

FREEDOM OF ASSOCIATION IN THE PEOPLE'S REPUBLIC
OF POLAND AND ITS RESTRICTION WITH REGARD
TO THE ROMAN CATHOLIC CHURCH

*Marta Ordon**

The desire to associate with others is a manifestation of the social nature of every human being. In modern democracies, the right to associate is regarded as one of the personal liberties. Such democratic states create favourable conditions for the operation of various types of organizations, including those established to pursue religious goals. However, it was not the case in the People's Republic of Poland ("PRP"), that is, under the communist rule.¹ In a country modelled on the Soviet state and acknowledging the supremacy of the Communist Party over the entire society, all the other actors of the social system were expected to be mere "dummies on the public scene dominated by the Communist Party."² It is worth noting that the political system deployed in Poland after World War II was based on the atheistic Marxist ideology that was hostile to any religion or religious organizations, particularly the Roman Catholic Church. What follows, when pondering upon the issue of freedom of association in the PRP and its restriction with regard to the Catholic Church's organizations, the ideological aspects must not be disregarded. As a part of the introduction to the main body of the paper, the author will clarify the difference

* dr Marta Ordon, an Assistant in the Department of Law on Religion, Faculty of Law, Canon Law and Administration, the John Paul II Catholic University of Lublin.

¹ This official name was used in the period spanning the years 1945-1989. The official name of the People's Republic of Poland was introduced in the Constitution of 22 July 1952 (Journal of Laws No. 33, item 232 as amended), but generally the name is used to denote the entire period after World War II when the Communist Party held say over the country.

² A. Dudek, R. Gryz, *Komuniści i Kościół w Polsce (1945-1989)*, Kraków 2003, p. 6.

between the concept of freedom of association as adopted modern democracies and that reinforced in socialist countries, as well as demonstrating the attitude of communist authorities to the Roman Catholic Church and its organizations. Further, legal and factual constraints will be exposed that led to almost a total elimination of the Church-led organizations in communist Poland. The paper primarily explores the Polish literature on the subject and the material gathered in the Polish state and Church archives, since nothing about the subject has yet been published in English.³

*

In democratic states, the right to associate is thought of as one of the basic liberties. According to this concept, a citizen is free to decide whether to associate with other citizens with a view to pursuing his or her goals, and the state authorities may not impede the exercise of this right but are obliged to ensure that citizens are able to take advantage of such an opportunity. In this case, the only limits are those imposed by similar liberties of other citizens and the requirements of public order.⁴ Also, the existing instruments of international law rank freedom of association among the liberty rights having their origin in the inherent dignity of every person.⁵

³ As regards the English language studies on the situation of the Roman Catholic Church in the PRP, see R. C. Monticone, *The Catholic Church in Communist Poland 1945-1985*, New York 1986.

⁴ In Paweł Sarnecki's view, there are four types of organizations in modern democratic states which respond to the basic social needs: 1. political parties, 2. organizations protecting the financial status or business activity – these include trade unions or employers' organizations, 3. organizations intended to bring profit to its members: cooperatives or partnerships, and finally, 4. associations furthering personal development and the pursuit of personal needs, both physical and intellectual, in all aspects of life. P. Sarnecki, *Wolność zrzeszania się*, Warszawa 1998, p. 12.

⁵ It was as early as in the Universal Declaration of Human Rights adopted as Resolution No. 217 (III) during the third session of the UN General Assembly on 10 December 1948 when associating was referred to as „liberty.“ Article 20 reads, “Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.” Although the declaration was not binding, it set the standard for later agreements relating to human rights. The International Covenant on Civil and Political Rights adopted at the 21st session of the UN General Assembly General Assembly as Resolution 2200A (XXI) on 16 December 1966, ratified by Poland in 1977 (Journal of Laws of 1977,

Also in the binding Constitution of the Republic of Poland of 2 April 1997, the legislator recognized freedom of association as a liberty right; Article 58 of the Constitution says, “The freedom of association shall be guaranteed to everyone.”⁶

