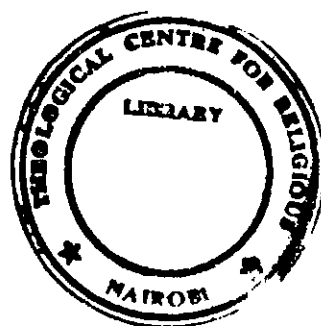


TANGAZA COLLEGE
CATHOLIC UNIVERSITY OF EASTERN AFRICA

**MORAL EVALUATION OF ADULTERY IN
AFRICAN CHRISTIAN PERSPECTIVE**



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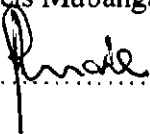
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INTRODUCTION

Marriage has been one of the most important aspect of the people of Africa. thus in Africa, each and every person was expected to marry for that was very important. Despite having that important aspect, there have been problems in marriages and one of the problem is adultery. This problem has been there and will continue to be there. It is from this point of view that I have taken a moral evaluation of adultery in an African perspective.

Thus in chapter one I have tried to see how the African looked at the matter of adultery in their own cultures and how reason made them arrive at the condemnation of it. This is clearly shown on how African look at marriage, obligations and duties of the partners in marriages where sex is concerned. Thus you find that the questions of childlessness, widow inheritance, hospitality and leviratic unions arises. What did they mean to the people and what was their concern? Thus I have tried to look at all these and in the end also tried to see what where their fears concerning adultery and how they condemned it and what punishment was given.

In chapter two, I have taken a look at the biblical concept of adultery. This starting with the old testament view, seeing how marriage and sex was taken in a Jewish culture. How this took a turn from being natural law to divine law especially with the covenant bringing in the relationship between Yahweh and his people being considered as marriage and thus Faithfulness and fidelity being the important aspect of that covenant. This gives way to the teaching to Jesus Christ who comes with the perfection of that law by going back to the divine intention of God from the beginning. So this portrays the weakness of African culture and

Jewish culture and strives for the real understanding of marriage as taught by the Christ. Thus marriage is a sacrament as taught by the Christ and sex has its proper place, that is in a validly contracted marriage where unity is an essential element and thus adultery is forbidden.

It is from here that I take a look at the real situation here in Africa and the teaching of the church on marriage and sex in chapter three. Thus you see that there is some opposition especially concerning some African practices in marriages where sex is concerned and so you find that the church has taken a negative attitude and even tries to punish the people who practice these customs and so the faithful feel the church do not understand them. The church is very clear in its teaching on marriage and emphasises on the essential element of unity and thus excluding any third party in marriage and calls for faithfulness, fidelity and even to be moderate as the previous popes proposed. Also sex in marriage should have a purpose of enhancing and portraying the love the couple has for each other and for procreation and thus adultery forbidden. Despite this adultery is still rampant in Africa and a lot has to be done to impart the gospel values. It is from this perspective that I chose this topic and it also helped me to re-live some of my past experiences like when my father died in 1988, and I had to convince my mother not to accept the widow inheritance ritual as practised by my Bemba culture. I have also been having difficulties trying to understand why my uncle divorced his wife when he caught her committing adultery while he himself has at one time and another committed adultery.

The methodology used in this essay is book research, my personal experiences and contact with different cultures of the countries I have been to in Africa mainly Zambia, Botswana, South Africa and Kenya. I have also read about other African cultures in my research and so I am not limited to those countries. It has been difficult to get statistics as the matter of adultery is a delicate issue in Africa and people are not open to talk about it. Infact I nearly earned myself a good beating in Zambia when I started to ask some questions and taken that I am not married people thought I was being rude and not respecting elders. Despite this I was able to get some information from my uncle though he was very reluctant to do so and he allowed me to use his case as I have done in chapter two. I have also looked at the current teaching of the church on marriage and what the Vatican and canon law says. Thus this paper has really helped me in understanding some of the African customs and their values and obligations of marriage as well as understanding the church's teaching on marriage and the place of sex in marriage. Thus in the end I have come up with some suggestions which may help bring the two aspects together and see how the Christian values can influence the African culture.

MORAL EVALUATION OF ADULTERY IN AFRICAN CHRISTIAN PERSPECTIVE.

Chapter 1

African Traditional concept of Adultery.**1.1 OBJECTIVE DEFINITION OF ADULTERY.**

Adultery in Africa can be defined in a complex form. To arrive at a definite definition, I think it should be better to take it in a context where it is found particularly marriage because it is already an evaluated action in marriage. Thus in African perspective, we should look at what is marriage, and what are the values found in marriage and which ones of these are broken so as to arrive at the condemnation of adultery.

1.2. MARRIAGE

In Africa, marriage is a contract between two families and thus bring in so many aspects like social, economical and religious. Thus it has values so as to keep these aspects in contact. The first value is that there should be faithfulness and permanence in marriage. So permeance and faithfulness are two important values of marriage.

Marriage is a complex affair with economic, Social and religious aspects which often overlap so firmly that they cannot be separated from one another.¹

1. John s. Mbiti, **African Religions and Philosophy**, New York: Double day and Company, Inc. 1969, p. 133

Thus marriage does not only involve the two people but rather families, clans and even tribes. So there are values to keep so as to keep these aspects in contact. It is with these perspectives that the definition of adultery also becomes complex. The Oxford dictionary defines adultery as "A voluntary sexual intercourse of a married person with somebody who is not the person to whom she or he is married. With this definition, the Biblical law of Moses begins to ring out." though should not commit adultery." of course this is a western kind of understanding and is not adequate to African tradition thinking because, there are some other African practices which involve sexual intercourse of married persons with people they are not married to and is not considered to be adultery. Thus I cannot find one objective definition of adultery in African perspectives because of the complex of the matter of marriage, what it involves, and due to many different practices and so the matter remains complex. For the Bembas of northern Zambia, adultery means being unfaithful in your marriage. So the word "**Ubucende**" in Bemba meaning moving from one partner to another. He or she is unfaithful to the marriage partner. This unfaithfulness includes marital act relations and so turning against your legitimate partners.² And so the word **ulubembu** meaning turning against. So for the Bemba, adultery is turning against the marriage act by being unfaithful in sexual relations. But this is just one traditional thinking. So let us see some other African practices and how particular societies look at them.

2. Manja Tuupainen, **Marriage in a matriline African tribe**, Vol. XVIII, Helsinki: The academic book Store, , 1970, p 90

1.3 SOME AFRICAN PRACTICES.

As I have already said, in Africa a genuine marriage brings about a bond or a link between two groups and establishes a relationship between a man and his brothers and the family of his wife on the other hand. This relationship is supposed to be permanent and continues even after the death of the husband or wife. Thus if a husband dies, the wife is inherited by the husband's heir. As marriage does not only concern the two, certain rights and privileges are given to the husband on the wife's group. It is in these perspectives of rights and obligations that certain practices are performed and have to be carried out even involving sexual intercourse for people who are not married.

1.3.1 WIDOW INHERITANCE

Many African tribes practice what is known as widow inheritance. When the husband dies, the wife is inherited by the husband's family. Among the Banyarwanda, the widow was inherited by the deceased father.³

Usually this inheritance was meant to protect and support the remaining wife and children. They are still part of the family. Thus in widow inheritance, the widow may become the wife of the heir or not. Thus you will find among the Bembas of Luapula province.

3. Aylward Shorter, (Editor) *Church and Marriage in Eastern Africa*, Eldoret: Amecea, Research Department, 1975, p. 121

"The ceremony is a simple one with the positional successor to the deceased being required to spend the night with the surviving spouse. The couple is publicly recognised as man and wife the next morning. The ceremony frees the survivor from the ghost of the deceased which would otherwise haunt and destroy the living spouse's family. After the ceremony the individual is free to go and no further claims can be made by the deceased people.⁴

Thus in widow inheritance, sexual intercourse takes place and people are considered to be married but they are not. Among the Bembas, it is very rare that the widow will remain or be married to the heir. She usually goes back to her parents and if she is of marriage age, she can even get married to another man. Note that though the two are married, there is no marriage ceremony, neither dowry.

