

RELIGIOUS FREEDOMS IN YUGOSLAVIA AND THE RELATIONS BETWEEN RELIGIOUS COMMUNITIES AND THE STATE

by Milan Vukomanovi

*Milan Vukomanovi, Ph.D., is assistant professor of sociology of religion at the Faculty of Philosophy, University of Belgrade and coordinator of the Center for Religious Studies, Belgrade Open School. He received his education at the University of Belgrade (B.A., M.A. in philosophy) and University of Pittsburgh (Ph.D. in religious studies). The title of his doctoral dissertation is *An Inquiry into the Origin and Transmission of the Gospel of Thomas* (University of Pittsburgh, 1993). He is the author of the following books: *Early Christian Myths* (Rani hriscanski mitovi, 1992, 1997), *Early Christianity from Jesus to Christ* (Rano hriscanstvo od Isusa do Hrista, 1996), *The Sacred and the Many: Challenges of Religious Pluralism* (Sveto i mnostvo: Izazovi religijskog pluralizma, 2001). He is the editor of *The Bible: Selected Texts* (Biblija: Izbor tekstova, 2000) and co-editor of *Inter-religious Dialogue as a Way of Reconciliation in South Eastern Europe* (2001) to which he contributed an article.*

When assessing the issue of religious freedoms and relations between religious communities and the state in Yugoslavia, one must admit that the situation in this domain is not entirely clear today. Indeed, when we compare this area to other state-related issues, we see that it has not merited enough attention of experts. For example, the problems in the economic domain, or, even more closely, the status of national and ethnic communities, have had an undisputed priority when compared to the issues of religious rights and freedoms, or church-state relations. If this may provide any comfort, some of the important problems related to this area had not been seriously re-examined in Europe until relatively recently. But in Yugoslavia, one is still faced with many dilemmas and a significant dose of confusion both in the public and in the state institutions. Even religious communities are not able to easily figure the ways out of that confusion.

The bewilderment about these issues reached its peak soon after the political changes of October 2000, when an intensive debate was launched in Serbia regarding the Serbian Orthodox Church proposal to introduce religious education, as a regular subject, in the public schools. Since November 2000, the Serbian press and electronic media have published, almost on a daily basis, various articles and contributions on whether religious education should be introduced in the public schools; who would teach this subject and how; would it be a confessional or non-confessional, compulsory or optional subject, etc. Unfortunately, much less discussion was committed in that period to some important assumptions of this initiative. The solution was offered, in a rather hasty

manner, by the governmental decree on the organization and realization of religious education and an alternative subject in the elementary and high schools.¹ Focused on the particular issue of religious education in public schools, our ministers and government officials “did not see the forest”, as it were, for the trees. One of the fortunate outcomes of the entire debate was, however, that at least seven religious communities in Serbia reached consensus on this and established an unprecedented level of cooperation. But the forest is still ahead of us, and I hope that the December 2001 Belgrade Round Table will help to shed some more light on it.²

Let me, therefore, pose at least some of the questions that became acute, or surfaced during the debate on religious education, but did not merit enough attention of the public.

1. *The Relations between Religious Communities and the State.* Who are the partners in this relation? Which religious communities, what state? What constitutional solutions are to be expected in the near future? Which state (bearing in mind the as yet unresolved issue of Serbian-Montenegrin relations) will establish its legal relation with religious communities?

Before any appropriate law had been passed in the parliament, the Serbian Government’s Decree on Religious Education defined, in its article 1, that the traditional churches and religious communities are: Serbian Orthodox Church, Islamic Community, Roman Catholic Church, Slovak Evangelical Church, Jewish Community, Evangelical Christian Church, and Reformed Christian Church. Is this the way in which their status will be defined in the forthcoming legislation? If so, does this mean that Serbia has opted for the constitutional model of the so-called “recognized religious communities”? If so, what were the criteria of their selection? And, most importantly, are other religious communities in this state still equal before the law? What will the constitution say about that? These are only some of the questions that deserve a more detailed analysis of our legal experts. Apparently, the relations between religious communities and the state in this country should not depend on religious affiliation of a president or government members – be they atheists, agnostics or firm believers; this should presuppose a much more stable, long-term relationship. Today Serbia needs a new, democratic law on religious communities, religious freedoms and reimbursement of the nationalized church property, whose draft is under way, but deserves broader attention of the public.

