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# VARIA

**Ks. Marek Andrzej Żmudziński**

## DISPUTES REGARDING THE SACRAL DIMENSION OF MARRIAGE IN POLAND FROM 1945–1948

### Introduction

The end of World War II coincided with the start of a new political order in Poland. It was introduced by the Polish Committee of National Liberation, which announced its programme manifesto on 22 July 1944. The manifesto laid down, among other things, its religious policy. The new state strategy was to involve gradual conquering and transforming the social system in line with ideological principles. It was planned that, initially, a good relationship with the Church would be maintained, based on the constitution of 17 March 1921[1]. Its art. 111 guaranteed that one can profess one's faith, both in public and in private. Art. 114, according to which the Roman Catholic faith, professed by a majority of the nation, was to occupy "the prime position among the equal denominations" was also important. On the whole, the relationship between the state and the Church was regulated by the concordat between the Holy See and the Republic of Poland, signed in 1925. It guaranteed the Church the freedom of association, of press and publication, teaching religion at schools, pastoral care in prisons and freedom of managing the Church assets[2].

It soon came as no surprise that the Catholic University of Lublin was granted consent to resume its activities and Church-owned land was excluded from the agricultural reform started on 6 September 1944. According to comments, the authorities wanted to make it seem like they respected the constitutional authority of the Church and to create the appearances of amicable cohabitation.

However, there were also actions aimed clearly at secularising social life. It started with the 1944 decree of the Polish Committee of National Liberation,

Ks. Marek Andrzej Żmudziński – Uniwersytet Warmińsko-Mazurski w Olsztynie, ORCID: https://orcid.org/0000-0002-1759-877X, e-mail: marek.zmudzinski@uwm.edu.pl

[1] P. Chmielecki, *Sposoby walki z Kościołem w PRL w latach czterdziestych i pięćdziesiątych XX wieku [Methods of fighting with the Church in the 1940's and 1950's]*, "Sympozjum" 2019, No 36, p. 287.

[2] Z. Zieliński, *Kościół w Polsce 1944–2002 [The Church in Poland 1944–2002]*, Wydawnictwo Polwen, Radom 2003, p. 57.

which abolished the state officials' obligation to swear a religious oath. The reference to God was removed from the oath formula, which was replaced with a lay oath. Later years brought similar decisions regarding oaths sworn at courts and by the military (in 1949 and 1950, respectively). The obligation to teach religion in primary and secondary schools was abolished by the regulation of the minister of education of 15.09.1945[3].

In a radical move, the Interim Government of National Unity passed a resolution annulling the 1925 concordat, justifying it with the Holy See's decisions taken during the war, concerning the Church on Polish lands, which revealed the pro-German attitude of the Holy See[4]. The authorities chose to terminate the concordat despite the fact that under the concordat the Polish authorities were entitled to approve bishops and that it obligated priests to be loyal to the state. It gave the proponents of the new political system in Poland a free hand in defining the legal status of the Church.

It is important in the current considerations that the activities aimed at breaking off the concordat coincided with establishing a special committee at the Ministry of Justice, whose task was to develop a programme of the secularisation of social and family life. Among the first effects of its work were new provisions of the marriage law, which obligated every citizen to enter into a civil marriage.

## Codification of marriage law

As a remnant of the foreign rule, there were five different legal systems in the Second Republic, which comprised over 50 legal acts. These included:

- Bürgerliches Gesetzbuch – the German civil code of 1896 ("BGB") – valid in the territory formerly under Prussian rule;
- Allgemeines Bürgerliches Gesetzbuch – the Austrian civil code of 1811 ("ABGB") – former Galicia (land under the Austrian rule);
- Свод законов Российской империи – The Russian code of 1835 – valid in the territory incorporated to the Russian Empire, mainly in the eastern borderland;
- The Napoleonic Code of 1804 – valid in the territory of the former Kingdom of Poland, which was separate to a certain extent from the other lands under the Russian rule. Some legal changes had been introduced over the years, such as the Code of Law in the Kingdom of Poland and the Marriage Act of 1836, which had changed the Napoleonic legal system;
- The Hungarian law, which had been valid until 1922 in Spiš and Orava, which were parts of the Kingdom of Hungary before 1918[5].

[3] Ibidem, p. 60.

