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THE CONTRIBUTION OF THE PRIMATE OF POLAND STEFAN CARD. WYSZYŃSKI AND POPE JOHN PAUL II TO THE NORMALISATION OF STATE-CHURCH RELATIONS

In 2020, the Catholic Church in Poland is celebrating two momentous events: the beatification of Cardinal Stefan Wyszyński¹ and the centenary of the birth of the great pope St. John Paul II to recall their contribution to the history of the Church and the Nation. In this article I would like to draw attention to one aspect of their teaching and diplomatic activities in the field of normalization of relations between the State and the Church in Poland after World War II. I will pay attention to the following issues: 1) what changes in the regulations of relations between the State and the Catholic Church in Poland occurred after World War II?; 2) on what principles did Primate Wyszyński and Pope John Paul II determine their position, what methods did they use, and what postulates did they make to achieve normalization of these relations?; 3) what were the stages of implementation of these demands in the period from the breaking of the Polish Concordat in 1925 to the sign of a new Concordat in 1993-1998?

I.

Card. Stefan Wyszyński, Primate of Poland in 1949-1981, was the head of the Catholic Church after World War II in the tragic conditions of the occupation of Poland by the Soviet Union [Raina 1979, 1986, 1988; Micewski 2000; Romaniuk 1994]. Following the signing by the Allied leaders of an agreement with Stalin in Yalta (February 4-5, 1945), Poland – like other Cen-

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¹ Because of the pandemic, beatification of Cardinal Stefan Wyszyński was postponed indefinitely.

tral and Eastern European countries – was incorporated into the block of communist countries subordinated to the Soviet Union. After taking over the dictatorship, the communist authorities began the fight against the Church based on the assumptions of ideological-political monism in the Marxism-Leninism version, which was contrary to the assumptions of Christian religious-political dualism.²

A significant novelty in relations between the State and the Church in Poland was the confrontation between the communist regime and the Catholic Church, deeply connected with the Nation rooted in Christian culture. The communist authorities applied to the Church the strategy and tactics they tried in the Soviet Union. This strategy aimed at the total destruction of the Church; the tactic was to gradually deteriorate his situation by imposing normative acts restricting religious freedom [Barberini 1983; Krukowski 2000, 231-41].

The first manifestation of such tactics was the resolution of the Provisional Government of National Unity brought from Moscow on September 12, 1945.³ The resolution contained a declaration that the “Polish Concordat with the Holy See of 1925 ceased to be in force.” An important element of such tactics was the transition from the regulation of relations between the State and the Church in the form of a bilateral agreement, which was the concordat, to regulation only in the form of acts unilaterally adopted by the State authorities: laws, administrative acts or judgments having no basis in the law, imposing drastic restrictions on the Church in carrying out its mission. The communist authorities sought to radically change the cultural identity of the Polish nation by imposing Marxist ideology on it instead of religion. This was especially reflected in the removal of religion from public schools; liquidation of private schools; interference in the occupation of church offices, especially diocesan bishops; nationalization of church property; liquidation

² The paradigm of religious-political dualism formed over the centuries in European legal culture under the influence of Christ’s command: “give to Caesar what belongs to Caesar, and give to God what belongs to God” (Mt 21:21) assumes that the State and the Church are two communities of a different type, which are autonomous and independent of each other, to which, although for a different title, belong to the same people, and for the common good should cooperate with each other. See Giacchi 1980, 59-64; Dalla Torre 1996, 24-33; Krukowski 2020, 125-30.

³ “Rzeczpospolita” no. 249 (September 14, 1945).

of Catholic organizations and associations; the elimination of church media of social communication; the introduction of state censorship on church publications [Krukowski 2000, 241-53].

Since after the World War II there was no diplomatic relations between the Holy See and representatives of the communist authorities, the direct responsibility for the Church in Poland was assumed by the Episcopate under the leadership of the Primate of Poland, who was also the chairman of the Polish Episcopate, equipped by the Pope with extraordinary power (*facultates speciales*) [Idem 2017, 47-68].

