

HISTORIA DEL DERECHO CANÓNICO

CUT OFF FROM THE HOLY SEE.
 THE SPECIAL AND “VERY SPECIAL” FACULTIES GRANTED
 DURING THE SECOND WORLD WAR AND
 THE EARLY COLD WAR

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RESUMEN


La historia de las “facultades especiales” durante el siglo XX no es totalmente novedosa para la historiografía. Sin embargo, no existe ningún estudio exhaustivo sobre esta tipología de concesión papal, ni sus cronologías o las motivaciones para su dación. El presente artículo trata de responder a estas cuestiones a través de la documentación de la Secretaría de Estado vaticana. Se demuestra cómo, en la Segunda Guerra Mundial, el pontífice delegó –sobre todo, en los nuncios, pero también a ciertos obispos– un gran número de poderes hasta entonces gestionados privativamente por su persona. Tras el fin del conflicto, Roma prosiguió con esta práctica en Hungría y

ABSTRACT

The history of “special faculties” in the twentieth century is not entirely new to historical research. However, no comprehensive analysis of the types of faculties concerned, the stages in which they were granted, and the reasons for granting them has yet been published. This paper aims to fill this gap, using documents from the Vatican Secretariat of State. It shows how, during the Second World War, the Vatican delegated – primarily to nuncios, but also to certain bishops – a significant number of powers otherwise reserved to the Pope. After the war, Rome continued this practice in relation to Hungary and Poland. There, the absence of conventional Vatican

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Polonia. La ausencia de una representación vaticana convencional obligó al papa a erigir a las cabezas de la Iglesia en ambos estados como sus representantes fácticos. Así, se evocará la deliberada estrategia para posibilitar que las jerarquías locales, pese al control soviético, pudiesen tomar decisiones relevantes por sí mismas.

PALABRAS CLAVE

Bloque soviético – Facultades especiales – Guerra fría – Santa Sede – Segunda guerra mundial.

representation forced the Pope to make the leaders of the local Church his de facto representatives. The findings of this paper support the observation that Rome developed a deliberate strategy for the eventuality that local hierarchies under Soviet control might have to make even major decisions on their own.

KEY WORDS

Cold War – Holy See – Soviet Bloc – special faculties – World War II.

INTRODUCTION**

In January 1949, the Hungarian authorities published a “Yellow Book” of documents pertaining to the “Mindszenty case”. Among them were extracts of confidential letters exchanged between the Cardinal Primate and Gedeon Péterffy, rector of the Hungarian Pontifical Institute in Rome. These revealed that correspondence between the Vatican and the archbishop of Esztergom, József Mindszenty, had been carried by the Swiss diplomatic courier with the consent of the Swiss government¹. *La Tribune de Genève*, in its issue of 23 January 1949, described the information as groundless², but it was in fact true: the Swiss government agreed in December 1946 to deliver confidential Vatican documents to Mindszenty via its diplomatic courier³. To prepare for any attacks, Julien Rossat, the head of the Consular and Administrative Department of the Swiss foreign ministry⁴, immediately requested the nuncio in Berne, Filippo Bernardini, to state the grounds on which the Holy See was using the Swiss courier service to carry correspondence for the Hungarian cardinal. In his reply, Bernardini mentioned the diplomatic nature of Mindszenty’s function as quasi apostolic delegate: in 1946, in several stages, Mindszenty had been granted special powers from the pope

** AA.EE.SS. = Affari Ecclesiastici Straordinari; AAV. = Archivio Apostolico Vaticano; ASRS. = Archivio Storico della Segreteria di Stato Sezione per i Rapporti con gli Stati e le Organizzazioni Internazionali; can. = canon; f. = foglio; PL. = Prímási Levéltár [Primate Archives, Esztergom, Hungary]; Pos. = Posizione.

¹ *Documents sur l'affaire Mindszenty* (Budapest: Athanaeum, 1949) 75-76.

² *Accusation infondée – Le Livre jaune hongrois s'en prend à notre pays*, in *La Tribune de Genève* (23 January 1949). Newspaper cutting may be seen at: AAV, Segr. Stato, Titoli (1936-2005), 1949, Rappresentanze pontificie, Pos. 31., f. 5.

³ Letter of Swiss nuncio Filippo Bernardini to Vatican Secretariat of State substitute Giovanni Battista Montini. Bern, 25 January 1949. AAV, Segr. Stato, Titoli (1936-2005), 1949, Rappresentanze pontificie, Pos. 31., ff. 3r-4v.

⁴ SCHERER, Sarah Brian, *Julien Rossat*, in *Dictionnaire Historique de la Suisse*, Version du 12.11.2010, <https://hls-dhs-dss.ch/fr/articles/027672/2010-11-12/> (accessed 5 December 2023).

enabling him to perform almost the full range of tasks of an apostolic delegate. Since apostolic delegates were everywhere due the highest diplomatic privileges, the Swiss government was acting fully within the rules when it permitted Mindszenty and the Vatican to send their correspondence by its diplomatic courier service⁵.

To understand what was meant by the “quasi apostolic delegate” function referred to by Bernardini, we must look at the history of “special faculties”. The subject is not completely new to historical and canon law research, but previous studies have always been confined to faculties granted to papal legates under normal circumstances⁶ or give a bottom-up view of the subject during the period of the communist dictatorship, relying principally on Czechoslovakian and Polish church sources and documents of nunciatures⁷. No comprehensive analysis of the types of faculties concerned, the stages in which they were granted, and the reasons for granting them has yet been published. Here, we set out to fill this gap using Secretariat of State documents that have recently been opened to research. Our study therefore takes a top-down approach based on central Vatican sources, enabling a more accurate assessment of where and why, and based on what precedents, the Vatican applied various extraordinary, special and very special faculties in the period between 1939 and 1949.

We begin with an outline of the functions and powers of apostolic delegates and then, starting from the background documents preparatory to the Secretariat of State’s reply to the report of the nuncio in Berne, we elucidate the reasons why a certain level of the extraordinary measures taken during World War II, involving the grant of special faculties, were subsequently maintained for church leaders in certain Central and East European countries following their absorption into the Soviet sphere of interest. These arrangements enabled pastoral needs to be met in conditions of obstructed communication between Rome and the Catholic communities in these countries. To ensure that pastoral challenges could be met, the Vatican delegated – to the nuncios, in the first instance – a substantial number of the powers otherwise reserved to the pope. If the papal diplomats were obstructed or absent, however, exceptional powers were also granted to one or more local bishops. In the new circumstances after the war, Rome continued this practice in respect of Hungary and Poland. There, the absence of conventional Vatican representation obliged the Pope to make the leaders of the local church

⁵ Letter of Swiss nuncio Filippo Bernardini to Vatican Secretariat of State substitute Giovanni Battista Montini. Bern, 25 January 1949. AAV, Segr. Stato, Titoli (1936-2005), 1949, Rappresentanze pontificie, Pos. 31., ff. 3r-4v.

⁶ ZIELONKA, Dariusz J., *The Influence of the Second Vatican Council on the Function of Papal Legates. Comparative Analysis of the 1917 and 1983 Codes of Canon Law and Selected Special Faculties*, Doctoral Dissertation, The Catholic University of America (2013), <https://cuislন্দora.wrlc.org/islandora/object/etd:395/datastream/PDF/view> (accessed 5 December 2023).

⁷ VYBÍRALOVÁ, Eva, “Mexican faculties” provided by Pope Pius XII and the hidden Church in Czechoslovakia during the communist period (1948-1989), in *Periodica de re canonica*, 111 (2022) 3, 469-490; KRUKOWSKI, Józef, *The Standpoint of the Holy See on Communism. From Benedict XV to John Paul II*, in *Philosophy and Canon Law* 3 (2017) 129-147; VYBÍRALOVÁ, Eva, *Pokroky v bádání o papežských mimořádných fakultách. K dějinám církve ve střední a jihovýchodní Evropě*, in *Revue Církevního Práva*, 84 (2021) 3, 29-45.

his de facto representatives, “quasi apostolic delegates”, primarily in pastoral and disciplinary matters.

