

# Freedom of religion in the Polish Constitution of 1921 as viewed through the prism of State-Church relations in Poland à travers de siècles

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**Abstract:** The historical evolution of the relations between religious confessions and political power in Poland, starting from the Middle Ages and with particular regard to Catholicism, is the focus of this paper. The periods of greatest difficulty are identified, especially at the time of the Russian expansion and in the relationship with the Orthodox Church, but also with regard to Protestantism.

**Keywords:** Religious groups, historical evolution, Catholicism, Protestantism, Orthodox Church.

## I. Introductory remarks.

The provisions on religious issues and on relationships between State and Church as found in the Polish Constitution of 1921 (referred also to as the March Constitution) provided for freedom of conscience and freedom of religion guaranteed to all citizens of the state. The Constitution made a hint to certain, rather symbolic, priority granted to Roman Catholic denomination as the denomination confessed by the dominant part of the nation. Nevertheless the emphasis was laid on all other denominations being put on equal footing with Roman Catholicism. More detailed provisions secured the rights of the faithful of minority denominations to establish their religious organizations and to govern themselves by their own norms that the state authorities would not refuse to acknowledge, provided that they did not contradict law<sup>1</sup>.

In addition, the Constitution made a mention that the relationships between the state and the Catholic Church would be further regulated by the concordate which, when concluded, would be ratified by the Sejm. Anyway, the provisions of the Constitution on one hand smuggled the aura of toleration and acknowledgment to the denominations other than Catholic

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<sup>1</sup>Historia prawa wyznaniowego. Wybór tekstów źródłowych. Opracował Z. Zarzycki. Materiały dydaktyczne Krakowskiej Szkoły Wyższej im. A. Frycza-Modrzewskiego, Kraków 2004, p. 250.

and on the other emphasized the bond that bound Polish Catholicism with the Apostolic See. The solutions on religious issues laid down by the founders of the 1921 Constitution were reflective of the historical lines along which the problems of faith developed in Poland which in the past disclosed both the attitude of toleration and also simultaneously that of *Polonia semper fidelis*.

A brief survey of the developments in the area of State-Church relationships in Poland's history may shed some light on this complex issue.

## II. State-Church relationships. From the Middle Ages through the 20th century.

### 1. The bishop and the king in conflict. The tradition of the Church as a support to the oppressed.

Soon after the acceptance of Christianity which happened in 966 the Polish Church was shattered by a bloodstained episode of the murdering of Cracow bishop Stanislaus (1079) by king Boleslaus the Bold, one of the first rulers of the Piast dynasty. The case resembled that of Thomas Beckett in England in the 12<sup>th</sup> century. The chronicles are scarce in informing on the detailed causes of the conflict between the two, nevertheless the narrative deeply anchored in tradition of the Church has it that the bishop interceded for the people while blaming the monarch for his impious deeds and too oppressive internal policy. The oldest Latin epigram that was placed on the tomb of the bishop proclaimed, when translated into English: *This tomb houses the ashes of blessed Stanislaus. Since he did not want to accept the impious acts of king Boleslaus, He departed to Heavenly places, which he deserved by his martyrdom. Lucky is the one for whom God is a reward and the Heavens are his home*<sup>2</sup>.

The chronicler of the time, while characterizing king Boleslaus, portrayed him as excessively ambitious and vain (ambitious vel vanitatis superfluitas) and also as particularly fierce (*ferus*) when bursting out in anger. The chronicler makes also a mention of the king's disastrous impetuosity and impulsiveness and his tendency to assume lofty bearings<sup>3</sup>.

In the Middle Ages the growing tradition of the bishop's sanctity led to his canonization. He was also proclaimed patron of Poland. For a long time the case of bishop Stanislaus aroused a lot of disputes among the Polish historians. Some of them claimed that perhaps the bishop conspired against the king and was regularly tried and condemned to death. Yet the examination by the Forensic Institute of the skull of the saint surviving in

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<sup>2</sup> Kazimierz Baran, The message smuggled by the martyrdom of St. Stanislaus in the constitutional tradition of Poland (in:) *Jogtorteneti Tanulmanyok - Essays on Legal History*, vol. X, ed. by G. Beli, C. Herger, Z. Peres, 2010, p. 21-22.

<sup>3</sup> *ibidem*, p. 19-20.

the reliquary expressly confirmed the traces of a series of blows bestowed on it with a blunt-edged tool. This excluded the thesis about the regular execution of the bishop because everything showed that he must have been killed in fury. And indeed, the Church tradition has it that either the monarch himself or his retainers killed the bishop in the church at the moment of his saying the mass by the altar.

