CHAPTER 9

Two ways of regulating religions: The case of Czechia and Slovakia after the division of the federative state in 1992

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Abstract

The Czechoslovak Republic, established in 1918 was a project of creation of one common legal and constitutional system from dual Austrian- Hungarian Empire. After more than seventy years of the existence of Czechoslovakia, in 1993 there were started two ways of searching for state-church relations in two new independent states – Slovakia and Czechia. One common legal basis established mostly in post WWII period and mostly democratised in the short period of democratic Czechoslovakia 1990 – 1992 has changed after a quarter of a century into two completely different forms of state-church relations. In Czechia, a system of mutual independence of state and religions (a way of marginalisation in the political life) was created but at the same time in Slovakia a system of strong state´s support of religions has fixed their position in public life and pushing them to the centre of political life.

Introduction

The legal regulation of religious life in the Czech Republic and Slovakia is a unique comparative example in Europe. A comparison of the development of the relationships between the state and churches in the Czech Republic

and Slovakia invites a unique analysis of the formation of the "religious field" (Bourdieu, 1971) within the transformation of the social and political system from state socialism to a market society. Both countries were part of the Habsburg monarchy until 1918, which, despite its various specificities, has been trying for the last century or more to unify the legal situation in the Austrian (included Czech lands) and Hungarian (included Slovakia) parts of the state (Nešpor, 2020). Later, as part of Czechoslovakia, the two parts sought a common model of this regulation that would overcome some of the historical differences of the monarchy, but at the same time would be open to the realities of a republican and democratically formed state. Within the framework of the common state, a unified, completely new model of church policy was introduced in 1949 by the ruling Communist Party of Czechoslovakia. This was based on the principle of nationalisation of the public and property functions of churches and religious societies, which came under direct control and dependence on the state (Law No. 217/1949), which was supplemented by direct financing of the salaries of the clergy and head offices of the recognised churches and religious societies (Law No. 218/1949). In the period 1949-1989, this model created an egalitarian system of recognized churches that were under the control of the state authorities (Tížik, 2011) However, this system excluded from the not autonomous religious field all religious groups not recognized by the state, which for this reason did not even exist for the state as groups of people of a common religious or ideological belief. Such cases of unrecognized churches were, for example, the Jehovah's Witnesses or the Unification Church (Beláňová, 2016; Beláňová, 2020) For this reason, too, the existence of full religious freedom as a possibility of a free but collectively cultivated religious life cannot be said to have existed between 1949 and November 1989, even despite the constitutionally and legally guaranteed protection of individual religious rights (Constitution of the Czechoslovak Republic, No. 150/1948, Constitution of the Czechoslovak Socialist Republic, No. 160/1960). The third period of the common Czechoslovakia in the formation of common religious field but at the same time the creation of basis of two independent fields was the short period of transition from state socialism to pluralistic and liberal democracy, beginning with the Velvet Revolution in November 1989 and ending with the split of the federative state at the end of 1992.

The aim of this study is therefore to analyse the gradual break-up of the two models of state-church relations, with an indication of the importance of common ground in the model existing in the years 1949-1989. The study, built on the analysis and comparison of the successively adopted legal norms, will also show that neither model can be taken for granted as natural and self-evident. At the same time, the analysis aims to show to what extent the original legal

framework can shape the newly emerging systems (religious field), *i.e.*, what role continuity plays even in a world of revolutions and fundamental political and social changes. What may appear from the existence of legal norms as an objective fact is revealed in such a comparison as the result of the resolution of various dilemmas as to how particular issues can be resolved in the new socio-political conditions.

