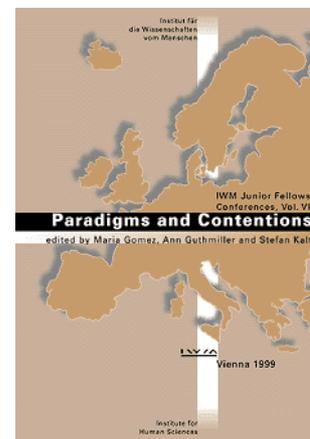


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## **The Long Good-bye to the Catholic Country or How Powerful is Poland's Roman Catholic Church?**

Philipp Steger

### *I. Introduction and preliminary remarks*

The good news for the Polish Roman Catholic Church in 1989 was that communism had lost, but it soon became obvious that there was also bad news: capitalism had won! While the Roman Catholic Church's current *pontifex maximus's* share in bringing about the historic fall of the Communist regimes in the countries of the so-called "East Bloc" is undisputed and gratefully acknowledged in his native country, he may - paradoxically enough - not have done the Polish Roman Catholic Church such a good service after all.

John Paul II, one of the most influential Popes of the twentieth century, comes from what may be the last European Catholic country *par excellence*, but the pre-eminently Catholic quality of Polish culture and tradition was more distinctive before 1989 and has diminished in past years. After an initial triumphant phase, the Church soon had to face its growing pains, the growing pains of an institution which, on the one hand, could not easily dismiss the habits it acquired functioning throughout more than forty years of authoritarian state rule. On the other hand, it had to adapt quickly to the free market competition of ideas and life-styles of the new democracy.

This situation by itself makes the Polish Church and its public role after 1989 very interesting to the political scientist. But there is something that makes it particularly interesting: under the pontificate of John Paul II, the notion of "New Evangelization" has acquired new significance. It is well known that the Polish Pope considered Poland to be a model country for this New Evangelization in the 1980s and even still at the beginning of the 1990s. Although he voiced his disappointment with the religious attitude of Polish society during his visit to Poland in 1991,<sup>1</sup> there is still frequent mention of a "program papieża dla Polski" (Pope's program for Poland).<sup>2</sup> Evangelization - be it new or traditional - is also a matter of political power. For anyone who would deny this, the Polish concordat may serve as an example: a treaty between two entities of international law, the aim of which is to give a legal framework to the worldly mission of this Church, is a very concrete thing and the mere fact that it has been concluded documents the existence of political power. It is important to keep in mind that evangelization is not merely a matter of getting new converts, but one of spreading Christian values and seeing to it that they are respected in a given society. This respect is usually sought to be guaranteed by way of law. Thus, evangelization eventually has an interest in the way specific laws are made. One of the most informative examples is the Polish abortion debate which had actually been triggered by an antiabortion law proposal prepared by the episcopate.<sup>3</sup>

To attempt to assess future developments of New Evangelization, it is advisable to take a look at the barriers the Church might encounter. My interest in this essay shall not be focused on the barriers constituted by the well-documented secularization process or the barriers caused by the very structure of the Church.<sup>4</sup> Nor shall it be focused on barriers which seem to be intrinsic to fundamental Catholic doctrines, such as the exclusion of women from the priesthood. I shall be more interested in the barrier which a lack of real power - the power to exert influence on policy makers - might eventually constitute. Stated differently, is Poland's Roman Catholic Church powerful? If so, how powerful is it, and will it retain its power?

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<sup>1</sup> cf. on that topic: *Miesięcznik Znak* NR. 438.

<sup>2</sup> cf. on the Pope's pontificate: *Poniewierski* Janusz: *Pontyfikat*, (Kraków 1998).

<sup>3</sup> The catholic publicist and scholar, *Jarosław Gowin*, agrees with the opinion that this proposal should have been the result of a discussion than its cause. (Cf. *Gowin* Jarosław: *Kościół po komunizmie* [Kraków 1995], 135).

<sup>4</sup> A look at the turmoil and unrest of the lay people in Austria's Roman Catholic Church is very informative and advisable. (cf. *Zulehner* Paul M.(ed.): *Kirchenvolks-Begehren (und Weizer Pfingstvision)*; *Kirche auf Reformkurs* [Düsseldorf-Wien-Innsbruck 1995]).

Of course, I will not be able to give an answer in numerical terms since political power is difficult to quantify. What I mean by "powerful" is, roughly speaking, the extent to which the Church is able to "have things its way" or to put up effective barriers against undesirable political decisions. By looking at the relation between declared goals and actually achieved outcomes, I use a rather simple notion of power. To talk about declared goals is to assume that the Church succeeds in expressing something like a common viewpoint, a common goal, or will. Consequently, this implies that the term "Church" used in this essay is not the wide ecclesiastic one, but a narrow one describing the smaller circle of the official Church hierarchy as represented in the episcopate, i.e., the Bishop's Conference. Henceforth when I use the term "Church," I refer exclusively to the episcopate unless otherwise stated. It is admissible to assume that the Church's actual power depends, to a large degree, on the very capacity of the Bishop's Conference to publicly present, although not necessarily to have, one unified opinion.

Before I proceed to attempt to answer the question of how powerful the Church is by looking at concrete political issues, some preliminary remarks are called for.

1. Although the Church acts in many instances like a political interest group, it is not a political party and does not take part in elections. Still, the Church has a vital interest in elections, even if only to ensure that friendly forces win them. Therefore, I will also take a look at the phenomenon of both the episcopate and Polish elections.

2. Although I have stated earlier that by the word "Church" I mean the Bishop's Conference, one can see in the political process that the notion of "Church" becomes more encompassing as the Bishop's Conference creates alliances with subgroups of the Roman Catholic Church. At times this is done in an official way; sometimes it is done simply by tolerating different voices, all claiming to speak in the name of the Church. This primarily concerns political parties close to the Church. These parties do often play an important role, but as much as they would like to be considered an extension of the Church, they simply are not the Roman Catholic Church. The extent to which the Church hierarchy lets itself be instrumentalized by these parties does, of course, tell us something about the bishops' attitudes towards politics. The case of the fundamentalist Radio Maryja has shown that a certain strategy of double-play can be detrimental to the unity of the Church when official declarations say one thing and other Church affiliated groups say another.

3. When trying to make an assessment of the power that the Church has been able to wield in Polish politics since 1989, I will avoid making any moral judg-

ments. This strikes me as especially important in Poland, as the Poles seem to be neatly split in two groups, as far as an assessment of the role of the Church in Polish politics is concerned. Rarely have I come across someone who would simply say, "Yes, the Church plays a strong role in politics." It usually seems to be either an attack on what is perceived as a dominant role the Church plays in Polish politics or the outright denial of a particularly strong political influence wielded by the Roman Catholic Church and its bishops.

I will focus on the following examples of political questions or issues that have been very important to the Church and have had a formative influence on the Church's image in the new democratic society of post-Communist Poland: the various nationwide elections, the ratification of the concordat, and the abortion debate. I have chosen these issues because of the importance which the clergy has attributed to them.<sup>5</sup> It is interesting to note, however, that some issues which are of rather little importance or urgency in the larger political arena have repeatedly been given disproportionate attention by the media. In the case of the concordat and abortion debates, the ability to transfer the clergy's understandable sense of urgency onto the broader level of public discourse certainly documents the real media power wielded by the Church.

## *II. Examples*

### *A. Nationwide Elections*

If one looks at the bishops' approach towards elections, one will notice an absence of consistent patterns due, not so much to the above mentioned growing pains, but more to rivalries between different factions within the Bishops' Conference.

