



Eva Vybíralová,
*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
between 1948–1989
from the Perspective of Canon Law]
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illustrations, portraits and facsimiles

It is unusual for a description of past events, in this case during the period of oppression caused by the communist regime, to be written by a person who did not actually experience that period himself. This, on the other hand, can lead to a necessary distance from the facts described, even though it also requires a thorough familiarity with the issues described.

Eva Vybíralová (*1982) has been dealing with the topic of the hidden church in the former Czechoslovakia for a long time. She began her work on this topic in 2008 as a PhD student at the Catholic Theological Faculty in Erfurt under the supervision of Prof. Dr. Myriam Wijlens and continued it in Prague at the Catholic Theological Faculty of Charles University under the supervision of the recently deceased Prof. Ignác Antonína Hrdina OPraem. (+2022). The dissertation itself, written in German and entitled *Untergrundkirche und geheime Weihen. Eine kirchenrechtliche Untersuchung der Situation in der Tschechoslowakei 1948–1989* was submitted in 2017, defended in 2018. After minor modifications, the text was published in a book form in 2019, in Würzburg, by Echter Verlag as the 115th volume of *Erfurter Theologische Studien* in German under the same title. At that time, documents from the time of the pontificate of Pius XII were not yet available in the Vatican archives, so the work was based on two basic sets of sources: materials available in public archives, primarily in the Czech Republic, and interviews with participants of the described events. The first group of sources constituted the eminent materials from the Archive of Security Forces in Prague administered by the Institute for the Study of Totalitarian Regimes, which is an organisational unit of the state. Both institutions were established by Act No. 181/2007 Coll. In the second group of sources, there were the testimonies of many direct participants of the events recorded by the author, the personal archive of Cardinal Milošlav Vlk (+2017), who first worked as a priest without state approval for clerical ministry in the 1980s, and few written materials from the described period (anything written down could have become the subject of investigation, especially by the State Secret Police, and was, therefore, dangerous). After the collapse of regime at the end of 1989 (the so-called Velvet Revolution), he served between 1990–1991 as a diocesan bishop in České Budějovice. Then, until 2010, he was an archbishop of Prague. In 1994, he was appointed cardinal – and in these positions he contributed significantly to the resolution of the difficult (and, in the author's and my own judgment, still unresolved) issue concerning the involvement of secretly ordained deacons, priests and bishops in the life of the Catholic Church in the then Czechoslovakia, which was divided into the Czech Republic and the Slovak Republic on 1 January 1993.

The second group of sources already constituted extensive memoir literature at that time. These were the studies that represented different points of view, namely

the book *Skrytá církev: Felix M. Davídek a společenství Koinótés* [The Hidden Church: Felix M. Davídek and the Koinótés Community] by Petr Fiala (the Prime Minister of the Czech Republic since 2021) and Jiří Hanuš, the actors in non-public church activities until 1989, published by the Centre for the Study of Democracy and Culture in Brno in 1999 and *Církev v podzemí a společenství Koinótés* [The Church in the Underground and the Koinótés Community] by Ondřej Liška (the Minister of Education of the Czech Republic between 2007–2009), representing mainly the critical view of Cardinal Miloslav Vlk, also published in 1999 by Sursum in Tišnov. In addition to these studies, many qualifying works have been written, usually dealing with individual persons active in non-public church activities. However, these works are of represent various degrees of reliability. The Prague branch of the hidden church, called the Prague Community, has published its own magazine *Getsemany* critical of the official leadership of the Catholic Church in the Czech Republic since 1990. Some members of the aforementioned Community have published their personal memoirs in this magazine.

The release of archival material from the times of the pontificate of Pius XII in 2020 has already made it possible to take the author's research further. In addition, the author has continued to search for the actors of the events and record interviews with them, thus increasing her knowledge of this alarmingly diverse reality. She has revealed numerous connections between various groups of the hidden Church, based on a rather opaque network of personal contacts. A further incentive is the author's work assignment at the Institute for the Study of Totalitarian Regimes itself in 2018, where she worked on the grant *Secret Faculties and Their Influence on the Life of the Catholic Church* between 2020–2023, and subsequently on the grant *The Hidden Church through the Eyes of Women* (mainly wives, daughters and other relatives of secretly ordained priests and bishops) in 2023. The Czech translation of the author's German publication was prepared by the Czech canonist living in Germany, Dr. theol. habil. Jiří Dvořáček. It was significantly expanded and supplemented. The final result is the monograph under scrutiny, representing a comprehensive treatise on the subject divided into six chapters.

The first chapter titled "Legal Norms Governing the Sacrament of Ordination" (pp. 17–40), contains a brief summary concerning the regulations of the canonical ordination law of the Latin Catholic Church in force in the described period, which is mainly CIC/1917 and CIC/1983. The development of the legislation between the two codes is dealt with only in a short section 1.4.2 on page 27. The chapter is a general introduction to canonical issues and the normative nature of the sacrament of order, while the author's thorough knowledge of the subject and the use of many sources, mainly of German origin, is evident.

