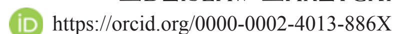
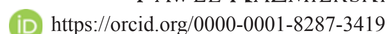
Krakowskie Studia z Historii Państwa i Prawa
2025; 18 (3), s. 541–556
doi:10.4467/20844131KS.25.034.22164
https://ejournals.eu/czasopismo/kshpp

Publikacja jest udostępniona na licencji
Creative Commons (CC BY 4.0)

Zdzisław Zarzycki

https://orcid.org/0000-0002-4013-886X
Jagiellonian University in Kraków

Paweł Kaźmierski

https://orcid.org/0000-0001-8287-3419
Jagiellonian University in Kraków, Friedrich Schiller University in Jena

The Durability of Marriage in Poland in the Years 1945–1950 in the Light of the Practice of the District Court in Kraków and in Słupsk[1]

Abstract

The new law on marriage (and civil status records) introduced in post-war Poland on 1 January 1946 created a new legal status for many planning to enter into marriage and those who wanted to divorce. The law unified on a national scale, treated marriage as a secular institution, and concluded before a state civil registrar. The spouses could enter only a subsequent religious marriage according to their confession. Five outdated marriage codifications, dating back to partition times, were eliminated from legal circulation. A new secular divorce law was introduced, which was separated from the religious norms of spouses, and thus Catholics were allowed to divorce. The socialist state limited the freedom to divorce by introducing a broad catalog of positive grounds for divorce. The possibility of divorce upon the spouses' unanimous request was introduced for a period of 3 years (1946–1948). This was a chance for spouses who had not had children and had not lived together for many years to apply for divorce. The practical effect of introducing the new divorce law after 1946 was that the District Courts in Kraków and Słupsk saw a sharp increase in divorce cases, and the parties initiating divorce were increasingly women (wives).

Keywords: People's Republic of Poland, marriage law, family law, civil marriage, divorce, marriage annulment, marriage separation

Visegrad Fund

[1] The project '(Dis)continuity of Legal Systems in Czechoslovakia, Hungary and Poland after WW II: Difficult Heritage' is co-financed by the Governments of Czechia, Hungary, Poland and Slovakia through Visegrad Grants from the International Visegrad Fund. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe. Visegrad Grant No. 22330152.

Introduction

This article aims to describe the practical application of the new personal (non-property) marital law, particularly divorce law, introduced in post-war Poland on 1 January 1946. The best way to do this is to present the results of statistical research relating to the number of divorce cases filed in the District Court in Kraków and in Słupsk during the five years of the new divorce law (1946–1950). The obtained research results aim to show how modern divorce regulations influenced the stability and durability of traditionally conservative and Catholic marriages and their families at the threshold of building a new social and state system (socialism) in Poland. An in-depth analysis of the research allows for drawing further conclusions of a socio-legal nature. Namely, determining the spouse's gender when filing a divorce petition allows for the consolidation or breaking of social stereotypes regarding the position and role of women as guardians of the traditional values in marriage and in the family. Separate studies focus on determining the number of divorce cases initiated on the so-called joint application of the spouses, which could be obtained during the first 3 years (1946–1948) of the new divorce law. Such information allows for determining the number of marriages that did not fulfill their traditional social function because they were childless, effectively separated and "dead," or whose difficult fate was additionally complicated by World War II. The publication is based primarily on source material, i.e., court repertoires (and selected files) produced by the District Court in Kraków and in Słupsk,[2] and on the literature describing theoretical solutions in this area.[3]

1. The need for reform of personal marital law in 1945

The personal (non-property) marital law in post-war Poland in 1945 was one of those areas of law that required urgent reform.[4] The scale of the problem is evidenced by the extensiveness of the provisions introducing the new marriage law, which regulated the existing legal status.[5] The three different forms of marriage that had existed within one country and which were regulated in five different legal codifications were a source of abuse in the sphere of shaping the personal situation of citizens (so-called "legal bigamy") but also facilitated the legal discrimination of women in marriage and society.[6]

[2] Court records and divorce case repertories are kept In: the National Archives in Krakow, recording: District Court in Kraków (hereinafter: NAK) and the State Archives in Koszalin, Słupsk Branch, Collection: District Court in Słupsk 1945–1950 ([Archiwum Państwowe w Słupsku] hereinafter: APSł).

[3] A more detailed description of theoretical solutions concerning the specificity of Polish marital (and divorce) law is necessary for the foreign reader of the article.

[4] Zarzycki, *Rozwód w świetle akt*, 1–755.

[5] In fact, two decrees of the Council of Ministers of 25 September 1945 were applicable, i.e. the Provisions introducing the law on marriage (Journal of Laws of 1945 no. 48 item 271) and the Provisions introducing the law on civil status records (Journal of Laws of 1945 no. 48 item 273). Zarzycki, "Wielokrotni rozwodnicy," 287–98.

[6] Dworas-Kulik, "Przyczyny i skutki," 109–30; Dworas-Kulik, *Prawne regulacje*, 312.

Particularly anachronistic in content were the legal regulations in the Kingdom of Poland[7] and in the so-called Eastern Borderlands, based on the Russian regulations from 1832, 1834 and 1836,[8] which required marriage to be concluded in a religious form. Equally troublesome in application were the mixed (secular and religious) forms of marriage functioning in the former Austrian partition, where Austrian law was in force, including the Civil Code (ABGB) from 1811 and several later regulations.[9] In the latter two legal areas of Poland, divorces for Catholics were legally inadmissible, which created the temptation to bypass the restrictive anti-divorce norms and to engage in rather expensive and difficult to implement in practice "divorce tourism" to other districts. The most modern form of marriage was then in force in the former Prussian partition (regulated by the German Civil Code, BGB of 1896)[10] and Hungarian law (Marriage Act No. XXXIII of 1894)[11] in the small area of the Spiš-Orava enclave.

A growing group of people realized that the casuistry and chaos of the previous norms of marital law, dating back to the distant times of partition, did not fit the social needs of the time and the expectations of the political and social authorities of the new state wishing to build a socialist system. The extraordinary mosaic of legal statuses within one country at that time was unique, if not on a global scale, then certainly on a European scale (it was similar only in Yugoslavia).

Hence, immediately after the end of hostilities in 1945, the Ministry of Justice, headed by the strongly anti-Church minister Henryk Świątkowski, a pre-war lawyer with left-wing political views, undertook to quickly carry out codification work. The new law was to be compatible with the doctrine of the socialist state.[12] The sudden change of the official state factors towards the secularization of marriage law greatly alarmed the hierarchy of the Catholic Church and defenders of traditional, conservative values.[13] Nevertheless, the reformers based their work largely on the achievements of the pre-war

[7] Art. III. §1 of the Introductory Provisions repealed: 1) Art. 260–70, 292, 295 and 354–6 of the Civil Code of the Kingdom of Poland, 2) the Marriage Law of 24 June 1836 (Journal of Laws, vol. XVIII, 57–297), and seven other legal acts in whole or in part.

