



قربان

ILUSTRACIJA - Mladi Bošnjak musliman na Kurban bajram sa obiteljskim kurbanom.

ILLUSTRATION - A young Bosniak Muslim on 'Īd al-'Aḏḥā, (lit. 'Feast of the Sacrifice' - Islamic holidays) with a family Qurban (uḏḥiyah).

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Ugo VLAISAVLJEVIĆ

**DAR KURBANSKOG MESA
ETNOLOŠKE REFLEKSIJE**

**THE GIFT OF QURBANI MEAT
ETHNOLOGICAL REFLECTIONS**

Abstract

The article considers two customs traditionally followed by Muslims of Bosnia and Herzegovina during **Eid Al-Adḥā** (*'Festival of Sacrifice' or Kurban Bayram*). These are, first, giving a small amount of money, so-called **bayramlik**, to children as a reward or gift in return for handing out Qurbani meat to neighbors, and, second, giving the meat to non-Muslims. The topic will be explored in the light of Marcel Mauss's seminal essay on the gift, since Qurbani appears as a gift that identifies, marks and renews the social bonds not only of close relatives, but also of friends and neighbors. In this context too, we will meet what Jacques Derrida calls the aporia of the gift.

The slaughtering of Qurbani animal is a true gift, precisely because it is an impossible gift. It may be considered as a giftless giving: although the sacrifice is unthinkable without the slaughtered animal, it cannot be a gift to God. However, after the human act of sacrifice is performed, it is God Who makes the gift to men - because He commands that the victim's meat must be shared. It is then to be understood not as a returned gift, but as an act of God's hospitality, which gives to men the very possibility of gift giving.

It is argued that the two Bosnian customs draw their ultimate meaning from the divine hospitality vividly experienced in the ritual of sacrifice.

Key words: *folk custom, Eid Al-Adḥā, Qurbani meat, gift, giftless giving, Allah's hospitality.*

1. Introduction

There are phenomena or circumstances when it is important to insist on the distinction between Islam as an organized religion, and as the religious culture of a particular Muslim people. The phenomena that belong to the latter, usually labelled under the category of 'folk religion' are particularly attractive for ethnographic exploration. In all organized religions, the practice of worship and faith obligations of adherents, no matter how rigidly prescribed, are immersed into a specific vernacular culture. Thus, in Islam, although the acts and deeds of individuals are codified, whether as obligatory (*farḍ*), necessary (*wājib*), recommended (*mustaḥab*), permitted (*mubāḥ*), reprehensible (*makrūh*), or prohibited (*ḥarām*), there is enough room left for 'variations' and 'inventions' of an everyday religious practice, often vividly marked by local folk traditions.

Celebrating *Eid Al-Aḍḥā* or Greater Bairam is undoubtedly an important example of the interplay between the universal religious law and local ritual practices or, rather, of how these practices, on the fringes of the *Sharī'ah* regulations, assume the concrete contours of the cultures and societies they are part of. Moreover, it will be shown that, on these fringes, religious practice is subject to considerable variations, even within the same Muslim people.

On the Feast of Sacrifice, an animal sacrifice has to be performed. The ritual of animal slaughtering is governed by rigid rules, covering even the slightest details of how it should be properly conducted. In this act of worship, commanded by the Qur'an (*So pray to your Lord and sacrifice*, 108:2), nothing should be left to the arbitrary will of worshippers. The ritual rules are universal and unbreakable, and should not be relativized by local faith communities. However, there are some marginal aspects of the ritual that are not regulated by precise rules.

Our question here is, how a specific local religious culture, namely the folk tradition of Bosnian-Herzegovinian Muslims, comes to weave its own threads into the fabric of the sacrifice ritual and simultaneously comply with the universal law.

It is through these kinds of 'supplements', provided by local folk cultures, that the organized world religions become territorialized in some part of the world, anchored in a particular nation. These 'supplements' are, by definition and simultaneously, inner and outer parts of historically existing religions, thus having a quite ambiguous character. As inner parts, they tend to be imperceptible, and if perceptible, they appear as outer parts, which is to say that one must have the eye of ethnologist to recognize these supplements.

Let us first refer to the influential ethnographical account of the everyday life in a mixed Catholic-Muslim Bosnian village near Sarajevo in the late 1980's, written by the Norwegian anthropologist Tone Bringa. Was it not sometimes necessary, in order to grasp typical phenomena of the local folk religion, to make an archeological, even subversive effort, to dare to dig beneath the surface of official religious teachings? For Bringa, the anthropologist in the fieldwork, it was the difference between 'Muslim customs' and what 'shari'at oriented Muslims' consider to be 'Islamic practices' that opened a space for empirical research. The difference is important, because there are 'Muslim customs which are 'according to Islam' and those which are not.' The section of Chapter 6 entitled 'Defining Muslim Practice' begins with the author's discussion with 'a young Bosnian *hodža*' who, having heard about her purpose of staying in the village, criticizes her for acquiring her knowledge of 'Muslim customs' from common, uneducated people. They are, he argues, an unreliable source of information, because 'They only do things the way they think it should be and their religion is mixed up with Christianity and all sorts of things.'¹

And though it may appear paradoxical, what actually preserves the existence and integrity of a *particular* Muslim culture are precisely these non-Islamic – Christian, pre-Islamic, pagan – contents amalgamated with prescribed Islamic practices. As Bringa remarks, 'to many Dolina Villagers 'Muslim customs' were the customs and ritual practices that they, as opposed to their Croat and Catholic neighbors adhere to. Whether it was Islamic or not did not enter into the discussion'.²

Now it becomes apparent that the insistence on the difference between 'Islamic customs' and 'Bosnian Muslim customs' has not only ethnographic but also ethno-national meaning, which then may reorient local ethnographic explorations towards a comparative analysis of the coexisting faith communities and their respective customs.

However, one should know that these mutual exchanges and appropriations of ethnocultural and even religious contents among the three major ethno-religious communities do not at all weaken their identitarian boundaries. It seems that this country offers the most conspicuous example of what ethnologist Georges Devereux described as 'antagonistic acculturation'.³

¹ Tone Bringa. *Being Muslim the Bosnian Way: Identity and Community in a Central Bosnian Village*, Princeton University Press, 1995, p. 224.

² *Ibid.*, p. 225.

³ This thesis is elaborated in my book *Aporije suživota. Ka etnologiji bliskih stranaca* / Aporias of Coexistence: Towards Ethnology of Domestic Foreigners/, SUM-Synopsis, Mostar, Sarajevo, Zagreb, 2018. Cf. Raymond H. C. Teske Jr.; Bardin H. Nelson, 'Acculturation and Assimilation: A Clarification', *American Ethnologist*, Vol. 1, № 2, May 1974, pp. 351-367. George Devereux and Edwin M. Loeb, „Antagonistic Acculturation”,



ILUSTRACIJA - Josefa de Ayala, *Žrtveno janje*, Portugal, Obidos (mjesto podrijetla), ca. 1670-1684. Walters Art Museum by Henry Walters, Baltimore, Maryland, SAD, 37.1193.



ILLUSTRATION ~ Josefa de Ayala, ***The Sacrificial Lamb***, Portugal, Obidos (Place of Origin), ca. 1670-1684. Walters Art Museum by Henry Walters, Baltimore, Maryland, U.S., 37.1193.

In the recent history of the country, it should be remarked, the global return of religion has also taken the form of powerful re-ethnicization of the traditional religious identities. In the post-communist climate, this process has generated two seemingly contradictory tendencies:

On the one hand, an increasing institutional organization of religious life, a rapid progress in formal education of the growing population of believers; on the other hand, a nostalgic receptivity to, and clearly motivated tolerance of syncretic forms of folk religion. It is not surprising that the relative openness in recognition of these forms does not include any borrowing from the established religions of others.

It is also remarkable that mythological and pagan roots of the traditional religious practice of Muslims in Bosnia and Herzegovina, easily noticeable even to the anthropologically untrained eye, have now become attractive to, if not wholeheartedly embraced by, Bosniak 'ethnopolitical entrepreneurs' (to use Brubaker's term) who consider them as constitutive for their group identity. This view seems to be also shared by some members of the *ulamā'*.

Obviously, the once firm hold of 'the Islamic modernist critique' has been weakened. It is true that many "customs or acts in the folk practice of Bosnian Herzegovinian Muslims, whether in urban or urban environments (...) have been revealed and described as 'bizarre', 'strange', 'non-Islamic' or 'unacceptable'" by this critique operating in the name of "the 'official' and 'true' religion".⁴ 'Numerous compromises with folk beliefs and customs have been made by the official Islamic thought',⁵ but, to be sure, it is not quite a new trend and not exclusively characteristic of this part of the world.

