

Article

Religious Freedom, National Identity, and the Polish Catholic Church: Converging Visions of Nation and God

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Abstract: In the most common representations of the Polish people, the Catholic Church is not simply considered as a part of the Polish nation; it is the Polish nation. This is reflected in the constitutional relationship of the Church and the State, in the form of a concordat. Yet, despite a formally constitutionally warranted separation, the Church retains heavy weight in the legal and political debates to the point that currently, in a time of resurgence of populism across the globe, a number of right-wing parties adopt positions based on those of the Church, establishing a dangerous nexus between religion and nationalism. The aim of the present contribution is to map this unique process within Eastern Europe in order to show how, in the case of Poland, religious identity and the exercise of religious freedoms, despite its fragmented nature at the individual level of believers, has acquired the features of an autonomous field of intervention, with clear consequences on morality and the exercise of politics, as well as religious rights and freedoms of citizens. Using the example of religious education in public schools, the article will demonstrate the complex paths of the process of secularization in the light of the historical dynamics of state, nation, and Church in Poland. In fact, it will argue that we are gradually moving away from the triumph of secularism as a “teleological theory of religious development” but firmly entering the perilous territory of religious belief as a “traditional carrier of national identity.” Tasked with the mission by Pope John Paul II to “restore Europe for Christianity,” upon joining the EU in 2004 and based on the premise that “majorities have rights too,” this shift implies new forms of religious nationalism for Poland that significantly affect religious freedom by creating dichotomies between “Us” and “Others.” It also offers, similarly to other Eastern European countries, a nuanced interpretation of religious equality that assumes the role of law as limited to protecting religions recognized by reference to established traditions, ignoring the realities of pluralized religious markets.

Keywords: religious freedom; Poland; Catholic Church; public education; nation; religious minorities

“(. . .) fear breeds repression; (. . .) repression breeds hate; (. . .) hate menaces stable government”; Justice Brandeis¹

1. Introduction

The end of communism in Central and Eastern Europe produced an ideological vacuum. The severe economic conditions accompanying the “return to Europe” called for a new set of “beliefs”: the alignment of nationality with the historically dominant religions soon acquired nation- (re)-building proportions, and together with that, the opportunity for religious actors to mobilize their capacities in new ways.

¹ *Whitney v. People of the State of California*, 47 S.Ct 641, 648, 274 US 357, 376 (1926) Justice Brandeis Concurring.

The protection of religious freedom in human rights law is connected to a thread of autonomy, requiring states to guarantee to all people liberties and resources corresponding to their vision of a good life (including the possibility to revise traditional religious practices), tolerance, and affording protection to groups, even non-liberal ones (provided a right to exit is in existence). Instances of conflicts between individual and collective religious rights are far from unknown: they occur as dilemmas between the exercise of one's individual religious rights as opposed to the religious rights of the majority. More than that, when the dominant (majority) faith is "national," religious minorities' claims are framed as dissent from the "official" national faith in the form of disloyalty to the nationalist cause.

At the outset, there was some concern at the time of the transition back to democracy in Poland over the potential threat that the Catholic Church would become too involved in politics.² The risk that too strong of an identification of the new state with one faith would pose to the protection of religious freedom and religious pluralism was spelled out by a part of Polish society. Polish intellectuals contested the growing hegemony of the Church that changed its strategy of "open Catholicism," understood as encouraging open channels into more democracy, emancipation, and freedom, to one of monopolistic authoritarianism.³ Instead, religious institutions gradually insisted on life for their adherents in accordance with specific sets of values and practices that suggested a fusion of religion with culture, affecting both social and personal identity. In these conditions, religious *revivalism*, not just as a force shaping morality but also as a channel to political power, can be conceived in retrospect as a crucial factor challenging pluralism in secular societies in complex terms.

Within this fragile balancing act between the protection of religious freedoms and nation-building, religious groups—in our case the Polish Catholic Church—have evolved in their role but also in their perception and discourse in society: struggling to reconcile their transnational dimension with their national role and presence, the question today is how these actors currently position themselves vis-à-vis ethnicity and nationalism and the implications of their choices on religious freedom.⁴ Religious identity, as will be argued further in the case of Poland, serves currently to motivate and even legitimate nationalist campaigns, guaranteeing in exchange enhanced access to power for the dominant religious faith organizations.

At the same time, in a continent where historic religious groups are territorially concentrated and settled on territories (that in many cases have seen the borders "move" across states) notions of equality, non-discrimination, and justice seem to have a different meaning: in many cases, it is interesting to note how it is majority religious groups that invoke historic injustice(s) in an effort to curtail ordinary claims of freedom and equality.⁵

The aim of the present contribution is therefore to explore the process and implications of the growing alliance between Polish nationalism and conservative Catholicism from the perspective of the normative content given to religious freedom. The article will argue that despite the fragmented nature of religious beliefs at the individual level of believers, religious freedom has acquired the features of an autonomous field of intervention in Poland, with clear consequences on morality and the exercise of politics, as well as religious rights and freedoms of citizens. Methodologically, the discussion will be based on a legal and human rights platform, with emphasis on a socio-legal reading of the key concept of religious freedom rights, borrowing from the sociology of law and political science. The interdisciplinary outlook is necessary in order to demonstrate from a more empirical point of view the autonomous character of religious identity as a field of study, calling for a variety of disciplinary tools to fully account for the "law on the ground."

² Mach (2007, pp. 123–25, 133).

³ Prominent figures among this group of intellectuals were Adam Michnik, Leszek Kołakowski and Czesław Miłosz. Stala (2012, p. 180 et seq).

⁴ Danchin (2002, p. 23).

⁵ For example, Orthodox Bulgarians against Muslim Turks for their treatment in the 19th century, or Orthodox Serbs about oppression under Ottomans or Catholic Slovaks under the Austro-Hungarian empire. Danchin (2002, p. 8).

To do so, and with the intention to advance discussion on issues with pan-European resonance, such as the rights of majorities, religion as a nation-building strategy, populism, and trends toward religious inequality and the broader instrumentalization of faith, the first section will introduce the evolving features of religiosity and belief in today's Poland in order to highlight how the Polish Catholic Church through its historical presence has been contributing towards the legitimation of one specific type of faith to the potential exclusion of others. The landscape of religious diversity in the country will then be examined in its legal, sociological, and political dimension to demonstrate how religious identity can be constructed as a mono-dimensional "fiction."

Using the example of religious education in public schools, the article will illustrate in more concrete terms the tension between Polish nationalism and conservative Catholicism through (and in some cases, in spite of) the legal framework covering religious diversity in education. In fact, and on a broader level, the short case study will show how we are gradually moving away from the triumph of secularism as a "teleological theory of religious development" and firmly entering the perilous territory of religious belief as a "traditional carrier of national identity" with the implications and dilemmas that it may carry for the Catholic Church in Poland but also for the protection of religious freedom in the country.

2. Evolving Trends in Religiosity in Poland

Against the highly fragmented and ambiguous features of religiosity in Europe, Poland stands apart due to the specific dynamics of state, church, and nation. The Polish case disrupts the assumptions of the secularization theory only in terms of the prevailing political discourse that often relies on religion and to the extent that religious institutions and religious consciousness have not lost their social significance or influence.⁶ It also shows how, through the historical experience of communism, the majority Church in Poland was attributed exceptional societal privileges and influence.