[8] Art. VI. The introductory provisions were repealed by: 1) in volume X, part 1 of the Code of Laws: arts. 1–108, 1311–16 and 133, 2) in volume XI, part 1 of the Code of Laws: a) from the first book: art. 64 section II, notes 1, 2, 3, art. 250 section II, points 1, 2, b) from the second book: arts. 300–5, 317–86, 553 point 9, 636–90, 836, 845–54, 946 point 5, 949 and 1033, c) from the fourth book: art. 1289 together with notes 2 and 1290, d) from the fifth book: art. 1325 point 3 and the last sentence of notes 1, 1327 and 1328, e) from Book Six: Art. 1347, 1399 paragraph 1 and points 1 and 1401.

[9] The introductory provisions were repealed not only by the provisions of §§ 44–136, 142, 153, 160 and 245 of the Austrian Civil Code (ABGB) of 1811 but also by more than 30 other legal acts relating to marriage.

[10] Art. V of the Introductory Provisions repealed §§ 1297–361, 1478, 1564–88, 1635–7, 1661 and 1699–704 of the German Civil Code (BGB) of 1896.

[11] Art. VII. of the Introductory Provisions repealed: 1) the Hungarian Marriage Act (Art. XXXIII of 1894) and 2) § 4 and § 5 item 1 of the Regulation of the Council of Ministers of 14 September 1922 on the extension of the binding force of certain acts to Spisz and Orava (Journal of Laws of the Republic of Poland no. 90 item 833).

[12] Bancerz, *Nowe prawo*, 4–5 and 11.

[13] Krasowski, *Państwo a Kościół*, 21; Hlond, *Kościół katolicki w Polsce*; Grzybowski, Różański, *Prawo małżeńskie*, 9; Majchrowski, Nawrot, *Niektóre elementy stosunków*, 18 and following.

Codification Commission (Prof. Karol Lutostański[14]), appropriately adapting it to the direction of systemic and legal changes in post-war Poland.[15]

2. Civil form of marriage according to the Decree of 25 September 1945, the Marriage Law

Finally, on 25 September 1945, the Council of Ministers published the Marriage Law decree (Dekret prawo małżeńskie), which, after a *vacatio legis* of about 3 months, came into force on 1 January 1946. A separate act introduced a new law on civil status records.[16] The introduced regulations sorted out several issues within the marital law; first of all, unifying and standardizing it on a national scale.[17] Marriage was recognized as a purely secular institution, concluded before a state civil registrar, and registered in the new unified state civil status books.[18] From this time on, a marriage concluded before a state civil registrar produced legal effects only in the sphere of Polish law.[19] Religious aspects of marriage were relegated to the ethical and moral level. Nevertheless, the state allowed civil spouses to subsequently enter into a religious marriage in their church (Article 37). For many Poles, this was a significant legal novelty in entering into a marriage, perhaps apart from the practice in the former Prussian District and the slightly longer one in Spisz and Orava. There, such a practice existed for half a century based on the German Civil Code (BGB) of 1896 and Hungarian law of 1894. Meanwhile, in rural and small-town practice, the new secular form of entering into marriage was reluctantly accepted by the Catholic and strongly conservative community. A significant role in shaping such practice was played by the Catholic clergy, who depreciated the social significance of civil marriages (so-called contracts) concluded before a state registrar, considering them an imported invention from Bolshevik Russia.[20] The Polish Episcopate played an important role in shaping the wedding practices of the time; among other things, on December 7, 1945, it announced the Message on Marriage (Orędzie w sprawie małżeńskiej). In this document, the bishops lamented that “the new marriage law was codified without the participation of the Nation […],” and warned every Catholic against

[14] Zarzycki, “Attempts to Codify,” 261–73; Dworas-Kulik, Moriak-Prototopova, “Projekt Lutostańskiego,” 193–206.

[15] Czachórski, *Przebieg prac*; Piątowski, Bagiński, Grzybowski [*et al.*], ”Prawo cywilne,” 72–3; Grodziski, *Z dziejów unifikacji*, 291–9; Grodziski, *Prace nad kodyfikacją*, 23–7; Lityński, *Na drodze do kodyfikacji*, 1–139; Lityński, *Pół wieku kodyfikacji*, 1–90; Krasowski, *Próby unifikacji*, 467–502; Fiedorczyk, *Prawo rodzinne*, 144 and following; Fiedorczyk, *Wykorzystanie dorobku j*, 89 and following.

[16] Litwin, *Prawo o aktach*; Litwin, *Reforma prawa o aktach*; Fiedorczyk, “Prawne problemy,” 345–62.

[17] Decree of the Council of Ministers of 25 September 1945. Matrimonial Law (Dz.U. 1945 no. 48 item 270); Fiedorczyk, *Unifikacja i kodyfikacja*, 812.

[18] Decree of the Council of Ministers of 25 September 1945. Law on civil status records (Dz.U. 1945 no. 48 item 272); Godlewski, *Laicyzacja instytucji*, 100; Rakoczy, “Małżeństwo świeckie i wyznaniowe,” 187–90.

[19] Krasowski, *Państwo a Kościół*, 22; Grzybowski, Różański, *Prawo małżeńskie*, 131; Fiedorczyk, *Z prac nad unifikacją*, 68–70.

[20] Fiedorczyk, *Kościół katolicki*, 99; Chajn, *Rewolucyjny czyn*, 6.

committing a grave sin in the event of filing a divorce suit in a common court.[21] In practice, the clergy often threatened such spouses (who were going to get a civil marriage), considered ungodly in their opinion, with the penalty of excommunication. This is why some of them encouraged Catholics to have religious (sacramental) weddings in church without observing the prior secular form.

