

The polish civil status registration system – the longue durée of the Prussian idea

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Abstract

In the article, the author writes about his conception of the longue durée of the civil status registration system in Poland. Its modern history began in 1874 while the Prussian administration established State and secular registry office at the territory of the West Prussia. The basic principles of the civil registration system are its secular state character, the corpus of information gathered about citizens and its connection with the lowest level of local administration. The most surprising and unknown is that they have not been changed by communist and even after 1990 in free Poland until today. The Prussian model of registration has survived two wars and several changes in the political system and statehood as well as the digital revolution. The article is based on legislation, historical and administrative literature and archival holdings. During the research, the author used historical methods, first of all, bibliographic and comparison methods.

Keywords: public registers; civil status registers; state archives; administration; the history of Poland; the longue durée

In the modern history of Poland, the significant political changes took place. The country was under occupation twice, communists governed it for 45 years, and it was a democratic state in the interwar period as well as it is democratic since 1990. Since 2004 Poland is a member of the European Union what, on the other hand, affected the growth of civil rights. These changes caused many revolutionary transformations in the Polish administration system and, in turn, influenced Polish archives and their holdings. This situation makes difficulties not

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only for archivists and historians but also for genealogists searching for their ancestors. Despite all the mentioned transitions, there could be found some examples of the *longue durée* in the functioning of the administration. One of the most interesting examples is strongly connected with genealogy because it is responsible for producing its primary sources – the civil status registers. As will be shown below, the civil status registration model in Poland is functioning from 1875 until today. The article is based on literature and archival holdings.

The article is based on legislation, historical and administrative literature and archival holdings from the Polish State Archives. As examples in the article, there were used holdings from the State Archive in Toruń. During the research, the author used historical methods, first of all, bibliographic and comparison methods.

The history of civil status registers dates back at least to the Council of Trent. The Council, which ended in 1563, decided that parish priests were obligated to write down births, marriages, and deaths. In Poland, the decisions of the Council of Trent became effective in 1577. Unfortunately, the church civil registration was very dysfunctional because priests often noted not the exact dates of events but the dates of church ceremonies like baptisms or funerals; that is why Popes Paul V in 1614 and Benedict XIV in 1744 tried to make it more effective.¹

The entirely and only religious character of registers had lasted until the 1st of June 1794 when the General State Laws for the Prussian States came into force. Under this law, Catholic and evangelical parish priests were obligated to precisely write every birth, marriage, and death in parish registers. They were also obligated to make authenticated copies of those registers. After an end of the year, copies were sent to the territorially appropriate first instance courts.² In that time, registers made for the State were not qualitatively different from church books; however, state control made them much more reliable. At the same time, Jews and other non-Catholic or evangelic citizens registration was made by local authorities. Since 1847 all citizens, except Catholics, were registered by the first instance courts.³ The law from 1794, with some small changes, lasted nearly until the end of the third quarter of the 19th century.

The modern, State and entirely secular civil status registrations were established in the Kingdom of Prussia in 1874. The new form of registration of civil status was passed on the ground of the Prussian law of registration of civil status and form of marriage of the 9th of

¹ HRYNICKI, W., Organizacja rejestracji stanu cywilnego w Polsce w ujęciu historycznym. In: *Ius Novum*, vol. 4, 2016, p. 358-374

² LASZUK, A., *Księgi metrykalne i stanu cywilnego w archiwach państwowych w Polsce. Informator*. Warsaw, 2000, p. III.

³ KROŚKO, B., Świeckie i wyznaniowe księgi stanu cywilnego w Archiwum Państwowym w Koszalinie. In: *Archeion*, vol. 36, 1989, p. 63-77.

March 1874. First of all, the act was entered into force in West Prussia on the 1st of October 1874.⁴ By the law of the 6th of February 1875,⁵ since the 1st of January 1876 the provisions of the law of 1874, were extended to the entire territory of the German Empire.

