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Religious Liberty in Yugoslavia: A Study in Ambiguity

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RELIGIOUS LIBERTY IN YUGOSLAVIA:
A STUDY IN AMBIGUITY

Paul Mojzes

I. The Heritage of Intolerance

Balkan fractionalism, separatism, and intolerance are proverbial. Balkaniza­
tion is neither recent nor finished. Some of the rivalries are "home made"; others
were unwelcome imports by invaders which found fertile ground to fester vigor­
ously because of the proximity of diverse peoples clamoring for identity and
recognition.

The southern Slavic tribes settled on what is now the territory of Yugoslavia
in about the seventh century C.E. Francis Dvornik's remark, "The early history
of the Slavic nations is full of tragic incidents, of brilliant hopes, and promising
possibilities which seldom found realization owing to the various circumstances
and events beyond the control of the Slavic rulers,"1 certainly applies to the
southern Slavic people even to the most recent times. Religion, which was to
play a multifaceted role in the history of the area, became a tool of separation
practically from the outset of the conversion from the old Slavic religion to
Christianity. The eastern and southern regions of what is now Yugoslavia came
under the influence of the Byzantine Empire, which impressed upon its sphere
of influence the Eastern Orthodox form of Christianity. The western South
Slavic lands came under the impact of neighboring Rome, from which it inher­
ited the rival Roman Catholic brand of Christianity. Both Rome and Constanti­
nople aspired to the extention of their variant to the entire area; thus, the two
forms of Christianity came into sharp conflict with each other, fostering fierce
loyalties in the local population, each developing the mentality of "final outpost
of the true faith in face of schismatic threat," which persists until today. The
development of the Bosnian form of Christianity in the central regions, believed
to be the Bogumil heresy by both the Orthodox and the Catholics, further com­
plicated this initial state of rivalry.2

The fourteenth-century conquest of most of the territory by Ottoman Turks
introduced another deadly religious conflict, namely, between an expanding
Islam and a defensive Christianity. Islam, the religion not only of the conquering
new settlers but also of many converts primarily from the ranks of the by-then­
defunct Bosnian Church, reinforced the frontier-outpost mentality. Religion was
a precious form of identification at times when politics were determined by

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more powerful neighbors and where increasingly the clergy, especially among the conquered people, played the leadership role in the absence of other native governing authorities. The Turkish milet system—which divided people not so much into territorial units but into religious communities, granting a certain autonomy and responsibility to their religious leaders—tended to rigidify the traditional European identification of an ethnic group with a single religion. The religious leaders exhibited patriotism even in cases where the center of a religion, as in the case of Catholicism, was outside the country or where the rulers, like the Austrians and Hungarians, were likewise Catholic. Thus, the churches became the staunch supporters of the survival of a threatened identity of their membership, and religious affiliation became permanently welded to national consciousness. To this day, this ethnoreligious unity presents a strength, a challenge, or a problem, depending on the perspective of the viewer.

Then Protestants came onto the scene, further complicating the rivalries. The Reformation was moderately successful in Slovenia and Croatia, only to be nearly wiped out by the Counter-Reformation. In the nineteenth and twentieth centuries some of the newer Protestant denominations made their appearance, but they, too, added to the combative mood of intolerance. The larger group of Protestants were the folk churches of such national minorities as the Hungarians, Slovaks, or Germans. The free churches generally pursued a policy of proselytizing the more inert members of the other churches, which, of necessity, led to sharp conflicts.

With the formation of Yugoslavia at the end of World War I, the conflicts and intolerance persisted, changing only the group in power. Now Islam was in retreat, with Orthodox and Catholics receiving legal privileges as the established religions of their respective areas, each aspiring to a final vindication of its revival, hoping to absorb within its fold more or less the entire population. The ethnic rivalries of the two most numerous populations, namely, the Orthodox Serbs and Catholic Croats, culminated during World War II in a fratricidal civil war in which many old scores were settled by massacres and in which forcible conversions were attempted. Total bedlam prevailed.

The last to arrive on the scene was the “religion,” or pseudoreligion, of Communism, originally in a Leninistic-Stalinistic totalitarian garb. This drove the most recent wedge into an already hopelessly fragmented population. The Communists did not side with any of the existing religions but had quarrels with all of them. They, too, aspired to eliminate all rivals. Nurtured on an intolerant soil, driven by an intolerant secular faith, and guided by an example of the militantly atheistic Soviet Union, the Yugoslav Communists were going to heal the rifts of disunity by bringing the entire country to reconciliation through the process of building socialism. This, too, made demands upon the body and the soul, with the ultimate result of bringing one more divisive loyalty into the region. Pluralism is the name; intolerance, the game!
The Communist Party of Yugoslavia was originally a loyal follower of the Communist Party of the Soviet Union and shared all its ideals and approaches. Two well-known Leninistic principles dominated this approach. One was the legal separation of church and state, declaring religion the private affair of every citizen. This had the effect of relegating religion out of the public sphere into the private spiritual domain of individuals. Religious liberty was understood narrowly as the freedom to worship or not to worship. The second principle was that it is the task of the Marxist party as the vanguard of the working classes to assist in what it considered the inevitable fading away of religion, thus assisting the process of individual and social liberation from superstitious and exploitative religious practices which are surviving merely as vestiges of the past.