The case of St. Stanislaus strengthened the conviction that it was the Church's mission to react to the cases of injustice for which the secular power might be responsible. Hence in the era of Communist regime in Poland the feast of St. Stanislaus was each year an occasion for the riot police to be alert because the crowds of the faithful leaving the churches after the mass was over – could easily turn into political demonstrations critically disposed toward the oppressive regime.

## **2. Medieval Poland in its mission to Christianize pagans.**

When Poland became baptized in 966, in its neighbourhood, close to its north-eastern border, there lived the pagan nations: the Baltic peoples such as old Prussians, Lithuanians or Latvians. The early Polish rulers thought it their mission to start actions aimed at Christianizing them. In the 10<sup>th</sup> century, under the rule of Boleslaus the Brave of the Piast dynasty, the mission headed by Adalbert, former bishop of Prague and a devoted missionary, was sent from Rome with the task to Christianize the Old Prussians. The mission ended with a failure, Adalbert dying the death of the martyr. The question of Christianization of the pagans reappeared in the early 13<sup>th</sup> century when one of the Polish Masovian dukes, experiencing the raids of pagans on his territory, granted to the Order of Teutonic Knights (referred also to as Black Crusaders) a piece of his land charging them with the mission of Christianizing Old Prussians. The idea soon proved to be a mistake. Teutonic Knights were found to be a congregation of ruthless knights. Their mission was far from being peaceful and persuasive. They were conquering the land of the pagans where they were erecting their fortified castles, being fully bent on conquest. The Order began to expand beyond the territory they were originally granted and began to be a threat to Poland. By the early 14<sup>th</sup> century the Teutonic Knights seized the Gdańsk Pomerania that previously was subjected to Poland. The Order threatened also the Lithuanians who, by the mid-14<sup>th</sup> century, while still being pagan, managed to form their own state.

In order to deprive the Teutonic Knights of their Christianization argument, Poland contrived in the second part of the 14<sup>th</sup> century to persuade Grand Duke of Lithuania to accept Christianity with the assistance of Polish state and Church. On that occasion between Poland and Lithuania there was formed a personal union (the one which in the 16<sup>th</sup> century turned into a constitutional union). On the basis of the agreement between the two

countries Grand Duke of Lithuania married Jadwiga who ruled in Poland at that time and received the Polish crown. When united, both countries could more effectively oppose the unscrupulous advances of the Order with its indomitable thirst for conquest.

Anyway, the Polish-Lithuanian state had to repel the attacks from the Teutonic Order both on the battlefield as well as on the ideological plain. The point is that in the Europe of the time the Order used to launch successful propaganda campaigns trying to encourage the West European chivalry to participate in what the Teutonic Knights called crusades against the infidels. The Order induced the European knighthood to believe that while joining the Teutonic Knights in their crusades they defended Christian faith and in return for this they could count on obtaining particular spiritual favors. A glimpse of the success of the aforementioned propaganda was detectable in the fourteenth century *Canterbury Tales* by Geoffrey Chaucer. In it the poet portrayed an eminent knight fighting against the pagans in eastern Europe. Wrote he: There was a knight, a most distinguished Man.../ He had done nobly in his sovereign's war/ and ridden in the battle, no man more/ As well in Christian as in heathen places/ And ever honoured for his noble graces, He saw the town of Alexandria fall; Often, at feasts, the highest place of all/ Among the nations fell to him in Prussia,/ In Lithuania he had fought, and Russia...<sup>4</sup>

The allusion to the "highest place" is informative of the concept worked out by the Order to particularly honour the chivalry that joined them by seating them *apud mensam honoris*, i. e. at an honourable table in the Teutonic fortress. The one honoured like that could later boast thereof.

In 1410 the united forces of Poland and Lithuania managed to defeat the army of Teutonic Knights in the Battle of Grunwald, one of the largest battles of the Middle Ages. This however, did not put an end to the ideological war that the Order continued against Poland-Lithuania, portraying Poles and Lithuanians as non-sufficiently Christianized nations. In those days the conflicts between the states, whether those having religious tint or those being strictly secular, often landed before judiciary of Apostolic See. Also the Councils, like that held in Constance in 1414-1418, provided a good opportunity for Poland to bring on to its forum the question of rapacious and impious deeds of the Order. By doing so, the Polish authorities could put forth the dispute with the Order before a larger international milieu which in those days performed a function similar to that performed by the present-day Organization of the United Nations<sup>5</sup>. While

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<sup>4</sup> Chaucer's lines are cited by Norman Davies, *God's Playground, A History of Poland*, Oxford University Press, 2005, vol. I, p. 75-76.

