

## THE ISSUES OF THE CATHOLIC CHURCH IN POLISH CONSTITUTIONS

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**Summary:** *State-Church relations in Poland were marked by different intensity. Initially, the importance of the Church constantly increased, the evidenced of which was the Government Act. In the times of the Partitions, for obvious reasons, it was not possible to continue this work. Together with the regaining of independence, the work on the stabilization of state and church relations started, the expression of which was the March Constitution of 1921, which referred to the constitutional tradition of the Republic of Nobles. An important act was to conclude the Concordat in 1925, between the Polish republic and the Holy See, which resulted in the establishment of a new administrative division of the Catholic Church in Poland, under the papal bull of 28 October 1925. The new socio-political reality in post-war Poland brings unilateral breaking of the Concordat in 1945 and the decree on the filling of clerical posts unilaterally issued by the State. The improvement in the situation of the Church did not happen after signing the agreement in 1950. Adopting the July Constitution in 1952, although it guaranteed the freedom of religion, turned out quite different in reality. Slight easing of the religious policy took place after 1956. However with time, Polish State returned to the old practices. A new phase in state-church relations occurred in 1989 when the Catholic Church was guaranteed by law the freedom on the religious and administrative plane. After establishing the diplomatic relations between Poland and the Vatican, there were negotiations on the Concordat, the text of which was adopted in 1993. For political reasons, its ratification was not until 1998. This fact was preceded by the adoption of the Constitution of the Polish Republic.*

**Keywords:** *Catholic Church, The Republic, the Holy See, the Constitution, an agreement.*

### 1. The Republic of Nobles

The history of the Catholic Church was closely related to the Polish statehood. This significant role of the church became part of the history of Poland through the rights and privileges that have been placed in the oldest literature. Legislative acts agreed between the Holy See and Polish kings play a crucial role in literature. These acts refer to the filling positions in dioceses, abbeys and other ecclesiastical benefices. Regulating the Church situation in Poland by the state-church agreements was practiced since the XVI century<sup>1</sup>. However, it was not the only form of recording the identity of the Polish Church. In the last years of the First Polish Republic, Government Act (*Ustawa Rządowa*) commonly known as the Constitution of May 3 was adopted. It was the fruit of the effort to re-form the political system of the Polish State. The act of Constitution of May 3 itself had a solemn setting, when after its adopting, King Stanislaw August Poniatowski swore Government Act to the Bishop of Cracow Feliks Paweł Turski. The same day, the Oath of the Constitution was repeated in front of the Altar in the collegiate church of St. John the Baptist in Warsaw, which gave its sanction to the Catholic Church<sup>2</sup>.

The text of the Government Act, in the very introduction, that is in the preamble, contained so-called. *invocatio Dei*, whereas art. 1 emphasizes that "the national dominant religion is and will be holy Roman Catholic faith with all its laws; converting from the dominant religion to any religion is forbidden under the penalties of apostasy. And that the same holy faith demands of us to love our neighbors, so all people of every religion ought

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<sup>1</sup> E. Bursche, *Historia konkordatów*, Kraków 1996<sup>2</sup>, s. 24 n.

<sup>2</sup> J. Łojek, *Ku naprawie Rzeczypospolitej. Konstytucja 3 Maja*, Warszawa 1988, s. 90-91.

to have peace in their faith and protection of the government. And that is the reason why we guard, in accordance with the law, the freedom of all the religious rites and religions in the Polish States"<sup>3</sup>. This concise text perfectly reflected the atmosphere of those events and ideally described the situation of the Catholic Church in Poland. It should be noted that it was not a single act introducing something new in state-church relations. The fact that the Catholic Church held the position of the dominant religion was established from the beginning of our statehood. Despite the fact that over the time, when in the area of the Polish-Lithuanian Commonwealth, other Christian faiths emerged, only Catholic hierarchs sat in the Senate, and the Primate, during interregnum, served as interrex. The record of the dominant religion did not discredit, however, other religions, which had, according to national laws, freedom, peace in faith and protection of the government. All this, however, did not guarantee the signs of equal rights, as according to this article, those who converted from Catholicism to other religion were under the penalty of apostasy<sup>4</sup>.

