

BETTER SECULARISM OR DEMOCRATIC IMMATURITY? RE-EXAMINING THE ARGUMENTS FOR REJECTING RELIGIOUS EDUCATION IN NORTH MACEDONIA

Abstract

The debate surrounding religious education in public schools represents a critical intersection between secularism, human rights, and democratic maturity in post-socialist and multi-confessional states. In North Macedonia, the resistance to introducing this subject stem from a fundamental misunderstanding of the term “religious education” within the public sphere. Namely, a significant portion of critics, whether consciously or unconsciously, equate it with dogmatic-religious instruction, which is exclusively characteristic of religious schools. It is precisely based on this flawed interpretation that the absence or restricted form of religious education is often justified by the need to protect strict secularism, pluralism, and the maintenance of inter-ethnic peace. However, this approach is founded on a reductionist understanding of secularism. This unfounded rejection of religious education, under the guise of protecting secularism, suggests institutional insecurity and raises two key questions for this paper: Does this genuinely represent a better understanding of secularism compared to the Western and Central European states that have incorporated it? And the second, perhaps even more crucial dilemma: Does the right to religious education promote democracy, or does its absence signal democratic immaturity? In other words, is the “protection of secularism” actually hindering democracy? The paper uses a comparative analysis of European models of secularism - from the Laicist (e.g., France) to the Cooperative (e.g., Germany, Great Britain). The results show that many mature European democracies successfully integrate denominationally neutral or pluralistic religious education, recognizing religion as an essential component of cultural heritage and civic education. These models treat secularism as neutral inclusion, rather than exclusion. The argument is clear: a system that ignores religion as an essential driver of culture, ethics, and the civil sphere is incomplete and irresponsible toward pluralism. When formal education fails to offer a critical and balanced view of different beliefs and ethical systems,

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students remain exposed to uncontrolled, uncritical, and often extreme influences outside of school. This poses a direct danger to social cohesion and the pluralistic society, as it prevents the development of interreligious dialogue and critical thinking. The paper concludes that contemporary democratic secularism does not mean the complete exclusion of religion (*laïcité*), but rather the guarantee of state neutrality and pluralism, in which religious knowledge is a legitimate part of cultural and social experience, in accordance with international human rights documents. Hence, the claim is that the Macedonian resistance to introducing religious education does not actually strengthen the democratic order, but rather reflects the resistance to religious freedom, inherited from the totalitarian past and the fear of inter-ethnic conflict.

Keywords: Religious education, secularism, democratic maturity, human rights, North Macedonia, pluralism.

I. INTRODUCTION

For two decades, the debate over incorporating religious education into the public school system of the Republic of North Macedonia has represented a complex institutional divide. In this context, clear legal possibilities constantly clash with the subjective resistance of actors within the system, making this issue a critical intersection between the constitutional principle of secularism and the protection of fundamental human rights. Although the Macedonian Constitution unequivocally defines the state as secular, practice bears witness to a persistent resistance that is often camouflaged behind the veil of so-called "strict secularism."

The essence of this problem stems from a reductionist interpretation of secularity within the Macedonian discourse. Instead of striving toward a model of neutral cooperation, characteristic of modern European democracies, the system inclines toward the rigid French concept of *laïcité*. Consequently, such an approach generates legal instability, creating tension between the constitutional freedom of religion - including the right of parents to direct the education of their children - and an institutional fear that treats religion exclusively as a destructive element.

Hence, the rejection of constitutionally acceptable educational models does not represent an act of strengthening the state; on the contrary, it directly erodes its democratic essence. This closed nature of the system is not an indicator of vigilance, but rather a manifestation of democratic immaturity and a relic of a totalitarian mentality, where freedom of conscience was subordinated to an ideological monopoly.

As a direct consequence of this approach, a dangerous educational vacuum is created. When the formal system abdicates its obligation to offer an objective and critical view of religious phenomena, it leaves the youth vulnerable to uncontrolled and often radical extra-systemic influences. Instead of religious education serving as a bridge for interreligious dialogue, it becomes a test of liberal democracy's capacity to integrate diversity. Ultimately, the persistent rejection of this model does not confirm the strength of the secular state; rather, it exposes its internal insecurity - an admission that the state apparatus still perceives secularism as a fragile truce, rather than a stable system that enables the free competition of ideas.

