

Freedom to believe and not to believe as a human right in Croatia

**Ankica Marinović
And
Ivo Josipović**

Religion in Croatia: historical remarks and main characteristics

In most Eastern and Central European countries one religion has dominated through history till today, especially in the new born countries after the dissolution of former Yugoslavia. Most of the population of former Yugoslav countries belongs to one of the three dominant religions –the Catholic, the Orthodox or the Islamic¹. Croatia is a country in which Catholic religion is dominant, with a small percent of minority religions.

As a part of the Socialist Federative Republic of Yugoslavia², Croatia was one of the former Communist Eastern and Central European countries in which, during 45 years of their history, religion and religious communities were systematically suppressed.

However, it needs to be underlined, Yugoslavia was a country outside of the Soviet-influenced countries and outside of the “Iron Curtain”. And that fact was one of the origins of the specific path Yugoslavia took in general. In comparison to the countries behind the “Iron Curtain”, Yugoslavia had a more liberal policy in general and also towards religion and religious communities, especially from the mid of the 60s.

In spite of more liberal politics, it should be said that, during communism in Yugoslavia, religions (covering both religious communities and religious

¹Bosnia and Herzegovina was (is) characterized by significant presence of all three confessions.

²Croatia proclaimed independence on June 25, 1991.

people), as well as many other social spheres, lived in a double reality: the one that guaranteed religious freedom and autonomy of religious communities, and another one that favored the non-religious worldview”³. The group of authors stresses that “the communist state never abandoned its atheist stance, although that was not so fiercely implemented in Yugoslavia as in some other communist states”⁴ and “believers were never entirely equal with nonbelievers”⁵.

Catholic theologian Marasović wrote that “in spite of theoretical ambushes and practical harassments, the Catholic Church in Yugoslavia was largely free (bishops appointments, pastors ordinance, free acting of church schools and monk communities, gradual freedom of religious press, permission to study at foreign universities, permission to organize religious education and events etc.).”⁶ Some other authors write “about two basic phases in Church and state relations in Socialist Yugoslavia: the conflictual one, particularly severely implemented after the World War Two⁷, and the cooperative one, from the mid-1960s to the late 1980s”⁸. Sociologist of religion Mardešić (as an active participant) underlined successful dialogues between believers and nonbelievers at the end of 1960s and in 1970s. He wrote: “We were invited from abroad to testify that miraculous harmony of former political opponents before the Western Catholics”⁹. Religion and churches (mosques) did not disappear from people’s personal and family lives during socialism. Research showed that the prevailing type of religiosity in all republics of former Yugoslavia was similar,

³Siniša Zrinščak, Dinka Marinović Jerolimov, Ankica Marinović, Branko Ančić, „Church and State in Croatia: Legal framework, religious instruction, and social expectations“, in Sabrina Ramet (ed) *Religion and Politics in Central and South-Eastern Europe: Challenges Since 1989*, (New York, Basinstoke: Palgrave Macmillan, 2014), 133.

⁴Ibid.

⁵Ibid.

⁶Marasović. Crkvaidržavauko munističkim društvima, in: Crkvaidržavaudruštvimaautranziciji (ur. Ivan Grubišić), Split: IPDI – Centar Split, 1997, 33.

⁷Partly, negative approach of thegoverning Communist party arrived from the position of Chatolic Church duringthe World War Two and after, supporting pro-nacipupet state named Independent State of Croatia (Nezavisna Država Hrvatska) and pro-naciUstasha movement.

⁸Siniša Zrinščak, Dinka Marinović Jerolimov, Ankica Marinović, Branko Ančić, „Churchand State in Croatia: Legal framework, religious instruction, and social expectations“,133.

⁹ŽeljkoMardešić, *RascjepuSvetome* (Zagreb: Kršćanskasadašnjost, 2007, 28).

despite confessional differences: the traditional, church-oriented, collectivistic one, with a high level of confessional and religious identification¹⁰, firmly associated with the nation. It was a type of religiosity (with different emphasis depending on confession) mediated by family socialization, with usual elements: the sequence of rites, attending religious instruction, religious education within the family and at least occasional church (mosque) attendance¹¹.

Unlike the decades-long stable trend of the general decrease of church religiosity within society in the countries of the Western Europe¹², socio-religious research pointed that the opposite process has taken place in most of the former socialist countries since the 80s¹³: revitalization of religion and desecularization of society. These changes in Croatia became visible from the beginning of the period of transition (after the first democratic elections in April 1990, the formation of the new government in May 1990 and the implementation of these changes in the new Constitution) and through the period of war taking place in Croatia (1991-1995). The changed situation showed the significant increase in the number of religious and the decrease in the number of non-religious respondents, as well as the increase of the influence of the Catholic Church within society.