<sup>5</sup> Kazimierz Baran, *Uniwersytet Jagielloński. Od fundacji kazimierzowskiej do schyłku XVIII w.* [in:] *Urbs celeberrima, Księga pamiątkowa na 750-lecie lokacji Krakowa*, pod red. A. Grzybkowskiego, Z. Żygulskiego, T. Grzybkowskiej, Muzeum Narodowe w Krakowie, 2008, p. 461.

raising their arguments, the parties involved in the conflict could invoke the norms of divine law (*ius divinum*), the norms of natural law (*ius naturale*) as well as the resolutions of earlier Councils and synods, papal decrees etc. The one who represented Polish side at the Council on occasion of the dispute with Teutonic Order was Paweł Włodkowic (Paulus Vladimiri). In his argumentation Włodkowic followed the ideas that arose in the Middle Ages among the scholars of Cracow University. The scholars laid down the foundations for the concept of *bellum iustum*, a just war, thereby setting standards of righteous activities in the relationships among nations. This was the concept that Włodkowic invoked while polemizing with the representatives of Teutonic Order at the aforementioned Council and while blaming the Order for waging the war that was not just<sup>6</sup>.

Włodkowic formulated the thesis that doubtless was a novelty in the legal thought of the time. While resorting to the Bible and to the divine law as well as to natural law, he argued that in the international scene the pagan states should enjoy the status equal to that enjoyed by Christian states and that no one was allowed to forcibly seize their territories. Thus he challenged the medieval thesis that only the Christian states form international community.

In that context Włodkowic resisted also the arguments of Teutonic Knights who claimed that the Order had full rights to the land the Order conquered while fighting the infidels because – they argued – it was the Emperor of Sacrum Romanum Imperium<sup>7</sup> who granted these rights to them. Włodkowic sensibly replied that the Emperor was not authorised to dispose of the land inhabited originally by pagans because the latter, although pagans, inhabited it by the grace of God and the Emperor could not dispose of something that was not his. On that occasion he invoked the well known axiomatic slogan of Roman law: *nemo plus iuris in alium transfere potest quam ipse habet*<sup>8</sup>.

Włodkowic also fervently criticised the impious methods applied by the Order in their missionary activities. He argued that the pagans should not be converted to Christianity with sword and oppression. To support his argumentation he invoked the decree of the Toledo Council that demanded that those wishing to convert others to Christian faith should persuade them with benignancy and not with severity<sup>9</sup>. The activities of Włodkowic ended with a partial success. They contributed to the better understanding of the cause of Polish-Lithuanian state among the eminent participants of the Council whose opinion was of high-ranking significance. The unfair blames laid on Poland by the representatives of the Order became little reliable.

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<sup>6</sup> ibidem.

<sup>7</sup> In the 10<sup>th</sup> century kings of Germany proclaimed themselves emperors.

<sup>8</sup> Baran, *Uniwersytet...*, p. 460.

<sup>9</sup> ibidem.

### 3. Poland-Lithuania with its sixteenth century religious toleration. The impact of Tridentum on religious developments in the nobiliary republic.

In the 16<sup>th</sup> century, the religious turmoil in Europe rendered religious wars ever more possible. Poland-Lithuania fortunately escaped this kind of plague. The proclaiming of religious toleration among fundamental laws of the republic that were called the Henrician Articles, and were adopted in 1573, was not incidental. The right of nobiliary citizens of the state to freely determine the Christian denomination to which they decided to adhere was considered to be only an addition to a series of freedoms that the noble citizens of this specific republic had earlier been granted. In the 15<sup>th</sup> through 16<sup>th</sup> centuries the king's power was becoming ever more limited while the rights of the noble citizens grew. And specifically it was from 1420 (Czerwieńsk Privilege) that the landed estates of a nobleman could not be confiscated without due process of law<sup>10</sup>. Also without due process of law the nobleman could not be imprisoned, the exception being made to him committing one of the most serious crimes in case of which the suspect could be immediately arrested but could not be detained endlessly without being brought to the court of law (Jedlna and Cracow Privilege of 1430-33)<sup>11</sup>. There were also other privileges those of political tint, which guaranteed the nobles a considerable share in the government of the country (Nieszawa Privilege of 1454), and which provided also for the separation of powers in the Nihil Novi Statute of 1505. According to the latter the legislative power was vested in the two-housed parliament referred to as the Sejm while executive power was vested in the monarch<sup>12</sup>. From 1573 the position of the latter was expressly reduced to that of a president for life who was freely elected by the mass of the nobles and was unable to leave the throne to his progeny. In addition he was fully subjected to law because if he violated it the noble citizens of the Republic could refuse their allegiance to him. They could organize an armed league and dethrone him<sup>13</sup>.

