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Event Analysis

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Protests against the Law on Religious Freedom in Montenegro. A Challenge to the “Đukanović-System”?

Fynn-Morten Heckert*

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Introduction

On 27 December 2019 the parliament of Montenegro passed a new Law on Religious Freedom. This law replaces an older law regarding the same topic from 1977. There is a broad consensus that the old law is outdated and needs to be revised. However, the new one is (among other aspects) mainly criticized for its articles 62-64, which refer to the ownership of holy assets. It declares that all religious sites and land currently possessed by religious communities and built from common funds of the citizens before 1918 on the territory of present-day Montenegro, shall pass into the ownership of the Montenegrin state, if religious communities cannot give evidence that they were the legal owners of the assets within one year from the promulgation of the Law.¹

This legal norm is highly contested by the oppositional pro-Serbian Democratic Front (DF), the Serbian Orthodox Church (SOC), and its supporters, who claim that this law would take away holy places from the SOC and would be discriminatory against the Serbs in Montenegro, which manifests in regular demonstrations, blockades, and even threats of bloodshed in Montenegro if the law is implemented.² There was also an incident inside the parliament where MPs of the DF rushed to the parliament speaker and stated that they would be ready to die for their church. After this, police intervened and arrested 18 MPs of the DF.³ Additionally, the opposition leader Andrija Mandić stated that the government would have to “count on the worst,” if the parliament would adopt that law and that he would “invite all [his] war friends from 1991 to 1999.”⁴ Although after some violent conflicts with injuries on both sides, peaceful walks

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¹ Zakon o slobodi vjeroispovijesti ili uvjerenja i pravnom položaju vjerskih zajednica. 2019. *Službeni list Crne Gore* 74, 280-89 (last access: 17. March 2020).

² Kajošević, Samir. 2019. Montenegrin Parliament Adopts Religion Law Amid Furious Protests. *Balkan Insight*, 27. December 2019 (accessed: 15. January 2020).

³ Kajošević, Samir. 2019. Montenegro Opposition MPs Charged Over Chaos in Parliament. *Balkan Insight*, 27. December 2019 (accessed: 15. January 2020).

⁴ Kajošević, Montenegro Opposition MPs Charged Over Chaos in Parliament

and protests were announced and organized by the SOC,⁵ the situation is tense and reaches international importance as well.

The protests spread also to Serbia, where hooligans of the football club Red Star Belgrade protested in front of the Montenegrin embassy and burned the Montenegrin flag.⁶ This was accompanied by nationalist claims stating “Montenegro and Serbia – it is one family,” and “We don’t give away holy places” (as seen on a popular twitter account of the Red Star Ultras: Delije Sever [@delije_net]).⁷

The new Law on Religious Freedom as a matter of “national survival”

The Montenegrin government has reacted by defining the aforementioned incidents as a threat to independence. Prime Minister Duško Marković stated: “Montenegro again faces the challenge of defending its independence and freedom. We will preserve our Montenegro in spite of the hatred engulfed by the same actors inside and outside its borders.”⁸ Serbian president Aleksandar Vučić has not yet explicitly supported the Serb protesters, but has emphasized the “unity of the [Serb] people”⁹ and has made further remarks about national survival of Serbs in Montenegro. This makes clear that both sides judge the Law to be a matter of national interest and even national survival that has the capacity to further polarize Montenegrin society along ethnic lines. This rhetoric makes it difficult for both sides to find a decent solution, which is manifested by the *topos* of the attackers of the Montenegrin state; from the “inside” and the “outside” as Marković has stated, as well as the threats of “bloodshed” pronounced by Mandić, the leader of the DF-fraction in parliament. In fact, until the recent measures to prevent the outbreak of COVID-19 in Montenegro were taken, the protests were taking place least twice per week in several municipalities, such as Podgorica, Nikšić, Budva, and many more, and were regularly attended by thousands of protesters. But even though the SOC declared a halt to the protests until the pandemic is over, the topic stays relevant for the time after, when the protests will be organized again.¹⁰

About this analysis

How is it possible that the law on the Religious freedom, which includes the secularization of religious assets whose ownership by religious communities cannot be surely proven, could develop into an issue of “national survival” and consequently attract such a huge numbers of protesters? This analysis aims at contributing to the answer to this question by providing a critical assessment of the protests by analyzing the opposing constructions of the events the

⁵ Kajošević, Samir and Maja Živanović. 2020. Montenegro Religion Law Protests Spread Around Serbia. *Balkan Insight*, 03. January 2020 (accessed: 15. January 2020).