I. APOSTOLIC DELEGATES AND THEIR FACULTIES

Vatican diplomacy has a fundamentally pastoral purpose. Consequently, since Pope Gregory XIII (1572–1585), permanent papal envoys have a well-defined dual mission, representing the pope firstly to the secular government and secondly to the local church⁸. Owing to this primarily pastoral orientation, the pope also sends representatives to local Catholic communities even in countries with which the Holy See does not have diplomatic relations. In such places, the mission of permanent diplomats representing the pope are exclusively directed at the local church, and are called apostolic delegates. Unlike the diplomats with the dual mission (nuncio, internuncio and chargé d'affaires), their only functions are to monitor the internal affairs of the Church, uphold Catholic doctrines and church discipline and, by virtue of their delegated powers, grant dispensations, licences, indulgences, privileges and permissions on behalf of the pope⁹. This function of papal diplomats was particularly significant prior to the Second Vatican Council, because under the ecclesiology of the time and the associated canon-law practice, diocesan bishops held their powers not in their own right but as concessions granted by the pope. Faculties extended every five years (*facultates quinquennales*) allowed the bishops to manage some pastoral affairs, but the powers to settle cases in many categories were reserved by the Holy See. The papal diplomats could settle some of these cases under their delegated faculties, and transmitted the remainder to the competent Vatican dicasteries.

The rights delegated to papal envoys by the various Vatican congregations were specified in the “faculty list” (*Index facultatum*). The list in effect during our period, issued in 1919 and with an annex added in 1922, divided the delegated faculties under six headings¹⁰. The first section contained the general faculties, such as visitation authorizations, the imposition and lifting of various censures, the grant of dispensations from impediments and the issue of special permissions. The second section set out the powers to grant full or partial indulgence under specified circumstances, and the third listed the authorizations for marriage matters. The fourth heading concerned the papal envoys’ powers relating to holy rites

⁸ On the history of Vatican diplomacy, see GRAHAM, Robert A., *Vatican Diplomacy: Study of Church and State on the International Plane* (Princeton, NJ, 1959); BLET, Pierre, *Histoire de la représentation diplomatique du Saint-Siège: des origines à l'aube du XIXe siècle* (Città del Vaticano: Archivio Segreto Vaticano, 1982); FELDKAMP, Michael F., *Geheim und effektiv. Über 100 Jahre Diplomatie der Päpste* (Augsburg: Sankt Ulrich, 2010).

⁹ *Codex Iuris Canonici Pii X Pontificis Maximi iussu incohatus, Benedicti Papae XV auctoritate promulgatus* (Romae 1917), can. 267.

¹⁰ SACRA CONGREGATIO CONSISTORIALIS, “Nuovo elenco delle facoltà dei Nunzi, Internunzi e dei Delegati Apostolici”, in *Il Monitore Ecclesiastico*, 32 (1920), 137–146.

and the administration of the sacraments; the fifth, powers concerning monks; and the sixth, individual faculties and privileges¹¹.

II. THE SECRETARIAT OF STATE'S REPLY TO BERNARDINI

The grounds for the Vatican's use of the Swiss diplomatic courier service that Bernardini presented to the Swiss foreign ministry official, Rossat, were that the Vatican had granted Cardinal Mindszenty faculties that made him something similar to an apostolic delegate. He derived his argument primarily from the special powers in the faculty list. Rossat, although he was convinced by Bernardini's argument, requested the Vatican not to send new correspondence until such time as the waves made by the Hungarian accusations subsided. This request also applied to Poland, the Swiss diplomatic service having also carried correspondence to and from Warsaw, which was similarly bereft of a nunciature¹².

At the request of the Swiss foreign ministry, and because even he was not entirely certain of the grounds for his arguments, Bernardini asked the Secretariat of State to tell him whether the Hungarian and Polish primates really had received the faculties of an apostolic delegate, and if so, when it happened and how well it was known to the wider public¹³.

According to memoranda prepared in the Secretariat of State on 5 and 6 February 1949¹⁴, the reply to the Nuncio in Berne, signed by the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini, was ready by 10 February. In the letter, the Secretariat of State confirmed that starting in 1946, August Hlond, archbishop of Gniezno-Warsaw, Adam Stefan Sapieha, archbishop of Kraków, and Cardinal Primate József Mindszenty were granted "very wide-ranging and numerous [faculties] applicable to the whole country". In addition, these archbishops were given some general functions usually reserved for papal representatives, such as informing the Vatican of religious conditions in the country and making reports on the affairs of the Catholic Church. The letter stated furthermore that after Hlond's death on 12 November 1948, the faculties and functions granted were passed on to the new archbishop of Gniezno-Warsaw, Stefan Wyszyński. Finally, it noted that the granting of faculties had been made public to the extent of instructing the bishops and the clergy that in respect of various absolutions and exemptions, instead of petitioning the Roman congrega-

¹¹ VERMEERSCH, Arthur, *Epitome Iuris Canonici: cum commentariis ad scholas et ad usum privatum*, 5th Edition (Romae-Mechliniae: H. Dessain, 1933) 634-640.

¹² Letter of Swiss nuncio Filippo Bernardini to Vatican Secretariat of State substitute Giovanni Battista Montini. Bern, 25 January 1949. AAV, Segr. Stato, Titoli (1936-2005), 1949, Rappresentanze pontificie, Pos. 31., ff. 3r-4v.

¹³ Letter of Swiss nuncio Filippo Bernardini to Vatican Secretariat of State substitute Giovanni Battista Montini. Bern, 25 January 1949. AAV, Segr. Stato, Titoli (1936-2005), 1949, Rappresentanze pontificie, Pos. 31., ff. 3r-4v.

¹⁴ Poggi's official memorandum from 5 February 1949. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 291, f. 86rv.

tions, they should approach the cardinal primate in Hungary and the archbishops of Kraków and Gniezno-Warsaw in Poland¹⁵.

The reply thus implicitly confirmed Bernardini's stance that the use of the Swiss diplomatic courier was lawful because the recipient archbishops were quasi apostolic delegates. Nonetheless, the Secretariat of State stopped short of actually confirming this assessment, and one paragraph in the preparatory documents, present even in the final draft, was left out of the reply: "It thus seems that the Cardinal Primate of Hungary, His Eminence Sapieha and His Excellency the Primate of Poland, at least in the broad sense, may be regarded as apostolic delegates"¹⁶. There was another respect in which the reply to the Berne nuncio differed from the preparatory documents. Tardini decided¹⁷ that a full, chronological list¹⁸ of the documents granting "wide-ranging and numerous" faculties to the heads of the Polish and Hungarian churches should not be included in the final text, and the nuncio should be informed merely that they had been granted. A list in the Secretariat of State memorandum and a summary written in spring 1944¹⁹, however, provides a good starting point for reconstructing the history of the gradual granting of special faculties and the reasons for the special arrangements.

III. SPECIAL FACULTIES DURING THE SECOND WORLD WAR

The outbreak of the war and the gradual geographical spread of hostilities created the need for special measures as the Holy See and its representatives found communication with the local churches increasingly difficult, if possible at all.