Since 1989, the Church's attitude towards elections has ranged from outright condemnation of some parties and fervent support for others to a more distant and neutral standpoint that limits itself to the criticism of specific ills perceived at election time in Polish society.

While the bishops remained rather neutral in the first round of the 1991 presidential elections, they took a clear stand in the second round in favor of Walesa, as the odds in favor of the outsider candidate Tyminski were dangerously high. The thus far unsurpassed climax of open Church engagement for specific political

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<sup>5</sup> I have decided against looking at the debate over the new constitution since this is an extremely complex issue that would require background information for which there is no place in such a short paper.

parties was reached during the Parliament elections held in 1991. The bishops strongly supported right wing parties. Preeminent was their support for the Christian-Union party (ZChN), a party that had often been accused of having fundamentalist tendencies. In the churches of some dioceses, lists containing the names of "eligible" parties were handed out. A decidedly more cautious tone was adopted in the official declarations of the episcopate during the 1993 Parliamentary elections, although this neutral approach was not shared by all bishops.<sup>6</sup> The presidential elections in 1995 turned out to be a head-to-head race between the hero of Solidarity, Lech Walesa, (by then already somewhat unpopular) and the pragmatic candidate of the Postcommunist election alliance SLD, Aleksander Kwasniewski. Kwasniewski was an undesirable candidate for the Church, not only because of his affiliation with the old party system and for clear ideological reasons, but mostly because his victory would mean that there would be nothing to counterbalance the Postcommunist government. Walesa put a lot of effort into creating an image of himself as a defender of the Church, personal friend of the Pope, and a kind of worldly leader of all Catholics, who would eventually be the only guarantee against the Postcommunists who supposedly wanted to dismiss Christian values. He rarely missed an occasion to make that message clear. For instance, he let it be known that the decision whether he would run for the presidency depended on the opinion of Archbishop Cardinal Glemp, the head of the Bishops' Conference.<sup>7</sup>

Although his public statements of sympathy for the Church were not reciprocated by all members of the clergy, Walesa's strategy was successful in the long run, even though considerable parts of the clergy favored Hanna Gronkiewicz-Waltz, the president of the Polish National Bank. Contrary to its original promise not to support any candidate,<sup>8</sup> the episcopate published an official statement regarding the presidential elections that contained a clear warning not to vote for Kwasniewski:

*"The Polish Episcopate is aware of its great moral responsibility for the nation and warns against voting such persons into the highest office of the fatherland who in the time of the totalitarian regime took part in exercis-*

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<sup>6</sup> Archbishop *Gołowski* was actively involved in the founding of Ojczyzna ("Fatherland," an election alliance of the Christian right wing parties: ZChN, PChD, PK, SICh); Bishop *Zycinski* published an anticommunist pastoral letter, in which he compared the SLD to the NSDAP. (Gazeta Wyborcza [GW] 16.6.1994, 3; and Domoslawski in GW 18.8.1995, 3).

<sup>7</sup> GW 18.8.1995, 3.

<sup>8</sup> In this sense still in July Cardinal Bishop Glemp (Biuletyn KAI 8.7.1995, 2), in August Secretary General of the episcopate, Bishop Pieronek (GW 18.8.1995, 3).

*ing power at the highest party and government levels. [...] Faithful people have the duty to cast their votes for those candidates who represent their views, values and interests. A nation which has for over centuries placed its identity in the person of the head of state wants a person, who, with his honesty, intellectual capacity, experience, but most of all with his commitment to a system of values, guarantees the historical, cultural and Christian continuity of the life of the nation.*<sup>9</sup>

This rather general description of the ideal candidate turned into unanimous support from nearly all the bishops, when the presidential race narrowed down to two choices: Walesa or Kwasniewski.<sup>10</sup> Opinion polls support the hypothesis that the strong support given to Walesa by the clergy not only failed to advance their declared program, but might have actually backfired, since a lot of voters did not appreciate the Church's involvement.<sup>11</sup>

During the campaign for the 1997 Parliamentary elections, the episcopate practiced considerable self-restraint, which is astonishing in light of the fact that the four years of predominantly Postcommunist rule had been a rather unsatisfying period for the Church. There are signs which indicate that this self-restraint was

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<sup>9</sup> Original text also published in GW 28.8.1995, 5.

<sup>10</sup> A few examples to illustrate: Bishop *Zycinski*, who usually gets good press coverage, published a statement explaining why Catholics could not vote for Kwasniewski (GW 23./24.9.1995, 19). Bishop *Andrzejewski* warned during mass on 24.9.1995 against putting Poland into foreign hands. (Biuletyn KAI 24.9.1995). On 9.10.1995 Bishop Cardinal *Glemp* celebrated morning mass in the chapel of the presidential palace and during breakfast discussed the upcoming elections with *Walesa* (Biuletyn KAI v. 9.10.1995). The prestigious Catholic university in Lublin (KUL) organized a big meeting in honor of *Walesa* that was then used as a campaign rally (Biuletyn KAI 13.10.1995). Bishop *Julius Paetz* called for support for *Walesa* during mass on 24.9.1995 (Biuletyn KAI 25.9.1995). Archbishop *Tokarczuk* spoke about the politicians of the left holding the nation in disregard, while presidential hopeful *Walesa* and *Krzaklewski* attended mass in their honorary lodge (GW 18.9.1995, 1). A mass was held by archbishop *Goclowski* to celebrate the fifteenth anniversary of the founding of *Solidarnosc*. Among the common prayers were also ones for *Walesa's* victory in the election. (KAI Info 31.8.1995).

Bishop *Pieronek* told the press that, in extreme situations, when the welfare of the nation is endangered, there is the duty to warn against the danger. And in regards to *Kwasniewski* he let it be known that it would be very bad for the country if a person who has participated in the communist party and government structures became first citizen of the Republic (GW 18.9.1995, 1).

<sup>11</sup> According to a CBOS poll from the beginning of September 1995 the majority of Poles thought that the church had no right to take a stance on the question of presidential elections. 68% of regular churchgoers agreed that the Episcopate should not try to have an influence on the elections (quoted after GW 22.9.1995, 3).

neither voluntary nor a reflection of the whole episcopate. During the 1997 visit to his homeland, the Pope unequivocally addressed the question of Church and politics in an open letter to the bishops:

*"the lay people should in their own name, but as faithful members of the Church, develop the political thought and social and cultural life in accordance with the principles of the Evangelium. They should, no doubt, be helped in this, but they should not be replaced: the Church must be free in the proclamation of the Gospel and of all truths and instructions."*<sup>12</sup>

In their letter on the upcoming elections, the bishops declared that they did not want to link the Church's mission with any specific political party, but nevertheless made it clear that they were not oblivious to the fact that some parties referred in their programs to Catholic social teaching, whereas others refused the principles of this teaching together with Christian values.

## *B. The Concordat*

### *1. How did what happen?*

After the concordats from 1519, 1525, and 1736, another such international treaty between the Holy See and Poland was concluded in the twentieth century. This concordat, dating from 10.2.1925, was declared invalid by the Communist government of "*national unity*" in September 1945.<sup>13</sup> The ensuing relationship between the Communist governments and the Church was one of permanent antagonism, eased only by an occasional softening of the government's crusade against the Church. This was the case until 1974, when formal contacts between the Holy See and the People's Republic of Poland were reestablished. Since the early 1980s, attempts were made to create a national legal framework for the Catholic Church. On May 17, 1989, these efforts culminated in a specific law about the relation between state and church. The project of what was then called a convention between the Church and the Communists was finished in 1988, but was never ratified by the Vatican. Instead, after the re-establishment of full

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<sup>12</sup> Quoted after Rzeczpospolita [RP] 5.9.1997.

