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**Relations Between the Third Republic of Poland and the Catholic Church in the Program Documents of Political Parties.  
An Attempt of Classification and Evaluation of Selected Postulates**

**Keywords:** the state, political parties, catholic church

**Słowa kluczowe:** partie polityczne, Państwo, kościół katolicki

**Abstract**

Relations between the Third Republic of Poland and the Catholic Church remain one of the aspects of contemporary political rivalry. Political parties have specific postulates regarding this aspect of contemporary social reality, which, as a rule, are part of the relevant program documents. The proposals of individual political circles, apart from substantive issues, differ in terms of scope, degree of detail and possibility of implementation due to the non-compliance of possible changes with the relevant provisions of the Constitution of April 2, 1997, the Concordat between the Third Republic of Poland and the Holy See, statutory regulations concerning the matter of mutual relations between the state and the church, or various non-legal circumstances related primarily to specific social moods.

**Streszczenie****Relacje III Rzeczypospolitej Polskiej i Kościoła katolickiego  
w dokumentach programowych partii politycznych.  
Próba klasyfikacji i oceny wybranych postulatów**

Stosunki na linii III Rzeczypospolita Polska – Kościół katolicki pozostają jednym z aspektów współczesnej rywalizacji politycznej. Partie polityczne posiadają określone postulaty dotyczące tego aspektu współczesnej, społecznej rzeczywistości, które, co do zasady, stanowią element właściwych dokumentów programowych. Propozycje poszczególnych środowisk politycznych, poza kwestiami merytorycznymi, różnią się między sobą zakresem przedmiotowym, stopniem uszczegółowienia oraz możliwością realizacji ze względu na brak zgodności ewentualnych zmian z treścią właściwych przepisów Konstytucji z 2 kwietnia 1997r., Konkordatu pomiędzy III Rzeczypospolitą Polską i Stolicą Apostolską, regulacji ustawowych dotyczących materii relacji wzajemnych pomiędzy wspólnotą państwową i kościelną, czy różnorakie okoliczności pozaprawne, związane przede wszystkim z określonymi nastrojami społecznymi.

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**I. Introduction**

Relations between the state and the Catholic Church are a multifaceted and sensitive issue in the current socio-political space of the Third Republic of Poland. Therefore it is no surprise that this issue remains one of the axes of dispute between political parties. Including the postulates and views on state – church relations in program documents remains one of the ways political groups can mark their position in public discourse in this regard. However, there is no single, specific model of proceeding in this regard – postulates differ, both in terms of content and the comprehensiveness or detail of the solutions.

The article intends to show – on selected examples – and classify the ways of addressing the issue of the state-church relations in the program documents of those political parties which members are deputies to the Sejm of the ninth term. The proposed classification is created basing on the analysis

of program documents, such as political and electoral programmes, ideological declarations and the so-called “strategies”.

The catalog is provided with a commentary on the compliance of selected postulates of changes of the current shape of the state – church relations with the regulations of the Constitution of the Third Republic of Poland of April 2, 1997.

## **II. Ways of addressing the issue of relations between the Third Republic of Poland and the Catholic Church in the program documents of political parties**

Using the method of presenting the relationship between the state and church community in the program documents as a division criterion, it seems justified to distinguish three groups of program documents of political parties<sup>1</sup>:

1. Program documents which do not contain references to the state – church relations.
2. Program documents containing references to the state – church relations without postulates regarding changes to a. m. relations.
3. Program documents containing references to the state-church relations with postulates regarding changes to the a. m. relations.

