

# Piotr Kroczek

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"Prawna ochrona wolności sumienia  
i wyznania", Rafał Paprzycki,  
Warszawa 2015 : [recenzja]

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Philosophy and Canon Law 3, 285-287

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Tekst jest udostępniony do wykorzystania w ramach  
dozwolonego użytku.

Rafał Paprzycki, *Prawna ochrona wolności sumienia i wyznania*, 134 pp.  
Warszawa: Wydawnictwo C.H. Beck, 2015

The relationship between the Church or other religious organizations on the one hand and states on the other is a very sensitive subject. Part of the relation involves issues of religious freedom and freedom of conscience. It is not only theoretical but also a practical problem. The literature on the subject is extensive and keeps increasing in number. It is a sign that the problem is a very current one.

In this perspective, one can see the book by Rafał Paprzycki, who is a Doctor of Law and a judge in the common court. His work is entitled *Prawna ochrona wolności sumienia i wyznania* [*Legal protection of freedom of conscience and religion*]. The book was published by a renowned and acclaimed publisher of legal books, that is, Wydawnictwo C.H. Beck, in the series “Monografie prawnicze” [Legal monographs]. The fact allows the readers to expect high level of competences from the author and high standards of edition. In this review, one can find the discussion about both elements.

At the beginning of the book, one can find some typical elements of a monography: an introduction, a list of abbreviations, a list of literature on the subject, and a list of judicatures. The book consists of five chapters. The first chapter deals with religion as a social phenomenon. It presents some definitions of religion and main theories about this phenomenon in social and individual dimension. The Author describes some current tendencies, such as privatization of religion, that is, pulling it back to the private sphere of lives of the believers, and a trend of creating small religious organizations and simultaneously diminishing big, old churches. The second chapter describes denominational law as a function of a state policy. Typical models of the church-state relations are presented and

exemplified. The Author limited his lectures mainly to the European countries. The third chapter, which is a theoretical one, presents the fundamentals, notion, range, and limits of the freedom of conscience and religion. The author defines the key terms like conscience and religion, and describes the personal subject range of the freedom of conscience and religion. The sources for deliberations are laws and views of scholars. The Author also expresses his opinions. The next chapter refers to the freedoms in question but in the perspective of judicature, mainly of the European Court of Human Rights. In this part the Author presents practical application of the laws about the freedoms. In the fifth which is the last chapter, one can find presentation of the criminal law protection in Polish law for the freedom of conscience and religion, like discrimination, defamation of religious feelings, prevention from carrying out one's religious acts. The book ends with the conclusion and the subject index. Referring to the arrangement of the book I can say that it is a very good example of a fine planning and execution. The subject matters are logically connected.

As the Author wrote in the Foreword [*Wstęp*], the book is an interdisciplinary one. Apart from legal issues, it makes references to sociological, historical, and political sciences. They might be helpful for carrying consideration in legal matters. Such a solution should be considered very modern and should win the readers' approval.

The sources for the author's deliberations are varied. As regards legal aspects, they are mainly international laws, UE laws, and Polish laws. The Author also refers to the judicatures of the European Court of Human Rights, Polish Constitutional Tribunal, The Supreme Court of Poland, as well as Polish common courts and administrative courts. For referring to part of the book that treats about religion the Author refers to the documents of the Second Vatican Council and other documents of the Catholic Church. The author made a thorough research on the literature on the subject and relevant commentaries. However, it covers mainly Polish literature on the subject and, to a small degree, English-language literature. Yet I can say there are no gaps to be filled.

Nevertheless, the book does not bring any crucial novelty to the subject. The author is aware of it and states in the Foreword that "no new continents were discovered." Still, the book presents a detailed elaboration of the subject. The references to the sources and literature can be of help for the readers to get familiar with the state of the art and the current scientific knowledge.

A considerable advantage of the book is its interdisciplinary character, which is often overlooked by the scholars who deal with the subject. There are many examples that show the author is an erudite. He makes specific references to philosophy, movies, statistics, politics, and current affairs. One can say that the book by Paprzycki is a thoroughly and duly written work. This monograph can be recommended to the students of law and to the lawyers who professionally deal with the matter of religious freedom.

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As far as the editorial aspect of the book is concerned, I regret to say that the book is not a well published one. The font size seems too small to enjoy a comfortable reading, whereas. In the Foreword it is even smaller, which, all in all, may discourage potential readers. Fortunately, for those unwilling to make such an effort and read through the paper version, there is available an electronic one on offer.

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