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# Church and State in Croatia: Legal Framework, Religious Instruction, and Social Expectations

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The purpose of this chapter is to provide an overview of Church–state relations in Croatia since the collapse of communism. Our focus is mainly on the general development of the legal framework, and on the introduction and development of religious instruction in public schools. The issue of religious instruction serves to illustrate and discuss the main dilemmas about how to frame Church–state relations in the post-communist era, or more precisely in a country with a high level of religiosity, with the marked social role of the Catholic Church. Yet, in spite of that, Croatia opted for the separation of Church and state, for equality of all religions before the law, and for respect of freedom of thought, conscience, and religion. Therefore the presentation of different aspects of religious instruction is followed by a summary of public debates on the introduction of religious instruction in public schools in the 1990s. In addition, the chapter touches on social perceptions and expectations from religion in the public sphere, as the development of Church–state relations largely reflects the overall social climate in a country, an important part of which are the social expectations of people from different religions.

Although we focus on the Church–state relationship in Croatia, we believe it will be helpful to place it in a wider European context. Zrinščak has recently argued that Church–state relations in post-communist Europe, despite differences connected with specific social development features, are not profoundly different from what we find in Western Europe, both in detecting some similar contested issues and in identifying very different types of relation, from profound separatism to state Churches.<sup>1</sup> The important parts of the same analysis were the claims

- (eds.), *Religiöser Wandel in den postkommunistischen Ländern Ost- und Mitteleuropas* (Würzburg: Ergon Verlag, 1998), p. 383.
52. See the textbook, *Verstva in etika. Građivo za učitelje verstev in etike* (Ljubljana: Zavod Republike Slovenije za šolstvo, 2003).
53. Kerševan, "Religion und Kirche" (note 51), p. 383.
54. 2006 saw the restructuring of dioceses in Slovenia. The Ljubljana metropolis now encompasses the Ljubljana Archdiocese, the Koper Diocese, and the Novo mesto Diocese. The Maribor metropolis is divided into the Maribor Archdiocese, the Celje Diocese, and the Murska Sobota Diocese.
55. Emiliano Fittipaldi, "Toh, la Chiesa ha fatto crac", in *L'Espresso* (Rome), 21 January 2011.
56. Emiliano Fittipaldi, "Chiesa crac, salta il vescovo", in *L'Espresso* (3 February 2011).
57. *Dnevnik* (25 January 2013).
58. Dragoš, Introduction to the monograph (note 50), pp. 11–12.
59. Peter Kovačič Peršin, *Duh inkvizicije, Slovenski katolicizem med restavracijo in prenovo* (Ljubljana: Društvo 2000, 2012), p. 92.
60. *Ibid.*
61. *Dnevnik* (19 October 2012).

about very visible historical influences on how Church–state relations are developing today, the need to study further the current situation, which is deeply conflictual (from praising religious liberty to denying some of the basic rights to particular religions), the need to understand the public role of religions as well as social expectations from religions, and the need to pay much more attention to the issue of religion and identity formation. That is why it is important to discuss briefly here Church–state relations in Europe.

Various scholars have argued that, despite big national differences, there is something which can be identified as a European pattern of Church–state relations.<sup>2</sup> The European dimension is to be found in i) the protection of individual rights of religious freedom, ii) the incompetence of the state on religious matters and the independence of religious faiths, and iii) the “selective” collaboration between states and religious faiths.<sup>3</sup> In line with the first two claims, it should be noted that respecting religious freedom and not interfering in religious matters do not mean that these principles function properly in reality. These are two ideal norms, more or less respected, and, more importantly, embedded in social reality, where other factors are in place as well, many of which pull in opposite directions. That is why the problem of so-called new religions has emerged in many countries, and that is also why, for example, the public role of Islam reveals how Church–state relations are deeply framed in European history and in line with the Western development/understandings of Christianity. This is also why there is a third principle which refers to selective, not equal, cooperation between states and religious communities, the fact found in all countries, irrespective of their model. Following that, Ferrari argues that there is a need to go beyond three basic models (separationist, cooperation, and the state Church model), and in more details analyze the reality. The selective cooperation means that it is possible to identify a pyramidal model, where at the bottom we find religious communities with a very limited cooperation with the state (they exist but are not supported or are not able to reach public institutions), in the middle are religious communities with considerable support from the state while sometimes, though not always, the top position is occupied by Churches with maximum collaboration, as in the case of state Churches, or the Catholic Church in concordat countries, or in the case of the Orthodox Church in Greece.

### **Church and state: Legal framework**

From 1945 to 1991, Croatia was part of socialist Yugoslavia, which had a very specific stance toward religions; some crucial elements need to be

mentioned before explaining the development after 1991. As with many other social spheres, religions (covering here both the religious communities and religious people) lived in a double reality: one that guaranteed the religious freedom and autonomy of religious communities; and another that favored the non-religious worldview. This double reality underwent many changes, most importantly exemplified in the argument about two basic phases in Church and state in socialist Yugoslavia: the conflictual one, particularly severely implemented after World War Two, and the cooperative one, from the mid-1960s to the late 1980s.<sup>4</sup> The cooperation was not understood in today's sense of supporting different religions in their everyday life and in public activities, but as a way of reaching a basic consensus about the "peaceful" existence of religious communities, and about resolving some practical issues. The communist state never abandoned its atheist stance, although that was not so fiercely implemented in Yugoslavia as in some other communist states. Nonetheless, the basic underlying principle remained one of separation of Church and state, which was interpreted as the need to prevent the public appearance of Churches, interestingly in a similar way as has been happening in France recently. Besides the constitution, which at least formally protected basic religious rights, the legal framework was finally established in the law on legal aspects of religious communities from 1978, which was a pragmatic act, but which did not cater to all needs of religious communities and certainly did not change the basic parameters of religiosity in a particular communist state. To sum up, the communist phase in Croatian history fostered negative public attitudes toward religions, but the communist party's policies toward religion changed considerably over time, which made life slightly easier for the religious communities and for religious people. But believers were never entirely equal with nonbelievers, and in that sense, as some sociologists and political scientists have emphasized, even in communism's last days, believers remained second-class citizens.<sup>5</sup>

Still, the revitalization process started in the 1980s and the public visibility of religions increased, which was a clear sign of social change. This greater visibility received full public recognition after the first democratic elections in April 1990, and the formation of the new government in May 1990, and it was fully implemented in the new constitution.

