

New Law for the Church in Poland

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One of the results of the gradual democratisation process in Poland has been the *de jure* normalisation of church-state relations. On 17 May 1989 the *Sejm* approved Law No. 154 'Concerning the State's Attitude to the Catholic Church in the Polish People's Republic'.¹ The law, unlike any other in Eastern Europe,² gives the Catholic Church in Poland legal status for the first time since 1945; thus it remedies a fundamental legal absurdity that has had negative consequences for the proper fulfilment of the church's mission and affected the overwhelming majority of Polish society. The adoption of this new legal framework by the Polish parliament will have far-reaching consequences for the status and operation of religious institutions in the country and for the role of individual believers in public life. Above all the new law will limit the extent of the regime's arbitrary decisions and restrict areas of future disagreement. This paper examines the background to these developments and the content and implications of this legal act.

Prior to the imposition of communist rule in Poland church-state relations in the country were governed by the Concordat of 1925³ which established a general framework for these relations on an essentially threefold basis. First, it provided for mutual recognition of

¹For complete text of Law No. 154, dated 17 May 1989, 'Concerning the State's Attitude to the Catholic Church in the Polish People's Republic', see: *Dziennik Ustaw Polskiej Rzeczypospolitej Ludowej*, Warsaw 23 May 1989 No. 29, pp. 457-70. Also on 17 May 1989 the Polish parliament approved two other important documents concerning believers and religious institutions: Law No. 155, dated 17 May 1989, 'Concerning the Guarantees of Freedom of Conscience and Religion', and Law No. 156, dated 17 May 1989, 'Concerning Social Security Insurance of Church Personnel'. For complete text see *ibid*, pp. 470-75 and 476-80 respectively. While the first act applies to the Catholic Church the other two pertain to the remaining Christian and non-Christian denominations and religious communities.

²Similar legislation is currently being drafted also in Hungary.

³For the full text of the Concordat signed on 10 February 1925 see *Dziennik Ustaw*, 1925 No. 72, Law No. 501. Excerpts are given in *Church and State Behind the Iron Curtain*, edited by Vladimir Gsovski (Greenwood Press: Westport, Conn., 1955), pp. 229-30.

the full sovereignty of both Poland and the Vatican in the international arena. This implied a definition of the church's ecclesiastical units — the dioceses — within the territory of the state and laid the basis for the establishment of diplomatic relations between Poland and the Holy See. Second, the Polish state explicitly accepted the autonomous character of the church's internal organisation, derived from traditional rules of canon law, and pledged respect and support for ecclesiastical jurisdiction in religious matters. At the same time the state was assured a large degree of influence over the selection of bishops by maintaining the right to veto individual candidates. Finally, the church received a formal guarantee from the state for the free exercise of its religious and moral functions in society as well as for unhindered management over its economic and educational establishments.

The Concordat was unilaterally abrogated by the Government of National Unity as early as 12 September 1945 and from that time the relationship between church and state remained basically unregulated until May 1989. The issue of the church's legal status has been a major source of conflict in church-state relations during the past 45 years. It should be remembered that the Catholic Church in Poland, whose adherents number in excess of 90 per cent of the population,⁴ remained virtually the only main denomination not to be legally recognised by the state.⁵ According to the minister in charge of the office for Religious Affairs even the community of Karaites, which numbers between 150 and 200 adherents, had their legal status regulated.⁶

The present law incorporates some of the views and sentiments expressed in the Concordat of 1925 in terms of the acceptance of the autonomy of the church's internal organisation and jurisdiction based on canon law, the guarantee of the free exercise of its functions and the independence and management of its health, educational and media establishments.

It is significant that the text of the law 'Concerning the State's Attitude to the Catholic Church in the Polish People's Republic' was

⁴No accurate statistical data on the membership of the Roman Catholic Church in Poland exists since the census does not include questions pertaining to religious affiliation. Perhaps the most reliable data is that compiled by the church on the basis of communicants and annual confessions. According to official church sources the average percentage of Roman Catholics in Poland in the late 1970s was 93.3 per cent. See *Kosciol katolicki w Polsce, 1945-1978* (Pallotinum: Poznan-Warsaw, 1979), p. 21.