A substantially different, socialist concept of civil rights was advanced in the People’s Republic of Poland. That concept completely departed from the idea of human rights inextricably linked to human dignity, as it was the case in democratic states. The socialist concept of civil rights is positivist and, consequently, relativistic. It granted wide powers to state authorities in defining the boundaries of citizens’ rights subordinate to the overriding class interests.⁷ According to this concept, state authorities had the right to interfere in the sphere of citizens exercising their right to be associated in order to safeguard the ruling regime.⁸ Following these assumptions, socialist states, including the PRP, divided public organizations, and associations alike, according to the criterion of whether and to what extent they serve the attainment of certain ideological and political goals. And

No. 38, item 167), guaranteed everyone the right to freedom of association with others (Article 22(1)). It further reads that no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Almost identical wording is to be found in Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms („Everyone has the right to freedom of peaceful assembly and to freedom of association with others...“), adopted in Rome on 4 November 1950, ratified by Poland in 1992 (Journal of Laws of 1993, No. 61, item 284 as amended).

⁶ Journal of Laws, No. 78, item 483 as amended. Translation after: *The Constitution of the Republic of Poland*, transl. by Albert Paul, Andrew Caldwell, Warszawa 2008. The constitutional principle of freedom of association is further elaborated in the Act of 7 April 1989 Law on Associations (consolidated text: Journal of Laws of 2001, No. 79, item 855 as amended); it should be noted that in the listed acts the provisions on freedom or on the right to associate do not apply to churches and religious associations as such. For their establishment and operation ensues from the state’s recognition of another freedom, to wit the freedom of conscience and religion and not of association. For more on the legal regulations governing associations in Poland, see P. Suski, *Stowarzyszenia i fundacje*, 4th ed., Warszawa 2011.

⁷ Cf. J. Krukowski, *Koncepcje praw człowieka*, „Kościół i Prawo” 1(1981), pp. 41-61.

⁸ Cf. J. Krukowski, *Prawo chrześcijan do stowarzyszania się i możliwości jego realizacji w prawie kanonicznym i polskim*, „Kościół i Prawo” 9(1991), p. 201.

this very criterion for differentiating between organizations was adopted in the Constitution of the People's Republic of Poland dated 22 July 1952 which allowed citizens to associate but only for carefully defined purposes. They were: an active part in political, social, economic and cultural life and the fostering of political, social, economic and cultural activity of the working people of urban and rural areas.⁹

Based on the aforesaid criterion, three categories of social organizations were identified. The first category were "social organizations of the working people," or organizations which aimed to create conditions for the citizens to advance the interests and needs of the working people; this category covered the Communist Party and allied parties, as well as trade unions, associations and organizations that recognized the leading role of the party. The second category comprised the social organizations that stood in opposition to the Communist Party, and consequently, their programme or activity "disrupt the dominant political and social system or legal order." They were regarded as illegal and their formation was strictly forbidden.¹⁰ There were frequent cases of the Church's

⁹ Such aims were highlighted in Article 72 of the Constitution of the PRP (consolidated text of 1976, Article 84). The provision in question read: „1. In order to promote the political, social, economic and cultural activity of the working people of urban and rural areas, the People's Republic of Poland guarantees citizens the right to associate. 2. Political organizations, trade unions, associations of working farmers, cooperative associations, youth, women's, sports and defence organizations, cultural, technical and scientific associations as well as other social organizations of the working people associate the citizens for an active participation in politics as well as in the social, economic and cultural life. 3. Forming associations and participation in associations whose purposes or activities violate the social and political system, or the legal order of the People's Republic of Poland, is prohibited.“ In his comment to this provision, S. Bednarski says: „The point of the existence and activity of organizations and associations in the socialist system is fairly different from that in a bourgeois regime. In the socialist system, it is about stimulating and fostering citizen's active participation in the political, social, economic and cultural life“ (*Prawa i wolności obywatelskie w PRL*, Warszawa 1978, pp. 65-69). For more on the socialist concept of the right to associate, see J. Wiącek, *Stowarzyszenia w państwie socjalistycznym*, Warszawa 1962; J. Romul, *Państwo a stowarzyszenia w Polsce Ludowej*, Poznań 1969; L. Wiśniewski, *Model prawny stowarzyszeń w PRL*, Warszawa 1974.

