

STATE RECOGNITION OF CHURCHES AND RELIGIOUS SOCIETIES AS A TEST OF RELIGIOSITY IN THE CZECH REPUBLIC

PAŃSTWOWE UZNANIE KOŚCIOŁÓW I ZWIĄZKÓW WYZNANIOWYCH JAKO TEST RELIGIJNOŚCI W REPUBLICIE CZESKIEJ

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Abstract

The study first provides a historical overview of the state recognition of churches and religious societies in the territory of the Czech Republic today. The 1874 Austrian law had its role in the recognition of new churches and religious societies also during the First Czechoslovak Republic, when the two largest non-Catholic churches in the present-day Czech Republic, the Evangelical Church of Czech Brethren and the Czechoslovak Hussite Church, were also recognised on the basis of that law. It was not until the communist regime abrogated the Austrian legislation still in force in 1949 that the totalitarian state could arbitrarily approve or, on the contrary, stop the activities of some churches. The 1991 Law on Freedom of Religious Belief and the Status of Churches and Religious Societies reintroduced legal administrative procedures for the registration of churches and religious societies in Czechoslovakia. Unlike in the Czech Republic, this law remains in force in the Slovak Republic. The new 2002 Czech Act on Churches and Religious Societies opened the way to official registration for smaller religious associations thanks to a two-stage registration system, as only 300 signatures of persons claiming membership in a church or religious society are needed to start the registration procedure. However, these entities cannot yet, in particular, conclude marriages with civil effects, teach religion in state schools, establish church schools

financed from public budgets, or operate in the military and prison system. Moreover, they are not financed from the state budget, as this right of churches was abolished by the 2012 Law on Property Settlement with Churches and Religious Societies. To be able to enter the public sphere in these ways, registered churches and religious societies need to obtain authorisation to exercise these special rights, which is the second stage of registration for newly recognised entities, achievable after ten years at the earliest and after obtaining a membership of approximately ten thousand. In total, 23 new churches and religious societies have already been successfully registered in the Czech Republic under the current legislation at the first stage, although none of them has achieved the required accreditation to exercise special rights. However, the diversity of the churches and religious societies registered so far shows that beneath the apparently agnostic surface there is a continuing interest in religiosity among the Czech population, albeit rather distant from the traditional established churches.

Keywords: Churches and religious societies, registration, special rights, censorship, Christianity, Buddhism, Islam, Ministry of Culture, Czech Republic, law, treaties, religiosity

Abstrakt

Opracowanie przedstawia najpierw historyczny przegląd uznawania przez państwo kościołów i związków wyznaniowych na terytorium dzisiejszej Republiki Czeskiej. Austriacka ustawa z 1874 r. odegrała swoją rolę w uznawaniu nowych kościołów i związków wyznaniowych również w okresie Pierwszej Republiki Czechosłowackiej, kiedy to dwa największe niekatolickie kościoły w dzisiejszej Republice Czeskiej, Ewangelicki Kościół Braci Czeskich i Czechosłowacki Kościół Husycki, również zostały uznane na podstawie tej ustawy. Dopiero gdy reżim komunistyczny uchylił austriackie ustawodawstwo obowiązujące jeszcze w 1949 r., państwo totalitarne mogło arbitralnie zatwierdzać lub, wręcz przeciwnie, wstrzymywać działalność niektórych kościołów. Ustawa o wolności wyznania i statusie kościołów i związków wyznaniowych z 1991 r. ponownie wprowadziła prawne procedury administracyjne dotyczące rejestracji kościołów i związków wyznaniowych w Czechosłowacji. W przeciwieństwie do Republiki Czeskiej, prawo to pozostaje w mocy w Republice Słowackiej. Nowa czeska ustawa o kościołach i związkach wyznaniowych z 2002 r. otworzyła drogę do oficjalnej rejestracji dla mniejszych stowarzyszeń religijnych dzięki dwustopniowemu systemowi rejestracji, ponieważ do rozpoczęcia procedury rejestracji potrzeba tylko 300 podpisów osób deklarujących członkostwo w kościele lub związku wyznaniowym. Podmioty te nie mogą jednak jeszcze w szczególności zawierać małżeństw ze skutkami cywilnymi, nauczać religii w szkołach państwowych, zakładać szkół kościelnych finansowanych

z budżetów publicznych ani działać w systemie wojskowym i więziennym. Co więcej, nie są one finansowane z budżetu państwa, ponieważ to prawo kościołów zostało zniesione przez ustawę z 2012 r. o rozliczeniach majątkowych z kościołami i związkami wyznaniowymi. Aby móc wejść do sfery publicznej w ten sposób, zarejestrowane kościoły i związki wyznaniowe muszą uzyskać zezwolenie na korzystanie z tych specjalnych praw, co jest drugim etapem rejestracji dla nowo uznanych podmiotów, osiągalnym najwcześniej po dziesięciu latach i po uzyskaniu około dziesięciu tysięcy członków. W sumie 23 nowe kościoły i związki wyznaniowe zostały już pomyślnie zarejestrowane w Republice Czeskiej zgodnie z obowiązującymi przepisami na pierwszym etapie, chociaż żaden z nich nie uzyskał wymaganej akredytacji do korzystania ze specjalnych praw. Różnorodność kościołów i związków wyznaniowych zarejestrowanych do tej pory pokazuje jednak, że pod pozornie agnostyczną powierzchnią istnieje ciągle zainteresowanie religijnością wśród ludności Czech, choć raczej odległe od tradycyjnych kościołów.

Słowa kluczowe: Kościoły i związki wyznaniowe, rejestracja, specjalne prawa, cenzura, chrześcijaństwo, buddyzm, islam, Ministerstwo Kultury, Republika Czeska, prawo, traktaty, religijność

To great many observers from abroad, it seems very hard to believe how low the degree of religiosity is amongst the population of the Czech Republic. Thus, it is very inaccurate to refer to the country as an ‘atheist country’. This situation can no longer be seen as the result of the impact of the so-called ‘scientific atheism’, which was part of the official doctrine of the totalitarian state before the political changes of 1989, and which was also enshrined in the former constitution: “The entire cultural policy of Czechoslovakia, the development of all forms of education, schooling and instruction shall be directed in the spirit of the scientific world outlook, Marxism, Leninism, and closely linked to the life and work of the people.”¹ It is worth noting that among the people of the Czech Republic, there is a deep-seated reticence towards organized forms of religion, and there is a widespread attitude of disinterest, even rejection, towards churches and institutionalized religion. Apparently, the Czech specificity lies in what is known as “timid piety”: its inwardness rejects outward gestures as well

¹ Ústavní zákon č. 100/1960 Sb., Ústava Československé socialistické republiky, čl. 16 odst. 1 [Constitutional Act No. 100/1960 Coll., Constitution of the Czechoslovak Socialist Republic, Article 16(1)]. Official English translation available at <https://www.worldstatesmen.org/Czechoslovakia-Const1960.pdf>

as open and visible operation of various churches. However, even this attitude is not out of line with the common European agnosticism in relation to religious issues. In fact, in Western European countries, we can also increasingly encounter the usual paradigm of *believing without belonging*. The fashionable interest in “spirituality” in today’s Europe and in the Czech Republic, too, avoids everything related to traditional churches and prefers uncommon, exotic or esoteric spiritual currents.² An open and democratic society in the country since 1989 has made it possible for a variety of religious entities to develop their activities: some of them represent marginal forms of Christianity, some originate in Asian religious traditions.

1. New Churches in the First Czechoslovak Republic

The current religious scene in the Czech Republic, represented by socially significant churches with larger memberships, was formed especially in the first years of the so-called First Czechoslovak Republic, i.e. after the end of World War I. In addition to the majoritarian Catholic Church, two other churches emerged at that time, which also nurtured the hope that they could acquire the position of the so-called ‘people’s churches’ (*Volkskirchen*) in the Czech nation, as was the case with the Catholic Church at that time. By a considerable margin, however, the Catholic Church still remains the single most numerous of all the churches and religious societies in the territory of the Czech Republic.

Very soon after Czechoslovakia was established in 1918, the Czech Protestants, who used to be divided into Lutheran and Calvinist churches in matters of faith and organisation, came to be united, as it had by then been the case in the other lands of the Austro-Hungarian monarchy. A scholarly commentary from the time of the First Czechoslovak Republic states the following: “Immediately after the establishment

² “One can say that amongst the Czech spiritual audience, the most popular religious and spiritual alternatives are those that do not explicitly adhere to any established church or ‘official’ religion, and espouse either ‘scientific’ or a ‘science-expanding’ holistic knowledge. They are interested in very distant and idealized religious traditions - whether their origins are in the Far East, increasingly also in Latin America, or, most often, in a combination of all these various components with the ‘hidden’ tradition of Western esotericism.” [Nešpor 2010, 124-25].

of the Czechoslovak Republic, members of the former Austrian Evangelical Church in the Czech lands who were of Czech nationality and felt and confessed a connection with the Czech Reformation, declared their independence from the former Austrian Church and gathered into a new church, without distinction as to whether they belonged to the Augsburg or the Helvetic confession. This church became independent and was limited to the Czech lands only.” [Bušek 1931, 764]. This entity became known as the Evangelical Church of Czech Brethren (*Českobratrská církev evangelická*, hereinafter: ECCB), recognized in the Czech lands as early as 1919,³ later also in Slovakia and Subcarpathian Rus (in 1928).⁴

For the ECCB, the connection to the European Protestant Reformation is expressed in the adjective ‘Evangelical’, while the name ‘Czech Brethren’ refers to the historical traditions of the Czech Brethren (*čeští bratři*), represented above all by the names of the founder of the Unity of the Brethren (*Jednota bratrská*), Petr Chelčický (1379-1460), or the world-renowned educator and last bishop of the Unity, Jan Ámos Komenský (*Comenius*) (1592-1670). Moreover, many Czech Brethren consider the medieval Hussite movement to be the ‘First Reformation’, which preceded Luther and Calvin by a century, and had a considerable influence on the religious ferment in Europe at that time.⁵

However, some of the believers who continued to hold the positions of the Lutheran Reformation decided against the union with the Czech Brethren after World War I, and remained the dominant denomination in Czechoslovakia, both in Moravian Silesia as well as among

³ Vyhláška Ministerstva školství a národní osvěty č. 625/1919 Sb. z. a n. [Decree of the Ministry of Education and National Enlightenment No. 625/1919 Coll.].

⁴ Vyhláška Ministerstva školství a národní osvěty č. 84/1928 Sb. z. a n., o uznání Českobratrské církve evangelické na území Slovenska a Podkarpatské Rusi [Decree of the Ministry of Education and National Enlightenment No. 84/1928 Coll. on the recognition of the Evangelical Church of Czech Brethren in Slovakia and Subcarpathian Rus].

