

Studia Elckie 11 (2009)

SUMMARIES OF THE ARTICLES

LITERATURE

■ Joanna Szydłowska

The Experience of the War and Occupation in the Reports of Krzysztof Kąkolewski. Testimony - Memory - Ethical Gesture

The work raises the question of the conceptualism of war and occupation in reports of Krzysztof Kąkolewski referring to the first half of 20 century. The authoress situates his texts in the context of rich literature stream. She studies in what way these reports penetrate the realities which are historically distant. First, she underlines the incessant presence of the theme of war in the psyche of heroes (a psychological report). Secondly, she undertakes the ethical aspect and raises old questions about responsibility of the Nazis for crimes against political relations in Europe (a report-interview).

■ Radosław Supranowicz

Sehnsucht Nach Dem Verlorenen Paradies? Einige Bemerkungen Zum Phänomen „Heimat“

Der vorliegende Beitrag befasst sich mit dem Begriff „Heimat“, der tief in der deutschen Kultur verankert ist. Es werden hierin Ansichten und Stellungnahmen einiger Autoren herangezogen, nach deren Analyse man zu der Überzeugung gelangt, dass sofern „Heimat“ in geographischer Dimension aufgefasst werden kann, scheint die Wortzusammenstellung „verlorene Heimat“ bereits etwas Illusorisches zu berühren. Bei diesen Worten kommen Gefühle, Erinnerungen, vertraute Gesichter oder Erlebnisse zum Vorschein. Auch das Wort „Heimat“ wird des Öfteren nicht unbedingt mit dem Raum, in dem man geboren und aufgewachsen ist, in Verbindung gebracht. Der Schrei nach „Heimat“ ist Artikulation von tiefer Sehnsucht nach diesem Ort, den es schon lange nicht mehr gibt, der nur noch ein Produkt unserer Phantasie ist, den wir mit dem Traumland unserer Kinderjahre in Verbindung setzen und den wir wieder zu finden hoffen.

PHILOSOPHY

■ Mikołaj Krasnodębski

Jacek Woroniecki's and Feliks Wojciech Bednarski's Pedagogics as the Exemplification of Traditional Thomism

In the article there are discussed philosophical presuppositions of Woroniecki's and Bednarski's theory of education, which are principally determined by the moral philosophy of traditional Thomism. The traditional Thomism is one of the earliest interpretations of Thomas Aquinas' thought. That current was entirely formulated on the turn of XIX and XX century, though its origin went back to Aquinas and his commentators. Presently, traditional Thomism has been displaced by more integral approach to

St. Thomas' philosophy, i.e. by existential Thomism (the Lublin Philosophical School) and consequent Thomism (the Warsaw School of Consequent Thomism). Nevertheless, Woroniecki's and Bednarski's pedagogics still may be an inspiration for theoreticians and practitioners of education. Their theory of education is an up-to-date proposition. Among its attributes there are the realistic apprehension of human act and education, the theory of efficiency and virtue, and – referring to it – the education of intellect, will, emotions, impulses, which embraces the formation of human character. In this way, the approach of these two authors to human education is what used to be called "paedagogia perennis."

■Ks. Tomasz **Orłowski**

Accanimento Procreativo

Le scienze biomediche e la tecnologia hanno fatto enormi sforzi nei trascorsi 30 anni dalla nascita della prima bambina concepita in vitro per rispondere alle esigenze umane derivanti da una seria patologia che possiamo definire „sterilità di coppia”. La fecondazione umana in vitro ha aperto la porta a una rivoluzione della riproduzione. Il pubblico informato attraverso i mezzi di comunicazione sa che oggi è possibile produrre in laboratorio un “essere umano” e darlo a chi lo desidera. Ma è onesto chiedersi: le tecniche di riproduzione assistita sono proprio efficienti? E a quale prezzo? In questa pubblicazione intendiamo rispondere alla domanda: quanti degli embrioni creati in vitro nelle pratiche di riproduzione assistita nascono come vivi bambini? Quanti di essi diventeranno “bambini in braccio”? Dalle analisi critiche da noi compiute sulle statistiche pubblicate annualmente dai vari centri nord americani ed europei ci risulta che una minima parte – tra 5% e 10% – degli embrioni prodotti nascono come bambini. Il restante oltre 90% muore (spontaneamente o viene selettivamente distrutti). Allora la procreazione assistita è una tecnica che consapevolmente intraprende un procedimento che, nella speranza che nasca quel unico desiderato, porta alla strage degli embrioni. È un vero e proprio accanimento procreativo. Concludendo abbiamo affermato che la fecondazione assistita è una tecnica altamente inefficiente. La nascita di un bambino concepito in vitro richiede ancora un enorme sacrificio degli essere umani nelle prime fasi del loro sviluppo. Ciò fa dubitare della sua liceità morale.

