



# **CHRISTIAN MARRIAGE GUIDE**

**Prepared by:  
National Council for Family Affairs**





## **Acknowledgment**

The NCFA would like to offer its deep gratitude and appreciation to all individuals and entities, particularly the following Christian sects in Jordan, who worked together in a spirit of cooperation and whose input and support was instrumental in producing the guide its final form. (The names are arranged in alphabetical order):

- Arab Evangelical Episcopal Church Council.
- Assyrian Orthodox Patriarchate of Antioch.
- Coptic Orthodox Church.
- Evangelical Lutheran Anglican Church in Jordan and the Holy Lands.
- Greek Melkite Catholic Archdiocese.
- Greek Orthodox Archdiocese.
- Latin Vicariate Church.
- Maronite Patriarchal Exarchate.
- Prelacy of the Armenian Apostolic Church.



## **Introduction**

This guide was developed in response to the need of all Jordanians, men and women, Muslim and Christian, to have certain aspects of their personal and family affairs, in addition to the future of their children, better illustrated. While the laws governing the personal affairs for non-Muslims, as is the case with all other effective positive legislations, derive their legitimacy from the will of the legislator and draw upon the principle that the proclamations of the Jordanian constitution are supreme to any other, they are embedded in a religious and spiritual foundation for both Muslims and Christians. These laws are guided by this religious and spiritual foundation and depend on it in developing their detailed provisions, which are necessary for regulating people's personal affairs, while leaving room for interpretation, amendment and development in accordance with the requirements of modern-day relationships and life, and legislative mechanisms and authorities.

All monotheistic religions have prescribed marriage as the sole method for union between men and women in order for them to form families and ensure the preservation of offspring in an affirmation of the proper human instinct and in protection of the human race, which lie at the core of the goal behind human relationships. Therefore, it was imperative to ensure the success of these relationships and surround them with the necessary protection, including legal principles that will guarantee their fulfillment of their noble purpose in an atmosphere of love, union, coop-



eration, commitment and respect by each party to the other's human rights in order to achieve the happiness, dignity and welfare of family members on the one hand, and the security and stability of families and communities on the other.

While there are some differences in the details of the laws governing marriage and its effects among Christian sects, commonalities are far more than discrepancies. This guide aims to present this common ground and, at the same time, illustrate the laws particular to each sect, whenever the differences are clear. A group of experts was formed to explore, derive, formulate and adopt the effective laws adopted by Christian sects and recognized in Jordan and include them in this guide. These laws were also presented for commentary by the heads of the Christian sects, who commended this initiative and approved the content of this guide.

It should be indicated that the purpose of the guide is to provide essential and basic material to be used as a simple reference to raise Christian people's awareness of the general rules of marriage, and the rights and obligations associated with this marriage. The guide does not offer an accurate response to specific cases because each case has its own circumstances and requires a specific ruling. The guide can be used to offer guidance when there is a need to arrive at decisions, certain measures, or an opinion regarding a particular case. However, it should be stressed that the competent spiritual leaders or experts, such as lawyers, should be consulted in making specific judgments and exploring the details of each case.



It is aspired that this initiative by the National Council for Family Affairs (NCFA) will be a new contribution to affirming Jordan's reality throughout its history, that was always based on coexistence and fraternal relations between Muslims and Christians in a country that strives to achieve a continuous improvement in the quality of life of the Jordanian family, safeguard its unity and ability to provide for all its members and help them realize their potential and claim their rights. Spreading the culture of law and making information on legislations accessible are rights, but at the same time, and obligations since courts assume that people have a basic knowledge of the law and do not accept claims of ignorance of the law.

This is the second contribution by NCFA, preceded by the Muslim Marriage Guide. These guides are a translation of dozens of recommendations from several conferences, seminars and workshops that all agreed on the necessity of providing these basic references for legal matters vital to the life of all Jordanian families.

We are hopeful that readers, especially young men and women, will find this guide beneficial and that workshops and meetings will be organized to discuss the content of the guide to raise awareness of the rules governing marriage for Christian sects in Jordan.



