

SULJAGIC, CERIC, AND THE REST ON FAIRNESS AND RELIGIOUS EDUCATION

The Art of the Possible

I do not think many would fault Emir Suljagic, a survivor of the Srebrenica massacre and the author of "Postcards from the Grave," when he resigned as education minister for the Sarajevo Canton. A threatening message accompanied by a bullet got the better of the former minister

The episode began with a policy decision by Suljagic to discontinue the counting of children's grades in primary school religion classes as part of their annual average grade, it was intensified by criticism and protest from leaders of the Muslim community, including Grand Mufti Mustafa Cerić's charge that Suljagic's decision would terminate religious education for Muslims, and ended with the minister's resignation. On the face of it, the crux of the dispute seemed simple enough: fairness versus a perceived right by the Muslim community for "their own" religious education. However, there was more to it as there usually is in matters pertaining to religion in Bosnia. Those too close to this dispute, who are stalwarts of one camp or the other, tend to "think inside a certain box."

They are conventional thinkers who are in a chronic defensive posture, giving "a standard answer" for every question as part of their defense of some large abstraction, unbendingly convinced that they are correct. Each clings fast to the following: "Since I am right about these issues, those who hold views contrary to mine clearly must be wrong. And if I am serious about these matters, I have a duty to point out to the others how right I am and how wrong they are." As a result, an identity exists between the polemics of those who propose and oppose public policy.

Equality

As a philosopher, however, I am required to chisel away at my thinking box, make a new box, or climb into someone else's box and make it my own. Part of this tinkering includes becoming comfortable with using counterfactuals because "what ifs" allow us to break from convention and to explore options and angles that may otherwise go unnoticed. So it is with this in mind that I follow in the footsteps of such notable philosophers as John Rawls and Sari Nusseibeh in proposing a thought experiment to assist Suljagic, Cerić, and the rest to "think outside certain boxes," to consider the art of the possible, thereby spurring on conversation and collaboration.

The following possible world will suffice. Suppose God decides to mix things up and tells humankind that the world will be differ-

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ent in some unexpected ways. As people go to sleep that night, they will no longer be sure which religion they subscribe to when they wake up. Although the ratios of each faith community will remain the same, an individual's religious identity may not. The following are possible permutations: An Orthodox Christian may wake up as a Roman Catholic, a Roman Catholic may become a Muslim, and a Muslim may take on the identity of an Orthodox Christian.

But there is a catch. God adds that he will allow each one of us to vote for three goods



Mustafa Cerić

(for example, equality and liberty) that will make up the bare minimum of shared goods in this pending new world. There will be two rounds, the first will have one winner; the second round will have two winners. Only the top three vote gatherers will comprise the shared goods God will give us tomorrow. (Let us further suppose that God is in a giving mood and decides to grant religious education as an additional good.) Although this is a possible world, one disconnected from the actual world in which people do actually vote or have voted, it is reasonable to think that serious deliberation would lead many voters to be relatively conservative in their selection. Of course, there will always be wild-eyed risk takers, but those well-off in the past know what they would miss and would be less willing to gamble it all away, whereas those who were less fortunate would feel lucky just to have some of what the others had. Because each would not want to lose out on what were selected or granted in round two, such as their own religious education, in the event that they found themselves on the short end of the stick, they would choose

equality (that is, equality of treatment by social institutions and of consideration in the distribution of social goods) as their choice in round one.

Fairness

But what does this thought experiment have to do with either Suljagic's concern with fairness or Cerić's interest in Muslim religious education? Nothing and everything. On the one hand, it means nothing because this "brave new world" is only possible and not actual, thus telling us nothing about whether anyone would actually choose equality as their "primary" good above all others. And for some people, knowing such choices is what matters.

On the other hand, it means everything because Suljagic's and Cerić's choice of equality could be seen as a "moving toward" or a "moving away from" their respective actual choices. If it is a "moving toward," then the actual and "this" possible converge. Once the actual choice is acknowledged as having something to do with equality, which is itself identified with fairness or justice in the minds of many, that choice becomes even more credible.

If it amounts to a "moving away," then it may be cause for concern. This is because questions of inequity or injustice arise anytime one person is treated differently from another. It is a failure of the principle of impartiality. Of course, fairness can still be achieved without a strict adherence to equal treatment, but only if a person's voluntary actions warrant such a departure. Barring this to be the case here, I suspect that the actual choice would be one of undeserved favoritism towards the group to which he belongs, and thus unjust in the grand scheme of things.

Advantage

So which is it: a movement to or from each of their respective concerns? As I see it, Suljagic's concern about fairness was timely, though somewhat misplaced. If we take fairness to be equated with "equal treatment," as I think Suljagic does, then it does seem on the face of it to be a movement toward his actual choice. However, if some students voluntar-

ily choose the optional religion class, then surely mandating equity by disallowing everyone from having their grades from primary school religion classes entered into their final annual grade could not be justified simply because others did not make the same choice. The fact that people voluntarily acted differently made all the difference in the world in terms of the equity principle not being violated. To do otherwise would result in using a bizarre rationale for leveling the playing field. Sorry to say, that is what Suljagic advocated.

