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**DIVORCE AS A CHALLENGE TO AFRICAN
CHRISTIAN MARRIAGES**

Moderator

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DECLARATION

Student's declaration:

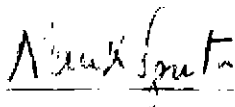
I, the undersigned declare that this long essay is my original work achieved through my personal reading, scientific research method and critical reflections. It has never been submitted to any other college or university for academic credit. All sources have been cited in full and acknowledged.

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This long essay has been submitted for examination with my approval as the college supervisor.

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DEDICATION

This long essay is dedicated to my grandfather Mr Joseph Mumburi who committed himself totally to Christian marriage till God promoted him to glory in October 2004.

ACKNOWLEDGEMENT

I would like to thank Almighty God for giving me good health and strength during the process of producing this work. I also wish to give thanks and appreciation to my moderator Fr. Maurice Kigame for accepting to guide me and for all the time and effort he spent in advising me, that has helped me a lot to accomplish this task

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LIST OF ABBREVIATIONS

AAS	Acta Apostolicae Sedis
Can	Canon
Cann	Canons
Cor	Corinthians
Dt	Deuteronomy
Eph	Ephesians
Ezk	Ezekiel
Ex	Exodus
Gen	Genesis
Lam	Lamentation
Lv	Leviticus
Mk	Mark
Mt	Matthew
ND	Neuner Dupuis
NJB	New Jerusalem Bible
NRSV	New Revised Standard Version Bible
Ph	Philippians
Rom	Romans
RSV	Revised Standard Version Bible

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GENERAL INTRODUCTION

Marriage is divinely instituted. In the book of Genesis we read: So God created man in His own image, in the image of God He created him, male and female He created them (Gen 1:27). And again in the same book we read, "That is why man and woman leaves his father and mother and clings to his wife and two of them become one body (Gen 2:24).

According to the present legislation, marriage is a covenant between a man and a woman who are not impeded by law.¹ It is the command of our Lord that Christian marriage is stable. "What God has joined together no human being must separate (Mt 19:6). The church in her teaching on marriage sticks to this command of the Lord. It is obvious that the Christian marriage is reflected in the essential properties of marriage namely Unity and Indissolubility. Unity in the sense that Marriage is between one man and one woman. Thus polygamy that is common in many African societies, have no place. Indissolubility in the sense that Christian marriage being sacramental, reflects the unbreakable union of Christ with his church and so it is especially indissoluble.

Pastoral experience shows that many African Christian marriages are unstable. They are in crisis because of some factors like drunkenness, bride-wealth infidelity, diseases, economic setbacks and so on.

So married people think that any misunderstanding or conflict that makes conjugal life difficult is a sufficient reason to terminate the marriage bond. They are

¹ Cann. 1058 §1 & 1058.

ignorant of the fact that marriage is permanent union. Indeed the question of instability of many marriages in the church is not a small problem. It is for this reason that our research becomes significant. We therefore intended to contribute towards challenges facing African Christian marriages.

Our thesis has four chapters. Chapter one gives the background information of marriage and divorce in traditional African societies. Chapter two gives the analysis of divorce in scripture. It discusses the way divorce was handled in the Old and New Testament. Chapter three concerns itself with the causes of crises in marriage. In other words it deals with the factors that lead to the divorce in African Christian families. Chapter four puts forward the church's teachings on marriage, and we also present our proposals and recommendations for stability of African Christian marriages.

CHAPTER ONE

AFRICAN TRADITIONAL UNDERSTANDING OF MARRIAGE

Introduction

This chapter will attempt to give an understanding of marriage in African society as an integral part of the society. It will also analyse how marriage is conducted in stages. Since marriage in African traditional society involves the whole community, it's not a private affair or contract between the two individuals (man and woman), who have fallen in love and give each other the exclusive and irrevocable right over their bodies for procreation and education of their children, but an alliance of the two families, or lineages. "It is not an issue which affects just two partners but rather the entire clan or community has to analyse and decide together whether the commenced companionship has a lasting chance"²

So In order to analyse clearly the elements of marriage in traditional society, the community aspect is of vital significance. "In a way, every marriage concerns the whole society in which it takes place. Therefore all societies lay down rules regulating the use of sex in general and marriage in particular".³ There may also be laws regulating the degree of relationship that must exist between Man and Woman before they can legally marry and so forth. In marrying, the man is accepting responsibilities towards another family and wife likewise.

African marriage is conducted in stages. "It is not a contract which is concluded at one point in time but a dynamic process that lasts a whole life time."⁴ The partners get to know each other living a common life that is aimed towards

² B. BUJO, *The Ethical Dimension of Community, The African Model and the Dialogue between North and South*, Nairobi: Paulines Publications Africa, 1998, 33.

³ P. SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, Tema: Sub Saharan Publishers, 1974, 76.

⁴ BUJO, *The Ethical Dimension of Community*, 74.

marriage. There are also some rituals that are performed indispensable for the success of marriage. The stages involve the knowing of the partners privately and the exchange of gifts as an expression of love. Apart from African traditional marriage been organized in stages, there is an essential element which need to be discussed though in brief in order to have a clear understanding an African Marriage. These are descent groups. We are going to analyse each one and their influence on African marriage.

1. 1 Descent Groups

Societies are groups of people made up of people who are mortals. Such societies must replace its members (deceased) with new members. "Therefore the off-spring of marriage can replace the deceased members of the society".⁵ The descent groups are vital importance in the society because will determine the methods that the group use to acquire new members. They are many in African societies hence it's good to have a deeper understanding of different types of descent groups existing in African societies and how marriage partners are chosen for its members.

1.1.2 Cognatic Descent Group

In this descent group, the child belongs to the descent group all of his or her ancestors from both the paternal and maternal sides of the family. "The number of descent groups doubles at the level of each generation as one traces his or her

⁵ W.G. BLUM, *Forms of Marriage, Monogamy Reconsidered*, Nairobi: AMECEA GABA, Publications, 1989, 29.

ancestry back through parents and grandparents and other kin”.⁶ As a result of the nuclear family of this system stand out prominently they can choose to set up their residence with the descent group of any of the spouses. The relatives of both paternal are regarded as no differently from those of maternal descent group. Marriage is forbidden within the primary kin. “The rule is those members of society who are related to each other, as primary kin are prohibited to marry or mate”⁷ The primary kin must find other persons with whom to mate. The cognatic form of descent group is the one that is common with the members of western society. “In Africa the Lozi of Zambia is one of the few African tribes that follow this descent method of membership in a descent group”.⁸

1.1.3 Unilineal Descent Groups

Many tribes in Africa follow this system. The children become members of the descent group of only one of their parents. The line of descent can be traced either through the father or the mother however the child in unilineal system has blood ties with the parents on both sides. The unilineal descent system is divided in two systems- matrilineal and patrilineal. These systems are commonly followed in many African societies. We are going to analyse each one of the two because they are widely practised in many African societies.

⁶ BLUM, *Forms of Marriage*, 31.

⁷ R. FOX, *Kinship and Marriage: Anthropological Perspective*, Middlesex: Penguin books, 1967, 31.

⁸ BLUM, *Forms of Marriage Monogamy Reconsidered*, 31.

