

*THE RIGHTS AND LIBERTIES IN PEOPLE'S POLAND:
SOME REMARKS*

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1. Rights and Liberties in Constitutional Acts of People's Poland. The regulation of rights and liberties in legal acts went through a rather important evolution in the years 1944—1952. If we assume the “July Manifesto” of the Polish Committee of National Liberation to have been the first document, and also the first legal act passed by the new authority, we should admit that the following principles were formulated as early as 1944 in the sphere of civic rights : firstly, restoration of all democratic freedoms, of equality of all irrespective of their race, creed, and nationality, the principle of freedom of political and professional organizations, of the press, and of conscience ; secondly, restoration of the basic assumptions of the March Constitution of 1921, that is presumably also of its provisions concerning civic rights and liberties ; thirdly, announcement of the passing of a general, equal, direct, secret and proportional election law to the Constituent Assembly ; and fourthly, which was to prove most important, a limitation of all those civic rights and liberties to the extent to prevent them from “serving the enemies of democracy.” Controversions about the scale of validity in People's Poland of the March Constitution lasted for a long time¹ after the Manifesto had been passed ; from the point of view of civic rights,

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¹ K. Działocha, “Rola konstytucji marcowej w prawie państwowym Polski Ludowej” [“The Role of the March Constitution in the Constitutional Law of People's Poland”], *Przegląd Prawa i Admin.*, 1976, No. 7; K. Działocha, J. Trzeciński, *Zagadnienie obowiązywania konstytucji marcowej w Polsce Ludowej 1944—1952* [The Problem of Operation of the March Constitution in People's Poland in the Years 1944—1952], Ossolineum 1977; M. Buszyński, “Obowiązu-

however, the situation was rather clear. Beside the “restoration of the basic constitutional assumptions,” the Manifesto declared also a “restoration of all democratic freedoms,” and stressed the importance of equality before the law and of political rights of citizens. What was just as important, however, as it provided the basis for a specific theoretical conception, was the above-mentioned statement included in the Manifesto that rights and liberties could not serve enemies of the new system. This conception, accepted a good many years by the doctrine of constitutional law, was developed in practice forty-odd years long. One may only hope that new solutions will be adopted now and that formulations of that kind will not be included in the new drafted constitution.

The second document devoted wholly to civic rights and liberties was the Declaration of the legislative Sejm of February 22, 1947 concerning the accomplishment of civic rights and liberties. It contained a catalogue of rights which were formulated rather generally as examples, an obligation of the Diet to accomplish those rights, and a reservation that statutes should prevent any use of rights and liberties with the aim of fighting the democratic system. It could be concluded from the wording of the Declaration that only a statute should be the legal act authorized to limit civic rights. The Declaration's legal value was largely impaired, however, by the fact that it was not a statute itself but a fragment of a shorthand report from a session of the Sejm, never published separately.*²

A comprehensive regulation of civic rights and liberties took place in the 1952 Constitution. Declaring a broad catalogue of rights in writing, the July Constitution adopted a specific way of their formulation and based on two general assumptions which deserve a brief discussion. The

jące normy Konstytucji Marcowej” [“The Valid Norms of the March Constitution”], *Gaz. Admin.*, 1947, No. 21—12 ; A. Peretiatkowicz, “Konstytucja lutowa” [“The February Constitution”], *Gaz. Admin. i Samorządna ZO*, 1947, No. 5—6 ; idem, “Konstytucja marcowa a konstytucja lutowa” [“The March and February Constitutions: A Comparison”], *PiP*, 1947, No. 11; S. Rozmaryn, “W jakim zakresie obowiązuje dziś Konstytucja z 17 Marca 1921 roku” [“Constitution of March 17, 1921: The Present Extent of Validity”], *PiP*, 1948, No. 1; J. Trzcinski, “Zagadnienie obowiązywania Konstytucji z 17 marca 1921 roku w latach 1944—1952” [“Validity of the Constitution of March 17, 1921 in the years 1944—1952”], *Prz. Prawa i Admin.*, 1974, No. 5.

