly anti-colonial national movement.

1. Political settings

After several uprisings in the 1870s and the Russo-Ottoman War of 1877–1878, which ended with the separate peace of San Stefano, seven European powers met in Berlin in June 1878 to negotiate the so-called Eastern Question. After weeks of discussions, the great powers decided on a significant loss of territory and population for the Ottoman Empire, partly concealed by the fact that the High Porte retained sovereignty over some territories. It was agreed that the hitherto autonomous principalities of Montenegro, Serbia, and Romania would become fully sovereign. A Principality of Bulgaria was created, which remained under Ottoman sovereignty, and an autonomous Ottoman territory called Eastern Rumelia was established. Bosnia-Herzegovina was to be occupied and administered by the Habsburg Empire, but remained under Ottoman sovereignty. Additionally, Habsburg occupied the associated so-called Sandžak of Novi Pazar, which remained under Ottoman civil administration. In the final treaty of the Berlin Congress, seven European powers obliged the new states of Montenegro, Serbia, Bulgaria, and Romania not to link freedom and participation rights to religious affiliation.¹¹ Muslims were explicitly to retain their rights of freedom and participation, and to receive them where they were newly granted. In the case of the new autonomous Principality of Bulgaria, it was stipulated that “Turkish, Romanian, Greek, or other populations” should also participate in the drafting of a constitution (Organic Statute) for Bulgaria.¹² Muslims were to retain land ownership throughout the new territories of south-eastern Europe. The “freedom and public exercise of all faiths” were not to be restricted anywhere, and religion was not to be used “against anyone as a ground for exclusion” from civil and political rights.¹³ France, Germany, Austria-Hungary, Italy, the United Kingdom, Russia, and the Ottoman Empire thus agreed

10 “Naša sveta crkva uči, da duša čovječija ne može upokojiti se prije, no se tijelo ne krsti u vodu – ,vojma otca i sina i svatoga duha’ – a ja ću dodati: da se duše današnjega srpskoga pokoljenja samo tako mogu spasiti, ako se krsti u krvi tirana svojih – u ime slobode, jedinstva i jednakosti.” Letter of M. Ljubibratić to a (unknown) friend, 17 November 1867; Archive of the Herzegovina-Neretva Canton in Mostar (AHNKŽ), Fonds Mićo Ljubibratić 10/1867.

11 Staatsvertrag zwischen Oesterreich-Ungarn, Deutschland, Frankreich, Großbritannien, Italien, Rußland und der Türkei. (Geschlossen zu Berlin am 13.7.1878), in: Reichsgesetzblatt für die im Reichsrathe vertretenen Königreiche und Länder 18/1879, 177–209.

12 Ibid., Art. IV.

13 Ibid., Art. V, XII; on civil rights of Muslims in Southeastern Europe after the 1870s, see Emily Greble, *Muslims and the making of modern Europe*, New York 2021, 79–80.

in 1878 on equal rights of freedom and participation as a means of resolving intra-state conflicts in a sustainable manner. For their recognition under international law, the great powers demanded that the new, Christian nation states ensure these legal guarantees. The great powers did not make a single commitment to do so. Neither Austria-Hungary nor the Ottoman Empire signed minority protection clauses, which were imposed on Montenegro, Serbia, Bulgaria, and Romania in almost identical terms.

Following the Treaty of Berlin in July 1878, Habsburg faced fierce fighting in Bosnia until October. Numerous Bosnians and Herzegovinians fought for weeks against the Habsburg army, which had to deploy more than 150,000 soldiers to conquer the country of almost 1.2 million people. Muslim and Christian Orthodox elites fought for partly similar but also different motives. Both groups felt more threatened by the supposedly more efficient but unknown rule of the Habsburgs than by the known but supposedly weak rule of the Ottomans. For Muslims, only Islamic rule seemed to guarantee their social position. For Orthodox Christians, Habsburg rule meant a step further away from the goal of unification with Serbia and/or Montenegro. After heavy fighting, with thousands of deaths and many tens of thousands of refugees, Austria-Hungary quickly established an unprecedentedly strong administration in the country.¹⁴

After the occupation campaign, Bosnia-Herzegovina was administered by a commission composed of representatives of the three joint ministries (of finance, foreign affairs, and war) and of the Austrian and Hungarian governments. As early as February 1879, the administration of the country was transferred to the joint Ministry of Finance, which established an “Office for the Affairs of Bosnia and Herzegovina” with a large number of civil servants. While the Ottomans had administered Bosnia with only a few hundred civil servants until 1878, by 1908 the Habsburg civil service numbered almost ten thousand, only a small proportion of whom had been born in Bosnia.¹⁵

Even though the Austrian and Hungarian governments had to approve laws and the Crown had to enforce them, the power of the Ministry of Finance was essentially unchallenged. The administration attempted to bring local elites into a direct and loyal power relationship with Vienna through a system of coercion and incentives. The imperial centre attempted to prevent alliances within Bosnia and cooperation between Bosnians and institutions and elites abroad – for example in Serbia, Montenegro, the Ottoman Empire, or Russia.

14 Ruthner, *Sleeping Beauty's Awakening*, 2021.

15 Boškowska, *Die österreich-ungarische Verwaltung*, 2014, 169.

In the early years of the Habsburg administration, there was a great uncertainty in the country, especially among the Muslim elites. Habsburg authorities therefore sought to reassure the Muslim population, which made up about a third of the country's population and the bulk of its economic elite, that they would remain secure in their rights to property, religious practice, worship, and economic activity. The Habsburg-Ottoman Convention of April 1879, which was intended to regulate the implementation of the Berlin Treaty, therefore already stipulated in Article 2: "The freedom and external exercise of all existing cults in Bosnia and Hercegovina shall be guaranteed to the inhabitants residing or temporarily staying in Bosnia and Hercegovina. In particular, full freedom is assured to the Mohammedans in their intercourse with their spiritual leaders." The Habsburg military was to ensure "that neither the honour, nor the customs, nor the freedom of worship, nor the security of the person and property of the Mohammedans are harmed in any way". Habsburg also confirmed that the Sultan could continue to be mentioned in public prayers and that Ottoman flags could be hoisted on minarets – as had been customary.¹⁶