In theory these two principles can be separated by stating that the government applies the first principle, while the Communist Party advocates the second. That theoretical distinction is a vain one, however, for in practice the government consists of the leaders of the Communist Party, and the second principle becomes decisive in interpreting the first. This conflict of approaches still colors the present situation despite some efforts to modify it by emphasizing legal aspects of the principles of separation of church and state which would tend to diminish state intervention in religious matters, thereby providing for greater religious liberty.

Several discernible stages mark this period from the Communist takeover in 1944/45 to the present. These are presented here very concisely, because a knowledge of them is necessary to understand the evolution of the theory and practice to the present moment—while the focus of this presentation is on the current status of religious liberties.

The first period was from 1945 to 1953, when the government and the party mounted an all-out attack on the churches despite a claim of religious liberty. Marxist scholars and even the government leaders admitted in the 1960’s and 1970’s that harsh measures were undertaken against religious institutions and individuals, including imprisonment, murder, the nationalization and destruction of property, and so forth.

From 1953 to 1965, the second period, there was a gradual reduction of the pressure against churches and religious individuals, though excesses—such as torture, imprisonment on false charges, and even murder by the secret police were still practiced from time to time, more in some parts of the country than in

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Regional differences in the treatment of religion became even more pronounced, a feature which to this day characterizes Yugoslav church-state relations and which have increasingly been handled by the republican and provincial rather than the federal government. What this means at present in practice is that in one region of the country, for example, in Slovenia and Croatia, the authorities may show a great deal more tolerance and permissiveness toward religious activities, while in another part, for example, in Macedonia or Kosovo, clergy and believers are openly harassed and intimidated by the police, and very few public pronouncements of the greater liberties in the other parts of the country reach the local public.

The third period, from 1965 to 1971, was the most liberal period in the treatment of the churches. Some call it the "golden age" in church-state relations. The system had opened up to such a degree that many religious practices were unobstructed. Government interference in internal church matters was minimized and in some instances was almost completely removed. The churches were permitted to publish journals and books again; theological schools were allowed to expand; clergy could travel freely in and out of the country; religious education on church premises was sanctioned again; etc. A growing concern, however, was expressed by the government and the press at the simultaneous increase of politicization of the few larger religions, particularly the Roman Catholic, but also the Islamic and Serbian Orthodox. The chauvinistic nationalist excesses (demonstrations, riots, and terrorist actions) frightened Tito and the other leaders to the point that they feared that the country and/or the social system might collapse. They then undertook measures not only to purge the Communist Party from "anarcholiberals" and "nationalists" but to tighten the reins on religion as well.

This led to the fourth period, from 1972 to 1983, which was characterized by an attempt to install more controls over church life and the suspension or privatization of the Christian-Marxist dialogue which had commenced during the previous period. A complete reversal of the concessions made during the previous period did not take place, however. Certain aspects of church life did not suffer at all but, rather, continued steadily, thereby giving additional weight to certain freedoms (for example, noninterference in the curricula and teaching staff of theological schools and fairly easily obtained permissions for repairs of church buildings). In a few areas no progress was made (for example, no access to radio or television), while in others there was some regress (for example, longer periods of prior notification of authorities required if a foreign visitor was to preach in a church). The situation altered not qualitatively but quantitatively. A certain increase of confrontational practices could be felt.

After 1983 there seems to have been an onset of a new period, although...
there is a lack of clarity both as to whether that is the case and as to what direction the trend has taken. This lack of clarity corresponds to the confusion after Tito's death, not only with respect to national leadership and the direction of the beleaguered economy but also in the general feeling that the country is in a crisis. National conflicts seem to have increased, leading to the brink of open conflict (in which the churches are implicated and which they do not consciously seek to diminish). However, a new openness has been experienced—at least with regard to the freedom to discuss in the press and other media and at conferences—certain formerly taboo subjects pertaining to earlier and present failures of the leadership. This new period seems to contain not only possible pitfalls (especially seeking to divert the national focus on economic problems by attacking the churches as scapegoats) but also new opportunities for the expansion of liberties in a country which is without a long democratic tradition.

By and large, the general trend during these successive stages was toward an increase in the autonomy and liberty of religion, though oscillations were evident both in place and within the time periods. The government of Yugoslavia consciously attempted to create a system, usually called workers' self-management, which would be more open and tolerant than the Soviet model. They accepted as a reality that religion would not vanish as rapidly as they had originally expected and that, therefore, some accommodations must be made since religion exerts a considerable influence over large segments of the population. The increased participation in religious practices was interpreted by them as either a larger number of people "coming out of the closet" when the repressions eased, or as a genuine religious revival, particularly among the young. This necessitated at least a reassessment of the role of religion in the particular circumstances of Yugoslav history and for many Marxists an advocacy of more tolerant attitudes toward religion, as long as religious people spearheaded no open revolt against the government. The basic concession asked from the churches was not to oppose the socialist system but rather to recognize it at least tacitly. The slogan changed from "if you are not with us you are against us" to "if you are not against us you are with us." This called for a less doctrinaire approach to religion, which is today's hallmark of the Yugoslav government's attitude toward religion.

