

ORIGIN OF PRINCIPLE OF COOPERATION BETWEEN  
THE CATHOLIC CHURCH AND THE STATE IN PREPARATORY  
DOCUMENTS FOR THE SECOND VATICAN COUNCIL.  
OUTLINE

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**Summary.** The Second Vatican Council recognised the principle of cooperation between the two communities as one of the foundations to develop relations between the Church and the State. Before its final proclamation under the number 76 of the Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, the Council Fathers had thoroughly analysed the existing models and foundations of the relationship of the Church and the State.

In this article one attempted to present the Council's path to a deeper understanding of the Catholic ecclesiology in mutual relations of the community of the Church and of the State, the postulate of which is the principle of cooperation. The proposals that were subject to discussion at the general congregations during the preparatory period of the particular document schemes were not always approved. The participants of the Council once again read the Church's mission in the world, that is why they referred so critically to the so-called „unfortunate separation” (*infausta separatio*) of Church and State. They decided that those relations should be dictated by sincere cooperation of the two communities and their authorities, as the same people belong both to the Church and the State; only the reasons for their affiliations vary.

**Key words:** principle of cooperation, Church-State relations, the Second Vatican Council, the Church public law

Ivo of Chartres (\*1040–†1115) wrote that when the royalty and the priesthood agreed with each other the world was well-governed and the Church flourished and bore fruit<sup>1</sup>. The history of relations between the State and the Church is indicative of the statement of this medieval lawyer, that is still true and valid. It is confirmed by the respective legal systems of mutual relations existing between these two communities. Therefore, it is indispensable to ask the following question: what criterion must be met in order to achieve and maintain a steady development of the State and the Church? The answer to this question is cooperation.

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<sup>1</sup> *Novit enim paternitas vestra, quia cum regnum et sacerdotium, bene regitur mundus, floret et fructificat Ecclesia*, S. Ivo Carnotensis, *Epistola CCXXXVIII, Domino et Patri suo Paschali*, in: *Patrologiae cursus completus. Series latina prior*, Tomus CLXII, J. P. Migne (ed.), Paris 1854, col. 246 B.

The Latin *cooperatio* means collaboration, assistance, partnership, cooperation<sup>2</sup>. This term was used in the original text of the Pastoral Constitution on the Church in the Modern World<sup>3</sup>. Polish translation of this document contains the term „collaboration”. J. Krukowski explains that the Polish equivalent of the term *cooperatio* is „cooperation“ rather than „collaboration”. According to his view, collaboration is when two parties perform the same task using the same means while the cooperation is when each party performs its own tasks but both parties pursue the common objective<sup>4</sup>.

The Second Vatican Council's goal was the so called *aggiornamento* that is modernisation, renovation and adaptation of the activities of the Catholic Church to the changes that had taken place in the contemporary world. Therefore, it was necessary to undertake the task of reading the „signs of the times” anew and confront them with the immutable principles of the doctrine of the Gospel. In response to the question *Ecclesia, quid dicis de te ipsa?*<sup>5</sup>, asked by the Council itself, the Council neither changed nor intended to change this doctrine, rather it developed, deepened and more fully explained it<sup>6</sup>.

In this article it will be attempted to present the Council's path to a deeper understanding of the Catholic ecclesiology in mutual relations of the two communities: the Church one and the State one, the postulate of which is the principle of cooperation. Due to the nature of the study, one will analyse only certain schemes of documents<sup>7</sup> that concerned the relations between the Church and the State along with the discussions of the Council Fathers that concerned them.

<sup>2</sup> J. Sondel, *Słownik łacińsko-polski dla prawników i historyków*, Kraków 2009, p. 225; *Słownik łacińsko-polski*, M. Plezia (ed.), vol. I, Warszawa 2007<sup>2</sup>, p. 761; A. Jougan, *Słownik kościelny łacińsko-polski*, Warszawa 1992<sup>4</sup> (reprint of the third edition of 1958), p. 157.

<sup>3</sup> AAS 58 (1966), p. 1099, no 76.

<sup>4</sup> J. Krukowski, *Kościelne prawo publiczne. Prawo konkordatowe*, Lublin 2013, p. 159, footnote 30. Polish language dictionaries define the terms collaboration and cooperation as follows: to collaborate: 1) to act, work with someone, help someone in an activity, 2) to have an impact on something, to contribute to something together with other factors, 3) to work together with others; collaboration – a work performed jointly with someone, with others, working together, activity carried out jointly; to cooperate – to work together with someone, to participate in a collective work, to take part in someone's work, activity, to work together with someone or something, in consultation with someone, in relation to machines: to function, to operate together with other parts of the mechanism as a more complex whole; *Słownik języka polskiego*, M. Szymczak (ed.), vol. III, Warszawa 1985, pp. 768–769; *Nowy słownik języka polskiego*, E. Sobol (ed.), Warszawa 2002, p. 1150. *Nowy słownik poprawnej polszczyzny*, A. Markowski (ed.), Warszawa 2002, p. 1182.

<sup>5</sup> I.e. „Church, what do you say about yourself?”, see: K. Wojtyła, *Wstęp ogólny*, in: Sobór Watykański II, *Konstytucje, dekryty, deklaracje*, Polish text, new translation, Poznań 2002, p. 12.

<sup>6</sup> *Congregatio pro Doctrina Fidei, Responsa ad quaestiones de aliquibus sententiis ad doctrinam de Ecclesia pertinentibus*, 29 VI 2007, AAS 99 (2007), pp. 604–608, Polish text: „L'Osservatore Romano” (Polish edition) 9 (296) 2007, p. 58.

<sup>7</sup> The most comprehensive list consisting of as many as 17 schemes is included in: R. Passigato, *Il regime di libertà religiosa e le relazioni tra la comunità politica e la Chiesa cattolica nel Vaticano II*. Dissertatio ad lauream in Facultate Iuris Canonici apud Pontificium Universitatem Gregorianam, Roma 1973, pp. 132–134. The list consists of the following schemes: 1) *Schema*

On 30<sup>th</sup> May 1960, in his speech during the consistory, Pope John XXIII announced the appointment of bodies, the duties of which were to prepare the works of the Second Vatican Council<sup>8</sup>. A few days later, he announced the Apostolic Letter *Superno Dei nutu* whereby 10 Council Commissions and 3 Secretariats were established<sup>9</sup>. Those offices were responsible for the preparation of materials sent to the Roman Curia by the bishops and Catholic universities in order to submit them for the session of the Council Fathers.

