

Helsinki *bulletin*



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ECCLESIASTICAL DISPUTE: YET ANOTHER POINT OF CLASH BETWEEN SERBIA AND MONTENEGRO

Montenegro is especially important to Serbia's geopolitical ambitions; hence, Montenegro is being treated as a "domestic problem." Strategically interested in an access to the Adriatic Sea, Serbia denotes "a Montenegrin" solely in geographic terms. According to Serbian strategists, Montenegro's independence has been triggered off "by the impulse from the abroad" (which refers to the West).¹

Serbia's growingly aggressive presence in Montenegro clearly indicates how important the latter is to it, the more so since Serbian strategists hold that Serbia's influence could easily sink under Croatia and Albania's "hostile geopolitical aims."² But their argumentation ignores the fact that all the three countries are in the membership of NATO. As it seems, they are also expecting that the Euro-Asian bloc would be more interested in Montenegro in the future.

1 Živadin Jovanović, *Kosovsko ogledalo*, Belgrade Center for the World of the Equal, Belgrade 2007.

2 Dušan Proroković, *Geopolitika Srbije*, Official Gazette, 2018.

Serbia's utmost objective is the establishment of a new Serbia-Montenegro state community; it looks forward to seeing "ethnically" motivated process back on its old course and, especially, the end to "the process of creating the hybrid Montenegrin nation."³

In order to understand Serbia's policy for the region one should consider the Charter on Serbian Cultural Space proclaimed by Serbia's Ministry of Culture and Information and the Ministry of Education and Culture of Republika Srpska (Sremski Karlovci, March 4, 2019). The said document had been announced for some time as a declaration on the safeguard of the Serbian nation. It's been argued that the document, now renamed (because of reactions it caused in the region), "connects all the Serbs" – now in the field of culture – regardless of where they are, given that "boundaries of a cultural space cannot be boiled down to borders of a political or state space." Serbia's Minister of Culture and Information Vladan Vukosavljević said that extra efforts for implementation of a common cultural policy of the Serbian people regardless of political or state format they live in" was the bottom line of the Charter.⁴

The said cultural space implies territories of neighboring countries encompassed under the Greater Serbia project as Serbian – ethnically, culturally and politically. And these are exactly the territories the newly adopted Charter defines as the space of the common ethnic culture.

In an interview with the *Politika* daily Patriarch Irinej points to a "tragic situation" in Montenegro, which is "not less a Serbian classic land than Kosovo and Metohija." He calls the said situation absurdly tragical. "The regime over there has not only recognized Kosovo and Metohija as

an independent state – where all leaders as one had been in a terrorist army – but also claims Metohija arguing that it belongs not to Serbia but to Montenegro."⁵

Given that religion is a major factor of identity in the Eastern Orthodox World, establishment of the Montenegrin Orthodox Church (CPC) is considered a stab in the back of "the Montenegrin cultural-religious hearth, which is in Serbian-hood."⁶ CPC is seen as a political or non-governmental organization, while introduction of the Montenegrin language in school curricula and official use as yet another attack at Serbian-hood.

Lately, Montenegro's draft law on religious freedoms and religious communities further raised tensions between Serbia and Montenegro.

Historian Šerbo Rastoder takes that Milo Đukanović "reasons as a statesman, as a man who has renewed the state of Montenegro" and that we are now witnesses of "something called rounding off of a process." "In this context, out of all other identity-building issues only the ecclesiastical question remained opened." According to him, the issue of properties is not the sum and substance of the draft law but religious freedoms and "the use of sacral facilities independently of their national prefixes but dependently of one's belonging to a religious community."⁷

3 Ibid.

4 <http://www.politika.rs/sr/clanak/424098/U-Sremskim-Karlovcima-potpisana-Povelja-o-srpskom-kulturnom-prostoru>.

5 *Politika*, September 29, 2019.