⁶ Kajošević / Živanović. Montenegro Religion Law Protests Spread Around Serbia.

⁷ Delije Sever (@delije_net). 2020. Crna Gora i Srbija – to je jedna familija. *Twitter*, 03. January 2020 (accessed: 05. January 2020).

⁸ Marković, Duško (@DuskoMarkovicCG). 2020. Sinoć u Beogradu još..... *Twitter*, 03. January 2020 (accessed: 15. March 2020)..

⁹ Kajošević / Živanović. Montenegro Religion Law Protests Spread Around Serbia.

¹⁰ Vijesti. 2020. MCP privremeno obustavlja litije, 13 March 2020 (accessed: 16. March 2020).

Montenegrin daily newspapers *Pobjeda* and *Dan*.¹¹ The analysis includes articles during the timeframe from 15 December 2019, shortly before the law was passed, until 25 February 2020, when the research had to come to end in order to finalize the essay. This was circa three weeks before the suspension of the protests due to COVID-19 was announced on 13 March 2020.

Here, the focus of the analysis lies in the identifications of the “self” and the “other” in the respective media. This is helpful for understanding how the lawmakers and respectively, opponents of the law, could be credibly (and thus successfully) antagonized in public discourse, which is in line with the polarization in society. Furthermore, this event analysis aims to give insight into how the protests may change the relationship between the identity concepts of “Serbhood,” “Montenegrinness,” and the Montenegrin state. In order to dig deeper into the developments connected with the church protests (*litije*), the findings of the newspaper analysis will be reflected upon against the backdrop of the Montenegrin nation- and state-building process, as well as in the light of the characteristics of the long-term rule of the Democratic Party of Socialists (*Demokratska Partija Socialista, DPS*), which has been in office since even before Montenegrin independence in 2006 and thus crucially shaped the social and political system in the country. But before the results of the newspaper analysis are presented, I will give a short introduction to the history of the state- and nation-building of Montenegro, starting after WWII.

Brief overview: Nation- and State-Building in Montenegro since 1946

A short time after Montenegro was given the status of a constituent republic of Socialist Yugoslavia (SFRY) in 1946, the identification rate of the population as Montenegrins was the highest: in the census of 1948, 90.68% of the population declared themselves as Montenegrins. By contrast, in 2011, only 44.98% identified as Montenegrins.¹² A brief historical overview of the Montenegrin state- and nation-building will help to understand this phenomenon. In the decades after the creation of the Socialist Republic of Montenegro in 1946 when the republican institutions were consolidated, the number of people who identified as Montenegrins continuously dropped. The most significant decrease occurred in 1997/1998, when Montenegro under the leadership of Milo Đukanović broke with Milošević’s Serbia and the republic became a *de facto* independent state. At the same time, the number of people who identified as Serbs increased as much as the number of people who identified as Montenegrins decreased.¹³ This coincides with the growing strength of the discourse about Montenegrin independence, starting in the 1990s. In 1992, when the SFRY was drifting apart, the majority of the Montenegrin population (95.4%) still preferred to remain within the union with Serbia, and even in 2006 in the referendum over formal independence only 55.5% (the threshold was 55%) voted for

¹¹ While *Pobjeda* (founded 1944) is considered as a newspaper, which reports in favor of the government, *Dan* (founded 1999) is classified as a newspaper, which strongly criticizes the government and frames events in a supportive way for the oppositional forces (see: Spaić, Aneta. 2017. Media Law in Montenegro. West Sussex: Kluwer Law International, par. 45-46).

¹² Bieber, Florian and Erin K. Jenne. 2014. Situational Nationalism: Nation-building in the Balkans, Subversive Institutions and the Montenegrin Paradox. *Ethnopolitics* 13(5), 432.

¹³ Bieber / Jenne, *Situational Nationalism*, 434.