The ambivalent accession of Bosnia by the Habsburgs followed primarily a foreign policy logic. The Habsburg rulers believed they had to contain Russia's influence in south-eastern Europe in conjunction with the expansion of the power of Serbia and Montenegro. In terms of Habsburg domestic policy, the integration of Bosnia basically lacked a master plan, even if the goal of securing imperial power and prosperity and the motivation of a *mission civilisatrice* were repeatedly evident. However, the means of integration was clearly an efficient bureaucratic administration designed to modernize the society quickly and profoundly. Simultaneously, the administrative regime served to contain freedoms and participation in public political discourse. So, in 1895, the London *Daily Chronicle* quoted the Imperial Minister of Finance and Governor of Bosnia-Herzegovina, Benjámín von Kállay, as saying: "administration is our only politics".¹⁷ Here Kállay outlined his political programme of a supposedly depoliticized bureaucratic rule. In his view, public administration, deprived of political and contingent decision-making, did not need to concern itself with general participation. In a somewhat enlightened and at the same time colonial view, he saw the Bosnian inhabitants (*Landesangehörige*) as bearers of certain limited freedoms. However, he hardly recognized that the population was mature enough for extensive participation in the public sphere.

16 Convention zwischen Österreich-Ungarn und der Türkei vom 21. April 1879, in: Sammlung der für Bosnien und die Hercegovina erlassenen Gesetze, Verordnungen und Normalanweisungen. Vol. 1: Allgemeiner Theil, Politische Verwaltung (1878–1880) [SBHGVN], Vienna 1880, 4–8.

17 *Daily Chronicle*, 3 Oct. 1895, quoted in Robert J. Donia, *Islam under the Double Eagle. The Muslims of Bosnia and Hercegovina, 1878–1914*, New York 1981, 14.

Men's public participation developed slowly, in a controlled manner and always with the proviso of a government veto. The nucleus was local administration. Until the mid-nineteenth century, there were customary and religiously separate representative bodies of the population in rural and urban areas, which regulated the secular affairs of the religious communities largely autonomously. In the course of the secular modernization reforms of the Tanzimat period, the Ottoman vilayet decree of 1865–1867 had established local councils consisting of several elected local elders, sometimes of different (*muhtari/knezovi*).¹⁸ In addition, the Ottoman Empire had enacted a detailed municipal law in 1877, which established a municipal self-government in “every larger and smaller town”, with an annually elected municipal council and quite extensive rights and duties. Even though the law was never really implemented in Bosnia (except for a few initial steps Sarajevo), it provided a framework for both the population and the government against which the Habsburg regulations of 1878 were compared.¹⁹

The Habsburg monarchy based its rule in Bosnia on Ottoman structures and institutions. In 1878 and 1879, Vienna issued the first provisional municipal statutes for Sarajevo and Bijeljina and general regulations for municipal councils.²⁰ A circular decree of 1879 specified the reason for this: namely, that “the lack of orderly municipal relations makes the exercise of government activity more difficult and the progress of the municipality [...] almost impossible”. “Temporarily”, the members of the municipal councils to be established were not to be elected but appointed by the authorities.²¹ The Provisional Statute for the country's largest city, Sarajevo, from August 1878, provided for 18 appointed members of the municipal council (five Muslims, six Orthodox, three Catholic Christians, and four Jews), whose powers in the areas of taxation, police, financial administration, and education had to be confirmed by the provincial government. The exercise of the conditional rights of participation was therefore compulsory: Habsburg threatened disciplinary penalties for “improper fulfilment of duties”.²² According to the Sarajevo Statute of 1878, by

18 Hannes Grandits, *Herrschaft und Loyalität in der spätosmanischen Gesellschaft. Das Beispiel der multikonfessionellen Herzegowina*, Vienna 2008, 560–562.

19 Gemeindegesezt v. 17. Ramazan 1294 (5 October 1877), in: SBHGVN 1880, 574–584; see Valeria Heuberger, *Politische Institutionen und Verwaltung in Bosnien und der Hercegovina 1878–1918*, in: Adam Wandruszka/Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848–1918*, vol. 7/2: *Verfassung und Parlamentarismus. Die regionalen Repräsentativkörperschaften*, Vienna 2000, 2383–2425, 2396–2397.

20 Provisorisches Statut für die Errichtung einer Gemeindevertretung in der Stadt Sarajevo vom 22.8.1878, in: SBHGVN 1880, 585–586; Erlass der Landesregierung [LR] in Sarajevo v. 18.3.1879 betr. die Genehmigung des Gemeindestatuts für Bijeljina, in: *Ibid.*, 587–590; Circularerlass der LR in Sarajevo v. 16.4.1879, betr. die Constitutierung von Gemeindevertretungen, in: *Ibid.*, 590.

21 Circularerlass der LR v. 16.4.1879, 1880.

22 Provisorisches Statut für Sarajevo v. 1878, 1880.

1881 the government had regulated around 50 localities in Bosnia. As a result, regulated local administrations with a certain degree of participation soon functioned throughout the country.²³

Mayors were the first and highest representatives of the local population to participate in the Habsburg administration. In many cases, they had already held public office in Ottoman times. In addition to structural continuity, they often ensured personnel continuity in the administration. One example was the landowner Mustafa-beg Fadilpašić (1830–1892), who became the first mayor of Sarajevo under Habsburg rule, a position he held for 14 years until his death. Alongside his duties as mayor, he wrote expert opinions for the government – for example in 1881 for a planned decree on conversion – and presided over religious administrative bodies such as the Vakuf Commission.²⁴ His successor was also one of his predecessors: the member of an aristocratic Bosnian family, the scholar and writer Mehmed-beg Kapetanović Ljubušak (1839–1902). From the early 1880s, Kapetanović was also an advisor to the Habsburg government (*Honorarregierungsrat*). In this capacity, he repeatedly interpreted the situation in the country to Habsburg government officials. He was the first Bosnian to be ennobled in Habsburg Bosnia.²⁵ Both Fadilpašić and Kapetanović are good examples of the combined Habsburg ruling practice of limited participation in local and regional administration and the co-optation of selected local elites for several offices.

