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PROTECTION OF ROADSIDE SHRINES AND CROSSES IN POLAND
AGAINST THE BACKGROUND OF HISTORICAL EVENTS AND
IN LIGHT OF ESTABLISHED LEGAL ACTS

INTRODUCTION

Small sacred objects are intertwined with the history and cultural context of the Polish countryside and cities, arising from faith and manifesting people's piety for generations. They are the focus of events meaningful to local communities, and the location of holiday celebrations and religious ceremonies. Origins of such places are linked with lives of anonymous people and individual prayers for salvation, return from captivity in war, the miracle of parenthood, or commemorating the death of a family member. Many crosses and shrines in the landscape of Poland were erected as mementos of important national events, uprisings, war skirmishes, independence spurts that took place in the 19th and in the first half of the 20th centuries, commemorating national anniversaries (e.g. 1918), anniversaries of Christianisation of Poland, or jubilees of historic events. They were also built upon old mass graves of victims of bygone epidemics.

Roadside shrines and crosses are a characteristic element of the Polish landscape. The term "landscape" should be understood not only in the geographical-topographical sense, but also as a group of cultural sets, connected with the history of a given place, community, embedded and cultivated traditions, a material manifestation of sacrum in a landscape.¹ It is also created

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¹ Urszula MYGA-PIĄTEK, "Krajobrazy sakralne i religijne próba umiejscowienia w typologii krajobrazów kulturowych," *Prace Komisji Krajobrazu Kulturowego* 17 (2012): 13–23, accessed

by traces of human artistic initiative, crafts practised for generations, construction and ornamentation techniques visible on roadside shrines, statues, and crosses. This type of landscape element manifests the piety of the nation, local communities worshipping their patron saints and advocates. In Poland the necessity to document such evidence of faith was discussed by Zygmunt Gloger: “they should be recreated by pencil or photography, and collected throughout the country.”² Such actions were taken by ethnographers and regionalists, painstakingly collecting archival material during field inventories carried out right after the Second World War, while documenting manifestations of this material and spiritual heritage. As early as the middle of the 20th century, many historical objects went to museums, where they found protection and remembrance, also of their local creators. Importance of small sacral architecture in the Polish cultural landscape is also evidenced by church and state documents including these sites across centuries. The goal of this article is to present the historical conditioning of manifestations of piety and veneration, as well as repressions connected with devastation of small sacral architecture. The article discusses an overview of selected legal acts, issued by state and church institutions, which include legal-conservational and liturgical actions pertaining to these structures.

HISTORICAL CONDITIONS OF FUNCTIONING OF SMALL SACRED OBJECTS UNTIL 1918

Conciliar documents, which ended the period of iconoclasm, were a historical justification for erecting sacred structures and worshipping at those visible signs of piety. In 787, during the Council of Nicaea it was decided

March 22, 2022, <http://www.cultural-landscape.us.edu.pl/images/seria/17/1.myga-piatek.pdf>; Attila TÓTH et al., “Small Sacral Christian Architecture in the Cultural Landscapes of Europe,” *Acta Horticulturae et Regioteecturae* 22, no. 1 (2019): 1–7, <https://doi.org/10.2478/ahr-2019-0001>; Beata KOZACZYŃSKA, “Kapliczki, figury i krzyże przydrożne elementem krajobrazu przyrodniczo-kulturowego południowo-zachodniego Podlasia,” in *Przyroda a turystyka we wschodniej Polsce*, ed. Marek Żabka and Ryszard Kowalski (Siedlce: Wydawnictwo Akademii Podlaskiej, 2007), 256–270; Agnieszka WOLK, “Sfera sacrum w przestrzeni miejskiej – kapliczki warszawskiej Pragi,” *Uniwersyteckie Czasopismo Socjologiczne* 13, no. 4 (2015): 57–71, <http://yadda.icm.edu.pl/yadda/element/bwmeta1.element.desklight-71667fcf-1500-4b34-96a1-2d2def36f452>; Elżbieta SZOT-RA-DZISZEWSKA and Joanna Z. POPLAWSKA, “Mental Mapping Method in Anthropological Studies on Cultural Landscape,” *Studia Etnologiczne i Antropologiczne* 19 (2019): 15–24, <https://journals.us.edu.pl/index.php/SEIA/article/view/9657/7465>.

² Zygmunt GLOGER, *Encyklopedia staropolska*, vol. 3 (Warszawa: Wiedza Powszechna, 1972), 3.

that “a precious and reviving cross, as well as venerable and holy images, both painted and mosaic, or made using other techniques, regardless of their location: whether in churches, or on sacred vessels, on robes, on walls, on boards, in houses, or near roads³” should be venerated. This is one of the earliest documents taking into consideration the protection of small sacred objects situated beyond church walls. During that time Europe entered a formative period of monastic and ecclesiastical life, when liturgical and ministry-related reforms were implemented. Church buildings and crosses were erected, thus sanctifying the surrounding space.⁴

Quite distinct on the medieval map of Europe, including Poland, are the stone penitential crosses, also called penitential crosses, placed at crime scenes. In that time the cross became a sign of penance (*Armsünderkreuze*) and reconciliation (*Sühnekreuze*), but also a form of documentary evidence of judicature at work on behalf of church authorities. Namely, given the lack of legislative guidelines and the fact how common crime and lynching were in those times, the Church supported the prince’s privileges and took part in sentencing and administering punishment on the basis of common law. This law defined obligations of the guilty towards the aggrieved party, demanding compensation for the committed crime. Stone penitential crosses are a sign that a crime was detected, judged and, moreover, that the Church also took care of the soul of the perpetrator by obligating them to found the cross, which was one of the official forms of penance. At such a cross, reconciliation of the wrongdoer with the family of the victim took place. These regulations were contained in standing penitential treaties – “composition”.⁵ On the map of Europe approximately 7,000 crosses originating between the turn of the thirteenth century and the 1530s were found. After establishing legal regulations of penalties, penitential crosses were erected occasionally, only as a symbolic form of commemorating the dead and keeping their soul in prayers.

For centuries, crosses, statues, and Marian columns constructed near roads served an important purpose of sanctifying the landscape. What is

³ Janusz St. PASIERB, “Problematyka sztuki w postanowieniach soborów,” *Znak* 126, no. 12 (1964): 1462; PASIERB, “Kościół a sztuka po soborze trydenckim,” *Więź* 8 (1984): 35–49.

⁴ Pierre RICÉ, “Od Grzegorza Wielkiego do Pepina Krótkiego (od VII do połowy VIII wieku),” in *Historia chrześcijaństwa*, vol. 4, *Biskupi, mnisi i cesarze 610-1054*, ed. Jean-Marie Mayer, Charles and Luce Pietri, and André Vauchez (Warszawa: Wydawnictwo Krupski i S-ka, 1999), 542.

⁵ Mieczysław KURIAŃSKI, “Z historii krzyży kamiennych ze szczególnym uwzględnieniem krzyży pokutnych: dolnośląskie paradygmaty,” *Saeculum Christianum* 16, no. 1 (2009): 76–80.

more, they were landmarks for travelers and pilgrims, outlined the jurisdiction of dioceses, as well as commemorated historic events of such magnitude as, for example, Treaty of Neuberg from 1379, regarding the division of land between brothers Albrecht III and Leopold III Habsburg. This event is honored by the famous *Spinnerin am Kreuz* column shrines in Vienna and Neustadt (1384).⁶

Regulations from the Council of Trent (December 3–4, 1563) restored sacral art and objects of cult to the status of an important factor in revitalising and restoring faith in Europe. Correctness and compatibility of art with dogmas were a fundamental condition. However, such rules pertained only to art linked with the church and official cult.⁷ In Poland church regulations regarding sacral art, in accordance with the provisions of the Council of Trent, were formulated during the Synod of Cracow in 1621, summoned by Bishop Marcin Szyszkowski. Decrees from that synod concurred with the construction of numerous objects of small sacral architecture, and determined the scope of obligations of priests regarding protection of historic monuments.⁸ The council regulations were intended to integrate the parish community through common prayer, singing songs in the national language, forming brotherhoods, choirs and religious guilds, participation in masses performed within the parish, and spreading forms of cult of national patrons among village communities. It was also intended to clearly determine the territorial jurisdiction of parish property by erecting roadside crosses and shrines.⁹ The synod decrees obligated parsons to care for old crosses and erect new ones, so that: “in all villages and public roads belonging to the parish signs of the Holy Cross were constructed in order to show that pious Catholics have nothing in common with heretics, jews and pagans.”¹⁰ What

⁶ Achim TIMMERMANN, “Highways to Heaven (and Hell): Wayside Crosses and the Making of Late Medieval Landscape,” in *The Authority of the Word: Reflecting on Image and Text in Northern Europe, 1400–1700*, ed. Celeste Brusati, Karl A. E. Enekel, and Walter Melion (Leiden–Boston: Brill, 2012), 393. The author presents a rich selection of publications regarding studies of roadside sacred objects in various regions of Europe. In relation to Poland he lists the works of Tadeusz SEWERYN, *Kapliczki i krzyże przydrożne w Polsce* (Warszawa: Instytut Wydawniczy PAX, 1958), and Wiktor ZIN, *Opowieści o polskich kapliczkach* (Wrocław: Zakład Narodowy im. Ossolińskich, 1995).