2. The undecidable status of *'ādah*

The *Kurban* sacrifice does not belong to the religious practice of Muslims exclusively: 'even though the term *kurban* arrived in the Balkans via the Ottomans, the practice in the Balkans is older than Islam'.⁶ In this part of the world, Muslim share this ritual practice with Orthodox Christians, whereas Catholics do not perform the 'ritual killing of a sacrificial animal'. In this broader geographical and multiconfessional context, the findings of folklorists and ethnologists reveal that 'the kurban encompasses an extremely wide concept of sacrifice which does not fit into the usual anthropological definitions.'⁷ To grasp ethnologically the full sense

American Sociological Review, Vol. 8, Apr. 1943, pp. 133 -147.

⁴ Enes Karić, '*Narodna vjera bosanskohercegovačkih muslimana* (Kratak osvrt na islamsku modernističku kritiku narodne vjere bosanskohercegovačkih muslimana)' / (*The traditional religion of Muslims in Bosnia and Herzegovina: A brief retrospection on the Islamic modernist critique of the traditional religion of Muslims in Bosnia and Herzegovina*), *Novi Muallim*, N° 42, 2016, pp. 44-47.

⁵ *Ibid.*, p. 47.

⁶ Biljana Sikimić, Petko Hristov (eds.), *Kurban in the Balkans*, Institute for Balkan Studies, Serbian Academy of Sciences and Arts, Belgrade 2007, pp. 10-11.

⁷ *Ibid.*, p. 10.

and reality of performing the sacrifice commemorating prophet Ibrahim's willingness to obey God's command to sacrifice his son Ismael, it is indispensable to explore through fieldwork an amazing treasure of individual and collective memories, narratives, legends, songs and rituals, in other words 'folk religion', 'popular fait', 'folk religiosity'.⁸

But, can local customs and popular beliefs affect in any relevant way what Islamic laws define as the believer's obligation in performing **Kurban**? This question is related to the broader one concerning the influence of customs on Islamic jurisprudence or their principal status in the religious practice of Muslims.

According to classical Islamic jurisprudence, custom, '**ādah** or alternatively called '**urf**',⁹ does not belong to 'the normative formal sources of Islamic law'.¹⁰ And yet, 'Islam's encounter with other host cultures has compelled Islamic legal theory to evaluate the status of custom.' As Tahir Fuzile Sitoto points out, though never losing its ambiguous status, '**ādah** has throughout the history of Islamic legal theory served as a flexible legal principle that helps Islamic law to evolve and thus meet the challenge of changing circumstances and times'.¹¹ Moreover, from eighteenth century onwards, the predominance of custom in some parts of the Muslim world 'not only shaped and influenced **shari'a**, but custom became a law operating on its own right independent of shari'a', so that this 'customary law' becomes, in the end, 'part of a dual legal system that is on par with **shari'a**'.¹²

In his book on the philosophy and juridical theory of Islamic law, Jasser Auda reveals that 'all schools of law consider custom, or **al-urf**, in their theories one way or another', but they diverge when it comes to its value and meaning. For both the Maliki and Hanafi schools, including Al-Tufi, a leading Hanbali scholar, custom is 'an independent evidence similar to scriptural evidence', under the condition that it does not contradict an evidence from the primary sources – on this point Al-Tufi disagrees with them – while for other schools it is only 'a consideration in applying the rules'.¹³ The author, therefore, includes custom – besides 'consensus, analogy, interest, juridical preference, blocking the means, **imam's** opinion, companion's opinion, tradition of people of Madinah, and presumption of continuity' – into the list of the secondary sources of legal

⁸ Florentina Badalanova, 'Folk religion in the Balkans and the Qur'anic account of Abraham', *SEEFA Journal*, 2002, Vol. VII No. 1, p. 24. We see here again that the ethnographic research program is established on the basis of the opposition 'high Muslim theological tradition' vs. 'low Islamic folk tradition'. Cf. from the same author *Qur'ān in vernacular. Folk Islam in the Balkans*, Max Pl. Preprint 357, Berlin, 2008, Section 6: The filial sacrifice, pp. 30-78.

⁹ Though both terms are often used interchangeably, they are not synonyms in the strict sense. 'The majority of scholars are of the opinion that '**ādah** is broader than '**urf**. While '**ādah** covers both personal habits as well as collective customs, '**urf** refers only to the latter. Therefore, every '**urf** is '**ādah** but not every '**ādah** is '**urf**. Ayman Shabana, 'Custom in the Islamic Legal Tradition', in *The Oxford Handbook of Islamic Law*, Edited by Anver M. Emon and Rumeen Ahmed, Oxford University Press, 2018, p. 232.

¹⁰ Richard C. Martin (Editor in Chief), *Encyclopedia of Islam and the Muslim World*, Volume 1, Macmillan Reference USA, (entry written by Tahir Fuzile Sitoto), 2004, p. 11.

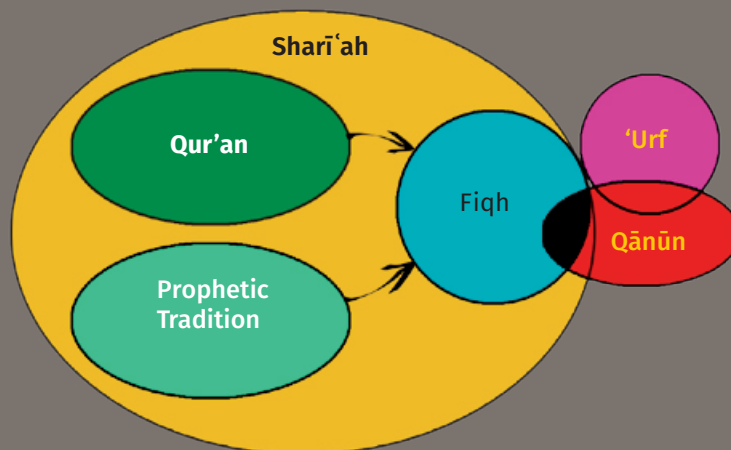
¹¹ *Ibid.*

¹² *Ibid.*, p. 109.

¹³ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*, The international institute of Islamic thought, London, Washington, 2007, pp. 130-131.

reasoning. Following the jurists who endorse any of these sources only if they are endorsed by evidence from 'the scripts', i. e. Qur'anic verses or *ḥadīths*, Auda goes one step further to conclude that 'the differentiation between 'scripts' and 'secondary evidences' is actually a differentiation between 'linguistic' and 'rational' evidences, both of which are script-based'.¹⁴ Customs and folk tradition can assume legal importance only if, and as long as, the system of Islamic law remains open to 'new juridical reasoning' (*ijtihād*). Accommodating customs and folk tradition (*i'tibār al-'urf*) is at least sometimes necessary for the system, since, according to leading authorities of the past, '(specific) scripts are limited and events are unlimited'.¹⁵

In short, to the question whether or not custom belongs to the field of *Sharī'ah*, the both aforementioned authors point to an insolvable ambiguity involved here.¹⁶ This ambiguous position of *'urf* in relation to *Sharī'ah* can be clearly seen on the diagram proposed by Jasser Auda:¹⁷



As we can see, *'urf* is located out of the main circle, and simultaneously included *into* it due to *'urf's* partial overlapping with the circle of written law (*qānūn*), which in its turn penetrates into the main circle due to its partial overlapping with Islamic law (*fiqh*). Therefore, we may conclude that custom at the same time *belongs and does not belong* to the legal system of *Sharī'ah*, that its status is *undecidable* (as Jacques Derrida would term it).

As in the Ptolemaic astronomy, when it was necessary to adjust observations from the Earth to the divine celestial order, so the epicycle of *qānūn*, via which the terrestrial was adjusted to the celestial, had to be inscribed on the border of *Sharī'ah* circle.

¹⁴ *Ibid.*, p. 109.

¹⁵ *Ibid.*, p. 47. Auda quotes imam Abu'l-Muzaffar As-Sam'aani, philosopher Abu Hamid Al-Ghazali, and imam Shams al-Din al-Qayyim (*Ibid.*, p. 268).

¹⁶ As Sitoto emphasizes, 'like all legal systems and theories, Islamic law and its legal theory are not free from ambiguity and tensions. Nowhere is such ambiguity more pronounced than in the treatment of *'ādah* or custom (alternatively called *'urf*) in Islamic legal theory'. Richard C. Martin, *op. cit.*, p. 11.

¹⁷ Jasser Auda, *op. cit.*, p. 58.



CÉRÉMONIES DE L'EXPIATION SOLEMNELLE. Levitiq. XVI.

a. Le Grand Prêtre tire le sort des deux boucs.

b. Le Gr. Pr. charge le bouc émissaire de ses péchez et de ceux du peuple.



ILUSTRACIJA – Ritual "dobrog običaja" (al'urf) oko kurbana, Otomansko carstvo 17. stoljeće. Rekonstrukcija.



ILLUSTRATION ~ *Ritual of "good custom" (al'urf) around the Qurban*, Ottoman Empire 17th century. Reconstruction.

