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"Konfesní právo", Jiří Rajmund
Tretera, Zábój Horák, Praha 2015 ;
"Církevní právo", Jiří Rajmund
Tretera, Zábój Horák, Praha 2016 :
[recenzja]

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Jiří Rajmund Tretera, Záboj Horák,
Konfesní právo 416 pp.
Praha: Leges, 2015

Jiří Rajmund Tretera, Záboj Horák,
Církevní právo 424 pp.
Praha: Leges, 2016

Religion law is a subject that was not taught in Czechoslovakia during the forty years of the totalitarian communist regime (1948–1989), the science of religion law could not be developed. Relations between the state and religious communities were blocked and these communities were subject to ubiquitous surveillance of state and police authorities. After 1989, relations between public authorities and religious communities could be freely developed and religion law began to be taught at schools of law (as well as theology).

Jiří Rajmund Tretera, a Dominican priest, is a restorer of religion law. Since 1990, he has been teaching legal history as well as religion and church law at the School of Law of the Charles University in Prague. The results of his teaching experience in the field of religion law were first recorded in his book *Konfesní právo a církevní právo* [Religion Law and Church Law] issued by the Jan Krigl publishing house in Prague in 1997. Meanwhile, there was gradual development of religion law regulation in the Czech Republic and another book by Jiří Rajmund Tretera was published by the Carmelite Publishing House in Kostelní Vydří in 2002, entitled *Stát a církve v České republice* [State and Churches in the Czech Republic].

The reviewed book *Konfesní právo* [Religion Law] is a new monograph, which the Author wrote together with his colleague and student, Associate Professor Zábaj Horák of the School of Law of the Charles University in Prague. It was published by the Leges Publishing House in Prague at the end of 2015. It is the most complex and ambitious publication regarding religious law in the Czech Republic. At first, the Authors present fundamental knowledge of legal basics of relationship between the state and religious communities, they also illustrate elementary terms necessary to understand facts related to religious law and introduce models of relations of the state and religious communities in some European states.

The Authors divided the text regarding religious law into two sections, that is a general and a special one. The general section contains foundations of legal regulation of individual and organizational religious freedom, including the process of registration of religious communities. It should be emphasized that many books and journals have been published in the Czech Republic since the religious freedom was regained, the Authors reflect and quote them. They also refer to the work of foreign authors in connection with religious law amendments and more fundamental questions. It is significant that the Authors do not present the issue of ecclesiastical property, financing and restitution, in the Czech Republic solved by Act No. 428/2012 Sb., as almost the only aspect of relation between the state and religious communities.

The special section of the book represents the most diverse areas of life of the society where public power interacts with religious communities for the benefit of citizens, including those who do not adhere to religion: education, church schooling, armed forces, prison, social and health care, place of work, family, marriage, asylum policies, etc.

It is quite unique to include a chapter on the historical development of Czech religious law to the very end of the publication. It is clear that historical events and facts are also reflected in recent legislation, so that the interpretation of history represents in some way a summary and partly a justification of existence of some legal institutes of religious law as they are currently regulated in the Czech Republic.

Soon, both authors presented the publication *Církevní právo* [Church Law] to students as well as to the general public, published at the end of 2016 also by the Leges Publishing House, which is, in some sense, a continuation of the book on religious law, so that it is possible to speak of a two-part work. The Authors do not automatically assume knowledge of facts regarding churches and explain them in a clear way. Without their elementary knowledge, the interpretation of church law does not make sense. Perhaps only if the target group of readers were only students of theology obliged to attend courses of church law, the foresight in ecclesial issues would be assumed. However, targeting the widest range of readership requires pedagogical approach chosen by the Authors.

In their publication, the authors deal with a field that was traditionally a compulsory part of studying of law in the Czech lands until the communist coup in 1948. But from that year until the end of 1989, due to disfavor of the communist totalitarian and atheistic regime, it was excluded from study programs of schools of law. Students could only hear about it briefly during lectures on the Czech and world history of the state and law.

The initial situation of authors is therefore different from teachers of other areas of historical and effective law. Thus the book *Církevní právo* [Church Law] is more innovative. It follows the mentioned book *Konfesní právo a církevní právo* [Religion Law and Church Law], which was published 20 years ago though. Meanwhile, there have been both partial changes in church law regulation in force and, above all, deepening of the knowledge and pedagogical methods used by the authors. In the Czech Republic, probably solely a book written by professor of the School of Catholic Theology of the Charles University in Prague, Antonín Ignác Hrdina, entitled *Kanonické právo* [Canon Law, second edition published in 2011] is thematically comparable to this publication, but it is intended primarily for students of theology and, moreover, only deals with church law of the Catholic Church.

In the first part of the book *Církevní právo* [Church Law], the authors familiarize readers with basic terminology regarding churches, church law, and the relationship of church law to religion law.

The second part of the book, the most extensive one, deals with canon law of the Catholic Church. The Catholic Church is—despite common notions—the most numerous and historically as well as currently the most important of all religious communities in the Czech Republic. The authors first introduce readers into history of sources of canon law, but this is only the starting point for a detailed description of contemporary regulation. Current regulation, in particular interpretation of applicable provisions of the Code of Canon Law of 1983 (CIC/1983) and the Code of Canons of the Eastern Churches of 1990 (CCEO), form the core of the entire book. Emphasis is placed on the law of the Latin (Roman Catholic) Church.

However, the Authors aimed to familiarize readers not only with canon law of the Catholic Church, but also with legal systems of non-Catholic churches, whether Protestant, Eastern Orthodox, or Old Oriental Churches, which are discussed in the third part. This part is less extensive and therefore selective. The criterion here is the presence and importance of these churches in the Czech lands.

The Authors accommodate the readers and offer further literature on individual topics, the Czech literature is naturally presented more completely. They consistently take care of specialized terminology, terms in Latin as the official language of the Church and, moreover, in English as the most widely spoken language in the world are included.

For the thoroughness of the work, topicality of the subject, clarity of presentation, and necessity of both publications, it is possible to speak of a certain milestone, by which the Authors set an indispensable standard for other Czech publications in the fields of religious and church law.

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