In addition, it should be noted that the new marriage law no longer provided for the institution of the "defender of the marriage bond" ("obrońca węzła małżeńskiego") and the legal separation of spouses – present in most of the repealed codifications. They were considered to have a Catholic origin and did not fit the new systemic and legal reality. The defender of the bond repeatedly and significantly extended the duration of the divorce process, both in the first instance and in higher instances, by filing various procedural documents.[22] The parties also bore the court costs of such a defender. In turn, the institution of the separation of marriage, modeled on the church one, was extremely popular among Catholic couples and was intended to discipline the spouse who was unruly in their marital life. It did not cause the termination of the previous marriage or provide the possibility of entering into a new one.[23]

3. Dissolvability of marriage in the new divorce law

The content of the new marriage law gives grounds to believe that the socialist state in this area balanced between a modern vision of marriage and family and its traditional version shaped under the strong influence of religious and conservative trends. Contrary to hasty fears, the new marriage law treated marriage as an institution giving rise to a formalized family, which was to be a relatively stable legal institution. However, the socialist state was keen to maintain its reputation for caring for the durability of marriage, as an institution providing the foundations for the family as the basic social unit.[24] The new marriage law introduced mechanisms to inhibit both spouses and the court from hasty decisions on divorce, including prior mandatory conciliation sessions with the participation of the divorcing spouses being required. At the same time, the catalogue of positive grounds for divorce did not allow the judge too much freedom of assessment and decision-making. On the other hand, guided by socialist ideology, each spouse in a marriage (both the woman and the man) was formally given equal rights, including the right to request a divorce. However, early post-war (1946–1950) judicial practice from the capital of Lesser Poland indicates that women initiated divorce proceedings on average twice as often as men. Interestingly, the court practice in north-western Poland was different, as exemplified by the case law of the District Court in Słupsk, where in the years 1947–1949 divorce

[21] Krasowski, *Państwo a Kościół*, 22–3. According to the Message on Marriage of 7 December 1945, published in the book Pastoral Letters of the Polish Episcopate 1945–1974, 25–8, a Catholic who, after a divorce, entered into a new marriage, even if only a civil one, would commit the crime of bigamy, for which he also faced Church penalties, see: Szkodoń, "Teologia nierozerwalności małżeństwa," 171–208.

[22] Zarzycki, *Obrońca węzła małżeńskiego*, 1027–44.

[23] *Prawo małżeńskie*, 41.

[24] Fiedorczyk, "Rozwód w zunifikowanym prawie," 93–108.

proceedings were initiated slightly more often by men than by women, i.e. 51.8% of cases in 1947, 54.4% of cases in 1948 and 51.3% of cases in 1949.[25]

As mentioned above, the principle of the permanence of marriage was the main one in the new legal regulation. Divorce was provided only for those marriages that "no longer fulfil their functions, which result from the essence of marriage, as a social institution, when their marriage can no longer achieve the goal that every marital union should strive for."[26]

Divorce was regulated in a separate chapter (the fifth), entitled Divorce, in arts. 24–35.[27] The provisions of the new law were to apply only to Polish citizens, and to foreigners residing in Poland only if the country to which they belonged did not reserve exclusive jurisdiction in divorce cases. Although divorce proceedings could be initiated in two ways, the principle was that one of the spouses filed a divorce petition, i.e. the spouse with no fault in the breakdown of marriage. The gender of the spouse filing the divorce petition was irrelevant to the court; it could be done by either the woman or the man.

The state was aware of the existence of many "dead" marriages in the post-war conditions, resulting from the disastrous effects of the war on the condition of some marriages and the previous anti-divorce, strongly confessional, marriage law in some regions of Poland (Congress Poland, Eastern Borderlands, Lesser Poland).[28] In such a situation, the spouses could exceptionally file a joint divorce application, but only within 3 years of the entry into force of the new law and on condition that their marriage had lasted at least 3 years (Article XIII of the introductory provisions).[29] In Kraków's judicial practice, these were quite often initiated divorce cases, as they constituted approx. 26.6% of cases initiated in 1946, approx. 37.8% in 1947, and approx. 40.6% in 1948.[30] In the longer term, i.e. after January 1, 1949, the spouses could not file joint applications in this respect, only a unilateral divorce petition.

4. Positive and negative grounds for divorce

The socialist state's concern for stable and lasting marriages was expressed through the normative regulation of positive and negative grounds for divorce. The first of these was defined in a rather general and casuistic manner. The divorce court was obliged to

[25] The statistical study was based on the repertories I C of the District Court in Słupsk from 1947–1949; however, the repertories from 1945–1946 and from 1950 have not survived. APSł, file no. 27/551/4.

[26] *Prawo małżeńskie*, 39.

[27] The conclusion, annulment, separation or dissolution of a marriage, concluded before the date of entry into force of the Marriage Law, was to be assessed according to the old law (Article XIV § 1 of the Introductory Provisions). Marriages concluded before the date of entry into force of the Marriage Law could be annulled or divorced from that date only according to the provisions of that new law (Article XVI § 1 of the Introductory Provisions). See: Kasprzyk, *Separacja prawna*, 133–6.

[28] Zarzycki, *Post-Austrian divorce*, 319–59.

[29] Art. XIII of the Introductory Provisions: "Within three years from the date of entry into force of the Marriage Law, the court shall grant a divorce if the spouses unanimously request it after three years of marriage." See: Zoll, *Prawo cywilne*, 17.

[30] See: NAK, collection: District Court in Kraków, Repertory I C for 1945 to 1950.

strive to reconcile the feuding spouses *ex officio* and at the beginning of the proceedings offered them a conciliation session, and if it was ineffective, it could only continue the proceedings after 3 months. Before the court ruled on a divorce, it had to establish the fact of the so-called "permanent breakdown of the marital life"[31] after first proving at least one of the eleven positive grounds for divorce defined in the new regulation. These included (Article 24):[32] adultery; attempting to end the life of the plaintiff or his child or committing a serious insult to the plaintiff; refusing to provide the family with means of support; leaving the joint place of residence without a just cause for a year or even with a just cause if he did not return within a year of its termination; committing a dishonorable offense; leading a dissolute or licentious life or inciting the plaintiff or children to an immoral life; engaging in a shameful occupation or drawing profits from it; habitually indulging in alcohol or drug addiction; a venereal disease that is contagious and dangerous to the spouse or offspring; a mental illness lasting longer than a year; and if the spouse was afflicted with sexual impotence, regardless of the time of its occurrence.[33]

In addition, an exceptional, positive reason justifying divorce was also betrayal of Polish nationality during the war by signing the Volksdeutsch list or a list of German origin or when the spouse was subject to exclusion from Polish society under the provisions of the Act of 6 May 1945 on the exclusion of hostile elements from Polish society (Journal of Laws of the Republic of Poland 1945 no. 17 item 96).[34] The statutory list of grounds for divorce was preceded by the phrase "in particular," which means that the divorce court had discretion in determining other grounds. However, the court could not grant a divorce if it determined that the welfare of minor age children prevented it (Article 24).[35]

The socialist state's concern for the welfare and durability of marriage was manifested by eliminating long-term crisis situations in marriage and a certain uncertainty as to the possibility of requesting a divorce. The new law introduced time limits for requesting a divorce in certain exhaustively listed cases, which included: adultery, attempts on the life of the plaintiff or his child, or committing a serious insult to the plaintiff. Namely, the innocent spouse lost the right to request a divorce for the above reasons if he forgave the other (potentially the defendant) within six months of learning about the adultery or other act (*a tempore scientia*), or when three years had passed since the adultery or other act (*a tempore facti*).