III. Recent Legislation concerning Religion

This section should be prefaced with some preliminary remarks regarding the Communist understanding of government and law. Theoretically, their understanding of the role of the government and the law is that they protect the interest of the ruling class. Whenever the perception of that interest changes, as

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reality changes, there may be swift changes in the government form and personnel as well as in the law. There is no judicial or legislative independence from the executive branch, which consists entirely of Communist leaders. The text of the law, and even more so its application, can be bent in any direction if this is in their interest. Hence, it is highly deceptive to point to the text of the law and regard it as normative for actual practices. The letter of the law may proclaim a variety of freedoms, but it is the executive branch which interprets and guides its application. The judicial branch will carry out the decisions which the executive branch makes, no matter how much bending of the law that may require. Many observers of the Communist countries have noticed that one of the greatest objective weaknesses of the Marxist form of governance is the problem of "socialist legality." Since it is solely the party leadership which determines what is in the interest of the "working people," there is really little protection of human rights unless that happens to be interpreted as being of benefit to those in power. The meaning of many human rights is bent out of shape by spurious "double-talk."

This is not to say that what the laws say is totally unimportant. If the laws clearly guarantee certain rights or prohibit certain actions, rather than being vague or secretive, there will then be some pressure which can be exerted, at least in principle, to get the government minimally to observe the very laws which it created. In Yugoslavia, then, laws are not unimportant, though they are not decisive in the exercise of religious liberties.

The several post-World War II constitutions (1946, 1956, 1963, and 1974) affirm the basic freedom of religion and conscience, separation of church and state (including separation of schools from the churches), equal status for all religious institutions and individuals before the law, and the prohibition of the use of religion to incite national hatred and intolerance or to abuse religion for political purposes. Article 174 of the constitution of 1974 maintains that the practice of religion is an individual affair, so that no one may be forced to join or be prevented from joining a church, and it recognizes religious communities as legal persons which are free to conduct worship services, rites, and religious affairs (the latter was left undefined). The government may provide financial support for specific purposes. Religious communities may own properties within the limit of the law. While the constitution gives the appearance of guaranteeing freedom of religion without any consequences for the citizens' status, this is neither clearly spelled out in theory, nor carried out in practice, for it is quite impossible for an explicitly religious person to attain higher ranks in government, education, the army, or economic management. The constitution guarantees


7 There was even some discussion as to whether the selector and coach of the national
equality of all citizens, but religious people have nearly always experienced "second class citizen" treatment. The right to participate in public life is denied to the religious communities, and de facto individual believers also are limited in their participation in public life, particularly in major decisions.

In 1953 the first special legislation on religion was promulgated, called "The Basic Law of the Legal Position of Religious Communities." In it the federal government expanded the constitutional regulations, specifying the rights and obligations of the confessional groups as well as rights and responsibilities of government organs dealing with religion. These laws became well known to the religious communities and gave a modicum of stability to church-state relations because they at least made clear what the norms were upon which the government insisted.

The second attempt to provide the legal framework for the developing church-state relations was different from the first in that the regulations were not on the federal but the state (republican and provincial) level. This not only reflected the decentralization of power in the government which had taken place, but it also made it possible for the different religious situations in particular states to be treated in a more diversified way. The laws were submitted to public discussion in 1975 and 1976 and have been enacted subsequently (mostly in 1978).

This newest comprehensive legislation guarantees that the religious communities may publish, and it sets the conditions for these publications—with minor variants among the states. Clergy are allowed to visit their members in hospitals and homes for the elderly, but not in prisons or in the army. Social and economic activities are forbidden to the religious communities, which tends to stop all charitable activities (which were occasionally permitted in the past), as well as any recreational and educational activities for children and youth which are not strictly tied to some religious observance. Religious education for the ministry and of children are permitted. Theoretically, a child under fourteen (in Macedonia under ten) may be compelled to participate in religious education if the parents insist, but generally the consent of both parents and the child are required. In actuality, serious pressures are brought to bear upon children and believers not to take part in such religious education. This is mostly accomplished in schools or at parents' place of employment, making it nearly impossible for members of the League of Communists of Yugoslavia (the Communist Party's altered name since the 1960's) to resist.

All places of worship and church real estate must be registered with the government, as must all religious communities. No special permission is needed for activities within church buildings, but for any out-of-door activities permits must be sought, and such permits have often been denied. There is a ban on topics of a political nature at religious gatherings. No pressures may be exerted

basketball team could be a former star who had become a Mormon during his stay in the U.S.A.
on people to participate in any religious activities. Fines and some imprisonment have been imposed for violating these laws. While there is a feeling that some of these laws are more restrictive than the ones of 1953, there is also a feeling that one may appeal for redress against violations of these laws, though in practice religious communities have rarely, if ever, sought to prosecute a government official who may have mistreated them. One of the most dramatic cases of a confrontation between a church and an official whom the church felt to be a threat was the 1985 statement by the Serbian Orthodox Church that a high official of the Commission for Religious Affairs of Serbia, Radovan Samardžić, was *persona non grata* because of comments he allegedly made, which the Serbian Orthodox Church considered inimical to its interests.