The first event was the breakdown of normal contact with Poland in late September 1939, creating severe problems for the local church. The western part of the country was annexed to Germany, and the nuncio, Filippo Cortesi, was expelled on 1 November. Many priests and monks were arrested. In the eastern areas under Soviet occupation, there was a need to prepare for the anticipated suppression of the church. Pius XII responded first – on 30 November 1939 – by granting the Polish ordinaries special faculties to assist the local clergy in their work. He also made arrangements for the maintenance of jurisdictional continuity in case of impediment or imprisonment. The document lists twenty-three different faculties, and primarily concerned the leaders of the Church in areas under Soviet

¹⁵ Draft dispatch number 887/49. of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Swiss nuncio Filippo Bernardini. 10 February 1949. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 291, ff. 77r-78r.

¹⁶ Draft dispatch number 887/49. of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Swiss nuncio Filippo Bernardini. 10 February 1949. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 291, ff. 77r-78r.

¹⁷ Handwritten note by Domenico Tardini in Luigi Poggi's official memorandum. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 291, f. 86v.

¹⁸ Luigi Poggi's official memorandum, 5 February 1949. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 291, f. 86rv.

¹⁹ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, ff. 285-301. Amended version of paragraph 5 of the document: *Ibid.*, ff. 302-305.

occupation, because some contact with the bishops of the western region annexed to Germany was retained via the Berlin nuncio, Cesare Orsenigo²⁰. Subsequent experience and emerging needs prompted the faculties already granted to church leaders in the areas under Soviet occupation to be expanded on 22 May 1940. Some of these, as before, facilitated service for priests who had been deported, imprisoned or forced into hiding, but the ordinaries also received several new powers for two years, particularly for marriage-related matters and dispensation from religious vows²¹. Further difficulties led to special faculties also being granted to ordinaries in the "Warthegau" region in December 1941, and finally, in December 1942, the previously-granted powers were consolidated into a common list for all Polish ordinaries²².

The western campaigns of spring 1940 caused the bishops of the Netherlands, Belgium and Luxembourg to lose contact with the Vatican, followed by those in the German-occupied northern region of France. The French bishops in the occupation zone could not even maintain contacts via the apostolic nuncio assigned to the Vichy government. To deal with the new situation, the bishops of the Netherlands, Belgium, Luxembourg and German-occupied France were granted – in document number 5928/40 of 7 July 1940 – wide-ranging powers for the main pastoral functions, essentially for the administration of mass and the altar sacrament, marriage, absolution from serious crimes and exemptions from punishment. The decree, like that for the Polish case, was issued by the Congregation for Extraordinary Ecclesiastical Affairs with the involvement of other competent congregations. It included two new elements: a warning to the ordinaries that they may exercise the faculties only with the restrictions applying to the exercise of Canon 81²³, and a requirement for church leaders to submit, at a suitable time, summary reports on the use of the faculties they were granted²⁴.

As this was going on, Italy also entered the war (in June 1940), making communication even more difficult for the Holy See and its representatives. The new problems first concerned communication with Britain, the country that was standing up to the Axis powers. In 1940, the apostolic delegate in London, William Godfrey, was granted the same faculties that decree 5928/40 had conferred on the bishops of the Netherlands, Belgium, Luxembourg and France, with the

²⁰ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, ff. 286-287. The bishops in the "Warthegau" region received various faculties in 1941. See: ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, f. 288.; VYBÍRALOVÁ, Eva, "Mexican faculties", cit. (n. 7.) 474.

²¹ "Supplemento di facoltà per il territorio polacco occupato dai russi". 15 April 1940. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 636, ff. 2-11.; VYBÍRALOVÁ, Eva, *Pokroky v bádání*, cit. (n. 7.) 35.

²² Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., f. 288.

²³ Canon 81 permitted ordinaries in the case that "recourse to the Holy See is difficult and there is also grave danger of harm" to grant dispensations in matters "from which the Apostolic See is wont to dispense." *Codex Iuris Canonici 1917*, can. 81.

²⁴ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., ff. 289-290.

addition that the local ordinaries should from then on approach him in all matters in which they usually petitioned the Holy See. In 1943, Godfrey received an instruction to submit a detailed report on how he had exercised these powers²⁵.

When the United States entered the war in December 1941 and overseas communication slowed down, the Vatican issued an instruction aimed at preventing improper recourse to Canon 81 and ensuring uniform practices conformant to Roman Curia precepts. When local ordinaries were unable to make direct contact with Rome within reasonable time, instead of applying the emergency provisions of Canon 81, they should take the matter to the apostolic delegate to Washington, Amleto Giovanni Cicognani. The Apostolic Delegate was instructed to collect the petitions, group them into types and forward them to the Holy See in an enciphered cable. The reply from the Roman Curia, also sent by cable, would form the basis for the Delegate to make judgements in specific matters and to issue, against the appropriate charge, rescripts that were similarly based on formulae provided by the Holy See. At the end of each year, he was to send a detailed report on the faculties and exemptions that had been issued²⁶.

For the Secretariat of State, the advantage of this procedure, in addition to preserving uniform legal practice and discipline, was that it maintained some degree of – albeit indirect – contact between the Vatican and the local ordinaries, so that the competent congregations were at least informed of the number of dispensations issued and could orient the decisions where necessary. Positive experiences in the United States prompted the extension of the practice to the other nuncios and apostolic delegates in the American continent in May 1942, and when postal communication with European papal representatives slowed down severely at the turn of 1943 and 1944, it was also introduced in the Old Continent²⁷.

The opening of new European fronts seemed to threaten a complete breakdown of communication. Anticipating the spread of military operations to Italian territory, the pope decided in May 1943 that even the Italian bishops, in case communication was cut, should receive the same faculties as had been granted on 7 July 1940 to the ordinaries of occupied Belgium, Luxembourg, France and the Netherlands. The decree to this effect was sent immediately to the Sicilian and Sardinian bishops, while the other South Italian bishops received it when the Allies landed in Sicily in August. Last came the bishops of Central and North Italy. The letter accompanying the decree included a reminder to the bishops, prompted by

²⁵ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., ff. 291-292.

²⁶ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., ff. 292-295.

²⁷ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., ff. 295-296., 305. See also: Draft letter from the Secretariat of State to the Secretary of the Congregation of the Holy Office, Francesco Marchetti Selvaggiani, to the Prefect of the Congregation for the Discipline of the Sacraments, Domenico Jorio and to the Secretary of the Congregation of the Affairs of Religious, Luca Ermenegildo Pasetto. 3 November 1943. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, f. 232.

recent experience, of the legal norms applying to any necessary deviations from general church laws, as stressed in the reference to Canon 81 in the document. To dispel the doubts that had emerged, the Secretariat of State, in January 1944, sent a specific instruction to the bishops of Central and North Italy, with whom it still had direct contact, concerning the precise interpretation of Canon 81 and the conditions that would necessitate the implementation of Decree 5828/40²⁸.

IV. THE "VERY SPECIAL" FACULTIES: 1943–1946

The special arrangements introduced gradually between 1939 and 1943 were designed partly to meet the challenges faced by bishops of various occupied regions when they lost contact with the Vatican, and partly for the case that ordinaries could not correspond directly with Rome but the Vatican remained in touch with papal envoys. As more and more of Europe became a theatre of war, the changing states of affairs in each country and the uncertain position of the Vatican itself were threatening contacts even with the envoys. Consequently, in spring 1943, after a study of historical precedents, the Secretary of State proposed to Pius XII that some nuncios, if contact became impossible (*ex nunc pro tunc*), should be granted "very special" faculties (*specialissime facultà*)²⁹. These "very special" faculties were eventually granted in the American continent to the Brazilian and Argentinian nuncios and to the Washington apostolic delegate, and in Europe to the nuncios in Madrid, Lisbon, Vichy, Dublin, Berne, Berlin, Budapest and Bucharest, the chargé d'affaires in Slovakia, the apostolic delegates in London and Istanbul, and in the land of Italy, the pope's Roman vicar and the patriarch of Venice³⁰.

