TRAMES, 2017, **21(71/66)**, 3, 251–271

JEWISH COMMUNITIES IN THE POLITICAL AND LEGAL SYSTEMS OF POST-YUGOSLAV COUNTRIES

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Abstract. After the dissolution of Yugoslavia, the Jewish community within Yugoslavia was also split up, and now various Jewish communities exist in the seven post-Yugoslav countries. Although all of these communities are relatively small, their size, influence, and activity vary. The political and legal status of Jewish communities, normatively speaking, differs across the former Yugoslav republics. Sometimes Jews or Jewish communities are mentioned in constitutions, signed agreements with governments, or are recognized in laws that regulate religious communities. Despite normative differences, they share most of the same problems – a slow process of return of property, diminishing numbers due to emigration and assimilation, and, although on a much lower scale than in many other countries, creeping anti-Semitism. They also share the same opportunities – a push for more minority rights as part of 'Europeanization' and the perception of Jewish communities as a link to influential investors and politicians from the Jewish diaspora and Israel.

Keywords: Jewish communities, minority rights, post-communism, former Yugoslavia

DOI: https://doi.org/10.3176/tr.2017.3.04

1. Introduction

In 1948, the first postwar census in Yugoslavia counted 6,538 people of Jewish nationality, although many Jews identified as other nationalities (e.g. Croat, Serb) in the census while identifying religiously as Jewish, as seen by the fact that Jewish municipalities (or communities) across Yugoslavia had 11,934 members (Boeckh 2006:427). The number of Jews in Yugoslavia decreased in the following years after the foundation of the State of Israel. Unlike most other socialist countries, Yugoslavia (who played a role in the foundation of Israel and was one of the first countries to recognize it) allowed its Jews to move there if they wanted to. While in the Eastern bloc there were waves of anti-Semitism, and Yugoslavia was not an exception, since the 1950s anti-Semitism remained at a low level, even

after Yugoslavia forged close alliances with Egypt and other Arab countries and ceased relations with Israel immediately after the Six-Day War in 1967 (Boeckh, 427). In Yugoslavia, the Jewish community enjoyed freedom with regard to the organization of communal life, the conduct of religious and cultural activities, and most notably the community's ties with international Jewish organizations (Encyclopedia Judaica, vol. 21, 2007:417).

While the number of Jews in Yugoslavia was small (and it remains even smaller in the newly independent countries in the region), like in other countries, Jews have played an active role in society, and there have been many Jewish people who made an impact and were or are influential. Among this remarkable number of people are communist politician and painter Mosa Pijade, composers Vatroslav Lisinski and Enriko Josif, composers and conductors Oskar Danon and Alfi Kabiljo, writers Isak Samokovlija, Danilo Kis, Ivan Goran Kovacic, Slavko Goldstein, Stanislav Vinaver, Oskar Davico, David Albahari, Judita Salgo, Filip David, Aleksandar Tisma and Berta Bojetu, explorer Tibor Sekelj, art collector Erich Slomovic, film director Rajko Grlic, film producer and Oscar winner Branko Lustig, historian and diplomat Ivo Goldstein, actresses Rahela Ferari, Mira Furlan, Eva Ras and Seka Sablic, actor Predrag Ejdus, architect Hinko Bauer, publisher Geca Kon, physicist and theatre director Hugo Klajn, linguist Ivan Klajn, diplomat Sven Alkalaj, translator and writer Eugen Verber, journalist and TV-host Mira Adanja Polak, and many others. Many of those people, to this day, are household names in former Yugoslavia. It should also be mentioned that Theodor Herzl's father was originally from Zemun, now part of Belgrade in Serbia, and that Tomy Lapid (born Tomislav Lampel), the Israeli politician who was a leader of the once-influential Shinui party, was born in Novi Sad, capital of the Serbian province Vojvodina (his son, Yair Lapid, born after his father made aliyah, is the current leader of the opposition party, Yeish Atid).

Jews were and still are an important part of the ex-Yugoslav cultural and scientific scene, but their place in the region's political and legal systems is much less significant, and, in the case of some post-Yugoslav countries, like Montenegro, many years passed until they obtained certain legal recognition. This was, however, also the result of the passivity of Jews themselves in getting organized, which is understandable if one analyses the complex situation in the region of former Yugoslavia during the 1990s and early 2000s.

In Yugoslavia, Jews were connected and organized via the Federation of Jewish Municipalities. Then, after the collapse of real-socialism and the introduction of a multiparty system, in most of the republics, nationalist forces prevailed. Croatia and Slovenia seceded from Yugoslavia in 1991 and got international recognition in 1992. Bosnia and Macedonia followed, while Montenegro stayed with Serbia to form a short-lived Federal Republic of Yugoslavia.

Slovenia, the westernmost republic, declared independence first and was the only one spared from international isolation and inter-ethnic conflict. After a short conflict with the Yugoslav army, Slovenia continued as an independent country that pursued a western model of multiparty liberal democracy. It became a

member of EU and NATO in 2004. Croatia was recognized at the same time as Slovenia. However, Croatia had problems since its population was not as homogenous as Slovenia's. Thus, war spread in most of Croatia while the country was ruled by authoritarian Franjo Tudjman, who mixed pro-Western rhetoric with sometimes open nostalgia for the Independent State of Croatia of WWII (which had been responsible for the killing of thousands - the numbers are still a matter of dispute – of Serbs, Jews, Roma and antifascist Croats) and a dose of respect for Yugoslav president Tito, whom Tudjman tried to imitate as well. Only after Tudjman died in late 1999 did Croatia democratize and, in 2013, finally become the second EU member from former Yugoslavia. Bosnia and Herzegovina suffered an even worse destiny as the war between Bosnian Muslims, Bosnian Serbs (supported by Serbia and Montenegro), and Bosnian Croats (supported by Croatia) raged until 1995, leaving thousands dead and many more refugees. Macedonia, on the other hand, succeeded in gaining independence in a bloodless way, but since it has a huge Albanian minority (between one fourth and one third the population of the country) it experienced ethnic tensions and a conflict that almost escalated into war in 2001. Macedonia also has problems with Greece, which does not recognize the name of the country since Greece has its own province named Macedonia. Serbia, together with Montenegro that remained its loyal supporter through most of the 1990s, suffered international isolation under the dictatorship of Slobodan Milosevic. Finally, he was overthrown in 2000 and Serbia got a pro-Western government. In 2006, Montenegro decided through a referendum to separate from Serbia, and in 2008 the Serbian province of Kosovo, which has a huge Albanian majority, unilaterally declared independence and was recognized by many countries, including the USA, France, the UK, and Germany but not yet Russia, China, India, Brazil, Spain, Israel, etc.