independence.¹⁴ This has to do with diverging constructions of Montenegro and “Montenegrinness.” For one part of the Orthodox population, “Montenegrinness” is a territorial sub-category of an overarching Serb national identification; thus, a union with Serbia was an option in which the identifications as Serb and as Montenegrin were not in opposition. Others imagine “Montenegrinness” as a national category and Montenegro as a national territory that is totally independent from Serbia. The national imagination in this variant focuses more on historic Montenegrin institutions before 1918, when Montenegro became part of the Kingdom of Serbs, Croats, and Slovenes, and territorial notions (such as landscape), than on cultural notions such as the unity of all speakers of the “Serb” language and of Orthodox faith, which transcend territorial notions.¹⁵ During the time of the SFRY, both constructions of Montenegro and “Montenegrinness” were not conflicting, since Serbs and Montenegrins shared one federal state. In this way, people who also felt nationally affiliated with the Serbian nation could officially declare themselves as Montenegrins without getting involved into “moral conflicts.”¹⁶ Until then, it was no contradiction to be a Montenegrin, to speak Serbian, and to support the SOC.¹⁷ This changed when the discourse about Montenegrin independence became more dominant. This led to a situation in which identifying as “Montenegrin” implied also having a positive attitude towards Montenegrin independence, while identifying as “Serb” implied the support for remaining in a Serb-Montenegrin political union.¹⁸ The following decrease in people who identified as Montenegrins also endangered the Montenegrin elite’s project of building a sovereign Montenegrin state. It became necessary to count on the support of minorities such as Albanians and Bosniaks in order to gain sufficient support for the independence. By promising a civil state in which minority groups could also participate instead of pushing a concept of ethno-nationalist “Montenegrinness,” independence could be achieved in 2006 with a scarce majority of 55.5%.¹⁹ Indeed, even after setting up the *de jure* civic Montenegrin state, ethnicized practices continued to exist, which have had consequences in the relationship between Serbs and Montenegrins and their relation towards the Montenegrin state. Those consequences are also manifested in the recent conflict about the new law on religious freedom in Montenegro.

Newspaper Analysis of *Pobjeda* and *Dan*

During the newspaper analysis it was obvious that *Dan* gives significantly more space to church officials and their statements regarding the *litije* than *Pobjeda* does. Among the statements of different members of the SOC-clergy, *metropolit* of Montenegro Amfilohije Radović and his statements play a dominant role in the reports. The president of Serbia, Aleksandar Vučić, also gives statements regarding the Law. In *Pobjeda*, on the other hand, much attention is given to Montenegrin politicians and intellectuals whose comments especially emphasize criticism of the protests.

¹⁴ Bieber, Florian and Jenni Winterhagen. 2009. Erst der Staat, dann die Nation. *Südosteuropa* 57(1), 10-11.

¹⁵ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 4-5.

¹⁶ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 6.

¹⁷ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 10.

¹⁸ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 6.

¹⁹ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 10-11.

Analysis of *Dan*

The protesting parties, mainly consisting of SOC clergy, believers, and politicians of the conservative/right-wing oppositional coalition Democratic Front (*Demokratski Front*, DF) that ideologically favors mostly the state-union of Serbia and Montenegro,²⁰ perceive the recently passed Law on Religious Freedom as a “general crime,” mainly due to the fear that the government may confiscate the holy assets still maintained and used by the SOC. In the following passage, in which *Dan* quotes Amfilohije, the characterization of the Law by the opposing side becomes especially clear:

“Such a dangerous, malicious and maliciously prepared law does not deserve to be discussed and debated in the Montenegrin assembly until it has the approval of all traditional churches and religious communities in Montenegro, in accordance with the opinion of the Venice Commission and with the highest international standards.”²¹

Here, besides the alleged evil intention of the government to deprive the SOC of their holy assets, the government is also accused of neglecting democratic principles and standards of international legislation. In the article, the insufficient stakeholder-participation is mentioned in particular as violating democratic legislation. The Law is constructed as a potential precedent case for similar legislations in Kosovo as well, which could also legally take away the Serbian-Orthodox holy assets there.²² The holy assets in Montenegro and Kosovo and their ownership by the SOC are connected here with the Serbian people as a whole. Their alleged confiscation is furthermore constructed as a threat to the survival of the Serbian nation; this becomes clear in the statement of Vučić, that it would be his duty to “show concern for the survival of the Serbian people and the Church.”²³ This connection of the Serbian national identity and the SOC is to be understood in the light of the nation-building process of the Serbian nation, in which religious and national affiliation are deeply intertwined.²⁴ The Serbian demands in Kosovo are particularly important to view in the context of the leading role of the SOC in “defending the Serb national identity in Kosovo” during the Kosovo conflict,²⁵ in which it became clear that religious and national identity in Serb nationalism cannot be isolated. Thus Vučić’s statement that the ownership of Orthodox assets by the SOC is connected to the survival of the Serbian nation reproduces this kind of national affiliation also for Serbs in Montenegro. This allows also the discursive construction of the Montenegrin

²⁰ Consisting of the parties: Nova Srpska Demokratija (NOVA), Demokratska Srpska Stranka (DSS), Demokratska narodna partija (DNP) and Pokret za promjene (PzP). The ideological stance of SDF, DSS and DNP can be considered as favoring the Serbian and Montenegrin political union.

