Renáta Uitz, an associate professor of comparative constitutional law at Budapest’s Central European University, has provided a needed, though slender, corrective to a provincial vision that can sometimes see religious freedom only through the binocular of the United States Constitution’s free exercise and disestablishment clauses. In her book, *Freedom of Religion in European Constitutional and International Case Law*, Uitz makes a broad, although not completely thorough, treatment of religious liberty issues on the continent of Europe. Uitz’s monograph is the second volume in the Council of Europe Publishing’s “Europeans and their rights” series, whose purpose is to answer whether there are “common European rights,” by “comparative stud[ies] of the protection given by constitutions and conventions to the civil and political rights guaranteed by the European Convention on Human Rights.” (3)

Because of its placement within the “Europeans and their rights” series (which books are all two hundred pages or less), Uitz freely admits that she cannot deal with every issue under the broad rubric of “freedom of religion” in Europe. Therefore, of necessity, Uitz treats only selected topics within the three main building blocks of her freedom of religion paradigm: “Freedom of religion as an individual right” (Chapter Two), “Rights of religious communities and associations” (Chapter 3), and “Contemporary problems and challenges.” (Chapter 4) Uitz accomplishes her goal by giving close attention to transnational rights instruments (including the European Convention on Human Rights or ECHR) and European States’ constitutional provisions on religious liberty and the attending case law interpreting those constitutional passages.

Chapter One serves as an introduction to the themes explicated in the rest of the book. Uitz begins by orienting her reader to the most important passages from international and European human rights instruments dealing with religious liberty, particularly the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (ICCPR) and ECHR. One is immediately struck with the textual depth and development of the religious liberty protections in these rights instruments, including the liberty to adopt and change one’s
religion and the right to be free from pressure concerning the adoption or changing of one religion. (10, 11, 14) It is against these foundational documents that Uitz is careful to introduce terminology that will be used in the remainder of the book: “church (es),” “religious organizations,” “religious associations,” and “congregations,” which generally have the imprimatur of state-granted legitimacy and recognition in European constitutions and case law. (13) Contrast, however, the presumptive legitimacy of “church,” against the sometimes presumptive illegitimacy of “cult,” “sect,” or “non-traditional/new church” likewise found in local constitutions and their interpretations. (14) Uitz sets up for her reader a conflict between the establishment groups that have traditionally garnered succor and protection under local constitutional regimes and the upstart groups that must make their own way, oftentimes through significant litigation, in order to be recognized by the State and receive all the benefits it has to offer.

Additionally, Chapter One highlights the general orientation that many European States have to religion. Uitz notes that in Europe, the French concept of laïcité (which includes, but is not limited to, a commitment to the separation between church and state) enervates much of the interaction between formal religion and government. (17) Although laïcité countenances some overt intermeddling by the State (including State ownership of religious buildings), it also promotes neutrality, secularity, and tolerance of wide-ranging ideologies and viewpoints by the State. (21)

Chapter Two focuses on the individual European as the ground for religious liberty. Uitz’s strength as a comparative constitutional scholar is evident in her discussion of the forum internum (the “inner core of conscience”) as a primary limiting principle of religious liberty found in many European constitutions. (29) Through the assiduous use of American First Amendment case law, Uitz demonstrates that American and European notions of religious liberty extend the free and unfettered right of any person to believe whatever he wants to believe in the repose of his own mind. (31) However, she demonstrates equally well that “manifestations” of internal beliefs may be regulated by the State, even though it cannot articulate with precision in advance all of the manifestations that come within its purview. (30, 31) Uitz works out the tension between the forum internum and outward expressions through the discussion of seven main subtopics: registration of personal religious affiliation, oath-swearing or the refusal to swear based on religious scruples, laws governing religious holidays and prescribed days of rest, limitations on ritual slaughter for cultic (worship) purposes,
conscientious refusal of blood transfusions, proselytism and evangelization, and conscientious objection to military service.

