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RECOGNITIONES

Gašper Mithans

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Pacem in *discordia*
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POVZETEK

**JUGOSLOVANSKI
KONKORDAT**

**PACEM IN *DISCORDIA*
ALI JUGOSLOVANSKI
»KULTURKAMPF«**

V monografiji so obravnavani socialni, pravni, verski, nacionalni in politični vidiki odnosov med Katoliško cerkvijo in državnimi oblastmi v Kraljevini Srbov, Hrvatov in Slovencev/Jugoslaviji v časovnem obdobju med svetovnima vojnoma. Ključni pravni akt na tem področju je bil konkordat, sporazum med Svetim sedežem in državo, ki v jugoslovanskem kontekstu nosi posebne specifike, ki zaobjemajo in eksplizitno prikazujejo vse najbolj pereče probleme, s katerimi se je soočala kraljevina na notranjedržavni in zunanjepolitični ravni. Relacije med predstavniki Katoliške cerkve (KC) in Srbske pravoslavne cerkve (SPC) v Jugoslaviji, Svetim sedežem, političnimi strankami in državnim vrhom so prikazane skozi pogajanja, podpis in potrditev konkordata v skupščini ter njegovo odpoved. Pri tem so bili pregledani dostopni relevantni arhivski viri v Vatikanskem arhivu, Zgodovinskem arhivu drugega oddelka državnega tajništva, Arhivu Jugoslavije, Arhivu SANU, Nadškofijskem arhivu v Ljubljani, Pokrajinskem arhivu Nova Gorica, Arhivu Republike Slovenije, Nadškofijskem arhivu v Mariboru in Zgodovinskem arhivu Celje.

Prvi del monografije predstavlja analiza štirih osnovnih tematik, ki se tičejo odnosov med KC in državo, ter njihovih korelacij: 1) političnega delovanja katoliškega tabora, 2) odnosa med religijo in narodnim vprašanjem, 3) medverskih odnosov (na primeru odnosa med KC in SPC) ter 4) pravne regulacije odnosov med verskimi skupnostmi in državo (na primeru Katoliške cerkve s poudarkom na konkordatu). Medtem ko lahko na Slovenskem do razpada Avstro-Ogrske ter do neke mere tudi kasneje predvsem na temelju še naprej veljavne avstrijske zakonodaje o verskih skupnostih sledimo podobnemu trendu kot v državah v Srednji in deloma tudi v Zahodni Evropi, je Jugoslavija s tremi močnimi verskimi skupnostmi, med katerimi je dominirala SPC, funkcionirala na povsem drugačen način. Nova država je prinesla veliko sprememb na področje medverskih in mednacionalnih odnosov, katerim se niso znali primerno prilagoditi ne državni sistem ne verske skupnosti, niti predstavniki

različnih narodov. Večplastnost ter konfliktnost odnosov med cerkvenimi in državnimi oblastmi se izraža skozi pogoste »disfunkcionalnosti« države, ki je pri konkordatskih pogajanjih in potrjevanju konkordata nastopala, manj pa delovala, kot celota. Kljub heterogenosti sta namreč prevladali nacionalna in verska ekskluzivnost.

V drugem delu knjige so predstavljeni vladni razlogi za sklenitev konkordata in ovire, ki so se pri tem pojavljale. Ti se niso bistveno spremenili v celotnem obdobju pogajanj in ratifikacije konkordata. Izpostaviti velja nujo po poenotenu in ureditvi zakonodaje o KC, želje vlad po povečanju mednarodnega ugleda Jugoslavije, pritisk Francije ter ob zadnjem konkordatskem predlogu tudi Italije, in okrepitev KC v boju proti komunizmu. Glavni cilj je bil izboljšanje odnosov med državo in KC, vključno z neposrednim pozitivnim vplivom na rešitev nacionalnega, predvsem hrvaškega vprašanja. Sklenjen konkordat bi lahko tudi zavrnil morebitne nadaljnje pritožbe katoličanov o kršitvi njihovih verskih pravic v mednarodni javnosti. Na podlagi nekaterih točk konkordatskega predloga pa se je vlada najejala tudi večje neodvisnosti od vpliva nuncija oziroma Svetega sedeža.