6 Ibid.

7 <http://www.rts.rs/page/stories/sr/story/11/region/3660381/crna-gora-i-hramovi-nemanjica-ko-ce-biti-vlasnik.html>.

AUTOCEPHALY OF THE MONTENEGRIN ORTHODOX CHURCH

Intent to restore autocephaly of CPC (lost in 1920 following on the establishment of the Kingdom of Serbs, Croats and Slovenians), Montenegrin authorities have been trying for four years to regulate the status and property of religious communities operating on their territory.

The provision on state-ownership of religious facilities of the Serbian Orthodox Church (SPC) built before 1920, which Podgorica sees as Montenegrin civilizational and cultural legacy raised hue and cry in Serbia, all of which was accompanied by the smear campaign against Montenegro in the media.

However, at first glance this legal dispute over property veils the sum and substance of layers and layers of “deep, complex and manifold” relations between Serbs and Montenegrins throughout history.⁸ Once it reestablished independence (2006) Montenegro has been also strengthening its ethnic specificity; it’s wish to reestablish ecclesiastical independence as a major factor of an autochthonous national identity (Eastern Orthodox) is quite understandable.⁹

Serbia’s intellectual and church elites seem more distressed by such attempts than by “the much disputed” Montenegro’s independence. It also seems that even Serbian hard-core nationalists are fully aware of Montenegro’s state-building

authenticity, but nevertheless see the latter as yet another “Serbian state.”¹⁰

In a seemingly reconciliatory release, President Vučić appealed for withdrawal of the draft law on religious freedoms; however, at the same time he allowed his associates to go on campaigning against Montenegro in tabloids.

Serbia has been treating SPC in Montenegro as a state within a state, using it to implement its policy of denial of the Montenegrin state and nation. SPC is the only Serbian institution that legitimately operates beyond Serbia’s borders, and that is why it is assigned such an important role in Serbia’s strategy. Besides, Patriarch Irinej said that SPC opposed “not being entitled to have a say about most important issues.” Was it not for “the Church of St. Sava,” he said, “there would have been no our people.” “This is why the Church will be strongly raising its voice whenever it sees it as fit, and especially when it comes to vital questions, and national identity and self-consciousness.”¹¹

AUTOCEPHALY DENIED

In Serbia’s predominant public opinion there has never been an independent Eastern Orthodox church in Montenegro. Academic authorities, certain historians and outstanding figures have been fueling it. For instance, Dalibor Đurić, assistant professor of ecclesiastical right at Belgrade’s Law School, argues that “from the angle of Eastern Orthodox ecclesiastical right, Montenegro has never had an autocephalous

8 Andrej Nikolaidis, *Most Radija Slobodna Evropa*, prema Danas, 6-7 jul 2019.

9 “We have to make yet another major step to undo the injustice done to Montenegro in the early 20th century, and that is to restore autocephaly of the Montenegrin Church,” said Montenegrin President Milo Đukanović; *Novi magazin*, June 20, 2019.

10 Secretary General of Serbia’s Presidency and high official of the Serbian Progressive Party directly summed this up saying that “Montenegro is a classical Serbia state.” To this he added that “as a state Montenegro has been always proud of its Serbian identity,” *Politika*, June 14, 2019.

11 *Politika*, September 29, 2019.

church and, therefore, could have never been cancelled.”¹² Putting across a message to his compatriots Academician Matija Bečković asks them why wouldn’t they make yet another step now that they have already “given up their name, alphabet and religion.” “That new church in Montenegro may have only one, a scalar-kavasch (two mafia clans, trans. note) eparchy,” he adds rather cynically.¹³ Apart from circles in SPC, most critical remarks in Serbia that come from scholar-intellectual circles rest on a premise that Montenegrins and Serbs are the same people (Serbian, of course), the fact the incumbent Montenegrin regime has been denying and disregarding. “All this is a construct of an artificial identity-building project aimed at making citizens of Montenegro erase their Serbian past and Serbian identity from their memory,” says Dr. Miša Đurković of the Institute for European Studies.”¹⁴