## **Matters that need to be taken into consideration and verified when performing a holy matrimony\***

- The minister or the priest needs to make sure that there are no impediments to the marriage by personal knowledge and by reading out the Proclamations
- Obtaining all necessary documents such baptismal certificates, release letter, pre-nuptial medicals for the spouses
- Preparing spouses to understand marriage and its basic requirements
- Ensuring that the spouses are of marriageable age
- The bride and groom need to declare during the ceremony of holy matrimony that they fully accept and consent to live together according to Christian teachings
- Following the ceremony, a written certificate, indicating personal information about the bride and groom, is issued and signed by the minister or the priest. The certificate is presented at the Civil Status Department to be registered in the civil status registry

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\* The Christian sects in Jordan are: 1) the Catholic: Latin (Roman Catholic), Greek Melkite Catholic Archdiocese, and Maronites. all catholics follow the Holy See. 2) The Orthodox: the Greek Orthodox, the Syriac, the Armenian and the Coptic Orthodox. 3) The Evangelicals: the Arab Episcopal Evangelist and the Evangelical Lutheran



## Definitions

**Engagement:**

The promise of a deferred marriage between a man and a woman

**Impediments to engagement:**

They are the same impediments to marriage, except when the impediment is temporary and is removed before the wedding

**Marriage:**

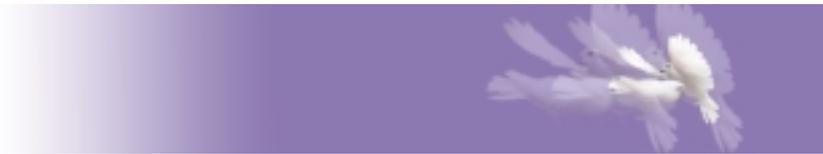
A permanent union between a man and a woman sharing life for better or worse and fulfilling all their rights and obligations with the aim of ensuring the good of the couple, giving birth and raising children in the Christian way - The core of this marriage is unity and permanence since Christianity does not allow Polygyny or polyandry

**Provision:**

what people need to live a decent life. It includes food, clothes, residence, treatment for the sick, service to the invalid, and education for children

**Judicial separation:**

A temporary or permanent separation, in residence, bed and table, based on a competent ecclesiastical court order - without dissolving the marital bond



**Marriage annulling impediment:**

Anything that causes the marriage contract to be invalid and become null and void.

**Release letter:**

An ecclesiastical document testifying that the person wishing to get married is not bound by a church engagement or marriage, or restrained from marriage by any other impediment

**Void marriage:**

Any marriage contract that did not fulfill all basic conditions, including full consent (without coercion, delusion or mistakes), following all religious rules, ensuring lack of impediments, is considered absolutely void even if it was consensual. On the other hand, relative voidness can be corrected.



## Engagement

### Conditions for Engagement

- **Consent:** The betrothed have to show full consent. Consent can be explicit or implicit, understood by their silence. If they were minor, or one of them was a minor, the legal guardian gives the consent.
- **No impediment to the marriage:** Marriage impediments are the same as engagement impediments.
- **Minister's blessing:** Some sects stipulate the minister's presence at and blessing of the engagement, but others do not.

### Engagement Period

The laws of the church of each sect have specified the period of engagement:

The period of engagement for Catholics is two years unless the betrothed agree to extend it. The period for Greek Orthodox is two years if the betrothed live in the same parish and three for those living away from it. The period is extended to four years if need be. As for the Assyrian Orthodox, the period is one year if the betrothed live in the same country and two years if they live in two different countries. The period is open for extension if necessary or if the betrothed





agree on a specific duration.

**Causes for the break-off of engagements\*:**

- The death of one of the betrothed.
- The emergence of an impediment to the marriage.
- One of the betrothed taking the vow or joining the priesthood.
- The elapse of the period of engagement.
- The betrothed agree to break off their engagement.
- One of the betrothed's wish to break off the engagement.
- Conversion to another religion by one of the betrothed.

**Consequences of the Break-Off of Engagements**

- The betrothed revert to their previous state before engagement.
- In case the two parties fail to sort financial matters, including presents given by the betrothed to each other during the engagement, by mutual agreement, each of the betrothed shall have the right to file a claim at the competent ecclesiastical court.

