

**PREGNANCY AS THE OBJECT OF DECEPTION
(CANON 1098) IN PETITIONS ACCEPTED
BY THE LUBLIN METROPOLITAN TRIBUNAL**

**CIĄŻA PRZEDMIOTEM PODSTĘPU
(KAN. 1098 KPK) W POZWACH PRZYJĘTYCH
PRZEZ SĄD METROPOLITALNY W LUBLINIE**

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Abstract

The addition of a new title of nullity of marriage to the new 1983 Code of Canon Law, and its incorporation into the Code of Canons of the Eastern Churches, indicates the development of canon law in accordance with the principle *ius sequitur vitam*. The legislator clearly indicates the elements of the new legal figure: the intention and purpose of the deceiver, victim, error induced by deceit, and the object of deceit. The inclusion in canon law of the machination intended to obtain marital consent results from the protection of the aggrieved person who has been deceived as to an essential quality of the other party to the marriage contract.

The judge, on the basis of the petitioner's *libellus*, may initiate legal proceedings aimed at finding the truth about the valid conclusion of a particular marriage. A *libellus* is a petition addressed to the tribunal in which the petitioner provides facts on the basis of which the procedural doubt formula is established. The petitions in question come from the archives of the Lublin Metropolitan Tribunal, and they concern cases in which the object of deceit was pregnancy. It should be noted that such a deception, usually perpetrated by a woman, may involve either misrepresentation of the very fact of pregnancy or misrepresentation of the paternity of the child.

Keywords: nullity of marriage, canonical process, victim, perpetrator

Abstrakt

Dodanie nowego tytułu nieważności małżeństwa do nowego Kodeksu Prawa Kanonicznego z 1983 r. oraz umieszczenie go w Kodeksie Kanonów Kościołów Wschodnich wskazuje na rozwój prawa kanonicznego w myśl zasady *ius sequitur vitam*. Ustawodawca jasno wskazuje na elementy nowej figury prawnej: intencję i cel sprawcy podstępu; ofiarę; błąd, który jest skutkiem działania podstępnego; przedmiot podstępu. Ujęcie w prawie kanonicznym machinacji działania, która ma na celu uzyskanie zgody małżeńskiej wynika z ochrony osoby poszkodowanej, która została oszukana odnośnie do istotnego przymiotu drugiej strony umowy małżeńskiej.

Sędzia, na podstawie pozwu, może wszcząć postępowanie sądowe, które ma na celu odnalezienie prawdy na temat ważnego zawarcia konkretnego małżeństwa. Pozew jest prośbą skierowaną do sądu, w której strona powodowa podaje fakty, na podstawie których ustalana jest formuła wątpliwości procesowej. Przeanalizowane pozwy pochodzą z archiwum Sądu Metropolitalnego w Lublinie. Dotyczą one spraw, w których przedmiotem podstępnego działania była ciąża. Należy zaznaczyć, że taki podstęp, dokonany zwykle przez kobietę, może dotyczyć bądź wprowadzenia w błąd odnośnie do samego faktu ciąży, bądź wprowadzenia w błąd odnośnie do ojcostwa dziecka.

Słowa kluczowe: nieważność małżeństwa, proces kanoniczny, ofiara, sprawca

Introduction

Pope John XXIII, considering the demands of many canonists, established the Pontifical Commission for the Revision of the Code of Canon Law on 28 March 1963. The consultors proposed that a new title of nullity of marriage be added to the new Code of Canon Law: *deceptio dolosa* (deceitful misrepresentation). The outcome of the deliberations was a single canon, whose content expresses the ecclesiastical legislator's concern for the victim who was deceitfully led into error about a specific quality of the other contracting party.

In this paper, we will discuss the legal figure of deceitful misrepresentation and the required criteria that a petition is to cite. We will also see examples of all petitions where the object of deceit was pregnancy, considered by the Metropolitan Tribunal in Lublin.

1. *Deceptio dolosa* explained

The added Canon 1098 of the 1983 Code of Canon Law¹ and Canon 821 of the Code of Canons of the Eastern Churches² fall into the category of *error facti*, which has no equivalent in the previous codification. In this prescript, deceit (*dolus*) is defined as a cause of marriage nullity: “A person contracts invalidly who enters into a marriage deceived by malice, perpetrated to obtain consent, concerning some quality of the other partner which by its very nature can gravely disturb the partnership of conjugal life.” The prescript indicates the elements that must exist to prove a deceitful misrepresentation: deceitful conduct, intent and purpose of the deceiver, a victim of the deception, the effect of the deception (error), and the object of deception.