Democratisation as building the autonomy of religious fields

Issues of religious freedom and the entry of religion (and churches) into the public space were an important part of the demands of the Velvet Revolution in November 1989 in Czechoslovakia. Already in the first days of Revolution, which broke out after the violent suppression of the student march on 17 November 1989, priests or believers of the main churches in both parts of the country began to engage in the public space in a different way. In the Czech part of the common state, representatives of the churches were active agents of the revolutionary changes, despite the still persistent official control of the state over the churches. The strongest voice in both parts of the state was that of the Catholic Church. On 25 November 1989, for example, the programme of protest activities included participation in events connected with the canonisation of Agnes of Bohemia (canonised in Rome on 11 November 1989), which included a live television broadcast of the solemn mass from Prague. Cardinal František Tomášek made a public speech in which he bowed to the protesting public and called for non-violence. At a subsequent gathering of some 500,000 citizens on Letná Plain in Prague, participants prayed the Our Father with Catholic priest Václav Malý.

Although in Slovakia the protests did not include similar religious rituals and ceremonies, nor did they involve priests, but rather only lay people from the so-called underground church, among the main twelve demands of the civil public in the document Programme Declaration of the Public against Violence and the Coordination Committee of Slovak University Students of 25 November 1989 was also a demand for "consistent separation of the church from the state" (Krapfl, 2013; Tížik, 2011)

At the federal level, *i.e.*, with implications in both parts of the State, already on 29 November 1989, at the 16th Special Session of the Federal Assembly, Article 4 on the leading role of the Communist Party in the state and society was abolished. At the same time, Constitutional Article 6 on the National Front, which, according to the Constitution, brought together permitted political

parties and social organizations, was amended, as was Article 16, according to which cultural policy, education and training were to be conducted in the spirit of scientific communism and Marxism-Leninism. Already in the first month of social change, the issue of the abolition of state control over the churches became a topic, with the abolition of the so-called religious crimes (obstruction of church control) as early as 13 December 1989.

In less than a month, the old ideological framework of the state, which had also legitimised the previous model of state-religion relations, had clearly collapsed. The initially disfavoured religion, in its various forms and through the activities of different actors, began to change the whole structure of relations between the various religious actors and also the state *vis-à-vis* them.

The period of state socialism also had fundamentally different consequences for their abilities of self-reproduction, which was particularly evident when comparing the development of the confessional structure of Czech and Slovak society. Two different processes took place in the same legal system. Until the adoption of the so-called church laws in 1949-1950, both societies were dominantly declaratively associated with a religious group (more than 90% of the population) (Tížik, 2011). But already in the 1991 census, less than half of the population in the Czech Republic subscribed to a religion, in contrast to Slovakia, where almost three quarters of the population subscribed to a church or religious group. In both societies, the denominational structure before 1950 was almost identical – about three quarters of the total population belonged to the Catholic Church. Although the Catholic Church remained the largest in the Czech Republic after 1990, the proportion of the population subscribing to it declined from almost 40% in 1991 to about 7% in 2021. In Slovakia, the proportion of adherents to the largest church, the Catholic Church, remained slightly above 60% for the whole period, until it dropped to about 56% of the population in 2021 (Tížik, 2022). It is in this changing context of radical "de-churching" of Czech society and basically reproduction or only slight weakening of the religious structure in Slovakia that the changes in legal norms took place.

Since the beginning of 1990, a new system of relations between the state and religion can be said to have begun in Czechoslovakia. Already in January 1990, a law was passed abolishing the provisions on state approval for the nomination and practice of clergy and on the supervision of the administration and disposal of the property of churches (Law No. 16/1990), and the two-year process of building a new system of a legal framework coordinated in both parts of the federative state began. The starting point in the creation of the new formal religious field (in the sense of defining the authorized actors and their possibilities of action in the spiritual and worldview sphere) in terms of legislation was continuity in the financing of state-recognized religious entities according to the 1949 law, but

without control over the personnel policy of the churches and the disposition of their income and property. Even after the radical political change in the state, the new religious field began to take shape on the basis of a significant continuity in legal relations with the period of state socialism.

