
Jörn Thielmann

Claus Dieter Classen, *Religionsrecht*

Tübingen, Mohr Siebeck, 2006, 273 p.

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- 1 Claus Dieter Classen, professor for Public Law, European and International Law at the University of Greifswald (Germany), has written a comprehensive textbook on the relationship of the State and its legal system with religions and religious corporations by public law and religious associations in Germany, intended not only for jurists, but also for theologians and scholars of Religious Studies. The book is clearly structured and well written. It is divided in four main parts.
- 2 Part One outlines the basic features of the German State's law of religion (*Staatskirchenrecht*). An historical overview is given – ranging from pre-Roman times until today –, followed by an examination of the current legal sources, i.e. constitutional law, international law, European law, and contracts with churches or religious associations. The third section looks at religion as a legal issue. Part One concludes (section 4) by presenting the German system of State's neutrality and parity towards religion, by nevertheless granting specific rights to certain religious associations. The previous system of a state's church was abolished by the constitution of the Weimar republic.
- 3 Part Two focuses on individual religious rights and their limitations, mainly the freedom of religious belief of article 4 of the German Constitution (*Grundgesetz*). Then, further legal rights and specific problems and singular cases are addressed.
- 4 Part Three looks at the complex of corporative religious freedom. This means the right to constitute a religious association, a religious community (*Religionsgemeinschaft*), or a religious corporation by public law (*religiöse Körperschaft des öffentlichen Rechts*). This part starts by presenting the basic features, before turning to the legal framing of organising religious associations. Here, the specifics of religious communities under civil law (*privatrechtliche verfasste Religionsgemeinschaften*) are examined, followed by the organisational form of a religious corporation by public law (*religiöse Körperschaft des öffentlichen Rechts*). These are the organisational forms of most Christian churches and of the Central Council of Jews in Germany (*Zentralrat der Juden in Deutschland*). Nearly all religious groups not present in Germany by the time of the Weimar Constitution are organised in the form of a registered association by civil law (*eingetragener Verein, e.V.*). However, in the German case the neutrality of the State towards religion does not imply a strict non-involvement. Instead, the State considers religion and religious organisations important for society and social organisation. Therefore, the State protects religious activities and secures the fulfilment of religious obligations, e.g. stipulations for specific food in prisons. This also concerns some aspects of the labour law.
- 5 Part Four addresses the complex relationship of the State and religious communities with regard to schooling, faculties of theology at state universities, religion and religious personnel in state institutions, like the army or prisons, and the scope of religious judiciary in the legal framework of the State. A short passage on state subsidies concludes the book.
- 6 An annex with excerpts of important legal texts in the field, a comprehensive bibliography, and a register make the book very reader friendly. I recommend the book to everybody working on legal aspects of the relationship between the German State and religions.

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