¹⁰ Cf. Article 72(3) of the Constitution of the People's Republic of Poland (consolidated text of 1976, Article 84(3)). Such organizations were termed „illegal” by J. Sabiniewicz, *Prawo zrzeszania się w Polsce Ludowej*, Poznań 1980, p. 35.

organizations falling into the latter category. Such was the case in 1961 with the abstention movement, the Crusade of Abstinence; its initiator, the Rev. Franciszek Blachnicki, was sentenced to 10 months in prison for his activity allegedly “causing material damage to the interests of the Polish State.”¹¹ There was yet another category of organizations which, although not posing the threat of undermining the political system or legal order, addressed the specific citizen’s needs. Once satisfied, such needs contributed to “an active commitment of the working people.” In the literature on the subject, such organizations were referred to as “relic” and, as can be inferred from this attribute, were “doomed to extinction,” since a socialist state only tolerated organizations serving the purposes of the working class. This category consisted of associations run for religious purposes.¹²

¹¹ Judgement of the Voivodeship Court in Katowice of 19 July 1961, Archive of the Secretariat of the Polish Episcopal Conference in Warszawa (ASPEC), ref. 700 II, pp. 129-147. For more, see A. Grajewski, *Oskarżony ks. Franciszek Blachnicki*, „Więź” 5(2001), pp. 112-128.

¹² J. Wiącek-Orłowska says that typical representatives of relict associations are „associations pursuing different forms of religious worship.” (*Nadzór nad stowarzyszeniami*, Warszawa 1969, p. 10.) It should be noted that although, on the one hand, it was said that „all associations in principle fit into the concept of social organizations of the working people” (see T. Misiuk, *Pojęcie organizacji społecznych ludu pracującego*, „Państwo i Prawo” 1(1969), pp. 22-23), on the other, religious associations, as failing to take care of the working people’s interest, were excluded from the category of social organizations of the working people. A similar stance was adopted by the Supreme Court of the PRP in the resolution made by seven judges and dated 19 December 1959 which read, „the Church’s organizational units are not the working people’s social organization units within the meaning of Article 72 of the Constitution” (I CO 42/59, OSN IC i IK 1960, vol. 2, item 33). It was justified by the fact that when listing the purposes for the establishment of social organizations of the working people, Article 72 of the Constitution omits to provide any religious purposes. According to J. Krukowski, such an interpretation revealed the authorities’ intent to reduce the impact and functions of religious organizations to the citizens’ private sphere (*Prawo chrześcijan do stowarzyszania się...*, p. 202). Even earlier, J. Sabiniewicz explicitly stated that, while granting freedom of activity to organizations primarily focused on fulfilling „religious functions” means the recognition of the aims of this activity as non-contradictory to the aims of the socialist state, still the profession of faith remains a private matter of each citizen (*Prawo zrzeszania się...*, pp. 35-36). See also H. Świątkowski, *Wyznaniowe prawo państwowe. Problematyka prawna wolności sumienia w PRL*, Warszawa 1962.

The causes of restrictions placed in the People's Republic of Poland on the activities of organizations run by the Roman Catholic Church lay in the denominational policy of the time. The policy was rested on the socio-philosophical system called Marxism-Leninism, which basically laid the foundations for the political systems imposed in all the states under the Soviet shadow after World War II. Marxism is a materialistic and atheistic system, set in total opposition to the social phenomenon of religiousness. Marxists regard religion as the "opium of the people," which debilitates the human desire to overcome injustice and build a fair society. Their historical mission was aimed to eradicate religion and shape the society in the spirit of materialism. An intensive ideological campaign was mounted to create favourable conditions for the struggle against religion; religion was shown as a private matter and the principle of separation of the Church and the state was overtly proclaimed and understood as the total secularization of public life.¹³ Because in Poland the vast majority of the population were Roman Catholics, they particularly suffered from the radical anti-religious ideology. Throughout the entire period of communist Poland, the authorities endorsed and pursued the same anti-Church policy rested on the same fundamental principles. The methods, means, and especially the degree of effectiveness of the religious policy were changing, yet its core assumptions, namely to marginalize the role of the Church and eliminate it completely from public life, remained unaltered.¹⁴ One of the measures