⁷ PASIERB, “Problematyka sztuki w postanowieniach soborów,” 1467.

⁸ *Reformationes generales ad clerum et populum dioecesi cracoviensi*, zob. PASIERB, “Problematyka sztuki w postanowieniach soborów,” 1471.

⁹ Katarzyna ZIELIŃSKA, “Program integracji społecznej w świetle uchwał Kościoła potrydenckiego,” *Odrodzenie i reformacja w Polsce* 28 (1983): 96–98.

¹⁰ PASIERB, “Problematyka sztuki w postanowieniach soborów,” 1475.

is more, “where posts are devoid of paintings or have unsightly and damaged paintings, new, complete ones should be hung.”¹¹ Similarly, in France in the first half of the 17th century, Francis de Sales recommended erecting roadside crosses and shrines, which in the period of religious wars were to manifest the jurisdiction of the Roman-Catholic Church in those areas.¹²

Timmermann sets forth the account of a Protestant theologian, Johann M. Füssel from the middle of the 17th century, from his journey through Central Europe, and his surprise after encountering hundreds of roadside crosses, crucifixes, and Marian columns. The traveller noticed widespread gestures of piety, when worshippers showed their respect by bowing their heads, standing at the monument for a moment and praying. As he noted in his reports, from the mid-16th century in the area of lower Austria, Carinthia, Bohemian lands, as well as Spain and Portugal until his time (i.e. mid-17th century) thousands of small sacred objects were erected.¹³ This historic account confirms the pivotal role of crosses and roadside shrines in sanctifying the landscape of post-reform Catholic Europe. Their presence also had a purely human, personal meaning, when during travels, hikes, or pilgrimages they were passed by travelers. The availability of holy images on roadside crosses and in shrines was a guarantor of safety, an opportunity to pray for a safe journey, a blessing, a chance to ask for forgiveness, to humble oneself, or give thanks. However, shameful events have also been noted, as, for instance, the desecration of a roadside cross in 1638 in Raków near Opatów, perpetrated by students of a nearby Arian school. Moreover, the owner of the town, Jan Sienieński, did not allow Catholics to build a church or any chapel.¹⁴ Despite the announced religious freedom and cultivating religious practices, in Polish private cities belonging to Protestants their owners could freely limit those privileges.

¹¹ “Uchwała Synodu Krakowskiego o malarstwie sakralnym, 1621,” trans. Grażyna Chilkiwicz, in Jan BIAŁOSTOCKI, *Teoretycy, pisarze i artyści o sztuce 1500-1600* (Warszawa: Państwowe Wydawnictwo Naukowe, 1985), 431.

¹² Louise M. STACPOOLE-KENNY, *Francis de Sales. A study of the Gentle Saint* (London: R. & T. Washbourne, 1909), accessed September 6, 2021, <https://archive.org/details/francisdesalesas00stacuoft/page/n5/mode/2up>.

¹³ TIMMERMAN, “Highways to Heaven,” 385–386.

¹⁴ Stanisław TWOREK, “Raków ośrodkiem radykalizmu ariańskiego,” in *Raków. Ognisko arianizmu*, ed. Stanisław Cynarski (Kraków: Państwowe Wydawnictwo Naukowe, 1968), 51–79; Jacek WIJACZKA, “Reformacja w miastach prywatnych w Koronie w XVI wieku,” *Roczniki Dziejów Społecznych i Gospodarczych* 77 (2016) (special issue): 390; Janusz TAZBIR, *Arianie i katolicy* (Warszawa: Wydawnictwo Książka i Wiedza, 1971).

The 19th century and decisions of occupants of the lands that used to belong to Poland brought limitations and restrictions in terms of erecting small sacral architecture. The reasons were the decisions of authorities in response to insurgent movements and pro-independence occurrences. In 1863, (by an order from 8 June) General Governor Michail N. Muraviev prohibited the repairs of old crosses and erecting new ones, with the exception of cemeteries. Numerous old, valuable objects were destroyed, on the pretext of posing danger to pedestrians. This argument was completely unfounded.¹⁵ Muraviev's decision was abolished far later by a czar's decree announced on March 14, 1896, allowing all destroyed objects to be rebuilt. There was no permission to erect new ones. In 1867, two documents were issued that encompassed the area of the Kingdom of Poland: , a circular letter on 24 July/ 5 August which stated that a decision regulating repairs of old objects or permission to build shrines and crosses outside of churches could only be made by the governor, on the basis of applications first filed to the district head. The same procedure was also in motion in order to receive permission to perform repairs on existing, older structures.¹⁶ Each time one was obligated to note the intention and purpose of founding, as well as have permission from the owner of the land on which the structure was to be built. Restrictions also encompassed the shapes of crosses. On September 29, 1867, a document was issued, which allowed district heads to inspect priests suspected of blessing objects erected without permission, and outside church walls. It was issued across the entire Kingdom and addressed to all civil governors.¹⁷ What is more, by virtue of a document issued on September 18 (30), 1867, local administrative authorities gained control over coin banks and tins hung on crosses and shrines, which collected money for their maintenance and renovations.¹⁸ All these regulations were a form of post-uprising repressions towards the Polish people. The circular letter from November 22, 1897, issued by the governor general, in force throughout the Kingdom, allowed building a new cross only in place of the existing, older one or re-

¹⁵ SEWERYN, *Kapliczki i krzyże przydrożne w Polsce*, 11.

¹⁶ Witold JEMIELITY, "Krzyże przydrożne w guberni łomżyńskiej w latach 1867–1914," *Studia Teologiczne* 7 (1989): 74–75.

¹⁷ Marlena BRZOWSKA, "Krzyże i kapliczki przydrożne dekanatu szepietowskiego," in *Małe miasta: duchowość kanoniczna*, ed. Mariusz Zemła (Białystok–Supraśl: Wydawnictwo Uniwersytetu Białostockiego, 2020), 259–261, accessed March 23, 2022, https://repozytorium.uwb.edu.pl/jspui/bitstream/11320/9627/1/M_Brzowska_Krzyze_i_kapliczki_przydrozne.pdf.

¹⁸ BRZOWSKA, "Krzyże i kapliczki przydrożne," 260–261; JEMIELITY, "Krzyże przydrożne," 75–76.

storing it, but only with permission from the governor. For a long time heavy repressions were directed at clergy engaged in various initiatives of cult support, for instance, erecting and blessing crosses or shrines, especially without notification and permission from the governing authorities. Similar punishments were inflicted on the owners of the land on which a cross or shrine was built. Simultaneously, priests applied strict measures towards their parishioners if the sacred sites were not shown enough reverence. This took place in 1877, when a villager from Jedlnia (Kozienice powiat), Mateusz Mizerski, shot at a cross right before going hunting (which was supposed to bring luck during the hunt). As a result, father Konstanty Bajerowicz ordered all his parishioners to repent by solemnly praying at church on five consecutive Fridays. Unfortunately, for this decision, deemed by the authorities as a “fanatical way of thinking”, the priest was removed from the parish. What is more, oppressing authorities effectively opposed his promotion, rejecting requests from the bishop.¹⁹ Numerous accounts report that it was requested to remove already blessed crosses, and disobedient priests were sentenced to prison. Similar actions were taken in the case of statues and shrines, as evidenced by the document from “21 April (3 May) 1862 No 2648 (6654) President of the commissions of public worship and justice informs the bishop of Sandomierz, that the commander-in-chief of the I army forbids illumination of statues at roads and squares, Mother of God, saints, near which, under the guise of prayers, people form gatherings and sing ‘inciteful’ hymns. Priests disobeying this order shall be arrested and subjected to ‘punishment suitable by law’.”²⁰ Prohibitions and repressions like this were issued on numerous occasions. For their arbitrary acts of blessing crosses, giving patriotic sermons in the vicinity of the small sacred objects, or placing the date of 1861 (commemorating patriotic manifestations in Warsaw) or national symbols on them, priests were imprisoned, or at least transferred to other parishes in order not to incite unnecessary excitement. Historical accounts also refer to repressions towards national signs and pat-

¹⁹ Paweł KUBICKI, *Bojownicy kapłani za sprawę Kościoła i ojczyzny w latach 1861-1915. Materiały z urzędowych świadectw władz rosyjskich, archiwów konsystorskich zakonnych i prywatnych*, Part 1, *Dawne Król. Polskie*, vol. 3, *Diecezje sandomierska, sejneńska, warszawska, emigracje kleru po r. 1863, zakony, zestawienia i spisy* (Sandomierz, 1933), 2, accessed April 12, 2021, <https://polona.pl/item/bojownicy-kaplani-za-sprawe-kosciola-i-ojczyzny-w-latach-1861-1915-materialy-z,ODA3MDUwMTU/13/#info:metadata>.

