

CHURCH REPORTER

9/2022

Newsletter for the English-speaking members and friends of the Church Law Society
Prague – Brno – Olomouc – Stříbro – České Budějovice

23rd September 2022 | Volume 7



9th September 2022: The 28th Church and State conference at the Brno Faculty of Law, organised by the Department of Constitutional Law and Political Science and the Church Law Society.

Photo Jakub Nagy

Remembering King George VI, the father of the late Queen Elizabeth II

*The Leges publishing house in Prague will soon be publishing Jiří Rajmund Tretera's book
CZECH MEMOIRS
The adventurous life of a lawyer, law professor and priest
How he and his parents have lived in the last 120 years*

An extract from these memoirs:

Saint George: my patron saint. After the British king

My parents argued for some time about the name I would be given. My mother told me that she had expressed a wish that I should be called Peter (or *Petr* in Czech). She liked it and said: *Peter, that means Rock*. She had this desire for me to be like a rock. A man who goes unwaveringly after the truth, towards his goal. He won't spin like a weather-vane in the wind. Her mind was clearly dominated by the idea of a knight and a gentleman.

My father did not agree with this name, for purely practical reasons. *Petr Tretera*, that would sound strange. Two tr, tr in a row is not pleasant to the ear.

Fortunately, after my mother had suggested Peter, my father got lost in thought and said: *he will be called George (Jiří in Czech)*. This is the name of the King of England, the leader of a brave country that now, in June 1940, at the moment of our son's birth, *is the only one in the world, along with its dominions, to bear the brunt of the war* against the degenerate Nazi dictatorship. And so, in 1940 I was given the name Jiří, just as my friend Tomáš Halík, Templeton Prize winner and honorary Doctor of Divinity at Oxford University, was given the name Tomáš in 1948. According to his memoirs, whenever anyone heard that he was called Tomáš, they would smile knowingly.¹

There were twenty boys in my class at grammar school. Exactly half the class. Of those twenty, six were called Jiří. One of them was later the secretary of the Church Law Society, Jiří Vaingát, also born in 1940. And recently I was looking at the all-knowing statistics on the internet and they show that Jiří – George is still popular in the Czech nation and is currently one of the most common names. In that year of 1940 (and also in 1951), more boys were named *Jiří* than in any other year in the whole of the twentieth century and it ranked *first or second among male names*. So it seems that many parents thought the same way as my father: the fact that *George VI* (1936–1952) was King of Britain was a major influence.

I am proud of my name Jiří. After all, Jiří – George of Cappadocia, a holy colonel in the Roman army during the persecution of Christians by Emperor Diocletian, bravely suffered

¹ You have a nice name, they would say to Tomáš. What they meant was that he had the same name as Tomáš Garrigue Masaryk, the founder and first president (1918–1935) of the Czechoslovak Republic, philosopher and leader of the Czechoslovak foreign resistance in 1914–1918. See HALÍK, Tomáš, *From the Underground Church to Freedom*, NLN, Prague, 2018, p. 17.

death rather than recant his faith. In so doing, he stood up to the dragon of all-ruling state power. Who else but George is called to *fight the idolatrous deification of the state*! Saint George is the patron saint of chivalry and scouting, and the protector of women. The Chapel of St George on Říp keeps guard over our country. The twin spires of the white towers, chastely hidden in the silhouette of Prague Castle, belong to St. George's Basilica, built as part of the first monastery in Bohemia, where Benedictine nuns prayed for the well-being of the Czech lands. George is a *warrior* with the peaceful name of the *man of the field*, *homo georgicus*.

It is a mystery how the name chosen for a child can affect his life, his psyche and his predisposition but I have met people who were convinced that this is always the case. They often say that people called George have a *tendency to fight for truth and justice*. I would add to that a *sense for the countryside*, for the life of a peasant. That could explain the interest that I, a child brought up within the walls of a big city, have in growing field and garden crops, growing fruit, keeping domestic animals, beekeeping, etc., etc.

When I learnt that St. George was the patron saint of England, a country so dear to me, and its heavenly protector, I was all the more delighted.

St. George's Day, 23rd April, is a national day in England, and in other countries his feast day, or at least his memory, is celebrated. The exceptions are the Czech lands, Slovakia, Poland and Hungary where the feast of St. Vojtěch is celebrated on that day since we know the exact date of his martyrdom in Prussia and heavenly birth. That was 23rd April 997, whereas we only know approximately that St. George was beheaded sometime around the year 300.

Vojtěch Adalbert Slavníkovec, the Bishop of Prague and martyr, is of great importance for the whole of the region of Central Europe as an international reformer who promoted church discipline in these countries and raised the moral and cultural level of these nations. Therefore, it is to him that these people should look up and cultivate a special reverence in order to contribute to their moral renewal at this present time when all sorts of morality, in many ways degenerate, prevails among the public.

