

## **SUMMARY**

### **Principle of cooperation between the Catholic Church and the state regarding protection and care of immovable historical sacral monuments in Poland**

Culturally and historically important sacral objects are a large group of immovable historical monuments in Poland. Looking after them is in the interest of both the state and the Church. These objects have a sacral function and are a part of cultural heritage. Therefore, they belong to the whole nation. The Act of 23 July 2003 on the protection of monuments and the care of historical monuments presents three categories of monuments: immovable monuments, movable monuments, and archaeological monuments. It does not include a distinct category of sacral monuments. Furthermore, this act introduces a differentiation between protection of monuments, which is performed by the public administration, and guardianship of monuments, which obligates their owner or holder.

The aim of this doctoral dissertation is indicating the obligations targeted on the owner or holder of immovable historical sacral monuments by civil law and canon law. It is essential to determine whether as a form of legal protection of these objects both these legal systems have the same or similar legal instruments performing specific actions. The main research problem is of the following: to what degree is the constitutional principle of cooperation between the state and churches and religious denominations for the good of mankind and the common good applied to the protection and care of immovable historical sacral monuments.

The subject of research justifies the use of the legal dogmatic method and comparative law method, as well as analysis and synthesis. The historical aspect of some issues is mentioned, but only to a degree that is helpful in better understanding of the scientific discourse and the existing legal norms regulating the protection and care of historical monuments.

This dissertation consists of a list of abbreviations, an introduction, four chapters, conclusions, a bibliography, and an appendix. Each chapter includes an introduction to

the discussed issues and final conclusions. The first chapter presents theoretical background for the following chapters and functions as an introduction to further discussion. The terminology used is based on the Polish civil law, mainly on the act of 23 July 2003 on the protection of monuments and the care of historical monuments. The concepts of cultural good, monument, immovable monuments, movable monuments, archaeological monuments, sacral monuments, protection of monuments, and guardianship of monuments are defined.

The second chapter discusses constitutional foundations of protection and guardianship of monuments in Poland. The Constitution of the Republic of Poland states that one of the aims of the state is protecting the cultural good, as well as providing citizens with access to it. In this respect, the Constitution of the Republic of Poland puts religious denominations under obligation. This chapter also introduces administrative and legal issues. It presents the following concepts: entering a monument in the Register of Monuments, registering a monument, granting historical monument status, heritage conservator supervision and authorisation, and heritage conservation programmes. The differences between notions of immovable monuments and fixed property are shown. This chapter outlines general principles on protection and care of monuments and related to them limited property rights. The final section of this chapter analyses crimes against historical monuments.

The issue of laws regulating activities in the area of immovable monuments in canon law, which are discussed in the third chapter, is of great importance for this dissertation. This chapter includes both generally applicable law, and particular law of the Catholic Church in Poland.

The final chapter characterises the rights and obligations of the owner or holder of immovable monuments towards them. Owners or holders have the right of access to the documents produced by the Voivodeship Inspector of monuments. They also have a right to receive financial aid. The number of obligations put on these persons is more significant.