

SUMMARY OF PROFESSIONAL ACCOMPLISHMENT**research, didactic and organizational work****1. Education, certificates and academic degrees.**

Having completed the primary school I continued my education in Wincenty Pol Secondary High School in Czersk, where I passed my matriculation examinations in 1983 and completed my secondary education. The same year I entered The Higher Theological Seminary in Pelplin. In 1989 I graduated The John Paul II Catholic University of Lublin with master's degree in theology with MA thesis titled: *Aretology and Ambrose asceticism of clergymen on the basis of the treatise: „On the Offices of Ministers, an ecclesiastical handbook modeled on Cicero's 'De Officiis'”*.

My MA thesis paper was regarded by the decision of the Board of Theological Faculty of Nicolaus Copernicus University in Toruń from 23rd June 2014 as satisfactory to be graduated with a licentiate degree in theology. In 1994 I began five year course of Canon law studies at Warsaw Theological Academy, which I graduated with MA in Canon law with MA thesis titled: *Integral simulation of consent to marriage in judicial decisions of the Roman Rota in 1990-1993*. I continued education taking up one year course of doctors studies at Warsaw Theological Academy.

In 2001 – 2002 I participated in studies on marriage law, jurisprudence specialization at Pontifical University of the Holy Cross in Rome. In 2002-2004 I took up studies at the Apostolic Tribunal of the Roman Rota in Rome and Latin language at Latinitas. In 2002 I took the doctor's degree in law, presenting doctor's thesis under the direction of prof. dr hab. Wojciech Góralski, titled: *Integral simulation of marriage in the Roman Rota's judicial decisions in accordance with The Code of Canon Law from 1983*, with scientific reviewers of: Rev. prof. dr hab. Stanisław

Paździór (KUL – Catholic University of Lublin) and Rev. dr hab. Henryk Stawniak (prof. of UKSW – Cardinal Stefan Wyszyński University in Warsaw).

2. Information on employment.

1989 - 1990 Parish church of St. Catherine of Alexandria in Brodnica - vicar – catechist;

1990 - 1991 Parish church of St. Nicolas in Grudziądz - vicar; Center of Permanent Education in Grudziądz - catechist;

1991 - 1995 Parish of St. Maximilian in Toruń - vicar; Secondary High School No III in Toruń - catechist;

1995 - 2001 Parish church of God's Mother Queen of Poland in Wąbrzeźno - vicar; Complex of Vocational Schools in Wąbrzeźno - catechist;

2006 – Functionary of The Diocesan Curia designed for organizing Ecclesiastical Court of Toruń Diocese, judicial vicar, didactic work at the Faculty of Theology of Nicolas Copernicus University in Toruń;

2008 – Assistant professor of the Department of Canon Law at the Faculty of Theology of Nicolas Copernicus University in Toruń.

3. Academic activity.

My scientific interests and subjects related to them are concentrated on present theological-legal issues having their practical validation in the Roman Catholic Church functioning. My particular attention is focused on theology of matrimonial law, primarily on sacramental of marriage, its durability and defining reasons causing its nullity. Facing the problem of globalization and mass human migration, my intention is to take up problems of the Catholics wishing to marry non-Catholics, who are frequently in opposition to unchangeable theological Church doctrine as far as unity and indissolubility of marriage is concerned. The problem increases in particular when a non-Catholic, baptised or not, married previously in his/her legal, religious or social system had married earlier a non-Catholic. Next, released from consequences of that marriage, he/she wishes to marry a Catholic. The

problem is both serious and interesting that the Catholic Church standing unchangeably on the foundations of natural law claims that each marriage solemnized and consummated (it refers in particular to the Christened ones) is seriously regarded as indissoluble, therefore it can not be dissolved by any human authority. It must be indicated that the matrimony has been void at its inception (with *ex tunc* effect), the moment of contraction on the grounds of natural law or positive law which a non-Catholic was subjected to, however, it must not be a divorce and may not be taken by it. In arbitrating of matrimony validity, even in case of non-sacramental marriage, the Church is not always able to implement the privileges which She has been allowed, i.e. Pauline and Petrine privileges, because it is not always possible to state sufficient conditions complied to be taken into account. Therefore, it is necessary to search and present the title of matrimony nullity, resulting from the law of a community in which a non-Catholic contracted his/her marriage.

