

# Evangelical Church of the Augsburg and Helvetic Confessions after the fall of Austria-Hungary in Czechoslovakia and Poland

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## Abstract

One of the religious unions operating in the Habsburg monarchy was the Evangelical Church of the Augsburg and Helvetic Confessions (hereinafter: EKAiHW). Established by the will of Emperor Franz Joseph, it collapsed with the fall of the Habsburg monarchy. The article presents the fate of this Church in two of the many successor countries that arose on the ruins of the empire: Czechoslovakia and Poland, and the short-lived West Ukrainian People's Republic in the years 1918-1939. on legal matters: the formation of new religious associations, selected from EKAiHW, the process of incorporating old church structures into new organizations, problems related to the interference of state offices in this process. National disputes, armed conflicts: Czechoslovakia - Polish, Polish - Ukrainian, brought with them specific consequences also in the religious sphere: for Poles in Cieszyn Silesia, for Germans in Małopolska. The article also allows you to compare the legal solutions adopted by Czechoslovakia and Poland, often dictated by political considerations and the policy towards national minorities, which is different in both countries.

*Key words: Poland 1918 - 1939, Czechoslovakia 1918 - 1939; Austrian Empire; religious law in Austria, religious law in Poland; religious law in Czechoslovakia*

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## 1. Purpose of the work

One of the religious unions operating in the Habsburg monarchy was the Evangelical Church of the Augsburg and Helvetic Confessions (hereinafter: ECAHC)<sup>8</sup>. The patent united the Lutheran and Reformed religious groups into one, and it collapsed with the fall of Austria-Hungary. The aim of this article is to present the location of the parishes of this Church in selected succession countries, established on the ruins of the empire: Czechoslovakia and Poland. In our considerations, we will focus on legal matters.

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<sup>8</sup> The full name of the religious organization we are describing was from 1891 Evangelische Kirche Augsburgischen und Helvetischen Bekenntnisses in den im Reichsrathe vertretenen Königreichen und Ländern. In Polish: Ewangelicki Kościół Wyznania Augsburskiego i Helweckiego w królestwach i krajach w Radzie Państwa reprezentowanych, and in Czech: Evangelická církev augšburského a helvétského vyznání v královstvích a zemích na říšské radě zastoupených. This religious association functioned only in the so-called Cisleithania (Austrian Empire not Kingdom of Hungary). On the Austro-Hungarian system, see G. Górski, S. Salmonowicz, *Historia ustrojów państwa*, Warszawa 2001, s. 507 - 515.

## 1. 1 Legal basis of the functioning of the Church in the Habsburg monarchy

The legal ground for the existence of ECAHC was given by *Kaiserliches Patent von 8 April 1861, womit die Angelegenheiten der evangelischen Kirche augsburgischen und helvetischen Bekenntnisses, insbesondere die staatsrechtlichen Beziehungen (...) geregelt werden*<sup>9</sup>. This act consisted of only 25 paragraphs and regulated the basic matters related to its functioning. This act consisted of only 25 paragraphs and regulated the basic matters related to its functioning. First of all, he established the structure of the Church and its representative and administrative organs (§3). The basic organizational unit was the parish - *Pfarrgemeinde (Ortsgemeinde)*, then the Seniorat (*Seniorat, Bezirksgemeinde*), then Superintendencia (*Superintendenz, Landesgemeinde*) and the so-called Gesammtgemeinde, which we will translate as Unity, bringing together Christians of one or the other denomination. The organs of the latter were the Imperial-Royal Evangelical Supreme Church Council (k.k. *evangelische Oberkirchenrath*) and the General Synod (*Generalsynode*) (§ 3). The provision of §9 was very important, as it stipulated that all church regulations adopted by resolutions of the General Synod require the Imperial approval. On the basis of this patent, an ordinance introducing the internal law of the Church was published with a date a day later<sup>10</sup>.

This provision was in force until 1866, when it was announced by the announcement of the minister of state *Verfassung der evangelischen Kirche Augsburgischen und Helvetischen Bekenntnisses*<sup>11</sup>. After twenty-five years, its new version was announced, adopted by imperial order on December 9, 1891<sup>12</sup>. It was joined by *Besonderen Bestimmungen für die evangelischen Superintendenzen Augsburgischen Bekenntnisses* - special regulations concerning the Superintendency, i.e. the diocese of the Augsburg denomination.

## 1. 2 Organization of the Church, its juridical persons and their organs

*The Verfassung der evangelischen Kirche of 1891* maintained a four-level organizational division, in principle for each denomination separately: Parish, Seniorate, Superintendency (diocese) and Unity of "all members of the faith (National Church) of the respective denomination" i.e. *Evangelische Kirche Augsburgischen und Helvetischen Bekenntnisse*<sup>13</sup>. Occasionally there were union parishes linking the followers of both confessions, but Seniors, Superintendencies were appropriate for a given Augsburg or Helvetic denomination.

The legal organs for the parish were: the Parish Office - exercised individually by the Pastor, the Presbytery, and the Parish Substitute or the Parish Assembly. The authorities of the Seniorate were: the Senior Office - held individually by the Senior, the Senior Department and the Senior Assembly. The authorities of the Superintendency were: Superintendentura - an office held individually by the Superintendent, the Superintendency Department and the Superintendency Assembly. The highest organs of authority for the National Church

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<sup>9</sup> RGBl. 1861 Jahr, XVIII Stück, No. 41. The official publisher of the legal acts of the Austrian Empire and then of the Austro-Hungarian Empire was called until 1869 Reichgesetzblatt für Kaisertum Österreich, from 1870 Reichgesetzblatt für die im Reichsrathe vertretenen Königreiche und Länder. There were also versions in the languages of the Crown Countries, incl. in Polish and Czech. Later in the article we will use the generally accepted abbreviation to denote the source: RGBl. They are all available on the portal of the Austrian National Library <http://alex.onb.ac.at/>, access: 2019-08-1

<sup>10</sup> Verordnung des Staatsministers vom 9. April 1861, womit die innere Verfassung der evangelischen Kirche beider Bekenntnisse (...) provisorisch geregelt wird, RGBl. 1861, XVIII Stück, Nr. 42.

<sup>11</sup> RGBl. 1866, V Stück, Nr. 15.

<sup>12</sup> RGBl. 1892, II Stück, Nr. 4.

<sup>13</sup> „Gesammtgemeinde aller Glaubensgenossen (Landeskirche) des betreffenden Bekenntnisses“, § 2, RGBl. 1892, II, 4. The equivalent of the diocese in ECAHC was the superintendency, not the seniority.

(Gesamtgemeinde, Landeskirche) were: the Supreme Church Council, the Synodal Department and the General Synod (§ 3). The direct service dependence of the organs of church authority on their counterparts at the higher level of church organization was clearly emphasized (§ 5 and 7).

Decisions made by voting, unless the provision decided otherwise, were final when they were taken by an absolute majority of votes. In addition, for the validity of the deliberations and resolutions, it was required to notify all those entitled to vote in a given collective body and to the presence of at least half of its members (§ 8 and 9).

