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Ideologies determining the functioning of marriage and family in Poland

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Abstract: The essence of the marriage have recently been import_ed into the bundle of rights conferring sexual powers to partners and ensuring the “integrity” of the childs parentage. Currently accepted yet other types of compounds, called marriage, which scope and rank are determined by the type of culture.

In the publication, after signaled the essence of marriage, its forms and typologies, two major ideologies of marriage and the family were brought closer, affecting the functioning of the marriage and the family in Poland: a model of Catholic and secular.

Over the past few years, we can see a distinct change in thinking about the family life of man, and the transformation of the current model of the family is leading her inexorably towards life at the level of the partnership, ensuring husband and wife equal status, co-deciding matters of family or household affairs.

Key-words: family, marriage, Catholic and secular model

Introduction

Until recently the essence of marriage has been reduced to the complex of laws which guaranteed the ‘righteousness’ of a child’s descent and gave/ provided partners sexual rights. Today other types of relationships, called marital, are accepted; their scope and status are determined by the types of culture. Taking it into consideration, the definition of marriage should include all its components which exist everywhere regardless of cultural diversities. That is why, both biological reproduction and partners’ sexual rights should be taken into account along with passing cultural values and material assets from one generation to another.

The essence of marriage

Adamski states that 'marriage is a relationship pursuant to which partners are granted with the right to have sexual life, while children to inherit material assets and cultural values. In other words, marriage is an institution with the help of which societies ensure the birth and upbringing of next generations and passing them its material and cultural heritage' [Adamski 1984, p.16].

Marriage is an institution through which society defines the social membership of each newborn baby. It defines the baby's bonds of affinity and the manner of inheriting property. Marriage introduces each newborn into the sphere of culture of the group he or she belongs to and the culture of the whole society. It also specifies the scope of sexual rights of its members; it determines the range of material and intangible help towards newborn babies, women who are pregnant and who feed and bring up children.

According to Comte, marriage is an exceptional bond which cannot be compared to any other. No familiarity can be compared with the relation of two people who serve and improve each other without the fear of any competition. In marital bond he pays particular attention to reciprocal love and devotion, he emphasizes it more than procreation. The main purpose of marriage, therefore, consists in completion and strengthening advantages of heart through simultaneous developing of the most magnanimous and highest fondness that can unite people [Laskowski 1987, p.16].

Adamski speaks about marriage as a certain set of institutional means which enable the society to perform tasks connected with procreation and socialization of its members and also defining the relations of consanguinity within the group, including allocating children to their actual or assumed parents [Adamski 1984, p.15-17]

On the other hand Kwak considers marriage as lawfully and socially acknowledged relationship which is long-lasting and covers economical, sexual and also social rights and duties of partners. Marriage, particularly at the beginning stage, contains general expectations that it will be a long-lasting arrangement connected with sharing funds and having children. It is clearly determined and it has legal status and explicitly defined date informing about contracting the relationship [Kwak 2005, p.128].

Ogryzko-Wiewiórkowska characterizes marriage as a relation of social character, in which not only both spouses' features and emotional involvement between them, but also expectation from the society alternate. Therefore, marriage has a double dimension: individual, covering spouses' satisfaction, and collective, covering preservation of biological and social continuity (consent and anticipation of procreation). Contemporary opinions often associate marriage with partner relationship, that is, it should be based not only on emotional bonds, but also on

individual expectations, desire to be together and mutual interest [Tyszka 2001, p.38].

As for areas of interest in marriage, they are different depending on which branch of science deals with the subject. Hence, law underlines its formal framework, sociology its functions, and psychology its meaning for the spouses themselves. Marriage, as Braun-Gałkowska states, creates the entity of two different individualities, two unique personalities who make a decision to spend the rest of their lives together. Such a relationship becomes not only the sum of two components, but also a new entirety in which spouses affect each other and which is of feedback character. In order to describe this relation, it is not enough to define husband and wife separately, what happens between them needs to be presented as well, i.e. mutual attitudes, expectations, emotional references, and manner of communication. A matrimony of good quality tends to be defined by various terminology. The term 'marital success' is most frequently used in sociology. In psychology, however, terms like 'happiness', 'adjustment', 'success', and 'well-matched marriage' tend to be exploited [Braun-Gałkowska 1992, p.19-20].

