

Catholic Church in Poland
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Poland DOCUMENTS
AND
REPORTS NO. 7

RELIGIOUS FREEDOM
and the
STATE-CHURCH AGREEMENT

POLISH RESEARCH AND INFORMATION SERVICE
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Decree

Protecting Freedom of Conscience and Religion

(Passed by the Council of Ministers, August 5, 1949)

I

The Polish Government guarantees freedom of conscience and religion to all its citizens.

II

Whosoever infringes on the rights of a citizen because of his creed or absence of religious affiliation is liable to imprisonment up to five years.

III

Whosoever forces another person to participate in religious worship or whosoever prevents another person from participating in such worship is liable to imprisonment up to five years.

IV

Whosoever misuses religious freedom by refusing to let another person participate in a religious ceremony because of his political, social or scientific activities or beliefs is liable to imprisonment up to five years.

V

Whosoever outrages the religious feelings of others by publicly desecrating religious objects or places of worship is liable to imprisonment up to five years.

VI

Whosoever publicly foments religious conflicts or sanctions them is liable to imprisonment up to five years.

VII

1. Whosoever publicly insults, scoffs at, or humiliates a group or an individual because of religious affiliations or convictions or because of absence of religious affiliations is liable to imprisonment up to five years.

2. Whosoever commits physical violence against a person because of his religious convictions or absence of religious affiliations is liable to the same punishment.

3. Whosoever commits any other criminal act against a group or an individual because of religious affiliations, convictions or absence of religious affiliations is liable to imprisonment.

4. If any action described in Paragraph 3 results in death, serious injury, disturbance of peace and order, or jeopardy to public safety, the person committing the act is liable to imprisonment for a period not less than three years, for life, or the death penalty.

VIII

1. Whosoever misuses religious freedom and freedom of conscience to pursue aims hostile to the form of government of the Polish Republic is liable to imprisonment for a period not less than three years.

2. Whosoever makes preparations to commit an act in violation of Paragraph 1 is liable to imprisonment.

IX

Whosoever misuses religious freedom for personal gain, takes advantage of human credulity by spreading false rumors, or by misleading others through deception and overt acts, is liable to imprisonment.

X

Whosoever takes part in an agreement, the purport of which is the commission of any crime under Articles 3 to 9, or whosoever deliberately joins a crowd which collectively commits such a crime, is liable to imprisonment.

XI

Whosoever contrary to his duty fails to intervene in the commission of such a crime is liable to five years maximum imprisonment.

XII

Whosoever in any manner instigates, encourages, recommends or publicly sanctions the committing of a crime defined in Articles II and XI is liable to imprisonment.

XIII

Whosoever is found guilty under this decree may be deprived, by the court, of his public and civil rights.

XIV

All cases arising under this decree are under the jurisdiction of Courts of Appeal.

XV

The provisions of the Criminal Code of 1932 and the Decree of July 15, 1946 concerning crimes especially dangerous during the period of national reconstruction are set aside in cases arising under the present decree.

XVI

The Minister of Justice is charged with the execution of this decree.

XVII

The decree goes into effect upon the day of publication.

Agreement Concluded
Between the Representatives
of the Polish Government
and of the
Roman Catholic Episcopate of Poland

For the purpose of assuring the People's Poland and its citizens the best opportunity for development and peaceful work, the Polish Government which advocates respect for religious freedom, and the Polish Episcopate which is concerned with the welfare of the Church and the interests of the State, agree to regulate their relationship in the following manner:

I

The Episcopate shall urge that in the course of the clergy's pastoral duties and in accordance with the teachings of the Church, the clergy teach the faithful respect for law and the authorities of the State.

II

The Episcopate shall urge that in the course of the clergy's pastoral duties, the clergy call upon the faithful to intensify their work for the reconstruction of the country and the advancement of the nation's welfare.

III

The Polish Episcopate states that economic, historic, cultural and religious reasons and also historic justice demand that the Recovered Territories should belong to Poland forever. Basing itself on the premise that the Recovered Territories form an inseparable part of the Repub-

lic, the Episcopate shall address a request to the Holy See that those Church administrations now holding the rights of residential bishoprics shall be converted into permanent episcopal dioceses.*

IV

To the extent of its ability the Episcopate shall oppose activities hostile to Poland and particularly the anti-Polish revisionist actions of a part of the German clergy.

V

The principle that the Pope is the competent and supreme authority of the Church refers to matters of faith, morals and Church jurisdiction; in other matters, however, the Episcopate is guided by the interests of the Polish State.

VI

Basing itself on the premise that the mission of the Church can be fulfilled within various social and economic systems established by secular authority, the Episcopate shall explain to the clergy that it should not oppose the development of cooperatives in rural areas since the cooperative movement is based essentially on the ethical element in human nature directed toward voluntary social solidarity which has as its goal the welfare of all.

VII

In accordance with its principles and in condemnation of all acts against the Polish State, the Church shall oppose particularly the misuse of religious feelings for anti-State purposes.

