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# ANALYSIS OF THE LEGAL STATUS OF THE MACEDONIAN ORTHODOX CHURCH (ARCHDIOCESE OF OHRID) AND THE CATHOLIC CHURCH AND THEIR RELATION TO THE STATE

#### **Abstract**

The main aim of this article is to examine the legal framework of the Christian Churches in contemporary Macedonian society, with a special focus on the Macedonian Orthodox Church - Archdiocese of Ohrid and the Catholic Church. Applied methods: historical, normative, comparative. Several conclusions are presented, concerning the importance of the dialogue between Christian Churches and the state in historical and modern national and international context.

#### I. Introduction

When viewed through the historical prism, it is evident that the struggle of the Macedonian people to achieve the centuries-old ideal of gaining ecclesiastical autocephaly, i.e., the restoration of the autocephaly of the Ohrid Archbishopric, was a long and arduous process. The desires and efforts for its revival were closely linked to the struggle for national affirmation. Following the Ilinden Uprising (1903), the intellectuals of the Ohrid Archbishopric at the time gave it a central role, demanding its restoration as the Macedonian Orthodox Church (Dimevski, 1989). However, unfavorable political conditions for Macedonia had negative consequences for the ecclesiastical situation as well. After the Balkan Wars (1912-1913), the Macedonian people were subjected to the ecclesiastical jurisdictions of neighboring nations. Thus, by the decision of the Patriarchal Synod of Constantinople, adopted on March 19, 1920, the dioceses in the Vardar region of Macedonia were incorporated into the Serbian Orthodox Church. Other Macedonian dioceses were divided under Greek and Bulgarian ecclesiastical jurisdiction. After World War II, with the establishment of the Macedonian state within the Yugoslav federation, favorable conditions were finally created for the restoration of the Ohrid Archbishopric. Even during the National Liberation Struggle (NLS), the Macedonian people prioritized national goals: the creation of their own national state and ecclesiastical independence. To this end, many priests actively participated in the National Liberation Movement, strongly influencing the decision of the General Staff of the National Liberation Army and Partisan Detachments of Macedonia, during the war, on October

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11, 1943, to form a Religious Commission. Shortly thereafter, a Priests' Assembly was held in the village of Izdeglavje, where, among other things, a decision was made to reject any foreign ecclesiastical jurisdiction (Gogov, 1990).

With the convening of the First Session of ASNOM (August 2, 1944), the process of ecclesiastical independence intensified further. That same year, an Initiative Committee for organizing ecclesiastical life in Macedonia was formed in the village of Gorno Vranovci. On March 4 and 5, 1945, the Initiative Committee convened the First Macedonian Church-People's Council in Skopje, attended by 300 delegates, where a Resolution was adopted for the restoration of the Ohrid Archbishopric as the Macedonian Orthodox Church. The Serbian Orthodox Church did not accept the Resolution and declared that it could not recognize autocephaly. Thus, the following year, on May 9 and 10, 1946, a Priests' Conference was held in Skopje, where a new Resolution was adopted requesting self-governance (autonomy), but this too was not accepted by the Holy Synod of Bishops of the Serbian Orthodox Church. For an entire decade, the Macedonian clergy and people continued their struggle and demands for the autocephalous organization of the Ohrid Archbishopric, which was finally restored as the Macedonian Orthodox Church in the newly established People's Republic of Macedonia at the Second Macedonian Church-People's Council, held in Ohrid from October 4 to 6, 1958(Zajkovski, 2017). Dositej (Stojkovski) was elected as its first head with the title Archbishop of Ohrid and Skopje and Metropolitan of Macedonia. The council also adopted the following decisions: the Patriarch of the Federal People's Republic of Yugoslavia was recognized as the supreme ecclesiastical head; bishops were elected: Toma Dimovski (Naum) for Bishop of Zletovo-Strumica and Nikola Trajkovski (Kliment) for Bishop of Ohrid-Bitola; additionally, the Constitution of the Macedonian Orthodox Church (MOC) was adopted (Belčovski, 1986). Regarding these council decisions, at the session held on June 24, 1959, the Holy Synod of Bishops of the Serbian Orthodox Church declared that the dioceses of Skopje, Ohrid-Bitola, and Zletovo-Strumica, at the Church-People's Council held from October 4 to 6, 1958, in Ohrid, had separated into an independent Macedonian Orthodox Church, governed by the Constitution adopted at that council, while remaining in canonical unity with the Serbian Orthodox Church through its head (Macedonian Orthodox Church, Archive, 1959).

