

**MISSION CHURCHES AND AFRICAN MARRIAGE IN  
ZIMBABWE 1890-1970: CONTEMPORARY AFRICAN  
CHRISTIAN DILEMMAS OVER MARRIAGE IN  
HISTORICAL AND THEOLOGICAL PERSPECTIVE**

by

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## Declarations

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration.

This dissertation is not substantially the same as any that I have submitted for a degree or diploma or other qualification at any other university.

No part of this dissertation has already been or is being concurrently submitted for any degree, diploma or other qualification at any university.

No part of this dissertation consists of published work.

The text of this dissertation does not exceed 80,000 words including footnotes as set by the Faculty of Divinity, University of Cambridge.

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7 April 2008

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Date

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## ABBREVIATIONS

AIC	African Initiated/Instituted Church
AIDS	Acquired Immune Deficiency Syndrome
BSAC	British South Africa Company
CROMIA	Churches' Research on Marriage in Africa
Debates	<i>Debates of the Legislative Assembly of Southern Rhodesia</i>
HIV	Human Immunodeficiency Virus
LAMA	Legal Age of Majority Act
N/A	National Archives of Zimbabwe
RM	<i>The Rhodesia Methodist</i>
SOAS	School of Oriental and African Studies
SRMC	Southern Rhodesia Missionary Conference
SRQP	<i>Southern Rhodesia Quarterly Paper</i>
UDACIZA	Union for the Development of Apostolic Churches in Zimbabwe
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
WAG	Women's Action Group
WiLDAF	Women in Law and Development in Africa
WLSA	Women and Law in Southern Africa
ZCC	Zimbabwe Council of Churches
ZWLA	Zimbabwe Women Lawyers Association
ZWLSA	Zimbabwe Women and Law in Southern Africa

# CHAPTER 1

## REVIEW OF LITERATURE ON AFRICAN CUSTOMARY MARRIAGE

“At what point a couple married by African custom be recognised as married in the sight of God?”<sup>1</sup>

### Introduction

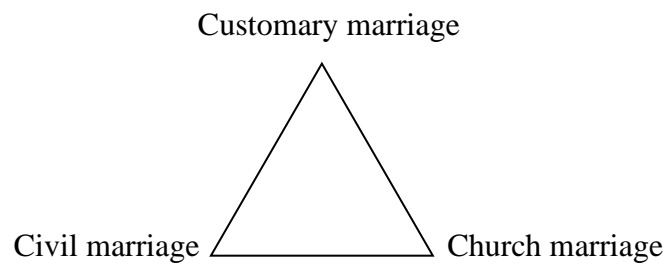
At marriage, every African Christian couple especially in mission churches, in sub-Saharan Africa, is confronted with three ‘worlds’ - the world of the traditional culture to which most parents of marrying-age children belong; the world of the civil or legal system under which the couple, like other citizens, live, and the world of the predominantly westernised culture that prevails in church, especially in urban areas, within which the couple generally worship.

The historical link between the cultural, legal and religious aspects of marriage naturally poses fundamental questions: Which of these three ‘worlds’ has a right to declare an African Christian couple married? Is it the traditional ‘world’, when upon initiating *lobolo* transactions, the woman is led to and handed over to the man in the presence of key family members and relatives? Is it the legal ‘world’, when a magistrate or other marriage officer signs a marriage certificate in the presence of a stipulated number of witnesses as required by the state law? Or is it the religious ‘world’, when at the end of a church marriage service, a bride dressed in white, and a man dressed in a suit are pronounced by a church minister, pastor, or priest to be married? Such ambiguity has resulted in social and moral problems for nearly all African Christian couples. For example, how should African Christian couples respond when their relatives assign them a single bedroom and expect them to have their first sexual intercourse as husband and wife immediately after the customary ceremony but before a church ceremony which usually takes place several months or even years after the traditional marriage? This perplexing situation has confronted every African Christian couple in the wake of church marriage rules and discipline. Lack of recognition of customary marriage by the mission churches for church and government purposes has resulted in numerous Christian dilemmas over marriage. As a result, African Christian couples have ended up at marriage with a particular sense of being torn apart between the three corners of a

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<sup>1</sup> Minutes of the Methodist Church Meeting, Harare, Zimbabwe, Tuesday 30 July, 1968.

triangle: the claims of African tradition, the claims of a new-found faith, Christianity, and the claims of the state.<sup>2</sup>



Since the European cultural invasion in colonial Africa, Africans, especially Christians, have encountered legal, social and moral difficulties in trying to determine when an African Christian couple is to be considered married. The divergence between customary practice and civil marriage laws in colonial Africa has resulted in legal, cultural, social and moral dilemmas, especially for African Christians. The question which is not yet fully answered for contemporary African Christian couples is at which point of the triangle are they considered married and can consummate their marriage, especially in the sight of God who instituted marriage?

### **Literature Review**

In this study, we will use the African society of the Shona people of Zimbabwe as a case study with which nearly all African Christians in mission churches elsewhere in sub-Saharan Africa can identify.<sup>3</sup> A literature review is essential because it helps cast the research problem within the larger context of relevant scholarly literature, and will also help develop a broader understanding and insight into previous research and the trends that have emerged. Much earlier research on African marriage was conducted using the then dominant model of comparative studies. For example, *African Systems of Kinship and Marriage* (1950) stressed the so-called primitive nature of African marriage customs in comparison with what was prevalent in medieval England.<sup>4</sup>

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<sup>2</sup> Hastings, Adrian. *Christian Marriage in Africa*, London: SPCK, 1973, 45.

<sup>3</sup> According to previous scholarly studies on African marriage (Phillips, A. *Survey of African Marriage*, 1953; Hastings, A. *Christian Marriage in Africa*, 1973; Kitembo, B. *African Christian Marriage*, 1977), in Africa society, all African couples get married traditionally first before they go for either a civil or church marriage ceremony.

<sup>4</sup> Radcliffe-Brown, A.R. and Forde, D. *African Systems of Kinship and Marriage*, London: Oxford University Press, 1950.

