

The Concordat with Serbia of 1914 as a Forebearer of Modern Concordats and the Model of Church-State Cooperation

Dušan Rakitić¹

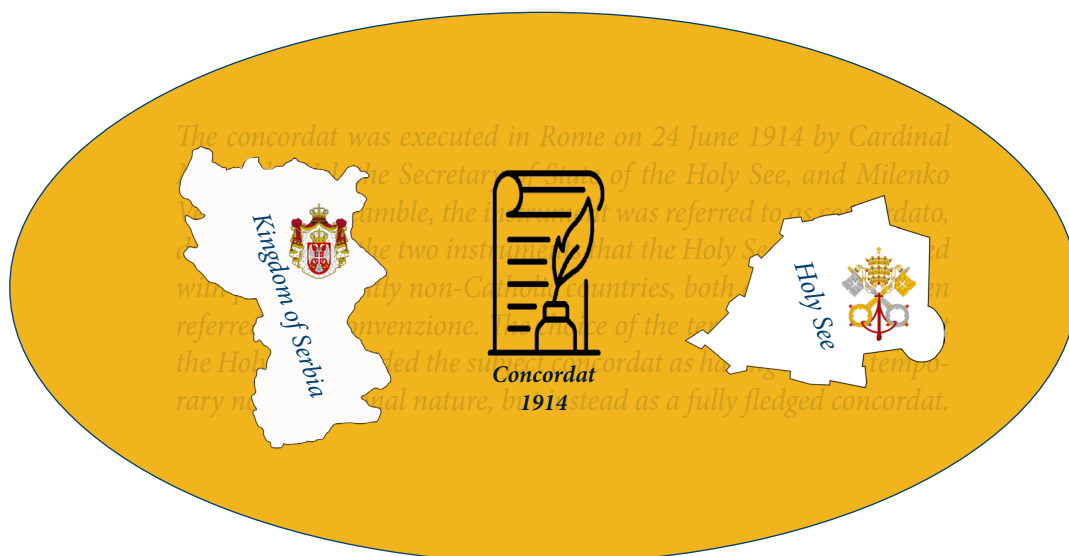
University of Belgrade, Faculty of Law, Belgrade, Serbia

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Abstract: The concordat of 1914 affirmed the Kingdom of Serbia, on the eve of the Great War, as the state with sufficient legal and political capacity to secure equal treatment for its newly acquired Catholic minority population in relation to the Orthodox majority, and consequently, to serve as the pivot of unification of South Slavs irrespective of their religious affiliation. The aim of the paper is to examine the claim that the subject concordat represented the model for the new generation of concordats which came into being after World War I. If that hypothesis proves true, the significance of the subject concordat should be assessed against the backdrop of two facts – the key features of the interwar concordats have continued to permeate the concordats that have been concluded since World War II until the present day, as well as that the subject conceptual approach to concordats, as agreements of two equal counterparties on issues of common interest, made way to the model of Church-state cooperation, which is pervasive in modern-day Europe. The conclusion may further magnify the seminal nature of the concordat concluded with the Kingdom of Serbia in 1914, and, consequently, of its own ancient and rudimentary predecessor, the concordat with the Principality of Montenegro of 1886.

Keywords: Concordat, Kingdom of Serbia, Church-State cooperation, Roman-Catholic Church.