Philosopher Slobodan Divjak is one of those who from an allegedly principled stance criticize Montenegrin authorities’ attempts at restoring CPC independence by arguing that the latter is contrary to the civilian republic-state concept in which a citizen, regardless of his or her religion or nation stands as a fundamental political factor. According to him, this is exactly why a church (religion) has been moved from a state sphere to a social sphere in a modern, secular state.¹⁵

12 Politika, June 27, 2019.

13 Politika, June 15, 2019.

14 Politika, June 23, 2019.

15 “Religious identity introduced as the foundation of the Montenegrin state camouflages elevating religious with a Montenegrin prefix on a pedestal of state religion, whereby the Montenegrin state privileges one religion, meaning it is no more religiously neutral,” he says; Danas, July 9, 2019.

INDISPUTABLE INDEPENDENCE

CPC independence derives from the historical process of constitution of the Montenegrin state (first as a principedom and then a kingdom). In Montenegro, a tribal society almost till mid-20th century, religious leaders were also rulers (for instance, St. Peter Cetinjski and Petar Petrović Njegoš). Highest spiritual leaders have been elected by people’s assemblies rather than by church hierarchies (archbishopric synods).

CPC is referred to as autocephalous in the 1766 calendar of the Constantinople Patriarchy. Unlike most other autocephalous churches, the Montenegrin has never had a patriarchy but had its believers assembled within the Cetinje Metropolis. However, even the 1905 Constitution of the Principedom of Montenegro provides that “the state religion in Montenegro shall be Eastern Orthodox, and the Montenegrin church shall be autocephalous. It shall not be dependent on any foreign church, but shall keep dogmatic unity with Eastern Orthodox Constantinople Church.”

Upon the establishment of the Kingdom of Serbs, Croats and Slovenians the Cetinje Metropolis placed itself under the auspices of the SPC (1920). How it happened and in what way – that’s also disputable. Montenegrin authorities claim that CPC autocephaly was annulled under King Alexander’s decree; the Venetian Commission agreed with their claim.

However, this is what Belgrade denies arguing that the decision on unification of all eparchies that used to operate beyond the borders of the Kingdom of Serbia till the creation of the Kingdom of Serbs, Croats and Slovenians was made by an ecclesiastical synod, while King Alexander only “acknowledged” the new state of affairs in a decree.¹⁶

16 “The issue is solely in the domain of the autonomous ecclesiastical law rather than constitutional law,” says

MONTENEGRO'S SOCIAL COMPLEXITIES

No doubt that ongoing ecclesiastical disputes are deepening the gaps within in the Montenegrin society (many are referring to as abysmal). Bishop Amfilohije and his Montenegrin-Adriatic Coastal Eparchy are most influential factors of social life. It is no secret that the Eparchy's congregation includes many persons who declare themselves as Montenegrins and had opted for independence (according to some estimates, as many as 60 percent of believers see SPC Metropolis in Montenegro as "their" church).¹⁷

This is surely one of the reasons why the said legislation has been developed for so long and with such care (adoption of the draft law, some have announced for early summer, was postponed till autumn).

Patriarch of Constantinople Bartolomeo's letter to President Đukanović only added fuel to the fire of tensions Bishop Amfilohije has been raising. The Patriarch of Constantinople who bestowed autocephaly on the Ukrainian Church in late 2018, and is soft-spoken about the request by the Macedonian Orthodox Church (trying for more than 50 years to get canonically separated from SPC), was quite explicit when it came to CPC. He not only denied the fact that CPC has ever been autocephalous but also said, "The Constantinople Patriarchy, together with other Eastern Orthodox churches, recognizes the church under the jurisdiction of His Eminence Metropolitan of Montenegro Amfilohije the

only canonic Eastern Orthodox jurisdiction in Montenegro..."¹⁸

Milo Djukanović ignored the letter; his Office just released that the said letter, publicized by the Metropolis, has never reached its addressee.¹⁹

Many analysts in Montenegro take that the said letter was penned in Cetinje (Amfilohije and Bartolomeo attended the same religious schools); it mirrors for all to see the stance by the Patriarchy considered "the highest among equals" and has found an echo among believers in Montenegro.

