

# NEWSLETTER

3/2020

For the English speaking members and friends of the Church Law Society  
Prague – Brno – Olomouc – Střibro

23<sup>rd</sup> March 2020 | Volume 5



# Holy See and Current Health Crisis

Holy Father's pastoral care, which includes many sermons, statements and celebrations of the Holy Mass, is great support for all of us, and we believe that for the whole world too.

These days, we regularly watch the Holy Mass presided over by Pope Francis at the Casa Santa Marta in the Vatican City, attended by only three priests, and one nun comes to read the first reading. You can participate in the Holy Mass with us and with the world [here](#).



*From the Holy Mass celebrated on 21<sup>st</sup> March 2020.*

*Photo by Holy See*

## Situation in Czech Republic

Since 11<sup>th</sup> March 2020, all schools, including universities, have been closed by the executive regulation of the Ministry of Education. The Government of the Republic declared a state of emergency the following day.

Theatres, all entertainment venues and most shops are closed. Customers enter pharmacies, grocery shops and drugstores individually and with a face mask. The staff wears masks too. The Czech government has approved a ban on going out anywhere in public while not wearing a face mask, including public transport. In fact, public transport is rarely used and only a small number of people commute to work. The borders are closed.

The Church has cancelled public worship, only individual spiritual care can be provided, using protective equipment. Healthcare chaplains continue their activities, while

respecting the health protection of patients, medical staff and themselves. Funerals take place only in a narrow circle.

To our knowledge, almost all Czech citizens respect the orders of the government and the management of their churches and take the situation seriously. Most of them accepted the recommendation not to leave home without a serious reason.

To date, several hundred people have been infected with coronavirus. In more serious cases they are isolated in special wards of hospitals, they are always ordered to stay in isolation and not to leave their flats. Meanwhile, due to the lack of face masks, people in the Czech Republic make masks on their own, often according to the instructions given to them by the media. The first large-scale deliveries from abroad arrived these days.

## International Initiative of Religion Law Scholars

The *International Consortium for Law and Religion Studies (ICLARS)* with a seat in Milan has recently sponsored an initiative of a group of Italian law and religion scholars (ICLARS members) concerning the COVID-19 crisis.

The initiative basically consists in a website [www.diresom.net](http://www.diresom.net) aimed at gathering information and documents concerning the relationship between State and religion in the contest of this global health crisis. They have the intention of introducing brief comments in Italian, English and other languages also, and processing and studying that information at a later stage.

You can collaborate in *writing to the editors*. People interested in reporting documents or making comments are invited to send them to the address: [diresom.adec@gmail.com](mailto:diresom.adec@gmail.com). The decision to publish them or not belongs entirely to the responsible for the website.

You can also *subscribe a Newsletter*, which informs about the latest developments in the current crisis, at the address [diresom.adec@gmail.com](mailto:diresom.adec@gmail.com).

## Church Law Review Accepts English Articles

Readers of the Church Law Review, published by the Church Law Society in Prague, have certainly noticed that not only the Editorial and the From the Church Law Society section, as in the past, but also an entire article was published in English in the first issue of this year. It was written by Professor Maciej Jońca of the Faculty of Law, Canon Law and Administration of the John Paul II Catholic University of Lublin. The title of the article is *Pliny the Younger and Christians: An Attempt at Evaluation*.

The editorial board decided to publish scientific articles not only in Czech and Slovak, but also in English.

Church Law Review is a peer-reviewed scientific journal published four times a year. All articles are subject to double-blind peer-review. The journal is included into citation index

*Web of Science (WOS)*, database of scientific journals *ERIH PLUS* (European Reference Index for the Humanities and the Social Sciences), *CEEOL* (Central and Eastern European Online Library) and *Index to Foreign Legal Periodicals*.

More information are available [here](#). Instructions for authors are available [here](#).

**We look forward to your articles in English!**

## From Latest Issue of Newsletter in Czech

The Church Law Society publishes not only the printed scientific quarterly periodical *Church Law Review* in 1,000 copies, but also two Internet newsletters.

The *Newsletter for the English speaking members and friends of the Church Law Society Prague – Brno – Olomouc – Stříbro* is published monthly, you are reading the 3/2020 issue now. The Czech newsletter *Aktuality, internetový zpravodaj Společnosti pro církevní právo Praha – Brno – Olomouc – Stříbro*, published fortnightly, was founded 11 years ago and its content differs from the newsletter in English.

In the latest issue of the Czech newsletter published under No. 3/2020/2 on 20<sup>th</sup> March 2020, you can find the sermon of the Vicar General of the Archdiocese of Prague, Bishop Zdenek Wasserbauer, delivered on the day of St. Joseph on 19<sup>th</sup> March 2020 at the pilgrimage site of Stará Boleslav, spiritual centre of the Czech land, as St. Wenceslas, Czech prince and martyr, died there and there is a Marian painting Palladium of the Czech land. In his sermon, Bishop Wasserbauer expressed his sympathy for all people suffering during current coronavirus epidemic and said words of encouragement to all. He did not forget to pray for the intercession of St. Joseph, who has been the patron of Bohemia next to St. Wenceslas since 1654.