The adoption of the Constitutional Law of the Federal Assembly of the Czechoslovak Federal Republic No. 23/1991, which introduced the Charter of Fundamental Rights and Freedoms as the constitutional law of the Czechoslovak Federal Republic, became important in the first period of the formation of the religious field in Czechoslovakia. It includes a declaration guaranteeing "freedom of thought, conscience and religion" as well as the right to change religion or belief or to remain without religion. Hradecký draws attention to the seemingly minor, but in its consequences fundamental, significance of the use of the word faith in the text of the document as opposed to the original word belief, used in the Convention for the Protection of Human Rights and Fundamental Freedoms of 3 September 1953. The use of the more narrowly understood term in post-revolutionary Czechoslovakia was also reflected in other guarantees, which specifically address only the protection of religious faiths and give rights (including in the field of education) only to religious groups (Hradecký, 2020, p. 119). These real and symbolic acts and legal norms have created a specific understanding of religion that is no longer associated with a broadly defined protection and promotion of a plurality of beliefs and worldviews, but there has been a restriction of the understanding of religion on a theistic basis, expressed in the form of an organised association in the form of a church.

The relationship between federal and national legislation began to show divergent approaches in the two parts of the common state as early as the early 1990s. In the Czech part of the country, different topics were addressed on the beginning of transformation. As the question of recognition of specific religious groups was delegated from federative to the national authorities even before 1989, in the Czech Republic, at the beginning of the year (March) 1990, the Church of Jesus Christ of Latter-day Saints (the so-called Mormons), was recognised by a decision of the Czech government. This example also shows that there were still no universal laws regulating the conditions for the recognition of new churches, but it was within the competence of the authorities.

The federal legislature, even before the official process of property restitution has begun, has proceeded to two phases of restitution of church properties through so-called calculation laws. First, the restitution of properties to religious orders and congregations (it means catholic) in Bohemia, Moravia and Slovakia was carried out on the basis of Law No. 298/1990. A further part of the total of about 900 buildings was returned in July 1991 under Law No 338/1991.

In 1990, another federal law concerning the association of citizens was adopted – the Law on the Association of Citizens (Law No. 83/1990) – but it negatively defined itself against religiously oriented entities. In fact, the law does not explicitly refer to "the association of citizens in churches and religious associations" and states that if the Ministry of the Interior finds that an association is carrying out an activity "which is reserved for political parties (...) or for the exercise of religion or belief in churches and religious associations", it will dissolve it. Unlike churches and religious associations falling under the competence of the Ministry of Culture, citizens' associations under this law are registered with the Ministry of the Interior of the respective republic.

It was only in 1991 that legislation began to define the conditions of recognition and the space for recognized churches within the legal system in both parts of the state and the federation as a whole. At that time, the Federal Assembly adopted the Law on Freedom of Religious Belief (Law No. 308/1991), which also sets out the conditions for the registration of churches and religious societies, defines the definition of a church and the definition of a believer (*i.e.*, a member of a church). The wording of the law suggests that the model for the definition of a church or religious society was on the territory of Czechoslovakia the traditional, large and formally organised churches in the form of a bureaucratic institution. This definition, according to Nemec, means that the state considers churches to be public associations (corporations) of a special nature, which is embodied in the condition of having a religious, spiritual basis. A corporation that does not have a faith basis (moreover, a unified one) and a spiritual mission cannot be registered as a church. (Nemec, 1996) Churches that were operating under other applicable legal norms prior to the entry into force of the law (*i.e.*, by law or by state approval) were considered registered as recipated. During the existence of the Federation, no new church was recognised by the State after the adoption of this law. In the Czech Republic, 19 churches and religious societies (including the group Church of Jesus Christ of Latter-day Saints registered before adoption of the law) were thus transferred to the new legal framework by reception, *i.e.*, on the basis of "traditionalism"; in Slovakia, there were 14.

This general law was specified in 1992 by national laws which created frameworks for the possible registration of new churches or religious societies and which indicate a divergence in the approach to potential new actors in the religious field in both parts of the federation. The Czech National Council adopted the Act on Registration of Churches and Religious Societies (Law No. 161/1992), which established rather restrictive conditions for registration, but with the possibility of an exception for churches that are part of the World Council of Churches, *i.e.*, the large Christian churches. For registration under this law, it was necessary to declare 10,000 registered adults residing in the Czech Republic or 500 registered by such a church that is a member of the World Council of Churches.