3. The fundamental complexity of sacrifice

That interests us here are Bosnian customs in celebrating *Eid Al-Aḍḥā*, particularly specific customs related to sharing *Qurbānī* meat. The topic will be explored in the light of Marcel Mauss's seminal essay on the gift, since Qurbani appears as a gift that identifies, marks and renews the social bonds not only of close relatives, but also of friends and neighbors. In this context too, we will meet what Derrida calls the *aporia of the gift*.

We will examine the traditional ways of sharing and distribution of the sacrificial meat or, more precisely, to *whom* and *how* it is given as a gift. But let us first see how it becomes a gift.

Every Muslim knows that the slaughtered animals on the Feast of Sacrifice are not and cannot be a gift to God. It is written in the surah *Al-Hajj*: 'It is neither their flesh nor their blood that reaches Allah' (*Qur'an*, 22:37). The conclusion to be drawn from this ayat is that the sacrificed animal is not a food offered to God like in ancient rituals, that it does not belong to what Edward Burnett Tylor defined as the first rudimentary stage in the development of this type of rituals.¹⁸ If the *Qurbānī* sacrifice does not fit the model of 'gift-theory', there are, according to the same author, more developed stages of religious culture, first 'the homage-theory', and then 'the abnegation theory', that should be considered. It is true that in performing *Qurbānī*, the worshipper offers homage to God, but it is even more true that the offered sacrifice as such has no value for its receiver and that 'the gist of sacrifice is rather in the worshiper giving something precious of himself.'¹⁹

Tylor himself categorized the *Qurbānī* sacrifice under 'the abnegation-theory'. He explains the latter as being 'derived from original gift-theory' and having all characteristic of *qurbān*. Among the several examples he cites in support of this thesis, was that 'of the modern Moslems sacrificing sheep, oxen, and camels in the valley of Muna on their return from Mekka, it being a meritorious act to give away a victim without eating any of it'.²⁰

However, the anthropology of religion, soon after its beginning in the writings of Robertson W. Smith, E.B. Tylor, H. Hubert and M. Mauss, abandoned the evolutionary theory of sacrifice.²¹ Already in their influential study on 'Sacrifice: its nature and function', Hubert and M. Mauss argued that there is no 'one primitive, simple

¹⁸ Edward B. Tylor, *Primitive Culture: Researches into the development of Mythology, Philosophy, Religion, Art, and Custom*, Vol. II, John Murray, London, 1871, chapter XVIII. In the evolutionist conception of the founder of cultural anthropology, sacrifice as gift-giving is the most primitive, anthropomorphic and childlike kind of offering: 'Sacrifice has its apparent origin in the same early period of culture and its place in the same animistic scheme as prayer, with which through so long a range of history it has been carried on in the closest connexion. As prayer is a request made to a deity as if he were a man, so sacrifice is a gift made to a deity as if he were a man. The human types of both may be studied unchanged in social life to this day.' (p. 340)

¹⁹ *Ibid.*, p. 359.

²⁰ *Ibid.*, p. 360.

²¹ M. Cartry in *Dictionnaire de l'ethnologie et de l'anthropologie* (sous la direction de Pierre Bonte et Michel Izard), Quadrige/PUF, 2000, pp. 643-646.

form' from which 'all the possible kinds of sacrifice have emerged,²² contrary to what their grand predecessor R. W. Smith believed, whom they praised as being 'the first to attempt a reasoned explanation of sacrifice'.²³

But, even if these two authors reject that there is a simple and primitive form of sacrifice, they still claim that, beneath its diverse forms, there is 'one same (ritual) procedure'. This procedural unity is expressed in a statement which can be taken as a definition of the ritual:

'This procedure consists in establishing a means of communication between the sacred and the profane worlds through the mediation of a victim, that is, of a thing that in the course of the ceremony is destroyed.'²⁴

When Hubert and Mauss, in opposition to Smith and Tylor, emphasize the great or fundamental complexity of sacrifice,²⁵ they find that the evolutionary anthropology actually attempts to simplify this complexity by separating its major components into different phases. However, a ritual exchange of gifts continues even when the sacrificed animal is not a gift to the deity any more, or when sacrifice becomes a ritual of paying homage to the deity with no expectations of receiving anything in return, or when sacrifice becomes a test for the virtue of (self-)abnegation.

Undoubtedly, some of the conclusions of Hubert and Mauss's essay on sacrifice may offer an illuminating perspective on the **Qurbānī** ritual. Let us quote only one passage:

In any sacrifice there is an act of abnegation since the sacrificer deprives himself and gives. Often this abnegation is even imposed upon him as a duty. For sacrifice is not always optional; the gods demand it. As the Hebrew ritual declares, worship and service is owed them; as the Hindus say, their share is owed them. But this abnegation and submission are not without their selfish aspect. The sacrificer gives up something of himself but he does not give himself. Prudently, he sets himself aside. This is because if he gives, it is partly in order to receive. Thus sacrifice shows itself in a dual light; it is a useful act and it is an obligation. Disinterestedness is mingled with selfinterest. That is why it has so frequently been conceived of as a form of contract. Fundamentally there is perhaps no sacrifice that has not some contractual element. The two parties present exchange their services and each gets his due. For the gods too have need of the profane.²⁶

²² Henri Hubert, Marcel Mauss, *Sacrifice: Its Nature and Function*, trans. by W. D. Halls, The University of Chicago Press, 1964, p. 95.

²³ *Ibid.*, p. 2

²⁴ *Ibid.*, p.97.

²⁵ As in the following sentences: 'All the sacrificial rituals we know of display a great complexity'. (p. 95) 'This is one of the cases where we observe best that fundamental complexity of sacrifice which we cannot over-emphasize.' (p. 67)

²⁶ Henri Hubert, Marcel Mauss, *Sacrifice: Its Nature and Function*, p. 100.

The last quoted sentences, pointing to the mutual interdependence of the profane and the sacred, introduce the theme of 'the ambiguity inherent in the very nature of sacrifice'. Though hardly touched upon, the ambiguity will be clearly defined:

It /ambiguity/ is dependent, in fact, on the presence of the intermediary, and we know that with no intermediary there is no sacrifice. Because the victim is distinct from the sacrificer and the god, it separates them while uniting them: they draw close to each other, without giving themselves to each other entirely.²⁷

It seems that we are ourselves entangled in this ambiguity, which now appears as the ambiguity of *Qurbānī*, because we should consider the sharing of *Qurbānī* meat, regarded as a procedure regulated by *Sharī'ah* law, somewhat separately from performing sacrifice. The act of slaughtering an animal and the sharing of its meat are not one and the same procedure. They are neither two different procedures having the same ritual value. The victim, already offered to God, which is a *primary* act of ritual 'communication' between men and God, enters, after being cut to pieces, into a *subsequent* or *secondary* exchange, that is, exchange among men. So, should we suppose that there are two circles of exchange: the first one between men and God, and the second one between man and man?

4. God's gift: Gift-giving among men

The nature of the exchange man to man seems evident: it is a *gift exchange*. The anthropologist may interpret it in the light of Marcel Mauss's essay on gift.²⁸ Opposite to this, the offering of slaughtered animals should in no way be understood as gift giving to God. The victim itself is not a gift, since 'it is neither /its/ flesh nor /its/ blood that reaches Allah'. Islam breaks with the older animistic and polytheistic tradition of religious worship, because the sacrificed animal is not something that is given to God. In order to be a gift, the victim must be a ritual food offered to Allah. After the abolition of the ancient tradition, the victim continues to be a food, but for men instead of for God.

Given that the men's gift to God is excluded from the primary circle of sacrifice, now, in this second circle of man to man exchange, there is a moment that could be understood as God's gift giving – because *Sharī'ah* law prescribes that the animal's meat must be shared. (*Qur'an*, 22:36) Allah, to Whom nothing can be given, gives people a joy of gift giving during the feast of sacrifice. It is precisely because the slaughtered animal is not something that Allah can receive, that can reach Him as a gift, that the interhuman sharing of meat should in

²⁷ *Ibid.*

²⁸ Marcel Mauss, *The Gift : The form and reason for exchange in archaic societies*, Routledge, London and New York, 2002.

no way be understood as a distribution of leftovers from God's table. Therefore, **Qurbānī** (sacrifice) does not have an anthropomorphic character and does not belong to Tylor's category of 'gift-sacrifice'.

Allah's gift of gift giving is beyond the circle of interhuman gift exchange, but it is from that transcendental position made possible and commanded. Accordingly, whatever people give to each other, whatever gift is being exchanged in people's daily life, is an already received gift from God. Hence it can be said that that relative narrow circle of meat sharing, within a pretty limited social milieu, which is periodically, in accordance with Islamic lunar calendar, reestablished as a duty of worship, should remind and make Muslims aware that every profane exchange and circling of goods, and even every single good and property one owns, is something already received as a gift.