Although this is not a primary concern of our chapter, the general political and social climate immediately after the fall of communism should be briefly outlined. Besides the collapse of communism, which favored the new social position of religion, the fact of the breakdown of Yugoslavia is of particular interest. As the Socialist

Federative Republic of Yugoslavia was not only a country of different nations and different religions but also one in which there was a strong connection between specific nations and religions (Slovenes and Croats were Catholics, Serbs, Macedonians, and Montenegrins were Orthodox, Bosniaks – called Muslims in an ethnic sense – were of course Muslim in a religious sense, etc.), the breakdown of Yugoslavia and particularly the war against the independence of the new independent states (mainly Slovenia, Croatia, and Bosnia-Herzegovina) strengthened the nation-religion link. Different opinions about the religious involvement in the wars may be detected in the literature, but we are convinced that we could not speak about a primarily religious cause of the wars, and absolutely not about religious wars.<sup>6</sup> On the other hand, these social circumstances made a strong politicization of religion possible – a fact which was more or less extensively described elsewhere.<sup>7</sup> Still, the already underlined comparative approach helps us to nuance our analysis, as it can be claimed that the Church-state development in Croatia partly reflects specific war/transition circumstances, partly general post-communist circumstances, and partly general European dilemmas and conflicts about Church and state.

These basic European dilemmas could be detected even in the wording of the first Croatian constitution, passed in December 1990. This constitution guaranteed all persons the enjoyment of rights and freedoms irrespective of, among other things, religion, political or other convictions (Article 14), freedom of thought and expression (Article 38), freedom of conscience and religion, and the freedom to demonstrate religious or other convictions (Article 40). Article 41 is of a particular interest as it stated:

All religious communities shall be equal before the law and clearly separate from the state. Religious communities shall be free, in compliance with the law, to publicly conduct religious services, open schools, academies or other institutions, and welfare and charitable organizations and to manage them, and they shall enjoy the protection and assistance of the state in their activities.<sup>8</sup>

It appears that the main constitutional idea was the model of the separation of Church and state, but at the same time the idea of cooperation: protection and assistance. How this support (protection and assistance) should be implemented has remained one of the contested issues in the years that followed.

Besides some legal decisions in the field of education that will be discussed in the following section, the next important step in building the legal framework concerns the signing of four agreements between the government of Croatia and the Holy See in 1996 and 1998: an Agreement on Legal Issues, an Agreement on Cooperation in the Fields of Education and Culture, an Agreement on Spiritual Care in the Military and Police Forces, and an Agreement on Economic Issues.<sup>9</sup> The Agreement on Legal Issues is the main one as it guarantees the public legal entity to the Catholic Church, guarantees its freedom in all of its activities, its internal autonomy in all aspects, among other things. The agreement also listed Christian holidays which would be public holidays in Croatia. Very soon after its signing, some aspects of the agreement provoked criticism among scholars, particularly from the legal point of view, as they questioned whether the agreement respected the constitutional foundation of the state's autonomy.<sup>10</sup> Just to mention one example, the agreement stipulated that, in cases of judicial inquiry against any Church person, the judicial authorities should inform the Church authorities about the case in advance, and further, that decisions of the Church courts on the nullity of a marriage and decisions of the Supreme Church Authority on the dissolution of a marital conjunction would be submitted to the state courts in order to implement the civil effects of such decisions. There was also a criticism that, by signing these agreements, Croatia violated the constitutional principle of equality of all religious communities before the law.<sup>11</sup> Some scholars pointed to the secret negotiations between Croatia and the Holy See, which could be partly understandable as it was about international negotiations between two states, but as these agreements brought big changes in the regulation of Church–state relations in all social aspects, at least some public debates about the formulation of basic principles could have been expected.<sup>12</sup> In spite of everything, the fact is also that the agreements signed with Croatia are not so different from those signed between the Holy See and many other European countries, with similar constitutional principles – a fact which allows us to include Croatia in a group of cooperationist countries in Europe.

While the Agreement on Legal Issues provoked some scholarly debates, but not public ones, the Agreement on Economic Issues raised much more public interest. It stipulated that Croatia would restitute the property taken by communist authorities after World War Two, or would compensate it (in real estate or in money) when restitution would not be possible. The agreement provided also for state support to the Church by

paying the agreed sum each month from the state budget, by financing educational and other social activities of the Church, such as religious instruction in public schools (analyzed in the next section), by exemption from value-added tax, and the profit tax for its main activities, and so on.

Property restitution has remained an open issue. The provision stipulated in the Agreement on Economic Issues was based on a separate law from 1996<sup>13</sup> (and amended in 2002) which guaranteed the right to restitution for all citizens and all public persons. It concerns the property divested by communist authorities through confiscation, nationalization, or agrarian reform which would be restituted in money, government bonds, or (exceptionally) natural assets. The process of return is in general very slow and there are many disappointments among citizens who claimed the property. In addition, the Catholic Church regulated the restitution in the agreement. Specifically, Article 2 stipulated that the Republic of Croatia is obliged

- to return the property (which can be returned according to law) divested during the Yugoslav communist regime;
- to provide adequate substitution for assets that cannot be returned;
- to reimburse in money the rest of the property which will not be returned.

The Church–state Committee was established in 1999 in order to list all assets in question and to define the period of their return. In 2003 the Catholic Church submitted its list of priorities to the government. While significant progress has been noted since, there is no public information about the exact amount of restitution.<sup>14</sup>

Other religious communities did not have a chance to regulate the issue of the property restitution in their agreements with the government (explained in detail below), and the property restitution for them is based on the general law. The biggest claimants are the Serbian Orthodox Church and the Jewish community. With regard to the Serbian Orthodox Church there has been some progress, while “the Jewish Community complained that the restitution had been at a standstill for years.”<sup>15</sup>