<sup>13</sup> The usual explanation refers to the Communists' canceling of the treaty which was done unilaterally and without legal foundation. Although it did serve as a welcome pretext, it should be noted that prior to that action, the Vatican (Pope Pius XII) had seriously violated the norms of the treaty by nominating a German bishop for one of the Polish dioceses (cf. *Dudek Antoni: Panstwo i Koscioł w Polsce 1945-1970*, [Kraków 1995], 7-39).

diplomatic ties on August 17, 1989, the Holy See went ahead to present the Polish Foreign Ministry with the project of a concordat in October 1991. After the matter had remained untouched for a few years, the then Secretary of State, Krzysztof Skubiszewski, first publicly announced that there would be a concordat during his visit to the Vatican in January 1993. Formal negotiations between representatives of the government led by Hannah Suchocka and the Holy See began on April 4 and were concluded after six sessions by the end of May 1993. The unusual speed of the negotiations later prompted suggestions from critics that the negotiators had either extraordinary skill or the parties involved worked under a certain hurry and pressure to get the concordat ready. The text of the concordat suggests that it is the product of a somewhat hasty process since, from a legal point of view, it definitely contains a number of flaws.

Only in June 1993, after the treaty had been approved by the government, did Skubiszewski present at least some of the details of the concordat. Until then, both the progress of the negotiations and the content of the concordat had been kept in total secrecy. At this point - i.e. before all the details were known to the public - not so much the treaty itself, but the manner of the negotiations, met with a wave of harsh criticism. This criticism ranged from accusations that the tremendous secrecy was bad both for democracy and the Church itself because it supposedly fed suspicions that the Church had something to hide, to the view that the conclusion of the treaty had been reached too hurriedly. It is interesting to note that this criticism did not originate exclusively in traditionally church-critical or outright anticlerical circles, but was also voiced by some prominent Catholic intellectuals. The latter argued that since it was their church, they ought to have been informed throughout the process about what amounted to a rather specific legal regulation of the church's mission and place in their country.

Looking at the impasse of the following years, without a doubt one can say that the Church committed a cardinal error in its first reactions to this criticism by downplaying or simply ignoring it. The secrecy and exclusion of the public from the whole process was (and has been in past years) categorically justified by referring to the diplomatic *usus* of keeping such negotiations secret. Any criticism to the effect that there should have been a public discussion involving different groups and political parties (not represented in the government) was met with the promise of a public discussion "*immediately after the signing*"<sup>14</sup> of the treaty. This was a somewhat cynical response since the episcopate refused to discuss the content of the

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<sup>14</sup> Pieronek, *Zycie Warszawy* 5.6.1993.

concordat after it was signed, arguing that by international law the current government has an obligation to ratify an international treaty concluded by the previous government. At no time did the episcopate acknowledge the legitimacy of the public discussion that followed the signing of the concordat.

My study of the criticism, published once the whole document had become public after its signing on July 27, 1993, has convinced me that the usual response from the clergy and Catholic legal experts, who claim that this criticism was only the product of bad will and ill feelings towards the Church, is unjustified to a large degree. Even if valid arguments could be brought against it, the criticism is substantive and not only the result of "anticlerical minds" set on finding weak spots in the treaty. That was precisely the problem with this document; one did not have to try hard to see the flaws.<sup>15</sup>

After their victory in the 1993 Parliamentary elections, the Postcommunists formed the government for the full term of four years in a coalition with the Farmers' Party, PSL. By July 1994, it had become obvious that the Postcommunists, unlike their coalition partner, were not willing to ratify the concordat in its present form, but instead chose a strategy of postponing the ratification.<sup>16</sup> Parallel to this

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<sup>15</sup> A few examples: the preamble talked about what is inadmissible from the point of view of international law, specifically of the "*riconquista dell'indipendenza e della sovranità per lo Stato Polacco*" ["the regained independence and sovereignty of the Polish state"]. The concordat was also criticized for not containing sufficient regulation of the delicate financial questions which should have been taken care of by the treaty. Particular dissatisfaction was caused by the article on religious education in schools (providing full integration of religion into the curriculum and religion in pre-schools as well) and the regulation of cemeteries which did not protect non-Catholics from being refused burial in a cemetery which in some cases might turn out to be the only one in a given area. The article which introduced the possibility of church weddings entailing consequences also under civil law was especially criticized for its poor legal workmanship. Besides the fact that the public had been presented with finished matters, the circumstance that the *Suchocka* government had signed a treaty with dubious legal and political legitimation, caused particular indignation among politicians from the other parties (mostly the Postcommunists) and also among prominent intellectuals (again from various backgrounds). The background to this last criticism: on May 28, 1993, the government lost a vote of confidence in Parliament by a narrow margin. This vote of confidence had been put on the agenda by the Solidarity Labor Union. President Lech Walesa then went ahead and dissolved Parliament. (According to Art. 66 par. 5 *Mala Konstytucja*, the president can, in the case of a successful vote of no confidence and lack of a new Prime Minister, choose between accepting the resignation of the government or dissolving Parliament.) For more details on the fall of the *Suchocka* government cf. *Dudek Antoni: Pierwsze Lata III Rzeczypospolitej 1989-1995*, [Kraków 1997], 265-270.

<sup>16</sup> As a legal justification (and again it should not be dismissed as a simple pretext because serious legal doubts did exist) two main reasons were given: the accordance of the changes brought about by the concordat with the Polish legal system as such and the accordance of

strategy of postponing the ratification, the Postcommunists pursued a second strategy aimed at exchanging special declarations on the interpretation of the concordat between the parties to dissolve any doubts. This became obvious in August 1994. The Polish episcopate agreed with the Holy See that both the renegotiations and bilateral declarations were out of the question and instead expressed the conviction that special laws accompanying the ratification of the treaty (*ustawy okolo konkordatowe*) would be sufficient to avoid any open points or unclearness. A draft of a declaration prepared by the joint commission of members of the government and the Church - an organ which had been created during communism and which served as a common platform for discussing church-state related matters with representatives of both sides - was, in the end, rejected by the government, ending in an impasse in the fall of 1995. In 1995, Prime Minister *Pawlak* (PSL) resigned. Under the following governments which were headed by SLD Prime Ministers (*Jozef Oleksy* and *Włodzimierz Cimoszewicz*), the situation regarding the concordat became somewhat bizarre. While the Postcommunists in government supported the immediate ratification, the party colleagues in Parliament fiercely opposed it. This split became even more obvious when *Kwasniewski* took a pro-concordat stance after his victory in the 1995 presidential elections. Aleksander *Kwasniewski* let it be known that he himself had started another initiative to resolve the current impasse. This came as no surprise since *Kwasniewski*, obviously eager to earn credibility as the President of all Poles, emphasized his wish for better relations with the Church and pressed for a meeting with John Paul II. Confidential talks between the new Secretary of State *Dariusz Rosati* and the Vatican resulted in a unilateral declaration dealing with the most controversial parts of the concordat. The document which was presented in spring of 1997 contained a paragraph stating that this declaration was made "in agreement" with the Holy See.<sup>17</sup> Although this could have been the breakthrough leading to the ratification, by that time it turned out that the

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the concordat with the present and future constitution. A special commission in Parliament was entrusted with this responsibility. Although the special Parliamentary commission presented working reports after some delay and concluded in March 1995 that the concordat was in accordance with the constitution, Parliament dismissed the report in September.

