

## Diocesan Synods in the Czech Lands – an Unused Instrument?

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### Introduction



In the treatise on the synodal activity in the Czech lands, the current territory of the Czech Republic, it is essential to devote much space to the description of the legislation of canon law (based on the then ecclesiology) and of the ecclesiastical-political situation of singular historical epochs. On this basis, it is possible to show the ways and the extent of synodal activity.

The first chapter briefly introduces the synodal practice in the territory of the Czech lands after the Council of Trent, with an emphasis on its revival from the second half of the 19<sup>th</sup> century until the Code of Canon Law of 1917, which almost coincides with the end of World War I and the emergence of the Czechoslovak Republic.

The second chapter describes the synodal activities in the long period from the establishment of Czechoslovakia until the end of the Communist regime in 1989.

The third chapter is devoted to the synodal activities since 1990.

In the end, we will evaluate the findings and try to answer the question posed in the title of this paper.

## 1. Synods from the 19<sup>th</sup> Century to the Code of Canon Law of 1917

### 1.1 Legal Regulation of Diocesan Synods Before the Code of Canon Law of 1917

The basic regulations for holding the diocesan synods (and provincial councils) were given by the Title 2 of the Decree on Reformation of Council of Trent during its 24<sup>th</sup> session in November 1563.<sup>1</sup> It provided for the annual holding of the diocesan synods (and the holding of provincial councils every three years). It also gave basic rules regarding the participants in the synod: together with the diocesan bishop, who remained the sole legislator in the diocese, all the administrators of the parish and other secular churches and exempt religious who are not subject to the general chapters are to participate. The goal of the diocesan synods corresponds to the targets of the provincial councils described in the same decree: improving morals, correcting transgressions, settling disputes, and other reasons accepted by the sacred canons. The commentaries emphasize other significations of the synods: efforts to implement council decrees and decisions of other ecclesiastical authorities. In addition to this direction ‘from above’, the focus of the synods and the direction ‘from below’ is also important: discussing and communicating the opinions of the priests to the bishop, i.e. the application of the democratic or the synodal element in the governance of the Church.<sup>2</sup> However, it must be admitted that this has sometimes led to controversies both between the priests and the bishop and between the priests themselves.<sup>3</sup>

According to the provisions of Title 18 of the same decree, the diocesan synod is to elect six diocesan examiners, and according to the provisions of Title 10 of the Reformation Decree of the 25<sup>th</sup> session of the Council (in December 1563) the required number of the diocesan judges too.

<sup>1</sup> *Dokumenty tridentského koncilu: Latinský text a překlad do češtiny* [Documents of the Council of Trent: Latin Text and Translation into Czech], Translated by Ignác Antonín HRDINA, Praha, 2015, pp. 217–218. Significantly, however, it does not mention plenary councils in its resolutions at all.

<sup>2</sup> In the Czech environment, see e.g. [ANONYM], *O synodách* [The Synods], in: *Časopis katolického duchovenstva* [Journal of the Catholic Clergy], 1849, No. II, Praha, pp. 95–101.

<sup>3</sup> Cf. e.g. RAMOS, Francisco J., *Le Chiese particolari e i loro raggruppamenti*, Roma, 2000, pp. 407–408.

An essential work for understanding and support the synods was the work of Pope Benedict XIV *De synodo dioecessana* of 1748. The authorised to convene a synod were: a diocesan bishop, a general vicar with a special commission, or a capitulary vicar at the earliest one year after the previous synod. Legislative customs led to the specification of the synod composition: the vicar general, the canons of the cathedral chapter, the representatives of the collegiate chapters and the deans, or other participants by the power of a privilege or a particular custom are also to participate. Interestingly, the participation of lay people in the synod was neither required nor expressly forbidden; in the opinion of Benedict XIV, however, this should occur rarely and for very serious reasons. Synodal acts were not subject to the approval of either the metropolitan or the Apostolic See.

Unfortunately, the annual holding of the diocesan synods did not become the rule in following years, but rather the exception. The given reasons are the drastic strengthening of the episcopal power against the democratic elements of the church's governance at the Council of Trent, as well as the practice of the Roman Curia, which saw the democratization as an anti-curial movement, and the ecclesiastical-political situation, especially in the period of absolutism.<sup>4</sup> This legal situation led to two solutions in practice: either the understanding of the diocesan synods as a useless instrument, leaving particular legislation to the bishop and his closest collaborators, or the preparation of particular legislation at the bishop's more informal meetings with some clergy representatives and closest collaborators.<sup>5</sup>

As part of the treatise on the ecclesiastical discipline, the Vatican Council I prepared a text that provided for the holding of the diocesan synods every three years, but the text was not voted on.<sup>6</sup>

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<sup>4</sup> See for the whole subchapter: PLÖCHL, Willibald M., *Geschichte des Kirchenrechts. Band III – Das katholische Kirchenrecht der Neuzeit*, Erster Teil, Wien – München, 1970, pp. 283–284, 286–288; AICHNER, Simon, *Compendium iuris ecclesiastici ad usum cleri, ac praesertim per Imperium Austriacum in cura animarum laborantis*, Brixen, 1911, pp. 469–471.

<sup>5</sup> RAMOS, Francisco J., *Le Diocesi nel Codice di Diritto Canonico*, Studio giuridico-pastorale sulla organizzazione ed i raggruppamenti delle Chiese particolari, Roma, 1997, p. 348.

<sup>6</sup> *Ibidem*, p. 344.

