



Eva VYBÍRALOVÁ:
*„Mexické fakulty“: Mimořádné církevní
pravomoci, jejich vývoj a aplikace*
[Mexican Faculties: Extraordinary Ecclesiastical
Powers, Their Development and Application]
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The explanatory memorandum to Act No. 308/1991 Coll., on freedom of religious belief and the status of churches and religious societies, states that churches in Czechoslovakia were persecuted more intensely than in other countries of the former Eastern Bloc. Of course, this judgement would not apply to the Soviet Union or to the very specific case of Albania. In any case, the rise of communist totalitarian regimes in post-war Central and Eastern Europe was taking place during a period of harsh Stalinist terror. Nevertheless, Eva Vybíralová wishes to draw the reader's attention to the fact that the Catholic Church had experienced similar persecution earlier and was therefore able to demonstrate the same resilience and to reapply the previously used methods of self-defence under the new conditions. Hence the title of the book, *„Mexické fakulty“*... (“Mexican faculties”..., i.e. special authorizations), which reproduces the phrase used in Czechoslovakia for a set of extraordinary regulations (*fakulty* from Latin

facultates) that enabled the Church to function under difficult and often destructive conditions, while relaxing the standard ecclesiastical discipline.

It was generally known that these extraordinary powers, *facultates*, were granted to the Mexican bishops by the Holy See during the severe persecution of the Church in Mexico under the regime of Plutarco Calles (1924–1928). Vybíralová states: “In Czechoslovakia, the term ‘Mexican faculties’ became established by the early 1950s at the latest, as evidenced not only by various eyewitness accounts but also by period documents that are stored in the Security Services Archive [Archiv bezpečnostních složek] and in the Vatican Historical Archive of the Secretariat of State” (p. 11). Precisely this type of reference to archival materials characterizes the author’s commendable work, since her research is based on documents that were hidden in archives and brought to light in the book’s extensive appendix. These are the historical archives of the Secretariat of State of the Holy See, the Section for Relations with States (ASRS), the Vatican Apostolic Archive (AAV), the Security Services Archive in Prague (Archiv bezpečnostních složek v Praze, ABS), the Archives of the Archdiocese of Olomouc, and the Diocesan Archives in Görlitz, Germany. The reproduced archival documents make up practically the entire second half of the book (pp. 105–198). They are published in their original Latin, Italian, and Spanish versions; those related to the Church in former Czechoslovakia are also given with original Czech translations. Each document is annotated wherever the author deemed it necessary.

Since granting extraordinary faculties mainly concerned dispensational powers, the author considered it appropriate to start her interpretation with a brief canonical study on dispensational law (pp. 7–10). Even under such difficult conditions, the stories of brave persecuted believers, both clerics and the lay faithful, were framed by legal acts of the Apostolic See, which determined the legitimate possibilities and limitations of the activities carried out for the Church. Their necessity can be exemplified by the fate of the “hidden church” community Koinótés around the secretly ordained bishop Felix Davídek, whose ministry unfolded mainly during the period of the so-called normalization, that is, after the Warsaw Pact troops entered Czechoslovakia in 1968. Even in the conspiratorial atmosphere of the “underground church” (*podzemní církev*) at that time, there were clear prohibitions on ordination, which Davídek continued to ignore and kept on conferring arbitrarily. He overreached his mandate also in some other matters: “In addition to ordination, conferring honorary ecclesiastical (and academic) titles, and granting faculties of confession, Bishop Davídek also