In the early 1880s, the Habsburg government confirmed the Ottoman system of multi-religious district councils (*Bezirks-/Kreismedžlise*, in Ottoman Turkish *idare meclisa/majlis*) at local and regional levels. In 1882–1883, the provincial government in Sarajevo confirmed that at the regional level a “permanent advisory board [...] made up of representatives of the population” was to be formed²⁶ and that “municipal chiefs (*muktari/knezovi/glavari*) of the mahala (residential neighbourhood) or local elders” should be present at some consultations of the regional administration.²⁷ However, the representatives of the population were to be appointed by Habsburg

23 Bericht über die Verwaltung von Bosnien und der Hercegovina, 1/1906, Vienna 1906, 59.

24 Greble, Muslims, 2021, 30. For his expert opinion on the planned decree on conversion, see Archives of Bosnia and Herzegovina (ABH), Joint Ministry of Finance – Presidency of the Bureau for the Affairs of Bosnia and Herzegovina (Zajedničko Ministarstvo Financija – Prezidial Odjeljenja za Bosnu i Hercegovinu [ZMF PrBH]) 814/1881.

25 On Mehmed-beg Kapetanović Ljubušak, see e.g. Vladimir Ćorović, Mehmed-beg Kapetanović. Književna slika, Sarajevo 1911; Robin Okey, Taming Balkan nationalism. The Habsburg “Civilizing Mission” in Bosnia, 1878–1914, Oxford 2007, 103–104.

26 Erlass d. LR f. BuH v. 29.9.1882 womit die Verordnung betr. die Organisation und den Wirkungskreis der Bezirksämter und Kreisbehörden kundgemacht wird, in: Sammlung der Gesetze und Verordnungen für Bosnien und die Hercegovina [SGVBuH], Sarajevo 1882, 419–439, 421.

27 Verordnung d. LR f. BuH v. 23.9.1883, betr. den Wirkungskreis der Bezirksämter und Kreisbehörden in Steuerangelegenheiten, in: SGVBuH 1883, 834–844, 838.

officials, not elected. Resentment grew. In 1880 the head of the Mostar district, Vuković, reported to his government in Sarajevo that local elites were increasingly frustrated by the fact that “the population was not allowed the slightest participation in the administration of the country and its organization, nor in the enactment of new laws and regulations, which is why no consideration was given to national idiosyncrasies; even where they were granted a seeming right – in the election of the municipal council or the district council – they were curtailed by the whim of individual officials [...]”.²⁸

It was not until the mid-1880s that the municipal administrations, above all that of Sarajevo, were gradually transformed into representative bodies that allowed not only for decision-shaping in public affairs by appointed representatives but also for decision-making by elected representatives of the population. The provincial government therefore formulated the powers of the municipal council in the new 1883 municipal code of Sarajevo as “in consideration of the right of self-determination”.²⁹ However, the government limited them to financial, legal, welfare, and administrative areas – that is, decisions on municipal finances, court cases, administrative changes, civil rights and honours, as well as proposals to the government. All important decisions had to be approved by the government.

Eligible to vote for the Sarajevo municipal council were long-established and wealthy or educated men, as well as representatives of banks and tax-paying organizations. Elections were held in four multi-religious curiae, with only two-thirds (16) of the 24 municipal councillors eligible to be elected (eight Muslims, four Orthodox Christians, two Catholic Christians, and two Jews). One third continued to be appointed by the government. The mayor and his two deputies were also appointed by the government. Once again, participation was doubly limited, both from below and above: the imperial state restricted participation to a maximum of areas and rights, but at the same time demanded a minimum of involvement. Those who were elected could only refuse their office for a limited number of reasons, and faced fines if they failed to fulfil their duties.³⁰ The previously appointed Sarajevo district elders (district *muktars*) with executive powers also became offices elected by the local council.³¹ Habsburg went to great structural lengths to encourage broad

28 District Authority [Kreisbehörde] Mostar, Vuković to the Presidium of the provincial government, 19 September 1880; ABH, Joint Ministry of Finance – Bureau for the Affairs of Bosnia and Herzegovina (Zajedničko Ministarstvo Finansija – Odjeljenje za Bosnu i Hercegovinu [ZMF BH]) 2965/1880.

29 Gemeinde-Statut für die Stadt Sarajevo einschl. der Wahlordnung. Gen. am 10.12.1883, kundg. am 9.1.1884 in: SGVBuH 1884, 1–32, 9 (§28).

30 Ibid., § 20.

31 Ibid., § 60–62.

participation with these arrangements, but in terms of rights, duties, and democratic legitimation they were not comparable to the regulations within the monarchy.

At the same time, Vienna expanded the opportunities for political participation only slightly and gradually in the 1890s. Within the judiciary, it was not until 1891 that the government sanctioned elected court assessors (*Gerichtsbeisitzer*) of different faiths, as had been introduced in Ottoman Bosnia as early as in the 1860s.³² From then on, two assessors sat as lay judges in each of the district and county courts, the courts of first and second instance, and decided on guilt and punishment together with the judges. Some new municipal regulations increased the number of seats on the municipal councils. In 1890 Mostar received a statute with similar provisions to Sarajevo: again, with two-thirds elected and one-third appointed councillors, as well as a mayor and two vice-mayors appointed by the government. In 1897 the government issued a standard statute (*Normalstatut*), modelled on Sarajevo and Mostar, which applied to all larger towns in the country.³³

The Habsburg Ministry of Finance continued to insist on the status quo of multi-religious electoral curiae, which was justified on the grounds that the religious communities formed “not only religious and national but also socially and economically closely knit groups”. It was a matter of “protecting minorities”, it claimed paternalistically.³⁴ Civil servants, priests, and state-employed teachers were excluded from passive suffrage in order to demonstrate the ideological neutrality of the state. In addition to the minimum participation granted, there was still an obligation – being a councillor was an honorary position that no one could refuse without a legal excuse. The powers of the municipal councils increased from nine in the 1880s to 22 defined areas, which was above all an indication of increasing bureaucratization. Here, too, hybrid and colonially enforced modernization through patronizing administration was evident in the details. The decree defined it as the duty of the municipal office, as the executive body of the municipal council, to inform the population of “the nature and significance of elections” and to work towards “the greatest possible participation in the elections”. Again, this was a rather democratic-sounding formulation for an administration whose mayor and two vice-mayors were appointed, only two-thirds of whose representatives were elected, and two-thirds of whose decisions required the approval of the provincial government.³⁵ The

32 Vorschrift über die Wahl und Einberufung der Beisitzer bei den Strafgerichten, 30.1.1891/26.5.1891, in: Gesetz- und Verordnungsblatt für Bosnien-Herzegowina [GVBlBH] 1891, 227–230. On Ottoman Bosnia, see Grandits, *Herrschaft und Loyalität*, 2008, 406–407.