<sup>17</sup> The Holy See refused to agree to a bilateral declaration, arguing that it was only necessary for those who had doubts, whereas the Vatican had no doubts regarding the content of the concordat. On the other side, the SLD Parliamentarians argued that a unilateral declaration was not enough since it would have no binding force in international law. The additional clause should have guaranteed that, by accepting this declaration together with the ratification documents without voicing any reservations, the Vatican would be bound by this declaration. The declaration was accepted by the government and was sent to the Sejm together with the actual ratification law.

Postcommunists had overplayed their strategy of postponement. The ratification of the concordat eventually stumbled over the fiercely debated laws that would accompany it. After a time-consuming debate over whether or not it made sense either to pass the accompanying laws before the ratification of the concordat or to pass them simultaneously, the Postcommunists succeeded in passing these laws in the Sejm (i.e., the Polish Parliament. The other minor legislative body is the Senate). In the end the Sejm did not succeed in overriding the Senate's veto of the most controversial of these laws.<sup>18</sup> With the Parliamentary elections on September 21, the Postcommunists simply ran out of time and thus lost their chance to have a formative influence on the legal framework of the Roman Catholic Church in Poland. Under the new government, a coalition of the Post-Solidarity Election Alliance (AWS) and the Freedom Union (UW), Parliament ratified the concordat in January. President Kwasniewski signed it. The interpretative declaration, the result of long and tedious negotiations, was not included in the ratification documents.

## *2. ... and what did the bishops do or say?*

By presenting the public with finished matters, the Church succeeded in narrowing the problem down to the question of whether the concordat should be ratified in its current form or with corrections. Thus, the more basic question of whether a concordat was at all needed or appropriate never really made it onto the agenda of public discourse. The option of dismissing the concordat as a whole did not have realistic chances even among the Postcommunists, the unwilling heirs to the signed, but not yet ratified, treaty.<sup>19</sup> Taking this into consideration, we see that the clergy's common accusation, namely, that the SLD played a political game with the concordat because it neither ratified nor dismissed it for four years, ignores the fact that the latter option had really been removed when Poland was presented with a ready-made concordat. In the Church rhetoric of the following years, there were no doubts left as to how very "un-Polish" such a step would have been.

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<sup>18</sup> The most prominent among these was the law reforming the educational system because it introduced the rule - heavily opposed by the episcopate - that the grades in religious education would not be on the school certificates, and it also limited religious education in pre-schools to the oldest age group. This law could only be passed after the controversial parts had been left out.

<sup>19</sup> On the only occasion during the four years of SLD-PSL rule when the law to ratify the concordat came to an actual vote (July 1994), only 92 SLD out of a 171 SLD members voted to immediately reject the concordat as a whole (GW 2./3.7.1994, 3).

In the first two years the Church's attitude towards the Postcommunists ranged from open hostility and the accompanying aggressive rhetoric to cautious distance. Every step taken by the Postcommunists to postpone a decision on the concordat issue was met with harsh attacks. My research has shown that SLD politicians were much more willing to find a compromise than the episcopate was willing to publicly acknowledge. Also it seems that there is even now a certain unwillingness to acknowledge the fact that the Postcommunists were far from unanimous in their assessment of the treaty and the necessity to ratify it. This became obvious especially during the 1995 Presidential campaign when the pragmatists in the party (those looking for a compromise with the Church) met with harsh resistance from the party's anticlerical politicians. The pragmatists finally gave in, perhaps fearful of losing parts of the electorate in a move towards the Church.

The episcopate did, however, always show enough willingness to negotiate with the Postcommunists within both the formal framework of the joint government-church commission and in more informal settings<sup>20</sup>. The fact that at times it remained unclear if the episcopate had a mandate (since it was not a concerned party) to pronounce in the matter did little to facilitate its work. Neither did the adamant stance taken by the Vatican to exclude any renegotiations or any bilateral amendments to the concordat. From the public's point of view, this desire for a compromise was concealed by the fierce rhetoric of the bishops. An analysis of the official statements by representatives of the Church and state reveals the following patterns:

The critics of the concordat were accused of being unfamiliar with its content. The merits of their argument were ignored.

The criticism was advanced, not on the basis of factual considerations, but out of an antipathy to the Church.

Again and again it was emphasized that the rule of a Polish Pope made it a particular duty of every Pole to support the ratification of this concordat, especially since the concordat was also a due sign of gratitude towards John Paul II, who had done so much for Poland.

The ratification of the concordat was presented as a patriotic duty.<sup>21</sup> The concordat was said to be - and this was presented as compelling logic - the natural out-

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<sup>20</sup> Contrary to what their rhetoric might suggest, some bishops proved to be shrewd observers and analyzers of the political situation, especially of the problems within the SLD.

<sup>21</sup> The apostolic nuncio Archbishop Jozef Kowalczyk: *"The true Poles who have grown out of the 1000 years old culture of the nation will treat this concordat as an objective value."* (GW

come of the thousand- year-old Catholic tradition of the nation and a *conditio sine qua non* for the continuation of any real Polish history and tradition.

The dark scenario of an international scandal and harmed international credibility of Poland was predicted if the concordat was not ratified.

Public discussion was presented as useless since renegotiations were out of the question (at least according to official statements).

Although representatives of the episcopate made public statements on the issue quite willingly and frequently, they maintained that they did not have any real influence in the matter, pointing out that this was really none of their business since they were not party to the treaty.<sup>22</sup>

After a time, the following syllogism evolved to "explain" the true intention of critics of the concordat: to criticize the concordat is to criticize the Church. All such critics are enemies of the Pope. He who is an enemy of the Pope is a personal enemy of God Himself. Thus, he who criticizes the concordat is a personal enemy of God himself.

The attempt to block the concordat was described as the beginning of a strategy to reintroduce communism, since any hostility towards the concordat was represented as the sign of a wish to subordinate the Church to the state. But if they ratified the concordat - so the logic went - the Postcommunists would have a chance to prove their capacity for democracy.

It was frequently charged that the concordat was being turned into a tool in the "political game."

Dismissing the concordat was equated with disrupting the historic relationship with the Holy See.

It was also argued that not only does the concordat threaten the separation of church and state, but it actually creates a clear distinction between the two, without using the unpopular phrasing of the "separation" of church and state.

Opposition to the ratification was condemned as constituting a "political and ideological" approach, whereas support for it was lauded as rational.

The resistance to the concordat served as yet another reason to accuse the political leadership of "*hatred towards everything that has to do with God.*"<sup>23</sup>

It is important to note that these patterns emerge from an analysis of the remarks of Church officials as well as of public statements by other influential clergymen

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29.7.1993, 3); This caused criticism also among Catholic intellectuals e.g. Jerzy Turowicz (cf. GW 9.8.1993, 9).

<sup>22</sup> E.g., the official statement following the 270th conference of the episcopate 18.6.94.

<sup>23</sup> 275th conference of the episcopate (GW 20.3.1995, 2).

which were not contradicted, even when they were out of line with the official opinion of the episcopate. For the most part, these patterns were also taken over by parties belonging to the political right.