No wonder, therefore, that enjoying such liberties that nowadays we would call civic rights, the members of nobiliary nation thought it also indispensable to produce the guarantee for the freedom of conscience among their ranks, particularly because in the course of the 16<sup>th</sup> century a remarkable number of noble citizens accepted protestantism (mostly in the

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<sup>10</sup> Kazimierz Baran, The tradition of Roman republicanism among the Polish nobiliary class, 15<sup>th</sup> through 18<sup>th</sup> centuries [in:] "Panta rei". Studi dedicati a Manlio Bellono, a cura di Orazio Condorelli, tomo I, Il Cigno Edizioni, Roma 2004, p. 180-181.

<sup>11</sup> ibidem.

<sup>12</sup> Kazimierz Baran, The constitutional uniqueness of the Polish-Lithuanian Commonwealth, from the Sixteenth to the Eighteenth century [in:] Die Reiche Mitteleuropas in der Neuzeit, Integration und Herrschaft. Liber memorialis Jan Pirożyński, (Hg.) A. Perłakowski, R. Bartczak, A. Schindling, Księgarnia Akademicka, Kraków 2009, p. 98.

<sup>13</sup> ibidem, p. 99.



form of calvinism). In this atmosphere the Catholic and protestant nobles sought for some reconciliation formula. They organized a confederation, referred to as Warsaw Confederation, and in the name of their nobility brethren formulated a declaration in which they promised one to another not to shed blood on occasion of religious disputes. The declaration was incorporated into the already mentioned Henrician Articles of 1573. This turned the declaration into a fundamental law of the Republic. The appropriate fragment of Henrician Articles proclaimed: As in our Commonwealth there exists great dissidence in the cause of Christian religion, to prevent the growth of any harmful sedition, such as can be clearly seen in other realms, we promise in our names, and in the name of our successors in perpetuity and bound by oath on faith, honor and conscience, that we who differ in religion will keep peace among ourselves and for reason of different faith and religious practice will not shed blood, nor penalize by confiscation of wealth or good name, prison or exile, and we will not help any authority or office in such undertakings: instead, should anyone try to shed blood claiming an exalted cause, we shall all be responsible for preventing it, even if it were attempted under the pretext of a decree, or a court decision<sup>14</sup>.

The aforementioned drift of some part of the nobles toward the protestantism slowed down with the Council of Trent (*Tridentum*) and the acceptance of its settlement by the Polish-Lithuanian Sejm in the 70s. of the 16<sup>th</sup> century. The Council tried to oppose protestantism by eliminating the weaknesses of the Church that at one time generated the fertile soil for the protestant revolt. Unlike protestantism that rejected the entire tradition of the Church and laid the emphasis exclusively on the Bible, as the basis of faith, Tridentum emphasized the significance of tradition which, side by side with the Bible was formative of the faith. Catholics observed that tradition, including among others, the cult of saints, was not something incidental but providential. Its existence meant implementation of the words of the Founder of the Church: I am with you until the last days. While in protestantism the respective denominations freely selected sacraments depending on the line that they decided to follow, Tridentum firmly confirmed the sacraments in their entirety.

The Council of Trent did also a lot to raise the moral and intellectual level of the clergy and demanded that seminars for them should be established in every diocese while its bishop was obligated to permanently reside in the latter.

