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FREEDOM OF ECONOMIC ACTIVITY AS A VALUE IN CHRISTIANITY AND A PRINCIPLE IN POLISH LAW

INTRODUCTION

Economic growth has long been a central theme in political and economic discourse, as a higher growth rate signifies increased national production, which, in turn, has the potential to elevate living standards and enhance a country's capacity to achieve both economic and social objectives.

Economic development is fundamentally a process of progressive enhancement, wherein the real per capita income of a nation steadily rises over time. Entrepreneurs are pivotal in this process, serving as driving forces for industrial transformation and economic growth. Technological progress, on its own, will not suffice to achieve meaningful economic development unless it is exploited by entrepreneurs in a profit-oriented manner.

Entrepreneurs are the ones to organize and utilize capital, labour, and technology. Therefore, Thus, development does not emerge spontaneously as a mere byproduct of favourable economic conditions. A catalyst is required, which chiefly relies on entrepreneurial activity. The rich tapestry of activities that typify developing countries can be attributed to the enterprising spirit of their businesspeople.

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Furthermore, the private sector holds a central role in the labour market. Entrepreneurs foster employment, both as sole proprietors and also by establishing businesses, both large and small, thereby creating job opportunities for others. In this manner, entrepreneurship reduces unemployment in the nation, which, by extension, has a positive impact on the well-being of employees and their families.

Entrepreneurs from both the public and private sectors contribute significantly to filling gaps in the economic development across regions. They supply the most demanded products as well as launching new items on the market.

In economic literature up to the 1980s, it had been recognized that economic development was shaped not only by business-internal factors, such as market power and competitive position, but also by the broader context of doing business, such as the political climate, regulatory framework, the level of technological advancement, and constraints arising from the availability and use of resources sensitive to environmental considerations. However, for several decades now, researchers have been recognizing the role of ethics in business, now embedded in the concept of corporate social responsibility (CSR). This concept is not new. It was deeply rooted in ancient philosophy and, later on, in Christian civilization.

1. WORK-RELATED VALUES IN CHRISTIANITY

Work-related values in Christianity, particularly during its early formation period, but also reflected in the Bible and in the teachings of the Fathers of the Church, evolved in response to a variety of historical and social contexts. Still, these sources convey several overarching principles and beliefs concerning work and its significance.

Work, as part of the divine plan, carries profound significance in both the Old and New Testament. The Book of Genesis describes how God commanded Adam to work and tend to the Garden of Eden. That responsibility imposed on man served as a means to engage in the continuing act of creation and divine vocation. Consequently, work is regarded as an essential facet of human existence. It enables the individual to assume the role of co-creator and agent. The Bible mentions many different professions (e.g. carpenter, fisherman, doctor, shepherd, tax collector), yet

belonging to a specific occupational group should not define who a person is. The freedom to choose a profession does not imply that someone will follow disparate values.

The teaching of early Christians highlights the ethical value of work. Work is not merely a means to earn income or sustain yourself; it is also an expression of freedom and person's awareness as a human being. Through work, everyone can cultivate their talents, fulfil their vocation and establish a place within society. "In fact there is no doubt that human work has an ethical value of its own, which clearly and directly remain linked to the fact that the one who carries it out is a person, a conscious and free subject, that is to say a subject that decides about himself."¹

The biblical Parable of the Talents is a perfect example of the gifts and abilities bestowed upon people by God. In this narrative, the talents symbolize the unique abilities and skills that everyone receives from God. It is important that we use these talents in a responsible and creative way. The message of the parable is clear: failure to make use of the divine gifts is subject to censure. Work is therefore a means of taking advantage of the gifts from God and participating in His plan.

In the teachings of Jesus, work is frequently regarded as a form of service to others. Jesus stressed that whoever is the greatest should be the servant of others. This notion of service shapes the understanding of work as not only a means to earn revenues, but primarily as a vehicle for expressing love and care for others. By working, a person has the opportunity to influence their own environment and make a positive change.

Christianity also teaches respect for the dignity of every form of honest work. The Church Fathers highlighted the vital role of morality and ethics of work. Earning an income to support the family and assist the needy were considered both noble and commendable aims. Consequently, work is a way to tend to others to foster the Christian love of your neighbour.

The subject of this work has been addressed by the leaders of the Catholic Church in encyclicals for over a century in the context of work performed for the glory of God and as service for others. However, in more recent papal documents, it has been made clear that the sphere of economic activity does not have to be viewed in this way. It is a personal attribute.

¹ Ioannes Paulus PP. II, Litterae encyclicae de labore humano, LXXXX expleto anno ab editis Litteris Encyclicis Rerum Novarum *Laborem Exercens* (14.09.1981), AAS 73 (1981), pp. 577-647, no. 6.

