Asian NRMs in the Czech Republic: Consequences of Their Recognition by State in the Era of Religious Freedom

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Abstract

This article discusses the effects of legislative conditions that the Czech governmental recognition of the NRMs with Asian roots as religious organizations bring to the movements themselves. It strives to answer two interconnected questions: Is there a specific cultural or religious character of the demands which the Czech legislation put on the candidates for governmental recognition? What happens when NRMs with Asian roots react to these demands while striving for the status of recognized religious organization? The possibility that the set of characteristics assumed to define any religious organization in Czech law basically follows the pattern of the established Christian Churches, as a tentative answer to the first question, opens an important direction for finding answers to the second question. The article also provides summary and discussion of the legislative changes in the Czech Republic pertaining to these two questions, and describes the development of several NRMs with Asian roots in the country.
Keywords

Asian religions – New Religious Movements – law and state recognition – institutionalization of religious groups – Czech Republic

1 Introduction

The present year (i.e., 2022), twenty years since the first groups of Asian origin were officially recognized by the Czech Government as religious organizations, and more than thirty years since the development and implementation of the constitutional right to freedom of religious belief in the post-Communist legislation began, is a good time to stop for reflection on these significant changes. The state recognition of the groups with Asian roots as religious is typically seen as a positive sign of religious freedom coming true for the people of the Czech Republic. This point of view, however, leaves several important questions aside because of the underlying assumption of neutrality and justice of the post-Communist legislation on religious organizations. While celebrating the advancement of religious freedom, we should also consider the possibility that there may be problems the state recognition poses for such a group. Our text is intended to start such an inquiry by raising two inter-related questions: (1) Is there a specific cultural or religious character of the demands which the Czech legislation puts on the candidates for governmental recognition? (2) What happens when new religious movements (NRM) with Asian roots react to these demands while striving for the status of recognized religious organizations?

Our questioning points to a largely unrecognized role of historical experiences for these problems, namely, the role of dominant Christian churches in conceptualizing the notion of a religious organization in the Czech legislation. Given the historical background of the relations between the state and churches in the country, it is quite plausible that several characteristics of the dominant Christian churches became generalized as properties characteristic of any religious organization. We think that this specifically religious heritage in legislation can be shown in contrast to the characteristics of other groups originating from a different cultural framework. In our case, we chose several examples of the groups with roots in Asia, such as ISKCON, Buddhism of the Diamond Way, the Czech Hindu Society, and groups of Theravada Buddhism. We will take a detour in order to find answers to the questions formulated in the first paragraph and build our argument: First of all, we should look into
the specific character of the organization of the Asian traditions which were transplanted to the Czech soil. To understand their situation better, we will use a model of three kinds of institutions, developed by Joseph T. O'Connell.\(^1\) This model describes differences between the way Asian traditions organized themselves around important and less recognized teachers, set of practices, etc., and can be used to show the differences between their modes of organizing and those of the Christian churches. O'Connell's model is focused on discerning between different kinds of interactions between people in the Asian traditions, which are described as religious, including a debate about sources and kinds of authority in the studied groups (more below, in the next section). This should help us to see more clearly the specific character of the original Asian traditions in terms of social organization.

Before we discuss the process of state recognition of NRMs with Asian roots from this perspective, we will offer a brief account of these NRMs' evolution in the Czech Republic over time. While providing the overview, we also make several critical remarks on the value and interpretations of data typically used by researchers in the field of study of NRMs. These topics are developed in the second section. It is also necessary to highlight several important changes in the Czech legislation concerning religious organizations since the Velvet Revolution of 1989, before we can start discussing the legislation's impact on the NRMs with Asian roots. Therefore, in the third section, we will consider the specific heritage of the traditional Christian church institutions in the Czech legislation on religious organizations, and specify the legislative position of the NRMs with Asian roots, which were recognized by the Czech state since the year 2002. At this stage of the debate, we shall be able to provide at least a partial answer to the question considering the specific role of traditional Christian Churches in the Czech legislation on religious organizations. After formulation of this answer we shall turn to the problem of the role such a legislation plays, or even could play, in the formation of the NRMs with Asian roots. We will consider the legislation's role in terms of its effects on such a group aspiring for state recognition as a religious organization, and suggest that the heritage of Christian churches' characteristics in the legislation brings about considerable changes in the NRMs under discussion. All these threads of argumentation will be tied together in the last section, including the insights from O'Connell's model, which we consider helpful for answering our questions.

\(^1\) Cf. O'Connell, *Chaitanya Vaishnava Movement.*
On the Specific Nature of Asian Traditions: O’Connell’s Model of Three Institutions

We will first summarize several points of O’Connell’s discernment between three kinds of institutions in Asian traditions, as he developed them for understanding Chaitanya Vaishnavas, the larger Indian tradition of which ISKCON is a modern offshoot. We complement O’Connell’s debate with the results of other research on ISKCON’s institutionalization in order to show the relevance of his insights for understanding the processes of transformation of the Asian tradition in the Western religious context. We think that O’Connell’s ideas are relevant to other Asian traditions under discussion, such as Buddhists or Yogins. We shall offer reasons for the application of O’Connell’s ideas to the analysis of these groups at the end of this section. We also think that this model opens an interesting path of enquiry into fundamental differences between the ways traditional Christian churches organized themselves and the focus of the internal organization in Asian traditions. We will come back to this topic in the last section, because we are convinced that the material and discussion of the section about the Czech legislation on religious organizations will provide illustrative cases for such a comparison.

O’Connell (1940–2012) devoted most of his scholarly life to the study of the Chaitanya Vaishnava movement, both in its living forms and textual tradition. His research led to the formulation of three specific kinds of institutions, which should be discussed in studies of concrete organizations of this bhakti tradition: soft, intermediate, and hard institutions. O’Connell stressed that by institution, he meant a culturally defined model of mutually connected roles, in other words, a “model of interactions” which are expected in certain situations. Soft institutions are all meant to enhance the spiritual, or inner development of the followers of Chaitanya, seen from within the tradition as means of articulating loving devotion to Krishna. Joint singing and meditations, discussions of the teaching as recorded in a large number of texts in Bengali, Sanskrit and other languages, rituals and celebration of festivals are concrete examples of interactions described as soft institutions. In all these practical situations, relationships between teachers (or generally elders) of the tradition and the younger generation are crucial. These relationships also have patterns of interactions established by the tradition, such as ritualized ways of showing respect, structures of larger lectures and debates, etc. In practice, the soft institutions take shape within specific lines of teachers and their disciples,

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2 O’Connell, Chaitanya Vaishnava Movement, p. 215.
who would later become teachers of another generation. The lineages play a crucial role in life of the followers of Chaitanya, because a devoted practitioner is connected with the living transmission of the practices and experiences through his or her particular teacher, or several of them. These successions of teachers are known as guru-parampara, or sampradaya in Sanskrit.