Graphical abstract



¹ Corresponding author: drakitic@ius.bg.ac.rs

INTRODUCTION

The Holy See concluded a concordat with the Kingdom of Serbia right before the outset of World War I. The contents and the wider significance of that instrument have largely remained unnoticed by legal and political historiography. In spite of strong motives of both parties for entering into a concordat, the support of the Kingdom of Italy for that undertaking was material, as a counterbalance to the opposition of Austria-Hungary. For that reason, the subject concordat represents an important milestone in relations between Serbia and Italy. In the history of concordats, it was the third ever concluded with a country with a predominantly Orthodox population – following concordats with the Russian Empire of 1847 and with the Principality of Montenegro of 1886. In that string, it was by far the most elaborate one. It was drafted amidst complex and contentious developments in international politics that preceded World War I, in response to the new reality in the Balkans and South East Europe brought about by the Balkan Wars. Notwithstanding its international context, the content of that instrument seems to deserve particular attention. In this paper, we shall examine the claim that the subject concordat represented the model for the new generation of concordats which came into being after World War I. If that hypothesis proves true, its significance should be assessed against the backdrop of two facts – that post-World War II concordats did not evolve much in comparison with their interwar predecessors, as well as that the principle of Church-state cooperation, which is pervasive in Church-state relations of modern-day Europe, originates from those same interwar concordats.

GENESIS

In 1914, the concordat was not a new subject in relations between the Holy See and Serbia. Over the course of preceding six decades, a string of attempts took place. Those attempts were caused either by changes in international relations in the region, or by changes of policies on the part of Serbia or the Holy See. In the initial decades of that period, an addition in favour of conclusion of a concordat was the project of strengthening the unity of South Slavs, pursued by Joseph George (Josip Juraj) Strossmayer, the Catholic bishop of Bosnia and Sirmium, seated in Djakovo. Bishop Strossmayer sought to implement the opening towards Slavic peoples, promoted by Pope Leo XIII.

Negotiations and signing

The initiative for commencing negotiations on a concordat came from the Holy See in 1912. The diplomacy of the Kingdom of Italy acted as intermediary. The task was conferred upon a priest, Mons. Dionysius Cardon, who was hosted in Belgrade by the Secretary of the Italian Embassy Dionisio De Sarno San Giorgio. Cardon was personally involved in the initial phase, conveying the communications received from the Serbian Government to the Holy See (Pavlović, 1991, pp. 202, 203). In this initial, secret phase of negotiations, the Kingdom of Serbia was represented by Lujo Bakotić, a Serb of Catholic



faith from Šibenik (Sebenico), Dalmatia (Pavlović, 1996, p. 376). In the beginning of 1913, an expert commission of the Government of the Kingdom of Serbia examined the state of negotiations and recommended that the concordat be concluded, pointing out to several potentially contentious issues. The committee relied on the concordat between the Holy See and the Principality of Montenegro of 1886 as the starting point (*Ugovor Svete Stolice i Crnogorske vlade, 1886*; Rigoni, 1976, p. 162). The reasons for the said choice seem evident. Montenegro cherished its Serbian national identity, strived to lead unification of Serbs like Piedmont had led Italians, while its population was predominantly Orthodox. All this, together with strong links between artistic, intellectual, economic and political elites of the two countries, recommended that the concordat that the Montenegrin concordat be replicated in Serbia. Considering the small circle of persons that were involved in the initial negotiations, it is difficult to overlook the fact that Dionisio De Sarno San Giorgio, the Italian diplomat who hosted the secret envoy of the Holy See in Belgrade, had come to Belgrade from Boka Kotorska, where he had spent several years working as a music and opera composer, so that he was surely well informed of the relevant aspects of application of the concordat concluded with the neighboring Montenegro.

The negotiations were kept secret until Milenko Vesnić, as plenipotentiary of the Kingdom of Serbia, arrived in Rome in June 1914 (Pavlović, 1996, pp. 372–376). Vesnić was the Ambassador of Serbia to France. His importance for the foreign policy of the Kingdom of Serbia is evident from the fact that France, together with the Russian Empire, was by far the most important ally of the Kingdom of Serbia at the time.

The concordat was executed in Rome on 24 June 1914 by Cardinal Merry del Val, the Secretary of State of the Holy See, and Milenko Vesnić. In its preamble, the instrument was referred to as *concordato*, differently than the two instruments that the Holy See had concluded with predominantly non-Catholic countries, both of which had been referred to as *convenzione* (*Zakon o konkordatu između Srbije i Svete Stolice u Rimu [ZKSSS], 1914*). The choice of the term clearly shows that the Holy See regarded the subject concordat as having neither temporary nor exceptional nature, but instead as a fully fledged concordat.

