

9-1-2000

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Recommended Citation

Charles J. Russo, *Religion and Education in Bosnia: Integration Not Segregation?*, 2000 BYU L. Rev. 945 (2000).

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Religion and Education in Bosnia: Integration Not Segregation?

*Charles J. Russo**

I. INTRODUCTION

At the risk of attempting to identify a hierarchy of rights, two of the more significant fundamental human rights are freedom of religion¹ and the right to receive an education.² As basic as these rights

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1. *See* Universal Declaration of Human Rights, Dec. 10, 1948, arts. 2, 18.

Article 2:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. . . .

Article 18:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

See also International Covenant on Civil and Political Rights, 1976, arts. 2, 3, 5, 18.

Article 2:

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

Article 3:

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 5:

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Article 18:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

For a recent American statute, see The International Religious Freedom Act, 22 U.S.C. §§ 6401-81 (1999). See also W. Cole Durham, Jr., *Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities* (visited Aug. 26, 2000) <http://www.osce.org/odihr/docs/ifor_index.htm>.

2. See Universal Declaration on Human Rights, Dec. 10, 1948, art. 26.

Article 26:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

See also Declaration of the Rights of the Child, 1959, princs. 5, 7.

Principle 5:

The child who is physically, mentally, or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 7:

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society.

are, the struggle to safeguard them is often at the heart of such destructive internecine wars as have occurred in Bosnia and Herzegovina,³ Northern Ireland,⁴ and various locations in Africa.⁵

Located in the heart of Europe on the fault line where East meets West, Bosnia⁶ has played a crucial role in the history of Europe

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents. . . .

See also Convention on the Rights of the Child, 1989, art. 28.

Article 28:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

3. *See generally* REZAK HUKANOVIC, *THE TENTH CIRCLE OF HELL: A MEMOIR OF LIFE IN THE DEATH CAMPS OF BOSNIA* (Colleen London & Midhat Ridjanovic trans., Ammel Alculay ed., 1996).

4. *See generally* BOWYER J. BELL, *THE IRISH TROUBLES: A GENERATION OF VIOLENCE, 1967-1992* (1993); JOHN CONROY, *BELFAST DIARY: WAR AS A WAY OF LIFE* (1987); TIM PAT COOGAN, *THE TROUBLES: IRELAND'S ORDEAL 1966-1996 AND THE SEARCH FOR PEACE* (1996).

5. *See* Makau wa Mutua, *Limitations on Religious Rights: Problematizing Religious Freedom in the African Context*, 5 *BUFF. HUM. RTS. L. REV.* 75 (1999); *see also* Makau Mutua, *Never Again: Questioning the Yugoslav and Rwanda Tribunals*, 11 *TEMP. INT'L & COMP. L.J.* 167 (1997); Shawn Smith, *The International Criminal Tribunal for Rwandan: An Analysis on Jurisdiction*, 23 *T. MARSHALL L. REV.* 231 (1997).

6. According to the Constitution of Bosnia and Herzegovina:

The Republic of Bosnia and Herzegovina, the official name of which shall henceforth be "Bosnia and Herzegovina," shall continue its legal existence under international law as a state, with its internal structure modified as provided herein and with its present internationally recognized borders. It shall remain a Member State of the United Nations and may as Bosnia and Herzegovina maintain or apply for membership in organizations within the United Nations system and other international organizations.

BOSN. & HERZ. CONST. art. I, para. 1. The Constitution also states, "Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska." *Id.* at art. I, para. 3. Hereinafter, the two entities—the Federation of Bosnia and Herzegovina and the Republika Srpska—will be referred to as "the Entities."

In addition, "Bosnia and Herzegovina," the title used in the Dayton Peace Accords, replaces "Republic of Bosnia and Herzegovina," the name under which the nation was admitted to the United Nations in 1992 following the collapse of the former Yugoslavia. *See* Paul C. Szasz, *Bosnia and Herzegovina-Croatia-Yugoslavia: General Framework Agreement for Peace in*

over the past century.⁷ In light of Bosnia's unique position, this article focuses on events in Bosnia resulting from the heavy damages inflicted on its elementary and secondary schools by the senseless war of ethnic cleansing⁸ that was based largely on religion. The war in Bosnia began in earnest⁹ on April 6, 1992,¹⁰ when Serbian provo-

Bosnia and Herzegovina with Annexes, 35 I.L.M. 75, 79 (1996) (discussing Annex 4 of the agreement which recognized the continuation of the Bosnia-Herzegovina republic as just "Bosnia and Herzegovina"). The country is actually composed of two entities: the "Federation of Bosnia and Herzegovina," which is home to the Bosnians and Croats, and "Republika Srpska," which is home to the Serbs.

In order to avoid confusion, the author uses the name Bosnia to refer to the entire country of Bosnia and Herzegovina, BiH to refer to the Federation of Bosnia and Herzegovina (the Bosnian-Croat entity), and RS to refer to the Republika Srpska (the Serbian entity).

7. For general background on Bosnia and the Balkans, in addition to other works cited herein, see NORMAN L. CIGAR, *GENOCIDE IN BOSNIA: THE POLICY OF "ETHNIC CLEANSING"* (1995). See also BOGDAN D. DENITCH, *ETHNIC NATIONALISM: THE TRAGIC DEATH OF YUGOSLAVIA* (rev. ed. 1996); JAN WILLEM HONIG & NORBERT BOTH, *SREBRENICA: RECORD OF A WAR CRIME* (1997); MICHAEL A. SELLS, *THE BRIDGE BETRAYED: RELIGION AND GENOCIDE IN BOSNIA* (1996); Peter J. Cannon, *The Third Balkan War and Political Disunity: Creating a Confederated Cantonal Constitutional System*, 5 J. TRANSNAT'L L. & POL'Y 373 (1996); Svetozar Stojanovic, *The Destruction of Yugoslavia*, 19 FORDHAM INT'L L.J. 337 (1995).

8. For an outstanding essay review of a dozen books on genocide and ethnic cleansing, see Mark Danner, *America and the Bosnia Genocide*, N.Y. REV. BOOKS, Dec. 4, 1997, at 55-65. See also DAVID RIEFF, *SLAUGHTERHOUSE: BOSNIA AND THE FAILURE OF THE WEST* (1995); MICHAEL SELLS, *RELIGION, HISTORY, AND GENOCIDE IN BOSNIA-HERZEGOVINA*, in *RELIGION AND JUSTICE IN THE WAR OVER BOSNIA*, 23-43 (G. Scott Davis ed., 1996); David M. Kresock, Note, *"Ethnic Cleansing" in the Balkans: The Legal Foundations of Foreign Intervention*, 27 CORNELL INT'L L.J. 203 (1994); Nicole M. Procida, Note, *Ethnic Cleansing in Bosnia-Herzegovina, A Case Study: Employing United Nation Mechanisms to Enforce the Convention on the Prevention and Punishment of the Crime of Genocide*, 18 SUFFOLK TRANSNAT'L L. REV. 655 (1995).