The "very special" faculties included every absolution and dispensation that could be granted by the Vatican except for dispensation from the vow of clerical celibacy; dissolution of unconsummated marriage; and dispensation from the impediment of first degree consanguinity in the case of a consummated marriage. The document allowed dispensation from underage ordination of priests by up to eighteen months, but only in the case that the candidate had completed the

²⁸ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., ff. 296-297. See also the correspondence with Swiss nuncio Bernardini in which this was clarified: ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, ff. 120-121., 122rv.

²⁹ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., ff. 297-298. For the text of the very special faculties, see *ibid.*, ff. 306-308. The nuncios in Berne, Berlin, Vichy and Budapest, and the apostolic delegate in Istanbul, were granted the "very special" faculties by decree 5065/43 of 22 May 1943, while instruction 6439/43 of 3 December 1943 granted the same to the Bucharest nuncio, Andrea Cassulo. See: Official memorandum, 6 January 1946. ASRS, AA.EE.SS., Pio XII, Romania, Pos. 183, f. 71.

³⁰ Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605., ff. 299-300. Bernardini was informed about the "very special" faculties on 29 September 1943 (document number 3065/43). Cf. Letter number 19881 of Swiss Nuncio Filippo Bernardini to Cardinal Secretary of State Luigi Maglione. Bern, 30 October 1943. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, ff. 120-121.

required theological studies. It also restricted the possibility of rehabilitating priests suspended for attempted marriage. The wide-ranging powers did not include the right to appoint actual bishops or to set up new church organizational units, although in the case that a vacant episcopal seat could not be assigned to a vicar capitular, an *ad nutum Sanctae Sedis* apostolic administrator could be appointed, benefices reserved for the Holy See could be awarded, and diocesan episcopal powers could be conferred on a vicar capitular or an apostolic administrator. (In mission areas, the same applied to vacant apostolic vicariates and apostolic prefectures). Two faculty lists already in use elsewhere were attached to the document, not to narrow the range of faculties but to facilitate practical application: one contained powers to be used in case contact with the Vatican was lost³¹, and the other, powers for the case of open persecution of the Church³². The document granting the faculties also prescribed that the absolutions and dispensations should where possible be issued in accordance with given models, following the practice of the Roman Curia. Finally, it stated that every faculty previously granted to papal representatives or local ordinaries for a fixed period would be automatically extended until it was possible to make contact with the Holy See. The “very special” faculties applied to the papal envoy’s whole territorial competence, but was classified as a papal secret until the conditions for putting it into effect were fulfilled (loss of contact with the Holy See or restriction of correspondence to open cables). When this occurred, the holder of the powers had to instruct the ordinaries to approach him in all cases for which in normal circumstances they would submit a petition to Rome. If the nuncio was impeded, the “very special” faculties could be partly or wholly subdelegated, but after the emergency passed, their user was obliged to make a detailed report to the Vatican of each absolution and dispensation issued³³.

The first situation where the powers granted in Decree 5928/40 proved to be inadequate arose temporarily after the announcement of the Italian ceasefire agreement on 8 September 1943. Since Italy’s surrender completely cut off connections with many countries, the nuncios in Budapest, Madrid and Berne started to use the “very special” faculties. When contact was restored in October, the Secretariat of State warned the affected nuncios to stop using the “very special” faculties and return to the previous practice, as first introduced in the United States³⁴.

³¹ “Facultates in casu tantum verae necessitatis valiturae, nempe si professio catholicae fidei ac cultus exercitium aspere praepediantur, graviter onerata super existentia causae Ordinariam conscientiam”. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, ff. 331-335.

³² “Facultates pro sacerdotibus utriusque cleri, tum ritus latini cum orientalis, deportatis, captivis vel latitantibus, quamdiu persecutio durabit”. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, ff. 336-337.

³³ Testo della “facoltà specialissime”. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, ff. 306-308.; Text of the letter interpreting the applicability of the “very special” faculties. Ibid., 326-330.

³⁴ Secretariat of State memorandum, 26 January 1944. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, f. 283.; Draft letter from the Secretariat of State to the heads of the congregations. Undated. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605, ff. 299-300.

The “very special” faculties came back into use in Hungary when the front reached Budapest. After enquiries by the Budapest nuncio Angelo Rotta on 14 November 1944, the Secretary of State first sent detailed guidelines on their use³⁵ and then, in mid-December, granted permission to use them; he did the same for the Bucharest nuncio, Andrea Cassulo³⁶. Rotta, anticipating that he might be impeded, delegated the faculties *sub secreto* to the cardinal primate, Jusztinián Serédi, and after Serédi’s death, and before he himself was expelled from Hungary, to the archbishop of Kalocsa, József Grósz³⁷.

Since Central and Eastern Europe came under Soviet occupation at the end of the war, the Vatican could not foresee when the Church would be able to operate freely in the region after the cessation of hostilities. One sign of its negative expectations in this respect was that Xaverio Ritter, the previous nuncio in Prague, was promised all of the faculties (special and “very special”) granted to the nuncios during the war when his return to Prague was anticipated in summer 1945. A draft letter to Ritter written on 4 July 1945 stresses that if he was able to contact the Vatican from his station, he should follow the procedure devised during the war, first of all for the United States: the Roman congregations would – via cables to the nuncio – reply to the ordinaries’ requests for dispensations. Ritter was also granted the “very special” faculties for the case that confidential cable communication was lost³⁸. Since Ritter was delayed in reaching his station, a papal decision was made on 26 July 1945 to grant chargé d’affaires Raffaele Forni the same faculties as had been granted to Ritter, including the “very special” faculties granted on 4 July, except the faculties – even the usual ones – that required ordination as bishop³⁹.

See also the correspondence with Swiss Nuncio Bernardini between 30 October and 7 November 1943: ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, ff. 120-121., 122rv.

³⁵ Draft cable to Rotta, 11 November 1944. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, f. 411. 412rv. The pope approved the document on 14 November.

³⁶ The Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to the heads of the dicasteries, 19 December 1944. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, f. 414. Cassulo had already received permission to use the “specialissime facoltà” on 25 November, and he was advised on the conditions for their use on 16 December by instruction number 8022/44. Official memorandum. 6 January 1946, in: ASRS, AA.EE.SS., Pio XII, Romania, Pos. 183, f. 71.

³⁷ Budapest Nuncio Angelo Rotta to the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini. Istanbul, 21 April 1945. Published in SOMORJAI, Ádám, OSB (ed.), *Dai rapporti politici del nunzio apostolico in Ungheria Angelo Rotta. Parte II: 1938–1945. Angelo Rotta magyarországi nuncius politikai jelentéseiből. II. rész: 1938–1945* (Budapest: EFO Nyomda, 2022), p. 445.; Archbishop of Kalocsa, József Grósz, informed his clergy in a circular letter dated 27 July 1945 of the very special faculties he had received. “Nr. 1001. Facultates specialissimae Archiepiscopo Colocensi delegatae”, in *Litterae circulares ad venerabilem clerum Archidioecesis Colocensis et Bacsensis anno 1945. dimissae* (Kalocsa: Árpád Rt., 1945) 15.

³⁸ Draft cable number 4039/45 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Prague Internuncio Xaverio Ritter. 4 July 1945. ASRS, AA.EE.SS., Pio XII, Cecoslovacchia, Pos. 199, ff. 251r-252v.

³⁹ Memorandum ex audientia Sanctissimi, 26 July 1945. ASRS, AA.EE.SS., Pio XII, Cecoslovacchia, Pos. 199, f. 243.