It is part of a normal human activity, “The economic sphere is neither ethically neutral, nor inherently inhuman and opposed to society. The economic sphere is neither ethically neutral, nor inherently inhuman and opposed to society. It is part and parcel of human activity and precisely because it is human, it must be structured and governed in an ethical manner.”² Economics is closely linked to human activity and determines our values and priorities. Economic decisions made by individuals, businesses, and governments profoundly shape our daily lives and influence our health, education, and the natural environment. The economy cannot be separated from other domains of social life, i.e. politics, culture, or education. It influences the shape of these areas and may also steer the trajectory of social development. Hence the need to integrate economic ethics with that of other areas with a view to creating a coherent system of values that will serve the common good.

The CST attaches great importance to work. It is important not only for the individual but also to maintain a family. “Work is essential insofar as it represents the condition that makes it possible to establish a family, for the means by which the family is maintained are obtained through work. Work also conditions the process of personal development, since a family afflicted by unemployment runs the risk of not fully achieving its end.”³

As John Paul II noted, work is not only an obligation but also a right. Neither the political nor the economic system should hinder employment and earning a living by appealing to any ethical arguments.⁴

The Catechism of the Catholic Church considers work a human duty since the God’s call to “subdue the earth” is literally intended for people.⁵ At work, we use some of our inherent and intellectual abilities. The true value of a piece work comes from the person who has performed it and one who has been the beneficiary of it. Furthermore, an entrepreneurial individual should harness their talents in a manner that fosters development for the collective benefit (of themselves, of their employees, and of

² Benedictus PP. XVI, Litterae encyclicae de humana integra progressionem in caritate veritateque *Caritas in veritate* (29.06.2009), AAS 101 (2009), pp. 641-709, no. 36.

³ See https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_pl.html [accessed: 30.08.2024], no. 563. See also Banaszak 2015, 35-54; Idem 2023, 552-70.

⁴ Ioannes Paulus PP. II, Litterae encyclicae *Centesimus annus* (01.05.1991), AAS 83 (1991), pp. 819-67, no. 43.

⁵ See *Katechizm Kościoła Katolickiego*, Pallottinum, Poznań 1994, no. 2427.

their partners) while achieving outcomes that align with established standards.⁶

2. FREEDOM OF ECONOMIC ACTIVITY AS A HUMAN RIGHT?

The freedom of economic activity essentially encompasses any lawful means of earning profit undertaken by one or more individuals within a business system or framework. This right apparently governs the entire spectrum of such an activity: from its establishment and management to potential bankruptcy or discontinuation.

The freedom of enterprise is ranked among the fundamental rights. Article 6 of the International Covenant on Economic, Social and Cultural Rights⁷ from 1966, concerning the right to choose one's occupation, reads that, any claim relating to the freedom to undertake economic activity would have to be examined from the perspective of the right to practice a chosen profession. The expert commission monitoring the implementation of the Covenant interprets this provision as embracing "all forms of work, both independent work (self-employment) and labour relations."⁸ They underscore the link between the right and freedom to do business.

This right is also guaranteed in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Convention on the Rights of Persons with Disabilities. It can be inferred that the freedom to undertake economic activity is a fundamental human right rooted in the inherent dignity of the person. The freedom of enterprise is indeed a fundamental right and is rightly regarded as a fundamental right due to its very essence. However, the notion of rights can also serve as a source of empowerment, as individuals or companies may claim that their fundamental right has been unjustly restricted. In this context, the freedom to conduct a business transpires as a mul-

⁶ *Ibid.*, no. 2428-2429.

⁷ International Covenant on Economic, Social and Cultural Rights, done at New York on 19 December 1966.

⁸ Cf. UN, Committee on Economic, Social and Cultural Rights (2008), Consideration of reports submitted by States Parties under Articles 16 and 17 of the Covenant: Ukraine, E/C.12/UKR/CO/5, 4 January 2008; UN, Committee on Economic, Social and Cultural Rights (2012), Consideration of reports submitted by States Parties under Articles 16 and 17 of the Covenant: Cameroon, E/C.12/CMR/CO/2-3, 23 January 2012.

tifaceted right, as there are divergent views on the boundaries between this and other rights, such as the protection of personal data or the right to health.

The inclusion of this right among human rights is justified, although it is markedly distinct – in terms of nature and beneficiaries – from other rights that predominantly pertain to individuals, for example, the right to choose a profession. This right is coupled with adequate requirements imposed on businesses by regulatory authorities which oversee the rules of competition. In this context, the state is obliged to protect this right, and entrepreneurs are its entitled subjects.