The position of other religious communities remained unregulated until 2002 when the Croatian parliament passed the Law on the Legal Status of Religious Communities,<sup>16</sup> which extended many of the rights previously granted to the Catholic Church to other religious bodies,

although not all rights. This new law also introduced additional regulations where the religious communities were concerned. Specifically, the law differentiated between then existing religious communities which had a simple (formal) registration process, and new ones – those which would be founded after the law came into force, and which have a special procedure of registration: five years of existence as a citizens' associations and proof that the respective community has at least 500 members. The law envisaged the possibility of signing agreements between Croatia and religious communities on issues of mutual interest, which would in fact further regulate rights that Churches may enjoy: the religious instruction in public schools, chaplaincy in military and police forces, and in health and social institutions, financing of Churches, state regulation of Church weddings, and so on. However, the unresolved underlying question, which would soon create legal conflict, was who defines "issues of mutual interests" and in what ways? Indeed, after the law was passed, the government very soon signed agreements with many religious communities. So far, six agreements have been signed which cover 15, mainly traditional, religious communities, from the Serbian Orthodox Church and the Islamic community, to various Protestant communities, while the Jehovah Witnesses did not want to have any kind of contract with the state. The question is: what about other religious communities? The problem occurred when the government formulated new criteria (in the form of a governmental conclusion) in December 2004, which specified two basic conditions of which one should be met in order to sign the agreement: i) that the given religious community functioned on the territory of the Republic of Croatia on 6 April 1941 and continued with its activity in continuity and in legal succession, having at least 6,000 members according to the last census; or ii) that it is one of the traditional religious organizations of the country (meaning the Catholic Church, the Orthodox Church, the Evangelical Church in Croatia, the Reformed Christian Church in Croatia, the Islamic community, or the Jewish community).

The consequences of this government conclusion appeared in a lawsuit. Specifically, three minority religious communities which had been registered in Croatia (the Protestant Reformed Christian Church in the Republic of Croatia, the Full Gospel Church, and the Word of Life Church) submitted applications during 2002/2003 to conclude agreements with the government on issues of mutual interest. At the beginning of 2005 they received official notification from the Commission for Relations with Religious Communities that they did not fulfill the



conditions to be party to such agreements. The three communities then claimed that this decision discriminated against them, and mentioned also those that did not fulfill conditions required by the conclusion with respect to continuity, number of followers, and legal succession but nevertheless signed agreements with the government (the Bulgarian Orthodox Church, the Macedonian Orthodox Church, the Evangelical (Pentecostal) Church, and others). At the end of 2006, they submitted a proposal for reassessment of the government's conclusion based on its alleged lack of conformity with the constitution and law concerning the Constitutional Court of the Republic of Croatia. The Constitutional Court rejected the proposal of the assessment in 2007, proclaiming itself *not authorized to pass a decision*. Claiming that the Constitutional Court is authorized to protect human rights and legality, these communities brought a lawsuit against the government of the Republic of Croatia to the International Court for Human Rights in Strasbourg due to discrimination in 2007 – that is, because of the impossibility to conclude agreements about issues of mutual interest with the government for regulating diverse rights, which they considered important. By the judgment of the European Court of Human Rights in December 2010 they won the case. The government of Croatia did not appeal the court's decision, which promises to have important consequences for the state of religious rights, religious freedom, social justice, and the rule of law in Croatia. However, it is not clear yet how that will affect future Church–state relations in Croatia, and in which ways the government might change its conclusion and the way it treats minority religious communities.

### **Church and education**

The most visible changes of the position and the role of religion and Churches in the public sphere in Croatia are in education. This is the area in which the state, especially the government, has exerted its power to impose modes of regulating Church–state relations. The introduction of religious instruction in schools has been followed by debates about the type of religious education – should it be confessional or non-confessional? The ruling political structures at that time (at the beginning of the 1990s) strongly supported the confessional approach, backed by the Catholic Church. Protagonists who promoted a non-confessional approach were intellectuals from different areas of social life, including religious communities. But the non-confessional approach was completely marginalized in public.

In January 1991 the Ministry of Education and Culture sent a letter to the religious communities in which it informed them that, beginning in the school year 1991/1992, confessional religious instruction would be introduced into all primary and secondary public schools.<sup>17</sup> In June 1991 the Croatian bishops sent to the public a "message on confessional religious instruction in the school and in the parish community" in which they praised the decision.<sup>18</sup> Pursuant to this decision, as of 1991/1992, confessional religious instruction was introduced into schools as an optional subject. The religious communities were given a mandate to define the content and the way of teaching the classes, as well as the right to hire the instructors needed.

However, it was only six years later that the subject of religious education was regulated in a proper legal manner by the agreement between the Holy See and the Republic of Croatia about cooperation in the field of education and culture, signed in 1996.<sup>19</sup> Both sides concurred that the agreement should be based on relevant constitutional articles and on the Second Vatican Council's declaration on *Gravissimum Educationis* and Canon law, that it should take into account the irreplaceable historical and present role of the Catholic Church in Croatia in the cultural and moral upbringing of the people and also its role in the field of culture and education, and that it should take into account the fact that the majority of the citizens of the Republic of Croatia belong to the Catholic Church. Based on Article 2 of this agreement, an additional "Contract between the Government of the Republic of Croatia with the Croatian Conference of Bishops about Catholic Catechism in Public Schools and Public Preschool Institutions" was signed in 1999.<sup>20</sup>

The agreement and the contract guarantee

- Catholic religious instruction (catechism) in all public primary schools, secondary schools and preschool institutions as an *optional* subject equal to other subjects;
- the number of students needed in order to organize the class (seven);
- the obligation of the Church and school authorities to inform parents and pupils about the goals and the content of the subject;
- the number of hours per week (two);
- a competency for creating the curriculum (the Croatian Bishops' Conference) and who confirms it (minister of science, education and sports);
- responsibilities for teacher-training and the level of education needed for teachers;

- that all public educational institutions will take into account the values of Christian ethics;
- that the Church will enjoy the possibility to organize additional religious activities in schools;
- the content of the textbooks and didactic materials, monitoring the quality of religious education;
- the right of the Catholic Church to establish preschool institutions and schools at all levels, to manage them under canon law and state laws, with such schools having the same duties and rights as state schools, including financing.

Other religious communities regulate religious education in schools through agreements signed with the government of Croatia. But these agreements differ from the agreement which the government has signed with the Holy See in the field of education. Specifically, they omit articles 11 and 12. Article 11 specifies that Catholic religious traditions are deeply rooted in Croatian cultural heritage, which will be taken into account in the public school system, especially in realizing appropriate religiocultural initiatives and programs that comprehend different fields of social and cultural life besides the school system. Although worship takes place in churches, it may also be performed and celebrated on special occasions in schools with the consent of the principal and school authorities; the participation of pupils and teachers is voluntary. The school will enable pupils and teachers to meet the diocesan bishop in school. Article 12 provides that parish priests, because of the nature of their service, have the right to perform Catholic religious instruction in school several times a week. Still, following the 2002 law and agreements signed, the program of confessional instruction was prepared by six religious communities, and the Ministry of Education and Sports of the Republic of Croatia finally approved the curricula for Catholic, Orthodox, Islamic, and Jewish religious instruction, as well as for the Adventists and the Church of Jesus Christ of Latter-day Saints.