A specific lineage of teachers is the best example of an intermediate institution in O’Connell’s description. Typically, these guru-paramparas claim adherence to one (sometimes even more) direct disciples of Chaitanya, and the memories of exact relationships between the many generations of teachers in the specific lineage are kept. While visiting different centers in India, a researcher will note specific focus and differences between the many lines of what is compared to branches and sub-branches of the large tree, whose root is Chaitanya himself. These intermediate institutions usually keep a simple organizational structure: They are gathered around one or more teachers, together with other elders who are respected authorities. These groups are typically voluntary and hence non-coercive in the prevailing interactions between their members: “[...] Chaitanya Vaishnavas by and large have tended to avoid institutions that would rely on centralized or coercive authority within the community of devotees, or ones that would invite conflict with other groups over mundane social, economic, or political resources. Those institutions through which Chaitanya Vaishnavas have preferred to articulate authority, prestige and responsibility have been [...] decidedly non-coercive, decentralized and diverse.”

In sharp contrast to the soft and intermediate institutions, hard institutions are characterized by “centralized executive authority with coercive sanctions, and mechanisms for organizing massive economic and political resources, or for mobilizing adherents against external threats.” ISKCON became such a hard institution, an exceptional development among Chaitanya Vaishnavas. Following O’Connell’s model of the three institutions, Fárek’s previous research on ISKCON gathered ample material about problems that emerged between hard institutions on the one hand, and soft and intermediate institutions on the other. The executive authority of this organization is composed with a

3 For example, disciples of Advaita Acharya in Bengal, or disciples of Rupa and Sanatana Gosvamis in Vrindavan.
4 Cf. O’Connell, Chaitanya Vaishnava Movement.
6 O’Connell, Chaitanya Vaishnava Movement, p. 216.
7 Cf. Fárek, Hnutí Haré Kršna. You can find translated titles of publications used in the text and written in Czech in the bibliography.
relatively small number of people, who are keeping the power also by being a self-appointing body (Governing Body Commission in the official ISKCON designation). Their decisions take the shapes of definite orders, rules, or even a kind of internal laws, which are hard to be challenged. Coercive sanctions entail removal of people from their respective positions in the organization; banning their access to a larger membership (no more publishing, no permission to speak to larger audiences in the centers, official warnings to the larger membership not to listen to the person who is perceived as disloyal to the leadership, etc.); marginalizing them by other different means; or even excommunicating them. Because of the limited format this text should keep, we offer examples of the criticism raised by Kundali Dasa (Conrad Joseph, b. 1953), a direct disciple of the founder of ISKCON. Kundali Dasa’s points are an interesting example of the internal awareness of problems which O’Connell’s model identified as a conflict between authorities as defined by the hard and soft institutions. Two quotes for illustration: “Our parampara system endorses meritocracy, not bureaucracy, which simultaneously alienates one from one’s self and seduces one via the system …] Bureaucratic rubberstamping points to another way in which ‘the whole thing is spoiled.’ By rubberstamping gurus the transparency of the parampara is lost […]. Indeed, the guru becomes a bureaucratic functionary himself, because keeping the party line becomes more important than keeping the parampara line.”

The institutionalized guru does not have to be spiritually advanced. He just has to be politically or culturally safe – non-threatening to the system. He must display external signs of validation, such as following rules and regulations and making sure he is seen at the required functions, behaves in the required way, and achieves for the institution. These are his qualifications. These important questions are not asked: “How well does this person know the science of Krishna consciousness? Can he liberate anyone from personal and social illusions? Does he know the psycho-physical nature of his disciples?”

The voice of the dissenter, Kundali Dasa, formulated this criticism as a result of gathering a considerable amount of experiences of the present and former ISKCON members. We cannot even start analyzing Kundali Dasa’s writings here, even though they would deserve proper discussion, being an interesting intellectual attempt in its own right. However, the material illustrates amply that in ISKCON, the development of the hard institution brought conflicts in

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10 See also Kundali dasa, Our mission. Part Three, and Joseph (Kundali das), Doctrinal Controversy and the Group Dynamic.
terms of authority. In fact, it established a new kind of authority which tend to subordinate all other kinds and sources of authority, traditionally valued as the most important. Although sampradaya and the authority within the hard institution were presented as identical in ISKCON, the evidence disclosed the following fundamental problems:

(1) Perils of power obtained by raising the ladder of a hard institution, which tend to rule over spiritual qualifications; ISKCON became a several-layered institution (“career” in the organization starts with the head of the local center, called Temple President, which usually means membership in the National Council; there are also larger regional councils and finally, the Governing Body Commission, literally ruling the institution world-wide); (2) New kind of leadership emerges; this leadership could wear a mask of “true spiritual teachers,” but actions of many proved them to be the “rubberstamped gurus” in Kundali Dasa’s words; (3) There are significant changes in teaching, because the inner and outer progress of the individual followers, traditionally defined in terms of meditation goals, virtues, wisdom and profound knowledge of the Vaishnava philosophy, was identified with service to the goals of the leadership of the hard institution; (4) As a consequence, individual progress is measured in terms of institutional achievements (numbers of new converts, number of books sold, amount of money collected as “donations”).

Although these distinctions between soft/intermediate institutions and hard institutions are only rough first approximations, and O’Connell’s model needs further development and testing, its insights are a promising way how to conceptualize the specific character of the majority, if not all, Asian traditions understood as religious. We suggest that there are several good reasons to apply the model to Buddhist, yoga, and other traditions under discussion. For example, Buddha certainly did not appoint a central executive body with coercive power. His vision of sangha was that of wandering ascetics, loosely connected with lay communities. A large gathering of some of his followers

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11 Some practices, highly valued in the traditional approach, were dropped by ISKCON, such as special mantras and visualizations connected with raganuga-bhakti sadhana (discussed in Fárek, Hnutí Haré Kršna).