dealt with matrimonial cases within the scope of his (supposed) special powers” (p. 99). Bishop Davídek’s activities ended with his death in 1988, shortly before the political changes of 1989; thus, there could be no open personal confrontation with some controversial facts, including Davídek’s ordination of women. His personality became the subject of speculation, while his reception by the public oscillated between boundless admiration and complete rejection. The author herself contributed to the discussion with her other publication, also released in 2024, entitled *Skrytá církev a tajná svěcení: Analýza situace v Československu v letech 1948–1989 pohledem kanonického práva* [The Hidden Church and Secret Ordinations: An Analysis of the Situation in Czechoslovakia in 1948–1989 from the Perspective of Canon Law]. Indeed, the canonical qualification distinguishes her monograph from earlier publications on the same topic by Ondřej Liška (*Církev v podzemí a společenství Koinótés* [The Underground Church and the Koinótés Community], 1999) or the study of Petr Fiala and Jiří Hanuš (*Skrytá církev: Felix M. Davídek a společenství Koinótés* [The Hidden Church: Felix M. Davídek and the Koinótés Community], 1999).

Vybíralová’s search for documents resulted in a chronological arrangement of the situations in the various countries subjected to religious persecution or a loss of communication with the Apostolic See. Instead of the established phrase “Mexican faculties,” she uses the term *facultates specialissimae*, or *facoltà specialissime* in Italian, found in the official Vatican documents. The first of the countries discussed in the monograph is Tsarist Russia, followed by the Soviet Union. In fact, the chronologically first document printed in the appendix of the book also dates back to the period of the tsarist autocracy, namely the faculties for the Greek Catholic Archbishop Metropolitan Sheptytsky, signed by Pope Pius X in 1908. In Soviet Russia after the Bolshevik Revolution, the position of all religious denominations deteriorated, including the Eastern Orthodox, which had previously been privileged by the tsarist regime. The position of Greek Catholics, destined for complete annihilation, required special attention from the Holy See. During his pontificate, Pope Pius XI established the Pontifical Commission for Russia which issued faculties for Russian priests “imprisoned or on the run,” reproduced in the appendix. They were issued in 1931 (p. 111). Not only does the author refer to the canonically relevant content of the said documents, but also vividly describes the circumstances of the drama in which extraordinary faculties had to be issued and applied. Much of what the faculties allowed, or what spontaneously

developed in times of need, has since become common church practice, such as the situation in the Soviet Union where the lay faithful distributed Holy Communion, preached or taught catechism, or carried the Eucharist and practiced *Selbstkommunion*, that is, administering the Communion to themselves (pp. 28–29). In the meantime, some extraordinary dispensations concerning worship have even become widespread liturgical abuses, against which church authorities rarely dare to intervene, for instance, that the worship would take place “without liturgical vestments, using a glass bottle instead of a chalice, leavened wheat bread, without lights and relics, without fasting, [...] from memory” (pp. 18–19).

The situation in Mexico under President Calles’s dictatorship provoked a strong international response and prompted Pope Pius XI himself to issue several protest documents. However, the actual Mexican faculties were not as radical as one might expect: “It seems, however, the Mexican Church at that time was not to be granted any such extensive powers from the Apostolic See as were those later given during World War II and in the period of the rise of communism in the countries of the former Eastern Bloc” (p. 33). The appendix contains a Latin version of the briefly formulated faculties for the bishops in Mexico, dated 1927 (pp. 109–110).

The horrors of the persecution of the Church during the Spanish Civil War also necessitated extraordinary measures by the Holy See, for example, to preserve at least the basic conditions for the celebration of the Eucharist “without a consecrated altar, without liturgical vestments, with a glass vessel instead of a chalice” (p. 39). A special feature is the request of the Spanish primate for the convalidation of marriages contracted during the persecution only before a priest, before only two witnesses or at a civil registry office (p. 40). Canon 1100 of the now obsolete 1983 Code of Canon Law states that “the knowledge or opinion of the nullity of a marriage does not necessarily exclude matrimonial consent,” which typically applies to marriages contracted without any real possibility of observing the prescribed canonical form.