The "cultural shock" that most Central and Eastern European societies experienced, approached in terms of growing insecurity and a loss of orientation that followed in the 1990s,⁷ in Poland led to the firm anchorage of religion in the public space. The terms of this evolution were developed on the following main axes: the relation between the State and religious organizations, the interaction between religion and politics, the institutional influence of the "national" churches, and the interreligious dialogue and relations.⁸

By 1994, there were already 80 officially registered churches and religious organizations in Poland but the 1993 Concordat between the government and the Holy See left little scope to doubt the privileged status of the Catholic Church. The religious revival, hence, has not been happening exclusively in the sense of "trivialization of the sacred" but also as an instrumentalized symbol toward legitimation.

By looking closer at the features of religiosity in a country like Poland, it emerges that the evolution of the patterns of religious beliefs is multi-layered and complex: instead of the dominant elsewhere in Europe "believing without belonging,"⁹ recent Polish data suggests "belonging with less and less believing," where one finds still impressively high levels of confessional affiliation but with decreasing levels of belief and/or participation. Compared therefore to other European countries, the Catholic Christian shares of the Polish population have been relatively stable.¹⁰

As a result, religious beliefs developments in the country can often be represented in political discourses as being dependent on the "imagined" dimension of the national church as a self-sufficient

⁶ Need and Evans (2001, p. 231).

⁷ Merdjanova (2001, p. 265).

⁸ Merdjanova (2001, p. 265).

⁹ See the widely cited work of Davie (1990), for a discussion of the concept.

¹⁰ According to the Pew Research Center findings (2018) on the significance of religion in Central and Eastern Europe, 96% of Poles were raised as Christian and 92% still identify as such. [<http://www.pewforum.org/2018/10/29/eastern-and-western-europeans-differ-on-importance-of-religion-views-of-minorities-and-key-social-issues/>].

community, which overlaps with that of the nation-state.¹¹ However, according to recent Pew Research Center data, 70% of Poles consider that religion should be kept separate from government politics, with 25% supporting the view that government should be involved in supporting religious values and beliefs.¹² Only 28% of respondents within the same survey have stated that the government should provide financial support to the country's preferred Catholic Church, although 64% of Poles find Catholicism to be a key component of their national identity. Further than that, developments of religious belief have been politically interpreted as the mission of "restoring Europe for Christianity" rooted in *messianism*, also nowadays with the help of political populist discourses.

At the same time, Polish society appears in transition with respect to religiosity. Fragmented Catholicism currently dictates some disagreement with the Church's rules in relation, for instance, with sexual behavior, with 41% in a Pew survey between 2015–2017 refusing to follow the Church's rules on abortion.¹³ Yet 29% of Poles still consider religion very important in their lives, 61% attend religious services at least monthly and 27% pray daily.¹⁴ The distinctiveness of the Polish case, when compared to other post-communist countries, therefore stands.¹⁵ To the extent that participation in religious practices can be interpreted as a sign of trust toward the Church, however, along with its identitarian dimension, it is worth questioning whether Polish society still identifies with the values conveyed by the Catholic Church. The erosion of high religiosity, or put differently, the fragmented nature of being Catholic in Poland today, still happens under quasi-monopolistic conditions in religious market terms. Regardless of that, the Polish Catholic Church still maintains and assumes its mediating role for social and political issues.¹⁶

Therefore, despite the increasingly complex relation of Poles to the Catholic Church, the ability of the Church to influence the public debate on divisive issues persists. Politicians choose to express commitment to the Catholic dogma in an attempt to get (and keep) public support through the occasional use of religious arguments.¹⁷ The 2015 presidential election, in terms of its perception by the public, illustrates the point well: although the Catholic Church did not institutionally involve itself in the 2015 electoral campaign, by supporting one candidate over others, the projection of the Catholic media, perceived as the "expression" of the Polish Episcopal Conference, was viewed as politically involved with the PiS candidate (and ultimately winner) Andrzej Duda.¹⁸ This thesis was confirmed by an Ariadna poll finding that respondents felt that the involvement of the Catholic Church in politics was too high.¹⁹

In similar terms, the example of Reverend Tadeusz Rydzyk, member of the Congregation of the Most Holy Redeemer, is widely cited:²⁰ as founder of Radio Maryja and the newspaper *Nasz Dziennik*, the television channel *Trwam*, as well as a private college, he has engaged in the promotion of specific politicians, in consonance with the interests of his business and the Catholic faith.

While the Church in Poland is by no means a uniform body, there is a noticeable trend by a number of clerics, including at the local level, that are lending their religious authority for political purposes.²¹ The leverage applied by the Church on the content of schools curricula, discussed later in this article, provides another instance of the way in which the Church has obtained its "privileged

¹¹ See for a similar point [Casanova \(2009, p. 220\)](#).

¹² [Pew Research Center \(2018\)](#).

¹³ [Pew Research Center \(2018\)](#).

¹⁴ [Pew Research Center \(2018\)](#).

¹⁵ In 2008, 93 per cent of Poles declared themselves to be Catholics and believers while 64 per cent declared that the Church is essential in defining their own values ([Heinen and Portet 2009, p. 10](#)).

¹⁶ [Bilska-Wodecka \(2009, p. 4\)](#).

¹⁷ [Heinen and Portet \(2009, p. 3\)](#).

¹⁸ [Lesniczak \(2016, pp. 272–73, 277\)](#).

¹⁹ The poll in question was conducted in the period between 25–28 July 2015 and is referenced in [Lesniczak \(2016, p. 282\)](#).

²⁰ [Modrzejewski \(2018\)](#).

²¹ [Modrzejewski \(2018, p. 255\)](#).

participant” status in the public sphere.²² Earlier on, Catholic political parties have also echoed the Church’s voice to the point that in 2003 the Church agreed to support Poland’s accession to the EU provided that abortion laws would not be affected.²³ Overall, the *Motherland*²⁴ is being constructed on the “Us” versus “Them” dualist perception, which right-wing parties are currently utilizing and even furthering to maintain momentum in the political debate.

In parallel, religious pluralism in the country has grown during post-communist times. From religious communities from India and the Far East, to Protestants and Evangelists from within Europe or the U.S., Poland is gaining renewed exposure to the “religious market.” This process has triggered renewed forms of *religious nationalism*, with the majority religion being transformed into a politicized “resistance” strategy but also a tool of exclusion for others.

Poland’s integration in the EU precisely demonstrates and illustrates the trend: the Catholic Church in Poland already as of 2002 voiced its concerns by stating that “[Poland’s] inclusion in the European system ought not mean the abandonment of national, political, and cultural sovereignty as well as religious sovereignty.”²⁵ Issues such as abortion or same-sex marriage were at the base of its concerns.