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*Constitutionis de ordine morali*, accepted by the Theological Commission in 1961; 2) *Schema Constitutionis doctrinalis de ordine sociali*, accepted by the Theological Commission in 1962; 3) *Schema Constitutionis doctrinalis de communitate gentium*, presented by the Theological Commission in 1962; 4) *Schema Constitutionis de apostolatu laicorum*, pars IV: *De apostolatu laicorum in actione sociali*, presented by the adequate Subcommittee in 1962; 5) *Schema Constitutionis dogmaticae de ordine morali christiano*, corrected by the Preparatory Central Subcommittee that is obliged to transform the schemes, in 1962; 6) *Schema Constitutionis doctrinalis de ordine sociali*, corrected by the Preparatory Central Subcommittee that is obliged to transform the schemes, in 1962; 7) *Schema Constitutionis doctrinalis de communitate gentium*, corrected by the Preparatory Central Subcommittee that is obliged to transform the schemes, in 1962; 8) *Schema Constitutionis de apostolatu laicorum*, pars IV: *De apostolatu laicorum in actione sociali*, corrected by the Preparatory Central Subcommittee that is obliged to transform the schemes, in 1962; 9) *Textus schematis de praesentia efficaci Ecclesiae in mundo hodierno*, presented by the Mixed Commission (The Theological Commission and the Commission for the Apostolate of the Laity) in 1963; 10) *Adumbratio Schematis XVII de activa praesentia Ecclesiae in mundo aedificando* of 1963 (text from Manila); 11) *L'Eglise dans le monde actuel (Ecclesia in mundo huius temporis)* of 1964 (text from Zurich); 12) *Schema de Ecclesia in mundo huius temporis* (first official version sent to the Council Fathers) of 1964; 13) *Schema de Ecclesia in mundo huius temporis*, Adnexa of 1964; 14) *Constitutio pastoralis de Ecclesia in mundo huius temporis*, textus recognitus et relationes, pars I and II of 1965; 16) *Schema constitutionis pastoralis de Ecclesia in mundo huius temporis*, textus et correctiones admissae necnon expensio modorum partis primae et secundae of 1965; 17) *Constitutio pastoralis de Ecclesia in mundo huius temporis*, accepted during the public session on 7<sup>th</sup> December 1965.

<sup>8</sup> G. Caprile, *Die Chronik des Konzils und der nachkonziliaren Arbeit vom Oktober 1958 bis Dezember 1967*, „Lexikon für Theologie und Kirche” [hereinafter the abbreviation: LThK is used] 3 (1968), p. 626. The events preceding the Council were developed as a calendar also by Yves Congar, see: Y.M.J. Congar, *Vatican II: Le Concile au jour le jour*, Paris 1963.

<sup>9</sup> Ioannes PP. XXIII, *Litterae apostolicae motu proprio datae Superno Dei nutu Commissiones Concilio Vaticano Secundo apparando instituuntur*, 5 VI 1960, AAS 52 (1960), pp. 433–437. The following Commissions were established: 1) *Commissio theologica, cuius erit quaestiones ad Scripturam Sanctam, Sacram Traditionem, fidem moresque spectantes perpendere et pervestigare*; 2) *Commissio de Episcopis et de dioeceseon regimine*; 3) *Commissio de disciplina cleri et populi christiani*; 4) *Commissio de Religiosis*; 5) *Commissio de disciplina Sacramentorum*; 6) *Commissio de Sacra Liturgia*; 7) *Commissio de Studiis et Seminariis*; 8) *Commissio de Ecclesiis orientalibus*; 9) *Commissio de Missionibus*; 10) *Commissio de apostolatu laicorum in omnibus quae ad actionem catholicam, religiosam atque socialem, spectant*, see: *ibidem*, no 7. For more information on the commissions see: S. Sołtyszewski, *Komisje soborowe*, „Prawo Kanoniczne” 5 (1962), no 3–4, pp. 308–319.

## SCHEMES OF THE DOGMATIC CONSTITUTION ON THE CHURCH

The works on the relations between the Church and the State and as a matter of fact on the issues of separation between the two communities were commissioned to the Theological Commission<sup>10</sup>. Cardinal A. Ottaviani (1890–1979) was appointed as the head<sup>11</sup> of the Commission. In 1962, the Commission prepared the „Scheme of the Dogmatic Constitution on the Church”. It consisted in eleven chapters. The ninth entitled *De relationibus inter Ecclesiam et Statum necnon de tolerantia religiosa*<sup>12</sup> concerned the Church-State relation.

The content of the Chapter IX contains the Church's teachings in regard to the relationship between the two communities: the Church and the State that were determined primarily by Pope Leo XIII<sup>13</sup>. In the first place, the Scheme indicates the mutual relations between the Church and the central authority and then describes the duties of the lay authority towards religion. The difference between those two authorities was emphasised. Each one should realise different objectives. Taking them into consideration, the activities of the central authority should be subordinate to the realisation of the spiritual objective by the Church, as the spiritual objective is superior to the State's objective. By its very nature, the Church authority deals with religious matters and manages the earthly issues only within their subordination to the supernatural purpose. The Church respects the various forms of governance in the State and recognises the legitimate freedom of the central authority. However, the Church is interested in matters relating to the human person as it is lead by the concern so that the laws made by the central authority did not violate the higher values. On the other hand, the central authorities should recognise and appreciate the values that are integrated into the society thanks to the Church<sup>14</sup>. With regard to the duties of the lay authorities of religion, according to the Scheme the State cannot adopt the attitude of indifference and the task of those in power is to provide their subordinates with assistance so that they can live up to the demands of faith. The government's

<sup>10</sup> Although Pope John XXIII called into existence the Theological Commission in the above-mentioned *motu proprio*, some authors describing the origins of the Second Vatican Council or the course of its works refer to: „Doctrine Commission” (*Commissio de doctrina fidei et morum*), see for example: E. Florkowski, *Wprowadzenie do Konstytucji dogmatycznej o Kościele*, in: Sobór Watykański II, *Konstytucje, dekryty, deklaracje*, Polish text, Poznań 1968, p. 90; J. Krukowski, *Stanowisko Soboru Watykańskiego II wobec rozdziału Kościoła od państwa*, „Roczniki Teologiczno-Kanoniczne” 27 (1980), issue no 5, p. 46.

<sup>11</sup> G. Philips, *Die Geschichte der dogmatischen Konstitution über die Kirche „Lumen Gentium”*, LThK 1 (1966), p. 139.

<sup>12</sup> G. Caprile, *Entstehungsgeschichte und Inhalt der vorbereiteten Schemata. Die Vorbereitungsorgane des Konzils und ihre Arbeit*, LThK 3 (1968), p. 670.

<sup>13</sup> P. Sobczyk, *Kościół a wspólnoty polityczne*, Warszawa 2005, p. 36.