Vladimir Jovanović, analyst and expert in the history of church in Montenegro, says that the letter is probably authentic but that "Bartolomeu has not written he would recognize not autocephaly of CPC." "That's not what the letter says. Even had it said it explicitly that would have been contrary to canons the Eastern Orthodox Church rests on. Canons are 'above' any patriarch whatsoever, including Bartolomeo. The canon 17 of the Fourth Synod of Constantinople clearly provides overlapped borders Eastern Orthodox jurisdiction and state borders. Today this has nothing to do with Montenegro. Request for autocephaly is not a heresy but quite a legal request for an efficient administrative management of a holy, synodical and apostolic church of Christ."²⁰

Having strongly criticized SPC activity in Montenegro – saying that SPC "protects the infrastructure of the 'Greater Serbia' idea and resists restoration of CPC autocephaly – Montenegrin

Dalibor Đukić, assistant professor of the ecclesiastical law; Politika, June 27, 2019.

- 17 Findings of a survey conducted by the Center for Democracy and Human Rights in Podgorica show that citizens have most confidence in SPC and President Milo Đukanović; according to the same survey SPC is the second (46.6%) on the list of institutions they trust (education takes the first place); only 4.9 % of citizens acknowledges CPC.

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- 18 Politika, June 28, 2019.

- 19 <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:803388-Milo-ignorise-pismo-patrijarha-Vartolomeja>

- 20 <https://www.antenam.net/drustvo/124800-pismo-vjerovatno-autenticno-vartolomej-nije-napisao-da-nece-priznati-autokefalnost-cpc>

President Milo Đukanović turned somewhat more moderate in his rhetoric. He said the best way to overcome gaps between Eastern Orthodox believers (in Montenegro) was to form “an Eastern Orthodox Church of Montenegro” that would, as he put it, “open its doors to all believers.”²¹ According to his “platform” for settlement the said church would have no national prefix.

Among the speculations that have circulated in the media of both countries over the past months was the one claiming that the Montenegrin President has been secretly negotiating with Metropolitan Amfilohije on the latter’s taking over CPC.²²

Đukanović’s statement (in an interview with RT of Montenegro) about “doors wide open to the Metropolis of Montenegro-Adriatic Coast and its clergy to be a part of a solution” rather than “traditionally remain a part of the problem” indicates that CPC will have to cope with many obstructions on its path towards independence.²³

However, both church leaders turned down the Montenegrin President’s reconciliatory offer for “unification of two churches.” Miraš Dedeić, at the helm of self-proclaimed CPC, argued that an Eastern Orthodox Church without a national prefix “is non-existent in the Eastern Orthodox world.”²⁴ “We are not interested in having a church that would be called Eastern Orthodox, and even emerge from a formally changed name of the Cetinje-Serbian branch of the Belgrade Patriarchy. We shall consider this or

any similar solution an assault at everything Montenegrin and shall oppose it strongly.”²⁵

Metropolitan Amfilohije also sees the Montenegrin President’s initiative as “unacceptable” and “senseless.” “Speaking about establishment of an Eastern Orthodox church in Montenegro is senseless. Such discourse is just fit for heathens and persons to whom a church means the same as a party of a non-governmental organization,” he said.²⁶

VENETIAN COMMISSION AND (POSSIBLE) LESSENING OF TENSIONS

The Venetian Commission the Montenegrin government had asked for an advisory opinion about the draft law expressed its understanding for the government’s concern for church properties suspected to have been illegally allocated to religious communities could have been a part of Montenegro’s cultural heritage. “This is the more so since the state, as provided by Article 58 of its Constitution, is duty-bound to protect its natural and cultural heritage. In this sense, the Venetian Commission welcomes the solutions proposed by the draft law, which derive from the long-standing legal principles of the Montenegrin legal system.”²⁷ In conclusion, the Commission gave several advices, including the one saying that the right to state-ownership should be registered only following a decision by an administrative court. The Commission also recommended that the draft law should explicitly provide that the change in the ownership over religious properties would not automatically affect the existing right to the use of the said property.