4. Karla Poewe, **Religion, Kingship and Economy in Luapula, Zambia**. Lewiston, NY; The Edwin Mellen Press 1989 p. 73-74

1.3.2 CHILDLESS MARRIAGES

In case of childlessness in marriage, the African Tradition had ways of solving this problem.

If there was proof of the husband's infertility, the most commonly used method of getting a child or children was to secretly appoint the husband's cousin from the maternal or paternal side or even a brother to fulfil the duty.⁵

The same usually happened when the wife was infertile but in a different way. The man either took a second wife or mainly divorce would occur.

1.3.3. HOSPITALITY

Africans were renowned for their hospitality all over the continent. It is in this respect that also sex is offered as hospitality and so not seen as adultery.

"There are joking relationships in which people are free and obliged not only to mix socially but to be in physical contact which may involve free or easier sexual intercourse outside the immediate husband and wife. There are areas where sex is used as an expression of hospitality. This means that when a man visits another, the custom is for the host to give his wife or daughter or sister to the guest so that the two can sleep together. In other societies, brothers have sexual rights to the wives of their

5. David G. Mailu, *Our Kind of Polygamy*, Nairobi: Heinemann Kenya Ltd. 1988, p.8

brothers.⁶

It is in the same respect that the African society also has sympathy on wives whose husbands live far away and so it can be arranged that a friend or brother may have sexual intercourse with her to satisfy her needs and prevent her from going about. The same could be done for the husband and is accepted.⁷

1.3.4 LEVIRATIC MARRIAGE

Other African communities practice what can be called Leviratic custom. That is if a man dies, especially childless, then his brother or cousin takes over his wife to raise children for the dead man. Thus the children born of this marriage are considered to be the dead man's children.

"In Luo customs, widows cannot divorce (from the deceased husband's family) and remarry, but must enter into a Leviratic union where sexual and domestic rights are always demanded.⁸

This should not be taken as another marriage since no new bride price or marriage ceremony is performed. In other traditions the man (inheritor) remains with his proper wife and still continued to bear children for his deceased brother.

6. John S. Mbiti, **African religions and philosophy**, New York: Double day and company, Inc. 1969, p. 147

7. John S. Mbiti, **African Religions and Philosophy**, New York: Double day and company, Inc. 1969 p. 147

8. Benezari, Kisembo, Et. Al, **African Christian Marriages**, London: Cassel and Collier mac Millan Publishers Ltd. 1977 p. 80

So having looked at some of the African practices, it becomes very complex to define adultery in African perspective looking at the Oxford dictionary or Western thought. This is because, marriage is a sacred religious duty where rights and responsibilities are inter twined with obligations involving sexual intercourse. Thus adultery can be better summed up in Africa as a sexual offence against marriage in which sexual intercourse takes place between a married person and any other person who has no right or duty to engage in marital relationship with the first person.

It is with this mentality that sexual offences are severely punished in Africa.

1.4. CONSEQUENCES OF ADULTERY

Having looked and tried to define adultery in African context, it would be better to see what it leads to. As it implies unfaithfulness, sex offence against marriage, many consequences arise in marriage.

1.4.1 MISTRUST

If adultery occurs, there is no longer trust in the marriage. This leads to suspicion and instability in marriage. If the wife finds out that her husband has committed adultery, she no longer trusts him and will always try to find out where he has been, what he has been doing and the husband will feel that she is nagging and so will try to avoid her, and the man he keeps away from her, the more she suspects and tries to find out where and what he has been doing and so might end up quarrelling all the time.

Thus because of mistrust, the marriage becomes unstable and a happy family may turn up to be very sad family all because of adultery.

1.4.2 DIVORCE

With mistrust and suspicion coming into the family, the marriage becomes unstable and so can lead to divorce. Not only on these matters, Can adultery lead to divorce but because sex is a religious duty and has religious aspects as is already mentioned. So mystic as the African life is, adultery is thus breaking the Taboo: to be defiled and to defile others.⁹ This is very dangerous for the Bembas of Zambia for it means being exposed to all kinds of illnesses and can eventually result in death. Thus people would opt for divorce rather than live with an adulterous wife or husband.

Among the twenty people I interviewed on the matter of divorce, all the Ten men stated that they would divorce their wives if they caught them indulging in extra marital relations.

For women, it was difficult to give an answer and to my judgement, they could not divorce their husbands. Instead, their anger was towards the prostitutes or other women they think their husbands was relating with. This really agrees with what Norman E. Thomas presents in "Church and Marriage in Eastern Africa", edited by Aylward Shorter page 435, that if the husband is unfaithful, only 29% of wives would divorce their husbands. But if the wife is unfaithful, 60% of the husbands would divorce their unfaithful wives.

9. Edward Labreeque, (Edit) **Beliefs and religious practices of the Bemba and neighbouring tribes**, Chinsali: Ilondola language centre, 1982. P. 77

Thus infidelity of the wife is viewed as more serious misdeed but one clear factor remains that in Zambia adultery is a major cause of broken marriages.

1.4.3 MY UNCLE'S CASE

My uncle, Mr. Emmanuel Mutale was married in 1976. His marriage was arranged by his father when he started working in the mines in Kabwe. In fact, he asked his father to look for a wife for him, and when the time came, he travelled to his home in Chinsali and got married to his wife. They were blessed with a child in 1977. After that his wife became infertile and could not give birth any more. Being a Christian, he refused all attempts by his family to persuade him to look for another wife or even to divorce his wife. Thus they stayed as a happy family. For nine years, they stayed together as husband and wife, my uncle would have extra marital relationships. Not to get another child, but just playing about as a man. Especially when he want to socialise (drinking with the friends) he would have girl-friends here and there. My aunt would know about it and would complain to him or to his parents but no one would take it seriously.

From all these experiences, my aunt also decided to have an extra marital affair. So she got herself another man in 1986. She then told my uncle that she was going to visit his brother in Kitwe but instead of going to Kitwe, she went to stay with her lover in Kabwe. So my uncle learnt about it that she never went to Kitwe and found out that she was living with her lover in Kabwe. He instantly divorced her and asked her not

even to come and pack her belongings.

Thus, he married another woman and he is now living with her in Nampundwa mine, Lusaka. Because of her action the whole family condemned her and even her infertility was attributed to her, being an adulterer. In fact it was said that he should not have married her in the first place because she had been an adulterer all her life and that is why she stopped giving birth so that she could be free going about with other men. Others said she had not been initiated and that the marriage was invalid from the first place because she was not a virgin. In fact she had defiled our family and the family should get back the dowry paid, but after a second thought, the idea was thrown out. Also her father should come and apologise for humiliating my uncle. And so ended my uncle's marriage because of adultery.

I have chosen this particular case to show the consequences of adultery and because I saw and experienced all this, in that since my parents died, I have been living with my uncle and saw when he married, what life he led and up to his divorce. I have first hand information for I am the one who even found out where my aunt was living with her lover. The other reason is that it offers a contradiction because my uncle was the first adulterer and nothing happened. In fact for him many times he was caught but people took it as normal and it is a surprise to see how they reacted to my aunt's account. Of the twenty people I interviewed in Lusaka, only four were open to tell me that they have never indulged in adultery. These were faithful Catholic women. The other sixteen, ten men and six women did not want to hear me asking them about their

sexual life. Four women even went to the extent of regarding me as a rude boy without respect for elders. The men were harsher and said that I have no right to ask them such questions. Some suggested that I get a good beating so that I could be disciplined. Others commented that they would understand a Muzungu interviewing them on such matters because Bazungu (white men) are not cultured and will interview on all matters, but me, a Bemba, I must be cultured and respect elders for in this world, there are matters which cannot be discussed especially with a young man like me who is not married. It is from this that I concluded that adultery is a problem in modern Africa though people are not open about it. I would deduce that about 70-85% of married men in Urban areas have had extra marital relationships. About 50-60% of women have also indulged themselves in extra marital relationships.