12 It is often mentioned that Buddha, or Chaitanya, or other teachers (including Osho) did not appoint a successor, and typically a group of elder disciples was established as a supervising body. However, much more important is, what kind of authority and power has been factually granted to (or appropriated by) this body of leaders. It is possible that a single successor was established by an important teacher figure, and yet the organization of his or her followers continued the interactions typical for soft and intermediate institutions. Only when the leadership of a given organization obtains considerable amount of coercive and mobilizing power, as summarized in this section, the hard institution starts to develop. Even today, we see focus on small communities and transmission of
had to establish what finally became Pāli canon. Let us also remember that
ten monks of a senior status still can be one crucial sangha in practice, deciding about important matters.\textsuperscript{13} Even monasteries, as they became established much later in different Buddhist lineages of teachers were hardly following the model of a centralized hard institution. Similar points hold true for many yoga traditions (including akhara that gave traditional authority to Swami Maheshvarananda), bhakti traditions, and others. Now it is time to turn to the process of transfer of these Asian traditions to Czech soil.

3 NRMs from Asia in the Czech Republic: From Dissent Groups to Recognized or Tolerated Religions

What was the situation of the chosen NRMs with Asian roots during the last years of Communist rule in Czechoslovakia? How did their position change after the Velvet Revolution of 1989? In our discussion, we will focus mainly on the Czech Hindu Society, ISKCON, and different Buddhist organizations, although other groups will also be mentioned when appropriate. The general situation of all these NRMs in the last two decades of the Communist rule in Czechoslovakia (1969–1989) was that of small dissent groups and individuals. Because some of these organizations with Asian roots were founded in “capitalist Western countries” and many others of the same origin were spreading there, ideologues of the Communist regime viewed ISKCON, diverse Buddhist groups and many others as “deviant cults,” indicative of the “rotten stage of the capitalist societies.” Hence, the groups were banned in Communist Czechoslovakia and both border police and secret police strived to stop all attempts at spreading their message in the country.\textsuperscript{14} Teachers from these groups were stopped at border controls and turned back; small groups and interested individuals had access only to smuggled books, tapes and other material; secret police worked hard to identify and infiltrate groups that were secretly meeting at people's

\textsuperscript{13} There is vast body of literature on the development of sangha in different Buddhist traditions. One good article to start with reading on this topic is still De L. Young, The Sangha in Buddhist History; see also Nakamura, Indian Buddhism; Lopez, Buddhism in Practice; or relevant entries in Keown/Prebish, Encyclopedia of Buddhism.

\textsuperscript{14} See e.g., Fujda, Acculturation of Hinduism and the Czech Traditions of Yoga, or Tlčimuková, Buddhist Memories of Normalization in Czechoslovakia.
Somewhat less controlled was the academic level of studying and sometimes secretly taking inspiration from the “Eastern religions.” Overall, the general population was “protected” from the influences which were seen as a stage of the development of human consciousness to be surpassed by the “scientific atheism” of the Marx-Leninist ideology.

What did the last three decades, after the Velvet Revolution in Czechoslovakia (1989) and a peaceful split into the Czech and Slovak Republics (1993) bring to NRMs of Asian origin? Based on both research and our experiences, we identify four important changes, though these are certainly not exhausting the topic: (1) Certainly a leap towards religious freedom, more quickly in practice than in legislation. These changes allowed several groups to attain state recognition as religious organizations. We will discuss the content and implementation of the legislative changes in the next section. (2) Attempts to build uniting platforms, a kind of umbrella organizations: *Sdružení učitelů jógy* – SUJ (Yoga Teachers Association), *Buddhistická společnost* (Buddhist Society), and *Česká hinduistická náboženská společnost* (the Czech Hindu Religious Society). It is noteworthy that out of these three attempts, only the Czech Hindu Society aspired...
for governmental recognition; however, its main actor, Yoga in Daily Life, collaborates also within the SUJ. Buddhist organization did not survive differences in opinions of its founding members, but there were other Buddhists' successful attempts to get recognition by the Czech Government. (3) Massive public actions, including public lectures, inter-religious dialogue conferences, camps, charity, selling books and other material, all these brought a lot of attention from newly freed media. The 1990s saw regular meetings of Václav Havel (1936–2011) with the fourteenth Dalai Lama, less known is the participation of other important politicians in different public activities of Yoga in Daily Life, ISKCON, and other groups. (4) NRMs with Asian roots faced a very negative campaign of considerable strength in the 1990s, akin to the “anti-cult” movement in the U.S. and Western Europe.\(^\text{21}\) The attacks and blackmailing generally ceased when the media and some politicians turned to Islam after the events of 2001, thus forcing the role of a “public enemy” upon this particular religion.\(^\text{22}\)

The number of followers of the NRMs with Asian roots has undoubtedly grown since 1989. Unfortunately, the most considerable leap in membership was not captured by the state census because of the formulation of religiously relevant categories in the questionnaire of the crucial year 1991. That census included only strictly defined categories and only one suitable for the NRMs from Asia – other (non-Christian) churches and religious societies.\(^\text{23}\) Nevertheless, the information from censuses is considered to be the only complex source for analysis of religious membership in the Czech Republic. There is also general data from regular sociological surveys such as the European Value Study (EVS) or International Social Survey Program (ISSP) oriented more toward citizens’ values, asking detailed questions focused on religion. Otherwise, scholars rely on smaller-scale research conducted by sociologists, anthropologists, religious studies scholars, and geographers. Let us start with the development of official membership as captured by the last four censuses (we keep the 1991 census empty boxes to make the problem with missing data more visible):

\(^{21}\) Cf. Lužný, *Antikultovní hnutí*.