9. When the former Yugoslav Republic disintegrated in June 1991 because Slovenia and Croatia had declared their independence, Yugoslav tanks, at the behest of the Milosovic regime, moved in to regain control over Slovenia's borders. Also, by late March 1992, Serb irregular forces, supported by the Yugoslav army, were attacking Bosniac and Croat settlements in Northern Bosnia. See UNFINISHED PEACE: REPORT OF THE INTERNATIONAL COMMISSION ON THE BALKANS 37-40 (Valeriana Kallab ed., 1996).

10. See ROBERT J. DONIA & JOHN V.A. FINE, JR., *BOSNIA AND HERZEGOVINA: A TRADITION BETRAYED* 238 (1994); TOM GJELTEN, *SARAJEVO DAILY: A CITY AND ITS NEWSPAPER UNDER SIEGE* 2 (1995); see also CHRISTOPHER BENNETT, *YUGOSLAVIA'S BLOODY COLLAPSE: CAUSES, COURSE AND CONSEQUENCES* 187 (1994); Slobodan Lekic, *Violence Erupts in Yugoslav Region*, ORANGE COUNTY REG., Apr. 6, 1992, at A12; Julijana Mojsilovic, *Holiday Inn Becomes Scene of Battle*, ASSOCIATED PRESS, Apr. 6, 1992, available in 1992 WL 5291846; Victoria Stegic, *Five Gunned Down as Thousands Clamor for Peace in Bosnia*, AGENCE FRANCE-PRESSE, Apr. 5, 1992, available in 1992 WL 8470443. For a history of events leading up to the outbreak of the war, see Christian J. Garris, Comment, *Bosnia and the Limitations of International Law*, 34 SANTA CLARA L. REV. 1039, 1040-55 (1994).

cateurs opened fire on a “peace and unity” demonstration taking place in downtown Sarajevo just across the street from the Holiday Inn that had been built to accommodate tourists for the 1984 Winter Olympic Games.¹¹ Bosnian schools were particularly targeted since they played an essential role of integrating the country’s three religious and ethnic constituent groups (Serbs, Croats, and Bosnians),¹² into a society that shared a common system of schooling. Even now, almost five years after the signing of the Dayton Peace Accords,¹³ Bosnian schools have yet to fully recover.

While the war in Bosnia was not religious per se, the centuries-old ethnic and religious hatreds, which contributed to the vicious campaign of ethnic cleansing, were so inextricably interwoven that it is virtually impossible to separate the two.¹⁴ In addition, nationalist leaders, most notably Slobodan Milosovic, relied on rhetoric to exacerbate hard feelings and attitudes toward religion and ethnicity to fan the flames of war.¹⁵

In light of the damage that Bosnia’s schools suffered because of the war, and the divisiveness that remains due to religious (and ethnic) differences, this article examines the role of religion in public education. Section II reviews the history and status of education in

11. See Tom Callahan, *The Sweet Scene in Sarajevo*, TIME, Feb. 13, 1984, at 62; Larry Gerber, *Sarajevo: A Toast to the Town*, SAN DIEGO UNION-TRIB., Feb. 20, 1984, at A1; Jane Leavy, *Pomp, Happy Circumstances Open Games*, WASH. POST, Feb. 9, 1984, at E1.

12. According to the census taken in April 1991, 43.6 percent, of Bosnia and Herzegovina’s 4,354,911 inhabitants declared themselves Muslims, 31.3 percent identified themselves as Serbs, 17.3 percent claimed to be Croats, 5.2 percent claimed to be Yugoslavs who were children of mixed marriages; the remainder of the population was composed of Jews and others. See BENNETT, *supra* note 10, at 180; DONIA & FINE, *supra* note 10, at 86-87. Bosnia was the only former Yugoslav Republic where Muslims made up the largest portion of the population—44 percent. See Lee Hockstader, *In Bosnia, Peace on Paper But Not in Practice; West Can Enforce Order But Not Impose Unity*, WASH. POST, Dec. 7, 1997, at A1.

13. Dayton Peace Accords, Dec. 14, 1995, U.N. Doc. A/50/810-S/1995/1021, Annex, Dec. 8, 1995, reprinted in 35 I.L.M. 75 (1996). The Dayton Peace Accord is an agreement between the republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia. It also involves NATO and the United Nations. It provides for Bosnia to be a single country divided into a Muslim-Croat Federation and a Serb Republic. See *id.* at 89.

14. For a discussion of some of the issues involved in what became known as ethnic cleansing in the former Yugoslavia, see NATAN LERNER, RELIGION, BELIEFS, AND INTERNATIONAL HUMAN RIGHTS 72-76 (1999).

15. See generally THIS TIME WE KNEW: WESTERN RESPONSES TO GENOCIDE IN BOSNIA (Thomas Cushman & Stjepan G. Meštrovic eds., 1996). For a critical biography on works relating to Bosnia since 1990, see BOOKS ON BOSNIA (Quintin Hoare & Noel Malcom eds., 1999).

Bosnia before, during, and after the war. Section III briefly considers the status of religious freedom in Bosnia. Section IV examines the nexus between religion and education in Bosnia, especially as they interplay in the curriculum with the related concepts of ethnic segregation and lack of a national curriculum. In conclusion, Section V offers seven recommendations for educational leaders and policy-makers who wish to integrate religion into public education in Bosnia.

II. EDUCATION IN BOSNIA

A. Education in the Former Yugoslavia

The pre-war system of public education in the former Yugoslavia traces its origins to the times of Austro-Hungarian rule in the nineteenth century.¹⁶ Previously, education in private schools was almost exclusively offered by religious communities.¹⁷ However, since ninety-seven percent of Bosnia's population was thought to be illiterate in the latter part of the nineteenth century,¹⁸ the Austro-Hungarian provincial government devised a plan to open regular public education, in part to limit the influence of religious schools in the political arena. Following the dissolution of the Austro-Hungarian Empire in 1918, the Kingdom of the Serbs, Croats, and Slovenes, renamed the Kingdom Yugoslavia in 1929, continued to develop the system of public elementary education right up to the outbreak of World War II.¹⁹

16. See SREBREN DIZDAR, A DEVELOPMENT AND PERSPECTIVES ON TEACHER EDUCATION IN BOSNIA AND HERZEGOVINA 2 (1998). For a more comprehensive history of education in Bosnia, see *id.* at 1-10. See also Miljenko Brkic, *History Background and Today's Parameters, in QUESTION OF SURVIVAL: A COMMON EDUCATION SYSTEM FOR BOSNIA-HERZEGOVINA* 3-4 (Branka Magaš trans., 1998).

