



Threats to the institution of marriage in letters and messages of the Polish bishops in 1918-1939

Zagrożenia dla instytucji małżeństwa
w listach i odezwach biskupów polskich w latach 1918-1939

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Abstract: This article raises the subject of threats to the institution of marriage as seen by the Polish bishops in 1918-1939. In the interwar period, the bishops watched over the purity of the teaching on marriage and were sensitive to emerging threats to this institution. Therefore, this article will present the teaching of the bishops in pastoral letters and messages first on the sanctity of marriage and then will discuss the threats in the form of civil weddings, divorces, mixed marriages or misconceived conscious motherhood.

Keywords: Polish bishops, marriage, indissolubility of marriage, divorces, civil weddings

Streszczenie: Niniejszy artykuł podejmuje temat zagrożeń instytucji małżeństwa widzianych przez biskupów polskich w latach 1918-1939. W okresie dwudziestolecia międzywojennego biskupi czuwali nad czystością nauki o małżeństwie i byli wyczuleni na pojawiające się zagrożenia dotyczące tej instytucji. Stąd też w opracowaniu zostanie zaprezentowane nauczanie biskupów w listach pasterskich i odezwach, najpierw na temat świętości małżeństwa, a następnie zostaną omówione zagrożenia w postaci ślubów cywilnych, rozwodów, małżeństw mieszanych, czy błędnie pojmowanego świadomego macierzyństwa.

Słowa kluczowe: Biskupi polscy, małżeństwo, nierozzerwalność małżeństwa, rozwody, śluby cywilne

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Introduction

In the Code of Canon Law of 1917, we read that marriage comes into effect through the consent of the parties, the essential factor of which is the internal consent of the mind, *consensus*, of both parties wishing to enter into marriage with each other¹. Marriage is an institution of natural law. “As God, the Creator of all things, desires the procreation and development of the human race; this is clearly indicated by the division of human beings into two different sexes and by the ability given to human beings to procreate and the sex drive instilled in them to do so. The achievement of this goal requires the institution of marriage, that is, the joining of a man and a woman in an exclusive and indissoluble union”². Marriage thus defined faces many obstacles. These are evident today in the 21st century, but we also encounter them in the past. This article raises the subject of threats to the institution of marriage as seen by the Polish bishops in 1918-1939. In the interwar period, the bishops watched over the purity of the teaching on marriage and were sensitive to emerging threats to this institution. Therefore, this article will present the teaching of the bishops in pastoral letters and messages first on the sanctity of marriage and then will discuss the threats in the form of civil weddings, divorces, mixed marriages or misconceived conscious motherhood.

¹ Cf. *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus*, 27.05.1917, AAS 9 (1917) pars II, p. 1-594 [hereinafter: CIC/17], Can. 1081 § 1 CIC/17.

² F. BĄCZKOWICZ, *Prawo kanoniczne. Podręcznik dla duchowieństwa*, vol. II, Opole 1958, p. 142-143. The literature on the sacrament of marriage in the 1917 Code of Canon Law is rich. It is worth mentioning such positions as: K. ALEKSANDROWICZ, *Małżeństwo domniemane w prawie kanonicznym*, Kraków 1934; P. BOBER, *Pojęcie tajnej przeszkody małżeńskiej w prawie kanonicznym*, Lublin 1935; S. BISKUPSKI, *Prawo małżeńskie*, Warszawa 1956; I. GRABOWSKI, *Zagadnienie małżeństwa*, Warszawa 1934; J. PYCIA, *Prawo kanoniczne małżeńskie*, Kielce 1922; W. SZMYD, *Praktyczny podręcznik prawa małżeńskiego*, Kraków 1929; B. WILANOWSKI, *Prawo małżeńskie*, Wilno 1931.

1. The sanctity of marriage

In 1921, in the *Pastoral Letter of the Polish Bishops to the Clergy and the Faithful on Marriage*, the hierarchs drew attention to the strong attacks on the institution of marriage aimed at stripping marriage of its religious character, at replacing religious marriage with secular marriage. Therefore, bearing in mind that bishops have a duty to ensure that pure teaching on marriage is given to the faithful, they decided to remind the faithful what the sanctity of marriage consists in.