### **1) Program documents which do not contain references to the state – church relations**

The first category includes program documents of the Polskie Stronnictwo Ludowe/Koalicja Polska (PSL) and Kukiz'15 parties. The program of PSL and the “Kukiz'15 Strategy of Change” – still available on the websites of the parties – do not contain references to the relations of the Polish state with the church community, not only in a separate section of those docu-

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<sup>1</sup> This is not the only way to classify the issue, in the literature on the subject there are studies proposing different typology, K. Dośpiał-Borysiak, *Religion and Political Parties in Poland* [in:] *The Routledge Handbook to Religion and Political Parties*, red. J. Haynes, London 2019, pp. 249–260; K. Kowalczyk, *Stanowiska polskich partii politycznych wobec religii i Kościoła. Propozycja typologii*, “*Studia Politicae Universitatis Silensis*” 2015, t. 15, pp. 156–189.

ments, but also within postulates concerning other sectors of social, economic or political life<sup>2</sup>.

What is more, in this category a specific subgroup of program documents can be distinguished. Those documents do not refer *expressis verbis* to the issue of the relationship between the state and the Catholic Church but contain references to Catholic or Christian teaching as the basis for operating in the political sphere of the state.

This kind of approach can be found in the program of Porozumienie Jarosława Gowina party – “Renew Policy”. This document contains an indication that “In the spirit of Christian responsibility for the world (...)”, members of the party remain convinced of the need to take such actions in the field of environmental and climate protection that may ensure the future of the planet<sup>3</sup>.

A fragment of the Ideological Declaration of “Nowa Nadzieja” party<sup>4</sup> is another example of the analyzing matter. In a section entitled “Liberalism, Freedom and Law”, it is indicated that the pursuit of “(...) the reconstruction of the Latin civilization in Poland”, growing, among others, also from Christian ethics, remains one of the aspirations of the party<sup>5</sup>. A similar approach can be found in the program of Ruch Narodowy, containing references to the teaching of the Catholic Church – e.g. in relation to the supporting role of the state – and unspecified postulates of “restoring the position of Christian culture” through its “reconstruction” in national life<sup>6</sup>.

## 2) Program documents containing references to the state – church relations without postulates regarding changes to a. m. relations

In this category the program documents of two parties – Prawo i Sprawiedliwość and Platforma Obywatelska – can be included. The abovementioned

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<sup>2</sup> It is worth noting that in the case of the PSL, the declaration of basing its activities on Christian values is included in the text on the history of the above-mentioned party. political parties, see: *History*, <https://www.psl.pl/historia> (20.05.2023).

<sup>3</sup> *Polityka OdNowa. Program Porozumienia Jarosława Gowina 2021–2024*, p. 4, <https://pjjg.org.pl> (20.05.2023).

<sup>4</sup> As it may seem, the ideological declaration is a repetition of the declaration of the immediate predecessor of the “Nowa Nadzieja” party – “KorWin”. This is evidenced by the fact that the name of the previous political group was not removed from the declaration.

<sup>5</sup> *Ideological declaration*, <https://wolnosc.pl/deklaracja-ideowa> (20.05.2023).

<sup>6</sup> *Ibidem*, pp. 88–89.

document of Prawo i Sprawiedliwość – the program of 2019 entitled Polish model of the welfare state – contains a clear declaration of certain attitude of this political party to the relationship between the state and church<sup>7</sup>. This declaration includes statements regarding the importance of Christianity for “Western civilization”, political identity and cultural heritage of the Polish nation<sup>8</sup>; the importance of the “exceptional role” of the Catholic Church in shaping Polish statehood<sup>9</sup> and the assurance of the striving for maintaining the “specific status of the Catholic Church”<sup>10</sup>.

A structurally similar solution was adopted in the program documents of Platforma Obywatelska. The ideological declaration of Platforma Obywatelska of 2007 contains the following statement: “The Decalogue is the foundation of the West”, with the reservation that the members of the party do not want “(...) the state to assume the role of guardian of the Decalogue”<sup>11</sup>. Moreover, the declaration of 2016 “Civic Poland 2.0”, contains an assurance of the need to redefine the church-state relationship and strengthen their separation, but without any specific postulates regarding this matter<sup>12</sup>.

### **3) Program documents containing references to the state-church relations with postulates regarding changes to the a. m. relations**

As indicated at the beginning of the analysis, the manner in which the postulates regarding the change of the state – church relations is not homogeneous. Proposals concerning the subject matter are formulated in the program documents in various ways – from vague statements functioning in a manner of campaign slogans, through postulates concerning only selected aspects of the state – church relations to the comprehensive and detailed programs.