This was the background of my other research interest, i.e. matrimonial law in non-Catholic communities, in particular legal procedure functioning within the Catholic Church community towards non-Catholics. Taking up this questions can bring fruits of particular help for non-Catholics, who wish to resolve their matrimonial problems on the grounds of the Catholic Church.

a) Primary current issues under my interest subjected to research and reflection are based on my personal experience of matrimonial cases settlements. The problems accompanying these cases were revealed in the course of my direct personal contacts with persons, who wished to regulate their matrimonial life on the grounds of the Catholic Church revealing secrets of their conscience. My attitude towards the matters connected with matrimonial law is certainly very detailed, which demonstrates, among others, void of matrimony, studying validity of marriage contract, including sacramental marriage contract from the point of view of the Canon law (created by the Church) and from the point of natural law.

To confirm my involvement in this subject I would like to quote the following articles:

Adjudgment of marriage nullity on the ground of integral simulation together with other grounds of marriage nullity within the consent to marriage in the Roman Rota's juridical decisions, Studia Gdańskie volume 27/2010 – pp. 222-243.

Epilepsy as the cause of marriage nullity in the Roman Rota's jurisdiction, Studia Gdańskie volume 25/2009, pp. 101-113.

Intentions of bonum coniugum exclusion as grounds of marriage nullity in the Rota doctrine and jurisprudence, Jus Matrimoniale Volume 16(22) 2011, pp. 99-116.

Antisocial personality as a cause of nullity of marriage. Jus Matrimoniale, Volume 15(21) 2010, pp. 27-42. Reprint „Małżeństwo jedno i nierozzerwalne”, EtK 2012 pp. 171- 194.

Specific variants of consent to marriage simulation in judicial decisions of the Roman Rota, in: Książka dedykacyjna dla bpa Andrzeja Suskiego 'In fide et dilectione'. Toruń 2006, pp. 111-139.

Homosexuality and the ability of living in celibacy and in married state, Pedagogika Katolicka no. 11 (2/2012) KUL, pp. 89-99.

Attempt to determine „bonum familiae” as an Essentials and autonomous element in the structure of matrimony, in: Studia Pelplińskie V. 46/2013, pp. 135-144.

Article approved for printing: *FAS syndrome and the nullity of marriage* accepted for publication after the review of Rivista Facies Domini Spagna.

Following these articles one can observe that my research is mainly focused on the substance of matrimony, i.e. on its foundations resulting from natural law. Within that space I touched the realities and elements which state its existence (*bonum coniugum*), as a significant component, which can be the base of stating nullity of marriage because of inability of undertaking the spouses good or its preclusion. Research in this matter were performed by me on the grounds of the documents and the Roman Rota's decisions, which demonstrate in this way a certain legal pattern for all the Church.

I also emphasized in my work, on the base of St. Thomas Aquinas, St. Augustine of Hippo, jurisprudence of the Rota, what is practical understanding of the conception of good, what conceptualization of *bonum coniugum* includes in itself. My research indicated that it is a communion of married life, internal personal unity, unity of life and love, however, I also certified that within juridical 'space' (studying in details, among others, invalidity decisions of the Rota), it can be concluded that this conception is not sharp.

On the grounds of nullity or exclusion of marriage, in reference to Ecclesiastical legal proceedings it must be stated, however, that the majority of decisions (on account of the statement of nullity of marriage with *bonum coniugum*) concern inability of undertaking the spouses' good and not its exclusion.

Involvement in these issues is of a great importance from equally: legal, theological and pastoral point of view. Research carried out by me concerning certain ideals and certain matrimonial realities, which testify the marriage existence, find its reflection in the speech of Benedict XVI addressed to the members of Apostolic Tribunal of the Roman Rota from 26th January 2008. The Pope spoke in it about local forms of jurisprudence. Moreover, He encouraged to look at marriage in an anthropological way and at its spiritual dimension. Benedict XVI also accentuated that not everybody who demonstrates some form of inability contracts void marriage, because a human being controls his impulses and because he is also a spirituals creature, possesses immortal soul. To follow the Pope's guidelines and especially the ideals concerning reality, qualities and elements of marriage, this interpretation must be precise. Underestimating this problem, particularly at present times and present mentality can lead to formulating false thesis: that the marriage in its strict sense can not be contracted. Hence, my involvement in research over *bonum coniugum* seems to be justified.