V času pogajanj za sklenitev konkordata se je pri iskanju interferenc treba osredotočiti na vzroke za dolgotrajnost pogajanj kot takih. Skozi to se kažejo taktično zavlačevanje jugoslovenskih vlad, posledice vmešavanja in pritožb jugoslovanskega episkopata, domnevno nasprotovanje Italije, nesprejemanje oz. indiferentnost do konkordata s strani Hrvatske seljačke stranke in majhna angažiranost Slovenske ljudske stranke. Rezultat pritiska javnosti na vlado je bila odločitev kralja Aleksandra za tajna pogajanja s Svetim sedežem. Ta so doseгла svoj osnovni cilj, tajnost pogajanj pa je imela slab učinek na sprejem konkordata v javnosti, pri različnih političnih strankah in pri SPC, čeprav je bila ta o pogajanjih in s končnim predlogom seznanjena. Priprave na sklenitev konkordata med Svetim sedežem in Jugoslavijo so stekle leta 1922, medtem ko so se pogajanja

pričela tri leta kasneje. Kljub očitnim razhajanjem je prišlo do določenega napredka na pogajanjih po tem, ko je jugoslovenska diplomacija neuspešno poizkusila zmesti nasprotno stran s pozno predložitvijo predloga sporazuma. Vendar se pogajanja po poletnem odmoru niso nadaljevala. Razloge gre iskati v svetohieronimski aferi, Radićevi zavrnitvi konkordata ter sploh glede glagolice, zakona o agrarni reformi in kasneje šolskih zakonov. Novi vladni predlog konkordata, ki ga je Sveti sedež v promemoriji komentiral precej kritično, je bil sestavljen leta 1931. Jugoslovanski predlog iz leta 1933 ni imel posebne dodane vrednosti. Nekoliko presenetljivo se je kralj Aleksander odločil za neustaljeno prakso, tajna pogajanja prek posrednika, ki ni bil uveljavljen diplomat. Na jugoslovanski strani je tako pogovore vodil Nikola Moscatello, svetovalec na poslaništvu Kraljevine Jugoslavije pri Svetem sedežu, in pogajanja so potekala neposredno z državnim tajnikom Eugenijem Pacellijem, sprva pa z Giuseppejem Pizzardom. Pomembno vlogo pri pripravi tega akta je kot svetovalec opravil nuncij Ermenegildo Pellegrinetti, četudi je v zvezi s konkordatom deloval brez vednosti jugoslovanske vlade. Po približno dveletnem usklajevanju je bil sporazum podpisano 25. julija 1935.

S primerjavo izbranih vladnih predlogov (1925, 1931, 1935) in osnutkov (1922, 1933/1, 1933/2, 1934) jugoslovanskega konkordata, promemorij (1931, 1933) Svetega sedeža na vladna predloga iz leta 1931 in 1933 ter pogajanj (1925, 1933–1935) sledimo spremembam in pogajalski spretnosti ter moči obeh strani, ki se je – v trinajstletnem obdobju – nekoliko prevesila na stran Svetega sedeža. Da je jugoslovanska stran morala popustiti je očitno, če primerjamo podpisani konkordat z jugoslovanskimi konkordatskimi osnutki ter predlogi, tj. enostranskimi načrti, ki so predvideli predvsem več pristojnosti države na »skupnih interesnih področjih«. Precej manjša pa so odstopanja od zahtev Svetega sedeža predstavljenih v času pogajanj leta 1925, zlasti pa v promemorijah Svetega sedeža na jugoslovanska vladna predloga iz leta 1931 in 1933, katerih večina pripomb

je bila nato sprejeta. Vzroke za to gre iskati tudi v zunanjepolitičnih razmerah v tridesetih letih 20. stoletja in usklajevanju konkordata z zakonodajo Srbske pravoslavne cerkve, po drugi strani pa nikakor ne gre prezreti nekaterih dosežkov v prid države, ki jih je dosegel Nikola Moscatello. Vladne zahteve so bile upoštevane v primeru škofovskе prisege kralju, ustanovitve mešane komisije, člena o manjšinah, možnosti ugovora vlade (iz političnih razlogov) na kandidata za škofa ali nadškofa, depolitizaciji aktivne duhovščine in rešitvi vprašanja o glagolici in stari cerkvenoslovanščini v liturgiji.