While Jews shared the same rights and living conditions, the same benefits and disadvantages of living in Tito's Yugoslavia, after the country split, Jews shared destinies with the people of the republics in which they lived. Thus, their political and legal status varied but, as all post-Yugoslav countries sooner or later democratized to at least a certain degree and since all of them are now members, candidates, or at least potential candidates in the process of integration to the European Union, now Jews' status does not differ much from one post-Yugoslav country to another. There are no anti-Semitic elements in the legislations of the post-Yugoslav countries regarding relations between the state and the Jewish community. There are, however, anti-Semitic outbursts in the society, mostly side-effects of other ideologies (e.g. Islamism, support of Ustasha or other quisling regimes of WWII, extreme leftist support of the Palestinian cause, etc.), that remain more symbolic than supported by actual deeds, although there are cases of graffiti on historic synagogues and Jewish graves. In societies still full of hatred toward one another, anti-Semitism does not play a significant role in that mosaic of hatred.

2. Jewish communities in the legislation and politics of the seven post-Yugoslav countries

2.1. Slovenia

Slovenia is the most economically and politically developed of all post-Yugoslav countries. Its economic development significantly influenced its political and legal systems, which are more comparable to Central European than to Balkan countries. Jews remained present in what would become Slovenia for a very long time. As an important part of Austro-Hungarian society (which ruled Slovenia for centuries) Jews were present in Slovenia, particularly in the Prekmurje region, although in much smaller numbers than in Hungary or Bohemia. The Constitution of Slovenia does not mention specific religious groups, while it provides that they are equal and that a division of state and church be enacted. The Jewish Community of Slovenia is listed among the religious communities that hold the status of legal person in the legal system of Slovenia. A register is maintained by the Office for Religious Community of the Ministry of Culture of Slovenia, and the Jewish Community of Slovenia (*Judovska skupnost Slovenije*) is among the first listed, since 1976 (Ministrstvo za kulturo Republike Slovenije 2016). The Law on Religious Freedoms (*Zakon o verski svobodi*) does not mention any community by name. There is, however, part of one particular article that was created specifically for the Jewish Community. Article 27, line 5 of that law says that, in order to make possible that the state pay for the social security of a religious official, the number of believers who make up his congregation envisaged by that law (obviously too high for the Jewish Community) do not need to be met if that community can prove that it existed for 80 years before the law was put into effect (Law on Religious Freedoms of Slovenia 2007, article 29). In June 2015, the Government of Slovenia founded the Council for Religious Freedoms in order to forge a stronger dialogue between the Government, religious communities, and civil societies. Among its members are representatives of the Roman Catholic, Serbian Orthodox and Evangelical churches, and the Islamic Community, but there is no representative of the Jewish Community (and many other smaller communities). Since the number of Jews in Slovenia is extremely small (between one hundred – the official number – and four to six hundred people of Jewish origin, unofficially, most of them living in the capital city), there are no political mechanisms for representation of such a small community. The Chief Rabbi of Slovenia resides in Trieste, Italy, and the only historic synagogues that survived in Slovenia, in Maribor and Lendava, are today cultural centres and not places of religious worship. The only working synagogue, opened in the 2000s, is also the seat of the Jewish Community in Ljubljana. Even so, latent anti-Semitism is present, which was seen in the controversy when Slovenia’s ombudsman said that circumcision for non-medical reasons was against children's rights (obviously targeting Muslims, but also Jews) (Catholic Church Condemns Ombudsman 2012). While many Jewish survivors fled to Israel immediately after WWII, those who remained turned to assimilation. It is hard to imagine a strong, growing

Jewish community in Slovenia moving forward, regardless of the fact that the Slovene constitution and other legal acts are not in any way obstructive regarding Judaism. However, unlike some countries in the region, the Slovenian government has signed agreements with certain churches and religious communities, but the Jewish community has not yet been among them. When an agreement is eventually reached with the Jewish Community of Slovenia, one of the main issues that will need to be settled is that of the return of property or compensation for property confiscated by the state during post-Holocaust years. The complexity of this issue may be one of the reasons why it has been hard to reach agreements with the Jewish community.

2.2. Croatia

In ***Croatia***, the number of Jews is also not very large but its Jewish community is far more developed than Slovenia's. While there was a larger Jewish community before WWII (more than 25,000) most of them (more than 20,000 according to the same sources) perished during the rule of the Independent State of Croatia, a Nazi puppet-state that ruled from 1941–1945 the area that is today Croatia (Šobajić 1982:171). According to the 2011 census, there are 509 Jews by nationality and 536 Jews by religion living in Croatia. However, because of mixed marriages and assimilation, the number of Jews is probably four to five times greater. Many Jews left Croatia for Israel after Shoah, during the so-called red anti-Semitism, and after the collapse of socialism when the Yugoslav wars started. The Croatia of the 1990s under president Tudjman partly tried to rehabilitate from its dark times during the Independent State of Croatia. While his (alleged) statement that he was "lucky not to have a Jewish or Serbian wife" remains a matter of dispute, certain anti-Semite undertones were present before the democratic changes that happened in 2000, a few months after Tudjman's passing. There is still no monument to Jews perished in Shoah in Croatia's capital city of Zagreb (although a memorial to Holocaust victims was unveiled in Dubrovnik cemetery in March 2016), and the spot where a synagogue used to be today is a parking lot. The process of return of Jewish properties is going very slowly, and there is still no Jewish museum in Croatia. On the other hand, Croatia became the second (and, alongside Serbia, the only) post-Yugoslav country to have an Israeli embassy, which opened in 2005. The first Judaist studies in former Yugoslavia were launched in the Philosophy School of Zagreb University in 2012. Jewish culture and history, Hebrew language, and also Ladino and Yiddish languages can be studied there.[1]