²⁰ For instance, for erecting a cross in Ćmielów in 1861, also in the Mydlów, Zakrzów parish, in Przytyk Radom powiat. See KUBICKI, *Bojownicy kapłani za sprawę Kościoła i ojczyzny*, 50, *ibid.*; also pages 43, 48, 78-79, 89, 91, and others.

riotic behaviours related to small sacred objects. For instance, voivodship governors issued documents ordering to “instantly, without excuses, remove all emblems from churches, crosses at cemeteries, such as: white eagle, inscriptions of ‘inciteful’ nature, national flags, bowties, ribbons.”²¹ Repressions were relentless, however, “in certain places there were wooden crosses from 1861 and 1862. These objects of public reverence were fought with, and if the authorities found any individuals of a weak religious or patriotic spirit, they were used to destroy these holy mementoes. Therefore, the bishop of Sandomierz 16 (28) March 1865 No 535 1 reports to the Commissions of Interior and Clergy that in various villages of the diocese, following the order of local military commanders, crosses erected in the years 1861 and 1862 and blessed with reverence, even those devoid of any signs or inscriptions, were excavated and removed, some of them chopped and burned.”²² Despite the request of the bishop of Sandomierz, Józef Michał Juszyński, to respect and protect these relics of the past, the authorities claimed that it was the local farmers who were responsible for their destruction.²³

A separate type is presented by votive chapels dedicated to Tsar Alexander II, commemorating his enfranchisement decrees from 4 March 1864. They constitute a special type of objects, combining holy iconography with the name of the tsar, or at least having such laconic captions as “for the 1864 enfranchisement,” erected from the 1880s, up to 1914, the year of the 50th anniversary of issuing the regulations.²⁴

Despite the ensuing restrictions and bloody repressions, in the consciousness of the Polish people crosses and shrines were immensely important. They were perceived not only in religious terms, but the acts of reverence linked to them were also a heroic manifestation of patriotism and adherence to Christian values, a testament of faith. The final decade of the 19th century saw the frequent founding of roadside shrines and crosses. By virtue of official

²¹ KUBICKI, *Bojownicy kapłani za sprawę Kościoła i ojczyzny*, 35. The decision was made by: “Commander of the Sandomierz on 15 November 1861, no. 43, referring to the order of the commander of the Radom region General Ushakov from 7 (19) November of the same year, No. 1137.”

²² KUBICKI, *Bojownicy kapłani za sprawę Kościoła i ojczyzny*, 57.

²³ *Ibid.*, 58.

²⁴ Krzysztof KARBOWNIK, “Ku czci króla i cara wyzwoliciela chłopów! Małe obiekty architektury sakralnej, a sprawa uwłaszczenia chłopów w Królestwie Polskim. Przyczynek do badań,” *Zeszyty Suchedniowskie. Historia* 5 (2020): 35–36, 40, accessed March 22, 2022, https://stowarzyszeniepodprad.pl/images/publikacje/Zeszyty_Suchedniowskie_Historia_2020-5.pdf; BRZOWSKA, “Krzyże i kapliczki przydrożne,” 262; Waldemar F. WILCZEWSKI, *Zwastyuny powszechnej radości – ruch budowy kościołów w diecezji wileńskiej w latach 1890-1914* (Białystok: Regionalny Ośrodek Studiów i Ochrony Środowiska Kulturowego, 1995), 6.

regulations of the authorities, it was required to obtain permission from the governor, as well to make sure that architecture and new crosses imitated their old, primary form. Founding of crosses and shrines commemorated the millennium of 1900 years since the birth of Jesus. The year 1905 brought an important legal regulation, namely the Edict of Toleration issued by Tsar Nicholas II from 17/30 April, which, among others, allowed United Catholics to change their creed, join the Catholic Church, as well as granted freedom of cult, and building churches and chapels, as well as roadside crosses: “Abolish all restrictions regarding erecting crosses, subject to permission from the Governor regarding the content of inscriptions and images.”²⁵

LEGAL FORMS OF PROTECTION AND DANGERS TO SMALL SACRAL ARCHITECTURE FROM 1918 TO THE PRESENT

The first half of the 20th century is a period of sanctification of the Polish landscape following the times of repressions and restrictions. In the breakthrough year of 1918 the first legal act was issued – Decree of the Regency Council from October 31, 1918, regarding protection and conservation of cultural and art heritage. The document addressed the important problem of protection of both movable and immovable historic monuments, as well as objects not classified as historic monuments, also encompassing objects at least 50 years old.²⁶ It was determined that proper legal and conservational rights should be given to Polish cultural heritage which in the times of occupations and wars was constantly destroyed and pillaged. For this purpose, government institutions and conservational services were created, and an initiative was launched to conduct inventory studies of historic monuments in Poland. The aforementioned act, in Article 12, includes as immovable historical monuments such objects as “detached monuments, gravestones, shrines,

²⁵ Zdzisław KALINOWSKI, *Ukaz o tolerancji religijnej cara Mikołaja II z 17/30 kwietnia 1905 roku w zaborze rosyjskim*, 8, accessed August 10, 2021, <https://docplayer.pl/70807018-Ukaz-o-tolerancji-religijnej-cara-mikolaja-ii-z-17-30-kwietnia-1905-roku-1-w-zaborze-rosyjskim.html>.

²⁶ Hubert MAĆCIK, “Ochrona zabytków w Lublinie – historia i terażniejszość,” *Rocznik Lubelski* 43 (2017): 329.

statues, crosses, columns, boundary stones, etc.”²⁷ Regulations of this decree in terms of heritage protection proved to be so innovative and timeless, that they are a part of the present Act on the protection and conservation of monuments from 23 July 2003. In 1927, a decision was made to find and restore to public memory of the locations of skirmishes and graves, as well as places of massacres of insurgents, and honor them with crosses or shrines.²⁸ They were erected on the private initiative of individual people, members of wealthy families, entire parish communities, but also associations and youth organizations, e.g. boy scouts.

The subsequent document, the presidential decree on conservation of monuments from 6 March 1928 made using the term “zabytek” dependent on the decision of conservational authorities. Its second article stated that “detached monuments, gravestones, shrines, statues, crosses, columns, boundary stones, etc.”²⁹ can be considered as historic monuments. The document also stressed the necessity to form diocese councils for protection of historic monuments, where state–church members were appointed by bishops in agreement with the Minister of Religious Affairs and Public Education. The purpose of the document was to protect and prevent fragmentation, disposal or alienation of objects that were valuable and considered to have a historical value.

In 1929, the commission of the Central Bureau of Monuments Inventory was announced, and a program of field inventory and register of historic monuments was launched on the basis of the Decree of Minister of Religious Affairs and Public Education from 17 July 1928 regarding the register of historic monuments.³⁰ However, information on the scope of these actions in relation to historic crosses and shrines is sparse. Historic, sacred, and residential monuments, as well as those belonging to city space were of primary interest.

Unfortunately, the time of the Second World War brought repressions, including the destruction of roadside crosses and shrines. Today it is difficult

²⁷ Dekret Rady Regencyjnej z dnia 31 października 1918 o opiece nad zabytkami sztuki i kultury, accessed September 5, 2021, <https://pamiecpolski.archiwa.gov.pl/dekret-rady-regencyjnej-z-dnia-31-x-1918-r>.

²⁸ Iwona GÓRSKA, ed., *Katalog miejsc pamięci powstania styczniowego w województwie podlaskim* (Białystok: Oddział Towarzystwa Opieki nad Zabytkami, 2013), 22, 25, 27, 30, 41, 63 and others.