It should be noted that the Constitution of May 3, guaranteed other religions complete religious freedom. The problem of different religions was mentioned by resolutions passed by the Great Sejm, which together with the political changes were supposed to guarantee the independence of the country. These progressive efforts aiming to reform the Polish political system were stopped by the actions of traitors who signed a confederation on April 27, 1792 and on May 14 the same year, they announced it in Targowica in order to overthrow the Constitution of May 3<sup>5</sup>. Finally, the last two Partitions of Poland sealed the collapse the existing resolutions in terms of political reforms, and the Catholic Church shared the fate of the nation successively included in the new legal system.

## 2. The Second Polish Republic

Many years of slavery did not weaken the relationships between the Catholic Church and the people who considered it the support of Polish identity. At the movement of making an attempt to reactivate free Poland Primate of the Polish Kingdom Archbishop of Warsaw Aleksander Kakowski was the chairman of the Regency Council, which conferred power to the Head of State Jozef Pilsudski<sup>6</sup>. Two years later the Legislative Sejm passed the March Constitution which refined the political system of the state. It referred, in its tradition, to the Constitution of May 3, which was unambiguously recorded in the preamble. Although there was not a call in the name of the Holy Trinity, but the calls "in the name of God Almighty" (*W imię Boga Wszchemogącego!*) and "thank the Divine Providence for liberation" (*dziękując Opatrzności za wyzwolenie*) sufficiently referred to the *Government Act*. The significant March Constitution regulation was Art. 111, which provided all citizens with the freedom of conscience and religion. Moreover, Art. 113 guaranteed religious denominations recognized by the state, "the right to have collective and public masses, the freedom to conduct their internal affairs, to possess and acquire movables and fixed property, to administer them, to remain in the possession and use their foundations and funds, as well as places for religious, scientific and charitable purposes. No religious organization can be in opposition to state laws"<sup>7</sup>. This entry regulated

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<sup>3</sup> *Konstytucja 3 Maja 1791*, opr. J. Łojek, Lublin 1981, s. 55-56.

<sup>4</sup> L. Bienkowski, *Oświecenie i katastrofa rozbiorów (2 pol. XVIII w.)* [w:] *Chrześcijaństwo w Polsce. Zarys przemian 966-1979*, red. J. Kłoczowski, Lublin 1992, s. 361.

<sup>5</sup> B. Kumor, *Historia Kościoła, Czasy nowożytne*, cz. 6: Kościół w okresie Absolutyzmu i Oświecenia, Lublin 1985, s. 217.

<sup>6</sup> *Dziennik Praw Państwa Polskiego* (1918), nr 17, poz. 39.

<sup>7</sup> *Dziennik Ustaw Rzeczypospolitej Polskiej* (dalej: DURP) (1921), nr 44, poz. 261.

economic affairs of the Catholic Church, which always undertook a number of initiatives serving not only purely religious activities, but also charitable and educational ones.

Art. 114 was the most important for the Catholic Church. It said as follows: "Roman Catholic religion, as the religion of the vast majority of the nation, holds the dominant position among other independent religions. The Roman Catholic Church has its own rules. The relations between the State and the Church will be established on the basis of an agreement with the Holy See, which is subject to ratification by the Sejm". This international act was signed on 10 February 1925<sup>8</sup>. After a stormy debate in the Sejm and Senate, the Concordat Act of 23 April 1925 was approved by *the Act of 23 April, 1925 on the ratification of the agreement with the Holy See determining the relations of the state and the Roman Catholic Church*<sup>9</sup>. In art. 1, the Act approved the concordat and authorized the President of the Republic of Poland to ratify it. Under Art. 2, the implementation of this Act was entrusted to the Minister of Foreign Affairs, and the implementation of the Concordat provisions to the Prime Minister and the Ministers of Internal Affairs, of Military Affairs, Justice, Religious Denominations and Public Enlightenment, Land and Agriculture Reforms and Public Goods. The ratification of the Concordat took place on 30 May 1925, and the exchange of ratification documents took place on June 2 the same year in Warsaw. In accordance with the provisions of Art. 27 of the Concordat, it came into force two months later. Since then, all "laws, regulations and decrees" that were in effect in Poland and were in contradiction to its provisions were abolished according to Art. 25 of the Concordat. As a result of these provisions, the only laws regulating the relations of the State with the Church from August 2, 1925, were the rules – of the Constitution, the Concordat, the legal acts issued on the basis of the Concordat and the laws that were issued prior to the ratification of the Concordat, and were not in contradiction to its provisions<sup>10</sup>.