In accordance with the provisions of § 13, all existing parishes were recognized within their boundaries, but also in their denominational composition. Any changes to the parish boundaries were finally approved by the Superintendency Department, and the relevant national administration body had to be notified. The Office was not empowered to object to the decision (§ 14). It was also possible to create a new parish. The condition was to secure material resources so that God's service and religious instruction for young people could be performed. At the same time, supervision and passage of the entire official path from the proper Parish Presbytery, through the Senior Department, to the Superintendent Department, which only handed the matter over to the Supreme Church Council, was required. It was she who made the final decision in consultation with the relevant authority of the national administration. It could also, after giving reasons, refuse to approve such an undertaking (§ 15). There were denominational mixed parishes. At that time, they were subject to the church authority (Augsburg or Helvetic) to which most of the parishioners belonged. Details were regulated by the Statute, which was approved by the Supreme Church Council. It decided to which denomination the parish priest and vicars should belong. Members of the parish belonging to the religious minority had the full right to participate in all parish authorities. They could also be elected to Senior and Superintendent Assemblies. However, they could not be members of the executive authorities of this level, i.e. of the Senior and Superintendent Departments (§ 20). Membership in a given parish was determined by the person's place of residence and religion (§ 21).

### **1. 3 General Synod of the Church and the possibility of changing Church law**

The *Verfassung der evangelischen Kirche* of 1891 was a very extensive document regulating the affairs of the administration of the Church and the powers of the state down to the smallest detail. It is not necessary to discuss it further in detail for our purposes. However, we must make an exception to the provisions relating to the General Synod of the Church and the applicable rules for amending the law itself.

Let us recall: the legal organs of the ECAHC were: the Imperial-Royal Supreme Church Council, the Synodal Department and the General Synod, having two statutory formulas: a common synod of the entire Church, and two separate general synods for each denomination (§ 115 and 127).

A lay person with legal education stood at the head of the Supreme Church Council. In the *Verfassung der evengelische Kirche* of 1891 there is no specific requirement that this person, unlike the other counselors, should be of Evangelical faith. She chaired the Council consisting of two colleges, which were composed of ordinary councilors of both denominations. They were lay and clergy in equal numbers (§ 116). Matters of individual denominations were dealt with separately in colleges. However, if the case under consideration pertained to the whole Church or was a mediation between the two confessions, the Supreme Church Council was fully deliberated (§117).

All of its members were appointed by the emperor for life, received a salary from the state treasury and enjoyed the privileges associated with their function in the state and the Church - all this determined that the Supreme Church Council was an organ of the central state power. Its members are defined by law as *die Staatsbeamten*, who, in addition to the duties of civil servants, have special tasks consisting in safeguarding the privileges of the Church and guarding, observing and maintaining the ecclesiastical regulations of the state (§ 122).

Decisions in the Supreme Church Council were made collectively by voting. Since none of the members of the Council could abstain from doing so or leave the vote, only an absolute majority was at stake (§ 123)<sup>14</sup>.

The General Synod consisted of: 1) Superintendents and Curators of the Superintendencies of all Superintendencies, 2) Seniors and lay delegates, one for each Seniorate included in the Superintendency, 3) a delegate of the Viennese theological faculty of a given denomination, 4) directors of teachers' seminaries and two representatives of teachers certain denominations elected by them from among themselves, 5) the Augsburg parish of Vienna also sent its delegates to the General Synod of the Augsburg Confession. The selection - one clergyman and one lay delegate - was made by members of the Presbyterate from among themselves. The delegate to the General Synod had to be at least 30 years old (§ 125).

An ordinary general synod was to be called every six years. Its extraordinary meeting (like the postponement of the regular deadline) could take place with the consent of the Synodal Division following the request of 2/3 of the Superintendent Departments or, at the request of the former, with the consent of the latter. It was convened by the Supreme Church Council with the prior consent of the appropriate ministry (§ 124).

The first competence of the general synod was to adopt a possible resolution on church legislation, in particular church law. The motions in this matter could be submitted to the synod by the Supreme Church Council, and through it, by all other church bodies, and even by individual members of the synod (§ 133.1 in conjunction with § 119.8).

The General Synod conducted its deliberations separately for each council. However, in order to discuss and settle common matters, especially regarding the legislation on the Church, relations between the Church and the State, church and religious associations, schools, common funds, both Synods could establish mixed commissions or meet at joint meetings. Regardless of this, the voting took place in the curial system and the resolution of the General Synod was valid if the curias of each denomination separately supported it (§ 126). For a single resolution to be valid, two-thirds of the members of the religious curia and a simple majority of votes were needed. An equal number of votes for and against meant that the draft resolution was rejected (§ 134).

The Supreme Church Council had the right to send its members to the meetings of the General Synod. They did not have the right to vote, although they could take part in the debate. However, they were not allowed to participate in the deliberations concerning complaints against the decisions of the Supreme Church Council. The presence of a member of the Council at its meetings could have been requested by the Synod itself (§ 127). Other imperial or national officials were not allowed to participate in the Synod's deliberations even as observers (§ 129).

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14 „Der Oberkirchenrat verhandelt kollegialisch und beschließt durch Stimmenmehrheit. Kein Mitglied darf sich der Abstimmung enthalten oder derselben entziehen“.

Any decision of the General Synod concerning ecclesiastical legislation (§ 133, p. 1) to give it legal force had to first be given an opinion by the Imperial-Royal Supreme Council, addressed to the relevant ministry and in accordance with § 9 of the *Kaiserliches Patent of 1861*, and §§ 136 and 165 *Verfassung der evengelische Kirche* unconditionally gain the approval of the emperor - der *Allerhöchsten Sanction*. Also, resolutions concerning the legal position of Evangelicals, as well as their relations with other Churches or religious associations were subject to state control. The resolutions of the Synod on these matters were, after the opinion of the Supreme Church Council, submitted to the Ministry for further negotiations - *Verhandlungen* (§ 136, p. 3). In order to adopt resolutions in both these scopes, the support of 2/3 of votes was needed in the presence of at least 2/3 of those entitled to vote (§ 134).

The General Synod chose two clergy and two lay delegates from among its members, who formed the so-called Synodal Department (§ 138). The Synod Department was primarily an advisory body to the Supreme Church Council, with which the latter had to consult obligatorily, e.g. in disciplinary matters concerning Superintendents and Superintendent Departments (§ 139, p. 2).

The seventh chapter of the *Verfassung der evengelische Kirche 1891* was entitled *Vom kirchlichen Vermögen*. It contained provisions on property matters not included in the chapters on the Parish, Seniors, Superintendencies or the entire Church. The most important entry was that concerning the fate of the property after the liquidation of a church legal entity, church foundation or association.

In such a case, the property was placed under the management of the superior organizational unit of the Church, according to the denominational criterion - usually it was the Seniorate. This body should take into account, when making decisions regarding this property, possible obstacles resulting from statutory or foundation provisions, as well as the possibility of the parish revival. An additional consent of the Supreme Church Council was required (§157).

## **2. After the fall of Austria-Hungary**

The actual position of the ECAHC changed with the dissolution of the Habsburg Monarchy. Several new states were established on its ruins and others, at the expense of Austria-Hungary, enlarged their territories. Austria and Hungary itself were relegated from their role as one of the European powers to two small Danube countries. We are interested in two countries: Czechoslovakia and Poland. The former includes superintendencies: West Bohemia, East Bohemia, Aš and almost the entire superintendency of Moravia and Silesia, and in Poland a small fragment of the latter and most of the Galicia and Bukovina<sup>15</sup>.

### **2. 1 Of the Czech Brethren Evangelic Church**

Probably the fastest disintegration of the old church structures took place in the newly created state - Czechoslovakia.

On the wave of nationalist revival, at first the Czech Brethren Evangelic Church emerged from the structures of the ECAHC. Its establishment was decided by delegates from Czech-

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15 Under the treaty in Saint Germain, the territory of Bukovina fell to Romania. We will ignore them in our considerations. Basic information about the local Protestants is provided by: O. Wagner, *Der Protestantismus Galiziens und der Bukowina in der Zeit des politischen Umbruchs 1918/19*, "Die Zeitschrift für Ostforschung" 1993, Bd 32, No. 2, p. 271 - 272.

dominated Evangelical parishes at the congress held on 17-18 December 1918 in Prague. Reformed Evangelicals, referring to the historical traditions of the Reformation in the Czech Republic, constituted the vast majority of the new denominational. But on what basis did this new (?) religious organization obtain legal recognition?