²¹ Dan. 2019. *Zakon ne zaslužuje da se o njemu diskutuje u Skupštini*, 18. December 2019 (accessed: 25 February 2020).

²² “[...] [a] precedent was made in Montenegro when this unfortunate law was passed, which is actually against the law and a blow to the legal order, in order to make the same model of Hashim Thaci and Ramush Hardinaj, abducted Serbian churches in Kosovo and Metohija”, Dan. 2020. *Litijama gradimo bolju Crnu Goru*, 24. February 2020 (accessed: 25. February 2020).

²³ Dan. 2019. *Uz blagoslov patrijarha DF se vraća u Skupštinu*, 26. December 2019 (accessed: 25. February 2020).

²⁴ Payton, James R. 2006). Ottoman Millet, Religious Nationalism, and Civil Society: Focus on Kosovo. *Occasional Papers on Religion in Eastern Europe* 26(1), 21-22.

²⁵ Bieber, Florian. 2002. Nationalist Mobilization and Stories of Serb Suffering: The Kosovo Myth from 600th Anniversary to the Present. *Rethinking History* 6(1), 95-110, 99.

government not only as anti-Orthodox,²⁶ but also as anti-national,²⁷ while the nation here is imagined as Orthodox and Serb. This anti-national characterization of the law becomes clear when Amfilohije describes the legislation as “Marxist-Stalinist,”²⁸ because the Communist period of Yugoslavia is seen as anti-Serbian in nationalist discourses due to the fact that it (allegedly unjustly) took away Serbian rule over Montenegro, Kosovo, and Vojvodina.²⁹

Besides that, the possibility to claim the law not only as anti-Serb, but also as *anti-national* can be understood in context of the Serb nationalist discourse about Montenegro as the “Serbian Sparta,” in which Orthodoxy (and thus Serbhood) could survive even in times of Ottoman rule over the Balkans. Here, “Montenegrin” is constructed as a territorial sub-category of the overarching Serb national identity.³⁰ This discourse allows the equation of the Montenegrin and the Serbian nation and further implies the construction of the territory of Montenegro as Orthodox, which according to those discourses again equals Serb, and therefore “allows” Amfilohije to speak in the name of the “nation” and not only on behalf of those who identify as Serbs. That fact that Amfilohije indeed refers those discourses can be seen here:

“This people is organically bound because it knows that Kosovo is our forever hearth, both of Serbia and Montenegro and of all our people, [...]”³¹

Here he refers to Kosovo as the cradle of the Serbian nation, which is an integral part of Serb nationalism.³² The supposed importance of the Kosovo myth for Montenegrin identity reveals that Montenegro in Amfilohije’s view, who is (as it seems) the highest moral authority for the current *litije* due to his high presence in the *Dan*-discourse, is entirely embedded in the Serb nationalist framework. This can be inferred, because the Montenegrin nationalist discourse, which considers Montenegrin identity as independent from the Serbian one,³³ focuses predominantly on the continuity of historic state-institutions instead of cultural notions, which is reflected in the current *de jure* civic notion of the Montenegrin state-conception.³⁴ Besides that, the particular landscape of Montenegro characterized by its mountains, also provides fixed points of identification,³⁵ which also coincides with the stress on the institutional continuity of the Montenegrin state thus far: that the identity of “Montenegrinhood” is more constructed around territorial notions than around religious notions. According

²⁶ Dan. 2019. Liderima DF-a pritvor do 72 sata, počeli štrajk gladu, 28. December 2019 (accessed: 26. February 2020).

²⁷ Dan. 2020. Što su litije brojnije, svetinje su sigurnije, 13. January 2020 (accessed: 26. February 2020).

²⁸ Dan. 2019. Amfilohije pozvao na bojkot, Vučić ne bi da se miješa, 24. December 2019 (accessed: 25. February 2020).

²⁹ Ramet, Sabrina P. 2007. The Dissolution of Yugoslavia: Competing Narratives of Resentment and Blame. *Südosteuropa* 55(1), 37.

³⁰ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 3-4; Pavlović, Srđa. 2003. *Who are Montenegrins? Statehood, Identity and Civic Society*, in *Montenegro in Transition. Problems and Identity of Statehood*, edited by Bieber, Florian. Baden-Baden: Nomos, 95.

³¹ Dan. 2020. Hvala, ali pošaljite pare na Kosovo, 25. February 2020 (accessed: 26. February 2020).

³² See e.g. Bieber, *Nationalist Mobilization and Stories of Serb Suffering*.

³³ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 4.

³⁴ Gutmeyr, Dominik. 2010. *Die montenegrinische Nationsbildung*, Diploma-Thesis, Graz: Karl-Franzens-Universität, 44-45.

