

## RENUNCIATION OF APPEAL BY THE DEFENDER OF THE BOND OF THE APPELLATE TRIBUNAL (CANON 1636 § 2)

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### Abstract

The article addresses the renunciation of appeal of the defender of the bond of the appellate tribunal that was brought by the defender of the bond at the court of first instance. This issue is being discussed owing to the marriage process reform implemented in 2015. That problematic aspect must always be considered with the unique nature of canonical marriage process in mind and responsibility for the decisions made. Also, consideration must be given to the social dimension of the ruling handed down by the Church, which is expected to reflect the truth of the appealed marriage. There is no doubt that the renunciation of the appeal by the defender of the bond of the appellate tribunal, brought by the respective defender of the court of first instance seems exceptional in the light of historical, legal and doctrine's arguments presented in this article and can by no means lead to injustice in the Church judiciary, particularly with regard to matrimonial cases. It goes without saying that it is the defender of the bond at the court of first instance who knows the case from its very beginning, follows its course and presents his remarks, including his option to bring an appeal to the ecclesiastical court of second instance. For that reason, such an appeal should be treated with utmost responsibility. Arguments adduced here are derived from the current legislation, the teaching of the Roman pontiffs, and the position of the canonical doctrine all indicate that the rejection of appeal by the appellate tribunal's defender of the bond, brought by the corresponding defender of first instance, should be an extraordinary measure that is very well justified. Despite the said legal option, the article makes a case for not using the canonical norm in ecclesiastical judicial practice, mainly because it was promulgated at the time when there was an obligation to hand down two affirmative sentences for a new marriage to be contracted in the Church. That situation changed after 2015, hence the postulate to amend Canon 1636 § 2.

**Keywords:** appeal, instance, defender of the bond, truth, procedural reform

## Introduction and outline of the contemporary context

Gian Paolo Montini, who last year published an article on the renunciation of appeal by the defender of the bond in a new nullity process, as stipulated in Canon 1636 § 2 of the 1983 Code of Canon Law,<sup>1</sup> made it very clear that this issue was discussed rather soon after Pope Francis published his apostolic letter *motu proprio Mitis Iudex Dominus Iesus*<sup>2</sup> in 2015 [Montini 2023, 1]. The cited norm of the Code first states that “the appellant can renounce the appeal with the effects mentioned in can. 1525” (Canon 1636 § 1), namely that “a renunciation accepted by the judge has the same effects for the same effects for the acts renounced as the abatement of the trial; it also obliges the renouncing party to pay the expenses for the acts renounced” (Canon 1525); and also what constitutes the subject of the statement: “If the defender of the bond or the promoter of justice has brought an appeal, the defender of the bond or the promoter of justice of the appellate tribunal can renounce it, unless the law provides otherwise” (Canon 1636 § 2).

Incidentally, we should be reminded that the subject of appeals has been studied extensively, also in commentaries on the procedural law amended in 2015, some of which are general statements that unfortunately do not address the concrete, sometimes difficult and questionable procedural issues of interest to ecclesiastical judiciary employees and which arose following the 2015 reform. Interestingly, appeals used in the currently regulated matrimonial process is a constantly recurring topic, as illustrated not only by the referenced article of the Italian jurist, but also by a lecture delivered on 12 March 2024 delivered by Prelate Auditor Grzegorz Erlebach, a judge of the Apostolic Tribunal of the Roman Rota, as part of the monthly

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<sup>1</sup> *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](https://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html) (legal state as of 18 May 2022) [henceforth: CIC/83].

<sup>2</sup> Francis, *Litterae apostolicae motu proprio Mitis Iudex Dominus Iesus quibus canones Codicis Iuris Canonici de Causis ad Matrimonii nullitatem declarandam reformatur* (15.08.2015), AAS 107 (2015), p. 958-70; English text available at: [https://www.vatican.va/content/francesco/en/motu\\_proprio/documents/papa-francesco-motu-proprio\\_20150815\\_mitis-iudex-dominus-iesus.html](https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150815_mitis-iudex-dominus-iesus.html) [henceforth: MIDI].

meetings of the Archsodality of the Roman Curia, titled “Le questioni *de jure appellandi* nella recente giurisprudenza rotale”.<sup>3</sup>