In July 1948, in response to an invitation from the United Nations Educational, Scientific, and Cultural Organisation (UNESCO), the International African Institute submitted a memorandum setting forth particulars of a number of research projects which the Institute was prepared to undertake in collaboration with UNESCO. *African Systems of Kinship and Marriage* was one of the projects related to studies in kinship and marriage in a number of representative African societies. It was proposed that the volume should be in English and French. The goal of the study was to see if Africans in colonised territories of Africa could be arranged and grouped according to their patterns of kinship. This network of relationships included both cognate relationships and relationships resulting from marriage, a person's own marriage, and the marriages of his cognates.<sup>5</sup> The research was aimed at providing insight into the situations with which every colonial educator and administrator had to deal in trans-Saharan Africa.<sup>6</sup> Following that epochal volume, a more detailed report, *Survey of African Marriage and Family Life*, appeared in 1953. Arthur Phillips, then a Reader in Law (with special reference to the administration of law in colonial territories) in the University of London, was the director of the Survey who edited and published the Report under the title of *Survey of African Marriage and Family Life*. While the first work, *African Systems of Kinship and Marriage*, was a response to UNESCO's request, the second, *Survey of African Marriage and Family Life*, was the project of the International Missionary Council as a result of the recommendation of the Africa delegates<sup>7</sup> at the Council's Conference in Madras in 1938.<sup>8</sup> However, a study on African marriage and family was not an urgent need at the time as far as the Research Department of the Council was concerned. Therefore, it was only after eight years that the goal of the project was clearly re-stated and re-defined by limiting its benefits to the colonial governments and church missionary representatives in Africa so that the research could start.<sup>9</sup> The Executive Committee for the African Marriage Survey categorically stated that the intention of the Survey was not to suggest solutions for the problems of African marriage arising from the rapidly changing conditions, but an attempt to find solutions to those African traditional marriage laws and practices which had become a cultural

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<sup>5</sup> Radcliffe-Brown, *African Systems of Kinship and Marriage*, 3.

<sup>6</sup> Radcliffe-Brown, *African Systems of Kinship and Marriage*, v.

<sup>7</sup> These were European missionary representatives at the Conference.

<sup>8</sup> Phillips, A. *Survey of African Marriage and Family Life*, London: Oxford University Press, 1953, v.

<sup>9</sup> Phillips, *Survey of African Marriage and Family Life*, v.

problem to colonial authorities and missionaries.<sup>10</sup> The research team was composed of European sociologists, government officials and missionaries. Since the research was not intended for the benefit of the African subjects, in particular the African Church, it is not surprising that African Christians were not consulted on the subject.<sup>11</sup> The first task of the research team was to review any existing studies and reports on African domestic organisation, and the legislation which had been put in place already.<sup>12</sup> Such a review was necessary not only because of its practical value to colonial governments and missionary establishments, but because it would also indicate the problems and the areas to which the efforts of the research team could most usefully be directed. The specialists were expected to examine African marriage customs from anthropological, legal, and Christian European perspectives. The Director of the Survey introduced the three constituent reports with an essay stating the aims and expectations which constituted their common terms of reference, and drawing attention to the main trends which appear in the detailed surveys. The first section was by Dr Lucy Mair, Reader in Colonial Administration at London University and an anthropologist with first-hand knowledge of Bantu peoples in south-eastern Africa. She gave an account of tribal or customary marriage law, and the changes it imposed or permitted by the course of events in the various colonies. In the second section, Phillips provided a review of the legislation by governments in Africa which dealt with African marriage and family concerns. The third section, by Dr Lyndon Harries, formerly of the Universities' Mission to Central Africa and then on the academic staff of the School of Oriental and African Studies in the University of London, surveyed missionary and ecclesiastical opinions and prescriptions designed to regulate the marriages of church adherents and to set a proper ethical standard for all.

The Survey took a three-cornered approach to African marriage- examining the cultural, civil and church aspects of marriage. Before the final draft Report was put together and accepted for publication, it was circulated to missionaries, colonial administrators in Africa, and research organisations in England and France. In response to the Report, European missionaries concluded that African customary marriages would not be recognised for church purposes.<sup>13</sup>

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<sup>10</sup> Phillips, *Survey of African Marriage and Family Life*, vi.

<sup>11</sup> de Gruchy, J. *The Church Struggle in South Africa*, London: Collins Liturgical Publications, 1979, 18.

<sup>12</sup> Phillips, *Survey of African Marriage*, v.

<sup>13</sup> Phillips, *Survey of African Marriage*, 332.

The *Survey of African Marriage and Family Life* was followed by an ‘All-Africa Seminar on the Christian Home and Family Life’ which was held at Mindolo Ecumenical Centre, Kitwe, Zambia, from 17 February to 10 April 1963.<sup>14</sup> It was attended by forty missionaries and African church leaders from fifteen African countries. Some of the central issues that dominated the Seminar included: the question of the compatibility of African traditional marriage and ‘Christian marriage’; a proposal that the customary marriage of existing Christians be recognised as valid marriage; that the system of *lobolo* be not condemned in itself because of its acknowledged abuse; that a polygamist, his wives and children upon conversion be received into the church; and that the position of monogamous Christians who become polygamists be carefully studied, each case being judged on its merits. The Mindolo Seminar was significant in that it was the first acknowledgement of the failure of pastoral policies relating to African customary marriage by mission churches. Another significant feature of the Seminar was that it was the first joint attempt to seek alternative ways of responding to African customary marriage. The African participants strongly argued for the recognition of the validity of customary marriage by the church because in their view, “a union properly entered into, with full consent, by a man and a woman competent to marry one another, and publicly recognised in the society in which they live, is a valid marriage in its own right; and we hold that the church, if it is to be true to its own theology, must recognise it as such.”<sup>15</sup> Here was a clear attempt to bridge the gap, since the notion of a choice between traditional marriage and marriage in the church was deemed a false one. The argument of the African delegates was for the need to integrate the two elements. This is an area which still calls for further study and this thesis seeks to make a contribution towards meeting the need identified at Mindolo in 1963. In 1970 William Peaden, a Methodist missionary in Zimbabwe, published a revised version of his Masters degree Thesis submitted to Bristol University, England, in 1969.<sup>16</sup> This was the first scholarly work by a missionary in Zimbabwe that had some bearing on Christian attitudes to African customary marriage. In his study Peaden outlined a number of areas in African culture that missionaries had conflict with,

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<sup>14</sup> The Seminar was sponsored by the All-Africa Conference of Churches in collaboration with the World Council of Churches. Participants were drawn from both the Franco-phone and Anglo-phone parts of Africa. Documents on information from the Conference proceedings are held at the School of Oriental and African Studies (SOAS), University of London.

<sup>15</sup> ‘All-Africa Seminar on the Christian home and family life’, 1963, 13.