<sup>14</sup> A. Białczyk, *Rozdział między Kościołem a państwem w świetle nauki Kościoła katolickiego*, Lublin 1978, typescript in the Archive of The John Paul II Catholic University of Lublin, p. 231.

duty is also to worship God. The obligation of public worshipping God is also to be carried out by the whole society that owes Him – as the Creator – its existence. The way in which God is to be worshipped should be in accordance with His will, thus, it should be done as the Catholic Church does it. The authorities are also required to accept the revealed truths that are proclaimed by the Church. Whereas, when exercising legislative functions the authorities should be guided by the dictates of the law of God and the Church law<sup>15</sup>. These obligations are imposed on the country the citizens of which are baptised and predominantly belong to the Catholic Church. However, the State communities where Catholics constitute the minority should demand a full freedom for themselves. Despite various difficulties, the Church should strive to maintain good relations with the State<sup>16</sup>.

On 17<sup>th</sup> July 1962, the draft Scheme was submitted to a special sub-committee constituting a part of the Theological Commission in order to make any amendments if needed. Chapter IX of the Scheme relating to the Church-State relationship was substantially modified. First of all, its name was changed to the following one: *De relationibus inter Ecclesiam et Statum*. The whole chapter was formulated more generally and the members of the sub-commission working on it removed among others the passages that related to the State's obligation to worship God in accordance with the rules of the Church. During the first session of the Council<sup>17</sup>, this version of the „Scheme of the Dogmatic Constitution on the Church” was brought up for discussion of the Council Fathers. It was discussed from 1<sup>st</sup> to 7<sup>th</sup> December 1962, during six meetings of the general congregations (XXXI–XXXVI)<sup>18</sup>. During the General Congregation XXXIII, Cardinal L.J. Suenens proposed to study the schemes of the Council documents

<sup>15</sup> „Religiöse Pflichten der zivilen Autorität: Sie darf der Religion gegenüber sich nicht gleichgültig verhalten, sondern muß den Untergebenen behilflich sein, der Religion entsprechend zu leben. Die schuldige Gottesverehrung ist auch von den zivilen Gewalten zu erweisen; diese vertreten in dem öffentlichen Akten die Gesellschaft, die Gott zum Urheber hat. Die zivile Autorität muß somit Gott auf die von ihm gewollte Weise verehren, d. h. bei der geltenden Heilsordnung: sie muß sich dem Gottesdienst der Kirche anschließen. Darum hat die öffentliche Autorität die Pflicht, die von der Kirche vorgelegte Offenbarung anzunehmen und sich bei der Gesetzgebung nach den positiven Gesetzen Gottes und der Kirche zu richten”, G. Caprile, *Entstehungsgeschichte und Inhalt der vorbereiteten Schemata*, pp. 670–671.

<sup>16</sup> *Ibidem*, p. 671.

<sup>17</sup> *Schema Constitutionis Dogmaticae de Ecclesia*, in: „Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II” [hereinafter the abbreviation AS is used], vol. I, pars IV, Typis Polyglottis Vaticanis MCMLXXI, pp. 12–121. Chapter IX of the Scheme was contained in no 40–44 and was respectively divided into five parts, namely: 40. *Principium: Distinctio inter Ecclesiam et Societatem civilem, et subordinatio finis Civitatis fini Ecclesiae*; 41. *De potestate Ecclesiae eiusque limitibus, et de officiis Ecclesiae erga Potestatem civilem*; 42. *Officia religiosa Potestatis civilis*; 43. *Principium generale applicationis*; 44. *Conclusio*, see: *Schema de Ecclesia*, pp. 65–74.

<sup>18</sup> A. Białczyk, *Rozdział między Kościołem a państwem*, p. 234.

with respect to two principles: 1) the Church *ad intra*, i.e. open to dialogue with the faithful and 2) the Church *ad extra*, i.e., open to dialogue with the world<sup>19</sup>.

As a result of discussions on the whole of the issues raised in the Scheme, the Council Fathers came to the conclusion that it had to be changed. With regard to Chapter IX, they announced its fundamental reform. Among others, F. Hengsbach, the Bishop of the Diocese of Essen (1910–1991) spoke out on the matter. He expressed the belief that such recognition of the Church-State relations did not correspond to the contemporary doctrine of the Church in this field<sup>20</sup>. What is more, W. Wójcik, auxiliary bishop of the Diocese of Sandomierz (1914–1990) in his written comments to the Scheme emphasised that the Church was present in all countries, almost each of which had in its territory religiously diverse citizens. He also proposed to introduce to the Scheme a statement according to which for all the people who lived simultaneously in a religious and state community, not only was the lack of unity harmful, but also the separation between the supernatural, natural and ordinary order<sup>21</sup>.

In connection with the rejection by the Council Fathers of the Scheme I, on 6<sup>th</sup> December 1962, the Coordination Commission was established. Its main task was to develop changes in the „Scheme of the Dogmatic Constitution on the Church”. The second version of the Scheme (*Textus Prior*) was prepared by the Commission and presented for discussion at the beginning of the second session of the Council<sup>22</sup>. Drafted in 1963, the Scheme completely ignored the issue of the relationship between the Church and the State<sup>23</sup>. The reflections contained in the Chapter IX of the previous Scheme were removed due to the adoption of the new criterion for the development of the Dogmatic Constitution on the Church. In principle, it was only to govern the internal affairs of the Church.

However, omission of the issues between the two communities – the Church and the State – in the new Scheme does not mean that the matter is not addressed at all in the Scheme. The Scheme consisted of four chapters, the third of which was entitled as follows: *De populo Dei speciatim de laicis*. It was discussed from 16<sup>st</sup> to 25<sup>th</sup> October 1962, during eight meetings of the general con-

<sup>19</sup> R. Berzoa Martínez, *Relacja Kościoł – wspólnota polityczna w świetle Soboru Watykańskiego II* („*Gaudium et spes*” nr 76), in: The Scientific Council of the Polish Episcopal Conference, *Kościół w życiu publicznym. Teologia polska i europejska wobec nowych wyzwań*, vol. I, Lublin 2004, pp. 343–344.

<sup>20</sup> „Propono ut fundius reformetur cap. IX de relatione inter Ecclesiam et Statum. Caput enim, uti iacet, non satisfacere videtur toti hodiernae doctrinae ecclesiasticae de hac relatione inter Ecclesiam et Statum”, *Congregatio generalis XXXIII*, 4 decembris 1962, in: AS, vol. I, pars IV, p. 254.

<sup>21</sup> „Hodie et Ecclesia vivit in omnibus Statibus et fere omnis Status habet in suo territorio cives variarum religionum [...] Hominibus quoque qui omnes vivunt simul in societate religiosa et in societate civili nociva est non solum quaevis discordia sed etiam separatio inter ordinem supernaturalem et naturalem”, *Animadversiones scripto exhibitae quod Schema ‘De Ecclesia’*, 81, in: AS, vol. I, pars IV, p. 597.