### Table 1: Numbers of Czech adherents of NRMs from Asia

<table>
<thead>
<tr>
<th>NRM</th>
<th>1991</th>
<th>2001</th>
<th>2011</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buddhism</td>
<td>–</td>
<td>6817</td>
<td>2617</td>
<td>5049</td>
</tr>
<tr>
<td>Hinduism</td>
<td>–</td>
<td>767</td>
<td>210</td>
<td>1226</td>
</tr>
<tr>
<td>Buddhism of the Diamond Way</td>
<td>–</td>
<td>–</td>
<td>3484</td>
<td>653</td>
</tr>
<tr>
<td>Czech Hindu Society</td>
<td>–</td>
<td>–</td>
<td>427</td>
<td>93</td>
</tr>
<tr>
<td>ISKCON</td>
<td>–</td>
<td>294</td>
<td>673</td>
<td>455</td>
</tr>
<tr>
<td>Theravada Buddhism</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>54</td>
</tr>
<tr>
<td>Community of Buddhism in the Czech Republic</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td>Vishwa Nirmala Dharma</td>
<td>–</td>
<td>–</td>
<td>1098</td>
<td>250</td>
</tr>
<tr>
<td>Total</td>
<td>–</td>
<td>7868</td>
<td>8509</td>
<td>7781</td>
</tr>
</tbody>
</table>

*a A dash in the table means the non-existence of the organization or the category in the census form in a given year.

b **CZSO, Sčítání lidu, domů a bytů 2011; CZSO, Sčítání lidu, domů a bytů 2021; Růžková, Sčítání lidu, domů a bytů 1991: pramenné dílo; Skrabal, Sčítání lidu, domů a bytů 2001: pramenné dílo – These official publications summarize the results of the censuses in the given years.**

We can see from the data from the Czech Statistical Office that the total number of official adherents of the Asian NRMs and non-specified Buddhism and Hinduism has been relatively stable since 2001. We observe significant fluctuation in the number of adherents in specific categories between 2001, 2011, and 2021, which deserves separate research. We can only assume that the peak of their number observable in 2011 is connected with the issue of governmental recognition of religious organizations. Firstly, members of the religious organizations registered since 2002 could keep fresh memory from the recent collection of signatures for the first-level registration process and were still keen to participate in official procedures. Secondly, they could get instructions from their religious groups’ leadership striving for higher official numbers (needed for the second-level registration; we will address the registration types and process in the third section).

However, a more important criticism of the relevance of census data is to be discussed. We know from the results of smaller-scale research (including our own) that the interest in the traditions of Asian origins in the Czech Republic is gradually growing and the percentage of active practitioners in these traditions is higher than in the three most prominent churches with a high share
of formal believers. Not all active members of the NRMs with Asian roots are willing to officially claim adherence to a specific religious group for various reasons. As an example, we quote from the research of Jitka Cirklová. Throughout the years 2007–2008, she gathered responses to her questionnaires from 57 Buddhist centers across the Czech Republic and concluded:

“Respondents of the research repeatedly stressed that they do not consider the search for exact numbers of the membership and other such data to be important. The organizational structure of centers and groups is generally very elastic and open, without an effort to define borders between membership and non-membership. The respondents stressed that they prefer this very flexibility or even fluidity of the organizational structure of their Buddhist group. They also claimed the existence of a group around their Buddhist centers, different from the acknowledged number of active members (1 547 in all the centers who responded), which was described as ‘meditating,’ ‘sympathizers,’ or ‘co-operative people.’ This group has a larger number of people than the number of regular visitors of their center.”

NRMs with Asian roots do not have such a strict boundary between members and non-members of their organizations as Christian churches or Jewish synagogues. The quoted observations concerning Buddhist groups are valid also for the many Yoga groups in the country or for the loose fellowship of the Osho centers. Even the organizations keen to count their core membership, such as ISKCON, report significantly larger numbers of lay practitioners and sympathizers. This specific attitude is compounded with another one: Many followers of Buddhism, Yoga, Bhakti or specific Osho practices consider their system to be rather a philosophy, or a way of life, than a religion. Consequently, they do not fill in the relevant columns in the census questionnaires (and quite

24 A high percentage of formal believers is well documented in the Roman Catholic Church through the comparison of the data in the census with the counting of attendees of worship in five-year intervals. For example, 375,000 Catholic believers were reported as regularly attending the services in the Church in 2019 (Kutil, Nedělní účast 375 tisíc lidí). Compare this number with the official Catholic membership as reported by the results of the 2021 census, which should be 741,019 adherents of the church. Moreover, the counting of believers and its methodology is quite dubious and the number is not reliable, in the authors’ opinion.

25 Cirklová, Buddhismus v České republice v sociologické perspektivě, p. 238. For many more findings of the author and their debate, see Cirklová, Buddhismus jako zdroj hodnot během formování nových identit a životních stylů v České republice.


27 Participant observations and personal communication in Nama Hatta programs, summer camps, and Pada-yatra travelling parties organized by the Czech ISKCON.
often, they reprimand researchers in the mutual interactions about “using these misleading categories”). We shall also mention the existence of immigrant communities that adhere to their Asian traditions. The community of Buddhism in the Czech Republic is possibly the largest such a group, being related to the Vietnamese community.\textsuperscript{28} The organization does not have a website or a social network profile open to the public. Their non-existence is related to the ethnic structure of the organization composed exclusively of the Vietnamese, who have strong social connections within their community, are mostly endogamous and do not feel the need to appeal to the larger population.\textsuperscript{29} This background of living outside the mainstream regarding social and cultural ties explains why we got one official member of this Buddhist group in the last census (the group had to submit at least 300 members’ signatures to obtain the first-stage registration in 2020). In sum, the numbers of the chosen NRMs’ adherents we can work with should be discussed with all these crucial points in mind.

4 Aftermath of Communist Rule in the Czech Law Concerning Religious Organizations

In this section, we will start with an overview of legislative changes since 1989.\textsuperscript{30} Our focus will be on the specific character of the new legislation, which brought about considerable dissatisfaction from representatives of several NRMs with Asian roots. Constitutional provisions first: Those are Articles 15(1) and 16 of the Charter of Fundamental Rights and Freedoms. They ensure freedom of thought and conscience. Everybody has the right to change religion or to have no religious conviction. Churches and religious societies administer their affairs, appoint their own bodies and priests, and establish religious orders and other church institutions independently of the State. The conditions of religious instruction at state schools are defined by law. The law may limit religious freedom in cases of protection of public security, health and morality.\textsuperscript{31}

\textsuperscript{28} Cf. Vojtíšek, \textit{Registrace vietnamských buddhistů: třetí pokus}. Vietnamese form one of the largest Asian minorities in the Czech Republic, 31 489 people according to the last census (CZSO, Sčítání lidu, domů a bytů 2021).