The worshipper who performs sacrifice, and thus creates and takes part in a narrow circle of gift giving, receives a precious opportunity to free himself from the shackles of the broader circle of calculated giving and receiving. The narrow circle of gift giving temporarily suspends the broader circle of economy which cannot exist by itself. Since it is not permissible to sell the meat or give it in exchange of labor or services rendered, the giving and receiving on the Feast of Sacrifice is not an economic exchange: the first exchange interrupts the second.

If to give a gift is to deprive oneself from something that is owned and valuable, then the sacrificed animal is also a gift. A gift given to one's relatives and friends, to the poor and needy, and also given from oneself to oneself, particularly in the case of one's own poverty. However, it is a gift that cannot be given to Allah.

Qurbānī simultaneously is and is not a *giftless giving* to Allah. Although this sacrifice is unthinkable without the slaughtered animal, it cannot be a gift to Him, because that would mean trying to offer a counter-gift in return for all the goods and benefits one has received in one's own life, or even to offer an already received merciful gift, i. e. to return a received gift. The sacrifice of animal, precisely because it can by no means be an exchange of goods with the Bestower (the All-Giver, **Al-Wahhāb**), should be, first and foremost, an act that expects nothing in return and has no selfish motives behind it. That is why the worshipper's *intention* (**niyyah**) is of decisive importance in judging whether the *'ibādah* of **Qurbānī** is properly performed, as is learned from the story of Adam's two sons. (*Qur'an*, 5:27) If indeed the purpose of sacrifice is – as asserted by Hubert and Mauss- to establish a communication between the human world and the beyond, or to draw humans closer to God, then the offering of victim is only a means for expressing one's piety and humility.²⁹ The above ayat ends: "God only accepts the offerings of the pious ones (of those who are *Al-Muttaqūn*)."

The victim itself, to which the two ethnologists refer as a 'mediating thing', occupies the paradoxical position of being included and excluded at the same time: it cannot be a gift given to Allah, but that what is really offered to Him and what He is sometimes willing to accept, requires its mediation. There lies the major difference between **Qurbānī** and the pagan rituals of the pre-Islamic era: the flesh and blood of the victim reaches their deities.

²⁹ Cf. Oliver Leaman, *The Qur'an : An Encyclopedia*, The Entry on Qurban by Rafik Berjak, Taylor & Francis, 2006, p. 525.



ILUSTRACIJA ~ Dio rituala "dobrog običaja" (al'urf) - šejh i njegov Kurban, Bosna 18. stoljeće. Rekonstrukcija.



ILLUSTRATION – *Part of the ritual of "good custom" (al'urf) - a Sheikh and his Qurban*, Bosnia 18th century. Reconstruction.

Sama žrtva, kao "posredujuća stvar" o kojoj govore spomenuti etnolozi, biva *i uključena i isključena* iz ovog žrtvenog približavanja **Allahu**: ona ne može biti dar koji Mu se šalje, ali ono što se **Allahu** na **Kurban-bajram** uistinu *daje* i što on ponekad hoće da *primi* – traži njeno posredovanje. Može izgledati iznenađujuće kada u **hadisu** "koji prenose Ibn-Madže i Tirmizi, a Tirmizi ga smatra dobrim **hadisom**",³⁰ stoji da "Allah prima krv **kurbana** prije nego ta krv padne na zemlju..." Znači li to da ovaj **hadis** proturječi spomenutom **ajetu** iz sure **Hadždž** i da do **Allaha** ipak "dopiru" krv i meso žrtve? Čini se da ovaj iskaz Božjeg Poslanika upravo treba razumjeti u smislu neposredne i istovremene komunikacije o kojoj govore Hubert i Mauss, a koja je pretpostavka *približavanja* Bogu, *primanje žrtve* u pravom smislu riječi.³¹ Tumačiti drukčije, da krv kao krv dolazi do Allaha, značilo bi obred klanja **kurbana** vratiti u običaje predislamskog svijeta.

Uzvišeni kazuje da vam je klanje žrtvenih životinja, **kurbana**, propisano da biste prilikom njihovog klanja Njegovo ime spominjali. On je Onaj Koji stvara, Koji opskrbljuje, a do Njega neće doprijeti niti njihovo meso niti krv njihova, jer je On od svega nezavisan. U **džahilijetu** kada bi prinosili žrtve svojim božanstvima, **mušrici** bi kod njih ostavljali meso žrtava, pršćući božanstvo krvlju žrtve.³²

Tek naknadno, ulazeći u ljudsku razmjenu, žrtvena životinja postaje *stvar* koja se daruje. Ako bi primio **kurban** kao dar, onda bi **Allah** ušao u krug ljudske razmjene, gdje se na svaki dar treba uzvratiti protu-darom.³³ Sa žrtvovanjem **kurbana** se raskida krug razmjene stvari i dobara, jer ono čega su se ljudi odrekli zbog Drugog, Njemu ne može biti darovano. S klanjem **kurbana** se svaki put iskušava nemogućnost darivanja Onoga koji je ljudima sve darovao, ali se ta nemogućnost treba iskušati kao nikada dovoljno uzvraćena zahvalnost. Čini se da je to ono što od **kurbana** "prima" **Allah**.

Svaki dar koji se na ovom svijetu daruje je već primljeni dar od **Allaha** koji je bio milostiv da ih svim ljudima pruži. Ali *prije svega i samo* se u darivanju **kurbanskog** mesa taj dug čovjeka prema Stvoritelju (ar. **Al-Khāliq**) može izravno spoznati – zato što vjernici tada nipošto ne bi smjeli umišljati da drugima dijele neki svoj dar. Upravo su žrtvovanjem, pod uvjetom da je iskreno i pobožno, izgubili posjed nad žrtvom prije svakog čina njenog darivanja. A niti bi vjernici u **ibadetu kurbana** smjeli pomisliti da je žrtvena životinja dar kojeg se **Allah** zbog njih odrekao.

³⁰ Ibn-Kesir, *Tefsir*, skraćeno izdanje (skratio i izabrao najvjerodostojnije hadise Muhammed Nesib er-Rifa'i), Sarajevo, 2002., str. 873

³¹ O magijskom karakteru ove direktne i istovremene "komunikacije" vidi Marcel Mauss, *op. cit.*, str. 168. Tamo čitamo: "Ovaj dar ima direktno djelovanje na duh ovog duha".

³² Ibn-Kesir, *Tefsir*, 873.

³³ Marcel Mauss uz krug razmjene-darivanja veže tri gvozdene obveze: "dati, primiti, uzvratiti". Uvući Boga u ovaj krug čak bi značilo podrediti ga čovjeku, jer je tu implicirana "superiornost darivatelja nad primateljem dara: ideja da je ovaj na neki način rob sve dok se ne iskupi." Marcel Mauss, *op. cit.*, str. 206, fusnota 4.

Allah says: this sacrifice is prescribed for you so that you will remember Him at the time of slaughter, for He is the Creator and Provider. Nothing of its flesh or blood reaches Him, for He has no need of anything other than Himself. During the time of *Jāhiliyyah*, when they offered sacrifices to their gods, they would put some of the meat of their sacrifices on their idols, and sprinkle the blood over them.³⁰

It is only afterwards, by entering into the interhuman exchange, that the sacrificed animal becomes a *thing* to be given. However, if Allah takes it as a gift, He will be involved into the circle of exchange, where every gift requires a counter-gift. It is *Qurbānī*³¹ that stops the exchange of things and goods, because what is owned to Allah is not what can be given to Him in return. In performing his sacrificial duty, the worshipper repeatedly experiences the impossibility of giving a gift back to the All-Giver, of discharging himself from the debt of gratitude.

What turns out to be impossible in relation to God is possible in relation to fellow-men. The meat of slaughtered animal can be considered a gift, as it is given to somebody without expectation of anything in return. And yet, it is a peculiar kind of gift, as the giver, through the preceding act of sacrifice, has been actually dispossessed from what he is giving to his fellow-men.³² Of course, on the condition that the act was performed in a sincere humility and gratefulness. It is also important to realize that the Qurbani meat is not a gift refused or renounced by God for the sake of his followers.

³⁰ Imam Ibn Kathir, *Tafsir Ibn Kathir*, By Muhammad Saed Abdul-Rahman, MSA Publication Limited, London, 2011, Volume 6, p. 306.

³¹ The term "*Qurbānī*" is a possessive adjective which means that something belongs to "*Qurbānī*" and the first letter is rightly used as the original first-root letter "Q" of the word "*Qurban*", which is used in Bosnian as "*Kurban*". This "*Qurbānī*" form is used by English speaking Muslims especially in subcontinental India and Pakistan. [Editor's remark]

³² This is perhaps what differentiates this kind of gift from *Sadaqa* and *Zakāt*, if Ar-Rageeb al-Asfahaani is right in saying that '*Sadaqah* is what the person gives from what he possesses, like *Zakāt*, hoping to get closer to Allah'.