With this decision, the restoration of the Ohrid Archbishopric as an independent (autonomous) Macedonian Orthodox Church was accepted, and it was confirmed by a joint Hierarchical Liturgy served with the Serbian Patriarch German (1958–1990) and several Serbian bishops, together with the Ohrid Archbishop Dositej (1958–1981), on July 10, 1959, in the church of "St. Mina" in Skopje, where Kliment (1912–1979) was ordained as Bishop of Ohrid-Bitola, and on July 26 in the church of "St. Nicholas" in Shtip, Naum (1912–1977) was ordained as Bishop of Zletovo-Strumica. Regarding the new ecclesiastical situation in Macedonia, the Serbian Patriarch German informed the Constantinople Patriarch Athenagoras with a letter (Macedonian Orthodox Church Archive, 1961). In May 1962, in Ohrid, during the feast in honor of Ss Cyril and Methodius, a Hierarchical Liturgy was held in the church of "Holy Mother of God – Kamensko," served by the Moscow Patriarch Alexei (1945–1970), together with the Serbian Patriarch German and the Ohrid Archbishop Dositej, along with other attending bishops. On March 13, 1966, Methodij (Gjorgji Poposki) was ordained as Bishop of Velichki, so that the Holy Synod of Bishops of the Macedonian Orthodox Church already had four bishops. At that moment, when it was believed that the Macedonian people had finally resolved their ecclesiastical issue, with everyone expecting that the Serbian Orthodox Church would soon declare the Macedonian Orthodox Church autocephalous, the opposite occurred - new misunderstandings and conflicts arose with the leadership of the Serbian Orthodox Church, which, in 1966, at its Holy Synod of Bishops, revised

its decision recognizing the independence of the Macedonian Orthodox Church. In response to these developments, the Holy Synod of Bishops of the Macedonian Orthodox Church sent a letter requesting recognition of autocephalous status, but the response was negative (Macedonian Orthodox Church Archive, 1966). Following this, the Third Macedonian Church-People's Council was convened. The Third Macedonian Church-People's Council was held from July 17 to 19, 1967, in Ohrid. In the presence of many priests and guests, on July 17, after venerating the relics of St. Kliment of Ohrid in the church of "Holy Mother of God – Perivlepta" and after the Invocation of the Holy Spirit in the Cathedral Church of the Ohrid Archbishops, "St. Sophia," the historic council began (Автокефалноста на Македонската православна црква, 2004).

First, amendments and additions were made to the Constitution of the Macedonian Orthodox Church, establishing two new dioceses: Great and the American-Canadian-Australian Diocese. Then, the Holy Synod of Bishops submitted a report on the negative attitude and pressures from the Serbian Orthodox Church, with particular attention to the latest situation following the last Holy Synod of Bishops of the Serbian Orthodox Church. After hearing the report of the Holy Synod of Bishops of the Macedonian Orthodox Church, the council unanimously approved its work and adopted a Resolution. The council members, on behalf of all priests and the entire Macedonian Orthodox people, requested that the Synod of the Macedonian Orthodox Church declare its autocephalous (Dimevski, 1989).

On July 18, after all the hierarchs, led by Archbishop Dositej, gathered for a brief consultation in the conference hall at the Archbishop's summer residence in the Kalista Monastery, all members of the Holy Synod of Bishops of the Macedonian Orthodox Church proceeded to the church of "Holy Mother of God – Perivlepta," where they held a closed session. After the five hierarchs once again reviewed all circumstances and canonical rights, they adopted the Decision to proclaim the Autocephaly of the Macedonian Orthodox Church (Belchovski, 1986).

Thus, the Holy Synod of Bishops made the historic Decision, proclaiming the autocephaly of the Macedonian Orthodox Church, simultaneously restoring the autocephaly of the glorious Ohrid Archbishopric. In adopting the Decision to proclaim the Macedonian Orthodox Church autocephalous, as the successor of the restored Ohrid Archbishopric, the Holy Synod of Bishops was guided by undeniable historical truths, evidence, and facts, as well as canonical legitimacy. After the adoption of the historic Decision, the session continued its work. Other significant decisions were made. Diocesan hierarchs were elected for the vacant dioceses. A decision was also made for the enthronement of the Head of the autocephalous Macedonian Orthodox Church, as well as a decision for Bishop Kliment of Ohrid-Bitola to receive metropolitan dignity. With these decisions, the synod session concluded, and soon after, the session of the Archiepiscopal Church-People's Council continued in the Cathedral Church of "St. Sophia" in Ohrid, where the Ohrid and Macedonian Archbishop, His Eminence Dositej, read the synodic proposal-decision to the council for the proclamation of the Macedonian Orthodox Church as autocephalous. The following day, on July 19, during the Holy Hierarchical Liturgy in the church of "Holy Mother of God -Perivlepta," the act of proclaiming the autocephaly of the Macedonian Orthodox Church was announced. After the Liturgy, the enthronement of the Ohrid and Macedonian Archbishop, His Eminence Dositej, took place on the throne of the ancient Ohrid Archbishops. After reading and signing the oath, the two hierarchs, Metropolitan Kliment and Bishop Naum, led him to the throne. He was presented with a panagia bearing the image of St. Kliment of Ohrid and a staff as a symbol of spiritual authority.