There are 54 religious communities officially registered in Croatia today. Besides the Catholic Church, there is a series of traditional religious

¹⁰It should be noted that the relatively high level of confessional and religious identification in former Yugoslavia existed only in Croatia and Slovenia (and among Catholics in Bosnia and Herzegovina).

¹¹Ankica Marinović Bobinac, Dinka Marinović Jerolimov, "Religious Education in Croatia", in Zorica Kuburić and Christian Moe (eds) *Religion and Pluralism in Education. Comparative Approaches in the Western Balkans* (Novi Sad: CEIR & Kotor Network, 2006), pp. 39-71.

¹²Peter Berger *The Desecularization of the World. Resurgent Religion and World Politics* (Washington D.C.: Ethic and Public Policy Center; Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1999, 135); Grace Davie *Religija u suvremenoj Europi: Mutacija sjećanja* (Zagreb: Golden marketing – Tehničkaknjiga, 2005, 286); Danielle Hervieu-Léger *Religion as a Chain of Memory* (New Brunswick, New Jersey: Rutgers University Press, 2000, 204).

¹³Paul Froese "Hungary for Religion: A Supply-Side Interpretation of the Hungarian Religious Revival". *Journal for the Scientific Study of Religion* 40, no. 2 (2001); Miklos Tomka, "Is Conventional Sociology of Religion Able to Deal with Differences between Eastern and Western European Developments?" *Social Compass* 53, no.2 (2006).

communities, whose members have lived in Croatia for centuries: the Serbian Orthodox Church, the Jewish Communities, the Islamic Community and the traditional Protestant communities: the Evangelical (Lutheran) and the Reformed (Calvinist) one. The rest of religious communities are the newer ones, of different provenances. In spite of the fact that most Croatian citizens belong to the Catholic Church, there is a diverse and dynamic alternative religious life – along with the smaller traditional communities, there are a lot of new religious communities and movements coming from different religious traditions, as well as different forms of post-modern spirituality. Last but not least, there is about 5% of irreligious people in Croatia.

The results of the last two Censuses are presented in the following Table.

Table 1
Confessional identification in Croatia 2001 and 2011

Confessions	Census 2001	Census 2011
Catholics	87.97	86.28
Orthodox	4.42	4.44
Protestants	0.27	0.34
Other Christians	0.24	0.30
Muslims	1.28	1.47
Jews	0.01	0.06
Oriental religions	0.02	0.06
Other religions, movements and worldviews	0.01	0.06
Agnostics and sceptics	0.03	0.76
Irreligious and atheists	2.22	3.81
Not declared	2.95	2.17
Unknown	0.58	0.29

It is visible from the results of both Censuses that the majority of the population declared themselves as Catholics, and more than 90% of the population declared confessional affiliation. Small categories of the Orthodox, the Muslims and the

Protestants did not change significantly in this period, as well as the adherence to other different religious communities.

The table shows a certain trend: a slight increase of confessional identification in all stated items. The small decrease is visible only among the Catholics (slightly more than 1.5%). In addition to the increasing trend of confessionally declared, the increase of agnostics, sceptics, irreligious and atheists is visible as well.

The results of the socio-religious research in Croatia showed a significant increase of religiosity from the 90s, according to all examined indicators¹⁴. The same results show that the Catholic Church has become present as an active protagonist in almost all aspects of social life in Croatia: political, social, economic, educational and cultural one¹⁵.

Sociologist of religion Vrcan spoke about the process of revitalization and deprivatization of religion in Croatia through a regathering around religious institutions¹⁶. "As owners of significant "symbolical and cultural capital", religion and religious institutions, declare themselves as owners of universal knowledge and values, as owners of generally accepted human morality and common sense and as a factor of original national being"¹⁷ and they built Berger's protecting *sacred canopy*¹⁸, whose role in Croatia took over the Catholic Church. These changes, in addition to the reaffirmation of significance of religion and tradition, the stronger connection between religion and nation and the reaffirmation of presence of religion in social life, also affected the role of religion and religious institutions in the global society, state, political society,

¹⁴ Gordan Črpić, Siniša Zrinščak, „Između identiteta i svakodnevnog života“; Dinka Marinović Jerolimov „Tradicionalna religioznost u Hrvatskoj 2004: između kolektivnoga i individualnoga“.

¹⁵ Siniša Zrinščak, Dinka Marinović Jerolimov, Ankica Marinović, Branko Ančić, „Church and State in Croatia: Legal framework, religious instruction, and social expectations“.