[4] A. Gałka, *Szkic do dziejów Kościoła w Polsce 1945–2000 [Rudiments of the history of the Church in Poland 1945-2000]*, in: *Listy Pasterskie Episkopatu Polski 1945–2000 (Wstęp) [Pastoral Letters of the Episcopate of Poland (Introduction)*, Michaelinum, Marki 2003, p. XII.

[5] P. Zakrzewski, *Prawo małżeńskie w II Rzeczypospolitej – nieudane próby normalizacji [Marriage law in the Second Republic – failed attempts at normalisation]*, „Kortowski Przegląd Prawniczy" 2015, No 2, p. 91–95.

For example, the function of the registry official in Roman Catholic, Evangelical, Orthodox and Mariavite denominations was performed by parish heads, and the act of marriage was also an ecclesial document whose contents were defined by church regulations. Registry records for people of other – Christian and non-Christian – denominations were maintained by heads of urban and rural communes (lay officials)[6]. In contrast, there were registry offices in the territory of former Prussian state where couples could enter into marriage[7].

These regulations were invalid after 1918, and the common practice involved notifying the church marriage to the relevant state administration office. Attempts at unifying the law, which involved obligatory civil marriages and the possibility of getting a divorce by a common court verdict, were not successful, protested against by the Episcopate of the Catholic Church[8].

The attempts at unifying the law were interrupted by the war's outbreak. Communists took advantage of this in 1945, being aware of the fact that the civil marriage law and practice was in place in the Western Lands. The situation was additionally complicated by the inflow to the area of people from the east, where they lived under the very liberal Soviet law. These facts were taken advantage of by the propagandists very eagerly. Society was supposed to be convinced that the state authorities were right in building a secular state which did not force anyone to participate in religious rituals and actions and which defended religiously indifferent people. It was regarded as a sufficient and necessary argument for the change.

The draft new marriage law was ready on 6 June 1945. It provided for an obligatory procedure for entering into a marriage which involved the future married couple making a statement before a registry official and in the presence of two witnesses that they were entering into marriage. The law described the rights and obligations of a married couple, conditions to be fulfilled for annulling the marriage or a divorce, which could be granted by a common court[9].

These plans were immediately protested against by the Polish bishops. During the first post-war meeting of the Polish Episcopate at Jasna Góra on 26 and 27 June 1945, the bishops expressed their concern about "the real threat to the sanctity of marriage and education of future generations"[10]. A letter was sent to the President of the State National Council, which explained the Church's teaching on marriage and the role of the Catholic tradition in the Polish culture

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[6] A. Lachowicz, *Laicyzacyjna rola reformy prawa małżeńskiego i urzędów stanu cywilnego w woj. białostockim w latach 1945–1948 [Secularising role of the marriage law and registry office reform in the Białostockie Voivodship in 1945–1948]*, „Studia Podlaskie" 2001, No 11, p. 215–216.

[7] K. Krasowski, *Episkopat katolicki w II Rzeczypospolitej. Myśl o ustroju państwa – postulaty – realizacja [Catholic Episcopate in the Second Republic. Thoughts about the state system – suggestions – implementation]*, Pallotinum, Warszawa–Poznań 1992, p. 194.

[8] Polish bishops made their first statement on the lay marriage law in the Pastoral letter of 1921, when they objected to the planned liberalisation.

[9] J. Żaryn, *Kościół a władza w Polsce (1945–1950) [The Church and the State in Poland (1945–1950)],* Wydawnictwo DiG, Warszawa 1998, p. 74.

[10] *Obrady Episkopatu Polski [Meeting of the Episcopate of Poland]*, „Tygodnik Powszechny" 1945, No 1, p. 1.

and the harmfulness of the divorce law liberalisation, both to the Church and to the state. The bishops objected to the state appropriating the institution of marriage, whose essence they saw in its essence in its sacramental nature and, in consequence, in being under the jurisdiction of the Church[11]. This voice was amplified by the pastoral letter of Archbishop A.S. Sapieha, who called for courage to defend the Christian nature of marriage: "is it freedom, is it an equal right, when civil marriages are to be imposed on Catholics in violation of the Catholic faith...? [...] Catholics do not stand in anyone's way to living according to their faith and their beliefs, so we Catholics also have a right to live by our faith and to demand the freedom of conscience and for Catholic marriages entered into at the Church to be respected and that we should not be made to enter into civil marriages"[12].