---

[31] In the Family Code of 1950, a divorce could be requested when, for "important reasons," there had been a "complete and permanent breakdown of the marital relationship" (Article 29 § 1), while in the Family and Guardianship Code of 1964, only when there had been a "complete and permanent breakdown of the marital relationship" (Article 56 §1).

[32] Lityński, *Organizacja*, 383–4.

[33] However, it was not possible to invoke the infirmity of persons who were over fifty years of age. See: Gwiazdomorski, *Polskie prawo*, 10.

[34] As in the Article XII of the Introductory Provisions: "At the request of one of the spouses, the court shall pronounce a divorce if the other spouse, during the German occupation in the course of the war that began on 1 September 1939, declared in the territory of the so-called General Government or the Białystok voivodeship his or her affiliation with the German nation or German origin, or is subject to exclusion from Polish society pursuant to the provisions of the Act of 6 May 1945 on the exclusion of hostile elements from Polish society. (Journal of Laws of the Republic of Poland 1945 no. 17 item 96)." See: Bancerz, *Nowe prawo*, 23; Zoll, *Prawo cywilne*, 17.

[35] Lityński, *Organizacja*, 384.

5. Jurisdiction of divorce and other matrimonial courts

As a result of the entry into force of the new matrimonial law on 1 January 1946, permanent autonomy and independence of state and Church courts in the scope of ruling on matrimonial matters occurred. Namely, the monopoly on conducting divorce and other matrimonial proceedings in the secular sphere was obtained exclusively by common courts, regional level in the first instance (Article 36), which applied state civil procedure.[36] Divorce had effects only in the state sphere, which means that in the religious sphere marriage continued to exist. Religious elements in marriage were relegated to the ethical level.[37] In turn, the Church courts dealt with cases of sacramental (religious) marriages according to the Church (canonical) procedures. The result was that a divorce (or declaration of invalidity of marriage) issued by an ecclesiastical court (consistory, episcopal) after that date could not produce civil effects, but only intra-ecclesiastical effects; such a marriage continued to exist with the state.[38]

Significant changes were introduced to the Polish Code of Civil Procedure concerning the procedure in matrimonial matters, the so-called separate procedure (Article VIII).[39] Each divorce proceeding, before the first main hearing, had to be preceded by a so-called conciliation session before a designated judge in the Regional Court with the participation of the parties to the proceedings (Article 45710 of the Code of Civil Procedure),[40] the legal existence of which, introduced at that time, survived until 2005, when it was replaced by mediation. In addition, the divorce judge was tasked with persuading the feuding spouses to reconcile, taking into account the good of the children and the social significance of the value of marriage. The court sought to learn the objective truth and ruled in the divorce judgment which of the parties was to blame for the breakdown of the spouses' permanent cohabitation. Exceptionally, the divorce court did not have to establish fault in cases where the cause of the divorce was sexual impotence or mental illness of the spouse (Article 27).[41]

---

[36] Article X and Article XXVII of the Regulation of the President of the Republic of Poland of 29 November 1930 introducing the Code of Civil Procedure (Journal of Laws of the Republic of Poland 1930 no. 83 item 652); and the Regulation of the President of the Republic of Poland of 29 November 1930 – the Code of Civil Procedure (consolidated text Journal of Laws of the Republic of Poland 1932 no. 112 item 934 as amended).

[37] Lityński, *Historia prawa*, 192.

[38] It was important that the judgment of the ecclesiastical court dissolving the marriage through divorce became final before 1 January 1946. If the divorce judgment of the ecclesiastical court became final after 1 January 1946, then the spouse thus "divorced" entering into a new civil marriage committed the crime of bigamy. See: *Prawo małżeńskie*, 54.

[39] In the new Chapter I of the Code of Civil Procedure eighteen articles were added, i.e. Art. Art. 457^{1}–457^{18}. Zoll, *Prawo cywilne*, 19.

[40] Garlicki, *Z zagadnień prawa*, 17; also Górecki, *Rozwód*, 165 and following. The low effectiveness of conciliation sessions is evidenced by the fact that in Poland in the years 1959–1963 the percentage of divorce proceedings discontinued due to the reconciliation of spouses ranged from 3.5% to 3.9% in relation to all cases finally concluded. Conciliation sessions lasted until 10 December 2005 and were replaced by mediation.

[41] *Prawo małżeńskie*, 41.

6. Old matrimonial cases in a new reality

The new law of 1 January 1946 not only repealed the old marital codifications, but also terminated all marital proceedings (divorce, annulment, separation and separation) based on these laws and then pending.[42] The new marital law did not repeal divorce judgments (or denying divorces) issued before that date by consistory courts. This solution did not deprive the feuding spouses of the right to file a new case after 1 January 1946, e.g. divorce (on a unilateral claim or within three years on a joint motion of both). And there were several such cases in the post-war District Court in Kraków. In addition, all marriages concluded before January 1, 1946, i.e. also during World War II in the territories of the General Government, could be divorced and annulled (but not separated) after that date only according to the provisions of this new marriage law (Article XVI, §1 of the introductory decree).[43]

Based on the decree of the Council of Ministers of February 3, 1947 (with effect from February 12), on the recognition of the validity of certain marriages and divorces of Polish citizens,[44] only divorces granted on the basis of the provisions of law and by the Soviet authorities to Polish citizens in the period from September 1, 1939, to January 29, 1946, in the areas that, pursuant to the agreement of August 16, 1945 were on the Polish-Soviet state border (Journal of Laws of the Republic of Poland of 1946 no. 2 item 5) were recognized as legal (Article 1 of the Decree).[45]

7. Examples from the judicial practice in post-war Poland from the District Court in Kraków and the District Court in Słupsk

At this point, it is worth presenting selective and preliminary results of research on the divorce practice and other marital matters from the jurisdiction of two different regional courts in post-war Poland, i.e. from Kraków and Słupsk.

Namely, in the jurisdiction of the Regional Court in Kraków (as the first instance) during the period of the new marital law from 1 January 1946 until 30 September 1950, divorce suits were filed in unprecedented numbers. In 1946, there were 1,911 divorce cases, and in the following years, respectively: 1,340 (1947), 1,415 (1948), 832 (1949)

---

[42] According to Article XVII of the Introductory Provisions, "Cases for annulment, divorce or separation pending at the time the marriage law enters into force shall be discontinued by operation of law."