The result is that religious instruction is markedly present, although it is only an optional subject. In the year 2009/2010, in primary schools 345,914 pupils (93.6%) attended Catholic religious instruction, 2,792 pupils attended Islamic religious instruction, and 2,051 pupils attended Orthodox religious instruction, therefore only a small minority of children do not attend any religious class. In secondary schools (where children can choose between religious instruction and ethics), 132,673 pupils (75.4%) attended Catholic religious instruction,<sup>21</sup> 437 pupils attended Islamic religious instruction (another 1,407 pupils of different

grades attended Islamic religious instruction in mosques),<sup>22</sup> and 849 pupils attended Orthodox religious instruction (for both primary and secondary schools, data cover the Eparchies of Osijek and Baranja, and Vukovar and Srijem where the Serbian ethnic minority is the most present).<sup>23</sup>

### Curriculum

Religious education was actually introduced gradually depending on the number of interested students and available teachers.<sup>24</sup> At the very beginning, some misuse of religious instruction was observed, especially in the position of the subject in the daily schedule. Theologian Anton Peranić from the Catholic Theological Faculty of the University of Zagreb pointed to additional problems connected with the introduction of the subject into the schools, including unfinished syllabi, a lack of textbooks and manuals for teachers, a shortage of teachers, laypersons who initially did not have the proper level of education, and priests and nuns who did not have any methodical-didactical education and were concerned about whether or not other teachers would accept them.<sup>25</sup> Special attention was paid to the personalities of teachers of religious instruction in order to achieve better acceptance among pupils and other teachers (with preference given to teachers who were simple, human, and sympathetic).<sup>26</sup>

### Primary schools

The first program of Catholic religious instruction was drafted in 1991. In 1998 an amended plan and program was published in the form of a comprehensive document. By virtue of Article 3, Paragraph 4 of the "Contract on the Catholic Instruction in Public Schools and Religious Education in Pre-school Facilities,"<sup>27</sup> and upon the proposal of the Croatian Bishop's Conference, the Minister of Education and Sports approved the "Program of the Catholic Instruction in Primary School" (II. amended and supplemented edition) in 1999.<sup>28</sup> This amended edition, like the first edition from 1998, is based on theological-ecclesiastic and anthropological-pedagogical principles and criteria.<sup>29</sup> According to the program (1999),<sup>30</sup> Catholic religious instruction emphasizes an integral education and upbringing of people, and having in mind the religious dimension, the promotion of personal and social general human and believers' values. The confessional characteristic of religious instruction is based on the universal educational and cultural meaning of a religious fact for a person, culture, and society as a whole.

The principles of religious instruction are the following: devotion to God and humankind; ecumenical openness and openness to a dialogue and correlation of religious upbringing and education (correlation among the subjects according to the principle of an integral education of pupils); and an intercultural approach to religious instruction and education. The purpose of Catholic religious education in primary school is systematic and harmonized theologically – the ecclesiological and anthropologically pedagogical connection of revelation and Church tradition with the worldly experience of the pupil. However, in primary school there is no alternative subject to religious education. At the same time, religious content is taught through other subjects as well, such as history, geography, literature, and the arts.

### **Secondary schools**

The Croatian Conference of Bishops in 1990 formed a special working group for religious instruction in the secondary schools which prepared the Program of Religious Instruction for Secondary Schools, which was, in turn, approved by the Croatian Bishops in 1991. The Ministry of Education, Culture and Sports reached a decision on introducing religious instruction into Croatian secondary schools in 1991. The difference in relation to the primary schools is that, in the secondary schools, an alternative to religious instruction is offered – ethics – and both of them are taught for one hour per week.

Ethics is taught over a four-year period, as is religion. The syllabus for the subject stresses that it does not prefer a single worldview or a single philosophy, and it aims to ensure a respect for multiculturalism and a philosophical openness for dialogue. Within each academic year, religious content can be taught through two lessons pertaining to multiculturalism, coexistence, human rights, and universalism, while a unit is allocated in the fourth grade to the differing approaches to morality, one of which is the religious one.

Besides religious instruction and ethics, religious content is particularly included in two additional subjects, sociology, and politics and economics. Sociology is an obligatory subject in the third grade taught in two weekly lessons. The accompanying textbook contains a special chapter encompassing a sociological definition of religion, magic and religion, the classics of the sociology of religion, types of religious groups, secularization, and the interconnectedness of religion and societal change, as well as the religious communities in Croatia. It is up to the teacher's discretion which parts of the textbooks to teach in greater depth. Politics and economics is an obligatory subject in the fourth

grade of secondary school and is taught once a week. A single lesson, politics and religion, is dedicated to the relationship between Church and state in relation to the rights of an individual human being and a citizen.

### Textbooks

The first textbooks for Catholic religious instruction were published between 1992 and 1994. Textbooks mainly follow issues that have been represented in the program. As with the syllabi, textbooks are firmly based on the doctrinal teaching of the Catholic Church and its normative theology. Textbooks communicate moral values originating from Catholic ethical teaching – from Catholic truth and the Catholic understanding of morality. An analysis of programs and textbooks shows that they emphasize the formative nature of Christian (Catholic) values in education, helping to form the Christian (Catholic) identity.<sup>31</sup>

Here one of the principles of Catholic religious instruction is of particular interest, namely the principle concerning “ecumenical and dialogical openness.” In accordance with this principle, tolerance toward other major religions is present in all textbooks. Nevertheless, no matter how much it would be ecumenical, it validates these religions from a confessional outlook. On the other hand, a tolerant and dialogical approach gives up in the case of new religious movements whose authenticity and distinctness are denied. Atheism and secularism are also treated negatively.<sup>32</sup>

The Islamic community has textbooks for all grades of primary and secondary schools. All textbooks are approved by the Ministry of Science, Education and Sports. There are no special units in primary- and secondary-school textbooks dedicated to other religious traditions. But tolerance toward other people besides Muslims is clearly stated (e.g., in the unit “Islam,” where basic Islamic principles are described): the relationship between Muslims and non-Muslims “has to be in accordance with human Islamic principles.” In this respect there is a quotation from the Qu’ran: “If your Master wanted, everybody in the world would believe the same things. Are you going to hate people until they become believers?” One unit in the secondary-school textbook is dedicated to secularism and laicism (in the sense of the people without religion) and their negative influence on religion in general and on the Islamic community in particular. A negative attitude toward paganism, magic, and astrology is also present.<sup>33</sup> The Serbian Orthodox Church has textbooks for all grades of primary and secondary school, published in

Serbia and approved by the Ministry of Science, Education and Sports of the Republic of Croatia.<sup>34</sup> Religious communities which did not sign contracts with the government do not teach confessional education in public schools, only in their churches and communities, so they are not obliged to have officially approved textbooks.