Analiza členov drugih konkordatov, sklenjenih v istem obdobju, kaže na določene specifike jugoslovanskega predloga (1935). Konkordat pa Katoliški cerkvi v Jugoslaviji ne daje več pravic, kot jih je že imela Srbska pravoslavna cerkev – s to ugotovitvijo se relativizira večji del očitkov kritikov tega sporazuma v času njegove ratifikacije. Z vsebinskega vidika o jugoslovenskem konkordatu torej ni mogoče govoriti kot o unikumu, če tudi je imel nekaj posebnosti, niti o privilegijih, ki jih ne bi uživala nobena druga priznana verska skupnost v prvi Jugoslaviji. Ugotovimo lahko, da z vsebinskega vidika ni bilo utemeljenega razloga za to, da bi določila jugoslovanskega konkordata, priznana KC, upravičeno izvala proteste drugih verskih skupnosti ali drugih akterjev v državi.

V tretjem delu je problematiziran odziv javnosti, vlade in dvora, jugoslovanske škofovskе konference, Svetega sedeža, Srbske pravoslavne cerkve, srbskih opozicijskih strank, nekdanjih HSS in SLS ter Islamske verske skupnosti na sklenjen konkordat. Očitno je bilo, da je tudi Stojadinovićeva vlada bolj ali manj sledila političnim smernicam prejšnjih vlad, ki so v konkordatu videle sredstvo za utrditev notranje in zunanje politike.

Do izbruha protestov proti konkordatu, ki se niso polegli vse do jugoslovanske odpovedi konkordata, je prišlo predvsem zaradi nezadovoljstva opozicijskih strank z notranjo in zunanjo politiko premierja Stojadinovića in priložnosti, ki so jo videli za prevzem oblasti ter občutka zapostavljenosti Srbske

pravoslavne cerkve oziroma ogroženosti s strani Katoliške cerkve. SPC je bila glavni faktor pri organizaciji protikonkordatske borbe (december 1936 – februar 1938) in tudi glavni razlog za vladno odločitev, da konkordat odpove. Njena mobilizacijska in propagandna zmožnost se je za oblasti izkazala kot zelo neugodna, ne bi pa imela takšnega učinka brez povezave z ostalimi političnimi nasprotniki konkordata. Kritiki so se predstavljeni kot zaščitniki državnih interesov in verske enakopravnosti, ki naj bi jo zrušil na novo sklenjen sporazum s Svetim sedežem. Vzroke za neuspeh vladne strani gre iskati v zavlačevanju s procesom ratifikacije in že prej s konkordatskimi pogajanji, nezaupljivosti srbskih pravoslavcev do tujega vmešavanja, zlasti Vatikana, ki jo je še podžgala tajnost pogajanj, in na drugi strani prisotnem strahu katoličanov, da bi vlada izkoristila konkordat za okrepitev režima, ki bi bil nenaklonjen KC in katoličanom, oz. ne bi izpolnjevala svojih obveznosti, določenih v konkordatu, kar je prispevalo k njihovi mlačni podpori ali celo nasprotovanju konkordatu. Večjega vpliva tujih držav ni bilo zaznati, saj so v fazi ratifikacije tega akta nastopale bolj kot opazovalke. Po smrti »botra« konkordata, kralja Aleksandra, je umanjkala močna osebnost, ki bi pomirila strasti in jamčila, da bo sporazum v korist vseh državljanov. Nadalje je za razplet dogodkov pomemben relativen molk škofovsko konferenco v ključnih trenutkih, Stepinčev poziv katoličanom, naj se v konflikt ne vpletajo, nezainteresiranost nekdanje HSS in zmerna distanca nekdanje SLS do konkordata, ki so vladu postavili še v težji položaj. Protesti so se namreč po potrditvi konkordatskega predloga v skupščini 23. julija 1937 in smrti srbskega patriarha Varnave le še zaostrili, zato je bila ratifikacija v senatu po nekajkratnih preložitvah 1. februarja 1938 odpovedana.