[43] The new marriage law was also to be applied to marriages concluded, annulled or divorced before the entry into force of that law, in terms of the obligations arising from marriage and other civil consequences provided for in the marriage law (Article XV of the Introductory Decree).

[44] Journal of Laws of the Republic of Poland 1947 no. 14 item 51, effective February 12, 1947.

[45] Divorce judgments referred to in the preceding article were enforced by the district court of the place of residence of one of the parties in Poland (art. 2). Divorce and marriage certificates were entered into the appropriate civil status registers in accordance with the provisions of art. 28 sec. 1 of the law on civil status certificates of 25 September 1945 (Journal of Laws of the Republic of Poland of 1945 no. 48 item 272).

and 741 (for 9 months of 1950).[46] Divorce cases constituted the dominant (or significant) group of cases among other civil cases: 1,911/3,565, approx. 53.6% (1946), 1,340/3,628, approx. 36.9% (1947), 1,415/2,671, approx. 52.9% (1948), 832/2,186, 38.1% (1949) and 741/1,463, 50.6% (1950).[47] During this time, the number of marriage annulment cases before the Kraków court was very small: 12 (1946), 15 (1947), 17 (1948), 13 (1949) and 5 (for 9 months of 1950).[48]

Divorce cases were initiated mainly by one of the spouses: 1,402, about 73.4% (1946), 834, about 62.2% (1947), 839, about 59.3% (1948), 827 about 99.4% (1949) and 741, 100% (1950).[49] In this group, men predominated over women's initiative until 1950: about 65.8% (1946), about 62.1% (1947), 59.4% (1948), 55.4% (1949) and about 49.8% (1950).[50] Divorce upon consent of the spouses, possible in the years 1946–1948, was a less popular way of initiating legal proceedings, but extremely important from the social point of view: 509, about 26.6% (1946), 506, about 37.8% (1947), and 576, about 40.7% (1948).[51]

For comparison, in the previous 27 years (1918–1945) a total of 137 divorce cases and 397 cases for annulment of marriage and 4,214 separation cases had been filed with the District Court (as the first instance). At that time, the number of divorce cases against the background of civil or general-marital cases was marginal, and upon the unanimous request of the spouses among the divorced, they constituted only 16.5% (every sixth) of those filed. Contentious divorce complaints were initiated at this time mainly by women (approx. 55%).[52]

From the area of the so-called Recovered Territories,[53] it is worth recalling the results of research on divorce practice and other marital matters within the jurisdiction of the District Court in Słupsk. According to the findings of Kaźmierski, in the former German territories, incorporated into Poland in 1945 and in the first months after the actual taking over of Polish administration over them, the issue of the validity of substantive marital law remained formally unregulated. On the one hand, German marital law could not be applied, and on the other, the lack of Polish legislative regulations meant that until 13 November 1945, the territories of the Recovered Territories remained in a normative vacuum. There was no intention to determine in any way which of the post-partition systems of marital law should formally apply in these territories. This matter was finally regulated only in Article 4 of the Decree on the Administration of the Recovered

[46] Garlicki, *Z zagadnień*, 16. He was a supporter of liberal divorce law. On the basis of the data of the Ministry of Justice, he stated that in 1946 in Poland with a population of 24 million there were 7,452 divorce cases, including 5,200 (69.8%) at the joint request of the spouses, of which only 17 (0.22%) ended in a settlement.

[47] *Ibid*. Notable among civil cases were the issue of delivery (possession) of a flat, the issue of delivery of goods, payment, eviction, etc.

[48] See: NAK, collection: District Court in Kraków, Repertory I C for 1945 to 1950.

[49] *Ibid*.

[50] *Ibid*.

[51] *Ibid*.

[52] Zarzycki, *Rozwód*, 232–3 and 573–6.

[53] The Recovered Territories [Ziemie Odzyskane] were a term used by communist propaganda to describe the new areas of the Polish state that until 1945 were the territories of the German Third Reich. The communist authorities tried to present the former German territories as "recovered" Polish territories after almost a thousand years from the temporary rule by Polish rulers during the Middle Ages.

Territories of 13 November 1945, by virtue of which the legislation in force in the former Prussian Province was extended to the Recovered Territories. This issue became the subject of the resolution of the Supreme Court of 21 May 1948.[54] According to the Supreme Court, the provisions of the decree of 13 November 1945 should be applied retroactively:

> The provisions of civil law indicated in art. 4 of the aforementioned decree should be applied to assess the effects of legal acts and events that occurred in the Recovered Territories after they were taken over by the Polish State before the entry into force of the decree of 13 November 1945 (Journal of Laws of the Republic of Poland 1945 no. 51 item 295).[55]

When analyzing the judicial practice of the first post-war period in the Recovered Territories, however, one should bear in mind the problems specific to these territories, which did not occur at all in other areas of Poland, or with similar intensity. Firstly, the process of the actual takeover of former German lands by Polish administrative bodies continued in part of the Recovered Territories (in Western Pomerania) for many months after the end of World War II, and was even still taking place in October 1945.[56] Secondly, the creation of a Polish justice system from scratch in the former German territories was associated with numerous shortages of supplies and personnel, which effectively prevented the rapid commencement of the operation of the Polish judiciary in these areas.[57]

The records and repertories of the District Court in Słupsk for the years 1945–1946 have not survived, which is unfortunately not an unusual phenomenon for court archives from the late 1940s from the Recovered Territories, especially Western Pomerania.[58] However, in the years 1947–1950, a relatively large number of divorce cases were filed with the District Court in Słupsk (as the first instance) in relation to the still small number of Polish people living in the area of jurisdiction of this court. Nevertheless, the archives of the Słupsk court are representative of Western Pomerania, as one of the four regions of the Recovered Territories.[59]

Statistical data[60] show that in 1947, divorce cases in the District Court in Słupsk (in the first instance) constituted half of all civil cases (110 out of 220), while from 1948 they clearly predominated (approx. 69.8%) and constituted approx. 60.1% in 1949.[61] The

---

[54] Resolution of the Supreme Court of 21 May 1948, file reference III C 2150/47, OSN(C) 1948/3/60, LEX No. 160895.

[55] *Ibid*.

[56] See: the Report of the Mayor of Szczecin of 6 October 1945 on the action of taking over the Welec County, State Archives in Szczecin. Collection: Szczecin Voivodeship Office, file no. 65/317/0/1.2./165 (4–6).

[57] A good example is the District Court in Koszalin, established in June 1945, i.e. only three months after the city was occupied by the Soviet Army. See: Kozioł, *Początki sądownictwa*, 208–17, especially 209–10.

