

---

# Essays

---

Marcin Kościelniak

---

## Protection of Religious Feelings in the People's Republic of Poland. Archive of Transformation

---

TEKSTY DRUGIE 2025, NR 1, S. 19–39

---

DOI:10.18318/td.2025.en.1.2 | ORCID: 0000-0001-8738-9116

---

The research, the result of which is this paper, was carried out within the framework of the National Science Centre grant "Underground Archive of Transformation" (2021/05/X/HSz/00227) and with the financial support of the Heritage Priority Research Area within Strategic Programme Excellence Initiative at Jagiellonian University.

Those interested in art are not necessarily also interested in the law; nevertheless, in Poland we are all familiar with at least one point of the 1997 Penal Code, that is Article 196 on insulting religious feelings: "anyone found guilty of offending religious feelings through public calumny of an object or place of worship is liable to a fine, restriction of liberty or a maximum two-year prison sentence." On the one hand, convictions of male and female artists under this article are rare as Jakub Dąbrowski shows in his work on censorship in Polish art after 1989, but on the other hand, indictments themselves are very frequent due to the imprecision of the term "religious feelings."<sup>1</sup> As a consequence, the Article has a paralyzing effect in the field of artistic expression and provides a powerful weapon in the hands of those who invoke it in

---

### Marcin Kościelniak

– Professor at the Jagiellonian University in Krakow. Researcher in the field of cultural studies and theatre. Editor of the academic journal *Didaskalia*. *Gazeta Teatralna* ([www.didaskalia.pl](http://www.didaskalia.pl)). He recently published a monograph *Abarcja i demokracja. Przeciw-historia Polski 1956–1993* [Abortion and democracy. The Counter-history of Poland 1956–1993; 2024] and co-edited the book *Autocenzura i cenzura. Nowe ujęcia* [Self-censorship and censorship. New approaches; 2024]. Email: [marcin.koscielniak@uj.edu.pl](mailto:marcin.koscielniak@uj.edu.pl).

---

1 Cf. Jakub Dąbrowski, *Cenzura w sztuce polskiej po 1989 roku* [Censorship in Polish art after 1989], vol. 2 *Artyści, sztuka i polityka* (Warszawa: Fundacja Kultura Miejsca, 2015). If not stated otherwise, all quotations from Polish are translated by the author of this article.

order to guard the boundaries of the public sphere so that they are consistent with the extremely strong position of the Catholic Church and national-Catholic ideology in Poland after 1989.

Bearing this in mind, it is surprising that the article on the protection of religious feelings was also in force in the communist Polska Republika Ludowa (PRL) (People's Republic of Poland). Article 196 of the 1997 Penal Code is a literal repetition of Article 198 of the 1969 Penal Code. Furthermore, the article from 1969 is an almost exact copy of Article 5 of the Decree of August 5, 1949<sup>2</sup> (which amended the provisions of Chapter XXVI of the 1932 Penal Code).<sup>3</sup>

Mentioning this, Jakub Dąbrowski and Anna Demenko state that this regulation “began to stir controversy only after the introduction of the democratic system when it turned out that it could significantly restrict other freedoms, especially the freedom of expression, which was obviously illusory during the communist era.”<sup>4</sup> While accepting this argument, I still consider the existence of a provision for the protection of religious feelings in the communist regime to be something highly controversial. This is because it is clearly at odds with the common, or at least the popular view on the nature of the public sphere in the PRL as being dominated by atheistic Marxism and repressive towards the Church.

In this essay I present the results of an enquiry into the problem of the protection of religious feelings in the PRL. I have an interest in this issue as part of a larger project concerning the origin of the legal ban on abortion in Poland (January 7, 1993), and more broadly, the logic of the Polish transformation the result of which is non-secular democracy.<sup>5</sup> I understand transformation here broadly, as a systemic change being the effect of a complex process of political, social, legal and symbolic transformations, for which the founding act was the first Solidarity (1980–1981).

In the first two parts of the essay I present the results of a search in the archives of the Instytut Pamięci Narodowej (IPN) (Institute of National

---

2 The amendments served to clarify the definitions used in the provision and the criminal sanctions.

3 In particular, this concerned Article 172 of the 1932 Penal Code: “whoever blasphemes God in public shall be punished by imprisonment for up to 5 years,” repealed by a 1949 decree.

4 Anna Demenko and Jakub Dąbrowski, *Cenzura w sztuce polskiej po 1989 roku*, vol. 1 *Aspekty prawne* (Warszawa: Fundacja Kultura Miejsca, 2015), 159.

5 Cf. Marcin Kościelniak, *Aborcja i demokracja. Przeciw-historia Polski 1956–1993* [Abortion and democracy. Counter-history of Poland 1956–1993] (the book will be published in 2024).

Remembrance) where I looked for court case files related to the Article on the protection of religious feelings. In the following parts, I analyse the daily and monthly reports of the Główny Urząd Kontroli Prasy, Publikacji i Widowisk (GUKPPIW) (Main Office for the Control of the Press, Publications, and Public Performances) that is the state censorship authority in the PRL, kept at the Archiwum Akt Nowych (AAN) (Archives of Modern Records). In the case of the AAN collection, I limited myself to the years 1976–1990 in accordance with the assumption that preventive censorship reports might reflect the political change in relations between the communist authorities and the Church, which I was interested in and which was taking place in those years. The search covered 145 folders, a total of several tens of thousands of typed pages, so the material was quite extensive. In the case of the IPN collection, the number of cases found is so modest that I decided to go beyond the previously assumed time frame and also mention examples from the 1950s; I allow myself this inconsistency guided by the need to outline a topic that has not yet been properly dealt with.

The research results presented here are therefore not exhaustive with regard to this issue, but their groundbreaking nature means that they are, I believe, of cognitive value. In the summary, I propose a short methodological reflection, which draws on theoretical considerations of censorship and archives, and above all on the experience gained from the search presented, and provides a suggestion for the “setting” of research on the Polish transformation.

### Penal Codes

The identity of the articles on the protection of religious feelings in the criminal codes of the PRL (1944/45–1989) and the Republic of Poland (after 1989) means that they are sometimes discussed together in legal interpretations, and some the interpretations of provisions issued by the Supreme Court before 1989 are still used in judicial decisions today.<sup>6</sup> However, this identity is largely apparent and it is so for several reasons.