### IV. Reports of Mistreatment and Abuse

Even good laws are of no avail if they are not conscientiously applied. Yugoslav laws on religious communities are still somewhat restrictive, but they may well be one of the best sets of laws of any Eastern European socialist country. The larger question is whether there are not abuses of authority in the implementation or nonapplication of laws, resulting in the mistreatment of individuals and intimidation of communities. There is considerable arbitrariness in the application of the laws by local officials, which is condoned by the higher authorities. There is little effective control exercised by the higher over the local officials. The rule of thumb is that the one with the less tolerant attitude toward religion will prevail in determining the actual government position toward the local churches. Those who are more tolerant are generally more timid in asserting their views. In regions where the conflicts between church and state are greater, the abuses tend to be greater. Abuses also tend to be greater where more authoritarian or doctrinaire officials are in power. For instance, with the fall of Alexander Ranković in 1965 from the vice-presidency of the country, his hold on the organs of internal security (U.D.B.A.—the secret police) was broken, and a period of relaxation ensued not only for the churches but also for life in general. Thus, the orientation of a key leader or local official can determine to what degree human rights are respected.

The evidence shows that the greatest conflict exists between the government and the Roman Catholic Church, which was reflected by the many more arrests and trials of Catholic clergy than of other church officials. The following is a list of arrests and other repressive acts reported by AKSA, the Catholic News Service from Zagreb,\(^8\) from October, 1982, to September, 1985:

1. The three-and-a-half-year sentence of friar Jože Zovko of Medjugorje,

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\(^8\)As reported in *AKSA Bulletin*, an English translation made by Stella Alexander and Muriel Heppel, and distributed by Keston College in England, hereafter abbreviated as *AB*. 


who was accused of inventing and orchestrating the apparitions of the Virgin to several teenagers, which brought about mass pilgrimages from home and abroad, was reduced to one-and-a-half years by an appeals court.\textsuperscript{9}

2. Only a section of a mosaic in the church at Stražemam containing the likeness of the late Alojzije Cardinal Stepinac (rather than the entire mosaic) will be removed.\textsuperscript{10}

3. Zeljko Slonjsak, a parish priest at Kutina, has been sentenced to three years of imprisonment for spreading false information in a collection of sermons, "Flora of Vinogorsko," that he edited—which was a crime according to Article 187 of the Croatian Criminal Code.\textsuperscript{11}

4. Marija Car from Duga Resa was expelled from the League of Communists because her husband, a nonparty-member, had christened their child. Her expulsion was sustained despite her appeal.\textsuperscript{12}

5. A representative on the Water and Sewage Board in Split was called upon by her youth organization to give an account of her interest in religion.\textsuperscript{13}

6. The municipal council in Split prohibited the completion of work on, and usage of finished sections of, the Church of St. Peter in Split. Frane Cardinal Frančić protested that the church did nothing illegal.\textsuperscript{14}

7. The Veterans' Association of Gornje Čemiljev disassociated itself from verbal offenses in an argument over building a local church. Apparently this was not the first time where the bigotry of state officials has been moderated by the Veterans' Association.\textsuperscript{15}

8. The priest of the Holy Cross Church at Siget (Zagreb), Fr. Emmanuel Hosko, issued denials against the accusation that he organized disco dances and sporting events for the youth, apart from spontaneous singing and play after religious instruction.\textsuperscript{16}

9. Ivan Lalić, head of the Commission for Religious Affairs of Croatia, cited examples where Catholics carried Croatian flags without the red star and sang old Croatian patriotic (nationalistic) songs at religious gatherings. Such events are not uniformly punished; in Split such infractions draw fines of fifteen to thirty days' imprisonment, while an Orthodox priest and a teacher in Bosnia-Herzegovina were sentenced to five years' imprisonment for singing Chetnik songs.\textsuperscript{17}

10. Andjelka Jagnić was imprisoned fifteen days for claiming to have seen a vision of the Virgin in Gala. A journalist of Slobodna Dalmacija criticized authorities for the absence of legal grounds for such a sentence. He quipped, "Would Andjelka Jagnić have been sentenced to a month's imprisonment if she had seen her with the child Jesus in her arms?"\textsuperscript{18}

\textsuperscript{9}AB, October 21, 1982, p. 8.
\textsuperscript{10}Ibid.
\textsuperscript{11}AB, December 17, 1982, p. 9.
\textsuperscript{12}AB, August 5, 1983, p. 9.
\textsuperscript{13}Ibid.
\textsuperscript{14}AB, September 12, 1983, p. 4.
\textsuperscript{15}AB, November 22, 1983, p. 8.
\textsuperscript{16}AB, December, 1983, p. 3.
\textsuperscript{17}Ibid.
\textsuperscript{18}AB, February 21, 1984, p. 10.
11. Great controversy was caused by a statement attributed to Bishop Zazinović of Krk at the Eucharistic Congress in which he allegedly said that godless materialism must be fought by all honorable means, including the shedding of blood. The secular press accused him of favoring inquisitional methods; he defended himself by saying that he criticized not materialists but materialism and that the shedding of blood was a reference to Christians' willingness to shed their own blood. He also complained that attempts had been made to discourage believers from attending the Eucharistic Congress.19

12. Ivica Mašturko, a Marxist scholar, criticized militant atheization. He pointed out that the Socialist Alliance of the Working People of Yugoslavia, which is supposed to gather people irrespective of their beliefs, is almost completely dominated by Communists and that such monopoly runs counter to self-management.20

13. Prof. Jože Krašovec of the Theological School in Ljubljana was sentenced to a month's imprisonment for the following passage in his book *Christians for the Future*:

Militant atheists and the champions of man's functional role in a collective are particularly aware of how powerful and efficient is the religious faith of a community. Hence they deceive the people with slogans saying that religion is a purely private, individual affair. They know that a man must be isolated; then he will become their submissive subject, an element in their system.

