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**AN ANALYSIS OF RELATIONS AMONG THE VATICAN, THE CATHOLIC CHURCH,
AND THE STATE IN THE CZECH REPUBLIC**

by Marci Sulak

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Since the Velvet Revolution in November, 1989, two events have not yet transpired; surprisingly, the church has not legally separated from the state, and not surprisingly, the Vatican has not formally re-evaluated the conditions necessary for the local Church to participate in the unity of the universal Church. This paper will examine the circumstances that lead one to believe these events would be likely or desirable with the end of Communism in Czechoslovakia.

In order to understand the behavior of the Czech Catholic hierarchy from 1948-1989 in its relations with the Vatican and with the state, it is necessary to understand the importance of obedience and authority for the Roman Catholic Church. The Eucharist, which is at the center of Catholicism, is the sacrament of communion among all Catholics with God through the death and resurrection of Jesus Christ in the Holy Spirit. Because this communion is symbolized by the episcopal college, in apostolic succession, in union with one another and with the Roman pontiff, there can be no sacrament without the hierarchy. Therefore, any church activity taking place without the hierarchy's knowledge or approval often has its validity questioned.

The 1992 Letter to the Bishops of the Catholic Church from the Congregation for the Doctrine of Faith entitled "The Church as Communion" lays out the necessary conditions for each local Church to partake of the unity of the universal Church: "For each particular Church to be fully Church, that is, the particular presence of the universal Church with all its essential elements, and hence constituted after the model of the universal Church, there must be present in it, as a proper element, the supreme authority of the Church: the

episcopal college together with their head the supreme pontiff, and never apart from him."¹ This letter followed the fall of Communism and thus, the end of religious persecution in Eastern Europe. Though it was not meant to specifically address post-Communist Eastern Europe, in many ways it is an insufficient response to the situation of the Catholic Church in Communist and immediately post-Communist Czechoslovakia. Measured against the practice of the last forty years, the Letter to the Bishops does not reflect the experience of many Eastern European Churches, for whom there was no episcopal college in any real sense. The Communist suppression of the Church may have led the Vatican to decide what sort of compromises are valid in a situation where compromise is and was the only solution to keep the Church together.

It is more unlikely that the Congregation for the Doctrine of Faith will formally re-evaluate and elaborate on the role of the hierarchy in crisis situations than it is that the Catholic Church will attain legal separation from the post-Communist state in the Czech Republic. Throughout the years of Communism in Czechoslovakia, the state seriously abused the lack of legal separation between Church and state. Because the Communist leaders believed the Catholic Church offered the greatest organized resistance to the implementation of Communist ideology, they sought to gain complete control over it, to turn it into a national church, and to thereby use it as an instrument for gaining its own political ends. 'Divide and conquer' was the main strategy, and it was put into effect within a year after the Communist takeover.²

What follows is a brief description of Communist state policy toward the Roman Catholic Church, preceded by a discussion of the major divisions that occurred in the Czechoslovak Church from 1948-1992: between the state-recognized Catholic Church and the Vatican, between the state-recognized Catholic Church and the underground Catholic Church, and between the 'Peace Movement' priests and those who did not join the movement. These divisions are not simple and clear cut. It is not implied that all who pledged allegiance to the Czechoslovak state were, in reality, completely aligned with it, nor were all who worked underground in the resistance as faithful to Rome as they could have been. Furthermore, one ought not attempt to guess at the motivations behind clerical alignment. Rather, the focus will be on the consequences of the various alignments and actions of the hierarchy on the Czechoslovak Church as a whole in terms of inner-Church unity and communion with Rome.

¹(Sec 13) Catholic International, 761-776

² One reason this strategy seemed particularly attractive to the communist government was that both under the Hapsburgs and between the two world wars the principle of state support of the Church was already somewhat in place. The communist government had only to continue and re-shape it to control the churches effectively.

In 1949 the Government Bureau for Church Affairs was established. Law 217 states the Bureau's purpose: ". . . to see to it that Church life and religious life develop in accordance with the Constitution and principles of the people's democratic order." In order to more efficiently oversee the Church's Activity, Proclamation 320 created Church Sections of the Provincial People's Committees on May 12, 1950. The Sections were given complete control over the Church. For example, they had the right to inspect all activities of Churches and religious associations. Their approval was needed for the creation of new parishes, congregations, religious communities; they issued or denied licenses to clergy, approved the appointment of lower clergy to posts established with the consent of the government, and handled the removal of those who had become 'ineligible' for such posts. A priest could be declared ineligible because of increasing Church membership in his parish, for being too energetic, or for refusing to cooperate sufficiently with the state. When a priest was removed, the church sections nominated his replacement and approved it, if indeed the priest were to have a replacement at all. Because all official priests were on the government payroll, the Sections were also responsible for granting salaries and personal emoluments, additional remunerations, rank allowances, "efficiency bonuses," and leave to members of the clergy.³ In addition, consent of the government was required for any priest to perform his duties. These duties were strictly limited to those of 'cult activity' in the parish to which he was assigned. He could celebrate the Mass, but was not allowed to teach, to make home visits in a priestly capacity, or to work with youth. The law became, in effect, 'what is not permitted by the state is prohibited.'