33 Verwaltungsbericht, 1906, 62.

34 Ibid.

35 Verordnung d. LR f. BuH v. 22.1.1897 (Normalstatut nebst Wahlordnung), in: GVBlBH 1897, 5–21, 19; Heuberger, *Politische Institutionen*, 2000, 2398–2399.

limited, one might say simulated, political participation in local government thus served primarily to co-opt elites. It was not until 1907 that the provincial government passed a “Law on the Administration of Urban Communities”, which continued to be based on census voting rights in multi-religious curiae, but made the offices of mayor and vice-mayors elective.³⁶

In contrast to the urban municipalities, rural communities in Habsburg Bosnia remained unregulated until 1907 because, as the Ministry of Finance put it in 1906, this had “generally met the practical requirements at least reasonably well”.³⁷ Village councils, which selected village elders, were organized in a patriarchal and grass-roots democratic manner, partly according to customary law and partly according to (unevenly implemented) Ottoman regulations. Here and there, there were traditionally appointed and government-approved local leaders (Muslim *mukhtar*, Christian *knez/glavar*), who participated in the local administration in an advisory capacity. There were also district councils (*medžlise*) of varying sizes, some elected and approved, others appointed.

With the 1907 Act on the Administration of Village Communities, the government sanctioned various customary law structures.³⁸ Long-established residents had the right to participate in the rights and duties of the village community and were entitled to poverty relief. The village council consisted of a village head elected for five years by a council of village elders (*Rat der Dorfältesten/medžlis općinske starješine*) of 6 to 30 members. A convention of the family heads elected the village elders. As under customary law, the council of village elders administered the rural commons, could set local taxes and issue arbitration verdicts in local disputes (field, road, pasture, and watering disputes).³⁹ The government thus defined rural social spaces in a much more participatory way than urban ones. There were fewer sanctioned methods of intervening in local collective decisions. The right to vote was not linked to education, property, or tax revenue, but to the duration of residence. This reflected the state’s real power in its peripheries, but also the lower political significance of rural areas, where 80 to 90 per cent of the Bosnian population lived. In addition, the religious pillarization of society was less coercive. Religion could – but did not have to – be used in the village to separate or duplicate the offices of village leaders. However, it is uncertain whether mixed-faith village councils actually existed.

Thus, Bosnians and Herzegovinians could only participate in secular public life through administrative bodies and the lower judiciary. Habsburg officials determined

36 Gesetz für die Verwaltung der städtischen Gemeinden in BuH nebst Wahlordnung, 21 March 1907, in: GVBIBH 1907, 109–125.

37 Verwaltungsbericht, 1906, 85.

38 Gesetz über die Verwaltung der Dorfgemeinden in BuH. 13 March 1907, in: GVBIBH 1907, 39–48.

39 Ibid., 43 (§25).

which individuals, for which groups, and with which powers, were involved in public affairs in an advisory and decision-making capacity – and whether decisions could be blocked by government vetoes. Urban areas were regulated earlier and more strictly than rural social areas, where over 80 per cent of the population lived.

In general, participation rights for men increased in Bosnia between the 1880s and 1910s, but they were mostly segregated by faith, limited and, in crucial cases, subject to the government's veto. In addition to this limited participation, the government granted comparatively extensive freedoms to the country's population (*Landesangehörige*). In 1907 a surprisingly liberal press law – one of the most liberal in the monarchy – was passed, abolishing prior censorship. Section 1 of the Press Act read: "The press shall be free within the limits of the law. Everyone is free to [...] self-publish and [...] sell writings or created visual and audio works."⁴⁰ The new regulation led to a sharp rise in the number of newspapers and magazines in the following years. Political demands were no longer generally considered illegitimate and were prevented. However, the state did not tolerate any participation by Bosnians and Herzegovinians in fundamental questions of the emperor's sovereignty or in government decisions.

2. Religious settings

Following the occupation, the Habsburg regime adapted, organized, and strengthened the regulatory functions of religion in Bosnia. Religion took over numerous secular ruling and public functions: religious administrations laid the foundations of state administration, religion structured the application of legal norms and, not least, served to legitimize Habsburg rule. At the same time, Bosnia maintained comparatively strong traditions of lay participation in local and regional religious institutions, especially among Orthodox Christians and Muslims, but also among Catholics and Jews. Bosnian and Herzegovinian men felt responsible for their common and public religious life, over which they traditionally exercised autonomy, even in opposition to the clergy or religious scholars.

The fact that the Viennese central state partly took over and partly fundamentally reorganized religious administrative structures gave rise to complex and emotional political processes of mobilization. Vienna granted the male population limited participation in public religious affairs. For decades, local elites – both religious

40 "Es steht jedermann frei, von ihm allein oder unter Mitwirkung Anderer verfaßte Schriften oder geschaffene bildliche Darstellungen und Tonwerke in Selbstverlag zu nehmen und in bestimmten Lokalen zu verkaufen." Preßgesetz für Bosnien und die Hercegovina 1907, in: GVBIBH 1907, 27–37, §1.

experts and lay people – fought for greater participation, greater scope for religious institutions, and less state influence in the religious sphere. Bosnian and Herzegovinian elites soon realized that religion was both the only structural means and the only legitimate field of participation in public affairs and thus for negotiations with Vienna. Following the familiar imperial logic, local elites knew from their experience with the Ottoman Empire how to use foreign actors and publics, as well as cooperation with other religious communities, for their own interests.