## 1.2 Period until the Unilateral Denunciation of the Concordat (1855–1870)

Despite the regulations of the Council of Trent, only the social changes associated with the events of the revolutionary year 1848 brought the possibility of convening the particular synods by a Church authority in the 19<sup>th</sup> century.

This change was confirmed by the closure of the Concordat with the Holy See in 1855, of which Article IV (e) explicitly recognizes the right of archbishops and bishops to convene particular assemblies:<sup>7</sup>

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| <p>Art. IV. – Archiepiscopis et Episcopis id quoque omne exercere liberum erit, quod pro regimine Dioecesium, sive ex declaratione, sive ex dispositione Sacrorum Canonum iuxta praesentem et a S. Sede adprobatam Ecclesiae disciplinam ipsis competit, ac praesertim:</p> | <p>Art. IV. – Archbishops and bishops will also be able to exercise freely everything they can do for the governance of the dioceses both from the declaration and from the dispositions of the sacred canons, according to the present discipline confirmed by the Holy See, namely:</p> |
| <p>e) Convocare et celebrare ad Sacrorum canonum normam Concilia provincia et Synodus dioecesanos, eorumque acta vulgare.</p>   | <p>e) Convene and celebrate provincial councils and diocesan synods according to the sacred canons and promulgate their acts.</p>   |

On 25<sup>th</sup> January 1856, the Minister of Cult issued a decree containing implementing instructions for the execution of the Concordat, drawn up in collaboration with the Archbishop of Vienna, Cardinal Rauscher.<sup>8</sup>

In this situation, after a very long time, 255 years after the previous provincial council which was held in 1605, the Bohemian Provincial Council was held in Prague from 8<sup>th</sup> to 23<sup>rd</sup> September 1860. After that, the diocesan synods in Prague, České Budějovice, Hradec Králové, and Litoměřice, in all the suffragan dioceses,

<sup>7</sup> *Conventio inter Pium IX et Franciscum Iosephum I Austriae Imperatorem (18 Augusti 1855)*, in: *Enchiridion dei Concordati. Due secoli di storia dei rapporti Chiesa-Stato*, Bologna, 2003, n. 460, pp. 228–231.

<sup>8</sup> SCHWENDENWEIN, Hugo, *Österreichisches Staatskirchenrecht*, Essen, 1992, p. 30.

were held in close contact with it in 1863. In all cases, these diocesan synods are referred to as the 1<sup>st</sup> diocesan synod.<sup>9</sup>

The concordat from 1855 was soon violated by new Austrian legislation. First to mention is the establishment of equal legal position of the evangelical churches and the Catholic Church in Cisleithania, introduced by the so-called Protestant Patent, Act No. 41/1861 RGBL. The liberal conception of human rights and fundamental freedoms was then strengthened by the issuance of the so-called December Constitution, Act No. 142/1867 RGBL. It regulates newly more areas explicitly or implicitly contained in the concordat, e. g. the area of education and upbringing, the exercise of judicial power in the name of the emperor, not in the name of God, the exclusion of the validity of church case law for state law and the exclusive state right to regulate inter-confessional relations.<sup>10</sup>

The first series of the religion law acts issued in 1868 contradicted the concordat with a legislation on marriage, education, and the inter-confessional relations of the citizens. In 1870, a law allowing the state without the religion was passed and the concordat was unilaterally denied by Austrian Emperor Franz Joseph I on the grounds that the declaration of the papal infallibility at the Vatican Council I in 1870 had had a substantial change regarding the contractual partner.<sup>11</sup>

### **1.3 From the Unilateral Denunciation of the Concordat to the Force of the Code of Canon Law of 1917 (1870–1918)**

The second series of the religion law acts of 1874 led not only to strengthening religious freedom by issuing a law on the state recognition of the religious societies, but also to the very strict supervision of the Roman Catholic Church. The instrument was the Act No. 50/1874 RGBL., on the external relations of the Catholic Church, by which the concordat of 1855 was ‘legally abolished’.<sup>12</sup>

<sup>9</sup> RABAN, Miloš, *Sněm České katolické církve: obnova synodality* [Council of the Czech Catholic Church: Renewal of Synodality], Praha, 2000, pp. 73–82.

<sup>10</sup> SCHWENDENWEIN, Hugo, *Österreichisches Staatskirchenrecht*, pp. 30–33.

<sup>11</sup> *Ibidem*, pp. 33–38.

<sup>12</sup> TRETERA, Jiří Rajmund, HORÁK, Záboj, *Konfesní právo* [Religion Law], Praha, 2015, pp. 318–323.

Nevertheless, during this period, even after the unilateral termination of the Concordat, i.e., after the Vatican Council I, there were still the diocesan synods in 1872 and 1875 in České Budějovice (2<sup>nd</sup> and 3<sup>rd</sup> Synods) and 1873 in Prague (2<sup>nd</sup> Synod). This, however, stopped the synodal activity for a long time; other diocesan synods were held at the beginning of the 20<sup>th</sup> century: 1909 in Brno (1<sup>st</sup> Synod) and 1913 in České Budějovice (4<sup>th</sup> Synod). Thus, from the present Church provinces and the dioceses, the Provincial Council of the Moravian Church Province (including the Olomouc Archdiocese and the Brno Diocese) and the Diocesan Synod in Olomouc did not take place in this time. Instead, in this archdiocese, which focused more on clergy education for the purposes of its pastoral work, there were three unionist congresses in Velehrad in 1907, 1909, and 1911. At that time, these congresses had the character not only of a meeting of experts, but also of hierarchs from almost all Slavonic nations.<sup>13</sup>