The prosecutor maintained that such a passage incites bad feelings among citizens, while Krašovec defended himself by saying that the passage had been taken out of context.21

14. Bishop Kos of Djakovo complained about the Commissions for Relations with Religious Communities of Vojvodina and Sremska Mitrovica because, during the celebration of the elevation of the parish church in Sremska Mitrovica to a pro-cathedral, they banned a procession of clergy into the church and withdrew transportation facilities to pilgrims just before the onset of festivities. He complained that these acts were illegal.22

15. At a meeting of the secretaries of the Communist organizations of Slovenia several prominent members of the Central Committee admitted that there were still cases of discrimination against believers but that these were cases of arbitrariness which harm both believers and unbelievers. Militant atheism is being superseded by a more moderate revolutionary view.23

16. The Coordinating Council of the Regional Committees for Relations with Religious Communities of Serbia sharply attacked the Serbian Orthodox religious press for taking a pastoral attitude toward Serbs outside of Serbia, thereby incit-
ing national and religious intolerance. The writings of Prof. Atanasije Ėftić were singled out, stating that "it was unacceptable that a theologian and trainer of students at the theological faculty should treat questions unconnected with the church."²⁴

17. Reporting on the meeting of the Holy Synod of the Serbian Orthodox Church, Pravoslavlje stated that permission to build churches where they were destroyed in World War II had still not been obtained in many places, while church property, including court yards and grave yards, had been seized illegally, pupils harrassed by school authorities, they and their parents pressured not to go to church or celebrate holy days, and "attempts are even made to force them to eat forbidden foods on fast days."²⁵

18. The inconsistencies of application of the law which was noted by Pravoslavlje were also contained in a letter to the editor of Svijet by the Orthodox priest Željko Gavrilović, who wrote, "One could write a book about the sectarian attitudes toward religion on the part of members of the LCY in different areas."²⁶

19. The Archbishop of Ljubljana, Dr. Aļojziže Suštar, stated that there are still many historical distortions and attacks on the church, although there has been a marked improvement with respect to obtaining permission to build new churches, visit the old and the sick, print new brochures, and obtain social security and health insurance for clergy. However, he stated that church members often complain that the "good relations" between church and state, which the government declares, "are just empty words, because of unfortunate personal experiences."²⁷

20. The Franciscan friar Vlado Buntić, assistant pastor at Drinovići, had been at that point imprisoned for two months on a summary conviction, without trial; no written copy of the sentence was sent to the parish office.²⁸

21. The building of a cemetery chapel at Cerci was halted by a building inspector, although a permit to build had been received. The local Communists complained that the cross of the chapel would be too high and that a road and a House of Culture should be finished first.²⁹

22. At a series of seminars for Communists in Dalmatia, it was reported that "hostile, malevolent or sectarian attitudes towards believers still exist and that divisions between people based on their world-views are still prevalent: intolerance towards believers has become a sort of religious attitude."³⁰

23. Armin Prebeg, a priest from Split, was sentenced to fifty days in prison for allegedly forcing a woman in a hospital to go to confession.³¹

24. The secretary of the Central Committee of the League of Communists in Bosnia and Herzegovina, Dr. Ivan Cvitković, otherwise a sociologist of religion,
stated in a lecture that there are conflicts of conscience for believers, such as a Catholic physician who must perform abortions in the hospital although his beliefs forbid him, or a Muslim serving in the army who is not able to eat everything since no provisions are made for religious dietary regulations.

25. The Franciscan friar Emmanuel Jurić from Tuzla was imprisoned for forty days for "insulting the patriotic feelings of citizens" in a confession.

26. The Macedonian Veterans' Association warned that the spread of religious education in Macedonia is harmful, particularly among Albanian Muslims who send their children to medressas rather than public schools.

27. Several high government officials blamed the Catholic Church for violating the principles of the Protocol between the Vatican and Yugoslavia, saying that a section of the Catholic clergy is misusing their rights for "nationalist, anti-socialist, and anti-Yugoslav ends." (These oft-repeated charges of clericalism are leveled mostly at Catholic, but also at Serbian [not Macedonian, however] Orthodox and Muslim, religious leaders.)

28. Franjo Cardinal Kuharić of Zagreb criticized the attempts to suppress religion and deny religious liberties and rights.

29. A member of the Seventh-day Adventist Church was sentenced to two-and-a-half years in prison for refusing to bear arms.

30. Religious activities are increasingly described as nationalist or clerona­tionalist, according to both Serbian Orthodox and Roman Catholic Croatian sources.