As a result of these almost opposing factors, religious pluralism has gradually become a relatively eclectic concept, in conditions of a largely ethnically and religiously homogenous state, especially in conditions where the traditional faith has played a significant role in nation-building and national self-determination. The legal implications of this scenario lead to the questioning of the compatibility of religious freedom and pluralism with national self-definition understood as nationhood linked to one faith.²⁶

It is established elsewhere that the otherwise rational principle of religious equality is heavily qualified by the historically shaped practices of each society.²⁷ As such, the law does not always respond or match abstract liberal and rational assumptions of social justice. In cases where national identification seems to overlap with religious affiliation, such as in the Polish case, the level of cultural embeddedness of religion(s) and the degree of protection of religious freedom do not necessarily match.²⁸ It is therefore not a surprise to observe how constitutional provisions for religious liberty “understand” religion as a Christian concept that stresses the individual (as opposed to the collective) dimension of religious freedom out of political fear for “organised religion.”²⁹

3. The Political Legitimation of Faith and the Role of the Catholic Church

With the arrival of the free markets, politics and religion were drawn closer to each other due to the disillusionment of the many becoming poorer and voiceless, as opposed to the few accessing power and wealth, very often in questionable terms.³⁰ Moreover, the search for the “truth” in spiritual and religious terms, clearly no longer to be found in Marxism, still had to be discovered.

In this climate, for Poland, an almost entirely Catholic country, very different for example to former Czechoslovakia, which is home to a number of diverse religious minority groups, the dynamics of faith have been unique. During socialism, the Catholic Church was instrumental in attracting believers on the basis of its position as an “alternative” pole to the state.³¹ Following the collapse of

²² Modrzejewski (2018, p. 256).

²³ Heinen and Portet (2009, p. 20).

²⁴ Personified either as *Matka Polka* (The Polish Mother), *Mater Polonia* (The Mother of the Nation) or in the form of the Marian cult (the Cult of the Virgin) (Cf. Heinen and Portet 2009, p. 4).

²⁵ Wiadomości KAI (2002): No 13/2002 at 9 as quoted in Bilaska-Wodecka (2009, p. 13).

²⁶ For an example, see the discussion in this article on religious education in public schools and the limited availability of alternatives to Catholic religious classes.

²⁷ See Topidi (2019).

²⁸ Merdjanova (2001, p. 274).

²⁹ Merdjanova (2001, p. 274).

³⁰ Barker (2002, p. 60).

³¹ Barker (2002, p. 67).

the Iron Wall, however, the Polish Catholic Church found itself before a crucial turning point: faced with priests that had not developed practical theological skills in tune with the changing economy and politics, the Catholic Church leaned towards conservatism.³² Social services had firmly remained in the realm of the state and even when there was a desire to engage with such services, there was a clear lack of expertise.³³

At the same time, religiosity acquired new terms in Poland: while before the fall of the Wall, the national church was supported as an alternative ideology, even by *non-believers* (those belonging but not believing), for example when atheist parents insisted on baptizing children or attending mass as a form of resistance to the regime, the pattern shifted after 1989. Attendance to church was connected to self-interest in the sense of pursuing one's need to access power through the "right" connections.³⁴ The dominant Church's ability to symbolize and embody national unity while on a democratizing path was lessening significantly.³⁵ The broader concern remains the extent to which national community is compatible with civic institutions.

Historically, in postwar Poland, *Polishness* has been equated with Catholicism.³⁶ This connection is further attached to a certain messianic component that in the Polish Romantic tradition ascribes to the Polish nation a type of martyrhood, that of "Christ of Nations."³⁷

It is consequently not entirely surprising to observe how the fusion between state and Church has evolved in Poland. Over time, the same questions are asked: does the Polish Catholic Church want political power in the State? Furthermore, is it possible to imagine state laws not reflecting Church values and principles?³⁸ With the burden of communism gone, is the Church, in particular its most conservative elements, seeking a new enemy to justify their presence in the public scene? Polish Catholicism, in its *sui generis* features, constitutes a paradigm where all the above can be answered in the positive. The declared beliefs of the vast majority of individuals give enough "weight" to the Church to intervene.

The role and position of the Polish Catholic Church can be further analyzed in connection (and contrast) to the Roman Catholic Church, with which it had fostered tight links during the period where John Paul II was Pope. The Roman Catholic Church, in its capacity as one of the most active transnational institutions, has historically played (and continues to do so) an active role in post-communist Europe.³⁹ After 1989, the then Pope had developed an explicit discourse on the role that his homeland was expected to play in the re-united Europe: the right and responsibility to become a member of Europe but based on its own values, without uncritically adopting Western customs.⁴⁰ The interpretation of such a critical stance relies on the assumption that "not everything that the West offers by way of theoretical vision and practical lifestyles reflects the values of the Gospel."⁴¹ Resistance to perceived Western values such as secularism, consumerism, materialism, and even atheism, was coupled with the mission of re-evangelizing Europe.

The Polish Catholic Church's historical positionality as a beacon and source of Polish nationalism was furthered by the perception of its role in overthrowing communism. Projected as the defender of Polish national and cultural survival, under conditions of threat, Catholic symbolism embodied the

³² Barker (2002, p. 68).

³³ This lack is aptly juxtaposed with the equivalent sophistication in the area of foreign missionaries (e.g., American Evangelical Protestants). This imbalance is in part responsible for the resentment and resistance towards such groups in Central and Eastern Europe. (Cf. Barker 2002, p. 68).

³⁴ Barker (2002, p. 72).

³⁵ Hann (2002, p. 438).

³⁶ Krajewski (2002, p. 496).

³⁷ Krajewski (2002, p. 496). The author describes the implications of this trajectory through the example of the anti-Semitic propaganda of 1968.

³⁸ Krajewski (2002, p. 502), quoting priest Józef Tischner.

³⁹ Byrnes (2002, p. 455).

⁴⁰ Byrnes (2002, p. 459).

⁴¹ Byrnes (2002, p. 459).

resistance to a political system imposed from the outside.⁴² In more concrete but only indicative terms, by the end of Communism, Catholic instruction was reintroduced in public schools, where a concordat was signed with the Holy See and access to abortion curtailed.

The political dimension of the role of the Catholic Church has therefore not only been shaping the public agenda, it has, as importantly, also reconfigured Poland's self-understanding as the "People of God." With the change of leadership in the Roman Catholic Church, the transnational dimension of the nexus between Rome and Warsaw has nevertheless shifted. The local elements of the Catholic Church within Poland resist the current Pope's vision, and together with individual Catholic believers, diffuse the content of messages coming from Rome in their own terms. This alternative vision of Catholicism, but also of the EU, directly challenges the degree to which the Roman Catholic Church, in its function as a transnational religious institution, can continue to affect the political process within Poland.

4. Religious Pluralism in Poland and the Protection of Religious Freedom

Poland under Communism made systematic efforts to confine religion to the private sphere.⁴³ Constitutionally, Article 35 of the Constitution adopted by the National Assembly on 2 April 1997, recognizes the right to national or ethnic minorities to maintain and develop their culture, including in paragraph 2, the right to establish and maintain institutions designed to protect their religious identity.⁴⁴ Yet the impact of the presence and influence of the dominant Catholic Church affected an extended array of issues, covering also some previously belonging to the private sphere, such as abortion.

Given that religious diversity is currently limited in Poland, as numerically few religious minorities have established presence on Polish territory, it is hard to assess social tolerance of religious difference. It is also difficult to discern the power competition between religious majority and minority actors in conditions of religious quasi-"monopoly." The inherent danger at present seems to be that the dominant Church may be pushing for social paradigms that by-pass religious diversity.⁴⁵ Can a pluralized religious market really exist in Poland? In an era where "majorities" have been advancing the argument that they have rights too,⁴⁶ the content of Article 53 of the Polish Constitution provides for freedom of religion to everyone,⁴⁷ respected, and protected by public authorities,⁴⁸ read together with Article 10(1) of the Charter of Fundamental Rights of the EU.

