Identity, religion and human rights in the Balkans.
The Macedonian Case of Archbishop Jovan in its broader context

Peter Morée

Introduction
Archbishop Jovan of Ohrid, head of the Serbian Orthodox Church in Macedonia, who is referred to by his civil name Zoran Vranisskovski, is again in prison. The Supreme Court of Macedonia refused his appeal against a sentence of 18 months’ imprisonment for some financial offences. In effect, Jovan was taken by the Macedonian police and put in a prison in Skopje. His followers and friends complain that he was not allowed to take his bible and prayer books into his cell, at least not during the first months of his detention.

Moreover, a further (altogether the fourth) case against Jovan is being heard at present. This time it is not because of financial irregularities, but because Jovan and eleven other members of his church held a church service in a private apartment. If the bishop is convicted, he will spend the next four and a half years in prison.

Jovan’s case has drawn international attention for several reasons. Because he is a representative of the Serbian Orthodox Church, the case has provoked strong reactions from Belgrade, from the leadership of the Serbian Orthodox Church, but also from politicians and officials. The presidents of Macedonia and Serbia had a telephone conversation to calm the tensions between the two countries. Their conclusion was that the Jovan case is an internal affair of the Macedonian Republic, which should not be resolved between the two countries. By this statement the presidents might have wanted to convince the Macedonian court to slow down, but it certainly did not help bishop Jovan in the short run.

A further reason for the international attention is the aspect of human rights and religious freedom. The Jovan case shows strong features of prosecution for administrative reasons, whereas the real reasons for preventing Jovan from working as a representative of the Serbian Orthodox Church in Macedonia lie somewhere else. The allegations against him, the rather untransparent process of the trial and the reactions of Macedonian officials strongly suggest that the Macedonian authorities are trying to ban the Serbian Orthodox Church from Macedonian soil. This raises many questions concerning the rule of law and the respect for human rights in this country, which is a member of the OSCE, aspiring for membership of the European Union and receiving a great deal of support from Western countries concerning its democratization.

1 Peter Morée organises seminars for the Protestant Churches in the Netherlands on religion, transformation and democracy in co-operation with partners in the Balkans.
The issue of freedom of religion in Macedonia as reflected in the case of archbishop Jovan of Ohrid has at least three levels. In the first place there is the level of the law on religion and the relations between state and religion. The existing legislation is nevertheless only a result of deeper feelings concerning identity and the survival of the Macedonian nation. Also we have to identify the involvement and interests of the Macedonian Orthodox Church and the Serbian Orthodox Church.

Legislation
Just as most countries of the former communist bloc, Macedonia also underwent a difficult discussion on the freedom of religion — and this discussion does not seem to have come to an end. The main question concerning religion after the fall of communism or, in Macedonia’s case, the foundation of the new state after the dissolution of Tito’s Yugoslavia, was how to control new denominations and religious groups (often funded by Western organizations) and to guarantee stability in times of profound changes in society. The outcome of this process was a law on religion which — again like in most former communist countries — is quite restrictive with regard to religious rights. The Macedonian law especially limits the right to express one’s belief by way of placing severe restrictions on the right to register a religious community. The law says that for each religious group or denomination only one religious community may exist in Macedonia. It means that there can be only one Roman Catholic Church, one Baptist Church, one Islamic Community, one Evangelical Church. The establishment of different churches from the same religious or denominational family is prohibited. At first sight this limitation seems perhaps an over-bureaucratic regulation by a control-oriented state, raising questions about principles of non-discrimination. Fundamentally, though, this places the Macedonian state in a role in which it has to explain and apply theological issues like canon law or aspects of doctrine. Ultimately, with this law the Macedonian state claims to know which church or religious community of a certain type is the best, most true and orthodox follower of its doctrine and rules. As such, it decides on the existence or non-existence of a particular religious community.

The intention of this legislation seems to be the protection of the majority religious communities in the country, i.e. the Macedonian Orthodox Church and the Islamic Community. Of both types only, one is allowed. And on both sides we find similar problems.

On the Islamic side the problem is the small Bektashi community of Tetovo in Northwestern Macedonia with its leader Baba Tahiri. This community combines elements of Islam and Christianity. The holy book of the Bektashi is the Quran, they live in a setting which in many ways is reminiscent of a monastery, they do not pray five times a day and they drink alcohol. Bektashi spiritual leaders like Baba Tahiri live in celibacy as a step on the way to spiritual perfection.

The Bektashi do not prefer to be incorporated in the Islamic Community of Macedonia, but would like to register separately. For some reason they managed