⁵ “Although it fell far too short of all its original goals, the Hussite Revolution was victorious in its aftermath. It brought the Reformed interpretation of the Judeo-Christian heritage into conversation with a different interpretation within the Catholic Church. This critical conversation, of course, disrupted the ideological monolithicism of previous eras, wresting it from the grasp of blind authority; on the other hand, however, by respecting the majesty of God’s law, it called for a new moral devotion which had not yet been relativized by Renaissance scepticism.” [Molnár 1982, 155-56].

the German-speaking population. On the basis of the still valid Austrian Protestant patent,⁶ two evangelical Lutheran churches were recognised in 1923, namely the German Evangelical Church in Bohemia, Moravia and Silesia (*Deutsche-Evangelische Kirche in Böhmen, Mähren und Schlesien*)⁷ and the Augsburg Evangelical Church in Eastern Silesia in Czechoslovakia (*Augšburská církev evangelická ve východním Slezsku v Československu*).⁸

The second newly formed church after WWI was the officially recognized 'Czechoslovak Church' (*Církev československá*) in 1920,⁹ which for a period of time, namely the German Protectorate (1939-1945), had to change its name to 'The Church of Bohemia and Moravia' (*Církev českomoravská*). This church, founded by apostate Catholic priests as an ostensibly national alternative to the Catholic Church, is today known primarily under the name 'Hussite church'; in 1971, it adopted this adjective into its official name. Since then it has referred to itself as *Církev československá husitská* (*The Czechoslovak Hussite Church*).¹⁰ The initial inspiration by Eastern Orthodoxy is apparent, for example, by the fact that the church is headed by an elected patriarch, and the liturgical character of the services is far removed from the austerity of Protestantism.

⁶ Zákon č. 41/1861 ř.z. [Act No. 41/1861 of the Reichsgesetzblatt (Imperial Code)].

⁷ The basic provisions were approved by Decree of the Ministry of Education and National Enlightenment [Výhláška Ministerstva školství a národní osvěty] No. 79/1923 Coll., and the church establishment by Decree No. 209/1924 Coll. Its fate was legally sealed by the retroactively effective Act No. 131/1948 Coll. [Zákon č. 131/1948 Sb.], on the liquidation of the legal situation of the German Evangelical Church in Bohemia, Moravia and Silesia, issued at the time when the Communist regime was taking root in the country.

⁸ The basic and transitional provisions were approved by Decree No 165/1923 Coll. of the Ministry of Education and National Enlightenment [Výhláška Ministerstva školství a národní osvěty č. 165/1923 Sb. z. a n.].

⁹ Recognised by Decree of the Minister of Education and National Enlightenment [Výhláška ministra školství a národní osvěty č. 542/1920 Sb. z. a n.] No. 542/1920 Coll., which states the following: "On 15 September 1920, the Government of the Czechoslovak Republic declared the Czechoslovak Church to be a church recognised by the State within the meaning of Section 2 of Act No. 68 of 20 May 1874 Coll."

¹⁰ "The adjective 'Hussite' in the name of the Church after 1971 is justified as a sign of subscription to the programme of conscious acceptance of the efforts to reform the Western Church prior its division. [...] In ecumenical Christianity this 'church of the centre' finds its closest relatives in the Scandinavian Lutheran churches and, of course, also in the Church of England." [Filipi 2012, 179].

2. Administrative Arbitrariness during the Communist Regime

In 1949, the Communist regime issued Act No. 218/1949 Coll. (Zákon č. 218/1949 Sb.) on the economic provision of churches and religious societies which was forcibly imposed on all the churches. The law abolished all existing legislation concerning churches and religious societies and created a space for administrative arbitrariness, which made it possible for the state power to permit or prohibit any activities of churches without any legal basis.¹¹ The first indication of such a selective process was the banning of Jehovah's Witnesses as early as 1948, primarily because of their strong ties to their headquarters in Brooklyn, New York.¹² In 1950, the Church of Jesus Christ of Latter-day Saints (the so-called 'Mormons') was banned. However, the most arbitrary act of the regime against any religious denomination was undoubtedly the forcible liquidation of the Greek Catholic Church in 1950. The goal of this act was to bring the clergy and faithful of this Catholic Church of the Byzantine-Slavic rite under the Eastern Orthodox leadership, which was then operating under the direct influence of the Soviet secret services.¹³ In addition, in 1951 the Communist regime imposed autocephality

¹¹ "Although the provision of § 14 of Act No. 217/1949 Coll. [Zákon č. 217/1949 Sb.] abrogated the legal framework presupposing state recognition, the communist state effectively retained the right to decide on the authorization (and prohibition) of churches and religious societies in the territory of Czechoslovakia. Neither the form, nor the content of state authorization was determined by law; thus, they appeared in various forms." [Jäger 2009, 790].

¹² A handbook from the communist regime states the following: "Even before the issuance of Laws No. 217 and 218/1949, the activities of this sect were explicitly prohibited by specific administrative measures of the Ministry of the Interior. The Society of Jehovah's Witnesses - International Association of Bible Scholars, Czechoslovak branch, was dissolved by the decree of the Czechoslovak Ministry of the Interior of 4 April 1948, No. 3111/25-31/12-1948-VB/3, and the Watchtower, Bible and Tract Society, Czechoslovak branch, was dissolved by the decree of the Czechoslovak Ministry of the Interior No. 3111/6-2/3-1949-VB/3." In: Sekretariáty pro věci církevní při ministerstvech kultury ČSR a SSR, Právní poměry církví a náboženských společností v ČSSR a jejich hospodářské zabezpečení státem, Ústřední církevní nakladatelství, Praha 1977, p. 21.

¹³ "The communist authorities attempted to liquidate even such a large part of the Catholic Church as the Greek Catholic Church (which had at that time about 306,000 members in the territory of the Czechoslovakia, mostly in eastern Slovakia). At the so-called Council of Prešov, held on 28 April 1950 without the presence of any bishop, a manipulated group of Greek Catholics under threat and pressure voted to convert to Eastern Orthodoxy.

on the Eastern Orthodox Church in Czechoslovakia, which the Patriarchate of Constantinople, as the supreme representative of Eastern Orthodoxy in the world, refused to recognize. A partial redress of the illegal crackdown on the Greek Catholic Church occurred only in 1968, when the Church regained its official legal status. This was one of the few achievements of the 'Prague Spring', since the Act itself was not abrogated in the subsequent era of the so-called 'normalization'.¹⁴ Otherwise, however, the regime subjected some churches to intrusive surveillance, which had the form of official approval. The body issuing individual administrative acts without a legal basis was initially the then State Office for Church Affairs (*Státní úřad pro věci církevní*).¹⁵ Thus, as early as 1951, approval was granted for the establishment of the religious communities of the Chelčický Baptist Unity of Brethren (*Bratrská jednota baptistů Chelčického*), the Church of the Brethren (*Církev bratrská*), the Evangelical Methodist Church (*Evangelická církev metodistická*) and the Seventh-day Adventist Church (*Církve adventistů sedmého dne*),¹⁶ although the Adventists were soon banned again, since Saturday was still a working day in Czechoslovakia at that time; by celebrating Saturday as the Lord's Day the Adventists were committing an offence officially known as "disruption of the constructive efforts of the working people". In 1956 the activities of the Congregations of Believers in Christ (*Sbory věřících v Krista* also known as Christian Congregations or *Křesťanské sbory*, in reference to the name of the founder, they are also called the Darbyists or Plymouth Brethren)¹⁷ and the New Apostolic Church (*Novoapoštolská církev*).¹⁸ In the same year, the Adventist Church was also restored to legality.¹⁹

Most of the priests and religious did not convert to Eastern Orthodoxy, but none of them received state approval to exercise their clerical activity. Thus, the entire church was *via facti* dissolved, without any legal basis. We cannot therefore speak of its prohibition or dissolution." [Tretera 2002, 50].

¹⁴ Nařízení vlády ČSSR č. 70/1968 Sb., o hospodářském zabezpečení církve řeckokatolické státem [Decree of the Government of the Czechoslovak Socialist Republic No. 70/1968 Coll., on the Economic Provision of the Greek Catholic Church by the State].

¹⁵ Established by Act No. 217/1949 Coll. [Zákon č. 217/1949 Sb.].

¹⁶ Decree of the State Office for Ecclesiastical Affairs [Výnos Státního úřadu pro věci církevní] No. 11847/51-I/2-SÚC of 17 May 1951.

¹⁷ Decree of the State Office for Ecclesiastical Affairs No 119/56 of 11 February 1956.

¹⁸ Decree of the State Office for Ecclesiastical Affairs No 248/56 of 29 March 1956.

¹⁹ Decree of the State Office for Ecclesiastical Affairs No 80 896/56 D I/3 MŠK.

These churches share elements that led the communist regime to transfer them into the system it controlled. In fact, they are generally classified as the so-called 'free' churches (German: *Freikirchen*), which have gradually separated from some of the established and highly institutionalised churches, such as the Anglican Church. Thus, during the First Czechoslovak Republic, they did not ask for official recognition of their status as churches even from the then democratic and religiously free state. The idea of separation of state and church is often understood in a very strict fashion in these churches, especially by those organised on the principles of strict congregationalism.²⁰ The Communist regime, on the other hand, needed to establish relations with those representatives of the mentioned churches who were loyal to the regime and were willing to avoid free contact with their international bodies abroad. For example, the *Baptist World Alliance* is the international organization of Baptist churches, and the *General Conference of Seventh-day Adventists* is the centre of the broadly based Adventist movement, both of which are based in the United States.

It was only towards the end of the communist regime that the operation of the Apostolic Church (*Apoštolská církev*) came to be authorized: in fact, it was a response of the state administration to the request of its members, i.e. not an act forced from above.²¹ This church is part of a rapidly developing, initially spontaneous but gradually established charismatic- Pentecostal movement, imported from the USA, too.²² The fact that the authorization

²⁰ "The essence of congregationalism lies in the conviction that the community gathered for worship (congregatio) is the Church in the full sense of the word; it is also independent of any higher ecclesiastical or state authority, i.e. it is subject only to Christ, but in a full and unconditional manner. [...] The ecclesiastical-constitutional characteristics of congregationalism can also be demonstrated in other characteristics: voluntariness, consciousness of membership in the Church; rejection of any interference of the public (political) administration in matters of faith and conscience; strict separation of the Church from the State and tolerance. These motives have played a decisive role in the history of Congregationalism and have had a huge impact on the character of Christianity in the United States and elsewhere." [Filipi 2012, 136-37].

²¹ Usnesení vlády České socialistické republiky č. 20/1989 [Resolution of the Government of the Czech Socialist Republic] No. 20/1989.