### **Debates, expectations, unresolved issues**

#### **Public discourse on the introduction of religious instruction into schools in the 1990s**

Public debates have been held sporadically, in the period that preceded the laying down of the regulatory norms, as well as in the whole period of the practice of confessional religious instruction in Croatia, and the basic tone has been given by the theologians of the Catholic Church. Actually, the way in which the discussion was organized before decisions were taken about the introduction of religious instruction led to the perception that discussions organized in a hurry were a mere alibi and were held only because of the need for a "quasi-scientific verification of the political decision."<sup>35</sup> In the debates on two possible approaches to the religious phenomenon in the teaching process, the idea of non-confessional religious culture was gradually marginalized and confessional religious culture was given prominence.

The arguments for introducing confessional (Catholic) instruction were as follows:

- Catholic religious tradition is deeply rooted in Croatian cultural heritage.
- In the past, religious content has been suppressed or distorted for ideological reasons.
- It enables students to get acquainted with and improve their knowledge of their own cultural religious identity and develop respect for the religious culture of others.

The arguments against introducing confessional religious instruction versus the procedure under which the confessional religious instruction has been introduced and for non-confessional culture of religion were as follows:

- Confessional religious instruction should not be introduced until experts, professors, and teachers have been consulted.

- Religion cannot be the frame or philosophy of life in a public school, and the separation of state and Church should be respected in a consistent manner.
- The deficit of spirituality, culture, and knowledge should be compensated by religious culture that will take into account a multiconfessional character of society, since spirituality should not be reduced to a confessional model.
- The dangers of proselytism, since confessional religious education, such as carried out in churches, can result in confessional misunderstanding.
- Religious instruction as upbringing in belief and for belief belongs to family and church communities.

Discussions in the media sporadically continued later too, especially after some milestones in the process of introducing confessional religious instruction. After introducing confessional religious education, the subject that was created by a sort of summarizing of parish religious instruction and confessional religious culture more or less stopped debates about introducing a confessionally neutral subject, and only sporadically have some isolated expressions of support in its favor been heard, with the offering of some shy initiatives. Up to now, a similar subject has not been introduced into public schools, and the concept of non-confessional religious culture has been strongly criticized by the Catholic Church.

Although confessional religious education in schools was not supported by other religious communities in the beginning, they finally agreed that it could be introduced into public schools after they signed the agreements of mutual interest with the government.

### **Social perceptions and expectations from religion in public sphere**

The analysis of Church–state relations and of public controversies about those relations should not be separated from the analysis of other aspects of the public role of religions, and in particular social perceptions and people’s expectations of religion. Although it is not usual to connect the analysis of legal aspects of Church–state relations with a sociological analysis of people’s opinions, we find that potentially very instructive.

In order to complement our analysis we rely on existing research which partially touched the respective subject. We are focusing



specifically on attitudes of Croatian citizens toward religious education in schools, while we also present social expectations of religions' social role, attitudes concerning the relation between politics and religion, the position of the Catholic Church and other religious communities, and issues of financing religious communities as some of the features of Church-state relations.

#### **Social expectations about religious education in schools**

Data on attitudes toward religious education are available from a variety of research projects conducted on representative samples of the adult population in Croatia, as well as samples of pupils and teachers.<sup>36</sup> The 1989 research showed that 68% of adult citizens answer "yes" and 32% answered "no" to the question "Should a greater role in education for religious organizations be allowed?" Even at that time the majority of respondents were inclined to accept a greater role for the Church in education.

In research conducted in 1996, respondents were asked about their opinion concerning the introduction of religious education in public schools. The majority (65%) declared that religious/confessional instruction in public schools should be *optional*, which it already was at that time. Another 28% thought it should be *mandatory*, and only 7% that it should be *expelled* from public schools.

In research conducted in 2004, respondents were asked to answer the question "How should religion be taught in schools?" Less than half of respondents (42%) were in favor of confessional instruction, 26% favored the subject religious culture, 21% supported both options, and 11% said that neither is needed in public schools.

Data from the research on a representative sample of primary-school pupils are also of interest here: 48% of pupils were for, and 52% against, confessional religious instruction in schools.<sup>37</sup>

Finally, among school-grade and junior-high teachers, 34% considered that religious instruction should not be conducted in public schools. At the same time, they supported the introduction of more foreign languages, IT as a mandatory subject, sex education, learning about human rights, and so on. They believed that the inadequacy of the curriculum lay in the fact that it was insufficiently balanced, as can be seen in the under-representation of "pedagogical" subjects whose number of hours per week should be increased (arts, music, gym, health and technical culture) and over-representation of some others which should be reduced (religious instruction is in the first place, as mentioned by 51% of teachers).<sup>38</sup>

### Social expectations of some other aspects of Church-state relations

Ančić<sup>39</sup> analyzed data from the European Value Study (1999/2000) and the Aufbruch project (2007) and found that in seven analyzed countries (Bulgaria, Croatia, Poland, Romania, Slovakia, Ukraine, and Hungary) there were differences in how each public assessed religion's ability to give answers to moral problems and its ability to give answers to social problems. He also showed that respondents differentiate the sociopolitical and sociocultural roles of religion, while the sociopolitical role of religion was the least accepted. Results for Croatia from Table 6.1 confirm this claim. Around 80% of respondents reject religion's interference with politics while 70% do not find it appropriate when religious organizations involve themselves in the politics of government.