Also, Saint George of Cappadocia, a soldier and martyr, who distinguished himself through his resistance to unjust monarchical power, is a great model for Christians around the world. He is also a model for the peoples of Central Europe, who have paid homage to him since the early Middle Ages, dedicating their churches to him and giving his name to their children in great numbers. And because we do not know the day on which Saint George died (i.e. the day of his heavenly birth), it makes no difference to us that the Church decided to delay the commemoration of Saint George to 24th April in the aforementioned countries. It is also a significant feast day, and we should celebrate it with joy and gratitude to God. To the prototypical saint of the time of the great persecution of Christians by Emperor Diocletian, of which Saint George was a victim.



Local group in Prague

The Prague Law Faculty is offering six courses in church law and religion law

The Faculty of Law of Charles University in Prague is offering a wide range of courses in church law and religion law for students and the public in the winter term of 2022/23.

Professor Jiří Rajmund Tretera and Associate Professor Záboj Horák are teaching:

- **Church law** – every Monday from 12.00–13.30. The course is an introduction to the current law of churches and religious societies in the Czech Republic.
- **Marriage and procedural law of the Church** – every Thursday from 12.00–13.30. The content is marriage, criminal, ordination and procedural law of the Catholic Church.
- **Scholarly seminar – Law and the Bible** – every second Tuesday from 12.00–13.30. Each participant will prepare a paper on a Biblical topic with a legal content. This term we are continuing with the Gospel According to St. Luke.
- **Scholarly seminar on church law and religion law** – every second Tuesday from 12.00–13.30. Each participant will prepare a paper on an agreed topic in the field of church law or religion law.

Dr Jakub Kříž is teaching the course:

- **Religious freedom in the European context** – every Friday from 12.00–13.30. The course covers the legal regulation of religious freedom in Europe with overlaps into US law.

Prof. Wolfgang Wieshaider from Vienna, a visiting professor at the Prague Faculty of law, will be teaching in English:

- **Comparative Law of Religion**, a course devoted to a comparison of religion law in different European countries. Teaching will take place on 5th – 7th December 2022 in three blocks.



Local group in Brno

A successful *Church and State* conference in Brno

On Friday, 9th September 2022, the 28th edition of this annual conference was held in the Faculty of Law of Masaryk University in Brno (Moravia). It was organised by the Law Faculty's Department of Constitutional Law and Political Science and the Church Law Society (CLS), and was devoted to the following topics:

- *Changes in Catholic and Evangelical Church Law* and
- *Discrimination on the Grounds of Religion.*

At the beginning, the participants were welcomed by *Dr Kateřina Šimáčková*, a judge at the European Court of Human Rights and chairperson of the Local Group of the Church Law Society in Brno, *Professor Jiří Rajmund Tretera*, professor of church law at the Faculty of Law of Charles University in Prague and President of the Church Law Society, and *Associate Professor Martin Škop*, Dean of the Faculty of Law of Masaryk University.



*8th September 2022: the conference organisers having dinner at the Noem Arch Hotel in Brno.
From the left: Tomáš Grundza, Jaroslav Benák, Jiří Rajmund Tretera, Záboj Horák, Jakub Nagy.*

The **first block** of papers, moderated by *Associate Professor Zábaj Horák* from the Prague Law Faculty, was devoted to the *reform of the Code of Canon Law* made by the Apostolic Constitution of Pope Francis, *Pascite gregem Dei*, with effect from 8th December 2021. The speakers were *Associate Professor Jiří Dvořáček* from the Catholic University of Eichstätt-Ingolstadt (the rules of criminal responsibility in canon law), *Mgr. Jakub Nagy*, full-time doctoral student at the Prague Faculty of Law specialising in church law (property crimes according to the new version of Book VI of CIC/1983 of 2021), and *Professor Damián Němec*, Ordinary of Church Law at the Faculty of Theology in Olomouc (new regulation of expiatory penalties).

The **second block**, moderated by *Dr Jaroslav Benák* from the Brno Faculty of Law, focused on *changes in other sub-areas of church and canon law*.

The first speaker was *Dr Adam Csukás* from Prague, a lawyer at the Central Church Office of the Evangelical Church of Czech Brethren, who spoke about upcoming changes to the presbyteries (middle management chains) of the Church.

ICLic. Jiří Zámečník, a judge of the Interdiocesan Church in Olomouc (Moravia), talked about the role of personal faith in marriage in the Catholic Church.

Dr Monika Menke, a teacher of church law at the Faculty of Theology and the Faculty of Law in Olomouc, discussed the reform of the Roman Curia according to the Apostolic Constitution of Pope Francis, *Praedicate Evangelium* (2022), and spoke about the expansion of the position of the laity in the Church and synodality.

