THE *AKT USZANOWANIA* OR ACT OF RESPECT

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The *Akt Uszanowania* – literally, "act of respect" – has its roots in the Napoleonic Code, the first collection of civil law in the Kingdom of Poland. In theory, the code was in use from late 1807 to 1945. I say "in theory" because it was very rarely applied in practice; with the passage of time, it ended up in the proverbial junk room.

The unique quality of the Akt Uszanowania resulted from its nature with more of a cultural overtone than legal. It was a formalized act of respect and thanks that newlyweds rendered to their parents for the latter's efforts in raising them.

The Akt Uszanowania was drawn up at a notary's office, as is noted in records of reading of the banns and of marriages. In these records, the official or priest – during the years 1808–1825, the priests filled the role of civil registrar officials – cited a specific legal provision, that is, Book One, Title Five, paragraphs 151-152 of the Napoleonic Code, dealing with marriage:

151. Family children who have attained the majority laid down in Article 148, are obliged, before entering into marriage, to request, by a respectful and formal act, the advice of their father and mother, or that of their grandparents and the family, when their father and mother have died, or in the impossibility of manifesting their will.
152. From the majority fixed by article 148 to the age of 30 years completed for sons, and until the age of 25 years completed for daughters, the respectful act required by the preceding article and on which consent to marriage shall not have been obtained, shall be renewed two several times, from month to month; and one month after the third act it shall be lawful to pass on to the celebration of the marriage.

Reading this, one could get the impression that this was more about the consent of the parents to the marriage than about thanking them for their upbringing. But another paragraph from the same code rules out that interpretation:

148. The son who has not attained the full age of 25 years, the daughter who has not attained the full age of 21 years, cannot contract marriage without the consent of their father and mother; in case of disagreement, the consent of the father is sufficient.

I found confirmation of this theory in the records themselves, which make it clear that these acts of respect were also performed by people older than the ages required in article 148, and even by widowers and widows getting married. The "request for advice," as it was called at the time, should be interpreted as an expression of gratitude to and respect for the parents. In its legal empowerment, the Akt Uszanowania was compliance with a requirement for permission to marry. Consent alone was not enough; one also had to have the full acceptance of one's legal guardians.

The Napoleonic Code did not stop with article 151. The following articles, 152–154, mention the premarital duty to gain the acceptance of the parents or family council by way of the Akt

Uszanowania. In cases where consent was withheld, the betrothed couple "should repeat the request for advice." The only ones exempted from this obligation were sons age 30 or older, and daughters over 25.

In practice, the interpretation of article 151 could vary, depending on the priest who was keeping the parish registers. Here are examples in a parish where the Akt Uszanowania was noted as a matter of course in almost all marriage records but in somewhat different formulations.

In Liw parish, 1811/10, a marriage record in which a certain "Błażej Gołoś age 29, in compliance with the will of the law, in the presence of the witnesses named below ... gave his thanks for his parents' raising him, for the care and assiduousness they showed him." And even though the official does not mention the Akt Uszanowania by name, one may conclude that it was precisely paragraph 151 that was the compliance with the will of the law.

In Liw record 1811/2, a 28-year-old groom, Stanisław Rydzewski, the son of deceased parents, "in compliance with the will of the law, paid his respects in person to his brother Mateusz," and the bride, Gertruda Przybysz, a 29-year-old widow, the daughter of deceased parents, "asked for the advice of the renowned widow Marianna Gromkowska, her aunt and her father's sister ... which aunt acceded to the request and gave explicit and formal permission." (In this sentence, *sławetna*, literally "renowned," is used as a title indicating social class, a Polish equivalent to Latin *famosa* or *famata*. Marianna was presumably the widow of a middle-class craftsman.)

An 1819 marriage record from Zaręby parish, Mazowieckie province, says the groom was "the son of the honest Rozalia Szczepułkowska and an unknown father, residing as a boarder and living as a day-laborer; he was accompanied by his mother, Rozalia Szczepułkowska, who stated to us that the aforesaid Franciszek Szczepułkowski, her son, paid his respects to his mother and is entering into the state of marriage with her consent...".

The parishes mentioned above are, however, exceptions, because the vast majority of parish offices do not mention these acts of respect at all. I assume that notarial registration of this act of respect was done exclusively at the request of the pastor.

One concludes that paragraph 151 of the Napoleonic Code was a dead letter, a regulation not generally applied in the Kingdom of Poland. Probably the Code, as a novelty in legislation, was not completely understood, and the rare application of paragraph 151 resulted from the lack of precise instructions or specific templates. As a result, officials found themselves in a difficult situation, and only a few undertook the implementation of this ambiguous legal duty, given that the Akt Uszanowania was not a voluntary act but a legal requirement.

It turns out that this legal formula was generally applied in France, the cradle of the Napoleonic Code. Even in 1908, all newlyweds, regardless of age, were required to perform this act of respect. No doubt, the formal basis of this moral imperative in France reflected historical norms and customs there. On the basis of Polish tradition, respect for parents was a natural social cannon, commonly expressed by one commandment, the fourth one: "Honor thy father and thy mother."