

**Conference of European Churches(CEC) Council of European  
Episcopal Conferences (CCEE)**

**Marriages between Christians and Muslims  
Pastoral Guidelines for Christians and Churches in Europe**

**Edited by Christopher Lamb**

**Note and warning:**

This booklet was published in 1997. The text has not been revised or updated, so contact details in the first and last sections should not be used without first checking for current information. The current general web addresses are:

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## CONTENTS

Members of the Islam in Europe Committee

of the CEC and CCEE

Introduction

Chapter 1 The Situation in Europe

Chapter 2 Christian understanding of marriage

Chapter 3 Family and marriage in Islam

Chapter 4 The ministerial task in general

Chapter 5 Special pastoral concerns

Bibliography

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## INTRODUCTION

This booklet has been written for all those in the churches who have responsibility in the area of Christian-Muslim marriage. However, the question may be asked: should it have contained more explicit warnings against entering into such marriages? The authors are of the opinion that sufficient warning is contained in the description of all the difficulties a couple will face. In any case, ministers should try to create trust and not scare young people away from the church. Most of those seeking pastoral care do appreciate a link with the church, whereas the secular Muslim and the secular/nominal Christian do not bother. Within the limited scope of a small publication it is not possible to describe the great national, cultural and religious varieties of Muslims and Christians a minister may encounter in her/his pastoral contacts.

Statistics when available are usually limited to people from different nations. Most European countries no longer mention religious affiliation in their marriage statistics. It is therefore not possible to present reliable statistics on inter religious marriages.

Though we are dealing with an international phenomenon, we concentrate on Europe and for obvious reasons more on Western than Eastern Europe. The authors are aware of the world-wide enquiry into

interfaith marriages jointly carried out by the Office for Interreligious Relations of the World Council of Churches in Geneva and the Council for Interreligious Dialogue of the Vatican.

For biblical quotations, the *Revised Standard Version* has been used unless otherwise indicated. The source of qur'anic quotations is given in the text. It is difficult to find a comprehensive, consistent terminology applicable to all churches and theologies. Terms such as ministerial and pastoral, parish and congregation are often used interchangeably.

The Islam in Europe Committee is grateful to all its members for their help and advice while preparing this text. It genuinely became a common endeavour. Yet we want to mention some members especially: Jan Slomp for the Protestant, Anglican and pastoral sections (IV and V), and also for the translation into English of those texts which were originally written in German, and the general editing; Hans Vocking for the sections on Islamic law and Roman Catholic theology; Grigorios Ziakas and Viorel Ionita for the paragraphs on Christian theology in general and orthodoxy in particular; Penelope Johnstone and Colin Davey of CCBI for checking the English text; Barbel Dfrhager for the German translation which was edited by Heinz Klautke; Xavier Jacob for the French translation, which was revised and edited respectively by Gilles Couvreur and Jean-Claude Basset.

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Translators into other languages are free to adapt the texts to local needs and add information about the situation in their own church or country. Those wanting to make a translation are requested to contact either the office of the CEC in Geneva or the CCEE in St Gallen, Switzerland.

The members of the Islam in Europe Committee hope and pray that this booklet will prove to be helpful to many in the churches in Europe.

April 1997

# **1 THE SITUATION IN EUROPE**

## **1. Not a new phenomenon**

The phenomenon of marriages between Christians and Muslims has existed since the beginning of Islam, almost 1400 years ago. Churches in Central and East European countries have had some measure of pastoral experience of this phenomenon, because parts of this vast area belonged for centuries to the Ottoman empire. During that period Muslims settled in this area, while indigenous people were converted to Islam. Thus marriages were contracted between Christians and Muslims despite the fact that such marriages were strictly forbidden by the dominant Orthodox Church in those countries. For the churches in West European countries such marriages were only hypothetical. But the situation began to change during the colonial period when churches in some countries had their first experience of interfaith marriages.

## **2. Part of the regular ministerial task**

In the present day and age, dealing with such interfaith marriages has become part of the regular pastoral task in all countries of Europe, because of political, economic and social developments during the last four decades. The end of the colonial period resulted in the immigration of men and women from former colonial possessions with an Islamic tradition. Economic developments in some European countries had even greater consequences, leading firstly to migration of labour from southern to northern Europe. When the labour reserves were exhausted in southern European countries, the Western European industries began to recruit workers, both men and women, in North Africa, Turkey, the former Yugoslavia and the Indian subcontinent. From the mid 1970s families began to be reunited as workers from those countries began to bring their families to join them, but not before most European countries had stopped recruiting labour from countries outside the European community.

During the most recent decade a great number of men and women from Muslim countries have sought political asylum in Europe. The economic and political situation in their countries of origin made it very difficult, even at times impossible, for them to plan their future, as for example in Bosnia or during the civil war in Algeria. There are also students, both men and women, from Muslim countries who are completing their studies in European countries. Finally we should include among the Muslims who have taken up residence in Europe all Muslim businessmen, diplomats and those employed by international agencies and organisations (e.g. UNESCO in Paris, OPEC in Vienna or UNO agencies in Geneva).

## **3. About 24 million Muslims in Europe**

The total number of Muslims living in Europe should be estimated at between 20 and 24 million. That means that marriages between Muslim men and Christian women or Muslim women and Christian men have become a normal feature of life in Europe, despite warnings against this, or even an attitude of rejection and refusal by several churches. Marriages involving partners of a different faith have become a reality which pastoral workers have to take into account.

### **a) Eastern Europe**

For an assessment of interfaith marriages it is also important to notice the part played by cultural and legal factors.

Such marriages can be described as relatively straightforward when they occur in East European countries, because the partners originate from the same culture, speak the same language and are subject to the same marriage laws of the country. For the communist system forced an atheist secularisation on the people and a considerable distancing from the Church, to the extent that ecclesiastical regulations lost their restraining impact.

Former Yugoslavia is a special case. During the communist regime, especially in the cities, many marriages between Muslims and non-Muslims were concluded and registered by the municipal authorities, usually without a ceremony in a church. However as a result of the civil war not only did the number of such marriages decrease, but several marriages ended in crisis because of tensions between the communities. Furthermore, the number of mixed couples among those who fled to Western Europe is relatively high.

#### **b) Western Europe**

The situation is quite different in countries to which Muslims migrated only during the last few decades. Besides religious differences, cultural dissimilarities play their part. Moreover, many such marriages are subject to International Private Law when they involve people of different nationalities. Each partner is subject to laws concerning personal status in his or her own country. In such cases marriage partners have to make decisions not only about their own life but also about their place of residence and the nationality of their children.

#### **c) No longer migrants but Muslim citizens**

Already women and men of the next generation (and maybe even a third generation) have reached marriageable age. This usually means that cultural differences between partners have lessened or may have completely disappeared. Quite often such marriages are not bi-national, because the partners have become indigenous, for example in France, where anyone born in French territory can obtain French nationality (the so-called 'jus solis'), or elsewhere when people apply for naturalisation in the country in which they live. The result is that their marriage is subject to the same law concerning personal status. This in turn leads to a twofold development:

- on the one hand young men and women from Muslim families gradually become better integrated and experience the impact of the dominant secular culture. It happens more often than before that Muslim women marry Christian men, without insisting that these men become Muslim (we return to this issue below);

- on the other hand there are those who want to live as Muslims in a European context and therefore aim to use guarantees of religious freedom as a basis for the introduction of classic Islamic family law. In European society it is nowadays acceptable for a man and a woman to live together without a civil marriage certificate and without a ceremony in church. This makes it possible for Muslims to apply Islamic law. When a Muslim man and a Christian woman are living together without a civil marriage certificate, they may conclude an Islamic marriage contract, but this will not be recognized by the Register Office. It is often the desire of the Muslim partner that a marriage contract based on Islamic law be concluded after the civil ceremony. In this contract the rights and duties of both partners can be stipulated.

When the couple choose to have some form of Christian celebration as well, it is advisable to acknowledge the interfaith context of the marriage.

#### **d) Social changes and interfaith marriages**

Rapid social change varies from country to country. Two indicators can help to measure the point at which a country finds itself.

##### **1) the extent of nationality difference in marriages where the partners are of different religions.**

Where citizens of the same country (or children of citizens of that country) are concerned we speak of "inter religious marriages". In that case several sections of this publication no longer apply (e.g. those dealing with a country of origin or a special personal status and differences of culture). For we are dealing with an interfaith marriage between two persons with the same citizenship and for the most part the same culture.

**2) the number of men and women of Muslim origin who marry a non-Muslim partner.**

In this publication we refer several times to the growing number of young Muslim women who want to marry a non-Muslim while remaining Muslims themselves. In the light of this one may expect a reinterpretation of several injunctions of Islamic law. There are now some Muslim intellectuals who defend the view that the prohibition on a Muslim woman marrying a non-Muslim has no true Islamic basis but originates from later commentators.

These two trends should alert the churches to processes of inculturation of which Muslim themselves are aware, and so lead them to adapt their pastoral guidelines vis-a-vis these new realities. We return to this issue in chapter 4.

