

Sacral and church buildings in the current Diocese of Opole
in the years 1950-1989 and the activities of the Office for Religious Affairs.

Legal and historical study

Łukasz Denys

Abstract

The subject of this dissertation is a legal analysis of the activities of the Office for Religious Affairs in the field of church and ecclesiastical construction. I have limited the area of my research to the territory of the present Opole Diocese. The timeframe of this work is determined by the establishment, on the basis of the Act of 19 April 1950 on changes in the organisation of the chief state authorities in the field of municipal economy and public administration, of the Office for Religious Affairs reporting to the Prime Minister. According to the provisions of this Act, the scope of the Office's activities included 'matters of the state's attitude to religions'. In practice, it focused on restricting and supervising the activities of churches and other denominational associations, taking into account the current denominational policy of the state. The activities of the Office for Religious Affairs within the framework of the competences entrusted to it also concerned the sphere of sacred and church construction. In order to determine the ratio legis of legal regulations, I applied the methods of interpretation of legal texts, i.e. linguistic, functional and systemic. In interpreting the legal acts, I also used the historical-legal method and the comparative method - referring to the canon law system. In order to fully understand the will of the historical legislator, I have made use of parliamentary materials in the form of drafts of legal acts.

The formulated research problem justified the adoption of the work's structure. The thesis consists of five substantive chapters. In the first one, I presented the history of the local Church in the context of legal conditions in the years 1945-1989. The breakthrough events in the local Church in Opole Silesia were connected with the end of World War II, which conditioned the political situation of the so-called Western and Northern Territories. And just as quickly as the new authorities of the Polish state introduced administrative changes in the area, it was necessary to wait several decades before establishing a permanent church administration - the diocese of the Catholic Church. In this chapter, therefore, I discussed the issue of the formation of the boundaries of the present Opole Diocese, which began with the issuing of the decree of 14 August 1945 establishing the Apostolic Administration in Opole. Since then, we can speak of a new local Church, several decades later transformed into a diocese. I have made a detailed study of the area of the Apostolic Administration of Opole Silesia and the state

of the destroyed church infrastructure and the stages of repair and reconstruction of churches. Then I analysed the structure of the population living in the area of the Apostolic Administration of Opole Silesia and the later Opole Diocese. I explored the changes in the ethnic, demographic, economic and socio-professional structure and the changes in the functions of all types of social institutions, which also influenced the development of church and ecclesiastical architecture. I have devoted the second chapter of this thesis to an analysis of the structure and tasks of the local organs of state religious administration. In it, I presented the activities related to the formation of the denominational administration in Poland after 1945. Using queries in the State Archives in Opole and the Archives of the Institute of National Remembrance, I have analysed the activities of the Provincial Committee of the Polish United Workers' Party in Opole in the aspect of religion. In the next section, I presented the organisation and scope of activity of the Department for Religious Affairs - Presidium of the Voivodeship National Council in Opole in the years 1950-1973. Then, I reviewed the functioning of the Department for Religious Affairs of the Opole Voivodeship Office in the years 1973-1989.

In the third chapter, I made a legal analysis of the administrative-legal conditions of the building process, taking into account church and ecclesiastical construction. I conducted a detailed interpretation of the legislative changes to the construction law and its impact on the implementation of church investments. I also undertook a discourse on the changes in the construction law and the changes in the canon law concerning ecclesiastical construction. I devoted the fourth chapter to the ecclesiastical infrastructure within the present Opole Diocese. For this purpose, I used the results of a search I conducted in the Archives of the Opole Diocese and the Archives of New Records in Warsaw. I have presented a legal analysis of the motions of the Bishop's Curia and, since the creation of the Opole Diocese, of the Diocesan Curia, as well as of administrative decisions in the form of permits for the construction of churches issued by the UdSW and in the form of building permits issued by local architectural and construction administration bodies. In order to fully illustrate the problem studied, I have also presented issues concerning the financing of church and ecclesiastical construction and the difficulties involved.

Industrialisation, the dynamic development of housing and the continuous progress in urbanisation processes resulted in an increased demand for sacred buildings. A typical phenomenon in the 1970s and 1980s was the granting of permission to build monumental churches on housing estates. The Office for Religious Affairs thus wished to reduce the number of applications for planning permission from the ecclesiastical side, which would have been embroiled in single but resource-intensive developments. Accordingly, in chapter five

I conducted a case study of the implementation of the investment process of distinctive religious and ecclesiastical buildings in the largest housing estates in Opole. I analysed the procedures involved in obtaining permission for the construction of churches, the formation of a parish, and the course of the investment process for the construction of churches with sets of parish facilities. I have also presented the aspect of rationing of building materials affecting the realisation of these.