In Slovakia, a much more restrictive law was adopted by the Slovak National Council at the same time and without any exceptions. (Law No. 192/1992) According to this law, 20,000 adults permanently residing in the territory of the Slovak Republic were required to declare their membership in order to register (which is four times the proportion of the population in comparison to the Czech Republic).

The Federal Law on Religious Freedom and the national registration laws created the boundaries of what can be described as a state-recognized religious field, *i.e.*, a precisely defined number of actors who become bearers of the legal designation of religion and who enter into relationships with each other and with the state in a number of legally defined areas. Recognised churches were also affected by laws allowing religious groups to enter the public media, education and family law systems even in the first period of the formation of the religious field. In the case of education, both by allowing religious instruction in public schools and by allowing religious schools to be established alongside public and private schools (Law No. 171/1990). Proof of the State's friendliness towards recognised churches (but only towards them) was also the adoption of Law No. 234/1992, which replaced the previously existing and established form of compulsory civil marriage with an optional form based on the choice of either civil or religious marriage, both of which became legally equivalent. (Čeplíková, 2001, p. 115)

As has been shown, already at the time of federation the approaches of the individual republics to the regulation of religious life began to differ, but the basic frameworks and principles remained uniform. However, the establishment of two separate republics meant a fundamental divergence in dealing with this issue.

A fundamental divergence in the systems of regulation of the religious field

Despite similar constitutional premises emphasizing the equality of religious actors, both countries after their independence from the federative state in 1993 have approached the problem of registration of churches and religious societies differently. In the Czech Republic they proceeded in a regulated pluralisation, which has been completed for the time being with the adoption of the so-called Church Law of 2002, when a completely new system was adopted. In Slovakia, after the establishment of the independent state, there was a legislative hegemonization of the official religious field by the traditional actors.

In the Czech Republic, between 1993 and 2002, only two religious groups were included among the registered churches under the 1992 law. Of these, one was by virtue of separation (Nešpor & Vojtíšek, 2015, pp. 403-409) from an already registered church (in 1995 the Lutheran Evangelical Church was recognized, separated from the Silesian Evangelical Church). The second one (Jehovah's Witnesses, registered in 1993) was the only one that fulfilled one of the most essential criteria of the current law – the numerical census of 10,000 registered inhabitants of the Czech Republic.

The situation in Slovakia was different. Two pieces of legislation were more fundamental to limiting the possibility of registration. In 2007 (Law No. 201/2007) it was reformulated when the original non-binding registration was redefined to membership and the content and form of information about members was more precisely defined. Prior to the entry into force of this form of the law, two religious groups managed to register in 2007 – the Church of Jesus Christ of Latter-day Saints (Mormons) and the Baha'i Fellowship. The New Apostolic Church, registered by the Ministry of Culture in 2001, was registered retroactively, still under the pre-1992 legal status. The representatives of the New Apostolic Church argued that they had obtained permission to operate in Slovakia (Bratislava) in the summer of 1989 and that this had been recognised by the Slovak Republic. Despite the unprecedentedly strict conditions for registration in the Slovak Republic in European context, these were further tightened in 2017 (Law No. 39/2017) by increasing the required number of members of the registering church up to 50,000 members – citizens of the Slovak Republic.

When new legislation was adopted in the Czech Republic in 2002 (Law No. 3/2002), it was a radical change in the understanding of the public role of churches and the rules of the official religious field. However, the new law has substantially liberalized the possibilities of registration, replacing the former high census with a requirement of 300 adult residents of the Czech Republic claiming membership in a religious group. However, with regard to the possibility of obtaining specific rights, where the original census of 10,000 members remained. However, the law has enabled a large number of different religious groups to register and thus obtain legal status as a religious group. Indeed, it is the new approach, introducing specific ("special") rights, that is the most significant change in the law. These rights are not granted by registration to all churches, but may (but need not) be granted only after 10 years of uninterrupted operation since registration, and this is granted on application and after a number of conditions have been met by the registering authority.