The deceiver’s act is intended to lead the victim into error so that his or her decision to marry will be manipulated. Ignorance of the deception will only attribute the victim’s error to themselves, as mentioned in Canons 1097 § 2 CIC/83 and 820 § 2 CCEO. Thus, deceit causes error, and affects the will of the contractant party indirectly. It transpires, then, that deceitful conduct must be clearly stated in the *libellus*, among other things.

Deceit is intended to obtain marital consent. The purpose of intentional and deceitful conduct is to mislead the prospective spouse about a particular quality of the other party. Inveigling a person into consenting to marry is a prerequisite for declaring a marriage contract invalid. The ecclesiastical legislator requires that the deceiver’s conduct be objective; also, there must be a causal link between a deception and error. Either a contractant or a third party can be a deceiver in this regard [Góralski 2001, 88].

The invalidity of marital consent should not only be sought at the time of its expression, but also in the process of its formation. The ecclesiastical legislator protects prospective spouse from the interference of third parties in their autonomous decision whether to marry or not. The existence of error is a necessary component of deceit, error is caused by deceit

¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317; English text available at: https://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html [henceforth: CIC/83]; legal state as of 18 May 2022.

² *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (18.10.1990), AAS 82 (1990), p. 1045-363 [henceforth: CCEO]; the English translation I used is available at: <https://avemarialaw.libguides.com/c.php?g=265706&p=1776916> [accessed: 27.10.2023].

and could not exist without it [Majer 1998, 124]. The most important thing is that the deceived person is actually in error or remains ignorant about the concealed quality of another. If there is an indication of any knowledge of the quality, there is no deceit in the legal sense [Góralski 1991, 113].

The integral part of the legal figure of Canons 1098 CIC/83 and 821 CCEO is deceitfully induced error. There must be a causal link between the perpetrator's conduct and the resulting error in the victim. A deception alone is not the grounds for nullity since it should cause an erroneous perception of reality and thus impact the will to marry. Error must be the main reason, not one of the motives for marriage [Idem 2004, 107-108].

The new legal figure does not list potential qualities that could seriously disrupt the community of conjugal life, since a closed list would not take into account all circumstances [Rybczyk 1963, 133]. 'Quality' should be understood broadly – it should not refer to only a quality of character associated with personality. According to jurisprudence, this category should include, for example, certain circumstances, or facts or events in the history of a particular person, bearing on marital life, such as children from another relationship, a crime, or education. Qualities can be physical, moral, social, cultural or spiritual; they can be innate or acquired, but they cannot be anything incidental or external, like expectations or false promises [Rola 1986, 215]. Therefore, a quality should be a current, real, specific and precisely defined attribute [Majer 1998, 136]. It should "by nature" be capable of seriously disturbing the community of marital life – that is, it should be able to do this by itself, having the inner ability to do so [Góralski 2004, 118].

The disturbance of the partnership has to be grave, as indicated in Canon 1098 CIC/83. Simply anticipating difficulties in married life is insufficient. The canon also does not mention that a serious disturbance has already occurred, but its possible occurrence is implied (*potest*). Therefore, the ecclesiastical legislator points to the severity of the quality as a potential cause of disruption rather than the actual conflicts associated with it [ibid., 125].

2. The content of the *libellus*

The Catholic Church is competent to recognise and adjudicate marriage cases of baptised persons (Canons 1671 CIC/83 and 1357 CCEO). The current Codes contain various formulations that merit our attention. The CIC/83 contains the expression that matrimonial matters belong *ad*

iudicem ecclesiasticum (to the ecclesiastical judge), while in the CCEO the expression is *ad Ecclesiam* (to the Church). The term *ad Ecclesiam* is more appropriate, since the declaration of presumed death, dissolution of marriage that benefits the faith, or unconsummated marriage are matters of administrative process, not litigation.