■Ks. Piotr **Przemielewski**

Postmodernism and its Presence in the Contemporary Culture and Art

Postmodernism as a cultural movement has two levels: (1) practical given in a specific life style and human mentality, and (2) theoretical given in theories which may describe philosophical, esthetical, pedagogical, or even musicological postmodernism. The author discusses (1) the genesis of postmodernism and its connections with different philosophical conceptions; (2) the relationship between postmodernism and modernism; (3) the presence of postmodernism in culture and art.

■Ks. Paweł **Tarasiewicz**

„Person” as an Analytical Criterion

The article undertakes the attempt of tracing the philosophical interpretation of human being, as well as the methodological status of such interpretation in studying culture.

Undertaken considerations present methodological advantages of the realistic conception of human person. First, they embrace the genesis of a thought which elucidate man with the assistance of the category of “person” (Greek, Roman, and Christian approaches). Secondly, they concentrate on inalienable parameters of human personal life, which are elaborated in the light of philosophical realism (cognition, freedom and responsibility, love, agency in law, ontological wholeness, and religious dignity). Thirdly, they show what predisposes the realistic notion of human person to carry out methodological functions (its integrity, realism, and universalism). Finally, there are discussed conditions of applying the realistic conception of human being as a neutral analytical criterion (its negative character).

HISTORY

■Ks. Krzysztof **Bielawny**

Beteiligung Polnischer Bischöfe An Den Beratungen Des II. Vatikanischen Konzils

Den Beratungen des II. Vatikanischen Konzils in Polen sind viele Diskussionen vorangegangen. Im August 1961 hat die wissenschaftliche Konferenz an der Katholischen Universität stattgefunden, die dem zukünftigen Konzil gewidmet wurde. Das II. Vatikanische Konzil hat in den Jahren 1962-1965 stattgefunden. Es hat aus 4 Sessionen bestanden, an denen sich von 2 bis 3 Tausend Konzilväter beteiligt haben. An der I. Konzilsession haben 3000 Konzilväter teilgenommen, die nach Rom aus der ganzen Welt gekommen sind. Unter den Delegierten waren auch Bischöfe aus Polen an der Spitze mit dem Primas, Kardinal Stefan Wyszyński. Die Fahrt der Priesterschaft war durch die kommunistische Verwaltung erschwert. Viele Bischöfe bekamen keinen Pass. Das andere Problem war die Desinformation, die von der linken Presse sowohl gegenüber den Bischöfen als auch gegenüber den Beratungen des Konzils geführt wurde. Trotz vieler Schwierigkeiten, auf die die Kirche in Polen seitens der kommunistischen Behörde gestoßen ist, haben die Gläubigen das Konzil mit Gebeten vom ersten bis zum letzten Tag der Beratungen unterstützt. Das Konzil wurde am 8. Dezember 1965 beendet.

■Janusz **Hochleitner**

St. John of Nepomuk as a Catholic Cultural Hero

In ethnography some people can be defined as cultural heroes. Such heroes, regarding features of their character, play a role of mediators between the sacred and the profane. According to the author, numerous saints of the Roman Catholic Church can be treated as such heroes. Certain saints carry in themselves some “cultural” content, which can be well recognized by local communities. It applies in particular to these saints, who can be considered as guardians of human existence.

Inhabitants of many European regions found in St. John of Nepomuk an effective advocate against the danger of water. It was so, for example, in the Prussia-Lithuanian border area. St John of Nepomuk was the saint patron first of all against drowning, but also against ill-fated accidents. That is why there was a habit to transfer images of the saint from temples to places of daily life like river crossings or village roadside shrines.