1.4.4 DISEASES

With the taboos and religious connotation attached to sex, adultery can result in many diseases. It can result in one contracting venereal disease and this can lead to divorce in some traditions.¹⁰ There are other diseases the Bemba believe that they are caused by adultery. **Mdulo** (cutting cough) is believed to be caused by adultery and fire. Sexuality in Bemba culture is related to fire and the sexually active persons are regarded to be hot and sexually inactive persons are regarded to be cold.

¹⁰Karla Poewe, **Religion Kingship and Economy in Luapula, Zambia**, New York: The Edwin Meller Press. 1989. P. 78

The two should not meet for that brings illness. Also having difficulties at childbirth is considered to be caused by adultery.

"If a wife has difficulty during childbirth, she can humble her husband, for he must confess his sexual transgression to the wife's mother; if she has difficult child births repeatedly, she can divorce him."¹¹

Another disease called **ICIFUBA CA MANKOWESHA** (impure cough) is believed to be caused by adultery. In Bemba tradition, sex is supposed to be purified, so after having sex with her husband, the wife has to purify the sex so that no illness befalls the family.

"A pot of purification (AKALONGO) is given to the bride to be which is believed to guard the married couple against infidelity. It's contents are to be used by the husband and wife to purify themselves after intercourse."¹²

So if the the purification does not take place, then the partners are prone to all kinds of disease and the dangerous one being **Icifuba ca Mankowesha** (Impure cough) and usually leads to the death of children (Brest feeding babies). Of course purification only takes place between the husband and wife and in case of adultery , no purification can take place and so the partners are prone to diseases.

11. Karla Poewe, **Religion, Kingship and Economy in Luapula, Zambia**, New York: The Edwin Mellen press. 1989. p. 79

12. Aylward Shorter, (Editor), **Church and Marriage in Eastern Africa**, Eldoret: Amecea Research Department, 1978, p. 398

The only remedy is confession by the offending partner and then the elders can perform rituals for healing.

1.4.5 DEATH

One of the worst consequences of adultery is death. Among the Bemba it is believed that when a woman is pregnant and her husband commits adultery, she is likely to die either in childbirth or after birth, also the baby may die together with the mother.¹³

1.4.5.1 DEATH IN CHILD BIRTH

This is when a woman dies in child birth. The Bembas strongly believes that when a woman dies in childbirth, then one partner has committed adultery, either herself or the husband. This is a very bad situation especially if the woman never confessed of committing adultery. Then the main suspect is the husband and may be beaten or tortured to secure a confession. Such an act of adultery is called INCILA YE FUMO. (Over stepping of the womb). He had overstepped his marriage by going to another woman.

1.4.5.2 DEATH AFTER CHILD BIRTH

This is known as UKUFWA INCENTU. (Death after child birth and there is no other reason given among the Bemba except adultery).

¹³Edward Labreque, **Beliefs and religious practices of the Bemba and neighbouring tribes**. Edited at Ilondola Language centre, Chinsali, Zambia, 1982. P.77.

"The blood of the different people are not at peace or the semen of the different men fight each other in the body of the wife."¹⁴

So the woman is likely to die because of the tension created. Thus adultery can have fatal consequences.

Apart from these, there are many more consequences of adultery which in fact are against the very values of African marriage. We have already seen that the values of African marriage are permanence and unity. The value of permanence is not only between two people but involves the whole community and families and so we even find the societies finding ways to cope or to deal with problems such as childlessness, importance and other sexual needs. It is in these perspectives that when adultery occurs, it goes against all these values and so instead of unity, we have instability in that suspicion comes about. Also there is mistrust, hatred and even violence comes in and thus disturbing the whole harmony of the community. If one violation breaks, it involves the whole community. It is with this in mind that African marriages demanded faithfulness and permanence in marriages.

1.5 THE JUDGEMENT OF SOCIETY ON ADULTERY.

Looking at the consequences of adultery, we find that they are many and mainly disturb the family unity and stability and so end up disturbing the whole community. It is in this situation that adultery was judged even severely in other societies.

14. Maija Tuupainen, **Marriage in a Matrilineal African Tribe, VOL. XVIII**, Helsinki; The Academic book Store, 1970, P12

1.5.1 COMPENSATION

Sexual offences of one kind or another show clearly that Africans consider the proper use of sex to be sacred and must therefore be safe guarded. Thus in many societies, adultery was punished by compensation. Oxen was used for compensation so as to regain the damage caused to a family.¹⁵ Other tribes were much strict on the matter. Among the Jie of Uganda, adultery calls for a fine equal to bride wealth.¹⁶

1.5.2 ASSAULT

In some societies, the punishment for adultery was assault. One was beaten up for the offences committed. The guilty person would be whipped.¹⁷ Among the Bemba of Luapula, if a woman dies at child birth, then the husband is suspected of having committed adultery and so the relatives of the woman band together and assault the husband.¹⁸ This would usually bring instability in the community.

15. Maija Tuupainen, **Marriage in a Matrilineal African Tribe. Vol. XVIII**, Helsinki: The Academic bookstore, 1970, p. 92

16. James L. Gibbs, Jr (Edit), **Peoples of Africa**, New York Holt: Rinehart and Winston, Inc. 1965, p. 189

17. John S. Mbiti, **African Religions and Philosophy**, New York: Double day and company, Inc. 1969. p. 147

18. Karla Poewe, **Religion Kingship and Economy in Luapula, Zambia**, New York: The Edwin Mellen Press 1989, p. 79

1.5.3 DEATH PENALTY

Some societies were much severe and passed the death penalty for adultery. Thus the guilty person would be stoned to death.¹⁹ Among the Bemba, they passed the death sentence in some instance. If the husband was found guilty, he was asked to surrender his own sister and to make it even worse, he was the one to carry out the execution. He takes her to the place where his wife was buried and strikes her on the fore head with a stick. In other instances, the guilty person was burnt alive in a hut or he and his family were sold into slavery which was regarded as death.²⁰ But these stiff punishments were later on modified and they had some kind of mutilations. These also stopped and the recent practices is that of paying a fine as a compensation.

19. John S. Mbiti, **African Religion and Philosophy**, New York: Double day and company, Inc. 1969. p. 147

20. Edward Labreeque, **Beliefs and practices of the Bemba and neighbouring tribes**. Edt at Ilondola Language centre, Chinsali: Zambia 1982. P. 77.

CHAPTER II

2. BIBLICAL CONCEPT OF ADULTERY

2.1 JEWISH OLD TESTAMENT VIEW

When we look at the Old Testament view of adultery, there is a one sided definition of it. It had a precise and limited definition. Thus in the Old Testament, adultery meant "sexual relations between a married (or betrothed) woman and any man other than her husband. This was so because the wife was considered to be the property of the husband and only the rights of the husband could be violated.

"The wife had no rights which her husband could violet." ²¹

Thus a man could have extra marital relations and it could be viewed as damages only. Despite this, adultery was considered evil, and thus prohibited in the Decalogue, (Ex. 20:13; Deut 5:17) and is listed among offences against one's fellow. Like all sexual wrongs, it defiles those who commit it. (Lev. 18:20). As a result it was punished by death.

2.2 PUNISHMENTS

There were many forms of punishments for adultery in the Jewish law. It would appear that originally, it was the husband's right to punish his adulterous wife himself.²²

21. John L. Mackenzie, S. J. (Edit), **Dictionary of the Bible**, London: Geoffrey Chapman, 1972. P. 14

²²**Encyclopedia Judaica**, Vol 2, Keter publishing House Ltd. 1971, p. 315.

The husband was even permitted to take the law into his own hands. Thus Judah even orders his daughter in law to be burned. (\Gen 38:24).