SPC je doseгла svoje, medtem ko je bila politična opozicija precej manj zadovoljna z iztekom konkordatske krize, saj se je Stojadinović, vsaj za nekaj mesecev, še obdržal na premierskem stolčku. Sveti sedež in predstavniki Katoliške cerkve v Jugoslaviji so se burno odzvali, zlasti ker je jugoslovanska stran odločitev o

odpovedi konkordata sprejela samovoljno in ker je »pokleknila« pred drugo versko skupnostjo. Slednje vlada sicer ni eksplicitno priznala, raje je kot razlog navedla skrb zbujoče politične razmere v državi, ki bi lahko eskalirale v državljansko vojno. Vlada namreč ni zmogla dobiti bitke tako na političnem kot na verskem polju. Lahko bi rekli, da je konkordat »žrtvoval«, da bi obdržala svoj položaj. Tako se je zgodba o »verjetno najdaljših konkordatskih pogajanjih v analih diplomacije« in prav tako dolgotrajnem poskusu ratifikacije, končala. Kasnejša prizadevanja, da bi se določene določbe iz konkordatskega predloga vendarle uzakonile, so bila v glavnem neuspešna. Prav tako ni prišlo do izboljšanja medverskih odnosov med največjima Cerkvama v državi, ki je bila v času prihajajoče vojne vse bolj obremenjena z notranje- in zunanjepolitičnimi problemi. Konkordat je pokazal na veliko napako jugoslovanskih vlad, ki so se izogibale reševanju mednacionalnih sporov v državi, predvsem izboljšanju srbsko-hrvaških odnosov. Konkordat je tako, namesto da bi prinesel verski mir, spore le še poglobil.

SUMMARY

**THE YUGOSLAV
CONCORDAT**

**PACEM IN *DISCORDIA*
OR THE YUGOSLAV
"KULTURKAMPF"**

The monograph analyses the social, legal, religious, national, and political aspects of the relations between the Catholic Church and the state authorities in the Kingdom of Serbs, Croats and Slovenes/Yugoslavia in the interwar period. The Concordat – the agreement between the Holy See and the state – was the key legal act in this field. In the Yugoslav context this agreement involves certain specifics that encompass and explicitly demonstrate all of the most pressing problems that the Kingdom faced at the level of domestic and foreign policy. The relations between the representatives of the Catholic and Serbian Orthodox Church in Yugoslavia, the Holy See, the political parties, and the state leadership are described through the negotiations, signing, and confirmation of the Concordat in the Assembly as well as its renouncement. In this context the accessible relevant archive sources have been examined in the Vatican Archives, the Historical Archives of the Secretariat of State (Second Section), the Archives of Yugoslavia, the Archives of the Serbian Academy of Science and Arts, the Archdiocesan Archives in Ljubljana, the Regional Archives in Nova Gorica, the Archives of the Republic of Slovenia, the Archdiocesan Archives in Maribor, and the Historical Archives in Celje.

The first part of the monograph contains an analysis of the four basic issues regarding the relations between the Catholic Church and the state and their correlations: 1) political activities of the Catholic movement; 2) relations between religion and the national question; 3) interreligious relations (the case of the relations between the Catholic Church and the Serbian Orthodox Church); and 4) the legal regulation of the relations between the religious communities and the state (the case of the Catholic Church with the emphasis on the Concordat). In Slovenia, until the dissolution of Austro-Hungary and to a certain degree also later – especially on the basis of the still applicable Austrian legislation on religious communities – we can follow a similar trend as in the Central European and partly also the West European countries. On the other hand, Yugoslavia with its three

strong religious communities, dominated by the Serbian Orthodox Church, functioned in a completely different manner. The new state brought about many changes in the field of the relations between religions and nations, to which neither the state system nor the religious communities or representatives of the various nations were able to adapt properly. The multi-layered and conflicting nature of the relations between the ecclesiastical and state authorities was reflected in the frequent "dysfunctionalities" of the state that may have appeared as a single entity during the Concordat negotiations and ratification, though it did not quite operate as such. Namely, despite the heterogeneousness, the national and religious exclusivity prevailed.

In its second part, the book presents the government's reasons for agreeing to the Concordat and the obstacles that it encountered in this regard. These reasons did not change significantly throughout the period of the negotiations and the ratification of the Concordat. We should underline the necessity to unify and consolidate the legislation on the Catholic Church, the wishes of the governments to increase the international reputation of Yugoslavia, the pressure of France and during the signed Concordat Italy as well, and the strengthening of the Catholic Church in the struggle against communism. The main goal was to improve the relations between the state and the Catholic Church, including the immediate positive influence on the resolution of the national question (especially with regard to Croatia). The adoption of the Concordat could also preclude the potential further complaints of the Catholics with regard to the breaches of their religious rights in the international public. Furthermore, based on certain points contained in the Concordat proposal, the government also hoped for a greater independence from the influence of the Apostolic nuncio or the Holy See.