■Ks. Jacek **Wojda**

The Place of History in the Theological Works of Karl Rahner and Henri de Lubac

The article aims at presenting the correlation between theology and history. The author refers to two outstanding Catholic theologians, Karl Rahner and Henri de Lubac, who effectively contributed to the II Vatican Council. The author claims that Rahner understood history as a context of the events of salvation; therefore all what he was interested in was Jesus Christ; he seemed to ignore all the events in time and space. De Lubac, on the other hand, located his theological system in the patristic context; therefore he could trace the realization of messianic promises in concrete events of history. According to the author, these two theological systems complement one another.

COMMUNICATION

■Jacek Janusz **Mrozek**

Right to Cultivate the Memory of a Deceased Person and Activity of the Press

The article focuses on the issue of protection of the memory of the deceased in the light of the mass media activity. The cult of memory of the deceased does not belong to the catalogue of personal rights defined by the civil code. They rather concentrate on: health, freedom, reverence, freedom of conscience, surname or pseudonym, secrecy of correspondence, inviolability of residence, scientific and artistic rationalization of creativity. The legislator, however, by not applying the *numerus clausus* rule, lets the legal doctrine and judicial decisions create new kinds of personal rights. Thus, among such newly-created rights there is the cult of a deceased person. Personal rights are subjective ones, which means that they exist as long as a human being exists, from his/her birth to death. Therefore, a deceased person does not possess personal rights which would be protected by the law. Relatives, however, may demand a protection of their personal right defined as “cult of a deceased person” by requiring to cease an action unless it is not illegal.

■Jacek Janusz **Mrozek**

A Journalist's Professional Secrecy and its Protection in the Polish Legal System

The article undertakes the issue of journalist secrecy, which is treated by the legal system as professional secrecy. Journalists' professional secrecy is not to be viewed as this professional group's prerogative but rather as its duty. Regulations concerning journalist secrecy are included in the press law, code of civil procedure, code of criminal procedure, offence procedure code and administrative code. A journalist cannot free himself/herself from journalist secrecy. This may happen only by a license of a court and only in the case where it is necessary to secure the benefit of justice administration, and a circumstance may not be ascertained on the basis of other evidence. The license may relate to the circumstances of certain events but it may not include any data which would enable the identification of the author of press material, if he reserved his right to anonymity (the so-called right of *anonimat*). The regulations are not applicable if the acquired information relates to most serious crimes against the interest of the state or against the human life. If a court exempts a journalist from the professional secrecy,

he/she can not refuse to testify. In a case of the evasion of this duty, he/she shall not stand trial for the offence of criminal support. The case is quite different when a journalist appears in court as a defendant. He/she may then breach their journalist secrecy as the exercise of his/her right to defend.

■ Ryszard Skawiński

Die Reformen Des Fachschulwesens

In Den Spalten Der Zeitung „Gazeta Wyborcza“ In Der Zeit 1992-2002

Im folgenden Artikel werden die wichtigsten Texte über das Fachschulwesen im Bildungssystem dargestellt, vor allem die Texte über die Fachschulen nach dem Gymnasium. Sie sind beschrieben in der Zeitung „Gazeta Wyborcza“ 1992-2002. Die Zeitungsberichte waren für die Reformen und für Verbindungen des Fachschulwesens mit Arbeitsvorschlägen. Die einzelnen Profil-Lyzeen erhielten oft gute Zensuren der Fachrichtungen und ermöglichten die Integration junger Leute in gesellschaftliche Stellen. Mitunter wurde jedoch auch negative Kritik laut: Rückständigkeit und Unangepasstheit an gesellschaftliche Formen. Daneben enthielten die Zeitungen Berichte über die Jagd nach Sensationen, lokale Konflikte und unwesentliche Vorkommnisse. Positiv wurde die Arbeit der Spezialisten des Fachschulwesens für Arbeitslose gewertet. So war insgesamt bei dieser Zeitung keine einheitliche Programmlinie vorhanden.