<sup>22</sup> P. Sobczyk, *Kościół a wspólnoty polityczne*, p. 43.

<sup>23</sup> G. Caprile, *Entstehungsgeschichte und Inhalt der vorbereiteten Schemata*, p. 672.

gregations (II–LVI)<sup>24</sup>. Paragraph 25 of the chapter was devoted to the apostolic activities of the laity. It contained a warning for the laity to avoid improper mixing religious and Church affairs with purely earthly matters on the one hand, and to reject the „unfortunate separation” between the Church and the State on the other as well as the opposition of the state community to God and the Church<sup>25</sup>. The phrase the „unfortunate separation” (*infausta separatio*) included in the Scheme was criticised by some of the Council Fathers. This expression suggested dissatisfaction of the Church due to the separation between Church and State in some countries, and at the same time it expressed a longing for a specific unity between these two separate communities<sup>26</sup>.

During the ongoing discussion on the Scheme, the matter of Church-State relations was brought up mostly by the Council Fathers coming from the countries where there was a separation between those two communities.

During the General Congregation LI, the Polish bishops were represented by M. Klepacz, the bishop of the Diocese of Łódź (1893–1967), who criticised the phrase *infausta separatio*. He pointed out the benefits that might accrue as a result of the separation of Church and State. He also expressed the belief that if the Church were to be the light of the human community, it was necessary for the Church to present a model of the relationship between the Church and the State and to define its competences. Due to the contact of the Church with the totalitarian states, the relationships between the Church and the State may vary. There may exist a harmony and mutual understanding between them or a separation. Therefore, bishop Klepacz pointed out that there were two possible forms of interaction: concordat system and separation system. The concordat system is more in line with the teachings of the Church and protects it's good to a greater extent. However, it often subordinates the Church to the State which in turn can lead to a lower responsibility of the faithful for the Church. Not keeping or breaking concordat arrangements causes more damage to the Church than the separation system when the State does not interfere in the internal affairs of the Church. As the hierarch said, the separation was not an ideal solution. As a result, it should be considered as a lesser evil than *infausta separatio*<sup>27</sup>.

<sup>24</sup> G. Philips, *Die Geschichte der dogmatischen Konstitution über die Kirche*, pp. 141–142.

<sup>25</sup> A. Białczyk, *Rozdział między Kościołem a państwem*, p. 238.

<sup>26</sup> J. Krukowski, *Stanowisko Soboru Watykańskiego II wobec rozdziału*, p. 48.

<sup>27</sup> „Oporteret ibi pressius determinare campum activitatis civitatis terrenaе, prae oculis habendo infaustas pro Ecclesia experientias Statuum totalitarium, ratione etiam habita carentiae alicuius altioris ideae Status democratici [...] Dantur vero duo possibiles modi solvendi problema de relatione mutua inter Ecclesiam et Statum, nempe concordatum et systema separationis. Per se vinculum concordatarium maiora habere potest emolumenta pro societate tum ecclesiastica, tum civili, meliusque correspondet in theoria doctrinae catholicae de concordia tuenda necnon de regimine rerum mixtarum, uti sunt praesertim matrimonium et educatio iuvenum. Ex altera tamen parte, vinculum concordatarium saepe subordinat Ecclesiam Statui, praesertim sub aspectu oeconomico, sicque minuitur apud christifideles sensus generositatis et conscientia obligationum versus Ecclesiam. Ulterius, praestando communitati fidelium quaedam servitia, Status tendit

Chapter III of the Scheme also encountered criticism from D. Hurley (1915–2004), the archbishop of Durban. During the General Congregation LII, he referred to the passage of the Scheme which concerned the warning to the faithful against mixing religious and Church affairs with purely earthly matters and the rejection of the „unfortunate separation”. According to Archbishop Hurley, the faithful should distinguish between their rights and responsibilities with respect to both communities. Despite the distinctions between the spheres, the faithful should harmoniously combine their efforts in this regard bearing in mind that the earthly matters should be addressed with Christian conscience, since no human activity is free from the ties bonding man and God<sup>28</sup>.

The stance of the American bishops was presented by J. Shehan (1898–1984), the archbishop of the oldest diocese in the United States – the Archdiocese of Baltimore. During the General Congregation LIV, he critically commented on the separation of Church and State formulated in the discussed Scheme. He noted that it was inappropriate to use the term „unfortunate chapter”. The understanding proposed in the Scheme was unclear or even false. Archbishop Shehan was of the opinion that this issue should be the subject matter of the council works in order to explain it to the fullest extent. However, it should not be brought up and discussed during the works on the Scheme's chapter that is dedicated to the people of God. He also challenged the Church's opposition to the State and the world's Christianity<sup>29</sup>. Archbishop of Baltimore elaborated on his

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quoque ad sese immiscendum in res internas Ecclesiae. Temporibus novissimis concordata saepe non fuerunt fideliter servata vel immo aliquando unilateraliter fracta. Tunc, experientia teste, maior oritur discordia et peiores evadunt mutuae relationes quam in systemate separationis Ecclesiae et Status. Si separatio illa reapse existit, i.e., si Status non sese immiscet in res internas Ecclesiae, tunc habetur malum minus”, *Congregatio generalis LI*, 18 octobris 1963, in: AS, vol. II, pars III, pp. 99–100.

<sup>28</sup> „In pag. 10, lin. 9, momentur fideles ut sedulo vitent «ex altera parte confusionem vel indebitam permixtionem religionis et Ecclesiae cum rebus mere civilibus» et, in lin. 11 eiusdem paginae, ut legitime adversentur «ex altera parte infaustae separationi earumdem vel immo oppositioni civitatis terrenae contra Deum eiusque Ecclesiam... cum nulla humana activitas, ne in re quidem profana, Dei imperio subtrahi possit». Permixtionem vitare, separationi adversari. Iam audio fideles quaerentes. Quid hoc significare potest? Et sane videmur eis praecipere: faciatis sic dictam «omelette» quin tamen ova frangatis! Melius igitur, meo *iudicio*, textus ita erit exprimendus: «Edoceantur fideles ut, claram facientes distinctionem inter iura et officia quae eis incumbunt quatenus Ecclesiae aggregantur, et ea quae iis competunt ut sunt humanae societatis membra, haec omnia inter se harmonice consociare satagant, memores se in quavis re temporali christiana conscientia duci debere, cum nulla humana activitas, ne in re quidem profana, Dei imperio subtrahi possit»”, *Congregatio generalis LII*, 21 octobris 1963, in: AS, vol. II, pars III, p. 158.