Core interests of the contracting parties

The aims that the Kingdom of Serbia sought to fulfil by entering into the concordat were manifold. In respect of the canon law of the Roman Catholic Church, it was essential for Serbia to be excluded from the jurisdiction of the Congregation for the Propagation of the Faith (*Sacra Congregatio de Propaganda Fide*, officialy *Sacra Congregatio Chritiano Nomini Propagando*). The Roman Catholic Church had a duty to proselytize non-Catholics in a territory falling under jurisdiction of that congregation. The said duty certainly contravened the goal of a secular state, such as the contemporaneous Kingdom of Serbia, to provide for harmonious relations between the churches and religious communities in its territory. Starting from the reform promulgated by virtue of the apostolic constitution *Sapienti Consilio* of 1908 (*Constitutio Apostolica Sapienti Consilio, 1909*), the subject congregation was competent for all territories in which *sacra Hierarchia nondum constituta* (“the holy Hierarchy has not yet been established”), and which therefore preserved *status missionis*, i.e. remained subject to missionary activity. Establishment of Church hierarchy



assumed the existence of an episcopal see in the territory. The extraordinary nature of both territories falling under jurisdiction of the Congregation for the Propagation of the Faith and of the powers conferred upon that congregation is evident from the expression used to denote the territories which were exempt from its jurisdiction: *ad ius commune deductas* (“transferred to the common law [of the Church]”).

The end of the First Balkan War brought about inclusion of a territory inhabited by a substantial Catholic population – the so-called *Stara Srbija* (Old Serbia). This in turn magnified and made urgent the need of the Kingdom of Serbia to conclude a concordat. The fact that the newly acquired territory encompassed the episcopal see in Skoplje meant that the formal precondition for the abolishment of the competence of the Congregation for the Propagation of the Faith in respect of the entire Kingdom of Serbia was fulfilled. However, for achieving the optimal level of cooperation between the state and the Roman Catholic Church in the newly acquired territory, conclusion of a concordat was indispensable.

At the time, the relations between the Kingdom of Serbia and Austria-Hungary remained mutually antagonistic. Serbia aspired to be perceived by South Slavs living in Austria-Hungary as their prospective liberator. Entering a concordat would greatly enhance its reputation particularly among South Slav Catholics who did not possess Serbian national identity. It was a time at which national unifications of Italians and Germans represented a recent memory among Serbs, other South Slavs and other Slavic nations, who all wished to follow those two examples.

The inclusion of a substantial number of Catholics in the population of the Kingdom of Serbia required urgent solution of the issue of continuation of the right of protection of Catholics in the territories that had belonged to the Ottoman Empire, which was claimed by Austria-Hungary on the basis of the treaties entered into by the Ottoman Empire. The claim was confirmed by the Treaty of Berlin of 1878, which in Article 37 explicitly imposed upon the Principality of Serbia a duty to recognize such right of Austria-Hungary until new bilateral agreements on the subject matter are concluded (Rakitić, 2017, pp. 258–261). Austria-Hungary abused the subject right to interfere with internal affairs of the Kingdom of Serbia, in particular in the newly acquired territory. The subject right of Austria-Hungary amounted to a limitation of the Kingdom’s sovereignty, making its abolishment essential for the Government of Serbia (Durković-Jakšić, 1990, p. 469).

Austria-Hungary exerted pressure on the Holy See, seeking to have its right of protection of Catholics preserved in the envisaged concordat. Its motives may not be understood by taking into account only the rules of international law, without considering the specific nature of the international legal personality of the Holy See. Since the right that Austria-Hungary was attempting to preserve originated from the treaties it had concluded with the Ottoman Empire, in formal terms it could not have been affected by a treaty between the Kingdom of Serbia and the Holy See. Such interpretation, however, is barred by the specificity of the international legal personality of the Holy See, i.e. by its twofold nature – as the supreme authority of the Roman Catholic Church and the subject of international law. Consequently, if the status of Catholics in a country is regulated by virtue of concordat, any right of protection of Catholics by a third party becomes redundant, or at least accessory to the protection afforded to the Catholics by virtue of the concordat.