1.1.4 Patrilineal Descent Systems

In patrilineal descent system the husband's relatives seek wives for their male members. The husband's descent group seeks a wife who can provide the group with heirs or new members. In Patrilineal descent system the new heirs in the community trace their lineage from the father's side. The need to acquire mates for their marriageable members usually motivates the formation of marriage alliance between families, descent groups and even clans. "Choosing of marriage partners is greatly influenced by the community. The family members of the male are the one deciding the one their son can marry".⁹ The family has a right also to reject their son's or daughter's choice if they did not like the family that their son or daughter would be marrying into or if they are other circumstances of close blood relations.¹⁰

1.1.5 Matrilineal Descent Systems

This is a descent system that traces its ancestry through the mother's kinship. The children belong to the mother's kinship or descent group and to her clan.¹¹ In matrilineal society, a husband acquires sexual, but not reproductive rights in marriage that is rights in *uxorem*, not in *genetricem*.¹² Unlike the patrilineal the authority of the husband in matrilineal descent system is limited, because the children of his marriage do not belong to his own descent group but rather to that of the children's mother. This does not mean that the woman exercise authority in her descent group but rather the male of the group who is the brother to the woman or

⁹ BLUM, *Forms of Marriage Monogamy Reconsidered*, 32.

¹⁰ J.B. BRYSON, *A Theology of Sexuality and Marriage*, Nairobi: Uzima Press, 1998, 65.

¹¹ BRYSON, *A Theology of Sexuality and Marriage*, 34.

¹² BRYSON, *A Theology of Sexuality and Marriage*, 34.

maternal uncle of the woman.¹³ After looking in brief the descent systems in African societies, let's now analyse the stages of marriage in traditional African societies and the impact the descent groups have in them.

1.2 Stages in Marriage

Marriage in African societies is arranged in stages and in each stage they are rituals together with the symbolic acts that are indispensable for the success in marriage. "The symbolic acts involve the keeping of large herds, as a sign of prosperity and future large family, ritual objects carried or worn by the partners or their relatives such as spears, arrows shells, or different kinds of fruit symbolise the sex organs, sexual activity and birth of many children".¹⁴ To understand African marriage we must think of it not as an event or a condition but as developing process.¹⁵ As mentioned earlier that the marriage in African societies is not affair of couple who are to be married but a family affair hence the involvement of the whole family is of vital importance. The search for the marriage partner is the duty of a man with the help of his family members. "It is uncultural and even considered disgraceful for a woman to express openly her interest in a man"¹⁶ The initiatives always come from a man or through his uncle, mother, father or some other relatives. Acting as a group secret survey is conducted by the family members regarding the behaviour of a girl or boy. They approach the girl's people after suggesting her to the boy. The girl's people usually ask for some time to reflect upon the request. It depends with the tribe but it can vary from one to three months. Meanwhile "mutual

¹³ FOX, *Kinship and Marriage*, 31.

¹⁴ B. KISEMBO al., *African Marriage*, Nairobi: Geoffrey Chapman, 1977, 205.

¹⁵ B. RADCLIFFE, *African Systems of Kinship and Marriage*, London: Oxford University Press, 1950, 49.

¹⁶ SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 81.

spying” would be conducted each group trying to find if the person in the other group is fit to marry their child or if there is any “bad family disease” from each side, witchcraft, laziness or if she is respectful.¹⁷ Citing the example of the Akamba people in Kenya, marriage was of such importance to the society as a whole that the whole local community participated in preparing young people for marriage.¹⁸ While the enquiring is going on the boy is expected to be making presents to the girl and to her people. The acceptance means the favourable answer will be given to the previous request. Preparation of the further stage began immediately. It involves the negotiations of the bride-wealth that depends on the tribe.

1.2.1 Bride Wealth

Marriage ceremony usually covers the two essential things. It involves the paying of the bride wealth and the acceptance of it by the girl’s family. The day is fixed and the families of contracting parties come together. In normal circumstances the presence of the girl and the boy may be required so that they can give their final fiat in public.¹⁹ However the girl sometimes becomes too shy hence her consent has to be obtained anyway. What is very essential is the consent of the four parties, i.e. the girl, the boy, the girl’s people and the boy’s people have to be certain.²⁰ The other people present in the occasion are given their share of marriage payment, which they distribute among themselves. If it is drinkable they drink to show a kind

¹⁷ SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 81.

¹⁸ KISEMBO – al., *African Marriage*, 2003.

¹⁹ SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 82.

²⁰ SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 82.

of seal to the contract.²¹ The communal involvement in marriage alliance is seen here by the collection and distribution of the bride wealth.

The idea of exchange in marriage is very strong in Africa. One group receives a wife the other obtains something in return. It's of different kinds. It can be in a form of cows (pastoral societies) goods, service (labour exchange) or money in the modern times. In some communities a boy is asked to work for the girl's relatives for some months or years before taking the girl away and so forth. Bride wealth is what ratifies the marriage. It may be considered as "documentary evidence" attesting the fact that matrimonial union has duly been entered into.²² It gives the husband the exclusive rights of sexual access to the wife and it also legitimises the children. In patrilineal societies the man who has paid bride wealth for his wife is entitled to call her children his own to give them names. The payment of bride wealth does not imply that the transfer of all rights in the bride to the husband and his kind. It serves as the security for the husband's good behaviour, as well as for his wife's. Payment and acceptance of bride wealth is the most common means used in African traditional societies to signify the contracting and sealing of a marriage alliance. It makes the union legal. The conclusion of the marriage contract also gives the husband authority over his wife and over their children the right to economic and domestic services of the woman, the right to immediately transfer his wife to his own residence and normally rights to exclusive sexual access to the woman. This does not apply fully to matrilineal societies where the husband has the rights to *uxorem* but not *genetricem* (i.e. children are not legally joined to the husband's line). Therefore the rights that are transferred from one descent group to

²¹ SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 82.

²² SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 82.

another by payment of bride wealth are not the same in patrilineal and matrilineal societies.

The last stage is consummation of marriage or the first coming of the man and woman as husband and wife. In some communities this was often ritualised. “A temporary hut of grass was built for the first marital act, and couple slept there for some weeks. It was necessary to have a witness next room; the witness usually an older woman would then testify that the act has been completed”.²³

In a nutshell we have seen how community actively participated in every stage of marriage process. Their participation was not only in singing, dancing and feasting but in giving public testimony to what was going on. “Even after the wedding women in the village kept an eye on the young couple to see if the wife became pregnant”²⁴. It is clear in an African marriage that it is important to be father or mother than husband or wife.²⁵ Children are so important in the African context. This is why marriage is arranged in stages. Despite the other motives like mutually getting to know one another better, sexual satisfaction, fertility remains the overriding motive.

1.3 Divorce and Its Causes

In many African traditional societies, there is nothing like divorce especially if the bride wealth is already paid to the wife’s relatives and parents. However they are serious things which can lead into divorce. “The chief among them is infertility

²³ KISEMBO – al., *African Marriage*, 206.

²⁴ KISEMBO – al., *African Marriage*, 206.

²⁵ BUJO, *The Ethical Dimension of Community, The African Model and the Dialogue between North and South*, 99.

on the part of the partner, accusation or suspicion of witchcraft, incapability of characters, immoral life, inhuman treatment²⁶, laziness and so forth”.²⁷

Saruni Ole Meweti in Ngong Nairobi – A Kenyan Maasai was bitten off his penis after his wife he had stayed with for 16 years suspected that he was adulterous. He recalls the incident which happened on September 7th 2004 with deep regret and shame. “I was soon awakened by a sharp pain in my groin and found my wife clutching and pulling my private parts, she was in rage — I have never seen a woman like that” he said. He says he will never accept back his wife [...] “his mother wept bitterly and declared that Saruni’s former wife would never be accepted into the family”.²⁵

In matrilineal societies, divorce is effected if the bride wealth is returned. It has been seen by many anthropologists that the rate of divorce is higher in matrilineal societies than in patrilineal societies. For instance The Kikuyu tribe in Kenya who are matrilineal.