⁵The other main Christian denominations received recognition in the immediate post-war period. For example the Methodist Church was given official recognition on 16 October 1945, the Polish National Church on 8 February 1946, the Augsburg-Evangelical Church on 19 September 1946, the Evangelical Reformed Church on 4 July 1947, the Mariavite Church and the Old Catholic Church on 5 September 1947.

⁶*Polityka*, 6 May 1989.

prepared by the Joint Episcopal-Government Commission, co-chaired by the Deputy Chairman of the Council of State, Kazimierz Barcikowski⁷ and the Archbishop Metropolitan of Cracow, Cardinal Franciszek Macharski. The Commission was established originally at the height of Stalinist persecution, in July 1949, as a platform for the discussion and negotiation of outstanding issues and problems in church-state relations. At that time it was the only institutional mechanism through which the church could put across its point of view.⁸ In 1950 the Commission negotiated an Agreement between the church and the regime, a kind of *modus vivendi*, a technical instrument, which halted for a period the state's encroachment on the church.⁹ The Joint Commission met at irregular intervals until 1967¹⁰ when it became inactive for 13 years. It was reconstituted in its present form on 24 September 1980 in the aftermath of the Gdansk Agreement signed between the regime and Solidarity. By presenting the draft as an agreed version from the Joint Episcopal Commission both the church and the regime were able to secure its smooth passage through the legislative process.

It should also be noted that prior to being tabled to the parliament the draft was endorsed by the Politburo of the PUPW and, on 10 March, by the 233rd Plenary Conference of the Polish Episcopal Conference. It was initialled by the Joint Commission on 5 April. The timing of this was significant as it came on the eve of the signing of the Round Table Agreement on 6 April which redesigned the political landscape in Poland by restructuring the legislature, acknowledging the plurality of social and political forces, and laying the foundations for the first semi-democratic elections since the end of the Second World War. The church played a crucial role in bringing government and opposition together and forging the contract. It even made technical arrangements for the actual negotiations.¹¹ Clearly the regime was eager to have the full support of both church and population for the new policies. Without the full normalisation of church-state relations the new policies would have been hardly credible. However, it also needs to be said that the procedure adopted for the drafting of the law and the high level of consultation with the Episcopate, as well as the content of the document itself, are clear

⁷ Barcikowski is also a member of the Politburo of the ruling Polish United Workers' Party (PUPW).

⁸ For details concerning the history and workings of the Joint Episcopal-Government Commission see Bogdan Szajkowski, *Next to God. . . Poland: Politics and Religion in Contemporary Poland* (Frances Pinter Publishers: London, 1983), pp. 22, 79, 103, 173.

⁹ For analysis of the Agreement see *ibid.* pp. 13-15.

¹⁰ For example between 1956 and 1967 it met only seven times.

¹¹ For details see an interview with Father Alojzy Orszulik, one of the church's observers at the talks, in *Przegląd Katolicki* 12 March 1989.

evidence of a fundamental change in attitude by the communist authorities towards the church. Father Alojzy Orszulik, Deputy Secretary of the Polish Episcopal Conference, who has been intimately involved in church-state negotiations for over a decade now, summarises the change in the following terms:

Our ruling brothers have also made certain re-evaluations, they have realised that the existence of the church is a fact that cannot be ignored. The authorities have realised that unleashing a conflict with the church has been a mistake throughout the past 45 years.¹²

The final draft of the law was presented to parliament on 26 April by Prime Minister Mieczyslaw Rakowski.¹³ As head of government he publicly acknowledged the wrongdoings committed against the church by the communist authorities. He stressed that the new law will close a particular chapter in Polish history. The PUWP had critically examined its past policies and drawn the necessary conclusions, creating a new foundation for church-state relations. Rakowski emphasised the importance of direct personal contacts between church and government officials at all levels and their joint responsibility for national and local affairs. He called the bishops 'our partners', pledged the government's good will in implementing the mutual obligations provided in the new law and asked the church for similar commitment. This was particularly important at a time when 'new mechanisms of expressing and coordinating complicated and sometimes even conflicting aspirations, interests, and opinions' were being created. The Prime Minister's speech was an explicit statement of the regime's willingness to put its relations with the church on a realistic footing.