Good effects of Tridentum innovations were soon visible, which resulted in a large number of reconversions among the noble families whose

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<sup>14</sup> J. Jędruch, *Costitutions, Elections and Legislatures of Poland, 1493-1993. A Guide to Their History*, foreword by Norman Davies, New York 1998, p. 134.

ancestors at one time departed from the Catholic faith<sup>15</sup>. Since, after Tridentum, there appeared in the Polish-Lithuanian Respublica a network of Jesuit colleges in which nobiliary youth were instructed, thereby arriving at fluent command of Latin<sup>16</sup> and deep knowledge of history and culture of antiquity there began to develop in Polish-Lithuanian organism a phenomenon of Latinitas, a particular attachment to the specific type of culture deeply anchored in the Latin-based civilization, and – in the milieu of the nobles – to the Roman republicanism. The noble inhabitants of Poland-Lithuania, surrounded by the states that began to drift toward absolutism, searched for the pattern similar to their own constitutional scheme and found it in the republican Rome where also civic liberties were remarkable and where those who enjoyed the status of citizen had a remarkable share in the government of the country. In the eyes of a Polish nobles their *Respublica Polonorum* was a direct successor of *Respublica Romanorum*. They also tried to nurse the virtues exponential of Roman republicanism, such as patriotism, courage and readiness to defend the civilized world against the attacks of the hordes of barbarians<sup>17</sup>. They thought it their mission to protect Europe and they looked at their republic as *antemurale*, a bastion. When in 1683 king Jan Sobieski with his troops decided to relieve Vienna besieged by a large Ottoman army he did it while following the imperative arising from the concept of *antemurale*.

It is worthy of note that the development of the Latinitas culture increased at the time when Poland-Lithuania reached the climax of its territorial development. By 1582 the territory of the state amounted to about 815.000 sq. km and reached almost 990.000 sq. km in the first half of the 17<sup>th</sup> century<sup>18</sup>. The country was ethnically diverse. There lived in it side by side the Poles who might amount to some 50% while others were Lithuanians, Latvians, Ruthens (close to the present-day Byelorussians and Ukrainians), some Germans, particularly in the mouth of the Vistula, considerable number of Jewish Diaspora and – among less numerous groups, also Armenians, Tartars and Scots. In the eastern part of the Republic the Ruthenian language was widely spoken. The upper strata of society easily polonized and they, by the standards of the time, amounted to a considerable part of the total population. They, as the nobles, made up some 8% of the entire number of inhabitants (in the 18<sup>th</sup> century their number grew to

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<sup>15</sup> Baran, *The tradition*, p. 187.

<sup>16</sup> Daniel Defoe was surprised by the currency of Latin culture in Poland. Wrote he: *A man who can speak Latin may travel from one end of Poland to another as familiarly as if was born in the country. Bless us! What would a gentleman do that was to travel through England and could speak nothing but Latin... I must lament his condition.* Norman Davies, *God's Playground*, p. 183.

<sup>17</sup> Baran, *The tradition*, p. 184-188; A. W. Mikołajczak, *Łacina w kulturze polskiej*, Wyd. Dolnośląskie, Wrocław 1998, p. 218-228.

<sup>18</sup> *The Historical Atlas of Poland*, Warszawa-Wrocław, p. 14, 16.



10%)<sup>19</sup>. Among the nobles the ethnicity was not something what would count. In the birth registry of the time the entry *natione Polonus gente Ruthenus* (of Polish citizenship but of Ruthenian extraction) was not surprising<sup>20</sup>.

#### **4. Further developments, the reaffirmed toleration in the Constitution of 1791 and the fate of Polish Church under partitioning powers.**

The religious toleration guaranteed in the aforementioned Henrician Articles of 1573 experienced certain decline in the 17<sup>th</sup> century in which Polish-Lithuania republic went through its difficult days. There followed a series of wars in which the nobiliary state had to resist the armed invasions of the countries whose religiosity was hostile to Roman Catholicism. This facilitated the identification of Polishness with Catholic religion. At the end of the 17<sup>th</sup> century it would not be easy for a non-Catholic to aspire at being nominated to a high position in the governmental machinery.

The developments of this century were also accompanied by a serious deterioration of state machinery. While throughout the 16<sup>th</sup> and early part of the 17<sup>th</sup> century the machinery of the state moved smoothly, it began to scroop starting with the 1750s. The operation of parliament began to face impediments. The functioning of the legislative body was ever more plagued by ineffective sessions<sup>21</sup>. This situation, when continued, was found to be a factor threatening the very existence of the state. As a remedy to that in the 18<sup>th</sup> century there grew a milieu of enlightened men of nobiliary class who were fully determined to improve the constitutional system of the country. They realized that the republican model of the land needed urgent modification in the spirit of the Enlightenment. Without that modification the Republica would easily fall prey of the three absolutely ruled empires that surrounded it<sup>22</sup>. And indeed an enormous effort to improve and modernize the government was made by adopting in 1791 the Constitution that was referred to as that of 3<sup>rd</sup> May. As regards religious toleration the Constitution fully invoked the earlier tradition. It started with *Invocatio Dei* (*In the name of God, one in the Holy Trinity*) and although it gave priority to Roman Catholicism as the dominant national religion, it nevertheless guaranteed freedom to all other denominations. The right passage of the Constitution went on like that: *The dominant national religion is and shall be the sacred Roman Catholic faith with all its laws. Passage from the dominant religion to any other confession is forbidden under penalties of apostasy. Inasmuch as that same holy faith bids us love our neighbours, we owe to all persons, of whatever persuasion, peace in their faith and the protection of the government, and*

<sup>19</sup> Baran, *The Constitutional*, p. 97-98.