<sup>16</sup> Peaden’s 1967 M. Lit dissertation at the University of Bristol, England, was published under the title *Missionary Attitudes to Shona Culture 1890-1923*, Salisbury: Rhodesia, 1970.

ranging from religious beliefs to ethical systems. According to Peaden, “the most radical conflict between missionaries and Africans occurred because of their different views of marriage and the family.”<sup>17</sup> Peaden identified particular aspects of African marriage such as polygamy and *lobolo* to which missionaries were opposed because “both were considered to degrade the status of women to that of chattel or servant.”<sup>18</sup> Missionaries’ feelings against polygamy and the system of *lobolo* were so strong that attempts were made to influence the government to legislate for their abolition.<sup>19</sup> When that attempt failed, mission churches came up with rules that were meant to destroy African marriage customs like polygamy and *lobolo*. Peaden observed that “many of the rules conflicted with African traditions, and those who broke them were censored by their church.”<sup>20</sup> There was a tendency for churches to administer discipline in a rigid and legalistic way to the exclusion of charity and forgiveness. The negative attitudes towards traditional marriage were translated into church policy by mission churches in African society.

Two significant additions to the literature on African Christian marriage appeared in the 1970s, the Hastings Report, *Christian Marriage in Africa* in 1973, and the Kisembo Report, *African Christian Marriage* in 1977. The aim of the Hastings Report was to help the Anglican Church in particular and other Protestant missionary-established churches in general in Africa to come to a better understanding of the deep-rooted African concept of marriage in light of the European tradition of Christian marriage, if the African Church were to handle African marriages differently from pioneer missionaries. The Kisembo Report was written for the Roman Catholic Church. The Catholic Report made some recommendations to the Roman Catholic Church to contextualise African Christian marriages within the Catholic tradition in Africa. The significant contribution of these two publications was their call, among other things, to established mission churches in Africa to recognise African customary marriage. According to the Conference of African Anglican Bishops, meeting on their own as Africans in 1983, within the African Christian community there was still a need to come up with a practical African Christian marriage liturgy which reflected a link between African customary and Church marriage. African bishops openly admitted that the difference between the concept of a European Christian marriage and that of an African

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<sup>17</sup>Peaden, *Missionary Attitudes*, 4.

<sup>18</sup> Peaden, *Missionary Attitudes*, 4.

<sup>19</sup> Peaden, *Missionary Attitudes*, 4.

<sup>20</sup> Peaden, *Missionary Attitudes*, 5.

traditional marriage had created conflicts in the lives of African Christians and that the subject had not yet been adequately addressed.<sup>21</sup> Although the two books on African 'Christian' marriage- *Christian Marriage in Africa* and *African Christian Marriage*- had made a positive contribution towards African customary marriage, African bishops still felt that real issues facing African Christians at marriage had not been addressed. Even Pope Paul VI, while visiting Africa, came to the conclusion that African Christian expressions ought to be different from those of the European mother-churches.<sup>22</sup> The main objective of this study is to propose a practical approach to African Christian marriage that is culturally, civilly and ecclesiastically acceptable and recognised. The proposal is based on biblical foundations of Christian marriage, current statutory marriage law of Zimbabwe and the input of the respondents to a marriage survey conducted in Zimbabwe.

The scholarly discussion of African Christian marriage in Zimbabwe and elsewhere south of the equator in Africa leads to a practical proposal of a Christian theology that is grounded in cultural, historical, legal analysis, and biblical exegesis, making it a study of pastoral theology. The suggested proposal, which has already been tried in some churches in post-independent Zimbabwe, is intended to eliminate the current ethical dilemmas that African Christian couples face at marriage. The Hastings and Kisembo Reports on African Christian marriage sought to challenge both the mother-churches and the contemporary African church to recognise African customary marriages primarily for church purposes. However, none of them discussed the moral confusion that African Christian couples face at marriage: When can African Christian couples consummate marriage in light of the cultural, civil and legal definitions of a valid and legitimate marriage? An answer to this question will have a direct bearing on several

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<sup>21</sup> Whidborne, V. 'Africanisation of Christianity in Zimbabwe', *Religion in Southern Africa*, Vol 4, No 1 (January, 1983), 44.

<sup>22</sup> The Pope, in his closing speech, referred to the form of Christianity in Africa as having its African identity: "The expression, that is, the language and mode of manifesting this one Faith may be manifold, hence it may be original, suited to the tongue, the style, the character, the genius and the culture of the one who professes this one Faith. From this point of view, certain pluralism is not only legitimate, but desirable. An adaptation of the Christian life in the fields of pastoral, ritual, didactic and spiritual activities is not only possible, it is even favoured by the Church...And in this sense you may, and you must, have an African Christianity. Indeed, you possess human values and characteristic forms of culture which can rise up to perfection so as to find in Christianity, and for Christianity, a true superior fullness and prove to be capable of a richness of expression all its own, and genuinely African". See Pope Paul VI, 1969, "Closing Discourse to All-Africa Symposium", Aylward Shorter, *African Christian Theology: Adaptation or Incarnation?* London: Chapman, 1975, 20. The following year, at the Second All-African Episcopal Symposium in Ivory Coast, the Hall of the University of Abidjan was decorated with a huge banner bearing the words: "YOU MAY, AND YOU MUST, HAVE AN AFRICAN CHRISTIANITY". That showed how Africa had taken the phrase to heart. Cf. Aylward Shorter, *African Christian Theology: Adaptation or Incarnation?* 1975, 20.

dilemmas that confront African Christian couples, including, 1) if an African Christian couple consummate their customary marriage before a church wedding takes place, have they committed fornication before God, as mission churches insist? The question is: what theological criteria, if any, do mission-founded churches use in labelling sexual intercourse after customary marriage sin? 2) if relatives of the African Christian couple start treating them as husband and wife after a public customary marriage as their traditional culture requires, how should the Christian couple respond? These questions and the related ethical problems that African Christians face at marriage have not yet been adequately addressed. It is our submission that there is a pressing need to give a theological and pastoral response to such pressing problems.

### **Objectives of this study**

This study does not directly deal with the history of colonial rule and the establishment of Christianity in Africa. Rather, it aims at investigating some of the social and moral dilemmas posed for Africans by the establishment of colonial rule and missionary-founded churches in sub-Saharan Africa with special reference to Zimbabwe. Because mission churches did not recognise African customary marriage, African Christian couples found themselves having to negotiate their way through the three-cornered relationship of: African customary marriage, European-oriented civil marriage law, and Christian marriage (as understood by different European Christian traditions).