## 2 CHRISTIAN UNDERSTANDING OF MARRIAGE

### 1. Marriage in Christianity

#### Biblical testimony

For all the Christian churches, marriage is a natural and social institution, founded by the Creator and governed by his laws for the whole world. Consequently marriage, which constitutes a community of total life between a man and a woman, is a work of divine initiative, and thus a holy institution, which from the beginning of creation was ordained by God in the world. In this sense, marriage is first and foremost a natural institution: it is based on human nature, ordered by the Creator, so that between a man and a woman there will be a relationship of profound communion, love and life, to make possible the continuation of the human race.

This entirely special way in which God entrusts man and woman, as husband and wife, with the continuation of human existence and calls them to pursue through love mutual complementarity and perfection, and to build the family together, is based on the Holy Bible. Already in the Old Testament marriage is connected with God's creative will and is a part of his creative plan, expressed in a marvellous way in the first two chapters of Genesis (1,27ff; 2,18-25) Here are emphasised not only the creation of the two genders of human beings, but also the primordial unity and mutual complementarity of man and woman. This purpose of the natural matrimonial bond is acknowledged by Adam, illuminated by God, who when he sees the woman, exclaims: "Now this is flesh of my flesh and bone of my bone" (Gen.2,23).

Adam's exclamation is the first cry of love heard on earth. With the passage of time, prophets and godly men of the Old Testament extol the institution of marriage, as they speak in symbolic words and compare the covenant between God and the people of Israel with the image of marriage (Hosea 2,19; Is.54,4ff; 62,4ff; Ez.16,7ff).

This natural institution of marriage, which has existed from the beginning as a part of the divine plan of creation, is consequently a unity whose inherent nature cannot be dissolved. It is therefore confirmed by Christ, who validates the relevant teaching of the Old Testament, saying: "Have you not read that he who made them from the beginning made them male and female, and said `For this reason a man shall leave his father and mother, and be joined to his wife and the two shall become one flesh'?... What therefore God has joined together, let not man put asunder" (Mt.19,4-6; cf Mk.10, 6-9).

Christ also made known the meaning of marriage by his presence at the wedding of Cana, where he changed water into wine, thus manifesting his glory (Jn.2,1ff). But Christ also underlines the importance of marriage in those verses of the gospel where he uses symbolic pictures of a wedding ceremony and a wedding feast, to describe the messianic era, or the new age of the Church (Mt.25,1-13; cf Lk.12,36ff). Thus Christ, the Word of God, is represented as the "heavenly bridegroom" (Mk 2,19ff; cf Jn 3,29ff) who renews the "marital" bond with his "bride"; the Church, that is the new age of the New Testament (Cf. implications in this regard: Rom.7,4; 1 Cor.6,14ff; 2 Cor.11,2; Jn.3,29; Rev.22,7; 19,7ff; 21,2).

But the classical passage from the New Testament which gives the real meaning of marriage is the summary statement found in Eph. 5,22-33, where the Apostle Paul presents the joining of man and woman as an image of the mysterious union between Christ and the Church.

Thus the relationship between man and woman, and the union of the spouses "in one flesh" in Gen.2,24, is described in Eph.5,32 ff as a "great mystery" and is related to the mysterious connection between Christ and the Church. In this way, the apostle Paul presents a christological foundation of marriage (also 1 Cor.11,3; 6,15ff etc.). Marriage is based on the mutual love between the spouses, according to the model of Christ's love for the church. It is on this love that the commandments of the



New Testament for the family are based (Col. 3,18ff, Eph. 5,22 ff, 1 Pet. 2,18 ff), supporting the marriage fellowship and the life and communion of the family.

## **2. Marriage in the Orthodox Churches**

### **a) Theological view**

According to the theology and standards of the Orthodox Church, marriage is a 'mystery' or sacrament (Greek *mysterion*, Latin *sacramentum*), which was instituted with the blessing of God at the time of creation (Gen. 1,27ff, 2,18-25).

This is confirmed by those words of Christ (Mk. 10,6-8; Mt.19, 4-6) where the Lord endorses the teaching of the Old Testament and elevates the natural bond into the mystery of the New Testament. Marriage is a mystery, directly connected to the mystery of the Church.

Marriage is an image of the mystical union between Christ and the Church. Consequently, marriage is blessed, because the union of the spouses is similar to the union between Christ and the Church. The image is not only representative, but also suggestive of the real and substantial union in the mystery of marriage (Eph.5,22-32). The spouses, through the mystery of marriage, express and participate in the mystery of the union of Christ and the Church. Thus through the Church and connected with the mystery of the eucharist marriage is placed beyond natural processes and acquires ecclesiological and eschatological significance.

The basis of the mystery of marriage as a sacrament for the Orthodox Church is the union of man and woman in the natural bond and with the blessing of God in the Church. The sacramental act sanctifies the natural institution of marriage and unites the partners in Christ into "one flesh".

The mystery of marriage is performed in the name of the Holy Trinity, which means that those entering the communion of marriage have the blessing of the triune God, their house is transformed into a church, and the spouses and any children born to them are blessed. The blessing of the Church makes the spouses equal to each other in rank, merit and quality. It binds them with the bond of love and holiness and helps them to enter married life in a spirit of faith, peace and love.

Children are the seal of marriage. But it should be realized that children cannot always be the final purpose and goal of marriage, for example in the case of infertility

### **b) The Orthodox Churches and mixed marriages**

The Orthodox Church, although disapproving of mixed marriages, tolerates them and permits them on condition that the children are baptized and brought up in the orthodox faith. In the Pan-Orthodox Conferences from 1961 onwards, positive views have been expressed with regard to mixed marriages. These may be summarized as follows:

Firstly, a marriage between an Orthodox and a non-orthodox Christian is prohibited according to the Church canons, but it may be blessed according to the Orthodox principle of 'economy' in loving concern for those involved, with the express condition that the children of the marriage will be baptized and brought up in the Orthodox Church.

The local autocephalous Orthodox Churches may decide how they apply this principle as it occurs.

Secondly, marriage of Orthodox Christians with non-Christians is absolutely prohibited by the canons of the Church. But the local autocephalous churches may decide to act in pastoral benevolence towards the orthodox member in each individual case.

The views of the Russian Orthodox Church are very interesting in this regard. The conditions in which the Church of God exists on earth today, in the matter of interfaith marriages between

Christians and non-Christians, impel us to return to the Church practice of the first centuries of the Christian era. During these centuries the Church was favourable to mixed marriages, following the apostolic command (1 Cor.7,12-14,16). In these verses, the apostle Paul recommends that such marriages should not be dissolved, in the hope that the believing member will save the unbelieving spouse. "If any brother has a wife who is an unbeliever and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever and he consents to live with her, she should not divorce him. For the unbelieving husband is consecrated (sanctified) through his wife, and the unbelieving wife is consecrated (sanctified) through her husband." "How do you know you will not save your husband?" St Paul argues, "Or how do you know you will not save your wife?"

With this thought in mind, the Russian Orthodox Church applies the principle of "economy" and tolerates mixed marriages. The term "economy" means that the Orthodox Church does what it believes to be in line with God's plan of salvation. It should be noted, however, that other autocephalous orthodox churches and the Armenian Apostolic Orthodox Church have not at present followed this Russian Orthodox practice.

### **3. The Roman Catholic understanding of marriage**

#### **a. Theological view**

Present day Roman Catholic theology of marriage faces the task of reflecting anew on partnership and marriage in a totally changed social and cultural context. The present situation demands a partnership-oriented theology of marriage which engages with the situation of life and faith in an individualised and plural society. Consequently what is needed is a theology which does not deal onesidedly with marriage as an institution, but which develops into a theology of partnership, which normally includes the shared intention of becoming parents.

The Second Vatican Council put forward two new emphases. Firstly it places the couple's sharing of their life together at the heart of the sacramental definition: "The intimate partnership of married life and love has been established by the Creator and qualified by his laws. It is rooted in the conjugal covenant of irrevocable personal consent." (*Gaudium et Spes* 48) The deeper meaning of Catholic marriage consists therefore in understanding that this consent which is rooted in the personal relations of the couple, is based on God's love and is supported by their joint covenant with Him. For believing Catholics, a marriage should in the first place be a matter of faith rather than a matter of (canon) law.

The second new emphasis of the Second Vatican Council is that the theological context of the sacrament of marriage is redefined: "For as God of old made Himself present to His people through a covenant of love and fidelity, so now the Saviour of men and the Spouse of the Church comes into the lives of married Christians through the sacrament of matrimony." (*Gaudium et Spes* 48) The relation between the two marriage partners is understood as the vital basis on which their encounter with Christ takes place. Marriage is a personal realisation of the new covenant to the extent that married couples take their faith in Christ and his promises consciously into account in their plan for life. The encyclical letter *Familiaris Consortio* (13) speaks in the same spirit of marriage as a real symbol also of the fellowship of the church.

Starting from this point two theological consequences can be drawn. In the first place a mere institutional or legal view of marriage is not sufficient when marriage needs to be understood as "life structured by love". Marriage and its consummation are rather to be interpreted as a process of personal relating and decision-making. The marriage partners together act in this process as religiously autonomous subjects. A couple's shared life, civil marriage and its celebration in church are important parts of the whole. The consummation of marriage does not necessarily mean that the final phase of developing towards a lasting marriage has yet been reached. Marriage remains an ongoing project for life with all its attendant risks. The second consequence is that the problems of existential faith and mutual trust are moved to the foreground. The reason for this is the high expectation for a meaningful and happy life which couples nowadays link with their relationship. The distinctive meaning of the sacramental celebration is to be found in the religious consent of both

partners, who confess before God and his congregation that they want to live their marriage in faith as a project for life.