My research work concerning the substance and validity of marriage also included the particular problem – epilepsy. Studying this phenomenon, anthropological look at marriage should be a starting point. It should be remarked, however, that the cause itself – epilepsy in this case – of one party is not a condition of inability of marriage contracting and taking up responsibilities resulting from the fact. Epilepsy is a disease classification, affecting about 1 % of population. Working on the problem I focus my attention on precise determination of the disease elements: scale of disease intensity, its character, frequency, type of disorders, a person's age, circumstances and moment of the disease appearance. Diagnosing and defining these criteria is a necessity for decisions of marriage validity and consent of marriage (also sacramental marriage), proving if that particular personality disorder caused inability of marriage contract of one party. Continuing, the necessity of finding out if as a result of activities of his intellectual-volitive spheres, he/she was unable to take up human action. Particular and exact study of that phenomenon can be a condition of nullity of marriage situated within the frames of natural law.

FAS – fetal alcohol syndrome is another problem of my research interest, which concerns children of alcoholics and the issue seems to be completely new. Looking into this issue is perceived as a necessity to state if persons affected by the syndrome are able within natural law to contract marriage, especially to take up essential marriage obligations. Fetal alcohol syndrome is a problem of modern societies. Apart from existential dimension, it is also characterized by the dimension deeply theological and meaningful as it can determine as well marriage validity. Therefore, my interests are concentrated on studying the conditions defining if persons suffering from that disorder are able to take up essential marriage obligations.

Next problem referring to matrimonial duties, but also life in celibacy concerns homosexuality. I try to arbitrate to what extent homosexuality can be treated as determinism. I started with studying etiology social-cultural determinism and the attempt to define it basing on research and theological documents of the Church. The following issue of that subject within my concern was homosexuality as an appeal to life in celibacy and homosexuality as an appeal to life in marriage. It is significant if at all and to what extent a homosexual is capable of contacting valid marriage. All my studies were conducted on the grounds of decisions of the Roman Rota. In the space of human struggle, this phenomenon also touches the essence of matrimony and in a particular way the problem of taking up marriage obligations. It should be assumed, that if a homosexual is not able to mutual devotion in marriage, due to his sexual preferences, he is not able to fulfill important marriage obligations either, and by that he is not able (by natural law) to contract valid marriage.

The subject concerning dissocial personality finds its reflection both in psychology and in juridical decisions. The significant element of adjudication is determining if a person with antisocial personality with descriptive character is able to express valid matrimonial consent and create a community of marriage life. In the course of studies, I define such a person by distinguishing characteristic behavior, type of personality and I try to estimate to what extent these features can create a cause of inability to contract marriage. Dealing with this problem is especially significant, because the Church teaching frequently touches the problem and emphasizes that it is not the psychical cause which conditions nullity of marriage, but genuine psychical inability. Working on this problem requires also the knowledge of anthropology and psychology.

Intellectual-volitive development implicates an ability to take up human activity, in other words it is an impulse for acting. Human actions are the results of their will and if it is equipped with elements of freedom, even a person suffering from various disorders, but still using his free will is able to take conscious, responsible and motivated decisions. In reference to the facts above, I try to prove in my studies that if a person with some degree of dissocial disorder, or any other, is able to contract marriage. Therefore, I emphasize constantly that in juridical practice, inability to take up essential marriage duties is a subject of permanent and rigorous substantiating. My proving is based in this case also on the Rota's jurisprudence, which in this sphere directs the Church activities.

The following subject of my research on the substance of marriage and consent of marriage is a phenomenon of integral simulation, i.e. exclusion, which invalidity source is based on natural law. The act of will subjected to studies is primarily causality of marriage, in case of simulation it bears hallmarks of serious opposition, which destroys that act.

It is rather frequent cause of nullity in decisions of the Roman Rota and the Church tribunals. The party completing an act of simulation during marriage contracting takes up internal act opposite to marriage. In my work I also defined the way of joining integral simulation with other titles of nullity of marriage within the range of consent to marriage, because of the fact that it creates a particular title to marriage nullity, what makes a substantial element of legal proceedings. The act of simulation assumes determined marriage exclusion by the contractor. The other titles give evidence of inability to express consent to marriage, its fault or conditioning. The fact of marriage consent simulation itself seems to be very expanded conception. Integral simulation takes various forms of acting directed in consequence against marriage. Hence, my studies included also particular variations of marriage consent simulation, following the guidelines of the Roman Rota decisions.