²² "At the turn of the 19th and 20th centuries, a significant Protestant tradition, the so-called Pentecostalism, in its second phase also known as the Charismatic movement, emerged. [...] However, most of the new religious movements from the Pentecostal tradition (there

of the Apostolic Church took place prior to the November revolution in 1989, however, was already a sign of the weakening of the totalitarian system in Czechoslovakia. Nevertheless, the regime had already been corroding before due to pervasive corruption. This can be seen as early as in 1980 on the circumstances surrounding the Jehovah's Witnesses' application for recognition.²³

3. Return to the Legal Recognition of Churches and Religious Societies after 1989

As early as the beginning of 1990, the legislative vacuum regarding the state recognition of churches (created deliberately under the communist regime), was taken advantage of by the missionary expansion of the Church of Jesus Christ of Latter-day Saints into Czechoslovakia. The 'Mormons' obtained permission to operate in the Czech part of the federal and still nominally a 'socialist' Czechoslovak state. However, it was a situation in which, after forty years of suppressing religion, the attitude of the community towards churches became friendly and supportive.²⁴

Nevertheless, it was not until Act No. 308/1991 Coll., on Freedom of Religious Belief and the Status of Churches and Religious Societies (Zákon č. 308/1991 Sb., o svobodě náboženské víry a postavení církví a náboženských společností) that a real breakthrough in the legal recognition of new churches and religious societies took place. In an annex, it contained a list of nineteen churches and religious societies operating either by law or by other forms of state recognition in the territory

are certainly more than two dozen of them in our country) are gradually approaching the status of respected churches. Among them we can already slowly include the Apostolic Church [...]." [Vojtíšek 2007, 140].

²³ "The Witnesses did not create any major problems with their attitude towards military service. They either went to work in the mines instead, or (apparently mostly fraudulently) procured 'blue books' [i.e. were declared incapable of military service]. [...] In 1980, Jehovah's Witness leaders formally applied for registration, but were refused." [Martinek 2000, 52].

²⁴ Usnesení vlády České socialistické republiky č. 51/1990, o povolení činnosti náboženské společnosti Církve Ježíše Krista Svatých posledních dnů (mormonské) v ČSR [Resolution No. 51/1990 of the Government of the Czech Socialist Republic on the authorization of the activities of the Church of Jesus Christ of Latter-day Saints (Mormon) in the Czech Socialist Republic], dated 1 March 1990.

of the Czech Republic; fourteen such entities were operating in the territory of the Slovak Republic. These lists are of special importance because they provide the necessary legal certainty as regards the results of the often diverse forms of state recognition of churches and religious societies so far, by means of transparently disclosing the legal situation to the given date. Thus, they represent a kind of recapitulation which was intended to be, and has to some extent become, a 'springboard' for the efforts of other entities seeking state recognition by way of registration in the future.

For this purpose, the Churches Act No. 308/1991 Coll. introduced the necessary legal norms on state recognition of churches and religious societies after more than forty years of arbitrary state intervention. This was to be done again in the form of their administrative registration, as was the case under the former Austrian law.²⁵ Act No. 308/1991 Coll. referred to the competence of the republican state administration bodies to carry out the registration process, namely the ministries of culture in both parts of the former Czechoslovak federation. Such is the situation even today.²⁶ According to the wording of Article 12 of Act No. 308/1991 Coll., the application for registration, submitted by a preparatory body of at least three members of the applicant church or religious society,²⁷ had to contain the following five requisites: (a) the name and registered seat of the church or religious society; (b) the names, surnames, addresses, signatures and birth numbers of the members of the preparatory body; (c) the basic characteristics of the church or religious society to be established, its doctrine, mission and the territory in which it intends to operate; (d) the signatures of the adult persons applying to the church or religious society in the specified number (§ 11), indicating their names, surnames, addresses and birth numbers; (e) a declaration that the church or religious society would fully respect the laws and generally binding legal regulations,

²⁵ Act No 68/1874 Coll., concerning the legal recognition of religious societies (*betreffend die gesetzliche Anerkennung von Religionsgesellschaften*).

²⁶ "Churches and religious societies shall be registered by the competent central authority of the state administration of the Czech Republic or the Slovak Republic in the territory of which the church or religious society intends to carry out its activities [...]." Section 10(1) of Act No. 308/1991 Coll.

²⁷ Cf. Act No. 308/1991 Coll., § 10(2).

and would be tolerant towards other churches and religious societies and non-religious persons.

The neuralgic point of the special administrative procedure, governed in a subsidiary manner by the general rules contained in the Administrative Procedure Code (*Správní řád*),²⁸ is the referring provision of Section 11 in conjunction with Section 23 of the Act: “A petition for registration of a church or religious society may be submitted only once it has been proved that at least as many persons of legal age as provided for by a generally binding legal regulation of the Czech Republic and the Slovak Republic subscribe to it. [...] Laws of the National Councils shall determine the registering authorities pursuant to Section 10 of the Act, the number of persons registered to a church or religious society pursuant to Section 11 of the Act, and the manner of notification of the formation and dissolution of churches and religious societies to the statistical offices of the Republics by the registering authorities pursuant to Section 19(2) of the Act.” The implementing laws of both republics set a very high numerical census: ten thousand for the Czech Republic,²⁹ for the Slovak Republic the threshold is even higher, namely twenty thousand.³⁰

Act No. 308/1991 Coll., which was in force in the Czech Republic until the beginning of 2002, was considered to be of a very good standard, positively evaluated by some representatives of churches³¹ and confessional law scholars alike, however, with the reservation that the numerical census of persons applying for registration as a church or religious society was

²⁸ In 1991, it was still Act No. 71/1967 Coll., on Administrative Proceedings (Administrative Procedure Code) [Zákon č. 71/1967 Sb., o správním řízení (správní řád)]; currently, the Ministry of Culture of the Czech Republic decides according to Act No. 500/2004 Coll., Administrative Procedure Code (správní řád).

²⁹ Zákon České národní rady č. 161/1992 Sb., o registraci církví a náboženských společností [Act of the Czech National Council No. 161/1992 Coll., on the Registration of Churches and Religious Societies], § 1 (a).

³⁰ Zákon Slovenské národní rady č. 192/1992 Zb., o registrácii cirkví a náboženských spoločností [Act of the Slovak National Council No. 192/1992 Coll., on the Registration of Churches and Religious Societies], § 2.

³¹ “The final response in the Czechoslovak Federal Republic was Act No. 308/1991 Coll., which represents the highest level of religious freedom in the history of our state.” [Duka 2004, 18].

too high.³² In contrast to the Slovak implementing regulation, its Czech counterpart also contained a special provision, criticised from the outset as discriminatory: according to this provision, it was sufficient for certain entities “if at least 500 persons of legal age who have permanent residence in the territory of the Czech Republic and if these churches and religious societies are members of the World Council of Churches.”³³

In the case of other churches and religious societies, the ten thousand census was considered too high right from the beginning. The explanatory memorandum of the law thus attempted to justify such a legal situation: “This census is an expression of the effort to eliminate granting the advantages which state-recognized churches enjoy under special regulations in the area of tax, fees, customs to other corporations that would often declare themselves to be churches or religious societies for purposive reasons. Thus, the number of ten thousand persons will create the basic prerequisite for the registration procedure (Section 15 of the Federal Law) to be carried out properly and conscientiously. By the law, the State articulates its interest in recognizing and supporting only those newly established churches or religious societies whose religious beliefs are professed by a non-negligible number of adult persons within the country. In view of the fact that churches registered under the Act on Freedom of Religious Belief and the Status of Churches and Religious Societies (*Zákon o svobodě náboženské víry a postavení církví a náboženských společností*) are granted certain privileges defined in particular in its § 6, 8, 9, but also non-negligible advantages enshrined in other legal regulations (customs law, foreign exchange law, tax regulations, etc.), thus significantly favouring these entities over, for example, civil associations, it is not yet possible to allow the registration of new churches without a numerical census.”³⁴ The census of five hundred per-

³² “Act No. 308/1991 Coll. was a satisfactory standard at the time of its drafting. It demonstrates good inventiveness of its drafters. In the author’s opinion [...] it was still satisfactory, perhaps it only needed some additions and clarifications. In our opinion, however, the Czech Republic Act No 161/1992 Coll. was rightly considered to be inadequate.” [Tretera 2002, 65].

³³ Zákon č. 161/1992 Sb., § 1 písm. b) [Act No. 161/1992 Coll., § 1(b)].

³⁴ Důvodová zpráva k návrhu zákona České národní rady o registraci církví a náboženských společností a dalších povinnostech s tím souvisejících [Explanatory Report to the Draft Law of the Czech National Council on the Registration of Churches and Religious Societies and Other Related Obligations], 29 January 1992.

sons in the case of the “privileged” member bodies of the World Council of Churches has subsequently proved to be essentially inapplicable.³⁵

Thus, at the time the Czech implementing law came into force, only two new entities were registered in the Czech Republic. In 1993 it was the Religious Society of Jehovah’s Witnesses (*Náboženská společnost Svědkové Jehovovi*)³⁶ and in 1995 the Lutheran Evangelical Church of the Augsburg Confession in the Czech Republic (*Luterská evangelická církev a. v. v České republice*).³⁷ In the case of Jehovah’s Witnesses, the Ministry of Culture of the Czech Republic asked three questions to the preparatory committee of this religious society. Their answers became the basis for registration. However, it is fairly obvious that the responses of the preparatory committee denied important elements of the Jehovah’s Witnesses’ beliefs, which also caused some unease amongst their members.³⁸ The establishment of the Lutheran Evangelical Church of the Augsburg Confession in the Czech Republic was then the result of a schism among the Silesian Lutheran Protestants in 1991. This church was formed by secession from

³⁵ “It seldom happens that any of the foreign national churches which are members of the WCC [World Council of Churches] have more than 500 adult members in the territory of the Czech Republic. If the members of several such national churches of the same denomination unite and form a new church in the Czech Republic, this church may have more than 500 adult members, but it will not yet be a member of the WCC, which accepts churches as members only after the number of members reaches 10,000. And if such a new church in the Czech Republic is formed by splitting off a part of its members from an existing church in country, it may not be immediately admitted to the WCC.” [Tretera 2002, 73].

³⁶ Decision of the Ministry of Culture of the Czech Republic [Rozhodnutí Ministerstva kultury České republiky] No. 8475/1993, dated 1 September 1993.

³⁷ Decision of the Ministry of Culture of the Czech Republic No. 3607/1995, dated 19 January 1995.