“Be fruitful and multiply” (Genesis 1:28), with these words the Creator allowed Adam and Eve and all spouses for all time to share in his creative power and pointed out the main purpose of marriage, which is to populate the earth with true worshippers of God and to help and ennoble each other. “There is nothing in the world closer, more lasting than the union of the members of the same body. If, therefore, two people, through mutual self-giving of their whole person, fuse two lives into one life, if a union is formed between them like a group of members in one body, then their union must be irrevocable, inseparable, indissoluble. The main force and permanence of this life union comes not from the will of the husband alone, or from the will of his wife, but above all from the will of God”³. Therefore, marriage, as a natural contract of conjugal life, as participation in God’s creative act, was from the beginning not only an important social creation, but also a religious and sacred institution subject to God’s law and religious authority and not to purely secular legislation and authority. According to the Polish bishops, as expressed in their Pastoral Letter of 1921, the marriage of our first parents in Eden was to be a model for all subsequent marriages. Therefore, as sin began to darken and corrupt the human conscience, many nations lost their knowledge of the origin, meaning and qualities of marriage. Sacramental grace makes love wise and enlightened, indicating that

³ *List pasterski biskupów polskich o małżeństwie do duchowieństwa i wiernych*, 20.10.1921, in: A. GĄSIOR, J. KRÓLIKOWSKI (ed.), *Listy pasterskie, orędzia, odezwy Episkopatu Polski 1918-1939*, Kraków 2018, p. 97-98.

bodily beauty passes quickly, and moral beauty is worthy of respect and desire, consisting of truth and virtue, of sacrifice, of fulfilment, of love for God and of duties towards one's spouse and children⁴.

In introducing the faithful to the sanctity of marriage, the Polish bishops in the interwar period point out that grace makes love just, faithful, patient, and merciful. "No one in the world is without fault. Both spouses have them too. But grace makes each spouse see his or her own faults first. (...) Grace makes love generous and self-sacrificing, so that when one of the spouses has been betrayed in marriage, he or she remains honest and noble and when the other has been innocently accused of adultery and condemned, he or she does not become bitter or resentful, but blessed. (...) Such light and such strength are contained in the grace of the sacrament of marriage. One only has to know how and want to draw them out, to seize them, to use them fully"⁵.

The teaching of the bishops in their pastoral letters unequivocally states, based on the teaching of the Church, that marriage between Christians is a sacrament. Christ gave the administration of the sacraments exclusively to the Church. And it is the Church, as in the case of the validity of Baptism, Confirmation and the Eucharist, that determines who may receive the sacrament of marriage. "Since the guardianship of marriage has been entrusted to the Church, and not only at the time of its reception but for the entire duration of the sacrament, the Church alone is to resolve, according to the indications of the Gospel, all disputes concerning the essence and the validity of the sacrament of marriage. The right to administer the sacrament and to resolve matters concerning the marriage knot cannot be ceded to anyone by the ecclesiastical authority which has received it exclusively for itself. For if the Church allowed the secular power to govern purely spiritual matters, the Church would fail in its sacred mission, it would betray God and the faithful"⁶. A marriage validly contracted between

⁴ Cf. *Ibid.*, p. 102.

⁵ *Ibid.*, p. 103.

⁶ *Ibid.*, p. 103.

Christians, if the spouses lived together even for a short time after the marriage, cannot be annulled either for infidelity, or for infertility, or for separation from the Catholic faith, but is dissolved by the death of one of the parties. The sanctity of family life and the religious upbringing of children are the basis not only of the Christian family, but also of the permanence and successful development of national and state life. This basis is conditioned by the sanctification of Catholic unions by the Church and by the indissolubility of their bond⁷.

2. Threats to the institution of marriage

In the interwar period, the Polish bishops saw a number of threats that endangered Catholic marriages. Those threats included: civil weddings, divorces, mixed marriages and the misconception of conscious motherhood.