Regarding legal acts, in the Law on Religious Communities of the Republic of Croatia, no communities are mentioned by name, unlike the laws of some other countries in the region. However, in the preamble of the Constitution of Croatia, minorities are listed, and among the 22 mentioned by name is the Jewish minority. This does not mean that Jewish rights are particularly emphasized in Croatia, if compared to some other countries, but rather it is an indication of the different way

[1] Further details can be accessed at: http://www.ffzg.unizg.hr/judaistika/

Croatia deals with its minorities. The Jews of Croatia are the only Jewish community in post-Yugoslav states mentioned by name in electoral law. Still, while seats for larger minorities (Serbs, Italians, and Hungarians) are reserved, smaller minorities are clustered in larger groups. Thus, while Jews can theoretically have a representative in the Parliament of Croatia, in reality that seat is shared with the Austrian, Bulgarian, German, Polish, Roma, Romanian, Rusyn, Russian, Turkish, Ukrainian and Vlach minorities (Law on Election of Members of Croatian Parliament, article 17). The seat is usually won by a representative of the Roma minority, which is the most numerous of those mentioned.

The Jewish community in Croatia, as in many other countries, has pluralistic organization – there is no single community but rather a coordination of Jewish communities in different cities. To make matters more complex, there was a split within the leading Jewish community of Croatia, in Zagreb, so now there are two – the Jewish Municipality of Zagreb (founded in 1806, during the Napoleonic rule and the rise of civil liberties for Jews[2]) and the Jewish Community Bet Israel of Croatia, founded in 2006 after an internal conflict about the election of the chief rabbi. The Jewish Municipality of Zagreb is by far the largest, and it is one of ten Jewish municipalities that exist in Croatia (the others are municipalities in Split, Dubrovnik, Rijeka, Osijek, Cakovec, Daruvar, Koprivnica, Slavonski Brod and Virovitica). There is also a small organization, Habad Lubavich, which is part of the Jewish Organization "Menora". Effectively, there are two communities: the Coordination of Jewish Communities in Croatia (led by the Jewish Municipality of Zagreb) and the Jewish Community Bet Israel. The Croatian government decided to sign agreements with all recognized religious communities, so they signed agreements with both the Coordination of Jewish Communities in Croatia (in 2010) and Bet Israel (in 2011). Although common (the agreement signed with Bet Israel was overall the 16th signed with a religious community in Croatia), these agreements are valuable because they put on paper and confirm certain rights of religious communities regarding different matters. Thus, the Agreement between the Government of Croatia and the Coordination of Jewish Communities of Croatia confirmed the right of Jewish communities to freely organize their structure and to name a rabbi and other religious officials (article 4 of the Agreement), to build and rebuild its religious objects, in accordance with Croatian laws and the administrative decision (article 7), and to organize charity institutions (article 10). There are also articles on the freedom of press and publishing (article 8), religious marriage (article 9), and detailed regulation of religious education in schools and pre-school education (articles 10 to 16 – this is a particularly important and sensitive issue in post-socialist and religiously heterogeneous countries). Issues that deal with Jewish cultural heritage, archives and libraries (article 17 – this article deals also with the return of archival records taken away from Jewish municipalities during the Independent State of Croatia

[2] Jews would loose their civil rights after Napoleon's downfall and finally regain equality in religious and civil rights in Croatia in 1873 (Pederin 2004:142).

and Yugoslav socialist rule), religious services in hospitals, prisons, and the military, etc. (articles 18–22, mainly of technical nature), and respect of Shabbat (article 23) are also included. Finally, it is agreed that the State would financially support each Jewish municipality on a monthly basis (article 24), very important for a small religious community without large assets, and, as it was the case with agreements with other communities, a special Commission was formed with equal representation of both sides to implement the Agreement and to make yearly reports (article 25). The agreement with the Jewish Community Bet Israel mostly deals with the same issues, and most of the articles are taken ad litteram from the Agreement with the Coordination of Jewish Communities. There are only slight changes, like the frequency of financing, which (because of Bet Israel's different organization) is on a yearly, not a monthly, basis.

While still mostly secular and small compared to some other European Jewish communities (and compared to itself before the Holocaust), the Jewish community in Croatia as a whole is more active and present in social life (much less in political life, where numbers are very important) than its counterparts in the other former Yugoslav republics. We can mention, without going into detail, that there are Jewish elementary schools, kindergartens, cultural centres, choirs, homes for the elderly, etc. There has also been a permanent rabbi since 1998, the first since the pre-WWII days. While the number of Jews in Croatia has almost continually fallen, there has been a rise in membership in the Jewish communities. One reason, present also in the other communities in the Balkans, was the rediscovery of Jewish roots for some individuals, and the other reason was the changing rules allowing non-Jewish family members and individuals whose one grandparent was Jewish to join (Hofman 2006:xviii). Overall, Jewish communities in Croatia and Jews as a nation have legal recognition and have equal status to other national minorities and religious communities. However, that remains in many ways a formality as the number of Jews, because of assimilation and moving abroad, is decreasing, even though Jews remain more active and visible in the Croatian public than in other post-Yugoslav countries, with the possible exception of Serbia. Although many synagogues were destroyed or turned into churches (like in Osijek), theatres (Daruvar synagogue), homes of culture (Bjelovar), youth centers (Križevci) or music schools (Sisak), unlike in Slovenia, there are still active synagogues in Zagreb (two of them), Split, Dubrovnik and Rijeka, and there are various active Jewish cemeteries across the country. Anti-Semitic acts are present in the country, particularly with the arrival of the new government in late 2015, which includes some parties that support the rehabilitation of the Croatian quisling regime of WWII. This even led to the president of the Jewish Municipality of Zagreb comparing the current situation in Croatia to that of Germany in 1933, or to Croatia itself in 1941 (the year the Ustasha regime came to power) (Šef židovske općine… 2016). However, recent anti-Semitic acts consist of public meetings and slogan-chanting by sports fans, and there have not been acts of more serious crimes toward Jews or Jewish property, although it appears that an atmosphere of tolerating anti-Semitism is indeed being created.