Next, the draft, together with drafts of the laws concerning freedom of conscience and religion, and social security insurance of church personnel (see footnote 1), went through a committee stage where they were examined by a Special Parliamentary Commission and three working groups (one for each of the proposed bills). In the deliberations of the Commission representatives of the Catholic Church and the Polish Ecumenical Council also took part. Finally the bill was presented to the parliamentary session with three amendments¹⁴ and approved with two votes against and 12 abstentions. The

¹² *Ibid.*

¹³ *Zycie Warszawy*, 27 April 1989.

¹⁴ Only three changes were made during the committee stage. At the church's request the word 'human being' in the preamble was changed into 'human person'. In Art. 31 Para. One, which refers to the right to fulfil religious practices and the availability of religious services, the word 'hospitals' was replaced by 'health institutions'. In Art. 61 Para. One Section One the formulation 'except for the real estate given for use' was replaced by 'unless on the day the bill comes into operation the real estate is used by other churches or denominations'. These small amendments were acceptable to the interested parties.

legal recognition of the Catholic Church does not affect some 40 other religious groups and denominations in Poland, most of whom had their legal position formally acknowledge earlier. It merely rectifies an anomaly that existed since 1945. It should be remembered that the Polish Ecumenical Council which comprises eight main denominations was consulted during the preparation of this parliamentary act. Indeed, its representatives together with those of the Catholic Church sat in the public gallery during parliamentary readings of the bill. The decree does not give the Catholic Church a *de jure* privileged position.

The New Law

The law 'Concerning the State's Attitude to the Catholic Church in the Polish People's Republic' is a mammoth document consisting of 77 lengthy articles divided into four chapters and 14 sections.

The chapter entitled 'The Catholic Church in the Polish People's Republic' defines the legal position of the church, and the organs, positions and individuals through which its rights are exercised. Art. One states that, 'the Catholic Church in the Polish People's Republic acts within the constitutional framework of the Polish People's Republic.' However, according to Art. Two, 'The church is governed by its own law, freely exercises spiritual authority and jurisdiction, and regulates its own affairs.'

The Joint Episcopal-Government Commission, until now an *ad hoc* body, is given a permanent place in the political life of the country and a statutory role. According to Art. Four,

The Joint Commission of the representatives of the Government of the Polish People's Republic and the Conference of the Polish Episcopate, composed of an agreed number of authorised persons on the basis of parity, henceforth referred to as the 'Joint Commission', deals with problems concerning the development of church-state relations and with the interpretation of this law and its execution.

Arts Five to 14 define the persons and institutions who have the right to exercise the church's legal status in law. The church's legal person on a national scale is the Conference of the Polish Episcopate.

Its organs consist of a Presidium, Main Council and Secretariat (Art. Six). Arts Seven, Eight and Nine give a comprehensive list of legal persons on a sub-national level. This list is divided into three categories. The first includes the church's administrative units: archdioceses, dioceses and parishes as well as a number of charitable organisations working directly under the auspices of the church — the

Polish *Caritas* organisation, diocesan *Caritas* and Papal Missionary Works. In this category the positions in the church's hierarchy serve as organs of the church's legal person: metropolitan, archbishop, bishop, apostolic administrator, parish priest and directors of charitable organisations (Art. Seven). The second category includes personal units in the church's structure such as personal parishes, the Conferences of the Superiors of Male and Female Religious Orders, abbeys, independent monasteries, and lower and higher seminaries. The organs of the church's legal person are the highest positions of responsibility in each of these units: abbot, prior, superior etc. (Art. Eight). The third category includes Catholic institutions of tertiary education: the Catholic University of Lublin,¹⁵ the Papal Theological Academy in Cracow, Papal Theological Faculties in Poznan, Wroclaw, and Warsaw (including two of its sections which belong to the Jesuits), and the Jesuit Faculty of Philosophy in Cracow (Art. Nine).

