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Newsletter for the English speaking members and friends of the Church Law Society
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Milevsko (southern Bohemia): Premonstratensian abbey, Romanesque church of St. Giles, in which a reliquary with an iron nail from the Byzantine period (338–416) was found in 2020. Photo by Martin Frouz.

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Last week, we sent the first issue of this year's Church Law Review to the printers. Articles are in Czech or Slovak, with English abstracts, Editorial and Information section are also in English. However, we have articles in English ready for the next spring issue. We exclude from Editorial:

How Can Church Law Review Help Reader in Times of Pandemic?

We often hear that we can use the current pandemic and the protective measures imposed as a challenge to a deeper experience of faith and the opportunity to go deep. We have more occasions to read and think about what we read. Above all, we can return to a longer and more thorough reading of the Bible, the Catechism of the Catholic Church, and other catechisms, and to meditate on their texts. But we can think about everything connected with our faith, our attitudes, and our hopes for the future. Bravely bear all the pain and difficulties. And we would like to contribute to this as a small drop in the texts brought by the Church Law Review. The authors are also trying to go deep.

The editors do their best to contribute to this by level-headed study and selection of the proposed articles. Together with two to three reviewers, who are selected individually from the ranks of top experts for each article, the editor makes final modification together with the author after incorporating comments of the reviewers. We would like the articles to be deep, written in beautiful Czech, Slovak and English and lively, readable style.

The first article sent to us by Antonín Ignác Hrdina OPraem as a contribution to the celebrations of this year's 900th anniversary of the founding of the Premonstratensian Order of Canons Regular brought us immense joy. It is titled *Less Known Topic: Religious Canonesses*. It describes how the Premonstratensian canonry in Prague–Strahov managed to re-establish the monastery of the Premonstratensian religious canonesses after more than two hundred years in 1998 in Doksaný in northern Bohemia. The nuns who came from the Congregation of the Premonstratensian Order in Olomouc on Svatý Kopeček and the canonesses from Cracow (Poland) helped. In 2007, the monastery was confirmed by the Apostolic See as an independent canonry. And it was a miracle in which, let us quote from Professor Hrdina's article, "few dared to hope. In the period after November 1989, which does not favour the contemplative orders too much (what are the sisters actually doing there?) nor the Church in general (what is it good for?)," the Premonstratensian canons and canonesses agreed to establish a new canonry and succeeded. What about trying to calm down, quieten, and rely on prayer as well? We can rely especially on the prayer of strictly enclosed canonesses and nuns of many orders.¹

Truthfulness is a big topic of our present, as we are bombarded with fake news from all sides. In the New Testament, however, fidelity to the truth is emphasized among the foremost virtues. In the Sermon on the Mount, Jesus even exhorts his listeners not to swear at

¹ For example, the monastery of the nuns of the Order of Preachers – Dominicans in Prague – Lysolaje (founded in underground in the eighties, pontifical clausura 1993) and another monastery of nuns of the same order in Uherský Brod, Moravia (1948). Or Trappist nuns from the Monastery of Our Lady of the Vltava River (quite new founded in 2007).

all, and their words were true even without such an act. How the Church reacts to this serious instruction of its Saviour is answered by Vojtech Vladár from Comenius University in Bratislava (Slovakia) in his article *Admissibility of Oaths According to Decretum Gratiani*. He took the greatest, even gigantic expert of canon law, the master of Bologna and the monk Gratian, to help.

The relationship of canon law to theology as its source is described by Stanislav Přibyl from Prague (and Theological Faculty in České Budějovice, south Bohemia), well-known scholar in the field of legal and theological sciences. In the article *Canon Law as Applied Ecclesiology*, he compares the above-mentioned relationship on differences in approach to the issue between the codes of canon law of 1917 and 1983 and considers a certain renewal of the emphasis on theological sources in CIC/1983. For us lawyers, Přibyl's criticism of Marxist-Leninist ideology is interesting, which describes legal history as the *history of the state and law*. This criticism is very topical given that in some post-communist countries, the prejudiced and untrue phrase *the state and law* is still used (30 years after the revolution!). Even in the name of departments and some subjects.

