

Religion and Human Rights in Croatia

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Abstract This work questions the common sense paradigm according to which it is “self-evident” that Catholics are the majority and not a minority in Croatia. The work aims to penetrate into the sphere of contemporary taboos.

Where the statistical majority is a sociological minority, and a sociological minority the statistical majority, the promotion of minority rights takes on entirely different connotations—increasing “minority” rights is actually maintaining the position of power and privilege of the minority, and denying the rights of the statistical majority to be in a position of power and to gain civil rights equal to those of the privileged minority.

Through an analysis of potential reasons for this situation in Croatia, the authors conclude that only once the elites in Croatian public space are reproduced by the law of greater numbers, and not by the power of privileged minority interest groups, can we expect the promotion of human rights to replace the legitimization of the power of these minority interest groups disguised as the promotion of human rights.

Introduction

Several strategies can be taken towards gaining an understanding of human rights and religion in Croatia.

Since all the census data and relevant studies clearly show that Catholics are the absolute majority in Croatia and that there are no indications that this will change anytime soon (Census 2001; Črpić and Zrinščak 2010), it is appropriate to question the justification of an analysis formulated in this way: are Catholics a minority in Croatia?

With its subject matter and postulate this paper definitely belongs to the category of “subversive” works. It questions the common sense paradigm according

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to which, on the basis of statistical indicators, there is no justification for putting forward such a theory. Or maybe there is, for the very reason that it is “self-evident” that Catholics are the majority and not a minority in Croatia. However, is this really the case? This is a legitimate sociological question. Moreover, it becomes a privileged sociological question when public opinion is created on the basis of a common sense cliché that something “is the way it is” and that it should not and must not be questioned. Then it becomes the task of the sociologist to raise the question: is something perhaps being suppressed in public discourse? Something obvious and inconvenient? Inconvenient, of course, for the elite, who postulate socially desirable opinions.

This work has no pretensions to provide definitive answers. The aim of the work is, through posing questions and reflecting on the topic of religion and human rights, to penetrate into the sphere of contemporary taboos. The question of contemporary Croatian taboos is in itself an issue worth raising, but in this paper it will not be systematically dealt with. The paper will only occasionally touch on topics that go beyond the so-called politically correct (“PC”) discourse, and which are essential for the life of society. Serious consideration of such topics tends to be avoided and to become the subject of criticism from vocal minorities. These include, for example, critical questioning of minorities, in-depth investigation of communist crimes, reliable analysis of the winners and losers of transition, homosexual lobbies, becoming wealthy after the Second World War and during the communist period, etc. These are certainly issues worth considering, but here we are interested in considering the possibility that Catholics are a minority in Croatia and the potential consequences of such a situation for Croatian society.

What is there to say about human rights issues in Croatia in general? What is the relationship between religion and the State with regard to human rights and which position(s) on human rights are represented by the religious groups in Croatia?

After the disaster of the Second World War, the great colonial powers discovered, not very easily or without resistance, that in their societies there were minorities with inalienable human rights that should be promoted and respected. Here we do not mean primarily the Fascist, Nazi or Communist countries, but rather the ‘flagship’ Western democracies, countries like France, Britain, the Netherlands, etc. They discovered that in their societies there were subjects who were not in a power position to draw attention to their presence, let alone to articulate their needs, values, beliefs, language and lifestyle. Following the United Nations Charter of Human Rights, this commendable idea has been developing very dynamically in the world, which, according to the author, has its main roots in the contributions of Christian culture to the development of Western civilization.

We have a situation in which the phrases “human rights” and “minority rights” are used almost like a religious mantra. Inflation and collision of ‘human rights’ has developed. In this complexity, somehow the basic question has been lost, which primarily assumed the importance of human rights in the second half of the bloody twentieth century. This is about finding a way for people not to be deprived of their basic human rights simply because they are part of a group that holds less power in society. Here we get to the crucial point of our discussion.