This Czech new model is commonly referred to as two-stage registration, but this can lead to the mistaken assumption that specific rights become fully claimable at the second stage. Some of the churches that were registered or

reciprocated prior to the 1991 and 1992 Laws do not have all the specific rights after the new 2002 Law. And none registered after 2002 possesses any such specific right, despite their more than a decade of existence. The list of specific (special) rights is not very extensive, largely but not entirely overlapping with the previously legally enumerated rights for registered churches: 1. to teach religion in state schools, 2. to carry out spiritual activities in the armed forces, etc., 3. the right to perform church marriages, 4. to establish church schools, 5. the obligation of confidentiality (confessional secrecy) for clergy, not laity, and, according to Přibyl, 6. a kind of "cross-cutting" specific right was their funding from public budgets (Přibyl, 2004, p. 8), which was, however, abolished in the Law on Restitution of Church Property in 2012.

Prior to 2012, specific rights in Czech Republic included the right to have financial subsidies for clergy salaries and the operation of church headquarters under the 1949 Law. The abolition of this right by law in 2012 effectively removed even the theoretical possibility of any of the churches registered after 2002 to enter the state funding system. The consequence of the passage of this law is that mere registration after 2002 no longer implies the same status for a registered church as before.

A more fundamental change in the legal situation and in the ways of dealing with the relations between the state and the churches was related to the preparation of specific treaties of an international type between the state and the Catholic Church, represented by the Holy See as a subject of international law. In both countries, after their separation from the common federation, the processes of preparation of such treaties began at approximately the same time. In Slovakia, this was partly complicated by the international status of Slovakia during the government of authoritarian Vladimír Mečiar, but after the new, anti-Mečiar government coalition came into power in 1998, they got underway and in a very short time (in 2000) the Basic Treaty between the Slovak Republic and the Holy See was prepared and signed. Similarly, in the Czech Republic, a draft of a similar treaty was prepared relatively quickly (25 July 2002). Its preparation had been going on since about 1997, when Pope John Paul II, during his visit to the Czech Republic, offered the government to form a joint commission to solve the necessary problems in the relationship between the Czech Republic and the Catholic Church at the international level (Němec, 2003). However, the treaty was not approved and signed, thus it did not affect the form of legal relations between the state and the Catholic Church.

In Slovakia, only shortly before the actual adoption of the Basic Treaty between the Slovak Republic and the Holy See, a small amendment (No. 394/2000) to Law No. 308/1991 on freedom of religion was adopted, which introduced the possibility of concluding individual contracts between churches

and the state. This changed the previous construction of the law as universally applicable to all churches and allowed for specific relations between the state and individual churches.

Although the Basic Treaty mainly fixed the already existing rights of the Catholic Church, its character of being an international treaty gave the Catholic Church in Slovakia specific protection and its binding force is higher than the validity of the laws issued by the National Council of the Slovak Republic. Its consequences for the Church's position were more significant. First of all, it suppressed the principles of a religiously neutral state in several areas. For example: 1. the state gave contractual preference to one of the many registered churches, 2. in contrast to the treaties adopted with other churches, it gave this one a specific and essentially unchangeable content by its international character, 3. the National Assembly of the Slovak Republic gave it a specific and essentially unchangeable content by shifted the statehood, which had been built on Christian references, to a Catholic one, especially by incorporating ten Catholic holidays into the system of free days in the Slovak Republic, the commitment of the Church to form the citizens of the Slovak Republic in accordance with the principles of Catholic doctrine, 4. took upon itself the obligation to finance Catholic education in Slovakia.