Mary Wanjiru Njenga from Ngarua in Nyahururu Kenya who lived with her common law husband Mr. James Njenga was removed from him by her aunts and other relatives to keep off her until he paid the bride wealth.²⁸

In matrilineal societies the bride wealth is smaller hence easily refundable. In patrilineal societies the bride wealth is big. This makes the woman behave well. In this case the woman is aware that if through her bad behaviour brings divorce about, her people will be incapable of repaying it. Therefore she does her best to behave herself, and the husband on his part tries not to mistreat her or fail to support her lest she leaves him and makes him lose both property and wife”.²⁹

In Africa the marriage payment whether, it is small or large is the objective instrument by which a “legal” marriage is established. “Its stability depends heavily

²⁶ Standard Reporter, *Agony of Unmanned Moran, Angry Wife Bit off His Manhood*, *East African Standard* (23rd September 2004) 3.

²⁷ SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 84.

²⁸ R. MWAATHI, *Family Snatches 6 Millions Winner from husband*, *Daily Nation* (20th September 2004) 1. 4.

²⁹ SARPONG, *Ghana in Retrospect, Some Aspects of Ghanaian Culture*, 84.

on the interest and support of the community and on the control which the community exercised over its members”.³⁰

Conclusion

Divorce in traditional African marriage involved the whole community. The support of the community in marriage was a backbone of stability in African traditional marriages. Divorce was not two individual affairs (i.e. Man and Woman) but a community decision. “In fact in many tribes, one of the specific functions of the clan elders was to preside in judgement of the marital disputes of its members”.³¹

Unlike nowadays where divorce can be granted at any time, in traditional African marriages the kinship group was there to support it and affirm its reality.³² Marriage and divorce have a much more communitarian aspect in traditional African society than they have in the western society. The community is the backbone in the stability of marriage, because the return of the bride wealth is the common way for the divorce to be effected. In such cases those who have shared the bride wealth would have to return them. “All persons who have received any of a woman’s bride-wealth are interested in the maintaining of the marriage since they have to repay, if it is dissolved”.³³

³⁰ KISEMBO al., *African Marriage*, 208.

³¹ C. KIHANGIRE, *The Marriage Customs of Lango tribe of Uganda in Relation to Canon Law*, Rome: Pallotti-Verlag, 1957 117.

³² BLUM, *Forms of Marriage, Monogamy Reconsidered*, 46.

³³ L.L. MAIR, *African Marriage and Social Change*, London: Oxford University Press, 1953.

CHAPTER TWO

DIVORCE IN THE SCRIPTURE

Introduction

We have finished analysing the meaning and understanding of marriage in traditional African society. We now begin our consideration of the origin and meaning of divorce in the scripture. In this chapter we will focus our analysis on the bible that has been the stable foundation for the religious meanings of Christian marriage. We shall analyse by looking at all the relevant passages in the bible concerning divorce.

2.1 Concept of Divorce in Jewish Community

Looking into the time of Jesus, one could wonder whether the question was over the right to divorce or what constituted the valid reasons for divorce. In Jewish society only the husband could divorce. He could do this by dismissing his wife and sending her away. The wife could only compel her husband to dismiss her. However the husband was sole agent of dissolution. Men had a direct power over the woman. “The husband could only dissolve the marriage indirectly by dismissing his wife”³⁴

In Jewish community, the women had passive voice only in matter to do with decision –making. This is stipulated by some rabbis that the wife could write her own certificate of dismissal and its validity depends entirely on its bearing the signature of her husband’s. The legal warrant of dismissal is found on Deuteronomy 24:1-4.

When a man, after marrying a woman and having relations with her, is later displeased with her because he finds in her something indecent, and therefore he

³⁴ T. MACKIN, *Divorce and Remarriage: Marriage in the Catholic Church*, New York: Paulist Press, 1984, 20-21.

writes out a bill of divorce and hands it to her, thus dismissing her from his house: if on leaving his house she goes and becomes the wife of another man, and the second husband, too comes to dislike her and dismisses her from his house by handing her a written bill of divorce; or if this second man who has married her, dies then her former husband, who dismissed her, may not again take her as his wife after she had become defiled. That would be an abomination before the Lord, and you shall not bring such guilt upon the land, which the Lord, your God, is giving you as heritage.

This passage is only there implicitly because its intent was not to establish divorce but to block the legal indecency of man's remarrying the woman who had once been dismissed. We can say that the passage presumes the prior establishment of divorce by unilateral dismissal of the wife³⁵. The practise of easy divorce was very common among the Hebrews encouraged probably by the absence of regulations restricting it. The chief concern of Dt 24:1-4, is to discourage divorce by preventing remarriage after divorce. It also gives three elements contain in the law: (1). the grounds for divorce, (Dt. 24:1a) (2). Process of divorce (Dt. 24:1b) and (3.) the result of divorce (Dt. 24:2-4).

Unlike marriage, the biblical records show that divorce was not instituted by God. There is no indication in bible suggesting that God introduced and institutionalised divorce after the fall as part of His order for human society. Divorce is "man made" not divinely ordained. God hates divorce (Malachi 2:16). No one knows how divorce began. So, when divorce first appears in the bible, the practise was already in existence.

2.2 The Grounds for Divorce in the Old Testament

From the earliest times divorce was possible among the people of Israel. The Mosaic Law regulates the procedure for divorce. The main text Dt 24:1-4 is of

³⁵ MACKIN, *Divorce and Remarriage* 21.

particular importance because it is the only Old Testament passage that refers to grounds or procedures for divorce. There are three particular things that need to be analysed regarding the text.

First of all the text major concern is not divorce. It neither requires, nor recommends, nor even sanctions divorce. Its primary concern is to forbid a man to remarry his former spouse; if he has divorced her since this would be dispensable in the eyes of the Lord. It is thought, “The ruling was intended to protect the woman from a capricious and perhaps cruel former husband”³⁶ The law is not approving divorce, what it says is that *if* a man divorces his wife and *if* he gives her certificate, and *if* she leaves and remarries and *if* her second husband dislikes her and divorces her or dies, then her first husband may not marry her again”³⁷ The Jewish People seem largely to have taken the conditional phrases as a real fully validity justification for divorce in the conditions described. They did not agree about the interpretation of the condition.

The second point is, though the law does not allow or encouraged it, yet if it happens the ground on which it takes place is that the husband finds “something shameful”. “When a man takes a wife and marries her if then she finds no favour in his eyes because he has found some indecency in her and he writes her a bill of divorce” (Dt 24:1a). What is this indecency or shameful thing? This cannot be adultery because adultery was punishable by death not divorce. (Dt 22:20ff, Lv 20:10). The precise meaning of phrase “some indecency” literally “the nakedness of a thing” is uncertain.

³⁶ J. SCOTT, *New Issues Facing Christians Today*, Great Britain: Marshall Pickering, 1999 327.

³⁷ SCOTT, *New Issues Facing Christians Today* 327.

Rabbinical school of Shammai interpreted it as unchastity while the school of Hillel as anything displeasing to her husband. Neither of these two views is supported by the evidences we have in the scripture. The Shammai's view is discredited by the fact that in the Old Testament, divorce was not granted for adultery (Lv 20:10; Dt 20:22-24) or for morally defiling one's wife before marriage (Dt 22:28). This suggests that the "indecent" of Dt 24:1 must refer to something more than adultery or sexual uncleanness.