<sup>20</sup> Baran, *The tradition*, p. 182.

<sup>21</sup> Norman Davies, *God's Playground*, p. 246-285.

<sup>22</sup> *ibidem*, p. 386-411.

*therefore we guarantee freedom to all rites and religions in the Polish lands, in accordance with the laws of the land*<sup>23</sup>.

In a side-way manner let us observe that in the discussed Constitution there appeared the devices that, by the standards of the time were particularly progressive. The system was based on the separation of powers. The king was placed in the position of the one who, like in the British Constitution, could do no wrong, because all the executive acts that he produced had to be countersigned by the right minister and it was him who took on himself the responsibility for the monarch. The ministers that formed an executive body were subject to both political and constitutional responsibility before the Sejm. Their Cabinet could be forced to resign their posts if they lost the support of parliamentary majority. Thus the Constitution for the first time in Continental Europe expressly introduced the mechanism of the vote of no confidence.

Unfortunately the adopting of the 3<sup>rd</sup> May Constitution did not prevent the fall of the state. Its modernised republicanism doubtless made up a challenge to the three neighbouring countries: Hohenzollern-ruled Prussia, Habsburg-ruled Austria and Romanoff-ruled Russia. Polish-Lithuanian republic was partitioned by these three absolutely-ruled empires.

During over one century that followed the Poles through repeated insurrections tried to restore their state. In these dramatic efforts they sought inspiration and support in their religion and in the Church. This was responsible for the tightening of the bond between the nation and the Catholic faith.

In the Russian part of partitioned Poland, post-insurrection repressions often affected also Catholic clergy that were imprisoned or deported for the help they would render to the insurgent movement. In that context worthy of note is the *Luctuosam* of 1864 produced by Pius IX in which the pope listed the cases of abuse and violence as used toward Catholic Church by the Russian tsar's regime. This led to the breach of diplomatic relationships between Apostolic See and Petersburg, the relationships being restored only in 1895<sup>24</sup>.

In the Prussian part of partitioned Poland the Catholic Church played a significant role in resisting the pressure the Prussian authorities exerted on the Polish population in order to dismantle their national and Catholic identity, and consequently to Germanize them. This tendency was particularly felt at the time of Kulturkampf campaign launched by Chancellor Bismarck (1870-1887). Soon however the Prussian authorities found that the policy of repressions was counterproductive<sup>25</sup>.

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<sup>23</sup> Poland's Constitution of May 3, 1791 in Polish and English, Defense Language Institute, Presidio of Monterey, California 1985, p. 1 B.

<sup>24</sup> Zygmunt Zieliński, *Historia Kościoła. Odbicie rzeczywistości bożej w świecie*, Wyd. Wrocławskiej Księgarni Archidiecezjalnej, Wrocław 2005, p. 181-186.

<sup>25</sup> *ibidem*.

In the Austrian part of partitioned Poland in the early 19<sup>th</sup> century the Church experienced some limitations deriving from the earlier policy of Josephinism. But apart from the latter, the Church in Austria was relatively free in performing its pastoral mission. The Austrian Concordate of 1855 facilitated this<sup>26</sup>.

Anyway in all parts of partitioned Poland the Church helped to smuggle from generation to generation Polish Catholic tradition.

No wonder, therefore, that when, eventually, in 1918 the nation regained the lost statehood and reappeared in the European scene in the Constitution that the Poles drew up in 1921 the *Invocatio Dei* reappeared (In the name of God Almighty, we, Polish Nation, while expressing our thanks to Providence for liberating us...). The tradition of religious toleration was restored. Like in the Constitution of 1791, thus also in that of 1921, certain symbolic priority was granted to the Roman Catholicism as the religion of the prevailing part of the nation, nevertheless other denominations were put on equal footing with it.

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<sup>26</sup> *ibidem*.