If, however, the concern is about there not being courses covering each of the three sacred traditions of Bosnia, then that is another matter. The lack of a smorgasbord means that every student may not have a genuine opportunity to select a class that represents his or her religion. It would mean that there was inequity built into the system. The explanation could be as simple as a shortage of much needed resources, in which case the dominant win out. That is a fact of life even in the 21st-century. If there are (or could be) resources, but a political will to create genuine opportunities for "only" certain groups of students, then there is bias at work, a source of animosity that must be dealt with. In that case, my advice is to get over the squabble and create those opportunities.

There is, however, an interesting sidebar to this discussion. What if the lack of courses is actually an advantage to some groups, even to Bosnian society as a whole? The advantage may be that some students could learn about other religions, assuming that religion classes educate instead of indoctrinate. Ceric is right. There is no need for "the baptism of the Bosniaks," but maybe the Bosniaks need to learn something about Christian baptism. What an outrageous idea! But it is the sort of idea that is needed if stereotypes and misunderstandings are to be dealt with in a fractured society. This is especially true if interfaith dialogue is valued.

As for Ceric, it is difficult to tell whether his is a movement toward because he wanders from the point and misrepresents his opponent's position. Suljagic's concern about grade points and fairness are side-stepped by Ceric's use of the language of Us (Muslims) vs. Them (Orthodox Christian Serbs and Roman Catholic Croats), followed by his jingoism of "a Sarajevo Spring" to dislodge the minister. Instead of taking the high road and launching into a conversation about whether there is a lack of resources and political will, Ceric chose the low road of divisiveness. This is best captured by his introducing the term 'genocide' into the fray: "You don't let us raise our children the way we want, even after we were subjected to genocide."

Not only is this bit of Muslim exceptionalism beside the point, it stirs peoples' emotions and more or less trivializes the genocidal experience, using it as leverage to secure religious education for Muslims.

The Best Road

Overall, I feel disappointment because this sort of rhetoric is contrary to what Mustafa Ceric is best known for outside of Bosnia - interfaith dialogue (recipient of a Sir Sigmund Sternberg Award). In a time when many Bosnians are in need of working through the past, many have turned to intellectuals and religious leaders for cues as to who they might become and how they are to live. Perhaps the American sociologist C. Wright Mills got it right when he noted that the absence of the good society is none other than the failure of the intellectuals. Immersed in their own ideologies, intellectuals are bound to get it wrong more times than not. Perhaps this is one of those times in which Suljagic, Ceric, and the rest should strive to become a little more philosophical and prone to the art of the possible, thereby enhancing the prospects for conversation and collaboration. Sometimes the best road is the one least traveled because it can make all the difference, so says the hyperintellectual.

Federation Risks Mass Lawsuits of Illegal Homeowners

Experts say a new law on expropriation is unfair to citizens of the Federation of Bosnia and Herzegovina and could open the government budget to big losses from lawsuits

By The Center for Investigative Reporting

The law which the FBiH Parliament's House of Representatives passed last month allows the owners of illegally built buildings along Corridor 5C and the highways of Tuzla-Brcko-Orasje and Tuzla-Zepce, to seek remuneration if their buildings are knocked down. The remuneration is to be paid respective to the cost of construction. Other citizens of FBiH would not be able to claim that right. The remuneration is to go only for buildings put up illegally prior to Dec. 31, 2010. The owners of business facilities cannot count on it. The law also said that this right will be granted to home owners who have reported the address along one of these routes as their official residence. The FBiH government's rationale is that many refugees and displaced persons have built buildings along this line during and after the war. The government also reiterated how there was no efficient response from the authorities at the time which is why they made an exception and decided to remunerate those persons.

Goran Brkic, the deputy director of the Federal Administration for Geodetic and Real Property Affairs, who took part in developing the technical side of the law told the Center for Investigative Reporting in Sarajevo, that the government tried addressing this problem so that it could proceed with the highway construction.

However, he said that the resulting law has been criticized because owners of other illegally built buildings across the FBiH can complain that they have been discriminated against.

Director of the Public Corporation of FBiH Highways Ensad Karic, proposed payment in order to speed up construction. The corporation has taken out loans from the European Bank for Reconstruction and Development and for the European Investment Bank totaling € 255 million. Karic said that at the time of signing the loan contracts, the government pledged to pay remuneration to home owners whose houses were slated for demolition, even though no law allowed for the remuneration at the time.

"We lost four years because everyone said that it could not be done," said Karic.

He added that he was shocked when he realized that loan proceeds have gone unused since 2008. However, experts do not support this way of solving problems. Adil Lozo, a lawyer specializing in property law and a Member of FBiH Parliament, voted against the ideal. He said every citizen who sued could win and the state budget would suffer if the law gets off the ground. Besim Mehmedic, a member of the Sarajevo Cantonal Assembly and the former FBiH Minister of Traffic and Communication, told CIN that the law was counter-productive because it helped one group of citizens, not the whole population.

The current Minister Enver Bijedic was not available for comment. The law awaits signature by the FBiH Parliament speaker Denis Zvizdic and publication in the Official Gazette to be entered into force.