These two acts created new state registry offices completely separated from church administration. They also established a civil marriage that had to be taken before church wedding. Every citizen of the German Empire, whatever the faith, were subjected to lay law. The entire territory of the State was divided into civil status districts comprising one or a maximum of several communities (German Gemeinde) or noble goods (German Gut). In every civil status district, a mayor or one of the district seniors was a registrar.⁶

Though the concept of new laws was probably inspired by French regulations, especially the Napoleonic Code, it was revolutionary on the Polish territories. In the Duchy of Warsaw, the Napoleonic Code was in force since 1807 (complete introduction since the 1st of May 1808). However, its secular character was not kept, and civil status registration was almost entirely religious not only for Catholics but for all religions. After the Congress of Vienna, the validity of the Napoleonic Code was maintained in the Congress Poland to 1825 when the Civil Code of the Kingdom of Poland was passed.⁷ The new Civil Code has officially restored religious civil status registration, and integrated civil status registers with church metrics.⁸ The religious registration was in force also in the Austrian Partition.⁹ In the major part of Poland territory, religious registration was in effect until 1939.¹⁰

The Prussian acts of 1874 and 1875 established three kinds of civil registers – births, marriages and deaths. Each citizen was obliged to report facts from his life to the registry office appropriate to his place of living.

The birth registers collected information about:

1. name and surname as well as State or occupation of the person reporting the event,

⁴ HINSCHIUS, P., *Das preussische Gesetz über die Beurkundung des Personenstandes und die Form der Eheschließung vom 9. März 1874 : mit Kommentar in Anmerkungen*. Berlin, 1874.

⁵ Gesetz über die Beurkundung des Personenstandes und die Eheschließung. In: Deutsches Reichsgesetzblatt, No 4, 1875, p. 23 – 40.

⁶ Gesetz über die Beurkundung des Personenstandes und die Eheschließung. In: Deutsches Reichsgesetzblatt, No 4, 1875, p. 23 – 40.

⁷ DYJAKOWSKA, M., Rejestracja stanu cywilnego w Księstwie Warszawskim i Królestwie Polskim. In: *Metryka*, vol. 1, 2013, p. 17-41.

⁸ DYJAKOWSKA, M., Rejestracja stanu cywilnego w Księstwie Warszawskim i Królestwie Polskim. In: *Metryka*, vol. 1, 2013, p. 17-41.

⁹ TARKOWSKA, E., *Prawne kształtowanie się instytucji rejestracji stanu cywilnego na ziemiach polskich do roku 1986*, Białystok, 2015, p. 68-76.

¹⁰ KRASOWSKI, K., Prawo o aktach stanu cywilnego w II Rzeczypospolitej. In: *Kwartalnik Prawa Prywatnego*, vol. 2, 1995, p. 227-252.

2. place, date and time of birth,
3. sex of the child,
4. name or names of the child,
5. names, surnames, religion, State or occupation and place of residence of parents.

In the case of the birth of twins or multiple births, a separate certificate was drawn up for each child.

The marriage registers were supplemented with:

1. names and surnames, religion, age, state or occupation, date and place of birth, place of residence of a married couple,
2. names, surnames, State and occupation, and the place of residence of their parents,
3. names and surnames, age, State or occupation and place of residence of witnesses,
4. a statement of those entering into marriage,
5. a decision by a civil registrar.

On the other hand, the death records contained:

1. name and surname, State or occupation and place of residence of the person reporting the event,
2. place, day and time of death,
3. name and surname, religion, age, State or occupation, place of residence and place of birth of the deceased,
4. name and surname of his spouse or a note stating that the dead was unmarried,
5. names, surnames, status, occupation, and place of residence of the parents of the deceased.

The pieces of information common for all registers were:

1. place and time of the entry,
2. particulars of the person appearing before the official,
3. notes on how the registrar verified the identity of the person appearing,
4. notes that the testifying person had read the entry and confirmed its contents,
5. signature of the person who appeared before the official and, if he or she was unable to write or experienced severe difficulties in doing so, why he or she failed to sign the act,
6. signature of the civil registrar.¹¹

All registers were made in two duplicates. The first duplicate called original (German Haupt Register) was kept in the registry office; the second one called copy or beside register (German Neben Register), after verification of the compliance of the copies, at the beginning

¹¹ Gesetz über die Beurkundung des Personenstandes und die Eheschließung. In: Deutsches Reichsgesetzblatt, No 4, 1875, p. 23 – 40.

of the new year was sent to the locally appropriate first instance court.¹² Apart from the registers, registry offices also gathered the collective files (German *Sammelakten*) based on which there were made entries in individual registers, documentation related to the functioning of the office and indexes facilitating movement around the civil status registers.¹³

The law from 1875 was in force for a very long time - until 1939 (only in the territory of the former Prussian Partition). Not only the rebirth of Poland in 1918 but also taking over the administration of Former Prussian Province in years 1919-1920 did not repeal its validity. It is important to note that in Germany, they were changed in 1920¹⁴ and, even after modification in the Republic of Weimar, cancelled by Hitler in 1937.¹⁵

During about 64 years of its lasting time, only limited corrections were made. Small corrections in the structure of civil status districts were made in the years 1888, 1889, 1900, 1905. Those changes consisted mainly of merging small districts into larger ones or integrating them into towns.¹⁶ A completely new division into civil status districts was established on the 1st of January 1936. Until the end of 1935, there were about 160 districts and since 1936 - only 73.¹⁷ New districts were two or three times bigger than the old ones.