Polish legal provisions do not contain a definition of marriage or family, they are only confined to determine prerequisites with accomplishment of which contracting marriage is connected. General outline of provisions along with resolutions for rights and obligations of spouses and also regulations concerning annulment or recognition of matrimony provide sufficient basis for specifying the content of the term marriage. Marriage was defined as permanent legal relationship joining, ordinarily to the end of their lives, a man and a woman and who performed a legal action of contracting marriage with maintaining constitutive prerequisites envisaged in family law regulations and in consequence became equal entities of the set of marital rights and obligations in order to optimally implement social functions by the family set up with their relationship [Winiarz 1979, p. 438-439].

Legal definition of marriage defined by Family and Guardianship Code is as follows: 'Marriage is contracted when a man and a woman simultaneously present in front of the director of Public Registry Office make a declaration that they enter into a marriage with each other'.

Forms of marriage

The most dominant and universal form of marriage is monogamy (from Gr. *monos* – single, *gomos* – marriage) which is a relatively permanent relationship of one man with one woman. Polygamy (Gr. *polys* – numerous, large) means multitude of people in matrimony, however, in the literal sense this term does not tell us anything as far as the structure of relationship in respect of gender is concerned. That is why, within polygamy we differentiate polygenic (Gr. *gyne* – woman) and polyandry (Gr. *andros* – man). Polygenic means marriage of one man with two or more women. This type of relationship is formally characteristic for Muslim

families. It generally requires wealth and high social status from a man, and that is why, it is not practiced by numerous members of societies which allow this type of marriage. Polygenic (that is marriage of one woman with two or more men) is much rarer form of polygamy. It is mainly encountered in places where there are few women as a consequence of killing female newborn babies and where living conditions are so difficult that one husband cannot ensure wife's certain living standards.

Group marriages take place sporadically, mainly where several brothers are married to several sisters. Partners in such marriage are frequently unrelated people as well. It may also happen that within a group marriage there are closer two-people relationships which may be regarded as main marriages. Here, monogamous marriage is to some extent completed with secondary relationships which sporadically actualize in casual sexual intercourses, more less like the ones a guest enjoys under a strange roof at some tribes or peoples.

On the other hand, cohabitation (concubinage, common-law marriage) is recognized by some scientists to a greater or lesser degree as identical to marriage while by others as completely different and performing functions different than marriage. In subject literature this term used to be allocated to heterosexual relationships which were not legally sanctioned. As early as in the nineteen seventies J. Trost wrote that such a relationship is established by two people of the opposite sex who live together for a longer period of time, run a household together and maintain sexual intercourses. Fundamental criticism directed at this definition concerned the phrase 'for a longer period of time' which, to some extent, allowed for defining it at one's own discretion. Therefore, scientists began to assume that cohabitating relationship is formed by a heterosexual couple who spends weekends within four months together or a couple spending 4-5 nights a week together within at least three months, and also a couple having sexual intercourses with each other for a year [Chechliński], or a couple of opposite sex living together for at least a month [Kwak, p.127].

Later definitions emphasized two components of cohabitating relationship: heterosexuality and lack of formalization. Variable defining time which a couple should spend together so that such a relationship could acquire the name of cohabitation was not taken into consideration. Elliot [1986] assumes that cohabitation is a relationship in which a man and a woman live together without formal matrimony. Baughman, Deckert-Conlin, Houser [2002] regard cohabitation as unmarried life with a partner of opposite sex while Tejchman [2003], Kamp-Dush, Cohan, Amato [2003] use the term cohabitation in a sense of unmarried heterosexual cohabitation. [Kwak, p.127-128].

Multiplicity of marriage definitions depends on the culture in which it is contracted, on faith, country, customs, or national traditions. Marriage contracted in Poland will definitely differ to a very large degree from the ritual of contracting matrimony in one of villages of native population in Africa; however, regardless

what it looks like or on what principles it is contracted, it undoubtedly aims at one goal which is setting up a new family.