³⁵ Gutmeyr, *Die montenegrinische Nationsbildung*, 76-77.

to those notions, the level of entrenchment of Montenegrinness in the Serbian framework is considered a Serbian hegemonic aspiration.³⁶ In conclusion, the “general crime,” which the government is accused of by the protesters is taking away the holy assets, which “rightfully” would belong to the SOC and thus threatens the existence of the Serb nation in Montenegro. As showed before, the implied equivalence of Serb and Montenegrin identity also discursively enables the claim that the Law would not be only anti-Serb, but also anti-national in a universal sense. Besides that, the Law would be anti-democratic because the SOC would have not been sufficiently included in the legislative process. Also, the notion of being “anti-national” implies that the Law is against the universal people, implying as well that the government does not respect the will of its people. This is the circumstance the protesters want to overcome.

While the government and the MPs who voted in favor of the Law are constructed as “anti-national,” the protesters construct themselves as the nation:

“If this worldly power is national, then let the voice of the people be heard. The voice the people are raising against the law of the murderers, the anti-national law, against the law of the ungodly, which must be rejected.”³⁷

As visible in this quotation, the government is not only perceived as anti-national but is also portrayed as “murderers” and “ungodly.” These attributions are also to be found in the further course of the article:

“In the darkness of ignorance, superstition, fear, vanity, lust, you and yours will see the endless source of brotherly love and the call to the community of love. Let's be human, because there is nothing better in this world. [...] Concord will defeat the devil.”³⁸

While the government is constructed as the devil and the governmental situation is described as dark, vain, lusty, etc., the protests are constructed in opposition as a project of love, brotherhood, and community. The protests call for practicing “humanity” as well, which is juxtaposed in opposition to the attributions of lust, vanity, etc. As a project that aims to achieve the exact opposite of this “dark state,” humanity is exclusively attributed to them, while those who were passing the law are excluded from the notion of humanity. The protests are furthermore constructed as devoted to the faith and the church.³⁹ Besides that, the DF as supporters of the protests construct the protest as a protest for peace and fraternal coexistence in Montenegro by claiming only the withdrawal of this Law could preserve peace, stability, and coexistence in the country.⁴⁰ Another significant *topos* of the *litije* is that they claim to be apolitical:

“These *litije* are a blessed gift [...] that transcends all party, political and ideological interests. All national, foreign and other feelings and characteristics should be carried by everyone in their heart, and on these *litije* an icon from his home and a candle in his heart and in his hands. Only such *litije* make us all

³⁶ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 4.

³⁷ Dan, *Što su litije brojnice, svetinje su sigurnije*.

³⁸ Dan, *Što su litije brojnice, svetinje su sigurnije*.

³⁹ Dan, *Što su litije brojnice, svetinje su sigurnije*.

⁴⁰ Dan, *Zakon ne zaslužuje da se o njemu diskutuje u Skupštini*.

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better, ennoble us and give us hope that Montenegro will be better and that goodness and dignity will overcome evil, injustice and primitivism [...].”⁴¹

This claim is paradox, because the *litije* are, as shown before, essentially political since they are trying to change the Montenegrin legislation. The emphasis on the pure religious struggle seems rather akin to a strategy to highlight a “greater cause” (i.e. here the religious over the political) of the *litije* and/or a strategy to present itself as less harmful to the government, and thus to prevent repression. In fact, the recourse to the nation is a constant reference point in the identity of the *litije*. Only the controversy about nationhood—in a world in which nationalism is the dominant dogma subdividing the world into territories, what consequently implies a debate over statehood—has the capability to explain the protests that also occurred in Belgrade, which led to an attempt to burn the flag of the Montenegrin embassy (as a sign of the Montenegrin nation-state) as mentioned in the introduction.

Analysis of *Pobjeda*

The hegemonic fraction, as I will call the supporters of the Law in state/government and society, react to the *litije* by portraying it as an issue of national security. The Montenegrin president Milo Đukanović (DPS) stated in *Pobjeda* regarding the *litije*:

“Montenegro's opponents do not stand still. They live in the belief that Montenegro will disappear sooner or later [...]. [T]his debate is not about the law or about property. This is a debate about the state.”⁴²

Here it is visible that the Montenegrin president describes the protests as a threat to the independence of Montenegro. Other officials also describe the *litije* in a similar way, for example, the Montenegrin Prime Minister Duško Marković (DPS):

“The *Litije* have shown that they are not religious but political and that they are aimed at changing the government and threatening the sovereignty of Montenegro.”⁴³

Furthermore, the protesters are accused of pursuing greater Serbian interests in Montenegro,⁴⁴ and seeking to establish a *de facto* ethnic Serbian state on Montenegrin territory, as seen in Đukanović’s claim that their greater-Serbian nationalism would only protect the interest of one nation:

“Large-scale nationalism that tries to make decisions instead of Montenegrin institutions... That nationalism protects the rights of citizens of one nationality

⁴¹ Dan. 2020. Premijer napao i litije i Amfilohija, 25. January 2020 (accessed: 25. February 2020).