ICLic. Mgr. František Ponížil from Zábřeh (Moravia) talked about the direct amendments to the 1983 Code of Canon Law.

Finally, *Dr Zuzana Mičková* from the Faculty of Law in Banská Bystrica (Slovakia), discussed the consequences of Josephinism for the Banská Bystrica diocese in the late 18th century.



Dr Adam Csukás lectures in Brno.

The **third block**, again moderated by *Dr Jaroslav Benák*, focused on *discrimination on grounds of religion*.

The first speaker was *Tomáš Grundza* from Prague, secretary of the Church Law Society, who discussed how the current legislation in the Czech Republic does not allow religious legal entities to draw grants for work with children and young people.

Mgr. Lenka Kříčková, a lawyer at the Office of the Public Defender of Rights (Ombudsman) in Brno, analysed cases of discrimination on the grounds of religion, faith and worldview that had been dealt with by the Ombudsman's Office; her contribution sparked a lively discussion.

Dr Michal Lamparter from Brno, the founding father of the *Church and State* conference, spoke on the subject of Augustin Navrátil (1928–2003), the author of a petition in support of religious freedom (1987), which was signed by 600,000 citizens of the Czechoslovak Socialist Republic.

Around forty people attended the conference. We look forward to the papers being published, as in previous years, in peer-reviewed proceedings.

Text and photo Jakub Nagy



**Local group
in Olomouc**

Central European canonists meet in Kraków

From 5th to 7th September 2022, the *Association of Polish Canonists* (SKP) held a conference and general assembly in Kraków (Poland). Three topics were discussed: the new criminal law of the Catholic Church, synodality and collegiality, and current issues of marriage law. The venue was the seminary of the Lazarist Institute in the centre of Kraków.

The opening remarks were given by *Mons. Marek Jędraszewski*, Archbishop and Metropolitan of Kraków, *Associate Professor Artur Miziński*, Auxiliary Bishop of the Archdiocese of Lublin and Secretary General of the Polish Bishops' Conference, *Professor Józef Krukowski* from Lublin, long-time President of the SKP, and *Mons. Dr Ryszard Kasyna*, Bishop of Pelplin, Chairman of the Legal Council of the Polish Bishops' Conference.

The meeting was held in five sections. In the *first section*, focused on the reform of church criminal law, the speakers were *Professor Józef Krukowski* (Introduction to Book VI of CIC/1983, reformed by Pope Francis); *Professor Marek Saj CSsR* (Preliminary investigation into cases of an offence by a cleric against the sixth commandment of the Decalogue); *Bishop Ryszard Kasyna* (New offences in Book VI of CIC/1983); *Professor Piotr Majer* (The offence of failure to execute a judgment or criminal order); *Professor Paweł Kaleta* (The offence of abandonment of the sacred ministry) and *Professor Lucjan Świto* (Economic offences in the Church).



From the left: Mirosław Sitarz, Józef Krukowski, Marek Jędraszewski and Artur Miziński.

The *next section* was focused on issues of synodality in the Church. Contributions were presented by *Professor Józef Krzywda* (Classical concepts of synodality and collegiality in the Church) and *Dr Krzysztof Patejuk* (Pope Francis's concept of synodality and collegiality in the Church). In particular at the end of this part, there was a very lively discussion reflecting the differences in the understanding of synodality by canonists and pastoralists as well as the shortcomings of the current changes.

In the evening, a solemn Mass was celebrated in the Wawel Cathedral in Kraków (pictured below). It was presided over by the Archbishop of Kraków and concelebrated by all the bishops and priests present. This was followed by the General Assembly of the Association of Polish Canonists and afterwards there was a social evening.



On the second day, lectures were given by *Professor Leszek Stanisław Stadniczeńko* (Declarations of intention to live together, cohabitation in marriage in the post-modern era); *Professor Leszek Adamowicz* (Marriage in the culture of temporariness – new challenges for the Catholic understanding of marriage); *Professor Wojciech Góralski* (The exclusion of *bonum prolis* in the latest jurisprudence of the Roman Rota); *Professor Grzegorz Leszczyński* (The exclusion of faithfulness and unity in marriage); *Professor Ginter Dzierżon* (The judicial dispute over the meaning of the term noogenic immaturity/immaturitas noogena), and *Associate Professor Anna Słowikowska* (The influence of the narcissistic personality of the contracting party in the nullity of marriage in the jurisprudence of the Roman Rota).

Among the more than 150 participants were professors of theology and law faculties, doctoral students in canon law and religion law and members of ecclesiastical courts in Poland, Ukraine, the Czech Republic and Slovakia.