Immediately after the conclusion of the council, once all the acts were prepared and the minutes completed, in the spirit of peace regarding the proclamation of autocephaly, with a letter

dated August 31, 1967, the Holy Synod of Bishops of the Macedonian Orthodox Church informed the Holy Synod of Bishops of the Serbian Orthodox Church of its Decision. However, in response, at an extraordinary session held on September 14 and 15, 1967, the Holy Synod of Bishops of the Serbian Orthodox Church declared the bishops of the Macedonian Orthodox Church a schismatic organization, severed liturgical and canonical unity with them, and tasked its Holy Synod of Bishops to initiate proceedings against the hierarchy of the Macedonian Orthodox Church (Belčovski, 1986). From then until May 16, 2022, one week after the decision of the Ecumenical Patriarchate on the canonical recognition of the Ohrid Archbishopric on May 9, 2022, the Council of the Serbian Orthodox Church, after 55 years of negotiations and periodic stalemates, approved canonical unity between the Serbian Orthodox Church and the Macedonian Orthodox Church — Ohrid Archbishopric. With this act, the path was opened for the Macedonian Orthodox Church — Ohrid Archbishopric to begin the process of recognizing its autocephaly. This historic act is significant because, since its restoration in 1967, the MOC-OA was internationally isolated and unrecognized by the Orthodox world.

The second largest Christian church in the Republic of North Macedonia is the Catholic Church. It unites believers of the Roman Catholic faith and believers of the Eastern Orthodox rite (Unites), i.e., those of the Byzantine-Slavic rite, who belong to the Uniate (Catholic) Church.

Historically, one of the most important moments of the Catholic Church in Macedonia is the life and work of Rafael Levaković (also Raphael Levacovich). Levaković was appointed as Archbishop of Ohrid in 1647 by the Pope Innocent X, who also entitled him with the Diocese of Prizren. Levakovic's work and contribution also includes writings in glagolics, translations and publishing in Church Slavonic. He was also a founder for Slavic liturgy, on the basis of the missionary concept of the Roman Catholic Church making him significan figure in the Croatian and Macedonian and church history (Nazor, 2013). Levakovic is also author of the latin translation of the Vita of St. Parascheva (Petka) of the Balkans (Iliev, 2013).

In the struggle for ecclesiastical liberation from Hellenistic influence, alongside the national spirit, the Macedonian people also awakened a spirit of ecclesiastical independence from the Patriarchate of Constantinople. After unsuccessful attempts to find allies in various independent churches, the effort to break free from the jurisdiction of the Patriarchate of Constantinople culminated in a union, i.e., unification with the Catholic Church in 1859. Unionism in Macedonia emerged as a result of societal, economic-political, social, cultural, ecclesiastical, educational, and other developments. For these reasons, Macedonians frequently appealed to Roman popes for patronage by accepting the ecclesiastical jurisdiction of the Roman Catholic Church to free themselves from the Patriarchate of Constantinople. This movement reached its peak during the 1850s.

The first Catholic Church of the Byzantine-Slavic rite in Macedonia was established in Kukuš in 1859, known as the Kukuš Union or Kukuš Unification, which included many prominent Macedonian revivalists. In essence, it was a movement for opening schools in the Macedonian language, or the language spoken by Macedonians in the Kukuš-Thessaloniki region. Unionism, or unification, was a movement for emancipation and liberation from Hellenism, i.e., a church-educational movement against Hellenism, which at that time had widespread influence in Macedonia. Activities continued with the arrival of Bishop Nil Izvorov in 1883, when he was appointed archbishop with a seat in Constantinople. This led to the creation of two apostolic vicariates: the Apostolic Vicariate for Bulgaria with a seat in Edirne and the Apostolic Vicariate with a seat in Kukuš-Thessaloniki. After a long period of persecution, the initial activities of the Catholics in Macedonia were revived on January 24, 1923, when the first liturgy was served in

Strumica. Then, on October 19, 1923, by a Decree of the Congregation for the Eastern Churches, the Catholics in Macedonia became a constituent part of the Križevci Diocese. On June 28, 1924, by a Decree of the Križevci Ordinary, the Deanery of Ss Cyril and Methodius was established.