Acceptance of the social role of religion is confirmed but is not unambiguous (Table 6.2). There is considerable space for Churches to address some pressing social issues, such as growing social differences and unemployment. Expectations in regard to the engagement of religious organizations in more private issues, such as abortion, extramarital relations, and same-sex relations are not expected by the large majority, but still about half of respondents find it appropriate that big Christian Churches deal with these issues. The acceptance of the social role of "big Christian Churches" (the phrase used in the Aufbruch research project) is also visible from the approval of Church ownership of social institutions, such as hospitals or retirement homes.<sup>40</sup>

The social role of Churches, or even the social role of larger Christian Churches, does not imply inequality. The data presented in Table 6.3 show that Croatian citizens strongly support equal rights for all religious groups, and indeed think that this has not been achieved at

Table 6.1 Religion and politics in Croatia (%)

	(Strongly) agree	Neither agree nor disagree	(Strongly) disagree	Can't choose
Religious leaders should not influence people's vote in elections	82.6	7.5	7.6	1.7
Religious leaders should not influence government	78.1	9.7	9.2	2.1

Source: ISSP 2008.

*Table 6.2* Social expectations of religion's social role in Croatia (%)

Do you find it appropriate when the big Christian Churches deal with the following issues?	Yes	No
Unemployment	58.0	42.0
Abortion	48.8	51.2
Extramarital relations	50.7	49.3
Same-sex relations	52.1	47.9
Growing social differences	70.3	29.7
Politics of the government	30.1	69.9

Source: AUFBRUCH 2007.

*Table 6.3* Religious communities in Croatia – social perception and social expectation

In your opinion, how do you perceive the relationship of the state toward religious communities in Croatia?*	%
State privileges the Catholic Church	60.8
All churches are treated equally	38.6
State privileges (some of) the non-Catholic churches	0.6
<b>All religious groups should have equal rights**</b>	%
(Strongly) agree	81.0
Neither agree nor disagree	7.7
(Strongly) disagree	8.2
Can't choose	2.5

Source: \*Social and Religious Changes in Croatian Society, 2004; \*\*ISSP 2008.

least as of 2004, when 60.8% of those surveyed claimed that the state was privileging the Catholic Church. More research on these issues is needed. The acceptance of equality is encouraging; however, that should be put in context with the acceptance of new religious groups as there are indicators that Croats are very suspicious of these.

However, there are different opinions when it comes to the issue of financing. As we mentioned before, in public debates concerning the financing of Churches there were claims that the Catholic Church gets too much from the state budget. The financing of other Churches (those with signed contracts with the government), although according to their size they receive far less, was not questioned in public. So the question of how the Churches should be financed remains partly open.

The results shown in Table 6.4 show that there is support for financing from the state budget, but 48.5% think that the Churches should rely

Table 6.4 Religions and finance in Croatia

In your opinion, how should religious communities be financed in Croatia?	%	What do you think about the taxation of religious communities in Croatia?	%
There should be a church tax only for believers with a permanent income	9.9	Religious organizations should pay taxes on income and assets	42.3
There should be a church tax for all citizens with a permanent income	6.3	Religious organizations should <i>not</i> pay taxes on income and assets	21.9
They should be financed from the state budget	35.3	Don't know	35.9
They should be financed on their own (charity and their own revenues)	48.5		

Source: Social and Religious Changes in Croatian Society, 2004.

on sources other than the government to finance their activities. Tax exemptions are also not widely accepted.

### Conclusion

This chapter has addressed Church–state relations in Croatia since the collapse of communism and the breakdown of Yugoslavia. As these relations changed completely in comparison with socialist times, we have presented in detail the development of the legal framework, particularly as visible in the new Croatian constitution passed in December 1990, the agreements with the Holy See signed in 1996 and 1998, the Law on Legal Status of Religious Communities from 2002, and the regulation of status of other religious communities. On the basis of the foregoing analysis, we can conclude that, in terms of Church-state relations and legislation concerning religion, Croatia has similarities with those European countries which are usually included in a group of countries with selective cooperation (countries which usually opted for the separation of Church and state but build different links with mainly traditional communities, and grant and protect their numerous social functions), and consequently a group of countries with a pyramidal model of status for different religious communities. There are three issues that should be mentioned in connection with this. First, although we included Croatia in a group of countries with selective, not equal, cooperation with different religious communities, there are of course

further differences between these countries: Croatia has been an example in which, particularly in the 1990s, the strong link between the political regime and the Catholic Church was maintained. Second, the government took a large number of arbitrary decisions, even reflecting incompetence, which has been visible in a way of formulating the agreements with the Holy See, and moreover in a way that the government acted in connection with the registration of other religious communities and signing of agreements on issues of mutual interest with them. Third, although historically and culturally deeply embedded, Church-state models are under constant pressures (though these pressures can be very contradictory), but in many countries there is at least an open public debate about different aspects of Church-state relations. We still miss that kind of debate in Croatia.

Another part of this chapter has focused on religious education. Again, without much debate but in line with the strong social and political presence of the Catholic Church, and even in line with a majority public opinion, confessional religious instruction was introduced in public schools in 1991 as an optional subject. Eventually the religious instruction has become a widely accepted subject with developed curricula, textbooks, and teachers, and it is taught not only by the Catholic Church but also by other traditional religious communities. Still, there are some open issues, such as those connected with the treatment of minority religions (particularly those classified as non-traditional religions, or "sects") as well as of those who do not belong to any religion. Data about attendance at religious instruction show that it is, mainly in primary schools, greater than the ratio of Catholics in the population (80.6% according to the European Value Survey data from 2008),<sup>41</sup> which can be an indication of social pressure in that respect.

In order to complement our analysis, we also addressed social expectations where religions are concerned. The data presented confirmed that, as mentioned, religious instruction is accepted but as an optional subject and, which we find particularly important, that citizens differentiate between the sociopolitical (which was rejected) and sociocultural (which was mainly accepted) role of religion. People support the social presence of traditional Churches and believe that their social function that should be supported by the state, but do not support their political involvement, do not support unequal treatment of different religious communities (although we do not know if that includes all minority religions that are usually considered controversial), and are unsure how Churches should be financed. Indeed, direct state financing is not supported by the majority.

