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"Ciřrkevniř soudnictviř v řeskřch zemiřch v obdobíř kodi kovaneřho prařva", Monika Menke, Olomouc 2016 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego uřytku.

Monika MENKE:
*Církevní soudnictví v českých zemích
v období kodifikovaného práva.* Olomouc:
Univerzita Palackého v Olomouci, 2016, 262 pp.

In the Czech Republic, Church tribunals are a practically unknown phenomenon, which concerns not only general public, but also the experts in legal matters (with the exception for canonists) who do not know what the content of the Church judicial courts' work actually is and how they proceed. What is more, neither the history of their establishment nor the nature of their staffing is known in terms of the Catholic Church in the Czech Republic.

The reviewed book by Monika Menke, notary of the Interdiocesan Tribunal in Olomouc, fills this gap. Consisting of five chapters, skilfully proceeding from general topics to a particular subject of the author's interests, the book systematically describes the undertaken subject.

While the two initial chapters encompass the general part, the remainder of the book covers the specialized knowledge. This division also suggests some pedagogical considerations, since it is impossible to discuss the activities of actual ecclesiastical tribunals in the Czech Republic without having previously introduced the general legal regulation of their operation, the types of cases they decide, the history of their home dioceses, and other elementary information required in order to understand the specifics the actual tribunals' activities, subsequently discussed in the specialized sections of the book.

It is only logical that the information contained in the general part does not and cannot make any claim to originality, for the reason that the author simply intends to describe the sense of the tribunals operation under the provisions of both codes of canon law. It would be pointless to merely refer to studies written by other authors. What the reader needs

is to compare the data contained in the specialized section, paying close attention to the legal basis for the tribunals' actions.

The value and novel nature of this work is mainly based on the author's thorough investigation. Tracing information about the activity of the ecclesiastical tribunals in the Czech Republic, their personnel composition, and the cases handled by them was certainly difficult and required a lot of stamina. The result thereof is a hitherto unpublished outline of the collected data. Especially fascinating, from a researcher's point of view is how the author managed to find archival documents relating the periods when our part of Europe was dominated by two main totalitarian regimes of the 20th century. In this regard, the work also may have a broader impact because even in such a particular topic as the tribunals' actions it shows how the Catholic Church was often heavily damaged by the interventions of the mentioned regimes. The work points to the bravery of priests — functionaries holding offices in ecclesiastical tribunals, often suffering long-term imprisonment — but also to other Church officials who were willing to collaborate, which often disrupted, or even hindered, the functioning of Church administration.

The description of the operation of the Church tribunals after 1989 is more detailed since the documents about their activities are complete and easily retrievable. Another thing stressed by the author is the adequate erudition required to perform various functions in ecclesiastical tribunal. Particularly, she gives detailed biographical profiles of some of the most important ecclesiastical judges, who are also renowned for their lecturing and publishing (*littera scripta manet*). Then, in the fifth chapter she discusses in detail the method of organizing the necessary training in canon law that was needed to fill a 40-year hiatus where it was impossible to achieve the level of education needed to perform the relevant tasks in the Church judiciary.

Comprehensive and exhaustive footnotes as well as the proper bibliography at the end of the book, bring the necessary historical context to the provided knowledge. Even though they do not introduce anything new, for the virtue of being systematic, these elements of the book add a logical structure to the overall summary. As I have pointed out, the phenomenon of the ecclesiastical judiciary has not been exhaustively elaborated upon since 1989, so this work can serve as a foundational text for a further exploration of both the historical aspects as well as the further development of the ecclesiastical tribunals. Authoring such a text was certainly challenging, especially in the passages based on relevant archival sources. So this position by my colleague Monika Menke is undoubtedly beneficial for both professionals and the general public.

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