### *C. The abortion debate*

#### *1. How did it happen?*

In reaction to an overwhelmingly large number of illegal abortions, the Communists passed a law that legalized abortion for so-called "social reasons" in 1956 which, after a series of amendments, led to "abortion on demand" within a certain period. The previous law from 1932 threatened abortion with a prison term of up to three years, except in a few instances. Under the Communist provision, the majority of abortions were funded by state health insurance. The high number of abortions<sup>24</sup> and the fact that abortion constituted the main means of family planning<sup>25</sup> for a majority of Poles had always been a source of considerable consternation for the Church. Using the historic change in 1989, the Church's legal experts presented the Sejm with a proposal for a very restrictive anti-abortion law. The ensuing talks in the Sejm did not result in any concrete steps until a group of senators presented their own proposal, which was still very restrictive. Although this proposal was not strict enough for the Church, it was perceived by the public as a Church-supported proposal after Parliamentary discussions started in 1991. The Sejm postponed a decision in the delicate matter until the whole issue became an essential part of the elections and a considerable movement resisting the attempts to restrict the abortion laws had evolved. For pro-life movements and the Church, the anti-abortion law that finally passed in 1993 already constituted the utmost limit of compromise, although it created an extremely restrictive legal situation, at least by European standards. The Parliament elected in the same year passed yet another anti-abortion law that legalized abortion on demand within the first 12 weeks, but it was successfully vetoed by President Walesa. The next attempt to loosen the restrictive situation was initiated by the Labor Party in 1996. Their proposal differed from the prior one since it required compulsory counseling before having an

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<sup>24</sup> Some sources speak of 500,000 to a million abortions per year (e.g., *Leszczynska-Freudenstein Dorota: Streit um den Schutz des ungeborenen Lebens. Abtreibungsdebatte in Polen*, in: *Osteuropa* 1992, A 349).

<sup>25</sup> *Weigend Ewa: Landesbericht Polen*, in: *Eser Albin / Koch Hans-Georg (ed.): Schwangerschaftsabbruch im internationalen Vergleich*, (Baden-Baden 1988), 1180.

abortion. It was made into law and, not surprisingly, remained unchallenged by Kwasniewski. In May 1997, in response to a ZChN Parliamentarian who had challenged the law's constitutionality, the Constitutional Court found that this law was in fact unconstitutional. The newly elected Parliament accepted the decision. Consequently, the former legal situation was restored. Currently, Poland and Ireland are the European countries with the most restrictive anti-abortion laws.

## *2. ... and what did the bishops do or say?*

In my research I have approached the Polish abortion debate in three ways: by placing it against the background of the international abortion debate, by examining public discourse, and by comparing proposed legal solutions with their actual realization in a variety of different countries. I chose this approach because the "moral problem" at hand is, in its basic constellation, the same in different countries. To obtain some insight into the importance of the influence of the Church in the political process of legislating abortion, I have also taken a conscious look at the situation in countries where there is a sharper separation of church and state. The result shows that there is a clear correlation between the overall position of the Church and - this is crucial - the overall solution (i.e., the legal solution in its stricter sense plus the actual availability of abortion)<sup>26</sup> to the abortion problem. It is also clear that the Polish case runs contrary to the international tendency to liberalize anti-abortion laws in the twentieth century,<sup>27</sup> but seems to be in step with a general tendency in Central and Eastern European countries towards more restrictive laws.<sup>28</sup>

There exist some specific patterns which are particular to the way the Polish Church approached the abortion issue. Some of these I mention, although essentially they are patterns which were abandoned years ago in the public debates in many Western countries.

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<sup>26</sup> This is important because I have found that in countries where the legal solution is "liberal," (although the Church wields considerable political and social power) the barriers encountered in having an abortion tend to be greater.

<sup>27</sup> cf. *Petersen* 1993, 181.

<sup>28</sup> cf. *Newman* in *Newman* Karen (ed.): *Progress postponed. Abortion in Europe in the 1990s*, (London 1993), 1

*a) Simplification of complex issues*

The language used in public discourse on abortion does not usually reflect the complexity inherent in its problematic,<sup>29</sup> but is a means of conveying simplified messages. Besides doing injustice to the matter itself, simplification enhances the polarization of public discourse. My analysis of statements by the clergy reveals the following simplifications:

Legal abortion is often referred to as "state permission of the murder of innocent unborn children." This statement simplifies many rather complex notions. The adjective "innocent" prompts an emotional response and is, in itself, quite meaningless. In addition to this, it raises the question: should it make any difference if these children are innocent or not? It gives one the impression that murder is more permissible if the victims are guilty ("Of what?" one may ask). This formulation is also problematic because it leads one to believe that the general sanctity of life is not at stake, but only the sanctity of innocent life. Especially in regards to the Catholic dogma of original sin, calling unborn children "innocent" is not really correct.<sup>30</sup> To talk about "state permission" is also incorrect since from a legal point of view, even in those countries where abortion is legalized, the actual legal construction is such that it basically outlaws abortion and makes a clear statement that it is wrong, but refrains from punishment or even criminalization under specific circumstances. Also, the stance taken by the state towards unborn life must be deduced, not only from criminal laws, but also from civil law and especially court decisions (mostly the so-called "wrongful birth" cases) involving the rights of a fetus. Thus, to talk about "state permission" is to distort the actual situation. To refer to fetuses as "unborn children" constitutes a foregone conclusion.

The world of the abortion debate is usually divided into the two groups of "pro-life" versus "pro-choice." These slogans are very important since they reflect important decision-making patterns which relieve one of the burden of thinking about the details and the logical consistency of an argument, but they are not helpful if one wants to find a political solution to the problem of abortion. The phrase "pro-life" is especially conducive to polarization since the logical antonym to "pro-life" is not really "pro-choice," but rather "pro-death." The consequence of all of this is

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<sup>29</sup> "This marvelous capacity of the political campaigner to reduce the abortion debate to slogans on a button is a fascinating comment on the politics of abortion. Watchwords such as 'pro-choice' and 'pro-life' are deceptively simple. They illustrate the degree of polarization provoked by the issue and camouflage the complexities." Peterson, *Abortion Regimes*, 179.

<sup>30</sup> cf. *Ranke-Heinemann* Uta: *Eunuchen für das Himmelreich. Katholische Kirche und Sexualität*, (check), 321.

that there are - at least in public discourse - only two possible stances to take: one is either for or against abortion. Depending on how successful the rhetoric is (and in Poland the rhetoric which pushes this simple duality has been very successful), the voices of those who are somewhere in-between are not only ignored, they are being demonized.<sup>31</sup>

A frequently used simplification presents historical evidence and events without taking their particular circumstances into consideration. The most prominent example of this is the infamous Holocaust comparison. This comparison was created by a French priest by the name of Jean Toulat. It was then taken up in John Powell's "Silent Holocaust" and given additional recognition by Pope John Paul II during his visit to Poland in 1991<sup>32</sup> and has again and again been adopted by various high-ranking members of the episcopate.<sup>33</sup>

The last simplification that I want to mention is probably the most successful one since it is hardly ever questioned by anyone: the assumption that the Roman Catholic Church's stance on abortion is and has always been unequivocal, unanimous and uncompromising. Unfortunately, I cannot enter into this subject in greater detail here. Therefore, I will point out only the three major "sub-simplifications" which this last simplification contains: (1) The often-created impression that the Catholic stance has always denounced abortion as evil in every stage of the development of the fetus is simply wrong.<sup>34</sup> (2) The official statement of the congregation for religious teachings is known to be unequivocal. But if we consider that there exist rather sophisticated arguments to justify an abortion under certain

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<sup>31</sup> An important example was the case of the prominent catholic Politician Andrzej Wielowieyski (UW) who has been an outspoken opponent of the criminalization of abortion. He argued that the efficiency of the protection of unborn life should enjoy priority. This protection could be more easily provided by concrete, positive measures rather than by laws and simple gestures. He was the object of a "*campaign of low standard*" carried out by pro-life organizations (*Romanowski Andrzej*: Dialog czy monolog, in: GW 15.11.1996, 20 f. 21).