In view of past history and overall social circumstances, it is not surprising that Croatia has developed a model which privileges the Catholic Church, which in turn accepts and cooperates with other predominantly traditional religious communities, while the state discriminates against some others. Still, privileges (as they reflect differences in social significance) could not be in a sharp contrast with sensitivity to the needs of other religions, and to people with different religious or irreligious stands. That remains a main challenge for the future. We do not expect any radical change of the existing model in the near future, but certainly its slight refinement in line with democratic development.

## Notes

1. See Siniša Zrinščak, "Church, State and Society in Post-communist Europe", in Jack Barbalet, Adam Possamai and Bryan S. Turner (eds.) *Religion and the State. A Comparative Sociology* (London: Anthem Press, 2011), pp. 159–184.
2. See Gerhard Robbers, "State and Church in the European Union", in Gerhard Robbers (ed.), *State and Church in the European Union* (Baden-Baden: Nomos Verlagsgesellschaft, 2005), pp. 577–589; see also Rik Torfs, "Religion and State Relationship in Europe", *Religious Studies Review*, vol. 1, no. 4 (2007), pp. 31–41; Silvio Ferrari, "The Legal Dimension", in Brigitte Maréchal, Stefano Allievi, Felice Dassetto, Jørgen Nielsen (eds.) *Muslims in the Enlarged Europe. Religion and Society* (Leiden-Boston: Brill, 2003), pp. 166–190; and Silvio Ferrari, "The European Pattern of Church and State Relations", *Comparative Law*, vol. 20 (2003), pp. 1–24.
3. See Silvio Ferrari, "The Legal Dimension", in Brigitte Maréchal, Stefano Allievi, Felice Dassetto, Jørgen Nielsen (eds.) *Muslims in the Enlarged Europe. Religion and Society* (Leiden-Boston: Brill, 2003), pp. 166–190.
4. See Zdenko Roter, *Katoliška cerkev in država v Jugoslaviji 1945–1973* (Ljubljana: Cankarjeva založba, 1976), pp. 311; see also Siniša Zrinščak, "Odnos Crkve i države u Hrvatskoj od 1945. do 1990. Godine", in Ivan Grubišić (ed.) *Religija i sloboda. Religijska situacija u Hrvatskoj 1945–1990* (Split: Institut za primjenjena društvena istraživanja – Centar Split, 1993), pp. 107–125.
5. See Zdenko Roter, "The Position of Believers as Second-Class Citizens in Socialist Countries: The Case of Yugoslavia", *Occasional Papers in Religion in Eastern Europe*, vol. 3 (1989), pp. 1–17.
6. See Siniša Zrinščak, "Religion and Values", in: Sabrina P. Ramet and Davorka Matić (eds.), *Democratic Transition in Croatia: Values Transformation, Education, and Media* (College Station, Tex.: Texas A&M University Press, 2007), pp. 137–159; see also Siniša Zrinščak, "Rôles, attentes et conflits: la religion et les Eglises dans les sociétés en transition", *Social Compass*, vol. 49, no. 4 (2002), pp. 509–521; Enzo Pace, *Zašto religije ulaze u rat?* (Zagreb: Golden marketing – tehnička knjiga, 2009); and Jakov Jukić, "Društvo, rat i religija", in *Društvena istraživanja*, vol. 3, no. 10–11 (2–3) (1994), pp. 165–189.

7. See Srđan Vrcan, *Vjera u vrtlozima tranzicije* (Split: Glas Dalmacije, Revija Dalmatinske akcije, 2001), pp. 58–64; see also Sabrina P. Ramet, "The Catholic Church in Croatia since 1990" in Sabrina P. Ramet, *Serbia, Croatia, and Slovenia at Peace and at War: Selected Writings, 1983–2007* (Berlin & Vienna: Lit Verlag, 2008).
8. Ustav Republike Hrvatske (*Narodne novine* no. 56/9, 1990).
9. *Ugovori između Svete Stolice i Republike Hrvatske* (Zagreb: Glas koncila, 2001).
10. See Mira Alinčić, "Građanski brak sklopljen prema državnim propisima i u vjerskom pogledu", in *Zbornik Pravnog fakulteta u Zagrebu* vol. 47, no. 6 (1997), pp. 647–676; see also Alan Uzelac, "Od liberalizma do katolicizma: neki aspekti reguliranja pravnih odnosa između crkve i države u Republici Hrvatskoj – novo pravno uređenje braka", in Hans-Georg. Fleck i Grozdana Cvitan (eds.), *Liberalizam i katolicizam u Hrvatskoj. II. dio* (Zagreb: Friedrich-Neumann Stiftung, 1999), pp. 242–291.
11. Ivan Padjen, "Church and State in Croatia", in Silvio Ferrari and W. Cole Durham, Jr. (eds.), *Law and Religion in Post-Communist Europe* (Leuven-Paris-Dudley, MA, 2003), pp. 57–80; J. Milić, "Pravni i činjenični status vjerskih zajednica u Republici Hrvatskoj", in *Hrvatska pravna revija*, vol. 3 (2008), pp. 9–15.
12. Siniša Zrinščak, "Religion and Society in Tension in Croatia: Social and Legal Status of Religious Communities", in James T. Richardson (ed.) *Regulating Religion. Case Studies from Around the Globe* (New York: Kluwer Academic Plenum Publishers, 2004), pp. 299–318.
13. *Zakon o naknadi za imovinu oduzetu za vrijeme jugoslavenske komunističke vladavine* (*Narodne novine* br.:92, 1996).
14. "Catholic Church officials stated that there was no progress on restitution during the year, but the restitution process overall was satisfactory and proceeding within the government's capabilities", *International Religious Freedom Report for 2011. Croatia*, downloaded from <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.
15. *Ibid.*
16. *Zakon o pravnom položaju vjerskih zajednica* (*Narodne novine* br.: 83, 2002).
17. Josip Božanić, "Najnovija europska istraživanja o vjeronauku u školi" in Valentina Blaženka Mandarić and Ružica Razum (eds.), *Identitet kao odgojno-obrazovna vrednota. Zbornik radova s tribina Zajednički vidici* (Zagreb: Glas Koncila, 2009), pp. 11–26.
18. *Ibid.*
19. *Zakon o potvrđivanju Ugovora između Svete Stolice i Republike Hrvatske o suradnji na području odgoja i kulture* (*Narodne novine, Međunarodni ugovori, 2/97*) – izvod.
20. *Ugovor između Vlade RH i HBK o katoličkom vjeronauku u javnim školama i vjerskom odgoju u javnim predškolskim ustanovama*, potpisan 29.01.1999, (*Narodne novine, Međunarodni ugovori, no. 2/97, 1999*).
21. For Catholic religious instruction information: Valentina Blaženka Mandarić, "Vjeronaučna nastava iz organizacijsko-pravne i statističke perspektive", in *Lađa*, vol. 6, no. 3 (2011), pp. 10–11.
22. For Islamic religious instructions, information obtained from "Godišnji izvještaj o polaznicima vjeronauka Mešihata Islamske zajednice u Hrvatskoj" (information gained from Mešihat).