It would seem that the legal basis should be *the Act Gesetz vom 20. May 1874, betreffend die gesetzliche Anerkennung von Religionsgesellschaften*, i.e. the Act on the legal recognition of religious associations<sup>16</sup>. Without going into details, it required a decision of the Minister of Religious Affairs and Enlightenment confirming the fulfillment of the conditions required by law by a single religious community (§§ 1 - 2 of the Act of 1874) and a decision approving the statute of an already expanded, consisting of many municipalities, districts, a religious association (section 6 of the 1874 Act)<sup>17</sup>. One of the most important conditions imposed by the legislator for obtaining a governmental permit was to prove that such a commune has or can raise funds for its seat, pastoral care and catechesis (§ 5 of the Act of 1874). This, it seems, could be a problem. It would be impossible to transfer the property rights from church legal persons of the ECAHC to the newly established Czech Brethren parishes, because these, in accordance with the above-mentioned act, could not be constituted before obtaining the permission of the state authorities (§5). To put it differently - on the basis of the regulations of 1874, new religious communities could not obtain legal personality without showing adequate funds and property, they could not acquire this property by transferring ownership rights earlier, because they did not have legal personality. So the wheel of impossibility was closing.

Therefore, applying the *mutatis mutandis* principle, the existing law was based, modifying it due to the existing extraordinary situation. The appropriately selected provisions of *the Verfassung der evangelischen Kirche* from 1891 were applied. Of course, this was only possible with the full support of the state authorities.

In the introduction to the announcement of the Minister of Education and National Education of November 25, 1919, we read that the Prague Congress was simply recognized as a general synod of Czech Evangelicals of both denominations (Helvetic and Augsburg Confessions) from Bohemia, Moravia and Silesia, which adopted the draft of a new church law within the meaning of § 9 Kaiserliches Patent from 1861 and § 136 of *the Verfassung der evangelischen Kirche* from 1891<sup>18</sup>. In accordance with these regulations from the time of the Habsburg monarchy, the draft amendments to the church law submitted to the state authorities, prepared first by the synod - the Prague congress, was first approved by the government on November 5, 1919 and then approved, in place of the emperor, by the president of the Czechoslovak Republic on 22 November.

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16 RGBI. 1874, Stück XXI, No 68.

17 Section 2 of the 1784 Act was applied to the Czechoslovak Church established by dissidents from the Catholic Church. The announcement of the Minister of Education and National Education of September 15, 1920 had an extremely laconic, one-sentence content, 542/1920 Sb, "Vláda republiky československé prohlásila dne 15. září 1920 ve smyslu § 2 zákona ze dne 20. května 1874, č. 68 ř. z., církev československu za církev státem uznanou. Minister školství a národní osvěty", signature of the minister. The Czechoslovak Church was founded on the wave of doctrinal modernism and Czech nationalism, which saw in the Catholic Church the support of the Habsburg monarchy and one of the opponents of the independent Czechoslovak state, E. Pałka, *Śląski Kościół Ewangelicki*, p. 89.

18 RGBI. 1861 Jahr, XVIII Stück, Nr. 41, RGBI. 1892, II Stück, No 4. It is easy to notice that the Prague congress was not convened in the proper manner (§ 124), its composition was inconsistent, because it was based on the nationality criterion, and therefore it was significantly reduced in relation to the requirements of § 125.

According to the announcement of the minister of education on national education published on November 25<sup>19</sup>, by transitional provisions, the fellow believers of the Church of the Augsburg and Helvetic Confessions in Bohemia, Moravia and Silesia of Czech nationality formed a separate Czech Church (§ 1). It included all Czech parishes, formerly of the Augsburg and Helvetic denominations, as well as those churches of another language that would recognize the principles and structure of the Czech Brethren Evangelical Church (§3). One of them was the abandonment of the division into two (Augsburg and Helvetic) denominations and the adoption of one confession based on the so-called the Czech confession of 1575 and the confession of the Czech brothers of 1662 (§2). From a practical point of view, however, §4 was the most important. It stipulated that the property that once belonged to the church legal persons of the Augsburg and Helvetic denominations becomes the property of these church persons, now the Czech Brethren Church. In order to avoid chaos, the existing boundaries of the parish, seniors and superintendencies were basically maintained (§5). The goals, composition and tasks of the future general synod were defined - the preparation of a new ecclesiastical constitution (§6). It was stipulated that the Church is no longer administratively subordinate to the Supreme Church Council in Vienna, and all its powers are transferred to *synodni výbor*, a nine-person body approved by the President of the Czechoslovak Republic (§§ 7 and 9). The *synodni výbor* could delegate some of these powers to the authorities of the superintendencies and senior citizens by reporting it to the appropriate authorities. Until the new law was adopted, the Church was to operate on the basis of the provisions of the *Verfassung der evangelischen Kirche* of 1891. According to J. Szymeczek, at the time of the proclamation, the Czech Brethren Church was to have 116 parishes and 25 parish branches and 107 preachers, numbering over 150,000<sup>20</sup>.

In our opinion, it can be assumed that in order to bypass the above-described reefs resulting from the Austrian Act on the legal recognition of religious associations of 1874, the following trick was used: apart from the previously existing within the ECAHC, having their parishes, seniors, superintendencies of Augsburg structures and Helvetic, the third - the Czech Brethren.

This was, of course, a temporary solution. In 1922, a new church constitution was proclaimed on the structure of the Czech Brethren Evangelical Church in Bohemia, Moravia and Silesia<sup>21</sup>.

## 2.2 The German Evangelical Church in Bohemia, Moravia and Silesia

Being forced by circumstances, members of the ECAHC of German Nationality also convened their "*Kirchetag*". It took place on 25-26 October 1919 in Trnovany. In this case, legal recognition by the state did not come so quickly. The relevant announcement of the Ministry of Education and National Education was published only on December 20, 1922. Since, as in the case of the Czech Brethren Church, the legal basis for the promulgation of the new Church law was the Austrian regulations of 1861 and 1891, applicable only in Austrian Empire (not in Kingdom of Hungary), the Church had to change its name to the German

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19 625/1919 Sb., Vyhláška , kterou se vyhláší "Základní a přechodná ustanovení pro českobratrskou církev evenglickou v čechách, na Moravě a ve Slezsku". Ministry announcement <http://ftp.aspi.cz/aspi/opispdf/1919/132-1919.pdf>, dostupné 2019-08-20. The official publisher of the legal acts of Czechoslovakia was called: Sbirka zákonů a nařízení státu československého. Later in the article we will use the generally accepted abbreviation to denote the source: Sb.

20 E. Pałka, Śląski Kościół Ewangelicki, p. 91, J. Szymeczek, Zápás polskich ewangelików w Těšínském Slezsku o zachování konfesní a národní odlišnosti v poválečném Československu, "Securitas imperii" 2011, vol. 19 (02/2011), p. 219, footnote. 3.

21 Vyhláška o novém církevním zřízení Českobratrské církve evangelické v Čechách na Moravě a ve Slezsku z 8.II.1922, 64/1922 Sb.

Evangelical Church in Bohemia, Moravia and Silesia, and did not include German parishes in Slovakia and Subcarpathian Ruthenia.

