

## RELIGIOUS EDUCATION AS A CHALLENGE TO RELIGIOUS FREEDOMS IN SERBIA

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In my paper presented at last year’s conference in Kotor, I regarded the issue of public religious education in Serbia as a sort of litmus test for the future church-state relations and religious freedoms in this state. I argued that the decision to introduce confessional religious education in public schools was made without any serious consideration of some important *preconditions* of such an initiative. For example, some of the problems that became acute, or surfaced during the debate on religious education, but did not merit enough attention of the state and church officials, as well as of the general public, were as follows:

1. The future constitutional and legal model of church-state relations in Serbia: The sub-legal document known as the *Decree on the organization and realization of religious education and an alternative subject in the elementary and high schools* was passed in July 2001, before any decision was made concerning the future constitutional, legal model of relations between religious communities and the state. This governmental sub-legal act had defined some important elements of the future relations before any proper Law on religious organizations, or for that matter, the new constitution of Serbia, was even drafted.

2. Human Rights, including religious rights and freedoms and children’s rights, as a separate segment of this problem, also proved to be relevant for high school children’s decision to take, or not take, religious education in schools. Despite the objections of the Yugoslav Child’s Rights Center, this aspect of religious education was not discussed by the church and state representatives.

3. The issues related to the participation of the “minority” religious communities in the education process. In Serbia, there are about 50 different religious communities today, but only seven of them (defined by the *Decree* as ‘traditional’ and ‘historical’) have the right to offer religious education in public schools. The criteria of selection of those traditional religious communities were based on the

constitution and laws of the Kingdom of Yugoslavia in the period before the WWII. But can the same criteria be applied today, in the 21<sup>st</sup> century, in a modern secular republic that clearly recognizes the legal distinction between church and state? Let me recall that the Kingdom of Yugoslavia was a monarchy in which church and state were not separated.

4. Then we could add the psychological problems related to development psychology (e.g. at what age can a school child understand some complex theological concepts such as the Holy Trinity and similar notions?). How will this aspect be reflected in the curricula and textbooks? Furthermore, psychological concerns are related to children's divisions into separate classes (confessional religious education vs. civic education) which may lead to potential identity concerns and problems stemming from that separation: e.g. the divisions between the Catholic and Orthodox students and classes; Muslims and Christians; believers and non-believers; church and civil society, etc. All those divisions would, however, be overcome in public schools by introducing a non-confessional subject, such as history of religions or religion and culture.

5. Finally, the experiences of other countries that had already introduced religious education in their school programs were not sufficiently examined. No effort was made either to try one or several experimental models before making an official decision to introduce confessional religious education as the only option.

## II

Only two years after the introduction of confessional religious education in Serbian public schools, one may argue that the political and educational consequences of such a decision are already visible. In fact, the Serbian case is a good textbook example of how this entire business *should not be carried out*. The public debate was very short (only few months), with inconsistent arguments in both turfs (*pro* and *con*).

The decision was made by the prime minister of Serbia, who consulted only religious representatives, while the Ministry of Education (the main institution in charge) was completely circumvented in the decision-making process. To make things even worse, this month, the former vice-president of the Serbian government admitted that this decision was completely pragmatic in its character, stemming from the government's attempt to appease the SOC after the extradition of Milosevic to the Hague Tribunal! (Let me emphasize that the SOC Church opposed that decision of

the Djindjic government). When the agreement on religious education became official in July 2001 (with the publication of the aforementioned *Decree*), two deputy ministers of education offered their resignations. Of course, no one was able to predict if enough teachers of catechism would be available for the beginning of the new school year in September, or whether the government would be able to find additional funds for their salaries (the budget design did not allow for that), or whether these teachers would have enough training and teaching experience to conduct this type of education in public schools.

Last, but not least, the governmental decision to introduce religious education was soon challenged at the Constitutional Court of Serbia: the main issues were the separation of church and state and violation of human rights of “non-traditional” believers, whose communities were not allowed to offer religious education in the public school system. The Court ruled in favor of the governmental decision.

The admission of the Theological Faculty of the SOC to the University of Belgrade (granted by the same government after the assassination of Djindjic) was also problematic, both from the standpoint of academic criteria and university autonomy, and even more from the human rights aspect, due to the current enrollment policy requiring the Orthodox background of students and their bishop’s blessing as the condition *sine qua non* of their enrollment.

The main lobbyist in favor of the confessional religious education was the SOC, the majority religious institution that pressed the government to make such a hasty move. The government, on the other hand, expected some fast-and-easy political benefits, especially considering the influence and credibility of SOC in this country. Already in November 2000, the Church had aggressively stepped on the public scene with its request that the confessional religious education be introduced in public schools. It wanted to be an equal partner with the state in the education process. Furthermore, the Office for Religious Education of the Serbian Orthodox Patriarchate announced that “the state should protect its substance and nation: with that goal in mind, it should proclaim Orthodox Christianity as the state religion; i.e. our state should be verified as an Orthodox state” (Brkić, 2000: 8). As far as other religions and denominations, they would have the right to exist, but not in the same rank as Orthodoxy, and they would be registered only if, by the assessment of the SOC, “they are not considered Satanist” (*Ibid*).