First of all, the articles functioned as parts of larger wholes (Offences Against Freedom of Conscience and Religion) differing in content. In the 1969 Code, the article on the protection of religious feelings as well as other provisions on freedom of religion and irreligion are placed next to the articles that are intended to safeguard the interests of the state against the influence of the Church. This applies in particular to Article 194: “whoever

---

6 Cf. Stanisław Dziwisz, *Ochrona uczuć religijnych w polskim prawie karnym* [Protection of religious feelings in Polish criminal law] (Lublin: Wydawnictwo KUL, 2019), 73.

abuses freedom of conscience and religion in the performance of religious rites or other religious functions to the detriment of the interests of the Polish People's Republic, shall be liable to imprisonment for a term of one to ten years"; and Article 195: "whoever exploits other people's religious beliefs or other people's credulity in matters of faith, misleads other people and causes a confluence or other disturbance of public order, shall be liable to imprisonment for a term of six months to five years." Obviously, these articles, which are repressive towards the Church, cannot be found in the Penal Code of 1997.

Secondly, it is not just the letter of the law that is important, but also the accompanying justification in criminal law. The justification for the chapter Offences Against Freedom of Conscience and Religion in the 1997 Code reads:

The change of place in the structure of the specific part of this chapter (i.e. moving from item 28 in 1969 to item 24 in 1997) testifies to the significance of freedom of conscience and religion as a fundamental legal good. The new Code embraces several types of offences from the 1969 Penal Code, but introduces changes in their definitions to emphasise the different axiology underlying that Code (Art. 192 of the 1969 Penal Code – Art. 194; Art. 198 of the 1969 Criminal Code – Art. 196). For axiological reasons, the new Code also omits several types of offences [...] (Art. 194 and 195 of the 1969 Penal Code) [emphasis – M. K.].<sup>7</sup>

A particular exposition of this new axiology can be found in the collective monograph *Prawo wyznaniowe* [Religious law] published in 2000 by the Department of Law on Religion of the Catholic University of Lublin. Referring to the amendments to the pre-war penal code introduced in the PRL and to the continuity in this respect between the law of the PRL and the 1997 Penal Code, Andrzej Wąsek states:

By decriminalising public blasphemy of God (Art. 172, Penal Code of 1932) and public vilification or mockery of a legally recognised religion or religious association, its dogmas, beliefs or rites (Art. 173, Penal Code of 1932), the Decree of August 4, 1949 on Freedom of Conscience and Religion and later on the Penal Code of 1969 very significantly limited the scope of the criminal protection of religious feelings

7 *Kodeks karny. Kodeks postępowania karnego. Kodeks karny wykonawczy* [Penal Code. Code of Criminal Procedure. Executive Penal Code] (Warszawa: Wydawnictwo Prawnicze, 1997), 195.

against public insult. One may be surprised that the new Penal Code is to follow the same path [emphasis – M.K].<sup>8</sup>

This legal remark is a reminder that Article 196 of the Penal Code is only the legal arm of the invisible rules and norms that frame the symbolic order of Polish democracy, that is, it is its emanation and ensures its visibility and permanence. From this perspective one can look at the statistics.<sup>9</sup> As far as convictions under the article on the protection of religious feelings are concerned, a total of 22 were handed down in the 1970s and also 22 in the 1980s. In the 1990s, the number was already 66<sup>10</sup> with 88 in the following decade. The “axiological change” is visible to the naked eye. Is it also evidenced by court cases?

Investigation of this issue is not straightforward as I discovered when I made an enquiry to the archives of the District Court in Krakow. I received an answer to the effect that the archives of the courts are not only widely dispersed, but also structured and catalogued in such a way that there is no real possibility of reaching the data of a case of an offence under a specific provision unless one has precise information about its place and time. In the legal literature on religious law in the PRL, I found a brief example of barely one court case under the article on the protection of religious feelings.<sup>11</sup> A search in the IPN proved somewhat more fruitful. Although the number of examples found there is modest (seven from 1950–1953, one from 1965 and six from 1983–1988),<sup>12</sup> the documentation is not always complete, and none of the

8 Andrzej Wąsek, “Ochrona uczuć religijnych w prawie karnym” [Protection of religious feelings in criminal law], in *Prawo wyznaniowe*, ed. Henryk Misztal (Sandomierz: Wydawnictwo Diecezjalne, 2000), 258.

9 I only give statistics for the 1970s and 1980s, thus since the entry into force of the provisions of the 1969 Penal Code. Statistics for earlier years, which were based on the 1949 Decree, do not include a separate item for the protection of religious feelings (Article 5). Cf. *Prawomocne skazania osób dorosłych w latach 1946–2018* [Final convictions of adults in the years 1946–2018], Informator Statystyczny Wymiaru Sprawiedliwości, 3rd edition (Warszawa, 2020), accessed February 8, 2024, <https://isws.ms.gov.pl/pl/baza-statystyczna/publikacje/download,2779,8.html>.

10 The statistics include sentences under Article 198 of the 1969 Penal Code, in force until August 31, 1998, and under Article 196 of the 1997 Penal Code.

11 S. Flasiński and T. Stępień, “Przestępstwa przeciwko wolności sumienia i wyznania w świetle orzecznictwa SN” [Crimes against freedom of conscience and religion in the light of the jurisprudence of the Supreme Court], *Problemy Praworzędności* 1 (1986): 34.

12 The period between the end of the war and the enactment of the Decree of August 5, 1949, when the legislation of 1932 was in force with regard to offences against “religious feelings,” requires a separate study.

cases concerns the field of art (possibly, there were simply no such cases), they give an idea of the type of offences we had to do with.

### Court Cases

The examples found in the IPN archives are of a similar nature; they usually involve behaviour during a Mass (disturbing the rite, name-calling and loud comments) or profanation of religious objects (the cross or an image of the Virgin Mary). The place of the incident is usually a village and the perpetrators are males (with one exception) without education, with vocational or secondary education, almost all under the influence of alcohol.