¹⁶ Srđan, Vrcan, "O suvremenim religijskim promjenama u optici političke sociologije religije", *Politička misao* 33, no.4 (1996): 191.

¹⁷ Ibid.

¹⁸ Ibid.

even civil society¹⁹. But, despite a number of religious people and a very strong influence of the Catholic Church, two former presidents of the state who declared themselves as non-religious were elected by popular vote.²⁰

Legal regulation of religion/irreligion in Croatia

In the new Croatian state the legal position of religious communities has changed as well. In this chapter we will briefly comment the relevant legal documents: *The Constitution of the Republic of Croatia*, *the four agreements signed between the Republic of Croatia and the Holy See* and *the Religious Community Act*.

The *Constitution* postulates equality, freedoms and rights for both – religious and irreligious people, as well as for religious communities. Other mentioned documents relate to religious communities.

The *Constitution* guarantees all citizens enjoying rights and freedoms regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics - equality for all persons before the law (*Article 14*), freedom of thought and expression (*Article 38*), freedom of conscience and religion, freedom to demonstrate religious and other convictions (*Article 40*). These constitutional postulates are a good basis for promoting tolerance and understanding among believers and “potential area for spreading of equal and tolerant coexistence with citizens who are not believers”²¹.

¹⁹ *Ibid*, 194.

²⁰ Stjepan Mesić (2000-2010), Ivo Josipović (2010-2015)

²¹ Ivo Josipović, *An Introduction to the Croatian edition of the book „Sveta Stolica i Republika Hrvatska (Holy See and Republic of Croatia) . Zagreb: Ministarstvo vanjskih i europskih poslova Republike Hrvatske and Libreria Editrice Vaticana, p.12.*

The Constitution postulates the general principles addressing the relation between Church and State: equality before the law, separation of Church and State (*Article 41*)²².

The legal position of the Catholic Church, the biggest religious community in Croatia, is regulated by signing of four agreements between the Government and the Holy See in 1996 and 1998: the Agreement on Legal Issues, the Agreement on Cooperation in the Field of Education and Culture, the Agreement on Spiritual Care in the Military and Police Forces and the Agreement on Economic Issues. The position of other religious communities was regulated in 2002 when the Croatian Parliament reached the Religious Community Act which extended many of the rights previously granted to the Catholic Church to other religious bodies. “This opened space for strengthening the rights and freedoms of other citizens - believers and affirmation of other religious communities”²³. The law envisaged the possibility of signing agreements between the government and other religious communities on issues of mutual interest²⁴, the same key issues the Catholic Church had resolved a few years prior to that: spiritual care in the military and police forces, religious education in public schools, some legal issues (especially the right to validity of church marriage) and some economic issues (financing from the state budget). The Croatian Government signed such agreements with 16 religious communities.²⁵

²²*Ustav Republike Hrvatske / Constitution of the Republic of Croatia* (Narodne novine/ Official Gazette No. 56/9, 1990).

²³Ivo Josipović, 11.

²⁴*Zakon o pravnom položaju vjerskih zajednica / Law on legal status of religious communities* (Narodne novine br. 83, 2002/ Official Gazette No, 83/2002)

²⁵The agreements were signed with the Serbian Orthodox Church (2002), the Islamic Community (2002), the Evangelical Church and the Reformed Calvinist Church (one agreement, in 2003); the Evangelical Pentecostal Church (with joint members the Church of God, the Alliance of the Pentecostal Churches) (one agreement, in 2003), the Christian Adventist Church (with joint member the Reformed Movement of the Seventh Day Adventists) (one agreement, in 2003); the Alliance of the Baptist Churches (with joint member the Council of Christ's Churches) (one agreement, in 2003); with the Bulgarian Orthodox Church, the Macedonian Orthodox Church and the Croatian Old-Catholic Church (one agreement, in

Violation of religious/irreligious rights and freedoms in Croatia: two cases

Case one: Minority religious communities and state: David against Goliath

Three minority religious communities of protestant provenance - Protestant Reformed Christian Church, Full Gospel Church, and Word of Life Church submitted in 2004 a request for signing an agreement on “issues of mutual interest” with the Government of Croatia, under the same conditions that 14 religious communities had already signed. In the meantime, the Government adopted a new document which was a supplement to the Religious Community Act, with the newly set conditions the community should meet in order to be eligible to sign the agreement. The intention of that document was the prevention of further agreements because it was impossible for any of the remaining religious communities to accomplish these conditions²⁶. Moreover, most of religious communities, which had already signed the agreements, did not fulfil them. Therefore, three communities were rejected by the Government. After the rejection, they sued the state, first to the Administrative Court, then the Constitutional Court because of discrimination, but both courts rejected them. In 2007 the communities brought a lawsuit against the Republic of Croatia to the European Court for Human Rights in Strasbourg due to discrimination and in 2010 they won the case against the state. That case enabled the rest of religious communities to apply for their rights and it positively influenced the state of religious rights, religious freedom, social justice and the rule of law in Croatia.