2.1. Civil weddings

A civil wedding in the strict sense takes place when a man and a woman, who are baptised, pronounce their consent to marital life only before a lay official established by the state authority. In the previously cited *Pastoral Letter* of 1921, the bishops note that there are various forms of civil marriage. In some countries, there is a so-called compulsory form, valid for all, so that only this marriage is considered valid by the state and only this marriage is entitled to the defence of the state authority, which was concluded in the manner prescribed by the secular authority. Other countries introduced a free form, whereby the secular authority leaves to the bride and groom the choice of whether to marry in front of a secular official or a priest. While other countries introduced a form known as conditional, whereby the state authority offers, or gives, its wedding officiant to all those who are not allowed to marry in the opinion of the clerical authority

⁷ *Odezwa Biskupów Polski do Rządu i Narodu w obronie sakramentu małżeństwa*, Wiadomości Archidiecezjalne Warszawskie 16 (1926), p. 92.

because of an ecclesiastical obstacle between the bride and groom. The bishops are protesting against plans to introduce civil weddings in Poland. “Today, the saddest thing is that some of our compatriots are preparing with Polish votes in the Polish Parliament to secularise Christian marriage, that is, to introduce civil weddings into our Catholic society. In their opinion, a marriage contract is nothing else than a civil legal act, i.e. a purely secular contract of conjugal life between a man and a woman, and as such it is subject to the legislative and judicial powers of the state just like any other civil contract”⁸. Therefore, the state may impose conditions under which brides and grooms may enter into marriage without taking into account the authority of the Church. Catholics cannot agree to this⁹.

Faced with the threat of introduction of civil weddings, the bishops quoted official and firm rulings of the supreme Magisterium of the Church. When the introduction of civil weddings was passed in the Sardinian Parliament in 1852, Pope Pius IX solemnly reminded that: “marriage between Christians becomes legal only through the sacrament of marriage and outside this sacrament it is nothing but concubinage”¹⁰. On the other hand, Leo XIII writes in his encyclical *On Marriage* on the subject of civil marriage as follows: “Everyone should know well that every union of a man and a woman between the faithful, concluded outside the sacrament, does not have the force and basis of a legitimate marriage; that although the union even according to the laws of the state was effected, it cannot have greater importance than a rite or custom introduced by secular law. The secular law can regulate and govern only those matrimonial matters that belong to the secular sphere, and which can come into being only when there is a real and legitimate basis for them, that is, the legal matrimonial

⁸ *List pasterski biskupów polskich o małżeństwie do duchowieństwa i wiernych...*, p. 105.

⁹ Cf. *Orędzie do duchowieństwa i wiernych*, Wiadomości Archidiecezjalne Warszawskie 16 (1926), p. 150.

¹⁰ PIUS IX, *La lettera*, 9.09.1852, in: P. GASPARRI, I. SEREDI (ed.), *Codicis iuris canonici fontes*, vol. 2, Romae 1924, p. 869.

bond”¹¹. Thus the Bishops between 1918 and 1939 were firmly opposed to the conclusion of civil marriages.

2.2. Divorces

Under national law, the state may, for just cause, dissolve a marriage and allow both parties to remarry. The state bases the power to grant divorces on the assumption that the marriage contract is a civil contract, equal to any other civil contract. Some representatives of the authorities justify the introduction of divorce on the grounds that Catholic matrimonial law, by refusing to grant a divorce, violates the laws of human nature, is detrimental to public morality and is contrary to progress, the spirit of the times and reason. Well, the bishops in their *Pastoral Letter* to the Clergy and the Faithful of 1921 challenged the above arguments. “It is true that God has also imposed difficult duties on the rational creature. One such difficult duty is sometimes the duty to give lasting love to an unfaithful spouse. This duty can and must be sacredly fulfilled for the spiritual good of the spouses and society as a whole”¹².

In the interwar period, there were many voices in favour of divorce and they declared that every human being has a right to happiness. To deny this happiness is to inflict violence on human nature. To such arguments, the bishops admit that every human being has a right to happiness, but there is happiness and happiness. “The truest, complete happiness is happiness in the second life, which consists in beholding, in possessing, in the closest union and somewhat a marriage knot with the Most Holy Trinity. (...) There is only one true happiness on earth, happiness that comes from the testimony of conscience that we have fulfilled all our duties towards God, ourselves and people to the best of our ability. And this happiness is available to everyone. Beyond that, there is only partial happiness in this world, more like

¹¹ LEO XIII, Epistola Encyclical *Arcanum*, 10.02.1880, in: ASS 12 (1879), p. 400.

