

**MARIA CURIE – SKŁODOWSKA UNIVERSITY
IN LUBLIN**

**FACULTY OF LAW AND ADMINISTRATION
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**SUMMARY
OF DOCTORAL DISSERTATION**

**Nationalisation of Church Real Estate in the Polish People's
Republic**

**Prepared under supervision by
dr hab. Arkadiusz Bereza, professor at UMCS**

Key words: nationalisation, church real estate, mortmain estate, church property, Catholic Church, Roman Catholic Church, Concordat of 1925, Second Republic of Poland, Polish People's Republic, church legal persons, parish, legal succession.

The doctoral thesis discusses the nationalisation of church real estate in the period of the Polish People's Republic, i.e from 1944 till 1989. The topic has been chosen taking into account significant and far-reaching consequences of the nationalisation process for the rearrangement of the property system in the Polish People's Republic, the effects of which can be still seen to date. The limiting of the research area to the issue of the real estate owned by the Catholic Church of the Latin rite was dictated by the need to focus on the analysis of selected legal acts and narrowing the framework of the study, as well as taking into account the dominant position of the Roman Catholic Church among the religious denominations practised in the territory of the Polish People's Republic.

The issue of nationalisation of church properties in the People's Republic of Poland has been presented in the dissertation in a multifaceted manner. Although it is a study that predominantly covers the area of legal history, it also addresses issues in the field of civil, constitutional, religious and administrative law.

The principal aim of the thesis was to analyse the legal solutions applicable during the Polish People's Republic period in the context of the phenomenon of nationalisation of ecclesiastical real estate. The consequence of such a defined aim of the dissertation was to focus the research on determination of the manner and scope of carrying out the nationalisation of church property in the Polish People's Republic on its normative basis, taking into account the views of the scholarly opinion and judicial decisions. The research was based on the legislation of the period of the Polish People's Republic that regulated issues related to state interference in the right of private ownership. Then, having adopted the chronological criterion, an in-depth analysis was made of legal acts containing provisions of a nationalising nature targeting the church property. The research problem within that temporal scope also included the analysis of legal acts taking into account the issue of legal personality of the Roman Catholic Church and other ecclesiastical entities. It should be noted that the thesis focuses on the provisions of national law, and not on the provisions of canon law, which were discussed only to the extent necessary for the correct interpretation of the legal provisions in force in the Polish People's Republic.

The dissertation is structured chronologically. It consists of eleven chapters, an introduction and a conclusion for the research area concerned, and a bibliography. The division of the study into eleven chapters is justified by the diversity of legal acts under which the process of nationalisation of church property was carried out and the fact they had to be discussed separately, taking into account the individual character of each legal regulation.

The research aim, hypotheses and the subject of the doctoral dissertation determined the choice of research methods. Several research methods were used in the dissertation, namely the dogmatic-legal method, the historical method, the statistical method and the method of case-law analysis. The basic method used in the dissertation is the dogmatic-legal method. The author refers to materials collected during archival research, which have not been published so far. A new element is also the research and analysis of the current case-law of common courts, administrative courts and the Supreme Court.

The analysis carried out in the area of the research topic gave an answer to the general and specific research questions and allowed all the research hypotheses to be verified.

To sum up, the doctoral thesis is a comprehensive analysis of the scope of the process of nationalising properties owned by the Roman Catholic Church after World War II in normative, doctrinal and jurisdictional terms. The subject of the study is certainly important not only from a normative but also from a social perspective. The problem undertaken in the dissertation remains relevant especially in the context of the so-called property recovery judicial proceedings initiated by Church entities.

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