The amount of power held in society does not depend on the statistical mass of the population¹. In a democracy, social power should generally follow the statistics, but this is often not the case. The amount of power depends on many other factors, so that the theory can be put forward, as sociologists indicate, that statistical and sociological minorities and statistical and sociological majority can differ, so that the statistical majority may be a sociological minority, and a sociological minority may be the statistical majority. In this context Giddens claims: "Sociologists often use the term minority as a figurative way of speaking about the subordinate position of some groups within society, and not about their numerical representation. There are many cases where a minority is actually the majority" (Giddens 2007, p. 248). It is also worth mentioning here the Croatian authors Čačić-Kumpes and Kumpes who follow the same path, explaining the relationship between minority and majority in the following manner:

From a sociological point of view, therefore, a minority group determines the sense of deprivation of its members, and the possibility of creating this feeling comes from two dimensions of the group: its size and power. Deprivation in at least one of these two dimensions creates the conditions in which the members of a group may be considered vulnerable. But in the balance between size and power it is always the weight of power that prevails in creating a sense of deprivation and minority status in the sociological sense. A minority group in the full sense of the word is a group deprived in both dimensions. If we wished, like Michael Mann (1986), to avoid dimensions as geometrically distinctive discourse, we might say that minorities are those groups of people whose social status is or may be compromised due to the specific power relations in society. (Čačić-Kumpes and Kumpes 2005, p. 175).

This idea is the cornerstone of our work. Can we say that the statistical majority in Croatia, and these are undoubtedly Catholics, is in fact a sociological minority? Theoretically this is, as we have indicated, possible. But is this really the case in Croatia?

Before we dive into an analysis of this question, we need to point out one more issue which we believe is important for our discussion, and which is often ignored or overlooked. The majority-minority relationship is not the same in colonial and in colonized nations. While the major colonial powers discovered that there were minorities in their societies and that the members of these minorities had human and civil rights equal to those of the members of the majority, colonized people found themselves in exactly the opposite situation: they found that they have the same civil and human rights as members of the privileged minorities (for more information see also Črpić 2007). This is necessary to bear in mind as it significantly influences our analysis and understanding of the facts.

¹ Here it should be noted that many of the movements that are formally committed to promoting human rights or the recognition of certain groups, realistically do not actually fight for human rights, but for the legitimacy of the effective power that they already possess in a society. This is a new impulse that should be taken into account because in the future it will have a great significance and impact on social dynamics.

Specifically, when it comes to Croatia, the same facts about a minority can be viewed from two angles: rights or privileges? It is our stance that the basis of the war in Croatia, i.e. the Serbian aggression against Croatia, was not a struggle for the protection of a minority people, but for the preservation of the privileges of minority groups. Although the project of Great Serbia in the Homeland War (1991–1995) was defeated, and as such delayed for some time, it can be said that the goals of the aggression were partially achieved. Privileged minorities maintained their privileged position, and the underprivileged majority their underprivileged position. In Croatia there was no (re)placing Croats in influential positions in the public sphere, which prevented the modernization and development of Croatian society. In this context, where the statistical majority is a sociological minority, and a sociological minority is the statistical majority, the promotion of minority rights takes on entirely different connotations. Increasing “minority” rights is actually maintaining their position of power and privilege, and denying the rights of the majority to be in a position of power and to gain civil rights equal to those of the privileged minority.

At this level of analysis we again need to stop and question the merits of this point of view on the situation in Croatian society. What are the arguments in favor of the stated conclusions about Croatian society? It is legitimate and necessary to ask whether this point of view has a real basis and what it is. Therefore, processes and conditions that are systematically overlooked, kept quiet, ignored, and which we believe are, if not the key to understanding and the potential development of Croatian society, then they are certainly important and fundamentally undervalued. In this manner, we offer some facts about Croatian society and try to provide an explanation of them.

Trust in Institutions in Croatia

One of the important preconditions for the development of a society, according to theories of social capital, is certainly trust in institutions and others in general. It is a well-known fact that totalitarian systems damage confidence in institutions and general trust in other people. This includes totalitarian communist systems, as was clearly demonstrated by Sztompka in his analysis of the destruction of trust in social institutions in communist totalitarianism (Sztompka 1999).