Thirdly, the liturgy for the celebration of marriage, in an analogous way to the liturgy of baptism, is to be understood as a self-contained sacramental act, symbolic and time-conditioned. It builds marriage "before God" as a covenant in Christ through the Holy Spirit. In the divine consent, visible in the sign of blessing, the marriage partners should sense their fellowship "before God" as an experience of salvation.

In marriage God's nearness should become for them a real experience. In this way human love and faithfulness find a final theological meaning in God's love and trust.

(Quotations from Walter M. Abbott, S.J. *The Documents of Vatican II*, New York, Guild Press 1966 p.251)

#### **b. The stipulations in the canon law of the Roman Catholic Church concerning marriages between partners of different religions**

The Canon or church law of the Roman Catholic Church prescribes that the Catholic partner should be able to give an affirmative answer, during the preparatory conversation, to the question: "Do you want to live your marriage as a Catholic Christian, that means live your faith and witness to it?"

These stipulations of Canon law concerning marriage originate in the realisation of different ways of understanding marriage. On the one hand they protect the unconditional basic tenets of the Catholic faith, but on the other hand they show one way, how, while maintaining these essential elements of faith, a marriage can be validly concluded between a Catholic Christian and a Muslim. That is why the local bishop can lift the existing marriage impediment under certain conditions (CIC 1086).

The stipulations for concluding such an interfaith marriage are different where the Muslim partner is a convert from either a non-Catholic church or community, or where he or she was baptized in the Roman Catholic church.

In the former case no application should be presented to the Ordinary's office for obtaining a dispensation from the impediment because of difference of religion, but because of difference of confession. In the latter case, of a person who was baptized in the Catholic Church or joined it before converting to Islam, this partner should apply for a marriage permit according to stipulation 1071 para 1 n.5 of the Codex Juris Canonici. Possibilities concerning the celebration of the marriage are dealt with in chapter 5 below on pastoral care.

#### **4. Church of England thinking on marriage**

The legally recognized position in England is that marriage may only be contracted between one man and one woman who are of an age to marry, who freely and publicly give their consent and who are not in law married to anyone else.

##### **a. Special situation of the Church of England**

Because of its particular historic place in society the Church of England conducts one third of all marriages in England. According to English law the Church of England is under the obligation to conduct marriages of all parishioners whether they are actually practising Christians or not, are baptized or not. At the same time only the unaltered rite of the Church of England may legally be used. This means that people marrying in that church do not have to go to the Registry Office prior to the ceremony. Other churches do not have this privilege, and a civil servant attends the wedding. In fact this standard practice has not gone unchallenged. For this reason the General Synod of the Church has dealt with the subject on several occasions. The most recent major debate took place in February 1988 when the report *An Honourable Estate: The doctrine of Marriage according to English Law and*

*the obligation of the Church to marry all parishioners who are not divorced* was discussed. The synod decided to affirm the present situation and to continue to make full use of the opportunities it offers to the church. This is because the churches have an unrivalled opportunity to influence for good the public understanding of marriage and public policies on marriage in the face of an increasing divorce rate and trends which seem to diminish the importance of marriage as a lifelong union.

Moreover the Church of England does not want to appear to be shutting the door on those who seek its ministry at crucial moments in their personal development and relationships. The Church in its pastoral concern wants to convey a more adequate understanding of marriage and thus strengthen the commitment of the couples to make it succeed.

## **b. Theological reasoning**

The theological reasoning behind this decision is that marriage is a gift of God to all people. It belongs in the first instance to the order of creation and is therefore common to human life. But as the New Testament places marriage also in a Christological setting of redemption, what, if any, special Christian quality of marriage can obtain for Christians? The following quotation from the report *An Honourable Estate* tries to formulate an answer with reference to earlier teaching of the Anglican Church: Christians experience marriage "in the Lord" and its true nature and meaning are for them expressed in Christian terms; but this is not to deny in any way the reality of marriage among those outside the Christian Church. Matrimony, in the words of the *Book of Common Prayer* (1662), is "to be honourable among all men". Testimony must be given to the plain fact that Christian insights and the experienced reality of being "in Christ" have transformed the lives of married Christians. But, on the other hand, there is no such entity as "Christian marriage", except in the sense of the marriage of Christian men and women.

God is generous in bestowing grace, and he does not confine his gifts within the Christian dispensation, and so what matrimony is may sometimes be as clearly seen in a non-Christian marriage as in a Christian one. (p.64)

The Church of England therefore refuses to serve only those already within its fold, without on the other hand compromising its witness. For many young couples the preliminaries and preparation for the church marriage are their first opportunity to acquire a more intimate understanding of what the Christian faith is all about. The Church hopes and prays that they may be touched and enriched by it. Marriage can often lead to a first or renewed commitment to the life of the Church.

That is why the Church of England cherishes this pastoral and missionary opportunity and is far from seeing it as a remnant of bygone days when the Church had a more dominant place in society. For this reason it welcomes "all comers", though this may sometimes seem to be burdensome for parish priests. The question of how Anglican Churches deal with interfaith marriages is contained in the chapter on pastoral care. As for the doctrinal argument between Orthodox and Roman Catholics on the one hand and Protestants on the other about the place of marriage in the sacramental order, Catholic Anglicans and Evangelicals disagree. The former would underline the sacramentality of marriage whereas the latter explain Ephesians 5: 32 in a different way. We return to this point in the next paragraph.

## **5. Protestant understanding of marriage**

### **a. The same biblical foundation**

Protestant churches share the same Bible with the Orthodox Church, the Roman Catholic Church and the Church of England. Generally speaking therefore they base their teaching concerning marriage on the same biblical foundation dealt with above. A comparison of all the relevant material would affirm a strong consensus. All churches teach that marriage belongs to the order of creation. This is why

most churches have accepted pre-Christian marriage customs provided they do not contradict clear biblical teaching, in which case they need Christianizing. All churches moreover recognize the covenantal nature of marriage because the Old Testament compares God's unique covenantal relationship with His people Israel to the bond of marriage, implying the security, peaceful nature, freedom, mutual responsibility and permanence of a covenant. The very covenantal character of a marriage excludes forced marriages. Within this covenant of love man and woman together reflect the image of God. At the time of creation God blessed them and promised them fertility. Having children is not the primary purpose of their union but is nonetheless a particular expression of God's blessing and his gift to humankind in order to guarantee its future. Biblical scholars recognise a certain development in the concept of marriage from a polygamous to a monogamous relationship and from patriarchal dominance to real partnership. All Christians realize that the Bible should not be used as a lawbook for marriage.

#### **b. A sacred institution but not a sacrament**

The most outstanding doctrinal difference from the Orthodox and Roman Catholic doctrine on marriage is that Protestant churches, though highly valuing the God-given institution of marriage and upholding its sacredness against many challenges in present secular society, do not consider it a sacrament. John Calvin stressed that there are several human orders founded in creation but not all became sacraments. Protestant theologians have also reflected on the meaning of the Greek word "mystery" in Ephesians 5:32, and many would be happy with the following Anglican observation: "Surely the mystery referred to .... is not simply an analogy or similarity between the union of Christ and his Church and the union of man and woman in marriage, it is rather that the unifying, self-giving, sacrificial love of man and woman in Christian marriage is an actual participation in the unifying, self-giving, sacrificial love of Christ in the Church." (*Lichfield Report* p.12).

#### **c. Redeemed sexuality**

In 1952 the General Synod of the Netherlands Reformed Church issued a pastoral letter with the title: *Marriage* (159 pp.), which greatly influenced Christian thinking on marriage. It follows the same line as the Anglican text quoted above in explaining Ephesians 5: 32. Christ's guidance transforms male dominance into sacrificial love and service (Matthew 20:28, Luke 22:24-27, 1 Cor.7:3, Eph. 5:25). Through Christ's love and grace, efforts to dominate each other can be transformed: Be subject to one another out of reverence for Christ (Eph. 5:21). Christ not only honours a wedding by his presence (John 2) but he compares himself to a bridegroom and the Kingdom of God to a wedding feast. The same pastoral letter of 1952 emphasises that the meaning of becoming one flesh is not limited to sexuality but denotes a total communion of a permanent and indissoluble character. In this total communion, both physical and spiritual, husband and wife are allowed to participate in God's plan for humankind, but its meaning is not exhausted by procreation and raising children. The Dutch report deals at length with modern threats to marriage, the misuse of sexuality and its degeneration into mere eroticism. Referring to the "Song of Solomon", it shows how this dimension of marital love can be redeemed and restored to God's original purpose for this gift. Because marriage in essence is mutual love in fidelity, sterility cannot be a valid Christian ground for divorce. St. Paul's teaching "to glorify God in one's body" (1 Cor.6:20) has a bearing until death.