2.3. Bosnia and Herzegovina

Bosnia and Herzegovina has a special place in the post-Yugoslav political landscape. While there were wars and armed conflicts in other Yugoslav republics, the longest and deadliest conflict happened in Bosnia and Herzegovina between 1992 and 1995. Although the root of the conflict was religion, Jews played only an episodic role in it, since their number was small and, after the war, was even smaller since many of them, like their neighbours and relatives of other faiths, left the country. Jews have been present in Bosnia for centuries, as many Sephardic Jews settled in then-Ottoman ruled Bosnia and Herzegovina after escaping from Spain in the era of the Reconquista. As was the case in other ex-Yugoslav lands, the number of Jews dropped significantly during Shoah and the years after WWII. The Jewish community still remained active in society, and one of the most popular mayors of Sarajevo in the communist era, Emerik Blum, was Jewish. Right before the Bosnian war 1992–1995, the number of Jews by nationality declared in the 1991 census was 426 (although the actual number was probably over two thousand) and the results of the only post-war census of 2013 are still not published, although it can be expected that there will be a decrease in the number of Jews, as many Jews were evacuated to Israel during the war. While anti-Semitism was extremely rare, as the process of islamization continued in post-war Bosnia, there were anti-Semitic incidents, mostly related to chanting at sport events, graffiti, and comments on the internet.

In the Constitution of Bosnia and Herzegovina, adopted as part of the Dayton Agreement that brought an end to the war in late 1995, three nations – Bosniaks (Muslims), Serbs (Orthodox Christians) and Croats (Roman Catholics) – were declared constitutive nations. Other nationalities are not mentioned in the Constitution or other acts derived from it (e.g., electoral law). Instead, they are all grouped into the category of ‘others’. However, in Bosnia and Herzegovina’s Law on Protection of Minority Rights, as of 2003 Jews are listed among seventeen nationalities that are protected (Law on Protection of Rights of Members of National Minorities 2003, article 3). While there are reserved positions for ‘others’ in certain government bodies, the collective chief of state of Bosnia and Herzegovina, the Presidency, is composed of three members representing each of the constitutive nations. The House of Peoples of Bosnia and Herzegovina, one of the chambers of the Parliament of Bosnia and Herzegovina, has its members distributed equally only among Bosniaks, Serbs and Croats. This means that any other Bosnian citizen, including Jewish citizens, cannot be elected into the Presidency or the House, which led to the Sejdic and Finci vs. Bosnia and Herzegovina case in front of the European Court of Human Rights in 2006. The plaintiffs were Dervo Sejdic, an ethnic Roma, and Jakob Finci, who is Jewish and the president of the Jewish Community of Bosnia and Herzegovina. The Court found that the Constitution violated The European Convention on Human Rights. This decision had a deep impact on the European integration process for Bosnia and Herzegovina, since constitutional changes have not yet been adopted and they are an important condition of the country’s advancement to become a member of

the EU. This case symbolically shows that Jews, like other non-constitutive nations of the country, are made politically insignificant in the still-sectarian society that remains divided between the three groups that fought the war two decades ago.

As in Croatia, the Jewish Community of Bosnia and Herzegovina is organized into a few Jewish municipalities – those of Sarajevo, Mostar, Doboj, Banja Luka, Tuzla and Zenica. Similar to other post-Yugoslav countries, the Jewish community in the capital city of Sarajevo is the most active and the only one that is relatively large. As relations between the Bosnian Serb entity, the Republic of Srpska, and Israel have developed, the reopening of Jewish centers (including synagogues in Banja Luka and Doboj) has occurred in recent years. The synagogue in Zenica, while preserved, does not serve its original purpose and, throughout the communist era, served for some time as a furniture showroom (Sinagoga, Muzej grada Zenice 2016). It should be mentioned that the Jewish cultural and humanitarian organization, La Benevolencija ('good will') that was founded in 1892 and played an important role during the Bosnian war, remains active and influential, and that, like Belgrade, Sarajevo has a Jewish Museum (as part of the Sarajevo City Museum) in the Old Synagogue in the city center. No matter the lack of state funding, the Jewish Community of Bosnia and Herzegovina celebrated throughout 2015 the 450th anniversary of the arrival of Jews to Bosnia and Herzegovina.

The Bosnian government follows the same model that exists in Croatia of signing agreements with its religious communities for making detailed arrangements provisioned by the law. Because of the complex political, legal and ethnic structure of the country, these agreements and the negotiations that led to them are usually followed by controversies. The Government signed agreements with the Roman Catholic Church (in 2006) and the Serbian Orthodox Church (in 2007), while the procedure of signing the agreement with the Islamic Community of Bosnia and Herzegovina is still in process. Like in Slovenia, there is still no agreement with the Jewish Community. There is a legal basis for these agreements in the Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina (article 15). In article 8 of this law, the Jewish Community is explicitly mentioned as one of the historic religious communities, together with the Islamic Community, the Serbian Orthodox Church, and the Roman Catholic Church. The Jewish Community of Bosnia and Herzegovina shares the same problem as most of its sister communities of other post-Yugoslav countries – the lack of law of restitution, since much of its property was taken away through the turbulent history of the area. For example, the cantonal ministry of home affairs in Sarajevo is located in the building that used to belong to La Benevolencija.