On 8 July 1945, on the basis of the instruction drawn up for Ritter, the same faculties were granted to the Polish primate, the archbishop of Gniezno-Warsaw, August Hlond⁴⁰. Hlond himself had recommended⁴¹, upon his return from Western exile, that he should be granted de facto representation of the Vatican in Poland, since it was by then clear that the Warsaw nunciature would not be re-opening and a plan to send an apostolic visitor had been frustrated.⁴² The only differences from the instruction sent to the Prague nuncio were the explicit statements that Hlond's powers covered the entire territory of Poland – both the regions that had been under Soviet control since before the war and the regions returned to Poland from German annexation⁴³ – and that the faculties given to Polish ordinaries during the war were not being withdrawn⁴⁴.

Nonetheless, about a year after the end of the war, the Vatican decided it was time to review the special powers it had granted. The investigation led to the partial withdrawal, on 4 March 1946, of the “very special” faculties, but it also took account of the special faculties that would have to remain in place in Central and Eastern Europe in view of the continuing lack of stable communication with Czechoslovakia⁴⁵, Hungary⁴⁶ and Poland⁴⁷.

⁴⁰ The Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to the Secretary of the Consistorial Congregation, Raffaele Carlo Rossi. 26 June 1945. ASRS, AA.EE.SS., Pio XII, Cecoslovacchia, Pos. 199, f. 256.; Assessor of the Consistorial Congregation, Benedetto Renzoni to the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini. 28 June 1945, Ibid. 255.

⁴¹ Cardinal August Hlond to the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini and enclosures. Rome, 28 June 1945. Documents published by: WILK, Stanisław, SDB, *Nadzwyczajne uprawnienia Prymasa Polski Augusta kard. Hlonda w świetle dokumentów Stolicy Apostolskiej. Die Sondervollmachten des polnischen Primas August Hlond im Lichte der Dokumente des Heiligen Stuhls* (Lublin: Towarzystwo Naukowe KUL, 2020), 149-159.

⁴² See on this: “Polonia”. Official memorandum. 12 February 1945, in: ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 255, ff. 71rv-73.

⁴³ See: WILK, Stanisław, SDB, *Nadzwyczajne uprawnienia*, cit. (n. 41.), 81-82.

⁴⁴ “Facoltà concesse a S. E. il Card. Augusto Hlond”. 4 July 1945. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/I., ff. 46-47. The document is published in: WILK, Stanisław, SDB, *Nadzwyczajne uprawnienia*, cit. (n. 41.) 160-161; Tardini to Hlond. (4167/45.). 8 July 1945. ASRS AA.EE.SS., Polonia, pos. 262/I., ff. 52-56. Published by: WILK, Stanisław, SDB, *Nadzwyczajne uprawnienia*, cit. (n. 41.) 162-165. See the related handwritten memorandum: “Si concedono facoltà specialissime al Card. Hlond”. 8 July 1945. ASRS, AA.EE.SS., Polonia, pos. 262/I., f. 57rv. Published by: WILK, Stanisław, SDB, *Nadzwyczajne uprawnienia*, cit. (n. 41.) 166.

⁴⁵ Advice for the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini on the options for communication between Prague and Rome, 15 December 1945. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 670B, f. 489rv.

⁴⁶ See on this: FEJÉRDY, András, “*At the Moment, We Do Not Trust the Postal Service With Any Mail*”. *Alternative Channels of Communication Between the Holy See and the Catholic Church in Hungary After 1945*, in *Storia Contemporanea*, 2 (maggio-agosto 2022), 67-83.

⁴⁷ See e. g. The Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to France Nuncio Angelo Giuseppe Roncalli. 31 December 1945. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/I, f. 598.; Official Memorandum. 7 January 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/I, f. 599.

V. "WIDE-RANGING AND NUMEROUS" FACULTIES
GRANTED TO THE POLISH AND HUNGARIAN CARDINALS

Two of the cardinals created by Pius XII at the consistory of 18 February 1946 were József Mindszenty and the archbishop of Kraków, Adam Stefan Sapieha. Since this brought the number of cardinals in Poland to two, a proposal was formulated in the Secretariat of State in early February that this was the time to withdraw Hlond's "very special" faculties. The document, signed by Antonio Samoré, also proposed that the pope should, as before, grant the Polish cardinals certain specified powers, but should divide their competences on a regional basis⁴⁸. Although Tardini continued to hold the sending of an apostolic visitor to be the most advisable move in this very complex situation⁴⁹, Samoré's proposal was accepted, and the new list of faculties for Poland was drawn up on the basis of those granted by various congregations during the Second World War to the nuncio in Madrid (and partially to the nuncio in Lisbon), and – under Decree 5928/1940 – to the French bishops in occupied territory⁵⁰. After this was approved by Pius XII on 28 February 1946⁵¹, Tardini, on 4 March, informed Hlond of the withdrawal of the "very special" faculties and the new grant of powers to both of the Polish cardinals⁵².

In the meantime, on 30 January 1946, citing the impediments to communion, József Mindszenty asked the pope to grant him – for the period until the Budapest nunciature was restored – the special faculties that had been held during the war by the cardinal primate of the time, Jusztinián Serédi, and which Angelo Rotta, upon his expulsion, delegated to the archbishop of Kalocsa, József Grósz, with effect over the whole territory of Hungary⁵³. Since the Secretariat of State had already decided to withdraw the "very special" faculties, partly because of cases of ill-considered application in Poland⁵⁴ it declined to fulfil the Hungarian primate's request. Instead, on 26 February 1946, Pius XII gave his approval

⁴⁸ Official Memorandum. 5 February 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 9-19.

⁴⁹ Handwritten note by Domenico Tardini, 10 February 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, f. 21.

⁵⁰ Official memorandum. 5 February 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 9-19.

⁵¹ Official memorandum. 4 March 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, f. 31. For the final list of faculties, see *Ibid.*, ff. 25-30.

⁵² Letter number 1627/46 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Cardinal August Hlond. 4 March 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, f. 33rv. Published by: WILK, Stanisław, SDB, *Nadzwyczajne uprawnienia*, cit. (n. 41.), pp. 248-249. A letter of similar content, number 1628/46, was sent to Cardinal Adam Stefan Sapieha the same day: ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, f. 34.

⁵³ Letter number 486/1946 of Cardinal József Mindszenty to Pope Pius XII. 30 January 1946. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, ff. 478rv.

⁵⁴ This remark appears in several internal Secretariat of State documents. The ill-considered applications are stated most precisely in a memorandum of 24 July 1946: "uso imprudente delle facoltà specialissime, – che si riferivano particolarmente alla nomina di amministratori

for Mindszenty to be granted wide-ranging powers on the basis of the faculty list prepared for the Polish cardinals⁵⁵. Mindszenty happened to be in Rome at the time, and on 4 March⁵⁶, he was granted the same powers as were held by the Polish cardinals⁵⁷.

Mindszenty did not, however, consider these powers adequate to deal with the difficulties in communication. In April, he petitioned the pope again for the “very special” faculties previously held by the archbishop of Kalocsa, József Grösz, until “postal communication is restored and is running smoothly”⁵⁸. The Holy See, while admitting that regular and secure correspondence was not yet possible, did not see the situation as sufficiently serious to warrant a change in its decision⁵⁹. Consequently, on 11 July 1946, it told the Hungarian Primate that he must be satisfied with the powers he already held⁶⁰.

Shortly afterwards, a letter from Cardinal Sapieha arrived in Rome requesting the expansion of his own and Hlond’s powers. Similarly to Mindszenty, he claimed that the faculties granted were inadequate for the matters they had to deal with. He gave a list of the further powers the Polish cardinals needed⁶¹. Rather than the “very special” faculties requested by Mindszenty, Sapieha wished only some of the powers that had been granted to the apostolic delegate to Washington on 30 July 1940. The Secretary of State’s initial assessment essentially echoed the decision already made for Hungary: it would either delay the reply until communication with Poland improved or tell the Polish cardinals to make do with the powers already granted. In urgent cases, they could have recourse to the emergency rights provided by Canon 81⁶².

apostolici.” “Nuove facoltà richieste dal Card. Arcivescovo di Cracovia”. Official memorandum. 24 July 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II., ff. 71.