#### **d. Regulations mostly in line with government rules**

Like most Protestant Churches in Europe, the Reformed Churches in the Netherlands are less explicit on regulations concerning marriage ceremonies conducted in church than are the Roman Catholic Church in its Canon Law and the Orthodox Church with its regulations. They have generally gone along with the so-called Napoleonic or continental order while recognizing civil marriage as a God-given institution. For them a marriage, to be a Christian marriage, does not have to be solemnized in church. It is left to the couple whether they want their marriage confirmed and blessed in an official church service. Once they decide to do so - fortunately it is still a widely practised custom -

they have to comply with the civil and ecclesiastical regulations which obtain. This implies for instance that a minister can only conduct a ceremony in church when the couple can produce a civil marriage certificate. It also means that most churches would not consider a celebration in church when both partners are unbaptized. Within the setting of the church the newly weds are presented with biblical teaching on marriage and repeat their vows before God and His holy Church, usually represented only by family and friends, as witnesses. Solemnizing a marriage is a ministerial privilege. It cannot be conducted by an unordained lay person. It has to be preceded by pastoral counselling and always needs authorization by the local church council or session. These rules of course also apply when one partner does not belong to a church or is a Muslim or a Hindu. Details can be found in chapter 5 below on pastoral counselling for interfaith marriages. This is just one example of how church and state can be linked in the matter of marriages. Rules and regulations differ from country to country.

### **3 FAMILY AND MARRIAGE IN ISLAM**

#### **1. Family in Islam**

##### **a. The family in international declarations**

The family is the most important single unit in Islamic society. This fact has been stipulated until the present day in the constitutions and declarations of civil rights of most Muslim countries. In the '*Universal Islamic Declaration on Human Rights*' of 1982 the preamble states that the true Islamic society is, "A society which considers the family the core of society, assures for it protection and respect, and provides for it all the means of stability and progress." (English translation in *Islamochristiana* 9,1983,p105). Of the 23 articles, article 1 stresses the "right to life", article 19 "right to found a family" and in article 20 the "rights of the wife" are described, such as expenses for the care of her children after divorce, the right to inheritance, confidentiality and personal fortune. Article 20 does not mention her right to run her own business.

The high value placed on family and marriage was also upheld by the *Declaration of Human Rights in Islam* published in 1990 by the conference of ministers for foreign affairs of the Organization of the Islamic Conference. Article 5 of this declaration states: "The family is the core of society and marriage is the foundation of its civilization. Men and women have the right to get married, they may not be hindered by any limitations based on race, colour or nationality to exercise this right.... Society and state have to remove all obstacles which prevent marriages and facilitate the conclusion of marriages. They must ensure the protection and the well being of families."

##### **b. The family in Qur'an and traditions**

The basic understanding of the family is to be found in Qur'an and Sunna (the tradition of the Prophet Muhammad). The four Sunni and the Shi'i (only Twelver Shi'ites are meant in this text) law schools defined the family in legal terms. Thus the legal organisation of the relations between the sexes is defined right at the beginning, as are the laws of affinity. It is the purpose of the law schools to give stability to the family. Therefore Sunni Islam completely rejects all forms of temporary marriage (*mut'a*), though it is accepted by Shi'i law schools, allowing a man to contract a marriage for a fixed period. (Cf Shahla Haeri, *Law of Desire: Temporary Marriage in Iran*, London, Tauris, 1989 p.256)

Polygamy is allowed, because the Qur'an permits a Muslim to be married at the same time to four women. This Qur'anic permission is still valid today. It has been abolished in the marriage laws only of Turkey and Tunisia. It is true that Muslim jurists nowadays are of the opinion that polygamy is allowed only when all wives are equally treated (Qur'an 4,3;129). This interpretation, linked with the economic situation in Muslim countries, has led to the fact that monogamous marriage has become the rule in most of the Muslim countries we are dealing with.

##### **c. Two basic attitudes**

Despite these statements in the Qur'an and the indisputable juridical foundation of marriage, throughout the centuries the outcome has not been a single agreed view of family and marriage in Islam. Two basic attitudes exist: The first describes the purpose of marriage to be the care for legitimate offspring, while the second stresses not only the legitimization of sexual relations, in particular those of the man, which he obtains by marrying his wife, but also the right of the wife to financial and economic security

Marriage, however, is not a contract for economic exchange, but a nucleus of human society, founded on the will of God. Therefore the Sunni law schools, with the exception of the Shafi'i school, derive

from the above teaching the duty to marry, when a man and a woman are economically capable of doing so, and where there is fear lest they might commit fornication (*zina*).

## **2. The marriage contract**

Thus marriage according to Islamic law, *shari'a*, is in the first place a legal institution to regulate the social order. It defines the purpose of marriage as being for the production of legitimate offspring and the legalization of sexual relations. It defines not only the rights of the husband over his wife but also the right of the wife to economic security. These matters need to be written down in a marriage contract. One should realize, however, that such *shari'a* rules are, if at all, differently applied in various European countries. Utmost care is called for. This marriage contract is not the same as one made by a lawyer, which in many cases is recommended. Neither the contract made under Islamic law nor one made with the lawyer should contain conditions contrary to the rules of the law school adhered to by the Muslim partner.

## **3. Prescriptions in Islamic law regarding marriages between Muslims and non-Muslims**

### **a. Distinction between Muslims and non-Muslims**

Islamic law (*shari'a*) makes a distinction between Muslims and non-Muslims. The latter are subdivided into 'religions of the book' (Mosaic law and Gospel, meaning usually Jews and Christians) and all the others i.e. unbelievers or polytheists and heathen (*kafir/pl. kuffdr* and *mushrik* = people committing *shirk* or idolatry). Children and grandchildren of Christians, even when themselves no longer church members, are usually counted as such. For apostates or people who have converted from Islam to another religion, other limitations are applicable in the legal realm. In addition to these subdivisions, Islamic law also distinguishes between indigenous people and foreigners.

For Islam the followers of a scriptural religion, known as *ahl al-kitdb* or 'people of the book', meaning primarily Jews and Christians, are also called 'people of an earlier revelation'. If they live in a Muslim country (*dâr al-islam*: belonging to the realm of Islam), they are also protected people (*dhimmis*), with their own special personal legal status.

Regions which do not recognize Islamic law are called in Islamic law: *dâr al-harb* (house/realm of war). To these areas the prescriptions of *jihad* apply, regardless of what definition of *jihad* is given by the various law schools. Special rules apply also to those Muslims who stay for a shorter or longer period in this realm of *dâr al-harb*. Islamic law also recognizes a third realm: the house of treaty (*dâr al-sulh*). This concept applies to areas where the *shari'a* is not implemented, but where Muslims are relatively free to follow individual rules of the *shari'a*.

### **b. Marriages with non-Muslims**

The basis for marriages with non-Muslims is constituted by two verses from the Qur'an. Firstly 'the verse of interdiction' (2,221): "Do not marry unbelieving women until they believe" (translation: Abdallah Yusuf Ali) and secondly the 'verse of permission' (5,5), which reads as follows: "[Lawful unto you in marriage are]... chaste women among the people of the book revealed before your time". In the earliest period of Islamic law some scholars wanted to apply the 'verse of interdiction' to Christian women as well, because they believe in a trinitarian God and should therefore be counted among the polytheists. Others believed that these verses prohibited only marriage with those who believe in the divinity of Christ. But neither of these opinions obtained force of law in the Sunni legal tradition. Rather the 'verse of permission' has become the basis in Islamic law for marriage with non-Muslims.

Thus in conformity with the generally accepted legal opinion a Muslim can conclude a marriage contract with a woman belonging to the 'people of the book', regardless of her place of residence.



The Shafi'i, Maliki and Hanbali law schools define this freedom, declaring such a marriage to be possible only for a 'free' woman. All four Sunni law schools agree in considering such a marriage contract as *makruh* or reprehensible (people are advised to refrain from it), especially when the woman lives in a non-Muslim country. The law schools hold different opinions also when it comes to the religious affiliation of the parents of the wife. The Hanbalis for example claim that both parents ought to be 'people of the book'. For the Hanafis it is sufficient if one of the parents, preferably the father, is from among 'the people of the book'. When a Christian woman has become Jewish, or a Jewish woman has become Christian, then she can be legally wed, according to the Maliki lawschool, whereas the Shafi'is reject such a possibility.

The 'verse of permission' applies only to the Muslim man. All law schools agree that a Muslim woman can legally marry only a Muslim man. Whenever a Muslim woman may, in good faith, have married a non-Muslim man, then such a marriage becomes null and void as soon as the error is known. Where the Muslim woman has contracted such a marriage fully knowing what she was doing then she should be punished with forty lashes. The Maliki school goes further with its legal opinion that such a marriage contract should be considered a breach of the *dhimmi* treaty, which makes the non-Muslim subject to capital punishment.

### **c. Shi'i rules**

The Shi'i law school does not follow the Sunni interpretation of this 'verse of permission', because in its view a Shi'i Muslim can never conclude a valid marriage contract (*'aqd*) with a non-Muslim. If a Shi'i Muslim wants to marry a non-Muslim, the only option open to him would be a temporary marriage (*mut'a*). The compensation is fixed for a set period and this type of marriage has no legal consequence for inheritance, unless stipulations to that effect are made in the contract. It is not possible to extend the period mentioned in the contract of a temporary marriage, but after the agreed period is over a new temporary marriage contract can be negotiated.

### **d. Witnesses**

When a marriage contract is concluded between a Muslim and a non-Muslim there should be either two male witnesses or one male and two females. Only Muslims can be witnesses. Only the Hanafi lawschool makes an exception, because it allows 'people of the book' also to be witnesses of such a marriage.

