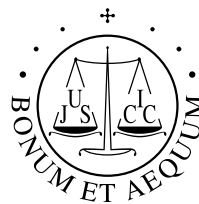


Church Law Society



CHURCH REPORTER

12/2021

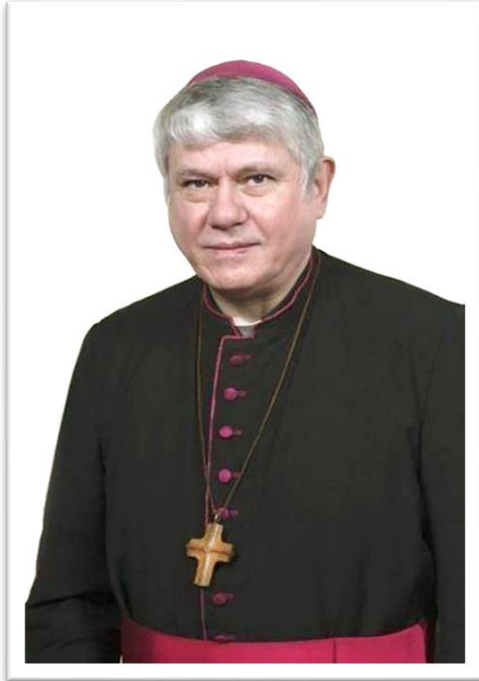
Newsletter for the English speaking members and friends of the Church Law Society
Prague – Brno – Olomouc – Stříbro

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11th December 2009, the office of the Church Law Society, Prague 3, Sudoměřská Street 25. Visit of representatives of the Catholic Church Council of the Canton of Thurgau, Switzerland. From left Mr Urs Brosi, Secretary General, Mr August Biedermann, Professor Jiří Rajmund Tretera and Dr Záboj Horák. Photo by Mr Peter Hungerbühler, President of the Council

Bishop Václav Malý Received Highest French State Decoration



Mons. Václav Malý, Prague auxiliary bishop, titular bishop of Marcelliano, received the National Order of the Legion of Honour (*Ordre national de la Légion d'honneur*) at the French Embassy in Prague on 26th November 2021, which is presented for outstanding civilian or military merit to the French nation.

In 1977, shortly after his ordination to the priesthood, Václav Malý signed the *Charter 77* manifesto, which criticized the failure to respect basic human rights in communist Czechoslovakia. In 1978, he became a co-founder of the Committee for the Defence of the Unjustly Prosecuted. Václav Havel was a member of the committee, we will remember that on 18th December 2021 it will be 10 years since his death.

Václav Malý was prosecuted, detained, and imprisoned by the communist regime for several months. Until the revolution, he could only perform manual labour. When the Velvet Revolution broke out in Czechoslovakia in November 1989, Václav Malý was one of its main representatives. He spoke at demonstrations on the Letná Plain with the participation of half a million demonstrators and on the Wenceslas Square in the presence of hundreds of thousands. In 1990 he left the political scene voluntarily. Nevertheless, he was seriously injured by an unknown perpetrator by a truck that ran into him on the sidewalk on the square in the centre of Prague and drove off. He was the rector of the church of St. Gabriel in Prague. On 11th January 1997, he received episcopal ordination; he is the titular bishop of Marcelliano and episcopal vicar of the archbishop of Prague.

Mons. Václav Malý visits countries where human rights are suppressed. He tries to draw attention to the oppressed and to visit the families of the prisoners. He visited Belarus, Moldova, Cuba, China, Sudan and Iran.

Bishop Malý emphasized during the acceptance of the Order of the Legion of Honour: “Defending human rights is an integral part of life. But showing solidarity with the persecuted is no heroism. I consider political prisoners to be real heroes, who managed to cope with the brutal conditions in the communist prisons in the 1950s. They were very brave and courageous people. The current support costs me nothing and I do not face any punishment. I really appreciate the award presented.”

During the ceremonial decoration at the French Embassy, Václav Malý recalled 9th December 1988. It was at this embassy in the Buquoy Palace in Prague’s Lesser Town where French President François Mitterrand met representatives of Czechoslovak dissent for breakfast. “The audience with President Mitterrand was a turning point. It sent a clear signal

that the communist regime must take us seriously. If they thought we were just a gang protesting against injustice, they saw the recognition on the international stage that day and realized they were living in a deep mistake.”