¹³ Cf. V. I. Lenin, *The Attitude of the Workers' Party to Religion*, available at www.marxists.org [accessed: 27.05.2012]; V. I. Lenin, *Socialism and Religion*, available at www.marxists.org [accessed: 27.05.2012]. For more on the anti-religious notions contained in Marxism-Leninism and their implementation in the RPR, see P. Stanisz, *Ideologiczne podstawy polityki wyznaniowej w PRL*, „Resovia Sacra” 7(2000), pp. 259-270.

¹⁴ Cf. A. Dudek, *Polityka władz Polski Ludowej wobec Kościoła katolickiego – trwanie i zmiana*, [in:] A. Grześkowiak (ed.), *Represje wobec osób duchownych i konsekrowanych w PRL w latach 1944-1989*, Lublin 2004, p. 13. The position of the Roman Catholic Church in the People's Republic of Poland has been examined and debated in many Polish language publications after 1989; the most noteworthy are: A. Dudek, *Państwo i Kościół w Polsce 1945-1970*, Kraków 1995; K. Krasowski, *Państwo a Kościół katolicki w Polsce 1945-1955*, Poznań 1997; J. Żaryn, *Dzieje Kościoła katolickiego w Polsce (1944-1989)*, Warszawa 2003; A. Dudek, R. Gryz, *Komuniści i Kościół w Polsce...*; Z. Zieliński, *Kościół w Polsce 1944-2002*, Radom 2003; A. Mezglewski, P. Stanisz, M. Ordon (ed.), *Prawo i polityka*

employed against the Roman Catholic Church was the restriction or even prevention of the establishment of Church organizations.

*

An instrument of struggle with the Roman Catholic Church was a law regulating the activities of associations. It was the Regulation of the President of the Republic of Poland of 27 October 1932 – Law on Associations.¹⁵ After World War II, the communist authorities stood by the law adopted in the interwar period, but the amendments made rendered it very restrictive. With regard to entities of the Roman Catholic Church, the changes were so profound that the regulation came to be regarded as a completely new law. In the interwar period, pursuant to Article 9(a) the following did not fall under the regulation: religious orders, congregations and associations whose main and direct purpose was a religious worship. In addition, under the Regulation of 28 January 1934 on associations established for Roman Catholic religious and worship purposes,¹⁶ a number of Catholic associations were governed by the Law on Associations only to a limited extent. These laws of the interwar period in Poland led to the rise and rapid growth of many ecclesiastical fraternities and Roman Catholic associations, the most popular being the Sodality of Our Lady, Eucharistic Crusades, the Living Rosary, St. Vincent de Paul Associations engaged in charity, or the Catholic Action set up in 1930.¹⁷ In the 1940s, in an ambience of hostility towards the Church, the communist authorities initiated the process of removing Catholic associations from public life, particular-

w Polsce Ludowej. Materiały II Ogólnopolskiego Sympozjum Prawa Wyznaniowego (Kazimierz Dolny, 26-28 października 2004), Lublin 2005.

¹⁵ Journal of Laws, No. 94, item 808 as amended). Hereinafter, the Law on Associations. For more about the legal regulations on associations before World War II, see W. Czapiński, *Prawo o stowarzyszeniach z komentarzami*, Warszawa 1935; A. Pruszkowski, *Nowe prawo o stowarzyszeniach*, Warszawa, 1933.

¹⁶ Journal of Laws, No. 9, item 72.