More than 20 years have passed since the collapse of communist totalitarianism in Croatia. This is a sufficient amount of time for some real changes to occur in society, more than just a different flag, the constitution and ownership of real estate. Thus, besides changes at a symbolic, legislative and economic level, real changes are possible at a social level. Society is inert and changes relatively slowly. Dahrendorf warned of this with his metaphor of “clocks” running at different speeds, where the lawyers’, economists’ and society’s ‘clocks’ are not going at the same speed. It is relatively easy to change legal standards, write a new constitution, set up different laws, etc. It is far more demanding to change the economic model and it takes more time. To change mentality and conditions in society is a demanding and long-term

process, much longer than the previous two. However, 20 years is a long enough period of time for the ‘hands to move’ on society’s clock. And this move tells us something about the direction and pace of social change. Trust in institutions is one indicator, even if not the only one, but certainly an important indicator of the developmental potential of society.

In order to look at the state of trust in institutions in Croatia, we will use the results of the *European Values Study 1999/2008* in which, among other European countries, Croatia participated. In 1999/2000, 32 countries participated in the study of values in Europe (Halman 2001), and in 2008 there were 45 countries included. For this purpose we will use several graphic illustrations. At the first level there is a view of the dynamics of growth/decline of trust in institutions in Croatia observed over 9 years, and at the second level the dynamics and state of confidence in Croatian institutions is compared with the other 44 European countries for 2008.

Table 1 illustrates the erosion of trust in institutions in Croatia. The decline in trust in institutions is difficult to explain as the result of the general decline of trust in institutions in western countries due to the processes of globalization and the fact that nation states can no longer fully control social processes as they were able to before the advent of globalization processes. Given this significant decline in trust in institutions in Croatia in the past 9 years, it is worth asking what could be the cause. Before we launch into an attempted explanation of the results, we need to look at how things stand comparatively, taking into account the state of trust in institutions in Croatia and other European countries.

Table 1 Trust in institutions in Croatia in 1999 and 2008

Trust in institution (%)	1999	2008
Military	64	45
Education system	63	56
Church	63	52
Police	53	36
NATO	51	22
Health system	46	40
UN	42	25
EU	40	20
Judicial system	35	19
Public services	34	27
Social security	31	29
Large companies	28	20
Unions	27	17
Parliament	22	12
Press	18	14
Government and administration	–	14
Political parties	–	7

Table 2 Confidence in parliament, the Church, the military, and the education system for Croatia and four selected groups of countries in 2008

	Parliament	Church	Military	Education system
Croatia	12	52	45	56
Old members	43	42	62	66
New members	28	54	57	64
Candidate	40	68	59	65
Other	44	70	67	69

Table 3 Confidence in the EU, judicial system, political parties, public administration, and government in Croatia and four selected groups of countries in 2008

	EU	Judicial system	Political parties	Public admin. and government
Croatia	20	19	7	14
Old members	45	55	21	35
New members	53	39	17	29
Candidate	46	48	24	38
Other	47	47	28	48

Since we are dealing with about 44 countries and 18 institutions studied, on this occasion we will not provide an analysis of trust for all countries and all institutions. For the purposes of our work we will reduce the space to four groups of countries: old EU members, new EU members, candidate countries for EU membership, other countries involved in the research² and, of course, Croatia, analyzed as a separate country.

For the institutions studied we will take into account the level of confidence in: parliament, the Church, the military, the education system, the EU, the judiciary, political parties, government and administration. We include, therefore, institutions that are essential for the State and the functioning of society (Table 2 and 3).

From the table presentation of the comparative state of trust in institutions in European countries we can reject the impact of globalization on the erosion of trust in Croatia, so we must seek causes in other sources. We will outline some of these, taking into particular consideration the focus of our work, the relationship between the statistical majority and a sociological minority.

