NEWSLETTER

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Invitation to join the Ecclesiastical Law Society

You are warmly invited to become a member of the Ecclesiastical Law Society which exists to promote the study of ecclesiastical and canon law, and related matters concerning law and religion. The annual membership has been held for a further year at £ 40 (£ 25 for students) which represents astounding value for money. Member benefits include:

- Hard copies of the Ecclesiastical Law Journal, published three times a year
- Online access to all issues of the Ecclesiastical Law Journal since 1987
- Regular receipt of the Society's Newsletter
- Invitations to the Society's annual conferences and its London Lecture Series

Please visit the Society's website, and use the [following link](#) to sign up as a new member.

Mark Hill QC

Christmas Concert of the School of Law of Charles University

Every year in Advent, the School of Law of Charles University in Prague organizes a festive Christmas concert for its teachers, students and employees, their families and friends in the main hall of Prague Karolinum.

The traditional Christmas concert took place also this year, on 7th December 2017. At 7 p. m., the whole main hall of Karolinum was filled to the last place. After a respectable organ introduction, the concert was commenced by the Dean of the School of Law, Professor Jan Kuklík, re-elected this year.

In his speech, he wished the experience of beautiful music and pleasant environment to bring everyone forgetting the everyday worries and the difficult political situation in our country for a while and to reinforce them for further scientific, pedagogical and study work. In the end, he thanked all those who contributed to preparation of the evening, especially Associate Professor Věra Štangová, and support of the evening, namely the Charles University in Prague and the attorney's office Císař, Češka, Smutný.

A rich concert followed which was arranged by the Virtuosi di Praga orchestra, led by Oldřich Vlček, who lit the candles on the advent wreath and explained their symbolism immediately after the dean's speech. The solo parties were played by Jiří Emmer (organ) and Lukáš Pavlíček (oboe). Famous opera arias were presented by Michael Katráková (soprano), soloist of Semperoper Dresden Jiří Rajniš (baritone), ten-year-old Anežka Povolná (with the participation of a string orchestra and flute) and several other singers.

The culmination of the whole evening was the moment when members of the 40-member Mixed Choir of Milevsko stood gradually at the auditorium during the Christmas chant Adeste fideles, walked to the front part of the graduation ceremony hall of Karolinum and sang together about twelve best-known Czech Christmas carols, encouraging anyone present to join. Eventually the whole hall stood as every year and all sang four verses of Czech and Slovak Christmas hymn Christ was born the Lord.

After the concert, the evening continued with the entertainment of several hundred participants in the gothic ground floor halls of Karolinum.

Jiří Rajmund Tretera, Záboj Horák

Clergy Discipline and the European Court of Human Rights

Readers may be interested to learn that the issue of clergy discipline and the jurisdiction of religious tribunals has been the subject of a recent judgment by the Grand Chamber of the European Court of Human Rights.

In Károly Nagy v Hungary [2017] ECHR 782, a minister in the Reformed Church of Hungary had been dismissed in 2005 after a local newspaper had reported him as saying that state subsidies to a Calvinist boarding school had been paid unlawfully. His unfair dismissal claim was unsuccessful before the domestic courts and at Strasbourg he argued that the domestic proceedings had not satisfied the terms of Article 6 ECHR.

The Grand Chamber pointed out that the national courts had examined Mr Nagy's case in detail and had concluded that his situation was governed by ecclesiastical rather than secular law – and those findings were in line with the principles set out by the Hungarian Constitutional Court in 2003. Though the Church Act 1990 did not give Churches unfettered immunity against all civil actions, Mr Nagy's claim was excluded by the terms of that Act; and the domestic courts' conclusion that his pastoral service had been governed by ecclesiastical law was therefore neither arbitrary nor manifestly unreasonable. As a result, he had no 'right' that was recognisable under domestic law and 'To conclude otherwise would result in the creation by the Court, by way of interpretation of Article 6 § 1, of a substantive right which had no legal basis in the respondent State' [77]. The Grand Chamber held by ten votes to seven that Article 6 was therefore inapplicable and his claim inadmissible.

Frank Cranmer

From New Publications

HAMMER, Stefan, KOLONOVITS, Dieter, MUZAK, Gerhard, PISKA, Christian, STREJCEK, Gerhard (eds.), *Besonderes Verwaltungsrecht*, Facultas, Wien, 2012, 612 pp., ISBN 978-3-7089-0650-8,

including:

HAMMER, Stefan, PERTHOLD-STOITZNER, Bettina, WIESHAIDER, Wolfgang, *Denkmalschutzrecht*, pp. 534–549.

WIESHAIDER, Wolfgang (ed.), *Die Sachverständigen im Unterschutzstellungsverfahren nach dem DMSG*, Facultas, Wien, 2017, 116 pp., ISBN 978-3-7089-1475-6.

Merry Christmas and Happy New Year
Frohe Weihnachten und ein glückliches neues Jahr
Joyeux Noël et Bonne Année
Buena Navidad y Feliz Año Nuevo
Buon Natale e Felice Anno Nuovo
Wesołych Świąt i Dosiego Roku

P. Prof. JUDr. Jiří Rajmund Tretera OP
Assoc. Prof. JUDr. ICLic. Záboj Horák, Ph.D.
Mgr. Adam Csukás
Mgr. Marek Novák

Church Law Society (Prague)