For Habsburg, state support, control, and standardization of the religious sphere, including its elites – that is, ultimately confessionalization⁴¹ – seemed to be the most expedient way forward in Bosnia: to quickly establish an effective administration, to “elevate the country” culturally and economically, to integrate it into the empire, and to contain nationalism and separatism. From the early 1880s, the Ministry of Finance began to establish new religious organizations for all three major religious communities. Thus, by 1883 a fundamentally reorganized religious administrative structure had been created for Orthodox and Catholic Christians as well as Muslims. The reforms had an impact both at country level and on regional and local structures: for the Catholics, Vienna initiated the founding of a Catholic archdiocese in Sarajevo and other dioceses in the country based on the Central European model. For the relative Orthodox majority, regional religious administrations in the form of new consistorial councils were created in the existing eparchies. For Muslims too, Vienna established new institutions such as the central administrative body *Rijaset*, headed by a *Reis-ul-ulema*, a Supreme Sheriat Court, and a Provincial Vakuf Commission (for pious Islamic foundations) with sub-organizations in all districts. In addition, theological schools were established for all three major religious communities in order to train domestic religious expert cadres within a few years. The high religious officials of these institutions – teachers at the seminaries, judges at the shariat courts, bishops, muftis and *Reis-ul-ulema* – were appointed, controlled, and paid by the imperial centre. On the one hand, the political elites in Vienna and Budapest were convinced that these means were necessary for their *civilizing mission*. On the other hand, the empire was dependent on the religious administrative structures in the country – especially for tax and military administration in the predominantly rural Bosnia-Herzegovina.

In the religious sphere, Vienna granted Bosnians and Herzegovinians extensive rights to participate in public affairs. However, the general right to vote for higher religious elites – muftis, bishops, and theology professors – remained non-nego-

41 On the term, see Nathalie Clayer, The dimension of confessionalisation in the Ottoman Balkans at the time of nationalisms, in: Hannes Grandits/Nathalie Clayer/Robert Pichler (eds.), *Conflicting loyalties in the Balkans. The great powers, the Ottoman Empire and nation-building*, London 2011, 89–109.

tible for Vienna. In addition, Vienna granted the religious communities comparatively extensive fields of activity: not only in the strictly religious-liturgical field but also in educational, cultural, and family law matters. Here, the male population often had greater rights of participation than in the surrounding countries – both in the Habsburg monarchy and in Serbia or Montenegro. Religious foundations, which were widespread among Muslims and to a lesser extent among the Orthodox, acted largely autonomously, running schools or managing real estate, including inns and shops.

From the 1880s onwards, Orthodox and Muslim local elites in particular understood the increasing control and forced bureaucratization of the religious sphere as a denial of their already meagre public participation rights. From 1878 Orthodox laity in Sarajevo and Mostar had been demanding free elections of bishops and priests, as well as autonomy in the administration of parishes and their schools. The protests were given new impetus in 1880 when the treaty between Habsburg and the Patriarchate of Constantinople concerning the Bosnian eparchies was leaked. It stipulated that Vienna could appoint and dismiss Orthodox bishops in Bosnia.⁴² Orthodox urban laity criticized the treaty as a violation of the Berlin Treaty of 1878 and demanded that the Orthodox people alone should determine their bishops.

The Mostar parish in particular stood out in these conflicts due to its wealth and supra-regional contacts. As early as 1880, its laity protested in letters to Vienna, Constantinople, and other European capitals against the violation of the Berlin Treaty, the discrimination against their religious community, and the deprivation of their traditional rights of freedom and participation. Referring to a liberal and autonomous parish constitution of 1835, Orthodox laymen in Mostar passed a liberal church and school statute in 1880, which defined far-reaching autonomous lay rights. Vienna rejected this statute without comment.⁴³ A year later, in 1881, the parish wrote several letters protesting against the Bosnian military law, which intro-

42 Declaration des ökumenischen Patriarchen in Constantinopel vom 28. März 1880, betr. die provisorische Regelung der Verhältnisse der griechisch-orientalischen Kirche in Bosnien, in: SBH-GVN 1880, 322–325; Vojislav Bogičević: Stanje srpsko-pravoslavne crkve u Bosni i Hercegovini od okupacije 1878 do početka borbe za versko-prosvetnu autonomiju, in: Spomenica povodom osamdesetogodišnjice okupacije Bosne i Hercegovine (1878–1958), pedesetogodišnjice aneksije (1908–1958) i četrdesetogodišnjice oslobođenja i ujedinjenja (1918–1958), Belgrade 1959, 50–67, 57; Božo Madžar: Pokret Srba Bosne i Hercegovine za vjersko-prosvjetnu samoupravu (Biblioteka Kulturno nasljeđe), Sarajevo 1982, 32–34; Srećko M. Džaja, Konfessionalität und Nationalität Bosniens und der Herzegowina. Voremanzipatorische Phase 1463–1804, Munich 1984, 52–53; Madžar, Pokret Srba BiH, 1982, 52–53.

43 Pravilnik srpsko-pravoslavnog opštstva Mostarskog i školska uredba; ABH, Presidency of the provincial government in Sarajevo (ZVS PrBH) 527/1884; quoted in: Madžar, Pokret Srba BiH, 1982, 119–120; see Vladimir Čorović, Mostar i njegova srpska pravoslavna opština (Izdanje srpske pravoslavne opštine mostarske), Belgrade 1933, 84–85.; Heiner Grunert, Glauben im Hinterland. Die Serbisch-Orthodoxen in der habsburgischen Herzegowina 1878–1918, Göttingen 2016, 361.

duced regular conscription for Bosnian and Herzegovinian men.⁴⁴ Again citing the Treaty of Berlin, the congregation refused to provide recruits for the empire. Serbian Orthodox elites knew about the sympathies of the liberals in the empire and deliberately sought Habsburg publicity. The letter of protest to the emperor was therefore also sent to the *Neue Freie Presse* in Vienna, which published it in full.⁴⁵ A few weeks later, Orthodox and Muslim insurgents attacked Habsburg military posts in eastern Herzegovina. Not only did the Habsburg Empire respond with military force, but for the first time Vienna also resorted to political repression: the government had church leaders arrested and put on trial. The parish was dissolved and placed under government curatorship. In return, influential believers boycotted their bishop, the newly appointed priest and their religious activities for years.⁴⁶

In the field of religion, therefore, complex entanglements of disputes over public participation developed, especially with the Orthodox and Muslims. The period between 1880 and 1910 was marked by an intense struggle for participation and freedom rights in public religious affairs between Bosnians and Herzegovinians and the Habsburg state. In public controversies about participation and freedom rights, actors argued with universal rights, with the rights of other religious and ethno-confessional groups within the country and abroad, and with rights that they had supposedly possessed in the past. Here, customary and historical legal traditions and goods from Ottoman and even pre-Ottoman times served as targets and means of reasoning for the assertion of modern rights to freedom and participation.