Aspects of the Legacy of Totalitarianism

As we have already noted, totalitarian systems are not conducive to the development of a civil society, and, therefore, to the development of a culture of trust in society. Trust is one of the essential bases of western culture and the development

² See the official EU website.

of civilization, as well as the economy, as demonstrated by Weber in his well-known work “The Protestant Ethic and the Spirit of Capitalism”. Without confidence in society, a system of collateral costs develops—including corrupt, irrational economic models. The economic system is actually far more straightforward than society as a whole, but without trust it cannot develop, so it collapses, as was the case with the Communist bloc in 1989. Certainly, here it can be argued that it happened more than 20 years ago and that such a model should not significantly affect the mood of the citizens in Croatia today. It is legitimate to ask to what extent communist totalitarianism has really influenced contemporary Croatian society.

Should not the reason for this collapse of confidence in institutions and social capital in Croatia be sought elsewhere, and not in the legacy of totalitarianism? Do we not, as a result, fall into a classic, and in Croatia very popular, ideological debate in which wars are still being fought between the partisans and the Ustasha³? An alternative question can be raised: is not the imposition of this debate about the ‘Ustasha’ and the ‘partisans’, at a symbolic level, actually an attempt to conceal something at the real level of social life? In other words, we must ask to what extent the totalitarian system in Croatia has been deconstructed, and to what extent, in various forms, it has been maintained.

The Croatian State and Society

What is the essence of the identified problem? The principal purpose of the State, since ancient times, has been to promote the common good of its citizens, to build a system in which the majority of citizens can fulfill their potential. In each version of a totalitarian system we have a situation where a minority usurps the State to the detriment of the majority. Of course, a minority always adopts an ideological background in the name of which it gives itself legitimacy; however, at a practical level the effect is the same: a privileged minority exploits the deprived majority.

If we look at the Croatian situation, we can at first conclude that before 1990 all of social life, especially life in State institutions, was controlled by the Communist Party or, more precisely, by the League of Communists of Croatia (Party)⁴. It is important to be aware that all of social life of the former Yugoslavia, and so then in Croatia, was under the supervision of the Party. In this model of management, public administration serves primarily to control citizens and to serve the Party. In order to become a civil servant, especially to be able to progress in the civil service, it was necessary to pass a test of “moral-political suitability”.

In this way the Party positioned obedient and politically acceptable personnel in public life and public services. In return, they received privileges, so the whole

³ The Partisans were organized by the Communist Party. The Ustasha were installed by the Nazis when they occupied Yugoslavia in 1941 because not one democratic party in Croatia wanted to cooperate with them.

⁴ In colloquial jargon in Croatia, when one says *the Party*, this means the Communist Party or the League of Communists, as the Party called itself during its transformations.

system in many ways was more like a feudal system than a civil society, as in the early 1990s Mardešić remarked in his instructive reflection entitled “October before the Bastille” (Jukić 1990). Since the 1990s the basic structure of institutions has not significantly changed. This is how Šakić was able to declare in the mid 1990s that the Party had won because it remained the majority in institutions and continues to control the system of institutions (Šakić 1996).

Here we want to point out that the general mechanism from the totalitarian system has remained intact. In fact, the entire Croatian political elite, and also the economic, media, and in part the management structure of the scientific and cultural elite, are derived from members of the former Croatian Communist Party. On the political scene, it means that we in Croatia still have, paradoxically, a one-party system.

Members of the former communist party are present in all parties, even the representatives of minorities in Parliament were senior officials of the former communist party. This information cannot be ignored, and we believe that it is the reason why Croats show deviation from their own institutions; they are not perceived as social, rather contra-social. This is the context in which it is possible that in a country where there are over 85% declared Catholics, Presidents of the Republic, Parliament and Government are atheists and agnostics.

If we now summarize the previous part of the paper, we could say that Croatian society is burdened by the legacy of a non-deconstructed totalitarian system in which the public administration and political elites are used in the service of the Party, rather than in the service of its citizens. This is the cause of the erosion of trust in institutions in Croatia and the development of parallel institutional systems within the social and economic life of Croats.