b) Next field of my research interests, except for the subjects listed above, concentrates on general problems related to marriage law, which are directly inscribed into the spheres of the Church care for conscience of good formation and the problem of marriage validity which is first and foremost related to the spouses' conscience. Questions of moral sense touch basic rights and privileges of a Catholic which consist of freedom from sins and possibility of reception of the Holy Eucharist. Working on this research sphere I focused on what is the very own and sole purpose and mission of the Church – granted by Her creator. It

is worth quoting in this place the Apostolic Constitution *Sacrae Disciplinae Leges*, which introduces The Code of Canon Law from 1983. The document points out that Salvation of souls is the principal objective of the Church. The other sphere of my work concentrates on practical Church activity in order to solve the problems of human conscience, in the first place the means by which the Church fulfils its task to order human conscience problems. Legal procedure is regarded as this practical dimension, although it should be remarked that the Canon legal procedure is implemented in a human way, taking into consideration indelible human dignity as a child of God. It is true that matters of conscience and the question of soul salvation are always the supernatural purposes, but in my work I try to arrange these purposes implementing Canon-legal and Ecclesiastic order. It is worth mentioning that the purpose of the Canon order in the Church is strictly united with the Church mission granted by Christ.

On the grounds of my studies of the subject I elaborated and published the following papers:

Diocesan proceedings for dissolution of marriage on favour of the faith according to standards of the Congregation for the Doctrine of the faith from 2001, Łowickie Studia Teologiczne 14/2012 – pp. 155-168.

Application of querela nullitatis in marriage nullity trial according to the Latin Church's procedural regulations, Roczniki Nauk Prawnych KUL – V. XX n.2 /2010 pp. 157-176.

Right of defense in matrimonial nullity causes, Ateneum Kapłańskie, script 3 (601), volume 152, May-June 2009, pp. 346-352.

The direction of my interests in science brought fruits in form of encyclopedic entries defined by me for *Encyklopedia Katolicka (The Catholic Encyclopaedia)* as follows:

Marriage nullity trial, Encyklopedia Katolicka V. XVI Lublin 2012 pp. 423-426.

Plenipotentiary, Encyklopedia Katolicka V. XV Lublin 2011 pp. 258-261.

Promoter of justice, Encyklopedia Katolicka V. XVI Lublin 2012 pp. 480-481.

Relator, Encyklopedia Katolicka V. XVI Lublin 2012 pp. 1387-1388

Appeal in Canon law, Encyklopedia Katolicka-- V. XVII Lublin 2012 pp. 49-50.

Moreover, I was also invited within my professional interest to cooperate in creating entries for *Leksykon Prawa Kanonicznego*, where I am an author of the following entries:

Judicial expenses

Contributions for the Church

Officium

Plaintiff

Respondent

Promoter of Justice

The tribunal of first instance

Judicial Vicar

Taking into consideration my scientific output subjected to discussion it is evident that it mainly concerns legal norms, based univocally on theological foundations.

In the process of nullity of marriage on the diocesan stage initiating the marriage nullity *in favorem fidei* I started studying non-Code norms. It should be remarked, of course, that there are new norms introduced in 2005, which can be implemented particularly in solving the matters of conscience; it concerns marriage contracted between two non-baptised parties or a baptised and non-baptised parties, where Pauline privilege can not be applied. My studies on these proceedings indicate in whose case they can be applied, towards which non-sacramental marriages they can be accepted and fulfilled, who is an addressee of such marriage nullity and what the proof methods and proceeding methods are accessible in these cases. The work demonstrates how to prepare proof methods and where to address them, but also who are the competent persons to implement these procedures.

I am interested in reflection on *querela nullitatis*, because this issue is exceptionally significant from legal, theological, anthropological and social point of view. My studies deliver evidence that *querela nullitatis* applied in marriage nullity process indicates that the Church applies judicial system in a human way, which can not be deprived of certain imperfections. Therefore, in case of an error, there is a possibility to correct it in order to preserve justice and truth. All the Church is directed by that rule, including the Canon law,

which is aimed at the principle of the Church - the soul salvation. Human mistakes can not constitute any obstacles for the Church principles. This situation depicts that the Church is not a perfect community, because it consists of sinful human beings. However, the Church as spiritual community functioning in temporality uses the means which control juridical power to fulfill constantly the cardinal purpose which is leading human beings to God.

The issue which is also discussed in my publication concerns human right to defend. The subject of my attention is the fact that a Catholic has a right to plea and it is guaranteed by innate human and Christian dignity, respected and emphasized by the Church teaching. I always emphasize that the Church applying law uses human means, what constitutes a certain historical dependence relating simultaneously to complete legacy of the Roman law. Concentrating on the above problematic I reviewed the following subject literature :

Urszula Nowicka, *Dispenser of the Sacrament of Marriage*. Historical and legal study, Wrocław 2007; *Ateneum Kapłańskie*, script 3 (601), volume 152, May-June 2009, pp. 405-408.

Szymon Pikus, *Independence of ecclesiastical judge. Ecclesiastical law of procedure*, Sandomierz 2009; *Ateneum Kapłańskie*, script 3 (604), volume 153, November-December 2009, pp. 607-610.