In determining the Church's position on the threats posed by the communist regime, Primate Wyszyński relied on two premises: 1) the religious and moral dimension of the universal mission of the Church, exercised independently of state power; 2) the historical bond of the Catholic Church with the Polish nation and the auxiliary function of the Church towards a nation saved from its own sovereign political power. In his teaching and diplomatic activity, Primate Wyszyński used two methods in parallel: 1) the defensive method – consisting in defending the rights of the Church, the rights of the nation, family rights and human rights; 2) the method of partnership dialogue with representatives of the communist authorities in order to achieve normalization of relations between the State and the Catholic Church [Idem 2020, 95]. Considering the moment when the Holy See joined this dialogue with representatives of the communist authorities, two stages should be distinguished: the first in 1948-1967; the second in 1967-1998.

II.

The first stage of the dialogue on the normalization of relations between the Communist State and the Catholic Church arose in 1948. At that time, at the initiative of Primate Wyszyński, a Mixed Commission consisting of representatives of the Polish Episcopate and the Communist Government was established.

The first result of negotiations conducted within this Commission was the establishment by the Sejm of the Act of 20 March 1950 on Seizing Dead-Hand Goods by the State, Guaranteeing that Parish Priests Own Arable

Farms and Setting up the Church Fund,⁴ which provided the Church a minimum existence after the Concordat was broken.

The second result was the Agreement between Representatives of the Government of the Republic of Poland and the Polish Episcopate signed on April 14, 1950.⁵ In intentions of Primate Wyszyński, it was supposed to stop the growing attacks on the Church at least for some time. Primate Wyszyński took the position that “the mission of the Church can be realized in various socio-economic systems established by secular authorities” and that the Concordat is the proper form of regulating relations between the State and the Catholic Church. He treated the fact of signing the Agreement between the Government and the Polish Episcopate as a *modus vivendi* of the Church in Poland in the absence of diplomatic relations between the State and the Holy See. However, in order to respect communication with the Holy See, the Agreement included the principle that: “[...] the Pope is a competent and the highest authority of the Church concerning matters of faith, morality and the Church’s jurisdiction” (no. 5).

Historical experience shows that the communist authorities mislead the Episcopate by signing the Agreement. They wanted to impose on the society the opinion that they had the support of the hierarchy of the Catholic Church to achieve their goals. Soon after signing the Agreement, they started to continue their fight against the Church. The Polish Episcopate against this practice – especially the interference of state authorities in the nomination of diocesan bishops – strongly protested in a letter of 8 May 1953, called “Non possumus,” addressed to President Bolesław Bierut. Then the authorities intensified the repression of the Church. This particular manifestation was the arrest of Primate Wyszyński and his three-year internment (1953-1956).

On the other hand, Primate Wyszyński, through his courage and unbreakable attitude, gained high moral authority in public life. Therefore, in the autumn of 1956 – when mass protests of academic youth against the communist dictatorship arose throughout the country – representatives of the state authorities asked the Primate interned in Komańcza to return to Warsaw to save Poland from the outbreak of the bloody revolution that occurred in

⁴ Journal of Laws, No. 9, p. 87.

⁵ “Circular Letter of the Polish Bishops’ Conference” 1989, no. 17, p. 28-38 [henceforth cited as: Agreement]. See Krukowski 2005, 71-97.

Hungary. The Primate agreed to return to the Capital, provided that the state authorities guarantee that the damage done to the Church would be rectified by violating the guarantees contained in the 1950 Agreement. For this purpose “Joint Commission of Representatives of the Government and the Episcopate of Poland” was established, which negotiated the “Statement” from the conversations, called “Small Agreement.”⁶ However, shortly after signing the Statement, the authorities continued their fight against the Church.

III.

The second stage in the pursuit of normalization in State-Church relations in the conditions of communist totalitarianism was initiated in an atmosphere of international relaxation in political relations between East and West in the mid-1960s. The Holy See began a dialogue with the authorities of the communist countries of Central and Eastern Europe. This was manifested by the visits of Mons. Agostino Casaroli, Undersecretary for Extraordinary Affairs of the Church in the capitals of these countries and his talks with their authorities in order to obtain a minimum improvement of the situation of the Church in these countries. These visits resulted in provisional partial agreements (Hungary, Czechoslovakia, Yugoslavia) [Stehle 1993, 259-89]. When Mons. Casaroli entered into a dialogue with representatives of the communist authorities in Poland, they accused Primate Wyszyński of conservative views and proposed the Holy See to conclude an agreement “beyond the back of the Polish Episcopate” [Krukowski 2020, 98]. Primate Wyszyński took a critical stand on this initiative [Borecki 2019, 43] and on March 3, 1967, he sent a letter to Pope Paul VI in which he informed him what matters should be the subject of the convention between the Holy See and Poland, and what are the chances of its conclusion and compliance [Zito and Casaroli 2015, 86].