## **2. Synodal (Non)Activity from the Force of the Code of Canon Law of 1917 to the Fall of Communism (1918–1989)**

### **2.1 Legal Regulation of Diocesan Synods in the Code of Canon Law of 1917**

The Code of Canon Law of 1917 (further CIC/1917) systematized the regulation of the discipline of the diocesan synods in can. 356–362. The synod is to be held at least once every ten years (can. 356) – this is a significant change in the current legislation. As before, the diocesan bishop, the vicar general with special commission or the capitulary vicar were entitled to convene it, in the case of capitulary vicar no more than one year from the previous synod, but this interval can be easily assumed (can. 357). The list of participants is richer: vicars general, cathedral canons, diocesan consultants, rector of the diocesan seminary, forane vicars, one representative of the collegiate church, parish priests of the synod town, at least one parish priest from each forane vicariate, abbots in office and superiors of clerical orders. In addition, the bishop may invite other priests (can. 358). Again, there is no talk of laymen at all.

<sup>13</sup> Ibidem, p. 84; CINEK, František, *Velehrad víry*, Duchovní dějiny Velehradu [Velehrad of the Faith. Spiritual History of Velehrad], Olomouc, 1936, pp. 443–448; ŠPAČEK, Michael, *Unionistické sjezdy na Velehradě 1907–2007* [Unionist Congresses at Velehrad 1907–2007], in: *Encyklopedický slovník křesťanského Východu* [Encyclopaedic Dictionary of the Christian East], Olomouc, 2010, pp. 925–926.

If the bishop finds it useful, he appoints preparatory commissions from the priests and sends a scheme of decisions to all participants before the synod itself (can. 360). Under the presidency of the bishop or of his delegate, the prepared texts are discussed in the synod (can. 361), but only the bishop is the sole legislator in the synod and the others have only consultative voice, and therefore the bishop himself signs the synod resolutions and promulgates them (can. 362).<sup>14</sup>

It is necessary and useful to add that the democratic elements are very little present in the structure of the diocesan curia. Apart from the cathedral chapter, which is the advisory body of the bishop (can. 391 § 1),<sup>15</sup> there are mentioned only at least two economic counsellors (which may be eventually lay people) who, together with the bishop, form the economic council (can. 1520).

On the one hand, it is clear that the legislation of the Code of Canon Law is based on the existing ecclesiastical discipline and its tradition. On the other hand, the new legislation clearly shows a general tendency towards stronger centralism, beginning significantly with the preparatory work for the Vatican Council I, the result of which is a significant reduction in the scope of particular law in favour of ecclesiastical centralization. It is significant that many canonists praised and positively justified the strengthening of centralism.<sup>16</sup> Also in consequence of the ecclesiology of the time, unilaterally inclined to centralism (also evident from the approved documents of the unfinished Vatican Council I), very little space remained for particular legislation, especially for the one of diocesan bishops.

## **2.2 At the Time of the Sprawling Ecclesiastical and Political Situation after the Establishment of Czechoslovakia until the End of the Efforts for Separation (1918–1925)**

At its inception, Czechoslovakia assumed its obligations arising from its former integration into Austria-Hungary. This heritage also manifested itself in the religious sphere. The burdens were the consequences of Austro-Catholicism – the connection between the throne and the altar. The break-up of the Austro-Hungarian

<sup>14</sup> PEJŠKA, Josef, *Církevní právo II. Hierarchický řád církevní* [Ecclesiastical law II. Hierarchical Ecclesiastical Order], Obořiště, 1937, No. 245, pp. 177–178.

<sup>15</sup> *Ibidem*, No. 271, p. 196.

<sup>16</sup> See e. g. PEJŠKA, Josef, *Církevní právo I. Ústavní právo církevní* [Ecclesiastical Law I. Ecclesiastical Constitutional Law], Obořiště, 1932, No. 195, pp. 139–140.

Empire led to a large part of the population turning away from the Catholic Church: *Los von Wien, los von Rom!*

At this time of tense nationalism, it was necessary to name the national hierarchy. In the Habsburg monarchy, the medieval way of appointing bishops through presentation by monarchy was still in use. Some of the bishops publicly opposed the emergence of new states and the break-up of Austria-Hungary. This is why almost all bishops were exchanged in the 1920s, which was preceded by difficult and sometimes fierce negotiations between the Holy See and the Czechoslovak government.

This is why the previous reformatory movement of Czech Catholic clergy (forbidden by the bishops in 1907) was revived in the Czech lands, this time under the title of Unity of the Catholic Clergy of Czechoslovakia, which promoted, among other things, the democratization of the structures of the administration of the Catholic Church with emphasis on the synodal elements. Its radical wing left the Catholic Church in 1919 and established the Czechoslovak Church on 8<sup>th</sup> January 1920, which after a certain period of hesitation and winnowing became a liberal church. Altogether, about 1,250,000 people left the Catholic Church, especially from Central Bohemia, of which about 500,000 entered the Czechoslovak Church, including 288 Catholic priests. After the founding of the new church, Catholic bishops banned these unities in 1920.<sup>17</sup>

The *Los von Rom* movement resulted in tensions between the state and the Church, as it also led to the effort of hostile separation of the state from the Church. However, the failure of the separation efforts was caused not only by the controversy over the concrete form of separation, but also by the growing importance of political Catholicism and by respect for Slovakia, because the separation would be an open rift with the threat of the collapse of Czechoslovakia. Notable were also the diplomatic relations with the Apostolic See since 1920 and respect for the population, of which 77,5 % affiliated themselves to the Catholic Church. Even though government parties implemented separation in their electoral programmes until 1925, economic problems were more troublesome.<sup>18</sup>

<sup>17</sup> KADLEC, Jaroslav, *Přehled českých církevních dějin* [Overview of the Czech Church History], Vol. 2, Praha, 1991, pp. 240–242; MAREK, Pavel, *Církevní krize na počátku první Československé republiky (1918–1924)* [The Church Crisis at the Beginning of the First Czechoslovak Republic (1918–1924)], Brno, 2005, pp. 67–115, 212–252.