¹ “Uredba vlade Republike Srbije”, *Danas* (section *Veronauka*), October 26, 2001, p. 4.

² This paper was first presented at the international Round Table “Contribution of Religious Communities in FR Yugoslavia to Reconciliation, Respect of Diversity, Democracy, Human Rights, Protection of Minorities, Cooperation and Stability in South Eastern Europe” held in Belgrade, FRY on 14-15 December 2001.

2. *Human Rights.* These include religious rights and freedoms and children's rights as a separate segment of this problem. That proved to be relevant, for example, for high school children's decision to take, or not to take religious education in schools. In this context, let us recall the international Children's Rights Convention regarding the freedom of thought, conscience and religion, as well as other international legal acts relevant to many countries and adapted in their own constitutions. For example, one often hears an argument in Serbia that religious education is a fundamental human right. However, what is usually overlooked is that such a right may successfully be realized beyond public school, in religious communities, while the public school, in its essence and long tradition since the Enlightenment, is a secular, non-confessional institution. Furthermore, religious freedoms and rights mean both rights *to believe* and *not to believe*. It is, therefore, the right to both religious and non-religious (agnostic or atheist) world views.

For the debate over religious rights and freedoms to be constructive, it is not sufficient that the public be divided into two opposing groups (as was the case with the debate regarding religious education), where these two groups could hardly communicate "from their trenches". This is especially so when we take into account strong antagonism between the religious communities and human rights organizations in Serbia. Representatives of the academic community and of NGOs certainly know that the rights and freedoms of religious communities, as well as minority rights, pertain to a special domain. Accordingly, they should be able to hear what religious communities propose. In a constructive way, the experts may point out the possible counterproductive consequences of some solutions, especially the ones that could affect religious communities. Instead, our non-religious experts are often very critical towards the demands of some religious communities. The civil society proponents must also get used to these proposals, and be able to hear and understand. Despite obvious differences, there are, indeed, some significant parallels between religious organizations and NGOs (e.g. the spirit of philanthropy, institutions of volunteer work and endowments, etc.).

At any rate, all those who participate in such debates bear an enormous responsibility. What is needed here is a more flexible approach, avoiding extreme positions and simplifications, such as: "The communists forbid religion, let's return this situation back to the level of 1945!" - because we are in 2001 today, and secular states are not necessarily communist. Or another example: "Religion is only a private affair, it should not have its place in the public sphere" - which is something

contrary to the examples of other democratic countries that do have religious education in public schools, with religion having its rightful place in the media.

3. *The Issues Related to Minorities and "Minor" Religious Communities.* This is especially important in Serbia, because in the province of Vojvodina alone, there are more than 30 different religious denominations. Religious pluralism is often a major challenge for religious liberties. One should only recall the restrictive Russian Law of 1997. Religious freedom, in fact, means the responsibility to protect freedoms and rights of others as one's own rights. The extent to which religious communities are ready to support rights and freedoms of their sister-churches and other religious communities indicates their awareness of their own rights and freedoms. On the other hand, the low level of awareness of one's own rights and freedoms often results in ignoring, or even violating the rights of others. In the Yugoslav context, one should also not forget the religious elements of the conflicts that took place during the past decade. The minority issue (both ethnic and religious minorities) was particularly important in this context. It is legitimate, however, to pose the following question: *How* can the churches participate in the protection of the national, religious, ethnic rights of *other* religious and confessional groups? The *reasons* for such actions they may, of course, find in some universal principles representing the core of their teachings, their "catechisms". The respect for the freedom of religion, authenticity and uniqueness of other religious traditions - including readiness to protect those freedoms as one's own - are the ultimate tests of tolerance for every religious organization. They are, indeed, the indicators of their true adherence to religious pluralism and coexistence with other communities. So now we must ask: how to put this principle in practice in actual situations, in concrete programs and actions whose goals are the protection of democracy, human rights, minorities' rights and respect for religious pluralism?