II. INTERNATIONAL LEGAL STANDARDS FOR RELIGIOUS PLURALISM AND EDUCATION

The international legal framework for the protection of religious rights and freedoms mandates that the state should not limit itself to a passive declaration of neutrality, but must actively guarantee an institutional and social environment for the effective realization of freedom of religion. Contemporary legal theory in this context recognizes a fundamental transition from the concept of a negative obligation to the concept of a positive obligation of the state apparatus. This transformation is based on the understanding that freedom of religion is not merely an isolated individual right, but a constitutive element of any functional democratic society. Consequently, the state assumes the duty to protect pluralism as one of the highest social values, preventing any form of systemic marginalization of religious identities in the public space.

Central to this normative order is the European Convention on Human Rights (ECHR), which as a "living instrument" adapts to contemporary social trends through a dynamic interpretation of its provisions. While Article 9 explicitly guarantees freedom of thought, conscience, and religion, including the right to manifest faith through educational processes,¹ in the sphere of education, it must be interpreted in an inseparable correlation with Article 2 of Protocol No. 1.² This provision sets a dual framework: on one hand, it obliges the state to respect the right of parents to ensure education for their children in accordance with their own convictions, and on the other, it sets a framework for democratic inclusiveness.

¹ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR) art 9.

² Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) art 2.

From the doctrine of the European Court of Human Rights (ECtHR) emerges the fundamental principle that the state must act as a neutral and impartial organizer of religious pluralism. This standard does not restrict the state in the incorporation of religious content into the curricula of public schools. On the contrary, international jurisprudence recognizes that states have a discretionary right to teach religious facts, regardless of their confessional character, in the same way as other teaching disciplines are represented.³ The key legal factor is the obligation for this content to be conveyed in a critical, objective, and pluralistic manner. Thus, the problem of indoctrination does not arise from the mere presence of religious content in the classroom, but appears only if the state abandons its neutral status and attempts to impose a specific dogma as the exclusive truth.⁴

In this direction, the principle of secularity must not be used as a legal basis for the expulsion of religion from the public sphere under the guise of neutrality, because forced exclusion itself can represent a form of restrictive ideological indoctrination. As Silvio Ferrari argues, a deep knowledge of religious categories is an essential prerequisite for understanding complex contemporary political transformations. According to Ferrari, the secular state must not be transformed into an instrument for the suppression of identities, but it must represent a functional mechanism which guarantees that religion will be treated through the prism of fundamental human rights, and not through the prism of political hostility or ideological exclusivity.⁵

Summarized, European jurisprudence and legal theory do not perceive secularity as a concept of isolation, but as a dynamic model of coexistence. However, while the international framework sets the boundaries of objectivity, the way in which these boundaries will be reflected in national legislation depends on the specific model of secularity that the state has adopted. This is a question that requires a deeper analysis of different European approaches to the relationship between the state and religious communities.

³ Folgerø and Others v Norway App no 15472/02 (ECtHR, 29 June 2007) <[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-81356%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-81356%22]})> accessed 27 February 2026.

⁴ Kjeldsen, Busk Madsen and Pedersen v Denmark App no 5095/71; 5920/72; 5926/72 (ECtHR, 7 December 1976) <<https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%5B%22001-57509%22%5D%7D>> accessed 27 February 2026.

⁵ Silvio Ferrari, 'The Christian Roots of the Secular State' in *Droit et religion en Europe* (Presses universitaires de Strasbourg 2019), 425-441 ed. Philippe Auvergnon et al. 2014].