These protests and reservations were ignored and – with cynical slogans about the state protecting the stability of marriage and family[13] – the new marriage law was passed by the decree of 25 September 1945[14]. In this way, the authorities succeeded in concealing their true intentions. They skilfully took advantage of the social expectations and hid their disregard of religion and the Church behind the lofty slogan of "stability of marriage". In practice, the "principle of stability" had nothing in common with the formal indissolubility of marriage, which has its base in the natural law. Sanctioning divorce in the name of so-called "freedom and social democracy" emphasised the supremacy

[11] *List Episkopatu Polski do Prezydenta KRN B. Bieruta (27 czerwca 1945 r.) [Letter of the Episcopate of Poland to Bolesław Bierut, President of the State National Council (27 June 1945)]*, in: P. Raina, *Kościół katolicki a państwo w świetle dokumentów 1945–1989 [Catholic Church and the State in light of documents 1945–1989]*, vol. 1, Wydawnictwo „W drodze", Poznań 1994, p. 12–13. It also recalled the pastoral letter of 1921 on marriage, which warned the government and society about the dangers facing the sacrament of marriage. The foundations of the Catholic faith were specified, stating that the marriage is the natural contract of life and the base of social life, but it is also a religious institution, in its essence subordinate to the religious law and religious authority rather than to purely lay law and to the lay authority. Under Christ's will, this union is a sacrament and the Church has a right to establish its conditions and its validity. However, it does not eliminate the lay authorities from dealing with the matters of married couples as the state is, in a sense, dependent on the existence of families and marriages. But the lay authority can deal with lay matters and circumstances, such as registration of marriages, regulation of property issues, inheritance, custody of children, etc. In such matters, a Catholic is obliged to submit in his conscience to the state legislation. The demands aimed at avoiding the danger of being forced to enter into a civil marriage, which made it possible to separate a contract of marriage from the sacrament of marriage. In consequence, the new marriage act should allow for avoiding the danger of divorce for the general good of marriages, families, children and the whole society. Cfr. Ibidem.

[12] *List pasterski arcybiskupa krakowskiego A.S. Sapiehy do wiernych w sprawie rządowego projektu nowelizacji prawa małżeńskiego [Pastoral letter of Archbishop of Kraków, A.S. Sapieha, on the draft amendment of the marriage law]*, „Tygodnik Powszechny" 1945, No 22, p. 2.

[13] The minister of justice asked the following question in the „Gazeta Robotnicza": can divorces contribute to the slackening of morals? He replied by saying that the new marriage law should strengthen the institution of marriage as a voluntary and permanent union of the man and the woman. The conviction of legal indissolubility of marriage will no longer be used to terrorise the innocent party, which is currently defended by the law. Cfr. *Nowe prawo małżeńskie [The new marriage law]*, „Gazeta Robotnicza" 1945, No 270, p. 3.

[14] „Journal of Laws" 1945, No 48, item 270, p. 401–404.

of the law passed by the state. The Supreme Court also ruled that Poland, being a people's state, cannot ignore the social harmfulness of the *de facto* no longer existing marriages because of their earlier decomposition. This clearly established the "legal model" of marriage, which was deemed to be a strictly lay institution, with no signs of transcendency[15].

A decree was issued as part of this amendment, entitled "Law on civil registry records"[16], under which the civil registry records were to be kept solely by state officials, depriving parish priests of the function which they used to perform within a specified scope[17]. These government decrees became effective on 1 January 1946 after they were approved by the State National Council on the previous day, with the objections raised by five deputies of the Labour Faction [Stronnictwo Pracy][18]. Thereby, the legal secularisation of the marriage law became a fact, with particularly liberal principles of granting civil divorces[19].