In addition, Austria-Hungary lobbied against prescribing or allowing the use of Glagolitic script in Church services (Pavlović, 1996, pp. 372–376). This was because South Slavs of



Catholic faith, Dalmatians and Croats in particular, perceived Glagolitic script as part of their ethnic traditions, being rare exceptions to the official use of Latin. Permission for the use of Glagolitic script in the Catholic Church service would greatly increase the prestige of Serbia among South Slav Catholics.

The pressures by Austria-Hungary remained unsuccessful in respect of both its demands. Its right of protection of Catholics was referred to only in the form of a vague promise of the Holy See to “respect the rights of Austria-Hungary in accordance with canon law,” which was made in a diplomatic note addressed by the Secretary of State of the Holy See to Austria-Hungary after the concordat with Serbia was executed. A copy of that note was handed over to Vesnić. It is evident that no reference to “the rights of Austria-Hungary” was included in the concordat itself. The cited reference made in diplomatic communication between the Holy See and Austria-Hungary appeared to defeat the subject claim by Austria-Hungary, for it pertained to canon law, whereas Austria-Hungary based its claim on international treaty law. The Secretary of State of the Holy See addressed a separate note to the Government of the Kingdom of Serbia on the occasion of signing of the concordat, whereby the use of Old Slavonic language and the Glagolitic script was allowed in liturgy, while the use of Serbian language and Cyrillic script was allowed in other Church rites.

From the perspective of the Holy See, the motives for concluding the concordat with Serbia were numerous, due both to general reasons, as well as to those related to the concrete historical circumstances and Serbia as the counterparty. Each concordat affords the Holy See the power to directly influence the status of hierarchy of the Roman Catholic Church and its members in the respective country, and reaffirms the twofold nature of the Holy See, as the supreme authority of the Roman Catholic Church and a sovereign subject of international law. The outcomes of the Balkan Wars increased the likelihood that the international influence of the Kingdom of Serbia would continue to grow. At the same time, the Kingdom was attaining the highest standards of parliamentarism and democratic governance that existed globally at the time. Both dimensions made Serbia an attractive counterparty for a concordat.

NOVEL AND DISTINCTIVE PROVISIONS

The centrepiece of the concordat is the guarantee of the religious freedom of the “Roman Catholic apostolic faith”, which comprises its “free and public exercise” (ZKSSS, 1914, art. 1). By virtue of one of the interpretative notes that were exchanged upon signing, the plenipotentiary of the Kingdom of Serbia declared that the subject guarantee would be interpreted so as to encompass conversion to the Roman Catholic faith. It should be noted that said interpretation did not abrogate the prohibition of proselytism, which existed in the Constitution of the Kingdom of Serbia that was in force at the time, since proselytism denotes the actions of a cleric instigating conversion, not of the person that is converting.

Over the course of a thousand-year-long history of concordats, the rules on appointment of bishops have remained the essential element thereof. This was true for the concordat of 1914 as well: it contained a stipulation whereby the Holy See was obligated to inform the Government of the Kingdom of Serbia of the identity of the person it intended to appoint for a see, prior to such appointment, in order that it may be seen “whether reasons of po-



litical or private nature exist” which would make the appointment impossible. A similar duty was bestowed upon a bishop in relation to appointment of Serbian citizens for parish clerics, whereas in relation to appointment of foreign citizens, the agreement with the Government of the Kingdom was necessary.