Nevertheless, between 1950 and 1953, the prosecutor's office sought a political motivation, and not without reason; while the role of alcohol cannot be underestimated, in some cases the offences did have such political overtones. An example: an incident in a church in Krośniewice. The perpetrator repeatedly disrupted the Mass by making malicious remarks towards the priest and the altar boys, and "at the moment of the so-called elevation... he knelt down for a moment, rose again, put his cap demonstratively on his head and called out, 'Do you believe in these superstitions?'"<sup>13</sup> In some cases, it is the political nature of the offence that stands out. In 1951, in Kutno, the suspect urged the altar boys to join the ranks of communist organisations (this took place in the sacristy where adoration of a tomb was just being celebrated, hence the charge under the article on the protection of religious feelings). The perpetrator belonged to the Polska Zjednoczona Partia Robotnicza (PZPR) (Communist Party); moreover, he "took part in the election and referendum campaign as a [communist – M. K.] agitator,"<sup>14</sup> which might have been the reasons why his case was discontinued. A case that led to a conviction and imprisonment concerned a female Jehovah's Witness (Maria, 40 years old, Polish nationality, Czechoslovak citizenship, secondary education) working as a pre-school teacher in Kisielów (Cieszyn Silesia) and accused in 1950 of having "pulled a cross off the wall in the pre-school despite the fact that the parents of the children protested against it at a meeting."<sup>15</sup> Although the act was probably religiously motivated (iconoclasm is a part of the doctrine of Jehovah's Witnesses), the accused explained to the parents that she was following a party order. However, as she admitted during her interrogation, at

<sup>13</sup> AIPN Ld PF12/766 (files of Institute of National Remembrance). I quote archive documents in accordance with the originals, correcting for punctuation and spelling.

<sup>14</sup> AIPN Ld PF12/1002.

<sup>15</sup> This and the other quotes in the paragraph AIPN Ka 023/1884.

a trade union meeting in December 1949 she was only given an instruction “to move the crosses from the main walls to the side walls.” The convict’s opponents were not only the local community or the head of the pre-school, but also the communist justice system, which “in agreement with the party” sued her for “profaning the cross and bringing the authorities into disrepute.”<sup>16</sup> This and other examples from 1950–1953 show that, contrary to the stereotype, the policy of the authorities towards the Church at that time was characterised by great restraint, resulting from an awareness of its position in Polish society.

In the second half of the 1980s, this position of the Church was already unquestionable and extremely strong (this was due to public support for the Church, the popularity of John Paul II and the close links between the opposition and the Church). This is illustrated by the surviving court case files. The protagonist of one of them is, again, a Jehovah’s Witness, a twenty-five-year-old farmer (with vocational education), who...

...on the night of February 25–26, 1986 in the village of Hucisko in the commune of Stąporków publicly insulted an object of worship of the Roman Catholic religion in such a manner that he smashed a metal image of Christ with a hammer and hung a muzzle on the arms of a cross. In addition, on March 4–5, 1986, in the village of Włochów in the municipality of Stąporków, he desecrated an object of worship of the Roman Catholic religion by cutting down a wooden cross.<sup>17</sup>

The punishment was demanded by the inhabitants of Włochów. The perpetrator confessed and “explained that he destroyed the crosses because, in his opinion, they are a symbol of crime and people should not see them” and, as a Jehovah’s Witness, he has “a hostile attitude towards Roman Catholics.” The trial, however, took a different course. Two months earlier, the perpetrator had been in a psychiatric institution and was referred for examination during the investigation; the experts diagnosed him with paranoid schizophrenia and the court, “in view of the suspect’s insanity,” discontinued the investigation and requested a preventive measure in the form of placing him in a “closed facility for the nervous and mentally ill.” Thus, the verdict quashed the political dimension of the act. It is, of course, tempting to ask a journalistic question, one that arises from knowledge of the social context of the late 1980s whether the verdict itself was not political given that an act motivated by criticism of the Catholic Church was classified as being a result of “insanity.”

16 The background to the case was the increased repression of Jehovah’s Witnesses in 1950 (accusations of being agents for the United States, numerous arrests throughout the country).

17 This and the other quotes in the paragraph AIPN Ki 012/340.

One more example: Rzeszow, April 1, 1985. A man (35 years old, secondary education) “while in an intoxicated state destroyed the decoration [in the form of ‘flowers and candles’ – M. K.] of the missionary cross next to the Parish Church in Rzeszow,” and furthermore “tore a photograph of Father Jerzy Popiełuszko off the cross and destroyed it.”<sup>18</sup> This innocuous case becomes interesting after reading the perpetrator’s testimony. Admittedly, he was intoxicated (“two beers and two vodkas of 50 grams each”) and, as he said, he acted in the heat of the moment, but the indignation that pushed him to do the deed had its source in his grudge against the Church, caused by several situations from the past. Firstly, the deception of the local priest who had allegedly underpaid him (by 1,500 zloty) a decade earlier for a painting service he had performed. Secondly, the resentment on the part of the community due to the fact that his brother abandoned the seminary, something that the local priest allegedly reproached his family for from the pulpit. The third reason is the most interesting. The perpetrator goes back to an accident that happened on the same spot, that is near the Parish Church, five months earlier: “in the month of November 1984, was passing by and I tripped on glasses and jars arranged in the shape of a cross and reaching almost as far as the roadway of Kosciuszko Street, as a result of which I fell on the pavement and cut my belly.”

The grotesqueness of this scene is uncanny; an almost literary juxtaposition of the “high” and the “low,” the “spiritual” and the “material,” the Real and the Imaginary. After the imposition of Martial Law on December 13, 1981, and later on, after the murder of the immensely popular priest Jerzy Popiełuszko by the secret police, arranging floral crosses was a regular part of the social rituals within the spectacle of the Catholic nation’s resistance to the communist authorities where resistance was all too often understood in terms of the struggle between good and evil. Among the court case files from the 1980s which I was able to access, this one is the most productive in terms of going beyond this moralistic pattern of knowledge. This is because it shows how the experience of a particular individual, Edmund, son of Bronisława and Stanisław, born on May 11, 1950, resident in Krasna, working as a bricklayer in a repair and construction company, did not harmonise with the collective experience, manifested in the national and Catholic symbolism, and how it does not fit into the framework of today’s memory of the “Polish” 1980s.