Typology of marriage and family

Assuming various criteria Adamski [1984] distinguished a few types of marriage. And that is, taking into consideration:

- number of partners in marriage – according to this fundamental criterion we differentiate between monogamous and polygamous marriages;
- scope of choosing a spouse – marriage may be contracted within partners' own community: endogamous marriage or between partners belonging to different territorial or social groups: exogamous marriage;
- hierarchy of prestige and power – when a husband-father figure is in authority and held in the highest esteem, then we deal with patriarchal marriage; in case of matriarchate, power and esteem fall to a wife-mother figure. Apart from these types, we may also differentiate egalitarian marriage which is characterized by equal division of power and obligation between husband and wife;
- inheritance of surname, prestige or assets – when inheritance follows the paternal line, we deal with patrilineal or maternal line, in which case we call such a relation matrilineal;
- place of residence after the wedding – if a wife settles down in her husband's house, we refer to the marriage as patrilocal, when it is the other way round – matrilocal.

Family typology focuses on the number of its members and various forms of organizing family life or on the criterion of family's source of income, capacity of place of residence, and way of life. Among these types Adamski distinguishes [1984, p.48]:

- marital family, also referred to as nuclear. It consists of husband and wife (sometimes only one parent) and their own children – most frequently one or two. In most contemporary human societies family seems to take shape of atoms connected to one another in larger units. It is a type of two-generation family with reduced number of members;
- polygamous family, consisting of a few marital relationships (most frequently of one man with numerous women) joined into one family bond. It is known form primitive societies and still occurs among some African peoples and also among Muslims;
- extended family – multi-generation, also called large. It consists of two or more nuclear families organizationally conformed to one family leadership. A few generations live together under one roof and accept patriarchal authority of 'father of the family'. This type used to be known in numerous historical societies and it still occurs in some regions of the Third World countries.

- modified extended family which constitutes a relation of nuclear families being in the state of partial dependence from one another. Their members exchange services among one another, what makes them different from members of isolated nuclear family. However, individual nuclear families retain their economic independence and they may be spatially dispersed, what, on the other hand, makes them different from typical extended family. There is no hierarchic structure of authority, but intensive family bond is maintained.

Ideologies affecting the functioning of marriage and family in Poland

Since 1945 it has been noticeable that Polish society is influenced by two, equally expansive, ideologies: catholic and secular. We may, therefore, talk about two models which used to and still do have not only a very significant influence on shaping systems of values, but also on the functioning of a Polish family. The first model is catholic, it is based on the doctrine of Roman Catholic church, while the other is a secular model which derives from the idea to transfer marriage regulations to the state, Marxist idea and postwar legislation. This model includes contents being in opposition to catholic approach to family dominating through centuries [Duch-Krzyszczek 1998, p.68].

Catholic model of family and marriage was developed through centuries and its origins date back to the teaching of Christ, explanations and preaching of Fathers of the Church and the Epistles. Its further developments falls on the time of Trident Council and next social Catholicism at the turn of the nineteenth and twentieth century and also the Second Vatican Council. Components of catholic model concept of marriage and family were, at the turn of centuries, elaborated, enriched or re-interpreted and reminded.

The main thesis of catholic concept emphasize that family is a natural bond, based on indissoluble holy matrimony, raised by Christ to the rank of sacrament. It constitutes a unique in its kind spiritual community which consists of spouses and parents with children. It is an institution delivering new members both to the society and the church, and that is what makes it so special in social and legal order.

The church has always emphasized and still does the superiority of church wedding over civil marriage. Marriage which is contracted by two baptized people constitutes a very important symbol of union of Christ and Church for eternity, not just on trial, that is why, as John Paul II reminded, between a Christian couple only indissoluble and no other marriage is possible. Indissolubility of marriage is only possible due to the church ceremony which results from sacral character of relationship originating in that way. Both permanence and indissolubility of marriage arises from the fact that it is a sacred relation established by God. Catholic church does not acknowledge divorces even when a marriage is not able to fulfill its fundamental purpose which, according to the church teaching, is procreation.

If a marriage cannot have children, it is not the reason to disband holy matrimony [Duch-Krzystoszek 1998, p.70-71].