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\* There are other sect-specific causes for the break-off of engagements, such as infidelity; changes in circumstances, temperament, social status, or committing an offence.



## Marriage

Marriage is a covenant and sacrament that signifies the union between Christ and the church. The marriage takes place between a consenting man and woman, and is blessed by an authorized minister or priest, according to ecclesiastical rituals. The purpose of this marriage is to give birth to children and raise them, in addition to the life-long living together between the husband and wife through the sharing of rights and obligations and for better or worse.

The Christian marriage has two fundamental qualities, permanence (What therefore God has joined together, let no man put asunder) and unity, i.e. polygamy and polyandry are prohibited (Let each man have his own wife, and let each woman have her own husband)

### Conditions for Marriage\*

- Personal presence of the couple seeking marriage at the holy matrimony service
- Full and explicit consent by the couple seeking marriage
- The marriage procedures have to be attended and blessed by an authorized minister or priest and at least two witnesses (bridesmaid/ best man).
- Absence of any marriage impediment



\* Some sects demand that the rituals of marriage take place in the parish church or another sacred place condoned by the local minister.



## Marriage Impediments

- **Prior bond:** One of the spouses is already bound to another marriage.
- **Difference of religion:** This is when one of the spouses is not Christian at the time of marriage. This also applies to non-baptized people.
- **Consanguinity:** This entails the kinship resulting from blood ties between ancestors and descendants (direct line kinship or direct kinship). There is also the impediment of collateral or indirect kinship, which is specified by the rules of each sect.
- **Spiritual kinship\*:** This kinship is formed by baptism between the godfather/mother, the baptized and his/her parents. Marriage between the baptized and the godfather/mother, or between the godfather/mother and one of the parents is also not allowed.
- **Affinity:** This relationship is formed by marriage. Each sect has its own regulations as to the degree of affinity that bans marriage.
- **Adoptive relationship:** Adoption precludes marriage between the adopting, the adopted and their ancestors and descendants.
- **Period of waiting:** The period of waiting has to be observed

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\* Spiritual kinship is not considered a marriage impediment in the Arab Episcopal Evangelist Sect.

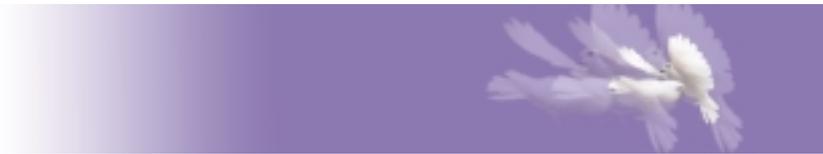


and is considered a marriage impediment. The period of waiting is ordained to ensure that the effects of a woman's previous marriage have disappeared, and that she is not pregnant in order to preserve lineage and prevent any mix-up.

- **Impotence:** This concerns irremediable impotence, acquired before the marriage, that prevents sexual intercourse.
- **Abduction:** Abducting or confining a woman against her will for the purpose of marriage is a marriage impediment because it is considered subjugation, coercion, threatening and intimidation.
- **Age:** Not being of required marriageable age
- **Eternal vows:** Taking the vow or veil is a marriage impediment because anyone taking the vow/ veil has renounced marriage.
- **Priesthood:** Any person who has obtained the degree of priesthood cannot enter into a proper marriage.

**Other impediments particular to the Greek Orthodox:**

- **Fourth marriage:** No one, man or woman, can marry for more than three times, no matter what the reason.
- **Guardianship:** The guardian and his sons or grandparents (even after his death) are not allowed to marry his ward.
- **Three-partite kinship:** This is the relationship between three types of kinship. Marriage is forbidden until the third degree. For instance, a stepfather is not allowed to marry the wife of his wife's son nor the daughter of his wife's daughter and so on.



**Other impediments particular to the Catholics:**

- **Killing the wife or husband:** The marriage between someone who killed a man to marry his wife or a woman who killed another to marry her husband is forbidden. In addition, the marriage of a man and a woman who conspired to kill a respective spouse in order to get married is forbidden.
- **Cohabitation:** This is when a man and woman live together and engage in sexual intercourse with a void or civil marriage, or without marriage. In this case, it is not allowed for either one to marry the other's first-degree blood kinship.