III. THEORETICAL AND LEGAL MODELS OF SECULARISM

The understanding of secularity in legal and political theory does not represent a uniform or static concept, but rather a dynamic spectrum of different legal relations between the state apparatus and religious communities. Although in lay discourse this term is often used as a synonym for atheization, in legal science, secularity represents a sophisticated mechanism designed to manage religious pluralism within a democratic society.⁶ In fact, the secular state is primarily defined through two key elements: the absence of an officially recognized religion and a strict prohibition of religious discrimination. It has the right to rely on universal ethical principles inherent to dominant religious teachings, while guaranteeing citizens freedom regarding their personal metaphysical choices.⁷

When it comes to contemporary democratic secularity, it has evolved from rigid separation toward a model of "positive neutrality," which mandates functional cooperation between the state and religious communities. Unlike passive ("negative") neutrality, active neutrality implies an obligation of the state to create conditions for the unhindered exercise of freedom of religion, recognizing religious education as a legitimate response to civic needs. Precisely based on this shift in the state paradigm, it is critically important to revise the thesis of the incompatibility of secularism and religious education. Namely, in a post-secular society, the state should be open to religious contribution in the public sphere, including in education, as religion is often a source of moral motivation that serves as a foundation for the democratic state itself.

Hence, in many national systems, the total absence or the very restrictive form of religious education is often justified by the need to protect the so-called "strict secularity." However, such an approach is based on a one-sided and reductionistic understanding of the concept, which assumes that the state protects itself only through the complete exclusion of religion. In this regard, the frequently present fear that religious education could endanger interethnic peace proves to be unfounded, especially if a collaborative model of relations is applied. On the contrary, democratic secularity in its mature form requires the integration of religious education as an effective means for building social dialogue. With such an inclusive approach, instead of creating a vacuum, the risk of radicalization - which most frequently develops in the

⁶ András Sajó, 'Preliminaries to a concept of constitutional secularism' (2008) 6(3-4) *International Journal of Constitutional Law* 605, 607.

⁷ Tanja Karakamisheva-Jovanovska and Aleksandar Spasenovski, *Priračnik za pravoto na verskite zaednici i za slobodata na veroispoved vo R. Makedonija* [Handbook on the Law of Religious Communities and Freedom of Religion in the R. Macedonia] (KAS, Skopje 2018).

mentioned conditions of systemic marginalization of religion from the official educational system - is eliminated.

These opposing views indicate that the key divergence in the scientific debate actually stems from a fundamental dilemma: whether the state interprets secularity as "freedom from religion" (a restrictive concept) or as "neutrality toward all religions" (an inclusive concept). While the first model inevitably tends toward the expulsion of the religious phenomenon from the public sphere, treating it as a foreign body, the second model defines secularity as a balanced environment. It is precisely this second approach that allows for the objective study of religion, ensured through the mechanism of consistent and active state neutrality.

From such a conceived neutrality arises the specific positive obligation of the state to create a public space in which different religious beliefs will coexist without fear of institutional repression. However, to operationalize this model, the integration of religion into the educational system must be constitutionally justified, which is possible only if its goals are articulated through so-called "public reasons."⁸ As András Sajó suggests, this implies that the function of education must not be dogmatic indoctrination, but equipping students with knowledge and critical skills that are rationally justified and cognitively accessible to all citizens, regardless of their personal faith.⁹ Ultimately, the way the educational system is set up represents a fundamental test of the state's democratic maturity and its true commitment to international human rights standards.

1. The laicist model (laïcité) and its influence on the macedonian context

The laicist model, which finds its strictest legal expression in the French political system, is based on the principle of radical separation of religion from the public sphere in order to guarantee civic neutrality. The key turning point in establishing this paradigm occurred with the adoption of the so-called Jules Ferry Laws (1881/1882),¹⁰ which established free, compulsory, and strictly secular education.¹¹ Through this legal intervention, religious education was officially eliminated from state curricula, marking the beginning of the state monopoly over the normative shaping of the educational

⁸ Sajó, 'Preliminaries to a concept...', 607.

⁹ Ibid.

¹⁰ The Encyclopedia of Political Science (CQ Press 2011) 632-637, cited in Tanja Karakamisheva-Jovanovska and Aleksandar Spasenovski, *Pravo i religija* [Law and Religion] (KAS 2018) 56-57.