Christian model of marriage and family competes with secularized and individualized standards of marital and family life, which become more and more popularized in the contemporary world. There are more and more redefinitions of opinions concerning women, children, marriage, and family. Church, contrary to arising new trends of secular model of family, stresses that the union of man and woman is not determined by historical or economic issues, but by a deep relation rooted in the deepest essence of a human being. Catholic church does not concentrate on preaching only general moral principles which every society does need, but its teaching also relates to the definite reality of life, both marital and family, and its suggested solutions are based on evangelical faith [Nowak, Tunkiewicz 2007, p.53-54].

The model of catholic marriage does not renounce form such attributes as sacramentality, exclusivity, fertility, indissolubility. In this model we may notice the connection of statuses which particular members have assigned with functions and roles that they perform. The status of an individual is defined by the structure of the family. In patriarchal marriage dominating status belongs to husband while wife and children are subordinated to him. This situation is noticeable in performed roles and their content was precisely defined according to gender. Each member of the household knows what and how he or she has to do. Wife keeps the house and brings up children, whereas husband leads and makes decisions in important matters [Laskowski 1985, p.282].

In Catholic church doctrine reflections regarding family as a social group which is an indispensable ingredient of the society are of considerable importance; as are the conditions of its functioning in the contemporary world. Relation of family to the state society and also duties of the state towards family have been defined very clearly.

The Church relation towards the place of family in the contemporary world was presented in the Card of Family Rights. This document was recommended as the main point of reference while working out laws and determining actions. In the Card it is claimed that 'family as natural relationship, initial in relation to the state or any other community, has its own non-transferable rights' [Laskowski 1985, p.56]. Among those fundamental rights we may enumerate: the right of marriage to integrity, the right of a person to set up a family, and also the right to attain the objective of marriage, i.e. giving birth and unimpeded upbringing of offspring. Other family rights concern unimpeded organizing religious life, performing social and political functions in building the society. The obligation of the state is to ensure help towards families in order to perform their duties, both in the sphere of social-legal conditions and in economic ones as well.

In the presented catholic model of marriage functioning particular attention

should be paid to cohesion of its standard solutions and unambiguous character of sources in which they are included. Both these features are favourable to a considerable degree for clear formulating of the model and its propagation. Catholic model of marriage and family may be summarized in a few following statements.

Marriage is an institution established by God, not by people. Sacred character of this relation means that it is indissoluble. Relationships contracted in other ceremonies (e.g. civil marriage) or extramarital relations may not be put on the same level with those contracted during church ceremony. Church does not acknowledge divorces. Marriage is a natural institution based on a deep relation between a man and a woman. It is the only one entrusted with a mission to give life. In this interpretation the term marriage relates to monogamous relationship and spouses are granted with both right and obligation to have sexual intercourse. This statement also results in the prohibition as for sex outside marriage. Marital love is naturally directed at giving birth and upbringing offspring. In connection with this assumption there is the consequent ban to use contraceptives as they deliberately thwart the aim of sexual intercourse and there is also abortion prohibition, additionally strengthened by the commandment 'do not kill' [Duch-Krzyszczek 1998, p. 73-76].

Model of family promoted by the Church emphasizes two equivalent purposes which are giving birth and upbringing offspring and also mutual love between spouses. It also stresses the importance of premarital chastity which is an infallible guarantee of love authenticity, which defends stability and indissolubility of marriage, acts against divorces and so-called factual relationships, permits only natural methods of regulating conception, proclaims the value of life since the conception and until the natural death (ban on abortion and euthanasia). The church declares for the family friendly to children, emphasizes the dignity of a woman and also the value of marital fidelity, and it demands orienting the social life and state politics towards family [Ks. Mariański 2007, p. 54-55].

The main purpose of marriage is giving birth and upbringing offspring. Spouses are entitled to plan their number with the use of natural methods. These methods also allow spouses to make love without the purpose of procreation, but to consolidate marital bond. Catholic model of marriage and family combines marriage, sex and procreation together.

Secular model of marriage and family. The secularization of such an institution as marriage and family dates back with its beginnings to XVI century, when in the west of Europe an idea appeared to transfer the power to regulate marital matters into the authority of state, at least in respect of this part of society who could not be included in church jurisdiction. Simultaneously, along with the resolutions of the Trident Council, in accordance with which only marital relationships contracted in church and in the presence of a clergyman gained the force of law, an idea appeared to include those marriages who could not be blessed in church in secular jurisdiction [Adamski 1984, p.192].