2.2.1 LAW OF MOSES

In the law of Moses, adultery was elevated to the rank of a grave sin against God. Thus the priests were now called upon to pass judgements. Mainly the sentence was death by stoning (Deut 22:21)

“Stoning of adulteresses is more over vouched for in prophetic allegories and is described in the new Testament as commanded by the law of Moses.”²³

Burning was also another way of carrying out the sentence especially if the adulteress was a priest daughter. There were also instances of shaming the woman by stripping her naked, disorganising her hair or even shaving her head which was a disgrace in the Jewish culture, or even by making her suffer with these organs of her body with which she had sinned.²⁴ Others were imprisoned or publicly flogged. Thus we see that in the law of Moses, the whole issue takes a different view in that it now has a religious dimension and so the priests are called upon to pass judgement. It now is a law related to God's will and so has received its binding character from Yahweh.

23. Ibid. P. 316

24. Ibid p 316

"The Old Testament is convinced that its moral demands were given by Yahweh and have their ultimate foundation in his will."²⁵

So now, it is not just human experience but a religious dimension and so a demand of sanctification of man's whole life. You shall be holy for I the Lord your God is holy. (Lev 19:2; 11:44; 20:26). As a result, adultery is prohibited both in act and desire (Ex 20:13, 17). So to break one commandment is tantamount to harm the whole community. Blessed are those who walk in the ways of the Lord and keep his statutes, (Deut 4:40; 11:30). And on the other hand, divine vengeance for those who disobey his commands (Deut 28, Ps. 50:16-23, Is 5:20). So all these then accounts for the severe punishments we might sense on the law of Moses concerning adultery. This is so because with the law of Moses, Israel saw it as a duty to obey God because that was the part Israel had to play in their covenant with God. "All that the Lord has spoken, we will do." (Ex 19:8).

Despite being very clear about the sentences of adultery in the law of Moses, there is still very scanty or no actual evidence at all in the Bible that these punishments were carried out.²⁶ But still the threats of execution were there even in the time of Jesus.

25. Karl H. Peschke, **Christian Ethics**, Vol 1, Alcester: C. Goodliffe Neole, 1989. P. 15

26 Paul Achtemeler, (Editor) **Bible dictionary** New York: Aorper Collins Inc. 1989 p14

There appears to be a reasoning that those laws were there to ensure that any child born to the wife was really the husband's child, for it was really crucial for the husband to have offspring so that the family name could be perpetuated.

2.2.2 DIVORCE

Looking at marriage in Israel, one could only see that it was a private contract between families. There was a diminishing factor in that it was a purchasing contract and so it may account for adultery in the society. The number of warnings against adultery in wisdom literature suggests that the crime was fairly common, and as marriage was by contract of purchase, it must frequently have been loveless.²⁷ As a result, divorce was allowed in Israel on account of adultery. This version is still one sided for it is the husband who can only divorce the wife on account of adultery even if there is no evidence of actual adultery.²⁸ This issue of divorce even became a controversy between the schools of Hillel and shammai.

"Hillel allowed divorce (that is putting away of the woman) only when she was guilty of adultery, where as according to shammai, she might be divorced for spiling her husband's dinner."²⁹

27. John L, Mackenzie, Sj, **Dictionary of the Bible**, London: Geoffrey Chapman, 1972 p. 14

28. **Encyclopaedia Judaica Vol 6** Jerusalem: Kiter Publishing House Ltd.1973,p129

29. Charles Guignebert, **The Jewish world in the time of Jesus**, New York: University books, 1959, p.70.

And then scholars differ on who said what for the Encyclopedia Judaica quotes Shammur as the one who said:

"A man should not divorce his wife unless he finds some unchastity in her since it says because we have found some unseemly thing in her" but bet Hillel says: even if she was merely spoilt his food."³⁰

Despite the contradictions it really all comes to the conclusion that both schools agreed that adultery calls for divorce and I presume both schools allowed divorce on account of adultery. Then, why was divorce allowed on account of adultery? It seems to me that, this was to safe guard marriages for it was really a shame to be caught in adultery. Apart from this, adultery was also considered in the aspect of man's relation to his fellow men. They are bound by the covenant to Yahweh and so they are a community of brethren and so their moral conduct should be in response to that covenant. The same relation between Israel and God should be the same relation between individuals. There should be mutual respect and integrity of person. If you love God, then be faithful to your neighbour and do not take his wife. So for them now, it is a community of brotherhood and even their moral actions should be in line of responding to that covenant. That is why the law of adultery even becomes a metaphor in the prophetic writings. The relation of Israel to God is considered as a marriage. So apostasy of Israel from God is termed adultery.³¹ Thus, Hosea

30. *Encyclopaedia Judaica*, Vol 4, Jerusalem: Keter Publishing House Ltd. 1971,p.738

31. John L. Mackenzie, Sj, *Dictionary of the Bible*, London: Geoffrey Chapman. 1972,p.14

speaks of Israel's action as Harlotry (Hos: 5:3; 6:10; 7:4). Ezekiel is even more harsher on the matter. Hosea's relation with his wife is symbolic to Israel. (Hos 7-9). Thus even those tribes of Israel which made political alliances or turning against their fellow Israelites are seen as committing adultery and deserves punishment from Yahweh. Thus punishment for Ephraim and Judah (Hos:7-9)

I would say that, for Israel, adultery is condemned by the will of God and so should not be committed. Thus for them, they are responding to the divine love and will of God which is in contrast to African perspective because the Africans are responding only to human reasoning and wants to keep the unity and harmony of the community. Thus the Africans appeals to permanence marriage and faithfulness in marriage while the Jewish culture here takes a further step and sees it in their relation with God and so they ought to be faithful to God should also be reflected in their relationship with their neighbours. Thus it is something new which the Jewish culture brings and it transcends the human experience and wisdom. Thus it portrays the lacking in human reasoning and so it is slowly unfolding to grow into a deeper understanding of their norms and principles of life.

Thus they are a community of faith in Yahweh and so marriage becomes a revealing phenomena of that relationship they have with Yahweh. But also what is so important is that, in this phenomena, is the saving actions of Yahweh revealed;

When ever the connection between human marriage and the covenant is established in texts of the Old Testament, what is at issue is not marriage but the saving covenant itself.³²

Thus, the married life and experience of the people with all recollective pleasures of happiness, bitter memories, hard times, infidelity and others, formed the prism through which the prophets saw the saving covenant of God with his people, and this enabled the people to comprehend the covenant. Thus though Israel is unfaithful like Gommer, Yahweh always remains faithful. Not only does Yahweh remain faithful but also have mercy.³³ which was then to change Israel's unfaithfulness into lasting fidelity. Thus we see that in the end, Yahweh even saves the adulterous Israel. It is this conception which finds its peak in Christianity.

2.3 JESUS TEACHING ON ADULTERY

Looking at Christ's teaching, he repeats the 6th commandment (Mt. 5:27; 19:18; Mk 10:19). He even takes a step further and brands remarriage, divorce and malicious desires as adultery itself. But though he condemns adultery, he does not accept the judgement and punishment given to it by his people. "Neither do I condemn you, go away and sin no more." (Jn 8:11).

32. E. Schilliebecks, Op, **Marriage, Secular reality and saving mystery**, London: Sheed and Ward Ltd. 1965, p.60

33. Ibid, p.77

Thus he fails to make a pronouncement as to whether divorce is permitted or not in case of adultery. (Mt 19:1-8) but rather he shows who in fact is wrong in the case of putting asunder what God had joined together.³⁴ Thus Jesus teaching is that the essential meaning of adultery is the disruption of the unity of marriage and both husband and wife are blamed. Thus Jesus clearly refuses to accept the Mosaic law which allows the putting away of the wife due to adultery. He rejects all possibility of the dissolution of marriage and goes for the to make conjugal fidelity a matter of inward moral significance. (Mts:27). Jesus has a view of marriage which bears undeniable witness to a radical attitude to words the principle of the holiness of marriage.