⁵⁵ “26-I-’46. E[x] A[udientia] S[ancitissimi]. Preparare nuova lista, come per Polonia. D.T.” Domenico Tardini’s handwritten remark on the document of 25 February 1946. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici., Pos. 605alfa, f. 479.

⁵⁶ Letter number 1634/46 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Mindszenty. Vatican, 4 March 1946. PL., 1515/1946.

⁵⁷ The two faculty lists have the same pagination. The text sent to the Hungarian cardinal is given in: PL, 1515/1946. For another copy, see ASRS, AA.EE.SS., Stati Ecclesiastici., Pos. 605alfa, ff. 482–487. For the text sent to the Polish cardinals, see ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 25–30.

⁵⁸ Letter number 1949/1946 of Cardinal József Mindszenty to Pope Pius XII. Esztergom, 11 April 1946. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, f. 489.

⁵⁹ Memorandum on Mindszenty’s request for faculties, 19 June 1946. ASRS, AA.EE.SS., Pio XII, Stati Ecclesiastici, Pos. 605alfa, f. 490rv. At the head of the document: “21-VI-1945. E[x] A[udientia] S[ancitissimi]. Gaudeat impetratis!”

⁶⁰ Cf. “Facoltà specialissime”. Official memorandum, 10 July 1947, in: ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, ff. 281r–282r. The document contains a reference to the letter of reply number 5149/46, 11 July 1946.

⁶¹ Letter number 8776/46 of Cardinal Adam Stefan Sapieha to the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini. Kraków, 5 June 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, f. 65. Enclosure with the letter: “Index facultatum quae desiderantur”, Ibid., ff. 66–67.

⁶² “Nuove facoltà desiderate da Sapheia”. Official memorandum. 20 July 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 68–69.

Four days later, on 24 July 1946, an auditor in the Secretariat of State, Sebastiano Baggio, wrote a memorandum challenging the first proposal. Reviewing the pros and cons of granting further faculties, he concluded that since Sapieha, unlike Mindszenty, was not asking for the previously-withdrawn "very special" faculties but certain powers based on specific requirements, there could be good reason for fulfilling his request. Baggio went on to examine each of the faculties requested by Sapieha. Comparing them with the list of faculties granted to the papal envoys, he concluded that since the Holy See had no representative in Poland, and bilateral communication with that country was even more difficult than with countries outside Europe, there may be good reason for granting the faculties held by papal diplomats serving in distant continents. He also recommended the award of the faculties beyond those currently held by the two Polish cardinals that did not appear in the *Index facultatum*. For some other powers, he saw the need to solicit the opinion of the competent congregations. The only request he thought should be rejected concerned the establishment of a third-level church court in Poland. This had not even been among the "very special" faculties withdrawn in March⁶³.

Pius XII gave his approval for Baggio's proposal on 29 June 1946⁶⁴, and in autumn, the Secretariat of State, with the involvement of the competent congregations, thoroughly examined the possibility of granting additional faculties⁶⁵. The urgency of the matter is clear from a request submitted by August Hlond in his report of 18 August 1946. Like Mindszenty and Sapieha, he wished for the range of special faculties to be extended⁶⁶. The examination was completed in late October and resulted in a list of further faculties to be provided to the two Polish cardinals. The list contained thirty-two new faculties, grouped according to the congregations delegating them, and it was sent to the cardinals on 28 October 1946. One of the faculties afforded permission to set up a third-level church court in Gniezno or Krakow⁶⁷. Nearly all powers considered necessary for the full provision of pastoral services was granted to Hlond and Sapieha for as long as the extraordinary circumstances persisted. The two cardinals were also reminded that in cases not covered by the list, they could proceed in accordance with Canon 81⁶⁸.

⁶³ "Nuove facoltà richieste dal Card. Arcivescovo di Cracovia". Official memorandum. 24 July 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 71-73.

⁶⁴ Memorandum ex audientia Sanctissimi. 29 July 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, f. 70.

⁶⁵ For the correspondence among the dicasteries concerning this, see ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 96-173.

⁶⁶ Excerpts summarizing Hlond's letter of 18 August 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 74-75.

⁶⁷ Latin faculty list number 7800/46. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 173-178.

⁶⁸ Draft letter number 7861/46 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Cardinal August Hlond. 28 October 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 188-189.; Draft Letter number 7862/46 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to

Although the services of the Swiss diplomatic courier enabled the Holy See to restore regular communication with the Hungarian church in December 1946, Mindszenty again petitioned the pope for the “very special” faculties on 9 June 1947, on the grounds that the position of the Church was gradually deteriorating⁶⁹. As advised by the Secretariat of State, Pius XII still did not think the time had come to grant the Hungarian primate the “very special” faculties (with the option of subdelegation) that had been granted to the nuncios during the war, when communication had completely broken down, and been withdrawn at the war’s end. Nonetheless, in the light of the difficulties of communication and the increasingly severe political pressure on the church in the two countries, the Pope decided to expand Mindszenty’s powers with the additional faculties granted to the Polish cardinals August Hlond and Adam Stephan Sapieha in autumn 1946⁷⁰. Later, in response to the Hungarian Primate’s petition of 21 November 1947⁷¹, the Vatican extended his powers with a further four elements on 15 February 1948: he could give permission for priests to celebrate mass elsewhere than in a church in case of need; for partially-sighted priests to say the votive mass of the Virgin Mary or mass for the dead every day and substitute the reading of the breviary with the full rosary or the saying of another votive prayer; and, under certain conditions, for children of illegitimate birth to enter a seminary⁷².

VI. THE RESTORATION OF “VERY SPECIAL” FACULTIES IN 1948

The gradually deteriorating position of Catholicism in Central and Eastern Europe in 1948 prompted the Vatican to grant, or restore, the “very special” faculties to heads of the church in certain countries. The withdrawal of these powers on 4 March 1946 had not been complete in any case. The “very special” faculties granted to the Bucharest nuncio Andrea Cassulo in 1943 remained in effect until his enforced departure in 1946, and by order of the pope, all of his powers were inherited by Patrick O’Hara, the regent of nunciature appointed

Cardinal Adam Stefan Sapieha. 28 October 1946. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, f. 190rv.

⁶⁹ Letter number 3775/47 of Cardinal József Mindszenty to Pope Pius XII. Esztergom, 9 June 1947. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, f. 267.

⁷⁰ Memorandum on the special faculties granted to the Hungarian bishops, 10 July 1947. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, ff. 281r-282r. For a list of the faculties involved, see *Ibid.*, ff. 268ar-by (compilation of 18 August 1947.) Differences from the faculties given to the Poles are listed in: Memorandum on the new Hungarian faculties, 31 July 1947, *Ibid.*, 269rv; Draft reply to Cardinal József Mindszenty: Ex. aud. Ssmi. 18 August 1947, *Ibid.* 264rv.; Letter to Cardinal József Mindszenty dated 20 August 1947 and list of faculties. PL., 6300/1947.

⁷¹ Cardinal József Mindszenty to Pope Pius XII. Esztergom, 21 November 1947. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, f. 253.