The language of civil status registers was changed from German to Polish in the years 1920-1921.¹⁸ The switch of language was stretched over time because from 1919 onwards, under the agreement with the Weimar Republic, German officials still ran the Polish administration.¹⁹ What is essential, the Polish registers were a continuation of those conducted earlier, and they were made on the same forms. For example, if the Prussian register was completed under number 4, the new Polish register started with number 5.²⁰

¹² Gesetz über die Beurkundung des Personenstandes und die Eheschließung. In: Deutsches Reichsgesetzblatt, No 4, 1875, p. 23 – 40.

¹³ CIECHANOWSKI, H., Rejestry publiczne w archiwach. Problemy gromadzenia i opracowania zespołów wytworzonych przez Urzędy Stanu Cywilnego. In: KULECKA, A. (Ed.), *Archiwa Polski i Europy, wspólne dziedzictwo różne doświadczenia*. Warsaw, 2017, p. 291-300.

¹⁴ Gesetz über den Personenstand vom 11. Juni 1920. In: Reichs-Gesetzblatt, No. 135, 1920, p. 1209-1210.

¹⁵ Personenstandsgesetz vom 3. November 1937. *Reichsgesetzblatt*, Part I, 1937.

¹⁶ CIECHANOWSKI, H., Problemy zespołowości materiałów archiwalnych wytworzonych przez urzędy stanu cywilnego w latach 1874-1945. In: ROSOWSKA, E. (Ed.), *Zasada przynależności zespołowej w praktyce archiwów państwowych*. Warsaw, 2017, p. 145-166.

¹⁷ Obwieszczenie Wojewody Pomorskiego z dnia 13 grudnia 1935 r. w sprawie utworzenia nowych obwodów Urzędów Stanu Cywilnego na obszarze województwa pomorskiego. In: *Pomorski Dziennik Wojewódzki*, No 26/306, 1935, p. 413-426.

¹⁸ CIECHANOWSKI, H., Rejestry publiczne w archiwach. Problemy gromadzenia i opracowania zespołów wytworzonych przez Urzędy Stanu Cywilnego. In: KULECKA, A. (Ed.), *Archiwa Polski i Europy, wspólne dziedzictwo różne doświadczenia*. Warsaw, 2017, p. 291-300.

¹⁹ PACANOWSKA, R., Przeobrażenia administracji powiatowej w Wielkopolsce w okresie II Rzeczypospolitej. In: *Rocznik Samorządowy*, vol. 3, 2014, p. 74.

²⁰ Examples: State Archive in Toruń 69/1211/0/2.2/1040, 69/1167/0/3.2/3112, 69/1167/0/3.2/3113.

The Government of the Second Polish Republic endeavoured to unify the law in the whole country. In the year 1931, the special Codification Committee published two projects of new rules: marriage law and law about civil status files. Though the projects were not passed by the parliament, because of Catholic Church resistance against the marriage law, it is essential to mention that the law about civil status files was in the main part based at the Prussian law of the 6th of February 1875.²¹

The Prussian laws were repealed by German occupation administration in October 1939 by Adolf Hitler decree from the 8th of October 1939 about organisation and administration of east acquisitions. Although it was not pronounced, some proof is the third decree from the 4th of November 1939 about the realisation of civil status law. Its legal basis was a German civil status law of the 3rd of November 1937 (in force since the 1st Juli 1938) and the decree from the 8th of October.²² Archives also confirm the functioning of the new law. The fond USC Rychnowo, held in the State Archive in Toruń, contains registers from years 1941-1943. One of them is a so-called Familienbuch - a new form of the marriage register binding in Germany since 1938.²³

A different system of civil registration functioned in the General Government. The Poles and other nations were registered only by a church administration. For German citizens, the Governor-General of the General Government of Poland Hans Frank established the secular state registration on the 1st of May 1940. The civil status district was a district [German Landkreis] or a separated city/town.²⁴

During the takeover of the occupied territory by the communist authorities in 1944-1945, German law and administration were almost wholly repealed. In eastern and central Poland there was initially a restoring to the religious registration of civil status. State registration was only kept in the Pomeranian Voivodeship and at the Recovered Territories.²⁵ Since the 21st of April 1945 it was also introduced at the territories annexed by the Third Reich

²¹ TARKOWSKA, E., *Prawne kształtowanie się instytucji rejestracji stanu cywilnego na ziemiach polskich do roku 1986*, Białystok, 2015, p. 99.