### **e. Consequences for the marriage**

Within the context of the marriage the Christian wife has the same rights and duties as a Muslim woman. As far as divorce is concerned, she is subject to the same conditions. But the law schools differ on questions concerning adaptation. The Shafi'i for example demand that the Christian wife should adapt to Muslim customs. But the Hanafi and Maliki religious scholars are of the opinion that the husband cannot demand that his wife refrain from eating pork or drinking wine. Nor is it lawful for him to forbid her to go to church. Moreover he cannot expect that after her periods she observes Islamic rules of purification.

But the Hanbali scholars are of the opinion that the Muslim husband can forbid her to leave their house during Christian festivals or attend a worship service, though he cannot prohibit the use of wine. The Shi'i law school, however, prescribes that a non-Muslim wife who lives in a temporary marriage is not allowed to do anything which would be prohibited for a Muslim wife.

### **f. In the case of conversion to Islam**

Islamic law has made provision also for such cases as the conversion to Islam of a marriage partner. If a Christian man joins Islam, his marriage will be dissolved only if his wife is an unbeliever. If a

Christian woman becomes a Muslim, her marriage is dissolved with immediate effect, if it was not yet consummated; if it was, the marriage will be dissolved after the legally prescribed period of waiting (*'idda*) of three periods. Thus the same law applies as in the case of repudiation of a Muslim wife.

But the Hanafi law school demands in such a case - here following a different line from other law schools - that the divorce be pronounced by a judge. In all cases Islamic law concerning dowry (*mahr*) applies. The man must pay his future wife the fully agreed amount of the dowry, once the marriage is consummated. If the marriage is not consummated he must pay half the amount of the dowry. If a Christian couple both join Islam at the same time then both are bound to live in all respects according to Islamic law.

#### **g. The right of custody and guardianship**

In the case of divorce or repudiation the consequences of a marriage between partners of different religions are painfully realized. The repudiation (*taldq*) takes place according to traditional procedures.

A divorced Christian woman has the guardianship (*haddna*) over her children only until they reach the age of 'religious discernment', that is between four and seven years of age. From then on, custody is automatically given to the father. Muslim women on the contrary receive custody over their children until they reach the age of puberty. One more limitation for the Christian woman lies in the fact that her right to custody cannot be given to her female relatives, which can be the case for divorced Muslim women. The right to custody for a divorced woman ends as soon as she leaves the sphere of influence of her ex-husband, which would be the case if he or she were to leave the country. The same applies to the non-Muslim widow. Under Maliki law a judge appoints a male custodian unless the deceased has appointed a custodian in his will. It is in any case advisable to seek legal advice.

### **4. Differences between Muslim countries**

#### **a. General remarks**

In this section by way of example attention is drawn to differences between prescriptions in Islamic law (*shari'a*) concerning family law in a few Muslim countries: Turkey, Morocco, Algeria and Tunisia. Pakistan and Egypt could have been included. In 1961 President Ayub Khan introduced a new Pakistani family law which was strongly contested by traditional and conservative Muslim parties. In July 1979 under President Anwar Sadat Egypt promulgated some important changes in favour of the legal position of Muslim women in the case of divorce. Indonesia and sub-Saharan Africa are not dealt with here. The first major reforms in family law in modern times occurred in the Ottoman Empire in 1917. Since the end of the colonial period, a number of other countries with an Islamic tradition have also introduced reforms in the laws concerning personal status. However, legal developments differed from country to country, and were, moreover, received in quite different ways within Muslim societies.

Generally speaking it would be correct to state that in the sphere of marriage there were political developments only when the courts had to settle a controversial case. Only then could the new family rights be applied.

In cases concerning interfaith marriages, the tendency to solve disputes without referring to a court became the practical rule in many cases. When trying to solve a dispute recourse is often had to classical law. The new laws can therefore only give direction under certain conditions and to a limited extent.

#### **b. Turkey**

In the 1920s the reforms by Ataturk abolished Islamic marriage laws in their totality in Turkey and replaced them by Swiss family law, which since then has been valid without great changes. But a

small part of Turkish society ignores the new laws on personal status and continues or recommences the practice of concluding so-called Islamic marriages- *imam nikdhi*- which combine prescriptions of the *shari'a* with Turkish customs and authorise polygamy. This happens especially in rural areas. As a result, marriage disputes, divorce cases and complaints about inheritance cannot be put before an ordinary court. In the past the government tried to solve these abuses through periodical declarations of amnesty, which enabled these marriages to be included in the official marriage registers and their children to be legally recognized. At present, legislation has become liberalized. Children, once recognized by the father, enjoy the same rights as other children. In some cases however the father does not recognize them, but later adopts them in order to regularize their status.

#### **c. Tunisia**

In a way comparable to the Turkish Republic, Tunisia since 1 st January 1957 has had a law on personal status which deviates very strongly from the Islamic tradition. This development is seen for instance in the ratification of the "New York Convention" of the United Nations in 1962. It is important to notice that in the case of interfaith marriages, as regulated in international private law and in family law, the interest of the child has priority. This implies that custody knows no limitation in time, when the child is assigned to the mother. But if the mother is Christian, then the classical rules are in force, and she can have custody only until the age of five years.

#### **d. Morocco**

On 1st January 1958 the Moroccan government brought into effect a new law on personal status. This law, called *Mudawwana* has legal force for all Moroccans, except the Jews. Article 108 of this new family law introduced a reform concerning custody of children, whereby a Christian ex-wife can obtain custody over her children for a longer period than is allowed in the *shari'a*. Moreover this article allows the transfer of custody to the female non-Muslim relatives of the wife, though only until the children are five years old.

#### **e. Algeria**

On 9th of June 1984 a new Algerian family law was finally brought into effect, after several drafts and despite protests by a number of women's rights movements. Although not only international private law but also the law of obligations had already been codified in 1975 in civil legislation, judgement concerning family and inheritance laws had since then been assigned to a special court. This new law on personal status stipulates clearly in article 221 that it is applicable not only to all Algerian citizens but also to all foreigners living in Algeria. In this way all Algeria's citizens are nowadays basically subject to this law with an Islamic imprint, with the result that for Muslims all differences in law schools were lost, while people belonging to other religious communities were also affected by it.

Earlier rejected drafts of the law had at least made some reservations in favour of non-Muslims.

#### **f. Europe**

In some Eastern European countries where Muslims have lived for centuries, special but limited legal provisions were made for them in the realm of family law. In the countries of Western Europe where they have lived for two or three generations, Muslims have to resolve new problems. Most of them will have to obey the laws of the legal systems which are in force in the countries where they have become citizens. This will encourage them to develop new practices and cause them to have a new look at their traditions.

### **5. Laws of inheritance**

#### **a. No claim to inheritance by either partner**

A very clear consequence of a marriage between a Christian and a Muslim is the fact that the Christian widow cannot become the heir of her dead husband, unless he has made a will. This

practice is derived from the basic rule in the *sunna*, that difference of religion excludes inheritance on both sides. Only the Hanafi law school makes an exception to this rule. If the Christian widow converts to Islam after the death of her Muslim husband, she can claim the inheritance, provided her change of religion took place before the estate was divided. According to the Shi'i law school a Christian wife can mention her Muslim children in her will, but her Christian children remain excluded.

If a Muslim wants to give material security to his Christian wife, he may do so in the form of a donation. This juridical act is subject to the law on donations. If a Muslim husband belongs to the Hanafi law school he can, in his will, bequeath to his widow up to one third of his belongings.

### **Summary**

The conditions for these marriages are clear when stated in theory but complicated in practice. In many cases a decision can only be made through a court. In European countries interfaith marriages face the conflicting demands and provisions of the rights and regulations of different nations concerning personal status and residence. Moreover between several European and Muslim countries treaties concerning International Private Law provide rules concerning mutual recognition of marriage contracts, divorce etc. In a number of European countries e.g. Greece and Sweden the national church is the registrar of marriages. It is important to acquire reliable information as to the legal position which obtains locally. In Muslim countries, problems arise because of belonging to different religions. Moreover, interfaith marriages in those countries face social expectations, conventions and a completely different evaluation of relations between individuals and the interests of their relatives and societies.

## **4 THE MINISTERIAL TASK IN GENERAL**

### **1. Ongoing concern**

In the report *"The presence of Muslims in Europe and the theological training of pastoral workers"* of the Islam in Europe Committee of the CEC and the CCEE (Consultation in Birmingham 1991) the context of the pastoral task in this respect is described as follows: "The countries and Churches of Europe have varying perceptions of the Muslim presence in Europe and what this signifies. These differences are connected with historical events, the sociological situation (majority/minority), the psychological situation (security/threat) as well as the Church's role in the life of its people." The pastoral dimension itself is defined in this way: "Pastoral theology is based on an evangelical awareness of faith, hope and love. It presupposes an in-depth awareness of socio-economic realities. It concerns every aspect, ad intra and ad extra, of the Christian community." Through the presence of Muslims in Europe those exercising pastoral care have been given various new tasks. One of these is the care for interfaith marriages. Even those churches which do not allow such marriages are faced with this phenomenon, because its members become involved in such marriages anyhow. In such cases couples do not marry in church but only in a civil ceremony. In recent years even those traditional communities which had managed to remain endogamous have been opened up to such an extent that there are many opportunities for their young people to meet people of other persuasions.