**Other impediments particular to the Evangelicals:**

- **Divorced:** It is not allowed to marry a divorced man or woman.
- **Illness:** It is not allowed to marry anyone with an infectious or sexually transmitted, or anyone with a mental disease.



## **Marriage Annulment**

In case there was no full consent by the spouses, the religious requirements were not met, or the lack of all impediments was not ensured, the marriage is considered void.

Catholics are strict in ensuring consent and consider the marriage void in the following cases:

- When the person lacks the use of his/her full mental capacity, or suffers from a severely impaired judgment and discrimination in terms of comprehending the rights and responsibilities inherent in marriage.
- In case of inability, for psychological reasons, to handle the burdens of marriage, these persons are considered incompetent for marriage.
- If one or both spouses denounce the act of marriage itself or any of its core elements or attributes
- One spouse being deceitful about a fundamental characteristic in the other in a way that affects their life together
- Coercion or extreme intimidation
- In case the formula stipulated by the law is lacking

Orthodox and Evangelists consider that coercion, deception, and intimidation cancel consent and, therefore, annul the marriage.



## Civil Marriage

Since marriage is sacred and performing it at the hand of an authorized priest according to the church laws and rituals is a basic element in ensuring the validity of a marriage, civil marriage is a departure from the teachings of the church. It is not acknowledged by church authorities and is considered void by all Christian sects.

## Spousal Rights and Obligations

Proper marriage is a bond with a quality of permanence and equality in rights and obligations. It bestows blessing on the spouses, who are partners in all marriage aspects and duties:

- **The duty of living together:** A husband and wife are committed to live together in one residence, where the purpose of marriage is achieved. This commitment is upheld throughout their married life. The husband is obliged to provide a lawful and appropriate residence; and the wife has to follow her husband to this residence and live with him there. Church laws had specified the features of this residence. If the wife refuses to live with her husband in the lawful residence, if she leaves it without proper excuse, if she prevents her husband from entering the residence, or if she refuses to move with her husband to his new place of residence, she is considered recalcitrant; and this affects her rights.



- **The duty of good companionship and cooperation:** The husband and wife in a Christian marriage become one body; "they are no longer two." Each spouse is committed to show compassion, love and kindness to the other in order to achieve the aims of marriage and ensure that the husband and wife will live a happy, loving life. Men need to follow the teachings of Paul the Apostle to the Ephesians (5): "Husbands, love your wives, just as Christ loved the church ... husbands ought to love their wives as their own bodies. He who loves his wife loves himself ... each one of you also must love his wife as he loves himself, and the wife must respect her husband."



- **The duty of being virtuous (marital honor):** Each spouse is committed to marital honor towards the other. They should both refrain from any unfaithfulness to the vows they took in the sight of God and the attendants of the ceremony of marriage.
- **The duty of procreation:** Procreation is one of the main aims of marriage and living together. No spouse is allowed to refrain from this duty or impede it, unless there was a lawful justification.
- **The duty of provision\*:** Provision means providing food,

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\* The Evangelist sect obligates both spouses to provide for each other indiscriminately.



clothes, residence and basic life needs. In all Christian sects, husbands are obliged to provide for their wives, whether rich or poor, as long as the bond of marriage remains, with the exception of poor husbands who have rich wives, who in this case, are obliged to provide for their husbands. Wives remain eligible for this provision even if they did not live together or were separated through no fault of hers.

- **Inheritance:** Each spouse is entitled to a share of the other's inheritance upon his/her death.
- **Finances:** The marriage contract does not affect the properties of husband or wife. Each one retains an independent financial status and remains free to use and manage their money.



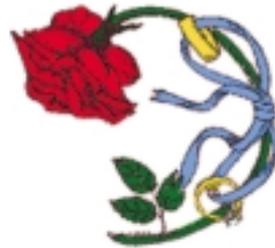
## Separation Between Spouses

Christian marriage is characterized by permanence and indissolubility; however, there are cases where spouses are separated without ending the bond of marriage between them. This is called separation and could be permanent or temporary.