¹² *List pasterski biskupów polskich o małżeństwie do duchowieństwa i wiernych...*, p. 108.

pleasures and joys than happiness. This additional, partial happiness is health, wealth, a good name and a good marriage. Not everyone has to attain this additional happiness and experience shows that not everyone achieves it. There are millions of people who, sometimes through no fault of their own, are sick, poor, disabled and therefore unhappy. This is certainly sad and painful, but no amount of human power can change that. The Christian believer finds an explanation of this sad reality in Christ's teaching that this life is but a trial, after which, according to God's will, the sufferer will receive the fullest compensation in heaven"¹³. Therefore, if some people have not found the expected happiness in marriage, it is essentially their own fault. The bishops say that some spouses have entered into marriage blindly, sometimes even with bad faith, with false affection, under the influence of a momentary infatuation, or sometimes even interest. The Polish hierarchs note that in previous years many marriages of this kind were concluded, to which the words of the Book of Proverbs can be applied: "And behold, a woman comes to meet him, Dressed as a harlot and cunning of heart. She is boisterous and rebellious, Her feet do not remain at home; She is now in the streets, now in the squares, And lurks by every corner. So she seizes him and kisses him And with a brazen face she says to him: "I was due to offer peace offerings; Today I have paid my vows. "Therefore I have come out to meet you, To seek your presence earnestly, and I have found you. (...) Come, let us drink our fill of love until morning; Let us delight ourselves with caresses. "For my husband is not at home, He has gone on a long journey; He has taken a bag of money with him, At the full moon he will come home." With her many persuasions she entices him; With her flattering lips she seduces him. Suddenly he follows her As an ox goes to the slaughter, Or as one in fetters to the discipline of a fool, Until an arrow pierces through his liver; As a bird hastens to the snare, So he does not know that it will cost him his life"¹⁴.

¹³ *Ibid.*, p. 109.

¹⁴ Proverb 7:10-23.

There are some married couples, even though they previously entered into marriage with good will and with a desire to find not only happiness but also to make the loved one happy, with time, however, they find that they are too different in disposition. Then comes anger, bitter words, brutality, so that their home turns into hell. The Church knows about these marriages and sincerely sympathises with them. Although they are unhappy not only through their own fault, they cannot think of a divorce¹⁵.

On the occasion of divorces, the bishops speak out on declarations of nullity of marriage. It is an answer to the accusation that the rich and the mighty of this world “pull strings” to get such a declaration for themselves. “In the Catholic Church, no Catholic has ever received an unjustified ruling from a clerical authority, a declaration that he can leave his wife, get married in the Church to another woman, although in reality his original marriage was valid. Every bishop knows from his own experience that such things do indeed sometimes happen. Almost all of us could quote the names of parties who, having received a ruling from Church authority that their first marriage was invalid, married another person, and then, when they have become disgusted with their life with this second husband or wife, come to ask for a second divorce and justify their request shamelessly, cynically, by admitting that they obtained the first divorce illegally, because they tricked experts, because they bribed witnesses to give a false testimony in their favour, and therefore, since the second marriage was invalid, they now have the right to enter into a third marriage”¹⁶. The bishops strongly oppose such behaviour by Catholics.

¹⁵ *Przesłanie do duchowieństwa i wiernych...*, p. 143.

¹⁶ *List pasterski biskupów polskich o małżeństwie do duchowieństwa i wiernych...*, p. 114. The Letter continues: “Almost every bishop can recall from the experience of his ecclesiastical court such things as that of a couple seeking a divorce, that their experts and witnesses have testified under oath that the man is totally unfit for marriage, that his wife is an intact virgin, when in fact the woman had and has living offspring, and that her husband has children with another woman. Unfortunately, such criminal abuses do occur, and on their basis erroneous decisions of ecclesiastical courts, but in all these and similar cases the blame falls not on the Church,