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<sup>7</sup> *Polski model państwa dobrobytu*, <https://pis.org.pl> (20.05.2023).

<sup>8</sup> *Ibidem*, pp. 6, 12, 14, 18–19, 184.

<sup>9</sup> *Ibidem*, pp. 13–14.

<sup>10</sup> *Ibidem*.

<sup>11</sup> *Deklaracja Platformy Obywatelskiej Przyjęta przez Klub Poselski Platforma Obywatelska w dniu 21 grudnia 2001 r.* [in:] *By żyło się lepiej. Wszystkim! Program wyborczy Platformy Obywatelskiej*, Warszawa 2007, p. 7, <https://mamprawowiedziec.pl/file/14512> (20.05.2023).

<sup>12</sup> *Polska Obywatelska 2.0. Deklaracja Programowa Platformy Obywatelskiej*, 2016, <https://mamprawowiedziec.pl/file/27178> (20.05.2023); T. Nowak, *Świeckość państwa w dokumentach programowych polskich partii politycznych* [in:] *Zmierzch demokracji bezpośredniej*, eds. K.A. Wojtaszczyk, P. Stawarz, J. Wiśniewska-Grzelak, Warszawa 2018, p. 504.

A fragment of the Declaration of Ideas of Dobry Ruch is the example of the first category of approach<sup>13</sup>. This fragment indicates that “Religious activities, including teaching religion and the position of the clergy, should not be financed from public money, but from private funds of religious associations<sup>14</sup>”, without specifying the direction of potential changes.

The program of the Nowoczesna party is the example of a dokument containing proposals concerning selected aspects of the state – church relations. Apart from the general principle of separation of the state and religious communities, the proposed changes include liquidation of the regulation providing for punishment for the offence against religious feelings<sup>15</sup>; abolishment of public funding of religious education in schools<sup>16</sup> and the removal of the regulation guaranteeing the protection of Christian values from the Broadcasting Act<sup>17</sup>.

A wider range of demands is presented in the content the “Secular State” initiative, the part of a political program of Lewica. These proposals contain: introduction of an obligation of using cash registers by the clergy, “fair” taxation<sup>18</sup> and the liquidation of tax privileges of churches and religious associations, the obligation to disclose income on the principles applicable to non-governmental organizations, the liquidation of the Church Fund, the withdrawal of religious education from schools and the abolishment of the Conscience Clause<sup>19</sup>.

The complex nature of the postulates regarding the change of relations between the state and the Catholic Church is evident in the case of “Polska2050” party. The proposals – specified in the document entitled “The state and the church in their places”<sup>20</sup> – include a systemic regulation of the prop-

<sup>13</sup> The national coordinator of which, Paweł Szramka, got to the Sejm of the current term from the list of the PSL. He currently remains a non-attached deputy, see: *The Board*, <https://www.dobryruch.org> (20.05.2023); *Paweł Szramka*, <https://www.sejm.gov.pl/sejm9.nsf/posel.xsp?id=375&type=A> (20.05.2023).

<sup>14</sup> *Idea*, <https://www.dobryruch.org> (20.05.2023).

<sup>15</sup> *Wolność i dobrobyt. Program gospodarczy i społeczny Nowoczesnej*, 2022, p. 27, <https://nowoczesna.org/program> (20.05.2023).

<sup>16</sup> *Ibidem*, p. 44.

<sup>17</sup> *Ibidem*, p. 59.

<sup>18</sup> Without specifying at the same time what this term is supposed to mean.

<sup>19</sup> *Polska jutra. Główne postulatory Lewicy*, 2019, pp. 13–15, <https://klub-lewica.org.pl> (20.05.2023).