The shape of the religious law in the PRL leads researchers to the judgement that the provision on the protection of “religious feelings” was an reputation-enhancing sham gesture as in reality the aim was to use the law

<sup>18</sup> This and the other quotes in the next two paragraphs AIPN Rz 052/921.

to combat the Church and discriminate against religious people.<sup>19</sup> However, as the examples discussed reveal, such judgements should be approached with great caution. As far as the 1970s and 1980s are concerned, available statistics show that there were in total almost three times as many sentences related to the protection of religious feelings as sentences under the repressive articles (44 to 16). Evidence of the growing position of the Church can be found in the talks undertaken in the early 1980s between the Episcopate and the government to regulate the legal status of the Church. From the perspective of the logic of the Polish transformation, it is telling that the repressive articles 194 and 195 of the 1967 Penal Code were abolished on May 17, 1989 under the so-called Church Laws. These gave the Catholic Church extensive privileges, many of which formed the basis of its functioning after June 1989.

### Reports from the Censorship Office (GUKPPIW)

The examples presented above do not exhaust the subject of the protection of religious feelings in the PRL as it should be remembered that there was also an institution of preventive censorship. The GUKPPIW reports stored in the AAN are the first source of information on this subject although it should be noted at once that it is not exhaustive and not the only one. Firstly, the reports only deal with selected examples. Secondly, the GUKPPIW was “only the superior superstructure and ultimate overseer of the entire system of the de facto censorship, deeply embedded in the structure of the management of publishing houses, the press, television, cinematography and theatres,” which structure played the role of “pre-censorship thresholds removing *in limine* works deemed undesirable by local management teams.”<sup>20</sup> To gain a more complete picture of the work of the censors, one would have to look for example at the documentation covering pre-approval screenings of films or censor’s copies of theatre scores, and even this would not give a complete picture as it would not take into account the phenomenon of (conscious and unconscious) self-censorship, most often remaining hidden.

19 Cf. e. g. Krzysztof Warchałowski, “Prawnokarna ochrona wolności religijnej w Polsce w latach 1932–1997” [Criminal law protection of religious freedom in Poland in the years 1932–1997], *Studia z Prawa Wyznaniowego* 4 (2002): 63; Andrzej Wąsek, “Przestępstwa przeciwko przekonaniom religijnym de lege lata i de lege ferenda” [Crimes against religious beliefs de lege lata and de lege ferenda], *Państwo i Prawo* 7 (1995): 27–28.

20 *Prace konwersatorium „Doświadczenie i Przyszłość”. Ankieta na temat cenzury z 15 IX 1980* [Works of the ‘Experience and future seminar.’ Survey on censorship of September 15, 1980], AAN 2/2783/0/18.2/407, 3.

In the daily and monthly reports of the GUKPPIW from the period of 1982–1988, I found a total of eleven interventions the character of which was to protect the Catholic sacrum. I say “character” because the reasons for the interference are easy to guess, but as a rule the censors did not provide them. Two cases are exceptions. In April 1984, “the Film Service Company Polfilm was refused permission to print a poster for R. Polański’s film *Rosemary’s Baby* on the grounds that it insulted religious feelings” (the censor explained the objections with one sentence: “the author of the poster used the motif of Raphael’s painting *The Sistine Madonna*”<sup>21</sup>). The second example is from March 1986 and concerns Eriprando Visconti’s film *The Nun of Monza* (1969) submitted for distribution by private video rental companies in Warsaw. The plot of the film, as the report reads, is set in the late seventeenth and early eighteenth centuries in a nunnery where the aristocrat Rossio, wanted for murder, seeks refuge.

The priest, who is the guardian of the convent, and the nuns are burdened by the pride of the superior. Looking for a way to “shatter this pride,” the priest persuades Rossio to rape the Mother Superior. This happens in the presence of the nuns who afterwards take full advantage of Rossio’s stay at the convent.

“The film abounds in pornographic scenes and, in addition, many scenes may offend the feelings of believers,”<sup>22</sup> concludes the censor.

The most interesting group of interventions the character of which was protecting the Catholic sacrum concerns contemporary artistic works that were intended to be critical of the religious order or of the institution of the Church. Their authors were young or very young (exclusively male) artists, which confirms the observation that in the suffocating times of the national-Catholic intensification of the 1980s, the change in uncritical attitudes towards Catholicism and the Church was at least partly generational in nature.

The earliest example comes from July 1983 and concerns the exhibition *Zapisy* [Records] in Lublin, from which “a colour representation of the image of Our Lady of Czestochowa with a moustache painted onto it” was removed.<sup>23</sup> The work concerned is by Adam Rzepecki, who in March 1983 drew a moustache on two hundred copies of the postcard with the painting of Our Lady of Czestochowa purchased from a devotional shop, and then placed each picture on the cover of one of the two hundred copies of the art magazine *Tango*. Rzepecki’s work was a foundational gesture of the Lodz-based *Kultura*

21 AAN 2/1102/0/7.4.4/3835 (files of Archives of Modern Records).

22 AAN 2/1102/0/7.4.4/3860.

23 AAN 2/1102/0/7.4.5/3917; also in AAN 2/1102/0/7.4.4/3826.

Zrzuty [Pitch-in Culture] community which very consciously sought independence in the institutional and identity dimensions outside the “red and black alliance”<sup>24</sup> as it called the two then dominant cultural communities and centres of power, that is the state and the church.

More politically intricate was the artistic output of Sławomir Marzec. In April 1984, the censor removed from his exhibition at the Staromiejski Dom Kultury in Warsaw a collage depicting “a cut-out sign of the cross on a background of newspaper cut-outs, “holy” pictures, a photograph of the Pope, naked girls, etc.” The critical dimension of the work acquires a different shade if one bears in mind that apart from this work, two other collages by Marzec were removed from the exhibition, depicting “a cut-out swastika on the background of various graphic ornaments” and “a shape of a five-pointed star, cut-out in the centre, on a background of a set of drawings, newspaper cut-outs, slogans and headlines related to the USSR, all with ironic overtones.”<sup>25</sup> Seen in this context, the collages created by Marzec, who was then a twenty-two-year-old student at the Warsaw Academy of Fine Arts, bring to mind the gesture of the anarchist rejection of all systems of power and their symbols en bloc, which is a recurring feature in the circles of the youth of dissent.