Urszula Nowicka. *Statement of the Orthodox Church believers single status in forum of the Catholic Church*, Warszawa 2012; *Ateneum Kapłańskie*, script 1 (623), volume 160, January-February 2013, pp. 190 -194.

c) I would like to indicate that the range of my research related to the questions of conscience solved within the Church was not limited solely to marriage matters. It results from the nature of legal proceedings, which do not complete all the problem only in marriage questions. There are also court-administrative matters which I turn my attention to, both in research and practice and they refer to dispensation from clerical celibacy and criminal cases. Due to this fact administration functioning in the Church is another branch of my interest, to confirm the fact invoking the publication with my editorial supervision:

ed: Krukowski, Kraiński, Sitarz: *Organization and functioning of administration in the Church*, Toruń 2011.

The publication testifies that the Church is not a perfect community in Her human element, but obviously there are mechanisms where a Catholic, the Church member affected by certain activities has a wide range of possibilities and instruments to achieve justice and truth, what is strictly united with the Church mission – the care for soul salvation. The publication presented above is *strictly* connected with the scientific conference of the canonists taking place in Toruń in 2011. The publication also includes my article:

W. Kraiński, *Supervision of ecclesiastical legal acts* in: *Organizacja i funkcjonowanie administracji w Kościele*, Toruń 2011, pp. 201-215.

The publication presents reflections on all the Church congregation in which that human element requires revision in implementation of governing. My studies find their reflection in the words of the Encyclic of John Paul II *Ut unum sit*, from 25 May 1995 in which the Pope teaches that: ‘Among all the Churches and Ecclesial Communities, the Catholic Church is conscious that She has preserved the ministry of the Successor of the Apostle Peter, the Bishop of Rome, whom God established as Her perpetual and visible principle and foundation of unity and whom the Spirit sustains in order that he may enable all the others to share in this essential good. In the beautiful expression of Pope Saint Gregory the Great, my ministry is that of *servus servorum Dei*. This designation is the best possible safeguard against the risk of separating power (and in particular the primacy) from ministry. Such a separation would contradict the very meaning of power according to the Gospel: ‘I am among you as one who serves’ (Luke 22, 27) — says our Lord Jesus Christ, the Head of the Church. On the other hand, as I acknowledged on the important occasion of a visit to the World Council of Churches in Geneva on 12th June 1984, the Catholic Church’s conviction that in the ministry of the Bishop of Rome She has preserved, in fidelity to the Apostolic Tradition and the faith of the Fathers, the visible sign and guarantor of unity, constitutes a difficulty for most other Christians, whose memory is marked by certain painful recollections. To the extent that we are responsible for these, I join my Predecessor Paul VI in asking forgiveness’ (III/88).

The subsequent space of my interests related to the previous ones is a question of clerical internal problems on the grounds of the Catholic Church. Involvement in those issues made it possible to edit the following publications:

Society of St. Pious X after remitting excommunication of the bishops belonging to FSSPX,
Teologia i Człowiek – ed. 2009 no 1, pp. 159-177.

Dismissal from the ministra in the light of empowerment granted to the Congregation for the Clergy, in: Prawo i Kościół, V.3/2011 – Poznań, pp.147- 163.

Subjects taken up in these articles are essential not only from pastoral point of view, but also from moral-spiritual order in the Church. Regulating matters within the Church community and ordering the matters of conscience of those who left the Church is especially significant for all the Church community. We can observe here specific look of the Church at the power to impose penalty, which the Church possesses and which is implemented in accordance with the norms of Canon criminal law. One must remark, however, that it is completely different from lay criminal law. It differs in its dimension and view, what is expressed, e.g. in imposing Church penalties: censure, penalties binding in the conscience, etc. My next article deals with this problem:

Detailed aretology in the work of St. Ambrosius, bishop of Milan 'On the offices of ministers' and its new propositions of reflections in relation to Stoicism, in: Veritas cum caritate-intellegentia cum amore, Toruń 20011 pp. .663-686.

All issues of my scientific work, including criminal law in reference also to clergy, have their connotation in theology and practical life, supported by the assistance of the Fathers of the Church preaching. Going further, I would like to indicate in my publications that legal procedure, as well as marriage law are deeply rooted in the reality of the Roman law and those societies reality, which to a great extent was adopted by the Church enriching it by theological dimension. My articles often invoke that heritage and these reflections are included in the following article:

Roman citizenship of St. Paul, Zeszyty Naukowe KUL – Year LIII No 1 (209) Lublin 2010, pp. 3-14.