We desire so much that the number of vocations to the priesthood in our country and around the globe increases significantly. We are glad that the role of the laity in the Church has increased, however, priests cannot be replaced either in the service at the altar or concerning care of souls both in the parish community and in categorical pastoral care in public institutions. We are pleased with the pastoral appeals of the chairman of the Czech Bishops' Conference, Archbishop of Olomouc Jan Graubner, to the priests of all dioceses, so that they do not neglect the effort to increase the number of those who enrol in seminaries. To do this, however, it is necessary to know the *Irregularities and Obstacles to Exercise of Power of Orders* described by the priest of the Diocese of Litoměřice, defender of the bond and promoter of justice of the Litoměřice diocesan court Šimon Polívka.

Jakub Václav Zentner, a priest active in the South Bohemian pilgrimage site of Římov, follows up on his article from the previous issue of the Church Law Review and again, in a scientifically accurate way, he provides a lot of information about the language of the liturgy in the Latin Catholic Church in his article *Liturgical and Vernacular Language in Roman Rite*. Many facts from history and the present can broaden our understanding of the issue and strengthen our desire to participate in the liturgical celebration of God's mysteries. And so prepare to return, when the terrible evil that unexpectedly came from East Asia will pass, and we will be able to glorify God together again in the assembly of God's people, both in Latin and in the national languages.

We are pleased to publish the *Agreement on Cooperation Between the Ministry of the Interior – General Directorate of the Fire Rescue Service of the Czech Republic and the Archbishopric of Prague* dated 1st October 2020 in the Documents section. On the basis of the agreement, the help of church workers, priests and their assistants will again be used in categorical pastoral care during fires, floods and other interventions of the fire brigades.

Záboj Horák, deputy editor-in-chief

Honorary Member Mark E. Chopko on Assistance to Houses of Worship in USA

Honorary member of the Church Law Society Mark E. Chopko, attorney, former General Counsel of the United States Conference of Catholic Bishops, lecturer at the Law Centre, Georgetown University, Washington, DC, published an article summarizing the current situation in the United States regarding fair financial compensation of the government to religious communities and their institutions at the time of the current pandemic at the end of January 2021. We present an excerpt from the abstract and a link to the article.

From the abstract to the article *The Constitutionality of Providing Public Funds for U.S. Houses of Worship during the Coronavirus*:

U.S. constitutional jurisprudence precludes the direct government funding of religious activity. At the same time, the jurisprudence surrounding the U.S. First Amendment Religion Clauses has evolved to support the general inclusion of religious entities in programs through which a government advances some overarching public interest, such as health care or social services, but does not involve the Government in advancing religion per se. Moreover, the most recent U.S. Supreme Court cases hold that it is a violation of the First Amendment to exclude a religious actor, solely because it is religious, from a general public program and funding on equal terms with secular actors. Pandemic relief from the federal government has been made available to houses of worship (churches, mosques, synagogues, etc.) to mitigate the economic impact of government lockdown orders and public health restrictions on assembly, by offsetting loss of revenue and avoiding the suspension or termination of employees. The extension of such relief sits precisely at the crossroads of debated legal questions about whether such assistance is aid to religion—prohibited—or neutral disaster relief on equal terms with other community-serving entities—permitted. This article concludes that the inclusion of houses of worship is constitutional, given the trend and direction of U.S. law, although the matter will continue to be debated as the effects of the pandemic recede.

To access full pdf version of the article, see: <https://www.mdpi.com/2075-471X/10/1/8>.



Author of the article Mark E. Chopko (left) and Karl Eugen Schlieff (Münster, Germany) at the international conference Third Season of Prague Dialogues on Church and State Relations in 2000.

Remembrance of International Conference Third Season of Prague Dialogues on Church and State Relations

More than 20 years have passed since the *Third Season of Prague Dialogues on Church and State Relations* (7th – 8th September 2000) took place in Prague, in the reading room of library of the priory of Dominicans of St. Giles. The international conference was organized by the Church Law Society in cooperation with legal section of the Czech Christian Academy and it focused on the topic *Religion Law in Germany and USA*.