⁴² *Pobjeda*. 2020. Đukanović: Ne radi se o Zakonu, niti o imovini, ovdje je riječ o državi, 31. January 2020 (accessed: 26. February 2020).

⁴³ *Pobjeda*, 2020, Amfilohije stao na čelo anticrnogorske opozicije, 24. January 2020 (accessed: 25. February 2020).

⁴⁴ “Political protests, hidden behind lithiums, such as the many times political narratives hidden behind religious mantles, aim to protect the Greater Serbian interests in Montenegro (Aleksandra Vuković (DPS), Member of Parliament), *Pobjeda*, 2020. Vuković: Nema kompromisa sa negatorima Crne Gore, 27. January 2020 (accessed: 25. February 2020).

in Montenegro, instead of the competent state institutions charged with protecting the rights of all citizens regardless of their religion and nation.”⁴⁵

In contrast to the alleged goals of the protesters, the DPS constructs itself as the protectors not only of Montenegrin independence, but also as the guards of a civic, democratic, and multiethnic Montenegro, which guarantees full rights to all religious and national groups:

“There is nothing in the fight for religious liberties, because they are guaranteed to all, especially to the faithful of the SOC in Montenegro.”⁴⁶

The project of building a civic, democratic, and multiethnic Montenegro is presented by Đukanović as the direct opposite of the goals that are pursued by the *litije*:

“That is why we are confronted with multiple strikes, inside and out, through the open association of the church with nationalistic extra-systemic activities aimed at the collapse of the legal order and the negation of the civic and multiethnic character of the Montenegrin state, which would ultimately mean a return to the medieval system in which the church was above state and citizens[...].”⁴⁷

Here, the *litije* appear as anarchic, extra-systemic activities, which are, due to their focus on the goals of the clergy, constructed as medieval, which allows Đukanović to present his project of Montenegro as modern and future-oriented. These notions become even more visible when the president presents the Law as a means to achieve such a project, which intensifies the construction of the opponents of the Law as opponents to the whole hegemonic project:

“By adopting the Law on Freedom of Religion, Montenegro confirmed that it is a civil state, multi-ethnic democracy and a society that wants to be an integral part of contemporary European civilization through reforms and modernization.”⁴⁸

Not only do political officials express these ideas, but also intellectuals as well; their comments are also published in *Pobjeda*. For example, Andrei Nikolaidis states that if the protesters’ goals were achieved, Montenegro’s situation would be the same as the situation of Iran after the Islamic Revolution.⁴⁹ The Oslo-based scholar Gorana Ognjenović also sees the goals of the SOC similarly by calling them “colonialist” and constructing them as in contrast to the European legislation of religious freedom.⁵⁰

⁴⁵ Pobjeda, *Đukanović: Ne radi se o Zakonu, niti o imovini, ovdje je riječ o državi*, 31. January 2020.

⁴⁶ Pobjeda, *Vuković: Nema kompromisa sa negatorima Crne Gore*, 27. January 2020.

⁴⁷ Pobjeda. 2020. *Đukanović u Ženevi: Suočavamo sa višestrukim udarima, ali stabilnost države nije ugrožena*, 24. February 2020 (accessed: 27. February 2020).

⁴⁸ Pobjeda, *Đukanović u Ženevi*, 24. February 2020.

⁴⁹ “If it succeeds, Montenegro, although on the ground of Europe, would be most similar to Tehran in 1979”, Pobjeda. 2020. *Ako uspije Amfilohije, Crna Gora će biti nalik Teheranu 1979*, 16. February 2020 (accessed: 27. February 2020).

⁵⁰ “After the separation of Montenegro from Serbia in 2006, they probably thought that domination was continuing and that colonialism would continue to pass under the aegis of freedom of religion legislation in Europe”, Pobjeda. 2020. *Srpsko pravoslavlje svedeno je na politički instrument markiranja teritorija*, 17. February 2020 (accessed: 27. February 2020).