[58] According to the author's findings, no divorce case files have survived from the resources of the District Court in Szczecin (1945–1950) at the State Archives in Szczecin (recording "Sąd Okręgowy w Szczecinie 65/1488/0," according to the official answer from the State Archives in Szczecin of 19 May 2022). From the District Court in Koszalin, there are 12 files in divorce cases from the State Archives in Koszalin (recording "Sąd Okręgowy w Słupsku 26/97/0," the author has not got any further details related to the mentioned court records according to the official answer from the State Archives in Koszalin of 11 May 2022).

[59] The territorial division of the Recovered Territories and its nomenclature underwent numerous changes in the years 1945–1950, see: Łach, „Podziały administracyjno-terytorialne," 25–43.

[60] All the analysed procedural files are held in the resources of the State Archives in Koszalin, Słupsk Branch (APSł) and are included in the list presented in the bibliography attached to this article.

[61] *Ibid*.

very high degree of preservation of the files allows for conducting quite representative research and amounts to 83.6% for 1947, 82.2% for 1948, and even 91.4% for 1949.[62]

The percentage of divorces granted is also very high and amounts to approx. 75% for 1947, i.e. 69, including 36 on unanimous motions (52.2%), approx. 70.3% for 1948, i.e. 104, including 67 on unanimous motions (64.4%), and approx. 74.6% for 1949, i.e. 103, including 4 unanimous motions filed in the last month of 1949, and 68 (68.7%) in 1950.[63] The most common legal basis for divorce until the end of 1948 was Article XIII of the provisions introducing the Decree on Marriage Law of 25 September 1945, and later Article 24 of the Decree itself.[64]

In contrast to the practice of the Kraków court, men predominated as parties initiating proceedings in the years 1947–1949 only slightly: 57 out of 110 cases (51.8%) in 1947, 98 out of 180 cases (54.4%) in 1948, and 78 out of 152 cases (51.3%) in 1949.[65]

8. Summary

Assessing the stability of marriage through the prism of examples from the judicial practice in post-war Poland does not inspire optimism. The number of divorce cases filed in the District Court in Kraków after 1 January 1946, compared to the previous state (i.e. the average from the years 1918–1945 amounting to about 5 cases per year), increased more than two hundred-fold. It seems that in this Catholic and conservative city, there was an explosion of divorces. There is also a large number of divorce cases filed by the Polish population within the jurisdiction of the District Court in Słupsk (in the period 1947–1949), even though these areas were still relatively sparsely populated by Poles at that time.

The new divorce law, thus freed from the bonds of the previous confessional marriage regulations, allowed for the formal regulation of marital status for people whose marriages did not function in practice. The previous legal separation of marriage (despite being very popular in the society at the time) did not fulfil its functions, so it was permanently removed from the marital law until 16 December 1999. Thus, the new state authorities gave a "second" chance to regulate their civil situation to difficult marriages, and to those spouses whose family life was additionally complicated by the World War II. Initial results indicate the need for further in-depth research based on the court practice files. Interesting conclusions could be drawn, in particular, by comparing the court practice taking into account the remaining areas of pre-war Poland in comparison with the presented court practice in Lesser Poland and in the north-western German territories incorporated into Poland in 1945.

The new marital law introduced on 1 January 1946, including the liberalised divorce law, survived in post-war Poland for less than 5 years, because on 1 October 1950 it was

---

62 *Ibid*.
63 *Ibid*.
64 *Ibid*.
65 *Ibid*.

replaced by the new family law.[66] The established social, family and systemic relations required a new family law that was compatible with the expectations of the totalitarian socialist state. As of 1 January 1951, the newly established provincial courts became competent in the first instance in divorce cases. Alongside the district courts, they created a new, flattened structure of common courts, which was to better correspond to the shape of the justice system of the socialist state.

Bibliography

Archival sources

National Archives in Kraków, recording: Sąd Okręgowy w Krakowie

Repertorium I C for the year 1945, t. 2: nr from 633 to 1016, file 29/1989/4443.
Repertorium I C for the year 1946, t. 1: nr from 1 to 1178, file 29/1989/4444.
Repertorium I C for the year 1946, t. 2: nr from 1179 to 1963, file 29/1989/4445.
Repertorium I C for the year 1946, t. 3: nr from 1964 to 2754, file 29/1989/4446.
Repertorium I C for the year 1946, t. 4: nr from 2755 to 354, file 29/1989/4447.
Repertorium I C for the year 1947, t. 1: nr from 1 to 1163, file 29/1989/4448.
Repertorium I C for the year 1947, t. 2: nr from 1164 to 1956, file 29/1989/4449.
Repertorium I C for the year 1947, t. 3: nr from 1957 to 2739, file 29/1989/4450.
Repertorium I C for the year 1947, t. 4: nr from 2740 to 3628, file 29/1989/4451.
Repertorium I C for the year 1948, t. 1: nr from 1 to 1151, file 29/1989/4452.
Repertorium I C for the year 1948, t. 2: nr from 1152 to 2329, file 29/1989/4453.
Repertorium I C for the year 1948, t. 3: nr from 2330 to 2671, file 29/1989/4454.
Repertorium I C for the year 1949, t. 1: nr from 1 to 1129, file 29/1989/4455.
Repertorium I C for the year 1949, t. 2: nr from 1130 to 2186, file 29/1989/4456.
Repertorium I C for the year 1950, t. 1: nr from 1 to 1161, file 29/1989/4457.
Repertorium I C for the year 1950, t. 2: nr from 1162 to 1963, file 29/1989/4458.

State Archives in Słupsk, recording: Sąd Okręgowy w Słupsku (1945–1950)

Repertories C of the District Court in Słupsk 1947–1949
File no. 27/551/4, procedural files of the District Court in Słupsk in divorce cases:
– for 1947: file no. 27/551/406–24, 426–35, 437–47, 449–58, 462–5, 467–74, 477–90, 493–500, 504–11;
– for 1948: file no. 27/551/512–4, 517–9, 522, 525–6, 528, 532–3, 537, 541, 544–5, 547–61, 563–7, 569–79, 581–95, 597–600, 602–10, 613–20, 622–5, 627–31, 634–6, 638–90;
– for 1949: file no. 27/551/691–2, 694–6, 698–716, 718–43, 745–9, 751–806, 808–27, 829–30, 823–6.

[66] The Decree of 25 September 1945 was repealed as of 1 October 1950 on the basis of Article I § 2 item 1 of the Act of 27 June 1950 – Provisions introducing the Family Code (Journal of Laws of 1950, No. 34, item 309) and replaced by the Act of 27 June 1950 – Family Code (Journal of Laws of 1950, No. 34, item 308).