The second chapter is entitled “The Relationship between the State and the Church and the Church in Czechoslovakia 1948–1989. The First Secret Episcopal Ordinations”, located on pages 41–73. In it, the author briefly describes and characterizes the historical context leading to the secret conferral of episcopal ordination: the state oppression of the Catholic Church, the paralysis of the proper governance of local churches, and the failure of efforts to provide proper provisional governance of dioceses. On this basis, she describes the first series of non-publicly ordained bishops who were still duly appointed directly by the Apostolic See, as well as the non-public conferral of deacon and priestly ordination between 1948–1968. She also notes what the preparation of candidates for ordination looked like under these extraordinary conditions, and what conspiratorial rules had to be obeyed, especially because of the surveillance and infiltration of the State Secret Police. Some of their consequences are also described here. In terms of its content, the chapter contains both the necessary introduction to the historical context and the description of the facts that are the very subject of the monograph. The author draws on a number of historical and canonical treatises, as well as on the sources themselves, especially the *Aca Apostolicae Sedis*.

The third chapter titled “The So-Called Mexican Faculties” (the designation is used only in Czechoslovakia) (pp. 74–106), is based on the author’s very careful and laborious research in archives, especially in the Archive of the (Czechoslovak) Security Forces, but also in a large number of mainly Czech and Slovak written treatises. They are of various levels of expertise and reliability, which only made the author’s work difficult. Since 2020, it has been possible to confront the findings with documents in the Vatican archives. This has resulted in the confirmation of the author’s claim that the documents found in the investigation files written in Latin, must have come from the Apostolic See. It seems impossible that state police could have invented such documents. This is also evidenced by the minor discrepancies in the various documents of the so-called Mexican faculties, which the author duly comments on. She specifically addresses the question of the importance of these faculties to the secretly conferred ordinations. The author clarifies the very notion of so-called Mexican faculties, which refers to the extraordinary empowerments of the Catholic Church during its persecution in Mexico in the 1920s. However, she demonstrates that the extraordinary authorizations issued for Czechoslovakia are not directly related to the authorizations issued during the era of persecution in Mexico. On the contrary, based on the research carried out within the framework of the grant *Secret Faculties and Their Influence on the Life of the Catholic Church (2020–2023)* and the research conducted in the Vatican archives, she has shown that these successively issued faculties were intended in very similar texts for all countries located within the influence of the then Union of Soviet Socialist Republics

(including the Soviet occupation zone of Austria). She published the result of her research in another monograph, *Mexické fakulty: mimořádné církevní pravomoci, jejich vývoj a aplikace* [Mexican Faculties: Extraordinary Ecclesiastical Competencies, Their Development and Application], also published in 2024 by the same publishers as the monograph under scrutiny.

The fourth chapter, entitled “Other Secret Faculties in Czechoslovakia” (pp. 107–162), is driven by the effort to collect, describe, and compare other extraordinary faculties outside the so-called Mexican faculties. Prominent among these are the faculties granted to the Slovak Province of the Jesuit Order, which gave rise to a whole line of secret episcopal ordinations, followed by many other ordinations, minor orders, as well as diaconate and priesthood offices. The episcopal ordination granted to Dr. Felix Maria Davídek also comes from this line. It is linked to the controversial question concerning the existence and content of the extraordinary faculties of Davídek’s community called Koinótés. However, despite the possibility of research in the Vatican archives, such faculties were not traced here.

The fifth chapter is titled “Excursus: Secret Ordinations of Czech Candidates Abroad”, (pp. 163–226). In it, the author tries to gather information on the conferring of secret ordinations in Poland, the then German Democratic Republic, and briefly on ordinations (not always in secret) in other countries: the Federal Republic of Germany, Austria, Italy, the Netherlands, Hungary, and the former Yugoslavia. Here, it is impossible to overlook the author’s admirable diligence in collecting fragmentary data, often of memoir nature. The conclusion on pages 286–288 (perhaps mistakenly included in Chapter 6) contains the results arrived at by the author. A truly admirable list of the sources and literature on which the author has drawn is provided on pages 305–322.

Of immense value is the inclusion of many appendices on pages 323–395, listing exceptional faculties from the late 1940s and early 1950s, for example the list of secret ordinations conferred by Bishops Hnilica, Korec and Dubovský of the Slovak Jesuit lineage and granted by Bishop Davídek of the Koinótés community. There are Church documents for dealing with the situation of secretly ordained bishops and priests after 1989, namely an extensive, undated and unsigned text from Cardinal Vlk’s archive from the early 1990s, in the original Latin and Czech translation. Also included is the latest confidential norm of the Congregation for the Doctrine of the Faith from 2021, in Czech only. The last document is highly restrictive towards clerics who have not yet accepted the requirements of re-ordination *sub conditione*. Some secretly ordained bishops still continue to perform such ordinations but only sporadically.

The author herself admits that, after the length of time she has been dealing with this issue and after interviewing many of the people involved, she is not in

a position to be a completely impartial judge. However, she has undoubtedly succeeded in offering a comprehensive, complex and very extensive treatment of this difficult issue. It is certainly a publication worthy of attention from the point of view of both legal science and legal practice.

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