One must be aware that the amendment of the marriage law under analysis, so strongly objected to by the Church, was not the only legislation on marriage and family, passed at the time. It was continued in subsequent decrees of the KRN. A new "family law" was passed on 22 January 1946. Like the marriage law, it was also deprived of its sacred dimension. It broke off with the traditional, Christian model of the family[20]. Subsequently, on 15 May 1946, the new "guardianship law" was passed, which was not different in its secular nature from the previous decrees[21]. This anti-Catholic legislation was complemented by the decree of 3 February 1947 "On recognising the validity of certain marriages and divorces of Polish citizens", under which the divorces granted under the Soviet law in the territory of Soviet Russia (between 1 September 1939 and 29 January 1946) and under the German law in the territory of the German Reich (between

[15] M. Roszewski, *Prymas Stefan Wyszyński i Episkopat Polski wobec systemowych ograniczeń obywatelskich i wyznaniowych w Polsce w latach 1945–1956 [Primate Stefan Wyszyński and the Episcopate of Poland in the face of systemic restrictions of citizens' and religious rights in Poland in 1945–1956]*, <http://www.opoka.org.pl/biblioteka/T/TH/THW/xmr_prymas_prl.html>, retrieved on 12.08.2012.

[16] „Journal of Laws" 1945, No 48, item 272.

[17] Z. Pawłowicz, *Kościół i państwo w PRL (1944–1989) [The Church and the State in Poland (1944–1989)],* Wydawnictwo Oficyna Pomorska, Gdańsk 2004, p. 46.

[18] The deputy Turowski of the Liberal Faction made a statement before the vote: "We, the undersigned deputies of the Labour Faction, while acknowledging the need for unification of the marriage law in the whole territory of the State, claim that some provisions of the government decree on the marriage law eliminate the indissolubility of marriage, which contradicts the main principles of the Labour Faction's ideology. Therefore, the undersigned deputies of the Labour Faction will vote against this draft" – *Sprawozdanie stenograficzne z posiedzeń Krajowej Rady Narodowej, w dniach 29, 30, 31 grudnia 1945 r. oraz w dniach 2 i 3 stycznia 1945 r. [The stenographic record of the State National Council meetings of 29, 30 and 31 December 1945 and of 2 and 3 January 1946]*, Sesja IX, 1945/46, p. 552. More on this subject, see also: W. Bujak, *Historia Stronnictwa Pracy 1937–1946–1950 [History of the Labour Faction 1937–1946–1950],* Warszawa 1988.

[19] A. Brunello, *La Chiesa del silenzio*, Roma 1953, p. 45.

[20] *Dekret z dnia 22 stycznia 1946 r. – Prawo rodzinne [Decree of 22 January 1946 – Family Law]*, „Journal of Laws" 1946, No 6, item 52.

[21] „Journal of Laws" 1946, No 20, item 136.

1 September 1939 and 1 January 1946) were recognised as valid[22]. This decree applied to civil and sacramental marriages, and those entered into in POW camps. These decrees were amended by the Family Code of 1950[23]. The Family and Guardianship Code was passed by the Sejm on 25 February 1964 and was effective as of 1 January 1965.

## Protest of the Church

The announcements of introducing the new law in June 1945 had provoked the Church's protests, and, likewise, implementing it mobilised the Episcopate of Poland to express its disapproval of the new order. The first post-war pastoral letter of 7 December 1945 was devoted solely to defending the sacred nature of marriage. The Church deplored the fact that "the new marriage law was passed and announced without hearing the nation's will. The Catholic demands submitted to the government were ignored and a reply to the bishops' letter had the form of a statement made by the government representative in a newspaper interview, which cannot be regarded as a dignified reply to the Episcopate's representations. It so happened that the new marriage law, intended for the nation which is almost entirely Catholic, disregards the authority and legislation of the Church and ignores the religious beliefs of the Catholic citizens, their marital ethics and customs in this regard"[24].

The objection concerned in particular:

a) civil marriages: it was demonstrated that the regulation which introduced obligatory civil marriages for Catholic citizens was not justified by civil necessity and it stood in contradiction to the religious beliefs of the nation. The absence of such an obligation in many countries was an additional argument. Therefore, citizens should have been given freedom to choose to enter into marriage in a religious or a civil ceremony. A civil ceremony could not be a valid way of entering into marriage for a Catholic. The Church only confirmed the state's right and obligation to know about and to register marriages. However, it should suffice to make it obligatory to notify the marriage entered into in a religious ceremony to the civil registry office[25];
b) introducing divorces: condemnation was expressed of the fact that the new law opened the gate wide for divorces, i.e. it permitted dissolution of lawfully contracted marriages. Particular controversy was sparked by the provision that each marriage could be dissolved by a court for no specific reason upon the unanimous request of the spouses. It was a deviation from the Catholic