The Primate of Poland postulated that the subject of this convention should include at least the following matters: 1) recognition by the state authorities of the Church in Poland as a person of public law; 2) omitting the principle of “separating the Church from the State,” recognizing the Church as a living community “according to its laws,” i.e. the freedom to exercise jurisdiction, administration and apostolic mission; 3) appeal by the authori-

⁶ “Wiadomości Archidiecezjalne Warszawskie” 1956, no. 2. See Raina 1986, 134-36.

ties – very harmful to the Church – secret instructions; 4) guarantees the freedom of religious education of Catholic youth, as well as the right to establish religious schools and the right to catechize, i.e. teaching Catholic religion to students outside school; 5) recognition of the Church’s right to conduct higher and lower, diocesan and religious seminaries; 6) the right to build new churches and chapels and other necessary buildings; 7) the right to establish by the Church its own publishing houses and own printing houses and religious magazines; 8) promise that religious families in their works – in accordance with their calling – will not be “disturbed” by the state authorities. At the same time, the Primate pointed out that the following codes are on the way to conclude the “long-awaited convention between the Holy See and the Polish State:” 1) the highest authorities of the Republic of Poland are not autonomous, do not live according to their own laws, but are subject to the Soviet Union in deciding for or against the convention; 2) do not cease to support false theories promoting atheism; 3) make such political demands, the fulfillment of which is not dependent on the Holy See (e.g. the demand for recognition of the western border between Poland and Germany on the Odra and Nysa); 4) will violate what will be decided in the convention. Pope Paul VI – after considering the above letter – decided that negotiations between the Holy See and communist authorities would be conducted in close consultation with the Polish Episcopate, and in particular with the Primate Wyszyński.

In the 1970s there were two significant changes in relations between the State and the Church in Poland. The first was – after the agreement between Poland and the Federal Republic of Germany (1970) – the establishment by the Holy See of the organization of the Catholic Church in Poland in the Western and Northern lands (the erection of new dioceses and the nomination of diocesan bishops)⁷ and recognition by the State of ecclesiastical property in those lands.⁸

The second change was the establishment of temporary diplomatic rela-

⁷ Paulus PP. VI, *Constitutio apostolica Episcoporum Poloniae coetus* (28.06.1972), AAS 64 (1972), p. 657-59. See Raina 2001a, 14-29.

⁸ Act of 23 June 1971 on the Transition to Legal Entities of the Roman Catholic Church and Other Churches and Religious Associations of the Ownership of Certain Properties Located in the Western and Northern Territories, *Journal of Laws*, No. 16, item 156.

tions between the Holy See and the Communist Government. Under a protocol signed in the Vatican on July 6, 1974, two Teams for Working Relations between the Holy See and the Government of the Polish People's Republic were established [Lewandowski 1980, 233-24; Raina 2001a, 30-33].⁹ Their main task was to prepare conventions on two issues: 1) establishing diplomatic relations between the Holy See and Poland through second-class diplomatic representatives; 2) normalizing the situation of the Church in Poland.

At that time, Primate Wyszyński put forward a strong demand that relations between the Holy See and the Polish State be resumed in accordance with centuries-old tradition in the form of first-class diplomatic representatives; while the legal situation of the Catholic Church in Poland was also regulated according to tradition in the form of a concordat. In contrast, representatives of the communist authorities tried to "get along" with diplomats of the Holy See – as an important international authority – in order to obtain support in their efforts to obtain a loan from international banks. In domestic relations, on the other hand, they sought to weaken the authority of Primate Wyszyński and his influence on public life. In their opinion, normalization of the situation of the Church in Poland was to accept the freedom restrictions imposed on the Church after the breaking of the Concordat [Raina 2001b; Żaryn 2003, 317; Kowalczyk 2013, 40-41]. The Polish Bishops' Conference protested against such "normalization," demanding the guarantee of full freedom of the Church in public life and negotiations at two hierarchical levels [Krukowski 1982, 72-73].¹⁰ This position was also expressed by Primate Wyszyński in the Vatican at a meeting of the Synod of Bishops devoted to the new evangelization (1974) [Caprile 1975, 199-203]. It was accepted by Pope Paul VI [Raina 2001a, 190-92].