In contrast to the *litije*, the government and intellectuals in Pobjeda construct Montenegro not as an ethnic Serb and Orthodox state, but as an entirely independent state based on an inclusive, civic understanding of nation-state, which guarantees equal rights to all citizens regardless of ethnic or religious affiliation, which is embedded in the realm of modern European civilization. This goes in line with the Montenegrin identity construction, which is based on territoriality and continuity of state-institutions as briefly presented before, rather than on a religiously defined national culture, which the DPS has tried to establish since the 2000’s.⁵¹ This supra-ethnic construction of Montenegro allows the government now in its rhetoric to denounce the claims of the protesters as essentially greater-Serbian endeavors that threaten the Montenegrin state, since Serbs are just like everyone else subject to religious and cultural freedom.

However, some cultural notions of exclusive “Montenegrinness” were also introduced after 2004, like the creation of the Montenegrin language (as something distinct from the Serbian language) as the official language in Montenegro according to the constitution.⁵² Although the other languages are also considered as languages-in-use, attempts for the universalization of the Montenegrin (i.e. making it hegemonic) becomes clear in the renaming of the school subject “Serbian language” to “Montenegrin language” in 2010,⁵³ which undermines the credibility of the cultural and ethnic neutrality of the Montenegrin state. According to Matica Crnogorska, in 2010, 38.2% referred to their mother tongue as “Montenegrin,” while 41.6% referred to it as “Serbian.”⁵⁴ Besides that, the project of cultural equality is undermined by the general impression that the open identification as “Montenegrin” contributes significantly to better chances of achieving higher career goals.⁵⁵ This could be a reason why people who identify as Serbs are alienated from the project of Montenegro that the government promotes. The Serbian rhetoric of the *litije* has the capacity to attract the people who feel/experience that ethnicity indeed matters in the current Montenegro, despite the claims that it does not.

Besides this, the government characterizes itself as democratic and claims to possess competent institutions. It has to be mentioned in this context that the democratic practice in Montenegro has severe shortcomings. Besides the fact that the DPS (successor party of the League of Communists) has ruled continuously since the fall of communism,⁵⁶ its rule can be identified as “an authoritarian and oligarchic system with the formal institutions of liberal democracy in order to maintain its dominance in the three arenas of political competition.”⁵⁷ In its role as successor party of the Montenegrin League of Communists, the DPS could also preserve its dominance in executive institutions

⁵¹ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 11.

⁵² Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 17.

⁵³ Der Standard. 2010. Montenegrinisch als Unterrichtssprache eingeführt, 29. July 2010 (accessed: 01. March 2020).

⁵⁴ Blic. 2010. Matica CG: Crnogorskim jezikom govori 38,2 odsto građana, 03. July 2010 (accessed: 01. March 2020).

⁵⁵ Bieber / Winterhagen, *Erst der Staat, dann die Nation*, 21.

⁵⁶ Bertelsmann Stiftung. 2018. *BTI 2018 Country Report: Montenegro*. Gütersloh: Bertelsmann Stiftung (last access: 02. March 2020), 5.

⁵⁷ Sartori, Alfredo. 2019. *Challenging Political Dominance in Montenegro*. Master-Thesis, Graz: Karl-Franzens-Universität, 42.

after the fall of communism, and could control their liberalization.⁵⁸ Therefore the electoral process is also distorted by practices such as vote-buying; ballot secrecy is not fully guaranteed as well, due to the small number of inhabitants (i.e. missing anonymity) and a sociopolitical atmosphere in which personal and familial networks have higher importance in the distribution of power as formalized state structures and procedures of recruitment.⁵⁹ In this way, although liberal democratic institutions were set up, a clear division of state and party could not be maintained.⁶⁰ Besides that, people who are affiliated with the DPS enjoy impunity in many cases.⁶¹ This all leads not only to a general distrust in the government, but as well in the state of Montenegro.⁶² Furthermore, Sartori characterizes the strategy of the DPS to stay in power as ethnicized because it constructs the Serb opposition as anti-Montenegrin and as a threat to Montenegro, while it itself uses strategies that aim to present itself as a Montenegrin party and thus attractive to people who identify as Montenegrins.⁶³ By securitizing the opposition as Serb and anti-Montenegrin, it also contributes to the alienation of people who identify as Serb from the Montenegrin state, which is at the same time constructed as ethnically neutral.

In conclusion, the Law's initiators and supporters characterize the protests as anti-Montenegrin, Serb nationalist, anti-European, antidemocratic, medieval, and as a threat to the Montenegrin state, while it constructs itself as democratic, European, and ethnically neutral. However, the credibility of such a construction is undermined by still highly-ethnicized political practices and a questionable democratic system, which, due to the unclear differentiation of party and state,⁶⁴ leads not only to lack of trust in the government, but also in the state as a whole. The construction of state and government as ethnically unbiased also discredits the claims of the protesters as being anti-democratic and is a threat to the whole civic state project, further alienating the protesters from the state; this is because in their construction, it is them who fight for democracy and against the anti-democratic hegemonic formation.