² See S. Rozmaryn, *Polskie prawo państwowe [Polish Constitutional Law]*, Warsaw 1951, p. 515; K. Działocha, “Źródła prawa dotyczące Sejmu Ustawodawczego” [“Sources of Law Concerning the Legislative Diet”], in: *Sejm Ustawodawczy Polskiej Rzeczypospolitej Ludowej [The Legislative Sejm of the Polish People's Republic]*, Ossolineum 1977, pp. 70ff.

style of articles included in the chapter about rights and liberties followed the pattern of the Soviet Constitution of 1936, also preserved by the Soviet legislator in 1977. In principle, the articles are composed of two parts of which the first one declares a given right and the other one contains provisions defined as material—material, not legal—guaranties of its fulfilment. Such is the formulation in the July Constitution of articles concerning the right to work, to rest, to health protection, to education, and the article about freedom of conscience and religion. Most provisions added to the chapter concerning civic rights of the July Constitution in the after years lack that compound construction. Among other reasons, this is perhaps because of the fact that it would be difficult to include in the Constitution of People's Poland guaranties of the civic right to environment protection : but another possible reason is that those provisions were added at a different stage of constitutional stylistics.

The whole of constitutional provisions are based on two principles defined as evolutionary nature of rights and as their class character. Discussing the former, the present author and Marek Sobolewski stated years ago that it is a most important characteristic of the socialist legislator that he theoretically recognized the evolutionary nature of rights, and that provisions of the Constitution “impose on the legislator the duty to act in a specific direction.” They state, firstly, that the Polish State should generally guarantee the broadest possible range of rights and liberties to its citizens. The constitutional legislator of People's Poland was of the opinion that a State where the socialist system has been introduced can (and should) provide the citizen with better guaranties of his rights than a State which has not yet passed through the road towards the introduction of that system. Hence the Constitution of the Polish People's Republic most strongly stresses the evolutionary nature of rights and liberties of Polish citizens. Secondly, the evolutionary nature of civic rights and liberties means that the sphere of those rights and liberties is not a closed one yet and that not all rights have yet been granted to citizens. This way, the legislator stated quite openly that it was impossible to grant a broader range of civic rights and liberties at the moment of passing the Constitution in July of 1952, but that he would strive after a broader grant of those rights ; that the state accomplished was not the best but the only possible one at that moment.

Nearly in all provisions of the chapter concerning civic rights of the Constitution, we encounter formulations such as the possibility of rest “for the growing masses of the working people,” the dictate of an increasingly broad realization of the right to health protection, the

provision of a broadened range of the right to education, the development of libraries, theatres, museums, etc., while we deal here with formulations of the basic statute which therefore have the supreme legal value : formulations obliging the legislator to take specific actions in a definite direction.³ In the quoted work, we also wrote about the class character of political rights, that is the constitutional principle that rights and liberties may not be used for struggling against the system. It was not a novel opinion⁴ which does not mean that we bear no responsibility for it. We also realized that

“State authority may abuse its rights to ration freedom in an ungrounded way. It may retain such limitations for longer than justified. The rationing of rights and liberties may also constitute a justification of constraint that no longer has historical reasons. Lord Acton’s old thesis that power demoralizes, and absolute power does that the absolute way, has lost none of its immediate interest. In definite situations, even the aspirations that keep within the limits of the existing system can be limited. We are convinced, however, that the road towards preventing such dangers does not lead through a revival of the outdated conception of the individual liberal freedom. All new social systems have necessarily to develop their own system of control of power and protection of the civic rights and liberties which would be adjusted to their specific conditions and needs.”⁵

The reason why I am quoting an article which is some twenty-odd years old is that the legal reasoning contained in it and concerning the class, that is of a limited nature of rights and liberties deduced directly from the Constitution would not at all be easy for me to prove. The 1952 Constitution contains no general limitation of the scope of civic rights of the kind included e.g. in the above-quoted provisions of the “July Manifesto” or “declaration” of the legislative Sejm. The only civic right expressly limited in the 1952 Constitution for political reasons is the freedom of association. Thus two opposing interpretations are theoretically possible here. One might assume that while the Constitution is explicit about the limitation of freedom of association, it implies such limitations in other cases which results from the system’s very nature ; that interpretation was shared for a long time by most representatives

³ J. Zakrzewska, M. Sobolewski, “O prawach obywateli” [“On Civic Rights”], *Kultura i Społeczeństwo*, 1967, No. 4 ; for a broad discussion of the progressive nature of rights, see L. Wisniewski, *Gwarancje podstawowych praw i wolności obywateli PRL* [Guaranties of the Basic Rights and Liberties of Citizens of the Polish People's Republic], Ossolineum 1981, passim.