[22] „Journal of Laws" 1947, No 14, item 51.
[23] „Journal of Laws" 1950, No 34, item 308.
[24] *Orędzie Episkopatu Polski do wiernych w sprawie instytucji małżeństwa – Jasna Góra 1945 (7 grudnia 1945 r.) [The Address of the Episcopate of Poland on the institution of marriage – Jasna Góra 1945 (7 December 1945)*, in: *Listy Pasterskie Episkopatu Polski 1945–2000 [Pastoral Letters of the Episcopate of Poland]*, vol. I, Michaelinum, Marki 2003, p. XII. I, p. 5.
[25] Ibidem.

principle of the indissolubility of marriage and it harmed the Church and the whole Polish society by undermining the institution of marriage and family[26];

c) subjecting Catholic marriages to the jurisdiction of state courts: The Episcopate stated clearly that Catholics could not agree to state courts, which deserve respect and trust, considering matters of Catholic marriages, contracted in a totally different spirit and on a different legal basis, as they were contracted with the awareness and intention of their indissolubility and under the canon law, which does not allow for a divorce in a lawfully contracted marriage. Such verdicts would have an immediate impact on human conscience, bringing confusion and uncertainty, and on the family life, which in consequence affect the life of the whole society[27].

The faithful received clear suggestions which would help them to make their life decisions in the state of legal confusion created by the state, thereby protecting the Catholic society from the disastrous consequences of the new law. It was stated clearly in bulleted items:

- "the Church's principal teaching on marriage is not human, but it comes from the Saviour himself. Therefore, let the faithful, in the present moral crisis, be clearly aware of the Catholic principles, according to which marriage is a sacrament, and as such, it is sacred and is governed by the laws established by the Church in line with Christ's teachings;
- a Catholic enters into marriage in a religious ceremony. A so-called 'civil wedding' cannot replace a church wedding and it does not create a Catholic marriage. If Catholics had sexual life under so-called civil marriage and without the church marriage, they would live in sinful concubinage and would not be allowed to take sacraments or to participate in ecclesiastical legal acts. Catholics should make a statement before a civil registry official, as required by the law, but not before they enter into a church marriage. Such a statement made in the civil registry office is a formality necessary to ensure the legal effects of the marriage to the new married couple and the future family;
- a Catholic marriage, contracted in disregard of important conditions, can be deemed invalid, but only in a procedure compliant with the ecclesial law. A Catholic is allowed to seek such a verdict only from church courts;
- no human authority can dissolve a valid Catholic marriage that is *ratum et consummatum*. If state courts had dissolved Catholic marriages under the new marriage law, their verdicts would have been invalid in light of the ecclesial law and should be considered as such in one's conscience;
- a Catholic applying to a state court for dissolution of his/her Catholic marriage would commit a grave sin. If he/she had entered in a new marriage – even a civil one – following the divorce obtained from the state court, he/she would have committed the crime of bigamy in the eyes of the Church and not only would he/she have lived in sin, deprived of sacraments, but he/she would

[26] Ibidem, p. 5–6.
[27] Ibidem, p. 6.

have been condemned to infamy and would have been punished in accordance with canon 2356 of the Canon Law;
- let us recall article 93 of the First Plenary Synod in the Republic of Poland: *The Plenary Synod condemns marriages contracted by Catholics in disregard of ecclesial law, as well as dissolution of Catholic marriages by lay courts and those of other religious denominations*"[28].

The highest Church officials also defended the Catholic marriage law. In his homily of 13 January 1946, Cardinal Hlond referred to the new marriage law. He pointed out that it had struck a blow to the institution of family, which has God's commandments taken from it and replaced with lay ethics[29]. The ecclesial disapproval was also expressed by the Holy See. In January 1946, Pope Pius XII sent a pastoral letter to Cardinal Hlond, in which he expressed concern about the new marriage law[30].

The Episcopate of Poland also sent official protests to the government. In the protests, the bishops mentioned the Catholic sense of marriage and the tradition of Polish law in this regard. For example, a memorandum was sent to the State National Council on 15 September 1946[31], in which the Church acknowledged the need to unify the marriage law in the Republic of Poland as well as the right and obligation of the government administration to register marriages. However, it also refused to consent to "imposing such marriage law on the Catholic population of Poland that has nothing in common with the Catholic principles and culture, but rather expresses an outlook on the world that is contrary to Catholicism"[32].