First look seems to give the impression of being far from my general research interest. However, it depicts the basis of authority in the Church, arranges principal definitions on the grounds of all theological doctrine and presents complete understanding of juridical activity of the Catholic Church, which despite directing at transcendental aims, uses human tools. It should be remarked here again that the Church acted and developed at Her beginning on the

grounds of the society in which She existed and employed the means on Her disposal implicating into them Her theological doctrine.

4. General research achievements in present work.

Receiving my PhD degree in law I worked out the monograph of the subjects unknown earlier from both Polish and foreign literature, titled:

The right of the catholic Tribunals to adjudicate nullity of marriages of non-Catholics art. 2-4 Dignitas Connubii, edited by Bernardinum (Pelplin) in 201, with 429 pages - ISBN no: 978-83-7823-224-7, with editorial reviewers: Rev. prof. dr hab. Jan Perszon, UMK Toruń and Rev. dr hab. Mirosław Sitarz, prof. KUL.

The book is a result of my complete scientific work. My monograph proves that the Church guards indissolubility of valid marriage contract. The care for marriage, its indissolubility encompasses not only the members of the Catholic Church, but also non-Catholics, in case where the natural law is the foundation of the marriage indissolubility. Marriage is a sacral reality, therefore the care of the Church is extended to every marriage contract. This Church protection towards marriage dissolubility is depicted not only in public teaching, but also in ministry, administrative activity and preparations for decent contracting the marriage and by careful works of ecclesiastical courts. Today, more often than ever before, in the times of mass migrations, a minister-judge, but also the spouses themselves face the problems of non-Catholic marriages validity, when originally wedded in their societies, after marriage nullity wish to contract marriage with a Catholic party and prove his/her unmarried state in the Church. These problems are also connected with competent and dedicated service of the minister, the Tribunal officers. Serious study requires not only recognizing the case, but also the circumstances of particular persons, the activity must be based on meetings, deep research in case of every party.

The primary question put which can be already answered by studying bibliography is a question of theological and doctrine nature: what is the competence of the church in deciding of non-Catholic marriages invalidity. Invoking the documents of the Church I answer, that ecclesiastical law on the grounds of theological doctrine equips the Church in basic competences to decide of invalidity of marriages of non-baptised non-Catholics, although

they contract non-sacramental marriage, but also that marriage is placed in a kind of 'sacral optics', therefore it is of a sacral character. Sanctity of every marriage, also the natural one gives the Church juridical right over the category of marriages of non-baptised parties, because the reality of marriage is God's reality and a family-married couple has also social character. Marriage is closely related to human dignity and therefore the Church is the safeguard of that reality, also in juridical dimension. It is worth mentioning that the Church has always been performing Her power based on the Bible, what can be depicted by Pauline privilege, mentioned above, where the Church uses it and demonstrates Her superior mission, which is *salus animarum* in case of marriage nullity of both non-baptised parties. The rule *potestas indirecta* can be observed here. Continuing, I would like to add that principal theological base for jurisdiction in case of marriage of baptised non-Catholics is sanctity of marriage state, hence the Church has Her power over it, even when only one of spouses is baptized. It should be remarked, that a non-Catholic having legal interest – i.e. wishing to prove his/her unmarried state within the Catholic Church, turns to Ecclesiastical Court for help and the Tribunal officers should carefully examine the case, what requires proper spiritual and moral formation and intellectual background.

The contents of the monograph presents that in case of non-Christians and those non-Catholics who contacting marriage are directed by the state law, the judge must take into consideration law system of particular state society. Due to the religious pluralism of a certain community we have to do with multiplicity of regulations and laws, primacy must be always given, however to God's law. The conducted survey indicated dogmatic-legal base of the Church in case of the marriage of non-baptised non-Catholics, who from formal point of view are not subjected to the Church jurisdiction. The principle of the Church activity is constituted by the natural law, sanctity of marriage, human dignity in the prospect of salvation and in case of baptised non-Catholics – sacramental of their marriages. Taking legal side into account, the Church activity is justified in jurisdiction towards non-Catholic marriage by widely perceived legal interest. The arguments mentioned above give the Church tribunals deciding marriage nullity, the title to apply in these cases God's Law, as the norm nulling the consent to marriage, keeping simultaneously full respect for positive law, which is the direction for baptised and non-baptised non-Catholics contracting marriage. The Church respect towards the own law of non-baptised persons also concerns those who contract marriage directing by unwritten legal forms, i.e. customary law.