<sup>20</sup> M. Zagłoba, S. Zakroczyński, *Państwo i Kościół na swoje miejsca. Jak dobrze przeprowadzić uporządkowanie relacji między państwem a kościołami i związkami wyznaniowymi*, Instytut

erty relations of the a. m. entities (involving the ending of the problem of settlements regarding real estates taken over by the authorities of the People's Republic of Poland, replacing the Church Fund with another form of financing, and an analysis of the ways of financing religious associations – especially the Catholic Church – from public funds<sup>21</sup>); a change in the provision of religious education (through the participation of school communities in making decisions, e.g. about the number of lessons and the involvement of religious communities in financing this education<sup>22</sup>); delegating a group of prosecutors to investigate the crimes of pedophilia and its concealment in an institutional church<sup>23</sup>; limiting the possibility of employing clergy in public institutions and limiting financial privileges related to the functioning of e.g. in military structures<sup>24</sup>; providing – in certain cases – local government units with the competence to control the prices of services at religious cemeteries<sup>25</sup>; separation of religious elements from a certain category of state ceremonies (along with the development of the so-called “Code of Good Practices” for public officials in the field of participation in religious ceremonies), amendment of Art. 196 of the Penal Code (concerning the withdrawal from prosecution by public indictment and the removal of restrictions or imprisonment from the catalog of penalties for committing an offense against religious feelings)<sup>26</sup>, as well as clarifying the interpretation of the Interpretative Declaration of the provisions of the Concordat of 1997<sup>27</sup>.

### III. Evaluation of selected postulates

The evaluation of selected postulates from the catalog of above-mentioned proposals should be preceded by the reference to the first and second category of program documents. Although, in that cases, it is impossible to ana-

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Strategie 2050, <https://strategie2050.pl/plan-dla-polski/panstwoikosciol> (20.05.2023).

<sup>21</sup> *Ibidem*, pp. 16–20.

<sup>22</sup> *Ibidem*, pp. 28–29.

<sup>23</sup> *Ibidem*, pp. 42–43.

<sup>24</sup> *Ibidem*, pp. 35–36.

<sup>25</sup> *Ibidem*.

<sup>26</sup> *Ibidem*, pp. 46–48.

<sup>27</sup> *Ibidem*, p. 66.

lyze the proposals regarding changes in the state-church relations, the lack of such proposals does not mean that the representatives of the political parties listed under each category do not take actions that may affect those relations. On the contrary, as practice shows in such cases, the lack of “encumbrance” in the form of a clear, unequivocal statements in the program documents allows members of a given party to make their positions more “flexible”, to formulate and correct or even clearly change their positions on given issues<sup>28</sup>. However, this type of approach carries a specific risk of discrepancies between the positions of individual party members, resulting in tensions within a particular political environment and a decline in confidence of voters.

The case of Prawo i Sprawiedliwość – a party declaring to maintain the current status quo between the state and the Catholic Church – is also worth noting. In case of this party, there is a situation in which the sphere of declarations in program documents does not coincide with the implementation of these postulates in the process of exercising power (this party and its coalition partners constitute the ruling majority in the Sejm of the 9th term). Various activities undertaken by members of this party – in the legal and non-legal spheres- have met with allegations of violating constitutional regulations regarding relations between the state and the Catholic Church<sup>29</sup>.

In turn, the assessment of the proposed changes to the a. m. relations can be taken from different points of view, related to the issue of remaining of the postulates in accordance with the regulations of the Constitution and the Concordat between the Third Republic of Poland and the Holy See.

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<sup>28</sup> R. Leśniczak, *Idea sekularyzmu w polskiej kampanii parlamentarnej 2019 roku*, “Annales Universitatis Mariae Curie-Skłodowska” 2020, vol. XXVII, no. 1, pp. 181–184.; T. Krzyżak, *Platforma kończy wojnę z Kościołem*, <https://www.rp.pl/publicystyka/art4002841-krzyzak-platforma-konczy-wojne-z-kosciolem> (20.05.2023); A. Kowarzyk, E. Bielecka, *Tusk chce rozdzielić Kościoła od państwa, ale „to nie jest czas na jakąś wojnę kulturową”*, <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8422348,tusk-rozdziel-kosciola-od-panstwa-wojna-kulturowa.html> (20.05.2023).