Another Prestigious Award for Professor Tomáš Halík

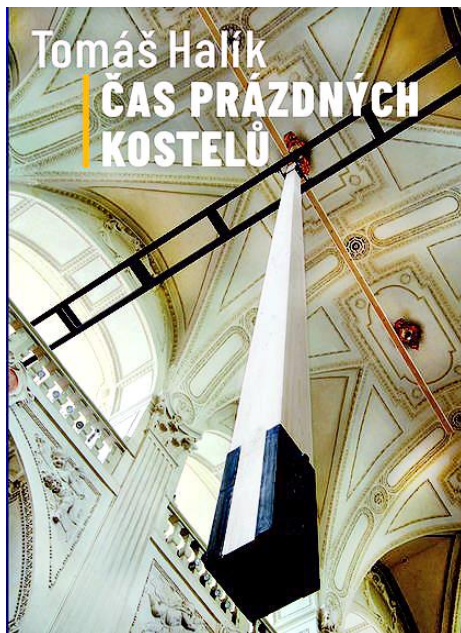


*Mons. Professor PhDr. Tomáš Halík, Th.D., Czech theologian, philosopher, psychologist and sociologist, laureate of the Templeton Prize, Professor at the Faculty of Philosophy, Charles University, president of the Czech Christian Academy and parish priest of the Prague Academic Parish, received the prestigious *Józef Tischner Prize* as the first foreign laureate in Cracow.*

The *Józef Tischner Prize* is named after the Polish philosopher and spiritual father of the *Solidarity* movement, *Józef Tischner* (1931–2000). It is awarded to prominent intellectuals, publicists, and social activists. Professor Halík was awarded in the category of

religious and philosophical work, which is a continuation of Tischner’s “thinking of values”.

The award was presented to Professor Halík in Cracow on 25th November 2021 for his book *Čas prázdných kostelů* [Time of Empty Churches], a set of sermons from the spring of 2020, in which he points out how the worldwide coronavirus pandemic revealed the need to rediscover the true nature of Christianity.



We warmly congratulate Professor Tomáš Halík, our long-time friend, honorary member of the Church Law Society, on the award and wish him many more successes and strength in his further work.

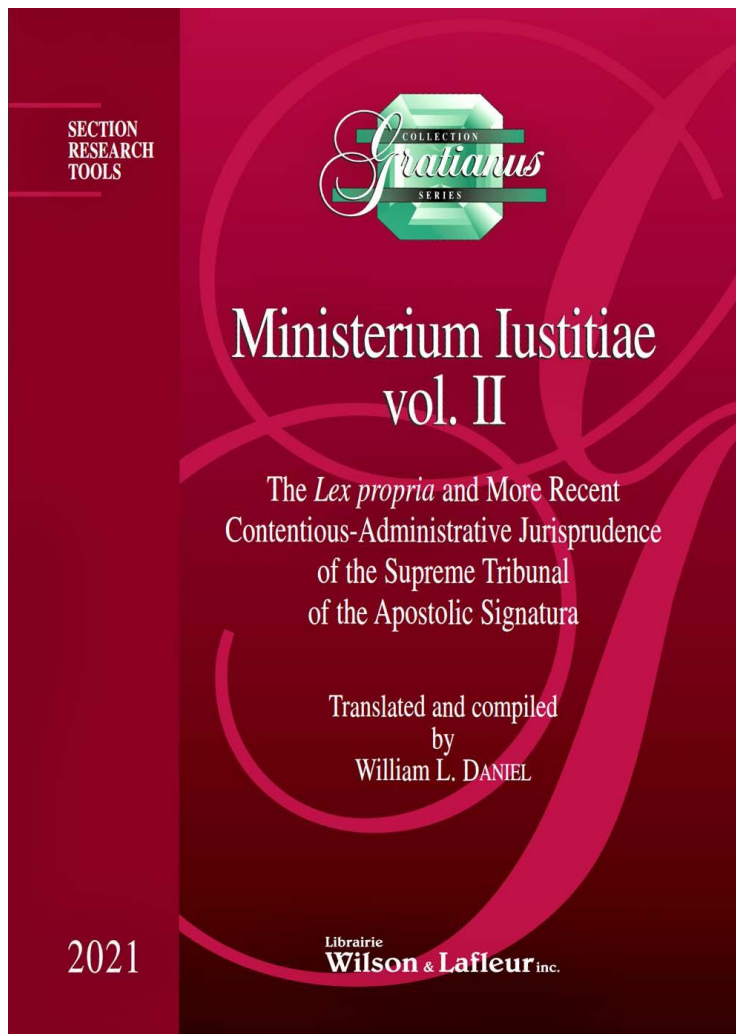
Some quotes from the book: “Czech society is strongly un-ecclesiastical, but it is not atheistic.”