The search for the interference during the Concordat negotiations should focus on the reasons for the long duration of the negotiations as such, characterised by the tactical delays of

the Yugoslav governments; the consequences of the interference and complaints from the Yugoslav episcopate; the supposed opposition of Italy; the Croatian Peasant Party's non-acceptance or indifference towards the Concordat; and the minimal engagement of the Slovenian People's Party. The pressure of the public against the government resulted in the decision of King Alexander to enter into secret negotiations with the Holy See. These negotiations may have fulfilled their primary goal, but the secrecy had a poor effect on the acceptance of the Concordat in the public, with the various political parties, as well as with the Serbian Orthodox Church, even though the latter was informed of the negotiations and the final proposal. The preparations for the conclusion of the Concordat between the Holy See and Yugoslavia began in 1922, while the negotiations started three years later. Despite the obvious differences of opinions, some progress at the negotiations was achieved after the Yugoslav diplomacy had been unsuccessful in its attempts to confuse the other party by delaying the submission of its agreement proposal. However, after the summer break the negotiations failed to continue. The reasons for this should be sought in the Saint Jerome scandal, Radić's rejection of the Concordat and the dispute regarding the Glagolitic script, as well as disagreements over the agrarian reform legislation and later the school legislation. The new governmental Concordat proposal, criticised by the Holy See in its *aide-mémoire*, was drawn up in 1931. The Yugoslav proposal of 1933 did not exhibit any added value. Somewhat surprisingly, King Alexander opted for a non-standard practice of secretly negotiating through an intermediary who was not an established diplomat. Thus the Yugoslav side of the negotiations was represented by Nikola Moscatello, an advisor at the Kingdom of Yugoslavia's embassy to the Holy See, and the negotiations took place directly with the Cardinal Secretary of State Eugenio Pacelli (and initially with Mons. Giuseppe Pizzardo). As an advisor, Nuncio Ermenegildo Pellegrinetti played an important role in the preparation of this act, even though his

involvement in the Concordat was not known to the Yugoslav government. After approximately two years of negotiations, the agreement was signed on 25 July 1935.

By comparing the selected governmental proposals (1925, 1931, 1935) and drafts of the Yugoslav Concordat (1922, 1933/1, 1933/2, 1934), aide-mémoires of the Holy See (1931, 1933) regarding the governmental proposals of 1931 and 1933, and negotiations (1925, 1933–1935), we can follow the changes, negotiation skills, and strength of both sides, which started leaning – in the thirteen years of negotiations – towards the Holy See. If we compare the signed Concordat with the Yugoslav Concordat drafts and proposals – i.e. the unilateral plans that involved, above all, more powers of the state regarding the “areas of common interest” – it becomes obvious that the Yugoslav side had to give in. The deviations from the demands of the Holy See, presented during the negotiations in 1925 and especially in the aide-mémoires of the Holy See regarding the Yugoslav government’s proposals of 1931 and 1933, were far less noticeable, and most of the remarks contained therein were subsequently accepted. The reasons for this should also be sought in the foreign-political circumstances in the 1930s and in the harmonisation of the Concordat with the legislation of the Serbian Orthodox Church; while on the other hand we should by no means overlook certain accomplishments in favour of the Yugoslav state, achieved by Nikola Moscatello. The governmental demands were taken into account with regard to the episcopal oath of allegiance to the King, the establishment of a mixed commission, an article on the minorities, the possibility of the government’s objection (for political reasons) to the candidates for bishops or archbishops, the depoliticisation of the active clergy, and the resolution of the question of the Glagolitic script and Old Church Slavonic language in liturgy.