<sup>29</sup> P. Borecki, *Ku Rzeczypospolitej Katolickiej. Ekspert: Prawdziwym zwycięzcą tych wyborów będzie Kościół*, <https://oko.press/kosciol-pis-borecki-analiza> (23.05.2023); A. Mężyński, *Hołownia: Państwo PiS i Kościół żyją w konkubinacie. Trzeba to zmienić w związek partnerski*, <https://gospodarka.dziennik.pl/news/artykuly/8587236,pis-kosciol-szymon-holownia-pol-ska-2050.html> (23.05.2023).



Due to the specificity of the analyzed issue, the criterion of the possibility of implementing these proposals remains inextricably linked to their constitutionality. It is difficult to attach importance to such proposals and expect their implementation, being aware of their potential unconstitutionality and the impossibility of introducing amendments to the Constitution, due to the distribution of votes, which does not ensure even coalitions of parties the so-called “constitutional majority”<sup>30</sup>.

The removal of religious education from public schools is the clear example of this type of postulate. The doctrine indicates that the possibility of teaching religion – resulting from the Art. 53 sec. 4 of the Constitution – should not be considered as a privilege of a religious community, but as an entitlement resulting from the right of the parents to bring up their children in accordance with their own beliefs and the element of the constitutional right to education of students themselves<sup>31</sup>. In view of the above, it seems justified to state that the potential ban on religious education in public schools would result in a violation of the Constitution.

Another issue is the compliance of the certain postulates, in particular regulation concerning the change in the rudiments of financing the Catholic Church, with the Concordat.

Apart from the high degree of generality of a large part of the proposals presented above and the undoubted validity of some of them (especially regarding changes of the functioning of the Church Fund<sup>32</sup>), the overriding postulate in this context seems to be the clarification of the interpretation of the Concordat provisions, including Art. 22 sec. 2 and Art. 27, according to which both parties are obliged to cooperate in matters related to changes in the regulations remaining in force at the time of ratification of the Concordat, which should take the form of new agreements or arrangements be-

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<sup>30</sup> Art. 235 of the Constitution of the Republic of Poland (Dz.U.No. 78 item 483 as am.).

<sup>31</sup> M. Olszówka, *Commentary to art. 25 Konstytucji* [in:] *Konstytucja RP*, t. 1, *Komentarz art. 1–86*, eds. M. Safjan, L. Bosek, Warszawa 2016, p. 1268; K. Więcek, *Nauczanie religii katolickiej w polskiej szkole publicznej w kontekście prawa rodziców do wychowania religijnego dzieci – aspekty historyczne i wybrane aktualne problemy*, “*Studia z Prawa Wyznaniowego*” 2013, t. 16, pp. 189–190. M. Pietrzak, *Prawo wyznaniowe*, Warszawa 2010, p. 260.

<sup>32</sup> With the simultaneous need to finally close the issue of property settlements between the state and the Church regarding the seized church property.

tween the relevant representatives of the a. m. parties<sup>33</sup>. The opposite notion is formulated on the basis of the content of the Declaration of the Government of the Republic of Poland of April 15, 1997 in order to ensure a clear interpretation of the provisions of the Concordat<sup>34</sup>. Only the solution of a.m. issues –which can be achieved through dialogue between communities, and taking into account, among others, content of Art. 25 sec. 3 of the Constitution *in fine* – will allow the transition to the process of changes in the financing of the Catholic Church, including the participation of this religious community in financing/co-financing religious education in school or salaries of chaplains.

However, on the basis of the interpretation of the current constitutional regulation, some of the postulates seem to be feasible.