2.4. Serbia

Serbia is the largest of all ex-Yugoslav republics, and it has the largest Jewish population. Basic religious rights and freedoms and the establishment of a secular

state are provided by the Constitution of the Republic of Serbia, adopted in 2006, but there is no mention of concrete religious communities, nor is there, like in the case of Croatia, a listing of national minorities by name. Despite that, unlike other post-Yugoslav states, the Jewish Community in Serbia is not only explicitly mentioned in the Law on Churches and Religious Communities as one of the traditional religious communities (together with the Islamic Community, there are also five churches deemed traditional), but there is a whole article (article 14) of this law dedicated to the Jewish Community. Traditional churches and religious communities are those who have centuries-old traditions in Serbia and whose legal status is acquired by special laws. Thus, despite much smaller numbers of believers compared to other religious organizations in Serbia, the Jewish Community of Serbia received recognition for its historic significance and long presence in the history of Serbia and the countries that Serbia was part of. In article 14, entitled "Jewish Community", the continuation of legal subjectivity given to it by the Law on Religious Community of Jews in the Kingdom of Yugoslavia from 1929 is confirmed (Law on Churches and Religious Communities of Republic of Serbia 2006, article 14). Through this, Serbia reiterated its aspiration to present itself as the successor of the Yugoslav state, in which, particularly during the interwar era, it had a dominant role. There is also another visible tendency of Serbia's – to downplay the importance of socialist Yugoslavia compared to the prewar Kingdom of Yugoslavia. The legal status of all other traditional religious organizations is also derived from the laws of the former Kingdom of Yugoslavia (except for the Roman Catholic Church, which got that status before, in the Kingdom of Serbia, in 1914) and communities registered under laws of socialist Yugoslavia are not considered traditional but confessional communities (which have become a matter of controversy but, since this is not related directly to the Jewish Community, we do not get into detail here). The Serbian government decided not to sign individual agreements with religious communities, as had been done in Croatia and, following Croatia's example, in Bosnia and Herzegovina and Montenegro. The reason for this should not be sought in relations with the Jewish Community but rather in the much more complex relations Serbia has had with the Roman Catholic Church and the legacy of the failed concordat of 1937, the divided Islamic Community, and other churches.

Like the other countries in the region, parts of Serbia ruled by the Ottoman Empire were inhabited by Sephardic Jews, and parts in the north, ruled by Austria-Hungary (today the Serbian province of Vojvodina), were inhabited by Ashkenazi Jews. Serbian Jews shared the misfortune of most of the European Jewry when, in 1942, Serbia was proclaimed *Judenrein* (cleansed of Jews). Fortunately, some Serbian Jews survived through hiding or by taking an active role in the anti-fascist partisan movement. Still, many survivors moved to Israel and more left during the 1990s. While the last census showed that there were only slightly less than 600 Jews by religion (and all nationalities with fewer than 2,000 members were put together as 'others'), there were a total of 787 Jews by nationality. It is, however,

still believed that there are more than 3,000 Jews in Serbia[3], most of them in the capital city of Belgrade. The Federation of Jewish Municipalities represents the Jewish Community of Serbia, and it is comprised of ten Jewish municipalities. According to the Statute of the Federation of Jewish Municipalities, those municipalities are Belgrade, Novi Sad, Kikinda, Nis, Pancevo, Sombor, Subotica, Zemun, Zrenjanin and Pristina. All of these municipalities, except for two, are in the Vojvodina and Belgrade regions. One of them, the Jewish Municipality of Pristina, follows the legal fiction that Kosovo is still part of Serbia and basically does not exist.

The Federation remains active since there are also functioning centres of informal Jewish education, community day care centres, the famous Baruch Brothers Choir, the King David Theatre, and the Jewish Historic Museum of Serbia, successor of the Jewish Museum of Yugoslavia, the most important Jewish museum in the region of former Yugoslavia. The museum was founded in 1948, following the idea in 1921 to have one museum to protect Jewish cultural heritage and identity, and it was part of the Community of Jewish Municipalities of Yugoslavia (Radovanović 2010:5). Belgrade synagogue Sukkat Shalom in down-town Belgrade is the only active synagogue in Serbia proper (there is a small synagogue in the building of the Jewish Municipality of Subotica in the province of Vojvodina, along with some other synagogues – like the architectural master-piece of Hungarian secession, Subotica Synagogue – that do not serve their original purpose today).

As everywhere in the Balkans, inter-religious hatred is present in Serbia, although far from the scale of the 1990s. Jews, since their number is small, do not play an important part in political life, and anti-Semitism, while present, is, like in other post-Yugoslav countries, limited to isolated incidents, mostly verbal.[4]

Israel has an embassy in Belgrade, opened after the reestablishment of diplomatic relations between Yugoslavia and Israel in January 1992. It is one of only two embassies that Israel has in former Yugoslavia, and it also covers Monte-negro after its independence in 2006. Many Jews who emigrated to Israel now represent a bridge between the two countries, and Serbs from time to time compare themselves to Jews, depicting themselves as victims of their neighbours and of the rest of the world. Restitution of Jewish property remains an important issue for Serbian Jewry, and the long process culminated in the adoption of the Law on Elimination of Consequences of Seizure of Property of Holocaust Victims who do not have Living Legal Heirs in February, 2016. The Law on the Restitu-tion of Confiscated Property and Compensation from 2011 foresaw that this law

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[3] These numbers usually include all people with Jewish grandparents as well as family members of Jews. For example, although there are only 787 declared Jews in Serbia, the Jewish Municipality of Novi Sad alone has 650 members.

[4] The statement of gaffe-prone Serbian president Tomislav Nikolić that Nazis targeted Jews because of their over-representation in certain professions is an example of the latent anti-Semitism that is present in the wider population and political elite alike but is seldom openly expressed.

would be adopted to complete the legislation regarding the matter of return of Jewish property. This made Serbia only the second of post-Yugoslav states (after Macedonia) to finalize a legislative infrastructure for return and compensation of Jewish property. Serbia is also, so far, the only signatory country of the Terezin Declaration to adopt such a law (Deo imovine Jevreja… 2016). However, art objects that belong to Jews but are left without heirs are not covered by this law, since it was decided, among disputes, that they (including the famous Slomovic art collection) would remain property of national cultural institutions. On the other hand, the Zemun synagogue, formerly a dance club and now a restaurant, will be subject to restitution.