From the aspect of the church history of Macedonia, of particular importance are the activities of the Metropolitan Teodosij Gologanov (Theodosius of Skopje) (1849-1926). His efforts were to restore the Ochrid Archbishopric trough a union with the Roman Catholic Church, rejecting to annex the Skopje Eparchy to the Patriarchate in Constantinople or to the Metropolitanate in Belgrade (Borisov, 2021). The activities of Gologanov were very much connected with the struggle for Macedonian national independence, since in this way both the neoghboring Balkan countries would not interfere in national and church aspirations.

During the period from 1941 to 1945, the Catholics from Macedonia were under the jurisdiction of the Apostolic Exarchate in Sofia, Bulgaria. Then, after World War II, in the newly formed Federal People's Republic of Yugoslavia, and with the establishment of the People's Republic of Macedonia, the position of the Catholics in Macedonia rapidly improved in a positive direction. In 1945, believers of the Byzantine-Slavic rite in Macedonia once again came under the Križevci Diocese, where they remained until 1995. During this period of spiritual life, in 1954, the Archiepiscopal Vicariate in Macedonia was restored.

On July 3, 1972, by a Decree of the Congregation for the Eastern Churches, Monsignor Dr. Joakim Herbut, himself of the Byzantine rite, was appointed Skopje-Prizren bishop with full jurisdiction. At the same time, he was appointed apostolic visitor for believers of the Eastern rite, with a seat in Skopje, even though the believers of the Catholic Church from Macedonia were part of the Križevci Diocese.

On January 11, 2001, Pope John Paul II signed a Decree in the Vatican establishing an Apostolic Exarchate (diocese) for Catholics of the Eastern rite in Macedonia. The Decree was published in the Vatican on January 25, 2001. Monsignor Dr. Joakim Herbut, the Skopje bishop, was appointed the first apostolic exarch, and the city of Strumica was designated as the seat of the Exarchate. Additionally, the parish church of the Assumption of the Holy Mother of God in Strumica was designated as the cathedral church. With this, the Apostolic See in Rome confirmed that believers of the Byzantine-Slavic rite are capable of having their own diocesan institution. It was also confirmed that the Republic of Macedonia is a church-legal country with its own laws and religious life, with the possibility for believers to use their native language in liturgies (Katin, 2019).

# II. Legal Status of the MOC-OA and the Catholic Church from 1991 to the Present

Considering the processes of contemporary Macedonian history regarding the determination of relations between religious communities and state institutions and politics, we generally distinguish three periods: 1. from 1945 to 1990, when religious communities had no influence on state institutions and politics; 2. from 1990 until the adoption of the Constitution of the Republic of Macedonia in 1991, when religious communities had limited influence on state institutions and politics; and 3. from the adoption of the Constitution to the present, when religious communities have influence on state institutions and politics. The boundary between the first and second periods is the adoption of the amendments to the Constitution of the Socialist Republic of Macedonia in 1974, while the boundary between the second and third periods is the adoption of the Constitution of the Republic of Macedonia in 1991 (Spasenovski, 2025).

In 1991, the Macedonian Constitution made a clear distinction between the Macedonian Orthodox Church and other religious communities or groups, although de jure they were treated as equal before the law. This oversight was further corrected with Constitutional Amendment VII, which equalized the Macedonian Orthodox Church, the Catholic Church, the Evangelical-Methodist Church, the Islamic Religious Community, the Jewish Community, and other religious communities and groups, all of which are separated from the state (Amendment VII, Constitution of the Republic of Macedonia, Official Journal 91/2001).

The Macedonian Orthodox Church – Ohrid Archbishopric is the largest religious community in the modern Macedonian state, with 46.14%, followed by the Catholic Church as the second-largest Christian community with 0.37%. Other smaller religious communities, such as evangelical Protestant Christians, are represented in smaller numbers, based on data from the State Statistical Office from 2021(Census, 2021). It is significant to note that, unlike during the socialist system when it was prohibited, after independence, the state allowed religious organizations to engage in economic and other activities under certain conditions. In the context of further democratization of the political and economic system, religious organizations gained an additional right previously denied by the former socialist authorities.