²⁹ Rozporządzenie prezydenta Rzeczypospolitej z dnia 6 marca 1928 roku o opiece nad zabytkami. Dz.U. of 1928, No. 29, item 265, 538.

³⁰ MAĆCIK, “Ochrona zabytków w Lublinie.”

to evaluate the scale of this phenomenon, since it would require studying archival documents (if they still exist) to compare this historical and post-war tally. The work by Father Franciszek Stopniak concerns only the Chojnice powiat (Pomerania), where over 160 small sacred objects were destroyed. According to reports, they were removed deliberately. Wooden crosses were clipped at the base, so that they would fall on their own during storms, or destroyed and removed under the cover of the night. Shrines were blown up using dynamite, and Poles removing the debris were accused of causing destruction by taking photographs and manipulating the descriptions of these images.³¹

Right after World War II, the new order of political life made its mark also on the issues regarding church architecture, including small sacral architecture. The political influence of policymakers on the fate of the country and its citizens, as well as on the character of spiritual life and matters of cult is documented by the event from 1959. During the third session of PZPR, a strict anti-ecclesiastical attitude was brought back, which took the form of arresting priests, closing seminaries, and removing signs of faith from the public space; it was also forbidden to build new churches, or even shrines or crosses. The latter, with direct actions of citizens' militia, were brought down, removed, and destroyed. One example of such actions in the area of Lublin Voivodeship was the devastation of the cross and shrine in Kraśnik Fabryczny, which resulted in bloody repressions and incarceration of citizens.³² A similar situation took place in the 1940s, also in other countries of Central-Eastern Europe, e.g. in Lithuania, where, as a result of repressions and harassment towards the Church, many culturally and artistically priceless crosses and shrines were destroyed.³³

Only at the brink of the 1970s in Poland began the slow process of normalisation of relations between the episcopate and PRL authorities.³⁴ One of the prerogatives granted to the Church in Poland was gaining permission to build temples, points of religious education, as well as small sacral architec-

³¹ Franciszek STOPNIAK, *Kościół na Lubelszczyźnie i Podlasiu na przełomie XIX i XX wieku* (Warszawa: Akademia Teologii Katolickiej, 1975), 177–180.

³² Jan ŻARYN, *Dzieje Kościoła katolickiego w Polsce (1944–1989)* (Warszawa: Wydawnictwo Neriton, 2003), 197–199.

³³ Skaidre URBONIENĖ, “The Destruction of Religious Monuments in Lithuania in Soviet Times: Stories, Magic and Beliefs,” *The Ritual Year 10: Magic in Rituals and Rituals in Magic*, ed. Tatiana Minniyakhmetova and Kamila Velkoborská (Innsbruck: ELM Scholarly Press, 2015), 258–265, accessed March 22, 2022, <https://etalpykla.lituanistikadb.lt/object/LT-LDB-0001:J.04~2015~1597342126901/J.04~2015~1597342126901.pdf>

³⁴ ŻARYN, *Dzieje Kościoła katolickiego*, 293–296, 329–333.

ture.³⁵ Diocese bishops called upon the faithful to “rebuild dilapidated roadside crosses and statues or replace them with new ones,” as did the bishop of Białystok Edward Kisiel in 1976.³⁶ However, such initiatives still sometimes met with opposition from the authorities, which led to conflicts and “forceful confrontations” with parishioners and priests.

MANIFESTATIONS OF CULT CENTERED AROUND ROADSIDE SHRINES AND CROSSES FROM THE 1930S TO THE PRESENT

The year 1933 witnessed celebrations of the Great Jubilee of the Redemption, commemorating 1900 years since the death of Christ, announced by pope Pius XI. In the area of Lublin diocese, bishop Marian Fulman encouraged parsons to go on pilgrimages to local sanctuaries, including the True Cross Relics, and perform adoration masses. One of the forms of immortalizing this date and its celebrations was founding crosses and cross statues with the inscription “Memento of the Jubilee of the Redemption 33 – 1933.”³⁷

Taking into consideration the foundation dates placed on shrines and crosses, many of them come from the period of so-called Great Novena, begun in the years 1957–1965, encompassing important events in the religious life and history of Poland, i.e. jubilee of the Jasna Góra Vows of King John II Casimir up to the Millennium of Christianization of Poland in 1966, as well as the anniversary of the adoption of the Constitution of 3 May 1791 in 1961.³⁸ Pilgrimages to the Jasna Góra Monastery, as well as peregrination of a copy of the Our Lady of Częstochowa painting in all parishes constituted important elements of these celebrations by bringing the nation together, deepening religiousness and benefited integration and grounding the feeling of being Christian and Polish. Quite often, these events, private pilgrimages, or a visit of a holy depiction were commemorated by erecting a cross or shrine, inscribed with a proper date, as a tangible sign of piety of small parish communities and individual people.

³⁵ Ryszard GRYZ, “Między liberalizacją a dezintegracją. Stosunki państwo–Kościoł w latach siedemdziesiątych,” in *Stosunki państwo–Kościoł w Polsce w latach 1944–2010. Studia i materiały*, ed. Rafał Łatka (Kraków: IPN, 2013), 83–85.

³⁶ ŻARYN, *Dzieje Kościoła katolickiego*, 334.

³⁷ Marek Tomasz ZAHAJKIEWICZ, “Program i obchody Wielkiego Jubileuszu Odkupienia w 1933 roku,” *Roczniki Teologiczno-Kanoniczne* 23, no. 4 (1976): 48, 50, 53.

³⁸ ŻARYN, *Dzieje Kościoła katolickiego*, 218–227.

The period which began when Karol Wojtyła was elected pope in 1978 brought the dramatic years of martial law in 1981–1983. These two events were immortalized by founding crosses and shrines. However, in many cases it was possible only after the political transitions in 1989. In that time, crosses were erected to commemorate victims of strikes and events of the martial law, with inscriptions of such dates as 1981 and 1983, as well as those celebrating consecutive anniversaries of John Paul II pontificate. It was also a method of commemorating the dates of pilgrimages of the pope to Poland in 1983, 1987, and 1997.³⁹ New crosses and shrines were erected and old ones were restored, painstakingly noting consecutive anniversaries, i.e. anniversaries of wars, independence spurts, battles of the two World Wars, dates of mass executions of soldiers, but also the anniversary of regaining independence. Therefore, small sacral architecture gained the status of national-religious monuments, with the help of which the local society expressed their zealous piety, feeling of community, as well as gave testimony of their national identity.⁴⁰ Since the 1990s and after 2000, new crosses and shrines appeared in small towns, squares, villages and in the countryside, at crossroads – restored or newly built to commemorate 2,000 years of Christianity, as well as the pilgrimages of John Paul II to Poland. What is more, the landscape of the Polish countryside was filled with crosses and shrines founded by individual people, not limited anymore by restrictions from authorities. One can even observe a quite dynamic phenomenon of independent, or downright arbitrary personal decisions – made without any kind of supervision – regarding the construction of a Marian grotto, a shrine, or a cross in the vicinity of one's own house.⁴¹

³⁹ Zdzisław GOGOLA, “Wpływ Jana Pawła II na życie i religijność Polaków,” in *Papież Jan Paweł II Święty Watykan 27.04.2014*, ed. Jan Malik (Kraków: Wydawnictwo i Drukarnia Towarzystwa Słowaków w Polsce, 2014): 85–105.

⁴⁰ Henryk GAPSKI, “Krzyż w kulturze polskiej w czasach niewoli narodowej,” in *Kulturotwórcza rola Kościoła na przełomie XIX i XX wieku*, ed. Jan Ziótek (Lublin: Redakcja Wydawnictw Katolickiego Uniwersytetu Lubelskiego, 1997), 157–181.

⁴¹ Jan ADAMOWSKI, “Motywacje stawiania krzyży i kapliczek przydrożnych,” in *Krzyże i kapliczki przydrożne jako znaki społecznej, religijnej i kulturowej pamięci*, ed. Jan Adamowski and Marta Wójcicka (Lublin: Wydawnictwo UMCS, 2011), 17–36.