¹¹ Philippe Gaudin, 'Neutrality and impartiality in public education: the French investment in philosophy, teaching about religions, and moral and civic education' (2017) 39(1) *British Journal of Religious Education* 94.

process. Instead of confessional learning, the state introduced "moral and civic education," with a specific goal: the upbringing of loyal citizens of the Republic, whose identity would be grounded in autonomous reason rather than in the dogmas of a specific Church.¹²

However, as Charles Russo states, such a strict dichotomy often results in the creation of a "wall of silence," which can easily turn into a form of institutional hostility toward religion.¹³ Russo argues that excessive protection of secularism can grow into a specific tyranny of the minority, where law is used as an instrument for the suppression of religious expression. According to him, true neutrality should not mean the complete expulsion of religion, but its incorporation into teaching as an objective historical and cultural phenomenon.¹⁴ This is especially important, as religious illiteracy creates a dangerous social vacuum, which is often filled with radical and extra-systemic interpretations.¹⁵

In the Macedonian legal-political discourse, this model of radical exclusion is often misinterpreted as the only legitimate form of secularity. Such a perception is deeply rooted in the socialist legal heritage, where religion was treated as a marginal phenomenon that must be suppressed. In this sense, Macedonian secularism still manifests deformations typical for the so-called "militant Marxism," where the state practices active suppression of religious knowledge under the paradigm of progressivism. It is from these ideological layers that the phenomenon of "totalitarian fear" among the social elite arises, which in every attempt to introduce religious education recognizes a potential threat to the state foundations. Instead of acting as a neutral guarantor of pluralism, the state, through rigid interpretations, often positions itself as an authoritarian censor of cultural heritage.

Contrary to these restrictive interpretations, Karakamisheva-Jovanovska and Spasenovski argue that in the contemporary post-secular age, the state can no longer afford the luxury of having a silence of values.¹⁶ They point to the necessity of an institutional transition from passive and sterile neutrality toward a sophisticated model of positive cooperation. This approach does not advocate for the restoration of religious dogmas, but for the

¹² Lise Van der Eyk, 'What the relationship of religion and culture means for the role of the State in society: Parliamentary debates on education during the "Kulturkampf" in Prussia, France and the Netherlands' (2024) 6(1) Symposium 55.

¹³ Charles J Russo (ed), *International Perspectives On Education, Religion and Law* (University of Northern Iowa 2014) 9.

¹⁴ *Ibid.*

¹⁵ Diane L Moore, *Overcoming Religious Illiteracy: A Cultural Studies Approach to the Study of Religion in Secondary Education* (Palgrave Macmillan 2007) 56-59.

¹⁶ Tanja Karakamisheva-Jovanovska & Aleksandar Spasenovski, 'The Constitutional Culture "Enlightenment Approach" in the "Post-Secular Age"' 12-14.

recognition of religious traditions as vital components of constitutional culture, which cannot be neutralized through simple state distance.¹⁷

In such a constellation, the state transforms from a silent observer into an active facilitator of religious freedoms. This concept, in turn, is further conditioned by András Sajó's stance on preserving "public sanity": religious contributions are legitimate only if they are translated into rational arguments accessible to all citizens. Consequently, the claim that religious education undermines secularity is legally unsustainable in the context of European standards.¹⁸ In these standards, the state acts as a partner guaranteeing pluralism, rejecting the role of an ideological censor that would impose "religious illiteracy" as the official state doctrine.

2. Collaborative and neutral model of inclusion

In contemporary theory of Constitutional Law, the traditional concept of rigid laicism, which mandates strict demarcation and mutual isolation of the state and religion, increasingly gives way to the superiority of the model of "open and collaborative secularity." This shift does not represent an attempt at de-secularization, but is a response to the needs of what Jürgen Habermas defines as a "post-secular society." According to him, in such an age, the state must not ignore religion as an anachronism, but must be open to its ethical capacity, recognizing that religious traditions often contain the moral foundations upon which the democratic community itself rests.¹⁹ As Karakamisheva-Jovanovska and Spasenovski point out, this institutional evolution implies a transition from passive neutrality toward an enlightenment approach, where the state recognizes religion as a legitimate partner in building social cohesion.²⁰

The essence of this collaborative model lies in the concept that Silvio Ferrari defines as "positive neutrality." Unlike negative neutrality, which mandates the state's passive refraining from any interaction with religious issues, positive neutrality obliges the state to take an active approach in creating conditions for the effective practice of religious freedom.²¹

This theory finds its essential philosophical support in Ronald Dworkin, who argues that state neutrality must in no way turn into apathy. On

¹⁷ Ibid.