State Archives in Szczecin, recording: Szczecin Voivodeship Office. General Department:

Report of October 6, 1945 on the action of taking over the Welec district, file no. 65/317/0/1.2./165.

Legal sources

Prawo o małżeństwie z dnia 24 czerwca 1836 r. (Dz.P.K.P., vol. XVIII, 57–297).

Rozporządzenie Ministra Sprawiedliwości (austriackie) z dnia 9th December 1897 r. (Dz.U.P., nr 283) o postępowaniu w sprawach małżeńskich spornych wraz z późniejszymi zmianami i uzupełnieniami.

Rozporządzenie Rady Ministrów z dnia 14th September 1922 r. o rozciągnięciu mocy obowiązującej niektórych ustaw na Spisz i Orawę (Dz. U. R. P. z 1922 r., Nr 90, poz. 833).

Rozporządzenie Prezydenta Rzeczypospolitej z 29th November 1930 r. Kodeks postępowania cywilnego (t.j. Dz.U. 1932 nr 112 poz. 934 ze zm.).

Ustawa z dnia 6th May 1945 r. o wyłączeniu ze społeczeństwa polskiego wrogich elementów (Dz.U.RP 1945 nr 17 poz. 96).

Dekret Rady Ministrów z dnia 6th June 1945 r. o mocy obowiązującej orzeczeń sądowych, wydanych w okresie okupacji niemieckiej na terenie Rzeczypospolitej Polskiej (Dz.U.RP 1945 nr 25 poz. 151).

Dekret Rady Ministrów of the 25th September 1945 Prawo małżeńskie (Dz.U. 1945 nr 48 poz. 270).

Dekret Rady Ministrów z dnia 25th September 1945 r. Prawo o aktach stanu cywilnego (Dz.U. 1945 nr 48 poz. 272).

Dekret Rady Ministrów z dnia 25th September 1945 r. Przepisy wprowadzające prawo małżeńskie (Dz.U. 1945 nr 48 poz. 271).

Dekret Rady Ministrów z dnia 25th September 1945 r. Przepisy wprowadzające prawo o aktach stanu cywilnego (Dz.U. 1945 nr 48 poz. 273).

Dekret Rady Ministrów z dnia 13th November 1945 r. o zarządzie Ziem Odzyskanych (Dz.U. 1945 nr 51 poz. 295).

Dekret Rady Ministrów z dnia 3rd February 1947 r. z dnia 3 lutego 1947 r. o uznaniu ważności niektórych małżeństw i rozwodów obywateli polskich (Dz.U.RP nr 14 poz. 51).

Ustawa z dnia 27th June 1950 r. Kodeks rodzinny (Dz.U. 1950 nr 34 poz. 308).

Ustawa z dnia 27th June 1950 r. Przepisy wprowadzające kodeks rodzinny (Dz.U. 1950 nr 34 poz. 309).

Published Case Law

Resolution of the Supreme Court of 7 judges (legal principle) of May 21, 1948 (sygn. III C 2150/47), OSN(C) 1948/3/60, LEX nr 160895.

Secondary sources

Bancerz, Stefan. *Nowe prawo małżeńskie*. Łódź: Spółdzielnia Wydawnicza "Książka," 1945.

Chajn, Leon. "Rewolucyjny czyn polskiego prawnictwa (Rzecz o unifikacji prawa)." *Państwo i Prawo* 9–10 (1946): 3–11.

Czachórski, Witold. "Przebieg prac nad kodyfikacją prawa cywilnego PRL." *Studia Prawnicze* 26, z. 7 (1970): 5–22.

Dworas-Kulik, Judyta. *Prawne regulacje dotyczące bigamii w Polsce w latach 1918–1939*. Lublin: Wydawnictwo KUL, 2019.

Dworas-Kulik, Judyta. "Przyczyny i skutki legalnej bigamii w Polsce w okresie międzywojennym." In: *Pogranicza w historii prawa i myśli polityczno-prawnej*, eds. Dariusz Szpoper, Przemysław Dąbrowski, 109–30. Gdańsk–Olsztyn: Wydawnictwo Gdańskiej Szkoły Wyższej.

Dworas-Kulik, Judyta; Moriak-Protopopova, Krystyna. "Projekt Lutostańskiego a bolszewickie regulacje prawne dotyczące prawa małżeńskiego okresu międzywojennego." *Kościół i Prawo* 9(1), (2020): 193–206.

Dziadzio, Andrzej. "Austriacki kodeks cywilny ABGB na ziemiach polskich w XX wieku." In: *Ustrój i prawo w przeszłości dalszej i bliższej*, eds. Jerzy Malec, Wacław Uruszczak, 501–14. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2001.

Fiedorczyk, Piotr. "Kościół katolicki i opozycja polityczna wobec unifikacji osobowego prawa małżeńskiego w 1945 r." *Czasopismo Prawno-Historyczne* 56, no. 1 (2004): 97–111.

Fiedorczyk, Piotr. "Prawne problemy początków rejestracji aktów stanu cywilnego w Polsce po II wojnie światowej" *Przeszłość Demograficzna Polski* 39 (2017): 345–62.

Fiedorczyk, Piotr. "Prawo rodzinne Polski Ludowej jako przedmiot badań historycznoprawnych (1944–1964)." *Czasopismo Prawno-Historyczne* 55, no. 2 (2003): 141–56.

Fiedorczyk, Piotr. "Rozwód w zunifikowanym prawie małżeńskim z 1945 r. Geneza, konstrukcja, orzecznictwo." *Miscellanea Historico-Iuridica* 2 (2004): 93–108.

Fiedorczyk, Piotr. *Unifikacja i kodyfikacja prawa rodzinnego w Polsce (1945–1964)*. Białystok: Wydawnictwo Uniwersytetu w Białymstoku, 2014.

Fiedorczyk, Piotr. "Wykorzystanie dorobku Komisji Kodyfikacyjnej Drugiej Rzeczypospolitej w pracach nad unifikacją osobowego prawa małżeńskiego w 1945 roku." *Zeszyty Prawnicze Towarzystwa Biblioteki Słuchaczów Prawa UJ* 13 (2005): 89–96.

Fiedorczyk, Piotr. "Z prac nad unifikacją osobowego prawa małżeńskiego w 1945 roku." *Miscellanea Historio-Iuridica*, 1 (2003): 65–80.

Garlicki, Stanisław. "Z zagadnień prawa małżeńskiego. Posiedzenia pojednawcze." *Demokratyczny Przegląd Prawniczy* 8 (1948): 16–8.

Godlewski, Jerzy. *Laicyzacja instytucji małżeństwa w Polsce*. Warszawa: Towarzystwo Krzewienia Kultury Świeckiej. Zarząd Główny, 1970.