Legislator states that the only legal form to implement by the Church tribunal in decisions of non-Catholic marriages nullity is ecclesiastical legal procedure. Due to this fact there are certain difficulties in applying this rule towards the persons who do not subject to it in terms of:

- defining the tribunal properties. In accordance with legal norms it will be the tribunal defined by law concerning matrimonial trial or will be decided by the Supreme Tribunal of the Apostolic Signatura.
- Notifying the respondent and witnesses who are non-Catholics about court records.
- Collecting the information on legal system according to which the marriage of non-Catholics was contracted. Monographs of legal systems concerning particular groups of non-Catholics, the appendix in the monograph with this contents and indications of direct contact possibilities can turn out to be helpful. It also constitutes the appeal to the tribunal to study and research the problem.

During the evidence proceedings it is recommended to obtain the evidence of the non-Catholic respondent who is not a party in the trial and his non-Catholic witnesses. There are some categories to be distinguished – testimony in the presence of the state notary, recording and a statement of a party. Office documentation of non-Catholic communities, state and private are also of a great importance, but they must be treated by the officer with great caution due to the divorce practice existing at all non-Catholics. Only when the documents do not cause any objections and the case concerns a form or marriage obstacle, can the documentation process be applied, because DC norms state that in decisions referring to non-Catholics, ecclesiastical legal procedure may be applied.

In case of non-sacramental marriages the procedures of *Privilegium Paulinum* or *in Favorem Fidei* should be applied, but there is not always proper applicable legal basis enabling its implementation. In such a case, non-Catholic spouse is entitled to appeal his/her marriage in ordinary contentious trial.

In numerous situations, the ones who left the Catholic Church and made a formal act of apostasy or schism and joined other religious non-Catholic congregations and will be defining themselves as non-Catholics, then in accordance with the Church law they must be aware and must realize their canon law crime and their Catholic identity.

Many non-Catholics contract marriage in accordance with civil law by the art. 2 § 2 n. 2 and art. 4 § 2 n. 2 DC , therefore it should be respected taking into account the form of the state norm – in presented case it is KRO. Among non-baptised non-Catholics there is reference to great monotheistic religions and other religious congregations. The ecclesiastical tribunal is able to obtain the information what is the form of validity of marriage contract and state, what is the character of obstacles of marriage nullity and indicate potential deficiencies of consent to marriage regulated by their own law. In case of non-Catholics, the ecclesiastical judge must be certain that they were not baptised or that the baptism is invalid. The difference between Christian religions and religions of Christian origin should be clearly marked out and sometimes it is necessary to prove the validity of baptism of a particular non-Catholic. The status of baptism constitutes the character of marriage – it becomes sacramental one.

Among baptised non-Catholics we must turn our attention to differentiated law of Eastern non-Catholics, in particular to validity of their marriage expressed in *ritus sacer* – and the blessing as a form of marriage contracting and marriage obstacles in Churches related to the Union of Utrecht.

In plurality of Protestant churches the institution of marriage refers in defining obstacles and the contract of marriage form to state law – which was Luther's and his interpreters idea. In accordance with the rule of *sola scriptura* – Protestant Churches accept only the principles concerning marriage inscribed literally into the Holy Bible. It should be remembered that the Protestants do not approve sacramental character of marriage, but perceiving it as an institution of God's origin, they treat it as social one. They also accept the institution of divorce.

The characteristics of matrimonial law of non-Catholics in reference to claiming unmarried status in the face of the Church is an appeal to more detailed research. It is a difficult issue, because in majority not normalized. Arbitrating many of these questions will enable to complete supreme role of the Church as a safeguard of sanctity and indissolubility of every marriage.

Summing up, the first chapter of the monograph introduces this problematic aspect and presents the semantic-historical analysis of art. 1-4 of Procedural Instruction *Dignitas connubi*. The chapter also includes the basis of the Church competences to pass judgment on marriages of baptised and non-baptised non-Catholics, who are not subjected to the Church

jurisdiction. The foundations of the Church competences refers not only to the doctrine and legislation, but also practical justification in jurisprudence of the Apostolic Signatura.

The second chapter demonstrates the basis of applying God's law in aspect of invalidity of marriage in reference to all non-Catholics, as well as the possibility to apply ecclesiastical law because of its correspondence to law applied by non-Catholics.

The third chapter is devoted to process problems in decisions of invalidity of marriages of non-Catholics in the perspective of theoretical and practical difficulties, which can be faced by the Church tribunal during the procedure of invalidity trial of marriages of persons not subjected to Ecclesiastical law.