17. For example, in 1850, 54 Catholic primary schools, with 56 teachers served 2,295 students in Fojnica, Krešvo, Travnik, Livno, Varcar, Sarajevo, Mostar, and Banja Luka. In 1878, there were 56 Christian Eastern Orthodox primary schools, with 75 teachers, serving 3,523 students in Sarajevo, Tuzla, Livno, Tešanj, Breko, Travnik, and Bijeljina. The largest system in 1876 was the 917 Muslim primary schools with 40,779 pupils (28,445 of whom were male and 12,334 female); no data were noted on the number of teachers. See DIZDAR, *supra* note 16, at 2. Some of these same data are also reported in Brkic, *supra* note 16, at 2.

18. See DIZDAR, *supra* note 16, at 3.

19. During this time, Serbian schools which closed in 1914 did not reopen. However, Muslim schools and Catholic schools operated by nuns continued to operate. See DIZDAR, *supra* note 16, at 5.

World War II dramatically interrupted the educational process in Yugoslavia.²⁰ In the aftermath of World War II, Yugoslavia had many needs to address, not the least of which was the serious depletion of its human and financial resources. Insofar as an injection of financial aid alone could not resolve these crises, the solution required a new approach to the structure and organization of education. Consequently, since Tito considered education “to be one of the most important activities for the reconstruction and development of the country,”²¹ he identified it as a key priority in the post-war period. The adoption of compulsory attendance laws led to uniformly high levels of educational attendance, if not achievement, on at least an elementary school level. Moreover, although imperfect, the nationwide system of free compulsory education helped to serve as a mortar that bound the multi-ethnic Yugoslav Republic together with a communist-socialist ideology,²² as the schools were open to all children regardless of their religious, ethnic, or social background. Between 1945 and 1990, public education in Bosnia did not differ significantly from the rest of the former Yugoslavia in terms of its socialist and atheistic ideology, structure, curriculum, and teacher qualifications. Unfortunately, Bosnia did lag behind in the number and quality of buildings as well as in the number of qualified teachers.²³

Immediately after World War II, the emphasis in Yugoslavia was on primary education; few continued on to attend secondary schools at that time. Ten years later, in 1955, there were three types of primary schools in Yugoslavia: 1,971 four-year schools with 222,358 students and 4,224 teachers; 165 six-year schools with 34,131 pupils and 738 teachers; and 114 eight-year schools with 55,841 students and 1,161 teachers.²⁴ The focus on primary school education culminated in 1958 with the passage of the General Law on Primary Education which mandated an eight-year primary education for children

20. In 1941, there were 1,181 primary schools in Bosnia with about 170,000 students and 3,200 teachers. Religious schools supplemented the meager system of public secondary education. At the end of World War II in 1945, Bosnia had 684 primary schools with 97,116 students and 1,288 teachers. *See id.* at 5-7.

21. *Id.* at 7.

22. *See* TONE BRINGA, BEING MUSLIM THE BOSNIAN WAY: IDENTITY AND COMMUNITY IN A CENTRAL BOSNIAN VILLAGE 75-76 (1995).

23. *See* DIZDAR, *supra* note 16, at 8.

24. *See id.* at 8.

aged eight to fifteen.²⁵ During the 1965-66 school year there were 597,256 primary school students, served by 15,856 teachers; 644,497 primary school students and 21,798 teachers during 1970-71; and 625,619 primary school students and 23,053 teachers during 1980-81.²⁶ In 1979, innovations were introduced and in 1987 the first common “all-Yugoslav” core curriculum was introduced.²⁷ By the early 1980s, virtually all children in Yugoslavia attended primary schools with about seventy percent of the children continuing on to secondary education.²⁸

Following Tito’s death in 1980, the educational system entered a decade of stagnation largely due to growing problems with the economy and political instability.²⁹ Thus, the 1990s began with reforms in the Federation of Bosnia and Herzegovina (“BiH”) that led to the abandonment of the strictly centralized educational system and changes in the curriculum.³⁰ Education in Serbian-dominated areas remained centralized.³¹ The war created more pronounced differentiations—including who could attend classes, the language of instruction, and the content of the curriculum—depending upon which of the three constituent national groups predominated in a region. During the first years of the war, at least three systems or subsystems of education were present, based upon which of the three constituent groups was in the majority. From the time the Dayton Peace Accord was signed in 1995, two subsystems of education officially exist in Bosnia: one in BiH, the other in Republika Srpska (“RS”). During the 1990-91 school year, primary school education in Yugoslavia was available in 2,203 schools serving 547,164 pupils; there were 34,355 professionals involved in education, of whom 27,160 were teachers; and seventy percent of the students went on to attend one of the country’s 239 secondary schools where 9,610 teachers served 172,556 students.³²

25. *See id.* at 7-9.

26. *See id.* at 27.

27. *See id.* at 9.

28. *See id.* at 10.

29. *See id.* at 14.

30. *See generally* ABDULAH JABUCAR, COLLECTION OF REGULATIONS IN THE FIELD OF EDUCATION (1997).

31. *See* OFFICE OF THE HIGH REPRESENTATIVE, OVERVIEW OF EDUCATIONAL PROBLEMS IN BiH AND GUIDELINES FOR INTERVENTION § 4.4 (1999) [hereinafter OHR Report].

32. The data on schools in Yugoslavia were not disaggregated into statistics for BiH and

B. Education During the War

Throughout the war years of 1992-93 to 1995-96, schools in Sarajevo—home to about 400,000 people at that time³³—remained open even though the city suffered through a brutal one thousand day siege.³⁴ During the siege, 1,601 children in Sarajevo were killed while 14,946³⁵ were injured as Serbian guns targeted schools and hospitals.³⁶ Thus, given the key role that education played in unifying the former Yugoslavia, “[i]t did not happen by accident that schools, pre-school institutions and faculties were the target of the aggressor.”³⁷ Schools in other parts of Bosnia suffered even more extensive damage.

Even as the siege of Sarajevo ravaged the city and its inhabitants during 1992-93, “war-schools” operated on an abbreviated eighteen-week calendar beginning on March 1, 1993. The schools met for thirty of the thirty-six scheduled weeks beginning in September during the 1993-94 and 1994-95 school years. In retrospect, many educators in Sarajevo believe that the war forced them to develop new approaches in working with students and required them to adopt new teaching methodologies. Faced with wide-spread death and destruction, teaching became more honest and real in contrast to pre-war times, when the emphasis was on hierarchy and the

RS until the 1992-93 school year. The first common statistic, taking both systems into account, did not appear until the 1995-96 academic year. What the data does not and cannot reflect is the real state of school capacity in the sense of the level of their devastation because many schools reorganized themselves and began to work in non-school facilities.

33. See THE WORLD ALMANAC & BOOK OF FACTS 819 (1992); see also International Crisis Group, *Rebuilding a Multi-Ethnic Sarajevo: The Need for Minority Returns*, Section III Summary (February 3, 1998) (unpublished demographic study, on file with author).