IV.

Since the beginning of Pontificate, Pope John Paul II (1978-2005) has paid

⁹ Archbishop Luigi Poggi managed the Team for Working Relations on the part of the Holy See [Kowalczyk 2013, 40-41].

¹⁰ Statement from the proceedings of the Polish Bishops' Conference of January 23 and 24, 1974.

close attention to matters concerning the normalisation of relations between the State and the Church in Poland. The position of the Holy See in this matter was clearly defined during first pilgrimage to Homeland in June 1979. This is indicated by his statements during the meeting with representatives of the communist authorities in Belvedere on 3 June 1979. It is significant that Edward Gierek in a welcoming speech on behalf of the party and state authorities, drew attention to the cooperation between the Holy See and states for the preservation of peace in the world,¹¹ but did not even mention the need to conclude an agreement with the Holy See on the normalization of the situation of the Church in Poland.

In reply,¹² Pope John Paul II expressed the Church's support "for genuine progress and peaceful development of humanity," but at the same time he pointed out the need to normalize relations between the Church and the State in Poland and emphasized the merits of Primate Wyszyński in this matter. The Pope stated that: "For this activity, the Church does not want any privileges, but only what is necessary to fulfill its mission. This is also the direction in which the activity of the Episcopate, led for over thirty years by a man of this measure, which is Cardinal Stefan Wyszyński, Primate of Poland, goes in this direction." At the same time, the Pope defined the position of the Holy See regarding the agreement with the state authorities in Poland: "If the Holy See is seeking agreement with the state authorities in this field, then – apart from creating conditions for the integral activity of the Church – it is aware that this agreement corresponds to the historical reasons of the nation, whose sons and daughters in the vast majority are sons and daughters of the Catholic Church. In the light of these obvious premises, we see such an agreement as one of the elements of political and international order in Europe and in the modern world, resulting from respect for the rights of the nation and human rights. Let me take the liberty of expressing the view that efforts and searches in this direction cannot be stopped."

¹¹ *Przemówienie I Sekretarza KC PZPR Edwarda Gierka w Belwedrze*, in: *Pielgrzymka do Ojczyzny. Przemówienia i homilie Ojca Świętego Jana Pawła II*, Instytut Wydawniczy Pax, Warszawa 1979, p. 42-45.

¹² Jan Paweł II, *Przemówienie wygłoszone podczas spotkania z przedstawicielami władz partyjno-państwowych w Belwedrze 2 czerwca 1979 r.*, in: *Pielgrzymka do Ojczyzny*, p. 139-53.

For more on the normalization of relations between the State and the Church, John Paul II spoke at a meeting with the Polish Bishops' Conference in Jasna Góra on June 5, 1979.¹³ The Pope stated that: "The Polish Episcopate, working closely with the Holy See, especially for John XXIII and Paul VI, did a lot for normalization. First of all, the Episcopate established a whole series of real documents on which it should be based. The essential help in all this pioneering work was the study contained in Vatican II documents, and in particular the thorough use of the declaration «Dignitatis Humanae» on religious freedom, which directly meets the principles promulgated in basic state and international documents, including in the Constitution of the Polish People's Republic. It is understandable that a specific application of these principles can only correspond to the idea of "religious freedom" if it takes into account the Church's real needs in relation to his many activities [...]. The Polish Episcopate has its own achievements in this important field. Based on the teaching of Vatican II, the Episcopate developed in theory a number of documents known to the Holy See, and at the same time in pastoral practice a number of attitudes that testify to the readiness of dialogue and clearly show that true dialogue must mean full respect for the beliefs of believers, full protection of their civil rights and normal conditions of the Church's activity as a religious community, to which in our case the vast majority of Poles belong [...]. In the dialogue one must clearly say who I am in order to be able to talk to someone else who is different. It must be said very clearly, very firmly: who I am, who I want to be and who I want to remain. We realize that this dialogue cannot be easy when it is conducted from the standpoint of diametrically opposite ideological assumptions, but it must be possible and effective if it is demanded by the good of man, good of the nation and, finally, good of humanity. It is necessary that the Polish Episcopate never ceases to make these efforts that are important for the contemporary Church [...]."