It is the objective of this study to present a coherent history of the development of the theology and practice of the European tradition of church marriages, and see how European missionaries to Africa applied the Western-oriented church marriage ceremony to Christians in an African society as a criterion for church ordinances, membership and admission to Christian ministry. It is our belief that any attempt to make a relevant pastoral response to mission churches' attitudes towards African customary marriage should reflect an understanding of the history, theology and practice of church marriage in Europe over the centuries before missionaries went to sub-Saharan Africa. As this study will primarily be confined to European (mission churches and colonial authorities) attitudes towards African customary marriage with special reference to Zimbabwe, some important issues of church marriage such as the debates between Protestant reformers and Catholic theologians on the sacramentality of marriage, the Tridentine decree on marriage and polygamy, and priestly celibacy will not be dealt with in detail.

Another objective of this work is to lay biblical foundations for Christian marriage. This is necessary for at least two reasons: First, by using the biblical criteria for a valid and legitimate marriage, contemporary African Christians can determine when Christian couples can consummate their marriages with clear conscience. What Jesus said about marriage will help mission churches in an African society answer the crucial question: At what point is a couple married by African custom recognised as married in the sight of God? Second, by using biblical principles of Christian marriage as the criteria for valid and legitimate unions, we can also see whether mission churches were justified in refusing to recognise African customary marriages as valid and legitimate marriage unions and trying to replace them with a European tradition of church weddings in the name of Christianity. Were their attitudes and actions justified? It is our submission that any helpful evaluation of the imposed European model on African Christians should be based on a biblical theology of Christian marriage.

Another aim of this study is to propose a practical approach to African Christian marriage that is culturally, civilly and ecclesiastically acceptable and recognised. The proposal is based on biblical foundations of Christian marriage, current statutory marriage law of Zimbabwe and the input of the respondents to a marriage survey conducted in Zimbabwe.<sup>23</sup> The scholarly discussion of African Christian marriage in sub-Saharan Africa leads to a practical proposal of a Christian theology that is grounded in cultural, historical, legal analysis, and biblical exegesis, making it a study of pastoral theology. The suggested proposal, which has already been tried in some churches in Zimbabwe, is intended to eliminate the current ethical dilemmas that African Christian couples face at marriage. Most of the studies on African Christian marriage reviewed above sought to challenge the contemporary African church to recognise African customary marriages for church and government purposes. However, none of them discussed the moral confusion that African Christian couples face at marriage: When can African Christian couples consummate marriage in light of the cultural, civil and legal definitions of a valid and legitimate marriage? An answer to this question will have a direct bearing on several dilemmas that confront African Christian couples, including, 1) if an African Christian couple consummate their customary marriage before a church wedding takes place, have they committed fornication before God, as mission churches insist? The question is: what theological criteria, if any, do mission-

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<sup>23</sup> See Appendices 1 & 2.

founded churches use in labelling sexual intercourse after customary marriage sin? 2) if relatives of the African Christian couple start treating them as husband and wife after the customary marriage as their traditional culture requires, how should the Christian couple respond? These questions and the related ethical problems that African Christians face at marriage have not yet been adequately addressed. It is our submission that there is a pressing need to give a theological and pastoral response to such pressing problems.

### **An outline summary of this study**

Having reviewed the relevant literature on African marriage and stated the objectives of this study above (chapter 1), chapter 2 describes the main features of the African (Shona) customary<sup>24</sup> marriage of Zimbabwe which are commonly practised among other African ethnic groups in sub-Saharan Africa. Missionary negative attitudes towards African customary marriage were conditioned by their various doctrinal traditions and by the long process whereby the Church in Europe asserted its control over marriage (chapter 3). In place of the African customary marriage, the British colonial authorities introduced statutory marriage law, and claimed jurisdiction over the marriages of all Africans, including Christians (chapter 4). Missionaries, though now denied legal jurisdiction over the marriages of their church members, still required all African Christian couples to wed in church for church purposes (chapters 5 and 6). Chapter 7 analyses a survey of current African Christian attitudes towards marriage and considers three previous scholarly proposals for recognising African customary marriage mainly for church purposes. Whilst there are major differences between male and female perspectives, it is clear that contemporary African Christians would like to discover a way of expressing Christian principles of marriage within a customary marriage framework. The suggested proposal, an *African Christian customary marriage ceremony*, as put forward in chapter 8, is offered as a theological and pastoral response to the dilemmas surrounding African Christian marriage in sub-Saharan African with special reference to Zimbabwe. The proposed approach, which has already been tried in some churches in current Zimbabwe, is culturally relevant, in conformity to civil law

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<sup>24</sup> Traditional marriage refers to the way the African (Shona) people have married before and after the settler occupation and arrival of missionaries at the end of the nineteenth century. Although European laws introduced by the colonial administration and missionary teaching affected traditional African marriage in many ways most of the essential elements of traditional marriage remained.

and ecclesiastically acceptable in the country where customary and civil marriage laws co-exist as in independent Africa.

## CHAPTER 2

### VALIDITY OF MARRIAGE IN AFRICAN (SHONA) TRADITIONAL SOCIETY

“An African valid customary marriage is said to have been contracted and considered legitimate only when the *lobolo*<sup>1</sup> negotiations and transactions between the members of the *lobolo*-giving family and the *lobolo*-receiving family are entered into or completed.”<sup>2</sup>

#### **Introduction**

One of the significant strands in the history of European endeavours to create a new social order in an African society of colonies was the attempted imposition of alien marriage laws by both missionaries and colonial authorities. As colonial subjects and interestingly also as converts to Christianity, Africans were now expected to contract legal and valid marriages (in the eyes of the civil and church authorities) according to a European tradition of marriage. It was now up to the colonial masters and missionary clergy to put in place new marriage laws and regulations for the newly created social communities on mission stations and farms. In spite of the overwhelming African urbanization in the colonies, which Stopforth has suggested owed its resemblance to the urban growth of new nations in Europe more than a hundred years earlier;<sup>3</sup> Africans have remained generally traditional in their approach to the contracting of marriages. Civil marriage or a church marriage is usually considered an incidental addition to a regular traditional African marriage.<sup>4</sup> According to African society, it is traditional marriage that constitutes a genuine marriage contract.<sup>5</sup> African people look upon traditional marriage as a full marriage, and the registration at the court of the Native Commissioner, or the subsequent solemnisation of marriage in church, merely as the means of satisfying either the civil or ecclesiastical law.<sup>6</sup> It is essential that we describe here the main features and principles of the unwritten African (Shona) customary

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<sup>1</sup> *Lobolo*, a Zulu or Ndebele noun from the verb *lobola*, was a form of payment by the bride-receiving family to the bride-giving family in appreciation of their daughter. It may be called by different terms in the different languages of sub-Saharan Africa. For example, in Shona, it is *rooro* an equivalent noun of the Zulu term *lobolo*. This is because there is no letter l in the Shona language, hence the noun *rooro*. In Sotho or Tswana, the word is *bogali*. *Lobolo* is the opposite of the dowry practice which is payment by the bride-giving family to the son-in-law.

