

Abstract

The thesis deals with the concept of a secular state from a perspective of comparative constitutional law and theory of state. The concept is in various forms part of almost all constitutional systems in Europe. With focus on European area the whole idea of secular state is exclusively designed and evaluated within the structure of the normative requirements of the liberal democratic state.

The aim of the thesis is to reveal the guiding principle determining the content of secular state and to rethink its application on all imaginable interactions between state and religion. The result is presented as a state theory model called as “classical model of secular state”, which is subsequently used as a tool for evaluation of relevant phenomena on level of selected constitutional systems.

The first chapter discovers the principle of state neutrality with respect to religion as an essential principle guiding the content of secular state. Applying this principle to the deeply complex relationship between state and religion in the real world leads to a definition of all theoretical implications of the principle, which in sum create the “classical model of secular state“. Their modifications preserving the dominant application of the principle of neutrality lead to an analytic differentiation of religious neutrality on strong, latent and supportive secularism, which strongly differ in the way of interaction with religious freedom as a fundamental right.

The second chapter applies the state theory of secular state of the first chapter on selected constitutional systems. Identifies and describes thematically relevant phenomena at the level of constitutional systems and those measures by the model of a secular state. The evaluation of individual constitutional systems is also compared between the constitutional systems themselves.