Before the procedural reform ordered by Pope Francis in 2015, Canon 1636 stipulated identically, and – importantly – this norm was not subject to amendment. Nevertheless, at that time, two affirmative sentences were necessary for one to obtain canonical capacity for a new ecclesiastical marriage. Also, the provision of the 2005 instruction *Dignitas connubii* is still in force,<sup>4</sup> clearly stipulating in Article 279 § 2 that “without prejudice to the requirement of art. 264, the defender of the bond is bound by office to appeal, if he considers the sentence which first declared the nullity of the marriage to be insufficiently founded.” Thus, as DC prescribes, the subject of appeal today should be not only the matrimonial process itself, or some of its selected elements, but also an inadequate justification for an affirmative sentence.

Commenting on the canon in question, but before Pope Francis’ procedural reform, Richard Sztymmler pointed out this: “Prof. Pawluk (*Prawo kanoniczne według Kodeksu Jana Pawła II*, vol. 4, p. 301), that even if the defender of the bond withdraws his appeal in the appellate tribunal, this does not suspend the consideration of the case after a sentence in first instance is issued declaring the marriage invalid.” He also noted: “It is not clear whether pursuant to Canon 1636 § 2 only the defender of the bond and the promoter of justice of higher instance, or also those of lower instance, can renounce the appeal. Canon law scholars are divided in this respect (F. Della Rocca, *Uno sguardo al nuovo Codice di Diritto Canonico*, in: *Giustizia e servizio* [FS de Rosa], Napoli 1984, 154; Lüdicke, *Prozessrecht, ad 1636/2*)” [Sztymmler 2007, 295].

There is no question that the issues related to the renunciation of appeal by the defender of the bond of the appellate court should always be considered in the specific context of canonical matrimonial process, and in the context of responsibility for the decisions made, with due regard for the social impact of the sentence. The process is supposed to bring out

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<sup>3</sup> See also Erlebach 2018, 17-44.

<sup>4</sup> Pontifical Council for Legislative Texts, Instruction to be observed by diocesan and interdiocesan tribunals in handling causes of the nullity of marriage *Dignitatis connubi*, [https://www.vatican.va/roman\\_curia/pontifical\\_councils/intrptxt/documents/rc\\_pc\\_intrptxt\\_doc\\_20050125\\_dignitas-connubii\\_en.html](https://www.vatican.va/roman_curia/pontifical_councils/intrptxt/documents/rc_pc_intrptxt_doc_20050125_dignitas-connubii_en.html) [henceforth: DC].

the truth about the contested marriage. Also, there is a long church tradition behind it and many changes in its legal make-up. Therefore, it needs to be carried out very thoroughly, in line not only with the applicable formal canonical procedural law but should also include a correct interpretation of the substantive canon law governing marriage.

The two above-mentioned areas pertaining to canonical adjudication on the invalidity of a contested marriage are evidently important and formally distinct, may be the subject of a possible appeal from the defender of the bond, but if a serious violation of the very structure of the modern canonical matrimonial process occurs, in particular its fundamental elements, he will also have the option of filing a complaint of nullity.

The defender of the bond performs his tasks in three forms of matrimonial process: in the ordinary trial (practically the most common type of trial pending before ecclesiastical courts of first instance), trial before a bishop, and documentary trial.<sup>5</sup> Hence, following the Italian canonist, who also notes in the referenced article that the subject in question has elicited emotional reactions from employees of ecclesiastical courts, it seems expedient to look at these issues from a practical vantage point, if only in synthetic form, in order to see why it has a special significance.

Now, we find ourselves ready to analyse the following judicial scenario. The defender of the bond at the ecclesiastical court of first instance, arguably having carefully examined the case and considered of the legitimacy of the appeal, has decided to appeal against the affirmative sentence declaring the invalidity of the marriage (no doubt expected by the parties concerned), issued by the court of first instance. As is generally known, in such a case we are dealing with a serious and no doubt difficult decision of the defender of the bond, with a great deal of responsibility, which is probably at odds with the expectations of the party (or parties) to the trial and, as it were, awkward to the judges who issued the affirmative sentence, and possibly to the diocesan bishop, too, who is the moderator of the ecclesiastical court. Besides, we may be dealing with the last bastion defending the indissolubility of marriage, because in line with the 2015 procedural reform, where a second affirmative sentence is not required and an appeal has not been brought, there is a possibility of contracting a new canonical marriage. And what happens now? After the case is referred to the appellate

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<sup>5</sup> See Montini 2017, 301-39.

tribunal, the defender of the bond of that tribunal renounces the appeal, prepared no doubt with considerable effort by the former, and the case is closed definitively, giving rise to various comments, or even bitter feelings [Montini 2023, 2].