⁴ On discussions about the limits of civic rights, see F. Siemieński, *Podstawowe prawa i obowiązki obywateli PRL* [The Basic Rights and Duties of Citizens of the Polish People's Republic], Warsaw: PWN 1979, pp. 259ff ; S. Rozmaryn, *Konstytucja jako ustawa zasadnicza* [The Constitution as the Basic Statute], Warsaw : PWN 1967, pp. 182ff.

⁵ J. Zakrzewska, M. Sobolewski, *op. cit.*

of the doctrine of constitutional law including the present author. On the other hand, one might also conclude that—since the Constitution provides for a limitation of right in a single case only—such limitations do not concern its other provisions. In this case, the choice of interpretation is rather a political one : from the legal point of view, interpretation to the citizen's advantage seems obvious today. But what has been and still is decisive for the citizen's status is the interpretation applied in practice. The consequences of insufficient precision of constitutional formulations are clearly visible here, and so is their legal vagueness. This is why it seems indispensable that a new Constitution should regulate civic rights beyond any doubt, and exclude any possibility of a discretionary or at least entirely opposing interpretation.

As far as the merits of the problem are concerned, the Polish experience with the socialist system, together with that of the neighbouring countries, point to the advisability, nay necessity of a radical verification of such principles as the principle of political rights being limited to followers of the system. The top political philosophers have long since noticed the dangers of the solutions the relinquishment of which is suggested today in Poland.

"The laws of a given State provide", Montesquieu wrote, "that all citizens possess the freedom of speech, association and manifestation ; they also provide that such liberties are not granted to those persons only who might plan to abuse them, that is to use those liberties contradictorily to the general interest. Since the laws do not specify what exactly is that infringement of the general interest, absolutely anything may provide the pretext for those in power to deprive of a right anybody they want to. Whenever the infringement of the general interest is vague, and whenever there is no appeal instance, the government that grants the whole of rights may well be tantamount to tyranny."⁶

Advocates of the former theories basing on which the problems of civic rights were regulated might contend here that this is not a tyranny that we are living in. That is true. But the social and economic experiences in Poland to date justify a search for and consideration of solutions resulting from a variety of theoretical conceptions, including, or perhaps particularly, those unlike the hitherto adopted.

2. Handbook Descriptions. For many years, the presentation of civic rights and liberties in handbooks of constitutional law was based on variants of a pattern which I will try to outline presently. In principle, the above-mentioned possibilities of largely different interpretations found no reflection in academic textbooks and in group works on civic rights. This statement is not a valuation : the presentation of the past (or present) situation may only have some value for the future here, to the extent

⁶Montesquieu, *O duchu praw [The Spirit of the Laws]*, Warsaw : PWN 1957.

to which any good or bad past experiences may at all be conducive to new solutions.

The basic principles, such as the class character of rights and liberties ; their evolutionary nature (which handbooks and studies sometimes call "dynamic") ; the principle of material guaranties treated as a discriminant, the trait which opposes the institutions of civic rights in a socialist State to those in a bourgeois democracy—all those principles were included in all academic textbooks, though of course differently formulated and with stress on different elements.⁷ Other differences often concerned the classification of constitutional rights and liberties or names of guaranties, etc. Therefore, they were mainly differences in terminology.