<sup>32</sup> This caused considerable protest from Jewish organizations, which in turn prompted a wave of anti-Semitic statements in Poland (cf. *Turzynski Konrad*: Europa regula czy wyjatek?, in: L ad 1994 Nr. 10, 6 ff.).

<sup>33</sup> Archbishop Cardinal Glemp spoke during a religious service in Kalisz in commemoration of the 50th anniversary of the liberation of Dachau about the fight against abortion. (*Andrusiewicz Andrzej*: Polska 1991-1995. Kalendarz wydarzen, [Rzeszow 1997], 213

<sup>34</sup> This depended largely on the prevailing theory of ensoulment at a given time. (cf. in more detail *Jütte Robert* (ed.): Geschichte der Abtreibung: von der Antike bis zur Gegenwart, [München 1993], 16 - 20; *Ranke-Heinemann* check, 315 ff.)

circumstances,<sup>35</sup> this seemingly unequivocal stance becomes less so. Furthermore, if one sees Catholic theologians as a part of the Roman Catholic Church, the stance becomes even less unequivocal. One may note that those theologians<sup>36</sup> who differ from official doctrine have not all been excommunicated. (3) Often two things are presented as one: religious dogma regarding abortion and the stance the Church takes towards a certain legal solution to the issue. To say, "the Church cannot accept the legalization of abortion" is thus only partially true because, as a matter of fact, the current legal regulation on abortion does not entirely correspond to the goals set by religious dogma, but it has still been accepted by the episcopate as the lesser evil.<sup>37</sup>

*b) Direct influence on the legislation*

The pressure exerted on individual politicians by the bishops is considerable, but it is difficult to measure. It is especially difficult to measure the extent to which it actually influences policy decisions. However, in the abortion debate there are a few concrete examples. For purposes of illustration, I will relate one of them. After President Walesa vetoed the liberalized anti-abortion law that had been passed by the Sejm, a two-thirds majority of the votes (i.e., 274 votes) in the Sejm would have been necessary to override the Presidential veto. But during the vote on September 2, 1994, there were only 232 favorable votes.<sup>38</sup> Thus the proponents of the law were 42 votes short of the necessary number. This was due primarily to PSL Party chief and Prime Minister Waldemar Pawlak, who succeeded in convincing most of his Parliamentarians (the PSL had 132 seats of the 460 seats in the Sejm) that overriding the veto would result in a conflict with both Walesa and the Church which would eventually be very harmful to the government.<sup>39</sup> However, this decision of the PSL was in line with a general strategy of emphasizing close ties with

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<sup>35</sup> The so-called "double doctrine" establishes a subtle differentiation between killing and "letting die."

<sup>36</sup> These theologians are willing to acknowledge situations in which abortion could be legitimate. Judging the morality of an action is not done exclusively on the basis of an abstract general norm, but includes the context as one of the "*structures of sin in this world*" which can relativize the extent to which it is reasonable to abide by the abstract norm (cf. *Laun* Andreas: *Fragen der Moraltheologie heute*, [Freiburg [u.a.] 1992], 28).

<sup>37</sup> Cf. official statement of the episcopate in *Slowo* 28.1.1993.

<sup>38</sup> These votes came from the SLD, the UP, 13 representatives of the PSL and 31 from UW.

<sup>39</sup> *GW* 3./4.9.1994, 1.

the Church (in order to rid itself of the stigma of being one of the old Communist parties) and transforming into a National Christian Democratic party.<sup>40</sup>

*c) Influence on the actual situation, i.e., the availability of abortion*

Unlike the concordat, the abortion issue offers another way to influence the political solution. Policy decisions regarding abortion are not just limited to criminal laws, but concern other areas which are regulated by law. The cumulative effect of these decisions influence the actual availability of abortion services. Thus it is important to take a look at how the clergy can influence: (1) what is done to reduce the number of cases in which the question of abortion arises, and (2) the availability of abortion services once the decision to have the procedure has been made.

1. In order to prevent the conflict which arises when a woman finds that she is pregnant and considers an abortion, unwanted pregnancies should be prevented before they ever happen. Although it is well documented that there is a strong correlation between the number of unwanted pregnancies and the average level of knowledge about human sexuality, very little has been done about sexual education in Poland in recent years. The bishops have been opposed to sexual education in schools. In the new 1992 edition of the popular "Domowy Poradnik Medyczny" [Medical Advisor for the Household], the only contraceptive methods listed were so-called "natural" ones. The author of the chapter, Prof. Zbigniew Zdebski, claimed that Church circles had put considerable pressure on him.<sup>41</sup> In 1993, the Ministry of Education accepted, after public discourse, a new book on sexual education for public schools. Here is an excerpt:

*The parts of the body which serve to transmit life are situated in the lower part of the trunk [...] The human being's fountain of life - and this is only the case with the human being - is closed. The seal is situated in the body*

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<sup>40</sup> cf. Naszkowska Krystyna/Mikolejko Zbigniew: Czy PSL stanie się polska chadecja? Wszyscy chłopi Pana Boga, in: GW v. 23./24.10.1993, 8 f.

The public signs of sympathy were mutual, at least at most times, but in the long run the episcopate obviously got tired of the PSL, since the party did not have enough influence in the coalition either to push the ratification of the concordat or prevent a liberal anti-abortion law.

The question of the concordat had deliberately been kept out of the coalition agreement between the PSL and SLD because during the negotiations no consensus could be reached, which is not surprising since the SLD had promised to renegotiate parts of the concordat during the election campaign (GW 12.11.93, 3).

<sup>41</sup> GW 5.1.1993, 1.

*of the woman. Animals do not have such a thing. Although that constitutes a certain protection, it has definitely symbolic meaning. Although the seal of the fountain of life is situated in the body of the girl, she never transmits life on her own. And thus the symbol of the seal of the fountain of life concerns not only girls, but also boys. As long as they do not found a family community, each of them is as it were a 'locked garden and sealed fountain.'*<sup>42</sup>

When a different brochure on sexual education was handed out in public schools in 1995, Bishop Pieronek called this action of the ministry of education "*absolutely unnecessary.*"<sup>43</sup> The programs promoting sexual education have been considerably diminished under the *Buzek* government. After abolishing the position of a State Secretary for Women's Affairs and integrating it into the Resort for Family Affairs,<sup>44</sup> the new government spokesman for family affairs announced that one of the first measures would be to stop subsidizing certain contraceptives, mostly the birth control pill.<sup>45</sup> Although a special school course on sexual education was prepared in recent years, it was announced that no such course would be offered. Instead, sexual education would be integrated into other courses, such as Polish, biology, and religion. Simultaneously, little has been done to improve the overall situation of single women with children.

2. As a consequence of the restrictive law from 1993, the number of documented abortions decreased significantly, which by no means indicates a decrease in the actual number of abortions. There is strong evidence that a new "abortion underground" evolved rather quickly.<sup>46</sup>

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<sup>42</sup> Quoted after: *Cichocka* Elzbieta: Przymruzone oko prawa, in: GW 5.4.1994, 12 f.