According to §3 of the Act, the language used in the life of the Church is German: "*Církevním a vyučovací language is v mezích všeobecných zákonů předpisů řeč německá*". In accordance with §21, the legal succession of the new community after the ECAHC (in relation to its parish), the powers of the Supreme Church Council in Vienna were transferred to the highest authorities of the German Evangelical Church. His parishes, seniorates and superintendencies were transferred to the property belonging to them in Austrian times. This also applied to schools run by the Church, and charitable endowments and foundations (§ 22). Clerical offices are reserved for persons with Czechoslovak citizenship. Temporary entrustment of duties to clergy without citizenship was allowed, but with the consent of state authorities (§14). The German Evangelical Church, with about 130,000 believers, had the proper law already in 1924<sup>22</sup>.

### 2. 3 Augsburg Evangelical Church in Eastern Silesia, Czechoslovakia

Things were similar in the area of the former Duchy of Cieszyn, but apart from the national conflict in the Church, which had its roots at least until the mid-nineteenth century, there was an interstate territorial dispute between Czechoslovakia and the Republic of Poland, which turned into a short-lived armed conflict and many years of political dispute between both countries.<sup>23</sup> Another difference was that not two, but three nationalities competed here: German, Polish and Czech, and a group of Silesia, for which each side fought for German, Polish or Czech. The most numerous seemed to be the Polish orientation (69,000 souls), the most influential German orientation (20,000 souls), and the least numerous Czech (7,000 souls). The language of the scales, often very important, were the so-called Silesians led by Józef Koźdoń<sup>24</sup>. The fall of the Habsburg monarchy meant that national interests suppressed and kept in check by administrative methods became more important than religious matters, and each party to the dispute decided to use the historical moment for its own purposes<sup>25</sup>.

Even before the future of the lands of the former Duchy of Cieszyn was finally determined, a delegation of Polish pastors headed by Franciszek Michejda (a member of the Polish League - the National League and the Democratic National Party)<sup>26</sup> asked for their parishes to be joined to the Evangelical Church of Augsburg Confession in the Kingdom of Poland - hereinafter: ECACP<sup>27</sup>. This was done on the basis of the decision of the Consistory in Warsaw on December 16, 1918. This concerned congregations from the areas that, under the agreement of November 5 this year, were under Polish administration.<sup>28</sup> A new Silesian

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22 Vyhláška o novém církevním zřízení Německé evangelické církve v Čechách, na Moravě a ve Slezsku z 7.VIII.1924 r., 209/1924 Sb. Zob. E. Pałka, Śląski Kościół Ewangelicki, s. 91, J. Szymeczek, Zápas polských evangeliků, s. 219, pryp. 4.

23 On national matters in the Duchy of Cieszyn from the Polish perspective D. Miszewski, Walka o tożsamość narodową Polaków w Księstwie Cieszyńskim od połowy XIX wieku do 1918 roku, "Przegląd narodowościowy - Review of Nationalities" 2013, vol. 2, p. 141 -178. On the activity of Silesian Evangelicals in their efforts to join the Duchy of Cieszyn to Poland, J. Kłaczek, Kościół Ewangelicko - Augsburgski w Polsce w latach 1918 - 1939, Toruń 2017, p. 54 - 68.

24 E. Pałka, Śląski Kościół Ewangelicki, p. 129 - 141, J. Szymeczek, Zápas polských evangeliků p. 219, footnote 4.

25 J. Szymeczek, Zápas polských evangeliků, p. 219 however, he believes that in the period between 1918 and 1920, Cieszyn Silesia was an exception, where the community of religion meant more than nationality and there was an attempt to establish a separate Silesian seniorate without national divisions.

26 E. Pałka, Śląski Kościół Ewangelicki, p. 138.

27 From 1922 Evangelical Church of Augsburg Confession in Poland.

28 The contract was concluded by the National Council of the Duchy of Cieszyn and Zemský národní výbor pro Slezsko. Both parties stipulated that "the final demarcation (...) will be the subject of an agreement between the governments of



seniorate was created (including German congregations, among others from Bielsko and Cieszyn), headed by the aforementioned F. Michejda, and on December 20, 1920 in Cieszyn, the superintendent of the ECACP, Juliusz Bursche, solemnly took over the jurisdiction.<sup>29</sup>

The armed Czech attack carried out on January 23, 1919 and the final decision on the division of Cieszyn Silesia, taken by the Conference of Ambassadors on July 28, 1920, shattered these plans<sup>30</sup>. There were eleven on the Polish side and six parishes on the Czech side. Initially, at the convention in Trinec on August 16, 1920, they wanted to maintain the administrative and church unity of the seniorate regardless of state borders, or to create a separate seniorate belonging to the ECACP, but lying outside the borders of the Republic of Poland.<sup>31</sup> This solution was obviously unacceptable to the Czech authorities. Finally, in April 1922, at the convention in Orłowa, was established the Augsburg Evangelical Church in Eastern Silesia, Czechoslovakia. The new religious association obtained legal recognition after a year, by the resolution of the Council of Ministers on May 23, 1923. The legal basis was the same as in the case of the Czech Brethren Evangelic Church and the German Evangelical Church.

Transitional regulations announced by the Minister of Education and National Education determined the organization of the Church (§1), symbolic books of faith (§2), guaranteed equal linguistic rights to all members of the Church (§3). The independence of the Church was reserved from all other clerical powers - at home and abroad (§8)<sup>32</sup>. The decision that the property from the times of the former Silesian seniorate would remain with those church legal entities that previously owned it turned out to be very important for everyday functioning. The Church was also to receive an appropriate part of the funds (subsidies) for the former Silesian seniorate, the former Moravian-Silesian superintendency and the Supreme Church Council in Vienna, as well as part of their property (§4). Until a new synod of the Church was called, composed of all pastors and lay representatives (two for one pastor from each presbytery) (§6), the new religious association was to operate on the basis of the provisions of *the Verfassung der evangelischen Kirche* of 1891 (§9)<sup>33</sup>.

Despite the promising start, the Czechoslovak authorities were very distrustful of the new - old church. The difficulties were manifested, among others, by in the absence of due state subsidies for several years, difficulties in teaching religion in schools, as well as the consistent rejection of all bills of the new church law throughout the interwar period<sup>34</sup>.

The first senior was pastor Józef Folwartschny, who "being a German, managed the Church in such a way that, having Poles on his side, he would not expose himself to the Germans or the Czechs. He earned general respect"<sup>35</sup>. He was succeeded in 1927 by pastor Oskar Michejda. The number of the faithful of this territorially small Church was not large

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Warsaw and Prague." The Czechoslovak government rejected the text of the agreement later that month, J. Wiechowski, *Spór o Zaolzie*, Warszawa 1990, p. 15.

29 E. Pałka, *Śląski Kościół Ewangelicki*, p. 141 - 142, J. Kłaczek, *Kościół Ewangelicko - Augsburgski*, p. 21 - 22.

30 J. Wiechowski, *Spór o Zaolzie*, p. 18 i 30.

31 E. Pałka, *Śląski Kościół Ewangelicki*, p. 142 - 143.

32 Vyhláška ministerstva školství a národní osvěty ze dne 13. července 1923 o Základních a přechodných ustanoveních Augšburké církve evangelické ve východním Slezsku v československu. The announcement is available, inter alia, at the address <http://ftp.aspi.cz/opispdf/1923/072-1923.pdf>, access 2021-02-18.