Thus he condemn all acts against the holiness as he sees them as aggressions or intentions against the will of God. So he now bring in the love for thy neighbour. It is a love of God which even embraces sinners for God loves sinners as well. It is a love without limit and a self-denying love. You love even those who sin against you. You forgive them just as the father forgives you. It is not that he is against the traditions, but he is revealing the original intention of God. So where he sees the law to be a burden and not reflecting the real intention of God, he puts it aside. God's original intention is that all be saved in Christ Jesus even adulterers.

34. E Schilliebeeckz, Op, **Marriage; Secular reality and saving Mystery Vol. D;** London: Sheed and Word Ltd 1965, p. 215

Thus more is demanded from man. Not only observances of the law, but also to have a loving relationship between himself. so far, Christ in his teaching sees that human wisdom must take second place to the will of God and so should not be adhered to if it contradicts the intention of God.

Christ continues with the Old Testament morality but he sees that it needs purification and so he adds on his teaching and rejects punishments (stoning) and divorce on account of adultery. Though he condemns adultery quite well and even adds to condemn intentions, desires as well as remarriages, he goes on to call for love which is selfless. I see this as the greatest alternative he gives because if there is love, adultery can not be committed and instead, where there is love, trust, and faithfulness emerges. He does not forget the human weakness and so he calls for forgiveness and so, love and forgiveness reflects the saving actions of God in the covenant and original intention of God. Thus a very big difference with the African concept and Old Testament views. The African always appealed to human experience and wanted to preserve permanence and harmony of the community. The Old Testament is based on obedience to the law but Christ comes with the criteria of love a very big step forward. The love of God for mankind so as to embrace all in his kingdom.

2.4 EARLY CHURCH'S VIEW OF ADULTERY

The early church based its teaching on the life and teaching of Jesus Christ. This of course might have brought in so many problems because the gospel on some insures do not give clear cut answers and as that some teaching of Christ contradict each other. Thus this does not respond to the needs of the people in an existential situation. Thus the early church had to come up with a criterion to solve their own problems. It is with this that the twelve apostles began to teach and their teachings were based on the sayings of the Lord. These sayings or teachings can be found in what is called the Didache.

2.4.1 THE DIDACHE

After experiencing the risen Lord, the apostles realised that there are two ways in the world. The one that leads to death. "The way of death" and the one that leads to life "the way of life". To get the way of life, one has to practice Christian virtues and shun vices. They deducted this from the commandment of love as given by Christ, " to love God with all your heart and love of neighbour. They also looked at the golden rule in negative wording. It is from this criteria that adultery is put in the way of death and should not be committed. Thus do not commit adultery"³⁵The way of death is this, first of all, it is wicked and altogether accursed:

35. Johannes Quasten, and Joseph C. Planmpe (editors) *Ancient Christian Writes*, Marybird: The Newman Press, 1948, p. 16

murders adulterers, lustful desires.³⁶ Thus the apostles saw adultery as one of the vices to be shunned for it lead to eternal death. They also describe it as the "way of the black one."³⁷ Thus just as Christ, the apostles come out in total condemnation of adultery as one vice which can lead to death. For the apostles, they see themselves as belonging to the new life of Christ and any one who wants to become a Christian should practice Christian virtues and shun the vices which leads to death. Thus Christians should not be swayed by the civil power of the black one but rather be holy and do unto others as you would like them do unto you.

It is better and good to have a clear teaching like in Didache but it is quite different when confronted with real situation of adultery. So, adultery has been termed as the way of death, so what happens in a Christian marriage when one partner is unfaithful? Is it divorce like the Jewish tradition put it? With much respect to the teachings of Christ, the early church did not allow divorce even on account of adultery.

"The husband had to repudiate his wife if she committed adultery and persisted in it, but he was not permitted to remarry, more over he was guilty of sinful conduct if he refused to take his wife back again on her repentance."³⁸

36. Ibid, p. 18

37. Ibid., p. 64

38. E. Schillebeeckx, **Marriage Human reality and Saving Mystery**; New York: Sheed and word. 1965, p. 145.

Note should be taken that the law applied to both the husband and the wife. This we can see that there was a development in understanding of adultery. This time it was not one sided and condemning the woman only as in the Jewish law, but also the husband. Thus for the ancient church, a straight forward breach between the partners in marriage did not give the innocent party the right to remarriage, even if the other party was guilty of grave misconduct. Thus I can say that the apostolic church concluded from Christ's message that marriage was absolutely indissoluble. Thus even St. Paul himself affirms the indissolubility of marriage.

"To the married I give charge not I but the Lord that the wife should not separate from her husband, but if she does, let her remain single or else be reconciled to her husband." (I Cor 7:10-11).

So far the early church, there is not question of divorce even on account of adultery but they bringing in repentance and forgiveness based on the teaching of Christ.

2.4.2 ST. PAUL VIEWS

St. Paul comes out with a clear idea on marriage that it should be monogamous. With this idea in mind he thus condemns sexual intercourse outside marriage. Thus he asks the Thessalonians to take a wife in holiness and honour, not in the passion of lust, like the heathens who do not know God." (Thess 4:4-5). For St. Paul in marriage there should be chastity. He sees marriage as an experience of Christian life in the risen

Lord and so the bodies of the partners in marriage should not be defiled for the bodies in resurrection will reflect the glory of Christ's spiritual body, and this is a reality in our baptism. (I Cor 4:12-20). So intercourse in marriage is becoming one flesh. Association with a harlot is an offence against one spirit which the Christian has become with Christ in belonging to his body the church.³⁹ For St. Paul, our bodies have become the temples of the Lord and the holy spirit dwells in us so they should not be defiled. Thus the view of marriage has now changed for the early Christians, they see marriage as a commitment and union of marital interrelationship and personally to grow together in loving fidelity into an indissoluble unity.

39. E. Schillebeeckz, **Marriage Human reality and Saving Mystery**, New York: Sheed and word, 1965. P. 203

CHAPTER III

THE CHURCH'S TEACHING

3.1 THE CHURCH FATHERS

Looking at the church fathers, they do not treat adultery in isolation. Rather they take it into context where it is found and that is marriage. That was their struggle to give a full meaning to the Christian marriage. And for the church fathers, marriage is a sacramentum in the older sense of a life commitment or an oath of fidelity.⁴⁰ As a result, marriage must be blessed and it should have a purpose.

"St. Augustine calls marriage good and is threefold: off spring (proles), fidelity(fides) and sacrament (Sacramentum)."⁴¹

Thus marriage is for the generation of children mutual conjugal help and a remedy for concupiscence. This is seen in the light that it is God who joins the two together and they become one flesh. As a result, the two partners should love one another and remain faithful just as Christ loves the church and is always faithful.

40. Ibid, p. 141

41. Roy J. Deferrari et al, **The fathers of the Church; St. Augustine**, New York: Fathers of The church, inc. 1955. P. 3-4

"It is God who has joined together the two in one so that they are no more two, it is said, but one flesh. And it is God who has joined the two in one so that they are no more two from the time that the woman is married to the man."⁴² (Origen)

"We do not say that marriage was not sanctified by Christ, since the word of God says: the two shall become one flesh and one spirit."⁴³ (St. Ambrose)

So we find that the church fathers first give sanctification to marriage and sees it as a sacrament. It is from this point of view that they condemn adultery. Augustine sees marriage as a sacrament where fidelity is one of the purpose of marriage. The partners in marriage owe fidelity equally to each other. He takes seriously the words of St. Paul in the letter to the Corinthians that "the wife has not authority over her body but the husband, the husband likewise has not authority over his body but the wife." (I Cor 7. 4). For Augustine, the violation of the fidelity is adultery, when either by instigation of one's own lust or by consent to the lust of another, there is intercourse with another contrary to the marriage compact. That breaking of fidelity is adultery.

42. John R. Willis SJ. Edit, **The teachings of the church fathers**, New York: Herder and Herder inc. 1966, p. 481

43 Ibid. P. 482

But also the church fathers continues to teach permanent fidelity. That is even if one partner is unfaithful, the other partner should remain faithful to the marriage bond. Thus the marriage bond is completely indissoluble.