Perhaps most importantly, the local committees of the Church Sections supervised the two remaining Catholic seminaries. They appointed faculty and closely regulated the admission of seminarians. According to Fr. Dolista, the current head of the theological seminary in České Budejovice, this government selection of the seminarians created an atmosphere of suspicion. The seminarians were never sure who among them were informers. Not only were they placed under enormous pressure to cooperate with the state, but if they showed unusual resistance or were remarkably pious, they were deemed 'unworthy' for ordination. In addition, their studies were interrupted by two years of military service.

³Gsovski, Vladimir, Church and State Behind the Iron Curtain, (New York: Frederick A. Praeger, 1955), p. 23.

In order to insure these laws would be followed without resistance, the clergy were required to take an oath of loyalty to the government.⁴ If they refused, they would not receive their license to perform their priestly functions. Should they be caught performing without a license, they were treated as criminals and subject to fines and imprisonment.

Interestingly, the Vatican raised no objection to the oath of loyalty requested by the government. The Czech hierarchy and the Vatican had early on declared themselves non-political.⁵ For the Czech hierarchy, the loyalty oath was largely a matter of 'paying to Caesar what belongs to Caesar.' The Vatican, itself relying on the obedience of its bishops, priests, and laity, was not threatened as long as the oath did not interfere with the clergy's duty to the Church. Furthermore, when the oath first became a requirement there was still some hope that the state would negotiate reasonably with the Church.

The end of the 1940s and the beginning of the 1950s witnessed the harshest acts against the Church. In 1949 hundreds of priests were convicted of criminal activity and imprisoned. During their trials, the presiding judge contended that the unruly priests were obeying the Vatican "which was influenced by the evil designs of American imperialism. Thus, they were trying to disrupt the people's democratic legal order and to restore capitalism in Czechoslovakia."⁶ Therefore, the Union of Czechoslovak Lawyers adopted a resolution classifying the Vatican as a "foreign enemy to be resisted" on September 23, 1949.⁷ The new priests who replaced the priests removed by the state (though many were never replaced), were more or less cooperative with the government, since the government appointed them.

When members of the clergy voiced their opposition to the Church laws, the Minister of Justice, Dr. Čepička (later appointed Chairman of the Government Bureau of Church Affairs), declared on October 14, 1949, "If the Church hierarchy believes religious freedom means freedom for them to commit subversive and disruptive acts against the state and the Government, they are mistaken and bear full responsibility for such an attitude...Crime is

⁴The loyalty pledge read: I promise on my honor and conscience to be faithful to the Czechoslovak Republic and to its people's democratic order, and I shall not undertake anything contrary to its interests, security and integrity. As a citizen of a people's democratic State, I shall conscientiously perform the duties inherent in my office and I shall do everything within my ability to support the efforts at [social] reconstruction for the welfare of the people.(Decree No. 219, Sec.19).

⁵For an in-depth analysis of Vatican diplomacy in Eastern Europe, please see Hansjakob Stehle's essay "Papal Eastern Diplomacy and the Vatican Apparatus." The English translation is available in Catholicism and Politics in Communist Societies, ed. Pedro Ramet, (Durham: Duke University Press, 1990), pp. 341-355.

⁶Gsovski, pp. 37-39.

⁷Ibid.

crime, even if it is ordered by the Vatican or the bishops."⁸ Following the instatement of the penal code of August 1, 1950, which made it possible to try clergy for a number of vaguely-defined crimes, thousands of priests were arrested. According to George Shuster, more than 3,000 priests were arrested in January of 1951 alone.⁹

The 1950s saw the beginnings of underground church activity. Largely in response to the concern that not enough priests would be ordained to meet the demands of the population and that the priests who were licensed by the state would be too strongly under the control of the government to be good spiritual leaders, priests began to be secretly ordained. Even though engaging in priestly activity without a license was punishable by law, it appears that about 300 priests were secretly ordained between 1950 and 1989. About 50-60 of these were secretly trained in Czechoslovakia, but went abroad, to East Germany or Poland, where there was legal separation between Church and state, for ordination. The underground church provided for religious education and for Masses to be said in private homes in parishes that had no priests. More importantly, it provided a means of resisting state propaganda and served to check the influence of the state priests who had fallen into Communist hands. It is generally agreed that the underground Church operated with the Vatican's knowledge and approval, at least until the 1980s.