¹⁸ Tanja Karakamisheva-Jovanovska, 'The Principle of Secularism and the Right to Religious Education: European standards vs. the case of the Republic of Macedonia' (2012) 3(2) *Iustinianus Primus Law Review* 1, 5.

¹⁹ Jürgen Habermas, *Notes on Post-Secular Society*, *New Perspectives Quarterly* 25 (2008), 17-29.

²⁰ Karakamisheva-Jovanovska & Spasenovski, (n.16), 7-10

²¹ Silvio Ferrari, *The Christian Roots of the Secular State* (Strasbourg 2014), 430. See also: Silvio Ferrari, *State and Church in the European Union* (2005).

the contrary, for Dworkin, neutrality implies an obligation of the state to provide equal resources and recognition for all citizens, allowing them to realize their deep convictions in the public sphere, instead of having them "expelled" into the illegality of privacy.²²

Such a paradigm is most recognizable through the German system of "cooperative separation," which clearly demonstrates that state neutrality must not be equated with institutional indifference.²³ This model allows for the integration of religious beliefs into the "free market of ideas,"²⁴ treating them as a relevant social factor. As Karakamisheva-Jovanovska and Spasenovski emphasize, such a collaborative approach does not violate the principle of secularity; its goal is not the redefinition of the constitutional relationship between the state and religious communities, but providing conditions for the unhindered realization of the right to education. In this way, through such cooperation, the state prevents the cultural impoverishment of society, which is an inevitable consequence of the artificial elimination of religious knowledge from the public sphere.²⁵

However, the inclusion of religion into the state educational system is not unconditional. András Sajó warns that in order to preserve the secular character of institutions, religious content must be "translated" into the language of public reason. This means that religious contributions are acceptable in the public space only if they are presented through rational arguments that are cognitively accessible to all citizens, regardless of their religion.²⁶ In that context, Charles Russo emphasizes that true neutrality in education implies the accommodation of religion through objective study, which represents the best prevention against creating a wall of silence between the state and citizens.²⁷

Hence, religious education in the collaborative model ceases to be perceived as religious propaganda and transforms into a necessary state service for religious literacy. In this context, contemporary pedagogical and legal theory suggests that knowledge of religions is no longer just a matter of personal culture, but represents an essential civic competence. In conditions of globalization, where societies are becoming increasingly multicultural, religious literacy imposes itself as a necessary mechanism for democratic dialogue. This approach is in full correlation with the Toledo Guiding

²² Ronald Dworkin, *Justice for Hedgehogs* (Harvard University Press 2011), 368-370.

²³ Germany, Basic Law for the Federal Republic of Germany (1949) art 7(2)–(3) https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html accessed 25 February 2026.

²⁴ Dworkin, 368-370.

²⁵ Tanja Karakamisheva-Jovanovska and Aleksandar Spasenovski, (n. 7) 84.

²⁶ Sajó, 'Preliminaries to a concept...', 607.

²⁷ Russo, 'Does the Free Exercise of Religion...', 9

Principles, according to which objective education about religions acts as a social corrective that demystifies prejudices and creates resilience toward religious fanaticism, thereby directly contributing to public safety and social inclusion.²⁸ In this way, the secular state is no longer defined as a space emptied of religion, but as a dynamic order in which religion is free, educated, and organically integrated into the constitutional rationality of the community.²⁹

IV. CONSTITUTIONAL-LEGAL FRAMEWORK AND THE LEGISLATIVE GENESIS OF RELIGIOUS EDUCATION IN NORTH MACEDONIA

1. Constitutional foundations of freedom of religion and conscience

The foundation of any sound discussion on religious education begins with a precise definition of the ontological status of freedom of conscience and belief. In the Republic of North Macedonia, this principle is essentially embedded in Article 19 of the Constitution, which not only guarantees freedom of religion but also explicitly specifies that the "free and public, individual or in community with others, expression of faith is guaranteed."³⁰ Such a constitutional formulation clearly implies that religion in the Macedonian legal order is not treated as a marginal residue of privacy, but as an authentic public freedom with its own specific social and educational dimension. Parallel to this, institutional separation is further regulated by Amendment VII, which taxatively defines religious communities as entities separate from the state and equal before the law.³¹

However, in order for this constitutional framework not to remain a mere dead letter on paper, its practical operationalization requires a precise drawing of the line between religious dogmas and educational neutrality. Hence, it is necessary to make a clear distinction between religious instruction (catechesis), whose aim is the transmission of dogmatic truths, and religious education as part of civic literacy. While the former is a legitimate right of religious communities in their private religious schools and facilities, the latter represents a public interest of the state in creating "religiously literate" citizens

²⁸ OSCE/ODIHR, Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools (2007) 15-20.