34. See Roger Cohen, *Conflict in the Balkans: The Overview; Bosnian Serbs Agree to Pull Back Heavy Artillery from Sarajevo*, N.Y. TIMES, Sept. 15, 1995, available in 1995 WL 7787321, at A1; Francis Curta, *No Peace, No War as Conflict Enters Fourth Year*, AGENCE FRANCE-PRESSE, Apr. 5, 1995. The shelling averaged from 200 to 1,000 shell impacts each day. See Mark R. von Sternberg, *Per Humanitatem ad Pacem: International Humanitarian Norms as a Jurisprudence of Peace in the Former Yugoslavia*, 3 CARDOZO J. INT’L & COMP. L. 357, 372 (1995).

35. Bulletin No. 194 (Institute of Public Health, Federation of Bosnia and Herzegovina 1996).

36. See Scott Anderson, *Bosnia’s Last Best Hope*, N.Y. TIMES MAG., Sept. 8, 1996, at 48 (detailing the stories of teenagers who spent the war years hiding in basements, crouching in bunkers, or guiltily living abroad).

37. Abdulah Jabucar, *Organizacija Skole u Ratu* [School Organization in the War] BOSANSKO-HERCEGOVACKI SKOLSKI GLASNIK, 1(1) 4-5 (1994).

teacher-centered approach.³⁸ In the words of one student, “In those days, students and professors [teachers] were like family, we all shared the same danger and troubles of war.”³⁹ The impact of the war on children was dramatic and tragic.⁴⁰ In fact, a study conducted among students in Sarajevo during the siege reveals that ninety-nine percent experienced nearby shelling, ninety-two percent experienced shelling close enough that they could have been killed by it, ninety-one percent experienced nearby shooting that could have killed them, seventy-two percent of their homes were shelled or attacked, fifty-one percent saw someone who was killed in the war, and forty percent had been shot at by snipers.⁴¹ In light of all that the students and staff experienced, there is a need for studies of how the war affects their long-term growth and development.⁴²

C. Post-War State of Education in Bosnia

1. Legal status

The legal status of education in Bosnia is complicated by the confusing interrelationships between at least six legal systems.⁴³ More specifically, educators and policymakers must deal with the legal and constitutional systems of Bosnia,⁴⁴ the entity level system in BiH,⁴⁵

38. See David M. Berman, *The Organization of War Schools During the Siege of Sarajevo, 1992-1995*, 36(2/3) SOCIOLOGICAL IMAGINATION 183-198 (1999).

39. See Letter from Dino Catovic, student, to David M. Berman (Dec. 26, 1999).

40. See NATO: *Report of the Secretary-General on the United Nations Mission in Bosnia & Herzegovina*, M2 PRESSWIRE, June 20, 1997, available in 1997 WL 11935590 [hereinafter UNMIBH] (discussing UNICEF's assistance in dealing with child mental health services). The effects were not limited to children. See Edith M. Lederer, *World Financial Support to Help Bosnia Cope with the Ravages of War Fades*, L.A. TIMES, Mar. 9, 1997, at A3.

41. See David M. Berman, *In the City of Lost Souls*, 86 SOC. STUD. 197, 203 (1995).

42. For a discussion of psychological aid programs, see Sally Kalson, *Childhood Reclaimed: A Relief Group Sees a Resilient Spirit in Young War Victims It Helps Through Special Program*, PITTSBURGH POST-GAZETTE, Nov. 5, 1997, at B1, available in 1997 WL 11856995; Frank Wright, *Healing the Invisible Wounds of Wartime*, MINNEAPOLIS-ST. PAUL STAR. TRIB., June 29, 1997 at 19A, available in 1997 WL 7572302. But see Daloni Carlisle, *Overseas Aid: A War of Words*, GUARDIAN (London), Nov. 26, 1997, available in 1997 WL 14743224 (criticizing the call for psychological support programs as imposing western ideology upon war-torn countries).

43. See AHMED AILI, FREEDOM OF RELIGION IN BOSNIA AND HERZEGOVINA: DAYTON ACCORD HUMAN RIGHTS INSTRUMENTS 6 (1999).

44. Article III, Paragraph 3 of the Bosnian Constitution is not unlike the Tenth Amendment to the United States Constitution to the extent that the government of the Federation has no direct power over education. Cf. BOSN. CONST. art. III, para. 3 (“Law and Re-

the entity system of the RS,⁴⁶ the system of the former Republic of Bosnia and Herzegovina, the system of the former Socialist Federal Republic of Yugoslavia, and the system of the Croatian Republic of Herzeg-Bosna.⁴⁷ At the same time, the legal systems of both the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) exert considerable influence in various parts of Bosnia.

2. *School governance*

Amid the varying guarantees to an education in Bosnia, the school systems in BiH and RS operate in very different ways. The Federation of BiH, following the Swiss system, is divided into ten largely decentralized administrative units or cantons,⁴⁸ which are not unlike American states, even if they are the size of counties.⁴⁹ Based

sponsibilities of the Entities and the Institutions: (a) All governmental functions and powers not expressly assigned in this constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.”) *with* U.S. CONST. amend. X (“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people.”). However, insofar as the Bosnian Constitution enumerates a right to education, the Federation government has the responsibility to ensure equal access to education for all. *See* BOSN. CONST. art. II, para. 3(1) (“All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include: (1) the right to education.”).

45. Chapter 3, Article 4 of the Constitution of BiH expressly grants power over education to cantons: “The cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for: (b) Making education policy, including decisions concerning the regulation and provision of education . . .” The situation is further complicated by virtue of the fact that Cantonal Constitutions devolve varying degrees of authority to Municipalities. *See* State Department Report at § 3.1.

46. Article 38 of the Constitution of RS specifies that “[e]veryone shall be entitled to education under equal conditions . . . primary schooling shall be compulsory and free . . . [and] everyone shall have access, under the same conditions, to secondary education.” It also provides that “citizens may open private schools under conditions specified by law.” Moreover, Article 48 of the Constitution of RS maintains that “the rights and freedoms guaranteed by this Constitution may not be denied or restricted . . . court protection of the rights and freedoms guaranteed by this Constitution shall be ensured.” State Department Report at § 3.2.

47. *See* DIZDAR, *supra* note 16, at 119.

48. According to the Constitution of BiH Chapter I, Article 2: “The Federation consists of federal units (Cantons). The methods and procedures for physically demarking the boundaries between the Cantons shall be established by Federation legislation. The Cantons shall be named solely after the cities which are the seats of the respective Cantonal governments or after regional geographic features.” The Cantons are Unsko-sanski, Posavski, Tuzlanski-podrinjski, Zenicko-dobojski, Gornjedrinski, Srednjobosanski, Srednjehercegovački, Zapadnohercegovački, Sarajevo, and Zapadnobosanski.