In the late 1970s and the early 1980s the Vatican began to grow uncomfortable with the underground Church because of its increasing independence. A major problem was the ambiguous situation of its central bishop, Felix Maria Davidek, who had been ordained a priest in 1945. Though secretly consecrated as a bishop, he had had the Vatican's approval at first.¹⁰ In 1978, however, he was ordered to step down. Some of his actions were considered scandalous and later caused embarrassment to the other members of the

⁸New York Times, October 15, 1949.

⁹Shuster, George N., Religion Behind the Iron Curtain, (New York: The Macmillan Company, 1954), p. 92.

¹⁰Pedro Ramet disagrees on this point. He characterizes Davidek as a "psychologically unbalanced priest" who had been consecrated a bishop "without Vatican approval." He further claims that the government knew about his activity and tolerated it in the hope that it would cause "schismatic fissures within the clergy." See the book edited by him, Catholicism and Politics in Communist Societies, (Durham: Duke University Press, 1990), p. 22. Most Czech priests today are reluctant to speak about Davidek; some claim no knowledge of his specific activities.

underground Church. Under him, at least three women and as many as 80 married men were said to have been ordained. He himself is said to have taken a wife.¹¹

Another split in the Church was initiated by the Communist organization for Catholic priests called "The Peace Movement of the Catholic Clergy" in 1951 and revived as "Pacem in Terris" after the 1968 invasion. "The Peace Movement of the Catholic Clergy" was an attempt by the state to gain more control over the Church than it could get through the Office for Religious Affairs. Chaired by Josef Plojhar, an excommunicated priest, this organization took over the Catholic press, charitable organizations, and the two seminaries. When almost all the bishops refused to renounce loyalty to Rome and join, they were imprisoned or interned. Their vacancies were filled from among the Peace Movement priests, who were elected Vicars Capitular.

According to Dolista, "Pacem in Terris" severely damaged trust and communication on all levels: among bishops, among the priests, between bishops and priests, and between the priests and their congregations. No one ever knew who among them might turn out to be an informer. They were not able to discern who joined for personal advantage and who did it only out of weakness or from enormous pressure. This inability to trust in and rely upon one another greatly reduced the Church's effectiveness and strength among the parishes.

Tensions exploded in 1973, when Msgr. Casaroli reached an agreement with the Communists to appoint four new bishops. Unfortunately, all four men were members of "Pacem in Terris," and one, Bishop Vrana, was even its chairman. Many Catholics protested to Casaroli, believing it was better to have no Bishop at all than to have one who stood for everything against which the Church was fighting. It was ironic that the bishops who had opposed collaboration with an unreasonable government, realizing this collaboration meant the slow destruction of the Church, were overlooked by Rome (who was, itself, trying to negotiate with the government under the governments terms). Instead, the very priests who had made it known that, given the choice, loyalty to the state came before loyalty to Rome, were anointed bishops by Rome.¹² With the election of Cardinal Karol Wojtyła to the papacy in 1978, such appointments ceased.

Opposition to the 'peace movement' strengthened and finally, in 1982, the Sacred Congregation for the Clergy issued a decree prohibiting priests from participating in any political organization or professional association. Later in the year Cardinal Tomášek

¹¹Bollog, Burton, "Vatican Rejects Secret Priests Ordained in Czechoslovakia," New York Times, April 12, 1992.

¹²See Alexander Tomsy's article "Pacem in Terris' Between Church and State in Czechoslovakia," Religion in Communist Lands, Vol. 10, Winter 1982, pp. 275-282.

received confirmation that the prohibition included "Pacem in Terris." Previous to that prohibition, about a third of the clergy had belonged to the movement. Alexander Tomsky, believing that the letter ended the split in the Church, wrote, "The possibility of occupying a middle position, where loyalty to God clashes with the demands of Caesar, with resulting moral confusion, has now disappeared. From now on there will be only one Catholic Church in Czechoslovakia--faithful to Rome, irrespective of whether the priests are recognized by the state or not."¹³

Following the Papal prohibition, the rate of arrests and harassment of Catholic priests accelerated to the point that Tomášek began expressing the wish for complete autonomy for the Church, even stating the Church's willingness to pay priestly salaries. Due to the vague wording of the Church laws, priests were arrested for nearly any religious activity. The restrictions on the press exceeded those of the 1950's. Also, the tight control exercised over Tomášek by the state prevented him from obtaining permission for Pope John Paul II to attend the 1100 year anniversary of the death of Saint Methodius in 1985 or the canonization of Blessed Agnes of Bohemia in 1987.