33 Por. E. Pałka, *Śląski Kościół Ewangelicki*, p. 143 - 144.

34 E. Pałka, *Śląski Kościół Ewangelicki*, p. 144 - 145.

35 J. Szturc, *Ewangelicy w Polsce. Słownik biograficzny XVI - XX w.*, Bielsko - Biała 1998, p. 77.

compared to other Protestant Churches. It had 45,000 to 50,000 followers. In 1930, Polish nationality was declared by 64.5% of the followers, Czech or Czechoslovakian by 34.5%, and German by 1% of Church members. Until 1938, these proportions did not change significantly: the church structure increased by one parish. As a result of the national conflict between the Germans, Silesians led by Pastor Paweł Zahradnik and the curator Józef Koźdoń (at the same time the mayor of Cieszyn Czeski), and Poles, in 1925 there was a split in the Cieszyn congregation. The Germans and the Silesians wanted him to join the German Evangelical Church in Bohemia, Moravia and Silesia, and the Poles wanted to join the Augsburg Evangelical Church in Eastern Silesia. Three thousand Polish congregations formed after separating, they formed a new Polish parish, which was formally recognized by the administrative authorities in 1928<sup>36</sup>.

The location of the Augsburg Evangelical Church in Eastern Silesia, Czechoslovakia, changed completely in 1938, when *Zaolží* was incorporated into Poland<sup>37</sup>. Despite some voices doubting the purposefulness of such an undertaking, returning to the concept from 1919, a decision was made to merge with the ECACP. The decree of the President of the Republic of Poland of November 25, 1936 on the attitude of the State to the Evangelical Church of the Augsburg Confession in Poland (*Kościół Ewangelicko - Augsburski w Rzeczypospolitej Polskiej*) was used for this purpose.<sup>38</sup>; those that talked about creating new and changing the boundaries of old dioceses. Pursuant to Art. 22 sec. 1 of the above-mentioned decree, if the change of diocese borders did not entail new expenses from the State Treasury, it was only required to make sure that the Minister of Religious Denominations and Public Education did not raise any objections in this regard.

Therefore, on November 7, 1938, the Synodal Assemblies of the Augsburg Evangelical Church in Eastern Silesia decided to include the churches of their Church in the Silesian diocese of the ECACP. Soon after, on November 23 this year, the decree of the President of the Republic of Poland came into force on the extension of the binding force of certain legislative acts to the recovered lands of Cieszyn Silesia, including the decree of the President of the Republic of Poland of November 25, 1936 on the relationship of the state to the ECACP. On December 1, 1938, the consistory of the latter religious association adopted a resolution to include the above-mentioned parish into the Silesian diocese of this Church, to conduct new elections to its senior authorities. After another 4 days, i.e. on December 5, 1938 (instead of the statutory two months allowed for the decision to be made by the Ministry - no objections were expressed within this period, the state authorities confirmed the resolution of the Consistory with an appropriate document. In order for the formalities to be fulfilled, a resolution of the Synod of the ECACP was also needed. However, it was not convened in the independent Republic of Poland due to the outbreak of the war<sup>39</sup>. Thus, the *de iure* extension of the borders of the Silesian diocese did not take place.

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36 E. Pałka, *Śląski Kościół Ewangelicki*, p. 145 - 147.

37 Thus, about 50,000 fellow believers, mostly of Polish nationality, came to the Polish Evangelicals, J. Kłaczek, *Kościół Ewangelicko - Augsburski*, s. 49, 130 - 134.

38 *Dziennik Ustaw RP* (further: *Dz. U.*) 1936.88.613. Basic information about the event can be found in A. Uljasz, *Kościół Ewangelicko – Augsburski w Rzeczypospolitej wobec zajęcia przez Polskę Zaolzia w październiku 1938 r.* (in the light of the weekly „*Ewangelicki Posel Cieszyński*”), „*Śląski Kwartalnik Historyczny Sobótka*” 2011, No 3, p. 89 – 101.

39 This was mentioned in §2, p. 3 of the Fundamental Internal Law of the ECACP, *Dz. U. RP* 1936.94.659. Por. E. Pałka, *Śląski Kościół Ewangelicki*, p. 186 – 187. The author is wrong, however, when she writes that "The liquidation of the Zaolzie seniors was to take place - in accordance with the president's decree and the decision of the Consistory - only after the elections to the Silesian diocese, and these were not carried out." The decree of the President of the Republic of Poland of November 19, 1938, did not deal directly with the matters of KE-A, and the legislative act of November 25, 1936 of this

These legal flaws allowed, inter alia, in the post-war period, when *Zaolží* was once again within the borders of Czechoslovakia, to defend the independence of the Augsburg Evangelical Church in Eastern Silesia. *Slezská národní rada (Silesian National Council)* on May 18, 1945 issued an ordinance which: deprived the former clergy of the Augsburg Evangelical Church in Eastern Silesia their offices, its administrator was appointed by Fr. Alexander Winkler from the Czech Brethren Evangelical Church and it was the religious association that she donated to all churches, presbyteries and land. Legal, historical and political polemics as well as negotiations with new church leaders and state authorities continued until 1948. During these polemics, Poles emphasized that de jure the Augsburg Evangelical Church in Eastern Silesia had never ceased to exist. All this allowed, after the communist coup in Czechoslovakia, to issue a decision to the Ministry of Education and Education, which stated that the legal status of the Augsburg Evangelical Church in Eastern Silesia continued unchanged in the form in which it was established in 1923 by the state authorities<sup>40</sup>.

### **3. The Evangelical Church of the Augsburg and Helvetic Confessions in Małopolska**

#### **3.1 Former Lviv Superintendency in the new state**

In Austro-Hungarian times, the Lviv Superintendency of the Augsburg Confession of Evangelical Church consisted of three seniors, and the Lviv Superintendency of the Evangelical Church of Helvetic Confession only from one seniors of three parishes<sup>41</sup>. In Poland, there were finally: part of the areas of the former Moravian-Silesian Superintendency, i.e. the Silesian Seniorate, and almost the entire Lviv superintendency with the Western, Central and a smaller eastern part, which was divided between Poland and Romania, and the Superintendency - the Lviv-Helvetic Seniorate<sup>42</sup>.

#### **3.2 West Ukrainian People's Republic**

It cannot be denied, however, that the actual position of the ECAHC as well as the actions of its authorities differed from the provisions of the law, even taking an amendment to the changed political conditions. At the same time, the attitude of the Polish authorities towards the German Evangelicals from Eastern Galicia was probably influenced by their attitude during the Polish-Ukrainian war of 1918/19. On January 13-14, 1919 in Stanisławów, the German Evangelicals organized the *Kirchliche Versammlung* with the participation of 8 pastors, 22 teachers and 50 parish representatives in the area of the West Ukrainian People's Republic proclaimed by the Ukrainians. The attendees were chaired by the local parish priest, Teodor Zöckler, who returned to Galicia at the end of 1918. Two documents relating to the external and internal situation of the Church were adopted there. Relations with the new Ukrainian state were to be based on the principle of "*a free Church in a free state*", an internal organization based on *the Verfassung der evangelischen Kirche* of 1891, excluding the provisions on the

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religious association directly concerning this religious association was one of 143 acts, decrees and regulations, the binding force of which extended to the lands of Zaolzie .

40 E Pałka, *Śląski Kościół Ewangelicki*, p. 190 – 208, chapter IV. 2 Okres walki o przetrwanie Kościoła augsburskiego (The period of struggle for the survival of the Augsburg Church) (1939 – 1948) and J. Szymeczek, *Zápas polských evangelíků*, p. 222 - 230.