Marriage is not a private institution, but above all a social, public one. Therefore, the law introducing divorce is a 'plague' that destroys peace of mind, the happiness of husband and wife. The Divorce Act brings negative effects on children. "Children during the lifetime of their own parents are orphans, towards their stepfather and stepmother they are stepchildren, mothers are stepmothers towards their children, wives during the lifetime of their husbands are widows. Sometimes it is even worse. A son or daughter, condemned to languish, bursts into anger against their parents"¹⁷. In 1931, in the *Message of the Polish Episcopate to the Clergy and the Faithful on the New Marriage Law*, the bishops criticised the draft of the new marriage law: "The Codification Commission, in a country where the majority of citizens are members of the Catholic Church, has responded with a draft marriage law that comes close to the marriage laws of Bolshevik Russia. In this draft, the principle of the indissolubility of marriage was trampled upon, temporary unions were introduced, husbands and wives were allowed to change their spouses. And in this way, man elevated himself above God, because Jesus Christ says: "What God has joined together, let no one separate" (Matt 19:6) and the Codification Commission takes a stance that the state judge is higher than God, that he does not need to listen to Him, that he is able to dissolve what God has joined together"¹⁸.

2.3. Mixed marriages

Another threat highlighted by the bishops in the interwar period is that of mixed marriages between Catholics and Lutherans, schismatics and other non-Catholic Christians. The Catholic Church prohibits

but on false experts and witnesses, and here it was not the ecclesiastical court that was bribed, but fraudulent, wicked friends of the parties seeking a divorce". *Ibid.*, p. 112.

¹⁷ *Ibid.*, p. 113.

¹⁸ *Orędzie Episkopatu Polski do duchowieństwa i wiernych w sprawie nowego prawa małżeńskiego*, Wiadomości Archidiecezjalne Warszawskie 21 (1931), p. 474.

this type of marriage¹⁹. It does so because such marriages are far from the ideal of Christian marriage, which is supposed to be a reflection of Christ's union with his Church. Referring to the Roman law, the Polish bishops say that marriage is the union of the whole life of two persons in that one admits the other to the closest participation in everything that is divine and human in man. The divine part in human life is religion. It most closely unites man with God and man with man, and the latter comes about when both parties, husband and wife, profess and practise one and the same faith. On the contrary, religion does not unite but rather separates the spouses if they profess a different faith. Pope Leo XIII in his encyclical *On Marriage* said about the conclusion of mixed marriages: "marriages should not be easily concluded with infidels, because it is difficult to expect that minds which differ in regard to religion can in other matters agree (...) they also expose the Catholic party to the threat of losing faith, they are an obstacle to the good upbringing of their children and they are a cause of the spouses becoming accustomed to considering all religions as equally good"²⁰. The bishops remind the faithful that it is legally possible to enter into a mixed marriage. To this end, they cited the teaching of the Code. The Code of Canon Law of 1917 distinguished two impediments to marriage, i.e. the forbidding one (difference of faiths)²¹ and the dissolving one (difference of religions)²². In the case of the difference of religion, its scope changed over the years, because it was no longer binding on all the baptised, but only on those baptised in the Catholic Church or those who converted when they entered into marriage with the non-baptised. This obstacle therefore did not apply to heretics and schismatics baptised outside the Catholic Church who had never converted. Canon 1061 § 1 states that it is possible to obtain a dispensation from the impediment of difference of religion upon the fulfilment of strictly defined conditions, namely:

¹⁹ Cf. can. 1060-1064 CIC/17.

²⁰ LEO XIII, Epistola Encyclical *Arcanum...*, p. 402.

²¹ Cf. can. 1060 CIC/17.

²² Cf. *Ibid.*, can. 1070 and 1071.

the existence of just and grave reasons, the making of a promise: by the non-baptised person that his or her Catholic spouse would not be in danger of losing his or her own faith and by both parties that all children would be baptised and brought up in the Catholic faith, and the existence of moral certitude that the promise given would be fulfilled. In Canon 1064, which deals with the impediment of difference of faiths, there is a thought, according to which, the Ordinaries and other pastors are obliged to discourage the faithful from entering into mixed marriages. Moreover, they are obliged to take care of the fulfilment of the promises given by the spouses. Canon 1070 § 2 deals explicitly with the impediment of difference of religion and stipulates that if, at the time of contracting marriage, a party is commonly considered baptised, or there is doubt about the baptism, the validity of the marriage is to be upheld until it is certainly proved that the one party was baptised and the other was not baptised²³.