The Hillel's looser interpretation is also lacking biblical support. The Hebrew word *erwat dabar*³⁸ picked by Rabbi Hillel and interpreted as the ground for divorce. Rabbi Hillel picked on the phrases which said that the wife becomes displeasing to her husband (verse 1) or her second husband "dislikes" her (verse 3) and interpreted them as the ground for divorce. The same word is used in (Gn 9:22.23; Ex 20:26; Lam 1:8; Ezk 16:36-37) referring to shameful exposure of the human body. Therefore we would conclude then, that according to Dt 24:1, divorce was allowed for some kind of shameful act or indecency other than illicit sexual intercourse.

The third point the Deuteronomy text presupposes is that of marriage. Once the woman had received her certificate of divorce and been sent from the house she was free to remarry even though she was a guilty party having done "something indecent" on account on which she had been divorced. In fact as it is known divorce in Jewish culture carried with it a permission to be remarried. Deuteronomy 24:1-4 indicates that Moses sought to curb the evil of divorce by requiring the husband to

³⁸ Hebrew word which means legal deficiency or delinquency something indecent uncleanness of a thing, a shameful thing, conduct or anything physical repulsive or even displeasing which indicates unacceptable behaviour in the wife

give a bill of divorcement to his wife to protect her after her marriage to another man. Therefore Moses did not institute divorce nor was it approved an intrinsic right to husband to divorce his wife if he found “some indecency” in her. He simply provides protection for the divorced wife when sinful hearts violate God’s original plan for marriage by permitting it due to hardness of the Israelites’ hearts. The prophet Malachi confirms this by informing us that God sees marriage as a sacred covenant of two persons in a permanent relationship before God. Since the Lord was the witness to the marriage covenant, breaking it by divorcing one’s wife meant to be faithless not only to one’s spouse but also to God (Malachi 2:13-16).

2.3 Divorce in the New Testament

The dominant legal system during the New Testament times was the Roman system. This legal system had its procedure of regulating marriage and divorce matters equally even though it was not equally applied in all areas.³⁹ Jewish people were regulating their matrimonial matters using the Holy Book (TORAH) even the time Jesus was conducting his earthly ministry. The divorce we read in the New Testament is in accordance to prescriptions of the Old Testament. A number of texts of the Bible tell us what Jesus said about divorce and remarriage. Other texts give insights into the meaning of what He said. The teaching of Jesus is fundamental to the study of the biblical review of divorce and remarriage because Jesus clarifies the reason for the Old Testament concession of divorce (Dt 24:1-4) and reaffirms God’s creational design for marriage to be permanent and indissoluble. The instruction of

³⁹ R.E.K. MCHAMI, “Divorce in the New Testament and in Tanzania”, in *Marriage and Family in African Christianity*, ed. A. A.Kyomo – S.G.Selvan, Nairobi: Paulines Publications Africa, 2004, 124.

Jesus on divorce and remarriage was given in response to a question from the Pharisees that were found on both passages (Mk 10:1-10; Mt 19:1-12).

There are some identical elements regarding the passages:

1. Geographical setting is the same Mk 10:1; Mt 19:1.
2. The same questions are recorded and same response is given by Christ (Mk 10:2-9; Mt 19:3-9).

There is one crucial difference between the passages, which is found in Mt 19:9, teaches that divorce and remarriage “except for fornication” is adultery. The passages from Mark and Luke appear to be clear, definite statements with little room for misunderstanding or interpretations. Mark and Luke exclude it entirely. We are going to analyse its inclusion in Matthew later.

The Geographical setting: Jesus had concluded Galilean Ministry and was journeying through Perea to Jerusalem for the Passover and crucifixion. Perea is a territory under the jurisdiction of Herod Antipas who beheaded John the Baptist for condemning publicly his incestuous marriage to Herodias, who was his niece and the wife of half- brother Herod Philip (Mt 14:6-12). Probably the Pharisees must have thought that if they could trick Jesus into condemning the illegitimate marriage of Herod Antipas by means of a “test” question on divorce, this would result in His arrest and execution.

Jesus response to Pharisees question is characteristic. He recalls attention to God’s original plan for marriage almost chiding them for failing to realize that divorce is totally alien to such a plan. God’s original plan consists of a man and a woman being united in marriage, strongly that the two actually become one flesh (Gn 2:26; Mt 19:6; Mk 10:8). Jesus even affirms that it is God Himself who actually joins together a couple in marriage and what God has joined together no human

being has the right to separate. Jesus affirms the permanence of God ordained marriage. This provoked another questions from the Pharisees -- why then did Moses command one to give a certificate of divorce and put her away? (Mt 19:7). The "test" question the Pharisees pose to Jesus is centred on the significance of the phrase "some indecency" found on Dt 24:1-4. It is remarkable to see how the same biblical text (Dt 24:1-4) was interpreted in two radically different ways. According to Conservative Jewish opinion only the husband could divorce his wife. The Shammai school of thought taught that man could divorce his wife if she is guilty of voluntary sexual intercourse with another man.⁴⁰ The school of Hillel also taught that "it was legitimate for divorce a married woman if she did anything offensive to her husband, for example if she burned or cooked food badly"⁴¹ The two disagreeing interpretation of *erwat dabar* had in fact appeared in generation before Jesus, one coming from Rabbi Hillel, the other from Rabbi Shammai⁴².

Christ's answer is of fundamental significance because it clarifies the whole question of Old Testament Mosaic provision. "Mosaic permission of divorce was due to hardness of your heart but from the beginning it was not so" (Mt 19:8; Mk 10:5-6). This implies that Moses permission was occasioned by insubordination and stubbornness of the Israelites. The bill of divorce was intended to regulate a perverse situation not to change the divine institution of marriage. Therefore Moses did not invalidate the original institution of marriage as a permanent union.

We need now to analyse the exception clause of Matthew 5:32 and 19:9 in which he narrates that Jesus taught about divorce and allowed it only on the ground

⁴⁰ MCHAMI, "Divorce in the New Testament and in Tanzania" in *Marriage and Family*, 125.

⁴¹ C.H. TALBERT, *Reading Corinthians*, a Literary and Theological Commentary on 1&2 Corinthians, New York 1987, 45.

⁴² MACKIN, *Divorce and Remarriage*, 22.

of unchastity. Matthew 5:32 and 19:9 teaches that divorce and remarry “except for unchastity (Gk *-porneia*) is adultery. But I say to you, whoever divorces his wife, except on the ground of unchastity, makes her adulteress and whoever marries a divorced woman commits adultery” (Mt 5:32). “And I say to you, whoever divorce his wife, except for unchastity and marries commits adultery” (Mt 19:9). This phrase is used twice by Matthew, which poses problem for scripture scholars. “There are those who say that in these words our Lord recognizes the right of one whose conjugal rights have been violated by adultery to separate from other party and to contract another marriage”⁴³ Other scholars state that our Lord was referring to marriages contracted between two Jews in violation of the Mosaic laws on consanguinity and affinity.⁴⁴

Historically, “*porneia* has been used with wider and narrower meanings. The wider meaning includes unlawful extra-marital intercourse. Such as prostitution, fornication and adultery. The narrower meaning can refer to sexual aberrations such as homosexuality (Rom 1:29) incest (1 Cor 5:1) and unlawful marriages within forbidden degrees of relationship (Acts 15,20-25)”⁴⁵ According to Joseph Bonsirven (A biblical scholar) *porneia* in this text of Matthew does not mean adultery by the spouse which could confer the right to dissolve an existing marriage, but rather the case where there is no question of a real and valid marriage, but only of an unchaste living together, mere concubinage or other invalid form of marriage”.⁴⁶

⁴³ S.J. KELLEHER, *Divorce and Remarriage for Catholics*, New York: Doubleday & company, INC. 1973, 39.

⁴⁴ KELLER, *Divorce and Remarriage for Catholics*, 39.