³⁸ “Question 1: ‘Does the Religious Society of Jehovah’s Witnesses (RSJW) teach that a parent and member of the RSJW should prevent the provision of a transfusion to his or her underaged child in a case where the failure to provide a transfusion may, according to the opinion of the attending physician, cause harm to the child’s health or result in death? Answer: No, the RSJW does not teach this...’ Question 2: ‘Does the RSJW teach that a member of the RSJW should not enter and perform basic military or alternative service or military exercises in accordance with Conscription Act No 49/1949 Coll. as amended?’ Answer: ‘No, the RSJW does not teach this...’ Question 3: ‘Does the RSJW teach that a member of the RSJW should not enter and perform civilian service in accordance with Act No 18/1992 Coll, on civil service, as amended by Act No 135/1993 Coll.?’ Answer: ‘No, the RSJW does not teach this.’ [Remeš 1995, Appendix No. 6].

the former Silesian Evangelical Church of Augsburg (*Slezská církev evangelická augsburského vyznání*).³⁹

4. Recent Legislation on the Registration of Churches and Religious Societies

In 2002, the Czech Republic experienced a significant turn in the matter of registration of churches and religious societies by the state. Act No. 3/2002 Coll. (*Zákon č. 3/2002 Sb.*)⁴⁰ created a completely new, two-stage structure for the recognition of churches and religious societies, which was meant to enable the registration of those entities that had been prevented from doing so by the previously too high census of ten thousand applicants. In the first instance, this is a ‘simple’ registration, in the second instance, it is a so-called ‘accreditation’.⁴¹

To the proposal for registration of a church or religious society, a preparatory committee of at least three members must attach “the original signatures of 300 adult citizens of the Czech Republic or foreigners with permanent residence in the Czech Republic who are members of the church

³⁹ At an extraordinary synod of this church on 16 March 1991 in Třanovice, the existing leadership of the Silesian Evangelical Church of Augsburg was deposed. Subsequently, the next, ordinary synod elected a new leadership. The legitimacy of these steps was confirmed by the government of the Czech and Slovak Federal Republic (ČSFR).

⁴⁰ In the current version: *Zákon o svobodě náboženského vyznání a postavení církví a náboženských společností a o změně některých zákonů (zákon o církvích náboženských společnostech)* [the Act on Freedom of Religion and the Status of Churches and Religious Societies and on Amendments to Certain Acts (the Act on Churches and Religious Societies), as amended by the Constitutional Court of the Czech Republic’s ruling promulgated under No. 4/2003 Coll., Act No. 562/2004 Coll., Act No. 495/2005 Coll., Act No. 296/2007, Act No. 129/2008, Act No. 41/2009, Act No. 227/2009, Act No. 420/2011, Act No. 375/2011, Act No. 428/2012, Act No. 303/2013, Act No. 192/2016, Act No. 303/2017, Act No. 261/2021 and Act No. 237/2024.

⁴¹ “The term ‘two-stage registration’ (or ‘registration’ and ‘accreditation’) is a working term and is not used in the law itself so as not to give the impression of an evaluation of the churches. On the other hand, it is commonly used in the theory of confessional law. It is also used in the materials preceding the paragraphed text (cf. e.g. Note 4 of the Principles of the Law and Churches and Religious Societies). The law itself distinguishes (although terminologically it sounds somewhat cumbersome) between churches registered (i.e. in the first stage) and churches granted ‘authorisation to exercise special rights’ (i.e. registered in the second stage).” [Hrdina 2004, 81].

or religious society, indicating their personal data in accordance with this Act, and with identical text on each signature sheet indicating the full name of the church and religious society collecting signatures for the purpose of its registration, and showing that the signature sheet is signed only by the person reporting to that church and religious society.”⁴² It is obvious that such restrictive and detailed wording of the quoted provision seeks to eliminate possible abuses in advance.

The increased administrative complexity is also intended to play a preventive role here, so that while under Act No. 308/1991 Coll. the basic document of a church or religious society to be established was to contain only seven elements,⁴³ under Act No. 3/2002 Coll. it is the following: “The basic document of a church or religious society must contain: (a) the name of the church and religious society, which must be different from the name of a legal person already operating in the Czech Republic or which has already applied for registration, (b) the mission of the church and religious society and the basic articles of its faith, (c) the registered office of the church and religious society, (d) the designation of the bodies of the church and religious society which acts on its behalf in the territory of the Czech Republic, the manner of its appointment and removal, the length of the term of office of its members and a definition of the authority with which it acts and performs legal acts on behalf of the church or religious society, whether and to what extent other persons may perform legal acts on behalf of the church and religious society, (e) personal data of the members of the body referred to in point d), if the members of the statutory body are established at the time of submission of the proposal, (f) the organizational structure of the church and religious society, the types of bodies and other institutions of the church and religious society, indicating those which are to become church legal persons, separately from those which become legal persons under a special legal regulation, if they are listed in the basic document, the manner of their establishment and dissolution, including the designation of a legal successor on dissolution, the designation of their statutory bodies, including the manner of their establishment and dismissal, the length of their term

⁴² Zákon č. 3/2002 Sb., § 10 odst. 2 písm. c) [Act No 3/2002 Coll., § 10(2)(c)].

⁴³ Cf. Zákon č. 308/1991 Sb., § 13 odst. 1 písm. a)-g) [Act No. 308/1991 Coll., § 13(1)(a)-(g)].

of office, and a definition of whether and to what extent other persons may represent it, (g) the method of appointment and dismissal of clergy, (h) the method of approval of the basic document and its amendments, (i) the incorporation of the church and religious society into the structures of the church and religious society outside the territory of the Czech Republic, (j) the principles of management of the church and religious society, in particular the method of raising funds, including the scope of authorization of persons, bodies and other institutions of the church or religious society to dispose of property, the manner of dealing with the liquidation balance resulting from the liquidation of the church and religious society, (k) the rights and obligations of persons belonging to the church and religious society.”⁴⁴

Churches and religious societies that overcome the official barriers imposed by the law acquire the status of state-registered entities. Thus they become legal entities under the Czech legal system. However, the new regulation initially rather caused embarrassment, as it seemed that the status of a legal person could be achieved by the new entities rather difficult, while the effect of their separate legal personality did not seem to be very promising.⁴⁵ Indeed, the two-part, albeit demonstrative, list of the rights that these newly registered churches or religious societies will be able to enjoy seems too meagre: “A registered church and religious society may, in order to fulfil its mission, in particular: a) teach and educate its clergy and lay workers in its own schools and other establishments and in theological colleges and divinity schools [...], b) obtain authorisation to exercise special rights under this Act.”⁴⁶

However, the problem for these new entities, once they manage to surpass the benevolent census of 300 persons and acquire registration,

⁴⁴ Zákon č. 3/2002 Sb., § 10 odst. 3 [Act No 3/2002 Coll., § 10(3)].

⁴⁵ “The reason for the low interest in registration under Act 3/2002 Coll. may be the low advantageousness of this registration for entities that do not see much hope of meeting the conditions for obtaining special rights in the future. Another reason may be concerns about the misuse of the personal data that must accompany the registration application. However, it may also be acknowledged that the administrative complexity of the registration process has so far prevented some religious groups from entering it and that they may envisage doing so in the near future.” [Vojtíšek 2003, 200].

⁴⁶ Zákon č. 3/2002 Sb., § 6 odst. 3 [Act No. 3/2002 Coll., § 6(3)].

becomes the precautionary barrier to obtaining special rights: “An application for the grant of authorization to exercise special rights may be filed by a registered church or religious society that (a) has been registered under this Act continuously for at least 10 years as of the date of filing of the application, (b) has published annual reports on its activities for the calendar year for 10 years prior to the filing of the application, and (c) has duly fulfilled its obligations to the state and third parties.”⁴⁷ The biggest stumbling block is the legislator’s requirement that such an entity ‘grow’ to a number equivalent to practically ten thousand believers, so much criticized in the previous legislation: “The proposal for granting the exercise of special rights [...] must contain a) in the original, the signatures of as many adult citizens of the Czech Republic or foreigners with permanent residence in the Czech Republic who subscribe to this church and religious society as 1 per mill of the population of the Czech Republic according to the last census [...].”⁴⁸ The credibility of this body is also to be verified by demonstrating the transparency of its activities through the annual publication of an annual report on its activities.⁴⁹

On those churches and religious societies that already exercise special rights and thus enter the public sphere, the legislator also found it symmetrical to impose an obligation to inform the public about how they exercise them during the course of each year: “A registered church and religious society authorized to exercise special rights shall publish an annual report on the exercise of rights [...]” The explanatory report to the Act defends the introduction of this provision, which burdens churches with new bureaucratic obligations, by stating: “It is newly stipulated that registered churches and religious societies authorized to exercise special rights shall publish an annual report on their activities. This obligation is proposed for those churches that operate in the public sphere where the activities of other entities are otherwise restricted. This is an important tool for informing the public about their activities in the public sphere. The form of the annual report is not prescribed by law [...]”⁵⁰ However, it was not

⁴⁷ Zákon č. 3/2002 Sb., § 11 odst. 1 [Act No 3/2002 Coll., § 11(1)].

⁴⁸ Zákon č. 3/2002 Sb., § 11 odst. 4 [Act No 3/2002 Coll., § 11(4)].

⁴⁹ Zákon č. 3/2002 Sb., § 11 odst. 1 písm. b); § 11 odst. 4 písm. c) [Act No 3/2002 Coll., § 11(1) (b); § 11(4)(c)].

⁵⁰ Zákon č. 3/2002 Sb., § 7 odst. 3 [Act No 3/2002 Coll., § 7(3)].

sufficient for the legislator to unilaterally impose an extra administrative obligation on churches and religious societies,⁵¹ but to link its possible non-compliance with the possibility of withdrawing their authorization to exercise special rights, which the Constitutional Court of the Czech Republic annulled in a doctrinally significant ruling.⁵²

5. Special Rights as a Way of Enabling Churches to Enter the Public Sphere

How the churches' access to the sphere related to the exercise of public authority works can be demonstrated on the example of the special right of churches and religious societies "to perform ceremonies in which church marriages are contracted in accordance with a special legal regulation."⁵³ There are, obviously, differing expert opinions on the question of whether clergy performing marriages with civil effects are genuine public officials or whether this is merely a kind of special privilege for churches.⁵⁴

Churches entitled to exercise special rights can also practice their ministry in the context of the armed forces and in the prison service, i.e. where the power and repressive function of the state comes to the fore. Clearly, the state subjects the internal workings of these institutions to an increased degree of scrutiny⁵⁵ and thus – unlike the essentially similar

⁵¹ Důvodová zpráva. Zvláštní část. K § 7 [Explanatory report. Special part. Ad § 7].

⁵² Zákon č. 3/2002 Sb., § 21 odst. 1 písm. b) původního znění, zrušený nálezem Ústavního soudu ČR č. 4/2003 Sb. [Act No. 3/2002 Coll., Section 21(1)(b) of the original wording, repealed by the Constitutional Court's ruling No. 4/2003 Coll.].

⁵³ Zákon č. 3/2002 Sb., § 7 odst. 1 písm. c) platného znění zákona o rodině [Act No 3/2002 Coll., § 7(1)(c) of the current version of the Act No. 94/1963 Coll., on the Family], as amended, was a special provision. However, the Family Act is no longer part of the Czech legal order, as Act No. 89/2012 Coll., the Civil Code [občanský zákoník] entered into force on 1 January 2014, which incorporated family law comprehensively (§ 655-975).

⁵⁴ "In this case, the state delegates the exercise of public authority to an authorised clergyman of the given registered church or religious society. In performing this task, he or she no longer acts exclusively as a representative of the church or religious society, but as an executor of public authority. We justify this assertion on the ground that the 'status of the authority before which the marriage is concluded' is a delegated exercise of public authority as a specific exercise of executive power and is in a sense analogous to the status of the registry authority in the civil marriage." [Gyuri 2009, 120].