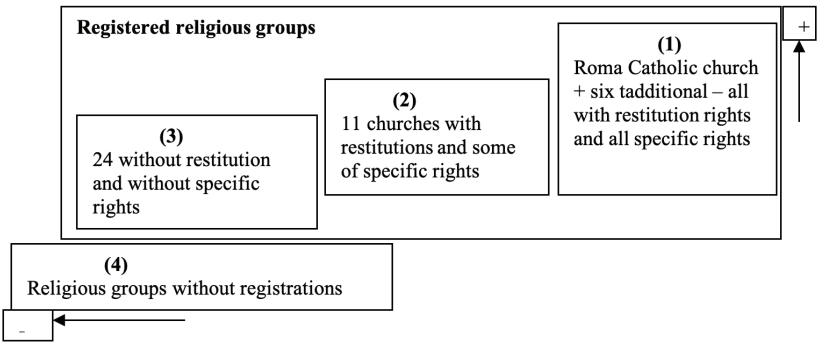
This basic covenant also included a commitment to adopt four other sub-covenants with a specific focus on several areas of the Catholic Church's activity: 1. in the armed forces, 2. in education, 3. on conscientious objection, and 4. on the financing of the Catholic Church. The first was signed the Treaty between the Slovak Republic and the Holy See on the Spiritual Service of the Catholic Believers in the Armed Forces and Armed Corps (No. 648/2002). The other treaty was the Treaty between the Slovak Republic and the Holy See on Catholic Education and Training (No. 394/2004). Treaties on conscientious objection and funding have not yet been adopted.

At the same time, however, the form and, to a large extent, the content of the Basic Treaty became a model for a similar treaty with a part (not all of them) of the non-Catholic registered churches, which, however, as churches that are not subject to international law, could only sign presidential-type treaties. The possibility to enter into a special contract with the state created by the 2000 law was used by 11 other churches in Slovakia two years after the Catholic Church (No. 250/2002). This agreement was followed by the agreements on religious education (No. 395/2004) and on the pastoral ministry to their believers in the Armed Forces and Armed Corps (No. 270/2005), which also followed the principles of the sub-agreements between the Slovak Republic and the Holy See, but were signed later. As a result of the adoption of these treaties, a hierarchy of churches and religious groups in the broadest sense was established in Slovakia.

Two fields and two approaches to restitution and church financing

In fact, at approximately the same time, the religious fields in the Czech Republic and Slovakia were shaped into hierarchical relations, albeit in different constellations of mutual arrangement. While in the Czech Republic the adoption of the so-called Church Law in 2002 led to the creation of four groups of registered (and two unregistered) religious actors, where the so-called specific rights became decisive for sorting (Figure 1), in Slovakia (Figure 2) it was the contracts with the state, where the contract between the Slovak Republic and the Catholic Church became their model with a unique status.

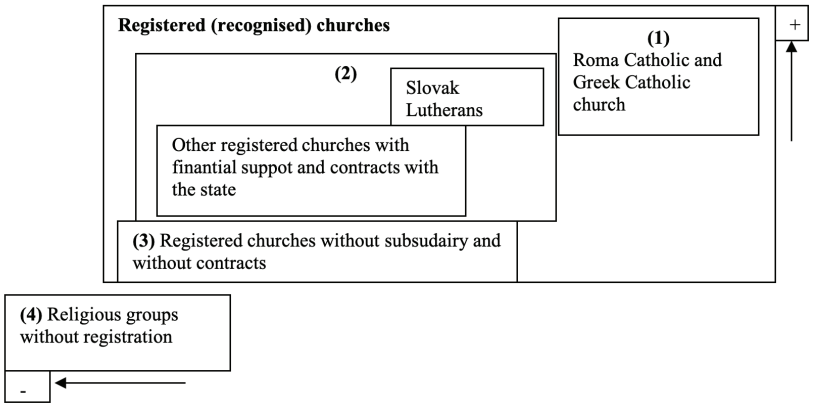
Figure 1. The religious field in the Czech Republic after 2002 (with an indication of the situation after 2012).



Note: The symbols + expresses the amount of symbolic privilege and – expresses the degree of distance from the field of power.

As Figure 2 shows, three groups of actors emerged among the registered groups in Slovakia, alongside which various unregistered religious groups still operated.

Figure 2. The religious field in Slovakia after 2000.



Note: The symbols + expresses the amount of symbolic privilege and – expresses the degree of distance from the field of power.