The protest of Serbian Orthodox elites in the Mostar parish increasingly mobilized Orthodox people throughout the country in the 1880s and into the 1900s. Activists met publicly or secretly, wrote collective protest letters and memoranda that were sent to various European capitals, and soon formed delegations that toured the monarchy and south-eastern Europe. They demanded the free election of priests and bishops, the right to the free administration of church property, the free foundation of schools and associations, and the free use and designation of their own language and religion (as Serbian and Serbian Orthodox and not as Oriental Orthodox or “national language”).⁴⁷ On the one hand, the Orthodox protests in the 1890s in

44 Letter of protest from the Mostar parish representatives: Parish of Mostar, Chairman Dimitrije Bilić with a further 64 signatures, to the provincial government, 22 November 1881. Almost identical in wording in: Ćorović: *Mostar i njegova srpska pravoslavna opština*, 1933, 87–89; and Đorđe S. Bekić, *Borba srpsko-pravoslavnog opštstva u Mostaru protiv austro-bosanske uprave 1880–1882 godine*. I druge s tim povezane uspomene, Sarajevo 1936, 43–45.

45 Ein Protest gegen das bosnische Wehrgesetz, in: *Neue Freie Presse* 6223, 23 December 1881, 2–3.

46 Bekić, *Borba srpsko-pravoslavnog opštstva*, 1936; Ćorović, *Mostar i njegova srpska*, 1933; Hamdija Kapidžić, *Hercegovački ustanak 1882 godine*, Sarajevo 1958.

47 Mustafa Imamović, *Pravni položaj i unutrašnje politički razvika Bosne i Hercegovine od 1878 do 1914*, Sarajevo 1976, 81–85.

Bosnia and south-eastern Europe became increasingly intertwined and professionalized. On the other hand, Orthodox and Muslim, and in some cases also Catholic, elites in the country repeatedly cooperated in their protests, which Vienna always followed nervously. Orthodox protesters in particular – primarily lay people and a few priests – also broadened the thematic scope of the protests and increasingly combined secular and religious demands.

From the early 1890s, Muslim elites also wrote collective petitions to the Austro-Hungarian Emperor and King and the Ottoman Sultan. The protest, which was mainly supported by landowners and Islamic scholars (*ulema*), sought advisory support from Bosnian emigrant groups in Constantinople. The main demands in the petitions centred on Habsburg accepting Muslim ownership of land. Muslim elites also criticized Habsburg's intervention in Islamic pious foundations (Arabic *waqf*/Serbo-Croatian *vakuf*).⁴⁸

From the 1890s, Orthodox Serbs began to draft memoranda which they attempted to present to the emperor by delegations. In 1896, 33 representatives from 14 parishes arrived in Vienna to present the emperor with a 20-point petition. In it, they emphasized their traditional liberties: that the Serbian Orthodox Church had enjoyed “complete autonomy” in the Ottoman Empire; that their popular assemblies and council meetings were held “freely and without restriction [...] without the presence of, and without reporting to, the political authorities”; that religious laymen freely elected and appointed their teachers and clergy, established and maintained their schools autonomously, and generally lived “freely the faith of their ancestors, as well as their beloved Serbian nationality, the Serbian name, language, and Serbian consciousness”.⁴⁹ They demanded improvements in language and education policies, a relaxation of the right of association and assembly, as well as greater autonomy and lay participation rights in church administration.⁵⁰ There were also symbolic conflicts over the legitimacy of socialized demands: the court chancellery refused to grant the delegation, which it considered illegitimate, an audience with the emperor, whereupon the leader of the delegation, Vojislav Šola from Mostar, refused to appear before the emperor alone.⁵¹ From 1897 to 1902, the Orthodox drew up three more memoranda, in which their demands for religious, cultural, and political rights grew. Habsburg officials soon referred to the protesters as the Serbian auton-

48 See Ferdo Hauptmann (ed.), *Borba Muslimana Bosne i Hercegovine za vjersku i vakufsko-mearifsku autonomiju* (Građa za proučavanje političkih, kulturnih i socijalno-ekonomskih pitanja iz prošlosti Bosne i Hercegovine 3), Sarajevo 1967, 49–56, 63–68.

49 Memorandum by Serbian Orthodox representatives of parishes in Bosnia-Herzegovina, Vienna 23 November/5 December 1896, translated from the German translation; ABH, ZMF PrBH 1120/1896.

50 Ibid., see M. Maksimović, *Crkvene borbe i pokreti*, in: Pero Slijepčević (ed.), *Napor Bosne i Hercegovine za oslobođenje i ujedinjenje*, Sarajevo 1929, 79–106.