<sup>29</sup> „Textus de quo tractatur et in quo verba *infaustae separationi* occurrunt, nobis videtur funditus recognosci debere. Quod praesens textus claritate caret, omnio evidens videtur ex iis quae tum intra tum extra hanc aulam iam dicta sunt. A quibusdam assumitur textum agere de relationibus inter Ecclesiam et Statum – quod quidem nobis videtur omnio esse falsum [...] Quaestio integra de relationibus inter Ecclesiam et Statum re vera maximi momenti est quae summa diligentia et prudentia indigeret. Quaestio laicis quidem pertinet, sed pertinet *toti*

statement during his appearance at the press centre of the Council<sup>30</sup>. He explained then that the separation between Church and State had diverse semantic content in the understanding of various people. The negative attitude of Pope Leo XIII towards the Chapter referred to those situations in which the Church and the State were considered as the mutually opposed forces. However, there is another approach towards the „separation”, according to which both communities are separated from each other but they cooperate<sup>31</sup>. Archbishop Shehan said: „Since the above mentioned passage of the Scheme might cause erroneous associations, I proposed its rewording or complete deletion. The problem of the relations between the Church and the State is too important to be only briefly addressed in a short passage of the Scheme that deals with the theological aspects of the laity”<sup>32</sup>.

In the summary of the Council Fathers' works on the Schemes of the Dogmatic Constitution on the Church prepared first in 1962 by the Theological Commission and then in 1963 by the Coordination Commission, it should be noted that two stances on the relationship between the Church and the State were adopted. The first of them was totally opposed to the idea of a complete unity between the two communities. The second one concerned the negative assessment of the separation. In this assessment, account should be taken of the rich experience of the Church in those countries in which the separation system had been implemented. Its implementation consisted in the fight of the State against the Church or in the cooperation of two separate communities for the benefit of the whole society<sup>33</sup>. Therefore, according to the Council Fathers, the separation of the spheres of activity of the Church and the State cannot be based on the fact that there is a total lack of mutual relations or even hostility. The separation should be dictated by sincere cooperation of the two communities and their authorities, as the same citizens belong both to the Church and the State; only the reasons for their affiliations vary. Due to the fact that the issue of the Church-State relations is a practical and not a doctrinal problem, the Coordination Commission excluded this matter from the „Scheme of the Dogmatic Constitution on the Church”.

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Ecclesiae; in hoc capitulo, autem, nobis videtur, locum non debet habere, et praesertim non quasi ex obliquo introduci”, *Congregatio generalis LIV*, 23 octobris 1963, in: AS, vol. II, pars III, p. 242.

<sup>30</sup> *Centrum coordinationis communicationum de Concilio*.

<sup>31</sup> J. Krukowski, *Stanowisko Soboru Watykańskiego II wobec rozdziału*, p. 49.

<sup>32</sup> A. Białczyk, *Rozdział między Kościołem a państwem*, p. 241.

<sup>33</sup> J. Krukowski, *Stanowisko Soboru Watykańskiego II wobec rozdziału*, p. 50.

## SCHEMES OF THE DECLARATION ON RELIGIOUS FREEDOM

The issues pertaining to the relationship between the Church and the State was brought up again in another Scheme prepared for the needs of the Council. On 19<sup>th</sup> November 1963, the text of the first „Scheme on Religious Freedom” was presented to the auditorium of the Council. At the time it constituted the chapter V of the „Scheme of the Decree on Ecumenism” and was titled as follows: *De libertate religiosa seu de iure personae et communitatum ad libertatem in re religiosa*. Nevertheless, this chapter had gradually become a separate document but acting as an annex to the Decree on Ecumenism. Subsequently, it was completely separated and took the form of an individual Declaration setting out the attitude of the Church towards the contemporary world<sup>34</sup>. Although the „Scheme on Religious Freedom” was submitted to the Council Fathers during the second session of the Council in 1963, the discussion was postponed however for the third session in 1964 due to the lack of time.

The Scheme is divided into four parts, the third of which discussed the issue of freedom of the religious communities in the state community. A lot of controversy on the part of the Council Fathers was aroused by the statement included in the Scheme saying that the State was not competent at all to directly interfere in the affairs of a religious nature. The contradiction of this sentence with the previous teachings of the Catholic Church was pointed out by archbishop D. Hurley during his speech at the General Congregation on 25<sup>th</sup> September 1964 (LXXXVIII). In his speech, he primarily drawn attention to the issue of the Church-State relations and expressed his belief that many Council Fathers were convinced that the close relationship between the two communities was the ideal solution for laying the mutual relations. In his view, such an approach was justified by the fact that the man was obliged to worship God in private as well as in public. This obligation is fulfilled when the society recognises the existence of God and worships Him according to the His will, thus, in the way taught by the Church. According to Archbishop D. Hurley, such a way to worship God will be possible only if the State fulfils what the Church says. Such a situation, however, is not acceptable as the Lord Jesus appointed the Church to accomplish those tasks. Thus, the State is exempt from the obligation to worship God. Otherwise, the Church would have to claim a legitimate right to the supremacy over the state community, which of course is unacceptable. Archbishop D. Hurley said that for these reasons the close relationship between

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<sup>34</sup> M. Jaworski, *Wprowadzenie do Deklaracji o Wolności Religijnej*, in: Sobór Watykański II, *Konstytucje, dekryty, deklaracje*, Polish text, new translation, Poznań 2002, p. 405; see also: Wojtyła, *Wstęp ogólny*, p. 17.

the Church and the State could not last. However, the Church authorities may conclude bilateral concordat agreements with the central authorities<sup>35</sup>.

After the discussion on the first Scheme, it was decided to completely rewrite it. The task of revising was delegated to the Secretariat for Promoting Christian Unity. In its new form, the Scheme was to constitute a separate Declaration. The resulting document was submitted to the Council Fathers on 17<sup>th</sup> November 1964 and was titled *Textus emendatus*. A very important statement appeared in the Scheme, namely, that religious freedom is not a right granted to man by any authority but is a right to be enjoyed by every human being as it rises out of human dignity. For this reason, it should be respected and protected by every social authority<sup>36</sup>.

Despite the ongoing debate over the Scheme, it was not subjected to a vote, as a serious difference of opinion that existed between the Council Fathers and theologians was not overcome. On 19<sup>th</sup> November, 1964, Cardinal E. Tisserant (1884–1972), the chairman of the Praesidium of the Council, announced that the vote would take place during the next session, and the comments on the text of the Scheme were to be submitted by the end of January 1965. Many Council Fathers did not agree with this decision and asked the Pope Paul VI to postpone the vote on the Declaration. The Pope upheld the decision, suggesting that the focus should be more on a more comprehensive development of this document and the removal of doubts. On 19<sup>th</sup> November 1965, there was a vote and the text was finally adopted on 7<sup>th</sup> December 1965<sup>37</sup>.