Chronologically, the last case of interference with works by artists representing the young culture included in the reports dates from 1988. The monthly report for April reads:

A banner with the text “Come ye all to the manger, to the baby Jesus and some (naked) gals” and a painting entitled *Opus Dei* depicting Christ on a toilet seat were removed from an exhibition of paintings by Żegalski, Szpyt and Naliwajko at the BRAMA Student Gallery at the University of Warsaw.<sup>26</sup>

Piotr Naliwajko, Janusz Szpyt and Leszek Żegalski had been active since 1983 as a trio known under several names: Grupa Trzech [The group of three], Tercet Nadęty [Trio puffed up] and Całkiem Nowi Dzicy Normalni Dadaści. This last name [All new savage normal dadaists] is the most relevant one because the painting style of the “new wild ones” is maintained in the spirit of the “new expressionism,” popular in the 1980s, also in Poland, popularised by such far-famed group exhibitions as “Expression of the 1980s” (1986) or “What’s Up?” (1987). “The savage painters” often sought energy in juxtaposing religious,

24 On this subject, cf. Marcin Kościelniak, *Egoiści. Trzecia droga w kulturze polskiej lat 80.* [Egoists. The third way in Polish culture of the 1980s.] (Warszawa: Instytut Teatralny im. Z. Raszewskiego, 2018).

25 AAN 2/1102/0/7.4.5/3919.

26 AAN 2/1102/0/7.4.5/3924; also in AAN 2/1102/0/7.4.4/3887.

metaphysical or national themes (and the prevailing styles of depicting them) with the Dadaist defiance and the anarchist spirit. “In Poland during the communist era, only one painting was removed from my exhibition, and that only two days after the opening,”<sup>27</sup> Leszek Żegalski, author of the *Opus Dei* canvas, recalled years later. A few months later, at the end of 1988, his painting *Wartki Janek, czyli wypadek motocyklisty* [Rapid Johnny, or a motorcyclist’s accident] won the Grand Prix of the celebrated Arsenal’88 – Polish National Exhibition of Young Visual Arts (which paved the way for Żegalski to an international career as a portraitist). I mention this because of a special circumstance: the Arsenal’88 was organised by Leszek Jampolski and Jarosław M. Daszkiewicz, curators of the Brama Gallery. It can be assumed with a high degree of probability that it was their experience with censorship that led them to include a clause in the terms and conditions of the exhibition opened a few months later: “the Qualification Committee reserves the right to eliminate from participation in Arsenal’88 works that offend morality, religious feelings, as well as works that do not meet the conditions specified in these terms and conditions.”<sup>28</sup> This is the first example known to me of the official invocation of “religious feelings” as an artistic criterion after 1945.

### The Act of July 31, 1981 on Control of Publications and Performances

In the 1970s, and especially in the 1980s, “despite numerous conflicts and disputes, a certain range of common interests between the Church hierarchy and the authorities of the PRL began [...] slowly to emerge,”<sup>29</sup> stated Antoni Dudek and Ryszard Gryz in their monograph on state-church relations in the PRL. Although they only mentioned the fight against “social pathologies” and the “cultural and moral patterns coming from the West” (there is an abundance of interventions of this kind in censorship reports), the practice of eliminating gestures bearing the mark of profanation of the Catholic sacrum from the public sphere fits well into this conservative view. A behind-the-scenes insight into the relations between the government and the episcopate

27 Krzysztof Strauchamann, “Leszek Żegalski. Obrazoburca i skandalista” [Leszek Żegalski. Iconoclast and scandalist], *Nowa Trybuna Opolska*, August 20, 2011, accessed February 8, 2024, <https://nto.pl/leszek-zegalski-obrazoburca-i-skandalista/ar/4448145>.

28 Regulamin Ogólnopolskiej Wystawy Młodej Plastyki “Arsenał – 88” [Regulations of the National Exhibition of Young Fine Arts “Arsenał – 88”], in *Archiwum Zakładowe MKiDN 1410/42*. I owe this trail to a book by Jakub Banasiak, *Proteuszowe czasy. Rozpad państwowego systemu sztuki 1982–1993* (Warszawa: ASP, MSN, 2020).

29 Antoni Dudek and Ryszard Gryz, *Komuniści i Kościół w Polsce (1945–1989)* [Communists and the Church in Poland (1945–1989)] (Kraków: Znak, 2003), 348–349.

is provided by the transcripts of the talks held within the framework of the Joint Commission reactivated at the end of 1980 the aftermath of the tide of change set in motion by the Solidarity. On the sidelines of the discussion on censorship, representatives of the Church raised, among other things, concerns that Andrzej Żuławski's film *Diabeł* [The devil], which was banned from distribution in 1972 because of, inter alia, "scenes offending religious feelings," might be released for distribution. "I listen with trepidation to what is not to be in Polish culture,"<sup>30</sup> stated Kazimierz Barcikowski when summarising the exchange with Church representatives. It is worth remembering that the Church on the one hand guaranteed freedom from the intervention of state censorship in the particular spheres of public life under its control, such as the independent culture movement of the 1980s organised using church-owned premises, but on the other hand, it exercised censorship of its own.<sup>31</sup>

The awareness of the existence of an "alliance" between the party and the Church in the field of censorship does not nullify the question whether there were provisions within the regulations on the GUKPPIW that authorised intervention in defence of religious feelings. Neither in the Decree of July 5, 1946 on the establishment of the GUKPPIW, nor in the regulation of the Prime Minister of April 22, 1975, that is in the documents defining the criteria for censorship, does such a provision appear. For 35 years there was no such provision, until October 1, 1981 when the Act of July 31, 1981 on control of publications and performances came into force; Article 2 point 8 deals with "the protection of religious feelings and at the same time of the feelings of non-believers." The law remained in force unamended until the imposition of Martial Law. Amendments were soon introduced and codified in the Press Law of January 26, 1984, but these did not include the provisions on the protection of feelings.<sup>32</sup> The only change in this respect was that whereas in the censorship reports from the period between October 1 and December 13, 1981 justifications for the interventions appear in the form of a reference to a specific provision of the law (Legal basis: Article 2 point 8 of the Act on control [...]), in the period after the imposition of Martial Law the justifications disappear and the reader of the reports has to guess at them. Such justifications only appear again in

30 *Tajne dokumenty państwo – Kościół 1980–1989* [Secret State-Church documents 1980–1989] (Warszawa: Aneks, 1993), 24–28.