⁴⁵ F. HAUCK · · S. SCHULZ, *Porneia*, Theological Dictionary of the New Testament, ed. G. Kittel- G. Friedrich Grand Rapids 1968, vol. 6 580.

⁴⁶ B. HÄRING, *Marriage in the Modern World*, Mary Land: New Man Press Westminster 1960, 268.

Bonsirven further argues that the term “*porneia*” was used in the New Testament to indicate marriages that were contracted in violation of the prescription in Leviticus 18 relating to the degrees of kinship within which marriage was not permitted.⁴⁷ Therefore, according to him “*porneia*” — unchastity in Matthean context really connotes marriage within the forbidden degrees of relationship. Hence the relationship would be incestuous and marriage invalid.⁴⁸

The word *porneia*⁴⁹ is rightly translated by RSV, NRSV and NJB as incest and it indeed means marriage within the prohibited relationship. For instance marriage between parent and child, sister and brother, aunt and uncle, niece and nephew. This view appears to me to be the most satisfactory and enjoys considerable scholarly support. The narrower interpretation of the *porneia*, exception as referring to incestuous marriage prohibited in Leviticus 18:6-16 is supported by the historical settings of Christ’s dispute with the Pharisees in Perea (Mt 19:9 and Mk10: 1) the territory of Herod Antipas who divorced his wife in order to marry the wife of his brother Philip (Mt 14:4).

Antipas has violated the Mosaic Law that stated — you shall not uncover the nakedness of your brother’s wife, she is your brother’s nakedness (Lv 18:16.20.21). In this case Jesus states the principle in which divorce is only permissible in case of unlawful marriage. So the geographical and historical setting of the exception clause supports the interpretation of *porneia* as a reference to marriage within prohibited relationships (Lv 18:6-18). This is simply declared by Jesus Christ that when such norms were violated, there was a valid reason for the dissolution of marriage.

⁴⁷ R.F. COLLINS, *Divorce in the New Testament*, Minnesota: The Liturgical Press, Collegeville 1992, 202.

⁴⁸ COLLINS, *Divorce in The New Testament*, 202.

⁴⁹ Greek Word means unchastity, Adultery, in this context it may mean premarital fornication or unlawful marriage (New Jerusalem Bible).

2.3.1 The Teachings of St. Paul on divorce

The teachings of St. Paul on divorce and remarriage are most significant since they represent the earliest Christian interpretation and application of Christ's teaching to concrete situations. His position on divorce is very clear. For him marriage is a long time commitment (Rom 7:2-3, 1 Cor 7:10.39a). Divorce is allowed only if unbelieving partners desires to divorce (1 Cor. 7:15). If unbelieving partner wants to divorce is at liberty to do so, the believing partner can then remarry. In our context, this advice of Paul can be used in an instance in which a partner in a Christian marriage denounces the Christian faith, which he/she was professing at the time of contracting the marriage in question.⁵⁰ These are some of the challenges Christians are facing nowadays in marriages. To a believer marriage has a deeper and more radical meaning than to an unbeliever. A believer marries "in the Lord" (1 Cor 7: 39) that is according to the will of God who joins together two partners into a sacred life long covenant, enabling them to become "one flesh". A believer marries "in the pagan society" which views marriage as civil or social contract that can be terminated through legal proceeding.

Since a believing spouse cannot impose his/her Christian view of marriage upon unbelieving partner, if the latter obstinately determined to desert his/her believing spouse then the marriage union is dissolved.

Paul is making a difference between the marriage of two believers, which cannot be dissolved, and the mixed marriage of a believer to an unbeliever that can be dissolved. When the latter deserts the believing partner, gives us perhaps the

⁵⁰ MCHAMI, *Marriage and Family*, 126.

strongest biblical evidence for the sacred, permanent nature of Christian marriage. This doesn't mean that a mixed marriage (of a believer to unbeliever) is less sacred than a Christian marriage (1 Cor 7:14).

This means that marriage has a special character for two believing partners. Their common faith and commitment to God unites them in a real objective life long marriage bond. Such a permanent commitment is possible because their faith in Christ offers them means for fulfilling God's original design of marriage the two shall be one flesh.

Summing up Paul's teachings on the question of divorce in 1 Cor 7:12-16, not only reflects Jesus' teachings concerning the permanence of marriage but also reveals its full depths. It does this by showing how a Christian faith causes the marriage covenant to become sacred life long relationship. On account of this fact, a Christian couple experiencing marital problems may separate with a hope of reconciliation but may not divorce or marry. This condition does not apply to a mixed marriage where unbelieving spouse deserts his believing spouse because by the very fact of desertion the unbelieving partner rejects the Christian view of marriage as sacred and permanent union. "Paul allowed exceptions to the teaching of Christ not because one party was baptized and the other not baptized, but because couples could not live in peace by reason of their irreconcilable religious differences"⁵¹. So like Jesus, Paul affirms the principle of Christian marriage as a union binding and permanent for life. If separation should occur Paul presents only the alternative to believing partners to be reconciled to one another or remain single.

⁵¹ KELLEHER, *Divorce and Remarriage for The Catholics*, 50.

Conclusion

In this chapter we have found that both Old and New Testaments clearly and consistently condemn divorce as a violation of God's original plan for marriage a life- long union that enables a man and woman to become "one flesh". Jesus utterly condemns divorce as contrary to the divine institution of marriage. Marriage for Jesus is not a mere civil contract that can be terminated but a divinely established covenant relationship that must not be put asunder. "Divorce is the sundering by man of a union God himself has constituted."⁵²

Respect for this fundamental principle demands that a Christian couple experience marital conflicts should not seek to resolve through divorce, if marriage relationship becomes intolerable a Christian couple can consider divorce as a legal separation. The purpose of separation should be to provide an opportunity for the couple to work toward a possible reconciliation.

⁵² J. MURRAY, *Divorce*, New Jersey: Phillipsburg 1968, 33.

CHAPTER THREE

CAUSES OF DIVORCE IN TODAY'S MARRIAGE

Introduction

We have just made consideration on divorce in the scripture. We saw how divorce is treated in both Old and New Testaments. Both clearly and consistently condemn divorce as a violation of God's original plan for marriage as a life long union that enables a man and woman to become "one flesh". We live in a time of cultural transitions when old values are being challenged both within and outside the church. Many Christians today are confused and do not know what to believe, especially in the area of divorce and remarriage. An alarming number of married people discover their marriages "on the rock" (hanging) because of marital problems they do encounter in marriage life. This is indeed a most regrettable situation and should be readdressed. In analysing it we are going to treat factors leading to divorce from customary, political, social and economic perspectives.

3.1 Customary Factors

In the rural areas of Africa, the vast majority of the populations are geographically located according to their ethnic groups. With the process of modernization, many people have been migrating from rural areas to urban areas looking for better life (jobs and education). The result of this is the establishment of towns with mixed cultures. The following are some of the customary factors that could lead to the instability of Christian marriage and eventually to divorce.

3.1.1 Problem of Inter-ethnic Marriages

In urban areas, the situation seems to favour inter-ethnic marriages because of the presence of people from different tribes. It has been also observed that inter-ethnic marriages do attract social problems. In fact “each ethnic group often regards its culture, customs, and traditional ways of life as normative”.⁵³ This can be a result of parents of both partners, or son to one with whom they may not effectively communicate, due to the language barrier, by the prospect of having grandchildren who will not know them well and their way of life. The feeling that one’s culture is superior to the other may be there. The partner whose culture is viewed as inferior feels that his/her personality has been lowered down, thus the conflict between the two partners are likely to happen. The failure to cope with these factors could lead to disintegration of the family. This may be a major cause of misunderstanding. “Inter-ethnic marriages however must be squarely facing the difference in customs, taboos, and prohibitions governing family life. Child bearing, interpersonal relations, language usage and many others”.⁵⁴

Inter-ethnic marriages have their positive value too. They can help to bring together people of different ethnic groups. They can create strong links of intimate relationship among the people of different tribes. Prejudices and misconceptions about other people’s cultures and ways of life may be cured by inter-ethnic marriages. Indeed, such marriages could help people to transcend the limitations of their ethnic groups and in this way they may be able to contribute to the building of African Christian families. Successful inter-ethnic marriages of Christians bring the bond of unity between partners, their families and relatives. “A community of love

⁵³ KISEMBO, - al. *African Christian Marriage*, 161.