<sup>2</sup> Chavhunduka, G.L. “Social change in a Shona Ward”, *Occasional paper 4*, Salisbury, Rhodesia: University of Rhodesia, (1970), 5.

<sup>3</sup> Stopforth, P. “Survey of Highfield African Townships”, *Occasional paper 6*, Salisbury, Rhodesia: University of Rhodesia (1971), 18.

<sup>4</sup> Bourdillon, M. *Shona Peoples*, Gweru, Zimbabwe: Mambo Press, 1998, 45.

<sup>5</sup> Bourdillon, *Shona Peoples*, 45.

<sup>6</sup> Broderick, G.E. P. ‘Betrothal ceremony among the *WaZeruru* of the Salisbury district’, *NADA*, (1945), 49.

marriage system which, among other traditions, the colonial administration codified into written law with a European force.

### **History of the Shona people**

The two major African groups in Zimbabwe are the Ndebele and the Shona peoples. The former constitutes just fewer than twenty per cent while the latter is almost eighty per cent of the indigenous population.<sup>7</sup> While the first settlement of the Ndebele and Europeans can be traced to the 1830s and 1890s respectively, that of the Shona is not that clear.<sup>8</sup>

The word 'Shona' cannot be given any precise tribal or ethnic connotations; nor does it relate only to the peoples who lived in the area now known as Mashonaland, but it is a linguistic term used to describe a group of dialects<sup>9</sup> spoken throughout Zimbabwe (before the late arrival of the Ndebele from South Africa) and in some parts of neighbouring territories.<sup>10</sup> Although some would like to trace the name 'Shona' to the Ndebele derogatory term for non-Ndebele people, 'Masvina', that is, 'the dirty ones',<sup>11</sup> the term seems to have been initially coined and designated for one particular Shona sub-group, (the Rozvi), by the Sotho and Nguni in the 1830s, and was gradually applied to the rest of the 'Shona'-speakers by Europeans in the last half of the nineteenth century, with the people eventually accepting the name for themselves, just as the Celts of Britain eventually accepted the term Welsh.<sup>12</sup>

The precise origin of the Shona continues to be an area of investigation. Archaeologists and historians have not yet fully documented from where these people, who were pastoral people as well as cultivators of land, had trickled into present-day Mashonaland which was free from tsetse flies. Interestingly, there are some striking similarities between the Shona and the Israelites of the Mediterranean world.<sup>13</sup> Any future studies

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<sup>7</sup>Weinrich, A.K.H. *African Marriage in Zimbabwe*, Gweru, Zimbabwe: Mambo Press, 1982, 10.

<sup>8</sup> Beach, D. *The Shona and their Neighbours*, Oxford, England: Blackwell, 1994, 23.

<sup>9</sup> Kalanga, Karanga, Zezuru, Korekore, Manyika, and Ndau.

<sup>10</sup>Ranger, T. *Revolt in Southern Rhodesia, 1896-1897*, Evanston, Illinois: North-western University Press, 1967, 4.

<sup>11</sup> Kane, N.S. *The World's View: The story of Southern Rhodesia*, London: Cassell, 1954, 9.

<sup>12</sup> Beach, *The Shona and their Neighbours*, 31.

<sup>13</sup> Like the ancient Israelites, the traditional Shona society strictly observed (1) a Sabbath (which they called 'Chisi'), (2) they annually released a scapegoat into the forest ('*kurashira*) like what the Israelites did with the 'scapegoat', the Azazel, the goat on which sins were carried into the wilderness (Leviticus 16:6-26), (3) some Shona groups circumcised all their boys, (4) idol worship was abhorrent to the Shona (5) in both societies casting of lots was common (6) in both societies levirate marriages and marriage by adoptive service were common (Genesis 29:1-30). (7) In both societies, marriage was a process rather

on the origin and possible migration of the Shona people into Zimbabwe will have to seriously consider these similarities between them and the Israelites of the Mediterranean world.

During the nineteenth century, the Shona people were subjected to two waves of invasion from the south, the most important of these northward cultural and military invasions from Zululand was led by Mzilikazi. The Ndebele, who originally came from Zululand, South Africa, and settled in Zimbabwe in about 1837, found the Shona people already in the country. Historically, therefore, only the Shona people could rightfully be referred to as the indigenous people of Zimbabwe. Therefore, the investigation of African customary marriage of the indigenous people of Zimbabwe will primarily focus on the Shona people, but not to the total exclusion of the Ndebele.

### **Formalities of marriage in African (Shona) traditional society**

According to Gelfand, one of the field researchers on Shona society, anyone interested in the Shona's way of life will have to know and study the Shona attitude to and process of contracting marriage.<sup>14</sup> There was no fixed minimum age which qualified a Shona boy or girl for marriage as long as marriage candidates were regarded as physically capable of producing healthy offspring.<sup>15</sup> A young man's suitability for marriage was tested by his strength and capability for hard work and his ability to produce quality sperm (manhood) so that in case of doubt his family would consult an herbalist for a remedy. A girl of marriageable age, her physical maturity was gauged from her fully developed breasts and menstruation periods.<sup>16</sup>

In Shona tradition, a marriage contract was essentially an agreement between two families in which the individual interests of the groom and bride, though implicitly or formally recognised, were but a subordinate element to the wider dominating interests of their families.<sup>17</sup> Any union entered into by a man and a woman without the participation and assistance of their respective families had no legal existence in Shona

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than an event. Cf. Ida Zatelli, 'The Origin of the Biblical Scapegoat: The Evidence of Two Eblaite Texts', *Vetus Testamentum*, 48 (April 1998), 254-263.

<sup>14</sup>Gelfand, M. *African Crucible: An Ethico-Religious Study with special reference to the Shona-speaking people*, Cape Town, Juta & Co. 1967, 100. Dr Michael Gelfand is a medical doctor by profession who has researched and published more than twenty books on the Shona people.

<sup>15</sup> Holleman, *Shona Customary Law*, 98-147.

<sup>16</sup>The most common test was to find out whether his sperm floated or sank in water. If it sank, it was believed to be 'strong'; and if it floated the boy had to consult a herbalist (*n'anga*) for a remedy. Communication with Peter Sibanda, Secretary of Zimbabwe National Association of Traditional Healers, Harare, 8/1/2002.