The organization of the Roman Catholic Church in the Kingdom seems to have been agreed upon in consideration of both the tradition of its presence in the past and of material contemporaneous circumstances. Two bishoprics were recognized: the Archdiocese of Belgrade and the Diocese of Skoplje (ZKSSS, art. 2). Both dioceses were explicitly excluded from the competence of the Congregation for the Propagation of the Faith. A bishop needed to obtain a permission from the Government for establishing new parishes (ZKSSS, art. 9), as well as for inviting members of religious orders and congregations to the territory of his diocese. The amount of stipends of Catholic bishops was determined approximately at the level of stipends which the state paid out to Orthodox bishops at the time. The cited norms on the organization of the Roman-Catholic Church in the Kingdom of Serbia represented an expression of sovereignty of the Kingdom vis-à-vis the presence and activity of the Roman Catholic Church in its territory. Considering relevant comparative law of concordats at the time, these norms amounted to the least intrusive interference of the state with the matters of internal organization of the Roman Catholic Church.

The concordat provided for cooperation of the state with the Roman Catholic Church in the area in which such cooperation is pronounced in modern civil societies – the organization of religious education in public schools. The Catholics were afforded the right to attend Catholic religious education in public schools, while the salaries of the teachers of such education were to be paid by the state. The minister of education and the competent bishop needed to agree on the appointment of teachers of religious education. The bishops were authorized to grant and withdraw licenses for teaching religious education in public schools – the so-called *missio canonica* (ZKSSS, art. 10, para. 1). There was no prohibition for the Roman Catholic Church to establish schools, which the state would not be obligated to fund. The plenipotentiary of the Government of Serbia guaranteed, by virtue of a separate note, that the Catholic parish schools existing in the territories that the Kingdom of Serbia acquired during the Balkan Wars would be free to continue to operate, as well as that in such territories religious education in public schools would be taught in a language which the pupils would be able to understand (Rigoni, 1976, p. 168).

Before the concordat, the laws of the Kingdom of Serbia had been recognizing only the validity of interconfessional marriages which had been officiated by an Orthodox cleric. Validity of marriages officiated by Roman-Catholic priests was recognized by virtue of the concordat. Resolution of disputes in relation to such marriages was subjected to mandatory jurisdiction of Roman-Catholic ecclesiastical courts (ZKSSS, art. 13).

Upon request of the Kingdom of Serbia, the Secretary of State of the Holy See issued a separate note, which also formed an integral part of the concordat, declaring the Pope’s willingness to determine in which parishes Old Slavonic language and Glagolitic script could be used in Church service, whereas certain rites, such as baptisms, marriages and funerals, as well as readings of prayers, Apostolic letters and the Gospel could be in Serbian. In addition, printing of a missal in Serbian and in Cyrillic script was also allowed.

The use of the vernacular, as well as of Slavic literary languages, such as Old Slavonic, and of Slavic scripts, in Church rites, ceremonies and services represented a point of conten-



tion of various interests since the second half of the 19th century. From the perspective of the Orthodox Church, such use could have been regarded as an instrument of proselytism in mixed areas. From the perspective of the state, be it Serbia in 1914, or Montenegro in 1886, such stipulations strengthened the perception of the respective state, externally as the flagbearer of spiritual, cultural and political emancipation and unification of South Slavs, and internally, as the legitimate democratic political community of all its citizens. This twofold perspective of the state was particularly pronounced in the case of Serbia in 1914, having in mind, first, that for the first time after the Balkan Wars its population comprised a material percentage of ethnicities other than Serb and religions other than Orthodox, and, second, its ongoing confrontation with Austria-Hungary, in which numerous South Slavs lived.

Certain authors, such as Rigoni (1976), claim that the demands of the Serbian side for inclusion of stipulations on the use of Old Slavonic and Glagolitic script, as well as of Serbian and Cyrillic script, were motivated by the alleged ambition to assimilate the Albanian minority in the newly acquired territories. The said claim does not seem able to hold ground in view of the concordat provision authorizing the Pope to determine in which parishes such use would be allowed, thus ensuring that the use of the said languages and scripts be granted in accordance with the needs of local Church communities, instead for alleged assimilation purposes.