49. BiH is largely populated by Bosnians or Bosniacs (Muslims) and Croats (Roman Catholics). A small Jewish population lives in Sarajevo but there are so few other members of their faith in the country that their presence barely rises to the level of statistical significance.

on the inability to use common terminology with BiH to describe units in RS,⁵⁰ RS is divided into seven Regions.⁵¹ Cantons are further divided into municipalities,⁵² thereby creating a system that corresponds to the American counterparts of federal, state, and local levels of control. Moreover, like the Tenth Amendment to the United States Constitution,⁵³ which reserves education to the States, the Federation Government in Bosnia does not play a key role in devising educational policy. Cantons, through their ministries of education, are supposed to be primarily responsible for developing educational policies but can delegate some authority to municipalities to act through their own ministries.⁵⁴ This policy was adopted in order to help ensure that displaced and minority children are not deprived of their right to an education.⁵⁵ RS, consistent with its socialist Tito-era mentality, retains centralized control over education through its Ministry of Education.⁵⁶

The lack of a unified system of educational laws and regulations between the entities, let alone in BiH, clearly creates problems for reformers. Decentralization has led to major differences in the Bosnian and Croatian sections of BiH. For example, schools in Croat territories are likely to use Croatian textbooks and respond to Zagreb, the capital of Croatia, rather than Sarajevo, the capital of Bosnia.⁵⁷ In practice, decentralization in BiH translates into four frequently fragmented levels of educational management: Federation, Canton, Municipality, and School.

The vast majority of Orthodox Christians who lived in what is now BiH have returned to RS.

50. RS is populated primarily by Orthodox Christians. See generally DONIA & FINE, *supra* note 10; NOEL MALCOM, *BOSNIA: A SHORT HISTORY* (1994).

51. The seven regions in RS are Banja Luka, Doboj, Bijeljina, Vlasenica, Sokolac, Srbinje (Foca), and Trebinje.

52. Chapter VI of the Constitution of BiH outlines the authority of municipalities.

53. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. CONST. amend. X.

54. According to the Constitution of BiH Chapter V, Article 2(2), "[e]ach Canton may delegate functions concerning education . . . to its Municipalities and shall do so to those Municipalities whose majority population is other than that of the Canton as a whole."

55. See Adila Pašalic-Kreso, *Education in Bosnia and Herzegovina: Minority Inclusion and Majority Rules*, 2(1) CURRENT ISSUES IN COMPARATIVE EDUCATION, (Nov. 15, 1999) <<http://www.tc.columbia.edu/cice/vol10/2nr1/apkart1.htm>>.

56. See OHR Report, *supra* note 31, at § 4.4.

57. See *id.* at §§ 4.2, 5.1.

Management committees—consisting of representatives from the local community, school, and parents—govern schools in BiH. Management committees make decisions on all vital issues related to the functioning of the schools.⁵⁸ At the same time, new laws and regulations are being developed in BiH to provide additional guidance for school staff, including the head teacher and management committees.⁵⁹

In RS, educational management remains centralized at the entity level.⁶⁰ The Ministry of Education defines educational laws and policies while also deciding on the creation of new schools. School management in RS is delegated to school boards composed of founding representatives and parents. The Ministry of Education then appoints one of the candidates to the directorship.

3. Current data on Bosnian schools

The post-war system in BiH remains similar to the pre-war system except that during the war in 1994, pre-school education was made available for children aged four to six.⁶¹ Since pre-school education is not mandatory, less than ten percent of children attend pre-schools.

Primary school, which is compulsory for all children who reach the age of five-and-one-half, is divided into elementary school, consisting of grades one through four and grades five through eight.⁶² Like elementary schools in the United States, one teacher typically provides instruction in all subjects except for perhaps music and art in grades one through four. Grades five through eight are also similar to the United States in that students have different teachers for each of their subject areas. Students in primary schools study language arts, social sciences (history and geography), mathematics, art, music, and physical education. They may also take religion classes.⁶³ Students in grades four through eight study a second language (mainly English, though in the past students chose French, German, and/or Russian). Unlike the United States, children in grades six

58. See DIZDAR, *supra* note 16, at 126.

59. See *id.* at 115.

60. See OHR Report, *supra* note 31, at § 4.4.

61. See DIZDAR, *supra* note 16, at 39, 116.

62. See *id.* at 39, 116-117.

63. See *infra* text accompanying notes 81-85.

through eight study biology while grades seven through eight also study physics and chemistry.⁶⁴

Secondary education, which is not referred to as grades nine through twelve, lasts three or four years, depending upon a student's course of study.⁶⁵ The Law on Secondary School defines six types of schools in BiH, the first five of which require students to pass an entrance examination.⁶⁶ Students who wish to continue on to study at the university level typically enter a gymnasium for an academic course of study consisting of two languages, history, literature, art, music, mathematics, physics, chemistry, and physical education; more specifically, the programs focus on mathematic-informatics, sciences-mathematics, and sports curricula. Pupils who wish to prepare for technical engineering careers while retaining an option of moving on to the university enrol in mixed gymnasia/technical schools that allow them to specialize in different subject areas such as architecture, geology, graphic arts, and various forms of engineering while also allowing them to receive some instruction in areas outside of their specialties. A third group of students attends secondary teacher training schools and either prepares to enter the university pedagogical institutes or becomes teachers' aides. A fourth group of students attends secondary art schools where they specialize in the fine arts, music, and/or ballet. The fifth group of students attend religious schools. The final group of students, those who will fill technical positions, enrolls in one of sixteen vocational schools where they focus entirely on their selected fields of study. Entry into universities, regardless of what course of study a student wishes to pursue, is controlled by a series of written and oral examinations after graduation from secondary school.

In addition to teaching staff, each school has a head teacher and is required to have a counsellor, also known as a pedagogue. Currently there is a dearth of counsellors and an ongoing teacher shortage. Elementary school teachers receive their formal training in two-year pedagogical academies that focus on child development and basic instructional methodologies. Teachers in grades five through eight who teach language, science, and art must attend universities

64. See generally Volker Lenhart et al., *The Curricula of the "National Subjects"*, in BOSNIA AND HERZEGOVINA: A REPORT TO UNESCO (1999); DIZDAR, *supra* note 16.

65. See DIZDAR, *supra* note 16, at 40.

66. See *id.* at 40-41, 117-118.

like their counterparts who wish to teach in secondary schools.⁶⁷ At present, reformers are seeking to expand pedagogical academies into three-year courses of study. Secondary school teachers attend university faculties where they focus on their areas of academic specialization and receive a baccalaureate degree.⁶⁸ While most pedagogical institutes are independent, they are beginning to become part of the university system—as at the University of Sarajevo. BiH does not yet have a system of certification for educators.