<sup>35</sup> „Et in pag. 33, linn. 4–7: «Civiles potestates nullam directam capacitatem et competentiam ad determinandas vel moderandas relationes civium cum Creatore ac Salvatore suo possident, ideoque non possunt Communitates religiosas temporalibus minibus reipublicae subordinatae». Hae propositiones partim salutem in aperta contradictione cum declarationibus magisterii Ecclesiae praesertim saec. XIX esse videntur, necnon cum thesibus quae usque ad hos ultimo annos in tractatibus de Iure Publico Ecclesiae defendebantur [...] Adest autem certus aliquis aspectus quaestionis quem considerare desidero, argumentum scil. classicum pro unione Ecclesiae catholicae cum Statu. Necessarium omnino est hoc argumentum perpendere, nam pluribus ex nostris videri potest conditionem sic dictam idealem proponere, condicionem scil. quam Ecclesia ex natura rerum semper optinere cupit quando potest, respectu relationum cum societate civili eiusque organo directivo qui Status nuncupantur [...] Argumentum *istud classicum* in forma sua simpliciori et potiori ita procedit: Cum homo indolis sit socialis, Deum colere tenetur non tantum qua individuum sed etiam modo sociali. Ut autem haec obligatio socialis adimpleatur, societas civilis qua talis tenetur Deum agnoscere et colere, et quidem eo modo quem Deus Ipse indicavit, scil. per Ecclesiam catholicam. Tenetur igitur societas civilis specialem erga Ecclesiam catholicam reverentiam exhibere eique assistentiam praebere [...] Neque apparet cum Ecclesia, etiam seclusa unione cum Statu, conventiones cum eo inire non possit. Professi fidei catholicae a Statu ipso praestanda non est conditio sine qua non ad conventiones ineundas”, *Congregatio generalis LXXXVIII*, 25 septembris 1964, in: AS, vol. III, pars II, p. 516–517; see also: G. Caprile, *Il Concilio Vaticano II. Cronache del Concilio Vaticano II. Terzo periodo 1964–1965*, vol. IV, Roma 1965, p. 61; see also: J. Krukowski, *Stanowisko Soboru Watykańskiego II wobec rozdziału*, p. 51; A. Białczyk, *Rozdział między Kościołem a państwem*, pp. 244–245.

<sup>36</sup> See: J. Krukowski, *Stanowisko Soboru Watykańskiego II wobec rozdziału*, p. 51.

<sup>37</sup> Jaworski, *Wprowadzenie do Deklaracji o Wolności Religijnej*, p. 405–406.

SCHEMES OF THE PASTORAL CONSTITUTION ON THE CHURCH  
IN THE MODERN WORLD

History of Pastoral Constitution on the Church in the Modern World, during drafting and discussing referred to as „Scheme XIII” (originally XVII), is shorter than the above-described origin of the documents governing the relations between the Church and the State. During the preparation period of the Second Vatican Council such a document was not envisaged at all. However, according to what has been indicated above, a group of the Church-State issues was the object of interest of the participants of the Second Vatican Council<sup>38</sup>.

Preparation of a separate Scheme was started in January 1963 when the Coordination Commission commissioned the preparation of the draft document to the Mixed Commission that constituted of the members of the Theological Commission and the Commission for the Apostolate of the Laity, *De praesentia Ecclesiae in mundo hodierno*. The works began in February and on 25<sup>th</sup> March 1963, the Commission sent the Scheme to the Coordination Commission<sup>39</sup>. During reporting of the Scheme, one noticed some of its shortcomings, therefore it was ordered to be rewritten. In order to accomplish it, a team of experts from the Catholic University of Leuven was established. They prepared a „Draft Scheme XVII on the Active Presence of the Church in Constructing the World” (*Adumbratio schematis XVII de activa praesentia Ecclesiae in mundo aedificando*)<sup>40</sup>. After the analysis of the work results, establishment of the Central Sub-commission was suggested. Its task was to re-draft the project because the Leuven Scheme was reproached with marginalisation of the most important problems of mankind and with the lack of response to the needs of a contemporary man<sup>41</sup>. The works of the Sub-commission were commenced at the request of the bishops and other clergymen and lay people from different countries to express an opinion on the general outline of the Scheme. In 1964, the Central Sub-commission passed such a draft translated from French into Latin to the Mixed

<sup>38</sup> J. Majka, *Geneza i charakterystyka konstytucji „Gaudium et Spes”*, „Zeszyty Naukowe Katolickiego Uniwersytetu Lubelskiego” 10 (1967), no 4, p. 33. It should also be noted that some authors attempted to name the Pastoral Constitution on the Church in the Modern World the first document of the Second Vatican Council. They invoke the announcement of issuing such a document by Pope John XXIII, see: Giovanni PP. XXIII, *Radiomessaggio ai fedeli dei tutto il mondo, a un mese dal Concilio Ecumenico Vaticano II*, 11 IX 1962, AAS 54 (1962), pp. 678–685. See: M. Florczyk, W. Misztal, *Wprowadzenie do Konstytucji duszpasterskiej o Kościele w świecie współczesnym*, in: Sobór Watykański II, *Konstytucje, dekryty, deklaracje*, Polish text, Poznań 1968, p. 511. P. Sobczyk, *Kościół a wspólnoty polityczne*, p. 45.

<sup>39</sup> G. Caprile, *Die Chronik des Konzils*, pp. 634–635. It should be noted that C. Moeller enumerates six drafts of the „Scheme of the Pastoral Constitution on the Church in the Modern World”, see: C. Moeller, *Die Geschichte der Pastoralkonstitution*, LThK 3 (1968), pp. 242–278.

<sup>40</sup> A. Guano, *Relatio. I. Historia Schematis*, in: AS vol. III, pars V, p. 142.

<sup>41</sup> A. Wanger, *Vatican II. L’histoire du Schema XIII. Chronique de la troisième session*, Paris 1963, p. 386.

Commission<sup>42</sup>. However, the text once again returned to the Central Sub-commission. Following the review of the draft, the Mixed Commission approved it and ordered to pass it to the Coordination Commission. When it was approved, Pope Paul VI ordered to send the text to the Council Fathers<sup>43</sup>. In this way, the text titled Scheme XIII, consisted of an introduction, four chapters and conclusion. It also included five annexes. The chapters concerned the following matters: 1) complete understanding of a man's vocation (*de integra hominis vocatione*); 2) menial role of the Church towards people (*Ecclesia Dei hominique servitio dedita*); 3) Christian attitude towards the world (*de ratione christianorum se gerendi in mundo in quo vivunt*); oraz 4) special tasks of the Christians in contemporary world (*de praecipuis muneribus a christianis nostrae aetatis implendis*). On the other hand, the annexes governed the following issues: 1) human person in society (*de persona humana in societate*); 2) marriage and family (*de matrimonio et familia*); 3) proper development of culture (*de culturae progressu rite promovendo*); 4) economic and social life (*de vita oeconomica et sociali*); 5) community of nations and peace (*de communitate gentium et pace*). It should be noted that the Scheme lacked a direct reference to the Church-State relations. Only the annexes: 1 in section „c” (*De relatione inter hominem et societatem atque potestate politicam*) and 3 in section „d” (*De Ecclesia in societate hominum*) mentioned the necessity of a political community and the supreme authority. Such an authority is necessary for the development of the common wealth and welfare and its goal is the freedom and development of human life. The Church differs from the lay community and has different objectives. However, both communities need a peaceful cooperation<sup>44</sup>.