⁵⁵ "The theme of spiritual ministry is often raised in relation to the so-called 'segregating

ministry in hospitals or institutions – qualifies this ministry in the armed forces and the prison service as a special right ‘to entrust persons performing clerical activities to perform clerical ministry in the armed forces of the Czech Republic, in places where detention, imprisonment, protective treatment and protective education are carried out.’⁵⁶

An unpleasant surprise came with the transitional provision of the Church Act regarding the anticipated future replacement of the contractual solution of the military and prison ministry with a unilateral legal regulation: “Until the adoption of special legislation pursuant to Section 7(2), special rights may be exercised in accordance with the existing legislation. Agreements on the exercise of these rights by registered churches and religious societies concluded before the entry into force of this Act shall remain in force until the indicated time.”⁵⁷ When the Act came into force, a system of contracts for spiritual service in the army,⁵⁸ confirmed by an order of the Minister

institutions’ (istituzioni segreganti) or ‘totalizing institutions’ (istituzioni totalizzanti), i.e. in relation to institutional facilities in which, for legal reasons (as in the case of the armed forces or the correctional system) or for natural reasons (in the case of hospitals, medical or nursing institutions), the freedom of the individual is restricted and conditioned by the higher organizational and protective requirements of the institution in which the individual is forced to reside.” [Dalla Torre 2000, 237].

⁵⁶ Zákon č. 3/2002 Sb., § 7, písm. b) [Act No. 3/2002 Coll., § 7, letter b)] “When the Ministry, on the basis of Section 28(1) of the law [...] granted special rights to churches and religious societies registered under the previous legislation, it treated the special right [under Section 7(1)(b)] as two separate special rights. [...] Thus it happened that two churches and religious societies ‘Křesťanské sbory’ [Christian Congregations] and ‘Náboženská společnost Svědkové Jehovovi’ [Religious Society of Jehovah’s Witnesses] were granted only the right to exercise the special right to exercise the clerical ministry in places of detention and imprisonment.” [Kříž 2011, 102].

⁵⁷ Zákon č. 3/2002 Sb., § 28 odst. 2 [Act No. 3/2002 Coll., § 28(2)].

⁵⁸ Dohoda o spolupráci mezi Ministerstvem obrany ČR, Ekumenickou radou církví v ČR a Českou biskupskou konferencí [Agreement on the Cooperation between the Ministry of Defence of the Czech Republic, the Ecumenical Council of Churches in the Czech Republic and the Czech Episcopal Conference], signed on 3 June 1998, in: *Revue církevního práva* 10-2 (1998), p. 129-35; Smlouva mezi Ekumenickou radou církví a Českou biskupskou konferencí o podmínkách vzniku a působení duchovní služby v resortu ministerstva obrany [Agreement between the Ecumenical Council of Churches and the Czech Episcopal Conference on the conditions for the establishment and operation of the ministry in the Ministry of Defence], signed on 10 June 1998, in: *Revue církevního práva* 12-1 (1999), p. 55-60.

of Defence of the Czech Republic issued in 1998,⁵⁹ was in force and effective in the Ministry of Defence. Simultaneously, the second contract on spiritual care in the prison system was also in force, which the Prison Service of the Czech Republic concluded with the churches in 1999.⁶⁰ Some scholars in the field of canon law saw such distrust of the legislator towards even partial contractual solutions in relation to churches as excessively etatist.⁶¹ In the course of the following years, however, this development towards suppression of the contractual principle with churches did not materialize. Since the beginning of 2002, i.e. when the law came into force, no legislative initiative has been taken in the field of spiritual care in the armed forces and correctional facilities. In 2008, another agreement on spiritual care in the prison system was concluded, which definitively completed the solid organizational structure of this special activity;⁶² in 2018, it was supplemented by an implementing agreement.⁶³ A brand new treaty was stipulated at the end of 2024 with Ministry of Defence.⁶⁴

⁵⁹ Rozkaz č. 5/10-39/6-60 [Order No. 5/10-39/6-60], which entered into force on 22 June 1998, in: *Revue církevního práva* 10-2 (1998), p. 136-39.

⁶⁰ The first agreement from 1994 was replaced by the Agreement on Prison Ministry between the Prison Administration of the Czech Republic and the Ecumenical Council of Churches and the Czech Bishops' Conference [Dohoda o vězeňské duchovní službě mezi Vězeňskou správou České republiky a Ekumenickou radou církví a Českou biskupskou konferencí], signed on 28 June 1999, in: *Revue církevního práva* 14-3 (1999), p. 235-40.

⁶¹ "We consider it unfortunate to talk about 'special rights' at all. In fact, we pointed this out during the preparation process for the legislation. In many European countries, it is left to the contracts between the churches and the state whether and which rights the churches will use. The treaty principle in this respect is used by all the countries bordering with our Republic." [Tretera 2002, 74].

⁶² Dohoda o vězeňské duchovní službě mezi Vězeňskou správou České republiky a Ekumenickou radou církví a Českou biskupskou konferencí [Agreement on Prison Ministry between the Prison Administration of the Czech Republic and the Ecumenical Council of Churches and the Czech Bishops' Conference], signed on 19 August 2008, in: *Revue církevního práva* 41-3 (2008), p. 214-19.

⁶³ Implementing Agreement to the Agreement on Clerical Service between the Prison Service of the Czech Republic, the Ecumenical Council of Churches in the Czech Republic and the Czech Bishops' Conference [Prováděcí smlouva k Dohodě o duchovní službě mezi Vězeňskou službou České republiky, Ekumenickou radou církví v České republice a Českou biskupskou konferencí], in: *Revue církevního práva* 71-2 (2018), p. 101-102.

⁶⁴ Dohoda o duchovní službě v rezortu Ministerstva obrany [Agreement on Spiritual Service in the Ministry of Defence], signed 18 December 2024, in: *Revue církevního práva* 97-4 (2024), p. 91-100.

Completely outside the framework of the special rights enshrined in the law, another contractual solution to the joint action of churches was subsequently reached in the area of health care.⁶⁵ The function of hospital chaplains was introduced, although – unlike prison and military chaplains – they are not employees of state institutions, but of the given health care institutions. The Association of Hospital Chaplains (*Asociace nemocničních kaplanů*) and the Catholic Association of Hospital Chaplains (*Katolická asociace nemocničních kaplanů*) have also been set up, which in its requirement for compulsory membership are more akin to a professional chamber.

The entry of churches and religious societies into the field of education was qualified as so important by the legislature that it resulted in two distinct special rights, namely the right “to teach religion in state schools under a special legal regulation”⁶⁶ and the right “to establish church schools under a special legal regulation”.⁶⁷ In both cases, the special regulation is the Education Act (*Školský zákon*).⁶⁸ However, the teaching of religion in state schools is a right guaranteed also in the Constitution.⁶⁹ The 2004 Education Act implements the following constitutional enshrinement: “Religion may be taught in schools in accordance with the principles and aims of education [...]. Religion may be taught by registered churches

⁶⁵ Dohoda o duchovní péči ve zdravotnictví mezi Českou biskupskou konferencí a Ekumenickou radou církví v České republice [Agreement on Spiritual Care in Health Care between the Czech Episcopal Conference and the Ecumenical Council of Churches in the Czech Republic], in: *Revue církevního práva* 60-1 (2015), p. 81-84.

⁶⁶ Zákon č. 3/2002 Sb., § 7 odst. 1 písm. a) [Act No. 3/2002 Coll., § 7(1)(a)].

⁶⁷ Zákon č. 3/2002 Sb., § 7 odst. 1 písm. d) [Act No. 3/2002 Coll., § 7(1)(d) as currently amended].

⁶⁸ Zákon č. 29/1984 Sb., o soustavě základních škol, středních škol a vyšších odborných škol (*školský zákon*) ve znění pozdějších předpisů [Act No 29/1984 Coll., on the system of primary schools, secondary schools and higher vocational schools (Education Act), as amended].

⁶⁹ Charter of Fundamental Rights and Freedoms, Article [Listina základních práv a svobod] 16(3): “The conditions of religious instruction at state schools shall be set by law.” – (The official English translation is available at <https://www.psp.cz/en/docs/laws/listina.html>). – “By this provision, the charter confers upon the law the power to prescribe the conditions of religious instruction in the public schools. It means, therefore, that such teaching is admitted in public schools, and this right cannot be hindered by any ordinary law. This possibility is confined to public schools only. In other schools, it is a matter for the principal to decide whether to allow the teaching of religion. Even in such a case, however, the principles prohibiting discrimination on grounds of religion or belief set out in the Charter and other constitutional provisions cannot be violated.” [Pavlíček 1999, 174].

or religious societies that have been granted the special right to teach religion in state schools. This right has been granted collectively and is based on a written agreement between them.”⁷⁰

For the legislator, however, the real difficulty with the scheme of special rights came with the inclusion of the guarantee of secrecy for the clergy, i.e., essentially what is known as the seal of confession. The formulation talks about the right “to maintain the obligation of confidentiality by clerics in connection with the exercise of confession or the exercise of a right similar to confessional secrecy, if this obligation has been a traditional part of the teaching of the Church and religious society for at least 50 years; however, this is without prejudice to the obligation to prevent a criminal offence imposed by a special law.”⁷¹ The same issue in the previous law on churches was formulated in a more succinct fashion: “The State recognises the obligation to maintain confidentiality imposed on the persons entrusted with the exercise of clerical activity.”⁷² It is true, however, that when the law came into force, it was punishable for clerics of churches and religious societies both failing to hinder or report certain enumerated offences.⁷³

The current law has abrogated the obligation to report a crime; only the failure to prevent it still remains a criminal offence. Therefore, the referring norm has changed the existing wording of the Criminal Code accordingly: “A clergyman of a registered church and religious society authorised to exercise special rights shall not be obliged to report if he becomes aware of the commission of a criminal offence in connection with the exercise of confessional secrecy or in connection with the exercise of a right similar to confessional secrecy.”⁷⁴ The seal of confession in the Czech legal system thus does not enjoy full, i.e. exceptionless protection.⁷⁵

⁷⁰ Zákon č. 561/2004 Sb., § 2 [Act No. 561/2004 Coll., § 2].

⁷¹ Zákon č. 3/2002 Sb., § 7 odst. 1 písm. e) současného znění zákona [Act No 3/2002 Coll., § 7(1)(e) of the current version of the Act].

⁷² Zákon č. 308/1991 Sb., § 8 [Act No 308/1991 Coll., § 8].

⁷³ At the time of the entry into force of Act No. 308/1991 Coll.: Sections 167 and 168 of Criminal Code No. 140/1961 Coll.

⁷⁴ Zákon č. 3/2002 Sb., § 35, doplňující § 168 trestního zákona [Act No 3/2002 Coll., § 35, supplementing § 168 of the Criminal Code]. This provision has also been incorporated into the new Criminal Code No. 40/2009 Coll., Section 368(3).