To gain a solid understanding of the issue in question, we need to look synthetically at the tasks of the defender of the bond of the court of first instance, which the respective defender of the appellate tribunal is most likely familiar with, too.

### 1. Tasks of the defender of the bond (synthetically)

The fact that Pope Benedict XIV introduced the office of defender of the bond by his constitution *Dei miseratione*<sup>6</sup> (1741) was due to his practical concern for the due protection of indissolubility of marriage in canonical marriage process, directly motivated by the abuses that occurred in cases of nullity of marriage, including in the practice of ecclesiastical courts in Poland at the time. The papal law posited that the defender of the bond was always obliged to appeal against the first affirmative sentence and had the prerogative – but not the obligation – to appeal to a court of third instance if, in conscience, he considered two unanimous affirmative sentences to be unjust [Wojcik 2005, 89ff.].

Successively, in the 1917 Pio-Benedictine codification, the universal legislator reiterated the existing obligation of the defender's appeal after the first sentence that declares the nullity of marriage;<sup>7</sup> moreover, such an appeal would still be possible “after the second sentence that confirms the nullity of the sentence.”<sup>8</sup> Moreover, if the defender of the bond failed to

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<sup>6</sup> Benedict XIV, *Constitutio Dei miseratione* (03.11.1741), in: *Codicis Iuris Canonici Fontes*, vol. I, ed. P. Gasparri, Romae 1923, p. 695-701.

<sup>7</sup> “A prima sententia, quae matrimonii nullitatem declaraverit, vinculi defensor, intra legitimum tempus, ad superius tribunal provocare debet; et si negligat officium suum implere, compellatur auctoritate iudicis.” *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, p. 1-593 [henceforth: CIC/17], Canon 1986.

<sup>8</sup> “Post secundam sententiam, quae matrimonii nullitatem confirmaverit, si defensor vinculi in gradu appellationis pro sua conscientia non crediderit esse appellandum, ius coniugibus est, decem diebus a sententiae denuntiatione elapsis, novas nuptias contrahendi” (Canon 1987 CIC/17).

file an appeal within the statutory period after the first affirmative sentence, then the presiding judge of the tribunal is to urge him to do so as prescribed by the instruction *Provida Mater*<sup>9</sup> (1936).

The current post-conciliar codification, on the other hand, provides: “A defender of the bond is to be appointed in a diocese for cases concerning the nullity of sacred ordination or the nullity or dissolution of a marriage,” whose duty is to “to propose and explain everything which reasonably can be brought forth against nullity or dissolution” (Canon 1432 CIC/83). Thus, he is specifically obliged to defend the indissolubility of marriage. This duty naturally entails the possibility, or even the necessity, of filing an appeal, his presence in the trial is mandatory, while the practical and specific tasks of the defender of the bond are spelled out in Article 56 § 3 of DC: “In every grade of trial, the defender is bound by the obligation to propose any kind of proofs, responses and exceptions that, without prejudice to the truth of the matter, contribute to the protection of the bond.” Thus, in the context of issues we are dealing with, we see that the defender of the bond bears serious responsibilities in matrimonial process, pertaining to its various stages.

Another important source that covers the procedural tasks of the modern defender of the bond is no doubt the rostral magisterium of the Roman pontiffs, particularly that of Pope John Paul II, who pointed out in his address to the Apostolic Tribunal of the Roman Rota in 1988 that in recent times there have been tendencies to reorganise the role of the defender of the bond, as a result of which could lead to serious damage to the proper administration of justice in the Church. Therefore, the pope pointed out that he felt obliged to remind that the defender of the bond, according to the norm of Canon 1432 is bound (*tenetur*) to carry out its procedural task “in a serious manner”.<sup>10</sup>

<sup>9</sup> “Defensor autem vinculi a prima sententia, matrimonii nullitatem declarante, ad superius tribunal provocare tenetur intra legitimum tempus; quod si facere negligat, auctoritate praesidis compellendus est (cfr. can. 1986).” Sacred Congregation for the Discipline of the Sacraments, Instructio servanda a tribunalibus dioecesanis in pertractandis causis de nullitate matrimoniorum *Provida Mater Ecclesia* (15.08.1936), AAS 28 (1936), p. 313-61, Article 212 § 2.