## Struggle for public space

Both the Church and the State regarded the law as the space in which each could verify their role in society and in which they could influence people's attitudes. Regarding the marriage law referred to above, it turned out quite soon that it would not be easy to get people to have two marriage ceremonies – at the church and the registry office – because the majority of people had only the former. The extent to which the state regulations on this matter were

[28] Ibidem, p. 6–7.

[29] A. Hlond, *Zagadnienie rodziny chrześcijańskiej. Przemówienie, Poznań 13 stycznia 1946 [The issue of Christian family. The speech, Poznań, 13 January 1946]*, in: *August Kardynał Hlond, Prymas Polski. Dzieła – Nauczanie 1897–1948 [Cardinal August Hlond, Primate of Poland. Work – Teaching 1897–1948]*, vol. 1, J. Konieczny (ed.), Oficyna Wydawnicza Kucharski, Toruń 2003, p. 813–814.

[30] A. Dudek, R. Gryz, *Komuniści i Kościół w Polsce 1945–1989 [Communists and the Church in Poland 1945–1989]*, Wydawnictwo Znak, Kraków 2006, p. 17.

[31] *Memoriał Episkopatu do prezydenta Krajowej Rady Narodowej B. Bieruta w sprawie normalizacji stosunków Kościoła i państwa (15 września 1946 r.) [Memorandum of the Episcopate to the President of the State National Council B. Bierut on normalisation of the Church-State relationships (15 September 1946)]*, in: P. Raina, *Catholic Church*…, p. 33–41.

[32] Ibidem, p. 34.

disregarded was so great that the Legislative Sejm had to pass an amendment to the law, according to which a priest could not marry a couple until they submitted a certificate confirming that they had contracted a civil marriage. For a violation of this law, the spouses and the parish priest could be punished with a fine of up to 200 thousand zlotys[33].

According to J. Żaryn, it is difficult to establish beyond dispute why the decree of 25 September 1945 was sabotaged. Undoubtedly, people expressed their aversion to the ceremony which – in their view – was a profanation. There were also fears that civil registry offices were a cover for secret police officers. People's attitudes were also influenced by the negative opinions of the clergy. The percentage of civil marriages contracted after the church marriages was so low that the authorities considered the need to recognise the validity of church marriages, but ultimately they adopted the solution mentioned above[34]. Threatened with harassment and punishments suffered by the faithful and by priests, the Church accepted the solution. However, the bishops stated that if the matter was to be resolved without violating people consciences, religious marriages should have civil effects.

In conclusion, despite the pastoral efforts, the regulations adopted by the authorities allowed for replacing important events in the religious lives of Christian families with lay ceremonies: e.g. the sacrament of marriage – with a civil contract, baptism – with the naming ceremony, Catholic funeral – with a lay funeral. Pushing sacred elements out of the family and social life was the obvious goal. The *Family Code* passed by the Sejm in 1950 consolidated all of the regulations adopted earlier.

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The new authorities in post-war Poland made every effort to remove the Church from the public sphere, or at least to marginalise it. They regarded the state and the party on the one side, and the Church on the other, as two separate entities. They gave rights to the Church and the faithful as concessions, privileges granted by the state and party. Apart from the actions aimed at desacralising the marriage, there were others: depriving the Church of its property, nationalisation of Caritas, a decree on appointing members of the clergy to ecclesial positions and arresting and imprisoning Cardinal Wyszyński. Despite these disadvantageous circumstances, the Church's teaching on the institution of marriage was not interrupted. It also continued its formative work and evangelisation. The legal status of marriage in the State – Church relationship was regulated in the concordat between the Holy See and the Republic of Poland, signed in 1993.

[33] A. Dudek, R. Gryz, *Komuniści i Kościół w Polsce... [Communists and the Church in Poland...]...*, p. 16.

[34] J. Żaryn, *Kościół a władza w Polsce [The Church and the State in Poland]...*, p. 76.