The Pope also indicated: 1) "That the Holy See may be able to conduct a dialogue with states, with systems, the local Church must be the direct dialogue partner with whom they matter, which does not represent any conformities, no concessions on important matters which is not an instrument;" 2)

¹³ Idem, *Przemówienie wygłoszone podczas 109 Konferencji Episkopatu Polski*, in: *Pielgrzymka do Ojczyzny*, p. 139-53.

“In our age, the normalization of relations between the Church and the State is based on fundamental human rights [...]. Among these human rights, the right of religious freedom has its unquestionable, and, in some respects, fundamental and central significance.”

The Pope also stated: “The normalization of relations between the State and the Church is proof of the political respect for this right and all its consequences in the life of the political community. Such normalisation is the practical expression of the fact that the State understands its mission towards society in accordance with the principle of subsidiarity (*principium subsidiarietatis*).”

V.

The question arises: how did the communist authorities respond to the above-mentioned postulates of the Pope? In reply, it must be stated that after the Pope’s pilgrimage, the authorities not only did not proceed with their implementation, but also took steps to weaken the impact of the Pope’s visit on society. It was only during the period of social protests under the slogans of “Solidarity” that the communist authorities returned to dialogue with the Polish Episcopate. Therefore, on September 24, 1980, the Joint Commission of Government and Polish Episcopate Representatives was reactivated, which the Church has been demanding since 1967 [Kowalczyk 2013, 45]. Its purpose was to prepare the normalization of the situation of the Church primarily in the field of filling church offices. The work of this Commission continued despite the imposition of martial law on December 13, 1981. In the first days of martial law, Pope John Paul II on behalf of the Holy See – as a signatory to the Final Act of the Conference on Security and Cooperation in Europe – addressed a letter to General Wojciech Jaruzelski regarding respect for the right of the nation to self-determination and urged him on the path of dialogue with society.¹⁴

At the beginning of 1982, a Working Group for Legislative Affairs was established within the Joint Commission of Representatives of the Government and the Episcopate of Poland, which began work on draft two complementary documents: a “declaration” (intended to act as a substitute form

¹⁴ Text of the Pope’s letter to General Jaruzelski in: Raina 1996, 254.

for the concordat) and an “act on the relationship of the State to the Church in Polish People’s Republic” [Kowalczyk 2013, 46-47]. However, the work of this Commission encountered serious obstacles caused by increased ideological offensive and attacks on priests of the Catholic Church (including the murder of Rev. Jerzy Popiełuszko, chaplain of “Solidarity,” October 19, 1984, committed by state security agents) [Żaryn 2003, 534].

A positive sign of a change in the position of the communist authorities was General Jaruzelski’s visit to the Vatican on January 13, 1987, during which he postulated the establishment of permanent diplomatic relations between the authorities of Polish People’s Republic and the Holy See [Kowalczyk 2013, 48].

In the spring of 1987, in order to strengthen the position of the Episcopate in negotiations with representatives of state authorities, a new ecclesiastical body called the “Mixed Commission,” composed of representatives of the Holy See and the Polish Episcopate, was established by order of John Paul II. This team undertook negotiations to develop: a convention on permanent diplomatic relations, as well as convention and laws defining the legal status of the Catholic Church in Poland [ibid.].¹⁵ Work on this project continued after another pilgrimage of Pope John Paul to Poland in June 1987. During this pilgrimage, the Pope in a speech at the meeting of the Polish Bishops’ Conference mentioned that “in recent years the authorities of the Polish People’s Republic have proposed formal diplomatic relations with the Holy See and that the Polish Episcopate has spoken positively in this matter” [ibid., 49]. The draft of the aforementioned convention between the Holy See and Poland was initialled on May 4, 1988 by the co-chairmen of the Joint Commission: Archbishop Jerzy Stroba and Minister Władysław Loranc.¹⁶ Then on June 20 of the same year, the project was forwarded to a representative of the Holy See, Archbishop Francesco Colasuono during the meeting of the Joint Commission of the Episcopate and Government. However, the Pope did not agree to ratify this convention. It probably did not meet his expectations to