<sup>18</sup> PODANÝ, Václav, *Pokus o odluku církve od státu a příčiny neúspěchu protiklerikálního hnutí v ČSR v letech 1918–1921* [An Attempt to Separate the Church from the State and the Causes



It is understandable that in this situation in the Church itself and in the society it was not easily possible to call on the diocesan synods in most dioceses. In addition, a role was played by the negative reaction to the newly established Czechoslovak Church, which incorporated the synodal elements into its system of governance. Only the unionist congresses continued in Velehrad: first in a reduced form of consultations of experts in 1921 and 1922, then as a usual congress in 1924.<sup>19</sup>

### 2.3 From the Negotiations on the Closure of *Modus Vivendi* to the *ad limina* Visit of Bishops (1925–1933)

After overcoming separation efforts and cultural struggle, a quieter situation occurred in the second half of the 1920s to address the issue of fundamental importance for the Czechoslovak government: the regulation of diocesan borders in line with state borders.<sup>20</sup> Another issue was the administration of ecclesiastical property in Slovakia, for which the coercive administration was imposed.<sup>21</sup>

After a difficult discussion of the issues at stake, at least a framework agreement with the Holy See was concluded. Therefore, it was not called a concordat, but a *Modus vivendi* (for the very first time in the diplomacy of the Holy See!), and in its essence was rather *pactum de contrahendo*. This treaty was signed on 17<sup>th</sup> December 1927, approved by the ministerial council (unlike with a concordat, which must be ratified by the president after consent of the legislative assembly) on 20<sup>th</sup> January 1928. It entered into force by an exchange of diplomatic notes between the Czechoslovak Foreign Minister on 29<sup>th</sup> January 1928 and the Secretary of the State on 2<sup>nd</sup> February 1928.<sup>22</sup>

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of the Failure of the Anticlerical Movement in Czechoslovakia in 1918–1921], in: *Čtyřicet let církevních zákonů v Československu. Výběr studií a článků k 40. výročí schválení zákonů čis. 217 a 218/1949 Sb. 1949–1989* [Forty years of Church Laws in Czechoslovakia. Selection of Studies and Articles to the 40<sup>th</sup> Anniversary of the Approval of Laws No. 217 and 218/1949 Sb. 1949–1989], Praha, 1989, p. 69.

<sup>19</sup> ŠPAČEK, Michael, *Unionistické sjezdy...* [Unionist Congresses...], p. 926.

<sup>20</sup> Although the first negotiation of an international treaty was in place by the early 1920s, it was only from 1925 that these negotiations were more concrete and aimed at a concrete form of agreement. See DEJMEK, Jindřich, *Československo-vatikánská jednání o modus vivendi 1927–1928* [Czechoslovak-Vatican Negotiations on Modus vivendi 1927–1928], in: *Český časopis historický* [Czech Historical Review] 2 (1994), Praha, pp. 279–282.

<sup>21</sup> KOP, František, *Modus vivendi – nynější stav jeho provedení* [Modus vivendi – Current State of its Execution], Praha, 1937, pp. 123–138, 182–188.

<sup>22</sup> *Modus vivendi inter Sanctam Sedem et Rempublicam Cechoslovaciae*, in: *Acta Apostolicae Sedis* 20 (1928), pp. 65–66.

In this situation, there was some stabilization of the intra-church relations (violated only in 1931 by the forced abdication of the Prague Archbishop Kordač), but no provincial council or diocesan synod was convened at that time. The only exception was a synod held in Opava for two small parts of Wrocław diocese in 1926. However, the materials of the synod are not accessible in the current Czech Republic, and the synod did not significantly affect the events in this country.<sup>23</sup>

Certain continuity has been preserved by the Unionist congresses in Velehrad: during the interwar period, they took place in 1927 and 1932.<sup>24</sup>

#### **2.4 Since the *ad limina* Visit of Bishops until the End of Second World War (1933–1945)**

As part of the *ad limina* visit, the Bohemian and Moravian bishops were encouraged to set up and organize Catholic Action in their dioceses in 1933: although the bishops had issued its principles by a joint pastoral letter in 1927, things went slowly. This is why the Czechoslovak bishops issued another pastoral letter in 1935, where they gave instructions for the foundation of Catholic Action in parishes. The realization of this was mostly done through courses for priests. The enlargement of Catholic Action took place only in the second half of the 1930s.<sup>25</sup>

The only diocese that convened a Diocesan Synod for the realization of Catholic Action was the diocese of Brno: the 2<sup>nd</sup> Diocesan Synod in 1934. We will deal with this in more detail in the following subchapter. Certain continuity has been preserved by the Unionist congresses in Velehrad: during the described period, it took place in 1936. The congress scheduled for 1939 to mark the 500<sup>th</sup> anniversary of the Florentine Council was no longer possible due to the war events.<sup>26</sup>

Until the implementation of the Munich Treaty signed on 30<sup>th</sup> September 1938, which marked the beginning of events connected with World War II for Czechoslovakia, there was no diocesan synod held – and during the war, their celebration was again practically impossible. In addition, during the Second World War, there were vacancies of episcopal seats in České Budějovice (1940), Prague and Brno

<sup>23</sup> RABAN, Miloš, *Sněm České katolické církve...* [Council of the Czech Catholic Church...], p. 86.