¹⁷ For more on the operation and activities of Roman Catholic associations in Poland in the interwar period, see W. Padacz, *Podstawy prawne istnienia i działalności zrzeszeń katolików świeckich*, Warszawa 1936; S. Gajewski, *Katolickie organizacje akademickie w II Rzeczypospolitej*, Lublin 1987.

ly youth organizations considered particularly dangerous. Their gradual effacement from public life first took the form of refusal of registration or liquidation of existing organizations operating under the provisions of the Law on Associations.

The refusal to register an association was usually justified by the statement that they supposedly “do not meet the requirements of public benefit.”¹⁸ Such a justification was given in 1948 after an attempt to register the association, St. Joseph Crafts and Education Centre.¹⁹ The founders of the association were the brothers of the Congregation of Brothers Servants of Mary Immaculate, and its main purpose was to educate and raise young men “in the spirit of Catholicism.”²⁰ It is known from the archives that this aim was the major reason for the refusal because the authorities were of the opinion that the association “did not guarantee the proper direction in education,” that is, consistent with the Marxist-Leninist ideology.²¹

The regulations allowing for the liquidation of associations were also often used against associations admitting their Catholic nature. The decision to liquidate was mainly justified by a conclusion that “any further operation of the association is pointless.”²² Such was the justification of the dissolution in 1948 of the St. Stanislaus Kostka Association of the

¹⁸ Such grounds for refusal were provided for in Article 20 of the Law on Associations. It was frequently used by the communist authorities.

¹⁹ Cf. a letter from the City Board of the Capital City of Warszawa, Administration and Local Government Division, to the board of the St. Joseph Crafts and Education Centre Association dated 12 August 1948 (L. dz 01-6353/48), State Archive of the City of Warszawa (ACW), the City Board of the Capital City of Warszawa, Social and Political Department, ref. 550, no card number provided.

²⁰ Cf. § 3 of the Statutes of St. Joseph Crafts and Education Centre in Warszawa.

²¹ The refusal to register St. Joseph Crafts and Education Centre and the repossession of all of its assets by the authorities not only halted any of the association activities resumed after World War II but also resulted in the actual dissolution of the Congregation of Brothers Servants of Mary Immaculate. For more, see M. Ordon, *Represyjna polityka władz komunistycznych wobec Zgromadzenia Braci Sług Maryi Niepokalanej w okresie Polski Ludowej*, [in:] A. Dębiński, W. Bar, P. Stanisław (ed.), *Divina et humana. Księga jubileuszowa 65. rocznicę urodzin Księdza Profesora Henryka Misztala*, Lublin 2001, pp. 159-175. On the socialist education of children and youth, see E. Walewander (ed.), *Oblicze ideologiczne szkoły polskiej w latach 1944-1956*, Lublin 2002; E. J. Kryńska, S. W. Mauersberg, *Indoktrynacja młodzieży szkolnej w Polsce w latach 1945-1956*, Białystok 2003.

²² Cf. Article 26 of the Law on Associations.

Junior High School Boarding House in Mielec ²³and of the Family House Association in Kraków in 1949.²⁴ As revealed in the preserved records, the real reason for their liquidation was that they intended to educate the youth “in the spirit of Catholic morality and ethics.” A similar fate befell the Cecilia Plater-Zyberkówna Educational Society in May 1950. According to the authorities, “any further operation of the society has become pointless as the statutory tasks of the society are fully secured by state institutions.”²⁵ No doubt, the decision to liquidate the society was determined by its statutes and the explicit objective of fostering education and culture in the spirit of Christian ethics, and that the society was founded at the initiative of the Sisters Messengers of the Sacred Heart of Jesus.²⁶ For this reason – as shown in the archives – already in 1949, the society was assessed as “politically unreliable” and earmarked for dissolution.²⁷

²³ Decision of the Social and Political Department of the Voivodeship Office in Rzeszów dated 8 March 1948 (LSPP. 11/2/49/48), ASKEP, ref. 700 I, p. 160 (copy).