The granting of a legal status to the papal academies and theological faculties removes one of the long-standing areas of dispute in church-state relations. These institutions of tertiary education came about as a result of the closure of theology faculties at the Universities of Warsaw and Poznan and the Jagiellonian University in Cracow at the beginning of the winter semester 1954-55. After their dissolution the faculties were taken under church jurisdiction. However, since the Polish church could not in law control educational establishments not approved by the state, the Holy See extended its recognition to these institutions by creating the Papal Faculties of Theology in Warsaw (8 November 1962), Wroclaw (2 July 1974), Poznan (2 July 1974), and the Papal Academy of Theology in Cracow (8 December 1981). Until now the faculties have conferred licentiates not recognised by the state authorities.

The second chapter, entitled 'The Activities of the Church', is divided into eight sections dealing with public religious occasions, catechism and education, pastoral work, Catholic organisations, charitable activities, consecrated buildings, and culture and the mass media.

One of the areas of long-standing conflict between the church authorities and the regime has been religious education for children. The teaching of religion as a part of the curriculum was removed from schools in 1955. Although religious education was reintroduced in

¹⁵The Catholic University of Lublin (KUL), the only establishment of its kind in Eastern Europe, is the oldest church institution of higher education in Poland. Originally founded in 1918 when part of the Ecclesiastical Academy in Petrograd was transferred to Lublin, KUL was the first university to reopen in Poland after the Second World War. Maintained by church endowments, its independence from the state system of higher education was acknowledged by the Agreement of 1950.

1957 as part of the liberalisation which followed the 'Polish October' of 1956, classes in religious instruction were placed outside the curriculum and normal school hours. Children could attend them on a voluntary basis. However the School Law issued on 15 July 1961 eliminated religious education in schools altogether. In response the church constructed a fine network of catechetics classes which contributed substantially to the general level of religious instruction over the years. Yet even though religious education was conducted on church premises, the regime periodically attempted to control its content by insisting that religious classes should be checked by government inspectors. Arts. 18-24 of the new law deal with catechesis and education. They give the church the right to conduct religious education, and freedom to determine the manner and content of its educational activities. Art. 18 states:

1. The state acknowledges the right of the church to conduct religious education and to be involved in the religious upbringing of children and young people in accordance with the choice made by parents or rightful guardians.
2. Children, school pupils, working young people and adults take advantage of religious education in accordance with a programme designed by church authorities.
3. Religious education as an internal church matter is organised by parishes and monastic institutions under the jurisdiction of a diocesan bishop.

Religious instruction is to be conducted in catechetical centres, churches, chapels or other church buildings and not in schools (Art. 19).

A major concession to the church is made in the area of education. Until now the communist state has enjoyed an almost complete monopoly of the entire educational system in the country. The command of education has been one of the essential pillars of communist ideology and practice, and a fundamental mechanism of control over society. The new law introduces a degree of plurality into the educational system and for the first time gives the church the right to establish schools and other educational institutions (Art. 20),¹⁶ which 'are Catholic in character and subject to church authority'. Art. 22 extends social security, health and welfare provisions to teachers in church educational institutions.

Section Three of the second chapter is devoted to chaplaincies in the Armed Forces and regulations governing military service of church

¹⁶Similar formulations are contained in Art. 23 which gives Episcopal Conferences, dioceses and monastic orders the right to establish higher seminaries and institutions of tertiary education.

personnel. Apart from general provisions guaranteeing soldiers the right to participate in religious ceremonies 'outside military units' (Art. 15 Para. Two) the law contains regulations exempting church personnel including seminarians and novices from military service (Art. 29 Para. One). Para. Two of the same article states:

Priests after their ordination, and monks who have taken final vows are transferred to the reserve. In peace time they are not called up for military service with the exception of occasional training. With the agreement of the diocesan bishop or monastic superior they may be called to become military chaplains.