⁷⁵ “From what has been said it follows that our current legislation on the protection of

As regards granting special rights to churches and religious societies, the law seems somewhat inconsistent. The entities that were already registered on the date when the law entered into force may exercise their special rights in the existing extent. This allows for some variability.⁷⁶ If these entities subsequently intend to exercise certain special rights which they did not exercise at the time of the Act's entry into force, a proper administrative procedure will be carried out, as was the case, for example, with the Seventh-day Adventist Church, which shortly after the Act's entry into force applied for authorisation to exercise the previously unexercised special right to teach religion in state schools, with a successful outcome.⁷⁷ However, the situation is different for those churches and religious societies, which have yet to be granted these special rights: "An application for the grant of special rights may be made either for the exercise of all special rights under section 7(1) or only for the exercise of special rights under section 7(1)(a) to (e)."⁷⁸ It follows that these churches and religious societies will be summarily granted authority to exercise all the special rights enumerated in the act (with the exception of state-recognized clergy confidentiality, if they cannot demonstrate at least fifty years of its observance. Paradoxically, however, most of the twenty-one churches and religious societies listed in the original Annex to the Act, which are already recognized and are allowed to exercise special rights, would not surpass the membership threshold of approximately ten thousand, i.e. one per mille of the population of the Czech Republic.

In the long-awaited 'restitution' law on property compensation with churches and religious societies,⁷⁹ however, the long-discussed right

confessional (or similar) secret is not absolute. It is based on the construction that the confessor is obliged to keep silence only about what the penitent has already committed, but it does not take into account (since this seems hardly possible) that the confessor may not divulge anything on the penitent and for no reason (*nefas est quavis de causa aliquatenus prodere paenitentiam*).⁸⁰ [Hrdina 2004, 232].

⁷⁶ Zákon č. 3/2002 Sb., § 28 odst. 1 [Act No. 3/2002 Coll., § 28(1)].

⁷⁷ Decision of the Ministry of Culture of the Czech Republic No. 5840/2003 of 26 March 2003.

⁷⁸ Zákon č. 3/2002 Sb., § 11 odst. 3 [Act No. 3/2002 Coll., § 11(3)].

⁷⁹ Zákon č. 428/2012 Sb., o majetkovém vyrovnání s církvemi a náboženskými společnostmi a změně některých zákonů (zákon o majetkovém vyrovnání s církvemi a náboženskými společnostmi), ve znění pozdějších předpisů [Act No. 428/2012 Coll., on Property

of churches to state subsidies was excluded from the list of special rights. The original wording of the law talks about the right “to be financed according to a special legal regulation on the financial security of churches and religious societies.”⁸⁰ Therefore, even if in the future a church or a religious society were to obtain the right to exercise special rights, it would no longer be subject to funding from the state budget.

6. Successful Registration Procedures for Churches in the Czech Republic to Date

In the Annex to the Act, the baseline number of twenty-one registered churches and their names as of the date of the entry into force of the Act No. 3/2002 Coll. is set out. Unlike the similar list of nineteen in Act 308/1991 Coll., the new list has been supplemented by two entities registered under the immediately preceding legislation: the Lutheran Evangelical Church of the Augsburg Confession in the Czech Republic and the Religious Society of Jehovah’s Witnesses:

1. The Apostolic Church (*Apoštolská církev*).
2. The Unity of the Brethren Baptists (*Bratrská jednota baptistů*)
3. Seventh-day Adventist Church (*Církev adventistů sedmého dne*)
4. Church of the Brethren (*Církev bratrská*)
5. Czechoslovak Hussite Church (*Církev československá husitská*)
6. Church of Jesus Christ of Latter-day Saints (*Církev Ježíše Krista Svatých posledních dnů*)
7. Greek Catholic Church (*Církev řeckokatolická*)
8. Roman Catholic Church (*Církev římskokatolická*)
9. Evangelical Church of Czech Brethren (*Českobratrská církev evangelická*)
10. Evangelical Church of the Augsburg Confession in the Czech Republic (*Evangelická církev augsburského vyznání v České republice*)

Settlement with Churches and Religious Societies and Amendments to Certain Acts (Act on Property Settlement with Churches and Religious Societies), as amended].

⁸⁰ Zákon č. 3/2002 Sb., § 7 odst. 1 písm. c) [Act No 3/2002 Coll., Section 7(1)(c)] of the original version of the Act.

11. Evangelical Methodist Church (*Evangelická církev metodistická*)
12. Federation of Jewish Communities in the Czech Republic (*Federace židovských obcí v České republice*)
13. Unity of the Brethren (*Jednota bratrská*)
14. Christian congregations (*Křesťanské sbory*)
15. Lutheran Evangelical Church in the Czech Republic (*Luterská evangelická církev a. v. v České republice*)
16. Religious Society of Czech Unitarians (*Náboženská společnost českých unitářů*)
17. Religious Society of Jehovah's Witnesses (*Náboženská společnost Svědkové Jehovovi*)
18. New Apostolic Church in the Czech Republic (*Novoapoštolská církev v České republice*)
19. Eastern Orthodox Church in the Czech Lands (*Pravoslavná církev v českých zemích*)
20. Silesian Evangelical Church of the Augsburg Confession (*Slezská církev evangelická augsburského vyznání*)
21. Old Catholic Church in the Czech Republic (*Starokatolická církev v České republice*)

The first church to reach more than 300 adherents and to succeed in its application for registration after Act No. 3/2002 Coll. entered into force was the Christian Community Church (*Církev Křesťanská společenství*) in 2002.⁸¹ Groups of its members had already split from their home Evangelical Church of Czech Brethren before 1989 in a spirit of adherence to the Pentecostal spirituality of American inspiration.⁸² Those who

⁸¹ Decision of the Ministry of Culture of the Czech Republic No. 4563/2002-22, dated 19 June 2002.

⁸² "The centre of the charismatic movement since 1979 has been the congregation of the Evangelical Church of Czech Brethren in Maniny, Prague [...]. The charismatic community there, which had grown unprecedentedly and had a nationwide outreach, left the Czech Brethren Church after several disagreements; and in the first months of religious freedom (1990) formed the Christian Society of Maniny (*Křesťanská společnost*), later renamed the Christian Community of Prague [*Křesťanská společenství*]. Congregations under the name of Christian Community were then established in cities throughout Czechoslovakia. In 2002, these separate congregations in the Czech Republic formed the Christian

follow this movement often join existing churches and, as the example of another traditional Reformation church, Unity of the Brethren (*Jednota bratrská*), has shown, the church can completely change its shape.⁸³ The traditional believers of the Unity of the Brethren eventually found refuge in the Evangelical Church of Czech Brethren, which established the so-called Ochranov Seniorate (*Ochranovský seniorát*) for them in 1999 [Hoblík 2008, 45]. Recently, the Unity of the Brethren Baptists has also split. The Baptist congregations which in the meantime came to adhere to the Charismatic-Pentecostal inspirations operate now completely independently and do not fall under the state-recognised Baptist Unity. It seems, however, that the cleavage line runs yet another way in contemporary Protestantism. Baptist congregations favoring feminism, homosexuality, and similar trends have become independent and applied for registration under the name of the Fellowship of Baptist Congregations (*Společenství baptistických sborů*), which the ministry granted in 2019.⁸⁴

Since the Baptists – more consistently than other similar Christian denominations – emphasize a congregationalist concept of the church, where individual congregations are to be truly separate and independent church associations, it has also been suggested that each Baptist congregation should actually register separately; all together they should form a single union of churches.⁸⁵ However, the possibility given by law to register such associations of churches and religious societies is not based on ecclesiological specificities of some churches, but reflects the need to unite already

Community Church (Církev Křesťanská společenství) and were registered under this name by the Ministry of Culture as a newly established church.” [Vojtíšek 2004, 104-105].

⁸³ “Even in the Unity of Brethren a charismatic ‘church within a church’ was formed in the 1990s, which eventually (at the 1998 Synod) gained upper hand over the non-charismatic part of this church. Today, under the new leadership, Unity of the Brethren has effectively become the second charismatic denomination in the Czech Republic, alongside Christian Congregations.” [Vojtíšek 1999, 25].

⁸⁴ Decision of the Ministry of Culture of the Czech Republic No. MK 15672/2019 OC, dated 18 March 2019.

⁸⁵ “Each local congregation may or may not bind with other congregations to form a union (union, convention, unity, etc.), usually on a regional basis, for the purpose of promoting and coordinating publishing, educational, social reform or charitable activities. The decisions of the bodies of these unions take the form of recommendations and individual decisions remain the responsibility of the local congregation.” [Nešpor and Vojtíšek 2015, 132].

recognized churches and religious societies into purposefully established supra-church entities.⁸⁶ So far, the Military Spiritual Ministry (*Vojenská duchovní služba*)⁸⁷ and the Ecumenical Council of Churches in the Czech Republic (*Ekumenická rada církví v České republice*) have been registered as associations of churches.⁸⁸

The Pentecostal strand of Christianity is growing vigorously. In the Czech Republic, a total of six smaller churches have been established and have achieved state registration, which can be classified as part of a somewhat polymorphic and vividly developing *faith movement*.⁸⁹ in 2007 the Church of the Living God (*Církev živého Boha*),⁹⁰ in 2009 the New Hope Church (*Církev Nová naděje*),⁹¹ in 2010 the Word of Life Church (*Církev Slovo života*),⁹² in 2012 the Church of Faith (*Církev víry*),⁹³ in 2013 the New Life Church (*Církev Nový Život*)⁹⁴ and, finally, in 2014 the Oasis Church (*Církev Oáza*).⁹⁵ The Faith Movement was founded on the preaching and writing

⁸⁶ Cf. Act No. 3/2002 Coll., § 12.

⁸⁷ Decision of the Ministry of Culture of the Czech Republic No. 21427/2004, dated 4 February 2005.

⁸⁸ Decision of the Ministry of Culture of the Czech Republic No. 9519/2005, dated 19 July 2005.

⁸⁹ "In addition to the Bible, the teachings of the Faith Movement are also found in hundreds of publications and recordings of the Teachers of the Faith. Thus, it contains many elements that go beyond the Pentecostal tradition, e.g. the idea of the nature of Satan in a non-Christian person and the providence of God in a Christian person, which makes him essentially a divine being; the idea that redemption made possible through Jesus's descent into hell, the idea that the believers have authority over the spiritual world, etc." [Vojtíšek 2004, 119].

⁹⁰ Decision of the Ministry of Culture of the Czech Republic No. 80009/2007, dated 27 November 2007.

⁹¹ Decision of the Ministry of Culture of the Czech Republic No. 5577/2009, dated 3 September 2009.

⁹² Decision of the Ministry of Culture of the Czech Republic No. 11623/2010, dated 15 July 2010.

⁹³ Decision of the Ministry of Culture of the Czech Republic No. 24865/2012-33, dated 22 May 2012.

⁹⁴ Decision of the Ministry of Culture of the Czech Republic No. MK 39252/2013 OC, dated 25 October 2013.