The real dimension of the legal landscape is, however, more fully described by Eileen Barker when she finds that:

"States do not need to pass discriminatory laws to contribute to a society's discrimination. Even if the legislature does not discriminate against minority religions (. . .), the actual implementation of the law may be discriminatory, and there are numerous instances of a non-discriminatory law being grossly violated."⁴⁹

In legal terms, and despite a relatively well-developed human rights compliance oversight, including on religious freedom, by the European Court of Human Rights, Poland similarly to other European countries has enjoyed relative autonomy on religious matters, which until the *Kokkinakis v.*

⁴² Byrnes (2002, p. 460).

⁴³ Hann (2002, p. 440).

⁴⁴ Article 35(1) and (2) of the 1997 Polish Constitution, <https://www.sejm.gov.pl/prawo/konst/angienski/kon1.htm> (in English).

⁴⁵ Merdjanova (2001, p. 293).

⁴⁶ In post-Lautsi Europe, this is a point that is growing in importance. (Cf. Fokas 2015, p. 69).

⁴⁷ Article 53 of the 1997 Constitution of the Republic of Poland stipulates that the freedom "shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services."

⁴⁸ Article 30 of the 1997 Constitution of the Republic of Poland.

⁴⁹ Barker (1998, pp. 35–36).

Greece case in 1993, amounted to very wide discretion.⁵⁰ This reluctance to exercise a more intense level of control over “neutral” laws has resulted in the denial of exemptions from the application of general laws, even outside the remit of criminal law.⁵¹

From the point of view of religious organizations (e.g., Churches) as actors, the question of autonomy of religious organization becomes equally relevant. In Poland, although the model of separation of state and Church applies constitutionally speaking (Article 25(3) of the 1997 Constitution), it remains informative to observe how the state unfolds its preference for the traditional Church.

The introduction of religious education, endorsing the majority religion, and the concordat with the Holy See suggest the reticence to de facto separate the state from the Polish Roman Catholic Church. The positive obligation of the state to protect the (majority) faith is also stressed.⁵² Simultaneously, governing elites “(. . .) try to appropriate religion through the constitutions that both constrain and empower them, for political legitimation.”⁵³

At the same time, in terms of religious diversity, Poland is not at present facing significant challenges related to its Muslim population, despite opposite public discourse and perception. The group counts an approximate 40 thousand members for a country of 38 million citizens.⁵⁴ They belong to three distinct groups: Tatar Poles, immigrants from Arab countries that came to Poland in the 1970s, and more recent Muslim immigrants, mainly from Bosnia, Chechnya, or other countries such as Afghanistan or Pakistan.

The case of the Polish Tatars is special: they represent a group present on Polish territory through the centuries with an ethnic distinctiveness based on religious difference. Yet, their religious identity is merged within Polish society, sharing multiple cultural elements with the majority. Absent a sense of connection with any other country, after the fall of the Iron Wall, Polish Tatars began efforts to rebuild their ethnic identity.⁵⁵ These efforts have been the object of tension with the newly arrived Muslims: the “new” religious minorities have been openly competing with Tatars on the “authentic” version of Muslim religious identity.⁵⁶

One of the most important recent Muslim groups in Poland, as mentioned, are Chechens, who arrived after the first war in Chechnya. Their projection in Polish public opinion is not based on their religious difference but instead on the poor quality of refugee aid they are receiving in the country.

Along with the Muslim Religious Association, established in 1936, the Muslim League in Poland was formed in 2001, attracting mostly immigrants from Arab countries, as opposed to the Polish Tatars who formed the body of the former association. Attempts of the Muslim League to establish a Muslim Community Centre in Warsaw in the early 2010s triggered anti-Muslim rhetoric, which approached the project as an unwelcomed expression of radical Islam linked to terrorism.⁵⁷

This type of Islamophobia is reflecting the generalized sense of cultural distance that is echoing Western negative discourses on Muslim communities. It is worth reminding, however, that in Poland’s case, the presence of such groups is very small, which suggests that the root of xenophobic tendencies is largely based on “imagined” communities, rather than real ones.⁵⁸

⁵⁰ See European Court of Human Rights, *Kokkinakis v. Greece* Appl. N. 14307/88 (1993) where the first violation of Article 9 ECHR was found by the Court in Strasbourg. De facto, scrutiny has intensified since although the margin of appreciation remains widely used. For an opposite interpretation of legal doctrine arguing that minority rights leave no space for the application of the margin of appreciation because it operates at their detriment see, Eyal Benvenisti, *Margin of Appreciation, Consensus and Universal Standards*, 31 N.Y.U.J. Int’l L. & Pol. 843 (1999).

⁵¹ See European Court of Human Rights, *Efstathiou v. Greece*, Appl. No. 24095/94, 18 December 1996; *Valsamis v. Greece*, No. 21787/93 18 December 1996.

⁵² Merdjanova (2001, p. 277).

⁵³ Markoff and Regan (1987, pp. 169, 180).

⁵⁴ Górak Sosnowska (2011, p. 12).

⁵⁵ ACCEPT Report (Buchowski and Chlewińska 2012, p. 25). These attempts took the form of periodic cultural and educational events (e.g., festivals) as well as press and media outlets aiming to stress their presence in the wider Polish cultural landscape.

⁵⁶ ACCEPT Report (Buchowski and Chlewińska 2012, p. 25).

⁵⁷ See indicatively the contents of the website <http://meczet-ochota.pl> where a large part of the public debate took place.

⁵⁸ ACCEPT Report (Buchowski and Chlewińska 2012, p. 28).

The distinction between “our old Muslims” (referring to autochthonous Tatar Muslims)⁵⁹ and “those immigrants” (referring to new immigration) is fairly established in media discourse and public opinion.⁶⁰ Admittedly, Poland, along with a good number of Central and Eastern European Countries, has not had lengthy exposure to migratory trends of “distant” Others, arriving from countries of significant cultural distance,⁶¹ although historically, Polish tolerance has been tested through co-existence with Tatar Muslims for centuries. The quasi-entirety of public opinion on Islam and Muslim minorities is currently shaped on discourses of fear relying on an external yet unreal threat: the forced Islamization of Europe.⁶²

Overall, the discourse on religious diversity in Poland has distinct features, when compared to other Western European countries: in a country with almost no “Muslim issues,” the “Muslim threat” is treated as a political emergency from political actors, including the most conservative parts of the Catholic Church. This is due in large part to the “oscillation between the *ethnos* and the *demos*.”⁶³ Religious minority claims are thus perceived as disrupting the “perfect” overlap between the nation and its members. This form of *constitutional monotheism*⁶⁴ gives precedence to the rights of the majority and leads to social apprehension towards religious difference.

Despite a historically rooted discourse of Polish multiculturalism based on a past religiously diversified life state supported multiculturalist policies are at present largely “folklorist.”⁶⁵ The type of current migration is very different in terms of the country of origin of immigrants,⁶⁶ and as such, religious otherness tends to be socially marginalized. To this end, the input of political and media discourses is important, as it tends to magnify the essentialized representations of the numerically limited Muslim communities in Poland. This dynamic is also widely reflected in public education.