“Now that the scripture counsels marriage and allows no release from the union..... he that takes a woman that has been put away commits adultery.”⁴⁴ (St. Clement of Alexandria).

“For if they say that marriage should be dissolved for the sake of religion, be it known that though human law was conceded this, yet divine law has forbidden it. For the truth in person says, what God has joined together let no man put asunder.”⁴⁵ (St. Gregory the great).

So for the fathers of the church, marriage is absolutely indissoluble weather on account of adultery or any other matter. This is because it is a sacramental and God has a hand in it. Thus they call for fidelity in marriage. If there is infidelity, they either call for separation but still the partners are regarded as still married and no one of them can remarry again while the other partner is still alive. It is either they remain single or reconciliation takes place and the two can return together.

44 John R. Willis. SJ (Edit), **The Teachings of the Church Fathers**, New York: Harder and Harder Inc. 1966, p. 485.

45. John R. Willis. SJ (Edit), **The Teachings of the Church Fathers**, New York: Harder and Harder Inc. 1966, p. 485.

It is from here that the later scholastic concept of sacrament marriage developed and took the idea of ontological participation in the covenant between Christ and his church that marriage is seen as something which can not be dissolved even on the basis of adultery.

3.2 THE CHURCH'S TEACHING ON ADULTERY, TODAY

3.2.1 MARRIAGE

To understand fully the church's Teaching on adultery today, we must as we have already tried to see what the church Teaches on marriage. According to the Catholic traditional doctrine, marriage is a divine institution for it comes directly from God. In the beginning, God created man and woman equally but not identical so that they can compliment each other spiritually and socially. Thus from the beginning, marriage was a union between one man and one woman. But this form of marriage was lost among the peoples of the world and so polygamy and polyandry come about. This also resulted in Divorces and moral degradation. So when Christ come, He tried to bring back the divine intention of marriage and so he condemned his contemporary practices of divorce and committed the discipline and regulation of marriage to the church. It is from this background concept that the church has developed its teaching on marriage and sex in marriage. Thus for the

church in its teaching on marriage and sex, it takes into account the natural law of the nature of marriage. This concept is very important for all implications on marriage are drawn from this concept. It was Pius IX (1846 -78) and his successor Leo XIII (1878-1903) who first made fundamental use of those truths which are described in ecclesiastical Terminology as the moral law of nature and the natural law.⁴⁶ Thus Pius XI and Pius XII declared authoritatively that "the conjugal act is of its nature designed for the procreation of offspring" and from this principle they derived a host of individual injunctions and prohibitions, especially with regard to the natural or unnatural use of marital intercourse⁴⁷. Thus we see that it is the concept of nature which guides the principles of the teaching of the church on marriage and sex in marriage.

"The marriage contract between two baptised persons, while retaining all the characteristics it enjoys by virtue of natural law belongs to the super natural order, having been constituted by Christ a sacrament with the power of conferring grace."⁴⁸

46. Joseph J.C Petrovits, **The new church law on Matrimony**, Philadelphia: John Joseph Mcvey, 1921 ,p1-2

47. Ibid,p.2

48. Austin flannery, Op, (Editor) **Vatican council II, The concilia and post concilia documents**, Bombay: St Pauls press, 1995,p350

Thus Vatican II goes on further to state that marriage is a sacrament by which the couple signifies and shares the mystery of the unity and love between Christ and the church.⁴⁹ It is from this background of concepts and understanding of marriages that the church comes up with the essential properties of marriage. And one of the essential property of marriage is unity.

"The essential properties of marriage are unity and indissolubility: In Christian marriage they acquire a distinctive firmness, by reason of the sacrament."⁵⁰ (The code of canon law, con 1056)

By unity, the church means that in Christian marriage, only two partners make a marriage - one man, one woman and so excluding any other third party. The two partners must love and care for each other and even give selfishlessly oneself to the other even including sexual intercourse but no other person or third party is allowed.

"Wherefore, conjugal faith or honour, demands in the first place the complete unity of matrimony which the creator himself laid down in the beginning when he wished it to be not otherwise than between one man and one woman..... with reasons, therefore does the sacred council of Trent solemnly declare: Christ our Lord very clearly taught that in this bond two persons only are to be united and joined together when he said therefore they are no longer two but one flesh. Nor did

49. Ibid.p.355

50. Code of canon law, canon 1056

Christ our Lord wish only to condemn any form of polygamy or polyandry as they are called, whether successive or simultaneous, and every other external dishonourable act, but in order that the sacred bounds of marriage may be guarded absolute inviolate, He forbade also even wilful thoughts and desires of such like things: "But I say to you that whosoever shall look on a woman to lust hath already committed adultery with her in his heart."⁵¹

Thus for the church, marriage in its own nature is for two people only one man and one woman as it was willed in the beginning by God the father, and so excludes any other third person.

3.2.2 SEX IN MARRIAGE

The church in its teaching insists that the proper place of sex is in a validly contracted marriage. Thus no sex outside marriage. Thus sex in marriage should be an expression of the love and care the spouses has for each other and for procreation. As a result, the church puts "procreation of children as the principal part of the primary end of marriage."⁵² Thus sex in marriage must be geared for the procreation of children, and also for the natural help and support of the spouses.

51. Alvin werth & Clement mihanovich, **Papal pronouncements on marriage and family**, Milwaukee: The Bruce publishing company, 1955, p82-83

52. William J Gibbons Sj, **Seven great encyclicals**, New Jersey: Paulist press, 1963, p97.

"Nevertheless, even here couples must know how to restrict themselves within the limits of moderation. As in eating and drinking, so in the sexual act, they must not abandon themselves without restraints to the impulse of the senses. The right norm therefore is this: The use of the natural inclination to generate is lawful only in matrimony, in the service of and according to the order of the ends of marriage. From this it follows that only in marriage and by observing this rule, the desire for and the fruit of the pleasure and satisfaction are lawful."⁵³ (Pius XII 1951, Apostolate of midwife; CM, L, 62)

Thus sex is confined only to the two married couples and any other form or act which is against this is condemned by the church. It is from this point that the church condemns adultery.

3.2.3 ADULTERY FORBIDDEN

Thus from seeing the place of sex, that is in marriage, the church condemns any type of Adultery. In his encyclical letter, *Casti Connubii*, Pope Pius XI had these words to say:

"It follows therefore that they are destroying mutual fidelity who think that the ideas and morality of our present time concerning a certain normful and false friendship with a third party can be counternounced and who teach that a great freedom of feeling and action in such external relations should

53. Ibid, p98

be allowed to man and wife, particularly as many (so they consider) are possessed of an inborn sexual tendency which cannot be satisfied within the narrow limits of a monogamous marriage."⁵⁴

Thus adultery is against the fidelity of marriage. There must be mutual fidelity in marriage of the spouses in fulfilling the marriage contract, so that what belongs to one of the parties by reason of this contract sanctioned by divine law, may not be denied to him or her or permitted to any third person. Thus this fidelity and matrimonial faith, demands that husband and wife be joined in an especially holy and pure love, not as adulterers love each other, but as Christ loved the church. But adultery destroys all this. It denies one partner what is due to him or her, takes away the fidelity and is against the divine intention and will of God. It also hurts the other partner. It is for these reasons that the church condemns adultery very strongly. The church can even grant a separation because of adultery. The new code legislating on the former says; on account of adultery committed by one consort, the other has the right to discontinue the community of life even permanently.⁵⁵ Adultery taken by itself has always been considered a just cause for separation. This is because it intrinsically antagonizes the unity of marriage and it is the only course mentioned, expressly in the sacred scripture. Thus

54. William J. Gibbons, S.J., Seven great encyclicals, New Jersey: Paulist press, 1963, p.99

55. Joseph J.C. Petrovits, The new church law on matrimony, Philadelphia: John Joseph Mcvey 1921, p.417

the church take a strong stand against it. Thus looking at marriage and adultery in this way, leaves no room for any other form of a third party in marriage life. Only the two who are married should have sexual intercourse. Thus no other reason in the world can bring in a third party while the two are still alive. To do so would be going against the will of God who united the man and woman so that the two becomes one flesh. Thus the Church's teaching condemns adultery and does not allow any third party in marriage whatsoever the reason for this destroys the unity of marriage and is against the teaching of the Lord Jesus Christ.