Since October 5, 2000 the SOC has established its direct communication with the state institutions and bodies, rejecting and condemning, at the same time, the civil

society organizations and their initiatives to organize an in-depth public debate on religious education. For example, in its official press release, published on November 24, 2000, the Serbian Church reacted to the statement of the Helsinki Committee for Human Rights in Serbia “that the initiative of the Serbian Orthodox Church and President of the Federal Republic of Yugoslavia, Vojislav Kostunica, to introduce religious education in the public school system is the serious violation of the principles of secular state”. The reaction to this statement reflects an archaic language of the medieval Church, characterizing the arguments of the civil society organizations as “the fear of Satan and all its followers in the last six decades – manifested in each place under the sky of a country that only nominally expresses the concept of Serbia in a comprehensive sense” (*Novosti*, 24 Nov. 2000).

An even greater problem in this context is the lack of a true contact between the Serbian Church and its society, i.e. *the civil society of autonomous individuals* with their unalienable rights, interests and multiple individual and collective identities. It is interesting that in the aftermath of October 5, the SOC established good relations with the state, but unfortunately it did not have enough contact with the society. Its representatives most often refer to the Serbian *people (narod)*, but in their discourse this is almost a metaphysical category, an undifferentiated collective term and concept. Not to mention the chronic lack of any positive view of the civil society and its organizations and initiatives.

### III

Unfortunately, the political decision to introduce religious education in Serbian public schools set in motion a series of other events that led to the much higher involvement of the SOC in the political and state affairs. Some authors are already inclined to term this involvement clericalism or clericalization.

The political intention of the new government of Serbia, headed by Vojislav Kostunica (the Church’s favorite politician), was expressed by the 2004 *Draft Law on Freedom of Religion, Churches, Religious Communities and Religious Organizations*, in which the state made significant concessions to the Church, including the institution of the priests’ ‘immunity’ before the law. After the assertive public reactions, this Draft was withdrawn from the parliament procedure. In this document, the SOC was labeled as *primus inter pares* with regard to other religious communities. In practice, however, the Church would have all the support of the state

and could decide about other religious communities' registration. The current Ministry of Religious Affairs acts in public as a sort of "church agency" or service, carrying out the demands and wishes of the Church. Thus, the structures of political power accommodate to religious structures, and *vice versa*, opening the road to possible clericalism.

It is interesting that the very title of the *Draft Law* reveals its discriminatory intention. Religious communities are grouped into three categories (churches, religious communities and religious organizations), whereby this document clearly states that they would not have equal rights in the process of registration. The lawmakers do not state, of course, whether the future Constitution of Serbia will be modified in accordance with their document (i.e. whether the Constitution will openly proclaim that religious communities in Serbia *are not equal before the law*). The language of this *Draft* is full of Orthodox theological terminology strange to modern legislation and civil vocabulary. According to this legal document, the state should make many guarantees to the church (e.g. religious education in public schools), while religious communities and their officials are almost untouchable, immune before the civil laws.<sup>1</sup> The local communities are, for example, obligated to call for a referendum if the Church makes such an initiative. It seems that this kind of political power, autonomy and privilege was not granted to the churches in Serbia since the medieval period.

During the socialist period, efforts were made to support the process of secularization by ideological indoctrination. In today's Serbia, both the church and the state make efforts to speed up the process of de-secularization in an equally aggressive manner. Some quasi-theoretical and ideological interventions are made even by the minister of education. In the spirit of a fundamentalist denial of the theory of evolution and affirmation of creationism, the former Serbian minister of education issued a decree in order to expel Charles Darwin's theory of evolution from all public school programs. In this case, a personal, private worldview of the former minister was meant to be imposed, by decree, as the worldview of our school children. At the same time, her cabinet made significant efforts to impose religious education, instead of civic education, in Serbian schools, albeit both subjects have equal status among the elective subjects. Such "theoretical decisions" remind one, indeed, of the time of Communism. Even the Milosevic government did not intervene

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<sup>1</sup> The integral text of the *Draft Law on Freedom on Religion, Churches, Religious Communities and Religious Organizations* is available at the web site:  
[www.sanoptikum.org.yu/drustvo/o\\_nama/pravni\\_akti/zakon\\_o\\_slobodi\\_vere.htm](http://www.sanoptikum.org.yu/drustvo/o_nama/pravni_akti/zakon_o_slobodi_vere.htm)

so much in the sphere of education. It simply neglected this entire area. The major difference in comparison to the Communist times is, however, that there is a public opinion in Serbia that reacts to such decisions, and the pertinent institutions must take that into account.

Needless to say, the Serbian Church warmly embraced the proposal to kick Darwin out from the schools, demanding, at the same time, from the University of Belgrade to supervise all M.A. and Ph.D. theses related to church history, Christian art, Christian philosophy, Classical Greek language and affiliated subjects.

In Serbia today, the primacy of the SOC is not disputed in either church or political circles. The representatives of the Church publicly express their political views and make, often successful, attempts at influencing the political decisions of the state officials, including the president and prime minister. As a rule, these interferences reflect a very conservative outlook of the Church towards democratization, secularization and Europe. This anti-European attitude is based on the teachings of the famous Serbian Orthodox theologian, Nikolai Velimirovic, who was recently proclaimed a saint. Consistent with such a discourse is the stigmatization of the civil society organizations and pro-European intellectuals and public figures. The Church opts for a monistic pattern, strongly reminiscent of Communism, and regardless of its own fierce criticism of the Communist heritage, one recognizes a similar authoritarian pattern, only filled with a different, anti-modern and anti-secular ideology.

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