STATE AND CHURCH DOCUMENTS REGARDING
THE PROTECTION OF SMALL SACRED OBJECTS
FROM THE POST-WAR PERIOD TO THE PRESENT

Protection of heritage assets in Poland, including immovable historic monuments, such as roadside shrines and crosses, already granted protection by the Voivodeship Heritage Monuments Protection Office, is subject to national law, which in this regard is determined by the Act on the Protection and Conservation of Monuments (23 July 2003).⁴² Apart from the above, the legal act regulating legal responsibility over assets and historic monuments belonging to the Church is the Canon law of the Catholic Church, which is in accordance with the acts of national law. The document regulating relations between the Polish state and the Church is the concordat co-signed with the Holy See in 1925 (terminated in 1945), renewed for the second time in 1993, and finally ratified in 1998.⁴³ The concordat is a legal directive, regulating the rules of cooperation also in terms of care and protection of historic monuments and church heritage assets. It encompasses the issues of conservational care, protection of historic objects, sacred objects, and their expansion (Articles 22 and 24). Church authorities should follow all protocols in accordance with the national law and create diocese councils to support monitoring and protection of historic monuments of religious cult (Article 25). However, it is difficult to speak of protection of sacred historic monuments when the term itself is not present in the historical monuments protection act (Article 3).⁴⁴

The visible inaccuracy in defining the term “historical monument” is the reason why the scope of objects subject to national law does not necessarily tie in with, or even include a given group of objects that are assigned the term “sacred” historic monument. Sacred historical monuments that are culturally valuable and important due to their value in religious practices, and also due to the history of their location, may not be in the register, thus being excluded from government protection. As reasonably noted by Hubert Maćik, the term “historical monument” is not limited to objects listed in the register or communal records. Assigning the term to an object is not conditioned by any legal acts, or limited to the objects present in the registers. It

⁴² Ustawa z dnia 23 lipca 2003 r. o ochronie zabytków i opiece nad zabytkami (Dz.U. of 2003, No. 62, item 1568).

⁴³ Paweł BIAK, “Zabytki sakralne w systemie prawnym Polski – uwagi *de lege ferenda*,” *Cywilizacja i Polityka* 17 (2019), 259.

⁴⁴ *Ibid.*, 261.

can be used to describe objects not listed in the register but presenting high historical, artistic, or cultural value.⁴⁵ Therefore, the conservation services are obliged to verify the quality of an object and decide whether it should be granted legal protection.

Following this line of thinking, historic monuments are perceived as elements of broadly understood cultural heritage, which any community can define differently, according to their own evaluation criteria.⁴⁶ This type of material testimonies of religious cult, artistic creation, historic signs of memory can include forms of small sacral architecture. Especially in small communes and parish cooperatives, these objects constitute a permanent – rooted in history – sign of local sense of belonging, an expression of piety, but also commemorate important events, anniversaries, names of people important to the local community. Moreover, they are part of a broader national context of historic events (uprisings, battles, regaining independence, anniversary of Christianization of Poland, papal anniversaries, martial law). This type of roadside crosses and shrines constitute vital “memorial locations”. In the draft act regarding memorial locations these also include crosses and shrines connected with “events or people important to the heritage of the Nation and Poland itself.”⁴⁷ Similarly important is the protection of their artistic values, often a unique local characteristic or style, ornamentation, or authorship of a local creator. That is why they are an element of a cultural landscape, which is subject to protection according to Article 3 of the Act on the protection and conservation of monuments, as are “complexes of immovable historic monuments, historic urban setting, historic rural setting, historic building complex, cultural landscape and surroundings.”

DOCUMENTS ISSUED BY CHURCH AUTHORITIES

It should be kept in mind that in terms of protection of church heritage assets there are two groups of legal acts. The first one is universal, obligato-

⁴⁵ MAĆIK, *Ochrona zabytków w Lublinie*, 329.

⁴⁶ *Ibid.*, 330.

⁴⁷ Quoted from a draft act (parliamentary print No 745, prepared during the 6th term of Sejm, Article 2). Unfortunately, work on this act was discontinued. See Paweł FIKTUS, “Prawno-historyczne aspekty problematyki miejsc pamięci w polskim systemie prawnym,” in *Non omnis moriar – osobiste i majątkowe aspekty prawne śmierci człowieka: zagadnienia wybrane*, ed. Jacek Gołaczyński, Jacek Mazurkiewicz, Jarosław Turłukowski, and Daniel Karkut (Wrocław: Oficyna Prawnicza, 2015), 240.

ry in all churches, regulated by the documents issued by the Holy See. The second group consists of decrees issued by national or diocese institutions of church administration, synods of bishops or diocese councils overseeing church heritage assets. All of the aforementioned church decrees are subject to government legislation and acts currently in force.⁴⁸ What is more, an important function is fulfilled by institutions of conservational authorities which directly supervise the objects listed in the register of historic monuments. They decide about putting an object into the register, acknowledging it as a valuable historic monument, recognizing its historical and cultural value, as well as presence in the cult itself.⁴⁹

At the national level, on behalf of the Catholic Church, matters of protection of cultural, artistic, and sacral architecture assets are the responsibility of Council of the Polish Bishops' Conference of Poland for Culture and Cultural Heritage (previously Episcopal Commission on Religious Art).⁵⁰ At the diocesan level, supervision of sacred objects rests with the Commission for Religious Art and Architecture, which can, among others, initiate conservational actions.⁵¹ Members of diocesan councils are representatives of fields related to protection and conservation, artistic heritage, architecture, therefore having at their disposal proper substantive experience regarding maintenance, protection, and evaluation of artistic and historic objects. By virtue of the concordat co-signed with the Holy See on 10 February 1925, it was deemed necessary to create artistic-architectural councils in every diocese.

In legal acts issued after the Second Vatican Council by the Holy See and national church institutions responsible for protection of art and sacred heritage there are entries regarding the necessity to protect historic monuments of sacral art from destruction and theft. One of the first post-conciliar documents was the Instruction of Polish Episcopate on the Protection of Monuments and Directions of Development of Religious Art issued on 16 April 1966. It showed the necessity to create diocesan councils for sacral art, and regulated the rules of conservation protocols in agreement with the Voivode-

⁴⁸ Ustawa o ochronie zabytków i opiece nad zabytkami.

⁴⁹ Zbigniew CZERNIK, "Działania Kościoła rzymskokatolickiego w Polsce w zakresie ochrony zabytków," *Ochrona dziedzictwa kulturowego* 1 (2016): 21–22.

⁵⁰ Mariusz LESZCZYŃSKI, "Ochrona zabytków sztuki sakralnej w świetle aktualnego prawa Kościoła katolickiego," *Muzealnictwo* 49 (2008): 84.

⁵¹ Manner for addresses of the councils is arbitrary, depending on the diocese, e.g. there are two councils in the Lublin diocese, in the Warsaw archdiocese there is the Council of Sacral Art and Architecture; in Sosnowiec diocese there is the Council of Sacral Art, in Elbląg there is the Diocese Council of Conservation of Historic Monuments, Sacral Art and Church architecture.

ship Conservator of Monuments, priests were made aware of the need to protect and preserve objects withdrawn from cult or not used. They were warned against moving such objects to other parishes and scattering. However, no guidelines were formulated with respect to sacred objects located outside church walls.

The circular letter of Congregation for the Clergy *Opera artis* from 11 April 1971 includes an entry regarding “the necessity for dioceses to inventory locations with high artistic and historical value.”⁵² The circular letter was prepared also due to the growing phenomenon of theft, devastation, or removal of valuable objects. It was recommended that such artefacts be placed in church museums for protection and to ensure better access to church heritage assets.

In 1970 the Polish Bishops’ Conference issued a short instruction, *Conservation and Protection of Historical Monuments of Religious Art*, in response to increasing theft and destruction of church-related historical monuments. It brings attention to methods of protecting the objects and prevention in this regard.⁵³ In another instruction issued by the Conference on January 25, 1973, *Norms of action regarding religious art*, it was reiterated that parish administrators should consult all decisions and plans regarding conservation, restoration or adaptation of art, sculptures, painting and architecture with the diocesan conservator (presiding over the diocesan councils).⁵⁴ The document contains short passages regarding the necessity to protect and take inventory of shrines (with any sculptures inside them) in the parish area, in order to prevent their theft. In §6, it is advised to list the objects, prepare descriptions and photographs in two copies, one to be stored by the parish administrator, and the other sent to the archive of Art Department or Diocese Museum or Monastery Museum.⁵⁵ In §36, discussing the obligations of the Diocesan

⁵² CZERNIK, “Działania Kościoła rzymskokatolickiego”, 19; Andrzej MOŚ, “Źródła obowiązków kościelnych osób prawnych w zakresie ochrony kościelnych dóbr kultury,” in *Własność intelektualna a dziedzictwo kulturowe*, ed. Marlena Jakubowska, Paulina Gwoździwicz-Matan, and Piotr Stec (Warszawa: Ius Publicum 2020), 539.