Generally speaking, in Croatia, the human rights of each individual are prescribed by the *Constitution of Republic of Croatia* (2014), international agreements to which the Croatia is a party and laws. Human rights are dealt with by a number of institutions and organizations, such as the Ombudsman, the Human Rights Office of the Government of the Republic of Croatia, Croatian Helsinki Committee for Human Rights, the Centre for Human Rights and others. At the same time there are ecclesiastical institutions dealing with this issue, such as the Justice and Peace Commission of the Croatian Bishops' Conference (“CBC”), the Center for the Promotion of the Social Teachings of the Church of the CBC, the Franciscan Institute for the Culture of Peace, Croatian Caritas.

As regards the relationship between the Church and the State in Croatia, it is important to note that it is regulated by law. First of all, the *Constitution of the Republic of Croatia* guarantees the right of every person to freedom of religion, and this right is confirmed in the *Constitutional Law on Human Rights and Freedoms*. After the fall of communism and the breakup of Yugoslavia, Croatia and the Catholic Church entered into bilateral regulation of mutual relations. In the period from 1996 to 1998, Croatia and signed four international agreements⁵ with the Holy See,

⁵ The Agreement on legal matters, the Agreement on Cooperation in the field of education and culture, the Treaty on the spiritual guidance of the Catholic believers in the armed forces and police of the Republic of Croatia and the Treaty on economic issues.

which confirmed a relationship between the Church and the State in certain areas of social life. The signing and ratification of these agreements created an institutional basis for the relationship between the Catholic Church and the State. However, with these contracts the Church regulated its relations with the State, and soon after that other religious communities did the same with the *Law on the legal status of religious communities in the Republic of Croatia (2002)*, which ensured a high degree of religious rights and freedoms in accordance with the fundamental principles of international and European conventions and recommendations on human rights.

However, independent of the defined legal relationship between the Church and the State, there are cases of conflict between the Church and the State in terms of the implementation of human rights. From the perspective of some civil society organizations, the Catholic Church in Croatia is over privileged, especially when it comes to economic issues, or the restitution of property seized by the Yugoslav communist regime. On the other hand, from the perspective of the Church, the State does not enforce laws because it adopts regulations opposing religious freedom. A current example of the conflict of the Church, as well as other religious communities in Croatia, and the State is the introduction of “health education” which includes liberal sex education in primary and secondary schools. Different religious communities in Croatia revolted against various topics related to sex education being covered because they do not comply with the values they uphold. On the other side, the view of the government is that the topics to be dealt with as part of health education to serve to transmit certain information with which to encourage healthy and sexual responsible lifestyles in children and youth.

Final Remarks

From the analysis of the situation it appears that Catholics were a sociological minority in Croatian society during the period of Yugoslav communist totalitarianism, and continue to be today in contemporary democratic Croatia, because the structure of power has not changed significantly. A model of social control is used, as in the past through the Communist regime, and today through the corporate controlled media and the repressive apparatus, “in the name of the people” but against the people. What should be done in this situation?

Many have advocated for lustration on the political and public scene, thereby removing from the public scene those who had participated in the repression during communist totalitarianism. This would be an elegant and certainly a moral model, but, we hold, unenforceable in Croatia. It would mean the removal from the public scene of almost the entire political, media and economic elite, and a portion of the scientific and cultural elite (see Črpić 2013). This would likely escalate into a process that would not likely be realizable without violence, as it is unlikely that the elite, who are consistently in a position of power, would easily give up their privileged positions.

We hold that it is preferable in the long run to make room for de-lustration. During communist totalitarianism, public space, and particularly political, scientific, cultural and economic space, was successfully lustrated of Croats and Catholics. Now would be the time to de-lustrate that space and allow Catholics to dominate public space. Only once elites in Croatian public space are reproduced by the law of large numbers, and not by the law of interest groups, will we be able to say that Catholics in Croatia are the statistical and the sociological majority. Only then is it reasonable to expect the recognition and respect of statistical and sociological minorities to be given serious consideration. Only then can we expect and require that minority rights be protected by the majority. Only then can we expect the promotion of human rights and not the legitimization of the power of powerful groups disguised as the promotion of human rights.

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