The actions of the Czech hierarchy after the Velvet Revolution proved that Tomsky's 1982 optimism for an easy distinction between priests acceptable to Rome and those who were not an oversimplification. The years 1989-1992 were filled with sorting out the complications of a situation that proved extremely awkward at times. After 1989 the Vatican and the newly-appointed Archbishop Miloslav Vlk met with the former 'peace priests' in the fall of 1991 and allowed them to continue with their ministries after they had admitted their guilt, while the underground priests were suspended until they met with their own bishops and Archbishop Vlk in 1992 to determine the validity of their ordination.

Many of the underground priests were disappointed. Those who were married when they were ordained were given the option to join the Greek-rite Church, which allows married priests or to give up the priesthood. The priests who had married after ordination were absolved from their priestly duties. All of the priestly actions they had performed during the Communist regime, however, were upheld as valid. The women were not allowed to apply for ordination; furthermore, their priestly actions were not considered valid.

To many Catholics, the course of action taken with regard to the underground Church seemed a bit harsh and unappreciative. In the May 13, 1992, issue of Christian Century, Fr. Václav Maly worries that this action by the Vatican may lead to a lack of trust in Church and a split in the Church. The April 24, 1992, issue of the National Catholic Reporter criticized Ratzinger and the CDF [Congregation for the Doctrine of Faith] for "guillotining" some of

¹³Ibid., p. 282.

the secretly ordained priests who "stuck their necks out in faith when countless others did not."

The underground priests (currently active priests) with whom I spoke were willing to abide by the Vatican decision and the decision of Archbishop Vlk to accept all former state-recognized priests, no matter what their former associations had been, and no matter how fervently they had been opposed to them previously. It could be that the Church is simply weary of divisions and is more concerned with achieving one whole Church again than with stirring up old hurt that would have occurred had strict justice been the primary consideration. Or perhaps the shortage of priests makes them less selective.¹⁴

At any rate, the "Velvet Revolution" ended the religious persecution without Rome's having formally considered which kind of compromises genuinely promote unity, and which kind only superficially cover up disunity with regard to the underground church. This failure spurs a more specific question: why was the Vatican more willing to recognize and work with priests who had at one time publicly named the Vatican a 'public enemy' rather than the more independent-minded underground priests who had risked imprisonment and endured untold hardships to preserve the faith, never taking an oath against Rome? Such a question is admittedly rhetorical, given the Church's inherent need of hierarchy and legality.

For its part, the Czech Catholic hierarchy today may not be working as hard as it might to insure that government control of the Church will never cripple the Church again. Although Cardinal František Tomášek had called for a complete separation of church and state in an April, 1986 letter to the minister of culture because the then-current legislation was so vaguely defined that almost any religious activity could be called criminal, such a separation never came about. Currently the Church still receives funds from the state government, which pays a portion of priestly salaries and subsidizes the few Catholic schools in existence. Admittedly, the state has been slow to return all of the church property that had been requested. It should be noted, though, that at no time in Czech history has there been legal separation of church and state. The state has always subsidized the church.

In 1991 the Archbishop of Prague, Miloslav Vlk, declined the new government's offer to restore ownership of the Church's confiscated property except for church buildings and schools. In an April 13 interview with ORF, Vlk explained that the Church did not wish to ask for "too much." Rather, just enough to release the state from the duty of preserving it. He said the Church would demand "only the necessary" to make possible the activity and

¹⁴Janice Broun claims in the mid-1980s there were about 30 new priests ordained from state seminaries each year. The death rate for priests was about 50 per year. See Broun, Janice, Conscience and Captivity, (Washington, DC: Ethics and Public Policy Center, 1988), p. 77.

upkeep of the Church.¹⁵ For a while it was thought that state-subsidization of salaries would gradually decline until they were eliminated, but this turned out to be unfeasible. Today the Church remains financially dependent upon the state, and the future prospects for independence are in question.

¹⁵Cited in "Interview mit Tomášek-Nachfolger Vlk," Glaube in Der 2. Welt, Vol. 19, No. 5, 1991, pp. 13-14.