²⁹ See generally Tanja Karakamisheva-Jovanovska and Aleksandar Spasenovski, The Constitutional Culture: (The Case of the Republic of Macedonia) (KAS 2018).

³⁰ Ustav na Republika Severna Makedonija [Constitution of the Republic of North Macedonia] [1991] <https://www.sobranie.mk/> accessed 26 February 2026.

³¹ Amandmani IV-XVIII na Ustavot na Republika Makedonija [Amendments IV-XVIII to the Constitution of the Republic of Macedonia] [2001] Official gazette of the RM 91/2001.

capable of deciphering the cultural and historical code of European civilization. It is precisely this distinction that allows for a correct interpretation of the principle of secularity itself, as it defines the boundary where religious autonomy ends and state responsibility for nurturing educational pluralism begins. In this context, of crucial importance for the Macedonian legal order is the consistent application of the established distinction between secularity as a guarantor of institutional separation and secularism as an ideological endeavor aimed at the total removal of religion from the public sphere.

Nevertheless, contrary to such a normative framework, in domestic discourse, the principle of separation is often tendentiously instrumentalized to establish so-called "hostile separation." This approach, which largely resembles the rigid French model of *laïcité*, evidently deviates from contemporary European constitutional models of functional cohabitation.^{32, 33} Additionally, while Western European democracies long ago refined their solutions, and the Balkan region (some countries earlier, and some later) has already offered a diverse spectrum of models deeply rooted in historical continuity and modern agreements between the state and religious communities, North Macedonia seems to be anachronistically lagging with its own systemic responses.

Systemic solutions in the Balkans demonstrate that states perceive religious education as a powerful tool for democratic consolidation. However, the rigid stance of Macedonian institutions enters into direct collision with Sajó's previously elaborated theory. Instead of functioning as an inclusive system predicated on rational dialogue, secularity is here degraded into an instrument for maintaining a value-neutralized public space. This persistent resistance suggests that the state consciously rejects structured discourse, thereby jeopardizing democratic pluralism itself.³⁴

Building on this, it can be observed that in recent decades, the state apparatus approaches every religious phenomenon with a certain degree of suspicion, treating it as a potential factor of destabilization. This instinctive defensive stance of Macedonian institutions seems to confirm what Sajó calls the fear of "strong religion."³⁵ In the Macedonian context, this fear results in a specific paradox: instead of protecting secularity, it transforms into the suppression of the majority's cultural identity through the mechanisms of state power.

³² Vicente Llorent-Bedmar, María Dolores Torres-Zaragoza and Rocío Sánchez-Lissen, 'The Use of Religious Signs in Schools' (2017) 16 *Education and Law Review* 1, 11.

³³ See generally Luzio Uriarte and Lidia Rodríguez, 'Religion at School', 7.

³⁴ Sajó, 'Preliminaries to a concept...', 607, 612.

³⁵ *Ibid.*

Ultimately, the legal uncertainty in Macedonia is not merely a technical oversight by the legislator, but a reflection of a conscious choice by a state that is still traversing the path from the socialist concept of "religion as opium" to the European model of "positive neutrality." As Karakamisheva-Jovanovska and Spasenovski suggest, the way out of this situation is not in isolation but in a partner relationship where the state guarantees educational quality and religious communities offer cultural continuity. Only in this way can a stable and inclusive constitutional culture be built that respects both faith and reason.³⁶

2. Evolution of legislation and institutional resistance

The chronology of Macedonian legislation reveals a decades-long struggle for the de-ideologization of the educational system. The starting point, defined by the Law on Primary Education of 1995, still strongly reflected the inherited socialist matrix, explicitly prohibiting any "religious activity" in schools.³⁷ This setup was interpreted in practice as a legal continuity of militant atheism, whereby religion was completely denied access to the public sphere, treated as a residue that must not "contaminate" young minds.³⁸

The essential turning point in this extremely rigid environment occurred with the interventions of the Constitutional Court in 2003 and 2009.³⁹ Although the Court abolished confessional religious instruction on the grounds that its nature exceeds the neutral character of state education, it simultaneously left legal space for the introduction of a subject based on a scientific and ethical approach. Based on this legal crack, the subject "Ethics in Religions" was introduced, conceived as a secular substitute to fill the educational vacuum.