The principle *nemo iudex sine actore* is respected in canon law, for a judge cannot initiate a process unless asked to by a person capable of doing so. The right to challenge a marriage is vested in Catholic and non-Catholic spouses, as well as the promoter of justice in situations where the invalidity of the marriage is made public, and where it is not possible or advisable to convalidate it (Canons 1674 CIC/83 and 1360 CCEO). The ordinary contentious process ensures greater justice, so nullity cases cannot be handled in an oral contentious process (Canons 1690 CIC/83 and 1375 CCEO; Article 6 of *Dignitas connubii*³).

A petition, according to Szytchmiller, is necessary for the benefit of the parties and the sake of the judge. It ensures the petitioner the option to formulate a demand, based on which the judicial route can be pursued to assert the petitioner's rights. The respondent can learn about the petitioner's claim, and the judge is enabled to deal with the matter in dispute [Szytchmiller 2003, 46-47]. DC indicates the role of the judicial vicar (official), who, when the petitioner is impeded in his presentation of a *libellus*, can order the notary to put the petition in writing, which has the same legal force as a libellus submitted by the petitioner (Canons 1503 CIC/83 and 1186 CCEO; Article 115 § 2 DC).

The judicial vicar, after reviewing the content of the *libellus*, should issue a decree accepting or rejecting it (Canons 1505 CIC/83 and 1188 CCEO). Once the *libellus* has been accepted, the respondent is to be notified immediately, and a citation containing the decree of citation and the *libellus*, in order to ensure his or her full right to participate in the trial (Canons 1508 CIC/83 and 1191 CCEO; Articles 114-125 DC). Based on many concordant opinions among canonists, Majer indicates that the citation

³ Pontificium Consilium de Legum Textibus, *Instructio „Dignitas connubii” servande a tribunalibus dioecanis et interdioecesanis in pertractandis causis nullitatis matrimonii* (25.01.2005), Libreria Editrice Vaticana, Città del Vaticano 2005; English text available at: https://www.vatican.va/roman_curia/pontifical_councils/intrptxt/documents/rc_pc_intrptxt_doc_20050125_dignitas-connubii_en.html [henceforth: DC].

and the decree of the official are mandatory procedural acts that are based on natural law. Their absence can be grounds for challenging the sentence [Majer 2002, 167-68]. In a situation where the respondent refuses to attend the trial, the judicial vicar, having made sure that the respondent has been duly notified, should apply the provisions on non-appearance of the parties referred to in Canons 1592-1595 CIC/83 and 1272-1275 CCEO.

According to DC, a *libellus* in a nullity case must: indicate the competent tribunal and the object of the case (i.e., the specific marriage), request a hearing, provide the reason for petitioning, that is, the ground or grounds of nullity, present general facts and evidence supporting the petitioner's claim, bear the signature of the petitioner or his attorney, show the exact date, specify the residence of the petitioner or his attorney (or postal address), and specify the respondent's domicile or quasi-domicile of the other party. In addition, an authentic copy of the marriage certificate must be attached, and, if required by the case, a copy of the civil divorce decree (Article 116 DC). The Instruction encourages both spouses to take an active part in the process "in order for the truth to be more easily discovered" (Article 95 DC).

In a trial *coram Episcopo*, or so-called summary trial before a bishop, the *libellus* should also be presented by both spouses or by one with the consent of the other. In this case, the *libellus* must be accompanied by evidence indicating the circumstances of facts and persons, which will be supported by testimony and documents. They must incontrovertibly indicate the invalidity of the marriage, that is, without the need for a detailed examination or investigation (Canons 1683 CIC/83 and 1369 CCEO). In the Apostolic Letters *motu proprio Mitis Iudex Dominus Iesus*⁴ and *Mitis et misericors Iesus*,⁵ in 2015, Pope Francis reformed the prescripts of both Codes regarding cases for the declaration of nullity of marriage. In Article

⁴ Franciscus PP., Litterae apostolicae motu proprio *Mitis Iudex Dominus Iesus* quibus canones Codicis Iuris Canonici de Causis ad Matrimonii nullitatem declarandam reformatur (15.08.2015), AAS 9 (2015), p. 956-70; English text available at: https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150815_mitis-iudex-dominus-iesus.html.

⁵ Franciscus PP., Litterae Apostolicae Motu Proprio datae *Mitis et misericors Iesus* quibus canones Codicis Canonum Ecclesiarum Orientalium de causis ad matrimonii nullitatem declarandam reformatur (15.08.2015), AAS 9 (2015), p. 946-57; English text available at: https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150815_mitis-et-misericors-iesus.html.