21 Blic, July 14, 2019.

22 To all appearances, the said offer – if true at all – rested on the fact that ambitious Bishop Amfilohija could barely count on being elected the Patriarch of SPC, while the offer gives him the opportunity to become “the number one in the village instead of the number two in the city.”

23 Ibid.

24 Politika, August 8, 2019.

25 Ibid.

26 Danas, August 13, 2019.

27 <http://rs.n1info.com/Region/a494478/Venecijanska-komisija-o-zakonu-o-verskim-zajednicama-u-CG.html>

The Venetian Commission also recommended comprehensive and efficient public consultations with participation of representatives of religious communities as well, in order to have the issue settled as consensually as possible.

Tensions, more or less high, still mark bilateral and inter-church relations. Lately, they grew when SPC Patriarch Irinej paid a visit to Montenegro to attend marking of the 1500th anniversary of the Monastery of the Birth of the Holy Mother, along with the 800th anniversary of SPC's autocephaly. His attendance was seen in Montenegro as a provocation; some organizations (such as the Montenegrin Movement) demanded that the Patriarch should be banned from Montenegro and simultaneously subjected to criminal proceedings.²⁸

And yet, the Montenegrin authorities have not banned the Patriarch from Montenegro; as it seems, they wanted to avoid to get in confrontation with a part of the country's citizenship. At a "love-feast" in Grblje near Budva, the Patriarch said he believed the Montenegrin President

would withdraw recognition of the "false state" of Kosovo and "resume true values."²⁹

The fact that Montenegrin Premier Duško Marković met with Metropolitan Amfilohije to discuss the issue of religious property also testifies of the complexity of the situation.³⁰ The very meeting was initiated by the Metropolitan, and the Premier said yes including to the attendance of legal counsels the Metropolis had engaged. A release after the meeting said that talks would be continued in the search for "best solutions" to "recommendations of the Venetian Commission." "The Government wants to round off the legal system in accordance with the needs of today's Montenegro as a multi-religious and multiethnic society. This Government is obliged to leave an ambience and legacy that would not weight on generations to come," said the Premier.³¹

From the standpoint of SPC, the properties ensuring considerable profits to it that are not registered in Montenegro's transactions log are among the most important aspects of the problem.

28 Politika, 26. septembar 2019.

29 Isto

30 Politika, 25. septembar 2019.

31 Politika, September 26, 2019.

CONCLUSION AND RECOMMENDATIONS

The fact that Serbia identifies its national identity with Eastern Orthodoxy is threatening considering two other Eastern Orthodox countries in its neighborhood that are now in the process of rounding off their own national and state-building identities (Montenegro and Macedonia). Serbia denies their right to autocephalous churches with prefixes of the nations it would not recognize as such.

In his book “In the Name of Identity” award-winning Lebanese-born writer Amin Malouf says, “If you proclaim one identity – either religious, ideological or national – superior, crucial and supreme – then everything done in its name is allowed.”

The biggest barrier between Serbia and Montenegro is the latter’s membership of NATO, whereas Serbia is turning more and more towards Russia and Euro-Asian region, looking forward to seeing Russia, sooner or later, back in the Balkans (despite the fact that Russia has not stood in the way of Montenegro’s membership of NATO).

Autocephaly of the Montenegrin Orthodox Church is indisputable, the more so since its being argued that it is not about “establishment of an autocephalous Eastern Orthodox Church in Montenegro but about restoration of something Montenegro has had for centuries.”

With its policy of “unfinished wars” Serbia has been actually standing in the way of regional consolidation and normalization.