

## BOOK REVIEWS

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### **Concordat Agreements between the Holy See and the Post-Communist Countries (1990–2010)**

DAMIÁN NĚMEC

Peeters, Leuven, 2012, Law and Religion Studies 8, 544 pp (paperback €68)  
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The issues in Church–State relations that have arisen from the transformation of parts of central and eastern Europe after the collapse of Communist regimes starting at the end of the 1980s are numerous. Of special interest, however, are the agreements between the post-Communist governments and the Holy See in the period immediately following the downfall of the socialist systems at the end of the Cold War and the departure from the Soviet model of Church–State relations in these countries. The present study deals with both such conventions (usually designated as ‘concordats’) in general, and in particular with the agreements made with new German *Bundesländer* of the former German Democratic Republic in 1994, and the concordats or agreements with Poland (1993), Latvia (2000), Croatia (1996 and afterwards), Lithuania (2000), Slovakia (2000 and afterwards), Bosnia and Herzegovina (2006 and afterwards), Hungary (1994 and afterwards), Slovenia (2001), Albania (2007) and Kazakhstan (1998). In addition, three agreements are included and reviewed which were signed but never ratified: Czech Republic (2002, in which there was a change in government in between the signing of the concordat and its presentation for ratification), Georgia (2003, but not ratified because of pressure from the Georgian Orthodox Church) and Slovakia (an agreement on conscientious objection was prepared in 2005 but never ratified by the Slovak government). The author is a Dominican priest and chairman of the Department of Canon Law at the Saints Cyril and Methodius Faculty of Theology in the Palacký University at Olomouc in the Czech Republic.

The first part of NĚmec’s work provides a masterful overview of concordats, the matters which they usually regulate (such as the legal status of the Catholic Church, religious education, marriage and financial issues) and the principles of Church–State relations found in the teaching of the Catholic Church. The second, and far more detailed, part presents the specific applications and legal solutions to the issues raised in the first part as found in the various agreements between the Catholic Church and the post-Communist countries. It is interesting to note that, although almost all of these countries had some sort of concordat with the Holy See before the Second World War, in few cases is the modern agreement based on the previous agreement.

Němec believes that this is the case, at least in part, because the earlier provisions simply ceased to exist; the only exception is that of the new German *Bundesländer* – in this case the Holy See insisted on explicitly recognising the concordats of the period between the two World Wars, thus manifesting its consistent recognition of a single Germany. '[I]t did so', Němec writes, 'even though, as a result, some stipulations in the new agreements may be considered archaic today, especially as regards the modification of diocesan structures, the filling of episcopal sees, and the erection of theological faculties at State universities' (p 299). Given the speed with which changes have been occurring in all of these countries, there is much in the agreements with other countries that now appears to be 'archaic', even though it did not appear so at the time of negotiation and was not consciously intended as such. Of particular significance is Chapter 8, in which Němec identifies how the principles of the Second Vatican Council have been received and embodied in these agreements. There are extensive appendices, in which the full texts of these modern agreements are given in either Italian or English, along with extracts from interwar concordats for comparison; the bibliography is also quite full and valuable.

The book suffers, however, from the problems of being a translation. In addition to the typographical errors not always evident to someone who does not speak English as a native language, there are some infelicitous phrases, or, occasionally, humorous ones: 'when, the ambassador of the Pope has the position of a nuncio, i.e., a virile [*sic*] dean of the diplomatic corps' (p 119).

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## Feminism, Law, and Religion

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In 2005 Ursula King identified the ways in which studies in feminism, gender and religion are often doubly marginalised in the academy: on the one hand almost all disciplines pay little attention to the role of religion; on the other, theology and religious studies have a tendency to downplay gender as a critical lens.<sup>1</sup>

1 U King, 'General introduction: gender-critical turns in the study of religion' in U King and T Beattie, *Gender, Religion, and Diversity: cross-cultural perspectives* (London, 2005), pp. 1–10. See also E Castelli,