14 § 1, both letters refer to the said circumstances of things or persons that allow the application of a process *coram Episcopo*. Among them are circumstances of a marriage contracted for a reason completely foreign to married life or a woman's unexpected pregnancy.

3. The content of selected petitions received by the Lublin Metropolitan Tribunal

In the archives of the Lublin Metropolitan Tribunal, there are petitions in which marriages were challenged by reason of deceitful misrepresentation, where the object of deception was pregnancy. The oldest files relate to a process that ended in 2000, and the most recent ones are from 2019. Upon examination, we see there are two types of a person's quality, that is, deceit concerning the paternity of the child and lying about the woman's alleged pregnancy. Most of the cases were of the first type, in which elements of the legal figure of Canon 1098 CIC/83 could easily be found, which is deceitful conduct, the deceiver's intent, a victim of deceit, deceitfully induced error, and a quality.

Among the process records examined, in two cases action was filed by the deceiver. In the case c. Cieszkowski of 17 November 2000, the petitioner asked the court to declare her marriage, contracted in 1990, invalid by reason of having been deceived. Since May 1989, the woman had been the fiancée of the baby's father. In December that year, having learnt of the pregnancy, she decided to tell the man about it. Unfortunately, she found him cohabitating with another woman, which is why she ended her acquaintance with him without informing him of her pregnancy. In February 1990, she met the respondent, they quickly started an intimate relationship, and after a month she communicated to him that she was pregnant with him. The respondent quickly agreed to marry her. The petitioner stated: "[...] all this time I wouldn't say that I was pregnant with someone else because I was afraid he would dump me." After the birth, the respondent realized that it was not his child, he abandoned the petitioner while she was still in the hospital. The woman spoke with the man after leaving the hospital: "[...] we made up, he acknowledged the child as his own." Over time, they had a child together, but immediately after its birth, the respondent filed for a civil divorce because he was dating another woman.⁶

⁶ Lublin Metropolitan Tribunal, file no. I/2000/5052.

The responding party, unfortunately, ignored the *libellus*, and was therefore deemed absent from the trial. It is extremely rare for a deceiver to ask the court to declare a marriage invalid, much less citing only one title of invalidity and on his part. The victim's testimony would provide an extremely valuable research material, so would the attitude to the harm suffered and the canonical process.

The second statement of claim comes from the file c. Bzdyrak of 12 August 2019. The petitioner, at the age of eighteen, started a relationship with the respondent, three years older than herself. They quickly engaged in sexual relations with each other, the outcome of which was a pregnancy. She also learned of the petitioner's cases of infidelity but decided to forgive the man for the sake of the child: "Pregnancy became the main reason for getting married; I was young, scared, I didn't have the right support, I felt strong pressure from my father." The parties were married in 2009. After two years, the petitioner left the respondent because his gambling addiction was aggravating, the symptoms of which she had already seen during their premarital acquaintance.⁷ This lawsuit, unfortunately, did not meet the criteria of deceitful misrepresentation, because the petitioner herself admitted that her pregnancy was the reason for the marriage, but there was no deception on her part, which should have been conscious and with the intent to mislead in order to obtain marital consent.

Several other lawsuits also relate to deceitful misrepresentation of the child's paternity. Their content is quite different, as the victim accuses the deceiver of fraud. There was also a response from the respondent to the charges against him, which typically make it clear that the perpetrator is not fully convinced of his guilt. In such cases, it must be demonstrated that the perpetrator was aware of the deceitful conduct.

The file of the case c. Cieszkowski of 1 December 2005 contains a claim in which the petitioner describes the beginning of his relationship with the defendant. They met in May 1976, and after a month started a sexual relationship. After the summer holidays, the respondent announced that she was pregnant. Without asking how old the pregnancy was, the man took the woman's word for it: "Our acquaintance, although so short, had to end with a wedding without us knowing each other intimately." At the end of 1976, a son was born. The petitioner wrote: "I and my family

⁷ Ibid., no. I/2017/540.

were surprised by the fact that it was too soon after our wedding and our first contact. My wife's family, in contrast, argued that it was due to holiday fatigue [...]. I believed that and, frankly, I was a little ashamed to look into the matter more, and so I left it that way." During an interview in 2004, the woman said that N. was not his child, and he had no right to him, only that she was the mother, and he was not his father. Having heard those words, the man turned to the Department of Forensic Medicine in Lublin for genetic testing, which ruled out his paternity. In addition, the petition includes information about the mental illness of the respondent's father, of her and also of her son.⁸