But then this kind of the teaching brings out a problem to the African situation though the African culture condemns adultery, it does not rule out a third party where sexual intercourse is concerned. As already seen in chapter one, the African culture has reasons to allow a third party in a marriage who is even accorded sexual rights like the two partners. This is clearly shown in practices like widow inheritance, childless marriage, hospitality leviratic marriage and even polygamous marriages. Thus this causes one of the most serious problems and confrontation between the African marriage customs and the Christian marriage custom as taught by the Church. This is threatening the very indigenization of the African and frustration to the people who practices those customs and is causing the loss of youth and practice for many baptised people, especially the youth and the educated. People think the Church do not understand them and their culture and think of it as unjust for the Church to demand the removal of a second

wife in order for the polygamist to be baptised it is also a religious fate of a widow who chooses to cohabit with her brother in law and is there by refused communion in the Church even though there is no other acceptable and decent way for her to live. It is also very unfair to deny a man another woman if his first wife is barren for that will be the end of his family name. Who will continue his name? Giving life in African culture is very important and for any one to remain child less is a shame to the society. So how does the Church teaching help with the African cultural practices? For the Church does not allow sexual intercourse outside the two marriage couples for that is adultery

3.3 CHURCH'S ATTITUDE TOWARDS SOME AFRICAN PRACTICES.

3.3.1 WIDOW INHERITANCE

The church does not recognise or tolerate widow inheritance for many reasons. The church wants to preserve the unity of marriage. Also recognising or tolerating widow inheritance among Christians would be encouraging the widow and the heir to her deceased husband to indulge in illicit sexual relations under circumstances repugnant to the Christian marriage and Christian living.⁵⁶ For the Christians, marriage contract is completely dissolved by death of the partners and allowing widow inheritance is denial of that fact since in the societies

56. Michael C. Kirwen, *African widows*, New York: Orbis books, 1979, p 12.

where widow inheritance is practised, the contract continues after the death of the husband. Thus the church totally rejects the practices because of its adulterous nature and is contrary to the Christian belief that marriage is dissolved upon the death of one partner.

3.3.2 CHILDLESS MARRIAGES.

For the church, it is crystal clear that Christian marriage is both monogamous and indissoluble and that these qualities are to be understood not as ideals of Christian marriage but as essential aspects of it which are not open to cultural adaptation in the sense that the church could be faithful to the teaching of Christ. Thus the church does not tolerate any third party to be brought in. So the church does not accept the African practise where another man is brought in to bear children for his brother or another coming in to bear children for the childless wife. This is not acceptable to the church for it is tantamount to adultery. Thus the church rejects these practices completely.

3.3.3 HOSPITALITY

For the church, sex has its proper place and this is in marriage. Outside marriage, sex is forbidden and there is no way the church can accept this kind of idea where sex is used as a kind of hospitality.

3.3.4 LEVIRATIC MARRIAGE

Just like in window inheritance, the church still insist that the marriage is dissolved upon the death of one partner and so there cannot be continuation of the contract once one partner dies. Also the unity of marriage involves two people, one man and one wife and not the clan or the whole lineage as some African society believes.⁵⁷ Thus the church allows the widow to remarry or just to continue to live in her husband's homestead or in the homestead of one of the relative or in her father's homestead as a single person without a designated marital partner.

3.3.5 POLYGAMY.

The church's altitude towards this is that a man with more than one wife may not be baptised except *ob periculo mortis*. Also that he puts away all his wives except one. Thus the church does not tolerate polygamy for as Christ taught ,in the beginning God intended only ,one man, one woman.

Thus we see that the church has taken a negative attitude towards the faithful who practices these customs. Some are not allowed to be baptised and cut off from the church's community life and denied sacraments so that they can stop the practices. Well, even though the church has taken this stand the real situation under ground is different.

57. Aylward Shorter, (Editor), **Church and marriage in Eastern Africa**, Eldoret: Amecea research department, 1978, p.215

3.4 THE SITUATION TODAY

Looking at the real situation today especially in East and southern Africa, those practices are very much alive. Why is it that despite the Church's stand on those practices, the trend goes on? This is because, Africans do not wholly share the concept of marriage as the church teaches. For the Church, consent, will and unity are enough to make marriage. But to Africans, this is not enough. For the Africans, it is not only the individuals but that marriage involves both the individuals and their lineages: marriage is both a personal and social alliance.

"at the time of marriage the lineages involve exchange expensive gifts of livestock and money often equal to a life's inheritance as a sign and proof of the marriage, to seal the alliance, to buy the bride, to determine the lineage of the children."⁵⁸

Thus the bride is both the wife of an individual and in a real sense the wife of the lineage. The same applies to the husband . Thus obligations and relationship intertwine the husband and wife and children to the lineages and these do not cease either by death, lack of children. Thus you find that even today there are leviratic unions, polygamous marriages, widow inheritance and substitution of wife or husband in cases of childlessness. Thus you find that among the Luos of East Africa leviratic unions are common. For them, a widow is still considered married even though her husband has physically died.

58. Michael C. Kirwen, **African widows**, New York: Orbis books, 1979, p8.

"This continuation of marriage is determined by the fact that the bridewealth paid by the husband's lineage had not been returned."⁵⁹

Thus you find that the widow cohabits with her brother in law even though he might be legally married to another wife. He even have the sexual rights just like a husband. Also among the Namwanga people of Northern Zambia, a husband can take on his sister in-law if his wife becomes old or if she is childless, then her sister can come and bear children for her. This is happening even today.

also among the Bemba of Northern Zambia, there is still even today an inheritance ceremony where sexual intercourse takes place called ubupyani. The Church disapproves of ubupyani (inheritance) and considers it as adultery.⁶⁰

"How ever the pressure on people to be inherited is such sooner or latter they comply, particularly as refusal means that the uninherited survivor is blamed for any future deaths in the family. Hence most people participate in the ukupyanika ceremony but divorce their inheritor the following morning. The ceremony is a simple one with the successor to the deceased being required to spend the night with the surviving spouse. The couple is publicly recognised as man and wife the next morning. The ceremony frees the survivor from the ghost of the deceased which would otherwise haunt and destroy the living

59. Michael C, Kirwen, *African widows*, New York: Orbis books, 1979, p34.

60. Karla poewe, *Religion, Kingship and Economy in Luapula Zambia*, Lewston NY: The Edwin mellen press, 1989, p73.

spouses family. After the inheritance and and divorce, on individual is free to go and no further claims can be made by the deceased people"⁶¹

Thus you find that there is a superstition among the Bembas even today that if the wife is not inherited sexually, she still has the ghost of her late husband and people will avoid her and any misfortune is blamed on her even today. Even to remarry would be difficult for her for no one among the Bemba would want to marry a widow who has not been inherited sexually. she becomes some sort of an outcast. Thus the custom is very much alive even today.

Also among the Zulu of South Africa there is a practice where by many young husbands leave Kwazulu land to go and look for employment in the big cities of South Africa. Thus their wives are taken care of by their brothers or friends who even bear children for them. The children born are considered to the rightful children of the young husband working in the city. this is still going on even today. Thus all these practices which the church may consider to be adulterous are still being practised even today in Africa. And not only these there have emerged real prostitution in African cities today and adultery is rampant in these cities. The worst situation is that there is street prostitution and many husband today have at one time or another sort the services of prostitutes. Usually what happens in big cities today like Nairobi, Lusaka, Harare,

61. Karla poew, **Religion, Kingship and Economy in Luapula Zambia**, Lewiston NY: The Edwin mellen press, 1989, p74.

Gaborone and Johannesburg is that, many married people would go out to socialise or to drink beer in bars. In the bars, they find women who are prostitutes and sell their bodies to these men. They do not care whether the men are married or not so long as they pay them what they want and sexual intercourse takes place. Just move around the streets of Nairobi around 9.00pm, and you will find scantily dressed girls enticing any one passing by. And many husbands do commit adultery with these prostitutes. And this is a major problem in many African cities I have visited.