“The world of art and the world of religion belong fundamentally to each other. Art history is an integral part of the history of religion and vice versa.”

“The crisis of religion and the turmoil of religious institutions can be a star hour for faith, which will then find its own cultural and religious expression.”

Jakub Nagy

Another Volume of Jurisprudence of Apostolic Signatura Published after 10 Years



The year 2017 marked the 50th anniversary of Pope St. Paul VI's institution of the Supreme Tribunal of the Apostolic Signatura's *Sectio altera* by Apostolic constitution *Regimini Ecclesiae Universae* (15th August 1967).

This brought to a certain fulfillment the Church's aspiration that members of the faithful aggrieved by administrative authorities enjoy the right to defend themselves against the unjust exercise of the power of governance. This foundational normative provision has promoted and continues to promote good governance at all levels of the Church, in different ways.

It is therefore worthy of recognition by dedicating a whole volume of the Apostolic Signatura's jurisprudence to contentious-administrative causes.

This has been made possible because of the Dicastery's efforts, over the last fifteen or twenty years, to promote knowledge of this jurisprudence, especially by widely authorizing its publication.

One beholds in these pages a superior example of technical precision and judicial restraint. The Second Section of the Supreme Tribunal displays the model of the *just judge in the ecclesial society* for the Church. It demonstrates that it is not for the judge to innovate but to interpret and apply the law. It is not for the judge to show mercy to one party while violating the other's rights, but to give to each what is his due.

This norm of justice in the Second Section's activity is based on the dignity and necessity of the administrative function, which is carried out largely by those with the care of souls.

Local authorities are in the position of wisely and benevolently attending to the souls in their care, but they must do so in accord with the sacred discipline of the Church. When they do not, and when this defect is prolonged or even exacerbated by a dicastery of the Roman Curia, *the last recourse is to be made to this just judge, the Second Section.*

Building on the *first volume published in 2011*, this second volume includes the following:

- The full Latin text of the Apostolic Signatura's *Lex propria* with a revised English translation.
- Over 70 decisions from contentious-administrative causes, with the original Latin and an English translation. Most of the English translations are previously unpublished, and several of the Latin texts are previously unpublished.
- *Themes* include revocation of faculties and removal from the exercise of ministry; removal from office and compulsory transfer; disciplinary measures following a penal decision; suppression of parishes; reduction of churches to profane, non-sordid use; the use of churches following suppression of parishes; dismissal of religious from their Institute; imposed excommunication; suppression of and dismissal from an association of the faithful; ownership of parish property.

The book *Ministerium Iustitiae, vol. II. The Lex propria and More Recent Contentious-Administrative Jurisprudence of the Supreme Tribunal of the Apostolic Signature* is available at: https://www.theologicalforum.org/Category/0/Product/619/Ministerium_Iustitiae_vol_II

The Editor William L. DANIEL is Associate Professor at the School of Canon Law, Catholic University of America in Washington, D.C., editor of the faculty's journal *The Jurist*, and referendary of the Supreme Tribunal of the Apostolic Signatura.

From New Publications

DANIEL, William L. (ed.), *Ministerium Iustitiae vol. II. The Lex propria and More Recent Contentious-Administrative Jurisprudence of the Supreme Tribunal of the Apostolic Signature*, Montréal, 2021, 780 pp., ISBN: 9782924974087.

GRAULICH, Markus, HALLERMANN, Heribert, *Das neue kirchliche Strafrecht. Einführung und Kommentar, Kirchen- und Religionsrecht, Band 35*, Münster, 2021, 278 pp., ISBN: 978-3-402-23748-9.

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Photo on the front page: 11th December 2009, the office of the Church Law Society, Prague 3, Sudoměřská Street 25. Visit of representatives of the Catholic Church Council of the Canton of Thurgau, Switzerland. From left Mr Urs Brosi, Secretary General, Mr August Biedermann, Professor Jiří Rajmund Tretera and Dr Záboj Horák. Photo by Mr Peter Hungerbühler, President of the Council

Editor-in-Chief: P. Jiří Rajmund Tretera OP
Deputy Editor-in-Chief: Záboj Horák
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Editorial Board: Tomáš Grundza, Marek Novák
Photo editor: Antonín Krč

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