### **2. Responsibility of the Churches**

How have the churches reacted to this phenomenon? Depending on the frequency of such marriages, some churches have limited themselves to a pastoral alert, whereas others have published extensive guidelines. A survey of such guidelines in various European languages (English, French, German, Dutch, Spanish etc) is available from the Secretariat of the Islam in Europe Committee (the address is found in the bibliography below). Several churches have established centres for pastoral counselling, which are either an integral part of the pastoral work of the church or are linked with the special offices and committees dealing with relations with Muslims. In some countries secular offices for marriage counselling also deal with intercultural/interreligious marriages. Some churches have appointed specialized counsellors for Christian-Muslim marriages. This is e.g. the case in the Roman Catholic Church in Belgium. It should be stressed, however, that in most cases it is the local parish pastor or priest who remains responsible for the pastoral care of those couples entering interfaith marriages, regardless of whether or not they seek his advice or he/she calls for the expertise of a specialist.

### **3. Frame of reference**

Such marriages take place within a specific frame of reference: the different views of marriage within Christianity (Chapter 2) and Islam (Chapter 3) and the different roles assigned to men and women in both cultures and religions. Islamic law and the customs prevailing in countries with a Muslim majority are, even for a liberal Muslim, more important and decisive for his own behaviour than he would often admit himself. It is also important to know whether the Muslim partner belongs to a minority Muslim group in a particular country or to the larger community of already established immigrants. This means e.g. in France an Egyptian rather than an Algerian or in Germany a Pakistani rather than a Turk, because Algerians and Turks in those countries belong to the relatively larger communities and are on the whole more inclined to marry within their own group.

Sociological studies reveal that an increasing number of those men wishing to contract an interfaith marriage are asylum-seekers or migrants from various Muslim countries, who often find themselves in an abnormal situation vis-a-vis the larger Muslim community. When this is the case it sometimes becomes difficult to find out whether or not the Muslim partner is already married. Conversion to Christianity may also be used not only to terminate a prior marriage but also in order to increase the

chances of recognition as an asylum-seeker in a so-called Christian country, for fear of persecution on return because of change of religion.

Needless to say, the possibility that other motives than love are involved should not be dismissed. Some people make money by arranging marriages of convenience for payment. More and more governments take measures to prevent such marriages. Inquiries have shown that the number of young Muslim women in the migrant community who marry non-Muslim men is increasing. They are obviously influenced by the role patterns of women in their country of adoption and consequently rebel against traditional customs and rules, including the one that their prospective non-Muslim husband should convert to Islam.

#### **4. Five phases in counselling and pastoral care: a brief survey**

##### **a. The contact phase**

First contacts are mostly made by telephone or letter, by the person concerned, his or her mother or a friend.

##### **b. The phase of decision making**

This phase usually coincides with the first conversation with the minister or counsellor. (Because this publication is meant for Christians and churches the term minister is used rather than counsellor - Ed.) It is important to find out during such an encounter whether the couple are still uncertain and undecided about their future. Are they going to risk it together or not? It is basically the phase when everything is still open. The minister is needed to help them clarify their situation.

##### **c. The preparatory phase**

This phase starts when the plans for the wedding are being made. The major question to be put to the minister is whether a wedding in church is possible, and if possible how it could be arranged.

##### **d. The phase for pastoral care**

This phase concerns pastoral care during the first years of their married life. Questions arise e.g. will the husband really allow his Christian wife to go to church, to become or stay active in her local parish, to receive the minister for a pastoral visit at home etc? Religious education is an important issue during this phase. Will baptism take place? What about circumcision? Or both? Or do they leave it to the children to decide?

##### **e. The phase of the end of a marriage**

This usually happens by death, sometimes by divorce. Often this phase will consist of the pastoral care normally offered to bereaved. But because of the very real possibility that an interfaith marriage will end in a divorce, and moreover because the legal consequences of such a divorce turn out to be greater than in ordinary Christian/Christian or Muslim/Muslim marriages, this sensitive issue should already be addressed during the 2nd and 3rd phase.

It is a sociologically attested fact that the chances for a successful interfaith marriage, and for that matter any marriage, are greater when the couple have received higher education and have developed some creativity of their own.

#### **5. Marriage contract to prevent problems**

The suggestion may be made that the couple make a marriage contract to prevent some - not of course all - difficulties should a divorce occur. Once the marriage is concluded, conditions can no longer be inserted in the contract. These contracts should not contain conditions which go against the shari'a or morality, but it depends which Islamic law school is consulted for the rule in question. It is wise to get good advice on these matters. However, conflicts between legal systems, Islamic and Western, cannot always be avoided. For further examples and details the reader is referred to the chapter on Islamic law in this booklet.

In each of these phases the parents and the respective families of the couple should not be forgotten. Sometimes these parents find such a marriage a traumatic experience. Young couples often face strong opposition from their own relatives and friends, which may lead to their isolation and drive them to make decisions for which their relationship does not yet provide a sufficiently mature basis. The same questions can be raised, though each time from a different angle, during each of the five phases. For example, the question of the religious upbringing of the children should not be raised for the first time after the marriage is concluded but already during the preparatory phase. However before these five phases are dealt with in more detail (see next chapter), we shall consider the attitude of the counsellor.

## **6. Suggestions for a good attitude on the part of the minister**

### **a. The use of written material**

In this section all the social, legal, cultural and religious problems, which were discussed in the previous chapters as factors to be considered and points of information to be taken in account, return but are focussed on persons. During his encounter with the couple the minister should not be concerned in the first place to provide information. So it is advisable to ask, during the first contacts by telephone, whether the couple have already read some material on interfaith marriage or not. If needed, booklets or pamphlets about interfaith marriages should be sent to the couple before they come to see the pastor. Most of them are quite ready to pay for a helpful text, and such payment should be accepted. This is not only because the church cannot be expected to pay for everything, but to give a chance to the couple to show that they are prepared to pay for good advice. Secular bureaux for marriage counselling usually charge a fee. These booklets may provide a starting point for the pastoral encounter. However, the pastor should only use his knowledge of Islamic law when it is necessary to do so to clarify a point.

### **b. Non-verbal communication and language barriers**

This self restraint also helps the minister to be alert to non-verbal communication in the case of language problems. When the partner happens to be a foreigner and the other partner does the talking, the counselor should try to ensure that the foreign partner gets a chance to express his/her views and shares as much as possible in the conversation. The non-Christian must be taken seriously despite possible language barriers. The minister should ensure not only mutual openness, but also openness towards God and the future.

### **c. It should be their personal decision**

The first concern for the minister should not be for him/her to solve a marginal problem, but to help a couple find their way through the narrow straits of questions and problems towards freedom and personal decision. The couple, and certainly the young woman, have usually heard many arguments from relatives and friends against her marriage with a Muslim. She may have noticed some aloofness and resistance to her plans. These often consist of negative views on Islam.

The couple may be inclined to expect that the minister, with whom they are talking and who in their view represents the official church, will advise against this marriage, because a Muslim is involved, even in the very presence of the Muslim partner.

## **5 SPECIAL PASTORAL CONCERNS**

### **1. The phase of first contact**

It often happens that the first contact with the pastor is made by a nervous and upset mother. So far, so good. But parents can of course never in such cases act as representatives of their son or daughter. The pastor should try to see the person concerned as soon as possible and should avoid taking the side of the parents, certainly when the latter are against the marriage and do not see eye to eye with their daughter. This can lead to the opposite result from the one they desire. For instead of helping the daughter, they push her into the comforting arms of her Muslim lover even before her own decision whether to marry him or not has fully matured. We use the example of a young woman, because so many interfaith marriages in Europe concern Christian women and Muslim men. But, as noted above, in some countries there is a considerable increase in the number of Muslim women marrying non-Muslim partners. In this case the freedom of the Muslim woman vis-a-vis her community must be defended and, if needed, solutions should be sought with the concurrence of her parents/family and the imam.

#### **a. Due attention for both partners**

It is advisable for the pastor to see the Christian partner alone on the first occasion. If the Muslim partner so desires, he should also have the chance to see the minister by himself. This is the best way to ensure the freedom of each of the partners vis-a-vis the other. If during or after these first conversations both parties want to proceed with the marriage, all subsequent encounters should be with the couple together. Since the Muslim community, in most cases, does not yet have a comparable type of pastoral care, (although Imams are becoming increasingly aware of this pastoral challenge) the Muslim partner should be assured that the minister is bound to observe secrecy because of his professional vow of confidentiality. During these first conversations the couple could be asked how they got to know each other. How and where did they fall in love? Such stories are often revealing and helpful for the counsellor. How much do they have in common? How broadly based is their common foundation? What do they expect from their marriage? Are these expectations really sufficiently similar? The same words do not always mean the same thing in different cultures.

#### **b. Importance of personal faith**

It is also important to know how each partner lives and experiences their own religion while having a partner of another religion. Each partner's personal relationship with God should not be a taboo subject. In fact it belongs to the heart of the matter. Closely linked with this subject are the questions: What does the woman think of Islam and the man of Christianity? Have they already taken the trouble to find out enough about each other's religion? Other questions to be raised are: Which language do they-use together? (If one partner is a foreigner). Have they already tried seriously to learn each other's language? Quite often couples try to manage with English, though it is the mother tongue of neither. A limited knowledge of a common language is often the cause of misunderstandings and conflicts. How aware are they of mutual prejudices? Whenever possible the woman should try to visit the home country of her partner, but not as a tourist, in order to find out how people live there as men and women in society and how husbands and wives carry on their married lives. Such a journey is all the more vital when it is likely that the couple will move some time after the marriage to his home country. In cases where the partner is an asylum-seeker or migrant coming from a country which permits polygamy it becomes essential to find out whether or not he is already married (see above on marriages of convenience!). Bigamy is prohibited and a criminal offence in most European countries.