In the event of general mobilisation and in war time persons mentioned in Paras One and Two, are appointed according to the requirements of the armed forces:

1. priests and monks to perform the functions of military chaplains;
2. seminarians to work in the auxiliary medical services or in civil defence units.

The issue of military conscription of seminarians and novices has been one of the major controversies in the often turbulent relationship between church and state. Although the Agreement of 1950 (Art. IV) clearly stated that 'military authorities will defer the call up of members of theological seminaries in order to enable them to complete their studies', this provision has been broken on many occasions by the regime since 1960, but never cancelled formally. Seminarians were drafted as a form of reprisal against bishops who in one way or another had incurred the wrath of the regime. The practice was stopped in 1970 but resumed at the end of October 1972 and has continued periodically since.¹⁷ The new legal provisions would finally put an end to this much resented and disruptive practice.

Section Four under the heading 'Special Ministry' (Arts 30-32) defines the provisions of pastoral care for children in special institutions, in holiday camps, and for persons in closed health establishments, prisons and correctional institutions. The bill guarantees them the right to religious practice, catechetical instruction, pastoral care and to participate in the Mass. Whenever this proves impossible they will be entitled to listen to the broadcasting of the Mass. Directors of these institutions are required to designate special

¹⁷ Poland's theological students have always been at a disadvantage compared with their counterparts in other disciplines so far as military service is concerned. Under Ministry of National Defence regulations of 21 July 1959, students attending universities and colleges (the list includes over 70 institutions) were not called up, but studied military subjects as part of their military curriculum. A later regulation dated 7 August 1963 extended this privilege to certain 'non-academic schools' in which the Council of Ministers had introduced military training. Seminarians were not included on either list.

rooms for chapels or prayer rooms and appoint chaplains for establishments under their control.

Section Five of the second chapter defines the character and parameters of Catholic organisations and associations. Church members can form associations 'aimed at the realisation of the church's mission' (Art. 33). However in the terms of this law only church members can form church organisations (Art. 34). Such organisations can be 'established by a diocesan bishop or in the framework of monasteries by a monastic superior and above diocesan level by the Polish Episcopal Conference' (Para. One). On the parish level these can be established by a parish priest or monastic superior with the permission of the appropriate church authority (Para. Two). 'Church authorities verify an organisation's compliance with their religious and moral aims' (Para. Four). According to Art. 35:

Catholic organisations, as understood by this Law, are organisations established with the approval of the church authority which designates them a chaplain or church assistant. They (the organisations) act in union with the church hierarchy.

The new law thus clarifies another important and controversial matter, that of who can claim to be a church organisation. Since the end of the Second World War several organisations have emerged claiming to represent Catholic interests.¹⁸ The church has always been eager to distance itself from their claims and programmes. Indeed this law makes it clear that 'other organisations comprising of Catholics, realise Christian ideals according to their own programmes, act exclusively on the basis of generally applicable legal regulations and their statutes' (Art. 37).

Arts 38 and 39 regulate the charitable activities of the church which include the running of orphanages, old people's homes, homes for the mentally and physically handicapped, kindergartens, shelters and, what is particularly interesting, also hospitals, other health institutions and pharmacies. It should be remembered that traditionally the church has been involved in all these activities. Many religious orders have a long record of devoted charitable service to the community. Most of the charitable institutions were, however, taken over by the government in the 1950s. The new law will now allow the whole army of nuns and monks to resume full scale charitable work with legal protection.