<sup>10</sup> John Paul II, *Ad Romanae Rotae Auditoris simul cum officialibus et advocatis coram admissos, anno forensi ineunte* (25.01.1988), AAS 80 (1988), p. 1178-185; English text available (without paragraph numbering) at <https://www.vatican.va/content/john-paul-ii/>

In what followed, John Paul II made it clear that “the necessity of carrying such an obligation assumes a particular importance in those marriage cases [...] which have to do with the psychic incapacity of the contracting parties.” Nowadays, this incapacity is the main motive for challenging marriages in ecclesiastical courts. The pope noted that he wished to confine his remarks to two points of which the defender of the bond should be particularly mindful – namely, the appropriate anthropological view of the person contracting marriage and the canonical conclusions resulting from the presence of manifested psychopathology (*Ad Romanae Rotae*, no. 3).

Speaking in this context of the role of the defender of the bond, that is, his role in mental incapacity trials, the pope recalled that “the defender of the bond, in cases involving psychic incapacity, is called therefore to refer constantly to an adequate anthropological vision of normality in order to compare with it the results of the reports of the experts.” Specifically, his task is to “pick out and indicated to the judge possible errors arising in this matter”, primarily when moving from psychological and psychiatric categories to canonical ones. “In this way, the defenders of the bond will help in preventing the tensions and difficulties, inevitably involved in the choice and achievement of the ideals of marriage, from being confused with the signs of a serious pathology. They will prevent the subconscious dimension of ordinary psychic life from being interpreted as a condition which removes the substantial freedom of the person. They will also prevent every form of dissatisfaction and maladjustment in the period of a person’s human formation from being understood as a factor which necessarily destroys even the ability to choose and realize the object of matrimonial consent” (no. 10).

What is more, the defender of the bond must “take care that expert evidence, which is scientifically uncertain, or else limited only to an examination of the signs of abnormality without the required existential analysis of the contracting party in the totality of the person’s being, should not be accepted as sufficient basis for a diagnosis” (no. 11). Pope John Paul II underscored that the above-cited indications retain validity when “the subconscious or the past may be presented as factors which not only influence

the conscious life of the person, but determine it, impeding the faculty of free decision” (no. 11).

The defender of the bond, in the performance of his task, the pope pointed out, should adapt his activities to the various phases (stages) of the process. He is supposed mainly to take care – for the sake of objective truth – that questions addressed to the expert are formulated clearly and concern the issue at stake, so that the expert retains his competence and that is not expected to provide answers on canonical matters. In the decisive phase, the defender of the bond must be able to correctly evaluate the opinions, if they disadvantageous to the bond, and indicate to the judge as soon as possible the risk entailed by their incorrect interpretation – exercising the right to reply as provided by the 1983 Code in Canon 1603 § 3 (“The promoter of justice and the defender of the bond have the right to reply a second time to the responses of the parties”), or the option of successive appeal, chiefly when gaps in evidence are detected on which the sentence is based, or in their assessment (*Ad Romanae Rotae*, no. 12).

John Paul II indicated clearly that the unique cooperation of the defenders of the bond in the development of the process “makes them an indispensable element in the avoidance of misunderstanding in the pronouncement of decisions,” especially where contemporary culture and divorce-oriented mentality outweighs concern for the integrity of the marriage bond (*Ad Romanae Rotae*, no. 13).

With such grounding in the legal doctrine on the role and tasks of the defender of the bond, we face the possibility of the appeal brought by the defender of the bond of the court of first instance being dismissed by the defender of the bond of the appellate court. The practical question therefore arises: what made him do that?