41 RGBl. 1866 Jahr, V Stück, Nr. 15.

42 E. Alabrudzińska, *Kościół ewangelickie na kresach wschodnich II Rzeczypospolitej*, Toruń 1999, p. 122 – 123.

power of the state administration in church matters<sup>43</sup>. All churches located in the territory of the Western Ukrainian state were to form one superintendency (without the seniority level). The powers of the former Departments: Super-Indigenous and Senior were to be entrusted to a substitute body, the so-called "*Kirchlichen Verwaltungsausschuß*" based in Stanisławów. It would be composed of the temporarily elected acting superintendent, curator and teacher representative. This temporary superintendent would be the only representative of the German Evangelical community in the West Ukrainian People's Republic to the Supreme Church Council in Vienna<sup>44</sup>. Synod resolutions and other documentation were sent to the West Ukrainian government and Vienna. According to O. Wagner, the Supreme Church Council in Vienna accepted these plans with great caution, not wanting them to become a pretext for justifying illegal, according to Vienna, attempts to subordinate the Silesian seniorate to the consistory in Warsaw (as mentioned above)<sup>45</sup>. Returning to the Polish authorities' assessment of the attitudes of German Evangelicals, political declarations of loyalty to the newly established West Ukrainian republic made at the meetings of the so-called *Vollzugsausschuß des Deutschen Volksrates in der Westukrainischen Republik*, by T. Zöckler could not go unnoticed<sup>46</sup>.

### 3. 3 Małopolska

Another attempt at self-organization of their religious life was made by the Evangelicals less than a year later, under Polish rule. On December 12-13, 1919, a congress of delegates from Małopolska congregations of the ECAHC was held in Lviv. It was attended by clergymen, teachers of evangelical schools and lay delegates of all churches of the former Lviv Superintendency, both of one and the other denomination. The meeting was again chaired by pastor Teodor Zöckler, who replaced the sick superintendent, Pastor H. Fritsche from Biała.

As it is easy to see, this congress took place in a form that had no support in *the Verfassung der evengelische Kirche from 1891* - the gathered themselves were aware of it, describing their meeting as *Vesammlung der evangelischen Gemeinden Galiziens and the people who came there as die Vertreter der evangelischen Gemeinden Galiziens*<sup>47</sup>. Considering all the circumstances, we must recognize, not without reason, that the congress in the capital of Eastern Lesser Poland was simply a constitutional synod of the congregations of the former ECAHC from the former Kingdom of Galicia and Lodomeria - the crown country of the defunct Austrian

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43 O. Wagner, *Der Protestantismus Galiziens und der Bukowina in der Zeit des politischen Umbruchs 1918/19*, "Die Zeitschrift für Ostforschung" 1993, Bd 32, No 2, p. 261-263.

44 O. Wagner, *Der Protestantismus Galiziens*, p. 263.

45 O. Wagner, *Der Protestantismus Galiziens*, p. 268.

46 "Die politische Auffassung, welche die Polen haben, kann aber für die Deutschen nicht verpflichtend sein...", O. Wagner, *Protestantismus*, p. 257. The article by O. Wagner is a description of the events from the German point of view, obviously with great sympathy for the Ukrainian cause. The author emphasizes the loyalty and cooperation of the German (and Jewish) minority with the authorities of the West Ukrainian People's Republic - in contrast to the Polish minority, which, according to him, did not use the opportunities created by Ukrainians offering "personale Autonomie und Organisationsfreiheit". Also the assessment of the position of German Evangelicals in the West Ukrainian state is much higher than what happened under Polish rule: "Mit Schärfe wandte sich die polnische Nationalitätenpolitik gegen die ukrainische Mehrheit, aber auch gegen die jüdische und deutsche Minderheit in Ostgerraten, und nationale Unzuverlässigkeit vorwarf und als Schuld anrechnet", *ibidem*, p. 271.

47 E. Alabrudzińska, *Kościół ewangelickie na kresach wschodnich*, p. 124, footnotes 5 and 6. These terms come from the resolution adopted by the congress.

Empire, which was to determine whether the churches want to continue to function as one religious union, and if agreed, on what principles this functioning is to be based.<sup>48</sup>

At this congress, the project of a temporary church organization for Małopolska was unanimously accepted, also with the participation of Poles, delegates of the Krakow parish (the two existing Lviv Superintendencies, Augsburg and Helvetic, were merged into one), the Superintendency Department of the Supreme Church Council and the Department of Synodal and election to a new organ of church authority - the Church Department<sup>49</sup>. All these decisions, in order to become law, required the approval of the relevant state authorities, including the appropriate ministry and the Head of State.

The memorial on the further legal existence and willingness to act independently as a Church, on behalf of the Evangelicals of Galicia, was submitted to the Marshal of the Sejm and the Polish government by Pastor T. Zöckler only on December 9, 1920. It declared the intention to "*consistently carry out ecclesiastical autonomy in this direction, that not only the lower but also the higher church authorities would come from the elections of church congregations*"<sup>50</sup>. As it is easy to see, it was a declaration of a change in the law in force and protection against possible, in accordance with *the Verfassung der evangelischen Kirche of 1891*, influence of secular authorities on the appointment of church positions. According to numerous authors who follow the account of T. Zöckler himself, "*On January 20, 1921, the superintendent of the Church (...) was informed of the decision of W. Witos' cabinet to recognize the independence of the Augsburg-Helvetic Church*"<sup>51</sup>. It was to be done by the secretary of state, prof. Józef Buzek, a Protestant himself from Cieszyn Silesia, an excellent lawyer, thoroughly familiar with the provisions of Austrian legislation<sup>52</sup>. However, there is no substantive documentary evidence to support this claim. It is difficult to imagine an oral form of legal recognition of any religious association.

The lack of legal regulations resulted in the outbreak of a fading national conflict between Polish and German believers. In practice, it was reduced to a dispute between supporters of maintaining ecclesiastical independence and those who wanted to join the ECACP. For this reason, on April 10, 1921, a general convention of Poles - Evangelicals from Małopolska was organized in Krakow, who were to represent Polish members of the parish of the ECAHC from

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48 E. Kneifel, who was kind to all actions of German Evangelicals in Poland, describes this congress as a synod, E. Kneifel, Bischof Dr. Julius Bursche, Sein Leben und seine Tätigkeit 1862 - 1942, Vierkirchen, p. 67

49 See: K. Kubisz, Szkic dziejów trzeciego zboru krakowskiego, p. 76, E. Alabrudzińska, Kościoły ewangelickie na kresach wschodnich, p. 124, E. Kneifel, Bischof Dr. Julius Bursche, p. 67. Therefore, solutions similar to those from January 1919 from Stanisławów were adopted.

50 Fragment of the declaration: E. Alabrudzińska, Kościoły ewangelickie na kresach wschodnich, s. 124.

51 See K. Krasowski, Związki wyznaniowe w II Rzeczypospolitej. Studium historycznoprawne, Warszawa - Poznań 1988, p. 265. E. Alabrudzińska, Protestantyzm w Polsce w latach 1918 - 1939, Toruń 2004, p. 125, formulates it as follows: "In January 1921 the government of W. Witos decided to accept the memorial and to recognize the Evangelical Church and the Helvetic religion as independent". E. Kneifel, Bischof Dr. Julius Bursche, op.cit., p. 67 writes: „An die sich dann anschließenden Warschauer Verhandlungen erklärte am 20. Januar 1921 die Regierung durch Staatssekretär Dr. Buzek dem Leiter der galizischen Delegation, Dr. Zöckler, sie habe die Denkschrift zur Kenntnis genommen und werde die Selbständigkeit der Galizischen Evang. Kirche A.U.B.H. anerkennen“, Everyone is following the text itself T. Zöckler, Die Evangelische Kirche Augsburgischen und Helvetischen Bekenntnisses in Polen, "Ekklesia" Bd. 5, Leipzig, p. 156.