No less dramatic than the events of World War II, which called for numerous measures taken by the Holy See regarding extraordinary ecclesiastical powers, was the period after the war (their description can be found on pp. 43–56, the actual documents on pp. 114–138). The author gives a detailed account of the activities of the Polish Primate, the Archbishop and Cardinal August Hlond during this turbulent period, when, as part of the new territorial arrangement between the Soviet Union, Poland, and Germany, the spiritual administration of the original German-speaking

faithful was pushed out of its previous areas of operation. The author reproduces the Italian-language instructions for Cardinal Hlond from 1945, and the Latin version of the extensive faculties granted to Polish cardinals Hlond and Sapieha in 1946 (pp. 140–148). Nevertheless, there still remains questions about Hlond's activities at the time, raised mainly by German authors, which the author also strives to consider (pp. 57–79). Rome itself believed that Hlond's activities were based on an overly broad interpretation (*interpretazione estensiva*) of his own powers (p. 73) and expected Poland to push through its own ideas, drawing upon the rule *La Polonia farà da sé* (p. 69). Regarding this issue, the author tries to take a balanced position: “It is not easy to evaluate Cardinal Hlond's actions in the chaotic situation of post-war Poland. Pope Pius XII also found himself in an extremely difficult situation: on the one hand, Catholic Germans felt despised by the world and abandoned even by their own church, on the other hand, the Poles perceived any papal statement in defence of the expelled Germans, the failure to recognize the new eastern German border, or any statement about the validity of the concordat with Germany including the alleged strong influence of the Germans in the Vatican Curia in general as betrayal” (p. 77).

The gradual descent of the Iron Curtain across Europe and the rise of communist regimes in Central and Eastern Europe in the territories controlled by the Soviet Union prompted the Holy See to issue further extraordinary faculties. The subject of the interpretation is subsequently the situation in Romania (pp. 81–83), in the German-Soviet occupation zone (pp. 83–84), Austria (p. 84), in the other Eastern Bloc countries (pp. 85–87), and, finally, in Czechoslovakia (pp. 87–100).

After the coup in February 1948, the Communist Party in Czechoslovakia came to power. Shortly after, it launched such far-reaching repressions against the Catholic Church that it was necessary to immediately proceed to the issuance of extraordinary faculties. The author presents hypotheses regarding the method of delivery of these faculties into the right hands. One route was certainly the papal nunciature in Prague, while other options included trips by individual important hierarchs to Rome in 1948 and the last visit in 1949 (pp. 87–91). The wording of the faculties is accessible to the reader in the original Czech translations, printed together with the Latin originals (pp. 151–195).

When reading or studying these documents, a contemporary Catholic reader gets to encounter various historical realities, including the existence and activities of the Apostolic Datary, which handled requests for

dispensations and indulgences and was abolished by Paul VI's constitution on the Roman Curia, issued only in 1967 (p. 152, note 38). It should be noted that in the period when extraordinary faculties were granted, the 1917 Code of Canon Law was still in force and so was the system of concessions, since the power of dispensation was essentially in the hands of the Apostolic See. Under the current 1983 regulations, however, the Apostolic See reserves only the most important cases, while the power of dispensation is normally exercised at the level of the dioceses. The system at that time could not reliably fulfil its function since it was impossible to maintain regular written or telegraphic contact between the dioceses and the Apostolic See. Under extraordinary circumstances, written documents are extremely dangerous: "In times of persecution, clearly, it is necessary to act conspiratorially, in particular, by avoiding written documents and anything that could become compromising or incriminating material. Most actions must therefore be based on trust; however, it must be handled with great caution" (p. 103).

The author has attempted to produce a comprehensive study covering the issue in its entirety and does not deal with a specific topic, such as the situation in Czechoslovakia between 1948 and 1989. However, she also acknowledges that a detailed and comprehensive treatment of the issue would require demanding teamwork: "No one has systematically addressed the topic of extraordinary faculties yet. Individual academic articles or books tend to deal with specific powers in a given country, religious order, or a period of time. This publication is thus an attempt to treat the issue systematically, as it is beyond the power of one person to find, review, and subsequently process all the available archival materials" (p. 6). Given these circumstances, the book is a bold undertaking that may inspire other researchers to study the difficult periods of the Catholic Church's operation in the 20th century, and thus, encourage further exploratory work.

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