Often what is missing from an instrument, in relation to its customary subject matter, may be more important than what is contained in it. That is certainly the case of the subject concordat. In addition to the right of Austria-Hungary to protect Catholics in the Kingdom of Serbia, the omission whereof has been addressed above, a provision on the oversight of the hierarchy of the Roman Catholic Church by the state is also not present. According to the concordat, the Archbishop of Belgrade and the Bishop of Skoplje depend, in respect of ecclesiastical matters, exclusively on the Holy See (ZKSSS, art. 3). These represent palpable evidence of the ambition of the parties that genuine separation of the state and the Roman Catholic Church, as well as full autonomy of the Roman Catholic Church, be ensured by virtue of the subject concordat.

LEGACY

Within the available jurisprudence on the concordat of 1914, the assessment by La Brière (1938, pp. 412–413), a leading French legal scholar on ecclesiastical law from the first half of the 20th century, stands out by the exceptional importance ascribed to the subject concordat by the author's claim that the concordat was the exact matrix (*l'exacte préfiguration*) for all concordats that were concluded between the two world wars, which was the justification for the inclusion of the subject concordat as an obvious exception in terms of chronology in the analysis of the concordats concluded in the "new Europe", i.e. between the end of World War I and 1938, the year in which he made that analysis. That author emphasized the political motives for the conclusion of the concordat the Kingdom of Serbia acquired upon gaining a substantial Catholic community in the Diocese of Skoplje as a result of the Balkan Wars, including the aspiration to gain approval of that community, as well as to prevent Austria-Hungary from exploiting its religious beliefs against the King-



dom. La Brière noticed that the resemblance of the concordats of the interwar period to the subject concordat existed not only in respect of their contents, but also of the political circumstances which influenced them. According to him, the Kingdom of Serbia accepted the provisions that conformed to the demands of the Catholic canon law and not to the notions of laicism. As the most important aspects of the said alignment, La Brière singled out the recognitions of legal personality of Church entities, of the power of the Holy See to appoint bishops, of the validity of Church marriages, as well as of various exemptions of the clergy from civil, military, fiscal and judicial regulations (clergy privileges). In the conclusion of a series of lectures on the interwar concordats, the same author enumerated these exact stipulations as common features of all interwar concordats, suggesting that such commonality of the interwar concordats meant that a new branch of law – concordat law – was thus born (La Brière, 1938, pp. 463–464).

The identification of the concordat with the Kingdom of Serbia as the matrix for the interwar concordats seems to have been neglected in recent decades. Today, the pioneering role of the concordat with the Kingdom of Serbia is far from being widely recognized. For example, Chamedes (2013, pp. 969, 971) refers to the concordat with Poland of 1925 as “a ground-breaking text, which broadcast a new model for church-state collaboration in domains as varied as education, politics, and organizational”.

La Brière (1938, p. 463) explicitly ascribed exceptional historic importance to the interwar concordats, seemingly because their number and contents affirmed that the author’s interpretation of the nature of the concordats as neither exclusively secular nor exclusively ecclesiastical, but consisting instead of contractual cooperation, so that binding effect was produced at both secular and ecclesiastical levels (La Brière, 1938, pp. 376–380). In view of such understanding of the nature of the new generation of concordats, it may be assumed that La Brière understood concordat law as a hybrid between public and ecclesiastical law. He emphasized the alignment of these concordats with the canon law, in respect of issues such as authority for appointment of bishops, the validity of Church marriages, civil duties of clergymen, etc., noting that such alignment represented a striking departure from the state-centrism which prevailed in concordats of the 19th century (La Brière, 1938, pp. 383–385).