52 J. Buzek was a professor of administrative law, dean of the Faculty of Law in Lviv, before the First World War. Deputy to the State Council in Vienna, in the Republic of Poland, a member of the Legislative Sejm, a member of the Constitutional Committee, co-author of one of the draft of the Constitution, PSB, t. 3, s. 155 – 156; J. Szturc, Ewangelicy w Polsce, s. 44.

Krakow, Lviv, Nowy Sącz, Przemyśl<sup>53</sup>. The presence of J. Bursche, the general superintendent of the ECACP, indicated the actual purpose of this congress. The participants selected the Church Department of the Evangelical Poles of Lesser Poland, dominated by members of the Presbytery of the Krakow parish, the only one in which Poles constituted the majority of the congregation<sup>54</sup>.

Legal grounds, somewhat defective, enabling the transition of the Krakow parish to the jurisdiction of the ECACP appeared only when the Sejm adopted the Act of April 27, 1922 amending the provisions of the Act for the Evangelical Church of the Augsburg Confession in the Kingdom of Poland of February 20, 1849. with the amended § 155, "*All Evangelical-Augsburg parishes in the Republic of Poland will be called to participate in the Constitutional Synod*"<sup>55</sup>. The law entered into force on May 5, 1922 and on May 21, at the Parish Assembly of the Krakow parish, by 66 votes to 23 with 3 abstentions, it adopted a resolution to surrender to the supremacy of the ECACP and take part in the Constitutional Synod. It was completely against the regulations in force. Pursuant to § 64 of *the Verfassung der evangelische Kirche* of 1891, parishes with more than 500 people, including the Kraków parish, had the so-called Congregation substitution should make the decision instead of the parish assembly. At first glance, this seems to be an undemocratic procedure, but let us remember that for the vote to be valid, all eligible voters had to be notified, more than half of the members entitled to vote had gathered, possibly 1/3 of the members eligible to vote on the second date (§ 9 and 62, p. 2). On May 21, 1921, a total of 92 people voted out of over 1,300 entitled<sup>56</sup>.

The German minority remained in the former church structures, i.e. in the ECAHC, wanting to continue the activity of the old parish, although in rented buildings. However, the administrative authorities treated it as a new organizational unit, and for the creation of the parish in accordance with the law, the final consent had to be given by the Supreme Church Council in agreement with the state administrative authorities.<sup>57</sup>

On September 4, 1923, the Supreme Church Council in Vienna decided to suspend official activities towards the parish in the Republic of Poland and "*transferred its powers to the Małopolska Superintendency Department and to the Superintendent Office as the executive authority*."<sup>58</sup>. Again, contrary to the claims of many historians and lawyers, to be denied, and this decision was endorsed by the Ministry of Religious Denominations and Public Education<sup>59</sup>. As J. Sawicki already noted, this would mean that "*the legal order in the sovereign territory of*

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53 K. Kubisz, Szkielet dziejów trzeciego zboru krakowskiego, [in:] 450 lat reformacji pod Wawelem, ed. B. Tondera, Kraków 2008, p. 78 – 79; E. Alabrudzińska, Kościoły ewangelickie na kresach wschodnich, p. 167 – 168.

54 J. Kłaczek, Kościół Ewangelicko - Augsburgski, p. 23.

55 Dz. U. RP 1922.32.257

56 K. Kubisz, Szkielet dziejów trzeciego zboru krakowskiego, p. 79. Por. E. Kneifel, Bischof Dr. Julius Bursche, p. 69 – 70. The reasons for questioning the legality of this decision became redundant in 1936, when the decree of the President of the Republic of Poland of November 25 on the attitude of the State to the KE-A finally confirmed the facts.

57 E. Alabrudzińska, Kościoły ewangelickie na kresach wschodnich, p. 125 and 167 – 168 i 171 and E. Kneifel, Bischof Dr. Julius Bursche, p. 66 -71; K. Kubisz, Szkielet dziejów trzeciego zboru krakowskiego, p. 79 – 82; W. Gastpary, Położenie prawne protestantyzmu, Part III, "Rocznik teologiczny ChAT" 1964, Vol. 6, p. 164 – 165.

58 E. Alabrudzińska, Kościoły ewangelickie na kresach wschodnich, p. 125.

59 W. Gastpary, Położenie prawne protestantyzmu, Part III, p. 165; K. Krasowski, Związki wyznaniowe w II Rzeczypospolitej, p. 265; E. Alabrudzińska, Kościoły ewangelickie na kresach wschodnich, p. 125.

*the Polish State, expressed in laws and other legal norms, could be changed as a result of acts or orders of foreign religious or secular authorities*"<sup>60</sup>.

Thanks to the research of E. Alabrudzińska, we know that the legal opinions issued by the Ministry of Religious Denominations and Public Education, voivodes of: Krakow, Lviv, Stanisławów, or branches of the General Prosecutor's Office of the Republic of Poland, although divergent in many cases, agreed that the powers of the Supreme The Church Councils did not pass to the Małopolska Superintendentura. The Legal Department of MWRiOP at the same time stated that granting them "*would not be in line with the government's religious policy*"<sup>61</sup>.

Therefore, the subsequent decisions of the Superintendent Assembly of September 10 in Czermin Kolonia (Hohenbach), taken precisely in this regard, were binding only in intra-church relations. Also the function of superintendent by T. Zöckler after the death in 1924 of the former diocese head of Hermann Fritsche<sup>62</sup>, could be easily questioned by the state authorities. T. Zöckler took office after H. Fritsch as his deputy in accordance with § 106 of *the Verfassung der evengelische Kirche* of 1891, but his main task after the death of the current superior was to convene a new Superintendent Assembly, which would make a new election. Several difficulties emerged, each of them would allow the Polish authorities to intervene in accordance with the law in the affairs of the Church. First of all, because for the election to take office, "*die Allerhöchste Bestätigung*" was required, that is, in Poland, the approval of the President of the Republic of Poland (§ 105, p. 1).

T. Zöckler was elected Deputy Superintendent in 1912. The consent of the minister was required for this function, and he received this from the Austrian Minister of Religious Affairs and Enlightenment. The term of office of the Deputy, as we remember, lasted 6 years, the Superintendent Assembly should therefore take place in 1918. Taking into account the extraordinary circumstances caused by the war, it should finally take place in 1923. However, then each newly elected Deputy Superintendent of H. Fritsche would need the approval of the Minister of Religious Denominations and Public Enlightenment, and that was probably what they wanted to avoid<sup>63</sup>.

Neither the approval of the President of the Republic of Poland in the office of the Superintendent, nor the approval of his Deputy T. Zöckler. In 1932, the Ministry of Religious Denominations and Public Education considered the possibility of drawing legal consequences and leading to the holding of elections, but eventually this concept was abandoned. Instead, it was decided to take the opportunity to incorporate the Augsburg parishes of the ECAHC into the ECACP while regulating the legal position of the latter. The disclosure of these plans by the German press triggered a storm and the plans were abandoned. The reason - fear of tightening

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60 J. Sawicki, *Studia nad położeniem prawnym mniejszości religijnych w Państwie Polskim*, Warszawa 1937, p. 323.

61 All quotes from E. Alabrudzińska, *Kościół ewangelickie na kresach wschodnich*, p. 178 – 179..

62 W. Gastpary, *Położenie prawne protestantyzmu*, Part III, p. 165.

63 Also, the inclusion of the Lviv seniorate of the Helvetic denomination and the actual liquidation of the Lviv superintendency of the Helvetic denomination was, from the point of view of the provisions of the *Verfassung der evengelische Kirche* of 1819 quoted by us earlier, carried out without the required participation and approval of the state authorities.

relations with Protestant churches, or rather German Protestants, because the idea itself was consulted with the general superintendent of the ECACP, J. Bursche<sup>64</sup>.