5. Sakralnost čina žrtvovanja i desakralizirana žrtva

ne razlikuju li se dva kruga u obredu **kurbana** u tome što je jedan unutarnji, sakralni, i drugi izvanjski, profani, ljudski? Nije li tu u igri konstitutivna razlika između *klanja životinje*, sakraliziranog čina, i *zaklane životinje*, desakralizirane svari? Kada su kategorički odbacili Tylorovu hipotezu o postojanju nekog prvobitnog i jednostavnog oblika žrtvovanje, Hubert i Mauss se ipak nisu skanjivali da ustvrde da postoji nešto zajedničko svim postupcima žrtvovanja:

Od svih postupaka žrtvovanja, najopćenitiji i u elementima najmanje bogati do kojih smo mogli doći jesu postupci sakralizacije i desakralizacije. A u stvarnosti, u svakom žrtvovanju desakralizacije, koliko god da je čisto, uvijek nalazimo sakralizaciju žrtve. I obratno, u svakom žrtvovanju sakralizacije, pa i onom najkarakterističnijem, neka desakralizacija je nužno implicirana; *jer drukčije ostaci žrtve ne bi mogli biti iskorišteni*. Ova dva elementa su, dakle, toliko usko povezana da jedan bez drugog ne može postojati.³⁴

Prema tome, slijedimo li ovu dvojicu antropologa, ustvrdit ćemo da **kurbansko** meso ne bi moglo biti ni podijeljeno da nije došlo do desakralizacije žrtvovane životinje. Međutim, kako se čini, podjela **kurbanskog** mesa se ne može smatrati nekim drugim, odvojenim obredom, pogotovo ne nekim profanim obredom suprotstavljenim onom sakralnom. Radije smo skloni da govorimo o izvjesnom, naknadnom, *stupnju desakralizacije*, u onoj isprepletenosti sakralizacije i desakralizacije, na koju ukazuju Hubert i Mauss.

Teško je zamisliti da je s ovim "velikim blagdanom žrtvovanja" napuštena ili izgubljena svetost zajedničkog hranjenja, objedovanja žrtvene životinje. Ako **Allah** čak naređuje podjelu **kurbana**, ako ovo darivanje podliježe **šerijatskim** propisima, onda je sakralnost tog čina neupitna. I s druge strane, hranjenje ostacima žrtve mora biti, makar do izvjesne mjere, desakralizirano. Kao što primjećuje Freud, citirajući Smitha: "Sve su životinje izvorno bile svete, njihovo je meso bilo zabranjeno, i smjelo se uživati samo u svečanim prilikama i uz sudjelovanje cijelog plemena."³⁵

³⁴ Henri Hubert, Marcel Mauss, *Sacrifice: Its Nature and Function*, francuski str. 75

³⁵ Sigmund Freud, *Totem i tabu: Neke podudarnosti u duševnom životu divljaka i neurotičara*, prevela Vlasta Mihavec, Stari grad, Zagreb, 2000., str. 172. U ovom svom čuvenom djelu Freud se odlučio "istaknuti, za naše zanimanje odlučujuće, rečenice iz izvanredne knjige Robertsona Smitha o podrijetlu i značenju obreda žrtvovanja". Neke od njih nam je i ovdje važno čuti:

"Dakle, najstariji oblik žrtve, stariji i od vremena uporabe vatre i poznavanja ratarstva, bila je žrtvena životinja, čije su meso i krv zajednički uživali i Bog i njegovi obožavatelji. Značajno je bilo, da bi svaki sudionik pri tome dobio svoj dio objeda." (str. 169) "Etička snaga otvorenih žrtvenih objeda temeljila se na prastarim predodžbama o značenju zajedničkoga jela i pića. Jesti i piti s nekim drugim, istovremeno je bilo simbol kako jačanja društvene zajednice, tako i preuzimanje međusobnih obveza; žrtveni objed neposredno je izražavao da su bog i njegovi obožavatelji *Commensalen* (sudionici za istim stolom, op. p.), no time su bile zadane i njihove ostale spone. Običaji, koji su još i danas na snazi kod Arapa u pustinji dokazuju, da ono što povezuje tijekom zajedničkog objeda nije religiozni

5. The sacred act of sacrifice and the desacralized victim

If there are two circles in the **Qurbānī** ritual, are we then to say that the first one is inner and sacral, while the second is external, profane and purely human? The difference between *the slaughtering of animal* and *the slaughtered animal* may also be important, if it is understood to mean the difference between the sacred act and the desacralized thing. While categorically rejecting the Tylor's hypothesis on the single, original form of sacrifice, which is his 'gift-theory', Hubert and Mauss nevertheless did not hesitate to affirm that there is something common to all types of sacrificial procedure:

Of all the procedures of sacrifice, the most general, the least rich in particular elements, that we have been able to distinguish, are those of sacralization and desacralization. Now actually in any sacrifice of desacralization, however pure it may be, we always find a sacralization of the victim. Conversely, in any sacrifice of sacralization, even the most clearly marked, a desacralization is necessarily implied, for otherwise the remains of the victim could not be used. The two elements are thus so closely interdependent that the one cannot exist without the other.³³

Following these two authors, we may conclude that the remains of the victim can be shared only if the victim itself is first somewhat desacralized. But as it seems, the sharing should not be considered as a second and separate ritual, and especially not as a profane ritual which stands opposite to a true, sacred one. We are rather inclined to believe that there are two phases in the **Qurbānī** ritual, and that the second one is to some degree – but not fully – desacralized. It is unimaginable that the sacredness of meal sharing, of consuming sacrificed animals, has been lost and abolished in the celebrating the Feast of Sacrifice. Since Allah commands the believers to give and share the **Qurbānī** meat, then the sacredness of this subsequent ritual act is unquestionable. While on the other side, the ritual use of 'the remains of the victim' must be, at least to a certain extent, desacralized. As Freud points out, quoting Robertson Smith: 'Originally all [sacrificial] animals were sacred, their flesh was forbidden meat and might only be consumed on ceremonial occasions and with the participation of the whole clan.'³⁴

³³ Henri Hubert, Marcel Mauss, *Sacrifice: Its Nature and Function*, p. 95.

³⁴ Sigmund Freud, *Totem and Taboo: Some Points of Agreement between the Mental Lives of Savages and Neurotics*, Routledge, London and New York, 2004, p. 158. Some of the statements Freud extracted from Robertson Smith's book on the Religion of the Semites (first published in 1889) seem to have a particular resonance here:

'The oldest form of sacrifice, then, older than the use of fire or the knowledge of agriculture, was the sacrifice of animals, whose flesh and blood were enjoyed in common by the god and his worshippers. It was essential that each one of the participants should have his share of the meal.' (155)

Sada je važno u obredu **kurbana** shvatiti ovo povlačenje Boga iz zajedničkog obreda jedenja. Smisao žrtvovanja životinje više nije kao u **džahilijetu**, kada su, da ponovimo Freudov citat citata, u njenom "mesu i krvi zajedno uživali i bog i njegovi obožavaoci". Približavanje muslimana **Allahu**, što je smisao **kurbana**, podrazumijeva ovo Njegovo povlačenje.

Desakralizaciju žrtve upravo možemo shvatiti kao ovo povlačenje u kojem se pokazuje da je **Allah**, kako to tumači Ibn-Kesir, "neovisan od svega". Međutim, tek je iz te neovisnosti moguće uočiti darežljivost **Allaha** na **Kurban-bajram**, jer istinski dar nije motiviran razmjenom, nije protu-dar.

Međutim, ono što je iz te neovisnosti, iz te transcendentalne pozicije u odnosu na svaku razmjenu, pa i razmjenu darova, darovano, nije tek dar životinjske žrtve, izuzetni mesni objed na blagdan. Kako smo to već istakli, darovana je sama mogućnost ljudskog darovanja, međusobne razmjene darova. Iako ne dolazi s "neba", jer dotamo ne može ni "doprijeti", **kurbansko** meso koje vjernici jedni drugima daruju, jeste "nebeski dar".

Žrtveno darovanje-bez-dara upravo pretpostavlja da **kurbanska** žrtva koju prinose vjernici može biti "primljena" samo kao darovanje čista srca, kao čin odricanja, a ne tek kao puki dar, kao "krv i meso" – koje se, uostalom, ne može podići do "neba".³⁶ Žrtvena životinja jeste ono čega su se vjernici odrekli, što su žrtvovali, a što **Allah** nipošto ne prima.

Zato je možda ovdje najvažnije pitanje tko daruje ono što ljudi primaju kao komad **kurbanskog** mesa. Svedemo li ovo darivanje isključivo na čovjeka, na vjernika koji ostatke svog **kurbana** dijeli prijateljima, siromašnima, a nešto zadržava i za sebe, zadržat ćemo smisao dobrog djela, ali istovremeno izgubit smisao blagdana žrtvovanja koji ponavlja Ibrahimovo odricanje. Ovo dijeljenje darova među ljudima je sakralno u najvećoj mjeri jer je samo to darivanje dar od Boga. Čini se da ga je najispravnije shvatiti kao *gostoprимstvo*.