A significant record in the Concordat was Art. 9, concerning new administrative-territorial divisions of the Catholic Church. First, it stated that "No part of the Polish Republic will belong to the bishop, whose headquarters would be located outside the Polish State." Then, the article said that in Poland, there were three rites of the Catholic Church: Latin, Greek-Ruthene and Armenian. Overall, there were seven archdioceses and seventeen dioceses in Poland. Finally, the distinguishing of dioceses and archdioceses was performed by Pope Pius XI under the bull *Vixdum Poloniae unitas* of 28 October 1925, which was in accordance with Art. 26 of the Concordat. According to it "within three months since the Concordat comes into force and having consulted the government, the Holy See will create and distinguish ecclesiastical provinces and dioceses listed in Art. 9. The boundaries of ecclesiastical provinces and dioceses will correspond to the state borders"<sup>11</sup>. The provisions of Art. 9 of the Concordat were changed by the Holy See on 10 February 1934, by the decree of the Congregation for the Eastern Churches<sup>12</sup>.

Legislation regulating church-state relations in the interwar period in Poland remained largely unchanged afterwards. It was not performed earlier by either the August

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<sup>8</sup> S. Piekarski, *Wyznania religijne w Polsce*, Warszawa 1927, s. 98-100.

<sup>9</sup> DURP (1925), nr 47, poz. 324.

<sup>10</sup> J. Wisłocki, *Konkordat Polski z 1925 roku. Zagadnienia prawno-polityczne*, Poznań 1977, s. 271.

<sup>11</sup> *Acta Apostolicae Sedis* 17 (1925), s. 521-528.

<sup>12</sup> *Acta Apostolicae Sedis* 27 (1935), s. 80; T. Włodarczyk, *Konkordaty. Zarys historii ze szczególnym uwzględnieniem XX wieku*, t. 2, Warszawa 1986, s. 295-296.

Novelization in 1926, or the April Constitution in 1935. Both acts of basic law character literally repeated the earlier records from the March Constitution<sup>13</sup>.

### 3. The Republic of Poland

After World War II, other solutions in Church-State relations came up, as a result of the formation of a new socio-political reality. Already on 12 September 1945, the state authorities broke the Concordat of 1925 reached between the Polish State and the Holy See. This situation was supposed to give the Polish side a free hand in the proper decreeing the Catholic Church<sup>14</sup>. This condition also gave some freedom to the Church in conducting an independent human resources policy. However, it did not last long, only till the end of the forties. Earlier, the state government wanted to deal with the political opposition, which became evident during the referendum held in June 1946. The authorities not tolerate a dissenting opinion of the Church, which was proved by the cautious stance of the episcopate concerning falsified election results. The church, even though, did not refrain from expressing their opinion on public affairs, which was exemplified in "Catholic constitutional demands" (*Katolickie postulaty konstytucyjne*), submitted on March 14, 1947 to the Prime Minister Josef Cyrankiewicz in connection with the debate on the basic law<sup>15</sup>.

Unfortunately, the conduct of the debate was considered offensive by the authorities and already earlier, they had guaranteed the freedom of religion in Poland on the basis of the *Declaration of the Legislative Sejm of 22 February 1947 on the implementation of civil rights and freedom (Deklaracji Sejmu Ustawodawczego z dnia 22 lutego 1947 r. w przedmiocie realizacji praw i wolności obywatelskich)*<sup>16</sup>. The point c of that declaration guaranteed "the freedom of conscience and freedom of religion". Certainly, it was a complement to the *Constitutional Act of 19 February, 1947 on the political system and the actions of the supreme governing bodies of the Republic of Poland (Ustawy Konstytucyjnej z dnia 19 lutego 1947 r. o ustroju i zakresie działania najwyższych organów Rzeczypospolitej Polskiej)*<sup>17</sup>, passed three days before, which was known as the Small Constitution. It was supposed to be in effect until the new basic law would be passed, but it did not state anything in matters of the Church, probably because there was a constant dispute about a new model of the political system.