<sup>17</sup> Holleman, *Shonac Customary Law*, 73.

society.<sup>18</sup> This being a fundamental aspect of a traditional African (Shona) marriage contract, it was expected that any choice of a wife or husband, if not actually made by some key relatives, had to be sanctioned by them before a marriage could be negotiated. The prospects of marriage could also be affected by the existing relations between the families. For example, ill feelings or prejudice could prove as decisive a barrier against marriage as would be the legal restrictions arising from the particular pattern of kinship relations, such as bearing the same totem.<sup>19</sup>

### **Marriage and kinship**

The recognition of kinship relations and the assumptions made about them, as well as the nature and implications of marriage, are essentially the same in all Bantu-speaking societies in Southern Africa.<sup>20</sup> In these societies ties of kinship traced either through blood relations (consanguinity) or established by marriage (affinity) are recognised and have moral, social and ritual content which cannot be lightly ignored when it comes to marriage making. The social recognition of these linkages provided the individual with major criteria upon which to categorise members of his tribe with a set of unwritten rules to guide interaction with them.

Socially, kin and non-kin were distinguished and treated differently. For example, residence, which was influenced by kinship affiliation, was typically based on kinship relations ordered by kinship principles.<sup>21</sup> An indigenous African (Shona) person looked upon another as either a relative or a non-relative. Traditional marriage could take place between members of two non-relative families, depending on their different clanships. An outstanding feature of the indigenous people's life was the way in which the behaviour of each individual was determined in his or her traditional village. In each village, there were five social strata in ascending order of status from grandson, to grandfather, (that is, self, his son, and his son's son, and above self, his father and grandfather).<sup>22</sup> Within the family structure, age and sex conferred on an individual a measured status or respect. Among the Shona people, the relationship with the mother's brother was well established. There was frequent contact with the mother's kin. Visits from maternal relatives were common, and in certain circumstances some of the

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<sup>18</sup> Bourdillon, *Shona Peoples*, 36-57; Holleman, *Shona Customary Law*, 74.

<sup>19</sup> Bullock, C. *The Shona and the Ndebele*, Cape Town: Juta & Co, 1950:71, Holleman, *Shona Customary Law*, 73, 75.

<sup>20</sup> Mutswairo, S. *Introduction to Shona Culture*, Harare, Zimbabwe: Juta Zimbabwe (Pvt) Ltd, 1996, 40.

<sup>21</sup> Mutswairo, *Introduction to Shona Culture*, 40.

<sup>22</sup> Goldin, B. & Gelfand, M. *African Law and Custom in Rhodesia*, Cape Town: Juta & Co Ltd, 1975, 37.

maternal relatives could form part of the permanent membership of residential units.<sup>23</sup> At marriage, any two unrelated families became 'related' as fathers-in-law, male members of the bride-giving family, and sons-in-law, male members of the bride-receiving family.<sup>24</sup>

Pioneer social anthropologists and others argued that the social organisation of the indigenous people of Zimbabwe was based on three different local units: the tribe, the biggest, which was divided into several tribal wards, usually composed of people of the same clan or totem,<sup>25</sup> while the population of each ward, was grouped together in small separate villages, mostly of extended family members.<sup>26</sup> Before the influence of urbanisation and Christianity, totemism was the dominating influence in the social life of the Shona people.<sup>27</sup> A totem could be an animal or bird, used as the clan cognomen which acted as an instrument to enforce exogamy. For example, a marriage could not take place between a man and a woman of the 'zebra totem' living in the same village grouping. The restrictions arising from relationship on the mother's side were less defined. A Shona man would not marry his first cousin or his second cousin on his mother's side, even if she was not of the same totemic group as he.<sup>28</sup>

As the basis of an organised society which rested mainly on kinship relations, the Shona kinship system met two essential requirements: one, it provided a definite pattern of social order in which any two persons, closely or remotely related by blood or by marriage, were placed in a position of relative superiority or subordination; and second, it regulated the reproduction of unilineal and exogamous kin-groups, with due respect to the indigenous concepts of incest.<sup>29</sup>

Marriage was brought about in traditional African (Shona) society from the recognition and acceptance of at least three basic marriage assumptions: first, while a woman might

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<sup>23</sup> Mutswairo, *Introduction to Shona Culture*, 41.

<sup>24</sup> Goldin & Gelfand, *African Law and Custom in Rhodesia*, 41-45.

<sup>25</sup> There are at least six attributes of totemism among the Shona peoples: (1) A totem ensures exogamy in the sense of agnatic relationship. (2) A *mutupo* or totem is used as a clan cognomen. (3) It serves as a ceremonial form of address to which there are complimentary (but allusive) responses. (4) It serves also as a social bond between members of the clan; and sometimes as the clan's collective designation. (5) It is used as an oath, in the sense of a sanction against any divergence from the truth. (6) A taboo is attached to it, ostensibly to the animal, part of carcase, or organ of the body, or even some quite inedible object the name of which is implied in the totem word (*mutupo*); and there are superstitious sanctions enforcing the taboo. Cf. Bullock, *The MaShona and the Matabele*, 84.

<sup>26</sup> Holleman, *Shona Customary Law*, 3.

<sup>27</sup> In addition to refraining from eating their totem animal (e.g., *mhofu*, which is eland, *zhou*, elephant, etc) or a specific part of it (if they did, it was believed that their teeth would fall out), people of the same clan with the same totem were not expected to intermarry.

<sup>28</sup> Bullock, *The Shona and the Matabele*, 72.

<sup>29</sup> Holleman, *Shona Customary Law*, 29-71.

have only one spouse, a man could have more than one wife at a time if he so wished; second, a woman was supposed to join her husband at marriage, either at his own homestead or at that of his father or older brother; and third, it was accepted by all that marriage was brought about only by the transaction of *lobolo*, traditionally paid in the form of cattle, from the agnatic group of the groom to that of the bride.<sup>30</sup>

### **A regular form of contracting a traditional Shona marriage**

In a regular<sup>31</sup> approach to marriage, there were at least three recognised and distinguishable phases or stages of the African marriage:<sup>32</sup> first, courtship-proposal and exchange of commitment tokens; second, marriage negotiations which included *lobolo* transactions; and third, the handing over of the bride. Whether initiated by the groom himself or by his family members, especially his paternal aunts, the *first stage* in African customary marriage was courtship proposal. Where a groom took the initiative in finding a wife, he and a young woman would meet first secretly (but with the knowledge of their paternal aunts) as interested suitors. Once the girl had accepted the love or marriage proposal, the next step would be the exchange of commitment-tokens. The boy and girl exchanged their love or commitment gifts<sup>33</sup> with the girl's paternal aunt as a key witness. The commitment tokens had to be something (beads on a string or any personal present) which each of the two could conceal and keep. It was a token of acceptance of the proposal and an indication of mutual love between the virgin and a bachelor.<sup>34</sup> From that stage on, the two lovers would fall into the background of the marriage drama. The groom-to-be was expected to adopt avoidance relationships towards the girl's parents. Courtship was the first definite step towards marriage. The *second* stage was the marriage negotiations. Some weeks after the exchange of commitment tokens, a paternal aunt would approach her brother (that is, the boy's father) informing him of the boy's desire to start a family. Then the father would inquire if the boy had found a suitable girl to marry. If it was agreeable to the father, he would

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<sup>30</sup> Mutswairo, *Introduction to Shona Culture*, 41, 42.