These ample illustrations are not exhaustive, nor are they a particularly investigated account of violations of religious rights, but primarily the ones that have been reported in the secular or religious press. Many violations are not reported by the victims (analogous to rape victims) for fear of making their situations worse. I personally know the case of a young man who, while serving in the army, confided after several months to a "friend" that he was a Seventh-day Adventist. He was immediately reprimanded by his commanding officers, sent for psychiatric observation, and later dismissed from the army without any indication of what further steps might be taken against him. He and his sister, a student, both shared their impression that it is best not to admit to anyone that one is a believer because there are unpleasant consequences for one's education or career or one's parents' careers.

The Yugoslav police, security organs, and prison guards are known for their
brutal methods of investigation and treatment of those who are arrested. From conversation with a man who was imprisoned only several years ago, I learned that during preliminary hearings he was tied to a radiator, and two masked policemen beat him repeatedly with rubber truncheons until he was ready to "admit." After serving two years in prison, he wet his bed every night for a long time. Although a large, strong man, he admitted crying like a child and begging for mercy when he was beaten.

The case of a young worker who attended some Marxist "dissident" meetings, was interrogated in 1983 by the police, and was later found dead has become well known in the West. The police claimed he committed suicide, but it obviously was a case of police-murder.

It is not suggested that these two illustrations of police methods were specifically against believers. The last such case of police-murder known to me was of a Methodist minister from Macedonia, Asen Palankov, in 1958.39 If they are willing to use harsh methods against some, they certainly are able to use it against others, including religious offenders. This is not merely a logical inference but is empirically confirmed. For instance, other Methodist clergy in Macedonia have been threatened by the police that their "guts will hang from the rafters just as Palankov's did." The clergy are often summoned by the police for "friendly discussion" sessions which are secretly tape-recorded. At such sessions they are requested to submit membership lists and asked about their own and their members' political views; requests for church repairs are denied for decades, and church members' legal appeals are consistently denied. This results in a general feeling of helplessness and resignation, since they know that their rights have much less chance of being defended than those of persons who are not religious. It also brings divisiveness into the ranks of church leaders and laity as to how one should respond to such pressures. Generally, those who are more intimidated or conciliatory tend to gain an upper hand and set a tone of timidity and compromise. This, in turn, often alienates younger people who have not been directly exposed to such harsh treatment.

V. On the Brighter Side

Nevertheless, enormous progress has been made in the degree of openness and freedom for religion in the past twenty years. There seem to be no current prisoners for purely religious cases, and the length of imprisonment for the mixed religiopolitical cases is shorter than in the past.

The sociological studies of religion have become scholarly in nature and have not only discovered inaccuracies in the traditional Marxist notions of religion but

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have also admitted the very significant explicit or latent religiosity of the majority of Yugoslavs. Among these sociologists, the vast number (to mention the most prominent ones, Esad Ćimić, Zdenko Roter, Marko Kerševan, Srdjan Vrcan, Stefica Bahtijarević, Ivan Cvitković, Ivica Mašturko, Nikola Dugandžija, and the philosophers Branko Bošnjak and Andrija Krešić) have pressed for a genuine separation of church and state where the state would not be an advocate and promoter of anti-theism but a truly a-theist state which would favor neither nonbelievers nor believers. Their influence, while not determinative, is significant. The Yugoslav Communists are not at all like-minded on how to deal with religion, and a considerable struggle is taking place in which the moderates seem to be gaining in influence. Should they prevail, religious liberty would be guaranteed more effectively.

In the decade from 1970 to 1980, five times as many religious as Marxist publications (with a circulation of 15,580,000 against 3,478,000) were reported by the theoretical party journal Komunist. While there is no complete freedom of publication, it is astonishing for someone who has known how restrictive that policy used to be in Yugoslavia, and still is in the rest of Eastern Europe, to see how wide the scope of research, writing, translating, and publishing is in Yugoslavia with respect to books, journals, and newspapers. Material critical of the government and even of the system have been published. The religious press is not among the more outspoken critics, but it has definitely benefited from the enlarged scope of the freedom of the press. There seem to be few if any restrictions in the number of copies, size, or nature of publications, though the religious press is not supposed to treat solely political or social issues. Yet, criticism of government social policies did appear in the religious press (for example, anti-abortion statements in the Catholic press). The Bible, Qur’an, Talmud, and other scriptures have been newly translated, published in Yugoslavia, or imported from abroad and have been disseminated not only through the churches—many book stores also carry them as standard items. In some parts of the country there is no shortage of scriptures, but in other parts the demand still outstrips the supply.

While the secular press frequently takes pot-shots at religion, such attacks are by no means universal. Often journalists or even government officials will treat religion positively and will advocate more moderate policies. Sometimes, but not always, letters to editors critical of the paper or of some government policy will be printed. Many feel that the cooperation of believers and nonbelievers is much more desirable than conflict. From time to time, in specific cases, the journalist will take the side of a religious group over against an official’s or court’s action.