Meanwhile, the religious policy in Poland was formulated by Josef Stalin, who encouraged Boleslaw Bierut in August 1949 to take more drastic action against the Church. The fruit of this meeting was publishing a "*Decree on the protection of freedom of conscience and religion*"<sup>18</sup> (*Dekretu o ochronie wolności sumienia i wyznania*) of 5 August 1949, which formally guaranteed religious freedom in Poland, and in fact, served the state authority to repress the Catholic Church. A "*Decree on the amendments to certain laws on associations*" (*Dekret o zmianie niektórych przepisów prawnych o stowarzyszeniach*), which was issued on 5 August, the same year<sup>19</sup>, served the same purpose. These legal norms, formulated unilaterally without the consent of the Episcopate, resulted in constant misunderstandings. This fact was supposed to create a liaison forum in the form of Joint Committee. Proposals of such a body made by the bishops were previously ignored by the authorities until August 1949. Then, on the plane of the Committee, the bishops and the

<sup>13</sup> R. Bender, *I wojna światowa i Polska niepodległa (1918-1939)*, [w:] *Chrześcijaństwo w Polsce...*, s. 512.

<sup>14</sup> B. Cywiński, *Ogniem próbowane. Z dziejów najnowszych Kościoła katolickiego w Europie środkowo-wschodniej, ... i was prześladować będą*", t. 2, Lublin 1990, s. 34.

<sup>15</sup> P. Raina, *Kościół w PRL. Dokumenty 1945-1959*, t. 1, Poznań 1994, s. 82.

<sup>16</sup> T. Mołdowa, *Konstytucje polskie 1918-1998*, Warszawa 1999, s. 177.

<sup>17</sup> DURP (1947), nr 18, poz. 71.

<sup>18</sup> DURP (1949), nr 45, poz. 334.

<sup>19</sup> DURP (1949), nr 45, poz. 335.

government began a dialogue. The main purpose of the Committee was to bring about reconciliation between the Church and the People's Republic of Poland. The dialogue was conducted under pressure from the side of the government, which wanted to destabilize the church organization from the inside, through various attempts to "democratize" the Church and the so-called Caritas case<sup>20</sup>. In the end, however, on April 14, 1950, *the Agreement between the representatives of the Polish Government and the Polish Episcopate*<sup>21</sup> was reached. Signing this act, according to some people, was to cause concern in the Vatican. The agreement itself included the position of the government on the freedom of religion, and the Episcopate was supposed to call the clergy and the faithful to respect the law and the government. The whole act in several articles regulated the situation of the Catholic Church in the new socio-political reality of the Republic of Poland<sup>22</sup>.

Since that time, the church had already the legal basis for its activities, which had not taken place before because the concordat had been broken. However, the government position did not change and only a few days after the agreement was reached, An Office for Religious Affairs was established, which was responsible for coordinating the whole religious policy<sup>23</sup>. A year later, the administrators of the Recovered Territories were dismissed. In the atmosphere of constant tension and conflicts between the State and the Church there was work carried out on the constitution. In January 1952, the state authorities announced a draft law, to which the Church addressed a few weeks later. The bishops submitted "*Catholic constitutional demands*" (*Katolickie postulaty konstytucyjne*) to the President Boleslaw Bierut. Church hierarchs wanted to ensure not only religious freedom, but also stressed the need to enforce human rights<sup>24</sup>. These proposals were not accepted by the government and soon, on July 22, 1952, the Constitution of the Republic of Poland was adopted by the Sejm<sup>25</sup>. Since then, a new name of the country was accepted, which was a *republic of working people*. The Constitution was deprived of *invocatio Dei*, and the whole preamble was imbued with elements which emphasized that Poland was in the new socio-political reality, and is eventually separated from Polish bourgeois. Religious relationships in Art. 70 were discussed in three points<sup>26</sup>.

1. The Republic of Poland guarantees the freedom of conscience and religion. The Church and other religious organizations are free to perform their religious functions. Citizens must not be prevented from taking part in activities or religious rites. No one must be compelled to participate in activities or religious rites.