HISTORICAL RESOURCES

■ Ks. Wojciech Guzewicz

Der Brief Des Bischofs Stanisław Łukomski

An Den Leiter Der Woiwode In Białystok Vom 13. Oktober 1945

In diesem Brief wird die Ursache und der Verlauf der Konflikte zwischen dem Bischof von Łomża und der kommunistischen Macht dargestellt. Der Bischof fordert den Leiter der Woiwode auf, seine Mitarbeiter anzuweisen, von Beschimpfungen der katholischen Kirche abzulassen und das gesellschaftliche-politische Leben der Kirche in Polen anzuerkennen. In seinem Brief antwortet der Bischof auch u.a. auf Anschuldigungen des Leiters der Woiwode, Priester würden antistaatliche Tätigkeiten ausführen. Das Original dieses Briefes befindet sich in Staatsarchiv von Białystok.

■ Ks. Wojciech Guzewicz

Aufruf Des Bischofs Stanisław Łukomski

An Die Diözesanen Am 16. August 1947

Der Aufruf des Bischofs Stanisław Łukomski an die Diözesanen vom 16. August 1947, der hier vorgestellt wird, präsentiert die Kulisse der Beerdigung von drei Staatsbeamten, die am 10. August in Łomża stattfand. Dieses Ereignis war der Anlass für große Konflikte zwischen der kommunistischen Staatsmacht und dem Bischof vom Łomża. Der Grund dieses Konfliktes wird in dem Brief des Bischofs sehr deutlich vorgestellt und zeigt den weiteren Verlauf der Beziehungen zwischen der Kommunistischen Macht und der katholischen Kirche in Polen, bereits in den ersten Monaten nach dem zweiten Weltkrieg. Dabei wird erkennbar, dass die Tendenz dahin ging, die Position der Kirche zu begrenzen und zu schwächen.

LAW

■Damian Czudek, Janusz Orłowski, Dana Šramkova

Sanctions in the Current Czech and Polish Tax System

The legal responsibility in the tax law and its corresponding legal sanctions could be researched from many different points of view. The main purpose of the paper is to point out sanctions which can be imposed on a tax subject (taxpayer, tax collector, etc.). In the system of the financial law it mainly concerns sanctions regulated by the Tax Administration Act (typically e.g. fines, tax subject activities suspensions, penalties) in the Czech Republic and by the Tax Code in Poland, but it's also indispensable to describe the regulation included in the special tax laws (especially in VAT Act), and sanctions included in the Penal Code (the Czech Republic) and in the Fiscal Penal Code (Poland).

■Mariola Lemonnier, Szymon Kisiel

The Term of Financial Instrument

The article describes problems with defining the term of financial instrument. It has to be noted that the term of financial instrument requires to be updated very often. Dynamic changes occurring the financial market are forcing the legislator to change the existing law frequently in this matter. The article shows the width of the described term and the importance of its proper understanding. Authors point that even though the lawgiver makes some changes frequently it is always one step behind the existing state of things. There is no doubts that practice comes before law. The article is divided in two parts. The first part refers to the economical meaning of financial instrument and the second part is devoted to its juridical aspects. Article is mainly based on Polish binding statutes, directives of EU, Polish and French law literature.

■Bogumił Pahl

The Tax Basis of the Real Estate Tax – Practical Problems

The purpose of the article is to present the problem of establishing real estate tax base. In the Polish legislation in the case of buildings it is usable area understood as an area measured according to internal length of walls on all floors that constitute the real estate tax base. The area of staircases and lifts are not included in this usable area. As far as constructions are concerned, however, this is a value which functions as amortization base calculated in the case of income taxes, or the market value that constitute the real estate tax base.

■Krzysztof Teszner

The Model of Tax Administration in Poland in Period 1934-1939 as a Pattern of the Structure of Effective Tax Administration

In 2009 the Polish tax administration celebrates the 90 anniversary of its origin. It is necessary, however, to underline that the voting of the act of taxation rules in 1934 was the start of the reform of the contemporary tax administration's structure in organizational and functional meaning. The aim of the article is to present solutions accepted in

1934-1939, because they can be a pattern in a difficult process of creating an optimal and effective model of the Polish tax administration.