⁵⁴ KISEMBO, - al., *African Christian Marriage*, 161.

understanding, mutual respect and peaceful relationship is called into existence".⁵⁵

This is a result of a happy inter-ethnic marriage of Christians. "In Christ the barriers of race, inter-ethnic groups and language are of no account" (Gal 3:23-29).

3.1.3 Problem of Bride Wealth

As it is understood, the marriage in any African tribe carries with it the question of bride-wealth. In fact, bride wealth is given, in other words, it is intended not to purchase the woman to be married, but it is a form of thanksgiving to the wife's people for the care they have taken of their daughter.⁵⁶ In some African tribes, the bride-wealth is paid in stages: a part of it is given during the time of courtship, and the rest is paid with the birth of children to the woman. As we have seen there are so many youths who migrated from the rural areas to the cities looking for job opportunities. In the course of living in the urban areas, they get partners and decide to marry. Some do enter marriage without consulting their parents. When the parents of the girl come to know that their girl is about to marry, they press for bride-wealth and the boy promises to pay in intervals i.e. before and after marriage. Due to poor economic situation some fail to fulfil the promise, this becomes a source of conflicts and the marriage may end up in fiasco. Lastly some husbands sometimes abuse the meaning and intention of giving bride-wealth. They mistreat their wives on the ground that they spent a lot of money to pay for the bride-wealth. The wives become like slaves. If mistreatment is intensified, life becomes unbearable for these women and their families are likely to disintegrate.

⁵⁵ KISEMBO, -- al., *African Christian Marriage*, 171.

⁵⁶ L. MAGESA, *African Religion*, Nairobi: Paulines Publications, 1998, 122-123.

3.2 Political Factors

Following the introduction of multi-party democracy in many Africa countries with many people have become interested in politics and are participating in it freely in comparison with former times which freedom of speech was very much limited. This implies the founding of several political parties with different ideologies. Party officials and committed members (men and women) find themselves obliged to travel country-wide spreading the party's ideologies prior to general elections. It is clear some politicians put aside their families' responsibilities in the name of politics. This entails they dedicate most of their time to politics at the expense of their families. Long absences from their families especially on the side of married women have detrimental effects on the families. The other party who remains at home is forced to question the fidelity of his/her spouse who most of the time is on the move. Moreover, he/she finds himself overburdened by the responsibilities of the family and gets the picture that his/her spouse does not care. Consequently, the love between them begins to diminish.

3.3 Sociological Factors

An important factor contributing to the alarming rise of divorce among the Christians is the growing acceptance of the societal view of marriage as a social contract, governed by civil laws rather than as sacred covenant, witnessed and guaranteed by God Himself. "Many young people are carried by the public opinion which is mobilised against the indissolubility of marriage by ideological groups and parties by means of influential publicity media (film, radio, television and press)".⁵⁷

⁵⁷ B. HARING, *Marriage in the Modern World*, Maryland 1965, 290.

Divorces and love affairs of many superstars are usually presented with great deal of sentimentality, appear to many unthinking people as models for romance to be copied.⁵⁸ Instead of promising each other faithfulness “till death do us apart” many couples are adopting the modern version of the marriage vow, by pleading to remain together “as long as we both shall love”.

3.4 Economics Factors

The continuing flood of urban migrants widens the gulf between the rich and the poor. “It favours human exploitation, unemployment, inequitable remuneration and unjust working conditions.”⁵⁹ With the process of urbanization many people find themselves in towns without job opportunities. For the marriage ones becomes a big problem. Due to this some married women are easily tempted to seek support from a third party and becomes a source of unfaithfulness in marriage. Things become worse when love between the married people diminishes and shifts to this third party. Definitely what follows is quarrelling between the married people and which could lead to the end of marriage.

Labour migration is another common factor that can lead to divorce. With the great mobility of labour a man can for a long time in a new place of work without finding any, or suitable place for his family to live. Hence he is forced by circumstances to leave his wife and family in the village for considerable periods. Quite often he works along with women in his place of work who often are on their way of finding a husband. Therefore marital infidelity becomes a factor. “Mobility of labour uproots many people and deprives them of support and restraint of family

⁵⁸ HARING, *Marriage in the Modern World*, 290.

⁵⁹ A. SHORTER, *Urbanization: Today's Missionary Reality in Africa*, in AFER, 1990, 32 292.

and relations”.⁶⁰ As we know, common life is very important in married life. It is through common life that is sharing one table, one room; one bed that married people can enrich their love. Married partners are deprived of these values by having to stay in different residences. Married people are expected to stay together, and help one another in case of any problem. Married couple who happen to live in two different residences are likely to suspect one another as far as marital fidelity is concerned. In facts some married people have fallen prey to infidelity because of living far away from their partners. Generally speaking the issue of labour migration between married partners is detrimental to the stability of marriage.

Conclusion

In conclusion we can say that married life is not simple, as there are so many factors surrounding it that make it unstable. This should not be an excuse for the married people, they have to struggle to overcome these difficulties and persevere in the married love. Marital covenant produces a family, and in the family there is unity in which the relationship of communion between the parents attains complete fulfilment. This fulfilment is both a task and a challenge. The task involves the spouses in living to their original covenant, and the challenge is the children who should consolidate that covenant”.⁶¹ Thus the path of the married couple and the family has two essential aspects: sanctification in union of faithful love, and sanctification in fruitfulness, by fulfilling the task of raising their children as

⁶⁰ HÄRING, *Marriage In The Modern World*, 291.

⁶¹ JOHN PAUL II, *Letter to Families*, in “The Pope Speaks”, Vol 39 4 (Huntington: Our Sunday Visitor, 1994), 213.

Christians.⁶² Due to the increase of divorce rates in many marriages there has arisen a big social problem- this is the problem of street children. There are hundreds of street children in the City of Nairobi-Kenya and other capital cities in Africa. In fact some of these children find themselves in the streets because their families have collapsed (divorced). Others have run away from their families because life in their families has become unbearable. Since these children have been displaced from their families by circumstances, some have ended up as thugs, and others have become victims of drug abuse. This becomes a burden not only to their families but also to the society at large.

⁶² JOHN PAUL II, *Married Life Way to Holiness*, in "The Pope Speaks", Vol 40, 1 (Huntington: Our Sunday Visitor, 1995), 27.

CHAPTER FOUR

THE TEACHINGS OF THE CHURCH ON DIVORCE:

PROPOSALS AND RECOMMENDATION

Introduction

In Hebrew tradition the structure of marriage is determined by the needs of a clan, which quite overshadowed the interests of the partners.⁶³ This is common in many African traditional societies. The church teaching on Christian marriage goes beyond this. The catholic view of marriage stands in direct relation to the Old Testament Hebrew view. In order to understand well the catholic view on divorce we need to explore the theology of marriage. In this chapter we are going to view it from various scriptural texts and Church documents.

