

**Tretera, Jiří Rajmund – Horák, Zábaj. Religion and Law in the Czech Republic. Alphen aan den Rijn: Wolters Kluwer, 2014. 128 pp.**

It is indisputable that the development in the countries of Central and Eastern Europe, after they had been freed from the rule of the imposed Marxist-Leninist ideological monopoly, incited the interest of the public, both in Europe and worldwide. This applies to many fields of life in said countries, including the relationships between church and state, as well as the legal regulation of these relationships. However, (like in other fields) there is a language barrier, which is also the case with the Czech language; after all, as a saying reads: “bohemia non leguntur”. In such conditions it is beneficial that the work on a treatise on the state law on churches in the Czech Republic is assumed by authors who make an effort to give those who are interested insight into the topic in languages comprehensible to a wide audience. In 2005, it was a work in Spanish by Alfonso Riobó Serván, called ‘El derecho de libertad religiosa en la República Checa y en la República Eslovaca’. Further, a person interested in said issue could read about it in Italian in a book by Antonello De Oto of 2012, called ‘Diritto e religione nell’Europa di mezzo: la Repubblica Ceca’. As for the German language, there are two publications, extensive in a way: The first one was a title called ‘Tschechien’, compiled by Jiří Rajmund Tretera and Wolfgang Wieshaider, the co-ordinators, within the edition ‘Recht und Religion in Mittel- und Osteuropa’ published in Vienna; the other one, a monograph by Stanislav Přibyl called ‘Tschechisches Staatskirchenrecht nach 1989’, was published in Brno in 2010.

However, there is no doubt that it is the English mutation that will address by far the widest audience. It is a book by Jiří Rajmund Tretera and Zábaj Horák called ‘Religion and Law in the Czech Republic’, published by Wolters Kluwer, a Dutch publishing house, which serves this purpose well. The book is a part of an extensive project called ‘International Encyclopaedia of Law’, which covers the majority of both branches of law and countries of the world. It is one of the books published within the framework of said encyclopaedia, namely of its ‘Religion’ line, edited by Professor Rik Torfs of Leuven. This is a feature in which it resembles the aforementioned work called ‘Tschechien’, published in an edition line of the University of Vienna. The parallel also lies in the fact that such editorial deeds create a structure which must be respected by authors or compilers, and which makes it possible to compare/contrast systems in individual countries dealt with in other books within the same project.

It would not make any sense to examine the state law on churches in the Czech Republic from the very beginning, before an interested person familiarised himself with the overall circumstances in the Czech Republic, i.e. with geographical, constitutional, and legislative (the authors suitably cite the preamble of the Constitution of the Czech Republic) circumstances first, and only then with religious circumstances. To illustrate the religious circumstances the authors use the data from the latest census (of 2011), as well as more detailed information regarding the confession of faith of individuals who claim allegiance to individual churches and religious societies. In connection therewith they present a list of all such entities recognised in the Czech Republic, however, only those recognised prior to the date of the publication of the book. In recent years the development regarding the registration of new churches and religious societies was so rapid that even the information about 36 entities could not have been up to date, because in the meantime two further entities were registered, namely the Church OASIS (Církev Oáza of the Nigerian missionary Festus Nshoa) and the Community of Josef Zezulka (Společenství Josefa Zezulky). Then, the authors depict the historical circumstances of the relationship between the church and state in the Czech territory ranging from the Middle Ages to the present, a step without which the current state of affairs and legislation would not be comprehensible. The authors are highly critical of the two totalitarian regimes of the 20<sup>th</sup> century and their approaches to churches, i.e. the period of the German protectorate and the time of the rule of the communist regime. The historical overview is rounded off with the adoption of Act No. 428/2012 Sb., on property settlement with churches and religious societies.

Further, the authors familiarise the reader with the constitutional grounds of religious freedom in the Czech Republic, as well as with broad legislation that concerns the status and activity of

churches whatsoever. Quite logically they do divide the system of legal regulation in the field of religious freedom into individual rights of the religious and collective rights of entities in which the religious associate. Before they deal with particular individual rights, they first present general characteristics of individual religious freedom, whereas they in particular mention the issue of religious freedom in relation to children, the international regulation of which is relied on by Act No. 3/2002 Sb. The particular individual rights comprise, according to the authors, the right to opt for entering the ministry or religious orders and congregations, the right not to profess any religion, the right to spiritual care in institutions where the access to proper spiritual care is restricted, and the right to conscientious objection; there is also the issue of the ritual slaughter of animals.

As for collective religious freedom, the authors look into the process of the registration of churches and religious societies quite extensively, and they compare the currently effective regulation under Act No. 3/2002 Sb. with the previous, unsatisfactory legal situation. As far as contractual aspects of the relationship between the state and churches are concerned, the authors found it necessary to preprend the previous historical development of contractual, or rather concordat, law in the Czech territory to the presentation of agreements on spiritual care in the army and in prison services. It is significant that the authors resisted the temptation to complain before foreign readers about certain cases of the unresponsiveness of Czech political representations, as it is shown, for example, in a passage on the failure of the ratification of a concordat agreement between the Czech Republic and the Holy See. The readers will certainly be interested in key aspects concerning the religious belief of citizens, which remained, due to exhausting debates on restitutions of the property of churches, basically unnoticed in our country, which are, however, more and more topical in today's society. They comprise, for example, employment issues, protection of privacy and personal data, prohibition of discrimination, etc. Here, the authors surely followed the structure presented by the leaders of the edition project; however, it would be right if also in the Czech Republic the status of churches and of the religious was regarded from these more current perspectives, which correspond to the circumstances of developed democratic societies in the 21<sup>st</sup> century. From this point of view, it is also logical that the topic of the financing of churches and religious societies is given less space than, for example, the issue of education, or rather religious education.

The book by J. R. Tretera and Z. Horák in the English language thus moves the mode of the presentation of the Czech state law on churches to a higher level in terms of quality, compared to the so far rather one-sided view. The relevance of the restitution issue might weaken gradually in favour of challenges which must nowadays be faced by churches in both a European and a world context. In this sense, the book "Religion and Law in the Czech Republic" may be welcome as a contribution to setting a more topical paradigm than the one so far typical in our country.

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