## Summary

The legal position of the ECAHC in the Republic of Poland was not fully settled. The church headed by T. Zöckler was treated and considered a legally recognized religious association, because it was founded and operated on the basis of the *Verfassung der evangelische Kirche* from 1891. ecclesiastical juridical persons, albeit with goals and tasks other than parishes. The senior citizens also retained their legal personality. As for the Superintendency, taking into account the fact of the actual merger of two separate Lviv Superintendencies - the Augsburg faith and the Helvetic faith into one without the required participation and consent of the state administration, failure to conduct elections to its legal organs in the manner prescribed by the provisions of the Act should be formulated in the formulation of an opinion, exercise some caution as to whether it has legal personality<sup>65</sup>.

The Polish state did not decide to unilaterally regulate the legal position of this religious association. An attempt to introduce appropriate regulations through a "kitchen door" when defining the status of the ECACP failed. The Superintendency Department with T. Zöckler was treated as a temporary administrative authority of the Church, and the convening of Superintendency Assemblies, such as the aforementioned Congregation in Czermin Kolonia (Hohenbach) in 1925, was simply tolerated.

It was all the easier because the ECAHC was not a large religious association. Before the outbreak of World War II, the Republic of Poland de facto had 24 parishes with a total of 70 branches and 24 preaching stations. Since it was a missionary Church, it experienced some increase in numbers. The number of believers increased by several thousand people of Ukrainian nationality. With this mission, the Church even went beyond the borders of the former Austrian partition, because it also led it in Volhynia. According to church data, about 34-35 thousand believers counted from 1 - 1.5 thousand. Poles, 3 thousand Ukrainians and the rest of the Germans<sup>66</sup>.

This church benefited from considerable financial aid, especially from Germany, including the state funds of the Third Reich<sup>67</sup>. A positive opinion on the entirety of the activities of this German Church, rooted in the literature on the subject, is based on the fact that the scale of problems faced by the authorities of the Republic of Poland assessed as detrimental to Polish national or state interests was incomparably low with the problems caused by the United

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64 K. Krasowski, *Związki wyznaniowe w II Rzeczypospolitej*, p. 271 claims that the idea was born precisely between 1931 and 1933.

65 S. Grelewski, *Wyznania protestanckie i sekty religijne w Polsce współczesnej. Zarys stanu prawnego wyznań religijnych w Polsce*, Sandomierz 1935, p. 87, thinks otherwise, and he is basically followed by all the authors I mention, except maybe J. Sawicki, *Studia nad położeniem prawnym*, p. 322 - 323, who did not articulate his doubts emphatically.

66 K. Krasowski, *Związki wyznaniowe w II Rzeczypospolitej*, s. 266 – 270; E. Alabrudzińska, *Kościół ewangelicki na kresach*, s. 149 – 155.

67 E. Alabrudzińska, *Protestantyzm w Polsce*, p. 138.



Evangelical Church in Poland tensions caused by the United Evangelical Church in Polish Upper Silesia<sup>68</sup>.

This church basically ceased to exist at the turn of 1939/40. The end of his existence was brought by the agreement of A. Hitler and J. Stalin, the joint attack on Poland and the subsequent fourth partition of the Republic. T. Zöckler moved from Stanisławów to "*Reichsgau Wartheland*", where he organized and advocated for the incorporation of the followers of the ECAHC into the parish of the Evangelical Church of the old-Prussian Union<sup>69</sup>.

## References

### Legislation

Kaiserliches Patent von 8 April 1861, womit die Angelegenheiten der evangelischen Kirche augsburgischen und helvetischen Bekenntnisses, insbesondere die staatsrechtlichen Beziehungen (...) geregelt werden, RGBl. 1861 Jahr, XVIII (41).

Verordnung des Staatsministers vom 9. April 1861, womit die innere Verfassung der evangelischen Kirche beider Bekenntnisse (...) provisorisch geregelt wird, RGBl. 1861, XVIII(42).

Verfassung der evangelischen Kirche Augsburgischen und Helvetischen Bekenntnisses, RGBl. 1866, V(15).

9. Gesetz vom 20. Mai 1874, betreffend die gesetzliche Anerkennung von Religionsgesellschaften, RGBl. 1874, XXI(68).

5. Verfassung der evangelischen Kirche Augsburgischen und Helvetischen Bekenntnisses in den im Reichsrathe vertretenen Königreichen und Ländern, RGBl. 1892, II(4).

*Vyhláška, kterou se vyhlašují "Základní a přechodná ustanovení pro českobratrskou církev evenglickou v čechách, na Moravě a ve Slezsku, 625/1919 Sb.*

*Vyhláška ministra školství a národní osvěty ze dne 15. září 1920 o uznání církve československé, 542/1920 Sb.*

*Vyhláška o novém církevním zřízení českobratrské církve evangelické v Čechách na Moravě a ve Slezsku z 8.II.1922, 64/1922 Sb.*

*Vyhláška ministerstva školství a národní osvěty ze dne 13. července 1923 o Základních a přechodných ustanoveních Augšburké církve evangelické ve východním Slezsku v Československu, 165/1923 Sb.*

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68 The only exception we know is publication S. Turowskiego, *Kościół Ewangelicko – Unijny w Polsce 1920 - 1939*, Bydgoszcz 1990. There is an extremely sharp assessment by T. Zöckler, p. 20 – 21 i 200. Although praised for a very large source base and valuable factual information, this work was met with critical comments from reviewers who accused of its one-sided interpretation and too extreme assessments, see Z. Zieliński, „Przegląd Zachodni” 1992, Vol. 48, No 2, p. 243-246; T. Stegner, „Przegląd Historyczny” 1992, Vol. 83, No. 1 p. 191-194; E. Alabrudzińska, „Zapiski Historyczne” 1995, Vol. 60, No. 4, p. 163-165. See also E. Alabrudzińska, *Loyalitätsprobleme von Protestanten in den Ostgebieten Polens*, "Nowa Polityka Wschodnia" 2013, No 2 (5), p. 189 - 209. It should be noted, however, that the opinions expressed by Polish Evangelicals against German co-religionists from the same Church at the convention in Krakow in April 1921 were equally strong, although for obvious reasons devoid of threads from the period of the Nazi occupation. He indignantly quotes them in his German translation, describing them as “Eine unerhörte Verleumdung! - that is, an unheard of slander”, E. Kneifel, *Bischof Dr. Julius Bursche*, p. 67 – 68, We, in turn, do not agree with E. Kneifel's assessment.

69 B. Krebs, *Państwo, Naród, Kościół*, p. 297.

*Vyhláška o novém církevním zřízení Německé evangelické církve v Čechách, na Moravě a ve Slezsku z 7.VIII. 1924 r., 209/1924 Sb.*

*Dekret Prezydenta Rzeczypospolitej z 25 listopada 1936 r. o stosunku Państwa do Kościoła Ewangelicko - Augsburskiego w Rzeczypospolitej Polskiej, Dz. U. RP 1936.88.613.*

*Rozporządzenie Rady Ministrów z dnia 17 grudnia 1936 r. o uznaniu Zasadniczego Prawa Wewnętrzznego Kościoła Ewangelicko - Augsburskiego w Rzeczypospolitej Polskiej, Dz. U. RP 1936.94.659*

*Dekret Prezydenta RP z 19 XI 1938 r. o rozciągnięciu mocy obowiązującej niektórych aktów ustawodawczych na odzyskanie ziemie Śląska Cieszyńskiego, Dz. U. RP 1938.90.612*

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