²⁴ The case is known from the letter to the Presidium of the Voivodeship National Council in Kraków dated 22 December 1956, in which the members of the association, taking advantage of a temporary thaw in Church-State relations, request for the procedure to be resumed and the unfavourable decision to be repealed (ASPEC, ref. 700 II, pp. 60-64). The Social and Administrative Department of the Presidium of the Voivodeship National Council in Kraków in its rejection dated 14 May 1957 (No. Sa. IV-1/51/57) concluded that the re-establishment of the Family House Association did not appear expedient „due to the satisfactory care given to young people by the state and social institutions“ (see an appeal to the Ministry of Internal Affairs against the decision of the Presidium of the Voivodeship National Council of 14 May 1957 /no date/, ASPEC, ref. 700 II, pp. 65-67). This undoubtedly proves that the authorities followed the same approach to Catholic associations throughout the People’s Republic of Poland.

²⁵ Cf. Minutes No. 272 of the meeting held on 12 May 1950, Archives of the Secular Institute of the Handmaids of the Sacred Heart of Jesus in Warszawa (ASIHSHJ), Minutes of the meetings of the board of the Cecylia Plater-Zyberkówna Educational Society, no. catalogue number, pp. 21-23.

²⁶ Cf. §§ 1 and 5 of the Statutes of the Cecylia Plater-Zyberkówna Educational Society, ASIHSHJ, no catalogue number or card. The Congregation of the Sisters Messengers of the Sacred Heart of Jesus, which managed the society during that time, is not the Secular Institute of the Handmaids of the Sacred Heart of Jesus.

²⁷ This was the opinion on the society given by the City Board of the Capital City of Warszawa to the Ministry of Public Administration (hereinafter MPA) on 29 December 1949 [Archives of Modern Records (AMR), MPA, ref. 719, pp. 189-194]. On the other hand, on 10 January 1950, the MPA sent it along with the records of other associations to

The next step in the process of restricting the operations of Roman Catholic associations was to modify the existing legal status. First, Regulation of 2 October 1947²⁸ repealed the 1934 Regulation on associations established for Roman Catholic religious and worship purposes, and later, the decree of 5 August 1949²⁹ modified the wording of Article 9(a) in such a way that there were no more exemptions from the Law on Associations of religious orders, congregations, and associations intended for a religious worship. From then on, the Roman Catholic religious orders and associations were entirely subject to the provisions of the Law on Associations. According to the decree of 1949, religious associations and orders were expected to legally register within 90 days, as stipulated by the Law on Associations. Failure to obey these rules was tantamount to banning the organization and its property being taken over by the state.

Although the Law on Associations did not mention that, whether to register or reject an organization was decided by the security offices. Such a procedure was introduced by a “top secret” instruction No. 30 dated 1 September 1949 issued by the Ministry of Public Security.³⁰ This instruction reveals the rationale behind the aforesaid instruction; among its several objectives, there is “to dissolve associations engaged in hostile activity against with state’s interest.” These included “Catholic mass organizations” that “use religious institutions for espionage and subversion inside the state.” Moreover, having examined the instruction, it clearly follows that in Poland the decision-making bodies as regards the legalization of associations were national security offices although the Law on Associations

the Central Committee of the Communist Party noting that it supplied data on associations collected in the field „for further use“ (AMR, MPA, ref. 719, p. 195). Soon after, the associations labelled in the files as „politically unreliable“ were eliminated.

²⁸ Regulation of the Council of Ministers of 2 October 1947 on the repeal of Regulation of the Council of Ministers of 28 January 1934 on associations established for Roman Catholic religious and worship purposes, Journal of Laws No. 65, item 395.

²⁹ Decree of 5 August 1949 on the amendment of some regulations governing associations, Journal of Laws No. 45, item 335.