⁷² Letter number 882/48 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Card. József Mindszenty. 15 February 1948. PL., 1904/48. For a draft of the letter see: ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, f. 259rv. See also: Memorandum on the further Hungarian faculties, 5 December 1947. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, ff. 254r-255r.

in his place in January 1947⁷³. The "very special" faculties granted to the Prague Internuncio Xaverio Ritter and the deputy in his absence, the Chargé d'affaires Raffaele Forni, also remained in effect after 1946. Under another papal decision, the same powers were passed on to the new chargé d'affaires appointed in February 1948, Gennaro Verolino. This meant that in addition to the standard powers of papal envoys, Verolino could if necessary exercise the faculties granted to the Washington apostolic delegate in 1941 and even the "very special" faculties, except for the right of confirmation reserved for ordained bishops⁷⁴. These powers were also carried on by the two successive Prague chargés d'affaires appointed in September 1948, Giuseppe Sensi⁷⁵ and Ottavio de Liva⁷⁶.

In Poland, after the death of Cardinal August Hlond on 23 October 1948, the question of succession was accompanied by the question of the faculties his successor should be granted⁷⁷. The Vatican first employed a transitional arrangement. In a cable of 26 October 1948, it informed Cardinal Sapieha that until further notice he could exercise his existing faculties over the entire territory of Poland; on 9 November, he was also permitted to delegate these powers to the diocesan bishops and the apostolic administrators⁷⁸. The intended long-term arrangement was to appoint the bishop of Lublin, Stefan Wyszyński, as archbishop of Gniezno-Warsaw. In the letter of 16 November 1948 asking for his consent to being appointed archbishop of Gniezno and Warsaw, Tardini informed him that he would be furnished with all of the powers granted to Hlond on 4 March and 28 October 1946⁷⁹. The Polish bishops' conference expressed the wish after Hlond's death for Gniezno and Warsaw to have separate bishops, but the Holy See upheld its original decision, because without a Polish nuncio, it seemed better to maintain the existing situation: the combined Gniezno and Warsaw titles conferred higher prestige on their holder, and since the Swiss courier was going

⁷³ Official memoranda 6 January 1946. ASRS, AA.EE.SS., Pio XII, Romania, Pos. 183., ff. 71-72. See also: Letter number 124/47 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Regent of nunciature Gerald Patrick O'Hara, 8 January 1947, Ibid., f. 75. For a copy of the document sent, see: AAV, Arch. Nunz. Romania, b. 103. fasc. 543. ff. 69rv. Referred to by: VYBÍRALOVÁ, Eva, *Pokroky v bádání*, cit. (n. 7.), 39.

⁷⁴ „Facoltà per la nunziatura di Praga”. Official memorandum. 24 February 1948. ASRS, AA.EE.SS., Pio XII, Cecoslovacchia, Pos. 222, f. 78.; “Progetto di cifrato”. 24 February 1948, Ibid. f. 79.; Verolino's enciphered cable, number 254. 23 March 1948, Ibid. f. 81.; “Cecoslovacchia. Facoltà per l'incaricato affari”. Official memorandum. 29. March 1948, Ibid. f. 82rv.

⁷⁵ “Facoltà per l'Incaricato d'Affari della S. Sede”. Official memorandum. 27 July 1949, in: ASRS, AA.EE.SS., Pio XII, Cecoslovacchia, Pos. 222, f. 25. See also: VYBÍRALOVÁ, Eva, *Pokroky v bádání*, cit. (n. 7.) 39-40.

⁷⁶ Domenico Tardini's enciphered cable to Prague, number 383, 30 July 1949. ASRS, AA.EE.SS., Pio XII, Cecoslovacchia, Pos. 222, f. 24.

⁷⁷ Cf. Official memorandum. 24 October 1948. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 415-417.

⁷⁸ Official memorandum. 17 December 1948. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262/II, ff. 409-410.

⁷⁹ Letter number 6964/48 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to bishop Stefan Wyszyński. (6964/48.). 16 November 1948. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 315, ff. 83-87.

to Warsaw, there was less risk of being discovered if the head of the Polish church had his seat in the capital city, so that diplomatic correspondence did not have to be taken to Gniezno in every case⁸⁰.

The Vatican thus thought the best course was to maintain the current practice in Poland, and did not see the need to grant the ‘very special’ faculties to Sapieha and Wyszyński. By contrast, the situation of the Hungarian church had become so serious by late autumn 1948 that Rome resolved to do just that for Mindszenty. At the request of the Hungarian Primate, which he probably transmitted verbally via the archabbot of Zirc, Vendel Endrédy⁸¹, Pius XII, in a document dated 10 December 1948, authorized Mindszenty to allow priests held in prison or internment camps to celebrate mass⁸² and in a document dated the next day granted him the several-times-requested “very special” faculties⁸³. Endrédy succeeded in delivering the two documents when he returned to Budapest⁸⁴. On 22 December 1948, Mindszenty subdelegated the “very special” faculties, in case of impediment, to József Grósz, archbishop of Kalocsa⁸⁵. This happened almost at the last minute, as the Hungarian Cardinal was arrested four days later.

VII. GENERAL FUNCTIONS OF PAPAL ENVOYS

In his reply to the Berne Nuncio Filippo Bernardini of 10 February 1949, Domenico Tardini gave as a reason for regarding the Polish and Hungarian cardinals as quasi apostolic delegates, in addition to their possession of wide-ranging faculties, that they had been given functions characteristic of papal representatives. The Secretary of the Congregation for Extraordinary Ecclesiastical Affairs expressly stated the requirement to submit reports on government policy on religious affairs and on the affairs of the Catholic Church.

Hlond and Mindszenty did indeed send regular reports on the general situation of Catholicism and political developments concerning the church⁸⁶. The fact

⁸⁰ Cf. “Provvista di Gniezno e Varsavia”. Official memorandum. 10 December 1948. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 315, ff. 23-24.

⁸¹ Undated official memorandum. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, f. 204. The document states that Vendel Endrédy personally delivered the relevant memorandum to the Secretariat of State on 7 December 1948.

⁸² Rescript, Ex audientia Sanctissimi, 10 December 1948. PL, 7552/48 in 74/1949.

⁸³ Letter number 7561/48 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Cardinal József Mindszenty, Vatican, 11 December 1948. PL, 8760/1948.

⁸⁴ Giulio Barbetta’s official memorandum. Late December 1948. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 136, f 198.; Official memorandum. 30 January 1949. ASRS, AA.EE.SS., Pio XII, Parte I, Ungheria, pos. 136. 186rv.

⁸⁵ Cardinal József Mindszenty to Archbishop József Grósz, 22 December 1948. (Draft letter on the front page of the document.). PL, 8760/1948.

⁸⁶ Some of Hlond’s reports are published by: WILK, Stanisław, SDB, *Nadzwyczajne uprawnienia*, cit. (n. 41.), pp. 167-177, 236-239. More of his reports: ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 262I and Pos. 262II, passim. Mindszenty, sent the pope several comprehensive situation reports in addition to numerous reports on particular cases: 19 July 1946. ASRS, AA.EE.SS. Ungheria, Pos. 129, ff. 70r-71r.; 1 October 1946, Ibid. ff. 134r-135v.; 28

that the Secretariat of State reminded Wyszyński of this obligation after failing to receive any such report within six months of the new Polish primate's appointment clearly indicates the significance that Rome attached to this information. A letter to Warsaw sent on 11 May 1949 set out the specific subjects of which the Vatican wished to be apprised⁸⁷.

In the absence of a nuncio, the Vatican also authorized the Hungarian and Polish cardinals to inform candidate bishops of their appointments, request their consent, and carry out the ordination and installation of a new bishop even if the papal bull of his appointment had not yet arrived. This was the basis of Mindszenty's action in, for example, the appointments of Bishop Kálmán Papp of Győr and Bishop László Bánáss of Veszprém⁸⁸, and in Poland, Cardinal Sapieha did the same for Cardinal Wyszyński's appointment as archbishop⁸⁹. Hlond's mandate had gone further than this: he was also responsible for choosing, with Sapieha's agreement, candidates for vacant episcopal seats. On 21 April 1948, the two Polish cardinals were also given one-time responsibility to appoint the Polish field bishop and make a proposal for the faculties he should be furnished with⁹⁰.