Ako je svaki objed ono što se duguje **Allahu**, onda je ovaj objed-dar **kurbanskog** mesa iznad svih drugih. **Kurban** je hrana zapovjedbena da se daruje. Uživati u toj hrani znači uživati u **Allahovom** gostoprимstvu.³⁷

trenutak, već čin jela sam po sebi. Tko je podijelio ma i najmanji zaloga s takvim jednim beduinom, ili popio gutljaj njegova mlijeka, ne mora ga se više bojati kao neprijatelja, već može biti siguran u njegovu zaštitu i pomoć." (str. 169-170) "Vratimo se sada žrtvenoj životinji. Kao što smo čuli, nije postojala plemenska svečanost bez žrtvovanja životinje, no ono što je pri tome značajno – niti klanje životinje, osim za ovakvu svečanu prigodu." (str. 171)

³⁶ Kada govorimo o pukom daru, mislimo na materijalni dar, na poklon. Ovdje je veoma važno uvesti razliku između dara (*gift*) i poklona (*present*). Mauss u svom Ogledu o daru upotrebljava bez razlikovanja termine "poklon" i "dar".

³⁷ Mauss citira iz Smithove *Religion of the Semites* vjerovanje: "Siromasi su gosti Boga" (Essai sur le don, str. 169, fusnota 5). Robertson W. Smith, *Lectures on the Religion of the Semites*, Adam and Charles Black, London, 1901., str. 223. Da je to vjerovanje muslimana potvrđuje James T. Siegel u knjizi *The Rope of God*, The University of Michigan Press, 2000.: "Siromasima je, međutim, bilo dopušteno da u tome učestvuju, jer se na njih nesumnjivo gledalo kao na goste božanstva." (str. 266.)

If we recall that in the era of **Jāhiliyyah** the flesh and blood of sacrificed animals – to again quote Freud who quotes Smith – ‘were enjoyed in common by the god and his worshippers’,³⁵ we may then realize that a *withdrawal of God* from the common sacrificial took place in Islam. Hence, getting close to Allah, which is the sense of **Qurbānī**, entails His withdrawal.

The desacralization of the victim indicates the withdrawal which in turn confirms God's essential independence (recall Imam Ibn Kathir's comment above: ‘He has no need of anything other than Himself’). However, it is only from this transcendental point of independence that God's generous giving becomes plainly obvious, since the genuine gift is not motivated by any possible exchange, is not a counter-gift. As we have already emphasized, that what is given to the followers is not only an exceptional meat meal on the Feast of Sacrifice, but the very possibility of gift-giving, i.e. of interhuman exchange of gifts.

Although it does not come from the heaven, for it cannot reach there, the **Qurbānī** meat is a ‘heavenly gift’ to mankind. The sacrificial giftless-giving implies that the offered sacrifice can be ‘accepted’ only if given freely, in a sincere manner and commitment, as an act of self-abnegation and renunciation, and by no means as a mere gift, as the materials ‘that can be eaten or drunk’.³⁶ The slaughtered animal is what is given up by the worshippers for the sake of God – and what God does not receive.

Therefore, the question ‘who is actually giving what some people are receiving as a piece of meat’, becomes particularly important. By reducing this giving only to man-to-man relations, to the believers who share the sacrificial meat with their relatives, friends, neighbors and poor people, we may preserve the sense of a righteous deed, but simultaneously lose the sense of commemorating Prophet Ibrahim's sacrifice. The gift-giving on the days of *Eid Al-Aḏḥā* has a sacral character, because the very act of giving is a gift of God. It could be best understood as *His act of hospitality*.

If every meal is a gift of God, then the meal-gift of **Qurbānī** meat is above all others. It is a food commanded to be given. To enjoy it is to enjoy Allah's hospitality.³⁷

‘The ethical force of the public sacrificial meal rested upon very ancient ideas of the significance of eating and drinking together. Eating and drinking with a man was a symbol and a confirmation of fellowship and mutual social obligations. What was directly expressed by the sacrificial meal was only the fact that the god and his worshippers were ‘commensals’, but every other point in their mutual relations was included in this. Customs still in force among the Arabs of the desert show that what is binding in a common meal is not a religious factor but the act of eating itself.’ (156)

‘Let us now turn to the sacrificial animal. As we have heard, there is no gathering of a clan without an animal sacrifice, nor – and this now becomes significant – any slaughter of an animal except upon these ceremonial occasions.’ (157)

³⁵ *Ibid.*, p.155.

³⁶ *Ibid.*, By ‘mere gift’ we mean ‘present’. Note that Mauss in his essay on the gift uses interchangeably the words ‘gift’ and ‘present’.

³⁷ Mauss quotes from Smith's **Religion of the Semites: ‘The poor are the guests of God’**. (op. cit., p. 122, n. 74). The original passage reads: ‘In like manner the only Arabian meal-offering about which we have particulars, that of the god Ocasisir, was laid before the idol in handfals. The poor, however, were allowed to partake of it, being viewed no doubt as the guests of the deity.’ Robertson W. Smith, **Lectures on the Religion of the Semites**, Adam and Charles Black, London, 1901, p. 223. James T. Siegel reports that the belief that the poor are the guests of God was mentioned in an address after the prayer given by an imam in Aṭjeh, an Islamic community in Indonesia. The following interesting statement also appeared in the same address: Thus the poor have a great right to take what the rich have a duty to give. The rich are deputies of God; they have the duty to give God's wealth to the poor. And the poor must take it; this is their duty. This is ‘**ibādat**.’ **The Rope of God**, The University of Michigan Press, 2000, pp. 264 and 266.

6. The impossible gift and Allah's hospitality

In the note entitled: 'The present made to humans, and the present made to the gods', which comes after the first chapter of his essay on the gift, Marcel Mauss outlines a theory and history of contract sacrifice.³⁸ It may serve as a general framework for our further discussion.

The contractual character of the animal sacrifice in Islam is apparent and strictly regulated by *Sharī'ah*. Here, too, as in every other type of gift exchange, freedom and necessity, generosity and obligation, are inextricably linked. However, in the contract sacrifice under discussion the obligation to give has become a duty prescribed by God. (*Qur'an*, 108:2)

As Mauss remarks, contract supposes exchange and 'it is perhaps not a result of pure chance that the two solemn formulas of the contract – in Latin, *do ut des*, in Sanskrit, *dadami se, dehi me* – also have been preserved in religious texts.'³⁹ According to him, gift exchange in ancient societies always entailed a corresponding exchange between men and gods, whereby men often played the roles of gods, acting as their representatives. In the given context, the reverse may also be true: the exchange with God through sacrifice is always an exchange between men. If the men who are participating in an exchange are enough honest and humble, if they are doing it properly, i. e. according to *Sharī'ah* law, it may incite God 'to be generous towards them'.⁴⁰

As already pointed out, though the gift as a thing cannot reach Allah, it does not follow that the sacrificial exchange with Him is broken. According to Mauss, it is through the destruction of victim that the exchange with 'sacred beings' is established. Thus, the destruction of a *thing* is revealed as an *act* of giving that starts the circle of exchange. In the author's words: 'The purpose of destruction by sacrifice is precisely that it is an act of giving that is necessarily reciprocated'.⁴¹

Religion is unimaginable without some form of contract sacrifice, that is, of a calculated expectation of receiving something special from God in return for what was given to Him.⁴² However, there are crucial differences between gift-exchanges among humans and those between man and gods. Let us mention only three of them. Firstly, there is a huge disbalance between human gift and God's reciprocal gift, since 'those gods

³⁸ Marcel Mauss, *The Gift. The form and reason for exchange in archaic societies*, Routledge, London and New York, pp. 18-22.

³⁹ *Ibid.*, p.22.

⁴⁰ *Ibid.*, p.19.

⁴¹ *Ibid.*, p.20.

⁴² 'One of the first groups of beings with which men had to enter into contract, and who, by definition, were there to make a contract with them, were above all the spirits of both the dead and of the gods. Indeed, it is they who are the true owners of the things and possessions of this world. With them it was most necessary to exchange, and with them it was most dangerous not to exchange.' *Ibid.*, p. 20.

who give and return gifts are there to give a considerable thing in the place of a small one'.⁴³ Secondly, among men, gifts circulate with considerable certainty that they will be reciprocated, due to the universal obligation to reciprocate, while gods are beyond the reach of that obligation, which makes absolutely uncertain their response. Thirdly, even if they respond with gifts in return, that what Mauss calls 'obligatory time limit' does not count for them either.⁴⁴ Their counter-gifts may be delayed beyond the time.

Thus, the Muslims who perform the Qurbani sacrifice and believe to do it rightly during all their mature life, cannot be sure even whether their offerings are received by Allah. Their hopes and expectations must be directed towards the afterlife and the ultimate reward.