## **2. Renunciation of appeal under Canon 1524 § 3**

The Code legislator allows the possibility of a complete renunciation of instance by the petitioner and the renunciation of all (or some) procedural acts by both the petitioner and the respondent.<sup>11</sup> DC further specifies that

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<sup>11</sup> “The petitioner can renounce the trial at any stage or grade of the trial; likewise both the petitioner and the respondent can renounce either all or only some of the acts of the process” (Canon 1524 § 1).



this refers primarily to those procedural acts that the petitioner or the respondent themselves have requested (Article 150 § 1). When renouncing the appeal, the party concerned declares his or her wish to end the dispute without further seeking its definitive termination and decision on the merits of the dispute. According to Canon 1636 § 1-2, this renunciation may also concern an appeal, including filed by a defender of the bond or a promoter of justice. In addition, in marriage cases, a renunciation (which is most likely a single procedural act) must be communicated to the defender of the bond (Article 150 § 3 DC), who, in accordance with Article 197 DC, may demand that a witness called to testify be heard nonetheless, although the party renounces the examination of that witness (Canon 1551 CIC/83). Thus, the cited article of the DC is unquestionably important, since it underscores the dynamic role of the defender of the bond in the matrimonial process, who should take care, above all, that evidence is gathered in the best possible manner, but this is not his main role, however.

An important and practical issue that should be kept in mind when we analyze the renunciation of appeal by the defender of the bond of the appellate tribunal, brought by the defender of the bond at the court of first instance, is the duty to meet the conditions of this renunciation, as stipulated in Canon 1524 § 3, which reads: “To be valid, a renunciation must be written and signed by the party or by a procurator of the party who has a special mandate to do so; it must be communicated to the other party, accepted or at least not challenged by that party, and accepted by the judge.”

Gian Paolo Montini clearly indicated, referring directly to the referenced norm, that the renunciation of the appeal filed must meet the following conditions for its validity: 1) it has written form; 2) it is signed by the defender of the bond of the appellate tribunal; 3) it has been communicated to the other party, typically to the defender of the bond at the court of first instance, as well as to the petitioner and the respondent, who may have an interest in seeing their appeal examined; 4) it has been accepted or at least not contested by the defender of the bond at the court of first instance and/or by the other parties to the trial; 5) it has been admitted by the judge [Montini 2023, 26].

Analysis of the conditions shown above seems to be important in the context of the marriage process; it should be emphasized, in particular, that we are dealing with an act of a public character, which also calls for a judge’s intervention. He is obliged to read and analyze not only

the sentence declaring the nullity of the contested marriage, but also the files collected during the trial in the first instance, the appeal filed by the defender of the bond and its motives, that is, concrete arguments for the appeal brought, as well as the motives for the renunciation of the appeal presented by the defender of the bond at the appellate court, and the comments of the parties on the renunciation under review, as well as the current stage of the trial [ibid., 28].

It is certain that a serious problem will arise when the defender of the bond of first instance does not accept the decision of the defender of the bond of the appellate tribunal and is willing to challenge it. Naturally, it should be assumed that the appeal filed by the defender of the bond of first instance is not an appeal that in line with the norm of Canon 1680 § 2 is dilatory, since in this situation the collegial tribunal is to “confirm the sentence of the prior instance by decree”; the motives for the appeal filed must stem from the procedural mission of the defender of the bond.

Montini indicates the following solutions to the problems so arising. In the first case, the judge (the presiding judge or ponens) accepts or rejects the appeal presented by the defender of the bond, in accordance with Article 150 § 2 DC; naturally, there is an option for the person concerned to make a recourse to a collegial body who will decide whether to accept or reject the appeal. The second option is for the presiding judge or ponens to refer the case immediately to a collegial body, observing Article 45 °14 DC; in the latter case, the designated body, in keeping with the norm of Canon 1680 § 2, will issue a decision that can either reject the appeal and confirm the sentence of first instance, or reject the renunciation of the instance and refer the case to the appellate tribunal. Naturally, it should be remembered that the decision taken in the form of a decree is to be motivated as prescribed by Canon 1617; it also must have the force of a sentence terminating the proceedings, according to the norm of Canon 1618; therefore, this decision involves possible consequences regulated by the procedural canons – that is, there may be an appeal, a complaint of nullity, or *restitutio in integrum* [ibid., 36ff.].