During 1996-97, the first year for which complete data are available, there were 403 primary schools with 11,407 teachers serving 267,918 students; this total also includes twenty-two specialized schools with 819 students. In addition, there were 171 high schools, with 5,607 teachers for 95,229 students.⁶⁹ According to data from the Statistics Bureau of the RS, there were 130,517 elementary school students served by 6,879 teachers in 734 schools, although it is not clear whether they are only legal bodies or also facilities where classes are held. There were also ninety-six high schools with 2,784 teachers serving 49,604 students.⁷⁰

Along with its system of state-run schools, private schools⁷¹ opened in larger municipalities in Bosnia—such as Sarajevo, Tulza, and Zenica—during and after the war.⁷² At present, there are at least six private schools in Sarajevo alone.⁷³

67. *See id.* at 117.

68. *See id.* at 48-50.

69. *See id.* at 40-41. Even though it is beyond the scope of this article, this report reveals that at the same time, fifty institutions of higher education enrolled 27,888 students and were staffed by 2,150 faculty members. *See id.* at 44.

70. *See generally* STATISTICS BUREAU OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, STATISTICAL BULLETIN NO. 3/98 (1998). Accurate data is not available on higher education in RS for that period.

71. Private schools are typically operated by religious groups, most notably the Islamic communities and the Roman Catholic Church.

72. *See* DIZDAR, *supra* note 16, at 44.

73. For a more full discussion on the status of private schools in Bosnia, see Adila Pašalic-Kreso & Charles J. Russo, *Rebuilding from the Ashes: Schooling in Post-War Bosnia*, 9 INT'L J. EDUC. REFORM 102-08 (2000) (portions of this article are adapted from the earlier manuscript). For the status of Bosniak Gymnasium in Sarajevo, see Lejla Akšamila, *Schools in the Present Situation*, in QUESTION OF SURVIVAL: A COMMON EDUCATION SYSTEM FOR BOSNIA-HERZEGOVINA 26-28, 33-34 (Branka Magas, trans.) (1988) and Elizabeta Cosic, *id.* at 31-33.

III. RELIGIOUS FREEDOM IN BOSNIA

Coming out of the communist era of 1945-1991,⁷⁴ when religion was officially discouraged, the constitutions of Bosnia,⁷⁵ BiH,⁷⁶ and RS⁷⁷ all explicitly provide for freedom of religion.⁷⁸ However, unlike the Religion Clauses of the First Amendment to the United States Constitution, the Bosnian constitutions are silent regarding separation of religion and state.⁷⁹ Consequently, given the long-standing role that religion has played in the Balkans and the unlikely

74. For a good overview of Eastern Europe, including the former Yugoslavia, see JOSEPH ROTHSCHILD, RETURN TO DIVERSITY: A POLITICAL HISTORY OF EASTERN EUROPE SINCE WORLD WAR II (1989); GALE STOKES, THE WALLS CAME TUMBLING DOWN: THE COLLAPSE OF COMMUNISM IN EASTERN EUROPE (1993).

75. According to Article 1, Paragraphs 2 and 3 of the Bosnian Constitution:

Paragraph 2 International Standards:

The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.

Paragraph 3 Enumeration of Rights:

All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include:

. . . .

(g) Freedom of thought, conscience, and religion.

(h) Freedom of expression.

76. Constitution of BiH Chapter II, Article 2 provides:

The Federation shall ensure the application of the highest level of internationally recognized rights and freedoms provided in the instruments listed in the Annex. In particular:

All persons within the territory of the Federation shall enjoy the rights:

(d) To freedom from discrimination based on race, color, sex, language, religion or creed, political or other opinions, and national or social origin;

(l) To fundamental freedoms: free speech and press; freedom of thought, conscience, and belief; freedom of religion, including private and public worship; freedom of assembly; freedom of association, including to form and belong to and labor unions and the freedom not to associate; and freedom to work; . . .

77. While the Constitution of RS provides for religious freedom, it also states that "the Serbian Orthodox Church shall be the church of the Serb people and other people of Orthodox religion" and indicates that the "state shall materially support the Orthodox Church and it shall cooperate with it in all fields." U.S. Department of State, *Annual Report on International Religious Freedom for 1999: Bosnia and Herzegovina* (updated Sept. 9, 1999) <http://www.state.gov/www/global/human_rights/irf/irf_rpt/1999/irf_bosniahe99.html> [hereinafter U.S. Dep't of State Report].

78. For a discussion of religious freedom in Bosnia that goes beyond education see *id.*

79. In relevant portion, the First Amendment reads: "[C]ongress shall make no law respecting an Establishment of religion or prohibiting the free exercise thereof." U.S. CONST. amend. I. The tremendous volume of litigation concerning religion and education in the United States has led to even more commentaries on the various issues involving Church and State.

possibility that an American-style separation can be fashioned any time soon, conflicts involving religion and education were inevitable.⁸⁰ To date, the two major issues have involved: the place of religion in the curriculum, and ethnic/religious segregation and a national curriculum.

IV. RELIGION AND THE CURRICULUM: ETHNIC AND RELIGIOUS SEGREGATION AND A NATIONAL CURRICULUM

In theory, religious education classes in public schools in BiH are optional. The reality is that in some cantons and municipalities,⁸¹ children who do not choose to attend these classes are subject to pressure and discrimination from peers and teachers. In other locales, only the religion of the majority of the population is offered in the public schools. Moreover, public schools generally do not hire teachers to offer classes to students of minority religions.⁸²

Religious education, focused exclusively on the Serbian Orthodox faith, is a compulsory subject for students in grades one through eight in RS. However, the curriculum in RS only deals with the Orthodox creed and does not take into account other Christian denominations or other religions, such as Islam.⁸³ In addition, because Orthodox religious symbols are present in public schools all over RS, minority families with children have been slow to return there.⁸⁴

80. See Susan L. Woodward, *Avoiding Another Cyprus or Israel: A Debate About the Future of Bosnia*, BROOKINGS REV., Jan. 1, 1998, at 45 (expressing the author's concern that growing segregation of schools and religious control over curricula are far greater threats to Bosnian stability than borders).

81. In West Mostar, where Croats are in the majority, minority students supposedly have the right to take classes in non-Catholic religions; in reality, this option simply does not exist. See U.S. Dep't of State Report, *supra* note 77.

82. For example, in Sarajevo Canton, primary schools only reportedly offered classes in the Islamic faith. See *id.*; see also OHR Report, *supra* note 31, at § 5.1.5.

83. See Lenhart et al., *supra* note 64, at 66. This report also presents a grade by grade description of the religious curriculum which covers such topics as Biblical history, Liturgy, Church History (including the History of the Serbian Orthodox Church), Basic Theology, and Moral Theology. See also OHR Report, *supra* note 31, at § 5.1.7.