51 Madžar, *Pokret Srba BiH*, 1929, 175–179.

omy movement. The political movements of the Orthodox and Muslim set up a cyclical process of demands and reactions: memoranda, delegations, and audiences with the emperor and/or the imperial minister of finance were followed by hesitant negotiations, partial concessions, and even repression.⁵² As a result, the demands of the protesting elites became more differentiated. The fourth memorandum of June 1902, for example, listed the numerous reasons for the dissatisfaction of the Serbs of Bosnia-Herzegovina: the bureaucratic administration of the country, unresolved agricultural issues, high levies and taxes, the poor situation of trade and crafts, the construction of supposedly useless but militarily important railway lines, illegitimate land registers, the destruction and sale of forests, the colonization of the country by foreign farmers, the high proportion of foreign civil servants, press censorship, and explicitly the lack of “civil and political freedoms.”⁵³

After decades of obstruction, the monarchy conceded to the Orthodox autonomy movement in 1903. The death of Benjámín von Kállay in July 1903 and the transfer of his office to Stephan Burián (von Rajecz) accelerated the change in policy. As a result, in August 1905 Vienna issued a church statute for the Serbian Orthodox eparchies in Bosnia-Herzegovina.⁵⁴ The empire defined a religious sphere, including religious education, that functioned largely autonomously from state control. By introducing a church tax (*Kultusumlage*), the state also provided religious structures with an autonomous budget. Lay people gained considerable participation in Orthodox church structures at local, regional, and supra-regional levels (parish, eparchy, and inter-eparchy administrative bodies). Only in purely religious matters the clergy decided alone; in all other mixed church matters, the laity usually had a two-thirds majority. Even after 1905, Orthodox Serbs continued to argue for the right of laypeople and clergy to participate in the election of their bishops, citing the “provisions of the Holy Scripture, the canons of the Church Fathers, the ecumenical and local councils, church practice, and other provisions”, as Kosta Kujundžić, vice-president of the Eparchial Administrative Council of Sarajevo, put it to Minister of Finance Burián in 1908.⁵⁵

Four years later, in 1909, after further protests from Muslims, the so-called Autonomy Statute for the Serbian Orthodox Eparchies in Bosnia was followed by

52 Heiner Grunert, *Interreligiöse Konkurrenz und Kooperation im Imperium. Orthodoxe, Muslime und Katholiken in Bosnien-Herzegowina unter habsburgischer Verwaltung*, in: Jana Osterkamp (ed.), *Kooperatives Imperium*, Göttingen 2018, 265–284, 278.

53 Viertes Memorandum an Seine Apostolische Majestät, 5 June 1902; ABH, ZMF PrBH 1364/1902; see Madžar, *Pokret Srba BiH*, 1982, 347–350; Grunert, *Glauben im Hinterland*, 2016, 406–408.

54 Allerhöchste Entschliessung v. 13.8.1905, betr. das Statut über die Regelung der Kirchen- und Schulverwaltung der serbisch-orthodoxen Eparchien (Metropolen) in BuH, in: GVBIBH 1905, 133–204.

55 Letter from Kosta Kujundžić, Vice-President of the Eparchial Administrative Council in Sarajevo, to the Joint Minister of Finance Stephan Burián, 8 January 1908; ABH, ZMF PrBH 181/1908.

the Statute on the Autonomous Administration of Islamic Religious, Foundation and School Affairs in Bosnia and Herzegovina, which was structurally similar. The Islamic religious organizations, especially the Vakuf and school commissions at the provincial and district levels (the so-called Vakuf-Mearif bodies), then experienced an enormous upswing.

3. Participation and civil liberties from 1908

The liberalization of Habsburg politics at the beginning of the 1900s was also felt in the area of cultural policy. Ethno-religious, national, and proto-national organizations for education and culture emerged, following models from other parts of the empire. In 1902 urban laypeople and priests in Sarajevo founded the Serbian cultural society *Prosvjeta* (Education, Enlightenment), which soon became active nationwide. It was followed in 1903 by the similarly oriented Catholic and Croatian association *Napredak* (Progress) and the Muslim pro-Serbian association *Gajret* (Zeal, Diligence). The Serbian Orthodox Autonomy Statute of 1905 was a success for Serbian elites. Younger Serbian elites in particular warned against being satisfied with participation in church and school committees. As a result, other political demands were soon voiced, including calls for a Serbian national organization as a precursor to a political party. Muslim elites made a start in this direction in December 1906 with the founding of a Muslim People's Organisation (*Muslimanska Narodna Organizacija*). They were tired of years of disputes with Vienna over Islamic religious autonomy, including the Islamic foundations, especially after the success of the Orthodox for their autonomy. Orthodox Serbs and Catholic Croats soon followed suit. In May 1907, Serbian elites met in Sarajevo to discuss the establishment of a political organization. In a written resolution, they emphasized the people's right to self-determination, demanded autonomy for Bosnia-Herzegovina within the Ottoman Empire, civil liberties, and a parliamentary constitution. The founders explicitly broke with the religious restriction to Serbian Orthodoxy and advocated cooperation with Muslims and Catholics. After initial restrictions, the government soon tolerated such openly political organizations. In October 1907, 71 delegates, mostly merchants, clergymen, and a few secular intellectuals, founded the Serbian People's Organization (*Srpska Narodna Organizacija*) as a preliminary form of a national political party. The Croatian National Community (*Hrvatska Narodna Zajednica*, HNZ) was also founded in early 1908. Ultimately, three ethno-religious (proto-)national parties emerged here in close interdependence, each demanding freedoms and political participation in their own forms, without a constitutional basis, let alone a competent regional representative body.

Six months before the Habsburg annexation of Bosnia-Herzegovina in October 1908, with the promise to the public that a constitution would be adopted, pro-to-parties were ready to fight for participation and freedom in the political arena. However, due to constitutional controversies between Austria and Hungary, unresolved agrarian issues, and tensions within the monarchy, it took another fifteen months before the constitution (*Landesstatut*) was passed in February 1910.⁵⁶ In order to prevent the constitution from being implemented in Bosnia entirely without consultation, the Ministry of Finance had previously had a draft discussed by a committee of 24 influential and loyal representatives of the religious communities. Only a few Serbian representatives and the rather insignificant Social Democrats opposed the proposed multi-religious electoral curiae in the public debate.⁵⁷

The constitution, called Provincial Statute (*Landesstatut*), which came into force on 20 February 1910, incorporated the rather narrow and transitional administrative law of 1880, thus continuing the principle that Austria *and* Hungary, as subjects of international law, had equal claims to Bosnia.⁵⁸ Furthermore, the joint ministry appointed the Sarajevo provincial government, and the Austrian and Hungarian governments and parliaments continued to have legislative powers in Bosnia. The constitution provided for extensive civil rights and freedoms, which could, however, be “restricted or suspended in the event of unrest or if [...] activities threatening security [...] become apparent”, as stipulated in article 20.⁵⁹

The constitution established a provincial parliament (*Landtag/sabor*) with legislative but not executive powers to decide on the provincial budget and certain areas of public order. The appointment of key administrative posts and provisions relating to military and foreign relations were explicitly excluded and remained the responsibility of the Ministry of Finance.⁶⁰ The parliament was elected by adult Bosnian and Herzegovinian men on the basis of property, education, place of residence, and religious affiliation. It consisted of 20 ex-officio members (so-called “*Virilisten*”) – 16 religious and 4 secular high officials – and 72 elected male deputies from three electoral curiae: the wealthy and educated, the urban, and the rural population. The three curiae were in turn composed of members of the three religious communities.