The analysis of the articles of other Concordats, concluded in the same period, reveals certain specifics of the Yugoslav proposal (1935). On the other hand, the Concordat did not en-

sure more rights to the Catholic Church in Yugoslavia than the Serbian Orthodox Church had already enjoyed, and due to this finding, the majority of the reproaches voiced by the critics of this agreement in the time of its ratification is relativised. In light of its contents, it is not possible to describe the Yugoslav Concordat as unique, even though it did possess certain peculiarities, nor did it involve any privileges that no other recognised religious communities enjoyed in the First Yugoslavia. We can ascertain that as far as the contents were concerned, there were no well-founded reasons for the Yugoslav Concordat's provisions in favour of the Catholic Church to legitimately provoke any protests of the other religious communities or other actors in the state.

The third part of the monograph focuses on the response from the public, government and Royal Court, Yugoslav Episcopal Conference, Holy See, Serbian Orthodox Church, Serbian opposition parties, former Croatian Peasant Party and Slovenian People's Party, and Islamic religious community to the concluded Concordat. Stojadinović's government more or less followed the political guidelines of the previous governments that had seen the Concordat as a means of strengthening the domestic and foreign policy.

The protests against the Concordat, which were not appeased until Yugoslavia renounced it, took place especially due to the dissatisfaction of the opposition parties with the domestic and foreign policy of Prime Minister Stojadinović and the opportunity they saw for the takeover of power; as well as because of the feelings of neglect on the part of the Serbian Orthodox Church or its endangerment by the Catholic Church. The Serbian Orthodox Church was the main factor in the organisation of the anti-Concordat struggle (December 1936 – February 1938) as well as the main reason for the government's decision to renounce the Concordat. Its mobilisation and propaganda capabilities turned out as very inconvenient for the authorities, but it would not have had such an effect without the coopera-

tion of the other political opponents of the Concordat. The critics presented themselves as protectors of the state interests and religious equality, which was supposedly undermined by the newly-concluded agreement with the Holy See. The reasons for the failure of the government should be sought in the delayed process of ratification as well as in the earlier Concordat negotiations, and in the distrust that the members of the Serbian Orthodox Church felt towards foreign involvement, especially the Vatican. This distrust was fuelled even further by the secrecy of the negotiations. On the other hand, the Catholics were concerned that the government could take advantage of the Concordat in order to strengthen the regime unfavourably inclined towards the Catholic Church and its members, or that the government would fail to fulfil its obligations provided for in the Concordat, which contributed to their hesitant support or even opposition to the Concordat. The influence of foreign countries could not be ascertained, as they were mostly observers at this stage of the Concordat's ratification. After the death of King Alexander, the "godfather" of the Concordat, the strong personality who could appease the passions and guarantee that the agreement would benefit all citizens no longer existed. Furthermore, the developments were influenced by the relative silence of the Episcopal Conference in the key moments, Stepinac's appeal to the Catholics to not get involved in the conflict, and the indifference of the former Croatian Peasant Party as well as the moderate distance of the former Slovenian People's Party towards the Concordat. All of this put the government in an even tougher position. As it happened, a night after the Concordat proposal was confirmed in the Assembly on 23 July 1937 the Serbian Patriarch Varnava died, and therefore the protests only intensified. Consequently the ratification in the senate was renounced on 1 February 1938, after several delays.

The Serbian Orthodox Church achieved its goal. Meanwhile, the political opposition was far less content with the outcome of the Concordat crisis, as Stojadinović remained Prime

Minister, at least for a few months. The reaction of the Holy See and the representatives of the Catholic Church in Yugoslavia was harsh, especially as the Yugoslav side adopted the decision on the renouncement of the Concordat arbitrarily as well as subordinated to (another) religious authority. The government did not explicitly admit to the latter: instead it stated that it was concerned that the political circumstances in the state could escalate into a civil war. As it was, the government was unable to win the battle in the political as well as religious field. We could say that it “sacrificed” the Concordat in order to preserve its position. Hence the story of the “probably longest Concordat negotiations in the history of diplomacy” ended after an equally prolonged attempt at the Concordat’s ratification. The subsequent efforts to nevertheless enact certain provisions of the unratified Concordat were mostly unsuccessful. Accordingly, the relations between the different religions and the two largest churches in the state did not improve. On the contrary, in the time of the looming war they became increasingly strained due to the domestic and foreign-political problems. The Concordat revealed a major flaw of the Yugoslav governments that hesitated to address the disputes between the nations in the state and failed, in particular, to improve the Serbian-Croatian relations. Thus the Concordat only deepened the conflicts instead of contributing to religious peace.