### Reasons for separation in Catholic sects:

#### 1. Permanent separation

Only adultery warrants permanent separation, but without any infringement on the bond of marriage. The innocent wife or husband has the right to permanently abandon his/her spouse in case of adultery, unless s/he accepts the offence, caused it, forgave it explicitly or implicitly, or has committed a similar offence.



#### 2. Temporary separation

The ecclesiastical court issues an order of temporary separation between the husband and wife if there were compelling reasons, including but not restricted to the following:

- If one spouse shows indecent conduct and starts leading a depraved life.
- If one spouse puts the life of the other, body or soul, in extreme danger.
- If one spouse makes the living together very difficult as a re-



sult of rough behavior or cruelty, such as beatings, threats, constant quarrelling, humiliation or name-calling.

**Reasons for separation in the Episcopal Evangelists:**

The sect has not specified reasons for temporary vs. permanent separation, but left the matter to be decided by the competent ecclesiastical court. Reasons for separation, temporary or permanent, are as follows:

- If one spouse loses his/her mind irrevocably.
- If it was proven that one spouse has attempted to kill the other.
- If one spouse converts to another religion.
- If one spouse ceased to live with the other for no less than two years, and the court was not successful in convincing him/her to return to the marriage home and the other asks for separation. In this case, the court has the right to give the couple a chance for reconciliation or separate them, permanently or temporarily.
- If one spouse commits adultery and there was no sexual intercourse between the couple following knowledge of the infidelity.
- If it was proven to the court that one spouse was treating the other with cruelty.
- If the husband runs away with another woman or the wife runs away with another man and both abandon each other.



**Reasons for separation in the Greek Orthodox sect:**

In the Greek Orthodox sect, separation is called “Separation”. Its main reasons are:

- Major differences between the husband and wife
- Daily disputes between the couple and their inability to live together even temporarily
- One spouse being a threat to the life of the other

**The Assyrian Orthodox call separation “Abandonment” or “Seperation”. Its main reasons ar:**

- One spouse willfully harming the other and being violent with him/her
- One spouse abstaining from having sexual intercourse with the other for a year
- The husband exposing his wife to perversion to taint her honor or religion
- The wife refraining from living with her husband in his place of residence after being given a time limit to do so
- Other reasons the court deems compelling

**The Catholic and Evangelicals absolutely forbid the dissolution of marriage**



## Consequences of Separation

- Neither spouse is allowed to enter in a marriage contract during the period of separation.
- If one spouse dies during the period of separation, the other is entitled to inherit him/her.
- The competent ecclesiastical court decides the duration of the separation, the amount of and the party responsible for alimony, and to whom the custody of the children is granted.
- There is no alimony for a recalcitrant wife.
- The right to alimony is lost the moment the marriage annulment is declared through the dissolution of the marriage contract.

### **Reasons for the Dissolution of Marriage (Divorce) in the Greek Orthodox Sect:**

For Orthodox sects, dissolving the marriage is an exception to the rule of permanence espoused by all Christian sects. Dissolution is only admissible for proper marriages and for specific reasons that emerge after the marriage takes place. The dissolution is effective from the date the final decision of dissolution is issued by the competent ecclesiastical court. It is not acceptable for the husband and wife to simply agree to get a divorce. There ought to be at least one reason warranting divorce and dissolution.

#### **A) Common reasons that allow the husband and wife to ask for the dissolution of marriage**

- Insanity proven with medical reports



- One of the spouses taking the vow/veil
- One spouse conspiring against the Kingdom or having prior knowledge of a conspiracy by others and not divulging this knowledge or reporting it to the competent authorities
- One spouse conspiring against the other's life
- One spouse being convicted of a crime
- Another reason is added to the above is derived from the decision of the ecclesiastical council regarding the impossibility of life and understanding between the couple as a result of severe disagreements and constant abuse by one spouse of the other and so on. This decision is left to the ecclesiastical court after looking into all evidence. The spouse who is allowed to ask for dissolution is the innocent one; the other is not allowed to benefit from this right.