The most significant difference between the two countries was the way they dealt with the issue of restitution of churches' property and the financial separation of state and churches. While in the Czech Republic these two issues were combined and resolved only with the adoption of a law in 2012, in Slovakia only the issue of restitution of property and churches has been dealt with in a long-term and systematic way, without linking this issue to the financial or other separation of churches. Moreover, the restitution of church property was one of the first legal norms adopted by the legislators in the newly established Slovak Republic in 1993. Unlike in the Czech Republic, where the issue was linked to financial separation, the situation in Slovakia was essentially the opposite. Despite the definitive end of restitution already in 2005, a new law on the financing of churches was adopted in 2019, which only modified and extended in favour of churches the possibilities of using state subsidies in relation to the previously registered churches, compared to the original 1949 law.

In 2012, the so called Separation Law (Law on Property Compensation with Churches and Religious Obligations, No. 428/2012) was finally adopted in the Czech Republic. The law has undergone several amendments over the following years. The Law emphasizes its purpose of redressing wrongs and defines the period (25 February 1948 – 1 January 1990) to which it applies, while explicitly stating that it applies only to churches registered on the date of the Law's entry into force. This indicates that it refers to all churches and religious societies that suffered harm during their existence under the rule of the Communist Party of

Czechoslovakia. The law also contains a list of churches with the specific amount of financial compensation. However, from the list provided in the law, one religious group eventually decided not to accept financial compensation – the Baptist Brethren.

In Slovakia, the restitution procedure was implemented differently in terms of content and time. Already in the first year of independence, the Law of the National Assembly of the Slovak Republic (Law No. 282/1993) on the alleviation of certain property injustices caused to churches and religious associations was adopted with effect from 1 January 1994 (Moravčíková, 2011). The Slovak Republic was the first of the post-Communist states to address the issue of restitution of churches' property with this law (Čeplíková, 2001, p. 117). The law literally covered the mitigation of the consequences of certain property injustices caused to churches and religious communities by the deprivation of property rights to immovable and movable property on the basis of decisions of state authorities, civil and administrative acts issued in the period from 8 May 1945 (to Jewish religious communities from 2 November 1938) to 1 January 1990. Here we can see the different time definition of restitution, which goes beyond the government of the Communist Party of Czechoslovakia and also goes beyond the period defined in other laws, whether from the time of the federation (on the restitution of property to religious orders and others) or even the laws on the period of non-freedom. In Slovakia, however, restitution was not directly linked to the financial separation of churches and religious societies.

The completion of the restitution processes can be linked, although not consistently, to the last law of 2005 and the subsequent resolution of the National Assembly of the Slovak Republic (Law No 161/2005). In connection with the adoption of this law, the National Council of the Slovak Republic adopted a resolution (No. 1551) declaring the restitution of the properties of the churches in Slovakia to be completed. Despite the declaratory end of restitution, an amendment to the law on restitution (No. 125/2016) was adopted in 2016, modifying the 1993 Restitution Law, thus creating the possibility for churches to restitute additional property.

Following the last, albeit indirect, enabling of restitution in Slovakia in 2016, a new law on the financial support of churches and religious associations (No. 370/2019) was adopted three years later. The content of this law put an end to the debate on the financial separation of the state and churches and disconnected the issue of state funding of churches from the topic of restitution of churches' property. By its principles, the new law has fundamentally opened up the possibilities for the disposition of financial subsidies by churches compared to the previously applicable law from 1949.

The law from 2019 was prepared in a very short period of time which, however, maintained the model of direct financial contributions to those registered churches that request it, except for those that were already receiving a contribution as of the year of the adoption of the law. With the entry into force of this law, the 1949 Laws on the Economic Security of Churches ceased to apply. The second difference is in the calculation of the amount of money allocated to specific churches. In the old model, the amounts for churches were calculated on the basis of the sum of the salaries for the clergy and the costs of running the churches' headquarters (including other unspecified costs of providing for the needs of the clergy), so an important principle was the number of paid clergy in a particular church. In the new model, the main distinguishing criterion for calculating the amount of the contribution is tradition, *i.e.*, the amount of the subsidy in 2019. In addition, unlike the previous law, the state no longer earmarks funds for churches.

