



NEWSLETTER

CHURCH LAW SOCIETY

PRAGUE – BRNO – OLOMOUC

No. 4/2016

Volume 1

8 April 2016

73rd Evening Event of the Church Law Society

The 73rd meeting of members and supporters of the Church Law Society under the series *Influence of Law in Society and in Church* took place at baroque refectory of the Dominican priory of St. Giles in the Old Town of Prague on Tuesday 5th April 2016. It was attended by 52 participants.

Presentation of a new monograph *Konfesní právo* [Religion Law], written by P. Professor Jiří Rajmund Tretera OP, and Associate Professor Záboj Horák, which was published in March 2016 by Leges Publishing House in Prague, was the central event of the evening. In addition to that, a lecture on the topic *Development of Religion Law Science in the Czech Republic after 1989* was delivered by R. D. Associate Professor JUDr. Stanislav Přebyl, Ph.D., IC.D., judge of the Metropolitan Tribunal in Prague and lecturer at the School of Theology, University of South Bohemia in České Budějovice. Štěpán Korenec, guitar player and student of the School of Law, Charles University, performed couple of compositions of his wide classical music repertoire.



73rd Evening Event of the Church Law Society, from the left: Jiří Rajmund Tretera OP, Záboj Horák, Stanislav Přebyl.

Photo Antonín Krč

*73rd Evening Event
of the Church Law
Society, Auditorium.*

Photo Antonín Krč



Display of Church Law and Religion Law Literature Opened

A display of recently published Czech books in the areas of church law and religion law was opened at the Library of the School of Law, Charles University in Prague, on Tuesday 5th April 2016. It was arranged by representatives of the Church Law Society and the Library.

Congratulations to Members of the Church Law Society

Vatican City, 22 March 2016. The Holy Father has appointed P. Miroslav Konštanc Adam OP, Rector of the Pontifical University of St. Thomas Aquinas, Rome, as prelate auditor of the Tribunal of the Roman Rota. Professor Adam is one of founders of the Church Law Society and contributor to the Church Law Review.



Sitting on the right: P. Konštanc Adam, OP.

From New Publications

MINELLI, Chiara, *Rationabilitas e codificazione canonica*, Alla ricerca di un linguaggio condiviso, G. Giappichelli Editore, Torino, 2015, 210 p., ISBN 978-88-921-0177-7.

ROSENBERGER, Michael, SCHAUPP, Walter (eds.), *Ein Pakt mit dem Bösen?*, Die oraltheologische Lehre der „Cooperatio ad malum“ und ihre Bedeutung heute, Aschendorff Verlag, Münster, 2015, 246 p., ISBN 978-3-402-11929-7,

including:

ISENSEE, Josef, *Ethische Konfliktbereiche der Kooperation heute*.

SITARZ, Mirosław (ed.), *Kodeks Prawa Kanonicznego w badaniach młodych naukowców I*, [The Code of Canon Law in Young Scientists Research], Towarzystwo Naukowe KUL, Lublin, 2014, 348 p., ISBN 978-83-7306-653-3.

SZYMANIEC, Piotr, *Zasada proporcjonalności a ochrona praw podstawowych w państwach Europy – The Principle of Proportionality and the Protection of the Fundamental Rights in the European States*, Wydawnictwo Państwowej Wyższej Szkoły Zawodowej im. Angelusa Silesiusa w Wałbrzychu, Wałbrzych, 2015, 400 p., ISBN 978-83-63839-33-8,

including:

ŘIBYL, Stanislav, *Verhältnismäßigkeitsprinzip auch im kanonischen Recht?*, p. 389–400.

TRETERA, Jiří Rajmund, HORÁK, Záboj, *Konfesní právo* [Religion Law], Leges, Praha, 2015, 416 p., ISBN 978-80-7502-118-2.

Periodicals

Göttingische Gelehrte Anzeigen, unter Aufsicht der Akademie der Wissenschaften, Vandenhoeck & Ruprecht, Göttingen, ISSN 0017-1549,

Heft 3/4, 2015,

including:

ISENSEE, Josef, *Katharina Ebner/Tosan Kraneis/Martin Minkner/Yvonne Neufeind/Daniel Wolf (Hg.): Staat und Religion. Neue Anfragen an eine vermeintlich eingespielte Beziehung*. Mohr Siebeck Verlag. Tübingen 2014. XI+253 Seiten, review, p. 228–250.

J. R. Tretera, Z. Horák: Konfesní právo [Religion Law] A Summary

The monograph discusses religion law, an area of secular law that concerns the areas in which the guarantee of individual and collective religious freedom applies.

The subject matter of this monograph is primarily Czech religion law, and the authors have strived, to the extent possible, to encompass all its areas. The monograph also provides elementary information on the religion law of other European countries and the United States of America.

The main aim of the monograph is to provide information about Czech religion law to the professional public and students – current as of 10th December 2015.

The monograph follows the tradition of the study of religion law as an area of law that gradually split from church law in the Czech Lands in the 19th century. The teaching of this area of law at the School of Law of the Charles University in Prague was restored in 1990 after a 40-year interruption inflicted by the Communist regime. Religion law was first taught as a component of “Church Law”, and began to be taught as a separate area of law in 1997. The teaching of these areas of law was re-established at all Czech law faculties and at most theological faculties.

After the revolution in 1989 the Czech expertise in religion law was built anew, notwithstanding the pre-1948 inspiration for religion law from the Czechoslovak democratic tradition and its connection to the international treaties on human rights, beginning with ideas from the Universal Declaration of Human Rights of 10th December 1948.

As for religion law outside the Czech Republic, the authors were immersed in many monographs, yearbooks and comparative studies published in the Czech Republic as well as abroad in the last two decades, especially the works published by international scientific organisations – most importantly the *European Consortium for Church and State Research*.

The authors present the result of their two-decade research and pedagogical activities at the Law School of the Charles University in Prague to the public.

The first part of the monograph is dedicated to the basic terminology of religion law in its global scope. The second and third parts discuss Czech religion law and form the core of the monograph. According to the customary system of legal dogmatic, these two parts are divided into general and special parts. In both parts the authors analyse the impact of international religion law on Czech law.

The fourth part provides an overview of foreign systems of religion law, especially in the countries that are geographically and culturally close to the Czech Republic. Understandably, this explanation cannot be as detailed as it is for recent and current Czech law.

The fifth part comprises a historical overview of Czech religion law from the beginnings of Czech statehood in the 9th century up to the present.

The text distinguishes between a fundamental explanation, printed in regular font, and an additional explanation, printed in smaller font. The additional explanation includes examples, explanatory notes, quotations from some longer legal norms, international and intrastate treaties and authors’ commentaries.

The monograph reflects the rich literature concerning religion law that has been published in the Czech Lands in the last twenty years; the monograph refers to this literature and also to foreign literature.

