

## DESCRIPTION FOR THE GENERAL PUBLIC

Proxy marriage (*matrimonium per procura*) is an exception from the principle, applicable under the Polish family law, of concurrent physical presence of prospective spouses at the time of wedding and the principle of personal statements about getting married. According to Article 6 of the Polish Family and Guardianship Code (Kodeks rodzinny i opiekuńczy - k.r.o.) the right to marry by proxy applies to both a marriage contracted in the entirely secular form, i.e. before a registrar or consul, and a marriage contracted in the religious form with the effects in civil law, i.e. in the situation when prospective spouses unanimously declare, in the presence of a clergyman, their will of simultaneous contraction of marriage under the Polish law (art. 1 § 2 of k.r.o.).

*Matrimonium per procura* is not a mass phenomenon in Poland – it is relatively rare in practice. However, when such a case occurs, it causes consternation and poses a problem virtually for all parties involved in the process: Heads of Vital Records Registries, courts, clergy of various denominations, and prospective spouses themselves. This state of affairs is largely due to the fact that even though the formula in question has existed in the Polish law since 1946 and that it has been established in many religious communities for generations, the topic has been quite scarcely studied.

The research project proposed is an attempt to make up for the gaps identified. In comprehensive – and thus detailed – a manner, it attempts to systematize and analyse the rules governing the matter discussed. The project has two main scientific objectives:

1) to identify the specific circumstances when *matrimonium per procura* in the religious form with civil law effect under the Polish law can take place and how this procedure should be applied;

2) to provide a presentation and analysis of internal law of the churches and religious communities with respect to which Polish legislation allows religious marriage with civil law effects, namely: the Seventh-day Adventist Church, Polish Autocephalous Orthodox Church, Christian Baptist Church, Evangelical Church of the Augsburg Confession in Poland, Evangelical Methodist Church, Evangelical Reformed Church, Roman Catholic Church, Polish Catholic Church, Old Catholic Mariavite Church, Pentecostal Church and the Jewish Religious Communities, in terms of marital law.

Collecting, description and compilation (within the research topic) of marital law of all the churches and religious communities, with regard to which the Polish legislation allows the possibility of religious marriage with civil law effect, also constitute a novelty and seem to be really valuable. In most cases, not only is the internal law of religious communities uncodified, but is barely even collected in one coherent set of rules. Even the determination of what item constitutes a normative act in a community and whether the issue is regulated at all by the legal acts of this community is problematic and poses a real difficulty.

A publication of research results, which would include the presentation of relevant norms of marital law exercised by the aforementioned religious communities (or would contain clear information that the issue is not regulated by a given community), seems to be vital and useful both for the practice and theory of law, as well as for social reasons. If we assume that in deciding on the authorization referred to in Art. 6 k.r.o., courts should take into account the internal law of the church or religious community concerned, then a study that includes the regulation sought would be undoubtedly helpful for courts (and law firms) as a source of reference. This issue is also significant because none of the existing rules impose, either on the prospective spouses or on the clergy, the obligation to provide information to the court (certificates) as to the admissibility of *matrimonium per procura* under the law of their religious community; therefore, not only are the courts deprived of information in this regard but they are completely unaware of where, from whom, and how to obtain this information.

From the social perspective, the project should contribute to the dissemination of knowledge and raise legal awareness with regard to marital law of religious communities operating in the Republic of Poland, particularly with regard to minority churches and religious groups, such as Polish Mariavites, Calvinists, and Baptists.

As a final result, the research undertaken within the scope of this project is to be published as a compendium on the topic (a monograph) helpful both to law practitioners dealing with the issues of marriage and theorists of family law in its broadest sense.