## **Conclusion**

A party who feels aggrieved by the sentence has the right to appeal – that is, to appeal the sentence to a court of higher instance [Bączkiewicz,

Baron, and Stawinoga 1958, 268]. This is because the canonical judicial system recognizes the right to appeal the decision of a higher court within the time limit set by the universal legislator – thus ensuring that a new decision on the same subject will be rendered, in keeping with the Church's long legal tradition, as the appeal is associated with the natural right of defence [Llobell 2016, 421ff.]. The applicable course of action for filing an appeal is the same for the petitioner, the respondent, the defender of the bond or the promoter of justice – all are bound by the same time limits for filing and supporting an appeal.

Erlebach gives practical advice that the “appellate court, after appointing a panel of judges and the defender of the bond, should first check for the presence of all the prerequisites for running the procedure and, in particular, whether certain elements of the procedure that essentially belonged to the court *a quo* should be supplemented, for example the due notification of the sentence or relevant information about the right to appeal and its support to parties who do not take advantage of legal aid. If any deficiencies are found, the appellate court should decide how to proceed. Thus, we can see, the dynamic aspect of appeal is not characterized by any inherent innovation resulting directly from the MIDI, such that would pertain to the appeal procedure itself. Instead, there are various functional innovations, subordinated to the static aspects of appeal, partially altered by the recent reform of the marriage nullity process” [Erlebach 2018, 36ff.]. At the same time, it should be remembered that “the sentence that first declared the nullity of the marriage, once the terms as determined by Canons 1630-1633 have passed, becomes executive” (Canon 1679). By the same token, the first sentence declaring nullity, if not appealed within the prescribed time, becomes enforceable; therefore, a late appeal cannot be accepted now [ibid., 23].

As a result of Pope Francis' procedural reform many authors highlight the responsibility of the defender of the bond for the modern canonical matrimonial process, especially with respect to the appeal brought by him [Montini 2016, 693]. To put it yet another way, John Paul II's 1988 rotal magisterium retains its relevance, namely, in that the defender of the bond should adapt his activities to the different stages of the marriage process (*Ad Romanae Rotae*, no. 12).

Finally, it should be noted that there are statements in doctrine proposing that the ecclesiastical legislator, in the form of an authentic

interpretation, should indicate that the norm in question – Canon 1636 § 2 – is not applicable to the matrimonial process; otherwise, it would no doubt further emphasise the role of the defender of the bond in such trial, showing the Church's enduring concern for discovering the truth about the contested matrimonial bond [idem 2023, 37]. Such an interpretation, or view of doctrine, most likely results from the first point of the interpretation presented, and it needs to be carefully considered, especially in the context of the modern matrimonial process and widespread divorce-oriented mentality. Perhaps it would make sense not to apply this code norm in judicial practice, especially that it was formed in a situation where a single affirmative sentence did not permit a new canonical marriage. Another proposal is to appoint, on an *ad hoc* basis, another defender of the bond, who would decide only on the subject of a possible appeal, that is, whether or not to bring it against the affirmative sentence handed down; a third proposal, on the other hand, would be to compile a catalogue of criteria that would indicate situations for an appeal to be brought [ibid., 39]. Thus, as we can see from these proposals, ecclesiastical procedural law is dynamic and is constantly evolving.

There is no doubt that the renunciation of the appeal by a defender of the bond at an appellate tribunal brought by the defender of the bond of lower instance, with regard to the legal and doctrinal arguments shown here, seems rather exceptional and must never lead to injustice in the ecclesiastical judiciary, especially in matrimonial cases. It is, after all, defender of the bond at the court of first instance who knows the case from its beginning, has followed its course and submitted his comments, including the appeal to the ecclesiastical court of second instance.

The presented arguments, arising from the current law, the magisterium of the Roman pontiffs, opinions found in canonical doctrine, all indicate that the rejection of an appeal by the defender of the bond of the appellate court brought by the respective defender of lower instance should be something truly unique and extremely well-justified, as illustrated by the partial statistics provided by Montini. The analysis cites not only extremely rare cases of the said renunciation of appeal of second instance, but also reveals in general the rare practice of appeals in individual particular Churches in the contemporary marriage process, which are submitted by the defenders of the bon [ibid., 7-10].

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