⁹⁵ Decision of the Ministry of Culture of the Czech Republic No. MK 48 963/2014 OC, dated 11 October 2014.

of Kenneth Erwin Hagin (1917-2003) and is made up of independently operating congregations, connected only loosely by the missionary organization of the founding teacher. This is also the cause of the fragmentation of the churches: applications for registration come from many different separate denominations; however, most of them are small in number.

The registration application of the internationally established Salvation Army, successfully completed in 2013, intended to demonstrate to the Czech public its primary identity as a Christian church, while its charitable activities represent an outward manifestation of a lived Christianity.⁹⁶ Of a completely different type, however, is an entity registered in 2002, namely the Community of Christians in the Czech Republic (*Obec křesťanů v České republice*).⁹⁷ In this case, it is not a Christian church, as the name would suggest, but an association of supporters of the anthroposophical teachings of Rudolf Steiner (1861-1925), known to the wider public primarily through the so-called Waldorf education.⁹⁸ Likewise, the Christian Church of Essene, which refers to Christianity directly in its name, can hardly be classified as a true Christian church. Rather, it is an esoteric spiritual movement influenced by *New Age*, where nature healing is also practiced.⁹⁹ The misleading name of this religious society claiming to be

⁹⁶ The Salvation Army (from 22 September 2015 the name used has been 'Salvation Army: a Church' [Armáda spásy – církev]). Decision of the Ministry of Culture of the Czech Republic No. MK 40633/2013 OC dated 25 September 2013. "We are currently working on preparing all the documents and filling out the signature sheets. We believe the registration of the Salvation Army Church in the Czech Republic will also be a wonderful gift to celebrate the 20th anniversary of the moment when it resumed its operation in the Czech Republic." [Mitáš 2010, 8].

⁹⁷ Decision of the Ministry of Culture of the Czech Republic No. 8213/2002-23, dated 3 September 2002.

⁹⁸ "To Steiner, Christ was not just a historical appearance, but always a direct reality. The apostle of theosophy finds Christ in everything, in all branches of science; he wants a Christ greater and more spiritual than the churches are said to present to the humankind." [Kubalík 1987, 114].

⁹⁹ "Supposedly, the Church is the continuation of an informal community in which people with special spiritual capabilities (i.e., communicating with angels) have been meeting since 1948. These capabilities were also assumed to have been present in the early Church and also in the community of the Essenes with whom the early Christians were supposed to have been in close contact. [...] This community and its alleged characteristics are far more vividly discussed in the esoteric tradition, especially in modern esotericism within

a Christian church again seems to be no obstacle for its state recognition, which took place in 2022.¹⁰⁰

In contrast, the esoteric and healing-oriented Josef Zezulka Community, registered in 2014, does not hide behind a Christian facade.¹⁰¹ The very name of this society includes the name of the now deceased founder († 1992), whose successor is the holder of the title “healer” (*sanátor*).¹⁰² This title refers to a healing agenda accompanied by esoteric teachings, again in the spirit of the New Age movement. Clearly, the Ministry must proceed with caution when carrying out the administrative process for the registration of such entities. The law, in its detailed Section 5, sets out the so-called qualitative conditions for the establishment and operation of churches and religious societies. For example, an entity “restricting personal freedom of persons, in particular by using psychological or physical coercion to create dependence which leads to physical, psychological or economic harm to such persons or their family members” must not carry out its activities.¹⁰³

The world organization of the Eastern Orthodox Churches is characteristic by ‘autocephaly’, i.e. the autonomous and independent existence of individual national churches. Therefore, in addition to the Eastern Orthodox Church in the Czech Lands and Slovakia (*Pravoslavná církev v Českých zemích a na Slovensku*), which has traditionally operated on Czech territory, the Russian Orthodox Church, a *podvorye* of the Patriarch of Moscow and All Russia in the Czech Republic also applied for registration and was recognized in 2007.¹⁰⁴ This is a continuation of its previous activities, as already in 1979, the so-called *podvorye*, the foreign representation of the Russian Orthodox Church in Karlovy Vary, was opened

the New Age movement.” [Vojtíšek 2014, 45-46].

¹⁰⁰ Decision of the Ministry of Culture of the Czech Republic No. MK 4325/2021 POD, dated 20 January 2022.

¹⁰¹ Decision of the Ministry of Culture of the Czech Republic No. MK 63 861/2014 OC, dated 19 December 2014.

¹⁰² “The religious community is headed by a single clergyman with the title of a ‘healer’ (*sanátor*). Currently, it is Zezulka’s disciple and successor Ing. Tomáš Pfeiffer. He holds this for life, and he has the task of appointing the next ‘healer’.” [Tretera and Horák 2015, 172].

¹⁰³ Cf. Act No. 3/2002 Coll., § 5(e) [Zákon č. 3/2002 Sb., § 5 písm e)].

¹⁰⁴ Decision of the Ministry of Culture of the Czech Republic No. 15996/2006, dated 2 May 2007.

in socialist Czechoslovakia.¹⁰⁵ In addition, Oriental Christianity has gained another representative among the state-recognized churches in the Czech Republic, within the circle of the Old Oriental Churches, which separated from world Christianity as early as the fifth century. This is the Armenian Apostolic Church (*Arménská apoštolská církev*), which applied for registration under the name of the Church of St. Gregory the Illuminator (*Církev Svatého Řehoře Osvětitel*) and successfully passed its second attempt at registration in 2013.¹⁰⁶

In the Czech legal system, the Catholic Church is recognized in two confessional forms, namely the Roman Catholic Church and the Greek Catholic Church. This was one of the incentives for the Priestly Fraternity of St. Pius X (*Fraternitas Sacerdotalis Sancti Pii X – FSSPX*) to apply for registration as a supposedly third entity representing the Catholic Church. In reality, it is an integralist Catholic movement which opposes the reforms of the Catholic Church after the Second Vatican Council (1962-1965). The outward, visible sign of the Fraternity is its adherence to the Latin liturgy as it was celebrated in the Church for many centuries, until the introduction of far-reaching liturgical changes in the late 1960s and early 1970s.

In fact, the Priestly Fraternity of St. Pius X is not even a typical church or religious society, since its members can only be priests, seminarians preparing for the priesthood and consecrated persons in religious communities. According to the concept developed by FSSPX, all Catholics may attend the services celebrated by the priests of the Fraternity, but only those who have declared their adherence before a Fraternity priest or have been baptized by a Fraternity priest are considered adherents of the Fraternity. The first decision of the Ministry of Culture on the registration of the FSSPX in 2017 was challenged by an appeal (the so-called appeal [*rozklad*]) filed by the Czech Bishops' Conference to the Minister of Culture. Among other reservations, the bishops' commentary also included an argument

¹⁰⁵ A contemporary information brochure states: "Reciprocal visits of clergymen are organised, Czech and Slovak divinity students study at the Moscow and Leningrad academies. [...] Since 1 April 1979, with the consent of the relevant state authorities, a podvorye, i.e. a representative office of the Russian Orthodox Church in the Czechoslovakia, has been established in Karlovy Vary." [Černý 1989, 73].

¹⁰⁶ Decision of the Ministry of Culture of the Czech Republic No. MK 12485/2013 OC, dated 27 March 2013.

concerning the counting of signatures of persons claiming to be part of the entity seeking registration.¹⁰⁷ However, the second attempt at registration for this priestly brotherhood (pejoratively called 'lefebvrists' after its founder) was successful.¹⁰⁸

After the successful registration of the esoterically oriented Community of Christians (*Obec křesťanů*) in 2002, two entities of Indian inspiration were recognized: the International Society for Krishna Consciousness – Hare Krishna Movement (*Mezinárodní společnosti pro vědomí Krišny – Hnutí Hare Krišna*)¹⁰⁹ and the Czech Hindu Society (*Česká hinduistická společnost*).¹¹⁰ Especially the former group raises serious concerns;¹¹¹ in the latter case, the general-sounding name obscures a very specific direction called 'yoga in daily life', whose promoter is the Indian guru Swami Maheswarananda, who has been active in the West since 1972.¹¹² In 2007, two more religious societies of East Asian inspiration were registered and established in Europe: the Diamond Way Buddhism (*Buddhismus*

¹⁰⁷ "The law says there should be 300 signatures, the Fraternity delivered 363 of them. After subtracting the seventeen which failed to meet the formal requirements, the Ministry of Culture, as it is the practice in other cases, too, sent a letter to the signatories asking if they were actually signing up to the Fraternity. 220 responded positively, 32 negatively and the remaining 80 did not respond. Precisely this method of counting these 'silent' votes was what the Czech bishops challenged." [Mrázek 2018, 47].

¹⁰⁸ Decision of the Ministry of Culture of the Czech Republic No. MK 37561/2018 OLP, dated 5 June 2018.

¹⁰⁹ Decision of the Ministry of Culture of the Czech Republic No. 11380/2002-24, dated 21 November 2002.

¹¹⁰ Decision of the Ministry of Culture of the Czech Republic No 11597/2002-25, dated 25 November 2002. As of 11 June 2015, the name changed to Vishwa Guru Dip Hindu Mandir – Czech Hindu Community (Višva Guru Díp Hindu Mandir – české hinduistické společenství).

¹¹¹ "The danger of being a member of the Hare Krishna movement lies especially in the complete departure from a usual way of life. Meditation practice, an exclusively vegetarian diet, ascetic demands and, last but not least, a spiritual focus on a completely alien culture can permanently affect members negatively both physically and mentally." [Opatrný 1998, 39].

¹¹² "Maheswarananda soon extended his influence to other European countries and was one of the few religious leaders to show interest in socialist countries. For the first time, he came to former Czechoslovakia in 1973, and since then he has managed to attract the largest number of students compared to all other Indian teachers working in this country." [Vojtíšek 2004, 345].

Diamantové Cesty) of the Karma Kagyu Lineage¹¹³ and the Vishwa Nirmala Dharma, which cultivates the so-called Sahaja Yoga.¹¹⁴ Both of these entities have raised doubts; they concern the personalities of their founders. In the first case, Guru Ole Nydahl,¹¹⁵ and in the second, the “Divine Mother” Shri Mataji Devi († 2011).¹¹⁶ The exotic spirituality of Buddhism has also appealed to the supporters of the religious community, which chose the name *Theravada Buddhism* and was registered in 2018.¹¹⁷ However, believers from among the Vietnamese minority in the Czech Republic, professing an authentic folk Buddhism with various syncretic elements, succeeded in registering their Community of Buddhism in the Czech Republic (*Společenství buddhismu v České republice*) only in 2020.¹¹⁸ Their previously registered association was transformed to the level of a religious society. Among other reasons, this was due to their efforts to have qualified clerics of their Buddhist lineage.¹¹⁹

A novelty among the religious movements whose traditions have already received state recognition in the Czech Republic is the registration of a neopagan movement under the name Slované (*The Slavs*) – a religious

¹¹³ Decision of the Ministry of Culture of the Czech Republic No.12449/2006, dated 16 May 2007.