<sup>24</sup> ŠPAČEK, Michael, *Unionistické sjezdy...* [Unionist Congresses...], p. 926.

<sup>25</sup> SVOBODA, Rudolf, *Josef Hlouch a Katolická akce* [Josef Hlouch and Catholic Action], in: *Studia theologica* 3 (2013), Olomouc, pp. 187–190.

<sup>26</sup> ŠPAČEK, Michael, *Unionistické sjezdy...* [Unionist Congresses...], p. 926.

(1941), and then the Apostolic See decided rather not to appoint bishops than to appoint candidates forced by the Nazis.

## **2.5 The Only Diocesan Synod Held in this Period: the 2<sup>nd</sup> Diocesan Synod of Brno in 1934**

The occurrence of the 2<sup>nd</sup> Brno Diocesan Synod can be best observed on the basis of its acts,<sup>27</sup> from which we draw the information in the following articles, with the references to these acts abbreviated as ‘SD’ and the page number.

### **2.5.1 Preparation of the 2<sup>nd</sup> Diocesan Synod of Brno**

The Bishop of Brno, Josef Kupka,<sup>28</sup> introduced the intent to convene the Synod to the Brno Cathedral Chapter on 21<sup>st</sup> January 1934. At the same time, he announced the division of the subject matter into 17 chapters and the names of the future synodal officials. Two days later, he summoned the teachers of the priestly seminary and introduced them to this intention. He then sent Pope Pius XI a request for the dispensation of the liturgical ceremoniousness on 18<sup>th</sup> April 1934. The Sacred Congregation of the Council granted this dispensation on 26<sup>th</sup> June 1934 (SD 7–11).

The bishop informed all deans with the intention of convening the synod by his circular letter on 10<sup>th</sup> April 1934 and invited them to elect one parish priest as a delegate from each deanery and to send agenda suggestions to the ordinariate by 15<sup>th</sup> May 1934. At the same time, he invited all abbots and superiors of religious orders to the synod, all being according to the provisions of can. 358 § 1 CIC/1917<sup>29</sup> (SD 11–12).

The convening document of the synod was published in *Acta Curiae* No. 10 dated 31<sup>st</sup> July 1934. It also included a list of participants corresponding to the can. 358: 3 abbots, 5 superiors of religious orders, 8 professors of theology, and 139 priests in pastoral care (SD 12–24).

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<sup>27</sup> *Synodus Dioecesis Brunensis II. quam diebus 21.–24. Augusti 1934 celebravit Josephus Kupka, Dei et Apostolicae Sedis gratia Episcopus Brunensis*, Brno, 1935.

<sup>28</sup> Josef Kupka (1862–1941) became an auxiliary bishop of Brno in 1924, subsequently Apostolic Administrator of the Diocese of Brno in 1926, and then the diocesan Bishop of Brno in 1931. See BISKUPSTVÍ BRNĚNSKÉ [DIOCESE OF BRNO], *Brněnští biskupové* [Bishops of Brno]. Available on-line at <<https://www.biskupstvi.cz/brnensti-biskupove#11>> (visited 2021-01-05).

<sup>29</sup> In this chapter, we will continue to mention only the numbers of the canons, which are always of CIC/1917.

### 2.5.2 *Celebration of the 2<sup>nd</sup> Diocesan Synod of Brno*

The Synod itself was celebrated very quickly, within four days (SD 27–38):

- It began on 21<sup>st</sup> August 1934 with Eucharistic Adoration and the hymn *Veni Creator* at 15:30, followed by the oath of the participants and the Bishop's address;
- It continued on 22<sup>nd</sup> August 1934 in the morning with Mass at 7:30 and a spiritual talk, followed by the proceedings at 9:00, being devoted to the issues of spiritual care for the associations, organization of charity, and support for priestly vocations, then the afternoon proceedings from 15:00 on the themes of marriage, spiritual exercises for the lay people, and the propagation of periodicals and good books;
- It continued on 23<sup>rd</sup> August 1934, with Mass and a spiritual talk, the 9:00 morning session being devoted to religious education, stole fees, and church singing, then the afternoon talks at 15:00 were on religion classes in primary and civic schools, religious and moral teaching in secondary schools, and the education of academic youth;
- It continued on 24<sup>th</sup> August 1934, with Mass and a spiritual talk, the morning session of 9:00 being dedicated to frequenting Holy Communion, to the means of protecting Christian morals, and to the continuing ascetic and scientific formation of priests, then after the diocesan bishop's speech it was completed by a sacramental blessing and the singing of the hymn *Te Deum*.

It is clear from the course of the Synod that there were no major debates in it, rather it being a discussion of prepared drafts. However, there is no indication in the Synod's acts of who was entrusted with the elaboration of drafts for the Synod's deliberations, and whether the commissions foreseen in can. 360 had been established for that purpose.

### 2.5.3 *Results of the 2<sup>nd</sup> Diocesan Synod of Brno*

The synodal acts were promulgated by the diocesan bishop Josef Kupka on 31<sup>st</sup> May 1935 and published by the press. According to the provisions of the bishop in its promulgation decree, the individual provisions called the constitutions became valid as the particular law by this promulgation, the effectiveness being established from 1<sup>st</sup> September 1935 (SD 3).