³⁰ The Institute of National Remembrance, Lublin Branch (INRL), *Regulations, Orders, Instructions Issued by the Ministry of National Security in 1949*, ref. IPN Lu-055/40, pp. 160-161v.

granted powers to no other entities but state administration bodies.³¹ Reorganization of the structure and negligible changes in the names of public security departments that occurred over the years did not, in fact, improve anything. Preserved archives prove that such a decision-making process regarding associations was nothing out of the ordinary in the years 1945-1989. For instance, the case of 1957 concerning the refusal to register the St. Joseph Girls Care association attempted during the period of the warming of Church-State relations after the “political thaw” of 1956. In this case, the Ministry of Internal Affairs ordered the Presidium of the National Council in Kraków to issue a negative decision, arguing that the association is “clearly a Catholic organization” and “its founders are nuns.”³²

The 1949 change in law was de facto an attempt to eliminate the majority of Catholic associations. For the security apparatus, it was also a convenient way of acquiring information that could be used later in various covert operations.³³ No wonder, fully aware of the threat, the Polish Episcopate recommended that Catholic associations whose primary aim was worship and educational activities (youth associations) do not even attempt to register.³⁴ Official registration was only sought by reli-

³¹ For more on the instruction of the Ministry of Public Security, see M. Ordon, *Rozpracowanie katolickich organizacji masowych. Nowelizacja prawa o stowarzyszeniach w świetle tajnej instrukcji MBP z 1 września 1949 r.*, „Studia z Prawa Wyznaniowego” 7(2004), pp. 255-262.

³² Cf. a handwritten note dated 3 March 1957 (no number) [Archives of the Ministry of Internal Affairs and Administration in Warszawa, file: St. Joseph Girls Care Association, ref. 683/84, (hereinafter AMIAA), p. 381]. Guided by this opinion, the Social and Administrative Department of the Ministry of Internal Affairs recommended the National Council in Kraków to turn down the registration application. [Document dated 29 April 1957 (Dz. II. 4/32/26/57), AMIAA, pp. 377-378.] The association was established by the sisters of the Congregation of the Servants of Jesus in 1917. For more about the association, see M. Ordon, *Proces likwidacji Stowarzyszeń Opieka nad Dziewczętami (1946-1962)*, „Prawo. Administracja. Kościół” 2/3(2001), pp. 243-269.

³³ In his assessment of the new regulation of 5 August 1949, H. Dominiczak says explicitly that „the decree set out the requirements to meet the needs of national security offices (*Organy bezpieczeństwa PRL w walce z Kościołem katolickim 1944-1990 w świetle dokumentów MSW*, Warszawa 2000, p. 117).

³⁴ This decision of the Polish Episcopate was reported by the Ministry of National Security in the next secret instruction addressed to the head of the Voivodeship Public

religious orders with a view to avoiding liquidation, yet at the cost of being exposed to state's supervision. Consequently, by referring to and bending the provisions of the Law on Associations, religious orders were regularly required to submit detailed reports on activities; the data gathered in this way were used to impede further Church's initiatives.³⁵ Similarly, the authorities required that information be submitted concerning the establishment of a new monastic house (officially a branch of the association); information so obtained opened the way to obstruct the formation of such new facilities.³⁶

At this point, it is also mandatory to mention various other quasi-legal methods of limiting the activities of Church-led organizations. First relevant guidelines of the Ministry of National Security go back to 1947.³⁷ These methods involved diverse forms of oppression and other measures implemented against both the members and activists of such organizations. Their homes were raided and searched, and they themselves were summoned for interrogations; oftentimes, they were victims of physical violence, threatened with expulsion from school or from the workplace

Security Office (hereinafter, VPCO) in Lublin on 14 November 1949 (L. dz 7-327/49), INRL, *Regulations, Orders, Instructions Issued by the Ministry of National Security in 1949*, ref. IPN Lu-055/40, p. 8.