¹⁵ In the place of Archbishop Luigi Poggi, Archbishop Francesco Colasuono became the head of the Holy See Team for contacts with the Government of the Polish People’s Republic and a nuncio for special orders.

¹⁶ Draft “Convention Between the Polish People’s Republic and Holy See” initialled on May 4, 1989 in: Kowalczyk 2013, 222-30.

some extent. On the other hand, a significant part of the norms contained therein – agreed through negotiations – were included in the Act of 17 May 1989 on the relation of the state to the Catholic Church in the Republic of Poland.¹⁷

Subsequently, in a letter of April 11, 1989, Pope John Paul II informed Primate Józef Glemp that in connection with the proposal of full normalization of diplomatic relations between the Holy See and Poland, he intended to send to Warsaw a permanent representative, whose task would be to “finalize the text of the convention, which is a momentous document of an international nature” [Kowalczyk 2013, 57].

Then the Pope appointed Archbishop Józef Kowalczyk as the Papal Nuncio in Poland and ordered him to negotiate on the normalization of the situation of the Catholic Church in Poland.¹⁸ Nuncio Kowalczyk developed a draft convention, submitted it for approval first to the Polish Bishops’ Conference, and then on November 30, 1990, he sent Card. Angelo Sodano, Secretary of State, to submit it to the Pope. After studying it by the Pope, Card. Sodano returned the project to Nuncio by letter of March 27, 1991. It is significant that, for marking this document, Cardinal Sodano used the two terms “convention” and “concordat” interchangeably. He stated that this document appears to be a good basis for discussions between the Parties and attached 12 amendments to it. In turn, by letter of October 21, 1991, the Nuncio sent this project to the Polish Minister of Foreign Affairs, Prof. Krzysztof Skubiszewski, pointing out that he does so with the authorization of the Holy See. Minister Skubiszewski replied to this letter on March 24, 1992, when Hanna Suchocka was the Prime Minister of the Government. At the same time, Minister Skubiszewski declared that he would head the delegation of the Republic of Poland to talks with the delegation of the Holy See and attached the Polish project, which he called “the agreement between the Holy See and the Republic of Poland.” Negotiations on the Concordat’s draft were conducted by delegations of the Contracting Parties from April 3 to July 15, 1993. It should be noted that all changes introduced to it by the Negotiators

¹⁷ Journal of Laws of 1989, No. 29, item 154-156.

¹⁸ The course of bilateral negotiations on the Concordat with chronicle accuracy was presented by the main negotiator on the part of the Holy See, Archbishop J. Kowalczyk. See Kowalczyk 2013, 64-108.

were sent to the Vatican – Secretary of State, who submitted them to the Pope. In turn, the Pope submitted comments to them, which were taken into account by the Negotiators. The ceremonial signing of the Concordat by the plenipotentiaries of the Contracting Parties took place in Warsaw on July 28, 1993.

The debate on the proposal on the ratification of the Concordat lasted relatively long. Parliamentary changes have contributed to this. On May 28, 1993 – during the negotiations on the Concordat project – the Sejm adopted a vote of distrust of the government of Prime Minister Suchocka. The Sejm was dissolved. However, the Government continued its leadership functions – including the negotiation and signing of international agreements – until the new Government was appointed by the Sejm, which was elected as a result of parliamentary elections that took place on September 8, 1993. After signing the Concordat around a proposal to enact a bill expressing the consent of the parliament controversy was initiated to ratify the Concordat, which lasted from July 28, 1993 to February 23, 1998.

Communist politicians opposed the ratification of the Concordat. They made accusations that this will result in giving the State a religious character, violation of the constitutional principle of separating the Church from the State, discrimination against non-Catholics, etc. These allegations were not related to the content of the Concordat. Their goal was to win supporters before the parliamentary elections by intimidating people with the Concordat [Zoll 1998, 85-94]. As a result of the elections, post-communist parties opposed the ratification of the Concordat gained majority in parliament.