## BIBLIOGRAPHY

Brunello A., *La Chiesa del silenzio*, Roma 1953.
Bujak W., *Historia Stronnictwa Pracy 1937–1946–1950*, Warszawa 1988.
Chmielecki P., *Sposoby walki z Kościołem w PRL w latach czterdziestych i pięćdziesiątych XX wieku*, „Sympozjum" 2019, nr 36, s. 285–306.
Dudek A., Gryz R., *Komuniści i Kościół w Polsce 1945–1989*, Wydawnictwo Znak, Kraków 2006.
Gałka A., *Szkic do dziejów Kościoła w Polsce 1945–2000,* w: *Listy Pasterskie Episkopatu Polski 1945–2000 (Wstęp)*, Michaelinum, Marki 2003, s. IX–XXXII.
Hlond A., *Zagadnienie rodziny chrześcijańskiej. Przemówienie, Poznań 13 stycznia 1946*, w: August Kardynał Hlond, *Prymas Polski. Dzieła – Nauczanie 1897–1948*, t. 1, pod red. J. Koniecznego, Oficyna Wydawnicza Kucharski, Toruń 2003, s. 813–814.
Krasowski K., *Episkopat katolicki w II Rzeczypospolitej. Myśl o ustroju państwa – postulaty – realizacja*, Pallotinum, Warszawa–Poznań 1992.
Lachowicz A., *Laicyzacyjna rola reformy prawa małżeńskiego i urzędów stanu cywilnego w woj. białostockim w latach 1945–1948*, „Studia Podlaskie" 2001, nr 11, s. 215–231.
*List Episkopatu Polski do Prezydenta KRN B. Bieruta (27 czerwca 1945 r.*), w: P. Raina, *Kościół katolicki a państwo w świetle dokumentów 1945–1989*, t. 1, Wydawnictwo „W drodze", Poznań 1994, s. 12–13.
*List pasterski arcybiskupa krakowskiego A.S. Sapiehy do wiernych w sprawie rządowego projektu nowelizacji prawa małżeńskiego*, „Tygodnik Powszechny" 1945, nr 22, s. 2.
*Memoriał Episkopatu do prezydenta Krajowej Rady Narodowej B. Bieruta w sprawie normalizacji stosunków Kościoła i państwa (15 września 1946 r.)*, w: P. Raina, *Kościół katolicki a państwo w świetle dokumentów 1945–1989*, t. 1, Wydawnictwo „W drodze", Poznań 1994, s. 33–41.
*Nowe prawo małżeńskie*, „Gazeta Robotnicza" 1945, nr 270, s. 3.
*Obrady Episkopatu Polski*, „Tygodnik Powszechny" 1945, nr 1, s. 1.
*Orędzie Episkopatu Polski do wiernych w sprawie instytucji małżeństwa – Jasna Góra 1945 (7 grudnia 1945 r.)*, w: *Listy Pasterskie Episkopatu Polski 1945–2000*, t. I, Michaelinum, Marki 2003, s. 3–8.
Pawłowicz Z., *Kościół i państwo w PRL (1944–1989)*, Wydawnictwo Oficyna Pomorska, Gdańsk 2004.
Roszewski M., *Prymas Stefan Wyszyński i Episkopat Polski wobec systemowych ograniczeń obywatelskich i wyznaniowych w Polsce w latach 1945–1956*, <http://www.opoka.org.pl/biblioteka/T/TH/THW/xmr_prymas_prl.html>, dostęp: 12.08.2012.
Zakrzewski P., *Prawo małżeńskie w II Rzeczypospolitej – nieudane próby normalizacji*, „Kortowski Przegląd Prawniczy" 2015, nr 2, s. 91–95.
Żaryn J., *Kościół a władza w Polsce (1945–1950)*, Wydawnictwo DiG, Warszawa 1998.
Zieliński Z., *Kościół w Polsce 1944–2002*, Wydawnictwo Polwen, Radom 2003.

## DISPUTES REGARDING THE SACRAL DIMENSION OF MARRIAGE IN POLAND FROM 1945–1948

### SUMMARY

Poland in the latter half of the 20th century was a place where the Christian vision of the world struggled with the Marxist vision and the totalitarian political system that stemmed from it. The civil law that regulated entering into marriage and its consequences was one of the key areas of dispute. This paper presents the origin of the conflict started by the act of 25 September 1945, which introduced new regulations, contrary to the centuries-old tradition based on the Christian axiology. Civil relationships and the permissibility of divorce were their main points. The Church responded with a pastoral letter – the first one since the end of the war – defending the sacramental nature of marriage. It emphasised the unique dignity of the marriage of the man and the woman, based on mature love, which leads to creating a family and building a community.

**KEY WORDS:** Marriage, state, Church, sacrament, law