2.5. Kosovo

There are only a few Jews left in the (former) Serbian province of ***Kosovo***, mostly in the town of Prizren. Many Jews left, together with Serbs, when Serbia lost control over Kosovo in 1999, including all Jews of Pristina. Further development of the organization of the Jewish community in Kosovo and relations with the Kosovo government may happen in the future, particularly if Israel recognizes the independence of Kosovo, which is possible but not likely because of comparisons with Palestine. The Republic of Kosovo has a controversial status because it is recognized by almost 110 UN members but not Israel and two permanent Security Council members, Russia and China. The state of the Jewish community in Kosovo mirrors the inconclusive and divisive status of Kosovo – one part of it moved to Belgrade and continues as part of the Serbian Jewish community, while the other part, in Prizren, is organized as the Jewish Community of Kosovo. Jews from Pristina aligned with Serbs and spoke Serbian, thus they had to leave; Jews in Prizren belong to two extended families that intermarried with Turks and Albanians, so some of them decided to stay while others moved to Israel. The Law on Freedom of Religion in Kosovo from 2001 does not provide legal status for religious communities but does mention explicitly five religious communities when maintaining that to all of them shall be offered any kind of protection and opportunity in order to have rights and freedom foreseen by this law. Among those five named is the Jewish Community, although curiously the term 'Hebrew Belief Community' is used in the English version of the law. The Constitution of the Republic of Kosovo, article 81, foresees the possibility of making agreements with religious communities, but this has yet to be done. Again, like in the case of Serbia, the Jewish Community is not problematic, but rather there are complex issues regarding other religions – like the Roman Catholic Church, since the Holy See does not recognize Kosovo, and obviously, the Serbian Orthodox Church whose historic seat is in Kosovo, creating obstacles to signing such agreements. Religious communities still do not have legal status that would make them capable of signing agreements and having their property returned, and a law that would regulate the legal status, duties, and privileges of religious organizations has yet to be adopted (Mehmeti 2015:77) – another sign of the

unfinished state that Kosovo is.[5] To make matters more complicated for the Jewish Community, it is hard to find documentation for their property claims because documentation had been destroyed or stolen during the various conflicts of the twentieth century. Although Kosovo is a country with a large Muslim majority that does not have relations with Israel, there is no stronger presence of anti-Semitism in Kosovo than in neighbouring countries. Certain incidents, like vandalism of the Jewish cemetery near Pristina in 2011, five months after American and Kosovar students restored it, do happen, but for many Kosovars, Jews are seen as helpers of Kosovo's cause (specifically the Jewish diaspora, American Jews, and the Jewish-born former Secretary of State Madeleine Albright), particularly during and after the Kosovo War 1998-1999. Some Kosovo Albanians make certain parallels (the same type of parallels made by Serbs) between Kosovo Albanians and Jews, comparing their experiences of persecution and oppression.

The registered number of Jews in Kosovo is only 56, which makes it the smallest of all post-Yugoslav Jewish communities[6]. Its office, the only property the Jewish Community has, is located in Prizren, where Kosovo Jews remained, and there is no synagogue in the whole country. Because of a lack of funds and a small number of members, the Jewish Community of Kosovo is helped by other Jewish communities, like the Montenegrin Jewish community (President of Jewish Community of Montenegro… 2015). The government of Kosovo symbolically supports its Jewish Community through the celebration of the country's Jewish heritage – for example, building a monument to Jews who perished in the Holocaust on the spot of the last synagogue in Kosovo, destroyed in the 1960s, and pledging to build a Jewish heritage museum in Kosovo.

2.6. Macedonia

Macedonia had a long history of Jewish presence, with remnants of a Roman era synagogue found at the ancient site of Stobi. Many Sephardic Jews lived in the Turkish region of Macedonia, particularly in Salonika (Thessaloniki, now in Greece), but through the first half of the 20th century, especially after Shoah, only a few remained. In the last census (held in 2002 because the next one is being postponed for political reasons) there were only 53 Jews by nationality in Macedonia although, like in the other previously mentioned countries, the estimated number of Jews in the country is higher, around 200. Almost all of them

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[5] Amendments to the Law of Freedom of Religion in Kosovo are in process and, if adopted, will make six historic communities, including the Jewish Community which will be automatically registered and given the status of legal person. However, while such amendments have been proposed by the Government, the draft law was not adopted upon the first reading in Kosovo's parliament in late 2015.

[6] Although it is active and present in different forums of Jews, the Jewish community in Kosovo is so small and not well known that it has led some (probably as a result of Serbian propaganda as well) to the curious conclusion that it does not exist at all, like in: Ferari and Benzo, eds. 2014:250.

live in the capital city of Skopje, as the onetime large Sephardic communities of Bitola (former Monastir) and Štip were annihilated during WWII. After the war, two Jewish municipalities were re-established – Skopje and Bitola, but the one in Bitola existed only for a short time since most of its Jews left for Israel. This made the Jewish Municipality of Skopje in effect the Jewish Community of Macedonia. Although the number of Jews in the country is now very small, significant events have occurred since 2000 – a synagogue was opened in part of the Jewish Community's building in 2000, a large Holocaust Memorial Centre for the Jews of Macedonia was opened in 2011, and a law that returned property to the Jewish Community (which proved to be controversial and hard to achieve in most of the other post-Yugoslav countries) was adopted in 2002 with another one in 2007 that resolved all outstanding claims for Holocaust-era communal and heirless private property, the first law of such scope and success in a post-communist country (Deliso 2007:111). In return for seized Jewish property that is now left without heirs, the Government of Macedonia financially helped build the Holocaust Memorial Centre and supported its initial functioning.

The big difference between the other former Yugoslav republics and Macedonia is that only in Macedonia is the Jewish Community mentioned in the constitution. While only the major religion, the Macedonian Orthodox Church, was included in the Constitution from 1991, amendment VII, adopted in 2001, includes four other religious communities and churches and maintains that they are separate from the state, equal before the law, and free to establish schools and other social and charitable institutions, under a procedure regulated by law. One of the four other religious communities included is the Jewish Community of Macedonia. In accordance with the Constitution, Macedonia adopted a new Law on the Legal Status of Churches, Religious Communities, and Religious Groups that does not mention any community by name but was adopted after much controversy, again unrelated to Jews but to divisions in the Orthodox Church.

2.7. Montenegro

The Jewish Community of ***Montenegro*** is the youngest and one of the smallest in the region. Although the number of Jews in every census was insignificant, according to the Jewish Community of Montenegro, in the census it conducted, there were 386 Jews listed as living in Montenegro, which shows that the official data and data from the Jewish community in a certain country usually vary a lot, with numbers from the Jewish community being several times higher. The reason is that many Jews declare on the official census differently (e.g. as Montenegrins, Serbs or Croats) and many people who feel dual identity declare themselves as Jews only on the community's census.