The case, with a sentence *c. Cieszkowski* of 21 September 2006, includes a petition in which the false paternity of the child is made clear. The acquaintance began in 1995, which was characterized by longer intervals between meetings. In 1998, before going to the army, the respondent told the petitioner that she was pregnant. The child was born in early 1999. The respondent wrote that his wife had been cheating on him, and during one serious conversation she stated that he was not the child's father. The petitioner, citing the result of genetic testing, claimed that he was not the biological father of the child. This information brought about a separation and civil divorce through the fault of his wife.⁹

The petition in a nullity case with a sentence *c. Bzdyrak* of 10 July 2014 contains information that the petitioner, aged eighteen years, met the respondent three times at a disco club. During their last meeting they went to her house, where he was intoxicated with alcohol by the woman's father. In the morning, he woke up in bed in his underwear, and the respondent informed him of their intercourse last night. After three months after the incident, the woman found the petitioner and told him that she was pregnant with him. The petitioner's parents, despite his explanations, coerced him into marrying the respondent. In his petition, the man wrote: "[...] had it been obvious that it wasn't my child, my parents wouldn't have forced me to get married." After their marriage, they moved in with their in-laws, from where the petitioner was thrown out because he refused to suffer humiliation and exploitation at work. He bought a flat, where they moved in with his wife and child. The woman would betray her husband,

⁸ *Ibid.*, no. I/2005/5846.

⁹ *Ibid.*, no. I/2006/6011.

and after one of the many rows, she left home with the child. In a phone conversation, she told him to let them alone, because the child was not his and he would have no contact with the child. The man, taking the opportunity to obtain genetic material from the child, did private tests that ruled out his paternity. Based on these, a forensic reexamination was ordered, which confirmed the previous result. The respondent, in her reply to the *libellus*, stated in writing: “[...] my ex-husband knew that I was not pregnant with him, but he accepted this fact and did not hold it against me.”¹⁰

The woman’s response shed a different light on the petition c. May of 24 April 2017. The petitioner informs that the parties met in late 2005. In early 2006, they were a couple, and they began cohabiting in September of the same year. After two years of cohabitation, they separated for several months. At the time, the respondent had other partners. After renewing the relationship, the parties decided to care more about it. In late 2008, the respondent announced her pregnancy and “[...] implied that I was the father of the child; as it later turned out, someone else was the father; the respondent once again cheated on me. Thinking that I was the father of the child I proposed to her.” They married in April 2009, but disagreements started a year after the marriage, when the respondent became certain that the petitioner was not the child’s father. He stated that this fact was the reason why she stopped fulfilling her marital obligations. The man learned that he was not the father of the child only after the divorce. The respondent stated in her response to the petition that at the time of the pregnancy “[...] she had no doubt that it was the plaintiff’s child.” She added that only when genetic tests were done after the divorce did it become clear that the petitioner was not the father.¹¹ This shows that until the tests, the respondent believed that the petitioner was the child’s father. From the information provided, it appears that only the testimony of the parties can help find the truth.

Of the files examined, a very interesting petition can be found the case c. Dudziński of 28 May 2018. The petitioner was represented by an attorney, who was a church advocate. The petition includes information that both parties were nineteen years old when they met. Less than a year after the beginning of their acquaintance, the respondent revealed she was

¹⁰ Ibid., no. I/2014/7706.

¹¹ Ibid., no. I/2016/187.

pregnant. The petitioner proposed marriage: “[...] it was a natural thing to do for him.” In October 2006, they entered into a civil union, and in December of that year, a baby was born. They were sacramentally married in April the following year. In June, the husband went to the army, and upon his return, his friends informed him that he was probably not the father of the child and that his wife was seeing another man. The petitioner tried to save the marriage but learnt from his wife that he was not the father of the child, which became the reason for the definite breakup of the marriage. To avoid paying alimony, the petitioner filed a paternity denial case.¹² It follows from our analysis of this petition that the advocate tried to clearly present the elements of the legal figure of Canon 1098 CIC/83. Unfortunately, the lack of a response from the respondent makes it possible to learn about the case only from the perspective of one party.