The concordats concluded between two world wars, during the pontificate of Pope Pius XI, were truly numerous – the group included the treaties with Latvia (1922), Bayern (1925), Poland (1925), Lithuania (1927), Romania (1927), Czechoslovakia (1928), Italy (1929), Prussia (1929), Baden (1932), Austria (1933), the German Reich (1933), as well as the signed, but not ratified concordat with Yugoslavia (1935). The existence of the pronounced wave of interwar concordats is obvious and well recognized by the scholars. The interpretation of reasons and motives behind it, besides the obvious fact that new states appeared as a result of World War I, while some existing states were substantially transformed, differ greatly. For La Brière (1938, p. 382), by entering into the subject concordats with the Holy See, the states of the “new Europe” sought to secure religious and societal peace and “sustainable political future”.

In Coppa’s opinion (2013, p. 91), Pius XI regarded concordats as “the best means of assuring the liberty of the Church [...] especially in Central Europe which after the war was a graveyard of the dynasties the Vatican had formerly relied upon”. As pointed out by Chamedes (2013, p. 970), the containment of Soviet influence surely was an important



motive of both the Holy See and the newly formed states in Eastern Europe, in view of the grave threat that communism posed both to democratic governance and to religion. There are authors like Chamedes (2013, pp. 963–964), who view the interwar concordats as the instrument to which the Holy See resorted in order to thwart the spread of the idea of church-state separation and to enable “church’s deeper penetration in European social and political affairs”. According to the same author (2019, p. 194), World War I was a “turning point” for the Holy See, since it “led Vatican to present itself as a champion of an anti-liberal and anti-socialist post-war order, in both Eastern and Western Europe. Over and against the legal internationalism of the League of Nations and the innovative civil society work of the Communist International, the Vatican had propped itself up as a Catholic International, with a legal and cultural strategy of its own”. The cited reference to “innovative civil society work of the Communist International” presents an example of deep ideological divides that hamper the analysis of motives and actions of the Roman Catholic Church.

The contents of the interwar concordats could not have remained uniform, of course. The example of the Lateran pacts, concluded between the Holy See and the Kingdom of Italy in 1929, offers a basis for the claim that the Holy See did in fact strive to promote a uniform model of concordats to the largest possible extent. Its relations with Italy at the time were burdened by extremely idiosyncratic issues, which were, *inter alia*, the consequence of the geographical position of Vatican and the legacy of the Papal States. If a concordat was to be concluded with Italy, those peculiar issues had to be addressed. Hence, a total of three instruments were signed – a treaty, a concordat, and minutes of the signing thereof. While the subject matter of the concordat predominantly conformed to the customary contents of such instruments, the treaty tackled the idiosyncrasies, ranging from the recognition of the sovereignty of the Holy See in international relations and the guarantee of public access to St. Peter’s Square by the Holy See, to the detailed regulation of extra-territoriality of a number of properties of the Holy See outside the Vatican and the liquidation of financial claims of the Holy See that had been based on the abolishment of the Papal States (*Inter Sanctam Sedem et Italiae Regnum Conventiones*, 1929). The treaty, however, included a stipulation which pertained to the customary concordat subject matter, albeit with noticeably exceptional substance: Italy “recognizes the principle set forth in Article 1 of the Constitution of the Kingdom of 4 March 1848, whereby the Catholic, Apostolic and Roman religion is the sole religion of the State” (*Inter Sanctam Sedem et Italiae Regnum Conventiones*, 1929, art. 1). It seems that the fact that such proclamation of Catholicism as the state religion could not be replicated in the majority of other national environments was the reason why it was included in the special treaty instead in the concordat. The latter did include stipulations that were common to other contemporaneous concordats, such as the guarantee of the free exercise of spiritual authority, which seems superfluous in view of the aforementioned proclamation of Catholicism as state religion (*Inter Sanctam Sedem et Italiae Regnum Conventiones*, 1929, art. 1). The uniformity of the subject matter of the concordat, which formed part of the Lateran Pacts, was thus preserved.