31 Cf. Kościelniak, *Egoiści*, 83–103.

32 One of the remnants of the Act of 1981 was the option for magazines to mark the sites of censorship interventions, which Catholic magazines took advantage of throughout the 1980s.

reports after May 29, 1989 when the Act of July 31, 1981 was reinstated in an almost unchanged form as a result of the agreements between the opposition and the government (concluded at the so-called “round table”).<sup>33</sup>

A search in the reports of the GUKPPiW from the time before the Act of 1981 was in force reveals, however, that the censorship office did not need any formal regulation at all to protect “religious feelings.” Example: a poster by Jacek Bienkowski was removed from the 7th International Poster Biennale at the Zachęta Gallery (1978) where the said poster “depicted a crucified Jesus holding trouser legs in his hands; the poster bore the inscription: ‘JESUS JEANS ORIGINAL AMERICAN FABRIC – WHAT ARE THE LIMITS OF ADVERTISING?’”<sup>34</sup> This intervention is interesting because Bienkowski did not go against the Church, but acted in defence of traditional religious values being abused (in his view) in consumerist capitalist societies. The censors probably wanted to be on the safe side. The justifications were therefore not based on the official legal regulations concerning the GUKPPiW, but were taken directly from the Penal Code and probably unofficial internal guidelines.

This makes it all the more intriguing that the issue of the protection of religious feelings within the scope of activity of the GUKPPiW was formally regulated in the declining period of the first Solidarity (1980–1981) and it was claimed as soon as the opposition came to the fore again in late 1988 and early 1989. A closer look at the history of the Act of July 31, 1981 and an analysis of the censorship reports from these two short periods provide an interesting starting point for thinking about the Polish transformation in terms of a x i - o l o g i c a l change.

### Protection of the “Feelings of Non-believers” (1981)

The history of the Act of July 31, 1981 on control of publications and performances goes back to the demands formulated by the striking Gdansk Shipyard on August 17, 1980 (item 3: “to respect the freedom of speech, printing and publication

33 On the history of censorship laws in the PRL, cf. e.g. Zofia Radzikowska, *Z historii walki o wolność słowa w Polsce. Cenzura w PRL w latach 1981–1987* [From the history of combat for freedom of speech in Poland. Censorship in the Polish People’s Republic in 1981–1987] (Kraków: Universitas, 1990); Tomasz Goban-Klas, *Niepokorna orkiestra medialna. Dyrygenci i wykonawcy polityki informacyjnej w Polsce po 1944 roku* [A rebellious media orchestra. Conductors and executors of information policy in Poland after 1944], trans. Anna Minczewska-Przeczek (Warszawa: Oficyna Wydawnicza Aspra-JR, 2004); Tomasz Mielczarek, “Uwarunkowania prawne funkcjonowania cenzury w PRL” [Legal conditions of operation censorship in the Polish People’s Republic], *Rocznik Prasoznawczy* 4 (2010).

34 AAN 2/1102/0/73.4/3676.

guaranteed by the Constitution of the PRL and thus not to repress independent publishing houses as well as to make the mass media available to representatives of all faiths"). The abolition of preventive censorship proved unrealistic; instead, the agreements between the strikers and the government of August 31, 1980 contained provisions that obliged the government to submit a draft of a new censorship law to the Sejm and set the course for changes in the basic principles of the activity of the GUKPPiW. "Censorship, unfortunately, still remains [...] but it is overt censorship [...] whose competences will be defined in a law and whose decisions will be appealable to a court,"<sup>35</sup> explained Andrzej Gwiazda to the shipyard workers. In the following months, two working drafts were prepared, a public one and a government one, on the basis of which, on January 14, 1981, a special committee announced a single draft; however, in the absence of agreement on all issues, some items were given in two different variants. In drafting the final law of July, 31, the government made an arbitrary unification of the drafts.<sup>36</sup> Crucially for me, the provision on respecting the principle of "freedom of conscience and religion" was included in both the public and the government drafts while the compromise draft was uniform and was not a matter of dispute with regard to the item on the prohibition of "insulting religious feelings and feelings of non-believers." This accord becomes understandable if we consider that the already mentioned protocol of agreement of August 31, 1980 included the suggestion that the future censorship draft should guarantee "the protection of religious feelings and at the same time the feelings of non-believers."

The fact that the "feelings of non-believers" were also included in this provision is intriguing. It has a legal basis in the 1969 Penal Code; admittedly, Article 198 on the protection of religious feelings does not mention "feelings of non-believers," but the other sections of the chapter on offences against freedom of conscience and religion were structured in such a manner as to include both "religious affiliation" and "irreligiousness" of citizens. This does not change the fact that the inclusion of the "feelings of non-believers" in the censorship law was an expressive political gesture. Although it is uncertain whether this initiative came from the strikers, such an assumption can be made bearing in mind that Solidarity readily referred to the idea of pluralism, which, incidentally, still determines the strength of its myth today. The functioning of the Act on control of publications and performances during the less

---

35 Andrzej Drzycimski and Tadeusz Skutnik, *Gdańsk Sierpień '80. Rozmowy* [Gdańsk August '80. Conversations], (Gdańsk: Aida, 1990), 401.

36 The drafts were widely covered in the trade union press, cf. in particular *Zeszyty Forum Sierpień '80*, 1980; *Tygodnik Solidarność* 3, 30, 35 (1981). The state press also reported on the talks and drafts, cf. e. g. *Życie i Nowoczesność*, November 27, 1980; *Prasa Polska* 1 (1981).

than three months when it was in force (between October 1, and December 13, 1981) undermines this myth in a particularly impressive way.