⁵³ Czesław KRAKOWIAK and Leszek ADAMOWICZ, eds., *Dokumenty duszpastersko-liturgiczne Episkopatu Polski (1966–1993)*, 2nd ed. (Lublin: Polihymnia, 1999).

⁵⁴ Reply from the Secretary of State in Ministry of Culture and National Heritage – with permission from the minister – to the interpellation No. 2558 regarding regulations pertaining to protection of historic monuments and archival materials provided for in the international agreement – concordat signed by the Republic of Poland and the Holy See – on 29 July 1993; <https://www.sejm.gov.pl/sejm7.nsf/InterpelacjaTresc.xsp?key=7B1AA312>.

⁵⁵ Czesław KRAKOWIAK, ed., *Dokumenty duszpastersko-liturgiczne Episkopatu Polski (1966–1993)* (Lublin: Lubelskie Wydawnictwo Archidiecezjalne 1994), 313.

Councils on Religious Art, it was stressed that roadside shrines, crosses and statues must be granted conservational protection.⁵⁶

The necessity to take inventory of heritage assets owned by the Church is also stressed in the circular letter *The necessity and urgent need for taking inventory and cataloguing of Church heritage assets* of December 8, 1999, addressed by the Pontifical Commission for the Cultural Heritage of the Church to Polish bishops.⁵⁷

The encyclical *Pastor bonus* by pope John Paul II, published on June 28, 1988, brought attention to the need for the evangelical mission of the Church to also to include sacral art, cultural, historical, and artistic heritage, as well as to protect church heritage assets, and properly prepare the clergy, familiarize them with artistic values of this heritage, so that it does not become scattered or destroyed.⁵⁸ In the documents issued by the Pontifical Commission for the Cultural Heritage of the Church, created in the Vatican, no direct entries regarding the protection of small sacred objects can be found. The content of these documents is focused on the protection of historic art monuments, collection of books or manuscripts, pieces of music, archival materials. However, only general statements can be applied to immovable historic monuments linked to the parish area or land under Church supervision. There is some discussion about cultural heritage in a given area, which is mentioned in *Pastor bonus*, which lists “the entire artistic and historical heritage of a given area” in Article 102,⁵⁹ and similarly, in *Ecclesia in Europa* from 2003.⁶⁰ An attempt to define church heritage assets was made in 1969, in the *Constitution Regarding the Protection of Church Artistic Assets and Creation of Diocesan Museums*. Small forms of sacral architecture are not listed, but the broad definition can encompass them, since it includes all goods entrusted to serve the Church, related to cult, as well as those remain-

⁵⁶ Ibid., 326.

⁵⁷ CZERNIK, “Działania Kościoła rzymskokatolickiego,” 20

⁵⁸ In 1989 the Papal Council for Preserving Artistic and historic Heritage of the Church was created, Ryszard KNAPIŃSKI, “Ewangelizacyjna rola sztuki kościelnej w świetle instrukcji Papieskiej Komisji ds. Zachowania Dziedzictwa Historycznego i Kulturalnego Kościoła z dn. 15 października 1992 roku,” *Archiwa Biblioteki i Muzea Kościelne* 63 (1994): 109–110, accessed March 22, 2022, <https://czasopisma.kul.pl/abmk/article/view/8560>; Mariusz LESZCZYŃSKI, “Troska Papieskiej Komisji ds. Kościelnych Dóbr Kultury o zachowanie dziedzictwa kulturowego Kościoła,” *Archiwa, Biblioteki i Muzea Kościelne* 86 (2006): 17–25.

⁵⁹ LESZCZYŃSKI, “Troska Papieskiej Komisji ds. Kościelnych,” 18.

⁶⁰ Mariusz LESZCZYŃSKI, ed., *Biuletyn Kościelnych Dóbr Kultury*, no. 1 (Warszawa: Drukarnia Attyła, 2005), 7–10.

ing in the service of church culture and history, as well as contemporary works of art.⁶¹

In the Code of Canon Law of the Catholic Church, revised and issued by pope John Paul II on January 25, 1983, in canon 1283 § 2, there is an entry regarding the obligation to prepare inventories of “immovable property, movable objects, whether precious or of some cultural value, or other goods, with their description and appraisal”⁶², and the necessity to issue instructions by diocesan bishops, that would regulate the rules of managing heritage assets.⁶³ Therefore, according to the recommendations of canon law, granting them the status of historic monuments in accordance with the norms of state law is not the only factor determining proper care and protection of objects of sacral art. Church documents often contain the term “church heritage assets”, which are objects belonging to “historical-artistic heritage, remaining in service of the Church’s mission..., in terms of painting, sculptures, architecture, as well as monuments, mosaics, book collections and archives, works of music, literature, theater, and cinema.”⁶⁴ Lawyers note the inaccuracy of this term, which can be used both in the case of both movable and immovable historical monuments, objects listed in the local or national register, as well as to describe the cultural heritage of the Church functioning outside the register.⁶⁵

In the documents issued by Polish church administration the recommendations and obligations towards protection of roadside crosses and shrines are extremely sparse and imprecise. The resolutions of the Second Synod of the Lublin Diocese (1985) list crosses and shrines in the context of May devotions to the Blessed Virgin Mary. According to the synod regulations, the faithful living far from churches were encouraged to gather around small sacred objects (VB2, 253a).⁶⁶ What is more, parishioners were urged to coop-

⁶¹ Ibid., 20–24.

⁶² https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib5-cann1254-1310_en.html#TITLE_II.

⁶³ LESZCZYŃSKI, “Ochrona zabytków sztuki sakralnej,” 79; MOŚ, “Źródła obowiązków kościelnych,” 538–539.

⁶⁴ LESZCZYŃSKI, “Muzea kościelne według aktualnego prawodawstwa Kościoła katolickiego,” *Archiwa, Biblioteki i Muzea Kościelne* 85 (2006): 109.

⁶⁵ MOŚ, “Źródła obowiązków kościelnych,” 531–532; Marek PASZKOWSKI, *Ochrona prawna i opieka nad zabytkami sakralnymi Kościoła Katolickiego w Polsce* (Olsztyn: Kortowski Przegląd Prawniczy Monografie, 2018), http://uwm.edu.pl/kpp/files/numery_kpp/kpp_monografie_ochrona_prawna_i_opieka.pdf.

⁶⁶ Dokumenty II Synodu Diecezji Lubelskiej (1977–1985) (Lublin, 1985), accessed March 22, 2022, http://diecezja.lublin.pl/prawo/synod_1985/liturgia_2.htm#5b2.

erate with priests in terms of providing care “to places and objects of cult (e.g. roadside shrines, statues, and crosses, active cemetery), and locations sanctified by the blood of those who died for the country, as well as memorial plaques” (VI, 430).⁶⁷

According to the regulations of the Second Polish Plenary Council (1991–1999), protection of sacred historical monuments, i.e. churches, their surroundings, roadside statues, ways of the cross, shrines, cemeteries, or calvaries is to take the form of taking inventories and securing the objects.⁶⁸ These obligations were conferred upon parsons and church administrators. It was stressed that every action in this aspect was to be consulted with the conservator of historic monuments. It was reminded that regulations of state law in that regard must be respected.

STATE LEGAL DOCUMENTATION

In the case of small sacral architecture there is the problem of the complex property status regarding the location of these objects, since their placement outside the land belonging to a given parish in a way frees the church administration from the obligation of legal protection, care, and inventory of these objects.⁶⁹ In that case the obligation of maintenance and protection of these objects is transferred onto institutions of local authorities or private individuals who own the land on which a shrine or cross is situated. In his study dedicated to the protection of historic monuments of sacral art, Fr. Prof. Janusz St. Pasierb noted the necessity of taking “responsibility for maintenance and conservation” of these objects by parish administrators, regardless of the legal act of ownership, provided that they are situated within the parish and belong to the widely understood *sacrum*.⁷⁰

This problematic entanglement regarding the disposition of ownership over these objects among numerous legal parties and national and church institutions, as well as private individuals leads to a legal loophole in determining supervision over roadside sacred objects. This, in turn, is the reason why crosses and shrines that, so to speak “belong to nobody”, fall into the hands of non-professional conservators, and are restored by means of bot-

⁶⁷ Ibid., http://diecezja.lublin.pl/prawo/synod_1985/swieccy_1.htm#2b2.

⁶⁸ PASZKOWSKI, *Ochrona prawna*, 113.

⁶⁹ Ibid.