4.1 Unity and Indissolubility of Christian Marriage

The creation narrative says that the woman was created for the man's sake man being in need of help and complementarily. Eve was his life long companion so a man leaves father and mother for his wife's sake and the two become "one flesh". Marriage is the work of God a divine institution, God himself gives woman to man (Gen 2:22). So the inner meaning of marriage is found in the authentic personal communal the "one flesh". Marriage is a unity, exclusively a partnership between one man and one woman by which they mutually give and accept each other in such a way that they become one body and not two: (Gen 2:18-24). "It is an institution which has been willed by God".⁶⁴ Inclusion of any other person in this relationship is violation of marital unity. That is why the Church does not allow polygamy or any

⁶³ W. MALINSKI, *Marriage institution and Sacrament* in *Sacramentum Mundi* Vol. 3 New York: Harder and Harder, 1969, 391.

⁶⁴ PIUS XI, *Casti Connubii*, 1930, GS 48.

unhealthy extra-marital sexual relationship for which various reasons are advanced in some African culture. This is a violation of this unity. This account of creation, gives a clear picture of a monogamous relationship that is orientated towards procreation.

The indissolubility of marriage is a central point in the catholic doctrine concerning marriage. It is with this doctrine stands and falls the significance of the sacrament of marriage as an image of faithful love between Christ and his Church. Scripture proclaims the sacredness of matrimonial union. "Let no man separate what God has joined." In the New Testament Jesus deepens the Hebrew concept of marriage by giving it a spiritual dimension. He raised marriage to the dignity of the sacrament.⁶⁵ Therefore marriage between two Christians is truly a sacrament. Its sacramentality belongs intrinsically to the very matrimonial covenant that binds the two Christians.⁶⁶

This means that he spiritualises it, not only forbidding the dismissal of the wife as an offence against the basic law of marriage continued in narrative and ingrained in human nature, which makes husband and wife one flesh but also teaching that divorce does not sever the marriage bond, since he declares that remarriage of divorced person is adultery (Mt 19:3-9). This doctrine is however difficult for many modern people to understand as it was for the Jews to whom the Lord proclaimed this inviolable law with the greatest clarity (Mt 19:1-10; Mk 10:1-10).

⁶⁵ JOHN PAUL II, *Familiaris Consortio*, 1981.

⁶⁶ LEO XIII, *Arcanum Divinae Sapientiae* 1880, ND 1822-1823.

4.2 Marriage as Vocation

Everyone of Christ's faithful has the positive right not to be subjected to any kind of coercion or pressure in making his or her choice of a state of life.⁶⁷ This means that the person is free to choose any states of life: marriage, priesthood, religious life, and single states in the world. Therefore marriage being one of these states in life is a vocation.

Pope Leo XIII in his teachings showed that marriage is a Christian vocation, it is a state of life, he said

There is no doubt that in deciding upon a state of life every person has the right to make his free choice between following Christ's counsel of virginity and entering upon the state of matrimony.⁶⁸

If a person is assigned to a special place, role or function in the church and is given a specific permanent sacrament and specific graces necessary to fulfil the supernatural role or function he must receive a specific calling or vocation from God.

4.3 Marriage as Covenant

Marriage is an enduring and exclusive covenant of love between man and woman. Marriage is more than a contract, because contract deals with things. It is a covenant and the word covenant comes from Latin word "fidere" which means to trust, to have faith in to entrust oneself to another (GS 48). It suggests engagement of peoples, trust, fidelity, partnership, communion and love. Indeed it is a relationship of mutual trust and fidelity. Marriage covenant is the most profound type of covenant resembling the covenant that God made with his people the Israelites (Ex 19:1-16). It also reflects the total faithfulness and unending

⁶⁷ Can. 219.

⁶⁸ LEO XIII, *Rerum Novarum*, in A A S, 23, 1890-1891, 645.

relationship of Christ to his church. The spouses enter the covenant with specific purpose: the creation of the most intimate communion of the whole life. “The intimate union of marriage as a mutual giving of two persons, and good of children demand total fidelity from spouses and require an unbreakable unity between them”.⁶⁹ Marriage as a covenant depends very much on total human fidelity of its existence and growth. Each marriage person is required to be faithful to the interpersonal relationship. The total gift of self can’t be divided. “Matrimonial covenant is ordered towards the good of the spouses and the procreation and education of off spring”.⁷⁰ Mutual love, procreation and education of children are intimately connected that we can say that if marriage is not merely for procreation then it is not and cannot be merely for conjugal love. Indeed, allowing divorce “is to offend against the nature of marriage, because it cripples and even ruins this nature by hindering the nurture of children. It is to their nurture that marriage is by nature oriented”.⁷¹

4.4 Marriage as Sacrament

It is in the teaching of the church that our Lord elevated the existent institution of matrimony to the dignity of the sacrament.⁷² Unlike the other sacraments, marriage itself was not directly instituted by Christ, since it predated Christianity. He only elevated it to the dignity of a sacrament. In the Christian understanding, marriage of Christians has been raised to greater dignity, namely to a

⁶⁹ J. NEUNER, *Matrimony in The Christian Faith*, Bangalore: Theological Publications, 2001, 773.

⁷⁰ Can. 1155§ 1.

⁷¹ MACKIN, *Divorce and Remarriage in the Catholic Church*, 460.

⁷² Can. 1055§ 1

representation of the mystery that joins Christ and the Church.⁷³ In fact, Christ's supreme love and self-giving in his blood and his faithful and even irrevocable adherence to his spouse, the church, become the model and example of Christian marriage. As Paul's letter to the Ephesians 5:21-33 is saying that God's love which was given fully to Jesus Christ which resides in the Church becomes available in marriage and expressed in the love of Spouses which becomes its sign. "The likeness of marriage to this model is a relationship whereby the spouses really participate in Christ's covenant of love with the Church".⁷⁴ Christ's love in the Church is captured in the sacrament of marriage and fulfilled by the love of the spouses for each other".⁷⁵ However, Christian marriage, because it is a sacrament and because it reflects the unbreakable union of Christ with his Church, is especially indissoluble. There is no doubt that the radical nature of indissolubility of marriage is based on the gospel teaching. Christ taught that, marriage union is indissoluble. He said: "Therefore what God has joined together; man may not separate".⁷⁶ It is simply impossible to dissolve the consummated marriage of two Christian because, since it is a sacrament, it images the indestructible union of Christ and his Church".⁷⁷

The Council of Trent while teaching about marriage, showed clearly that marriage is indissoluble, as it said that our forefather, Adam, pronounced marriage to be a perpetual and indissoluble bond when he said: "This at last is bone of my bones and flesh of my flesh [...] Therefore a man will leave his father and mother and cleave to his wife and the two will become one flesh" (Gen 2:23-24). Furthermore the Council of Trent added that our Lord confirmed the lasting nature

⁷³ Eph 5: 21-33.

⁷⁴ T. MACKIN, *The Marital Sacrament*, New York: Paulist Press 1989, 633.

⁷⁵ J. DAMINIAN, *Marriage, Faith & Love*, London: Darton, Tood & Longman, 1987, 257.

⁷⁶ Mt 19:6

⁷⁷ MACKIN, *Divorce and Remarriage in the Catholic Church*, 460-461.

of the marriage bond when he said: “What therefore God has joined together let no one put asunder” (Mt 19:6). Jesus abolishes divorce and reverts to the original intention of the Creator, once the husband-wife unity has been established in a genuine marriage then its nature is that of permanency.