■Marek Tyrakowski

The Law and Financial Aspects of the Church Capital

The Church Capital from its very beginning was very controversial. It was founded in 1950 by a lawful amendment. It emerged as the realization of the communist ideology, and intended to replace the existing fund. The main objective of the capital was to support clergy. Until 1989 the capital had not fulfilled its basic tasks. Only since 1989 the fund started to accomplish its crucial scopes. Its support conducted to realize Church charitable and educational aims, restore some sacral buildings, and deliver some insurance of the clergy. There are various possibilities of solving problems of the Church Capital. According to the author, the most reasonable would be the introduction of the re-privatization law.

THEOLOGY

■Ks. Stanisław Biały

Free Relationships and the Ideology of «Gender»: Threats by Ethical-Relativism in the Area of Human Sexuality in the Light of the Documents of The Papal Council on Family: «Family, Marriage and “The Free-Relationships”»

A modern phenomenon which fastly grows is the number of free relationships where people live together without any form of a recognized institutional bond, neither a civil nor a religious. These people want their civil status to be recognized as the bond of a private free union by the competent authority in the state. Such a tendency can become a challenge if one thinks of the social and legal protection of marriage which is recognized as a sacramental bond between a man and a woman. Such a legalization of free relationships can undermine the marriage bond and its special character which defines adequate rights of spouses. A bigger problem is the legalization of same-sex unions, as the natural difference between sexual partners becomes obscured. The author tries to answer why such a situation takes place and examines the connection between free sexual relationships and ethical liberalism.

■Ks. Stanisław Biały

Ethical Aspects of Work Seen as a Responsibility For the Common Good

The article discusses the problem of a fact that even in the time of a crisis and unemployment the value of work can be often depreciated by people, who fail to consider the eschatological aspect of this problem. The author demonstrates the necessity of the value of work as this relates to the common good, and presents moral dimensions of this issue in its ordinary and redemptive aspects. He claims that that only social respect for work can create the environment for success which is both economically and religiously considerable.

■Ks. Jacek Uchan

The Image of Man in the Jehovah's Witnesses Doctrine

The article shows the image of man in the Jehovah's Witnesses doctrine. According to this doctrine, man do not have an immortal soul, but he is all a soul. In the moment of his death he ceases to exist, but he retains a hope of the resurrection. Jehovah's Witnesses distinguish two classes of delivered people: a heavenly class and an earthly class. The heavenly class consists of 144 thousand of the delivered. On the other hand, the countless members of the earthly class will live, after the Armageddon, forever in the paradise on the Earth.

VARIA

■ Anita Frankowiak

The Implication of Leszek Kolakowski Metaphysical Quartet. The Gloss of a Humanist

Leszek Kolakowski was a Polish philosopher and historian of ideas. He special interest covered the history of philosophy, the philosophy of culture, and the philosophy of religion. The authoress concentrates on the concept of his metaphysical quartet: God, mind, love, and dead. Human mind looks for eternal true, but also thinks, knows, remembers, and feels things. Above all there is time, thus nobody can be sure to have it enough to realize his activities. Kolakowski states that while man demands precise answers he always makes unlimited, uncertain, and unclear decisions. According to him all the deep thinking and established systems must be fought by philosophy. The authoress claims that Kolakowski's approach to his metaphysical quartet can be an inspiration for developing the European culture in 21. century.

■ Ks. Wojciech Guzewicz

Die Geschichte, Die Rolle Und Die Aufgabe Des Domes In Der Diözese Elĸ In Der Zeit Von 1992-2007

Die Kirche St. Adalbert in Elĸ wurde am 25. März 1992 durch Papst Johannes II. in den Rang eines Domes erhoben. Diese Kirche ist Mutter aller Kirchen und Zentrum des religiösen Lebens in der Diözese Elĸ. Das ist die Stelle von der aus der Bischof von der Kathedrale aus dem Volk das Wort Gottes verkündet, die ganze Liturgie im Laufe des Kirchenjahres feiert und die Sakramente spendet. In diesem Artikel wurde die Geschichte, die Rolle und die Bedeutung der Kathedrale in der Diözese Elĸ in der Zeit von 1992-2007 beschrieben.