Pilgrimages to Rome, Jerusalem, Mecca, Padua, as well as sites in Yugoslavia, such as Marija Bistrica, Medjugorje, and the medieval Serbian monasteries, take place in large numbers with the assistance of travel and transportation agencies.

\[40AB, November, 1984, p. 5.\]
Masses and services in native and foreign languages are provided for tourists and locals and announced in prominent places (the authorities even permitted the celebration of a Mass at an international nudist assembly, though it did provoke considerable discussion in the church as to whether the officiating priest should be nude—that is really on the bright side!).

Travel abroad by all, including clergy, and visits by foreign religious leaders have not been impeded since about the late 1960's. Such visitors as the Moscow Patriarch, the Vatican Secretary of State, or other prelates and dignitaries (for example, Billy Graham) are allowed to preach and to visit with their peers, and they are received by government officials. Even more encouraging are visits and public lectures by such notable theologians as Hans-Küng and Jürgen Moltmann. Each year there is an international seminar on the future of religion which takes place at the Inter-university Center for Post-graduate Studies in Dubrovnik. International learned societies discussing the theme of religion have met in Yugoslavia with no interference, and foreign missionaries or professors have been allowed to preach or teach in Yugoslavia.

The youth have shown considerable interest in religion and considerably less interest in state-supported atheism. The weekly NIN asked, “Who attracts young people? Two thousand people attended a talk on religion and mysticism in the Youth Centre and five hundred people stood and listened for hours to a discussion on religion in the Student Centre.” And this took place in Serbia, where the interest in religion is not as visible as in Croatia. At the 1984 Eucharistic Congress at Marija Bistrica, the majority seem to have been young, and many walked fifty miles or more to the Congress singing Christian songs.

Christian-Marxist dialogues have taken place, both in public and in publications, scholarly or otherwise. The scholarly dialogue does not seem to have a direct impact on the relations between government leaders and higher clergy, however. The negotiations between officials of church and state occur in a less generous atmosphere, but the fruits of the dialogue do render the context of negotiations more constructive.

After years of being denied permission, the Serbian Orthodox Church received the authorization to continue the construction of the Cathedral of St. Sava in Belgrade, and the church at the site of the former concentration camp of Jasenovac has been finished, while the Archbishopric of Split has been granted the right to proceed with its cathedral church. After the earthquake of Skopje all faiths were allocated ground for building churches or mosques according to a carefully developed urbanization plan, and financial assistance from abroad for such buildings has been allowed. In fact, the government has become aware of the potential financial benefit of some religious activities, especially during the

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difficult economic crises, and it has tended to move pragmatically to share in the benefits. Funds have been granted by the government for the repair and restoration of historical religious monuments.

No quota has been imposed on theological schools, so they are able to admit as many students as there are applicants. On the whole, there seems to be a satisfactory number of clergy, though some churches, mainly for internal reasons, experience greater problems in recruitment than others. The curricula of these schools are entirely in the hands of the churches. Clergy are allowed to form professional associations, which have been resented by certain hierarchies but defended by the governments as consistent with the social system. Social security and health insurance have been made available to clergy. The churches are allowed to provide pastoral care for the immigrant communities of Yugoslavs working abroad.

Thus, one can see that the rights exercised by religious communities in Yugoslavia are not inconsiderable. As a rule, the list of permitted activities has expanded steadily.

**VI. The Ambivalence of the Present Situation**

If one were to notice only the bright side, then Yugoslavia's record in religious liberties would be exemplary and its future bright. However, if one were to look only at the previously itemized instances of government repression, one would conclude that the situation is bleak—certainly not as bleak as in Albania, the Soviet Union, or Bulgaria, but, nevertheless, bleak. Many believers in Yugoslavia as well as observers dwell at length on this aspect of the limitations of religious liberties. For instance, Jure Krišto stated,

> The relationship between the Roman Catholic Church and the Communist regime in Yugoslavia is almost as bad now as in the immediate postwar period (1945-1953). The Communist Party began its relentless, organized attack on the Catholic Church in 1971 through the media and other channels; this onslaught peaked in 1981. Unreasonable, escalated antireligious propaganda and imprisonment of a number of priests took place. 44

Pedro Ramet observed the ambiguity as it applies to the Catholic Church in this perceptive manner:

> The Catholic Church certainly enjoys more freedom in Yugoslavia than it does in any other Communist country. But it has to fight to win and maintain that freedom, and there remain distinct limits to

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what the Communist authorities will tolerate. . . . Thus the Church remains a tolerated species, but one destined for extinction in the ripeness of time. . . . the Church finds itself being nudged to the periphery of social and cultural life—to say nothing of its official banishment from politics—to a niche in which it cannot be content. . . . Its defense of human rights and of the national aspiration of the Croats is part and parcel of that aspiration. But that aspiration . . . is precisely the LCY's definition of the "mortal sin" of clericalism.45