5. Religious Education in Poland

It is well established that Christianity has historically used schools as a means to influence the development of values in any given society.⁶⁷ At the same time, involvement in education is useful for a church to establish and maintain its legitimacy.⁶⁸

According to the Law on the Education System (1991), there are two types of schools in Poland: public (state) schools and non-public schools. The latter, to the extent that they are denominational, are autonomous in the sense that they can have their own curriculum, subject to the approval of the Minister of Education. Since the Law does not require religious neutrality⁶⁹ to become a public school,

⁵⁹ At present, Muslim Tatar communities have presence within Poland in Warszawa, Białystok, Bohoniki, Kruszyniany, Gdańsk, Poznań, and Bydgoszcz. (Cf. Dziekan 2011, p. 29).

⁶⁰ Katarzyna Górak Sosnowska (2011, p. 15). The case of the autochthonous Tatars distinguishes itself insofar as these communities due to their long historical presence in Poland have been affected by local culture in terms of an intercultural type of integration. They are currently perceived as a religious group with ethnographic elements in Poland. (Cf. Dziekan 2011, pp. 35, 37).

⁶¹ Górak Sosnowska (2011, p. 16). It should be noted, nevertheless, that at the end of the 1930s the percentage of ethnic and national minorities corresponded to 35 per cent of the general population (Kyszczyński 2011, p. 54).

⁶² The anti-Islamic sentiment is commonly used as a means to strengthen European Christian identity. See indicatively the work of the Association Europe of Future (<http://www.euroislam.pl>) as referenced in Górak Sosnowska (2011, p. 18).

⁶³ ACCEPT Report (Buchowski and Chlewińska 2012, p. 9).

⁶⁴ ACCEPT Report (Buchowski and Chlewińska 2012, p. 10).

⁶⁵ ACCEPT Report (Buchowski and Chlewińska 2012, p. 13). Treatment of Polish Tartars or Jews is indicative of this approach. A contrario, the 1991 Treaty with Germany gave political rights to Germans, with representatives in parliament. (Cf. ACCEPT Report, Buchowski and Chlewińska 2012, p. 14).

⁶⁶ ACCEPT Report (Buchowski and Chlewińska 2012, p. 17). The Report mentions that according to the International Migration Report 2006 of the UN Population Division foreigners are estimated to 703,000 (2005) or 1.8% of the total population.

⁶⁷ Rakar (2009, p. 317).

⁶⁸ In some instances, this can happen also through private denominational education, depending on the context of each country.

⁶⁹ According to the repealed Act of 7 September 1991, on the educational system, public schools are not religiously neutral because Christian values and teaching are included and taken into account in the educational process. The currently applicable Act on Education 2016 stipulates in its preamble that education and upbringing should respect the Christian value system (Cf. <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000059/T/D20170059L.pdf>).

these schools may at a later stage acquire the status of a public school.⁷⁰ In that case, a school becomes eligible for public financing.⁷¹ Private schools, without the status of a public school, may receive financial support from local governments.⁷²

Alongside the official state educational system, confessional schools are also being supported by the state in financial terms, as already mentioned. Churches and religious organizations are given the right to establish and run schools and day care centres, as well universities and denominational high schools.⁷³ Among them, one finds minority faith educational establishments, often connected to wider globalization processes aimed at the articulation and expansion of distinct socio-cultural identities.⁷⁴ These schools are part of external religious networks that claim a part of public space in national contexts. In these private schools, regulation of religious education is open and determined by the school board and/or parents.⁷⁵

The philosophy of “faith” schools is not always geared exclusively at the preparation of Church ministers. It extends to the offering of alternative religious worldviews and, as importantly, to a religiously safe environment for students, which justifies, in good part, their popularity with parents.⁷⁶

Overall, however, the percentage of learners attending denominational schools remains low in Poland,⁷⁷ despite the favourable legal framework. This is connected to the reluctance in general terms of the Catholic Church to found its own schools. The lack of significant religious heterogeneity (i.e., little demand for diversified religious schools), combined with the non-secular character of public/state schools in Poland, explains the slow development of denominational schools.

One of the most symbolic but also significant changes following the fall of the Wall in Poland concerned the introduction of courses on religion in schools. Prior to the end of communism, religious instruction was excluded from the school curriculum; religious schools were closed or were under strict state control. The post-1989 reinforcement of the power of the Church made a lasting impact on the public education system insofar as it institutionalized its presence by giving priests the status of ordinary teachers.⁷⁸ Article 12 of the Concordat between the Holy See and Poland⁷⁹ is explicit:

1. Recognizing parental rights with regard to the religious education of their children, as well as the principles of tolerance, the State shall guarantee that public elementary and secondary schools, and also nursery schools, shall be managed by civil administrative organizations or independent bodies, shall arrange, in conformity with the desire of interested parties, the teaching of religion within the framework of an appropriate school or pre-school curriculum.
2. The curriculum for teaching the Catholic religion, as well as the textbooks used, shall be determined by ecclesiastical authority and shall be made known to the relevant civil authorities.
3. Teachers of religion must have authorization (*missio canonica*) from their diocesan bishop. Withdrawal of this authorization signifies the loss of the right to teach religion.”

⁷⁰ Rakar (2009, p. 323).

⁷¹ Until 2000, private denominational schools were entitled to 50% of the public funds per pupil spent by local governments on a public school. Since 2000, they are entitled to 100%, even in cases where they are not fulfilling a public educational duty. (Cf. Rakar 2009, p. 324).

⁷² See also Article 14 of the Concordat that stipulates that the state/local community must support Church schools according to the relevant laws.

⁷³ See articles 21 and 22 of the Law on the Guarantees of Freedom of Conscience and Religion, *Journal of Laws*, 1989, No. 29, item 155.

⁷⁴ A clearcut example are neo-protestant movements in Central and Eastern Europe (Gog 2011).

⁷⁵ In non-public schools, corresponding to approximately 10 per cent of the total number of school in Poland, state funding is between 20–40% of school needs and the rest is provided by parents’ and sponsors’ donations. One third of such schools are run by religious associations. (Cf. Zielinska and Zwierzdzyński 2013). These schools are governed by the Minister of National Education Ordinance on the Conditions and Methods of Organizing Religious Education in Public Schools and Kindergartens.

⁷⁶ Gog (2011).

⁷⁷ Rakar (2009, p. 327).

⁷⁸ Heinen and Portet (2009, p. 3).

⁷⁹ Concordat between the Holy See and the Republic of Poland, signed on 28 July 1993 and ratified on 23 February 1998.

The equivalent provisions in the 1997 Constitution organizing the constitutional framework concerning the role of religion in public education include the ideological impartiality of the state (Article 25 (2)),⁸⁰ the collaborative conception of the relation between state and church (Article 25 (3)), the prohibition of discrimination “for any reason whatsoever” (Article 32 (2)) and the freedom of religion and conscience (Article 53 (1) and (2)). Particularly with respect to religious education, the Constitution stipulates in Article 53 that:

“3. Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions (. . .).

4. The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples’ freedom of religion and conscience shall not be infringed thereby.”