The constitutions themselves are divided into 17 chapters: I. How to show respect and love to the Holy Father, II. Programme of realization of Catholic Action,

III. Pastoral care of the Church movement, IV. Organization of charity, V. Care for vocations: care of the alumni of the small and large seminary during the holidays, VI. Care for priests: how to gain virtues and how to educate in the sacred sciences, VII. Religious education of adults, VIII. Marriage, IX. Spiritual retreats for the laity, X. Frequent Holy Communion, XI. Protection of Christian morals, XII. Propagation of quality books and periodicals, XIII. Reform of sacred music, XIV. How to make the religious education of children fruitful, XV. Teaching of religion and moral education at secondary schools, XVI. Education of academic youth, and XVII. Legislation on the stole fee.

From the point of view of canon law, it is difficult to designate the synodal acts as a particular law in the true sense of the word, for the texts of particular chapters are of a pastoral character and are quite verbose. The only really legal chapter is the last chapter containing the legislation on the stole fee – however, this corresponds to very little space for particular legislation of diocesan bishops under the CIC/1917.<sup>30</sup>

## **2.6 From the End of Second World War until the Collapse of Communism (1945–1989)**

In the period 1945–1948, it was necessary first to restore ecclesiastical life and structures, severely disturbed by World War II. Although the Episcopate was completed by the appointment of new bishops, Provincial Councils and Diocesan Synods were not celebrated in this short period. Only the unionist congresses continued in Velehrad in the form of meetings of experts in 1946 and 1947.<sup>31</sup>

After the Communist coup d'état of 25<sup>th</sup> February 1948, the struggle for survival for the Catholic Church was highlighted by the liquidation of the Greek-Catholic Church in 1950 and the ban on its operation until 1968. Very soon after February 1948, the representatives of the true Catholic Action were imprisoned and the attempt to establish a 'Communist' Catholic Action in 1949 failed.<sup>32</sup>

The short period of the Prague Spring in 1968 was not enough to bring about more lasting fundamental changes, despite the effort to establish a broad movement

<sup>30</sup> RAMOS, Francisco J., *Le Diocesi nel Codice di Diritto Canonico*, p. 349.

<sup>31</sup> ŠPAČEK, Michael, *Unionistické sjezdy...* [Unionist Congresses...], pp. 926–927.

<sup>32</sup> RABAN, Miloš, *Sněm České katolické církve...* [Council of the Czech Catholic Church...], pp. 88–89.

of the Conciliar Restoration Work, whose statutes were not approved after the occupation of Czechoslovakia in August 1968. In addition, since 1970 the policy of so-called normalization, a form of re-stalinisation, was implemented.

Throughout this period, provincial councils and diocesan synods were not conceivable, although the Prague Apostolic Administrator Bishop Tomášek thought it so in 1969. The only rather peculiar synodal act was the Pastoral Synod of the Hidden Church, held on 25<sup>th</sup> December 1970, which was quickly summoned by the secretly ordained Bishop Davídek to Kobeřice by Brno – but this synod caused a rift within the framework of hidden ecclesiastical structures (mainly because of the question of the priestly ordination of women).<sup>33</sup>

Especially during this period, most dioceses were vacated, so it was not possible to establish a bishops' conference after the Vatican Council II and the promulgation of the Code of Canon Law of 1983 too (further CIC/1983).

### 3. Synodal Activities since 1990

#### 3.1 Legal Regulation of Diocesan Synods in the Code of Canon Law of 1983 and in Related Documents

The new legislative arrangement is based on ecclesiology of the Vatican Council II, emphasizing the Church as people of God and as *communio*, prominent in the text regarding the pastoral ministry of bishops in the doctrinal constitution on the Church *Lumen Gentium*, No. 27. There is only a small mention of the diocesan synod in the Decree on the Pastoral Service of the Bishops *Christus Dominus*, No. 36. Within the framework of post-conciliar legislation, the Directory for the pastoral ministry of bishops from 1973, No. 163–165, speaks in detail about the diocesan synod.<sup>34</sup> For the first time, it is explicitly stated there that the laity should also participate in the synod.

CIC/1983 regulates the diocesan synod in can. 460–468. It brings significant adjustments compared to the previous code. The diocesan synod may be convened only by the diocesan bishop after deliberation in the priestly council, at his

<sup>33</sup> FIALA, Petr, HANUŠ, Jiří, *Skrytá církev: Felix M. Davídek a společenství Koinótés* [Hidden Church: Felix M. Davídek and Community Koinótés], Brno, 1999, pp. 95–102.

<sup>34</sup> SACRA CONGREGATIO PRO EPISCOPIS, *Directorium de pastorali ministerio Episcoporum Ecclesiae imago* (22.02.1973), Roma, 1973, pp. 159–162.

discretion, without the prescribed periodicity (can. 461 and 462), and the synod is interrupted by impedance or vacancy of his office. Its participants are not only priests but also other Catholics, including the laity (can. 460). The participation of the laity explicitly requires can. 463, where, in contrast to CIC/1917, auxiliary bishops and coadjutors, episcopal vicars and members of the priestly council are mentioned; forane vicars are not mentioned, but one priest is elected from each vicariate, the representatives of the religious superiors are appointed in the manner determined by the diocesan bishop. This bishop and synod can invite other participants, clerics and lay people, and even other Christians as observers. Participants cannot send representatives instead (can. 464).