The newsletter reports that the fourth local group of the Church Law Society was founded in Stříbro (Mies) in West Bohemia on 4<sup>th</sup> March 2020.

Then, it publishes statement of Czech and Moravian bishops on the crisis regulation issued by the Government of the Czech Republic on 15<sup>th</sup> March 2020, written by Mons. Jan Graubner, Moravian Metropolitan and Archbishop of Olomouc, Vice Chairman of the Czech Bishops' Conference. He supported secular authorities in their efforts to prevent the spread of contagion and stressed the ecclesiastical measures taken in this regard.

The newsletter also highlighted that priests and ecclesiastical institutions provide spiritual and psychological assistance in need; their addresses were published on the website of the Archbishopric of Prague. It also referred to a video recorded by two priests, leading Czech theologians in the field of practical theology and liturgy, concerning the confession during the crisis measures. Their answer to numerous questions is excellent and worth following. The video is available on the website of the Czech Bishops' Conference [here](#).

Both newsletters are available [online](#). **You can subscribe to the Czech News for free at [spcp@prf.cuni.cz](mailto:spcp@prf.cuni.cz).**

# Essener Gespräche 2020

On the 9<sup>th</sup> and 10<sup>th</sup> March 2020, the 55<sup>th</sup> conference “Essener Gespräche zum Thema Staat und Kirche”, organised by the Wolfsburg Catholic Academy in Mülheim an der Ruhr, Germany, took place. This year’s theme was

## *Institutions under Pressure. Changes of Religion Law through European Law?*

The conference was attended by about 120 representatives of the religion law science from universities, Protestant and Catholic Church offices, and governmental and judicial institutions from Germany, Austria, Hungary, Switzerland and the Czech Republic.



The conference was organised by Professor Arnd Uhle from Leipzig and Dr Judith Wolf from Mülheim. The Church Law Society was represented by Professor Jiří Rajmund Tretera and Associate Professor ICLic. Zábaj Horák.

The conference was opened by Monsignor Dr Franz-Josef Overbeck, Bishop of Essen. Among others, lectures were given by Professor Frank Schorkopf (Göttingen), Professor Angelika Nussberger (Köln, former Vice-President of the European Court of Human Rights, Strasbourg), Professor Matthias Jestaedt (Freiburg im Breisgau), Professor Stefan Greiner (Bonn), Professor Hans Michael Heinig (Göttingen) and Professor Clemens Albrecht (Bonn). The conference was presented by Professor Arnd Uhle (Leipzig).

*Professor Andreas Kowatsch (Vienna), Bishop Franz-Josef Overbeck (Essen) and Professor Jiří Rajmund Tretera (Prague) at “Essener Gespräche” on 9th March 2020.*

*Photo by Zábaj Horák*

# Excerpts from Journals

**Law Briefs**, published by the Office of the General Counsel of the US Conference of Catholic Bishops, Washington, D. C.,

December 2019,  
including:

*USCCB, Other Religious Organizations, Urge Supreme Court to Hear Contraceptive Mandate Case*, pp. 2–3

On November 4, 2019, the United States Conference of Catholic Bishops (USCCB) joined other religious groups in an amicus brief that urges the US Supreme Court to grant a cert petition filed by the Little Sisters the Poor in the latest round of litigation involving the contraceptive mandate.

Litigation over the mandate has been ongoing for about eight years. The dispute largely concerns the question whether Religious Freedom Restoration Act of 1993 (RFRA) requires the federal government to provide an accommodation or exemption from the mandate. In 2014, the Supreme Court held that RFRA requires the federal government to provide for-profit religious objectors with an accommodation (*Burwell v. Hobby Lobby Stores*, 573 U. S. 682). Two years later, the Court remanded certain cases involving non-profit religious objectors to the lower courts based in part on the government’s representation that it could provide them with an accommodation *Zubik v. Burwell*, 136 S. Ct. 1557.

Today, many lower court injunctions remain in place, that require the federal government to provide religious objectors with an exemption from the mandate.

Co-signers, in addition to the USCCB, include the National Association of Evangelicals, the Church of Jesus Christ of Latter-day Saints, the Ethics & Liberty Commission of the Southern Baptist Convention, the Lutheran Church–Missouri Synod, the Church of God in Christ, and the Council for Christian Colleges and Universities. See: *Little Sister of the Poor v. Commonwealth of Pennsylvania*, No. 19–431 (U.S.).

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Photo on the front page: Bishop Franz-Josef Overbeck opens an international conference “Essener Gespräche” in Mülheim an der Ruhr (Germany) on 9<sup>th</sup> March 2020. Photo Záboj Horák.

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