The 1991 Constitution guarantees freedom of religion, allowing citizens to freely express their faith individually or in community with others. Specific religious denominations were permitted to establish religious schools, as well as social and charitable organizations for humanitarian purposes. These defined religious freedoms and rights are protected by the state through the Constitutional Court's authority.

In essence, three key legal acts have governed the communication between religious communities and the Macedonian state from 1991 to the present. The first is the 1997 Law on Religious Communities and Religious Groups (Law on Religios Communities, 1997). Article 8 of this law prohibited the existence of multiple religious organizations within a single denomination. In this way, the Republic of Macedonia, aligning with the Byzantine concept of symphony between state and church, partially conflicted with international democratic standards, which emphasize the separation of religious organizations from the state, pluralism of opinions, and similar principles. Specifically, anticipating the challenges faced by the largest religious community (considered a constitutional pillar of the state) due to its unrecognized status by the rest of the Orthodox ecumene, the state decided to legally protect its interests) (Spasenovski, 2025).

Subsequently, the 1997 Law on Religious Communities and Religious Groups was replaced by the 2007 Law on the Legal Status of Churches, Religious Communities, and Religious Groups, which repealed the provision that only one religious community could exist for a single denomination (Spasenovski, 2025).

It is also noteworthy to mention the Constitutional Court's decision from April 2000 (Constitutional Court Decision, 2000), which annulled the Minister of Education's August 1999 directive to school principals to invite religious figures to bless the start of the school year (Ministry of Education Directive, 1999). The Court determined that the state is neutral regarding religion and has no right to organize religious activities in public schools, concluding that it cannot do so in other appropriate cases outside schools either. Consequently, the practice of blessing the start of the school year in public schools was discontinued.

Interesting to consider is the Declaration in Support of the Autocephaly of the Macedonian Orthodox Church – Ohrid Archbishopric (MOC-OA), adopted by the Macedonian Assembly in 2004 (Macedonian Assembly Declaration, 2004). This declaration exemplifies the influence of the Macedonian Orthodox Church on political institutions in its struggle to legitimize the MOC-OA

through recognition by other Orthodox churches worldwide. The adoption of the Declaration highlights Article 19, Clause 2 of the Constitution, which states that the MOC, like other religious communities and groups, is separate from the state. In this sense, the proponents followed the full logic of Article 19, not just one part, noting that the MOC is a constitutional category as it is explicitly named, thus deriving the right, among others, to adopt a legal act concerning it (Spasenovski, 2025). Through this Declaration, the Assembly expressed support and respect for the decision to proclaim the MOC's autocephaly on July 18, 1967. Furthermore, based on this, the Assembly supported the MOC in preserving its internal unity, recognizing its name as the MOC, and acknowledging its autocephalous status. In connection with this Declaration, it is significant that the highest body of the MOC, the Archbishop's Church-People's Council, at its 2004 session, adopted a Resolution expressing gratitude to the Macedonian Assembly for the Declaration (Macedonian Orthodox Church, Resolution, 2024).

#### III. Conclusion

The activities and cooperation between religious communities significantly contribute to fostering religious tolerance and further encourage intensive collaboration that promotes mutual respect for different cultures and religions. Cultural and religious diversity represent a source of great creative potential and a bridge to mutual understanding, respect, and coexistence. By promoting peace, tolerance, and respect for others, these values directly influence the building of a multicultural society. Interreligious communication fully invests in building trust based on the universal respect for human dignity and the right to religious self-determination.

Religious communities in the Republic of Macedonia today enjoy all the rights guaranteed in a modern democratic state. They have the opportunity to actively participate in societal processes by expressing their views or engaging in activities. Institutions and politics sometimes accept the initiatives of religious communities and sometimes do not. Those initiatives that are accepted find their legal or political expression. For these reasons, we highlighted the more significant legal acts above, which represent the state's validation of the demands and interests of religious communities. The 1997 Law on Religious Communities and Religious Groups, which prohibited multiple religious organizations within a single denomination, directly protected the interests of the MOC; the 1999 decision on religious blessings in state schools, annulled by the Constitutional Court in 2000; and the Assembly's Declaration in Support of the MOC's Autocephaly in 2004, which is the most striking example of influence and the immense cultural significance of religious communities on politics and institutions in the modern Macedonian state.

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