\textsuperscript{29} Cf. Freidingerová, \textit{Vietnamci v Česku a ve světě}.

\textsuperscript{30} For a profound overview and discussion of the legal status of churches and religious organizations in the era of Communist rule in Czechoslovakia, see Jäger, \textit{Svoboda vyznání a právní poměry církví a náboženských společností v letech 1948–1989}.

\textsuperscript{31} Cf. Česká republika, \textit{Listina základních práv a svobod}.
A new law on religions (Act No. 308/1991 Coll.) was approved in Czechoslovakia in 1991 and religious affairs came under the responsibility of the Ministry of Culture. Nineteen churches and other religious organizations that the previous Communist government recognized got official recognition automatically. All these religious organizations belonged by their doctrines and historical development either to Christianity or to Judaism. An important feature of this group was that its organizations could receive finances from the state budget. We consider this automatic recognition to be very problematic. Firstly, it meant a factual continuation of the legislative stance towards the traditional religious organizations from the Communist totalitarian regime. Secondly, it secured registration to the groups that did not meet the legal requirements for those organizations that would apply for State recognition from the year 1991 onwards. The limit to achieve registration was set at 10,000 signatures of the adult members of a religious group. This limit proved effective in closing the path to recognition for NRM s with Asian origins for one decade.

The 1990s were years marked by heated parliamentary discussions about the reform of the law concerning religion. Employees of the Department of Churches and Religious Communities of the Ministry of Culture emphasized their intention to liberalize the registration process in the discussions during the preparation of the new law. The first draft of the law demanded 20,000 members for the second-stage registration, but it was rejected during the discussion in the Czech Parliament. Parliamentary debates were also concerned with the effective contradiction of the law under preparation with the Czech Republic’s constitution claims regarding religious freedom. For example, the disputed law de facto allows the State to create and dissolve religious communities.

A law on religions (Act No. 3/2002 Coll.) inspired by the Austrian system was enacted in the Czech Republic in 2002. This law established two levels of recognition. The first-level recognition is called “registration” (registrace in Czech); it requires an applicant organization to provide minimally 300 signatures of its adult members. The registration carries the prestige of being an officially recognized religious organization, but it does not bring almost any other benefits for the organization that can otherwise function as a civic association, or foundation. The second level, granted automatically to previously

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32 Cf. Česká republika, Zákon č. 308/1991 Sb. o církvích a náboženských společnostech. See detailed analyses in Horák, Religion and the Secular State in the Czech Republic; Treter, Church Autonomy in the Czech Republic; Havlíček, Church-state relations in Czechia.
33 Cf. Štampach, Peripetie české politiky ve vztahu k novým náboženským směrům.
34 Cf. Štampach, Peripetie české politiky ve vztahu k novým náboženským směrům.
35 Cf. Česká republika, Zákon č. 3/2002 Sb. o církvích a náboženských společnostech.
registered 19 churches plus the Lutheran Church of the Augsburg Confession in the Czech Republic and Jehovah’s Witnesses registered between 1991 and 2002, brought certain benefits.\textsuperscript{36} Those included financing from the State and tax exemptions and a set of “special rights” (right to conduct religious weddings recognized by the State, access to pastoral activities in the army or prisons, right to establish and run schools or religious courses in public schools, mandatory preservation of confessional or similar secrecy).\textsuperscript{37}

The requirements for the shift from the first to the second level, called “accreditation” (\textit{akreditace} in Czech) are very demanding, such as ten years of existence of the organization recognized on the first level, \textit{10,000} signatures of the adult group members, and detailed annual reporting. According to the law, the Ministry of Culture can issue special rights for first-level religious groups without having to meet the requirements that newly registered or applying organizations have to satisfy. The reason given for such a difference is that accredited religious organizations should represent world religions with a long tradition and historical presence in the Czech Republic.\textsuperscript{38} Although better than the law of 1991, the implemented system is still inherently discriminatory toward non-traditional and small groups. The NGO Czech Helsinki Committee repeatedly criticized the situation.\textsuperscript{39} The move of granting special rights to traditional groups with the first-level registration, as the heritage of the earlier legislation, is factually privileging predominantly Christian churches recognized by the Communist legislation. No wonder some scholars, such as Ivan O. Štampach, suggested political motivations behind the legislation, which effectively discriminates against the NRMs in the Czech Republic:

“It can be hypothesized that ministry officials and their associates defend the established churches, especially the three largest in numbers, as political allies with a potential of almost a third of the electoral votes. They defend them against new religious movements that can appear as dangerous competition. I believe that a closer look at the Czech religious dynamics, based especially on the results of the last two censuses, supports this hypothesis.”\textsuperscript{40}

As we mentioned above, although the number of adherents of NRMs with Asian roots is stable according to the last censuses, factually, it grows according

\begin{footnotesize}
\textsuperscript{36} Cf. Ministerstvo kultury České republiky (a), \textit{Data registrace církví a náboženských společností}.
\textsuperscript{37} Cf. Ministerstvo kultury České republiky (b), \textit{Zvláštní práva církví a náboženských společností}.
\textsuperscript{38} Cf. Česká republika, Zákon č. 3/2002 Sb. o církvích a náboženských společnostech.
\end{footnotesize}
to smaller-scale research. However, this development did not change their position in terms of access to benefits of the legal accreditation. Vibrant groups belonging to NRMs from Asia (e.g., Buddhism of the Diamond Way, ISKCON) did not reach the required number of 10,000 members. Therefore, twenty years after the registration of ISKCON (and a few years less for the Buddhism of the Diamond Way), they are still recognized only at the level of registration. In striking contrast to these NRMs’ situation, small Christian organizations which have been demographically declining in the last decades, enjoy benefits of accreditation. Thus, for example, the Religious Society of Czech Unitarians with 186 adherents according to the 2021 census (365 in 1991) enjoys all special rights; the New Apostolic Church with 53 adherents in 2021 (427 in 1991) has the right to hold weddings.\footnote{Cf. Ministerstvo kultury České republiky (b), Zvláštní práva církví a náboženských společností.} The currently valid law thus continues to support the discrepancy between the size of the recognized religious organizations and their access to the financial support and other important benefits the Czech State offers.