But the human givers nevertheless receive some return gifts from Him during their earthly life. One such gift is being received regularly and always as immediate response to the slaughter of *Qurbānī*: it is Allah's giving of the ceremonial gift-giving to men. Of course, this counter-gift is not a thing but an act: it is an act of hospitality by which God responds to the human act of sacrifice. Its essence lies in the worshipper's taking over of the victim that cannot reach Allah and offering it as a food, in a humble manner and with open heart, to the poor and those in need. This confirms Mauss's view that to give to the poor and children is to please the dead and supernatural beings.

In the second note called 'Note on alms', attached to the first chapter, Mauss proposes another theory whose first contours already have evident relevance for our considerations:

In any case here one can see how a theory of alms can develop. Alms are the fruits of a moral notion of the gift and of fortune on the one hand, and of a notion of sacrifice, on the other. Generosity is an obligation, because Nemesis avenges the poor and the gods for the superabundance of happiness and wealth of certain people who should rid themselves of it. This is the ancient morality of the gift, which has become a principle of justice. The gods and the spirits accept that the share of wealth and happiness that has been offered to them and had been hitherto destroyed in useless sacrifices should serve the poor and children. In recounting this we are recounting the history of the moral ideas of the Semites. The Arab *ṣadaka* originally meant exclusively justice, as did the Hebrew *zedāqa*: it has come to mean alms.⁴⁵

Since we are dealing with the ancient morality of the gift at work in the Qurbani ritual, it is important not to overlook the appearances and meanings of the surplus in the gift exchange. There are several points in the ritual where certain phenomena of 'exchange-surplus' or 'beyond-exchange' emerge.

⁴³ *Ibid.*, p.22.

⁴⁴ 'But in every possible form of society it is in the nature of a gift to impose an obligatory time limit. By their very definition, a meal shared in common, a distribution of kava, or a talisman that one takes away, cannot be reciprocated immediately. Time is needed in order to perform any counter-service. The notion of a time limit is thus logically involved when there is question of returning..' *Ibid.*, pp. 45-46.

⁴⁵ *Ibid.*, p.23.

First of all, gift-giving cannot be reduced to a mere exchange governed by the equivalence principle, which is the economic principle *par excellence*. As Derrida emphasizes in his reading of Mauss, ‘for there to be gift, there must be no reciprocity, return, exchange, counter-gift or debt’.⁴⁶ Derrida criticizes the French anthropologist for having completely submerged gift in exchange. The value of a gift as gift is immediately lost the moment it is exchanged for a counter-gift. Something can appear as a gift, only if it is excluded from any exchange or return. But no gift can manage to be a true gift, that is, to pose itself beyond the circle of exchange of goods, services and deeds – except temporarily. It is a temporary break in the circulation of these items, an obligatory delay in returning a counter-gift, that creates the illusion of true gift.⁴⁷ Therefore, for a thing to be a gift, ‘it must not circulate, it must not be exchanged’;⁴⁸ whereas ‘as soon as it appears ‘as gift’, it becomes part of a cycle and ceases to be a gift.’⁴⁹ The very possibility of the gift, if analyzed in depth, reveals its impossibility. Derrida calls this paradox ‘the double bind of the gift’: ‘For there to be gift, it is necessary that the gift not even appear, that it not be perceived or received as gift.’⁵⁰

In light of Derrida’s insights into the paradoxical logic of the gift, we may now ascertain that the slaughtering of *Qurbānī* animal is a true gift, precisely because it is an *impossible gift*. Impossible, because whatever can be given to Allah is always a return gift, which is absolutely impermissible, and secondly, the giving in question is the giving that does not give anything in return.⁵¹ At the very moment when this ‘gift’ becomes possible – as a generous sharing of the *Qurbānī* meat – it ceases to be a true gift, since it enters in the interhuman exchange guided by the principle *do ut des*. Of course, the giving to the poor may be an important exception, especially if those who are giving are fully aware that the meat they are giving is not theirs, and that they are giving it to those who cannot give anything in return – except that what they do not have.

⁴⁶ Jacques Derrida, *Given Time: I. Counterfeit Money*, The University of Chicago Press, Chicago and London, 1992, p. 12.

⁴⁷ [Le] don en retour est différé dans le temps par rapport au don initial. Mauss en tire avantage pour dissocier dans son analyse les différents moments de l’échange que sont les trois obligations. Mais ce contre-don différé permet surtout d’entretenir l’*illusion du don*.’ M.-O. Géraud, O. Leservoisier, R. Pottier, *Les notions clés de l’ethnologie*, Armand Colin, Paris, 2000, p. 167.

⁴⁸ Derrida, *Given Time*, p. 7. A few lines further on: ‘If the figure of the circle is essential to economics, the gift must remain *uneconomic*.’

⁴⁹ James Laidlaw, ‘A free gift makes no friends’, in: Mark Osteen (ed.), *The Question of the Gift: Essays Across Disciplines*, Routledge, London and New York, 2002, p. 50. Jacques de Ville explains this in the following way:

‘In every instance where something is given back, the gift is annulled. There can only be a gift if it does not lead to a debt, to a contract, to a circular exchange, either in consciousness or the unconscious (GT 15–16). As soon as the gift appears as gift, it annuls or destructs itself, namely even before it leads to gratitude. A gift can thus only be a gift if it does not appear as gift either to the donor or to the donee (GT 13–14).’ Jacques de Ville, *Jacques Derrida: Law as Absolute Hospitality*, Routledge, New York, 2011, p. 125.

⁵⁰ Derrida, *Given Time*, p. 16. The book offers several formulations of the paradox. Here are two of them:

‘Now the gift, if there is any, would no doubt be related to economy. One cannot treat the gift, this goes without saying, without treating this relation to economy, even to the money economy. But is not the gift, if there is any, also that which interrupts economy? That which, in suspending economic calculation, no longer gives rise to exchange?’ (p. 7)

‘On the one hand, Mauss reminds us that there is no gift without bond, without bind, without obligation or ligature; but on the other hand, there is no gift that does not have to untie itself from obligation, from debt, contract, exchange, and thus from the bind.’ (p. 27)

⁵¹ Jacques Lacan defines love in a similar way: ‘For if love is giving what you don’t have, it is certainly true that the subject can wait to be given it, since the psychoanalyst has nothing else to give him. But he does not even give him this nothing...’ *Écrits*, W.W. Norton & Company, New York, London, 2002, p. 516.

The ancient morality of the gift demands that the poverty of the poor should be compensated for by the surplus possession enjoyed by the rich. This morality was transformed into the sacred letter of the law of justice and charity that must be respected during the Feast of Sacrifice. What comes to light, then, is the real poverty of rich and well-off people who are obliged to destroy a portion of what they have – and to give to God what they do not have.⁵² What the poor experience daily in front of the rich is what the rich experience in front of Allah on the ‘days of sacrifice’. It is because of man’s fundamental poverty in front of the Merciful Giver that we speak about the ‘impossible gift’. Should we, then, assume that true gift – that which is impossible – is *sacral* by definition? And that what makes it *profane* is the exchange into which it necessarily falls?

7. Local customs (*‘adāt*) and the fundamental complexity of the gift

Since we are interested in local folk customs in celebrating *Eid Al-Adhā* (the local term is Kurban Bayram), we will now focus on the desacralized dimension of the sacrifice, which offers space to these customs, where they can appear and display their variations. In contrast, the purely sacral dimension of the sacrifice is founded in Qur’an and thus codified for all time and entire ummah. And yet, not all parts or phases of the sacrificial ritual are equally determined by *Sharī‘ah* law. This relates, in the first place, to the distribution of the meat.

Although *Qurbānī* meat distribution rules are quite precise, they are not completely uniform or universally harmonized due to the existence of diverse schools of jurisprudence – which is already a sign that, at this point of the ritual, the grip of the sacred is loosened. Since the local practice of sharing the meat is regulated by the Hanafi Madhhab rules, the sacrifice is obligatory (*wājib*). As it reads on the website of the Islamic community of Bosnia and Herzegovina: ‘Our beautiful custom, which is in accordance with *Sharī‘ah* law, is to apportion *Kurban* meat in three shares: one-third to the poor, one-third to relatives, neighbors and friends, and the remaining one-third to the family’.⁵³

Undoubtedly, the giving to the poor their share preserves its sacred character, as it is the act that, as Mauss claims, pleases gods, whereas the giving to relatives, neighbors and friends, although it is also commanded by Allah, is at least partially profane, as it unavoidably enters into the logic or economy of interhuman exchange. In the latter case, well-off and rich people may receive their share too. Here comes to the fore the arbitrary

⁵² In the closing lines of his ‘Conclusions for economic sociology and political economy’, Mauss remarks that his study on the gift may throw ‘a little light upon the path’ that the modern nations of the West ‘must follow, both in their morality and in their economy’. (*The Gift*, p. 100) It is a morality that modern economy requires in order to function more productively. There must be something beyond equality in economic exchange: and this surplus is felt by the producer as a gift he offers to his employer. In the author’s words: ‘The producer who carries on exchange feels once more – he has always felt it, but this time he does so acutely – that he is exchanging more than a product of hours of working time, but that he is giving something of himself—his time, his life. Thus he wishes to be rewarded, even if only moderately, for this gift. To refuse him this reward is to make him become idle or less productive’. (*Ibid.*, 99) Interestingly, Mauss suggests that the new charter of morality may incorporate, almost literally, four ayats of the surah *Al-Taghābun*, which he cites word for word. (*Ibid.*)

⁵³ <https://www.islamskazajednica.ba/index.php/aktuelno-arhiva/9756-klanje-kurbana-je-dunost-muslimana>

will of the giver: to whom he will chose to give the meat. Those who receive the gift are 'chosen', and thus acknowledged by the giver as his friends. Each year, during the Islamic month of *Dhul Hijjah*, his choice may be different: some old friends may be excluded and some new friends included in the list of gifts. It is in this way that one's circle of friends and privileged social relations is annually revised, that is, re-established or re-created. Although it operates symbolically upon the social relations, the gift-giving exerts an effective power: the old friendships may be broken, the new ones made. Thus, the Great Bayram offers to everyone in a given social milieu the opportunity to see how close they are actually to their neighbors.