From universal rights to specific rights

The legal regulation of the possibilities of different religious actors developed differently in the Czech Republic and Slovakia, essentially immediately after the change of the social and political regime in Czechoslovakia at the end of 1989. However, while during the existence of the federation the official religious fields in both parts of the federation only started to take shape and the differences were only small, later they started to diverge more fundamentally and now, after 2019, it can be stated that they are already two paradigmatically different systems. But despite the differences in the current models, some similarities can also be seen, which are mainly related to the legacy of the common legal system regulating religious life during the Communist Party rule in 1948-1989, but also to the earlier legacy of the between war Czechoslovakia and in some aspects also the legacy of the Habsburg monarchy.

However, the formal, *i.e.*, legislative, pluralization of the environment of registered churches in Czechia after 2002 was associated with a change in the rights of registered churches, when the new legal conditions created three hierarchically arranged groups of recognized churches in terms of their possibilities of activity in the public space – religious groups possessing all specific rights, groups with some specific rights, and groups without any specific rights.

In Slovakia the situation was different. However, the restoration of religious freedom in Slovakia did not mean a more fundamental pluralisation within the world of registered religious groups, and in the first 17 years of state independence three groups managed to register. Subsequent adoption of more

restrictive laws has made further eventual recognition by the state impossible. In Slovakia, the closing field of registered churches did not vary in the rights acquired through registration, but rather in the consequences that registration allowed and that were related to other legal norms adopted by the state. Thus, a system of hierarchically arranged churches in Slovakia emerged in terms of the degree of privilege, state protection or connection with the state. In this, the adoption of the Basic Treaty of the Slovak Republic with the Holy See in 2000 and later other partial treaties became decisive, which was accompanied by legally "weaker" and less comprehensive treaties with eleven registered churches. These two groups of churches with a specific relationship with the state were also the ones that negotiated a new model of church funding with the state, in which they retained the principles of the previous funding but with expanded possibilities of how to dispose of the funds.

The most significant difference between the models of regulation of religious life in the two countries is the handling of the issue of restitution of church property confiscated from the churches before 1989. Here, fundamentally different approaches have emerged, not only in the definition of the period to which restitution applies. In Slovakia, restitution took place immediately after the establishment of the independent state in 1993 and took place in three waves and without being linked to financial separation. In the Czech Republic, on the contrary, the restitution of church property was directly linked to the enforcement of the separation model of state-civil society relations, and this model was not enforced until twenty years after the establishment of the independent state.

In terms of the type of regulation of religious life, its basic principles changed in both countries around the same time. While the initial period of building the principles of religious freedom and the recognition of religious groups by the state was based on the construction of universalistic and universally applicable legal norms, in Slovakia in 2000 and in the Czech Republic two years later a legal model based on the principles of specific relations with different actors in the religious arena was established. This, together with the registration rules in both countries, led after 2000 to the creation of "elite clubs" of religious groups which, because of their traditional status, were granted various privileges to which no new actor can access on the basis of established criteria. Paradoxically, the principle of membership in such a club became legal during the Communist Party rule before the end of 1989. As can be seen, in the Czech Republic the models of relations have changed from a cooperative model, through restitution, to a secessionist model, *i.e.*, a relatively religiously neutral state, with a system of privileged traditional churches. In Slovakia, the processes of restitution have moved towards the establishment of a hegemonic asymmetrical Catholic-

Evangelical dualism as a principle of dominance between hierarchically arranged recognized religious actors and its dominance in the symbolic character of the state (Tížik, 2021). Both models, however, retain to varying degrees the strong hegemonic position of the Catholic Church, thus abandoning one of the key pillars of the identity of Czechoslovak statehood – the declared and in various forms more or less cultivated religious neutrality. At the same time, the example of the Czech Republic demonstrates the possibilities of protecting religious freedom and maintaining a democratic state governed by the rule of law even without international treaties, and shows the possibilities of very thorough religious rights solutions in the pursuit of separation of state and churches.

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