During the third session of the Council two discussions on such a form of the Scheme took place. The first one was held during the general congregations from 20<sup>th</sup> October to 5<sup>th</sup> November 1964 (CV–CXVI), and the other on 9<sup>th</sup>–11<sup>th</sup> November 1964 (CXVIII–CXIX). When the discussions were finished, the Scheme returned to the Mixed Commission the task of which was to respond to the objections raised by the members of the Council. On 17<sup>th</sup> November 1964, The Central Sub-commission operating within the framework of the Mixed Commission proceeded to editing the Scheme. This work continued until the end of January 1965. On 11<sup>th</sup> May, the Coordination Commission approved the new text of the „Scheme XIII” and submitted it to the Bishop of Rome who ordered to pass it to the Council Fathers on 28<sup>th</sup> May 1965 as *Textus emendatus* titled *Constitutio pastoralis de Ecclesia in mundo huius temporis*. Particularly noteworthy is the method used during preparation of this version of the Scheme.

<sup>42</sup> Guano, *Relatio. I. Historia Schematis*, pp. 143–144.

<sup>43</sup> *Schema de Ecclesia in mundo huius temporis*, in: AS vol. III, pars V, pp. 116–142.

<sup>44</sup> H.J. Nowacki, *Rapporti tra la Chiesa e la comunità politica alla luce del n°76 della Gaudium et Spes*. Disertatio ad lauream in Facultate Iuris Canonici apud Pontificiam Universitatem S. Thomae De Urbe, Roma 1982, pp. 56–57.

One used the induction method according to which in the first place one described and analysed the contemporary world and the man who lives in. Then, one presented the stance of the Church on these issues<sup>45</sup>. The new form of the Scheme was divided into two parts preceded by an introduction and an introductory lecture. The annexes that were enclosed to the previous Scheme were also incorporated into the main text. The text was discussed during fourteen general congregations, in the period from 21<sup>st</sup> September to 8<sup>th</sup> October 1965 (CXXXII–CXLV)<sup>46</sup>. The Fathers themselves have developed two versions of the document – *textus recognitus* and *textus demuo recognitus*<sup>47</sup>, in which the principle of cooperation in defining the Church-State relations was included under the number 76.

Only the discussion during the general congregation on 5<sup>th</sup> October (CXLII) was devoted to the issue of the relationship between the Church and the State. Only four Council Fathers spoke out on the matter<sup>48</sup>. The discussion over the subject matter of the life of the political community was attended among others by bishop E. Aldazabal, the titular bishop of Verona (1902–1985), who advocated the separation of Church and State. He emphasised that the overall impression of breaking the spirit of unity of both parties, with the exception of mutual respect, does not preclude the separation system of the two communities. He stressed that the cooperation between the central authority and the Church could not be rejected and was even strongly desirable. According to Aldazabal it should be a „healthy” cooperation (*sana cooperatio*)<sup>49</sup>. Archbishop A. Baraniak, the metropolitan of Poznań (1904–1977), indicated the difficulties faced by the Church in those countries where atheism and materialistic worldview was propagated. He pointed out that the Scheme insufficiently elaborated on this issue.

<sup>45</sup> J. Zabłocki, *Kościół i świat współczesny. Wprowadzenie do soborowej konstytucji pastoralnej Gaudium et spes*, Warszawa 1986, pp. 110–111. A method is a duly structured procedure aimed at getting to know the truth about reality. The inductive method consist in inference by means of reasoning from the details to the big picture. There is also a deductive method which, unlike the induction, is based on getting to know the truth through reasoning from the big picture to the details. See: J. Krukowski, *Wstęp do nauki o państwie i prawie*, Lublin 2004<sup>2</sup>, p. 6.

<sup>46</sup> G. Caprile, *Die Chronik des Konzils*, pp. 647–648.

<sup>47</sup> AS vol. IV, pars VII, p. 234.

<sup>48</sup> Those were: bishop E. Aldazabal, archbishop A. Baraniak, bishop A. Del Campo, archbishop D. Hurley.

<sup>49</sup> „In Relatione particulari de hoc capite asseritur hic exponi «quaenam iura Ecclesia in societate publica sibi vindicet». Hoc non dixeris plene verum, nam impressio generalis pro legenti spiritu simplici, has pagellas est hic ad minus cohonestari immo forsitan et defendi quamdam separationem Ecclesiae a Statu vel separationem simpliciter. Legi quidem «cooperationem cum civili potestate ab Ecclesia minime recusari, immo vehementer exoptari», sed haec cooperatio immediate adiectivo qualificatur; agitur enim de *sana* cooperatione: – de sana cooperatione ut oblivioni detur alia cooperatio, in peiori stadio historiae, ubi Caesarismus ex una parte et privilegia Ecclesiae ex alia statum rerum talem fecerunt ut si non «laicismus» saltem «Laicitas» repetenda sit excludendo praesentiam Ecclesiae in Republica et verae liquidationi tradendo quidquid in legislatione vel unilateraliter vel concordataria sapiat professionem verae fidei ex parte Status», *Congregatio generalis CXLII*, 5 octobris 1965, in: AS, vol. IV, pars III, pp. 388–389.

He said that the problem was to establish the mutual relations so that the Church could conduct its mission in an undisturbed way and the faithful would have a chance to be actively involved in the political and social life. According to the metropolitan of Poznań, it seems to be necessary to ensure cooperation between the ruling authority and the Church community. He pointed out the possibility of undertaking the cooperation with atheist governments<sup>50</sup>. What is noteworthy is also the statement of archbishop Hurley who claimed that the *conciliar aggiornamento* was the best presented and reflected by the paragraph on the relations between the Church and the political community. However, it does not settle the issues between the two ideal communities that mutually limit each other. He expressed the hope that the term *societas perfecta* would go out of use, because it created confusion in determining the relationship between the political community and the Church<sup>51</sup>.

Two months after the discussion on the relations between the Church and the State, i.e. on 4<sup>th</sup> December 1965, there was a vote on the fourth chapter of the second section of the „Scheme of the Pastoral Constitution on the Church in the Modern World”, that was titled „The Life of the Political Community”. During this vote, among 2214 Council Fathers, 2086 were in favour of adoption of the text of the chapter, 121 were against, while 7 votes were deemed invalid<sup>52</sup>.