However, although the constitutional text is set on modern liberal foundations, its practical operationalization remained marked by deep legal uncertainty. The problem does not stem from the normative text, but from its restrictive interpretation by institutional actors who still perceive secularism as a model of passive isolation.⁴⁰

The culmination of legal uncertainty within the Macedonian educational system is reflected in the degradation of the subject Ethics in Religions in 2021. With the introduction of the new Concept for Primary

³⁶ Karakamisheva-Jovanovska and Spasenovski (n 16).

³⁷ Law on Primary Education, Official Gazette of the RM No 44/1995, art 13.

³⁸ See generally Tanja Karakamisheva-Jovanovska and Aleksandar Spasenovski, (n. 7).

³⁹ Constitutional Court of the Republic of Macedonia, Decision U No 42/2003-0-0 (5 November 2003); Constitutional Court of the Republic of Macedonia, Decision U No 202-2008-0-1 (15 April 2009).

⁴⁰ Karakamisheva-Jovanovska and Spasenovski, (n. 16) 12–14.

Education, this subject was relegated from the category of a compulsory-elective to a free-elective subject, with its name notably absent from the new educational document.⁴¹ This step represents a conscious institutional undermining of an already established legal model, whereby the state practically jeopardizes the students' right to be objectively informed about their own cultural heritage.

Further evidence of this marginalization is the decadelong systemic discrimination against graduate theologians-specialists, whose professional status remains unresolved within the system. Although the state duly recognizes and validates (nostrifies) their diplomas as equivalent to others,⁴² it simultaneously obstructs their access to teaching positions in public education, even for subjects with a strictly cultural profile. Such subtle censorship clearly indicates that theology is still treated as undesirable knowledge, and its practitioners as ideological opponents of the progressive order it simultaneously prevents them from accessing teaching positions in public education, even for subjects with a strictly cultural profile.

In this context, Macedonian resistance reveals an outdated model of secularity, which Régis Debray defines as "laicism of incompetence" (*laïcité d'incompétence*).⁴³ This model is based on the assumption that the state should not be interested in the religious, treating it as an irrelevant private fact. However, as Debray points out in his key report, modern democracies must transition toward a "laicism of intelligence" (*laïcité d'intelligence*). The duty of the public school is not to ignore the religious fact in the name of neutrality, but to explain it as a necessary condition for a young person's orientation in space and time. Consequently, while Macedonian institutions fear that any knowledge about religion is a "return of God to schools," European recommendations offer a pluralistic approach that strengthens secularism through knowledge, rather than through forced amnesia. The fight against religious illiteracy is not an apparent concession to religious communities, but rather a defense of humanism in a society that has lost its historical depth.⁴⁴

3. Ideological determinants and transitional barriers of macedonian secularism

The integration of religious education into North Macedonia's public system transcends mere pedagogical debate, evolving into a fundamental clash

⁴¹ Conception for Primary Education, Ministry of Education and Science of North Macedonia (2021).

⁴² Law on the Legal Status of a Church, Religious Community and Religious Group, Official Gazette of the RM No 101/2007, art 22(2).

⁴³ Régis Debray, *L'Enseignement du fait religieux dans l'école laïque: Rapport au ministre de l'Éducation nationale* (Odile Jacob 2002) 80.

⁴⁴ Ibid.

of conceptual frameworks. Rather than revisiting the ideological anxieties detailed earlier, it is crucial to highlight that this institutional resistance manifests as concrete legal discrimination. Specifically, the exclusion of theologians from teaching a subject rooted in objective facts constitutes a direct violation of the right to work and freedom of thought. These legal anomalies are not isolated incidents; rather, they are symptomatic of a deeper structural persistence. This situation reflects a distinct path dependency, where institutional memory continues to function as a barrier to the full realization of constitutionally guaranteed freedoms.