The conference was attended by experts of the Czech Bishops' Conference, academic and science workers of Church Law Society, members of the Dominican Order as well as by other experts in the field. The main guests and speakers of the conference were Dr Karl Eugen Schlieff from Münster, former chief of department of law of the Diocese of Münster, and Mark E. Chopko, General Counsel of the United States Conference of Catholic Bishops from Washington, DC.

In the morning of the first day of the conference, Dr Karl Eugen Schlieff, held a lecture on topic *Changes in Religion Law in Area of Former German Democratic Republic*. Lecture was followed by a discussion. After a break, a lecture was held by Mark E. Chopko, on the topic *Structures of Church and Its Financial Relation to State Organs in the USA*. Discussion followed as well.

During the second day of the conference, foreign participants visited the seat of the Czech Christian Academy in Emmaus Benedictine monastery in center of Prague (medieval New Town) and the seat of Czech Bishops' Conference in Prague modern district Dejvice.



Mark E. Chopko lectures on Structures of Church and Its Financial Relation to State Organs in the USA.



Jiří Rajmund Tretera, Mark E. Chopko and Karl Eugen Schließ in front of the building of the Czech Bishops' Conference and the Catholic Theological Faculty of Charles University in Prague–Dejvice.

Photo Záboj Horák

Surprising Find in Milevsko

On Monday, 21st December 2020, an interesting meeting took place in the grounds of the Premonstratensian monastery in Milevsko (in southern Bohemia). With the participation of selected media, Archbishop of Prague Dominik Duka, Bishop of České Budějovice Vlastimil Kročil, Abbot of Strahov Daniel Janáček and the highest representatives of the South Bohemian Region, a surprising find was presented to the public, which was discovered in the spring 2020 in the north wall of St. Giles' Church in Milevsko during a research led by Ing. Jiří Šindelář from the company Geo – cz. s.r.o.

Now the cemetery church of St. Giles is one of the most important Romanesque monuments in southern Bohemia. It was first mentioned as a parish church as early as 1150. An up to now unknown hollow space was discovered in the northern wall of the church, later identified as the so-called safe room. During research of the room, skeletal human remains, and fragments of ornaments made of precious metals were found. It has also been found that a narrow, inaccessible cavity extends from the space of the safe room. With the help of modern methods, the remains of a wooden reliquary, decorated with gold and silver ornaments, were collected. The reliquary hid part of a 6 cm long iron nail. All parts of the reliquary were documented in detail and transported to the specialist workplace of the Institute of Archaeology in Brno.



During the press conference, it was announced that it was a dilapidated wooden reliquary that contained part of a hand-forged iron nail. The type and age of the wood was determined by the University of Cambridge specialist department. It was found that it is a larch wood, which can be dated to the years 1290–1394 using the C 14 radiocarbon method. Furthermore, oak wood was found, dating to the years 338–416. The ornaments found in gold and silver have the shape of crosses, fish, and various geometric shapes. Two letters “I” and “R” are interpreted on the largest massive gold plate in the shape of a simple golden cross, understood as an abbreviation of the words *Iesus Rex*. This golden cross is still held on one side to the rest of the wood by a metal clip.

All indications are that the reliquary preserving the authentic relic of a part of the nail from the True Cross in the original oak fitting from the turn of 338–416 was found. According to the dating of the remains of oak wood, it can be concluded that relics of the Byzantine Staurotheka, i.e., the special reliquary for the remains of the True Cross, were found. Larch wood dating to the time around the foundation and construction of the monastery suggests the presence of a reliquary at the founding of the monastery, for which it could probably have been the most valuable relic. Its storage in an inaccessible, hidden place may be related to

hiding from the burning and destruction of the monastery by Hussite military units, which took place in 1420.