The author of one of the more recent works published in 1987 and dealing with constitutional law mentions four general principles of the Constitution of Polish People's Republic which concern the basic rights, liberties, and duties of citizens : the principle of their class and evolutionary character ; the principle of equality ; the principle of a complex treatment of the basic rights and liberties ; and the principle of material guaranties.⁸ Some authors went rather far beyond the above pattern, but not in textbooks : apart from textbooks, such authors also wrote specialistic works dealing with the problems of rights and freedom where they sometimes presented an original approach. Such authors were Feliks Siemieński and Leszek Wiśniewski.⁹ The work by Wiśniewski contains also an interesting treatment of the relationship between civic rights and institutions¹⁰ and—a rarity in the Polish specialistic literature—

⁷ See e.g. K. Biskupski, *Prawo państwowe [Constitutional Law]*, Mikołaj Kopernik University Publishers 1960 ; A. Burda, *Polskie prawo państwowe [Polish Constitutional Law]*, Warsaw : PWN 1965 (and the following editions) ; A. Burda, R. Klimowiecki, *Prawo państwowe [Constitutional Law]*, Warsaw : PWN 1958 ; Z. Jarosz, S. Zawadzki, *Prawo konstytucyjne [Constitutional Law]*, Warsaw: PWN 1987; J. Zakrzewska (ed.), *Prawo państwowe PRL [Constitutional Law of the Polish People's Republic]*, Warsaw: PWN 1964; F. Siemieński, *Prawo konstytucyjne [Constitutional Law]*, Warsaw: PWN 1976 (and the following editions) ; M. Sobolewski, *Ustrój Polski Ludowej na tle porównawczym [The System of People's Poland : A Comparative View]*, Jagiellonian University Publishers 1965 (and the following editions).

⁸ S. Zawadzki, in : Z. Jarosz, S. Zawadzki, *op. cit.*, pp. 218ff.

⁹ F. Siemieński, *Podstawowe wolności, prawa i obowiązki obywateli PRL* ; L. Wiśniewski, *op. cit.* For discussion of the bourgeois conception of rights only, see Z. Kędzia, *Burżuazyjna koncepcja praw człowieka [The Bourgeois Conception of Human Rights]*, Ossolineum 1980. However, as Marek Sobolewski wrote in his review, "The reader [...] will find in many passages [of the work] a multitude of problems that are of interest to the Poles of 1980s as well" *PiP*, 1982, No. 5—6.

¹⁰ For a different approach to this problem than that of L. Wisniewski, see

of the problems of rights of minorities as the condition of democracy. Such discussions, however, are found not in textbooks as a rule. What is more—a serious charge—textbooks leave out of account the practice of fulfilment of civic rights and liberties, in spite of theoretical assumptions. Reading a textbook, we can learn nothing about the everyday functioning of those rights and liberties. The doctrine treated the problem of political rights (e.g. franchise, freedom of association), of liberties (e.g. freedom of speech, secrecy of correspondence) and the like purely theoretically, that is as an entirely abstract problem. If the author decided to say anything definite at all, he quoted the classics of Marxism and Karl Marx himself in particular,¹¹ or the principles of bourgeois democracy.¹² In the past, such indirect approach was at least a method if anything else failed because of censorship. A citation of material guaranties many of which remained on paper only could hardly substitute an appraisal of fulfilment of constitutional provisions. Various turnovers, e.g. in October 1956 or August 1980, probably changed the situation somewhat but, as has been stated above, this found its expression rather in specialistic studies¹³ than in textbooks.¹⁴ There was probably not a single textbook from which the reader could get any idea about the fulfilment of a citizen's status in People's Poland. Also the changes taking place in the Polish legal regulation and practice in different historical periods could hardly be understood basing on textbooks. The textbook representation of

W. Sokolewicz, "Prawa i obowiązki obywatelskie w systemie demokracji socjalistycznej" [The Civic Rights and Duties in the System of Socialist Democracy], *Studia Nauk Politycznych*, 1979, No. 2 ; on the problem of relationship between norms concerning the authorities and those concerning the citizens, see also W. Komarnicki, *Polskie prawo polityczne [Polish Political Law]*, Warsaw 1922, p. 515.

¹¹ The author using this approach was Andrzej Burda.

¹² Which as a rule hindered the publication of works by Marek Sobolewski.