The new law also makes a radical departure from established communist policies and practices in the area of church access to the mass media, which traditionally has been part and parcel of the

¹⁸For example, the pro-government PAX Organisation and the Polish Catholic Social Union.

regime's monopolistic control over society. According to Art. 46:

In order to secure the conditions for the development of Christian culture, the church's legal persons have the right to publish newspapers, books and other publications, to establish and own publishing houses, a Catholic Information Agency, and printing presses, with due respect to existing legal formulations in this area (Para. One).

To this end, the church's legal persons can receive from abroad as gifts for their own use machines, equipment, polygraphic materials and paper (Para. Two).

Moreover, according to Art. 48:

1. The church has the right to broadcast via the mass media the Holy Mass on Sunday and Holy Days of Obligation, as well its own religious and cultural programmes.¹⁹
2. The manner in which Para. Two is to be realised will be regulated by agreement between the Committee for Radio and Television 'Polish Radio and Television' and the Secretariat of the Polish Episcopal Conference.²⁰
3. The church can establish its own radio and television stations in agreement with the Ministry of Transport, Navigation and Telecommunication.

Art. 49 also gives the church the right to establish its own theatres, cinemas, and cinematic and audio-visual production companies. For these activities the church is not required to obtain permission.

Chapter III of the new law, (Arts 52-59) deals with matters concerning the estate of the church. It grants the church legal rights to the management of its estate, to inherit, and to receive gifts (including real estate). It exempts the church's non-profit making sector from the payment of income tax on gifts from abroad for the purpose of its cultural, educational and charitable activities, and from customs duties. Furthermore, according to Art. 58, the church is also entitled to establish foundations at home and abroad.

Chapter IV normalises matters concerning the property of the church giving detailed provisions for its ownership and, in cases of confiscation, for its return or compensation. Property or any part

¹⁹Until now the church's access to the state controlled broadcasting media was limited only to the broadcast of Sunday Mass. The demands for the transmission of Sunday Mass were voiced by the workers in the Lenin Shipyard in Gdansk during the strike in the summer of 1980 and promised in the Gdansk Agreement signed on 31 August. The first Mass was transmitted three weeks later on 21 September.

²⁰On 9 June an agreement was reached between the Secretariat of the Polish Episcopal Conference and the Committee for Radio and Television giving the church the right to broadcast one hour per week of its own programmes.

thereof utilised by dioceses, parishes, monasteries or 'other greco-catholic institutions' (the Uniates) on the date on which this law comes into effect, is deemed to be the property of the user (Art. 60). Where the property was confiscated by the state, with the exception of 'the main sectors of the economy', or where the property had become the property of another denomination or of individual farmers, the new law provides for what is called a 'regulatory process' to take place (Art. 61), which is in effect a review process for claims on confiscated property.

According to Art. 62, the 'regulatory process' will be conducted by a Property Commission consisting in equal numbers of representatives of the Office for Religious Affairs and the Secretariat of the Polish Episcopal Conference. The commission will entertain petitions only during the next two years. Claims not submitted during the two years will be deemed to have expired. As a result of the review process the confiscated property may be returned to its owner, other property may be given instead, or appropriate financial compensation may be awarded (Art. 63). The church can thus expect to regain the ownership of a large number of monasteries, nunneries, hospitals, schools, kindergartens and other socio-educational institutions, as well as some land, all confiscated during the 1950s at the height of Stalinist persecution. In addition the estimated financial compensation runs into thousands of millions of *zlotys*.

Finally, the penultimate article rescinds the Decree of 31 December 1956²¹ under which church appointments required official approval and all officially accepted appointees had to pledge loyalty to the state.

Prospects

The enactment of the new law opens up a real possibility for the establishment of full diplomatic relations between the Polish People's Republic and the Holy See.²² The pressure for such contacts has until

²¹For the complete text see *Dziennik Ustaw polskiej Rzeczypospolitej Ludowej*, Warsaw, 7 January 1957 No. 1.