The debate on the proposal to ratify the Concordat in the new Sejm was parallel to the debate in the Constitutional Committee of the National Assembly on the draft Constitution of the Republic of Poland. It is significant that the Sejm's consent to the ratification of the Concordat depended on the principles of relations between the State and the Church that would be included in the future Constitution of the Republic of Poland.

In the Constitutional Committee two tendencies clashed on this matter. On the one hand, in order to enable ratification of the Concordat, politicians of right-wing parties called for the principle contained in Art. 1 of the Concordat – respecting religious and political dualism – proclaiming that: “The Republic of Poland and the Holy See reaffirm that the State and the Catholic

Church are, each in its own domain, independent and autonomous, and that they are fully committed to respecting this principle in all their mutual relations and in co-operating for the promotion of the benefit of humanity and the good of the community.”¹⁹

On the other hand, supporters of the left-wing parties, who constituted the majority in the Constitutional Commission, demanded to include in the draft Constitution the principle of “separating the Church from the State” in the sense inherited from the communist regime. At the same time, they maintained that the principle inscribed in Art. 1 of the Concordat is contrary to the principle of separation of Church and State. The representative of the Polish Episcopate in the Constitutional Committee of the National Assembly strongly opposed the inclusion in the Constitution of the principle of “separating the Church from the state” because it is ambiguous and burdened with the tragic experiences of persecution. At the same time he explained that contained in Art. 1 of the Concordat, the principle of respect for the autonomy and independence of the State and of the Church, and cooperation is synonymous with the principle of separation in a positive sense; therefore, it should be entered in the Constitution so that in the future the persecution of the Church and believers based on the new Constitution will not be repeated.²⁰

Finally, the Constitutional Committee of the National Assembly decided to: include in Art. 25 of the Polish Constitution, the principle of respect for the autonomy and mutual independence of the Church and the State, each in its scope, and cooperation for the good of man and the common good; and extend it to other Churches and religious organizations, supplementing it with the principle of equal authority of the Churches and other religious organizations. On this basis, a new model of the secular state in the friendly separation version has been incorporated into the Polish law system, which is significantly different from the hostile separation model. At the same time, opponents accused that ratification of the Concordat would discriminate against non-Catholics on the grounds of violating the principle of equality

¹⁹ AAS 90 (1990), p. 310-29.

²⁰ Statement of the representative of the Polish Episcopate, Prof. Józef Krukowski at the meeting of the Constitutional Committee of the National Assembly on February 23, 1995 in: *Constitutional Committee of the National Assembly*. Bulletin XIV, p. 53. See Sobczyk 2004, 859-87, especially 871-72.

between all churches and other religious organizations. Therefore, they demanded the same form of regulation of the legal situation of the Catholic Church and other religious organizations. This demand was unfounded. The principle of equal rights concerns the identical treatment of all churches and other religious organizations as to the content of guarantees of freedom; however, it does not concern the form of regulation of their legal position. Therefore, to Art. 25 para. 4-5 of the Polish Constitution, the principle of diversifying forms of regulating relations between the State and the Catholic Church and other religious organizations was included. Therefore, two forms of regulation of these relations were adopted, i.e. an international agreement with the Holy See and an act adopted on the basis of agreements negotiated with representatives of a given Church or other religious organizations [Krukowski 2020, 146-53].

However, the Sejm – despite entering into the Constitution of the Republic of Poland the cited principles of relations between the State and the Church – dominated by left-wing politicians until the end of its term of office did not agree to ratify the Concordat [Winiarczyk-Kossakowska 2019, 69]. They set the conditions for: renegotiating the Concordat or attaching to the Concordat the declaration of the left-wing government of Prime Minister Włodzimierz Cimoszewicz containing a unilateral interpretation of certain norms contained in the Concordat. However, the Pope did not agree to these conditions.