¹³ L. Wiśniewski, "Gwarancje podstawowych praw i wolności politycznych i osobistych obywateli PRL" ["Guaranties of the Basic Political and Personal Rights and Liberties of Citizens of the Polish People's Republic"], report at the national session of Constitutional Law Departments in 1981 ; and a pioneer study by B. M. Banaszak, "Konstytucyjne założenia podstawowych praw, wolności i obowiązków obywatelskich i ich realizacja w praktyce" ["Constitutional Assumptions of the Basic Civic Rights, Liberties, and Duties, and Their Fulfilment in Practice], in : *Konstytucja PRL po 30 latach jej obowiązywania [Thirty Years of Validity of the Constitution of Polish People's Republic]*, Ossolineum 1983, pp. 113ff.

¹⁴ An exception to some extent is the handbook by A. Burda and R. Klimowiecki, *op. cit.*, which mentions the insufficient legal solutions and the "deficient openness of the public life" or of the legal norms regulating that life (pp. 551, 558) ; see also the handbook by K. Biskupski, *Zarys prawa państwowego [Constitutional Law : An Outline]*, Warsaw 1962, where the formal guaranties have been given a somewhat different approach.

constitutional civic rights and liberties resembled the ideal model, and the mutual influences of various systems were shown as trending in one direction only. A textbook is not and should not be a commentary to the Constitution (nb., no commentary to the July Constitution was ever published during the entire period of its operation) ; but the reality should be reflected also in instructive texts.

3. A Few Remarks About Historical Experience. The discussed textbook presentations of civic rights and liberties contained a catalogue of rights and their class justification.¹⁵ The authors of some textbooks (e.g. Andrzej Burda) quoted the historical origin of those rights and liberties, discussing the universalistic and individualistic approach to the citizen's relation to the State.¹⁶ Such discussion was no doubt interesting from a historian's point of view : but notions from the past ages sometimes acquired a different meaning when transferred into the late half of the 20th century. To support this thesis, a statement can be quoted which was made in 1977 at a session about human rights, organized by the Warsaw Club of Catholic Intellectuals and not by any academic circles. It was stated as follows :

"Human rights are a universal value. Their universality has two possible interpretations. The first and obvious one, which is however more obvious in the sphere of principles than in that of their fulfilment, is that we deal here with subjective rights of every human being. [...] The other aspect of universality of human rights [...] is the awareness that they are based on a specific consensus ; it is not exactly an ideological consensus but a supraideological one. In plain words, those rights are based on the most basic and common values that are part of mankind's universal achievements."¹⁷

The problem of those "most basic" values will be discussed further on ; the fact should be brought to mind here that a critical attitude towards rights and values or towards the way of their fulfilment in a capitalist State was characteristic not only of the Marxists. Just as sharp and profound was the criticism voiced by personalists despite their obviously different point of departure and personalistic perspective.

¹⁵ For a theoretical justification of the socialist conception of rights, see W. So - kolewicz, "Prawa i obowiązki obywatelskie w systemie demokracji socjalistycznej." It may be stated from this theoretical point of view that the opinion about the non-existence of a single universal conception of human rights was formulated with the triumph of the October Revolution.

¹⁶ A. Burda, *Polskie prawo państwowe [Polish Constitutional Law]*, Warsaw: PWN 1977, pp. 367ff. This opinion has been quoted by J. Zakrzewska (ed.), *Prawo państwowe PRL [Constitutional Law of the Polish People's Republic]*, Warsaw : PWN 1968, pp. 116ff., a handbook that was never published, its setting destroyed.

¹⁷ T. Mazowiecki, "Chrześcijananie a prawa człowieka" ["The Christians and Human Rights"], in : *Chrześcijananie wobec praw człowieka [The Christians and Human Rights]*, Paris 1980, Ed. du Dialogue, p. 9.