⁷⁰ Janusz PASIERB, *Ochrona zabytków sztuki kościelnej* (Warszawa: Towarzystwo Opieki nad Zabytkami Oficyna Wydawnicza, 1995), 145.

tom-up initiatives carried out by associations or private individuals. The effects and balance of these actions often lead to permanent damage, or even destruction or removal of historic, artistically valuable objects. One should bear in mind that crosses, shrines, and figures are subject to the Construction Law, which considers them as so-called “small architecture.”⁷¹ The roadside area where these objects are situated belongs to the road administrator (commune, powiat, voivodeship). What is more, according to Article 3 point 4 of the Act of 7 July 1994 – Construction Law, works of small architecture include small objects, especially of religious cult, such as: shrines, roadside crosses, and statues, and are subject to the regulations of this act.⁷² Erecting this kind of building structure does not require notification or obtaining a construction permit (Article 29, paragraph 1, point 28), with the exception of public places (Article 28, paragraph 2, point 19).⁷³ On one hand, it makes construction, implementing changes and renovations easier, on the other hand, however, it brings the risk of too much interference, and substituting older objects with those created arbitrarily. What is more, historic objects are situated on private land, alternatively, handed over to the local community for the building of a shrine or a cross. Therefore, their proprietary status may not be precise, or complicated. It is not always the case that they belong directly to church assets, so local church authorities treat them as the property of the parish, the local government, private individuals, or, in general terms – “local parish community”. That is why the ownership status becomes complicated, and legal responsibility for protection and proper maintenance of these objects remains unclear. Location of crosses at roadsides, crossroads, or between fields on one hand provides the opportunity for bolder actions, albeit not always fitting, undertaken regardless of the regulations of laws regarding monument protection. On the other hand, however, the historic character of many objects makes them require professional protection, in which case obtaining funding for that purpose demands determining the true legal status of these objects.

Taking inventories and preparing photographic and descriptive documentation provide invaluable material enabling identification of an object that was stolen or lost, which makes it easier for law enforcement to determine the primary status of the object. Sculptures of saints, both those dating back

⁷¹ Ustawa z 7 lipca 1994 r. – Prawo budowlane (Dz.U. of 2013, item 1409 as amended).

⁷² Ibid.

⁷³ Ustawa z 7 lipca 1994 r. – Prawo budowlane (Dz.U. of 2021, item 2351; Dz.U. of 2022, item 88).

to the 18th century and those made by folk artists, but also “everything that presents any kind of value”, even wrought bars and elements of a metal fence—are subject to theft, and later, trade.⁷⁴ And while the process of commercial trading may itself be conducted legally, documenting the provenance of the object can lead to revealing its illegal acquisition. A lost object, fully documented, can be registered in the national register of stolen or illegally exported historic monuments. Even after nearly two decades, should the authorities find a trace of the object, the documented descriptions and photographs can enable its recovery.⁷⁵

Protection of historic shrines and crosses is the responsibility of regional authorities, i.e. The Voivodeship Heritage Monuments Protection Office and is a part of the regulations regarding the protection of historic monuments, and those pertaining to protection of the cultural landscape. The document determining the scope of action regarding the cultural landscape is the European Landscape Convention approved in Florence in 2000, and acknowledged by Poland in 2004. Objects possessing distinct, extraordinary, historical, artistic, and cultural value, by virtue of Polish law are granted protection under the Act of 23 July 2003 on the Protection and Conservation of Monuments (Dz.U. 2003). Methods of their protection include: entry in the register of historical monuments, recognition as a historical monument, creation of a cultural park, or securing protection in the local zoning plan or individual decision. According to the aforementioned act, protection of historical monuments (Article 4) and care provided to them (Article 5) concern also sacred objects, although they are not specifically listed in the act, and are the responsibility of the direct administrator, i.e. parson, while his actions are supervised by the diocesan council for sacral art and architecture presided by the diocesan conservator.⁷⁶ Decisions regarding the assignment of appropriate category of protection to historical objects, regulated by the act, each time are made by the Voivodeship Heritage Monuments Protection

⁷⁴ Wojciech LIS, “Niedostatki w ochronie zabytków sztuki kościelnej w aspekcie kryminalistycznym,” *Santander Art and Culture Law Review* 1, no. 3 (2017): 62, <https://doi.org/10.4467/2450050XSNR.17.004.7376>.

⁷⁵ Adam GRAJEWSKI, “Zwalczanie przestępczości przeciwko zabytkom sakralnym w Polsce,” in *Własność intelektualna a dziedzictwo kulturowe*, ed. Marlena Jakubowska, Paulina Gwoździewicz-Matan, and Piotr Stec (Warszawa: Ius Publicum, 2020), 429–430.

⁷⁶ Zbigniew MAJ, “Zabytki sakralne w prawie kościelnym i państwowym i ich wzajemne relacje,” in *Konferencja Krajowa „Potrzeby Konserwatorskie Obiektów Sakralnych na przykładzie makroregionu łódzkiego – stan, zagrożenia i możliwości przeciwdziałania”* (Łódź, December 9–10, 2005), ed. Jan Perkowski and Bogusław Więcek (Łódź: Wydawnictwo Bernard Cichosz, 2005), 91.

Office, on the basis of precise identification, query, and evaluation of the object.⁷⁷ A significant change made in recent years regarding the content of the Historic Monuments Protection Act is the broadening of the qualifications of the administrative authorities in matters of funding of conservational works in order to protect valuable objects listed in the local monuments list, but in the national register.⁷⁸

Small sacred objects are also subject to the regulations of the Directive of the Minister of Culture of May 26, 2011, regarding keeping the register of historic monuments, national, voivodeship and communal records of monuments, and national list of monuments stolen or moved abroad illegally.⁷⁹ By virtue of this directive, the Voivodeship Conservator of Monuments enters an object to the register of historic monuments due to its high, confirmed historic or cultural value to a given region and local community. Thereafter, in accordance with § 11 “regarding the entry of a movable historic monument into the voivodeship records of monuments, the Voivodeship Conservator of Monuments informs the appropriate commune, in order to list this historic monument in the communal records of monuments.” It should be noted that such a notification regarding the entry of an object of small sacral architecture should also be sent to the direct administrator of the parish in which the object is situated. This would make the institutions of the local and central government and church administration equally informed regarding the actual state. The amended Historic Monuments Protection Act from 5 June 2010 obligates village mayors, presidents or mayors of cities to keep documentation of communal records of monuments (Article 22, point 4).⁸⁰

Small sacral architecture is also included in documents issued by conservator offices and communal programs strategizing conservation of monuments. For instance, in the case of Lublin Voivodeship, the Voivodeship Program for Monument Conservation 2019–2022 is currently in effect, in which small architecture – roadside shrines, statues, and crosses constitute a

⁷⁷ Renata SARZYŃSKA-JANCZAK, “Rozpoznanie wartości kapliczek i figur przydrożnych w związku z planowanymi z urzędu postępowaniami administracyjnymi w sprawach wpisów do rejestru zabytków przyczynkiem do badań historii miejscowości i regionu,” *Wiadomości Konserwatorskie Województwa Lubelskiego* 18 (2016): 252.

⁷⁸ Ustawa z dnia 22 czerwca 2017 r. o zmianie ustawy o ochronie zabytków i opiece nad zabytkami oraz niektórych innych ustaw – Dz.U. of 2017, item 1595.

⁷⁹ Rozporządzenie Ministra Kultury i Dziedzictwa Narodowego z dnia 26 maja 2011 r. w sprawie prowadzenia rejestru zabytków, krajowej, wojewódzkiej i gminnej ewidencji zabytków oraz krajowego wykazu zabytków skradzionych lub wywiezionych za granicę niezgodnie z prawem – Dz.U. of 2011, No. 113, item 661.