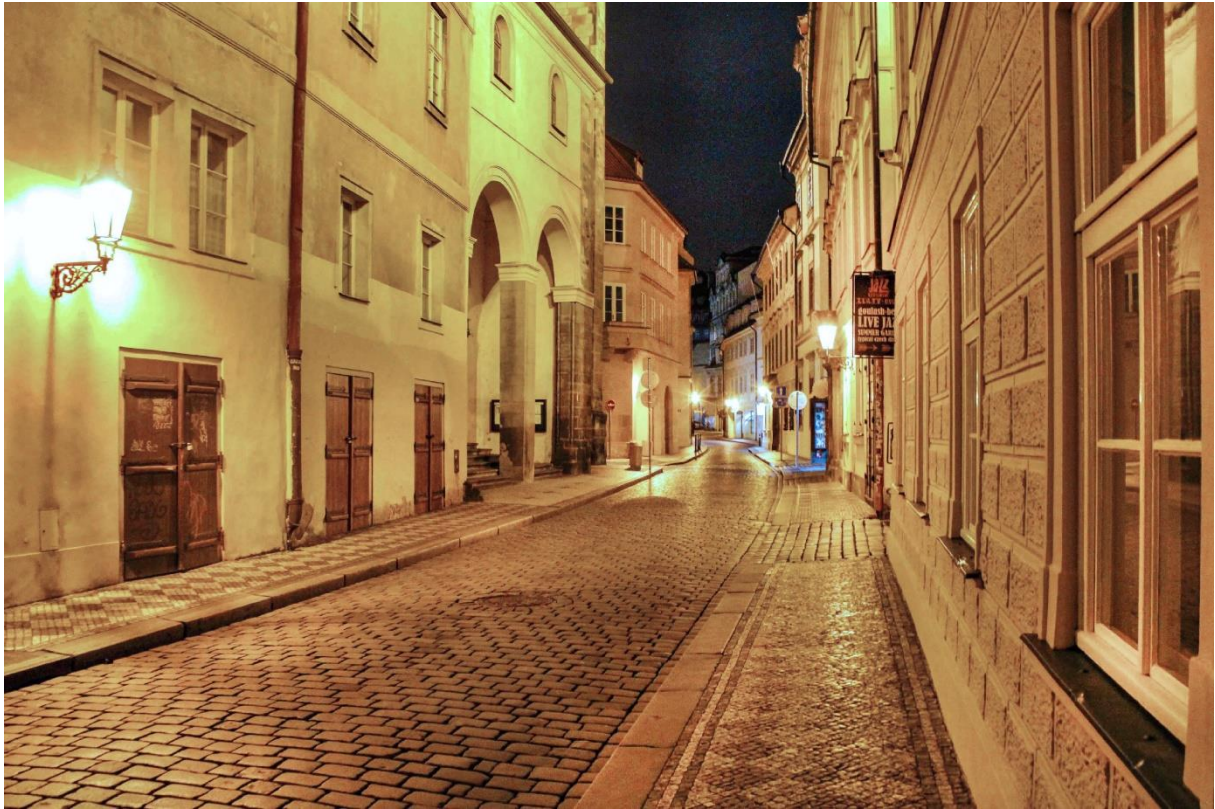
JUDr. Jan Kotous, photo Martin Frouz

From New Publications

MARTÍNEZ-TORRÓN, Javier, RODRIGO LARA, Belén (eds.), *COVID-19 y libertad religiosa*, Iustel, Madrid, 2021, 535 p., ISBN 978-84-9890-398-0.

STANISZ, Piotr, *Religion and Law in Poland*, Second Edition, Wolters Kluwer, Alphen aan den Rijn, 2020, 192 p., ISBN 978-94-035-3004-8.

SZANISZLÓ, Innocent-Mária V., OP, *Moral and Theological Virtues*, From Moral Theology to Social Ethics – Study about Classic and Modern Interpretations, Angelicum University Press, Rome, 2021, 235 p., EAN 9788899616410.



From the early evening streets of Prague Old Town, Husova Street, in January 2021. On the left, the Dominican Monastery, the venue of the Third Season of Prague Dialogues on Church and State Relations, and behind it the entrance to the Gothic St. Giles' Church, rebuilt in the Baroque style in the 17th century.

Photo Ivan Kolesár

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Photo on the front page: Milevsko (southern Bohemia), Premonstratensian abbey, Romanesque church of St. Giles, in which a reliquary with an iron nail from the Byzantine period (338–416) was found in 2020. Photo by Martin Frouz.

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