**B) Reasons that allow the husband to ask for the dissolution of marriage**

- If he found that his wife is not a virgin, provided he did not know that she was not a virgin before the marriage. He has to declare this to the local clerical authority and prove his claim.
- If the wife willfully damaged her husband's seed so as not to become pregnant - Abortion without the husband's knowledge and consent is included within this reason.
- If the wife commits adultery and the husband proves it.
- If the wife refuses to follow her husband to the marriage home and is deemed recalcitrant and ordered to obey by the



court, but does not submit to the court decision or object to it during the legal period for objection and remains adamant not to comply for three years.

**C) Reasons that allow the wife to ask for the dissolution of marriage**

- If the husband was impotent and, for three years from the date of marriage, is unable to perform sexual intercourse. Sterility is not a reason to dissolve the marriage, as long as the couple is able to perform the sexual act.
- If the husband attempts to undermine the wife's chastity and seeks to offer her to another man for adultery. The wife loses her right to ask for dissolution in case she complies with the husband's desire and willingly offers herself to another man.
- If the husband accuses his wife of adultery but was not able to prove it.
- If the husband leaves the wife for three consecutive years or more and did not take care of her, whether he was away from the country or not.
- If the husband commits adultery in the marriage home or takes a mistress and does not leave her despite being reprimanded.

**Reasons for the Dissolution of Marriage in the Assyrian Orthodox Sect:**

- If the wife claims to be a virgin and it turns out she is not.
- If the wife commits adultery willingly, without coercion, and



if the husband commits adultery

- If the wife becomes accustomed to getting drunk and keeping the company of strangers (men) behind her husband's back. If she continues to do so after being warned three times by the minister or the priest, the minister or the priest orders the husband to abandon her for a year; but if she does not comply, the marriage will be dissolved.
- If the wife willfully spoils her husband's seed
- If one spouse dissents from Christianity
- If one spouse becomes insane or contract a serious infectious disease that cannot be treated
- In case of severe disagreement and impossibility of understanding between the couple - At the beginning, the court orders abandonment for three years; but if the disagreement persists, the marriage is dissolved.

## **Pardon**

If the husband and wife live together after one of them filed a claim against the other. This state of living together is considered a pardon for the other's acts that warrant dissolution; and with it, the claim is dropped. If there was a court decision for dissolution, the couple has a right to go back to their marital life if nothing occurs during the dissolution to prevent their marriage. To revive the marital union between them, they only need to recite a special prayer and record their return to married life in a special register without the need for a new holy matrimony service.



## **Competent courts for looking into any personal status conflicts for followers of Christian sects**

Judicial authorities are authorized by the Constitution and law to resolve conflicts in society, for individuals or groups. Court types vary according to the contested issues and the standing of litigating parties.

Article 104 of the Jordanian Constitution calls the courts authorized to look into and decide on personal status issues religious courts. There are two types of religious courts: Sharia courts, which look into personal-status related issues between Muslims; and the tribunals of non-Muslim communities, which are courts authorized to look into conflicts related to personal status matters for Christians. The Law of the tribunals of religious communities 2/1938 allows each recognized religious sect to form a special tribunal (court) authorized to look into and issue decisions in cases related to personal status matters that occur between the followers of that sect. That tribunal is exclusively authorized to look into and decide on any relevant conflict; and its decisions are applicable in Enforcement Departments, as is the case with civil and Sharia courts.

Based on the above, in case of the marriages performed in the Greek Orthodox church, for instance, the Greek Orthodox ecclesiastical court has exclusive authority and jurisdiction to look into and resolve conflicts between spouses in personal-status related matters.



In case the conflict was between spouses from different sect (for instance, if the husband was from the Greek Orthodox sect and the wife from the Catholic sect), the church court is the one that follows the sect whose ecclesiastical authorities performed the marriage. If the marriage was performed in the Greek Orthodox church, the authorized church is the Greek Orthodox ecclesiastical court.

Similarly, in cases of different religions (a Muslim husband and a Christian wife for instance), civil courts are the authorized entity to look into and resolve any conflict. The spouses can resort to Sharia courts if the Christian wife approves.

Finally, in cases where the husband and wife are of different sects and the marriage was performed abroad by a civil authority, the jurisdiction to look into any cases lies with civil courts.