Only one intervention was made during this period, which was based on Article 2 point 8 of the Act of July 31, 1981. The information can be found in the GUKPPIW report of October 19 and the matter concerns the following passage from the biweekly *Kwadrat*, the magazine of the printing workers of the Solidarity trade union in Szczecin: “one should be grateful for what they have done. They made the nation aware, that much is true,” he said to his own folks. “But atheists must not be allowed to come to power. Atheists have no moral principles. Atheists have ruled for so many years.”<sup>37</sup> The censors demanded that the last three sentences be removed. The final version in the pages of *Kwadrat* looked like this: “one should be grateful for what they have done. They made the nation aware, that much is true,” he said to his own folks [-----] [Intervention has been made under Article 2 point 8 of the Act because religious feelings and the feelings of non-believers must not be insulted].”<sup>38</sup>

The quote comes from the article “Obok nurtu” [Beside the current] in which the author, Tadeusz Szumigraj, provided behind-the-scenes coverage from the point of view of a participant in the First National Congress of Delegates of the “Solidarity” Trade Union (September–October 1981). This particular case concerns a well-known episode from the fourth day of the proceedings of the second round of the Congress (September 29, 1981) during a discussion on a draft resolution expressing gratitude to the Komitet Obrony Robotników (KOR) (Workers’ Defence Committee), the famous opposition organisation established in 1976 having a reputation for being left-wing (its best-known leaders were Jacek Kuroń and Adam Michnik). At that time, a group of Solidarity delegates from the Mazovia region put forward a counter-proposal that completely ignored the KOR’s merits, highlighting in particular the Christian genealogy of the Solidarity (from the Baptism of Poland in 966 to John Paul II’s pilgrimage to Poland in 1979).

This episode is known as the appearance of the “true Poles,” that is the faction of Solidarity that came to the fore at the end of 1981. The passage from the censorship reports quoted above is another argument why the national-Catholic ideology of the “true Poles” should not be perceived as an aberration,<sup>39</sup>

37 AAN 2/1102/0/7.4.4/3805.

38 Tadeusz Szumigraj, “Obok nurtu” [Beside the current], *Kwadrat* 14 (1981): 8.

39 Cf. e.g. Andrzej Friszke, *Rewolucja Solidarności 1980–1981* [Solidarity Revolution 1980–1981] (Kraków: Znak Horyzont, Instytut Studiów Politycznych PAN, Europejskie Centrum Solidarności, 2014); Jan Sowa, *Inna Rzeczpospolita jest możliwa! Widma przeszłości, wizje przyszłości* [Another Republic is possible! Ghosts of the past, visions of the future] (Warszawa: W.A.B., 2015).

as the guardians of the discourse of the inclusive Solidarity might want, but as an attitude that fits into the symbolic universe of the movement which is rooted in many ways in the Catholic ideology.<sup>40</sup> As can be seen from Szumigraj's article, the demand to exclude atheists from the community is fully understood by a member of the Solidarity committee at the Gdansk Shipyard talking to the workers who are on duty keeping order that day. When making the intervention, the state censors obviously took into account the interests of the party ("Atheists have ruled for so many years"), but this does not change the fact that we are dealing here with a spectacular rupture in the discourse of the relation between the authorities and the opposition in the PRL; some state censors made an intervention under the provision demanded in the August Agreements and thus defended the "feelings of non-believers" who belonged to Solidarity and were attacked by other members of Solidarity, which was described in the union's bulletin without any comment.

When looking from this perspective at the provision on the protection of "religious feelings" and "feelings of non-believers" negotiated by Solidarity, it is possible to put forward the thesis that the requested inclusiveness functioned here under special conditions, characteristic of many of Solidarity's legal acts; as a rule, they demand a pluralistic worldview, but at the same time emphasise the special status of the Church and the so-called Christian roots of Polish culture.

### **Protection of the "Feelings of Non-believers" (1989)**

As in August 1980, also during the talks between the opposition and the government, assisted by representatives of the Church at the Round Table (within the sub-group for mass media), the complete abolition of censorship was not taken into account as a possible option, and the demand for the restoration of the Act of July 31, 1981 in its original wording was understood as a compromise. This was supported by the fact that the law of July 31, 1981 was the fruit of "broad, serious public consultation in which the Church also participated," as Jacek Ambroziak put it, referring to the position of the episcopate during the negotiations.<sup>41</sup>

40 See Marcin Kościelniak, "Revolution in the Cross's Shadow: Solidarity as Performance," *Polish Theatre Journal* 2 (6) (2018), accessed February 8, 2024, <https://www.polishtheatrejournal.com/index.php/ptj/article/view/181/880>.

41 Transcript of the first meeting of the Mass Media Subgroup on February 17, 1989, 133, accessed February 8, 2024, <https://orkaz.sejm.gov.pl/OkraglyStol.nsf/o/A7680B4367D9EBBAC1257CDF003DA5F1/%24File/00014,0303.pdf>.

The censorship reports from the period after May 29, 1989, that is when the Round Table agreements on the operation of preventive censorship were put into practice, contain as many as four interventions annotated that they were based on article 2 point 8 of the law of July 31, 1981. Two are from June: these are “scenes of profanation of religious symbols: a statue of the Virgin Mary and a crucifix [which – M. K.] were removed from the videocassette film of American production *The Exorcist*” and the lyrics of the song *Kanibalizm* [Cannibalism – M. K.] by Z. Trysinski, removed from the programme of a music event of the Iłża Days of Culture (“What sort of religion is this that eats its god on the altars / They eat his flesh, drink his blood from the cup / Satiated cannibals return home / Having confessed, the doubt is already gone / They can go on sinning with a clear conscience”<sup>42</sup>). The information from September contains a record of interventions in Andrzej Dudzinski’s article “Satanisci” [Satanists] published in the daily newspaper *Wieczór Wybrzeża*. Among the statements by Polish Satanists quoted by the author, criticism of the clergy for living in the lap of luxury was allowed, but the accusation that they “live with their house servants” and the statement by “Naamah” summarising these observations were removed: “I hate them for this sanctimony and hypocrisy.” From the statement made by “Lilith” (“For the sake of wooden altars, dead idols, they demand unprecedented sincerity and total devotion from us”), the words, “For the sake of wooden altars, dead idols” were deleted.<sup>43</sup>

The last such case, from November, involved the deletion of the words “the dick of our Lord Jesus” from the sentence “and may the dick of our Lord Jesus get erect in your throat.”<sup>44</sup> The sentence, uttered by a priest character, comes from Jerzy Niecikowski’s book *Reguły gry* [Rules of the game], a story about the struggle of the underground opposition against the security authorities in the mid-1980s. The book was submitted for publication in instalments by the weekly magazine *Kultura*.<sup>45</sup> Interestingly, it was a reprint of Niecikowski’s novel that had been published two years earlier, uncensored, by the clandestine publishing house Most. In this case, the underground publishing turned out to be genuinely “independent” although it should be noted that Niecikowski’s book, “depicting the clash between moral principles and the

<sup>42</sup> AAN 2/1102/0/7.4.5/3925.