This applies in particular to the proposal to limit the possibility of employing clergy in public institutions. The admissibility of providing pastoral care, e.g. in hospitals, prisons or the Armed Forces of the Republic of Poland results from Art. 53 sec. 2 of the Constitution *in fine* (and is confirmed in Art. 17 of the Concordat and Art. 31–33 of the Act on the Relationship between the State and the Catholic Church)<sup>35</sup>. It is also justified by specific extraordinary circumstances to conduct the above-mentioned care in uniformed services (such as the police). However, the gradual expansion of the catalog of institutions in which the employment of clergymen is allowed (such as the National Revenue Administration) seems to violate the constitutional disposition of Art. 53 sec. 2 and Art. 25 sec. 2–3 of the Constitution<sup>36</sup>.

This group of proposals also include the demands to remove mentions of “special protection of Christian values” from the Broadcasting Act. It seems

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<sup>33</sup> P. Stanisław, *Perspektywy zmiany systemu finansowania kościołów i innych związków wyznaniowych w Polsce*, “Studia z Prawa Wyznaniowego” 2009, t. 12, pp. 13–15.

<sup>34</sup> See: Government Statement of January 26, 1998 on the Declaration of the Government of the Republic of Poland of April 15, 1997 to ensure a clear interpretation of the provisions of the Concordat between the Holy See and the Republic of Poland, signed in Warsaw on July 28, 1993 (M.P. 1998 No. 4 item 51).

<sup>35</sup> See: Polish Constitution, Concordat between the Holy See and the Republic of Poland, signed in Warsaw on July 28, 1993 (Dz.U. 1998 No. 51 item 318); The Act of 17 of May, 1992 – on the Relationship between the State and the Catholic Church (Dz.U. 1989 No. 29 item 154).

<sup>36</sup> M. Olszówka, *op.cit.*, p. 1267.

justified to suspect that this statements can be considered a violation of Art. 25 sec. 1 of the Constitution concerning the equal rights of churches and religious association<sup>37</sup>. Similarly, the amendment or complete abolition of the provisions of Art. 196 of the Penal Code is available in the current legal status. However, when considering the a. m. issue, it is worth taking into account the opinion of the Ombudsman, indicating the legitimacy of further functioning of the a. m. regulation<sup>38</sup>.

The postulate of creating a “Code of Good Practice” should also be considered as possible to be introduced. However, the nature of the potential regulations contained therein is the of key importance in this case. Bearing in mind the current activities of representatives of various parties, if the said code becomes a set of recommendations or guidelines that are not normative regulations, there is a real risk of its insignificant effectiveness.

#### **IV. Conclusion**

The analysis of selected examples of program documents allows to indicate certain phenomena accompanying the subject matter.

The parties’ awareness of the importance of the state – church relations in the social discourse of the Third Republic of Poland can be considered the first and the most obvious conclusion. In consequence, the lack of the references to those relations and/or changes in this matter in the program documents cannot be equated with not taking legal or non-legal action of party members in this area.

Moreover, the vague position of parties in the a. m. issues in the program documents should be considered only as a certain signal for voters regarding the direction of activities of the representatives of a given group resulting in maintaining the current shape of the state – church relations or its possible change. The lack of postulates or their general nature allow for the adapting the proposals to the “current needs” during the political struggle.

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<sup>37</sup> See: Art. 25 sec. 1 of Polish Constitution; *The Broadcasting Act of December 29, 1992* (Dz.U. 1993 No. 7 item 34).

<sup>38</sup> See: Art. 196 of the Act of June 6, 1997 – Penal Code (Dz.U. No. 88 item 553); Letter from the Ombudsman to the Speaker of the Sejm of April 15, 2021, II.564.1.2021.MH.

The catalog of the repeated propositions in program documents of different parties – concerning the presence of religious education in public schools; the excessive collaboration of church and political authorities and the financing of the Church from public funds – can also be interpreted as a manifestation of the ability to define the most sensitive aspects of the state – church relations by the parties.

Finally, the degree of comprehensiveness and specificity of the postulates – supported by a reliable analysis – may be considered as a prognostic of both, the awareness of the compatibility of these changes with the current constitutional order of the Third Republic of Poland and the determination of a given party to implement the proposed postulates after achieving a parliamentary majority that would enable the implementation of these changes.

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