During the period of Communist rule in Poland (1944-1989) three main legal regulations concerning family law can be distinguished (1945-46, 1950, 1964). Each of them was formed in different political situation, which had an influence on the contents of law.

Polish family law hasn’t been codified before World War II. There was an important result of this situation: parts of Poland had different legal systems, coming from times of partitions. Russian, German, Austrian and French laws, some of them very old and archaic, were still in use. After the war, new Communist government decided to unify private law as soon as possible. Family law was unified in 1945-46 by issuing four decrees. They were based on projects prepared before the war by the Codification Commission. You can’t find any traces of Soviet law in these decrees, on the contrary – they were based on very modern Swiss and German laws. The most important, revolutionary changes were done in marital law: marriage was constructed as a secular institution and divorces were allowed.

After 1948 a process of rapid communist changes in all countries of Soviet block can be observed. Family law was one of the most spectacular examples of them. Stalin decided that Poland and Czechoslovakia should have one family code, based on Soviet patterns. The Family Code from 1950 was then prepared on political order by Polish and Czechoslovak lawyers together. It was very short, too short to be precise enough. Soviet influence was observed mainly in regulations concerning matrimonial property relations, based on statutory joint property. Another characteristic feature of this code relates to a very strong state influence on relations between parents and children.

The Family and Guardianship Code from 1964 is very similar to the previous one. The judicial decisions were taken into consideration during the process of constructing a new law. Bad experiences of Family Code regulations were eliminated in this way. The most important changes were connected with the new legal shape of adoption.

The Family and Guardianship Code hasn’t been replaced by a new one after the fall of Communism in 1989. This fact confirms that not all communist laws had to be eliminated at once. However, there were significant changes made. Especially, the matrimonial property relations are adapted to a new economic system. Religious marriage is now again recognized by state law.
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3. Note about presenter

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