<sup>43</sup> *Andrusiewicz* 1997, 254.

<sup>44</sup> This resort was headed by the ultraconservative AWS Politician *Kazimierz Kapera*, infamous for his 1991 remark (as Vice Minister of Health) on why contraceptives should not be used, even if they protect against AIDS. He argued that AIDS is a disease caused mostly by homosexual activity, which he called "perverse," and that one could avoid the disease by behaving honestly (GW 9.5.1991). He was forced to resign, but is now back in national politics.

<sup>45</sup> GW 28.11.1997, 1; The law introducing subsidies had been passed together with the restrictive antiabortion law from 1993.

<sup>46</sup> Comp. *Grabowski* Krzysztof / *Romanowska* Dorota: Aborcja w podziemiu, in: *wprost* v. 14.5.95, 30 ff.; *Cichocka* Elzbieta: Przymruzone oko prawa, in: GW v. 5.4.1994, 12 f.; *Zielinska* Eleonora: Aborcja w paragrafach. Wywiad, in: *Problemy Rodziny* 1993 Nr 4, p. 55-59; *Konarska* Iwona: Ginekolog prokuratorem?, in: *wprost* 1993, Nr. 13, 69 f.; for an overall information cf. *Nowicka* Wanda: Skutki ustawy antyaborcyjnej, Raport nr 2 Federacja na rzecz kobiet i planowania rodziny, (Warszawa 1996)

The 1996 liberalized version of the law brought very little change in terms of the actual availability of abortions. This was due to the fact that the steps that had to be taken in order to obtain a legal abortion were rather complicated and depended on the good will of a great number of people.<sup>47</sup> The provision to keep a compulsory list of legally performed abortions, without the benefit and protection of anonymity, creates a psychological barrier. There was a definite change in the attitudes of physicians towards abortion after 1989.<sup>48</sup> This factor added to the difficulty of having an abortion, even under the liberal laws.<sup>49</sup> Thus, it should not be surprising that even after the liberalization, the abortion underground flourished.<sup>50</sup> Even when it is not criminalized, abortion, generally speaking, remains a strongly taboo topic, which has a restrictive effect on its availability. While on a

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<sup>47</sup> A woman considering an abortion is obliged to go to her "Osrodek Zdrowia" (state health center) to have a gynecological exam during which time she has to voice her desire for the procedure. After that, the woman is referred to a counseling center. Here a special problem arises since a decree from the local administrative authority (wojewod) is needed to determine which organizations are acknowledged counseling centers. However, in some areas (e.g. in Cracow) this decree was issued half a year after the liberalized law had come into effect. Thus the availability of a legal abortion was intentionally blocked. Once the woman had received counseling, she then had to see the first physician again. If she was still intent on having the abortion, only then was she referred to the physician who would perform the procedure.

<sup>48</sup> *Weigend* 1988, 1180 writes that in the years before 1989 a clear stance of physicians on abortion was hardly identifiable. The overwhelming majority of doctors considered the legal provisions to be humanitarian and progressive. This underwent a change once the public debate on abortion started. Since the clergy missed few occasions to condemn those who performed abortions, social pressure to declare the incompatibility of performing an abortion with the exercise of one's conscience became increasingly strong, especially in hospitals. (cf. *Zielinska* 1993, 56.)

The highly publicized case of the popular and dedicated gynecologist, Prof. Dec, contributed to this general pressure. Prof. Dec was the frequent target of harsh attacks from both clergy and pro-life organizations, while his supporters celebrated him as a person completely dedicated to humanitarian goals. Dec had repeatedly announced that, even under the restrictive law, he would perform an abortion if a woman who already had children, was living in misery, expecting yet another child, and whose husband was perhaps unemployed came to him. After Dec's sudden death, the local Church authorities refused to grant him a liturgical funeral. That decision was upheld even after a wave of nationwide protest and indignation.

<sup>49</sup> A comparative analysis of different legal frameworks shows clearly that the availability of an abortion does not only depend on both the decision of the woman and the legal situation but relies, to a large extent, on the attitude of health professionals (cf. *Petersen* Kerry A.: *Abortion Regimes*, [Aldershot 1993], 102)

<sup>50</sup> *Biuletyn* Nr. 6, *Federacja na rzecz Kobiet i Planowania rodziny* (Zima 1996/97), 2-3; Interview conducted by me with Beata *Zaduminska* from the "Centrum Kobiet" in Cracow on Dec. 12<sup>th</sup> 1997;

personal level, attitudes towards abortion are influenced by socio-economic, bio-psychological, and ethical-religious factors;<sup>51</sup> on a public level, traditional values seem to be the most decisive. Thus, "[...] *it is fairly clear that the provision of abortion services, or access to abortion, will largely be determined not only by law but also by normative cultural values.*"<sup>52</sup> In Poland these have been formed principally by Catholicism.

*d) Instrumentalization of the abortion debate*

In its attempt to ban abortion, the Church seems to focus somewhat disproportionately on this particular human tragedy. Everywhere large numbers of people die for a number of equally terrible reasons; many still die simply because they do not have enough food. In industrialized nations, a considerable percentage of people die in car accidents. Poland itself boasts one of the world's highest death rates in automobile accidents and the death toll from smoke-related diseases cannot even be estimated. I am not pointing to this to relativize the urgency of dealing with what might camouflage a careless attitude towards human life lying at the basis of legalized abortion. Instead I want to emphasize that in hardly any other case is the Church engaged as loudly as in the "war" fought for the sake of the unborn. My belief is that, besides the concern and anguish caused by abortions, other more rational considerations play an important role in the Church's strong public engagement. As in any highly complex topic, the abortion debate easily lends itself to simplifications, and simplifications are very useful in conveying key messages. While there has been a lot of talk about the Postcommunists' instrumentalization of the abortion debate for political purposes, no one really ever asks if the Church does not instrumentalize it for similar reasons (even if this instrumentalization is unconscious). There are some strong indications that there was a certain degree of instrumentalization in the past.<sup>53</sup> Here are some thoughts as to what the possible benefits of instrumentalization could be.

The abortion debate helps emphasize the Church's role as guardian of public morality and, in a wider sense, legitimates its demand to have a say in political

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<sup>51</sup> Cf. *Halaczek Bernard / Höpflinger Francois / Ostrowska Krystyna: Die Abtreibungsfrage. Ein Drei-Länder-Vergleich über die Einstellung zum Schwangerschaftsabbruch, (Warszawa 1994)*

<sup>52</sup> from: *Petersen 1993, 106*

<sup>53</sup> E.g., during the 1991 Parliamentary elections the episcopate emphasized the importance of the different parties' attitudes towards abortion. (cf. *Gowin 1995, 136*)

affairs. This is possible precisely because there is so much polarization and the front-lines seem clear.

The abortion debate helps to present the Church as monolithic and unified. This is mostly a result of the division of the abortion world into two distinct groups and the measures which the Church takes to mobilize large groups of believers (demonstrations, common prayers, pilgrimages for the sake of the unborn, organized letter activities to the Sejm, etc.)

### *III. Concluding Observations*

The examples which I have given show that the Church has been - in spite of a lot of criticism - successful at realizing its goals. Thus, it cannot be denied that the Catholic Church in Poland is politically powerful. The Church is a political factor that needs to be reckoned with, an observation apparently shared by the European Commission which invited the Polish episcopate for a tour of the most important EU institutions last year.