<sup>50</sup> „In cap. IV partis II nostri schematis tangitur gravissima quaestio «De vita communitatis politicae» et specialiter de cooperatione christifidelium cum auctoritate civili ad bonum commune societatis promovendum. Attamen schema omnino insufficienter explicat, quatenus cooperatio cum regimine atheistico, totalitario et religionem debellante licita sit et in quonam bonum commune vere consistat: utrum scil. 1. per se in virtutibus, quibus societas humana vere bona redditur et nonnisi dispositiva in bonis materialibus, consequenter autem in vita pacifica et delectabili, ut docent S. Thomas et *frequenter* Summi Pontifices; 2. an in libera productione bonorum temporalium in utilitatem individuorum, sicut docent oeconomistae liberales; vel 3. denique in socialismo promovendo, ut dicunt marxistae [...] Proinde apparet necessitas, ut in statuendis obligationibus omnium civium (ergo etiam christianorum) quoad cooperationem cum auctoritatibus regentibus distinguantur Status, qui communem cum Ecclesia doctrinam de origine, applicatione et fine omnis legis...”, *Congregatio generalis CXLII*, 5 octobris 1965, in: AS, vol. IV, pars III, pp. 392–393. See also: A. Białczyk, *Rozdział między Kościołem a państwem*, pp. 247–248.

<sup>51</sup> „Cap. IV «De vita communitatis politicae» bonum est [...] Paragraphus de relationibus inter Ecclesiam et societatem politicam spiritu vulgo «aggiornamento» optime informatur. Neque ad quaestiones iuridicas inter duas sic dictas societates perfectas se restringit. Spem habemus ut terminus iste «societas perfecta» e lingua nostra theologica decidat, nam confusionem gignit in determinandis relationibus inter societatem politicam et Ecclesiam”, *Congregatio generalis CXLII*, 5 octobris 1965, in: AS, vol. IV, pars III, p. 395.

<sup>52</sup> The data presented from: Moeller, *Die Geschichte der Pastoralkonstitution*, p. 279; see also: H. Vorgrimler, *Pastoralkonstitution über die Kirche in der Welt von heute. Viertes Kapitel des zweiten Teils. Textgeschichte*, LThK 3 (1968), p. 517. On the other hand Caprile indicated different results of the vote: among 2228 votes, 2149 were in favor, 75 against and 4 were invalid, G. Caprile, *Il Concilio Vaticano II. Cronache del Concilio Vaticano II. Quarto periodo 1965*, vol. V, Roma 1965, p. 478.

The Pastoral Constitution on the Church in the Modern World obtained the final assent on 7<sup>th</sup> December 1965<sup>53</sup>.

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The analysis of the draft documents of the Second Vatican Council the subject of which was the principle of cooperation constituting one of the foundations of the relations between the Church and the State, suggests that a special attention has been paid to the need for a new way to develop relations of the two communities. However, those teachings are not a proclamation by the Council of the change of the stance of the Church. This approach would be incorrect. Therefore, according to what W. Wójcik claimed, it should be assumed that the „Council wanted to make a reference to the traditional deductive approach, to the philosophical and theological theory. It presented the same teachings. However, the Council presented it from a different angle and with a new emphasis. It also deepened and developed the doctrine on the Church and the State. The Council also referred to the previous resolutions, decisions and enunciations<sup>54</sup>. In the process of formation of these relations one should take into account the changes that have taken place in the social and political life in recent times, as in the current situation the doctrine developed by Pope Leo XIII could not be regarded as the basis any longer. Therefore, when analysing the mutual principles or ways of cooperation of the Church and the State and assessing or seeking a particular model of this relationship, one must always take into account the circumstances of time and place in which this model is or is to be in effect.

It is important that the stances of the Council Fathers not only show various (ideal) visions of the relations between the Church and the State, but rather are dictated by their own observations resulting from their attempts and experiences in searching for practical ways of developing the Church-State relations in specific socio-political conditions. Despite the fact that these relations were one of the major concerns of the Church for centuries and constituted the object of many papal statement during the Second Vatican Council, they were discussed tentatively and with a great caution. However, the haste in drawing up individual pieces of the Schemes often contributed to the lack of maturity in their form and content, which was repeatedly pointed out by the Council Fathers.

<sup>53</sup> See Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio pastoralis de Ecclesia in mundo huius temporis *Gaudium et spes*, 7 XII 1965, AAS 58 (1966), pp. 1099–1100, no 76.

<sup>54</sup> W. Wójcik, *Wytyczne w układaniu stosunków Kościół-Państwo według Vaticanum II*, „Duszpasterz Polski Zagranicą” 26 (1975), no 1, p. 48; cf. R. Tucci, *Introduzione storico-dottrinale alla Costituzione Pastorale „Gaudium et Spes”*, in: *La Costituzione Pastorale sulla Chiesa nel mondo contemporaneo. Introduzione storico-dottrinale*, testo latino e traduzione italiano. Esposizione e commento, Torino 1966, p. 14.

GENEZA ZASADY WSPÓLDZIAŁANIA KOŚCIOŁA I PAŃSTWA  
W DOKUMENTACH PRZYGOTOWAWCZYCH SOBORU WATYKAŃSKIEGO II.  
ZARYS PROBLEMATYKI

**Streszczenie.** Sobór Watykański II za jedną z podstaw układania stosunków między Kościołem i państwem uznał zasadę współdziałania obu społeczności. Przed jej ostateczną proklamacją w numerze 76. Konstytucji duszpasterskiej o Kościele w świecie współczesnym *Gaudium et spes*, Ojcowie Soboru poddali gruntownej analizie dotychczasowe modele i podstawy wzajemnych relacji Kościoła i państwa.

Przedmiotem artykułu jest próba ukazania drogi soborowej do głębszego zrozumienia eklezjologii katolickiej w dziedzinie układania wzajemnych stosunków społeczności kościelnej i państwowej, której aksjomatem jest zasada współdziałania. Propozycje, jakie podlegały dyskusjom podczas kongregacji generalnych w okresie przygotowawczym poszczególnych schematów dokumentów, nie zawsze były akceptowane. Uczestnicy Soboru na nowo odczytali posłannictwo Kościoła w świecie, dlatego też krytycznie odnieśli się do tzw. „nieszczęsnego rozdziału” (*infausta separatio*) państwa i Kościoła. Uznali, że relacje te powinny być podyktowane szczerym współdziałaniem obu społeczności i ich władz, ponieważ zarówno w Kościele, jak i w państwie są ci sami ludzie, a jedynie racje ich przynależności do nich są inne.

**Słowa kluczowe:** zasada współdziałania, relacje Kościół-państwo, Sobór Watykański II, kościelne prawo publiczne