



NEWSLETTER

FOR THE ENGLISH SPEAKING MEMBERS AND FRIENDS
OF THE CHURCH LAW SOCIETY
PRAGUE – BRNO – OLOMOUC

No. 10/2019

Volume 4

30th October 2019

Constitutional Court Repealed So-called Taxation of Financial Compensation for Churches

In the afternoon of 15th October 2019, the Church Law Society published a report in its Czech periodical *Aktuality* that an important judgment of the Constitutional Court of the Czech Republic was announced several hours earlier under the file number Pl. ÚS 5/19.

In its judgment, the Constitutional Court annulled the provisions of Act No. 125/2019 Sb. of 23rd April 2019 introducing so called taxation of financial compensation granted by the Czech Republic to sixteen churches and religious societies pursuant to Act No. 428/2012 Sb., on Property Settlement with Churches and Religious Societies, following a complaint from 44 senators of the Parliament of the Czech Republic.

According to the contested law, churches were to be deprived of about 19% of the compensation for injustices they had suffered under the Communist regime in the years 1948–1989, despite the treaties the state concluded with churches after the Act on Property Settlement with Churches came into force.

The Church Law Society welcomed the decision of the Constitutional Court with pleasure and regards it as strengthening of legal certainty and a positive event in the history of Czech law.

State Award for Father Josef Dolista SDB

The Ministry of Defence of the Czech Republic granted Father Professor Dr Josef Dolista, Ph.D., Th.D., SDB, member of the Church Law Society, an official certificate that he was a participant in the resistance against communism at the time of non-freedom on 12th August 2019. The diploma explicitly mentions his long-term and continuous active participation in the anti-communist resistance, consisting mainly in reproduction and spreading of printed anti-communist materials between 1980 and 17th November 1989.

Congratulations to JUDr. Marek Novák

Mgr. Marek Novák, a Ph.D. student at the Department of Legal History of the Faculty of Law, Charles University and member of the Editorial board of this Newsletter passed rigorous exam on 12th September 2019 and defended a post-master's dissertation on the topic *Concept of Increase and Accessio under Roman Law and Their Transformations*. And so he got the academic title Doctor of Laws – JUDr.



Mgr. Marek Novák at the conference Fourth Season of Prague Dialogues on Church and State Relations on 13th June 2019.

Photo Antonín Krč

Church Law Review Dedicated to 30th Anniversary of Restoration of Democracy in Czechoslovakia

Editorial board of the Church Law Review decided to dedicate the No. 77–4/2019, which is being prepared for print, to commemorate the thirtieth anniversary of restoration of democracy in Czechoslovakia at the end of 1989.

On 17th November 1989 the Communist police brutally intervened against the peaceful parade of students organized in Prague on the 50th anniversary of closure of Czech universities by the Nazi occupants. The following *Velvet Revolution* led to breaking of the power of the Communist Party and to restoration of democracy in Czechoslovakia in December 1989.

Without the Velvet Revolution at the end of 1989, there would be neither freedom in Czechoslovakia nor the teaching of church law nor the publication of the Church Law Review.

Therefore, we dedicate the prepared issue of the Church Law Review as *a thank you to all who contributed to the victory of the democratic revolution in Czechoslovakia*. There were civil activists of the anti-communist opposition, but also and above all members of churches and religious societies.

From New Publications

KÄMPPER, Burkhard, SCHILBERG, Arno (eds.), *Staat und Religion in Nordrhein – Westfalen*, Aschendorff Verlag, Münster, 2019, 400 p., ISBN 978-3-402-13404-7.

ROBBERS, Gerhard (ed.), *State and Church in the European Union*, Third Edition, Nomos, Baden-Baden, 2019, 688 p., ISBN 978-3-8487-5472-4 (Print), 978-3-8452-9626-5 (ePDF),

including:

TRETERA, Jiří Rajmund, HORÁK, Záboj, *State and Church in the Czech Republic*, pp. 69–85.

Journals, periodicals

Communications, Vol. 51, N. 1, Iunii 2019, Pontificium Consilium de Legum Textibus, Libreria Editrice Vaticana, Città del Vaticano, 333 pp.

Folia Theologica et Canonica, Szent István Társulat, Budapest, ISSN 2063-9635, No. VII (29/21), 2018,

including:

ÁLVAREZ DE LAS ASTURIAS, Nicolás, *L'idoneità per ricevere l'ordinazione sacerdotale alla veglia del concilio Vaticano II*, pp. 273–288.

DANEELS, Frans, *Several competences, but one sole dicastery: the supreme tribunal of the Apostolic Signature*, pp. 9–19.

ERDŐ, Péter, *La perdita dello stato clericale secondo la disciplina ecclesiastica fino al V secolo*, pp. 149–159.

SZUROMI, Anzelm Szabolcs, *The “Edict of Milan” – its composition and original meaning*, pp. 235–246.