2003). Also, two agreements were signed with two Jewish communities: the Jewish Religious Community Bet Israel (2008) and the Coordination of Jewish Communities in the Republic of Croatia (2010).

²⁶1. That the given community has been active on the territory of the Republic of Croatia on 6 April 1941 and continued its activities without interruption and in legal succession, having at least 6.000 members according to the last census; 2. That it is one of the historical religious communities which belongs to the European cultural circle (meaning the Catholic Church, the Orthodox Church, the Evangelical Church, the Christian Reformed Church, the Islamic Community, the Jewish Community).

*Case two: Irreligious people in fight for their rights*²⁷

On the basis of the Agreement on Cooperation in the field of Education and Culture, signed between the Croatian state and the Holy See, confessional religious education was introduced in public schools in 1991. A lesson on atheism from the textbook for 8th grade of primary school provoked a series of reactions. Parents, scholars, media, civil associations and even the Ombudsman for children reacted due to discriminative contents concerning atheists. According to the lesson, from the Catholic point of view, atheism is completely unacceptable. It is situated in the context of extremely negatively connotated notions, as spiritism, blasphemy, simony, curse, damn, perjury and sacrilege are. The authors highlight the importance of evangelization in cases of atheism and during contacts with atheists. The association for protection of rights of non-religious persons and promotion of non-religious concept of the world - Protagora sent a notice to the Minister of science, education and sports and to the Ombudsman for children, due to discrimination of atheists. The Ombudsman for children reacted immediately. She considered the controversial lessons unacceptable and recommended to the Ministry to inspect the textbooks and take measures to decline the contents opposite to the principles of democratic order related to the protection of human and minority rights, fundamental rights and freedoms of man and citizen.

In its answer, the Ministry informed the Ombudsman that its administration responsible for textbooks together with the Croatian Catechetic Office will examine disputable allegations and arrange possible changes in the textbooks to eliminate all misunderstandings indicating the promotion of intolerance of

²⁷That issue is broader elaborated in: Ankica Marinović, *Analysis of Catholic Religious Instruction Textbooks in Croatian Primary Schools: How Do They Teach Atheism?* Ognjenović, Gorana and Jasna Jozelić, eds. *Education in Post-Conflict Transition, The Politicization of Religion in School Textbooks* (Palgrave Macmillan, 2018).

anybody. Nevertheless, till today, the same religious instruction textbooks with controversial contents have been in use.

Conclusion

Croatia has developed a model of relationship between state and religious communities which privileges the Catholic Church, accepts and cooperates with some other traditional religious communities, but occasionally discriminates some other religion, and people with different religious and irreligious convictions.

Religious freedom (to believe and not to believe) is guaranteed by the Croatian Constitution. But there is a gap between legal provisions and political practices. This paper considered two cases of discriminative practice. During different periods of modern history of Croatia, in spite of visible discrimination of smaller religious communities and non-believers generally, Croatia has positive trends in developing multi-religious and tolerant society. The most important tendencies and political positions defining development of position of religious communities are:

- 1) recognition of religious rights and freedoms as a part of democratic society;
- 2) religious communities are equal and important actors of social life;
- 3) ecumenical and interreligious dialogue for building of tolerant and dialogical society is necessary element of democracy in Croatia.²⁸

Finally, it should be noted that the awareness that religion can be a source of commitment to the common good, reconciliation, solidarity, tolerance and

²⁸One of the authors of this paper, former president Josipović, declared agnostic, during his mandate (2010-2015), had close cooperation, not only with the Catholic Church and three „politically “significant religious communities (the Serbian Orthodox Church, the Islamic Community and the Jewish Community), but with all minority religions. He pointed out the right to believe as well as the right to not believe, having affirmative relationship towards spiritual traditions of all religious in Croatia.

development is especially needed in the all multi-confessional societies in the world (especially in the post-communist and post-conflict ones). Therefore, the thesis, “that citizens - believers should bring their vision of a good life in the public sphere together with the people of different humanistic worldviews with whom they live "under the roof of a single state", is universally acceptable”²⁹.

²⁹Ivo Josipović, Preface to Miroslav Volf's book *Javna vjera (Publicfaith)*. Rijeka: Ex Libris, 2013.

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