The state should seek to remove unwarranted restrictions on all individuals who have the right to engage in economic operations and afford new opportunities for business development, especially for disadvantaged groups, women and migrants being some of them. In a pluralistic society, the state is expected to play the role of a neutral facilitator that ensures conditions for a development that is full, lawful, and aligned with the principles of social coexistence.⁹ The state should endeavour to promote uncomplicated procedures for business establishment and reduce barriers to market entry.

Besides highlighting the right to work as one of the human rights, Teresa Liszcz also points to the notion of freedom to work. She rests her viewpoint on the freedom of the human being derived from dignity. After John Paul II, she repeats that the person is “made to be free” by their very nature [Liszcz 2018, 42]. Entrepreneurship on the part of employers will manifest itself as freedom to employ, select employees, establish labour relations, and determine employment terms and conditions. Employers enjoy freedom, including the freedom to do business. By investing capital and assuming the risk of potential losses due to failure of a business project, the entrepreneur creates job opportunities for others.

⁹ For more, see Romanko 2020, 367-75.

3. PILLARS OF FREEDOM OF ECONOMIC ACTIVITY IN POLISH LAW

In its first chapter, the Constitution of the Republic of Poland of 1997¹⁰ lists the core principles of the operation of the state. Not only are they related to public administration, but they also address social and economic facets. Article 20 clearly refers to the economic system of the state as “social market economy” based on five pillars: freedom of economic activity, private ownership, solidarity, dialogue, cooperation between social partners.

There is a doctrinal dispute whether these pillars and elements hold equal weight or whether a hierarchy exists among them, i.e. whether certain pillars might be deemed more fundamental or superior to others [Safjan and Bosek 2016]. On the other hand, none of these pillars can be excluded. Given the operation of the national economy, both at a high level and within individual companies, all these aspects hold relevance, albeit with varying degrees of significance. For entrepreneurs who primarily seek to make profit, the freedom to do business is key. It embraces the option to select an appropriate legal form of incorporation, access to various economic sectors, growth opportunities, a legal setting conducive to expansion, flexibility of contracting, including the hiring of employees and associates, and a free hand at designing a human resources policy. All these factors determine the stability of operation and are likely to attract inward investment.

Another vital element is private ownership. Companies own assets, i.e. physical resources, that they use to carry out their business operations. The assurance of the state that these resources are secure instils confidence and security in entrepreneurs. Their organizations can operate and grow within a predictable and peaceful setting.

The pillar of solidarity might as well go with the adjective “social.” It indicates the state’s social policy of ensuring protection and security to citizens, including the employed. While, on the face of it, such measures may appear as a hindrance to enterprise development because they involve obligatory levies, such as national insurance contributions, entrepreneurs increasingly take care of their employees, viewing human capital as an es-

¹⁰ Constitution of the Republic of Poland of 2 April 1997, Journal of Laws of 1997, No. 78, item 483 as amended.

sential resource [Szejniuk 2015, 47-60]. Solidarity is also an expression of civic responsibility and a necessary element of civil society. It must be approached as one of the driving factors to achieving “common good” [Biliński and Żurawik 2018, 470].

The next pillar, dialogue, can also be understood as a value. Entrepreneurs operating within a specific system must engage in dialogue with a range of stakeholders, including the external ones: state authorities (consultations on changes to legal regulations), financial institutions (grantors), business partners, and internal ones: own employees and trade unions. The weight of dialogue in economic activity cannot be underestimated; hence, training programmes focusing on social and communication skills are becoming increasingly popular. Recommendations on how to hold social dialogue with business partners and non-governmental organisations in the member states can be found across many acts of EU law, e.g. in Recital 50 of the Work-life Balance Directive.¹¹

The final pillar is the cooperation between social partners. Along with dialogue and solidarity, this element is behind the increasingly popular and implemented concept of corporate social responsibility (CSR). CSR has been adopted by businesses as an approach to the development of international development strategies as it brings ethical issues to the fore. It addresses the social and environmental impacts of economic activity and shows ways to mitigate them [Fisher 2015, 60-62].

Being an employer is not only a privilege but also an obligation, e.g. to ensure appropriate working conditions, including EHS standards, to employees [Jarota 2020, 173-84].

4. ENTREPRENEURSHIP IN ACCORDANCE WITH THE TEACHING OF THE CHURCH

Entrepreneurship is a character trait, the ability to take action, and readiness to take risks. *Encyklopedia PWN* defines entrepreneurship as follows, “the ability to select and engage means of production in economic activity conducted in conditions of uncertainty in a way that ensures profit

¹¹ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, p. 79).

for one entrepreneur or a group of entrepreneurs.”¹² Joseph Schumpeter, known as the “father of entrepreneurship,” pointed out that economy was characterized by a process of innovation and creative destruction. Entrepreneurs disrupt markets by introducing new products, processes, or business models. They stimulate economic growth [Ferreira, Reis, and Pinto 2017]. What is common to the many definitions of entrepreneurship is that they all essentially regard it as a process of creating value through the unique combination of resources aimed to take advantage of emerging opportunities. The key components of this approach are that it is an opportunity-driven process of creating value where none existed before by pooling resources in unique ways [Shah, Gao, and Mittal 2015, 183-90].