In Poland the first attempt to secularize marriage, that is to take over the rights to regulate marital matters by the state was made in 1921. Then, the actions of the Church led to retaining church jurisdiction in that matter. After the war, in spite of considerable resistance from church authorities, the process of separation of church matters from the state ones was conducted and new marital law introduced the obligation to contract civil marriages.

Duch-Krzyszczek [1998, p. 77-78] assumes that current Polish family law is of secular character because it was shaped under the influence of ideology which was not connected with the church doctrine. It applies to all citizens regardless of their religious beliefs and it also remains in compliance with legal recommendations of international organizations which are free from the influence of any religious groups. Pursuant to Polish family law, marriage is a relationship between a man and a woman, who performed a legal action of contracting the relationship and, in consequence, became equal subjects of the set of marital rights and obligations.

In the secular model marriage serves mainly to personal interest of each partner. Through common life, spouses accomplish their personal objectives. Spiritual, physical, and also economic connection achieved in marriage and conditioning normal and appropriate human development, also simultaneously determines the purpose and content of marriage. Physical connection refers here mainly to sexual life and living together, which is regarded in the categories of marital obligation resulting from marital agreement. Sexual life which constitutes spouses' personal value provides them with happiness and internal satisfaction, also has a social meaning as it ensures the duration and numerical development of the society [Adamski 1984, p. 196].

Polish law does not refer to sexual behaviours of unmarried people as it works on an assumption that it is a private and intimate matter of each person. Procreation is, however, discussed. The act from 1956 informing about the conditions of pregnancy termination made it possible to choose applied contraceptives and the right to terminate pregnancy because of legal, medical or social reasons, on the premises of all health centers: private, cooperative as well as state ones. The resolution from 1993 'About family planning, human fetus protection and conditions of admissibility of terminating pregnancy' also assumed that an individual has the right to decide without restraint as for the number and time of offspring appearance. The resolution recommended propagating contraception and introducing a new, compulsory subject to schools, within the framework of which youth would be able to become acquainted with the physiology of procreation and methods of family planning. On the other hand, it restricted the conditions which permitted terminating pregnancy. Social or economic situation of a woman or family was not the reason to terminate pregnancy until the year 1996 when liberalization of the act occurred. The amendment, which permitted terminating pregnancy because of social reasons, was annulled in 1997 [Duch-Krzyszczek 1998, p. 82].

In accordance with secular model of marriage and family, marriage is a secular institution created by human being and regulated by established laws. It assumes the permanence of marital union, but in the situation of actual breakdown of a marriage, there is a possible legal termination by court decision. The law does not approve or disapprove of cohabitation. Marriage is a monogamous relationship of a man and a woman, who by the fact of contracting it, become legal subjects. Both husband and wife have the same rights and obligations in marriage. Family as a whole is not acknowledged as legal subject neither in the case of rights, nor obligations. Despite the fact that spouses accept the obligation of sexual life and fidelity, the law does not regulate in any way sexual behaviours of individuals both in marriage and outside it, unless they infringe rights of another person. The main purpose of marriage is not procreation, but personal interest of spouses. Each of them is obliged to act on behalf of satisfying the needs of family members. Each person has the right to decide how many children he or she wants to have and when they are born. The choice of contraceptive methods is left to an individual.

Conclusion

For the last several dozen of years clear changes in thinking about a person's family life may be observed. Observations of social reality confirmed by the results of empirical studies indicate that notions of equitable and fair relations between spouses and parents with children change. Both notions and evaluations connected with premarital and marital sex life and also birth control change. The question of fertility rate and permanence of relationships are regarded differently.

In modern societies the basis of family as institution have been contested, new competitive models of marital life are propagated. Defenders of traditional values emphasize that we witness a kind of family disassembly and even contestation of meaning of such terms as 'marriage' and 'family', and in particular 'maternity', and spreading anti-family mentality and ideology hostile to life.

It may be concluded that current transformations of model of family lead it unavoidably towards life on the level of partnership. In the model of partner marriage both husband and wife are co-founders of family. They both enjoy equal status. Husband and wife work professionally and even if husband is the only one who works, he also decides about family matters. Both are involved equally in household matters. Role that they perform at home are interpreted in a flexible way and do not have a precisely defined character.

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