

Tretera, Jiří Rajmund - Horák, Záboj. Konfesní právo. Praha: Leges, 2015, 414 s.

Book under review provides an overview of Czech state ecclesiastical law, trying to capture this broad issue in all its complexity and comprehensiveness. In the introduction the authors emphasize that state ecclesiastical law is a section of state law, different from canon law governing the internal legal order of religious communities and composed of their own regulations. The text is very comprehensible. First, a basic outline of individual issues is provided, followed by further reading printed in smaller letters. Here the reader can find examples, individual explanations, quotes from some longer statutes and both international and national-level treaties, as well as opinions of the authors. The book is divided into five parts, divided into chapters.

Part one is entitled “Basic Concepts of State Ecclesiastical Law” (pp. 19–74) and dedicated to interpreting them in a global perspective, as state ecclesiastical law is one of the less accentuated legal branches. It is also focused on detailed definition of basic terminology related to the subject. The authors start by specifying the content and concept of state ecclesiastical law, first in general terms, then at national and international level as well as within the system of legal sciences. They also deal with religious communities, their different names, concordat law and state ecclesiastical law systems. Models of confessional legislation are classified into three groups: a) a model with mainly individualised arrangements, focusing on individual confessions and faiths and taking into account their specific features without being discriminatory; this model was used in the Czech lands until 1948, although not without exceptions; b) a model with generalised arrangements, focusing comprehensively on all faiths, which is used today; and c) a model with mixed arrangements that had been applied in our country from 1949 until 1991 when democratic church laws were adopted (Act. No. 308/1991 Sb., and then Act. No. 3/2002 Sb., as amended). Subsequently, the authors put their focus on analysis and development of the science of state ecclesiastical law in the Czech lands since enlightened absolutism to present day. At the end of this part the reader can find an overview of the most important state ecclesiastical law treatises in Europe that can be used to study this issue further.

Part two, “Contemporary Czech State Ecclesiastical Law, General Part” (pp. 75–178), starts by sources of Czech state ecclesiastical law, first at the constitutional level, then from the perspective of international treaties. Then attention is also paid to Czech laws and regulations governing state ecclesiastical law. Subsequently the authors deal with national agreements between public authorities and religious communities and their associations. Attention is also paid to the issue of individual religious freedom, first in general terms and then in various specific cases (e.g. the right to choose a status of priest or monas order). The text then turns to issues of collective religious freedom, organisational religious freedom and contractual religious freedom. The reader is acquainted with the issue of legal status of religious communities in the Czech Republic and with the overall system of state administration of these communities in all its complexity. At the end of this part the reader can find figures on religiosity in the Czech lands.

Part three entitled “Contemporary Czech State Ecclesiastical Law, Special Part” (pp. 179–262) is, together with the former part two, the core of the entire monograph. First, the authors analyse the relationship between religion and its projection into the educational process of individuals – in kindergartens, then at the level of primary, secondary, higher, and university education. The reader is also familiarised with the possibilities (i.e. rights) of an individual who is a member of armed forces in terms of implementation of his or her constitutional right to freedom of religion. This right also applies to people in prison, in custody, and in safety detention institutions. A separate set of issues related to the implementation of this right includes spiritual assistance with post-traumatic care for victims of crimes and disasters, as well as with provision of healthcare and social care. Further section of this part deals with the relationship between religion and family while paying attention to the contacts between state legal system and legal systems of religious communities, when there is freedom of choice of a public or religious authority to perform the wedding. The relationship between

religion and criminal law, law on misdemeanours and procedural law, including the issue of confessional secret, is also discussed in this part. It concludes by focussing mainly on analysis of religious communities funding and on reflection of religion in media and in culture of the entire society. There is also an overview of funeral and cemetery law as a short excursion into this administrative sector.

Part four is called “Overview of State Ecclesiastical Law in Other Countries of Europe and America” (pp. 263–265). The text here should serve as a background for understanding contemporary state ecclesiastical law arrangements in our country and briefly outline similar arrangement in countries Czech citizens come into contact with most often. Part five, “Czech State Ecclesiastical Law in the Past” (p. 281–375) maps in detail the history of Czech ecclesiastical law development from the beginnings of Czech statehood in the ninth century to the present day. This part also mentions all the most important events that determined this development (e.g. the Hussite revolution). The publication includes a comprehensive list of references, list of abbreviations, and indices of terms and names. The book also features a short English summary.

Readers are therefore provided with robust insight into the entire range of issues that this area of law encounters and addresses. Also, for the sake of comparison, this book briefly outlines this issue in other European countries and in America. State ecclesiastical law as a teaching subject was restored at the Charles University Law Faculty along with church law after a forty-year break in 1990, as a separate subject it has been taught since 1997. This comprehensive publication will be helpful not only to law faculty students in their studies, but will undoubtedly find wide audience in among readers in general. Clear and concise text can be also beneficial for state authorities that encounter these issues in their work.

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