After all, as a result of parliamentary elections that took place on September 21, 1997, there was a change in the balance of power in the Polish Parliament in favor of supporters of the ratification of the Concordat. On December 22, 1997, the Polish Parliament adopted a law approving its ratification. Then President Aleksander Kwaśniewski in Warsaw on January 24, 1998, signed the Act expressing consent to ratify the Concordat. On the same day, John Paul II also signed the Concordat in the Vatican. After the exchange of ratifications, which took place in the Vatican on March 25, 1998, the Concordat was promulgated and entered into force on April 25, 1998.²¹ In a speech delivered on the day of the exchange of ratification documents, Pope John Paul II stated that “the Concordat is a great task for present and

²¹ Journal of Laws, No. 51, item 318; AAS 90 (1998), p. 310-29.

future generations.”²² It is a significant contribution to building a better future at the stage of political transformations leading from communist totalitarianism to pluralist liberal democracy. The Concordat – concluded in 1993-1998 – gave the Church a higher level of legal security than acts unilaterally passed by state authorities.

To sum up, it should be stated that the full normalization of relations between the State and the Catholic Church in Poland – at the international and national level – after the fall of the communist regime was based on the assumptions of Christian religious-political dualism. This is a great diplomatic achievement of the Pope John Paul II, the continuator of the persistent aspirations of the steadfast Primate Stefan Wyszyński.

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The Contribution of the Primate of Poland Stefan Card. Wyszyński and Pope John Paul II to the Normalisation of State-Church Relations

Summary

The purpose of the discussion is to show the contribution of the Primate of Poland Card. Stefan Wyszyński and Pope John Paul II in the process of normalisation relations between the State and the Catholic Church in Poland after World War II. The whole covers three issues.

The first concerns changes that were introduced by the communist authorities. The resolution of the Provisional Government of National Unity declaring that the "Polish Concordat of 1925 ceased to be in force" was of significant importance. This meant a transition from the regulation of relations between the State and the Church in the form of a bilateral international agreement to regulation in the form of acts unilaterally adopted by the state authorities, drastically restricting the freedom of the Church in carrying out its mission. The second issue concerns the principles and methods that Primate Stefan Wyszyński and Pope John Paul II used and postulated to achieve the normalization of diplomatic relations between Poland and the Holy See and the regulation of relations between the State and the Church of Poland in the form of a bilateral international agreement. The third issue concerns the subsequent stages of implementation of these demands – from the breaking of the Concordat of 1925 to the conclusion of a new Concordat in 1993-1998.

Translated by Pawel Lewandowski

Key words: the Holy See, diplomatic relations, Catholic Church, international agreement, religious freedom

Wkład Prymasa Polski Stefana kard. Wyszyńskiego i papieża Jana Pawła II w normalizację stosunków między Państwem a Kościołem

Streszczenie

Celem rozważań jest ukazanie wkładu prymasa Polski kard. Stefana Wyszyńskiego i papieża Jana Pawła II w proces normalizacji relacji między Państwem a Kościołem katolickim w Polsce po II wojnie światowej. Całość obejmuje trzy kwestie.

Pierwsza z nich dotyczy zmian, jakie zostały wprowadzone przez władze komunistyczne. Istotne znaczenie miała uchwała Tymczasowego Rządu Jedności Narodowej zawierająca deklarację, że „Konkordat polski z 1925 r. przestał obowiązywać”. Oznaczało to przejście od regulacji stosunków między Państwem a Kościołem w formie dwustronnej umowy międzynarodowej do regulacji w formie aktów stano-

wionych jednostronnie przez władze państwowe, drastycznie ograniczających wolność Kościoła w realizacji swojej misji. Druga kwestia dotyczy zasad i metod, jakie prymas Stefan Wyszyński i papież Jan Paweł II stosowali i jakie stawiali postulaty w celu osiągnięcia normalizacji relacji dyplomatycznych między Polską i Stolicą Apostolską oraz regulacji stosunków między Państwem i Kościołem Polsce w formie dwustronnej umowy międzynarodowej. Trzecia kwestia dotyczy kolejnych etapów realizacji tych postulatów – od zerwania Konkordatu z 1925 r. do zawarcia nowego Konkordatu w latach 1993-1998.

Słowa kluczowe: Stolica Apostolska, stosunki dyplomatyczne, Kościół katolicki, międzynarodowa umowa, wolność religijna

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