

Proposed topic: The Catholic Church and the Reform of Family Law in the 20th Century Poland

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In 1918 Poland regained its independence. One of the most difficult problems which the reborn state had to face was the unification and codification of law. Poland inherited four different systems in the field of family law. The biggest part of state was ruled by Russian family law, based on religious grounds, while the western part was under lay system coming German civil code BGB. The Catholic Church proposed to prepare the unified law for the whole country, based on religious regulations. It was also in favor of other denominations, such as Jewish, Russian Orthodox and other. In 1919 the Codification Committee was established. It was an independent body of lawyers, who were to prepare quickly the drafts of new law. Professor Karol Lutostański was responsible for reform of family law. In 1929 his draft of family law was accepted by the Codification Committee. The draft was based on compromise between religious and lay regulations. You could choose religious or lay form of marriage, but draft allowed divorces and proclaimed that only state's courts are competent in family matters. The draft was strongly attacked by Church. The Primate of Poland, Cardinal August Hlond, called this draft "Bolshevik" one. It was strange, because at the same time a similar compromise was adopted in Italy, and it had grounds in Pope's Pius XI encyclical *Casti conubii*. Polish government was afraid of conflict with the Church, so the draft did not become law.

In 1944, in new political situation, communists decided to finish quickly the process unification of civil laws. The first part of it which was unified was the marital law (September 1945). It was based on completely lay basis and stated that only marriage given by registrar is legal and causes legal consequences. The Church tried to protest, but at this time these protests were completely ignored. The result was that people (especially in villages) were concluding only church marriages, believing the state's one is not important. In 1958 the so-called "Bismarck's paragraph" was introduced to Polish law. The priest who gave the marriage earlier than the registrar, was punished.

Polish family codes of 1950 and 1964 followed regulations adopted in 1945. The significant change was made after the fall of communism. The Church agreed on regulations similar to old prof. Lutostanski's proposals. They are not "Bolshevik" any more. These regulations are now attacked by those, who claim that they give too much privileges to Church. However, the compromise is accepted by the vast majority of citizens.