²²Poland would be the second East European country to have a papal diplomatic presence. So far only Yugoslavia has established full diplomatic relations with the Vatican (since 1966). It should be remembered that the Vatican, as a sovereign state, maintains a complex network of diplomatic relations with a variety of states of different political complexions all over the world. Currently 117 ambassadors are accredited to the Holy See, among them the representatives of avidly Islamic states such as Iran and Kuwait, Buddhist states like Nepal and Thailand, and Marxist governments such as Cuba, Benin and the People's Republic of Congo. The internal politics of a particular government, with the exception of Israel and South Africa, have not prevented the Vatican extending diplomatic recognition. State to state relations are maintained on either nuncio or pro-nuncio level. Wherever a nuncio is accredited to a government he is automatically the dean of the diplomatic corps.

now come from the Polish Government, which as early as the 1960s approached Pope Paul VI with the idea of full diplomatic exchange. The Polish bishops resisted fearing that it would introduce additional complications to their prolonged negotiations with the regime aimed at improving the position of the church.²³ In 1977 Edward Gierek, then First Secretary of the communist party, raised the subject prior to and during his audience with Paul VI at the Vatican. Again the bishops felt that the establishment of diplomatic relations must be preceded by a normalisation of the church's position, in particular by granting it a legal status. Negotiations began in earnest only after General Jaruzelski's visit to the Vatican in January 1987. Since then a complex set of three-way negotiations have been conducted involving the Vatican and the Polish hierarchy, the Polish Episcopal Conference and the Warsaw Government, and Polish and Vatican officials. The discussions between the Polish bishops and Vatican representatives aim at working out the details of the relationship between the Holy See and the Polish hierarchy in terms of episcopal appointments, jurisdiction and other internal affairs of the church. In the event of the establishment of diplomatic relations these matters which have so far been the responsibility of the Polish hierarchy would have to pass to or be shared with the papal representative in Warsaw. More difficult are negotiations between the Episcopal Conference and the government. Since the foundations of the Polish state are based on an atheistic ideology which quite clearly contradicts not only the reality but also the expectations of the overwhelming majority of the country's population, the Polish bishops are seeking a statement from the regime that the state is based on non-confessional principles. This would allow for the equal coexistence of all denominations and non-believers without giving any group a privileged position. Finally, talks aim at finding the level of diplomatic representation. Warsaw is eager to have a nuncio but without giving him the traditional right of being the dean of the diplomatic corps. This would require a special dispensation from the Vatican and a departure from the Vienna Convention establishing the rights and privileges of papal nuncios.*

*Since this article was written, the Vatican announced on 17 July the establishment of full diplomatic relations with Poland. A papal nuncio will take up residence in Warsaw as soon as possible. On 2 July a letter was made public which had been sent on 2 April by John Paul II to Cardinal Glemp. In this letter the Pope recalled the wish of his predecessor Paul VI to send a papal representative to Poland. Since then the Polish government had made suggestions for a 'full normalisation' of relations through the restoration of diplomatic links. The time had now come, the Pope said, to act on the suggestions. The letter was written a few days after the successful completion of the talks between the Polish government and Solidarity.

²³ *De facto* contacts have been maintained since 1974 through the Special Section for Contacts with the Holy See established at the Polish Embassy in Rome, and through regular visits to Poland by the Vatican's Nuncio for Special Missions.

The approval by the Polish parliament of the laws giving the church full legal status and guaranteeing freedom of conscience and belief removes a major obstacle to full diplomatic relations between Warsaw and the Vatican. To the majority of Poles the exchange of ambassadors would clearly be seen as a blessing from the Vatican of the new political arrangements in Poland. For the Holy See it may serve as a prototype and precedent for seeking diplomatic ties with other East European countries and, in the not too distant future, with the Soviet Union.

The undoubted importance of this law, however, lies in the fact that it legitimises the church and its authority as a social, political and economic institution in a way that has never been permitted before by any other communist regime. By allowing this act to be approved by the *Sejm*, the Polish government has effectively institutionalised pluralism in major sectors of social, political and economic life which until now the state has considered to be its own rightful domain.