The Czech Republic was represented by *ICLic. Jiří Zámečník* and *Dr Piotr Grzybek*, judges at the Olomouc Interdiocesan Court, *Professor Damián Němec OP*, Head of the Department of Church History and Church Law at the Faculty of Theology in Olomouc, and *Dr Monika Menke*, from the same department.

Text and photo Monika Menke



Association for the Safeguarding of Churches

The Church Law Society founds the Association for the Safeguarding of Churches

On 1st August 2022, the *Association for the Safeguarding of Churches* was established at the Church Law Society. Its purpose is to stimulate interest in churches, chapels and other religious monuments, which are landmarks in towns and villages, add to the landscape and deserve the interest, support and help of both active church members and all local residents.

We regret that in the present day various church institutions are transferring them to municipalities and other entities due to a lack of funding. Hopefully, this can be prevented in the future. After all, the stones have something to tell us. And a church itself is a testimony of faith. It is enough if Mass is celebrated there at least once a month, perhaps even by a priest on his own. From the experience of several of us in the leadership of the Church Law Society, we believe that this is of profound importance.

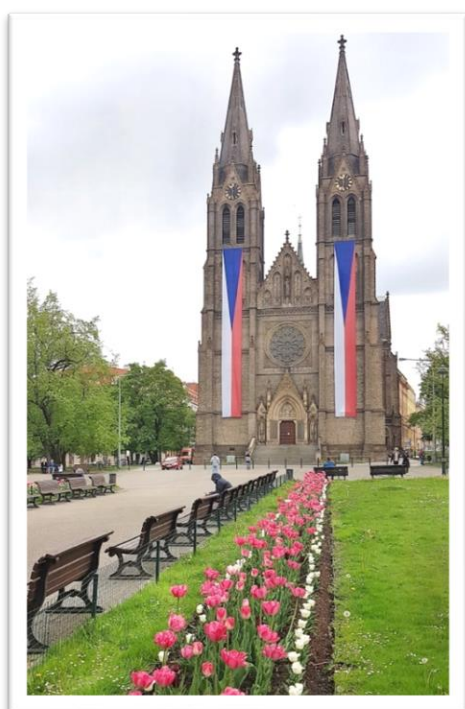
We will post the results of the initiatives of the Association for the Safeguarding of Churches on the Church Law Society's website under the five local CLS groups and the five associations at the CLS.



The Pope elevates the Church of St. Ludmila in Prague to a basilica minor

In August 2022, Pope Francis elevated the Church of St. Ludmila in Prague's Královské Vinohrady to the status of a basilica minor. This is an honorary title that the Holy Father bestows on important churches with the aim of highlighting their importance to the surrounding area and strengthening their ties with the Pope.

The Church of St. Ludmila was built in the neo-Gothic style. It is dedicated to the martyr, St. Ludmila (ca. 860–15th September 921), the wife of the Czech prince Bořivoj of the Přemyslid dynasty and the grandmother and carer of St. Wenceslas, the Czech prince of the same dynasty and the main patron saint of the Czech lands.



The church is situated on one of the two largest squares in the Prague district of Královské Vinohrady. It became the 16th church in the Czech lands to bear the title of basilica minor. The higher title, *basilica maior*, is held by six Catholic churches, of which four are in Rome and two in Assisi.

The celebration of the church's elevation began on the evening of Thursday, 15th September 2022, with a concert by Karel Růžička's *Celebration Jazz Mass*, with sixty singers and fifteen musicians participating.

On Friday, 16th September 2022, Mons. Jan Graubner, the Archbishop of Prague and Primate of Bohemia, celebrated Mass, at the beginning of which the apostolic breve on the elevation of the church to a basilica minor was proclaimed in the presence of the representative of the Apostolic Nunciature in the Czech Republic, dozens of priests and crowds of the faithful. Finally, a plaque with the papal insignia was

unveiled at the entrance to the basilica.

The Church of St. Ludmila with the national flags of the Czech Republic.

Text Jakub Nagy, photo Jan Svatoš

Church Reporter – Newsletter for the English-speaking members and friends of the Church Law Society, Prague – Brno – Olomouc – Stříbro – České Budějovice, published by Church Law Society, Sudoměřská 25, 130 00 Praha 3, Czech Republic. Photo on the front page: 9th September 2022, the 28th Church and State conference at the Brno Faculty of Law, organised by the Department of Constitutional Law and Political Science and the Church Law Society. Photo Jakub Nagy

Editor-in-Chief: Rev. Jiří Rajmund Tretera OP

Deputy Editor-in-Chief: Záboj Horák

Executive Editor: Jakub Nagy

Technical Editor: Tomáš Grundza

English translation: Gareth Davies

Layout: Marek Novák

Available online at: sccp.prf.cuni.cz/newsletter. Issues appear monthly.

E-mail: sccp@prf.cuni.cz

ISSN 2695-012X