The Jewish Community of Montenegro was founded in September 2011 and is the youngest of all post-Yugoslav Jewish communities. There are no Jewish municipalities and only one community centre in the capital city of Podgorica, where the majority (but not all) of Jews in the country live. Some signs of the very active role the Jewish Community of Montenegro plays include events like visits

of the then-Chief Rabbi of Israel, Yona Metzger, in 2011 and of the delegation of the Rabbinical Centre of Europe in 2012, as well as the opening of the first Balkan office of the Jewish National Fund in 2013 and the holding of the first meeting of regional Jewish communities in Budva, which became annual that same year. The Jewish Community of Montenegro also announced that after opening a provisional synagogue in 2013, a new one (inside the future Jewish centre), the largest in the region, would be built, and the local authorities of Podgorica donated the land. In another major step, Montenegro got a chief rabbi, who lives in Croatia but is of mixed Jewish and Montenegrin origin. This not only proves that the Jewish Community of Montenegro is quite active but also that the Montenegrin government, like the others in the region, has a strong interest in using its Jewish community to forge stronger ties with Israel and the Jewish diaspora in order to bring investments to the country. While the Jewish Community praises the multiculturalism of Montenegro, repeating the government's official statements and maintaining that there is no anti-Semitism in the country, certain incidents, like anti-Israel chants at sporting events do happen.

No religious communities are mentioned in the Constitution of Montenegro from 2007 (as opposed to the previous one, from 1992, in which three were mentioned by name—obviously not the Jewish Community, as it did not exist). After many controversies (like in other countries, not related at all to the Jewish Community but to mostly Orthodox churches) the draft law on religious freedom is in process and, if adopted, will not mention any particular religious community, leaving it to the agreements between the state and religious communities to arrange their relations in detail. Until then, the old communist-era Law on Legal Status of Religious Communities is still valid. By signing agreements, Montenegro follows the example of Croatia, and it already signed an agreement with the Holy See in 2011, which was followed by agreements with the Islamic Community and the Jewish Community. Unsolved problems between two Orthodox churches in the country are still the obstacle to signing agreements with them. The Agreement on Regulation of Relations of Mutual Interests between the Government of Montenegro and the Jewish Community in Montenegro was signed on January 31, 2012. The agreement addressed many issues that the Croatian agreement of the same type addressed. The Government of Montenegro confirmed that the Jewish Community had legal status before this agreement (article 2), and they agreed on the right of the Jewish Community to name the rabbi but also on the community's obligation to inform the Montenegrin government before officially naming him (article 5). On the other hand, the judiciary of Montenegro would inform the Jewish Community prior to initiating the investigation of any rabbi or religious office if there were grounds for suspicion that they had broken Criminal Law (article 7). The agreement also addressed non-working days for Jews (article 8), property rights (article 9), the right to establish foundations (article 10), return of property (to be done in the future after a special commission determinates which assets Jewish property would encompass and a new law was adopted – we can see that Montenegro is in the very early phases of return of Jewish property –

article 11), the right to build synagogues (article 12), the right to access media and to have its own media (article 13), and the right to open religious schools with a possibility for the Government to provide stipends to some Montenegrin citizens who would study abroad (article 15). There are also, like in the Croatian agreement, articles regulating religious service in prisons, hospitals, the military, etc. (articles 16–17), the founding of charity foundations (article 19) and the formation of a mixed commission to oversee the implementation of the Agreement (in article 21, the Commission is formed and regularly has meetings to deal with issues of common interest). There is only one vague reference to the right of parents for religious instruction of their children (article 18), unlike the agreements in Croatia that, as we could see, have very detailed provisions for religious instruction in schools. One reason for this may be the fact that there is a very small number of Jewish children in Montenegro, and the other, more important reason is the different attitudes toward religious instruction in Montenegro and in Croatia. We can see that this agreement, like the one signed with the Islamic Community only one day prior, is based on the Agreement between Montenegro and the Holy See, and many articles are copied with only the names changed.

Overall, the Jewish Community in Montenegro during its short existence as a legal person has made a lot of progress, although there are still many issues, including return of property, to be addressed. While remaining politically influential as it is seen as kind of an Israeli embassy (as mentioned, there is no Israeli embassy in Podgorica) the Jewish Community in Montenegro smoothly achieved legal recognition on par with the three other traditional (but far more numerous) religious communities in the country, the Christian Orthodox Church, the Islamic Community, and the Roman Catholic Church.

3. Conclusion

Unlike many other Central and Eastern European countries, Jews do not (and did not, during the course of history) comprise a significant part of the population of Yugoslavia and its predecessor and successor states. They were present and, to a certain extent, influential in larger urban centres where they mostly relocated during the era of two empires that ruled the region – Austrian (Austria-Hungary) and Ottoman. In the inner, mostly provincial areas, like Macedonia, Kosovo, Montenegro, but also Slovenia and parts of Serbia and Bosnia and Herzegovina, Jews were present but on a much smaller scale. After the formation of the Yugoslav state, many Jews remained and adjusted to new realities, just as they adapted to many changes throughout history. However, the catastrophe of Shoah did not bypass Yugoslav Jewry, and many Yugoslav Jews perished while many survivors moved to Israel after WWII. In communist Yugoslavia, there had been a common organization of all Yugoslav Jews through the Community of Jewish Municipalities of Yugoslavia. Finally, when the country split apart in 1991, Jews, inherently cosmopolitan, followed the fates of their countrymen in Yugoslav

republics. For most of them, the 1990s was a lost decade, full of ethnic conflicts, authoritarian regimes, political turmoil, and economic hardships. Many Yugoslavs emigrated, and among them, many Jews again moved to Western Europe, America, or Israel. What remains is a group of small communities in the seven countries that currently exist in the region of former Yugoslavia. Since those countries (except for Kosovo) have South Slavic majorities who are closely related in heritage, history, customs, and language, the position and organization of Jewish communities in those countries also tends to be similar, while there are some politically or historically caused differences. Typical of countries transitioning from a long period of a one-party system that turned, in most cases, first into an authoritarian regime before evolving into a (albeit unfinished) democracy, minority rights and religious freedoms (including those of Jews) took a long time to be legally regulated and, in some cases, are still unfinished.