2.4. “Conscious motherhood”

In the *Pastoral Letter of the Polish Episcopate on the Christian Spirit in Poland* of 1934, the bishops addressed the issue related to the contempt for sinful abuses of marriage spread under the name of “conscious motherhood”. Every motherhood should be conscious in the sense that the woman, when she undertakes to be a mother, must be aware of the consequences of this step and of the duties she assumes by it. For this reason, the bishops remind the faithful that motherhood in Christian thought is sincere readiness to welcome the child, joyful welcome of the child’s arrival and determination to sacrifice oneself for the child’s good. Conscious motherhood means, according to the bishops of the interwar period, a deep sense of the dignity of the mother and her duty both in terms of health and hygiene and in terms of the upbringing of her offspring. “We do not speak against

²³ Cf. P.M. GAJDA, *Prawo małżeńskie Kościoła Katolickiego*, Tarnów 2000, p. 200.

such conscious motherhood. On the contrary, we recommend it to wives and mothers”²⁴.

The bishops condemn conscious motherhood understood and practised as the prevention of birth by illicit means. “Under the name of conscious motherhood, certain circles are carrying out propaganda about avoiding motherhood and having a child. This movement should actually be called the “conscious fight with motherhood” movement under the slogan “fewer births”. Conscious motherhood understood in this way is a consequence of the materialistic understanding of the family, which is also evidenced by the reference made by the Polish conscious motherhood movement to such a movement in the Soviets. This movement is wrongly justified by the slogans of hygiene, social justice, correction of nature, and even the good of the state”²⁵.

When talking about the threats to the institution of marriage, the bishops often refer to the teaching of popes. Also in this case, they cite the words of Pope Pius XI from his encyclical *Casti Connubi*: “Many have the boldness to call the child the disagreeable burden of matrimony and which they say is to be carefully avoided by married people not through virtuous continence but by frustrating the marriage act. Some justify this criminal abuse on the ground that they are weary of children and wish to gratify their desires without their consequent burden. Others say that they cannot on the one hand remain continent nor on the other can they have children because of the difficulties whether on the part of the mother or on the part of family circumstances. (...) The Catholic Church, to whom God has entrusted the defence of the integrity and purity of morals, standing erect in the midst of the moral ruin which surrounds her, in order that she may preserve the chastity of the nuptial union from being defiled by this foul stain, raises her voice in token of her divine ambassadorship and through Our mouth proclaims anew: any use whatsoever of matrimony exercised in such a way that the act is

²⁴ *List pasterski Episkopatu Polski o ducha chrześcijańskiego w Polsce, Currenda. Pismo Urzędowe Tarnowskiej Kurii Diecezjalnej*, (1934) n. 4, p. 27.

²⁵ *Ibid.*, p. 28.

deliberately frustrated in its natural power to generate life is an offense against the law of God and of nature, and those who indulge in such are branded with the guilt of a grave sin”²⁶.

Addressing the subject of conscious motherhood, the bishops conclude that the condition for the future and power of the state is a close-knit family, the desire and love of the child, offspring who are healthy and spiritually fresh, raised under the watchful eye of parents who understand the family as their personal life happiness. Secularism, on the other hand, which disintegrates the family, will not serve the state²⁷.

Conclusion

The bishops repeatedly stress that there is no consent of Catholics for breaking the laws of the Church in the matter of marriage. They encourage the faithful to verify the views of the members of parliament they elect. “And so that Catholics in Poland would not be for a moment threatened by the danger of passing marriage laws that are against the laws of the Church, elect as members of parliament only such people who will make a pledge publicly before the election that they will not allow the introduction of secular marriages and divorces”²⁸. The words of the bishops from the interwar period are still relevant today. The teaching of the Church is one and requires a firm response from the hierarchs of the Catholic Church. It seems that the Polish bishops in 1918-1939 passed the exam of their responsibility by clearly informing the Catholic faithful about the threats to the institution of marriage.

²⁶ Pius XI, Encyclical *Casti connubii*, 31.12.1930, in AAS 22 (1930), p. 449-560.

²⁷ *List pasterski Episkopatu Polski o ducha chrześcijańskiego w Polsce...*, p. 29.

²⁸ *List pasterski biskupów polskich o małżeństwie do duchowieństwa i wiernych...*, p. 122.

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