Two further laws regulate religion in education matters: the Act of 7 September 1991,⁸¹ on the system of education and the Ordinance of the Minister of National Education of 14 April 1992,⁸² on the organization of religious instruction lessons in public pre-schools and schools. According to Article 12 of the Act, in public pre-schools, primary schools, and gymnasiums, religious instruction lessons are introduced in school timetable upon the parents’/guardians’ wish, which can be retracted at a later stage. Participation in such classes is therefore optional. The classes must be offered for two hours per week. The Church draws the content of such lessons, including the choice of textbooks. The relevant ordinance allows furthermore for the placing of a cross in the classroom as well as the conducting of prayers before and/or after classes. School supervision bodies can only control the methods of education but cannot exercise overview on the content of instruction.⁸³ In financial terms, all aspects of religious education courses are covered by the state budget within public schools.⁸⁴ Training and pedagogical preparation of religious teachers is laid out in the Concordat⁸⁵: clergymen with a seminary diploma automatically qualify to teach these classes while lay teachers must have theological higher education qualifications to do so.

Other faiths and religious organizations are required to establish similar agreements with the Polish state in order to regulate their relationship with the Polish state.⁸⁶ The teaching of minority religions is however marginal in numerical terms. Listed educational institutions must organize lessons of religion. For situations where between two and seven learners express interest in a given school, these children can be placed together in one class for religion lessons.⁸⁷

⁸⁰ Article 25 (2) and (3) of the Constitution declare:

“2. Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks of life, and shall ensure their freedom of expression within public life.”

“3. The relationship between the State and Churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and common good.”

Internal autonomy pursuant to Article 25(3) implies here the right to make their internal law while the state authorities cannot interfere or define the direction of their functioning internally. It also means that the state and religion should be financially independent from each other.

⁸¹ J.L. of 1991 No 95, item 425 as amended.

⁸² J.L. of 1992 No.36, item 155 as amended.

⁸³ Article 12 item 4 of the Concordat (1998).

⁸⁴ Zielinska and Zwierzdzyński (2013).

⁸⁵ Article 12 item 5 of the Concordat (1998).

⁸⁶ See for example Act of 4 July 1991, on the relationship between the State and the Polish Autocephalous Orthodox Church (J.L. of 1991 No. 66) or Act of 13 May 2014, on the relationship between the Evangelical Church of the Augsburg Confession in the Republic of Poland (J.L. of 1994 No. 73). Today, 14 historical religions have such separate acts. The status of other religious organizations is regulated by registration with the Register of Churches and Other Denominations on the basis of the Law Guaranteeing Freedom of Conscience and Belief, passed on 1989 but amended in 1998 (Cf. J.L. 1989, No. 29, item 154).

⁸⁷ Paragraph 2 No. 1–2 of the Ordinance of the Minister of National Education (1992). The Ordinance distinguishes between two sets of situations: where there are not enough learners in a group but at least seven in one school (para. 1), and when there are fewer than seven learners in the whole school (para. 2).

Assessment of these classes is also organized by the Church: it establishes its own criteria for evaluation.⁸⁸ Since 2007, the final grade in these classes counts towards the general average of the learner.⁸⁹ In 2007, under Roman Giertych, a right-wing conservative politician and chairman of the League of Polish Families, who at the time was serving as Education Minister, religious education was made to count for a learner's general average by ministerial order.⁹⁰ The arrangement was constitutionally challenged before the Constitutional Tribunal, which in its pronouncement of 2 December 2009, found it compatible with the Constitution.⁹¹

In parallel, the alternative option to religious education, ethics, has emerged as a "fiction,"⁹² due to lack of adequate teaching personnel, which leads to unavailability of the course and a consequent lack of demand. In some cases, school directors opt to employ catechists, when qualified ethics teachers are not available, to teach ethics.⁹³

The privileged teaching of the Catholic religion in public schools has thus gradually acquired structural features in the education system rooted both in its organizational elements but as importantly on culturally embedded perceptions in a country where constitutionally speaking religion is deemed separate from the state. Each student must however have the opportunity to study ethics in school as an alternative to religion. In other terms, refusal to organize ethics classes is not legal. The European Court of Human Rights confirmed this by finding in *Grzelak* that it is discriminatory to prevent students from studying ethics, instead of religion.⁹⁴

In practice, the number of children attending ethics classes remains small. There is resistance on the ground to organize ethics or religious education classes for minority religions in the form of passivity, institutional obstacles, or flat rejections.⁹⁵ Additionally, there is an overwhelming tendency in schools to direct students automatically to religious education classes. Similarly, in the 2017 Report,⁹⁶ the Ombudsman highlighted concerns over the organization of Great Lent spiritual retreats in state schools. In fact, aspects of discrimination and indoctrination are present in a number of educational activities (e.g., presence of religious symbols in classrooms, plaques in cafeteria areas inciting to prayer, etc.).

In more substantial terms, the organization of such classes, even in their optional nature, gives rise to a number of concerns in their daily realization: the will of minors is not always respected, as they are forced in some instances to attend religious education classes by their parents or through peer pressure. Additionally, the minimum number of participants to hold such a class essentially penalizes agnostic learners and those adhering to a minority faith.⁹⁷ For learners that do not wish to take neither religion nor ethics courses, there is a gap in their school certificate. This is problematic insofar as it

⁸⁸ These are knowledge, competence, activity, diligence, conscientiousness, and reliability (Cf. General Directory of the Polish Episcopate for Catechesis in Poland, 20 June 2001).

⁸⁹ Paragraph 20 item 4a of the Ordinance of the Minister of National Education of 13 June 2007, J.L. of 2007 No. 130, item 906.

⁹⁰ Under Article 12(2) of the Education Act, the government cannot make any changes to religious education absent the agreement of religious organizations.

⁹¹ Judgment of the Polish Constitutional Tribunal of 2 December 2009, U10/07, LEX No.562823.

⁹² Joanna Podgórska, "Nietyczna Szkoła" ("Unethical School"), *Polityka*, 24 September 2007. Data from 2014 indicate that ethics classes are provided in 12.5% of public schools of different types in Poland (*Zwierzdzyński 2017*, p. 145).

⁹³ Krzysztof Lubczyński, "Nauka religii obowiazkowa?" ["Mandatory Religious Education"], *Trybuna*, 14 January 2009.

⁹⁴ European Court of Human Rights, *Grzelak v. Poland*, Appl. N. 7710/02, decision of 15 June 2010.

⁹⁵ See Summary of the Report on the Activity of the Ombudsman in Poland 2015, available at <https://www.rpo.gov.pl/sites/default/files/Summary%202015.pdf> at 73.

⁹⁶ Summary of the Report on the Activity of the Ombudsman in Poland 2017, <https://www.rpo.gov.pl/sites/default/files/SUMMARY%20of%20the%20Report%20on%20the%20Activity%20of%20the%20Ombudsman%20in%20Poland%20in%202017.pdf> at 36.

⁹⁷ *Zielinska and Zwierzdzyński (2013)* mention the example of the Orthodox Church and the Evangelical- Augsburg one that are able to meet the requirement only in some parts of the country where the adherents are locally concentrated.

discloses the learner's worldview in unconstitutional terms.⁹⁸ As for the use of religious symbols (e.g., cross) and practices (e.g., prayer), there is a degree of ambiguity.

Additionally, the content of religious classes per se has a distinctly catechetical dimension, with the ultimate aim of developing the learner's personal faith in consonance with the official position of the religious organization to which the class corresponds.⁹⁹ The pedagogical expectation is for learners to identify and further their faith in the direction suggested. Some elements on various other religions are included in non-denominational education primarily through literature, history, geography, or civic education, through a distinct Christian trajectory.