²² CIECHANOWSKI, H., Problemy zespołowości materiałów archiwalnych wytworzonych przez urzędy stanu cywilnego w latach 1874-1945. In: ROSOWSKA, E. (Ed.), *Zasada przynależności zespołowej w praktyce archiwów państwowych*. Warsaw, 2017, p. 145-166.

²³ State Archive in Toruń 69/1218/0/3.2/3008.

²⁴ Rozporządzenie o pawie stanu cywilnego Niemców w Generalnym Gubernatorstwie z dnia 16 marca 1940 r. In: *Dziennik rozporządzeń Generalnego Gubernatora dla okupowanych polskich obszarów*, Part I, No 21, Kraków, 1940, p. 104-106.

²⁵ CIECHANOWSKI, H., Problemy zespołowości materiałów archiwalnych wytworzonych przez urzędy stanu cywilnego w latach 1874-1945. In: ROSOWSKA, E. (Ed.), *Zasada przynależności zespołowej w praktyce archiwów państwowych*. Warsaw, 2017, p. 145-166.

in 1939: in the city of Włocławek and the communities of Włocławek, Lipno, Rypin, and Nieszawa.²⁶

To legitimise its power, the new Polish communist government referred to the models of the pre-war administration. Mostly the pre-war offices were functioning next to communist organs. One of a few exceptions was civil status registration. By the power of law, it was entirely secular in the whole territory of Poland since the 1st of January 1946.²⁷ Surprisingly, the new Polish communist civil-law was not taken from the Soviet Union, but it was almost a copy of Prussian law from 1875. The government also restored the structure of civil status districts from 1936. The most significant difference was that new forms of registers did not include information about faith; so the core of system organisation did not change. There was also a certain similarity between the 1945 decree and the 1931 project mentioned above.²⁸

The next civil status registration reform was carried out in 1955. Under the decree of the 8th of June 1955 copies of registers were not made anymore and changed the civil status districts map. Since this year, the registry offices were located in gromadas (Polish gromada), settlements (Polish osiedle), city districts or towns and not, as before, in communes and towns.²⁹ The civil status districts map from 1955 lasted until 1975 when the administration reform in Polish People's Republic re-establish communes as the basic territorial division units. The next small corrections were made in 1986; however, they did not change civil-status registration basic principles.³⁰ What is important, the reforms of 1945, 1955, 1986 did not change the basis of the organisation of the civil status registration system introduced by the Act of 1875. Practically unchanged was the body of collected information and the connection of registry offices with the lowest administrative units. Registration was also secular.

The most significant reform of civil-status registration was made in 2014 in a new political system. Since the May 2014 registers are fully digital, are being kept in a nationwide database; however, the registry offices, as in the past, are situated in gminas and towns. The registry offices are users of the application called "Źródło" which grants them access to the database. The Act of 2014 also amended the scope of the information collected.³¹

²⁶ Okólnik w sprawie urzędów stanu cywilnego we Włocławku i powiatach włocławskim, lipnowskim, rypińskim i nieszawskim. In: *Pomorski Dziennik Wojewódzki*, No 5, 1945, p. 79.

²⁷ Dekret z dnia 25 września 1945 r. Prawo o aktach stanu cywilnego. In: *Dziennik Ustaw*, 1945, No 48, position 272.

²⁸ TARKOWSKA, E., *Prawne kształtowanie się instytucji rejestracji stanu cywilnego na ziemiach polskich do roku 1986*, Białystok, 2015, p. 139.

²⁹ Dekret z dnia 8 czerwca 1955 r. Prawo o aktach stanu cywilnego. In: *Dziennik Ustaw*, 1955, No 25, position 151.

³⁰ Ustawa z dnia 29 września 1986 r. Prawo o aktach stanu cywilnego, In: *Dziennik Ustaw*, 1986, No 36, position 180.

³¹ Ustawa z dnia 28 listopada 2014 . Prawo o aktach stanu cywilnego. In: *Dziennik Ustaw*, 2014, position 1741.