2. The church is separated from the state. The principles of relations between the State and the Church as well as legal and financial condition of religious denominations will be determined by the law.

3. The abuse of the freedom of conscience and religion for the purposes of acting against the interests of the Republic of Poland is punished.

Although in the constitution of 1952, a statutory form of regulating the relations of the Church and other religious organizations was adopted, it is a fact that a religious

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<sup>20</sup> B. Górowska, G. Rydlewska, *Regulacje prawne stosunków wyznaniowych w Polsce*, Warszawa 1992, s. 105.

<sup>21</sup> *Położenie prawne kościołów i związków wyznaniowych w PRL. Zbiór przepisów wg stanu na dzień 1 października 1960 r.*, opr. E. Małkiewicz, S. Podemski, Warszawa 1960, s. 124-127.

<sup>22</sup> H. Misztal, *Polskie prawo wyznaniowe*, cz. 1: Zagadnienia wstępne. Rys historyczny, Lublin 1997, s. 198-20.

<sup>23</sup> DURP (1950), nr 19, poz. 156; Monitor Polski (1950), nr 78, poz. 905.

<sup>24</sup> *Katolickie postulaty konstytucyjne z 11 lutego 1952 r.*, Pismo Okólne Biura Episkopatu Polski (1989), nr 36, s. 27-34; *Kościół katolicki o konstytucji 1947-1991*, opr. M. Staszewski, Warszawa 1991, s. 15-21.

<sup>25</sup> Dziennik Ustaw Polskiej Rzeczypospolitej Ludowej (dalej: DUPRL) (1952), nr 33, poz. 233.

<sup>26</sup> T. Mołdowa, *Konstytucje polskie...*, s. 207.

policy of the state was implemented on the basis of certain laws, as well as instructions and circulars of the Office for Religious Affairs<sup>27</sup>. This situation changed in the Third Republic.

Throughout the times of the Republic of Poland, there was constant confusion on the plane of the State and the Church. Immediately after the enacting the Constitution, there was the highest tension created in state and church relations. On February 9, 1953, the State Council issued a "*Decree on filling the clerical posts in the church*" (*Dekret o obsadzaniu duchownych stanowisk kościelnych*<sup>28</sup>), which in fact was very unfavorable for the Church. The Primate Stefan Wyszyński together with the whole Episcopate did not approve such a dictum, which was expressed on 8 May 1953 in Krakow on the occasion of the celebrations of St. Stanisław Szczepanowski. There was a statement, at the end of the letter sent to Bolesław Bierut, saying "The things of God cannot be scarified on the altar of Cezarach. Non possumus<sup>29</sup>" (*rzeczy Bożych na ołtarzach Cezarach składać nie można. Non possumus!*) A few months later, Primate S. Wyszyński got arrested and then he spent three years in different places of detention<sup>30</sup>. At that time, the Communist authorities interfered directly in the internal affairs of the Church.

The changes in the state-church relations occurred after the events of October 1956, when the new secretary of the Communist Party (PZPR) Władysław Gomułka came to power. After the release of Primate S. Wyszyński, the Joint Commission of the Government and the Episcopate resumed work and on December 8, 1956, issued an announcement overruling the decree, of 9 February 1953, on the filling of clerical posts. The new act, which was to replace the existing decree, was published on 31 December 1956. It was a decree "*On the organization and filling clerical posts*"<sup>31</sup> (*O organizowaniu i obsadzaniu stanowisk kościelnych*) issued by the State Council. It was in effect for the rest of the time of the Republic of Poland. It was not as disruptive to the Church as the previous decree. Probably for this reason, despite many tensions in state church relations, the situation from the fifties never happened again. Another factor mitigating the religious policy was the political situation, which, at the end of the sixties, changed so much that the existing repressive religious policy of the ruling party weakened. The 60-ties and the 80-ties introduced Poland in the climate of systematic improvement in terms of state and church relations. Finally, the election of Cardinal Karol Wojtyła for the Pope and his pilgrimages to Poland provided a new impulse on the religious plane in PRL. All this, together with socio-political changes occurring at that time in Poland, led to enacting new legislation between the State and the Church<sup>32</sup>.