In general terms, the introduction of religious education in the Polish school curriculum, like in other Central and Eastern European countries, was organized in a hasty manner: pushed under the assumption that the Church should exercise political power, there has been little debate and limited preparation in terms of resources required to support the decision, on both material and personal infrastructure (e.g., content of curricula, teacher training, etc.).¹⁰⁰

In a social context where findings on religiosity of Polish Roman Catholics show selective acceptance of religious dogmas, especially among the young generation,¹⁰¹ it is worth inquiring whether learners are increasingly questioning the Church's privileged position in the social and political system. Their opinions seem to suggest that the legitimation of the Polish Catholic Church should be limited to strictly spiritual matters.¹⁰²

The young Polish generation socialized in the post-socialist world, and exposed to the birth, even in Poland, of a pluralist type of religious culture, is shaping in its own terms a modern type of religiosity, almost at odds with religious education in schools. The pluralization of worldviews makes way for the questioning of a "sole and exclusive religious social world."¹⁰³ One obvious effect of this process is the de-coupling of religiosity and morality.

It is relatively safe to assume that the practice of religious pluralism is missing from the Polish public education system. Since 2004, when Poland joined the EU, some external pressure has been applied toward the development of more sophisticated multicultural guidelines for teachers, though with limited impact, as corresponding teaching tools and training for educators are not available.¹⁰⁴ Also, the structure of the public education system places significant weight on each school's executive management. It functions with the input of local governments, to which the state has delegated the management of schools and kindergartens. In simpler terms, the headmaster's personal approach to religious difference is crucial in shaping the daily practices regarding religious education in a school.¹⁰⁵

In such conditions, calls for religious pluralism are still viewed as excessive or exotic. The follow-up of the *Grzelak* case is telling: even though the parents sought and obtained a judgment in their favor from the European Court of Human Rights on the discriminatory effects of how religious education/ethics classes are organized (or not) in public schools, the matter soon disappeared from the

⁹⁸ See European Court for Human Rights *Grzelak v. Poland* Appl. N. 7710/02, decision of 15 June 2010. The case concerned a Polish learner that refused to attend religious education classes in primary school, with the full approval of his parents. As no ethics class was available in his school, the place for marks for religion/ethics was left blank in his school certificate and a straight line was inserted allowing the revelation of his confession to whoever read it. The court found a violation of Article 9 ECHR but no violation was found by virtue of the margin of appreciation against Poland for the unavailability of ethics classes.

⁹⁹ Zajac and Makosa (2009, p. 172).

¹⁰⁰ Gog (2011).

¹⁰¹ Rafał Boguszewski, *Moralność Polaków po dwudziestu latach przemian* (Warszawa, CBOS, 2009) at pages 7–9. Seventy-five per cent of young people (18–24) who declare participation in Church at least once per week accept pre-marital sex and 50% divorce as non-negative.

¹⁰² See also Herbert and Fras (2009, p. 85).

¹⁰³ Gog (2011).

¹⁰⁴ ACCEPT Report (Buchowski and Chlewińska 2012, p. 35).

¹⁰⁵ ACCEPT Report (Buchowski and Chlewińska 2012, p. 36).

public space. At the same time, it is worth remembering that the introduction of religious classes in schools has been periodically legally contested on a number of occasions.¹⁰⁶

Overall, the practice of the legal framework on religious education paints a problematic picture: there is no genuine choice offered to learners between religious classes and ethics classes, as schools tend to require negative statements from those that do not wish to attend religious classes.¹⁰⁷ Religious classes are taught for two hours per week, while ethics classes may be limited to one hour by headmaster's decision.¹⁰⁸

The teaching of religion in public schools and the corresponding involvement of the Catholic Church in public education reflect a type of "ritualistic religiosity"¹⁰⁹ that no longer gathers broad social agreement, as it did in the aftermath of the collapse of communism in Poland. Despite that distance, however, one observes limited resistance from parents to the "domination" of the Catholic faith within public schools. Challenging the "obviousness" of Catholic religious education has produced limited space for change, particularly since a growing majority of actors (parents as well as learners) show uninterest, tending to accept the prevailing situation.¹¹⁰

6. Towards a Re-Definition of Religious Freedom and Religious Pluralism: The Polish Catholic Church at a Turning Point

The firmly set monopoly of the Catholic Church in public education is the symptom of a broader phenomenon, defying the limits of constitutional and human rights law. Ties between the Catholic Church and the ruling Law and Justice (PiS) party have been growing unmistakably close: the Church's silence in the ongoing constitutional crisis since 2015, related to the judicial reform in Poland, in continuation of past instances of state interaction with the Church on voluntary religious education in schools and the increase in state subsidies for the Church demonstrate such ties.¹¹¹ The PiS endorsement in 2016 of a total abortion ban pushed by the Church hierarchy has had similar effects.¹¹² Other areas of entanglement include in vitro fertilization procedures that under the previous centrist president Bronisław Komorowski were refunded by law, while under the current PiS leadership were declared non-refundable as of June 2016.¹¹³

The ruling party's dependence on the Church for Catholic voters is also explicit.¹¹⁴ The political dimensions of this "alliance" are often labeled as "Catholic" and "nationalist" populism that relies on strong anti-elitism combined with (over)-simplicity of political argumentation.¹¹⁵ They are further strengthened by significant overlap on the declared values of both actors (i.e., the Polish Catholic church and the governing PiS party), including family, tradition, religion represented by the Catholic Church, and a strong state.¹¹⁶ Predictably, the nationalist turn in Polish politics therefore includes and relies on Catholic discourse.

Post-2015, when the migrant crisis erupted, the ruling party's stance was justifying refusal to accept relocated migrants with arguments based on fear of further "collective subjugation" of the

¹⁰⁶ In 1991, the Constitutional Court dismissed the Ombudsman's complaint on the incompatibility of the regulations introducing religious classes with the Constitution. In 1992, her successor again challenged the Minister of Education's regulation on the conditions and manner of teaching religion in public schools on the basis of the secular character of the state. That challenge was also dismissed by the Constitutional Court. The provisions on religious education in schools were authorized by the Polish Constitution of 2 April 1997 (Dziennik Ustaw, 16 July 1997, No. 78 pos. 483].)

¹⁰⁷ ACCEPT Report (Buchowski and Chlewińska 2012, p. 54).

¹⁰⁸ ACCEPT Report (Buchowski and Chlewińska 2012, p. 54).

¹⁰⁹ ACCEPT Report (Buchowski and Chlewińska 2012, p. 59).

¹¹⁰ ACCEPT Report (Buchowski and Chlewińska 2012, p. 62).

¹¹¹ Welle (2017).

¹¹² The statement at the time of Kaczyński on the issue is symptomatic of this process: "In these matters, as a Catholic, I follow declaring the teachings of the bishops," Cienski (2016).

¹¹³ Cienski (2016).

¹¹⁴ Sixsmith (2017).

¹¹⁵ Modrzejewski (2017, p. 22).

¹¹⁶ Modrzejewski (2017, p. 23).

Polish nation:¹¹⁷ national identity and autonomy (against European, politicians, and foreign refugees) is labeled as Catholic and as such finds its place in nationalist politics. Indicatively, in 11 November 2017, upon the celebrations of Poland's Independence Day, parades were organized by the National Radical Camp (ONR) formed under the motto of "bringing together young Poles who are close to such values as God, Honour, Homeland, Family, Traditions and Friendship,"¹¹⁸ to stress the link between religion and nation.