Once the sacrament of marriage is received, it helps the spouses to build their life in Christ, and because of its sacramentality, it is more than a natural institution. The sacramental grace of marriage perfects the natural love of couple and strengthens the indissolubility unity of marriage bond. Sacramental grace assists in the sanctification of spouses. It is a vocation or calling from God whereby the spouses through their union, share in the work of creation. They cooperate with God in the transmission and nurture of human life. They help to build up the Church, not only through catholic education of children of God may give them, but also through their own growth in charity, which directly influences the growth of the Church. “Christ abides in the sacrament, so that just as he has loved the Church and has given himself up for it, so the spouses by their mutual love, self-giving may love one another with perpetual fidelity”.⁷⁸

To sum up, we can say that Christian marriage is a God-given, life long commitment created to endure the most appropriate conditions for the promotion of life, life of the children and that of the spouses. The Church emphasises that the “intimate partnership of married life and love is rooted in the conjugal covenant of irrevocable personal consent therefore, by that human act whereby spouses mutually

⁷⁸ GS 49.

bestow and accept each other, a relationship arises which by divine will and in the eyes of society is a lasting one”.⁷⁹

4.4 Proposals and Recommendation

We have seen that right from the Old Testament, New Testament and Church Teachings that divorce has been seen as a violation of the basic nature of marriage, which as covenant relationship should remain inviolate. Indissolubility is a divine should remain a norm and any other alternative of this teaching in marriage is the distortion of this basic nature of marriage, and yet many African Christian Marriages continue to break down.

Preparation for marriage, and family life, is of great significance for the good of the Church. Traditionally, Young people were brought up fearing and respecting traditional culture that banned them from marrying recklessly or without parental consent. Traditional societies played a great role in marriage preparations. Young people were instructed by their elders about marriage and family life during traditional ceremonies like circumcision. We saw in Chapter One, that marriage in African understanding is not only the union of the two individuals (i.e. man and woman) but a social function since the parents and clans of the girl and boy are involved. It was the interest of the entire community to bring the couple to their senses and help them to live together in harmony if marriage showed signs of strains. We have also seen that community involvement in settling the marriage problem was vital to avoid divorce.

⁷⁹ *Pastoral Constitution on the Church in the Modern World*, Part II Chapter I Chapman, 1967, 250.

This is lacking nowadays. Social changes are having an impact on the way people understand and live marriage. With the process of urbanization, many young people find themselves living in towns, separated from their family, alienated and disintegration of the self, breaking down of extended family, therefore deprived of the opportunity to be instructed about traditional values. Marriage is even taken as a sort of refuge for those in search of security. Lack of proper preparation has caused many divorces and separations even during the first years of married life. This state of affair makes us to wonder whether people do really have sufficient knowledge about marriage.

In this case the role of the two families is of vital importance in preparing the spouses from very beginning. Here we mean *remote preparation*, which is specific for the adolescence and should take place first of all in the family, also in schools and formation groups, as a valid assistance to the family. It is at this stage that the young people are supposed to get catechesis on the meaning of marriage and family life.

4.4.1 Conscientization

Pastors of souls should be courageous to utilize some occasions like sermons to conscientize parents and guardians about their responsibilities of preparing their children for marriage and family life. Pope John Paul II says: "Parents are the first and most important educators of their own children, and they also possess a fundamental competence in this area: they are educators because they are parents".⁸⁰

In fulfilling this duty, parents can use various ways to educate their children about marriage and family life. First and foremost by words and example.

⁸⁰ JOHN PAUL II, *Letters to Families*, 228.

There is also need of Religion as a subject to be taken seriously in Catholic schools especially primary and secondary schools. Of course, it is not in all schools that this subject is being taught due to the lack of competent teachers. This can be effective if the syllabus of Religion in Catholic schools is prepared by the Episcopal conferences in a way that those who teach religion in schools will be allowed by this syllabus to teach and talk satisfactory about marriage and family life. Indeed this will be one of the best ways of preparing the young generation for the sacrament of marriage.

4.4.2 Proximate Preparation

Proximate preparation concerns those who are already in engagement period, and the aim of this preparation is to instil into the minds of the engaged the whole ideas of holiness and obligations of the married people. The self-realization in marriage needs to be emphasized. The couples should be instructed clearly about self-realization within marriage as a mutual process between the spouses and requires patience, effort and sacrifice. The pace and rate of growth will differ for the partners and it will be an expression of love to have the ability to wait for one's partner to advance to the same level as oneself. So much divorce could be due to unilateral growth that leaves the other spouse behind and consequently produces alienation between the two. A loving commitment attempts to appreciate in depth the level of development of one's partner and requires a sincere attempt to respond to it. Indeed all of us have to empty ourselves as Christ (Ph 2:5-7) does out of love for God and others. We cannot empty ourselves if we have little or nothing to donate. The greater our loving resources the more we can give. "The most precious

neighbour in marriage is our spouse followed by our children and within the family spouses, share the depth of availability which in turn is given to others outside family circle".⁸¹ This can be done in the Small Christian Communities. In as much as the members of the Small Christian Communities know each other very well, it will be reasonable to allow them to select among themselves suitable married persons who will undertake the mission of giving marriage seminar to engaged parties. Of course those who will be selected, before starting their mission, must receive training first and be approved by the parish priest who will have to check whether they are sound in matters of church teaching and will adhere to Church's magisterium as they carry out their mission. It should take at least three months, and it can be done once in a week.

Conclusion

To conclude we can say that the rising number of divorces in our present generation makes it clear that there is something, which has gone wrong, somewhere. This situation calls for immediate pastoral attention before things become worse. The time has come for the pastors of souls to do all they can in order to save marriages that are breaking down. It is commonly said that: Prevention is better than cure, therefore it is incumbent upon the pastors of souls to make an effort to ensure the stability of marriages rather than waiting to reconcile married partners who have separated. In fact, intensive marriage preparation makes the engaged parties aware of the state they are about to enter. They become well informed of the married and family life and the responsibilities attached to it. It is beyond doubt to say that engaged parties who undergo appropriate marriage preparation are in good position

⁸¹ J. DAMIAN, *Marriage, Faith & Love*, London: Darton, Longman & Todd, 1987, 5.

to lead a stable married and family life. Just as a human body needs to be taken care of day after day, so also marriages especially of young ones need to be taken care of. Thus pastoral care means seminars or workshops for married couples are very helpful. Once married people are given seminars from time to time they could be in position to lead a better-married and family life and definitely their marriages could be stable.

GENERAL CONCLUSION

The causes of divorce we see today in contemporary African societies were not all the causes of divorce in traditional African societies. Some contemporary African societies have adopted a hostile attitude or disrespect for their own culture in matters pertaining to importance of preservation of marriage bond. This is understandable since Cultural Revolution or urbanization is an on going process and everybody is very much affected. The traditional values that are in line with the gospel teaching on marriage ought to remain and be safeguarded, as they are the essence of the integrity of morality every society.

There is a need of taking Christian marriage as a journey that involves a lot of sacrifice and suffering. Since we are limited and we are not perfect, marriage people should not lose hope and courage even though marriage life seems difficult. Thus there is need by all means to fulfil the demands of the ideal marriage proposed by our Lord Jesus Christ. African Christians need to uphold the biblical aspect of unity and equal partnership in marriage, since polygamy is common in many African families. We ought to learn from Jesus that when a man and woman marry they become one flesh, thus monogamy is the ideal form of marriage for the Christians.

Since, it is not possible today to have traditional education, which was given through the families and during initiation rites, responsible parenthood should be taught in schools and by the church during catechesis classes. Seminars and workshops should be organized for people preparing for marriage, and marriage encounter for those already married.

Small Christian communities should be used as a basis for seminars and workshops. There is need for the church to train elders, catechists and other interested Christians to be able to act as marriage counsellors.

Those who have married should not be left by themselves but should be continually advised and encouraged. The reading of the scriptures should be recommended for them so that they read it daily and that it may nourish their lives.

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