In spite of their numerosity, as well as of plurality of possible, probable and evident motives and reasons for conclusion thereof, the interwar concordats faced substantial difficulties in practice. In 1938, only five years after the conclusion of the concordat with the German Reich, La Brière (1938, pp. 463, 442–443) referred to that treaty as a “failure”, in view of



its violations by the Nazi regime in respect of the Catholic Action, confessional schools, etc. Such developments transpired in spite of the notional advantageousness of the subject concordat for the Holy See, as well as of the concession made by the Holy See that clergy may not take part in politics (La Brière, 1938, pp. 140–141). Some authors suggest that the Holy See sacrificed the Center Party, a major political party representing Catholics in Germany, in exchange for the concordat of 1933 (Carrol, 1999). Though involvement in the dissolution of that party was denied Cardinal Pacelli, the State Secretary of the Holy See, and other key persons (Biesinger, 1999, pp. 134–136), that rather unexpected development in the final phase of the negotiations cleared the way for the acceptance of the Hitler's request that the clergy be excluded from politics (Sollemnis Conventio Inter Sanctam Sedem et Germanicam Rem Publicam, 1933, art. 32). It may be argued that the issue of the said compromise may seem irrelevant in view of the fact that the concordat itself was concluded under the threat of Nazi persecution of Catholics in Germany (Biesinger, 1999, pp. 140–149; Patch, 2010, p. 404). Tensions were pronounced between Poland and the Holy See over the state's exercise of the veto to the appointment of bishops, as well as over the support that the Holy See provided for proselytism in respect of the Orthodox minority in Poland (Pease, 1991, pp. 525–527). In Italy, a conflict between the Church and the state emerged after the conclusion of the Lateran Treaties of 1929 over the permitted scope of activity of the Catholic Action associations. The open conflict ended with a compromise, contained in the Catholic Action accords of 1931, but the antagonism between the Church and the Mussolini regime continued (Wolf, 1980, pp. 12–20).

CONCLUSIONS

The concordat of 1914 affirmed the Kingdom of Serbia, on the eve of the Great War, as the state with sufficient legal and political capacity to secure equal treatment for its newly acquired Catholic minority population in relation to the Orthodox majority, and, consequently, to serve as the pivot of unification of South Slavs irrespective of their religious affiliation. That instrument, however, seems to have had a much greater global historical importance.

The claim that the concordat between the Holy See and the Kingdom of Serbia served as the model after which numerous concordats of the interwar period were drafted, although convincing, remains largely unknown by legal scholars and historians. The said precedence is all the more significant in light of the fact that the interwar concordats represented a turning point in the history of Church-state relations in Europe and, consequently, on the global level. The change had several facets, all of which were interrelated. In order that key requirements of canon law, pertaining to the issues in which the state had an interest as well, could be respected by the state, the Church and the state had to conclude a concordat as equal counterparties, which was in turn possible only if the state was separate from the Church, and if the Church hierarchy in the territory of the state was autonomous from public authorities. As was the case of the Kingdom of Serbia, this approach enabled conclusion of concordats with countries in Eastern Europe in which the Orthodox were either a majority, or a significant minority.



The key features of the interwar concordats have continued to permeate the concordats that have been concluded since World War II until the present day. Conformity of these features with the values of democracy and pluralism has thus been made irrefutable by the course of history. The subject conceptual approach to concordats, as agreements of two equal counterparties on issues of common interest, made way to the model of Church-state cooperation, which is pervasive in modern-day Europe. These perspectives further magnify the seminal nature of the concordat concluded with the Kingdom of Serbia in 1914, and, consequently, of its own ancient and rudimentary predecessor, the concordat with the Principality of Montenegro of 1886.

It is paradoxical that the proposed importance of the concordat between the Holy See and the Kingdom of Serbia seems to be in inverse proportion to its formally short period of validity and lack of application, both of which did not result from the will of the parties but from the outset of the Great War, as well as from the ensuing unification of the South Slavs.

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