A Roman Catholic theologian from Zagreb, Vjekoslav Bajsic, described the situation as being more or less the same since 1963 with some oscillations (for example, improvement after the signing of the Protocol between Yugoslavia and the Vatican). When the relations between the great power blocs deteriorate, it makes an impression on church-state relations, even in neutral Yugoslavia, because there is less room for walking on a tight-rope. The church more or less does what it wants, but some individuals experience pressure—for instance, if they send their children to religious education or if someone carelessly said something tactless. It is not clear who instigates actions against the believers; it is not always by instructions from above, but since the country is not monolithic many people take the initiative in creating difficulties for believers. In Yugoslavia it is difficult to say what the official line is and what is only a press attack. The inconsistencies are marked. In Split nuns were prevented from providing child day-care centers, while in Zagreb they continue to do so. In Slovenia there is an association of Catholic journalists who have frequently criticized and accused government officials for their attitude toward the church, while in Croatia that cannot be done. In Croatia there are local obstructions to the building of churches, while this is not the case in Slovenia. In early 1985 there were sharp attacks upon the Roman Catholic Church, but at the great festival of Sts. Cyril and Methodius in Djakovo in the summer of 1985 everything went well. Likewise, the great Marian pilgrimage and Eucharistic Congress in Marija Bistrica, the largest religious gathering ever in Yugoslavia (about 200,000 to 300,000 people), experienced no hitches.

In Bajsic's opinion the relationship between church and state will not significantly change. There are no particular trends, toward either reconciliation or sharper attacks. The government does not want to see an increased role for the churches and realizes that if religion does not organize itself it will not be dangerous. Thus, the great issue is the presence of religion in public life. Since nationalism is the most potent formula for gathering people, the government is most nervous about the linkage between nationalism and religion. In Yugoslavia, religion, indeed, tends to be national, which means that due to nationalism one cannot love one's enemy as one's own group. If there were Christian solidarity in Yugoslavia, then the party would face a serious rival, but this is not the case.

Structurally, the Communist Party holds the nationalities of Yugoslavia together in a precarious balance.\textsuperscript{46}

A similar assessment was made by Martin Hovan, a Methodist minister from Novi Sad. He stated that respect for religious rights has definitively improved since the middle 1960's. The government does not interfere in internal matters of the church, though it does sometimes request information about what is going on. The government completely accepts the internal regulations of churches and regards those church people who break such rules as having made an error. The officials are informed and may even give church leaders legal advice, but they do not step in to settle an issue (a specific problem in the Skopje Methodist Church was cited as an example). The laws disallow to churches anything that is not strictly religious (such as sports, recreation, dances, excursions, etc.), but the religious press is free. There is no prior censorship. One copy of each published issue must be submitted to the justice department, and the public prosecutor may seek the banning of distribution of a particular issue if the court agrees that the material is objectionable. Importation of literature from abroad is more problematic. Up to three copies can be received without problems, but a special permit must be issued by the government for bulk shipments. When a bulk shipment is sent without permission, the customs office notifies the respective church that it cannot be delivered for lack of permit.

According to Hovan, there is no excessive arbitrariness, but there are regional differences. For instance, in Macedonia there is less objection about an educator who goes to church than in Serbia. In Slovenia and Croatia the overall situation is better than in Serbia. If there are problems, the churches relate to the Commission for Relations with Religious Communities on the federal, state, provincial, or municipal levels.\textsuperscript{47}

\textit{VII. Conclusion}

The responsibility for the conflicts and ambiguities of the Yugoslav situation with regard to religious liberties rests not only on the government; the churches themselves have frequently initiated or contributed to the tension. To proclaim religious liberty and human rights when until very recently the same institution denied it to others and still shows disrespect for the rights even of some of its own members sounds hollow and hypocritical. The past behavior or misbehavior of many of the religious communities is one of the serious obstacles to a successful affirmation of such rights today. The very narrow scope of the present religious concern for human rights weakens the effectiveness of any church's witness. The Yugoslav churches have not shown any great creativeness in broadening the notion of religious liberty. The link with nationalism gives some of the

\textsuperscript{46}Interview with Dr. Vjekoslav Bajić in Zagreb, Yugoslavia, August 2, 1985.

\textsuperscript{47}Interview with the Rev. Martin Hovan in Novi Sad, Yugoslavia, August 6, 1985.
churches the clout to defend their own minimal rights, and, regretfully, most have been satisfied to continue to travel this same route. They seem to feel that an ever greater claim of being the defender of a certain nationalism will increase their freedom and influence, possibly to the position of a favorite status. Very few churches have sought to find in their own religious treasure some creative responses or initiatives which would not at the same time threaten the liberties of other churches. As long as the government continues to be the sole guarantor of at least legal equality among the religious groups, the churches will be ineffective as authentic embodiments of the proclamation and practice of religious liberties and human rights.

The main source of the denial of religious liberties, however, lies directly in the attitude of the League of Communists, as implemented by the government. While the League of Communists has considerably softened its original extremely intolerant attitude, making the situation currently much more bearable, its prevailing view is still that religion does not belong to the socialist order. By one means or another, religion is to be limited, isolated, marginalized, attacked, and—in the long run—eliminated. As long as this persists, religious people will not feel at home in their own country, and Communists will continue to suspect them as an alien nuisance and threat. Only a minority of Marxist intellectuals have worked at discovering a more conciliatory formula which would recognize the right of religious people to full civil liberties; while their views have had some impact, it cannot be said that they have been accepted by the power-wielders.

The precariousness of the present situation, fraught with ambiguities and pitfalls, reflects, at least for the time being, Yugoslavia's way of handling religious liberties.

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