<sup>31</sup>In African society, a definite distinction was made by the people themselves between a regular marriage, regular in the sense that it had been entered into according to all the requirements of customary law, and irregular unions, where the customary requirements had not been complied with. This distinction, when translated into vernacular terms, would result in giving one term for the regular marriage, and other terms even for the irregular approaches to marriage.

<sup>32</sup> Holleman, *Shona Customary Law*, 98f.

<sup>33</sup>A love token exchanged by a boy and girl as a pledge of their commitment to marry at a later stage was like the ancient Jewish betrothal or the Western practice of an engagement ring.

<sup>34</sup> Holleman, *Shona Customary Law*, 136.

approach and send a go-between or intermediary, generally a male friend of good rapport with both families. Marriage negotiations were always initiated by the young man's family, and the go-between would always communicate as a representative member of the groom's family. If the request found favour with the girl's father and relatives, then the girl would be called in before her family representatives and the groom's go-between. The paternal aunt of the girl would then ask the girl, on behalf of the girl's family, whether she knew the people who were "looking for food". If she did, she would be asked to produce a love or commitment token she had received from the young man. In such bi-lateral relationships, the family of the girl had the higher status and each of its male members was respectfully called "father-in-law" while each of those of the man's family was "son-in-law". The next step in the marriage negotiations stage was *lobolo* transactions. In African society, marriage was/is legalised by the transfer of *lobolo*. Before its commercialisation, *lobolo* consisted of mainly a number of cattle and such objects like iron hoes. The real meaning of the *lobolo* transfer has been frequently discussed and generally misunderstood, especially by many Europeans who regarded it as a purchase and sale of women. Chigwedere, an African historian, says that Europeans who saw *lobolo* as nothing else but a purchase and sale of women had not fully assessed the African culture. He repeatedly makes the point that "there is no man in African (Shona) society who buys a wife; there is no woman who is part of the property of her husband."<sup>35</sup> According to a European social anthropologist who lived in colonial Zimbabwe and studied African society, "*lobolo* is not a purchase of the wife."<sup>36</sup> Through *lobolo*, the husband was accepting responsibility over her, and he was from the time of marriage contract till death obliged to protect her and ensure her welfare.<sup>37</sup> In traditional African society, the primary purpose of the *lobolo* transaction was to legitimize a man-wife relationship for the procreation of legitimate offspring. In contemporary African culture, *lobolo* has been defined as the payment, in cattle and money or in other material forms, by a son-in-law or member of his family to the father-in-law or legal guardian of a woman for the purpose of entering into a marriage with a woman.<sup>38</sup> The acceptance of or the agreement to the conditions of paying *lobolo* by the

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<sup>35</sup> Chigwedere, *Lobolo: Pros and Cons*, Harare, Zimbabwe: Books of Africa, 1982, 4.

<sup>36</sup> Posselt, F.W. T. *Fact and Fiction: A Short Account of the Natives of Southern Rhodesia*, Bulawayo, Southern Rhodesia: Rhodesia Printing Press, 1935, 64.

<sup>37</sup> Posselt, *Fact and Fiction: A Short Account of the Natives*, 64.

<sup>38</sup> Chinyenze, M. 'A Critique of Chigwedere's book *Lobolo-Pros and Cons*, in relation to the emancipation of women in Zimbabwe' in *The Zimbabwe Law Review*, Vol. 1 & 2, 1983-84, 229.

father-in-law is an essential requirement for a valid traditional marriage.<sup>39</sup> In principle, a valid customary marriage was said to have been contracted and considered only “when the *lobolo* transaction between the members of the *lobolo*-giving family and the *lobolo*-receiving family is entered into or completed.”<sup>40</sup> The girl could only be taken to her husband’s home where sexual consummation would be experienced once the *lobolo* transactions were entered into or completed.<sup>41</sup> In other words, *lobolo* transactions legitimised sexual intercourse between a man and a woman as husband and wife.<sup>42</sup> By *lobolo* a man acquired sexual access to a woman since it enabled him to take the bride to his own village immediately upon the conclusion of the agreement or transactions.<sup>43</sup> Therefore, the *lobolo* transaction seemed to have had a deeper significance than just the acquiring of cattle and other material things.<sup>44</sup>

The *third* and *final stage* of a regular African (Shona) traditional marriage was the handing over of the bride. Immediately after the marriage negotiations and transaction agreement preparations were made for the handing over of the bride. Leading to that day, both her paternal aunt and mother would spend considerable time with her giving her any final instructions that included public social etiquette relating to life with members of her husband’s family as well as instruction on sexual intercourse with her husband. The mother and paternal aunt would teach and show her how to stretch her minor labia which was believed to add more pleasure to the husband during intercourse.<sup>45</sup> They would also prepare items which she would take with her because she was not supposed to go empty handed. A day was set for the handover ceremony in consultation with the paternal aunt who was the adult key link throughout the marriage process. On the appointed evening the bride was escorted normally by her aunts, sisters and other close female relatives. The handing over of the bride always took place late in the evening. Traditionally, it was seen as an official permission for the bridegroom to receive his bride into his sleeping room for their first intercourse.<sup>46</sup> Before the husband

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<sup>39</sup> Chinyenze, ‘A Critique of Chigwedere’s book *Lobolo-Pros and Cons*, 229.

<sup>40</sup> Chavhunduka, “Social change in a Shona Ward”, 5.

<sup>41</sup> Ilogu, E.C.O. *Christian Ethics in an African Background*, Leiden: E.J.Brill, 1974, 47.

<sup>42</sup> Jennings, A.E. *Bogadi: A Study of the Marriage Laws and Customs*, Tiger Kloof Vryburg, South Africa: The London Missionary Society, 1933, 21.

<sup>43</sup> Radcliffe-Brown, A.R. & Forde, D. *African Systems of Kinship and Marriage*, London: Oxford University Press, 1950, 215.