#### **4. The Third Polish Republic**

In 1987, the Joint Committee consisting of the representatives of the Holy See and the Polish Episcopate was established, which led to the resumption of work on the Convention concerning the diplomatic relations between the Vatican and Poland. Immediately after signing the Round Table Agreement, the government, in April 1989, put forward the following draft laws to the Sejm "*On State and Catholic Church Relations in the Polish Republic, on the guarantees of the freedom of conscience and religion and*

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<sup>27</sup> H. Misztal, *Wolność religijna i jej gwarancje prawne*, [w:] *Prawo wyznaniowe w III Rzeczypospolitej*, red. H. Misztal, Lublin – Sandomierz 1999, s. 44.

<sup>28</sup> DUPRL (1953), nr 10, poz. 31.

<sup>29</sup> A. Dudek, *Państwo i Kościół w Polsce 1945-1970*, Kraków 1995, s. 32-34.

<sup>30</sup> *Pełny tekst uchwały Prezydium Rządu PRL nr 700/53 opublikował Aleksander Kochański*, *Polityka* (1992), nr 13.

<sup>31</sup> DUPRL (1957), nr 1, poz. 6.

<sup>32</sup> H. Misztal, *Polskie prawo wyznaniowe...*, s. 348-352

*social security of the clergymen*" (*O stosunku Państwa do Kościoła Katolickiego w Polskiej Rzeczypospolitej Ludowej, o gwarancjach wolności sumienia i wyznania oraz ubezpieczeniach społecznych duchownych*) Soon, that is on 17 May the same year, these laws were enacted<sup>33</sup>. According to the law "*On the guarantees of the freedom of conscience and religion*", the Polish Republic "is a secular state, neutral in matters of religion and belief" (Article 10). At the same time, it was accepted that all religious denominations "are independent of the state when performing their religious functions" (Article 11). The basis of the relations between religious denominations and the state is "respect for the freedom of conscience and religion" (Article 9). It was also approved that one of the guarantees of the freedom of conscience is "the separation of the Churches and other religious organizations from the state" (Article 9)<sup>34</sup>. The act "*On the relations between the State of the Catholic Church*", was of a considerable importance as it stated that "the Church is governed by the its own laws, is free to use its spiritual power and jurisdictions and manages its own affairs" (Article 2)<sup>35</sup>.

This solution of the legal situation of the Church in Poland was not final. An Apostolic Nuncio Archbishop Jozef Kowalczyk, in October 1991, presented a draft Convention (Concordat). During this period, the work continued on the new organization of the Catholic Church in Poland. On 25 March 1992, under the bull of Pope John Paul II *Totus Tuus Poloniae populus*, new dioceses and archdioceses in Poland got divided<sup>36</sup>. A year later, Nuncio received a draft government convention. There were negotiations between the delegation of the Polish Government with the Minister of Foreign Affairs Krzysztof Skubiszewski, as its President, and the delegation of the Holy See, led by Archbishop J. Kowalczyk. Already in May 1993, the common concordat text was accepted, and on 28 July the same year, it was officially signed<sup>37</sup>. As a result of the unfavorable political situation, there was not an immediate ratification of the Concordat in the Sejm. The main objection of the the national authorities on the Concordat is the lack of constitution and for this reason everything was done that not to ratify it. It was not until the political situation changed, the newly elected Sejm for the third term, on 8 January 1998, passed a law authorizing the President of the Polish Republic to ratify the Concordat. On January 22 the same year, the same position was taken by the Senate, and two days later, President Aleksander Kwasniewski signed *the Act ratifying the Concordat between the Polish Republic and the Holy See*<sup>38</sup>.

In less than a year earlier, there was no longer any obstacle (according to the Left Camp) to ratify the Concordat. It was about *the Polish Constitution of 2 April 1997*<sup>39</sup>, which together with the Concordat regulated all the matters of the Catholic Church in Poland, based on the supreme legislation in the national and international system. The preamble of the Constitution there is a cryptic notation about God, which states that "both these who believe in God as the source of truth, justice, good and beauty, as well as those not sharing this faith, but these universal values coming from other sources". Religious matters have been discussed in Art. 25. Point one refers to the equality of churches and religious denominations. Then, the government guarantees impartiality in terms of

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<sup>33</sup> DUPRL (1989), nr 29, poz. 154, 155, 156.