¹¹⁴ Decision of the Ministry of Culture of the Czech Republic No. 13654/2006, dated 25 June 2007.

¹¹⁵ “Ole Nydahl’s hedonistic lifestyle, expressed in his acronym ‘pretty girls and fast cars’, has already been dealt with many times in Western tabloid media. [...] A more serious issue is the sense of exclusivity that seems to be purposefully built up in Nydahl’s group. Unfortunately, this is also accompanied by harsh condemnation of other strands of Buddhism and especially other religions; Nydahl’s rants against Islam, for example, have already become notorious. It is impossible to avoid the impression that Nydahl has completely failed to avoid the role of an uncritically admired guru, and that some of his disciples are gradually assuming the same sovereign position.” [ibid., 379].

¹¹⁶ “Photographs of Mataji are used as symbols in meditation. Devotion may also be expressed by the ancient Hindu ritual of pouring ‘nectar’ of honey, ghee and other ingredients over the feet of the guru, which is then kept and drunk.” [Partridge and Vojtíšek 2006, 201].

¹¹⁷ Decision of the Ministry of Culture of the Czech Republic No. MK 38436/2018 OC, dated 26 June 2018.

¹¹⁸ Decision of the Ministry of Culture of the Czech Republic No. MK 34624/2020 SOCNS, dated 25 June 2020.

¹¹⁹ “The efforts of Vietnamese Buddhists in the Czech Republic to secure better conditions for monks from Vietnam, who are currently subject to unfavourable visa requirements, was one of the most important reasons for the attempt to register the Vietnamese Buddhist community as a religious society.” [Vojtíšek 2020, 109].

society.¹²⁰ This is a new Czech religious movement which now represents the revival of pre-Christian religious traditions and follows the spiritual trend called *Rodnověří* (*Native-Faith*). The people who claim to follow the original Slavic spirituality organize themselves mainly through various associations, such as the Czech Pagan Society (*Česká pohanská společnost*), *Rodná víra* (*Native Faith*) or the Slavic Circle (*Slovanský kruh*).¹²¹

7. Exceptions to the Conditions Set for the Exercise of Special Rights and Unsuccessful Registration Procedures

In the Health Services Act, which replaced the former socialist act “On Care for the Health of the People” (*zákon o péči o zdraví lidu*) in 2011, there is an innovation concerning all state-recognized churches, including those that lack the authorization to exercise special rights. While recognizing that those who are sick and dying also require intensive spiritual care, the law respects the right of patients “to receive spiritual care and spiritual support in an inpatient or day care facility from clergy of churches and religious societies registered in the Czech Republic or from persons authorized to exercise spiritual [...] in accordance with the internal rules and in a manner that does not violate the rights of other patients and with regard to his/her state of health, unless otherwise provided for by other legislation; a visit by a clergyman must not be denied to a patient in cases of danger to his/her life or serious damage to his/her health, unless provided otherwise by the legislation.”¹²²

While in the area of health care the legislator has already demonstrated trust towards all registered churches and religious societies, the 2002 Act on Churches wanted to accommodate mainly the well-established entities, which was also reflected in the establishment of a temporary exception:

¹²⁰ Decision of the Ministry of Culture of the Czech Republic No. MK 34202/2020 POD, dated 22 January 2022.

¹²¹ “Representatives of the Slavic Circle and ‘Slované’ (The Slavs) association say they reject nationalism, esotericism and neo-Nazism in any form; however, at the same time, they emphasize their goal is not to build a ‘dogmatic form of religion.’” [Horák 2024, 349].

¹²² Zákon č. 372/2011 Sb., o zdravotních službách a podmínkách jejich poskytování, § 28 odst. 3, písm. j [Act No. 372/2011 Coll., on health services and conditions of their provision, Section 28(3)(j)].

“The Ministry, with the consent of the Government, may make an exception and grant authorization for special rights under Section 7(1) of the Act. (1) to churches and religious societies that represent a major world religion with a long historical tradition, operate in the territory of the Czech Republic and are registered under this Act. [...] An exemption under this paragraph may be granted only within five years of the entry into force of this Act.”¹²³ The essence of this exception was the waiver of the general ten-year time limit for the ‘certification’ (accreditation) of a church or religious society still registered only in the first instance, as well as the numerical census of the number of persons adhering to it, amounting to one per cent of the population of the Czech Republic, so that it could achieve authorisation to exercise special rights more easily. This exemption was sought by, among others, the Centre of Muslim Communities (*Ústředí muslimských obcí*), which was successfully registered in 2004,¹²⁴ but its application for an exemption from 2006 was not granted because the Muslim communities had not established the statutory body required by law.¹²⁵ At present, it is no longer possible to apply for an exemption as the five-year period from the entry into force of the law, which the law provided for the possibility of granting it, has already expired.¹²⁶

However, not even the applications for simple registration were all successful,¹²⁷ as was the case from the outset with the Ecumenical Church of Saint John of Jerusalem (*Ekumenická církev svatého Jana Jeruzalémského*), Order of the Knights of Rhodes and Malta (*Řád rytířů Rhodosu a Malty*), which, for example, did not meet the condition of its name being different from another already registered ecclesiastical legal entity.¹²⁸ Twice, the Ministry stopped the registration attempts to a schismatic

¹²³ Zákon č. 3/2002 Sb., § 27 odst. 8 [Act No. 3/2002 Coll., § 27(8)].

¹²⁴ Decision of the Ministry of Culture of the Czech Republic No. 4874/2004, dated 17 September 2004.

¹²⁵ Decision of the Ministry of Culture of the Czech Republic No 5900/2006 of 21 December 2006; Decision of the Ministry of Culture of the Czech Republic No 5900/2006, dated 21 December 2006 and Decision of the Minister of Culture (appeal) No 18735/2006, dated the same day 21 December 2006.

¹²⁶ The deadline expired on 3 January 2007.

¹²⁷ The Ministry of Culture reports a total of 25 cases of refused registration.

¹²⁸ Decision of the Ministry of Culture of the Czech Republic No 4059/2002, dated 23 October 2002.

body that has been waging a long-standing struggle against the legal structures of the Catholic Church: “A group of members of the former delegation of the Basilian Order in the Czech Republic was expelled from the Czech Republic in 2003 by their superiors for improper behaviour and disobedience. They found refuge in Ukraine. From there, for some time now, they have been waging a fierce written struggle and polemic against almost anyone who in any way has touched their own distorted ideas of what the Church should teach and do, or interfered with what they wrongly consider to be their own.”¹²⁹ The first time the movement claimed registration as the Ukrainian Greek Catholic Church,¹³⁰ the second time as the Ukrainian Orthodox Greek Catholic Church.¹³¹

In some cases, only the first registration application was unsuccessful, while success came after the second submission.¹³² A complete exception in the registration applications is the concealment of criminal activity under the guise of establishing a religious society. This is the case of the entity calling itself the Guru Jára Path (*Cesta Guru Járy*). The activities of the founder, Jaroslav Dobeš, have been investigated by the Office for the Detection of Organized Crime (*Úřad pro odhalování organizovaného zločinu*) since 2010. There have also been numerous criminal reports by former members of this community who have openly recounted the sexual practices of the self-proclaimed guru. His group’s application to the Ministry of Culture to register a religious society was understandably unsuccessful.¹³³ In addition, the Ministry of Culture was also unable to avoid two attempts to abuse the registration procedure by means

¹²⁹ Prohlášení České biskupské konference k tzv. „dopisům z Ukrajiny” [Statement of the Czech Bishops’ Conference on the so-called “letters from Ukraine”]. In: Acta ČBK No. 2 (2007), p. 73.

¹³⁰ Rozhodnutí Ministerstva kultury ČR No. 13751/2003, dated 4 March 2004.

¹³¹ Decision of the Ministry of Culture of the Czech Republic No. MK 11449/2014 OLP, dated 19 March 2014.

¹³² The first application of the Armenian Apostolic Orthodox Church was rejected on the basis of the Decision of the Ministry of Culture of the Czech Republic No. 3038/2006, dated 20 June 2006 (the Church was not recognised until 2013), as well as the application of the Church of New Life on the basis of the Decision of the Ministry of Culture of the Czech Republic No. MK 1696/2010 OC, dated 27 February 2010 (the Church was also not recognised until 2013).

¹³³ Decision of the Ministry of Culture of the Czech Republic No. MK 57172/2017 OLP, dated 21 September 2017.

of a prank, which it had to prevent. These were the cases of the Beer Church (*Pivní církev*)¹³⁴ and the Hemp Church (*Konopná církev*).¹³⁵

Conclusion

The number of newly registered churches and religious societies in the Czech Republic since 2002 has already risen to twenty-three. It has now surpassed the original number of 21 churches and religious societies that were recognised by the State before the entry into force of Act No. 3/2002 Coll. and listed in its annex. Many of these previously recognised churches have a membership of less than the one per cent of the population of the Czech Republic required by law for newly registered churches to be authorised to exercise special rights. Nevertheless, the majority of these previously recognized churches exercise some rights or all of them, while, on the other hand, none of the new entities has reached a membership of approximately 10,000, so none of the twenty-three new churches can exercise the special rights. Therefore, the two-tier registration system may appear discriminatory. However, if it were completely disadvantageous for the new entities, there would certainly not be such an interest for ever new registrations from diverse religious groups.

The new registrations have also shown that underneath the atheistic or rather agnostic surface,¹³⁶ richly diversified spiritual interests are widespread among the population of the Czech Republic. Outside of mainstream Christianity, for example, more churches belonging to a 'faith movement' have emerged; they have transcended the practice of previous charismatic and Pentecostal churches. Adherents of certain esoteric movements have also expressed interest in registering as churches or religious societies, although some of these are said to be developing authentic

¹³⁴ Decision of the Ministry of Culture of the Czech Republic No. MK 42335/2012 OC, dated 19 July 2012.

¹³⁵ Decision of the Ministry of Culture of the Czech Republic No. MK 8004/2019 OC, dated 9 June 2019.

¹³⁶ "Sometimes people who merely reject a particular religion, in our environment this mostly concerns Christianity, declare themselves atheists. A special category is made up of people who, in some surveys, describe themselves as neither believers nor non-believers and subscribe to the answer that they 'admit the existence of God.'" [Štampach 2010, 57-58].

Christianity. Both Indian and East Asian religions attract attention because of their alien origins and mysterious ritual forms. The registration of new religious entities also serves to resolve schisms and disputes within denominations. The Catholic Church still remains by far the largest church in the Czech Republic. However, the Church itself is also internally differentiated and pluralistic: in it, we find adherents of the most diverse religious spiritualities, ecclesial movements and traditionalist or charismatic groups. Religiousness in the Czech Republic is neither a massive phenomenon, but it is not insignificant either. It can be said that the biblical statement about the 'little flock'¹³⁷ seems fitting for it, while the former mass base of the folk church (*Volkskirche*) is already a thing of the past in the territory of the Czech Republic.

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¹³⁷ Cf. Luke 12:32.

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