³⁵ The case is raised, among others, in a letter of the Secretary of the Polish Episcopate, Bishop Z. Choromański, of 22 January 1962 addressed to the director of the Office for Religious Affairs (hereinafter, ORA) on the obligation for religious congregations to submit statistical surveys; the text in: P. Raina, *Kościół w PRL. Kościół katolicki a państwo w świetle dokumentów 1945-1989*, vol. 2, *Lata 1960-1974*, Poznań 1995, pp. 176-177.

³⁶ Cf. a circular letter of the ORA on compliance with Article 41 of the Law on Associations of 5 January 1961 (No. IV.S/R/144/60), MRA, ORA ref. 145/4, pp. 29-30 imposing such a requirement.

³⁷ Cf. a copy of the ministerial instruction dated 13 June 1947 addressed to the head of the Voivodeship National Security Office in Lublin (No. F.D. 663/47), INRL, *Regulations, Orders, Instructions Issued by the Ministry of National Security in 1947*, ref. IPN Lu-055/38, pp. 72-74. Such forms of pressure were recommended by the head of the 5th Department of the Ministry of National Security in her briefing to the ministry officials on 13-15 October 1947. The text of this speech, „The Offensive of the Clergy and Our Objectives“ was published in: *Aparat bezpieczeństwa w latach 1944-1956: taktyka, strategia, metody*, A. Paczkowski (ed.), part 1: *Lata 1945-47*, Warszawa 1994, pp. 126-137.

if they refuse to abandon the organization.³⁸ Another important component of the struggle with Catholic organizations was the recruitment of informers whose main goal was that of disorganizing and causing disarray. The surveillance and data gathering were the domain of both the security bodies and administration. Archives reveal scores of detailed reports on the activities of Catholic organizations, with particular emphasis on their “attitude towards the political transformation in Poland.”³⁹

*

Restrictions on freedom of association affecting the Roman Catholic Church organizations and existing throughout the People's Republic of Poland originated in the anti-religious ideology which laid the foundations for the imposed political system, and in the socialist concept of the right to associate ranked among political rights. Practically speaking, they eventuated in almost complete elimination of Church-led associations from the domestic landscape. Legal measures, especially contained in the Law on Associations, were not the only methods employed to eradicate Church organizations from public life; national security offices also played a vital role in extinguishing similar initiatives.

SUMMARY

The right to associate in modern democracies is regarded as one of the personal liberties. It underlies the free operation of various types of organi-

³⁸ For more on this type of repressive measures against the members of Catholic associations, see T. Biedroń, „Organizacje młodzieży katolickiej w Polsce w latach 1945-1953“, *Zeszyty Naukowe Akademii Górniczo-Hutniczej* 1444 (1991), (*Zagadnienia Społeczno-Filozoficzne*, fasc. 42), pp. 214-221 and J. Żaryn, *Kościół a władza w Polsce (1945-1950)*, Warszawa 1997, pp. 158-160.

³⁹ An example of this is a list dated 1 April 1949 of religious associations from the Łębork area (MRA, MPA, ref. 670, pp. 34-35). The Catholic associations listed therein were given one and the same opinion. „All societies and associations are under the influence of the clergy, they bring together people displaying a hostile or indifferent attitude towards the political system; their hidden aim is to distract people from the political life of the ruling system ...“

zations and associations, including those established out of religious inspiration. However, it was not the case in the People's Republic of Poland (PRP) in the years 1945-1989 when the Communist Party held sway over the country, and the dominant political system was rested on the materialist ideology of Marxism-Leninism. Discussing the issue of freedom of association in the PRP and its restrictions with regard to Church-led organizations, it is therefore necessary to highlight its ideological foundations. Hence, the main body of discussion is preceded by the explanation of the difference between the concept of the right to freedom of association adopted in modern democracies and that of socialist countries. Next, the author outlines the relations between the communist regime and the Roman Catholic Church and its organizations. The communist authorities' anti-religious activities driven by the prevailing ideology led to the elimination of almost all the Church-led organizations. Legal measures were not the only methods adopted in this struggle, the regime also resorted to other means of effacing Catholic organizations from public life. The study is largely based on the archival material sourced from the Polish state and Church archives.