There is another kind of adultery going in African cities where rich married men are preying on poor young school girls, and the rich married women are preying on poor young school boys. This is called the sugar-daddy, sugar-mummy syndrome. Usually it is the rich married people who take advantage of the poor school girl or school boy by giving them gifts, presents or money and then engage in extra marital sexual intercourse. Usually who suffers most are the poor young school girls when they get pregnant, they are dumped and the rich married men will look for another girl and so goes on committing adultery. And this is common in most African cities.

Thus you find that, adultery is still rampant in Africa today. Either by the African customs being practised or the new age model of adultery in the bars, sugar-daddy or sugar-mummy syndrome and a lot has to be done to arrest the situation and implant the Christian values today.

3.5. PASTORAL SOLUTIONS AND SUGGESTIONS.

Having established that there is really a problem, I would then try to suggest some solutions. adultery really is a problem and the church needs to do a lot. The first thing the church needs to do a is to educate the people on its teaching on marriage. Many Christians though validly married, do not understand the real teaching of the church on marriage. Thus this poses a major problem , thus the church needs to do more to make the people understand its teaching on marriage and its very essential aspects especially the aspect of unity, fidelity and faithfulness. This could be done if the church took interest in the Traditional preparations of marriages because it is in these preparations or ceremonies where the concepts of marriages are taught to the people and it is from here that duties and obligations of African concept of marriage are imparted in the people. These have a strong impact in that there are rituals and people believe in them. So if the church can be interested and influence these traditional ceremonies or preparations and bring in the Christian concept of marriage, that will have a lot of impact on the people.

I would also say that the church should try to understand some of the African practices or look at them carefully and then see what it can do to influence them rather than just punish those who take part by denying their sacraments and community life. On childless marriage, the church should try to teach the people to understand that children are a blessing from God and that the ends of marriage are not children. Also here the church should encourage people to seek medical help

because many of childless marriages are just due to biological factors and in this age, this can be corrected. If this does not help, I would say that the church should encourage people to adopt children. There are many children in African without parents, and so Africans should also start adopting children. I would say adopting a child is even much better than letting my brother or someone to sleep with my wife to bear me a child for it will always be in my mind that this is my brothers child. Thus adultery due to childlessness is uncalled for and should not be allowed.

For widow inheritance as practised by the Bembas, I think the church needs to support the widows very much in their understanding of life after death. As practised among the Bemba, the conceit here is fear. Fear of death and misfortune and so I think the church should stress the teaching of life after death. We Christians believe that Christ' death on the cross won us salvation and so death of a faithful is a transition to meet the father. Thus widows in Zambia should be made to understand that their dead Christian husbands have entered into eternal life, a life which is fruitful, a life in communion with the father and so there is no way their dead husbands can harm them or their family. This is what happened when my father died. My mother was scared and she was going to give in to the custom, but I stood by her and told her that dad was a Christian, he loved her and he loved us too so there was no way he was going to harm us. Once she was convinced that dad was in heaven, she stood firm and rejected the traditional idea. Thus people need to believe in life after death as won

for us by Christ on the cross. But note that this kind of widow inheritance is different from what is known as leviratic custom of East Africa. This is a good custom only that it involves sexual rights and this is what makes it opposed to the church's teaching. I think here the church should have a positive altitude towards leviratic custom and then try to point out what is wrong about it. All in all the custom is about care and support for the children and the widow who can not fend for themselves. This is a positive thing but the right to sex is what the church is opposed to. Thus the church should do a lot in ensuring education for the women in Africa because this will make the women independent and not dependent on men. Also the church should try very much to influence the African governments to pass laws which protect women after the death of their husbands because many traditional cultures mistreat the women after the death of their husbands and even take away all their properties and so the women are left helpless and so given in to cultural customs which even demand sex intercourse and so engage in unlawful sex according to the church. But all I can say is that , leviratic custom is not evil in itself. It has some very good positive values and a function and so the church needs a positive approach towards it.

Also the church needs to take a stand and fight for human rights for women in Africa. This will give an identity to women and let men see that their wives are equal partners because some cases of adultery come about because of gender inequality. When I confronted my uncle on this case (see chapter 1) I found out that he did not consider his wife to be his equal partner

in marriage. That is why for him it was alright for him to commit adultery and not right for her to do the same. When I asked him why he thought so his answer was "I am a man" so it is all about gender inequality. To achieve this the church should do much to encourage girl child education. Only when the girls are educated that this can be achieved. Many women are oppressed because they are not educated and cannot take care of themselves. Thus they will not stand up in their marriages even though their husbands are unfaithful. In Zambia most married women are at the mercy of their husbands. So men feel they can do what ever they like. So educating g the women is needed in Africa.

Also the church needs to take a very keen interest in the education systems of the African countries especially southern Africa. They are no morals taught in these systems and the kind of sex education taught is wanting. It is here in schools where the youths are lost because there is no proper guidelines concerning sex. Instead it is genitalia which is taught and not sexuality. also influences from the media and cinemas are confusing the youths.

South Africa has the liberal constitution and so you will find magazines like playboy, penthouse, hustler, scope and others are just floating around and they are found in her neighbouring countries like Botswana, Zimbabwe, Zambia and others. It is from these books that the youth learn that it is alright to have sex with many partners and so this trend goes on even when they get married. Thus the church in these countries needs to take a firm stand and have a part in

teaching integrated sexuality so that the youths will grow with an integral morality. You cannot expect them to change in the few teachings during preparation for marriage, no. But they need to grow with it and so the church should fight and have a hand in education system.

Also the church needs to take a social responsibility and see how it can help end poverty in Africa. Many young people are lured into prostitution or will even sleep with married people due to poverty. Thus the church needs to work hand in hand with the governments and see that only economic reforms and projects which are helpful to the people are taken by the government and see that the wealth is adequately distributed.

I would caution the church against separations in Africa. Usually this is misunderstood for divorce and people think they are free to do what they want and even indulge in extra marital relations. Thus in a situation where adultery occurs I would suggest intensive counselling and the spirit of forgiveness. Maybe in extreme cases but still I have reservations for this has not really worked because many who are separated usually say "I'm free" and thus do what ever they want.

CONCLUSION.

It is quite clear that adultery is a problem in Africa. African themselves have from time recognised that adultery is evil and brings calamities and diseases and thus condemned and punished it. Despite this, there are still some practices which the church do not agree with. There are still some African tradition customs which are practised even today and are adulterous and also a new trend of adultery coming up especially with the new technology of media, influence, urban setting and the poverty of Africa. Thus you find that the values that Christianity teaches are being eroded. Thus there is need in Africa today to revisit the marriage values. so a lot has to be done in preparing people for marriage and the church's teaching of faithfulness and fidelity needs to be emphasised. But the church can do this only if it strives first to understand the African culture and its concept of marriage and sex. In this way it has to take part in preparations and rituals of marriage and then in those preparations, impart its teaching of unity and the place of sex. This will bring about the fidelity and faithfulness. Also the church need to see how it can be supporting some familiar situations in cases of African customs and practices. Thus instead of having a negative attitude, it should find a way of support especially for widows who are left helplessly at the mercy of traditions. Also there is need to embark on education project so as to salvage marriage from the modern trend as portrayed by the media, magazines and cinema. Thus a lot has to be done by the

church to end gender inequality, oppression of women and other traditional aspects which bring about infidelity in marriages. There is need also to see that the spirit of forgiveness is taken in a situation where adultery occurs. This will only come about if there is really understanding and try to see the values of marriage both in African culture and the church's teaching for one thing is clear, both the church and African custom condemn adultery only that they are coming from different concepts of marriage.

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