23. For Orthodox religious instruction, information provided Info-service of Eparchy osječkopoljska and baranjska of Serbian Orthodox Church.
24. Anton Peranić, "Dosadašnja iskustva s vjeronaukom u školi na području Riječke metropolije", in *Riječki teološki časopis*, vol. 6, no. 1 (1998), pp. 156–164.
25. *Ibid.*
26. A large number of articles in the review *Kateheza* were dedicated to the desirable personal characteristics of the religious instruction teacher during the 1990s and on.
27. *Ugovor između Vlade Republike Hrvatske i Hrvatske biskupske konferencije o katoličkom vjeronauku u javnim školama i vjerskom odgoju u javnim predškolskim ustanovama*, (signed on 29th of January, 1999) downloaded from <http://www.nku.hbk.hr/dokumenti/index.html>, on 21.05.2011.
28. *Program katoličkog vjeronauka u osnovnoj školi* (Narodne novine br. 156/03, 2003).
29. The program follows the relevant catechetical and other documents of the Catholic Church, especially the documents of the Second Vatican Council, the General Catechetical Directorate (GCD 1997), the Croatian Bishops' document "Joyful Announcement of the Gospel and Upbringing in Belief" (1983), the Catechism of the Catholic Church (1993), basic starting points of the Plan and Program of the Catholic Religious Instruction in Primary School (1998) of the Croatian Bishop's Conference, and its document the Parish Catechesis in Renewal of the Parish Community (2000).
30. *Program katoličkog vjeronauka u osnovnoj školi* (Narodne novine br. 156/03, 2003).
31. Ankica Marinović Bobinac and 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, 2006), pp. 39–71.
32. *Ibid.*
33. *Ibid.*
34. As schools order and buy textbooks for their pupils in Serbia, they were not available for analysis in this paper.
35. "Vjeronauk – nova ideologizacija?" in *Slobodna Dalmacija*, September 23, 1990.
36. Research on representative samples of adult population: "Social Structure and Quality of Life" conducted by the Institute for Social Research – Zagreb in 1989, "Social Structure and Quality of Life in the Transitional Period" conducted by the Centre for Transition and Civil Society Research in 1996, "Social and Religious Changes in Croatian Society" conducted by the Institute for Social Research – Zagreb in 2004. Research on a representative sample of primary-school pupils from fifth to eighth grade, "Children and the Media" conducted in 2000 by the Institute for Social Research – Zagreb and the State Bureau for the Protection of Family, Motherhood and Youth, and "Evaluation of the Curriculum and Development of the Models of Curriculum for Primary Education in Croatia" conducted by the Centre for Education of the Institute for Social Research in Zagreb in 2003 on the sample of 2,134 junior-high and 1,134 grade-school teachers, 2,674 pupils of the eighth grade, and 120 principals in 121 primary schools in Croatia.



37. Ankica Marinović Bobinac, "Obitelj i škola", in Vlasta Ilišin, Ankica Marinović Bobinac and Furio Radin *Djeca i mediji* (Zagreb: Državni zavod za zaštitu obitelji, materinstva i mladeži and Institut za društvena istraživanja u Zagrebu, 2001), pp. 41–77.
38. Brasnislava Baranović, "Osnovni trendovi razvoja i metodologija izrade nacionalnog kurikulum za obavezno obrazovanje", *Metodika*, vol. 6, no. 10 (2005), pp. 22–43.
39. Branko Ančić, "What Do We Want from Religion? Religiosity and Social Expectations in Central and Eastern Europe", in Andras Máté Tóth and Cosima Rughiniş (eds.), *Space and Borders. Current Research on Religion in Central and Eastern Europe*, (Berlin: Walter de Gruyter, 2011), pp. 151–169.
40. See Siniša Zrinščak, "Church, State and Society in Post-communist Europe", in Jack Barbalet, Adam Possamai and Bryan S. Turner (eds.) *Religion and the State. A Comparative Sociology* (London: Anthem Press, 2011), pp. 159–184.
41. See Gordan Črpić and Siniša Zrinščak, "Dinamičnost u stabilnosti: Religioznost u Hrvatskoj 1999. i 2008. Godine", in *Društvena istraživanja*, vol. 105–106, no. 1–2 (2010), pp. 3–37.

# 7

## The Cross, the Crescent, and the War in Bosnia: The Legacy of Religious Involvement

*Janine Natalya Clark*

Bosnia-Herzegovina (BiH) is a country of striking scenery – rugged and imposing mountains, lush verdant meadows, lakes and rivers which, according to the vagaries of the Balkan climate, can appear either crystal blue and serene or grey and menacing. If this natural beauty creates character and charm, so too do the vast number of mosques, cathedrals, churches, and monasteries that adorn the Bosnian landscape.<sup>1</sup> One awakes to the sound of an imam calling his people to prayer or the ringing of church bells. Religion and its symbols are deeply interwoven into the tapestry of everyday life in BiH. According to one commentator, “Religion has apparently filled the vacuum created by the delegitimation of the communist project and provided an integrating framework for post-communist societies that have problems defining their new identities.”<sup>2</sup> Religion, however, has not been a major focus of scholarly research in BiH. While various authors have explored how religion and religious leaders contributed to and fuelled the bloodshed in the country,<sup>3</sup> some of the contemporary legacies of this religious involvement have received less attention. This research seeks to address this gap and to demonstrate that in post-conflict societies such as BiH, questions pertaining to transitional justice, security sector reform, reconstruction and development, returnees, and so on should not overshadow critical religious issues.

Divided into three sections, this chapter begins by examining some of the religious elements of the War in Bosnia, focusing specifically on both the involvement of foreign mujahedin and the overall negative role that BiH’s religious communities played during the conflict. These two particular aspects of the war have had significant long-term