“We cannot oppose to capitalism any system built of ready parts,” Mounier stated. „The economy is continuous. In the bosom of capitalism, the first outline of the socialist world appears, if we interpret socialism as : abolition of the proletariat’s present status ; replacement of the anarchic economy based on profit with an organized one based on a person’s comprehensive prospects ; socialization but not nationalization of the sectors of production which lead to economic alienation ; development of trade unions ; rehabilitation of work ; promotion of the worker to replace paternalistic compromises ; primacy of work over capital ; abolition of classes based on division of work and wealth ; primacy of personal responsibility over anonymity of the machinery. [...] If socialism seems to be falling asleep or getting distorted under the influence of the administrative or police machinery, the need for a reformed socialism becomes more urgent. (...) It is Europe’s task to discover it, and it is towards that socialism that the present political road of personalism leads.”¹⁸

Mounier also accepted Marx’s critical review of formal democracy, calling it “irrefutable in its essence.” The rights granted to citizens by a liberal State are for most of those citizens alienated from their economic and social existence.”¹⁹ Mounier fully realized, however, that the emerging political road of personalism of the 1930s was not necessarily the only one : “the future will show whether [personalism] should follow other roads as well, depending on what history teaches us.”²⁰

What emerges from many statements of Mounier and other personalists, as well as the socialist thinkers, is the problem of hierarchy of civic rights. It appears as relation of freedom to equality,²¹ of political to social rights, of formal rights and their material guaranty through social rights. After World War II in particular, the catalogue of social rights as the necessary condition of fulfilment of political rights was given a specially important position, included in political programmes and constitutional provisions. The practice demands, however, that the legitimacy of formulation of permanent and rigid principles concerning the import and meaning of the separate rights should be considered. Different opinions about this problem can be quoted in an attempt to substantiate the above statement.

“Before we proclaim freedom in constitutions or quote it in speeches, we are obliged to secure universal conditions of freedom, the biological, economic, social and political ones, which will make it possible for the average forces to take part in mankind’s most important events. [...] ‘To defend freedom’ without a closer definition of that term wherever it is limited by official acts or the state of morals, means to condemn oneself to alliance with stagnancy.”²²

¹⁸ E. Mounier, *Wprowadzenie do egzystencjalizmów [Introduction to Existentialisms]*, Warsaw 1964, p. 107.

¹⁹ *Ibidem*, p. 116.

²⁰ *Ibidem*, p. 107.

²¹ See J. Zakrzewska, M. Sobolewski, *op. cit.*

²² E. Mounier, *op. cit.*, p. 70.

This and other similarly formulated opinions seemed convincing and self-evident particularly when voiced after wars, colonialism, and destitution. They were repeatedly stressed also in the personalistic thought. Jerzy Turowicz wrote :

“If you are hungry, have nothing to eat and nothing to feed your children with, if you have no clothes and are homeless—it is only natural that you want first of all to satisfy such needs. It might even be said that you do not need civic rights, or freedom of opinion at such moment. [...] Even if they were granted such rights, the illiterate masses would hardly know how or be able to exercise them. Therefore, chronologically the former rights come first.”²³

But the author believes that there is a hierarchy of human rights ; that although the social rights he mentions are “chronologically” the first ones.

“[...] they are nevertheless not as basic as the civic or political rights : freedom of thought, conscience and opinion which include the freedom of religion and the democratic freedom, that is the possibility of shaping one’s own fate and influencing it both through one’s own choice and through the social and political mechanisms that enable it for man to influence the shaping of his or her personal fate within the fate of the community or nation. In my opinion, those rights are the most basic of all.”²⁴

The socialist thought²⁵ also expressed these dilemmas. “The point has always been not the relinquishment of formal rights but just the basing of political rights on the fulfilment of social rights.”²⁶ And if the propagators and authors of the socialist thought even had reasons to be uneasy, it was not because the theoretical structure proved useless. Quite the contrary : the socialist—and possibly also more broadly : the leftist—thought greatly contributed to the contents of declarations, constitutions and international pacts passed or negotiated after the war. Another thing aroused concern : where that thought seemed able to find its practical realization, it encountered obstacles and failed ; even “the thought inclined to analyze those obstacles, itself meets with obstacles”.²⁷

When a specific discussion about civic rights was still in progress in Poland (which fortunately may be said to have started anew several

²³ J. Turowicz, “Chrześcijananie wobec praw człowieka” [“The Christians and Human Rights”], op. cit., p. 141.

²⁴ *Ibidem*.