The document Instructions on Diocesan Synods from 1997 discusses the diocesan synod in detail, which in the appendix lists the areas of particular legislation of the diocesan bishop.<sup>35</sup> Its principles summarized the new Directory for Bishops' Pastoral Service of 2004.<sup>36</sup>

It is also important to note that CIC/1983 does not necessarily associate participation in the governance of a diocese with a cathedral or metropolitan chapter, but regulates new advisory bodies of the diocesan bishop over the previous code: the presbyteral council (can. 495–501), the college of consultors (can. 502) and especially the pastoral council with the participation of the laity (can. 511–514).

### 3.2 Synodal Strategy of the Czech Bishops' Conference

During 1990, there were appointed bishops for all dioceses and a bishops' conference for all of Czechoslovakia was established, having a dual character from the beginning (two assemblies, one Czech and one Slovak). After the breakup of Czechoslovakia, the Czech Bishops' Conference was established in 1993.<sup>37</sup>

<sup>35</sup> CONGREGATIO PRO EPISCOPIIS, CONGREGATIO PRO GENTIUM EVANGELIZATIONE, *Instructio De Synodis dioecesanis agendis* (19.03.1997), in: *Acta Apostolicae Sedis* 89 (1997), pp. 706–721.

<sup>36</sup> CONGREGAZIONE PER I VESCOVI, *Direttorio per il ministero pastorale dei Vescovi "Apostolorum Successores"* (22.02.2004), <[http://www.vatican.va/roman\\_curia/congregations/cbishops/documents/rc\\_con\\_cbishops\\_doc\\_20040222\\_apostolorum-successores\\_it.html](http://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_doc_20040222_apostolorum-successores_it.html)> (29.03.2021).

<sup>37</sup> NĚMEC, Damián, *La questione dell'espropriazione e della restituzione delle proprietà delle Chiese nell'Europa centro-orientale. Interventi di Damián NĚmec, Michal Rynkowski, Balázs Schanda, Emanuel Távalá. Interviene Damián NĚmec*, in: *Quaderni di diritto e politica ecclesiastica* 2 (2010), Bologna, pp. 341–382.

After a short period of hesitation, the Bishops' Conference decided in 1996 that a plenary council would be convened first (it took place, from preparation to end, between 1997 and 2005), and after that diocesan synods would be held, although the order should be the other way round.<sup>38</sup> However, it must be stated that the expectations placed in the plenary council were too high, and therefore its result led to disappointment among many priests, deacons and laity. Undoubtedly, the conciliar small groups created in the preparatory phase played a beneficial role.<sup>39</sup>

However, the realization of the diocesan synods after the Plenary Council has not yet taken place (as of 2021); only one attempt was made in the youngest diocese of Ostrava-Opava, which resulted in a 'little priestly synod';<sup>40</sup> the following subchapter will be devoted to it.

### 3.3 The 'Little Priestly Synod' in the Diocese of Ostrava-Opava in 2013–2015

Diocesan Bishop Mons. František Lobkowitz set up a working group for the preparation of the diocesan synod in March 2009. It elaborated the Synod Working Schedule in July of that year, it reworked it after the reminders procedure and presented it in October 2010 to the College of Consultors, to the Presbyteral Council, and to deans. However, the proposal was rejected.

Based on previous discussions, a schema of the Monothematic Synod dealing with family pastoral matters was drawn up during 2011. However, its presentation to the College of Consultors, to the Presbyteral Council and to deans led to a rejection in May 2012.

<sup>38</sup> For comparison, the 2<sup>nd</sup> Plenary Council took place in Poland in the period after the Vatican Council II in 1991–1999, while ten diocesan synods have been held since 1976 before its inception, and this synodal activity continues in Poland. See GÓRALSKI, Wojciech, *Diocesan Synod Today*. In *What Shape?*, in: *Ecumeny and Law*, 7 (2020, I), Katowice, p. 9. It would be interesting to make a comparison with other countries, especially post-communist ones, but this would increase the scope of this contribution too much.

<sup>39</sup> MENKE, Monika, *Plenary Council in the Czech Republic (1997–2005)*, in: *Ecumeny and Law*, 8 (2020, II), Katowice, pp. 88–90; HRDINA, Antonín Ignác, *Patnáct let od ukončení plenárního sněmu katolické církve v České republice* [Fifteen Years since the End of the Plenary Council of the Catholic Church in the Czech Republic], in: *Revue církevního práva/Church Law Review* No. 79–2/2020, Praha, pp. 87–88.

<sup>40</sup> In describing this synod, I am referring to the unpublished materials provided to me in electronic form by the Chancellor of the Diocese of Ostrava-Opava, PhDr. Pavel Ramík.



The celebration of the ‘Little Priestly Synod’ was chosen as a practically possible starting point. It must therefore not be a proper diocesan synod, but a reduced version in its content (dealing only with the priesthood) and its composition (only priests, or also deacons via deanery meetings). The materials were completed by the autumn of 2012, and the synod was announced by the bishop to the priests through a letter of the bishop in April 2013.

The very Little Priestly Synod was proclaimed on the priestly pilgrimage in Mariahilf<sup>41</sup> in May 2013. From September 2013, for almost two years, the selected seven topics were discussed at the deanery meetings of priests (which are also usually attended by permanent deacons). Based on the minutes of these conferences and in cooperation with their moderators, a summary of the topics for the diocesan bishop was made which decided not to issue any official document based on the proceedings of the synod, let alone a legally binding document. The synod was concluded on the pilgrimage of priests to Mariahilf in May 2015.

Seven short documents were processed:

Theme 1 – Own priesthood spirituality,

Theme 2 – Facts that support priestly life,

Theme 3 – Factors threatening the life of the priest and his service,

Theme 4 – Status of the priest in the diocese,

Theme 5 – The role of the priest in the parish (as in the community of believers),

Theme 6 – Position of the priest in the village/town – relationship to secular society,

Theme 7 – Challenges for the life and service of priests in our conditions.