But at this point a different question arises: is the style which has been utilized by the Church in recent years one that is likely to guarantee its political power in the future also? Has its strong political presence potentially harmed the Church in the long run, especially in regards to the New Evangelization? One must not forget, however, that we are talking about years of transition, which means that it might still be too early to make a definitive assessment of the Church's political style. In assessing the years since 1989, it ought to be acknowledged that the Church had a particularly difficult starting position, which was worsened by the fact that the majority of its "personnel" had received its training under the auspices of the primacy of antagonism against communism. This made them ill-equipped to deal with the new challenges of a democracy's complex public relations and politics. Among the many mistakes that were made, these were cardinal:

During the Communist era, the Church enjoyed a large degree of both moral and political authority. In the 1989 "round table" talks, members of the clergy were still very important mediators and powerbrokers, so it would be naive to expect the Church to simply embrace democracy and withdraw its political claim which would have required enormous self-restraint. The episcopate never relativized this claim in an attempt to adapt to the new circumstances.

The greatest problem for the Church seems to have been the loss of its clear-cut opponent and the accompanying loss of a world divided in two: good versus bad with nothing in between. True, the number one enemy had been defeated, but it

was replaced by a variety of "enemies" who were not so easy to grasp or fight: pluralism with its different lifestyles; western liberalism, open society, minorities calling for their rights, a Polish version of a "free-for-all" capitalism, the general trend of secularization so typical for industrialized Western nations, and many more. The majority of the clergy's insistence on identifying the Postcommunists and western liberal society as the source of all evil was imprudent because it soured the clergy's relationship with those Catholics who enthusiastically welcomed the "brave new world" of consumer goods and civil liberties. Furthermore, it made the Church prone to political instrumentalization by the right wing parties.

The Church's approach to political issues has been a rather selective oversimplification of complex relations. Also, short-term results have been preferred to long-term strategies.

Cardinal Wyszyński's strategy of the "beleaguered fortress" was so deeply internalized by large parts of the clergy that it took a long time for the numerous divisions within the Polish clergy to be publicly acknowledged. These divisions must be addressed and the episcopate must learn to live with them if the Polish Church does not want to find itself in as unpleasant a situation as was Austria's Church after the 1998 *ad limina* visit.

Traditionally, the relationship between clergy and lay people has been characterized by a certain distance and structural hierarchy. Under the conditions of the totalitarian state, this was understandable, but within the framework of democracy, a more egalitarian, autonomous involvement is called for.<sup>54</sup>

Until at least 1995, the episcopate cultivated very close ties with Lech Walesa, which proved to be a mistake since the former Solidarity leader's popularity decreased enormously as his political career unfolded. It would be advisable for the Church to follow the Pope's example and keep its distance from individual politicians.

The episcopate did not maintain a clear distance from those parties of the political right which had distinct fundamentalist tendencies, thus risking that their activities would be associated with the Church. The Church has often been accused of seeking to introduce a fundamentalist Catholic state ("państwo wyznaniowe") when in reality, this attempt was made by parties such as the Christian Union Party (ZChN). Thus, these parties would have been the more appropriate targets of that

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<sup>54</sup> On the problem of democratic structures within the Roman Catholic Church and with respect to the situation of the Polish church, cf. Steger Philipp: Kosciol i demokracja: druga strona sporu, in: Znak Nr. 520, 09/1998, 139-145.

accusation. As mentioned above, John Paul II already spoke the appropriate words in that regard.

Especially the manner in which the concordat was concluded suggests that there is very little consideration of more participatory elements within the Church. This is important since it shows that, as an interest group, the Church is weak. This is because the mandate from those whose interest the Church claims to represent might not actually be a solid one. This needs to be seen in relation to the phenomenon of the "closings of the ranks" which occurred both in the concordat and the abortion debates. This pronounced, unanimous stance helps to counterbalance a potentially weak mandate from the lay people, but in the long run it could prove disastrous. It is high time that Poland's Church puts into force all the "innovations" of the Second Vatican Council and takes its lay people more seriously. In this regard, it is interesting to note that Poland has thus far no real Christian-Democratic party, thus no mainstream Catholic party<sup>55</sup>. One possible reason for this is that Poland lacks a major, integrative Catholic lay organization (or some such center of Catholic thought) which could be a source of Catholic politicians and provide the building blocks for a large Christian party.<sup>56</sup>

Especially on the occasion of the concordat debate, the Church showed that it does not consider serious and open discussion to be a necessary and integral part of a successful solution-finding process. Conflict created by differing or contrasting views was negatively portrayed. This by no means meant that the clergy avoided open conflict. The rhetoric that was used risked a showdown with the political opponents. Crosscutting cleavages - many Postcommunists are Catholics - were not used to take the edge off of certain conflicts.

It would have been quite an astonishing phenomenon had the Church *not* exhibited behavioral patterns characteristic of Polish society during communism. Most striking among these is the seemingly innate diffidence towards and mistrust of the state. The continuing importance of this became obvious when the episcopate opposed the classical formulation of the separation of Church and state in the

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<sup>55</sup> Such as the former *Democrazia cristiana* in Italy, Spain's *Partido Popular*, Germany's *Christdemokratische Union* or Austria's *Volkspartei*.

<sup>56</sup> Most remarkable is the notorious absence of the so-called *actio catholica*, the "Catholic Action." This lay organization, that consists of a highly effective structure from the bishops (who have a strong influence on its internal workings) to the single lay member, has been highly successful in gathering Catholic activists in other European countries. In Poland, Bishop *Zycinski* made an attempt a few years ago to activate the Polish *actio catholica*, but so far with little success.

new constitution, arguing that this formulation was intended to subordinate the Church to the state and push it towards the margins of public life.

But there are also reasons why the Church did not fare too badly - reasons why it did, after all, reach many of its "political goals." To a large extent this is due to the moral authority the Church obviously enjoys. Hardly anyone seriously disputes the Church's basic claim to raise its voice in public affairs, and no political party has thus far been willing to risk a "war" with the Church by passing legislation which meets with serious opposition from the clergy.<sup>57</sup> Another reason is the personal engagement of the Pope who has repeatedly warned against the overly strong direct political involvement of the Church. The Pope's signature can also easily be seen in the Vatican's personnel policy in regards to the Polish bishops: namely, the appointment of and continued support for a number of fairly young bishops who have the reputation of being more liberal and open than most of the "battle-tested" (seasoned) elder members of the Church hierarchy. Amongst them Bishop Tadeusz *Pieronek*, the long-time Secretary General of the episcopate, has played an extremely important role in steering the Church through the rough seas of modern media society.

Taking into consideration the positive contribution that Bishop Pieronek made to the Church's handling of public relations, it may prove rather counterproductive that he was voted out of office this year in what can be interpreted as a shift to a more conservative and less open approach to public relations within the episcopate.

Poland's Catholic Church will need to revise its approach to democracy and pluralism, and for this people like Bishop Pieronek will be indispensable, especially once there is no Polish Pope serving as an integrative figure. This must be accomplished if the Church wants Poland to remain a Catholic country.

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<sup>57</sup> At this point, it is extremely important to note that even the liberalized version of the anti-abortion law constitutes such a case. The law was passed against very strong clerical resistance, but very little was done to actually do something about the availability of abortion. Thus, in a certain way in practical life, things remained much the same as under the restrictive law. Postcommunist politicians declared on many occasions that they did not want to risk a "religious war" with the Church, and this was not just rhetoric.