<sup>34</sup> DUPRL (1989), nr 29, poz. 155.

<sup>35</sup> DUPRL (1989), nr 29, poz. 154.

<sup>36</sup> *Nowe diecezje Kościoła katolickiego w Polsce*, red. L. Adamczuk, W. Zdaniewicz, Warszawa 1994, s. 35.

<sup>37</sup> M. Kallas, *Historia ustroju Polski X-XX w.*, Warszawa 1997, s. 444-445.

<sup>38</sup> W. Góralski, *Konkordat Polski 1993 od podpisania do ratyfikacji*, Warszawa 1998, s. 10 n.

<sup>39</sup> DURP (1997), nr 78, poz. 483.

religious beliefs. The significant point states about the relations between the State and churches, which are formed on the basis of respect, autonomy and mutual independence. The most important record, for the Catholic Church, is the one in the fourth paragraph, which says "Relations between the Polish Republic and the Catholic Church are defined by an international agreement with the Holy See and legal acts"<sup>40</sup>.

The problem of ensuring the freedom of conscience and religion to every citizen is covered in the second chapter of the Constitution, entitled "*Freedom, the rights and obligations of a man and a citizen*" in art. 53. The freedom of religion includes the freedom to manifest religion and being allowed to follow religious practices, as well as having temples and other objects of worship. Parents have the right to provide their children with free religious education, which can be successfully take place in schools, because churches have the right to teach religion in educational institutions. Inner freedom of religion may be limited under a bill, in case it can disturb public order. No one shall be compelled to follow their religion practices, nor can be compelled to disclose their worldview<sup>41</sup>. In this spirit, the last chapter in the relations between the Polish Republic and the Catholic Church has been closed

## **5. The end**

The history of church-state relations in Poland, described above, shows the complexity of the problem. Ten centuries of Polish statehood was marked by constant evolution in state-church relations. In the early centuries, the church enjoyed an excellent reputation in the country and continued to increase its authority. At the end of First Republic, the legal status of the Church was regulated in the *Government Act*. But this new chapter in the history of the State and the Church did not last long as Poland was erased from the map of Europe. After regaining independence, new church-state relations were established. The March Constitution of 1921 was a legal act to the Constitution of May 3, which utterly referred to the constitutional tradition of the Republic of Nobles. The Concordat of 1925 was essential for the proper normalization of state-church relations, which, as an international agreement finally established the relationships between the Polish Republic and the Holy See. The Concordat resulted in making a new and absolutely necessary administrative division of the Catholic Church in Poland, which took place on October 28, 1925 by the bull of Pope Pius XI *Vixdum Poloniae unitas*. The legal status of the Church in Poland was challenged, first by the Nazi occupation and then by the new government of the People's Republic.

The new socio-political reality in post-war Poland resulted in new relationships on the plane of the state and the Church through unilateral breach of the Concordat in 1945. Further relationships did not develop harmoniously, what led to a decree on the filling of clerical posts issued unilaterally by the state. The great hope for the Church was the agreement of 1950, which, however, did not prevent the Church from further harassment by the State. Passing July Constitution in 1952 was another act of good will on the part of the State, which guaranteed religious freedom, but the State never abode by it. Slight easing of religious policy took place after 1956, but the Church lived to more freedom only in the seventies and eighties of the twentieth century.

This turnabout in the religious policy of the State took place after the election of Polish Pope Cardinal Karol Wojtyła. From this moment, as a result of socio-political changes, successive stabilization of state-church relations started. In 1989, the Catholic

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<sup>40</sup> T. Mołdowa, *Konstytucje Polskie...*, s. 432.

<sup>41</sup> Tamże, s. 439-440.



Church was legally guaranteed freedom on the religious and administrative plane. Having resumed the Nunciature in Poland, negotiations of the Concordat began, the text of which was adopted in 1993. Unfortunately, the ratification of this international agreement did not take place till five years later. The Constitution of the Polish Republic, enacted ten months earlier, and together with the Concordat eventually normalized the legal status of the Catholic Church in Poland.