The choice of an ‘informal synod’ proved to be the maximum that could be achieved in the given situation. The synod primarily influenced communities of priests in the deaneries, where the priests were taught to engage in a meaningful discussion and were learning to express their views on the life of priests in the diocese.

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<sup>41</sup> Mariahilf is a pilgrimage site of the Ostrava-Opava diocese.

## Conclusion

Although this paper focuses on recent synodic activities in the Czech lands, it is concluded that there were not many of them. This has been largely due to ecclesiastical and political circumstances. On the one hand, centralization tendencies since the Vatican Council I and the ecclesiology of the time left only an extremely small space for the particular legislation of the diocesan bishop. On the other hand, for long periods of time political circumstances have led to the difficulty or impossibility of synodal activities: a period of tough Catholic jurisdictionalism (called Josephinism) until the middle of the 19<sup>th</sup> century, both World Wars, and the Communist dictatorship in the 20<sup>th</sup> century.

Diocesan synods were few: a series of diocesan synods in the Bohemian Church Province in 1863 following the provincial council of 1860, three other synods in the 1870s, and three synods in the early 20<sup>th</sup> century. During this period, no diocesan synod (or provincial council) was held in the Moravian ecclesiastical province, established in 1777.

After the World War I and the rise of Czechoslovakia in 1918, it was necessary to solve both church-political issues and intra-church problems associated with the departure of part of the faithful and clergy into the Czechoslovak Church founded in 1920. After the situation was settled in the second half of the 1920s, there was celebrated the only diocesan synod, in Brno in 1934 – hence a separate subchapter of this paper is devoted to it. The Olomouc Archdiocese was instead oriented from the beginning of the 20<sup>th</sup> century to the unionist congresses in Velehrad.

In the first years after World War II (1945–1948) it was necessary to restore the disturbed church structures. Therefore, no diocesan synod took place at this time.

The period of the Communist Party's domination (1948–1989) was a struggle for the survival of the churches in a situation of great oppression, so no diocesan synod took place.

After the fall of the communist regime at the end of 1989, it was initially necessary to restore Church life and structures. Since some dioceses were unprepared to celebrate diocesan synods, a plenary council was held in 1997–2005, to be followed by diocesan synods. Only the Ostrava-Opava diocese has tried to hold such a synod, but it opted in the end for the informal 'Little Priestly Synod' in 2013.

It should be noted, therefore, that the celebration of the diocesan synods is indeed a largely unused instrument in the territory of the Czech Republic. In addition to grudging external circumstances, this has also led to a certain prevailing clericalization of Church life (lack of trust in the lay element) in the Czech lands. And even, paradoxically, the development of other coordination platforms, based at the ecclesiology of Vatican Council II, led to the use of the following less formal and more operational tools: the presbyteral council (can. 495–501), the college of consultors (can. 502) and especially the pastoral council with the participation of the laity. This is also evident in the required periodicity of the diocesan synods. The Council of Trent required their annual meetings. The Vatican Council I included in its working materials a proposal for a triennial meeting. The Code of Canon Law of 1917 prescribes a meeting at least once every ten years. Finally, the Code of Canon Law of 1983 leaves the convening of a synod to the diocesan bishop after discussion in the priestly council. This completed the transformation of the diocesan synod from a common and regular instrument of pastoral care in the diocese to a sporadic assembly, convened primarily to discuss longer-term strategic goals.

As the development of longer-term strategies requires co-operation on a larger scale, usually in national assemblies, it is more likely that diocesan synods will follow these larger assemblies in the future, as far as they are successful. It therefore leads to the conclusion that the future of synodal activities at the diocesan level in the Czech Republic cannot be viewed with great optimism at present time.

## Summary

This article is dedicated to synodal activities, that is, the celebration of provincial councils and diocesan synods, in the Czech lands. It shows that they were rather exceptional. This was caused both by the then legislation of canon law based on contemporary ecclesiology and by ecclesiastical-political circumstances, but also by the development of other structures of coordination and cooperation, especially the establishment of other advisory bodies of the diocesan bishop after Vatican Council II. Since the promulgation of the Code of Canon Law of 1917, only one proper diocesan synod has been held in Brno, in 1934. Further, after the plenary council of the Church in the Czech Republic (1997–2005), only one attempt was made for the diocesan synod in the Diocese of Ostrava-Opava, which resulted in an informal ‘Little Priestly Synod’ of 2013, which was the maximum attainable.

## Resumé

### **Diecézní synody v českých zemích – nepoužívaný nástroj?**

Článek se věnuje konání diecézních synodů v českých zemích. Ukazuje, že byly spíše výjimečnou záležitostí. Způsobily to jak tehdejší legislativa kanonického práva vycházející z dobové ekleziologie, tak církevně-politické okolnosti, ale také rozvoj dalších struktur koordinace a spolupráce, především zřízení dalších poradních orgánů diecézního biskupa po Druhém vatikánském koncilu. Od promulgace Kodexu kanonického práva z roku 1917 se konal jediný řádný diecézní synod v Brně roku 1934. Po plenárním koncilu církve v České republice (1997–2005) byl učiněn pouze jediný pokus o diecézní synod v diecézi ostravsko-opavské, který vyústil v konání neformální „malé kněžské synody“ roku 2013, což bylo dosažitelné maximum.

**Key words:** Catholic Church, council, synod, conference of bishops

**Klíčová slova:** Katolická církev, koncil, synod, biskupská konference

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