For all the dissatisfied voices, we quote two examples. In the words of Tomáš Vystrčil (b. 1959), a senior Buddhist in the country: “[…] even after twenty years, it is obvious that Buddhism has the same status as the organization of garden-keepers here, which is not only a disrespectful position, but it also did not correspond to the nature of our thing. For example, it is not possible for Buddhists who would be interested in such activities, to offer a public service, such as teaching in schools, service in the hospitals and retirement homes, or spiritual counseling, etc.”\footnote{Vystrčil, Buddhismická společnost a sametoví buddhisté devadesátých let, p. 49.} The sad sigh of Vystrčil is part of his memories of the attempt to build Buddhistická společnost (Buddhist Society) as an umbrella organization for different Buddhist groups in the Czech Republic in 1991. The founding members also wanted recognition of State for Buddhism, comparable with the status of the established Christian churches who enjoy benefits of the legal accreditation. This did not come true for any recognized Buddhist organization ever since. Antonín Valer (Trilokatma dasa, b. 1960), who had been the statutory head and spokesman of the Hare Krishna Movement (or ISKCON) in the Czech Republic for many years, used even stronger formulations than Vystrčil: “This law is clearly discriminatory. It would be a case for the Constitutional Court. For one group of churches, there is access to special rights, whereas for another group, there is not.”\footnote{Cf. Jiřička, Chceme práva jako ostatní, ne peníze, tvrdí Hare Krišna a nové církve.}
5 The Czech Legal Conditions and Institutionalization of the Chosen NRMs

Despite all the problems with clear discrimination in the process of registration of NRMs with Asian roots in the Czech Republic, described in the previous section, scholars must generally acknowledge the important advancement in the legislation. Whereas most chosen groups were practically banned in the Communist era, and Yoga in Daily Life operated with restrictions and under the scrutiny of the Secret Police, the era of liberalization brought freedom of action to all of them. ISKCON, Buddhism of the Diamond Way, the Czech Hindu Society (Yoga in Daily Life being its parent organization) and several other groups reached the status of the religious organization recognized by the Czech Government. However, celebration of these positive changes can easily prevent us from going further and asking the initial questions of this research: Is the legislation on religious organization truly neutral, that is, not specifically tied with any religious or cultural conditions? If the answer to this question is negative, what impact will the religiously conditioned legislation have on the NRMs with Asian roots?

Given the long-term developments of the legislation on religion in the Czech Republic, which was inevitably shaped by the specific history of its religious situation, we shall examine this problem in this section. At this stage, we also want to connect the insights of O’Connell’s model with the debate about assumptions behind the Czech legislation on religious organizations. In the following paragraphs we will argue for this simple claim: Despite the processes of secularization, which brought the notorious designation of “one of the most non-religious nations in Europe”44 to the population of the Czech Republic, the set of characteristics assumed to define any religious organization in the Czech law follows the pattern of the established Christian Churches. When we consider the recognized religious organizations which enjoy the “entitlement to execute special rights”, described in the previous section, it is a truism to say that those are mainly Christian churches. However, this truism is also an important starting point in our debate. If the Roman Catholic church, the Evangelical Church of Czech Brethren, etc., are the organizational models for the Czech legislation on religious organizations, what does this exactly entail?

44 See Václavík/Hamplová/Nešpor, Religious Situation in Contemporary Czech Society; Nešpor, Attitudes towards Religion(s) in a ‘Non-believing’ Czech Republic; Hamplová/Nešpor: Invisible Religion in a “Non-believing” Country; Lužný/Navrátilová, Religion and Secularization in the Czech Republic.
How are their characteristics connected to the requirements of the law concerning religious organizations?

The crucial documents of the Czech law betray the Western Christian framework of ideas and practices, starting with the usage of its concepts. The Charter of Fundamental Rights and Freedoms talks about clergy, church institutions, and religious orders. The definition of the church or religious society in the relevant legislation is of the same kind. A religious organization is defined as follows: “A voluntary community of people with their own structure, bodies, internal regulations, religious ceremonies and expressions of faith established for the purpose of professing a particular religion, whether publicly or privately, and in specific gatherings, worship, teaching, and spiritual services.” This definition is suitable for Christianity, Judaism and Islam, but hardly suitable for Asian traditions. The usage of terms “church” and “religious society” used in the law imply that a church should be of Christian tradition and religious society is a non-Christian and inferior group. Arguably, this setup reflects the personal composition of the expert commission of the Ministry of Culture of the Czech Republic, where most members were Christians and non-Christian members were Jews who share a similar understanding of a religious organization. Moreover, mandatory preservation of confessional or similar secrecy among special rights of religious groups with second-level registration in the law also documents the Christian-oriented approach in the debate.

Consider several demands of the Law 3/2002. Any organization aspiring to state recognition must provide the responsible committee at the Ministry of Culture with elaboration upon the following points: Its “mission” and “basic tenets of its faith” (3.a); “statutory body,” that is, governing body, including the scope of its rights within and outside the organization (3.d); “structure of the organization,” including the “controlling body or bodies” (3.f); specifically the “priesthood” membership, the ways of appointment and calling off the priests, etc.; interesting is also the article 3.l – “rights and duties of the members.” Let us carefully note the set of assumptions behind these demands: Any religious organization is religious, because it is grounded in a particular credo, or “basic tenets of its faith” in the words of the Czech law. Hence, a new applicant organization must provide a detailed formulation of such a credo. Another article of the law clearly assumes the existence of at

45 Cf. Česká republika, Zákon č. 3/2002 Sb. o církvích a náboženských společnostech.
47 Cf. Česká republika, Zákon č. 3/2002 Sb. o církvích a náboženských společnostech.
least a basic hierarchical structure in the organization, with a “governing, or statutory body” on the top, which may or may not be different from a “controlling body or bodies.”49 The existence of priesthood is specifically assumed, and so the list goes on. The model of established Christian churches is obvious here, including terminology used by the law. In other words, seemingly neutral and above all religions situated law perpetuates a pattern of ideas and practices specific for the organization of Christian Churches.