56 Dževad Juzbašić, Die Annexion von Bosnien-Herzegowina und die Probleme bei der Erlassung des Landesstatuts, in: Südost-Forschungen (2009), 247–297, 249.

57 Hamdija Kapidžić, Pripremanje ustavnog perioda u Bosni i Hercegovini (1908–1910), in: Milica Grabovac (ed.), Bosna i Hercegovina pod austrougarskom upravom. Članci i rasprave, Sarajevo 1968, 45–99, 61–78.

58 Gesetz v. 22.2.1880, betr. die durch den Berliner Vertrag an Österreich-Ungarn übertragene Verwaltung Bosniens und der Hercegovina, in: SBHGVN 1880, 8–9; see Juzbašić, Die Annexion von Bosnien-Herzegowina, 2009, 249, 253.

59 Landesstatut für Bosnien und die Hercegovina, in: GVBIBH 1910, 22–29, 24.

60 See Marko Attila Hoare, The history of Bosnia. From the Middle Ages to the present day, London 2007, 82–83.

Bosnian-Herzegovinian women who paid over 140 crowns in land value tax enjoyed the right to vote in the first curia, which they could exercise over male representatives.⁶¹ In this type of participation, land ownership thus partially neutralised the exclusion criterion of gender – but certainly only for very few women. The limited participation of mostly men in parliament was intended to help preserve the existing social, economic, religious, and national conditions as far as possible.⁶²

With the Balkan Wars from 1912, the joint Ministry of Finance and War in Sarajevo regained power. In December 1912 and again in May 1913, the provincial government suspended parliament and declared a state of emergency, abolishing civil rights in Bosnia – freedom of movement, speech, assembly, and the secrecy of correspondence. The decrees also dissolved all Serb and socialist organizations. Although they were lifted after two weeks, the emergency decrees permanently weakened confidence in the rule of law in Bosnia. As a result, political participation never even reached the statutory level, which is why the few sessions of the Bosnian parliament that did take place were largely symbolic.

4. Conclusion

What can the development in participation and freedom rights in Habsburg Bosnia-Herzegovina tell us about colonial politics at the turn of the twentieth century? First of all, the normative and dependency structures of the country and its multi-religious population were quite complex. It was uncharted territory for Central Europe: for thirty years, an imperial dual state occupied and administered a multi-religious country under the sovereignty of another empire for an indefinite transitional period. As a result, there were various debates about the purpose and means of integrating the territory and its population into the monarchy and about the implications of the sovereignty of the High Porte. The establishment of a bureaucratic and efficient administration therefore seemed to many to be the only viable option. The administrative regime also offered the possibility of carrying out a *mission civilisatrice* as conservatively and authoritatively as possible. In multi-religious Bosnia-Herzegovina, which appeared “oriental” to the predominantly Catholic imperial elites, religion also seemed to be the key to the efficient and modernizing administration of a ‘backward region’ for several reasons. Firstly, religion was seen as a means of integration, which Habsburg officials hoped would curb nation-

61 Landesstatut für Bosnien und die Hercegovina, in GVBIBH 1910, 22–29, 24–25; Wahlordnung, in: Ibid., 30–39, 30–31.

62 See Kapidžić, Pripremanje ustavnog perioda, 1968, 86–93.

alism. Secondly, the guarantee of religious freedom and equality, as well as certain rights of participation within the religious communities, demonstrated the enlightened character of Habsburg rule. And thirdly, religion appeared to be 'closer to the people' and had decentralized administrative structures through religious experts – priests, monks, imams, and rabbis – who were, not least, the only structures for realistic population records.

Nevertheless, even the hardliners in Vienna and Budapest recognized that it was neither feasible nor sensible to deny the population the rights of participation and freedom in the long term. To this end, from 1905 and 1909, the empire granted Orthodox Christians and Muslims participation in religious administrations, which, compared with other European countries, were quite far-reaching in terms of autonomy, funding, and the areas of society affected. Until the adoption of the constitution in 1910, however, the only public offices in the secular sphere to which the male population could be elected in order to play an advisory and decision-making role in public affairs were community leaders and court assessors.

The debates on participation and civil liberties also show that Bosnian and Herzegovinian elites with good European connections argued for participation and liberties with general anthropological, historical, and cultural references. To compensate for the lack of and demand for participation, they used freedom of travel and freedom of speech to put pressure on the Habsburg imperial elites through public debates in Vienna, Budapest, London, and Istanbul. Leading Habsburg elites, above all Imperial Finance Minister Benjámín von Kállay, were convinced that only limited participation in public affairs, particularly in the religious sphere, would ensure Bosnia-Herzegovina's integration into the empire.

The references made by Habsburg officials to Bosnia's complex constitutional, cultural, and religious situation were mostly an excuse for denying broader rights of freedom and participation. However, the sparse participation rights in the secular sphere and the surprisingly broad participation rights in the religious sphere were more an expression of an attempt to co-opt elites than to actually diversify the exercise of power. In most cases, the Ministry of Finance ruled directly down to the astonishingly small Herzegovinian villages – both before 1908/1910 and in the constitutional period thereafter. The process of negotiating rights of participation and freedom seems particularly remarkable after 1900, when senior civil servants increasingly pushed for freedom rights to be granted in exchange for denied participation rights in the political sphere. Precisely because the rights to personal freedom, free speech, assembly, and the press were constitutionally guaranteed, but could easily be suspended by the unelected government, they had only limited concrete consequences. The Bosnian Diet from 1910 to 1914/1915 also remained a myth for some. For others, it was merely a pretence at parliamentarianism.