*The Recovered Territories, approximately 39,000 square miles in area, are territories taken from Germany and given to Poland by decision of the United States, the Soviet Union, and Great Britain at the Potsdam Conference in August, 1945. The area is referred to by Poles as Recovered Territories for the reason that they are ancient Polish lands. While Polish bishops administer the dioceses of the Recovered Territories the Holy See has not yet recognized them as a permanent part of Poland.

VIII

The Church which condemns all crime in accordance with its principles shall combat the criminal activities of underground bands and shall denounce and punish under canon law those clergymen who are guilty of participation in any underground activities against the Polish State.

IX

In accordance with the teachings of the Church, the Episcopate shall support every effort toward strengthening peace and oppose, to the extent of its ability, every attempt to provoke war.

X

Religious instruction in schools:

A. The Government does not intend to reduce the present status of religious instruction in schools; the program of religious instruction will be worked out by school authorities together with representatives of the Episcopate; the schools will be supplied with appropriate textbooks; lay and clerical instructors of religion shall be treated on an equal footing with teachers of other subjects; supervisors of religious instruction shall be appointed by the school authorities in consultation with the Episcopate.

B. The authorities will not place obstacles in the way of students wishing to participate in religious practices outside the schools.

C. While existing schools which are Catholic in character shall be continued, the Government shall require that these schools carry out instructions loyally and fulfill the program as determined by State authorities.

D. Schools run by the Catholic Church will enjoy the privileges of State schools in accordance with the general principles defined by the appropriate laws and the regulations of the school authorities.

E. Where a school is established which provides no religious instruction or where a school is transformed into one which does not provide for religious education, those Catholic parents who so desire shall have the right and the opportunity to send their children to schools where religion is taught.

XI

The Catholic University of Lublin shall be permitted to continue the present scope of its activities.

XII

Catholic associations shall enjoy the same rights as heretofore after satisfying all requirements provided in the decree concerning associations. The same principle shall apply to the Sodality of St. Mary.

XIII

The Church shall have the right and the opportunity to conduct its activities in the fields of charity, welfare, and religious education within the framework of existing regulations.

XIV

The Catholic press and Catholic publications shall enjoy privileges as defined by appropriate laws and the regulations of the authorities, and on an equal basis with other publications.

XV

No obstacles shall be placed in the way of public worship, traditional pilgrimages and processions. In accordance with the requirements for maintaining public order, arrangements for such ceremonies shall be made in consultation between Church and administrative authorities.

XVI

The status of military chaplains shall be defined by a special regulation to be worked out by military authorities in agreement with representatives of the Episcopate.

XVII

Religious ministrations in penal institutions shall be in the hands of chaplains appointed by appropriate authorities upon recommendation of the diocesan bishop.

XVIII

In State and community hospitals religious ministration for patients who desire it, will be in the hands of hospital chaplains who shall be remunerated through special agreement.

XIX

Religious orders shall have full freedom of activity within the limits of their calling and within the framework of existing laws.

Signed in Warsaw on April 14, 1950

Wladyslaw Wolski
Minister of Public Administration

Edward Ochab
Vice-Minister of National Defense

Franciszek Mazur
Member of Parliament

Bishop Zygmunt Choromanski
Secretary of the Episcopate

Bishop Tadeusz Zakrzewski
(Plock Diocese)

Bishop Michal Klepacz
(Lodz Diocese)

AVAILABLE ON REQUEST

(Partial List)

SAMPLE COPY, POLAND TODAY (illustrated monthly magazine, yearly subscription \$1)

PRINCIPAL FACTS AND FIGURES (area, population, government)

MAP OF POLAND

THE PROVISIONAL CONSTITUTION AND THE BILL OF RIGHTS

SOCIAL LEGISLATION IN POLAND (factual report)

SOCIAL WELFARE IN POLAND (factual report)

TRADE UNIONS IN POLAND (factual report) I; II

THE POLISH MINER (booklet)

WOMEN IN POLAND (factual report)

JEWISH LIFE IN POLAND (bi-monthly bulletin)

FREDERIC CHOPIN (biographical booklet)

PUBLIC HEALTH IN POLAND (factual report)

MEDICAL MISSION TO POLAND,
by Howard A. Rusk, M.D.

DOCUMENTS

POLAND, GERMANY AND EUROPEAN PEACE
STATEMENT OF THE CHAIRMAN OF THE POLISH DELE-
GATION TO THE UNITED NATIONS (Plenary Session of
the Third General Assembly, September 23, 1948)

THE POLISH FOREIGN MINISTER ON HUMAN RIGHTS
(Statement by Zygmunt Modzelewski, Minister of
Foreign Affairs, before a Committee of the United
Nations General Assembly, Third Session, October
2, 1948)

POLAND AND THE RUHR QUESTION (A statement of
Zygmunt Modzelewski, Polish Foreign Minister)

ADDRESS BEFORE THE INTERNATIONAL RELATIONS
CLUB, UNIVERSITY OF VIRGINIA (by Jozef Winiewicz,
Polish Ambassador to the United States)

POLAND'S ECONOMY: PRESENT AND FUTURE (Report
by Hilary Minc, Vice-Premier and Chairman of the
Economic Committee of the Ministers' Council)

ON THE RESTITUTION OF LOOTED PROPERTY TO
POLAND (Two Notes by the Polish
Ambassador to the United States)



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