## **2. The phase for decision making**

### **a. Decisive questions**

Starting from the above mentioned basic attitude of respect the question might, perhaps should, be asked directly or at least be suggested, whether the Christian man or woman concerned believes that he/she can maintain his/her Christian freedom, or thinks that their interfaith marriage will result in an unacceptable reduction of this freedom. Can she, for example, reconcile herself to knowing that her children will be raised as Muslims? This seems unavoidable in most cases, even when the Muslim husband agrees that his children should have some religious education concerning Christian beliefs. When the minister faces a very convinced Christian, he might even formulate the dilemma as follows: "What, do you think, does God demand from you in this situation?" In other words: "Do you believe that it is God's call in your life that you marry a Muslim?" There are women who find themselves in a moral dilemma because they feel in their innermost selves that they will deny Christ if they marry a Muslim. The most existential issue may also be expressed in this way: "I need God's help and the support of the church to carry out my decision to marry this Muslim."

### **b. Feelings stronger than faith?**

Quite often young people are not ready to raise such direct, soul-searching questions because their feelings are for the moment stronger than their faith, though one should be careful not to oppose feelings to faith. However, in this phase there are people who are very insecure and uncertain what to do. In such situations they are to some extent indifferent to church doctrines and teaching. The minister will discover this if he acts with the necessary tact and sensitivity. He should however realize that it is best to leave the ultimate decision with full confidence to the partners themselves. The outcome may be surprising. Some partners get married in spite of what the minister may have expected or foreseen, whereas others decide not to continue along the journey they have begun, even when the invitations for the wedding are about to be sent out. The minister may expect and ask that the couple inform him about their final decision. It can happen that they are not heard of again after the first pastoral encounter. The decision is theirs throughout. The minister remains in every respect responsible for the members of his congregation or parish. This remains the case also when he needs the help of others and decides to consult a specialist in such matters. For the specialist in his office is never a real substitute for the local pastor with his care for the souls entrusted to him.

## **3. The preparatory phase**

### **a. Opening remarks**

When the matter is decided and the couple wants neither to be questioned further nor to be reminded of their own insecurity, the minister should only continue to raise those questions which can be considered appropriate and conducive to a good marriage. At this point, having stated this fact, counsellor and couple have arrived at the third phase, the preparation of the actual wedding. The first question to be raised is whether a wedding ceremony can take place in church. Not infrequently the first contact only takes place when the couple have already made up their mind. In such a situation it is not superfluous to raise the most important questions of the first and second phase. Certain questions have to be asked anyhow. The central question of this third phase remains: "Why does the couple, or in the first instance the young woman, want a ceremony in church?" It remains possible of course that after a full discussion the minister strongly advises against such a ceremony and suggests that they opt for only a civil wedding; however, his/her pastoral responsibility does not end there. The woman usually wants a church wedding to indicate to her own family, her husband and his relatives that she is serious about her faith. In this way she may even, unconsciously, try to forestall any efforts on the part of his family to persuade her to convert to Islam. The Muslim partner should of course agree to such a ceremony in church. It is important to know what his parents and relatives think of this marriage, whether they reject it or welcome it.

## **b. The wedding in church**

### **1) Limited possibilities**

A church wedding is not possible in all churches. The Orthodox Church e.g. in Greece, Russia, Romania, Bulgaria etc. forbids any such marriage in church. The same is the case for the Armenian Apostolic Orthodox Church and for the Baptist Church in Russia. In such cases the only possibility remaining to the couple is a civil marriage. This factor does not end the church's pastoral responsibility, but it takes place on another level. Rules and regulations concerning interfaith marriages between Muslims and Christians are not the same in churches where possibilities for church celebrations do exist.

The positions of some churches in Europe are as follows:

### **2) The Roman Catholic Church Wedding with dispensation**

The Catholic partner needs a dispensation to allow a church wedding. This dispensation on grounds of *disparitas cultus* or difference of religion is granted by the local Ordinary, that is the bishop or a person appointed by him. The request has to be presented by the parish priest of the parish to which the Roman Catholic partner belongs. Once the dispensation is granted, two options are open:

- a. A wedding ceremony using the canonical form in a service of the Word inside the church proper or in another building, in the presence of a priest and two witnesses. The liturgy is sometimes adapted in order to take sensitivities into consideration. (cf C.1118 para 3, Codex Iuris Canonici).
- b. A wedding ceremony with a dispensation of form. This can be a civil wedding or any other publicly recognized form. Some Bishops' Conferences demand a declaration of intention by both partners which is read in the church before they make their vows. This declaration may include their intention to remain monogamous and faithful until death, their readiness to inform their children about the Christian faith and freedom for the Christian partner to continue to go to church etc. The Episcopal Conferences in Belgium, France, England and Wales, Germany, The Netherlands, Switzerland and Spain have either themselves issued or have approved detailed guidelines for marriages between Christians and Muslims.

### **3) The Church of England**

In February 1988 the General Synod of the Church of England invited the House of Bishops to provide detailed advice to clergy as to how to fulfil their legal obligations when asked to conduct a marriage involving an adherent of a religion other than the Christian faith. These guidelines were written by a committee of experts and accepted on 16th July 1992. The most important regulations are the following:

The law of England provides that every person resident in a parish (regardless of nationality or baptismal status) has a right to be married by banns in the parish church according to the rites and ceremonies of the Church of England, unless he/she is a divorced person whose previous partner is still living. Clergy who experience difficulties of conscience over marrying an unbaptised person must permit another priest to officiate in the church for which they are responsible. But in any case the entire liturgy prescribed in the *Book of Common Prayer* or the *Alternative Service Book* 1980, has to be followed, without deletions to accommodate the believer in a non-Christian faith. That means in the case of a Muslim that references to the Holy Trinity are to be kept. This makes it likely that most such couples will decide to have a civil ceremony followed by a service of prayer rather than the official liturgy. This fact does not disqualify their marriage in the view of the church, because marriage is a gift of God to all humankind. During such a prayer service Christian teaching about marriage and references to the name of Christ should not be omitted.

#### **4) The Evangelical Church in Germany**

As long ago as 1971 the Marriage Commission of the Evangelical Church in Germany, at the request of the Church Council, prepared official guidelines for the celebration of a marriage between an evangelical Christian and a non-Christian. These include the following key sentences

The conditions for an official act of the church in this respect ought to be maintained, so proclamation of the Word of God and prayers are indispensable in such a service. But the readings from Scripture and prayers should be scrutinized, bearing in mind the special case of Muslim and Christian partners. A certain adaptation of the service is necessary. The non-Christian partner should not be asked to say things which are clearly based on the Christian faith. The pastor should try to involve the Muslim partner and thus help him to understand what is going on. The Marriage Commission gave detailed suggestions for the application of its guidelines, and proposed a number of passages from Scripture which could be used.

#### **5) Other churches of the Reformation**

Our last examples are taken from the Reformed Churches in Switzerland and the Netherlands. Though the consultants on Islam in these churches have prepared pastoral guidelines for interfaith marriages, their respective synods have not yet issued rules to be followed when couples request a celebration in church.

The guidelines *I am a Christian, My partner is a Muslim* (in Dutch) which the Section (= Committee) on Interreligious Relations of the Council of Churches in the Netherlands prepared and published (Sept. 1995) were officially approved by the Council of Churches. The guidelines contained in this booklet pertaining to the Roman Catholic Church are identical to those mentioned under 2 above. As for the Reformed Churches, as long as the synods do not issue rules on these matters, the question whether and how interfaith marriages will be celebrated is left to the decision of the local church council. It is not likely that the reformed synods will issue their own regulations, because its representatives agreed to the proposals made in the above mentioned guidelines. They have therefore obtained a semi-official status. These guidelines offer three possibilities for local reformed churches:

- a. A wedding in church with an adapted liturgy, for which the church council takes responsibility.
- b. A prayer service elsewhere than in the church building (when the Muslim friends are hesitant to enter a church) conducted by a minister with permission of the local church council.
- c. A celebration conducted by a minister and an imam. This third option is not open to the Roman Catholic partner in the Netherlands.

The couple may prefer an Islamic celebration, which of course in most countries of Europe can be no substitute for a civil ceremony. This does not directly concern the church, but when a church member is involved pastoral care is called for.

#### **6. Possible items for an order of service**

These have been collected from services which have taken place in Catholic and Reformed churches, and are offered here as suggestions only. For each and every item the couple have of course to give their assent.

- a. Readings from Scripture, partly combined with appropriate readings from the Qur'an.
- b. Meditation on or exposition of a passage from Scripture.

- c. Psalms, hymns, from the Christian tradition, if possible also poems and music from the Muslim tradition.
- d. Prayers, intercessions and blessings if possible from both traditions.
- e. Marriage vows and possibly (see above) a declaration of intention.
- f. Exchange of rings.
- g. Presentation of the Bible (in some churches) and if so desired the Qur'an.

