

RELIGIOUS SYMBOLS IN PUBLIC SPACE - POLISH THEORY AND PRACTICE

**(Krzyżak Lesław, doctor of law, university professor)**  
**Wołomin International & Regional Cooperation University,**  
**Wołomin, Poland**

Over the centuries, relations between the state and the Church in Poland have evolved and underwent many radical changes. This resulted in cultural and social internal factors and external dependence on other countries. In the course of these changes, the approach to religious symbols regulated by state law was modified. The study will discuss the historical foundations of guarantees for religious symbols in public space as well as statutory and judicial guarantees of freedom of conscience and religion.

There are four periods in which relations between the state and the Church and religious associations are shaped: First Polish Republic (996-1917), Second Polish Republic (1918-1939), Polish People's Republic (1945-1989), and then the times of the Third Polish Republic.

Since the baptism of Mieszko I in 966, Poland has become a Catholic state. The Catholic Church had a dominant religion, while respecting the freedoms of other Churches and denominations emerging and operating in the country, mainly of Orthodox, Protestant and Muslim denominations. This model of the state was included in the constitution adopted on May 3, 1791, which included a declaration that the Catholic religion is national and ruling with all its rights [1, 227]. Consequently, three concordats were concluded [2, 2-26], as parliamentary resolutions confirmed by a papal bull [3, 640].

During the Second Polish Republic, the Left Polish Socialist Party demanded the secularity of the country and the separation of Church and state, while right-wing parties strove for Poland to be a religious state and for the Church to have universal and official recognition. In view of the above, by way of compromise, the constitution included formulas that guarantee religious freedom and recognition of religious institutions [4, 11].

During Polish People's Republic, the communists step by step sought to destroy religious consciousness and religious institutions by offering a Marxist-Leninist model of the state and atheistic ideology [5, 7]. The authorities' negative attitude towards the Church's activities prompted the primate to establish apostolic administrations in Opole, Wrocław, Gorzów, Gdańsk and Olsztyn, and then on 15 August 1945 appointing administrators for them. Persecution of the Church and elimination of religion from public life began. The attack on the Church was issued on September 12, 1945, a resolution of the Council of Ministers of the Provisional Government of National Unity breaking the concordat. Appeals and religious symbols were removed from the oath while taking office. By a decree of the Council of Ministers of September 25, 1945, civil weddings were introduced. Then, by a decree of September 6, 1946, all church property was appropriated for the state. Church associations were deprived of legal personality, religious teachers were dismissed and schools were converted into secular institutions. From September 1, 1954, religion was removed from schools. The critical position of the Church towards state authorities, as well as the need to cooperate with respect for

differences of views, was promoted from 1948 to 1981 by Primate Stefan Wyszyński. Discrimination against believers lasted until April 5, 1989, when the round table agreements were signed [1, 232-250].

The transition to coordinated separation led to the adoption on May 17, 1989, of three Church laws and the decision of July 17, 1989 regarding the resumption of diplomatic relations between Poland and the Holy See [1, 254]. From the nineties of the twentieth century, efforts were made towards the return of religious education to school, which was followed by the ordinance of the Minister of National Education of April 14, 1992. The return of religion to school allowed for hanging a cross on the wall in the school hall [6, 12].

Currently, the Constitution of April 2, 1997 guarantees freedom of conscience and religion when it raises the issues of equal rights for churches and other religious associations (Article 25) and when discussing the issues of freedom of conscience and religion (Article 53). The Act on Guarantees of Freedom of May 17, 1989 provides the freedom to choose a religion or belief, as well as various forms of expressing your faith. The constitutional guarantee of freedom is extended in the civil and criminal code. Victims can enforce their rights on a national and international forum.

#### REFERENCES

1. Krukowski J., Kościół i państwo. Podstawy relacji prawnych, Lublin 2000.
2. Zarzycki Z., Wolność religijna w pierwszych polskich konstytucjach do połowy XIX w., „Studia z Prawa Wyznaniowego” 2010, Tom 13.
3. Konkordaty, [w:] Encyklopedia Katolicka. Tom 9. Kinszasa - Krzymuska, Migus B. (red.), Wydawca TN KUL, Lublin 2002.
4. Macała J., Polska katolicka w myśli politycznej II RP, Zielona Góra 2004.
5. Dudek A., Państwo i Kościół w Polsce 1945-1970, Kraków 1995.
6. Ordinance of the Minister of National Education of April 14, 1992 on the conditions and method of organizing religious education in public schools (Dz.U. 1992, nr 36, poz. 155, art. 12).