Górecki, Jan. *Rozwód. Studium socjologiczno-prawne*. Warszawa: Państwowe Wydawnictwo Naukowe, 1965.

Grodziski, Stanisław. "Prace nad kodyfikacją i unifikacją polskiego prawa prywatnego (1919–1947)." *Kwartalnik Prawa Prywatnego* 1, no. 1–4 (1992): 23–7.

Grodziski, Stanisław. "Z dziejów unifikacji polskiego prawa cywilnego." *Czasopismo Prawno--Historyczne* 37, no. 2 (1985): 291–300.

Grzybowski, Stefan; Różański Ignacy. *Prawo małżeńskie. Komentarz. Wyciągi z motywów Komisji Kodyfikacyjnej – tezy polityczne – wzory*. Kraków: Księgarnia Powszechna, 1946.

Gwiazdomorski, Jan. *Polskie prawo małżeńskie*. Kraków: Nakładem Księgarni Stefana Kamińskiego, 1948.

Hlond, August. *Kościół katolicki w Polsce wobec zagadnień chwili*. Poznań, 1945 (przemówienie kard. Augusta Hlonda, Prymasa Polski, wygłoszone w Poznaniu 28 października 1945 roku).

Kasprzyk, Piotr. *Separacja prawna małżonków*. Lublin: Wydawnictwo KUL, 2003.

Konieczny, Alfred. "Sprawa opieki duszpasterskiej nad polskimi robotnikami cywilnymi w III Rzeszy w latach 1939–1945." In: *Prawo wyznaniowe. Przeszłość i teraźniejszość. Materiały XI Konferencji Historyków Państwa i Prawa, Kowary, 6–8 września 2007 r.*, ed. Józef Koredczuk, 293–9. Wrocław: Instytut Historii Państwa i Prawa; "Kolonia Limited," 2008.

Kozioł, Katarzyna. "Początki sądownictwa powszechnego na Pomorzu Zachodnim – na przykładzie okręgu koszalińskiego (lata 1945–1949)," *Przegląd Zachodni* 62, no. 3 (2006): 208–17.

Krasowski, Krzysztof. *Państwo a Kościół katolicki w Polsce 1945–1955*. Poznań: "Terra" 1997.

Litwin, Józef. "Prawo o aktach stanu cywilnego. Jego geneza i zasady przewodnie." *Demokratyczny Przegląd Prawniczy* 2, no. 3–4 (1946): 23–33.

Litwin, Józef. "Reforma prawa o aktach stanu cywilnego. Jej zakres i geneza." *Nowe Prawo* 11 (1955): 6–26.

Lityński, Adam. *Historia prawa Polski Ludowej*. Warszawa: Wydawnictwo Prawnicze "Lexis-Nexis" 2005.

Lityński, Adam. "Na drodze do kodyfikacji prawa cywilnego w Polsce Ludowej." In: *Prawo wczoraj i dziś. Studia dedykowane profesor Katarzynie Sójce-Zielińskiej*, ed. Grażyna Bałtruszajtys, 135–54. Warszawa: Liber, 2000.

Lityński, Adam. *O prawie i sądach początków Polski Ludowej*. Białystok: Temida 2, 1999.

Lityński, Adam. *Pół wieku kodyfikacji prawa w Polsce (1919–1969). Wybrane zagadnienia*. Tychy: Śląskie Wydawnictwa Naukowe: WSZiNS, 2001.

Łach, Andrzej Mariusz. "Podziały administracyjno-terytorialne ziem zachodnich i północnych Polski w latach 1945–1950." *Zeszyty Naukowe Gdańskiej Szkoły Wyższej*, vol. 16 (2016): 25–44.

Majchrowski, Jacek; Nawrot Stefan, *Niektóre elementy stosunków państwowo-kościelnych w Polsce lat 1945–1950*. Kraków: Uniwersytet Jagielloński, 1984. *Skrypty Uczelniane – Uniwersytet Jagielloński*, no. 481.

"Orędzie w sprawie małżeńskiej z 7 grudnia 1945 r." In: *Listy pasterskie Episkopatu Polski 1945–1974*, 25–8. Paryż: Éditions du Dialogue 1975.

Piątowski, Józef Stanisław; Bagiński Jacek; Grzybowski Stefan [*et al.*]. "Prawo cywilne w XX-leciu PRL." *Studia Prawnicze* 9 (1965): 49–92.

Prawo małżeńskie. Dekret z dnia 25 września 1945 r. i przepisy wprowadzające prawo małżeńskie. Z komentarzem, ed. Jan Witecki. Łódź: Spółdzielnia Wydawnicza "Prawo" 1946.

Rakoczy, Tomasz. "Małżeństwo świeckie i wyznaniowe w nauczaniu prawa polskiego w latach 1945–1993." *Opolskie Studia Administracyjno-Prawne* 15 (2017): 187–90.

Szkodoń, Jan. "Teologia nierozerwalności małżeństwa w nauczaniu Kościoła w Polsce w latach 1945–1975." *Analecta Cracoviensia* 13 (1981): 171–208.

Zarzycki, Zdzisław. "Attempts to Codify Personal Matrimony Law in the Second Polish Republic. A Fiasco or Perhaps a Success?" (Próby kodyfikacji osobowego prawa małżeńskiego w II Rzeczypospolitej. Fiasko, czy jednak sukces?). *Krakowskie Studia z Historii Państwa i Prawa* 15, no. 2 (2022): 261–73.

Zarzycki, Zdzisław. "Obrońca węzła małżeńskiego w świeckim prawie małżeńskim w Królestwie Polskim w XIX wieku." *Studia Iuridica Lublinensia* 25 (2016): 1027–44.

Zarzycki, Zdzisław. "Post-austrian divorce law in Małopolska in 1918–1945. Selected issues." *Krakowskie Studia z Historii Państwa i Prawa* 12, no. 3 (2019): 319–59.

Zarzycki, Zdzisław. *Rozwód w świetle akt Sądu Okręgowego w Krakowie w latach 1918–1945. Studium historyczno-prawne*. Kraków: Księgarnia Akademicka, 2010.

Zarzycki, Zdzisław. "Wielokrotni rozwodnicy na wokandzie Sądu Okręgowego w Krakowie w latach 1918–1945." *Krakowskie Studia z Historii Państwa i Prawa* 7, no. 1–2 (2014): 287–98.

Zoll, Fryderyk. *Prawo cywilne w zarysie*, vol. IV: *Prawo familijne. Prawo małżeńskie osobowe i majątkowe, prawo rodzinne, prawo opiekuńcze*, compiled with the participation of dr. Adam Szpunar. Kraków: Księgarnia Powszechna, 1946.