And yet, the giving to relatives, neighbors and friends remains a part of the sacred ritual, because, firstly, it is an act commanded by the sacred law, and secondly, all what is offered to them is offered through Allah's mercy and hospitality. However, to Whom precisely will be given the gift – that issue remains a part of the human giver's sovereignty.

What about the act of gift-giving which is indistinguishable from the act of gift-receiving? If no format of this twofold act is prescribed by the law, does it mean that it is fully desacralized and actually does not belong to the ritual itself? The issue about *how* the meat is to be given/received seems irrelevant. Whereas it is strictly codified, of course in general terms, Who is giving to Whom and What in the ritual, the How of giving/receiving remains undetermined, and thus uncertain. Is this act fully exterior to the sacred ritual, and, therefore, the point of intrusion of purely profane contents? Or simply its end point?

But to accept this view is to neglect that the whole *Qurbānī* sacrifice is not about the gift itself – the sacrificed animal, its flash and blood, the shared meat – but about its giving and receiving. The gift-less giving to Allah is inseparable from the gift-full giving to men. Now, the question arises whether the concrete act of handing the gift over belongs to the ritual. If it does, then it must not be fully desacralized.

It is precisely here that a local custom comes into play. It provides a ritual format to the act of giving/receiving the *Qurbānī* meat, which is that the giver should never hand the meat to the recipient personally but through the intermediary of his small children or other younger family members. Hence, according to the custom, the one-third of the animal's meat should be distributed indirectly, so that the immediate giver is a child, preferably very young. The act itself is thus re-sacralized on account of the children's participation in it. We have already concluded that within what we called the second circle of exchange, that between man and man, the giving to the poor remains sacral. Now, in the process of giving to neighbors and friends, the meat is first given to the child who is then, in turn, a further giver to the recipient. Uninterested and innocent about the things of the adult world, this intermediary actually prevents what otherwise might be an *economic* exchange. Even more important is to realize that one category of meat distribution is about giving to the poor, and the other, due to the local custom, is about giving to children. The giving to neighbors and friend cannot be completely profane, because not only giving to the poor but also to children has a sacral character.⁵⁴

⁵⁴ Let us again quote Mauss: 'These gifts to children and the poor are pleasing to the dead' (*The Gift*, p. 22), which is a paraphrased reference

Therefore, the children are simultaneously included in and excluded from the circle of exchange. Children *que* children introduce something sacral in the moment of giving/receiving the gift of meat, because of their 'ex-centric' position with regard to any calculated exchange among adults. The absence of the real giver in the act of handing the gift over emphasizes even more its ultimate meaning: the hospitality of the All-Giver.

However, while giving the gift, the children expect to receive the counter gift from the receiver for their service, because such is the custom. It must not be a gift in return for the received gift, because in that case the ritual giving/receiving will turn into an instantaneous annihilation of the gift or, even worse, into a crude economic exchange. The children are not gift-givers, or, in other words, the meat of the sacrificed animal does not reach them. The custom ensures the ritual purity of these intermediaries since they should preferably be children of early age. Not of less importance is that they are wearing new clothes while proudly carrying out what they feel to be their 'mission'.

And yet, there is no doubt that the receiver's gift to the child at his doorstep opens up a new circle of gift exchange. Now the question is how to understand this third circle of gift exchange in its relation to the second one. It goes without saying that the reward for the children's participation in the meat distribution should be very modest. But crucial here is the character of the reward: according to the custom, the children receive a small amount of money called '*bajramluk*' (the original Turkish word is '*bayramlik*').⁵⁹ And it is money that must not reach the real giver, the one who performed the sacrifice, because in that case he would be actually selling the meat, which is strictly forbidden by *Sharī'ah*. *Bajramluk* may reveal to us that the meat-giving is still a part of the ritual, because giving this kind of gift in return would be a sacrilege. It is therefore evident that *bajramluk* belongs to another circle of gift exchange that must function separately from the adult's exchange, and simultaneously, as a kind of epicycle, be attached to it.

And finally, it is important to consider one additional 'excess' or 'surplus' in the entire gift-giving circulation. What if someone wish to make a gift to neighbors who are not Muslims? Is it permissible – which is of course a theological issue – and if so, does this giving still belong to the sacrificial ritual? The local practice offers a response to the first question: it is an old custom to give *Qurbānī* meat to non-Muslims, which testifies to a centuries-old tradition of multi-religious coexistence.

As it is often the case, the custom appears at the fringes of *Sharī'ah* law. In Bosnia and Herzegovina, the supreme authority in solving all controversial theological issues is the Islamic Community of Bosnia and Herzegovina. Few years ago, at the celebration of *Eid Al-Adḥā*, held in the Gazi Husrev-bey Mosque in Sarajevo, the former Grand Mufti of Bosnia, Mustafa Cerić reaffirmed the importance of the local custom:

from Tremearne: 'On the first day of the Salla, figs, dates, bread, and money are given to children and to poor people, and this is said to please the souls of the deceased ancestors of the givers'. Tremearne, A. J. N. (1981), *The Ban of Bori: Demons and Demon Dancing in West and North Africa*, Heath, Cranton and Ousley, London, p. 238.

⁵⁹ See, for instance, Enver Mulahalilović, *Vjerski običaji muslimana u Bosni i Hercegovini, El-Kalem*, Sarajevo, 1989, p. 98; Aiša Softić, Medhija Maglajlić, *Običaji muslimana, pravoslavnih, rimokatolika i Jevreja u BiH*, Međureligijsko vijeće u BiH, Sarajevo, 2005, p. 20.

Dear brothers and sisters, turn yourself around and look in your immediate and broader neighborhood to see whether there are hungry and needy people around you and always bear in your mind that there is no faith in the one who knows that his neighbor is hungry while he sleeps on a full stomach. **Kurban Bayram** gives us a favorable opportunity to share our kurban (meat) with our neighbors, no matter their religion or nationality. It was always and remains to be a **Bayram 'ādahh** in our Bosnia and Herzegovina, and let us follow and preserve it in the future.⁵⁶

Grand Mufti Husein Kavazović, current head of Bosnia's Islamic Community, in his message on the occasion of the last year's **Kurban Bayram**, stated in the same vein that Muslims should 'share the joy of **Bayram** with' their neighbors, the spiritual descendants of Ibrahim, as well as with all people'.⁵⁷

Here again, at the very exterior of the ritual frame, we meet the paradox of the gift. On the one side, the meat gift passes into a deconsecrated sphere of harmonious neighborhood relations, for the sake of peace and tolerance. If we recall that Mauss and Hubert claim that 'in every sacrifice an object passes from the common into the religious domain',⁵⁸ which means that it is being consecrated, then we may ask whether we have here an inverse process. Yet on the other side, this generous giving may be re-sacralized, in the way Grand Mufti Kavazovic suggested, calling upon the spiritual unity of Ibrahim's children. Whatever might be the case, the Bosnian **'ādahh** apparently affirms a broadened scope of Allah's hospitality.

⁵⁶ <https://www.islamskazajednica.ba/component/content/article?id=15235:kurban-bajramska-hutba-reisu-l-uleme>

⁵⁷ <https://www.islamskazajednica.ba/aktivnosti-reisu-l-uleme/28017-kurban-bajramska-poruka-reisu-l-uleme-kavazovica>

⁵⁸ Henri Hubert, Marcel Mauss, *Sacrifice: Its Nature and Function*, p. 9.



ILUSTRACIJA ~ Visualizations of Ibrahim's (Abraham's) Sacrifice of Ishmael (Ishac) in Islamic Miniatures, 16/17. century, unknown authors.
ILLUSTRATION ~ Vizualizacije Ibrahimovig (Abrahamovog) žrtvovanja Ismaila (Ishaka) u islamskim minijaturama, 16/17. stoljeće, nepoznati autori.