The first five subtopics in Chapter Two receive more superficial treatment, while the final two subtopics (and especially compelled conscription) receive a more fulsome discussion. This sometimes uneven treatment at once highlights the strength of Uitz’s project and its main liability. With its precise citations and ample footnotes, the monograph is a tribute to the precision with which Uitz chose the case law examples for the book. That same uneven treatment detracts from the overall effectiveness of the book. For example, involuntary military conscription receives the most space of any subtopic in the chapter. However, the reader is never told why military conscription is more important (if it is) to religious liberty than, say, proselytism. This is particularly true since Uitz notes that the main textual protections of transnational European rights instruments locate the freedom against compelled military service in a proscription against forced labor rather than free religious exercise. (66)

At this point, it is important to note one general criticism with the entire text. Uitz is committed to a citation system for the cases cited in the monograph that mirrors that of the Council of Europe’s “Codices” database (which contains the case law explained in the monograph)—a ponderous scheme that oftentimes took up three to five lines in the main body of the text. Uitz would have been better served by putting citations in the main text in footnotes, thereby preserving the flow of the text and precious textual space for fuller discussion of her topics.

In Chapter Three, Uitz focuses her analysis on the rights of corporate religious bodies and associations. She divides her examination into three main subparts: registration of religious groups, religion and education, and accommodation for religiously-minded prisoners and military personnel. Concerning registration of religious groups, Uitz makes the very cogent observation that although very few European states mandate registration of a religious group as a precondition to the free exercise of the religion, registration by religious groups may be used as a means to regulate collective religious expression, especially with many European states requiring registration as a precondition for the group to receive benefits from the respective governments. (93, 94, 97-99)

Though the other two main sections in Chapter Three receive the same type of incisive investigation, as do the other topics in the monograph, it is not clear why these two topics are put in the chapter concerning religious associations. To be sure, religious education
includes the State’s regulation of religious schools and other formal didactic bodies. However, most of Uitz’s discussion of education concerns the supervision of individual students or collective practices that affect entire student populations. Therefore, given both the establishment and free exercise concerns of religious education, perhaps it would have been better for clarity’s sake to separate this education section into its own chapter. Similarly, Uitz tacks onto the end of Chapter Three a discussion of the religious liberty concerns of prisoners and military personnel. While important, this topic would have been better placed in Chapter Four (“Contemporary Problems and Challenges”), where Uitz takes up topics not addressed in other chapters. Simply put, the discussion of religious associations deserves its own chapter. Its effectiveness is diluted when it is combined with other topics that do not squarely deal with formal group autonomy, recognition, and practice.

In Chapter Four, Uitz discusses two new topics: blasphemy and government protection of “dangerous” religions. Uitz’s discussion of blasphemy is particularly prescient. Uitz notes that

blasphemy provisions are relatively rarely invoked in Europe and their enforcement is not prevalent. Nonetheless, the ECtHR (the European Court of Human Rights) remains to be of the view that the prohibition of blasphemy does not violate the Convention (the ECHR) per se, as there is no consensus among the member states for its abolition. (152)

Nevertheless, Uitz provides evidence that the ECtHR has justified sustaining blasphemy laws by casting them in terms of the Court’s concern with the looking out for the rights of others. (155)

Notwithstanding this, there are blasphemy provisions currently on the books in European constitutions, and Uitz also argues that these provisions are aimed at “protecting public peace” by checking utterances that might offend the majority religious group. (153)

Renáta Uitz has provided her readers a valuable resource in the Bourgeoning literature of religious liberty. Her concise, well-documented monograph is a nice beginning point for further research into the topics she discusses. It can be read in one or two extended settings, and thereafter the reader would have a fairly sophisticated overview of the tensions and resolutions of European religious freedom issues. Certainly, it cannot be considered a definitive treatment of any of the issues. And, as Professor Uitz admits, the space constraints imposed on her forced her to leave out important topics she otherwise would have covered. (9) However, any interested scholar (including
presumably Professor Uitz herself) could use the research in this book as a stepping-stone for further writing in the area. This is a solid book that deserves attention from readers who seek an introduction to the constitutional provisions and judicial decisions surrounding the expression of religious belief in Europe.

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