The nation as a cultural and political semantic category is also an "exclusive" community of Poles as opposed to non-Poles.¹¹⁹ Within this frame, the Catholic Church's position in the Polish legal and political system appears to be that of a privileged participant thanks also to its political legitimization by the ruling party. Within the Church itself, however, two main factions have clearly emerged: on one side, the conservative part of the episcopate and lower party clergy openly support the PiS, and on the other, Catholic progressive intelligentsia, representing the *open* Church, abstaining from political declarations of support and favouring evangelical ideas of reconciliation and peace.¹²⁰

The drop in Sunday Mass attendance,¹²¹ apart from its sociological dimension, especially when combined with EU sanctions on Poland over the controversial judicial reform programme, has intensified the sharp debate within the Church on the effects of "tolerating and praising nationalism,"¹²² while inciting fear and hatred towards migrants and refugees. Part of such critique aims precisely at challenging the troubling closeness between the Catholic Church's bishops with the governing Law and Justice Party since 2015, when the latter accessed power.

The terms of the linkages between nationalism and the Polish Catholic Church are certainly not unique to contemporary Poland and exist in other European contexts. They follow the rhetoric of the prospect of a new *culture war* between Christianity, Islam, and secularism.¹²³ Presented as a genuine desire to preserve the purity of Christian values, Polish nationalism, in its messianic traditional self-perception, offers the argument of the necessary "crusade for the homeland and against globalism."¹²⁴ This "new European nationalism" found in other European countries as well (e.g., in Italy at present) has become a convenient container for identity values that transcend politics and religion.¹²⁵ Sparked by the epidemic reaction against Islam, even when faith weighs little on the individual level,¹²⁶ national identity in Poland matters the most for voters.¹²⁷ This type of "white identity politics" in the Polish case appears to be using Christianity as the identity marker to justify the division between "Us" and "them," claiming at the same time to defend the rights of the majority.

Within this discourse, Catholic religious language, symbols, and rituals are combined to serve secular policies. The ambiguity of the position of the Polish Catholic Church is based on the dilemma of keeping cultural Christians on board, albeit increasingly "unchurched" ones, or challenging right-wing populism with uncertain results.¹²⁸

¹¹⁷ Adekoya (2018).

¹¹⁸ Sixsmith (2017).

¹¹⁹ Modrzejewski (2017) at page 24 argues that the political discourse of the PiS includes however the possibility of being Polish by "origin" or "choice."

¹²⁰ Modrzejewski (2017, p. 28).

¹²¹ Data suggest a drop of 3.1% in one year, with 36.7% of Poles attending regularly Church. The date was gathered by the Statistics Office of the Catholic Church run by the Pallotine Order of Warsaw. Luxmoore (2018).

¹²² See for example the article by Father Ludwik Wisniewski in Poland's weekly magazine Tygodnik Powszechny entitled "Oskarzam" ["I accuse"].

¹²³ Cremer (2018).

¹²⁴ Capurso and Paci (2018).

¹²⁵ Capurso and Paci (2018).

¹²⁶ It is interesting to observe that far-right supporters in Europe according to polls are disproportionately a-religious despite intense use of religious themes (Cf. Cremer 2018).

¹²⁷ Cremer (2018).

¹²⁸ Cremer (2018).

In that light, the Church as a regulatory actor of the Polish society is not homogeneous in its stance: there is an inherent plurality of views and self-reflection growing.¹²⁹ The silence of the hierarchical Church in the face of the present political crisis in Poland has been awkwardly placed at the centre of this debate.¹³⁰ The background feeding this plurality in part is sourced from the constitutional crisis within Poland, already mentioned, that culminated in 2017 when the President of Poland, Andrzej Duda, vetoed bills aimed at the reform of the judiciary system. Some of the leaders of the Catholic Church, in particular Cardinal Gadecki, Cardinal Nycz, and Archbishop Polak, faithful to the expectation that the Catholic Church acts as an agent of democratization in the country, applauded the move. The base of the Catholic Church, however, has been actively supporting the ruling party, occasionally encouraging nationalist, conservatist, and anti-liberal expression and intention.¹³¹

The help of some media in staging the ideological platform of the division between the “true heroic Poles” versus “the false Poles” also explains the distance of Church leadership from the political crisis. Coupled with the rise of the far right in the country, Catholic fundamentalism is gaining space. The sources of discontent explaining this are, similarly to other populist settings in Europe, the uneven distribution of wealth and the perceived threat of non-Christian immigration.¹³² The fusion between religious conservatism and Polish nationalism emerges as fertile soil for far-right discourse to flourish.

The issue of refugees highlights a further current trend: Pope Francis’ position on the issue is very directly and practically contested by the Law and Justice ruling party. The latter argues for the imminent threat of Islamic terrorism, while manipulating nationalistic sentiments,¹³³ in order to refuse refugees, reducing Catholicism to a factor of national identity.¹³⁴ The extent of this evolution is quite wide to the point that some members of the Catholic elite in Poland are actively critical of Pope Francis’ agenda on the toleration of Muslim migrants in Europe.

The imagined Muslim threat, in the case of Poland, actively promoted by the Law and Justice party from 2015 onwards has been translated into escalating xenophobic attitudes.¹³⁵ The trend is also connected to the earlier controversy in 2010 on the construction of mosques in Warsaw, which also led to violence in the form of physical and verbal attacks on religious minorities.¹³⁶

Building on Poland’s history of martyrdom, a vision of a country entirely surrounded by enemies, a new generation of Polish “patriots” is forged, including through programmes for high school and university students. The Church’s uniformly apolitical stance in Polish society and politics seems long lost,¹³⁷ although it remains open to further inquiry how Poland’s post-Communist secularization can be reconciled with the overwhelming (declared) faith to Catholic Christianity of the population and the trust expressed towards the PiS. In the meantime, the Church is becoming an institution that is the source of division and fragmentation in an intensively polarized society that is under populist attack. One can start wondering whether indeed “in Poland, it is not usually those who stop going to church that lose their true faith in God (. . .) [but] those who still go to Church and even start dominating in their Christian communities.”¹³⁸

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¹²⁹ The division was again felt on the occasion of the Law and Justice party backed law criminalizing claims about Polish complicity in the Holocaust in January 2018 (Cf. [Luxmoore 2018](#)).

¹³⁰ [Wierzbicki 2018](#)).

¹³¹ The typical example cited is the activity of “Radio Maryja” in Toruń and the work of Father Tadeusz Rydzyk (Cf. [Wierzbicki 2018](#)).

¹³² [Charnysh 2017](#)). The 2015 statement of Jaroslaw Kaczynski that immigrants carried “very dangerous diseases long absent from Europe” and would use Christian Churches as “toilets” is widely repeated. (Cf. [Charnysh 2017](#)).

¹³³ No Syrian refugees have been accepted in Polish territory. See ([Kuziemski 2016](#)).

¹³⁴ [Wierzbicki 2018](#)).

¹³⁵ [Narkowicz 2018](#), p. 358).

¹³⁶ [Narkowicz 2018](#), p. 360).

¹³⁷ The connection of the Catholic Church with nationalist groups such as the ONR (National Radical Camp) or the All Polish Youth are cause of much debate. See ([Ojewska](#)).

¹³⁸ Quote borrowed from [Beniuszys 2018](#)).

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