Aleksandra Szejniuk keeps emphasizing that people (employees) significantly contribute to the success of a business project. Their intellectual potential invested in the enterprise is a key driver of success [Szejniuk 2018, 161-76].

Evidently, entrepreneurship as a feature or process is neither a negative nor a positive phenomenon. Entrepreneurial activities conducted ethically and in accordance with the teaching of the Church can help realize God’s plan and bring individuals closer to salvation. This is evidenced by numerous empirical studies on entrepreneurship of specific groups partaking in the life of the Church [Nwankwo, Gbadamosi, and Ojo 2012, 149-67; Quagraine, Opoku Mensah, and Adom 2018, 657-76; Choi 2010, 372-83; Martes and Rodriguez 2003, 171-201].

CONCLUSIONS

Entrepreneurship in the spirit of Christianity, understood as ethical economic activity aimed at earning income to sustain an individual or a family, is regarded by the CST as a value. Taking up employment to earn money does not rule out working for the glory of God.

The constitutional system of the social market economy is based on pillars that are dovetailed with the teaching of the Catholic Church. Some of them are solidarity, dialogue (with stakeholders), and cooperation between social partners.

¹² See <https://encyklopedia.pwn.pl/> [accessed: 12.10.2024].

The choice of a professional path should rely on “talents” and potential and not on belonging to a specific social group. So, if a person has been bestowed with the “talent” of entrepreneurship, they should nurture it, thereby contributing to responsible economic development.

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Freedom of Economic Activity as a Value in Christianity and a Principle in Polish Law

Abstract

In Christian doctrine, particularly within the framework of Catholic social teaching (CST), considerable emphasis is placed upon the value of work. This is evident in the Bible, as well as in various pastoral documents and the legacy of Catholic scholars: philosophers, theologians, and economists. However, in this approach, work is predominantly approached as a means to glorify God, to subdue the earth, and to serve others. The active role of the human entrepreneur, who creates a working environment for profit-making purposes, is accorded comparatively less significance. Hence the question arises: Is entrepreneurship so understood contrary to the CST? Does it represent a value in Christianity? Does the pursuit of profit in labour inherently preclude the possibility of working for the glory of God? To address these inquiries, the legal-dogmatic method will be employed. Relevant provisions of the Constitution of the Republic of Poland concerning the social market economy will be analyzed. This approach will be complemented by a method of literature review and synthesis of obtained materials. The author posits that entrepreneurship understood as the freedom to choose profession and engage in paid work holds a significant value within Christianity. Furthermore, the principle of economic freedom enshrined in the Polish Constitution implements the values embedded in the CST.

Keywords: entrepreneurship; Catholic social teaching; freedom of economic activity; employer.

**Swoboda działalności gospodarczej jako wartość w chrześcijaństwie
i zasada w prawie polskim**

Abstrakt

W chrześcijaństwie, w katolickiej nauce społecznej wiele miejsca poświęca się wartości pracy. Widać to w Biblii, dokumentach duszpasterskich, dorobku uczonych katolickich: filozofów, teologów, ekonomistów. Temat ten jest jednak podejmowany głównie jako praca ku chwale Boga, by czynić świat poddanym, by służyć innym. Mniejszą wagę przykładają do aktywnej roli człowieka – przedsiębiorcy w kreowaniu środowiska pracy w celach zarobkowych. Stąd rodzi się pytanie: czy tak rozumiana przedsiębiorczość jest sprzeczna z KNS? Czy przedsiębiorczość jest wartością w chrześcijaństwie? Czy cel zarobkowy pracy wyklucza pracę ku chwale Boga? W celu odpowiedzi na te pytania zastosowana zostanie metoda prawnodogmatyczna analizując odpowiednie artykuły Konstytucji RP dotyczące społecznej gospodarki rynkowej, a następnie metoda analizy literatury i syntezy materiałów. Autorka uważa, że przedsiębiorczość w postaci wolności wybrania zawodu i podejmowania pracy jest wartością w chrześcijaństwie, zaś wyrażona w Konstytucji zasada swobody działalności gospodarczej realizuje wartości KNS.

Słowa kluczowe: przedsiębiorczość; katolicka nauka społeczna; swoboda działalności gospodarczej; pracodawca.

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