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***Relations between the state and the Catholic Church
in the constitutional order of the Third Polish Republic***

*(Stosunki państwa i Kościoła katolickiego
w konstytucyjnym porządku III Rzeczypospolitej Polskiej)*

SUMMARY

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The main objective of the doctoral dissertation is a comprehensive analysis of the current shape of relations between the state and the Catholic Church in the legal, social and political reality of the Third Polish Republic. Examination of the mutual relations of the above-mentioned of the state and church community is dictated by numerous accusations appearing in the public debate regarding violation of the standards of these relations, set by the relevant provisions of the Constitution of the Third Republic of Poland of April 2, 1997.

The thesis stated in the dissertation indicates that the overall functioning of the Catholic Church in the constitutional order of the Polish state consists of both a specific legal regulation and a specific practice of relations with representatives of the secular authority, which was developed and established on the basis of the historical legacy of these relations. Contesting legal regulations with examples of activities undertaken by representatives of secular and church authorities serves to answer specific research questions - whether the above-mentioned proceedings are compliant with the Polish legal order; or the legal mechanisms provided for in the Constitution of April 2, 1997 they constitute a sufficient guarantee of the functioning of the system of separation between the state and the ecclesiastical community; on the basis of the contemporary constitutional regulation, is it possible to introduce changes in the mutual relations between the Polish state and the Catholic Church?

The work consists of an introduction, conclusion and 11 chapters divided into two parts.

The first part, covering chapters I - IV, contains historical and dogmatic analysis. Chapter I contains considerations on the historical evolution of the relationship between the state community and the Christian religion and - as a result of changes within the religion itself - the Catholic Church. The content of the second chapter covers the systems of mutual relations between the state and churches or religious associations. The next part of the work presents a catalog of legal measures used to regulate the situation of religious communities in the territory of the state. Historical and dogmatic analysis concludes with a discussion of the contemporary status of the Holy See and the postulates of the Second Vatican Council regarding the relationship between the Catholic Church and the state.

The second part of the dissertation, which consists of Chapters V - XI, covers a comprehensive analysis of the position of the Catholic Church in the constitutional order of the Third Republic of Poland.

Chapters V and VI are devoted to the presentation of the pillars of the possibility of defining the above-mentioned position resulting from the content of art. 25 and art. 53 of the Constitution of the Third Republic of Poland of April 2, 1997. Indeed, the aforementioned provisions constitute the sources of the possibility of the functioning of the Catholic Church as a religious association on the territory of the Polish state, both in the context of specific activities of individuals - the members of the Catholic Church, as well as its institutional relations with the state.

Chapter VII focuses on the presentation of legal regulations, specific directions of jurisprudence and views of the doctrine on such a socially sensitive issues as: the presence of religious symbols in the public space; the admissibility of employing clergy as chaplains in public institutions and the access of the Catholic Church to the mass media.

The considerations in Chapter VIII concern three aspects of the functioning of the Catholic Church in the education system - teaching religion in public schools, the creation and operation of Catholic kindergartens, primary and secondary schools, and Catholic universities.

Chapters IX and X are devoted to the issues of relations between the state and the Church in the institutional level, including, in particular, contacts between representatives of secular and church authorities.

Chapter XI concerns the financial relations between the Third Republic of Poland and the Catholic Church. It discusses a number of issues from various spheres of the Polish legal order - the issues of tax exemptions and reliefs; the possibility of the functioning of church legal entities in state legal transactions and the participation of the state in financing the activities of churches and religious associations, especially the Catholic Church.

The conclusion contains a final analysis of the topic in the context of the research thesis ; answers to the research questions formulated in the introduction of the dissertation and the catalog of certain legal solutions which may serve to stop violations of the constitutional principles of relations between the state and the Catholic Church.