The fourth chapter describes matrimonial law of non-baptised unbelievers in accordance with k.r.o. and religious right of the non-baptised persons.

The fifth chapter is a reflection on baptised non-Catholics, who approve sacramental of marriage and the Apostle Succession due to their closeness to marriage institutions of the Catholic Church and the Protestant religions.

Research methods employed in the work consisted of dogmatic-legal method, interpreting legal and theological texts. Analytical method of sources of marriage law of non-Catholics was also used to create systematization frames of their rights for ecclesiastical tribunal purposes. The monograph must serve for searching the truth of marriage state of non-Catholics for both – law theoreticians and the ecclesiastical officers. It can also be used by minister, who meets at present a Church member wishing to marry a non-Catholic being in non-Catholic state of marriage in the past.

5. Didactic activity.

The beginning of my didactic work is simultaneous with my ministry mission. Having been ordained to the priesthood and graduating The Catholic University of Lublin in 1989 I started my work as a vicar in parishes of Brodnica, Grudziądz, Toruń and Wąbrzeźno. Between 1989 – 1990 working as a vicar in Brodnica, I taught religion in church catechetical rooms. In 1990 – 1991 in Grudziądz parish church I was a catechist in the Stanisław Staszic Center of Permanent Education. In Toruń, between 1991 – 1995 I developed my teaching

abilities as a catechist in Samuel Bogumił Linde III Secondary High School. Being a vicar in Wąbrzeźno parish in 1995 – 1999 I also worked as a catechist in Complex of Vocational Schools.

Graduating my studies of Canon law with PhD degree in Canon law in 2002 and the course of jurisprudence at Papal University of the Holy Cross in Rome in 2001 I completed the study at the Tribunal of Roman Rota in 2004. In 2008 I was employed at the Faculty of Theology of Nicolas Copernicus University in Torun as an assistant professor in the Department of Canon law. I conduct classes of Canon law (I, II, III), ecclesiastical marriage law, ecclesiastical marriage and family law, Canon and ecclesiastical law, family law – ecclesiastical and civil and the selected issues of family, administrative and criminal law and social security.

As the Faculty of Theology of NCU employee I have been an advisor of 16 Master's thesis, 1 licentiate and a reviewer of 41 Master's thesis.

6. Organizational and popularizing activity.

During my staying in Rome for the Diocese, I conducted matters connected with dispensation of clerical celibacy. In 2005 Bishop of Toruń appointed me to prepare ecclesiastical court in newly created Toruń Diocese and designated me a juridical vicar. I have been at this office till present, being simultaneously a judge of Archbishop Ecclesiastical Court in Lviv/Ukraine. By the request of Lviv Archbishop and Toruń Bishop my duty is to prosecute cases of dispensation from clerical celibacy and the proceedings specially reserved for Congregation for the Doctrine of the Faith.

Fulfilling my organizational and popularizing activities for Toruń Bishop, I prepared International Scientific Conference of Canon law in Toruń *Organizacja i Funkcjonowanie Administracji w Kościele* (Organization and functioning of administration in the Church)– 7th-8th September 2010, in which I also took part as a lecturer with the paper: *Kontrola kościelnych aktów administracyjnych pod względem legalności i poprawności merytorycznej* (Supervision of ecclesiastical administrative acts as to their legitimacy and meritorical correctness).

My speeches delivered on various meetings include, among others: symposium of ecclesiastical court officers in Łowicz, Olsztyn and Elk, Wąbrzeźno conference on canonization process and the conference: 'Education for life in a family', organized at the Faculty of Theology of NCU on 31st March 2011. For the Synod of Bishops, the Bishop of Toruń appointed me to prepare the statutes of marriage law and jurisdiction, which were included in synod law of Toruń Diocese. As a judicial vicar between 2007- 2012, I passed 177 sentences, including several in the third instance and performed 19 instructions concerning clerical celibacy, also for Lviv Archdiocese.

My output also includes articles for „Niedziela” periodical (Toruń edition): *Kościół nie może łamać prawa Bożego oraz urząd biskupa* (The Church must not break God's law) in: „Sługa” – a publication for seminarists of Higher Theological Seminary and my review edited in *Ateneum Kapłańskie*:

Sławomir Oder con Saverio Gaeta, *Perche e Santo. Il vero Giovanni Paolo II raccontato dal postulatore della causa di beatificazione*, Milan 2010. *Ateneum Kapłańskie*, script 1 (608), volume 155, July 2010 August 2010, pp. 186-190.e

I am a member of the Association of Polish canonists and Polish Theological Society.

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