This institutional continuity exposes the contradiction within the Macedonian system. Although the 1991 Constitution theoretically established a liberal-pluralistic framework, an ideological atavism continues to dominate in practice. Under the guise of state protection, this legacy continues to restrict religious reflection within the public sphere. In stark contrast to the European model of 'cooperative separation,' the Macedonian approach frequently fails to strive for substantive neutrality. Instead, it leans toward the marginalization of the religious phenomenon, defining it as a retrograde force that must remain strictly isolated within the private domain.⁴⁵

Such a distorted concept engenders a paradoxical condition: any request for the realization of the right to religious education is interpreted not as the fulfillment of international obligations to respect fundamental human rights, but rather as a perilous clericalization of the state. The insistence on the absolute privatization of religion denies its sociological dimension, which for the majority of citizens represents the core of their cultural identity. Consequently, instead of acting as a neutral guarantor, the state positions itself as a censor exercising subtle discrimination, treating the identity of believers as undesirable within the educational process.

Furthermore, political discourse often instrumentalizes the fear of inter-ethnic conflict as a legitimization for the degradation of religious subjects. However, scientific analysis shows that such a strategy is counterproductive. Contrary to the thesis that religious education deepens societal divides, contemporary experiences suggest that it is precisely the educational vacuum that creates fertile ground for radicalization. Instead of social cohesion, institutions - through systemic exclusion - fuel the very fragmentation they fear, leaving a space for uncritical interpretations outside of state control. It is precisely in this direction that Silvio Ferrari's argumentation moves, emphasizing that a deeper knowledge of the relations between religion and

⁴⁵ For the debate on transitional barriers, see Silvio Ferrari, 'The Christian Roots of the Secular State' in *Droit et religion en Europe* [Law and Religion in Europe] (Presses universitaires de Strasbourg 2019) 425–441.

politics is not merely a theoretical question, but a necessary security and social prerequisite for successfully addressing contemporary challenges.⁴⁶

Consequently, the debate in North Macedonia is, in fact, a debate on the maturity of democracy. The question remains whether the state is prepared to transition toward a "laicism of intelligence" (*laïcité d'intelligence*), or whether it will continue to guard its secular "purity" through the isolation of significant segments of cultural identity. In this regard, as Gerhard Robbers concludes, secularity in a liberal democracy must represent an inclusive framework of positive neutrality that actively guarantees religious freedom as a fundamental human right.⁴⁷

V. CONCLUSION

The debate over religious education in the Republic of North Macedonia undoubtedly transcends the boundaries of a simple pedagogical dilemma and transforms into a fundamental test of the state order's democratic maturity. International legal standards and the jurisprudence of the ECtHR clearly delegitimize the thesis that strict secularity implies the expulsion of the religious fact from the public sphere. On the contrary, the modern European concept of secularism is inclusive and treats religious knowledge as a necessary component of cultural identity and civic education.

The persistent resistance toward introducing a religious subject into the Macedonian educational system does not serve to protect secularism, but is a reflection of its reductionistic interpretation. This approach, deeply rooted in the totalitarian socialist heritage, instrumentalizes state neutrality as a means for the ideological elimination of the "other." Instead of protecting pluralism, the institutional apparatus, through its "totalitarian fear," creates an educational vacuum that directly undermines social cohesion and leaves youth vulnerable to uncritical and radical interpretations.

The path toward true democratic consolidation requires an urgent transition from "laicism of incompetence" to "laicism of intelligence." In the post-secular age, the state can no longer afford the luxury of having silence of values; it must evolve into a model of positive neutrality, where religious literacy will not be treated as a threat, but as democratic capital and a shield against radicalization.

Hence, the issue of Macedonian resistance should not be seen only as an expression of democratic immaturity, but as an indicator of the unfinished transition from the socialist model of "hostile separation" to the modern

⁴⁶ Ferrari, 441.

⁴⁷ Gerhard Robbers (ed), *State and Church in the European Union* (3rd edn, Nomos 2019) 18–19.

pluralistic concept of positive secularity. Instead of being a factor of discord, religious knowledge should be recognized as democratic capital that strengthens society's resilience toward manipulation and radicalism.

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