Among the case files examined, two petitions were found with presumption of pregnancy. The petitioner was always the victim of deceit. The first case involved a deliberate deception perpetrated by a woman who used a false medical certificate to extort marriage consent despite the man’s continued reluctance. In the case *c. Guz* of 22 February 2011, the plaintiff stated facts related to the beginning of their acquaintance. He did his military training at the age of twenty. Like other soldiers, he wanted to meet his girlfriend on leave. A friend suggested that he meet a 19-year-old woman, giving him her address, which prompted their acquaintance. During the third meeting, he learnt of her pregnancy, which was supported by a medical certificate. The petitioner wrote that “[...] he didn’t know her very well, he didn’t see his future with her.” The woman pushed hard for a wedding, but he and his parents were against a quick marriage. Nevertheless, the woman resolved to get married and started preparations with her parents, but there was not even an engagement. All this time, the petitioner was in the military and was not interested in preparing for the wedding. During the court hearing – as he was not yet of the prescribed age – the respondent produced a falsified medical certificate of pregnancy. The man admitted: “[...] until the last moment before the wedding I had doubts about whether I was doing the right thing, but I tried to explain everything with the good of the child.” The day after the wedding, the petitioner returned to the military unit, and the respondent moved in with his parents.

¹² *Ibid.*, no. I/2017/305.

The woman would get drunk, which was the reason she returned to her family home. Their marriage practically didn't exist, because the petitioner was in the army the whole time – they only met during his leave. In one conversation, she admitted to not being pregnant and that she had falsified the certificate with a doctor she knew. After the wedding, she had become pregnant with another man. This information aroused a feeling of being deceived in the petitioner. He left his wife after six months of marriage.¹³

In the other case, c. Bzdyrak of 7 March 2019, it was difficult to prove only on the basis of the petition the formula of procedural doubt as deceitful conduct on the part of the woman. The petition itself did not furnish enough evidence to apply Canon 1098 CIC/83. In addition, the respondent gave this reply to the petition: “[...] the reason for the marriage was a suspected pregnancy. I deny misleading him on purpose.” The petitioner characterized the time of their acquaintance prior to the wedding as very turbulent, and at the time when he wanted to end it, he found out about her pregnancy. He also added that the woman “[...] was a very possessive person and wanted to own him.” The couple was married in 1998. A few weeks after the wedding, it turned out that the pregnancy was false. During their marriage, they had two children. The man learnt that the woman had undergone psychiatric treatment before the marriage, of which he was not told. The disease returned, in 2005 they were separated, but for the sake of the children the petitioner decided to save the marriage.¹⁴ Our analysis of the petition and the respondent's reaction, it was difficult to identify the elements of deceitful misrepresentation. A more appropriate title of nullity would be error concerning the person (Canons 1097 CIC/83 and 820 CCEO).

Conclusion

Canons 1098 CIC/83 and 821 CCEO included the elements of a new legal figure that must exist cumulatively to challenge the validity of a concluded marriage. From the wording of the canon, it follows that the essence of the provision is the existence of deceit in order to obtain marital consent from the contracting party. It should be noted that deceitful conduct

¹³ Ibid., no. I/2011/6822.

¹⁴ Ibid., no. I/2017/579.

alone is insufficient, the defectiveness of consent is determined by the resulting error in the prospective spouse, which was instrumental in the formation of marital consent. The presence of deceit makes it possible to apply the provision *deceptio dolosa*, rather than citing the error of person referred to in Canons 1097 CIC/83 and 820 CCEO.

A *libellus*, by its nature, has no evidentiary value, but on its basis a judge may initiate a canonical process. The petitioner, meeting the formal requirements, should clarify in the statement of claim the specific grounds that can support his or her claim regarding the invalidity of the marriage. It would be difficult to require a precise indication of all the elements of deceitful misrepresentation, so the judicial vicar, proposing the title of procedural doubt, provides an opportunity to find the truth about the existence of deceitful misrepresentation through the instruction of the case.

The *libellus* in question involved deceitful misrepresentation about the person's quality, which was pregnancy. In most cases, the petitioner was the victim of deceit. It is also worth noting the difficulty of clearly identifying the deceitful conduct of the perpetrator when he does not respond to the citation or does not actively participate in the process. The best chance of ascertaining the truth is by means of evidence – that is, statements of the parties, especially judicial or extrajudicial admissions, statements of credible witnesses and documentary evidence.

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