We suggest that this pattern is not just a collection of several characteristics originating from the history of Christian churches in the country; it is a very specific relationship between these characteristics which creates the pattern. The relationship between a governing body with strong executive power (including excommunication) and a credo is crucial here. The long history of Christian churches is also a history of doctrinal conflicts, in which the governing body (the Pope and Roman Curia, for example) established itself as the final guardian of the true faith.50 This specific connection gives any governing body enormous power, because it is backed up by a combination of spiritual, theological, and executive authority. The dangers of this concentration of different kinds of authority are well documented by the Christian churches’ historians: For members of such a governing body, it can be enough to comply with some more formal requirements of their religious life (and oftentimes, only publicly; no matter what the top leaders were doing in private, or in secrecy). Consequently, the position within an institutional hierarchy is de facto the only source of authority, although it is claimed with painstaking efforts that the primary source of authority of the leadership is its high spiritual achievement, moral credit, austerity, learning, traditions, etc. It is no coincidence that the model corresponds to O’Connell’s description of the hard institution, summarized in the first section. Contrast the ways in which such a hierarchical organization with centralized power functions with loose fellowships of smaller or larger communities established around teachers with a different source of authority, typical for many Asian traditions. We suggest that this is an important direction for the analysis of the fundamental differences between the majority of the Western churches and (the majority) of the Buddhist, yoga, bhakti, and other organizations hailing from Asia.51

49 Cf. Česká republika, Zákon č. 3/2002 Sb. o církvích a náboženských společnostech.
50 This pertains to the well-known history of the Christian councils; in the Roman Catholic Church, Congregation for the Doctrine of the Faith is one such controlling body, appointed by the top leadership of the institution.
51 The situation is more complicated, because there are Asian organizations which would fit more to the description of the hard institution, typically established during colonial times. In this remark, we can only suggest that at least originally, they were inspired,
If the direction of analysis is right, we should be able to provide examples of changes and conflicts arising because of the adaptation of the legislative demands, in contrast to different development in the NRMs from Asia, which did not ask for state recognition. The first example is the conflict between the former temple president of the ISKCON farm community in the Benešov district, and the leaders of the then-existing temple of Prague in the 1990s. Leaders from Prague were a younger generation, devoted to their gurus from the Governing Body Commission (GBC). Although the temple president of the farm community was a direct disciple of the organization’s founder, his somewhat critical stance towards the GBC meant that this “senior devotee” did not get the status of initiating guru. The leaders from Prague gradually took over the contacts with the members of the Czech Parliament, the Government, and other essential institutions, originally built by the head of the farm community. They used them to back up their growing authority and influence in the Czech organization. The conflict would need much longer elaboration, but the aspiration of the devout GBC followers for official recognition and leaning on the state authorities, when suitable, has been a visible thread in the inner life of the Czech ISKCON.

The second example discloses problems in the formulation of a credo by the leadership of the Czech Hindu Society. The credo starts with the claim that “Hinduism is a living synthesis of very different religious beliefs and their realizations, rooted in the revelation of God.” This in itself is a large claim, in need of better elaboration. Which religious beliefs were used for such a synthesis? What exactly is the result? The credo does not answer such questions. Whatever the synthesis of beliefs, we soon read that “Hinduism is non-dogmatic” and “universal,” which in these general terms could mean many things. In any case, it seems that the synthesis of different religious beliefs does not matter much; this impression is strengthened by another claim of this credo: “Hinduism is a lifestyle [...] in harmony with eternal spiritual, ethical and moral laws, as well as with sanatan dharma (eternal religion).” At this stage, any attempt at capturing some concrete points of this “synthesis of religious beliefs” is defeated. Suddenly, there is a general talk about a lifestyle “in harmony” with “eternal

52 This situation, as well as several other problems of ISKCON’s institutionalization in the Czech Republic, are discussed in Fárek, Hnutí Haré Kršna.
53 Cf. Fárek, Hnutí Haré Kršna, and Fárek’s informal communication with ISKCON members.
54 All quotes in this paragraph are translated from the Czech original published by the Czech Hindu Society. See ČHNS, Višva Guru Díp Hindu Mandir.
laws” in different domains, and about “eternal religion.” If a reader wishes to know more exactly, what are these “eternal laws” and “eternal religion,” he or she is directed to enormous reading material. The credo specifically refers to almost all important kinds of Indian Sanskrit literature written over millennia (from Vedas and Upanishads to Puranas, Agamas, and many other texts). The basic tenets of faith announce not only the “divine essence of all living beings,” reincarnation, or ahimsā (non-violence); they also include sādhana. As sādhana means basically a set of practices (such as recitation of mantras, singing, or different rituals), the statement is truly puzzling: How could any set of practices be an article of faith? This credo is also a good illustration of the general acceptance of the Western Orientalist descriptions, with all their problems and quite fascinating inconsistencies.\(^{55}\) Yet, it also shows, how the demands of the Czech legislation forced the founders of the Czech Hindu Society to create such a document. Imagine, if in some years, or in the next generation, these formulations would become the basis for a serious debate concerning the core beliefs of the Czech Hindus.

These examples indicate that the direction of our analysis is promising; we do not consider them to be “big proofs” of our analysis now. Rather the opposite, we are in the process of preparing larger research which would test its validity. This research should also look critically at the claims of O’Connell’s model and hopefully improve their formulation.