Conclusion

The *litije* can be considered as a challenge to the established power system of Montenegro because they are indeed in direct opposition to the project of the Montenegrin state as it was constructed by the DPS. By connecting the claims of the withdrawal of the Law with fundamental questions of state- and nationhood, it becomes clear that the protests are directed against the DPS' project of Montenegro.

While the government and its supporters construct Montenegro as a civic, supra-ethnic state and focuses on the continuity of historic, independent Montenegrin institutions, the leaders of the *litije* construct Montenegro in terms of religion and ethnicity and imply that the Montenegrin identity is a territorial variant of

⁵⁸ Sartori, *Challenging Political Dominance in Montenegro*, 42

⁵⁹ Sartori, *Challenging Political Dominance in Montenegro*, 35

⁶⁰ Sartori, *Challenging Political Dominance in Montenegro*, 42

⁶¹ Bertelsmann Stiftung, *BTI 2018 Country Report: Montenegro*, 5.

⁶² Sartori, *Challenging Political Dominance in Montenegro*, 35-36.

⁶³ Sartori, *Challenging Political Dominance in Montenegro*, 36,41.

⁶⁴ Sartori, *Challenging Political Dominance in Montenegro*, 41.

Serb identity, defined by South-Slavic orthodoxy. Those two constructions are reflected in the framing strategies of *Dan* and *Pobjeda*: while in *Dan* the government is in particular depicted as the “general crime,” i.e. anti-Serb and anti-democratic (by ignoring “the nation”), in *Pobjeda* the *litije* are constructed as criminals who want to overthrow the Montenegrin state and who are anti-democratic as well. More moderate positions between these poles are hardly found in the newspaper discourse, and contributes to the polarization of society.

Although it is unlikely that all the participants of the *litije* want to overthrow the Montenegrin state and even the project of a civic state, the self-construction of the *litije* in opposition to the government (constructed as undemocratic) may attract people because it represents a widespread discourse regarding the state due to its questionable democratic practices. Furthermore, they may attract people by antagonizing the government as anti-Serbian, because the construction of the Montenegrin state by the DPS mainly occurred in differentiation from the Serbian state and the Serbian nation. Therefore, the opposition is constantly branded as Serb and a threat to Montenegro, which also delegitimizes claims not related to nation, such as the criticism of corruption. Besides that, the open declaration of “Montenegrin” identity is connected with economic privileges, which also undermines the credibility of the rhetoric of a supra-ethnic Montenegrin state that guarantees equality to everyone. This may increase the credibility of the *litije*’s antagonization of the government and further alienate people who identify as Serbs from the Montenegrin state.

In addition, the *litije*—due to their exclusive Serb Orthodox character—will probably not attract a large amount of people who are affiliated with (for example) the competing Montenegrin Orthodox Church, or other citizens like ethnic Bosniaks or Albanians. Due to the self-identification of the *litije* through defining itself as the nation (i.e. Orthodox and Serb), people of other faiths and ethnicities are not represented in their project. In this way their project can be indeed identified as ethnic-exclusive (and further, more ethnocentric than democratic) and will contribute to further polarization of Montenegrin society along ethnic lines.

The combination of the protest against the Law with fundamental questions of nation- and statehood in which the character of the Montenegrin politics and state is constructed as anti-Serbian, plus a government that denounces the protesters as anti-Montenegrin, enables the construction of the Law as an issue of national survival and has the capacity to polarize the society further among ethnic lines. Due to the still ethnicized and undemocratic practices that are performed by the government, their construction of the state as ethnically neutral and providing equality for everyone lacks credibility. This contributes to the successful mobilization against the Law and thus provides support for greater Serbian goals, which are likely to be pursued by the SOC and have a dominant position in the *litije*, as embodied by metropolit Amfilohije.

Questions of further interest that could not be answered in this paper include explorations of the actual motivations of the people who participate in the *litije*, whose voices are not dominant in the media discourse. Do they largely pursue the goals of the *litije*, or do they attend primarily in order to protest against the anti-democratic and clientelist practices of the DPS-system? It would also be

interesting to analyze the perception of the *litije* by non-Orthodox people in Montenegro. Such an ethnographic study would deepen the understanding of the political situation in Montenegro and could provide insight that might help to create ideas to depolarize Montenegrin society.

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