84. See U.S. Dep't of State Report, *supra* note 77. The same report also indicates that there are 1.4 million persons who are internally displaced in Bosnia. See also Roger Thurow, *Another Country: "If You Rebuild Our Houses, You Can't Just Drop Us Back Here"—In Post-war Bosnia, Returnees Are Finding Rebuilding Easier Than Forgetting—Good Victim vs. Bad Victim*, WALL ST. J., Aug. 24, 1999, at A1 (indicating that there are still 760,000 Bosnian refugees scattered in more than forty countries, as well as 850,000 internally displaced persons); *Local NGO's: Taking Over When International Agencies Leave*, 24 MIGRATION WORLD MAG. 36 (reporting that there are 1.2 million displaced persons in Bosnia and approximately

Nationalist interests in both BiH and RS are seeking to create educational systems and curriculum that panders to their religious, ethnic, and political wishes. Nationalists retain power even though such an approach (which seeks to create separate schools for children based on ethnic origin, ultimately divided on the basis of their parents' religion) conflicts with internationally accepted standards dealing with education and freedom of religion.⁸⁵

A problem arose on January 22, 1997, when BiH's Ministry of Education sought to introduce a policy of forced ethnic segregation in the schools,⁸⁶ not unlike the pernicious "separate but equal," doctrine of *Plessy v. Ferguson*,⁸⁷ the long-time blight on the American legal and cultural landscape. However, in the face of mounting international criticism,⁸⁸ the Ministry repudiated this ill-conceived policy on November 10, 1997.⁸⁹

Even after the Federation revoked its ill-conceived policy of ethnic segregation, nationalist tendencies continue to surface in debates in both BiH and RS over such questions as the role of so-called

600,000 refugees in neighboring countries, most of them in Croatia and Serbia-Montenegro).

85. See *supra* notes 1, 2.

86. See Fahrudin Rizanbegovic, Directive from Minister of Education on the Use of Two Curricula and Two Education Plans on [sic] the Whole Territory of the Federation of Bosnia and Herzegovina (on file with author) [hereinafter Directive from Minister]; see also Chris Hedges, *Bosnia—Ethnic Diversity Distorting History, Art and Language*, DAYTON DAILY NEWS, Dec. 11, 1997, at 23A; Chris Hedges, *Sarajevo Journal: In Bosnia's Schools, 3 Ways Never to Learn from History*, N.Y. TIMES, Nov. 25, 1997, at A1; Tracy Wilkinson, *Bosnia's Ethnic Division Relocates to the Classroom Balkans*, L.A. TIMES, Oct. 19, 1997, at A1; *Viewpoints, The ABCs of Ethnic Hate*, NEWSDAY, Oct. 21, 1997, at A42; OHR Report, *supra* note 31, at § 4.3.

87. 163 U.S. 537 (1896) (upholding separate but equal accommodations for whites and blacks on public railway cars). "Separate but equal" was formally extended to public education in *Gong Lum v. Rice*, 275 U.S. 78 (1927). The Supreme Court finally overruled the doctrine of separate but equal in *Brown v. Board of Education*, 347 U.S. 483 (1954).

88. The Office of the Ombudsman, one of the leaders in the fight to rescind this unwise policy, was created under the authority of the Constitution of BiH, Paragraph II.B. The initial appointment and functions of the Ombudsmen have been, in part, to conduct Roundtables (Public Hearings) to deal with a variety of civil rights issues including religious and ethnic segregation whether in Sarajevo, Mostar, or Velika Kladusa (a small city in northwest Bosnia near the Croatian border). See OFFICE OF OMBUDSMAN, REPORT ON THE STATE OF HUMAN RIGHTS IN THE FEDERATION OF BOSNIA AND HERZEGOVINA 1999, at 35-38 (2000).

89. For a detailed discussion of events surrounding the demise of this policy, see Charles J. Russo, *At the Table in Sarajevo: Reflections on Ethnic Segregation in Bosnia*, 38 CATH. LAW. 211 (1998).

“national” subjects (such as history,⁹⁰ geography, music, language, and art) in the curriculum,⁹¹ and whether children should receive instruction in the language of their ethnic group or in a common tongue (what used to be called Serbo-Croatian is now referred to as Bosnian,⁹² Croatian, and Serbian) and alphabet.⁹³

Attempts at reforming Bosnian education have progressed slowly because of the combination of religious and nationalist agendas discussed herein. However, recent political developments in Croatia and parts of Bosnia may signal that there is some hope on the horizon. Moreover, the situation is exacerbated since the bleak economic picture,⁹⁴ accompanied by rampant corruption,⁹⁵ high unemployment,⁹⁶ and the gray (or black) market,⁹⁷ deprives the government of

90. Textbooks used in the RS (history or geography, for example) do not make any references to BiH. See OHR Report, *supra* note 31, at § 4.4.

91. See Lenhart et al., *supra* note 64; see also OHR Report, *supra* note 31, at § 7.1.

92. According to Paragraph I, Article 6 of the Constitution of BiH: (1) the official languages of the Federation shall be the Bosniac language and the Croatian language and the official script will be the Latin alphabet (as opposed to Cyrillic, used in RS); (2) other languages may be used as means of communication and instruction.

See also OHR Report, *supra* note 31, at § 4.1.

93. See OHR Report, *supra* note 31, at § 7.2.

94. Efforts to rebuild Bosnia have made slow progress. In 1996, for example, 1.8 billion U.S. dollars went to rebuilding bridges and power plants in Bosnia. See XINHUA ENGLISH NEWSWIRE, Jan. 3, 1997, available in 1997 WL 3734511; see also Paul A. Marin, *Bosnia Is Beginning to Recover After Four Years of War, and Is Offering the First Signs of Legitimate Business Opportunities*, BUS. AM., Sept. 1, 1997, at 5. The International Olympic Committee has established a \$ 10 million fund to rebuild Zetra Olympic Stadium in Sarajevo. See A. Craig Copetas, *Familiar Rings: Commercial Success of Olympics Leaves Challenging Legacy*, WALL ST. J. EUR., Feb. 6, 1998, at 1.

More recently there have been serious concerns about corruption. See Thomas W. Lippman, *U.S. Agency's Action Led to Collapse of Bosnian Bank; Failure Was Costly for Relief Groups, Foreign Governments*, WASH. POST, Aug. 18, 1999, at A13 (discussing the role of corruption that led to the theft of up \$1 billion in public and private international aid).

95. See Chris Hedges, *Leaders in Bosnia Are Said to Steal up to \$1 Billion*, N.Y. TIMES, Aug. 17, 1999, at A1; see also David Wood, *Efforts to Rebuild Post-War Bosnia Drag On And On—Pervasive Corruption Holds Back Progress*, NEWARK STAR-LEDGER, Feb. 28, 2000, at 3 available in 2000 WL 15866155; *Holbrooke Tells Bosnian Officials To Tackle Corruption; U.S. Diplomat Warns Of Threat To Foreign Aid*, BALTIMORE SUN, Sept. 2, 1999, at 19A; *News Correction, 8/20/99*, S.F. CHRON., Aug. 20, 1999, at A2 (reporting a clarification in the N.Y. Times Hedges article over the amount of money in foreign aid that was reported missing in public funds and/or foreign aid); *State Dept. Disputes Times Article on Bosnia Graft*, N.Y. TIMES, Aug. 20, 1999, at A2.