The work is supplemented by appendices presenting in a tabular and graphic way statistical data on church and ecclesiastical construction.

The research I carried out and the results described in this thesis have made it possible to draw conclusions that answer the questions posed:

- According to what criteria were permits for the construction of religious and ecclesiastical buildings rationed on the territory of the present Opole Diocese?
- What was the current supervision of the Office for Religious Affairs over the implementation of new sacral and ecclesiastical investments?
- What were the administrative and legal conditions for the realisation of the construction of sacral and ecclesiastical buildings?
- How was the implementation of religious and ecclesiastical investments carried out in the areas of the largest housing estates in Opole?

The public administration bodies were competent to issue administrative decisions related to religious and church construction. The Office for Religious Affairs issued administrative decisions - permits, which were a sine qua non in relation to the administrative decisions issued in the next stage by the architectural and building administration bodies - building permits.

The Office for Religious Affairs also provided day-to-day supervision of the issuing of permits related to the construction of religious and church buildings. The criteria it used to do so were not clearly established.

In addition, from 1957, as part of its administrative authority, the government of the People's Republic of Poland, began to apply a planning procedure for future church and ecclesiastical investments, the result of which was to limit construction in this area, as a system of annual plans was introduced between 1957 and 1980. The effect of this system, were applications submitted by the Diocesan Curia, to which the state authorities gave refusals, not giving permission to start investments, with a single argument reproduced in the justification for administrative decisions over the years related to: "the difficult material situation in the implementation of the intentions of the economic plan in the construction industry, which argues for a temporary suspension of the construction of new religious buildings" . In some

cases the justification was a reference to personnel matters within the Church, e.g. the failure of the Opole Curia to meet the demand of the Presidium of the PWRN WdSW in Katowice to fill a church clerical post.

There were also situations when the Department for Religious Affairs in Opole did not accept the request of the Diocesan Curia and gave its answer without providing any justification for the decision taken.

The solution to the existing situation, in the form of so-called agreements on plans for church and ecclesiastical construction, also did not provide both parties with certainty as to the finality of the decisions made earlier, as the arrangements made were often subject to additional modifications recorded in protocols of agreements and discrepancies.

Thus, it can be concluded that the construction of a sacred or ecclesiastical building in the period I have described depended on the discretionary consent granted by the administrative authorities; it was more often expected to be refused than accepted, hence the appearance in the Diocese of Opole of incidental cases of arbitrary construction and deliberate violations of the law by some church investors.

Between 1981 and 1989, a system of five-year plans on the implementation of future church and ecclesiastical investments came into force. I find that the balance of the building process in this sphere from the post-war period until 1989, taking into account the procedure for issuing applications and administrative decisions, was most intensified after 1982.

The course of the investor process in the construction of sacred-church complexes in the largest parishes in Opole in the newly emerging housing estates from the so-called "big plate" was similar everywhere, and church investors struggled with the same problems. These included:

- obtaining permission for the construction of religious and church buildings from the Department for Religious Affairs of the Voivodship Office in Opole. The Department for Religious Affairs did not give permission for church and ecclesiastical buildings in the vicinity of housing estates. The thaw in decision-making did not come until the late 1970s, and it was then that investments in major housing estates began throughout Poland,
- acquiring a suitable site for construction. The Opole church struggled with the problem of land property, because in each of the three cases the investors had to merge plots of land and, in addition, they did not meet the technical conditions for any building projects. This problem is best illustrated by the construction of the Blessed Czesław Church carried out in landslide and floodplain areas,
- rationing of building materials and difficulties in organising the construction work and providing equipment suitable for carrying out the works. In each of the investment cases,

it was the parishioners involved in the entire building process and the church-building priests with the appropriate personal qualities that led to the completion of the large church complexes. Moreover, all three investments described in chapter five of this thesis encountered difficulties on their way to completion due to the state policy towards the Church at the time of their construction.

In conclusion, it must be emphasised that the legal regulation of the investment process in the construction of church and ecclesiastical buildings was imprecise for all parties to the proceedings. The local denominational administration bodies did not investigate the facts before making decisions related to sacred and ecclesiastical construction, but fully followed the instructions and guidelines of the Office for Religious Affairs in Warsaw. On the other hand, the local architectural and construction administration bodies made their decisions conditional on previously issued permits from the Office for Religious Affairs.

Key words: Office for Religious Affairs, construction law, canon law, administrative decision, permit, permission, church investment, sacred building, church building, Opole Diocese, Apostolic Administration of Opole Silesia.