<sup>43</sup> AAN 2/1102/0/7.4.4/3905.

<sup>44</sup> Ibid.

<sup>45</sup> The printing of the novel in instalments in *Kultura* was barely brought halfway through so it ultimately did not include the passage with the curse challenged by the censorship.

game for a career”<sup>46</sup> generally has a fully dissident tone; it can therefore be said that the censors took care of the purity of the message.

The quantitative change in the information on interventions motivated by the protection of “religious feelings” in 1989 relative to previous years is manifest, but it is not clear whether there were more actual interventions, or those who reported them were simply more zealous. Far more telling is the seemingly insignificant fact that in the June 1989 report, the category “Protection of religious feelings” was singled out in the table of contents for the first time.<sup>47</sup> Apparently, in view of the humiliating defeat of the communists in the June 1989 elections, GUKPPIW officials expected not only a quantitative and qualitative change in this type of interventions, but also a change in the structure of the censorship activity. I wish to point out that the category singled out in the GUKPPIW report of June 1989 speaks only of the protection of “religious feelings” and omits “feelings of non-believers.” This is, of course, a trivial matter, but it can be considered symptomatic bearing in mind the nature of the changes for which June ‘89 became the pivotal moment, the changes that meant that the social and legal norms of social life were thoroughly subordinated to the Catholic ideology.

### Archive of Transformation

I suggest that this moment when the “protection of the feelings of non-believers” emerges and disappears as a legal principle and an element of the symbolic order be remembered as an apt illustration of the logic of the Polish transformation.

The common knowledge of the transformation is founded on a binary opposition between the communist party (PZPR), identified with the sphere of power, and the Church and Solidarity, identified with the sphere of freedom and resistance. This knowledge can be called “school-based” or “national” because of its “normativity” characteristic of the institutions transmitting it, which belong to the state industry of collective memory. In the theory of censorship, this type of “set-up” knowledge is called productive censorship.<sup>48</sup> The idea here is to point out that it is not only what is banned that deserves

46 Quoted from the fourth page of the cover of the second (and first “non-underground”) edition of Niekowski’s 1991 book; the disputed passage is quoted here uncensored.

47 AAN 2/1102/0/7.4.5/3925. The last monthly report, dated July 1989, did not record interference under art. 2 point 8. The daily reports, the last of which is dated April 9, 1990, did not use a table of contents.

48 Cf. Judith Butler, *Excitable Speech: A Politics of the Performance* (London: Routledge, 1997), chapter 4.

the name of censorship, but also what pre-legally sets our way of thinking and speaking, causing us to unconsciously move within a certain framework permitted by the social and cultural norm. This implicit “setting” is the result of a complex process, beginning at the moment of entry into language and continuing at the level of the discourses being acquired, conceived as socially sanctioned tools for ordering, understanding and making the senses of reality. Not only knowledge is involved, but also desires, having in this case their origins primarily in society’s collectively nurtured ideas about itself.

The method I propose in this paper for breaking the seal of productive censorship comes from the resources of classical cultural history: it is a return to the archive as a means of verifying and producing knowledge. We automatically think of the archives of communist censorship as evidence of the repression of state power applied to manifestations of social insubordination. If we “remove” the filter of this productive censorship from the archives of the PRL censorship, they become a testimony to a more complex (although, of course, as a rule, always incomplete) picture of social life in the PRL. To put it differently, the censorship archives, so far serving as a source of knowledge about the distortion of social life by the state authorities in the PRL, this time will serve as a source of knowledge about the distorted image of social life in the PRL functioning to this day in collective memory and constituting an important component of the imaginary structure of collective identity.

This method of a “classical” return to the archive is therefore not “classical” in the dimension in which it is supported by the awareness that a return to the archive is not possible because the archive as such does not exist. An archive, a material one, such as the archive of the communist censorship, only exists in a discursivised way.<sup>49</sup> What I have in mind here is not the discourse that precedes the material archive and determines its content (deciding on what is considered worth collecting and why), but the discourse that each time determines our entry into an already existing archive, deciding on its content, on what and why we consider worthy of interest and making public, and on what and why we manage to perceive it as meaningful at all (and what gets missed). After all, the examples of the protection of religious feelings in the PRL cited above do not come from newly discovered archives, but from archives that have already been analysed many times by various researchers as a basis for the knowledge produced. These examples, however, have been omitted or even, I believe, simply overlooked, because they come from

---

<sup>49</sup> I refer here to Michel Foucault’s thought, fundamental to archive theory; cf. his *The Archaeology of Knowledge*, trans. A. M. Sheridan Smith (London: Routledge, 2002), chapter “The Historical a Priori and the Archive.”

outside of the field of knowledge about Polish transformation, from outside of its (discursivised) archive.

Work in the archive of the Polish transformation, as I understand it, is thus primarily about deconstructing the existing archive, and further about constructing new discursive strands, a new archive that has the potential to threaten the legitimate patterns of collective identity.

## Abstract

---

**Marcin Kościelniak**

JAGIELLONIAN UNIVERSITY

*Protection of Religious Feelings in the People's Republic of Poland. Archive of Transformation*

The author examines the under-researched issue of protecting religious sentiments in the Polish People's Republic, focusing on the 1980s. The study is based on examples of court cases and interventions of preventive censorship, identified through extensive inquiries in state archives. The author analyzes the results of these inquiries in legal, historical, and political contexts, referring to methodologies from the fields of censorship theory and archive theory. The protection of religious sentiments in the final decade of the Polish People's Republic interests the author primarily as evidence of the logic of the Polish transformation, which resulted in a non-secular democracy: the examined archives reveal an "axiological change" that happened since the first Solidarity movement.

## Keywords

---

archive, censorship, religious feelings, feelings of non-believers, transformation, nonsecular democracy, Polish People's Republic, Church, Party, Solidarity