After the collapse of Yugoslavia, Jewish communities in the new countries were founded. Their organizations are more or less similar, and they follow the way the Jewish community had been organized in former Yugoslavia – in most cases a national community is formed as a federation of municipal communities. In some of these new countries, the number of Jews is very small and they are concentrated in a capital city (like in Macedonia) or some other town (like in Kosovo) or they are scattered across a country but in small numbers so that municipal organizations are not presently needed (like in Montenegro).

Yugoslav Jews, like many other Jews across Europe, were cosmopolitan and adaptive to various political environments. Their mostly secular way of life and acceptance of Western values made them a less obvious minority in a region where minorities where usually persecuted, up until the 21st century. When the turmoil of the post-communist 1990s of raging nationalism and religious fundamentalism overran the fragile liberal socialist system that had ruled the region for half a century, Jews where not among the main targets. However, they shared the fate of their neighbours in the war-torn areas (Bosnia, Croatia, Kosovo), under international sanctions (Serbia and Montenegro) or at least in a politically unstable country on the verge of conflict (Macedonia). Anti-Semitism, not a significant force in previous times, did rise, be it as a reflection of nostalgia for fascism (in Croatia), a rise of Islamic extremism (in Bosnia) or a product of a wider sense of paranoia (like in internationally-isolated Serbia where conspiracy theories that put together unlikely partners such as the CIA, Vatican, Mossad and even Teheran against Serbs flourished). Luckily, acts of anti-Semitism remained rare and were mostly manifested through graffiti or chanting at sporting events, or, in most radical cases, desecration of graves (like in Kosovo and Slovenia). But, even if Jews were not the target of conflicts, there was no chance that in the times of ethnic conflicts or outright wars, autocratic regimes, international isolation and economic downfalls in the era of transition to capitalism minority rights would be properly protected. As the new millennium loomed, positive changes finally came – the era of Balkan strongmen appeared to be over after Croatian leader Tudjman died in late 1999 and Serbian autocrat Milosevic was overthrown less than a year

later. All post-Yugoslav countries got more or less legitimate leaders that won competitive elections, the wars were over, and ethnic tensions, while present, were to be solved in a peaceful manner. All seven countries pledged to become EU-members, and all (but, for now, Serbia) expressed a will to join NATO. With all that being said, the issue of minority rights and their legal and political articulation came as a logical next step. An economic opening that followed the political thaw also sped this up. Rising relations with Israel, as the new countries started to build stronger ties with world countries, also pushed the issue of rights and the position of Jews who remained in Yugoslavia's successor countries.

The apparent different status that Jewish communities have in each of the post-Yugoslav countries is, in most cases, the result of different legal forms, not of specific attitudes toward Jews. So, the fact that the Jewish community is mentioned by name in the Macedonian constitution, or that Jews are recognized in electoral law in Croatia does not mean automatically that Jews have more rights than in other countries. The differences are usually results of different approaches to new legislation that post-Yugoslav countries accepted after starting to build new political and legal systems. The lack of agreements with Jewish communities or adopting new legislations that regulate the status of religious communities is, in all countries, the product of problems in relations with other religious organizations. For example, because of the specific nature of the Orthodox Church and its organization, there are confrontations between the Serbian Orthodox Church and the Macedonian and Montenegrin Orthodox Churches, the latter two still being unrecognized by canonic law. There are also some sensitive issues related to the Catholic Church – Kosovo does not have diplomatic relations with the Holy See, while Montenegro, Serbia and Macedonia remain parts of a very small group of countries (that includes only Russia, Belarus and Moldova) that the pope has never visited because of the complexities of ecumenical, intra-Christian relations. So, Jewish communities in those cases have to wait until bigger issues are solved, even while they themselves express a high willingness to cooperate.

Although latent (or rarely, open) anti-Semitism exists, all governments in former Yugoslav countries express cordiality toward the Jewish community. One of the reasons may be the small size and relative lack of political influence of the Jewish community. Also, they are aware in part of the guilt their own nations shared from crimes committed against Jews during Shoah. Following those lines of thought, states are showing more openness in the process of finally returning Jewish property, remembering Jewish victims (curiously more so in Macedonia and Kosovo then in most western, apparently more progressive EU member countries like Slovenia and Croatia) or helping to (re)build religious objects, like in Montenegro. Still, the main reason for openness toward Jewish communities is that they are seen as representatives of the State of Israel and of influential Jewish communities in Western European and North American countries. The small, mostly underdeveloped post-Yugoslav countries are seeking foreign investments and political support in their integration processes for various, mostly Western-led

organizations. This is why they see Jewish communities as an important mediator in relations with the West and the State of Israel.

Overall, since post-Yugoslav countries are derived from one country, former Yugoslavia, their Jewish communities and the political and legal position of Jewish communities in them are in many ways similar. Jewish communities are small, since the number of active members is between only a few dozen and a few hundred. Save for Kosovo, where the process is ongoing, they have legal status and, in some cases (Croatia, Bosnia, Montenegro), have signed agreements with governments on par with those that much larger, more influential communities have signed. They are usually organized as one community, or, in the case of larger communities, into a federation of Jewish municipalities. One exception is the case of Croatia where there was a split in the Jewish community resulting in two major communities. Jews do not play a role in the political scene, since their numbers are too small to organize a political group; however, there are individuals of Jewish descent who have positions in national, catch-all parties. There are also a disproportionate number (relative to the miniscule percentage of Jews in the population) of successful Jewish individuals in post-Yugoslav societies in the fields of economics, culture, entertainment, etc. The political influence of Jewish communities is present, mostly in foreign policy where they create important connections to Israel (and potentially some other countries). Regarding their position in legal systems, we can expect further agreements with state governments and the continuation of the return of Jewish property, though property is not likely to be consistently returned in full across all post-Yugoslav countries given the problematic state of documentation. As nationalistic fervor has partially returned to the Balkans, anti-Semitism may see a rise in the years to come, although it may be met by a reorganization of Jewish communities as Jews in the region return to their roots.

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