96. Although unemployment estimates vary, the situation is certainly not good. See Tony Czuczka, *West Aims For New Marshall Plan; Yugoslavia's Isolation May Thwart Progress*, NEWARK STAR-LEDGER, July 26, 1999, at 3, available in 1999 WL 2995727 (indicating that unemployment in Bosnia is above 50 percent); Melissa Eddy, *Bosnia Could Face Economic Col-*

needed revenues. Absent the economic infrastructure necessary to fund education and other social programs (a topic beyond the scope of this article) reform efforts are unlikely to progress rapidly.⁹⁸ However, change may be in the offing in Croatia in light of the election of Stipe Mesic,⁹⁹ a moderate pro-Western reformer, to replace the deceased former President, Franjo Tudjman. More recent municipal elections in BiH yielded mixed results as reformers were, for the most part, elected in Bosnian regions while hard-liners aligned with the ruling parties that led to the disastrous war continued to retain power in Croatian and Serbian areas.¹⁰⁰

V. RECOMMENDATIONS

Unlike the United States, where the formal study of religion as religion is excluded from the public schools,¹⁰¹ such a separation

lapse; Government: Widespread Corruption Compounds Fears Of Pending Cuts In Foreign Aid, ORANGE COUNTY REG., Jan. 2, 2000, at A30, available in 2000 WL 4809247 (indicating that unemployment in some parts of Bosnia is 70 percent and above).

97. See R. Jeffrey Smith, *Bosnian Mart Becomes Den of Criminal Enterprise: Thieves, Tax Cheats Thrive in U.S. Sponsored Venture*, WASH. POST, Dec. 26, 1999, at A33 (indicating that 40 to 60 percent of Bosnia's economy appears to be based on the black market).

98. For a brief discussion of related issues, see Charles J. Russo, *Sarajevo Healing, But Needs Help To Restore Its Economy*, DAYTON DAILY NEWS, Mar. 15, 1999, at 7A; Charles J. Russo, *1995 Dayton Peace Accords Need Revision To Prevent A Regression*, DAYTON DAILY NEWS, Apr. 21, 2000, at 13A.

99. See Jeffrey R. Smith, *Reformers Top Ballot In Croatia; Voters Reject Tudjman Legacy And Force Presidential Runoff*, WASH. POST, Jan. 25, 2000, at A12 (reporting that Croatian voters rejected the authoritarian, conservative legacy of President Tudjman as two pro-Western candidates emerged as the top vote-getters in the first round of the country's presidential election); see also Jeffrey R. Smith, *Reformist Easily Wins Runoff for Croatian Presidency*, WASH. POST, Feb. 8, 2000, at A18 (reporting the election of Mesic, who openly scorned the nationalist ideology and authoritarian style of modern Croatia's founder, Tudjman).

100. The elections were held on April 8, 2000.

101. A plethora of federal and state cases have addressed the difficult question over the place of religion in the public schools, beginning with *Illinois ex rel. McCollum v. Board of Education*, 333 U.S. 203 (1948) (striking down a program that would have permitted religious instruction in public schools during school hours). See *Aguilar v. Felton* 473 U.S. 402 (1985) (striking down the on-site delivery of Title I services in religiously affiliated non-public schools); *Lemon v. Kurtzman*, 403 U.S. 602 (1971) (creating a tripartite test to be used in analyzing Establishment Clause questions); *Epperson v. Arkansas*, 393 U.S. 97 (1968) (prohibiting the teaching of the Biblical notion of creation rather than evolution); *Engel v. Vitale*, 370 U.S. 421 (1962) (prohibiting state-sponsored prayer at the start of the school day). *But see Agostini v. Felton*, 521 U.S. 203 (1997) (permitting the on-site delivery of Title I services in religiously affiliated schools); *Zobrest v. Catalina Foothills Sch. Dist.*, 509 U.S. 312 (1993) (permitting the on-site delivery of special education services for a deaf student who attended a religiously affiliated high school).

seems currently impossible in Bosnia. At the same time, while separation of church and state has operated reasonably well in the American model, it is important to note that the United States approach is but one among a variety of options. Consequently, if Bosnian educators and policymakers, with the support of their people, wish to have religion present in schools, then the Bosnian government¹⁰² needs to adopt measures that will help to maximize efforts to unify its citizens while minimizing religious conflicts. To this end, educational reformers may wish to consider the following:

1. Bosnian public schools should be open to all students regardless of their religious beliefs or ethnic heritage. In other words, the system must be inclusive, not exclusive. This also means that schools should provide equal access for teaching all children about religion, including hiring qualified teachers.

2. Religious education (or any other subject) must be integrative rather than divisive. If tolerance and acceptance of the beliefs of others are not encouraged in the schools and are not imbued throughout the curriculum, then tolerance and acceptance will be difficult to find throughout the rest of society.

3. The Bosnian government must adopt a proactive role in helping to create acceptance of, and respect for, the religious beliefs of all people in devising educational curricula/standards.

4. The school system needs to develop a national curriculum (or set of standards) that all Bosnians can embrace. Moreover, the Bosnian government must assert a leadership role to ensure that policies and practices will be adopted uniformly throughout both entities.

5. Appropriate professionals who can call upon outside experts for assistance should draft a national curriculum. The Bosnian government should provide leadership on this important project.

6. Professionals assigned the tasks of developing curricular materials should be chosen from among a broad representation of citizens in Bosnia and abroad.

102. According to Haris Silajdzic, former Co-Chairman of the BiH Council of Ministers, "Bosnia and Herzegovina as it is now is too strong to die, but too weak to function as a self-supporting state." *Silajdzic Issues "Memorandum on Changes" of Dayton Agreement*, ONASA NEWS AGENCY, Jan. 25, 2000. Put another way, while I generally support states rights rather than federal control in the United States, and I recognize that our system may work well here but not everywhere, I agree with those who call for a stronger central government in Bosnia. Bosnia needs strong centralized leadership over the relationship between education and religion (as well as many other facets of life), at least until such time the Entities can act in concert, because otherwise the country risks becoming balkanized once again.

7. In developing national standards, consideration should be provided for ways of permitting groups to preserve their unique religious and ethnic heritage in the schools. For example, schools might offer classes focusing on one particular ethnic heritage; these classes should be open to all students.

VI. CONCLUSION

In light of all that has transpired in the Balkans over the past decade, establishing a long-term, peaceful integration of religion into Bosnian schools will not be easy. If individuals can work together despite their different religions and ethnic heritages, then perhaps they can create a school system that will not only be a model of toleration but will also prepare Bosnian children to become productive members of the international community in the new millennium.