⁸⁰ PASZKOWSKI, *Ochrona prawna*, 41–42.

valuable characteristic of urban and rural landscapes, due to artistic, cult, and cultural values (shrines used to mark the boundaries of “inhabitable” space, and determined administrative boundaries of villages and cities).⁸¹ It was also noted that in the vicinity of these objects “there still exists a custom, in the villages of the Lublin Voivodeship, of decorating roadside shrines and crosses, and in May singing ‘May songs’, which bring entire families together.”⁸²

At the commune level, regulations are being prepared (local in character) that include protection of small sacral architecture. A good example is the Resolution no. XVII/141/2020 of the City Council of Józefów nad Wisłą (June 17, 2020) regarding the adoption of the Communal Program for Monument Conservation for the Commune of Józefów nad Wisłą 2020–2023, which was given a positive opinion by the Voivodeship Conservator of Monuments. It highlights the necessity to protect, provide care and promote knowledge about cultural and historic resources from the commune area, as well as the need to process, i.e. digitalize the cultural material.⁸³ The document lists two valuable shrines linked to the events of the November (in Józefów), and January uprisings (in Chruślin), and stresses the vital role of shrines and crosses in folk-religious life. It also lists the most valuable objects, i.e. five shrines that were included in the communal records of monuments: roadside shrine from around 1903 in Józefów upon Vistula, and an insurgent one built in the middle of the 19th century or after 1905, a roadside shrine in Stare Kaliszany from the third quarter of the 19th century, a shrine in Kaliszany Kolonia from the first quarter of the 20th century, and one with St. John of Nepomuk in Prawno (mid-19th century).⁸⁴ However, the communal list does not correspond with (it is a lot longer) the list of monuments from the register of historic monuments approved by the Conservator of Monuments. Unfortunately, in the case of the Józefów nad Wisłą commune there are no entries of shrines or crosses in the voivodeship register of historic monuments.

⁸¹ Wojewódzki Program Opieki nad Zabytkami w województwie lubelskim na lata 2019–2022, p. 65, accessed October 15, 2021, <https://www.lubelskie.pl/file/2019/07/WPOZ-2019-2022-poprawki-po-opinii-LWKZ-na-ZWL-2-26-06-2019-1.pdf>.

⁸² *Ibid.*, 71.

⁸³ Uchwała nr XVII/141/2020 Rady Miejskiej w Józefowie nad Wisłą z dnia 17 czerwca 2020 r. w sprawie przyjęcia “Gminnego Programu Opieki nad Zabytkami Gminy Józefów nad Wisłą na lata 2020–2023”, 57–59; *Dziennik Urzędowy Województwa Lubelskiego*, item 3667, accessed September 10, 2021. http://g.ekspert.infor.pl/p/_dane/akty_pdf/U81/2020/189/3667.pdf.

⁸⁴ *Ibid.*, 97, 99, 102–103.

The value of small sacred objects from the area of Lublin Voivodeship and the rest of the country as well is still being discovered and is the subject of study of the Voivodeship Heritage Monuments Protection Offices.⁸⁵ Only a small number of shrines or crosses are entered to the register of historical monuments, and due to their highest legal category are granted protection.

The only form of providing security to the sacred objects that present high cultural, religious and artistic value, but are not in the register, is to include them in field studies and inventories. Ethnographic studies are often the only way to preserve the memory and immortalize the image of crosses, statues and shrines.

This type of studies have been conducted since the end of the 19th century. In the case of Lublin Voivodeship a breakthrough event which played an important role in spreading ethnic studies interests was the exhibition prepared as a part of the Industrial-Agricultural Exhibition organized in Lublin in 1901, and the obtained ethnographical material was published in the periodical *Wisła*.⁸⁶ One issue was dedicated entirely to the Lublin Governorate. In this publication, entries regarding small sacred objects are sparse and pertain to description of funerary customs, folk beliefs and medicine. In the interwar period, the first regionalists-ethnographers operating in the Lublin region undertook in their studies the subject of small sacral architecture, led by their own interests and preferences. In those times there was no research program for a systematic study of the region.⁸⁷ In the post-war period, systematic field research in the regions of the Lublin voivodeship were initiated in 1951 by prof. Roman Reinfuss. To this day, roadside crosses, shrines, and statues in every region of Poland are being inventoried, described, documented, both by professional ethnographers, researchers of folk culture, as well as amateur regionalists. Every form of preparing descriptive and photographic documentation contributes to immortalizing this meaningful national heritage. The characteristic of ethnographic research carried out in this respect can be the subject of a separate study.

⁸⁵ SARZYŃSKA-JANCZAK, "Rozpoznanie wartości kaplicze," 252.

⁸⁶ *Wisła* 16, no. 3 (July 1902), accessed August 22, 2021, <https://www.wbc.poznan.pl/dlibra/publication/134886/edition/147744/content>.

⁸⁷ Mariola TYMOCHOWICZ, "Kultura materialna Lubelszczyzny w badaniach współczesnych kontynuatorów Oskara Kolberga", *Studia i Materiały Lubelskie* 18 (2015): 233.

CONCLUSION

It seems that currently the only entities guarding the old small sacred objects are museums, including church museums, which preserve historic objects, since in the natural environment they could undergo degradation and be replaced with their new counterparts. Modernization of forms of small sacral architecture leads to losing knowledge about stylistic continuity and primary form of crosses, construction of shrines and their artistic-devotional content. Should the fact that historic objects are disappearing from the landscape, from their primary, destined locations to be placed in museums be the only form of their protection? Impoverishment of the cultural landscape that happens afterwards, as well as modernization of forms of shrines and crosses in an completely arbitrary manner is not a positive phenomenon. Therefore there is a noticeable need to introduce regulations in this respect, also regarding church laws concerning the protection of historic small sacral architecture. This should pertain to objects that were not entered into the register of historic monuments but are valuable historically, or culturally, or present artistic cohesion with other objects in a given area.

Old objects presenting the local style, a certain stylistic type embedded in tradition, are especially endangered and often substituted with new versions, without paying respect to their artistic form. Therefore, in terms of providing care for this type of objects, the key factors are not only legal regulations, but also promoting knowledge and educating local communities about the value of these objects, so that interventions would not result in removing old crosses, statues, or shrines and erecting new ones, completely out of touch with tradition. Without social awareness the letter of the law will not be sufficiently effective.

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LAWS AND RESOLUTIONS

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PROTECTION OF ROADSIDE SHRINES AND CROSSES IN POLAND
AGAINST THE BACKGROUND OF HISTORICAL EVENTS AND
IN LIGHT OF ESTABLISHED LEGAL ACTS

Summary

Roadside crosses and shrines are a characteristic element of the Polish landscape. Small sacred objects are intertwined with history and the cultural context of Polish countryside and cities, arising from the need of faith, and have manifested piety for generations. Many crosses and shrines were erected as mementos of important national events, uprisings, war skirmishes, independence spurts that took place in the 19th and in the first half of the 20th centuries, commemorating national anniversaries, for instance 1918, anniversaries of Christianization of Poland, jubilees of historic events. They were also built upon old mass graves of victims of bygone epidemics. In the context of historic events, objects of small sacral architecture were met with harassment and repressions. Therefore, after regaining independence legal initiatives were undertaken by the state and the Church to save these objects. Unfortunately, not always did this type of object receive sufficient legal protection or proper appraisal. In documents they are present in the background. That is why ethnographic studies are often the only way to save their memory, and preserve the image of old crosses, statues, and shrines.

Keywords: roadside shrine; roadside cross; Lublin Voivodeship; legal protection; church legal documents; cultural heritage.

OCHRONA MAŁYCH OBIEKTÓW SAKRALNYCH I ARCHITEKTURY W POLSCE
NA TLE WYDARZEŃ HISTORYCZNYCH
I W ŚWIETLE ISTNIEJĄCEGO USTAWODAWSTWA

Streszczenie

Kapliczki i krzyże przydrożne są charakterystycznym elementem polskiego krajobrazu. Małe obiekty sakralne wpisane są w historię i kulturowy kontekst polskich wsi i miast, wyrastają z potrzeby wiary i od pokoleń są widzialnym znakiem pobożności ludzi. Wiele krzyży i kapliczek wzniesiono na pamiątkę ważnych narodowych wydarzeń, powstań, potyczek wojennych, zrywów niepodległościowych, jakie miały miejsce w XIX wieku i w pierwszej połowie XX wieku z okazji rocznic narodowych, jak rok 1918, rocznice chrztu Polski, jubileusze wydarzeń historycznych. Stawiano je również na starych zbiorowych mogiłach ofiar dawnych epidemii. W kontekście wydarzeń historycznych obiekty małej architektury sakralnej spotykały się z szykanami i represjami, dlatego po odzyskaniu niepodległości podejmowano inicjatywy prawne ze strony państwa polskiego oraz Kościoła, aby te obiekty ocalić. Niestety takie obiekty nie zawsze otrzymywały dostateczną ochronę prawną i nie zyskiwały właściwej oceny. W dokumentach wymieniane są niejako drugoplanowo. Dlatego badania etnograficzne to nierzadko jedyny sposób na ocalenie pamięci i utrwalenie wizerunku dawnych krzyży, figur i kapliczek.

Słowa kluczowe: kapliczka przydrożna; krzyż przydrożny; Lubelszczyzna; ochrona prawna; dokumenty prawa kościelnego; dziedzictwo kulturowe.