The differences between registers from 1875, 1945 and 2014 show the following tables.

1. Information gathered in birth registers under the laws of 1875, 1945 and 2014			
No	1875	1945	2014
1	name and surname as well as condition or occupation of the person reporting the event,	name, surname, occupation, age, place of residence of the person reporting the event,	name and surname of the person reporting the event
2	place, date and time of birth,	location, date and time of birth,	country, location, and date of birth
3	sex of the child,	sex of the child,	sex of the child,
4	the name or names of the child,	the name or names of the child,	the name or names of the child,
5	names, surnames, religion, State or occupation and place of residence of parents	names, surnames, occupation, place of birth, date of birth or age and place of residence of parents,	names, surnames, and surnames at birth, dates, and locations of birth of the child's parents
Source: Gesetz 1875, Dekret 1945 and Ustawa 2014			

2. Information gathered in marriages registers under the laws of 1875, 1945 and 2014			
No	1875	1945	2014
1	names, surnames, religion, age, condition or occupation, date and place of birth, place of residence of married couples	names and surnames, age, occupation, date, and place of birth, place of residence of married couples	names and surnames, family names, civil status date, and place of birth of married couples
2	names, surnames, State and occupation, and the place of residence of their parents	names, surnames, occupation, and the place of residence of their parents	Names, surnames, family names of their parents
3	names, surnames, age, condition or occupation and place of residence of witnesses	names and surnames, occupation and place of residence of witnesses	Names and surnames of witnesses

4	a statement of those entering into marriage	a statement of those entering into marriage	a statement of those entering into marriage
5	a decision by a civil registrar	possible declaration by the wife to keep her family name next to her husband's name	place and date of marriage
6			surnames of couples to be carried after marriage
7			the name children born of marriage will have
Source: Gesetz 1875, Dekret 1945 and Ustawa 2014			

3. Information gathered in deaths registers under the laws of 1875, 1945 and 2014			
Item	1875	1945	2014
1	name and surname, State or occupation and place of residence of the applicant	name and surname, occupation and place of residence of the applicant	name and surname or organisation name of the applicant
2	place, day and time of death	location, day and time of death or finding the corps	place, date and time of death
3	name and surname, religion, age, condition or occupation, place of residence and place of birth of the deceased	name, surname, civil status, citizenship (other than Polish), place of residence, date, and place of birth or possible age of the deceased	name, surname, family name, civil status, date, and place of birth of the deceased
4	name and surname of his spouse or a note stating that the deceased was unmarried	name and surname of his spouse (if the spouse is alive also his or her occupation and place of residence)	if married name and surname of his spouse
5	names, surnames, status or occupation and place of	names and surnames of the parents of the dead (if they are alive also their	names and surnames the parents of the deceased

	residence of the parents of the deceased	occupation and place of residence)	
Source: Gesetz 1875, Dekret 1945 and Ustawa 2014			

These three tables show that the information core of civil-status registers is nearly the same since the Prussian times. The communists deleted only information about the State and religion of citizens. That was the result of the secularisation of the country and abolition of the nobility and the land ownership. The most significant changes in the information core were introduced in 2014 as a result of a changing approach to citizens' freedom and privacy. However, the most important of them are steady.

As has been aforementioned, basic principles of system organisation such as entirely secular and State civil status registration and its connection with the lowest level of local administration are also invariable since 1875. However, the concept was based on the French ideas it was quite new and revolutionary at Polish territories where the religious form of civil status registration was continued and strongly defended until 1939³² and partially even until 1945.

To summarise, the Polish civil-status registration system is an example of the *longue durée* in administration functioning. The system core was not changed since 1875 even though the political system changes in Poland. Even the communist government from 1945 to 1990 did not use soviet patterns, but the model made by the Prussian administration and did not make any changes in its basics. The system of civil status registration made in 1875 has also been kept by the Polish government after 1990. Also, technical changes and the growth of civil liberties do not result in any fundamental changes to it. It is clear that the idea of civil status registration created in France and developed in Prussia is universal. Despite Polish – Catholic traditions and examples from other countries, during the 144 years of its being in force in Poland, there was a no different or better idea. It is also very probable that it will not change in the nearest and distant future.

³² KRASOWSKI, K., Prawo o aktach stanu cywilnego w II Rzeczpospolitej. In: *Kwartalnik Prawa Prywatnego*, vol. 2, 1995, p. 227-252.