

Summary by Reverend Pawel Zębala

The Influence and Impact of the document “Dignitas Connubii” on the Judgment of Bishop’s Judicial Court in the Diocese of Kielce, 2005-2015.

This particular work, represents the extensive research regarding the marital issues, especially concerning the judgment, instructions and provisions executed and issued in the Bishop’s Judicial Court, convened to consider a concrete marriage case. Because of such need, based on a rich tradition that has been practiced for over 22 years, on January 25th, 2005, a certain instruction titled; “Dignitas Connubii” was promulgated. This document clarifies and specifies all the matters and any inconsistencies, in the reading of the norms of the Canon Law.

Bishop’s Judicial Court in the diocese of Kielce, which judgments in the light of the document “Dignitas Connubii” in the matters of Christian Marriage from 2005 to 2015 are presented in this work, fulfil the obligations and instructions, which are part of the code of the Canon Law of the Church, similarly to those of many other tribunals of the Church, in all matters regarding marriage and its processes and legislation.

The main point and a conclusion that becomes clear in this dissertation, is the fact that every Bishop’s Judicial Court and its governance and judgment, in the strict canonical way become an essential part of pastoral life of any given diocese. In most instances, in Bishop’s Judicial Court, the largest number of cases are related to the validity, impediments and conditions of sacramental marriage. The study of these issues, in the light of the instruction “Dignitas Connubii”, as far as the procedures and judgment in marriage tribunals is important and very helpful, especially in this time, since we have witnessed a great deal of interest regarding Christian marriage and family.

A careful study and research for the clergy and lay ministers working in such tribunals, help us to gather an essential information and knowledge, how in this very sensitive area regarding sacramental marriage, should a particular minister of the court act. As we read in the Canon Law of the Church, “the marriage covenant, by which a man and woman establish

between themselves a partnership of their whole life, and which of its own nature is ordered to the well-being of the spouses and to the procreation and upbringing of children, has, between the baptized, been raised by Christ the Lord to the dignity of a sacrament.” (Can. 1055. 1)

The presentation of this dissertation is given in three major parts. The introduction to those three parts begins with a very thorough explanation of the term “judicial review”, since the experience has shown that this particular term is often confused with another term: “judgement”. In the first part of this thesis, we have presented a historical overview of the diocese of Kielce. Next chapters of this dissertation are based on a study, which were conducted upon the understanding and normative order of the concrete cases regarding marriage, especially of the analysis of different concerns in time of crisis in marriage, most importantly in the declaration of the dissolution of the invalid bond of marriage. Furthermore, because as we have seen in a long and very rich tradition of juridical review and judgment regarding sacramental marriage, not all marriages that were dissolved, were done so because they were contracted invalidly.

The criteria, upon which all the parts of this dissertation were based, were especially selected so that to the fullest account, they would present the instruction document *Dignitas Connubii*, which influenced judicial review in the Bishop’s Judicial Court and Marriage Tribunal between 2005 and 2015. Also, the document *Dignitas Connubii* is being examined here from the academic point of view, as it was implemented by the Marriage Tribunal of the Bishop’s Judicial Court in the diocese of Kielce.

In the first chapter, we have debated about the territorial importance of the diocese of Kielce. In the place where the Tribunal is located in the city of Kielce, or in a very near proximity, since the XVI century, for certain, or as according to some historians even century earlier, a significant Judicial official who was a delegate of the Archbishop of Cracow was presiding over the matters there. That is the reason why the Bishop’s Court in Kielce is a continuation of the previous court from XV century to modern times.

In the second chapter, we have examined the introduction to the invalidity of marriage, especially in the light of Canon 1095 of the Canon Law. It is crucial and even essential to examine it further, since it is part of the Book of Canon Law only since 1983 and is fairly new, and was never a part of a previous Canon law which dates back to 1917. The main motive to make this revision regarding the 1095 canon, was the total and complete revision of the entire

Canon Law of the Church from 1917, which was finalized by Pope John Paul II. Canon 1095 in the first category, states that anyone who has any psychological impediment can not enter into sacramental marriage. Second category states that those who lack the ability to recognize and fulfill the duties and responsibilities within marriage. Finally, third category of this canon, states that those who have a serious irreversible psychiatric problems and issues, are not able to enter into the sacramental marriage.

In the third chapter of the presented work, the particular impediment to marriage was discussed, which is called a simulation, as described in the canon 1101, which the Court of the Diocese of Kielce was examining. Simulation of sacramental marriage is simply where various factors make the marital consent impossible, such as ignorance, error, fraud, force or manipulation. This canon, in its totality, gives us two instances when a marriage is simulated. First is a complete simulation, which separates men and women and can be called radical simulation. Furthermore, we have discussed various impediments such as: force and fear as stated in canon 1103; the impediment of impotence as stated in the canon 1084; simple error as stated in the canon 1097; fraud and conditions of as stated in the canon 1098; or condition as stated in the canon 1102. However, these stated cases were consistent of the least number of cases in the Bishop's Court in the diocese of Kielce.

All the themes of this doctoral theses, were complemented by the introduction and thorough explanation of the various studies conducted on this matter. The result of this study, brings to a clear focus the fundamental distinction between the concept of nullity and invalidity of sacramental marriage and the judicial review conducted by the Bishop's marriage tribunal in the diocese of Kielce. Also, it is noteworthy, that all these matters were examined through the instruction *Dignitas Connubii*, which is a matter for the jurisprudence and practice of the Church's marriage tribunals.