#### **Some comments on these seven points**

- a. The Bible contains several texts about marriage with which a Muslim could wholeheartedly agree. It is also possible to choose passages from Scripture, not necessarily mentioning marriage, which to some extent underline agreement between the Christian and the Muslim faith. The following selection is taken from the guidelines of the Evangelical Church in Germany, the Reformed Churches in Switzerland and the Roman Catholic Church in Spain. Genesis 1, 26-28,31 and 2:18-24. Song of Songs 2:8-14,16-17. Psalms 8 and 23; 27; 33:12,18 and 18-22; 34:1-10; 36:6-7a 8-10; 66; 86: 5,6,11,12; 92:2,3,5,6,14-16; 98:1-9; 103; 121,127;139;145;147. Proverbs 3:1-10 and 31-35; Jeremiah 31:31-32a,33-34; 1 Cor.13 and 2 Peter 3:1-4,7-9. From the Gospels: Matthew 5: 1-12,21 and 24-27; 22:35-40; Mark 10:6-9 and so on. The Psalms of David are mentioned in the Qur'an but not quoted. Suggestions from the Qur'an: Sura 1 (preferably to be recited by a Muslim in Arabic with translation); 4:124-132; 5:46-48; 10: 63-64; 24:2-10; 33:42-44 etc..
- b. A Muslim will accept the idea of a sermon.
- c. Not only Psalms but also other hymns should be used. Muslims are not used to music in the mosque. Music is only used in mystical/sufi gatherings. Muslims should be informed about this difference between church and mosque.
- d. There are a number of collections of Muslim prayers which could be used e.g. Kenneth Cragg, *Alive to God*, Annemarie Schimmel, *Dein Reich Komme*, Constance Padwick, *Muslim Devotions*, etc.
- e. The marriage vows can be formulated in such a way that both partners can agree on the text. Some guidelines contain suggestions.
- f. The exchange of rings contains symbolic meaning for both faiths.
- g. If a Muslim agrees to receive a Bible only if a Qur'an is also presented, the possibility of presenting both scriptures should be seriously considered.

#### **4. Phase of ongoing pastoral care after the wedding**

##### **a. The right to maintain one's own identity**

A very important phase begins after the wedding is concluded: Two persons, husband and wife, bring together, under one roof, two religions and often also two cultures. When they decide to move to his country of origin it is she who has to make sacrifices. When they decide to stay in Europe, it is he who has to make major adjustments. It is therefore important that the couple have a good relationship with both their wider (sometimes extended) families. It is not advisable to start living in the house of either parents, though there is also the real danger of isolation. It is not unusual for the

relatives of the bridegroom to hold the opinion that he has betrayed his religion and culture by marrying a foreign wife, who is not a Muslima. They expect that she will not be able to raise her children as proper

Muslims. He may sense a certain pressure from his relatives that she become a Muslima. He should therefore defend the right of his wife to remain a Christian. While doing so he may be required to say good things about Christianity. When his wife (in an unostentatious way) refuses to convert to Islam, and explains why she prefers to remain a Christian, she may gain the respect of his relatives. In order to be able to do so she needs strong convictions and a respected place in the church, so it is essential that the minister continues to visit her and care for her pastorally. Many women suffer from fellow-Christians and church members thinking she is a bad Christian because she married a Muslim. In such circumstances she may feel tempted to leave the church or become a marginal member or to choose her own sort of syncretism, a mix of both religions, neither Islamic nor really Christian. Their faiths will become attenuated when both decide to stay away from either church or mosque. It often happens that the more or less secular Muslim partner starts taking his religious obligations very seriously once children are born and the wife may find it difficult to cope with his change of behaviour.

#### **b. Raising children together**

The upbringing of children remains a major challenge in interfaith marriages. They may manage to raise their children with respect for both religions of their parents. The child of course very soon discovers: Papa does not pray in the same way as Mama does. It is normal in Muslim-Christian marriages for children to receive an Islamic upbringing. That implies circumcision for boys, and generally no baptism. A secret baptism is not advisable, for once discovered it causes trouble. Very occasionally there is a dedication of children in the church. The mother will try to set an example of Christian life and to communicate Christian norms and values to her children even when a more formal way of teaching Christianity is not possible. When parents declare that they leave it to their children whether they want to become Christian or Muslim, while they themselves stay away from both church and mosque, they set a negative example and leave nothing for the children to choose from. In France, groups of Muslim-Christian couples meet at regular intervals for mutual support and sharing their experience. Ideally, a well functioning Muslim-Christian marriage can become a bridge between two communities. Once one partner decides to change her/his religion, the marriage stops being interreligious, but it may still be intercultural.

### **5. The end of a marriage**

#### **a. Death and funeral ceremonies**

Though some may consider marriage to be for eternity, normally a marriage ends with the death of either partner. In Western Europe the Christian partner may opt for either burial or cremation. Most churches accept both. Islamic law, however, does not allow cremation. If this does happen though, by accident or otherwise, it is accepted. The Christian partner should be well aware of differences in funeral rites in the Muslim world and in most European countries, and take the wishes and desires of Muslim relatives into consideration. It will not be possible for partners to be buried in the same grave.

#### **b. Possible conflict ending in divorce**

This is not the place to mention all the psychological and sociological factors which may contribute to the growing number of divorces in European society. These same factors also influence mixed marriages. It is even more difficult to make interfaith marriages successful than "ordinary" marriages because the burdens inside such marriages and the psychological pressures are greater. Because of misunderstandings, there is always fuel for conflicts and tensions. Women in Europe are more attracted by the ideals of emancipation, career, self-realisation and equal rights than are the

majority of women in the Muslim world, though rapid social change is affecting those societies as well. They do not always find understanding for these ideals from their partner and his relatives. Small irritations can accumulate, for instance about languages to be used in the family, or about putting up Christmas trees, insistence on halal food and so on. These can cause a tense atmosphere. They may lead to divorce.

When it comes to a divorce, women are usually more disadvantaged than men. When the judge decides to entrust the children to the mother, the father may feel tempted to abduct them, beyond the reach of the mother and her legal support, to his country of origin. As mentioned above, social, familial, political, legal and juridical differences between the countries of residence and origin concerning property may result in disadvantages for either party. German and Dutch law for instance assume community of property in marriage unless a contract is made, whereas Turkish law is based on separation of property. In the introduction to this booklet the scarcity of reliable statistics was mentioned. However, without being able to compare these with others, we do have statistics from the Netherlands, where official figures, published in June 1996, show that marriages between a Dutch person and a foreign partner, as compared to marriages between persons of the same nationality over the same period, twice as often end in divorce.

### **Final remarks**

#### **a. Love is decisive**

The most important thing for any marriage, including also of course those between Christians and Muslims, is love. Yet because there can be so many linguistic, cultural, social, ethnic, national and in particular racial and religious differences between Christians and Muslims, it is essential that no-one should be in a hurry to get married. It is better to get good advice and information, when planning such an important step as marriage. If it is meant to lead to happiness love should not be blind.

#### **b. Is a positive evaluation possible?**

About 50 or 60 years ago mixed marriages between Protestants and Roman Catholics were not highly valued. In spite of this, some of the groups they formed have become important meeting points for the spread of ecumenism. Is it possible to make a comparison at this point with some Muslim-Christian families and hope that they may lead the way forward and become a pattern of future developments in Christian-Muslim relations?

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Suggestions for further study on Islam and Christian-Muslim relations in general and Islamic law in particular can be obtained from the following offices:

### ADDRESSES

Austria:

Petrus Besteh Afro-Asiatisches Institut Turkenstrasse 3 A-1090 Vienna 01-31-05 145-340

Britain and Ireland:

The Churches' Commission for Inter-Faith Relations (CCBI) Church House, Great Smith Street, London SW IP 3NZ England 0171 222 9011

France:

Secretariat pour les Relations avec l'Islam 71, rue de Grenelle , 75007 Paris, Te1.32/1/4222 0323  
Fax 1/42 84 3041

Germany:

Christlich-Islamische Begegnung-Dokumentationsleitstelle

CIBEDO (Roman Catholic) Postfach 170427, 60078 Frankfurt, Deutschland 069-726491  
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The Netherlands

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3970 AA Driebergen

For all other countries not mentioned in this bibliography: Secretariat of the Islam in Europe Committee of the CEC and CCEE : Centre Protestant d'Etudes, c/o Dr Jean-Claude Basset, B.P.3158, 1211 Geneve 3, La Suisse Tel+Fax 41/22/3114302

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**Back cover**

Marriages between Christians and Muslims

Pastoral Guidelines for Christians and Churches in Europe

CEC/CCEE Islam in Europe Committee

As once-migrant communities take an increasingly confident place in the IM of European nations, young people are marrying across the traditional religious boundaries. Often young men from a Muslim background and young women from a Christian one are attracted to each other, and plan to spend their lives together. Sometimes it is a Christian man and a Muslim woman. How will their different communities of faith react, and what difficulties will they face? Where will their children belong, and what happens if the marriage fails?

Pastors and theologians from churches in Eastern and Western Europe, Catholic, Orthodox and Protestant, have compiled a guide to the issues involved. The teaching and practice of the different churches and the different traditions within Islam are outlined, and practical advice given out of wide experience.

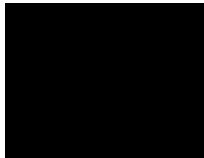
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