It might be claimed that such an engagement was almost unknown in the public activities of religious communities in most of the former Yugoslav republics, including the Federal Republic of Yugoslavia (hereafter FRY). The reasons for that passivity and restraint were, admittedly, *political*, and not religious, in their character. Just because of the political reasons the churches were rarely heard on the aforementioned questions or, at best, they were too official and formal in their proclamations to be taken seriously enough. The changes, which took place in the post-communist societies during the nineties, had, as a consequence, an altered role of religion and church in the social and political lives of the citizens in Central, Eastern and Southeastern Europe. This undoubtedly applies to religious communities in Yugoslavia. Considering the significant delay in

the process of the political and economic development of the FRY during the 1990s (which was accompanied by a certain revival of the social role of religion, especially Orthodox Christianity), one may expect that the modernization and democratization of society will represent a new challenge to religious institutions. After a long time, religious communities finally have an opportunity to establish their relations with a *democratic* state.

With regard to the religious situation in the FRY, there are several important issues and problems that merit attention. Like the Socialist Federal Republic of Yugoslavia before it, the FRY is a multi-confessional society in which, besides the majority of Orthodox Christians, there are members of other Christian and non-Christian religious traditions and denominations. During the war in Bosnia-Herzegovina, three major religious communities of the former Yugoslavia (Serbian Orthodox Church, Islamic Community and Roman Catholic Church) occasionally participated together in condemning the war. As a result of that, several proclamations were issued in the early nineties. In Serbia, the representatives of the Serbian Orthodox Church undertook several concrete actions against religious intolerance. Let me mention only few examples. The Serbian Patriarch publicly condemned a series of bombing attacks on the *Bajrakli* Mosque in Belgrade; he also visited the former Yugoslav rabbi and directed a very touching ecumenical epistle to the Jewish Community after the publication of an anti-Semitic text entitled "Jews Crucifying Christ Again". Furthermore, when this anti-Semitic article was published in *Pravoslavlje*, the official journal of the SOC, the editor-in-chief was soon replaced. Today, when some Protestant communities in Serbia are exposed to public criticism, including intolerance, the Serbian Orthodox bishop Lavrentije made a praiseworthy gesture. Not only did he positively assess the Pentecostal publication "Book of Life" (distributed in front of some Belgrade schools), in which some events from Jesus' life were described in a popular manner, he also wrote a preface for this book. This, in fact, was a concrete and authentic action of a Serbian Orthodox bishop, but there are certainly similar examples in other religious communities as well.

We may conclude from the above that in Serbia and the FRY it is important to further support the initiatives leading to inter-confessional and inter-religious cooperation and rapprochement. In the domain of legislation, greater attention, in my opinion, should be paid to the problems of religious intolerance and discrimination. The only normative acts which still regulate the position of religious institutions in Serbia today are articles 18 and 43 of the Federal Constitution and article 41 of the Constitution of Serbia claiming, in a rather general manner, that all

religious communities are separated from the state and free in performing their religious activities. In the forthcoming legislation it would be very important to fully respect the distinction between the state and religious communities and to avoid possible discrimination of any religious community through registration or any similar procedure. Religious communities should be equal before the law, as well as in various public activities. The future legislation should also address the issue of the material compensation of the churches for the losses caused by the nationalization of the church property. Special attention should, of course, be paid to the social and humanitarian roles of religious communities, whereas the state should provide the appropriate tax- and other regulations that would facilitate their financial position and activities. In the area of religious education, in a multi-confessional society it would be important to provide opportunities for various private religious schools and different models of religious education that could be administered in them.

Speaking of religious communities, there are, indeed, ways in which inter-religious relations could be more effectively promoted. One is certainly through serious, constructive and continual inter-religious and inter-confessional dialogues. The other is through the more active and concrete support that these communities may provide not only for *their own* believers, but also for the members of *other* religious communities.