SUMMARY

We have first of all demonstrated that the Berne nuncio, Filippo Bernardini, was right in telling the Swiss foreign ministry that the Holy See had lawfully made use of the Swiss courier for confidential correspondence with the archbishops of Esztergom, Kraków and Gniezno-Warsaw. Since Vatican representatives were not allowed into Hungary or Poland after the Second World War, Pius XII furnished the cardinals of these two countries with many powers and functions that under normal circumstances – and even the extraordinary circumstances of the Second World War and the Cold War – were handled by Vatican diplomats. Owing to their special intermediary roles between Rome and the local church,

December 1946. ASRS, AA.EE.SS. Ungheria, Pos. 135, ff. 5r-6v.; 30 October 1947. ASRS, AA.EE.SS. Pio XII, Ungheria, Pos. 135, ff. 12-15.; 10 February 1948. ASRS, AA.EE.SS. Ungheria, Pos. 139, ff. 249-252.; 22 June 1948. ASRS, AA.EE.SS. Ungheria, Pos. 134, ff. 74rv.; 25 July 1948, Ibid. ff. 38r-39v.; 30 July 1948, Ibid. ff. 42rv.; 31 August 1948, Ibid. ff. 41rv.; 6 September 1948. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 134, f. 40rv.; 20 September 1948. ASRS, AA.EE.SS. Ungheria, Pos. 139, ff. 254rv.; 24 October 1948. PL, 7342/1948.; 2 November 1948. PL, 7607/1948.

⁸⁷ Official memorandum (7 May 1949) and draft letter to Wyszyński, 11 May 1949. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 315, f. 248rv.

⁸⁸ Official memorandum on the case of Kálmán Papp. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 125, f. 258.; Letter number 3127/46 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Cardinal József Mindszenty. Vatican, 3 May 1946. PL, 5994/1946. On the Bánáss case: Draft letter number 6438/46 of the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, Domenico Tardini to Cardinal József Mindszenty. 4 September 1946. ASRS, AA.EE.SS., Pio XII, Ungheria, Pos. 125, f. 182rv.

⁸⁹ Draft letter number 6964/48 to Bishop Stefan Wyszyński. 16 November 1948. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 315, ff. 83-87.

⁹⁰ Draft letter number 6964/48 to Bishop Stefan Wyszyński. 16 November 1948. ASRS, AA.EE.SS., Pio XII, Polonia, Pos. 315, ff. 83-87.

József Mindszenty, August Hlond, Adam Stefan Sapieha and Stefan Wyszyński may quite reasonably be regarded as quasi apostolic delegates. It is also clear that the Vatican handled this function as a special response to an emergency. There is no evidence that the Vatican connected it in any way with historic titles such as “born papal legate” (*legatus natus*), traditionally borne by Hungarian primates. Accordingly, Mindszenty’s idea that in the absence of a nuncio, this traditional right made the Hungarian cardinal primate the exclusive intermediary between the Vatican and the Hungarian Catholic Church found no echo in Rome⁹¹.

Our analysis also contributes to an understanding of Pope Pius XII’s reasons for providing local churches with a high degree of autonomy after the Second World War, at least until 1949. The sources give no indication that the decision to decentralize decision-making was aimed at shedding responsibility, as proposed by Hansjakob Stehle⁹². On the contrary, our findings support the assessment that the principal factors behind the decisions to enhance the authority of local heads of churches were the paucity of up-to-date information reaching Rome and the unavailability of rapid and reliable channels of communication. This was particularly true of countries where the Vatican had no diplomatic representation. Our findings therefore bear out the observation that Rome devised a deliberate strategy for the contingency that local hierarchies in regions coming under Soviet control might have to be left make even major decisions on their own. One element of this strategy was the procedure followed for the appointment of bishops during World War II, which has not yet been studied in detail, and another was the grant of special faculties to the cardinals and archbishops at the top of the local church hierarchy⁹³.

The story of how faculties were conferred on papal envoys and local heads of churches also tells us much about the logic of Vatican decision-making. We get a clear impression that in response to the severe challenges facing pastoral services, the Holy See drew on previous experience and tried-and-tested practices, but in every case took proper account of individual local characteristics. The use of precedents and analogues in solving problems was in line with the key priority for the Holy See of maintaining coherent disciplinary practices from which deviations would be permitted only where absolutely necessary.

The story of the special faculties ultimately helps us to understand Vatican policy towards the East. The expansion of faculties during and after the Second

⁹¹ BALOGH, Margit, *Mindszenty József 1892–1975* (Budapest, 2015), 507–508.; BALOGH, Margit, “Victim of History”: *Cardinal Mindszenty. A Biography* (Washington D.C.: Catholic University of America Press, 2021), 164–165.

⁹² STEHLE, Hansjakob, *Die Ostpolitik des Vatikans 1917–1975* (München–Zürich: Piper, 1975), 280–281; 299.

⁹³ LUXMOORE, Jonathan and BABIUCH, Jolanta, *The Vatican and the Red Flag. The Struggle for the Soul of Eastern Europe* (London–New York: Bloomsbury Academic, 1999), 62–69.; CYWIŃSKI, Bohdan, *Tűzpróba. Egyház, társadalom és állam Kelet-Közép-Európában II* [Trial by Fire. Church, Society and State in Central and Eastern Europe] (Budapest: METEM, 2005), 361.; KENT, Peter C., *The Lonely Cold War of Pope Pius XII. The Roman Catholic Church and the Division of Europe, 1943–1950* (Montreal–London–Ithaca: McGill–Queen’s University Press, 2002) 122; 173; 230; FEJÉRDY, András, “At the Moment”, cit. (n. 46.) 67–83.

World War very clearly manifests a gradual approach. The scope of powers transferred after 1945, by comparison with similar measures taken during the war, is a very good indicator of how Rome assessed the emerging situation in Central and Eastern Europe as the region passed into the Soviet sphere of influence. The post-war maintenance of the “very special” faculties first granted in the closing years of the war and their extension to new figures (Hlond and Ritter) derived from a basic distrust in Soviet-type religious policy. When the Vatican assessed that there was no need to fear the immediate Sovietization of the region, the “very special” faculties were – at least partially – revoked. While hope remained of a certain level of religious freedom, special powers were granted only in a narrow range in 1946 and 1947 to address the difficulties in communication. These were gradually widened as further specific demands arose, and in 1948, with the growing realization that the church had to adapt to Soviet religious policy in Central and Eastern Europe and particularly to the blocking of contacts with Rome, there was a return to powers of the kind granted in the first half of the war and even to the “very special” faculties devised for the extreme emergency of the final stage of the war. Although the Vatican itself sees the Iron Curtain, at least in terms of contact with local churches, as having descended in 1945, these developments demonstrate that the Cold War really began in 1948.

We have concentrated on the faculties granted to the papal envoys and the heads of national churches who took their place, and have only touched on the special powers assigned to local ordinaries, who were suffering from extremely difficult circumstances and even persecution. These two issues cannot be viewed in complete isolation, and the delegated faculties undoubtedly played a major part in the operation of the partly-secret church structures that emerged in the wake of church persecution, although we should not confuse powers that were granted to actors at different levels⁹⁴. There is certainly a need for further research to understand the interrelationship between the breakdown of contacts with Rome and the granting of faculties in anticipation of bishops being incapacitated.

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⁹⁴ This confusion is perceptible in: VYBÍRALOVÁ, Eva, *Pokroky v bádání*, cit. (n. 7.) 29–45., VYBÍRALOVÁ, Eva, *“Mexican faculties”*, cit. (n. 7.) 129–147.

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