²⁵ According to Jan Strzelecki, the term “socialist thought” should be interpreted as a class and not as entity since the traditions of the socialist thought differed, particularly with regard to power and organization of public life ; see “Prawa człowieka w tradycji myśli socjalistycznej” [“Human Rights in the Tradition of Socialist Thought”], in : *Chrześcijananie ...*, p. 87.

²⁶ *Ibidem*, p. 94.

²⁷ *Ibidem*, p. 90.

years ago), personalists resented the Polish left wing's underestimation of human rights.

"As regards this point, the Polish Left disappoints us. We expected it to lay emphasis on the rights of a human being as the most important ones in the new conditions it is creating. After all, it struggled for those rights before, and did it with devotion."²⁸

Today, as forty-odd years ago, the above words of the Rev. Jan Piwowarczyk are a challenge to the Polish Left. Just like the deficiencies of the capitalist system stimulated a search for different ways, also the socialist experience makes us look for new, different solutions which would provide a better satisfaction of human needs. This concerns both theoretical solutions and practical activities based on that theory. We should therefore turn back to those most basic values, enriched with the good and bad experiences of the last two hundred and the last forty-odd years.

"Freedom is a sinister world," a well-known French scholar writes²⁹ who refers to the Declaration of Human and Civic Rights of 1789 when discussing more detailed matters. Practically as a rule, lawyers who deal with the problems of rights and liberties turn to the corner-stones : the Bill of Rights, the United States' Declaration of Independence, and the Universal Declaration of Human and Civic Rights. It has been stated in those very acts that all people are equal, that they are born and remain free in their rights, that the Creator grants them specific inborn rights, and that those rights include the right to live and to strive for happiness. It was also declared two hundred years ago that people have the right to resist oppression, and the freedom of opinions, and that presumption of innocence is the basic principle before the court. The formulation of those great declarations was sometimes accepted, sometimes criticized, and sometimes supplemented. Attempts were made to extend human rights and to find formulations which would be better suited to the changing world and of more service to the citizen's status. Freedom was considered, and questions asked : what freedom ? freedom from what ? freedom to what ? in what conditions ? on paper or in reality ? Such questions and doubts were justifiable : were we to be satisfied with what had been formulated two centuries before only ? What seems however just as obvious in the light of experiences is that the formulations included in the acts we call the corner-stones lost nothing of their immediate interest and have by no means been thrown overboard as historical, if most noble, junk.

²⁸ The Rev. J. Piwowarczyk, "Wychowanie nowego człowieka" ["Educating a New Man"], *Tyg. Powszechny*, 1946, No. 33.

²⁹ J. Rivero, *Les libertés publiques*, Paris 1974, p. 21.

The Universal Declaration of Human Rights, passed by the United Nations Organization in December 1948 (as well as the other subsequent acts of the same type) also has identical roots, and social rights are not just the necessary supplement of political rights but are inseparably connected with them.

“Due to the relationship between the civil and political rights of a citizen and the social rights granted to that citizen as a human being, it would be absurd to oppose political freedom to social rights in the name of material freedoms which are supposed to be the only self-evident ones”, stated Paul Thibault in Puisa.

..] Any discrepancy between political freedom and justice is truly disastrous. Were bread, or more generally, proper life, achieved at the cost of freedom of thought, expression, and discussion of public matters, we would have to consider our hopes for the development of political democracy shattered.”³⁰

Moreover, as clearly shown by the Polish experiences, any hopes that fulfilment of social rights is possible can only be delusive if political rights remain unfulfilled. The above historical remarks seemed relevant here. The fact considered that Poland now faces constitutional changes and that works and discussions are and will be in progress on new legal regulations, it is unquestionable that historical experiences are of importance. The same concerns protection of those basic values. What also seems of consequence is the recognition of the broad approach to the problems of rights and liberties. As has been said above, nobody should claim the right to ideological exclusivity in this sphere, and nobody can appropriate that sphere : all we can do is just demonstrate that we understand human rights and are involved in their fulfilment. Human rights are perceived as universal property and value.³¹

³⁰P. Thibault, “Demokracja a sprawiedliwość społeczna” [“Democracy and the Social Justice”], *Więź*, 1987, No. 5.

³¹T. Mazowiecki, “Chrześcijanizm...”, p. 10.