6 Conclusions

We can formulate a clear answer to the first of our initial questions: Is there a specific cultural or religious character of the demands which the Czech legislation put on the candidates for governmental recognition? Yes, the set of characteristics assumed to define any religious organization in Czech law follows the pattern of the established Christian Churches. When we considered the recognized religious organizations which enjoy the “entitlement to execute special rights”, it became clear that their specific characteristics are assumed to be general characteristics of any religious organization. Hence, the Czech legislation asks newcomers to the religious stage to formulate their credo, establish their governing body with clear executive powers, clarify the issue of their priesthood, etc. We are observing a paradoxical situation in the country: Those religious organizations that developed these characteristics in the

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55 For the debate about problems with Orientalists’ search for the doctrinal core of Hinduism, see Fárek, *India in the Eyes of Europeans*, pp. 47–64.
course of their historical development, did not have to declare them during the legislative changes of 1991 and 2002. Their recognition, compounded with access to special financial benefits and to a set of “special rights,” came as a heritage of the former Communist legislation. On the other hand, the NRMs with Asian roots, which necessarily did not develop the characteristics of the churches (or the Jewish communities), are asked to do so if they want to be recognized by the Czech government. However, even if they do so, their access to the benefits enjoyed by the established churches is made very difficult by the respective legislation. No wonder that now, twenty years after the registration of the first non-Christian and non-Jewish religious organization in the Czech Republic, there is no NRM with Asian roots which reached the level of accreditation in the process of state recognition. We also discussed several problems with gathering official data about the membership of NRMs with Asian roots, which continuously report smaller numbers than those which come close to the factual membership of these groups. This makes aspirations for the status of accreditation even more difficult for the chosen NRMs.

Our further analysis looked at the problems with state recognition from another point of view. What happens when the NRMs with Asian roots react to these demands, while striving for the status of recognized religious organizations? We argue that the demands of seemingly neutral and non-religious legislation are enforcing factors in changing the chosen NRMs of Asian origin to church-like organizations. In practice, it means that any group rooted in Asian traditions, which would need its own schools, or access to service in the Czech hospitals, or right to get their wedding ceremonies recognized by the State, etc., is forced to comply with the demands of the law as discussed earlier. The model of three institutions, developed originally for the Chaitanya Vaishnava movement by Joseph T. O’Connell, is a promising starting point for analyzing the inevitable changes such a process would cause. The effects of legislative demands are instrumental in the creation of the hard institution in O’Connell’s description: a centralized executive authority with coercive sanctions and other means of organizational power. As the state of our hypothesis stands for now: The Czech legislation is enforcing, effectively, the crucial shift in the character of organization of the NRMs with Asian roots. In brief, it can be described as a move from the operation in the mode of soft and intermediate institutions to the mode of a hard institution, in O’Connell’s formulation. It does not mean that soft and intermediate institutions disappear; as specific ways of human interactions they are retained in the organization. However, they are subdued to the hard institution, marginalized in their factual importance, and often-times transformed. Yet, in some cases, if a conflict arises between the hard and soft/intermediate institutions, this or that particular way of interacting...
of the latter kind can be left behind by the leadership of the hard institution. Changing the original goals of soft-intermediate institutions seems to be inevitable, as well as conflicts between the recognized teachers with the more traditional kind of authority and emerging hard institution’s leadership.

While closely following the processes of establishment of several groups of Asian origins in the country, we were puzzled by two opposite stances taken by these groups toward a chance for governmental recognition as a religious organization. Whereas some groups put forth considerable effort to achieve this recognition, other groups were indifferent, in some cases even opposed to this possibility. Therefore, a rather clear-cut dividing line can be drawn between organizations such as ISKCON, Buddhism of the Diamond Way, or the Czech Hindu Society, and groups following Bhakti Sundar Govinda Swami (1929–2010) and other bhakti teachers, groups connected with several different lines of Tibetan Buddhism, groups following Iyengar Yoga, Yoga of Swami Shivananda (1887–1961), or disciples of Bhagwan Shree Rajneesh – Osho (1931–1990). Obviously, the difference in attitudes towards governmental recognition as a religious organization is not caused by a specific Asian tradition from which this or that group emerged. Take the example of the Czech Hindu Society: It is clearly tied with the Yoga in Daily Life organization of Swami Maheshvarananda (b. 1945), yet there are many other yoga groups, linked to other recognized teachers and lineages from India, that do not consider the status of a religious organization to be an important goal. The same holds true for ISKCON’s attitude in contrast to that of several other groups, stemming originally from the very same parent tradition of Gaudiya Math. The very same observation is valid for attitudes of the Buddhism of the Diamond Way and other groups claiming adherence to the identical lineage of Tibetan Buddhism. Apparently, it is not this or that teaching of a particular school of yoga, or bhakti tradition, or even some differences between Buddhist and Hindu traditions, which are the cause for this striking difference. The dividing line between the two opposite attitudes towards being recognized as a religious organization cuts across all these NRMs with Asian roots. Consequently, our future inquiry can be formulated as follows: Why did some groups strive for governmental recognition, whereas others – sometimes originating from the very same Asian tradition as those wishing the recognition – did not?

In this article, we argued for the important direction which can hopefully bring some interesting insights into the matter: The basic difference between

\[56\] Gaudiya Math was organization established by Bhaktisiddhanta Sarasvati (Bimal Prasad, 1874–1937), ascetic teacher of Bhaktivedanta Swami Prabhupada, the founder of ISKCON movement.
attempting or not attempting the state recognition by these groups shall be discussed in terms of their institutionalization, and here, the difference between the Christian Churches as a model of a hard institution, and Asian traditions as characterized by soft and intermediate institutions by O’Connell, is the crucial factor in deciding about their approach towards state recognition as a religious organization? Can the disinterest of these NRMs in being recognized by the Czech Government be explained by their awareness of changes that the process of registration inevitably brings about? These questions will guide our research in the future.

At the end of our debate, we wish to stress that we do not consider the Czech legislation to be the main cause of the process of hard institutionalization in the chosen NRMs. Buddhism of the Diamond Way, ISKCON, or Yoga in Daily Life were in the process of turning into hard institutions before they came to the Czech Republic. Without leaving the lessons learned from the Czech situation behind, recognizing the simple fact that these NRMs were already hard institutions operating internationally pushes our debate to another level. There must be other causes behind the process of these NRMs’ hard institutionalization than particular legislation of a European country. Tentatively, we can describe them as interactions between the elements of Western Christian origin and the elements of Asian traditions. Therefore, the crucial questions of institutionalization of NRMs with Asian roots cannot be studied only as isolated cases of this or that European country. Our future research will aim at building a larger comparative framework, which will enable deeper analysis of both the causes for hard institutionalization of Asian NRMs in Europe and the role of the legislative demands put on their aspirations to get governmental recognition as religious organizations.

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