<sup>44</sup> Schapera, I. (ed.), *Western Civilisation and the Natives of South Africa: Studies in Culture Contact*, 1967, 8.

<sup>45</sup> Aschwanden, Herbert. *Symbols of Life: An Analysis of the Consciousness of the Kuranga*, Gweru, Zimbabwe: Mambo Press, 1982, 161.

<sup>46</sup> Aschwanden, *Symbols of Life*, 178.

could make advances towards her, he was expected to give her something as a formal request for permission to “violate” her virginity.<sup>47</sup> The young man would have also received detailed instruction on sexual intercourse, if necessary, by practical demonstration by a senior member of the extended family (normally his uncle).<sup>48</sup> Chastity before marriage was prized especially among the Shona people of Zimbabwe: “A fundamental and basic belief of the Shona is that when a couple marry the wife must be a virgin and the young man himself should not have had any previous sexual knowledge.”<sup>49</sup> Gelfand found out that of the 29 Shona girls interviewed, in both rural and urban places, all without exception had not had any form of intimacy with boys.<sup>50</sup> With the help of the groom, the paternal aunt<sup>51</sup> would check for signs<sup>52</sup> on their bedding to see if the bride was still a virgin at the time of marriage consummation.<sup>53</sup> Therefore, Weinrich’s assertion that “sexual intercourse before marriage was not only permissible but welcomed because it ensured that a union would be fruitful”<sup>54</sup> is invalid. Moreover, the ‘mother’s cow’ or the ‘virginity cow’<sup>55</sup> was given in appreciation of a daughter who had maintained her virginity until the night of marriage consummation. This is why such a cow was more appropriately referred to as the ‘virginity cow.’<sup>56</sup> The ‘mother cow’ was given at the same time when the first instalment of the *lobolo* cattle was delivered. Should a girl lose her virginity before marriage, a pierced blanket was sent back to her mother, notifying her that her daughter had lost her virginity before

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<sup>47</sup>Aschwanden, *Symbols of Life*, 182.

<sup>48</sup>Aschwanden, *Symbols of Life*, 163.

<sup>49</sup>Gelfand, M. *Ukama: Reflections on Shona and Western cultures in Zimbabwe*, Gweru, Zimbabwe: Mambo Press, 1973, 166.

<sup>50</sup>Gelfand, M. *African Crucible: An Ethico-Religious Study with special reference to the Shona-Speaking People*, Cape Town: Juta & Co, 1967, 100.

<sup>51</sup>Gelfand says the groom was asked by his father about the bride’s virginity after the first night. Gelfand, *Ukama*, 168. This seems to be a misunderstanding of African traditional marriage since among Shona sex was a taboo subject for discussion between a father and his own children. It is correct to say that the groom would talk to his paternal aunt about the bride’s virginity after the first night.

<sup>52</sup>She would be looking for ‘blood spots’ on the ‘white’ bedding they would have slept on.

<sup>53</sup>There were traditional ways that were used to tell the girl’s family that she was not “complete” if she was not a virgin. This was quite an embarrassment to the girl’s family because it meant they had not looked after her or guided her well. Gelfand says if the girl was not a virgin “her father would be fined three or four head of cattle which is paid to the husband’s family”. Gelfand, *Ukama*, 168. This seems to be a misunderstanding of the traditional marriage. In Shona society, if parents were to be blamed for the girl’s loss of virginity, before marriage, it was her mother.

<sup>54</sup>Weinrich, *African Marriage*, 105.

<sup>55</sup>Parkin, David & Nyamwasa, David, *Transformation of African Marriage*, Manchester: Manchester University Press, 1987, 175.

<sup>56</sup>Both Bourdillon (1998) and Weinrich (1982) overlook this very important reason behind the strict prohibition of any intercourse before marriage. However, Holleman captures the idea when he says, “According to Shona marriage laws all sexual relations, unless sanctioned by a valid marriage, are unlawful and actionable.” Cf. Holleman, *Shona Customary Law*, 83.

marriage.<sup>57</sup> It should be noted that only girls were subjected to the virginity test. Boys were assumed to have kept themselves pure until marriage. Those responsible for the virginity test would not give the bride any benefit of doubt even if her vaginal membrane might have ruptured due to some accident. In most cases, she was not given an opportunity to explain the circumstances that surrounded her loss of virginity. In African (Shona) patrilineal society, when a woman got married, she joined the family community of her husband, mainly as “a bearer of children for the whole extended family.”<sup>58</sup> Therefore, her marriage and responsibility were, in essence, to the group itself rather than to an individual, her husband. However, her communitarian role in the new family did not mean that any other man of the extended family besides her own husband, had a right of sexual access to her while the husband was still alive. The primary duty and purpose of the husband in sexual intercourse in marriage was to “sow the seed in his garden” (wife) on behalf of his clan, while that of the woman was to receive her husband’s seed, nurture it within herself and bring forth offspring.<sup>59</sup> If the husband happened to be impotent, secret arrangements were made for one of his kinsmen to sleep with his wife so as to give the impotent man children.<sup>60</sup> Male impotence was viewed as a threat to the essential purpose of a marriage agreement, that of raising offspring for his extended family. It also denied the married woman her natural right and responsibility to have children. The husband’s impotence could result in the dissolution of the marriage only if either the husband or the wife refused to accept the customary remedy of seed-raising. Owing to the extreme delicacy of the situation, the matter was always conducted with the utmost discretion and secrecy. The arrangement to invite another man to raise lineage with the wife or “to plant the seed into the garden” of the impotent husband on his behalf was normally made by the paternal aunts of the husband. Therefore, Holleman is mistaken in concluding that it was a couple’s decision and agreement to invite a seed-raiser who could be a non-relative.<sup>61</sup> He also failed to understand why African (Shona) people preferred ‘raising

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<sup>57</sup>Holleman, *Shona Customary Law*, 83.

<sup>58</sup> Kitembo, B. *African Christian Marriage*, Nairobi, Kenya: Paulines Publications Africa, 1977, 78.

<sup>59</sup> Kitembo, *African Christian Marriage*, 96; Mbiti, J. S. *Love and Marriage in Africa*, London: Longman, 1973.

<sup>60</sup> Gluckman, M. ‘Kinship and Marriage among Lozi of Northern Rhodesia and the Zulu of Natal’ in *African Systems of Kinship and Marriage*, Radcliffe & Forde, 166-206; Holleman, *Shona customary law*, 217-219.

<sup>61</sup> Holleman, *Shona Customary Law*, 218.

children' by using a seed-raiser to getting children by adoption.<sup>62</sup> In almost all cases the seed-raiser or the substitute seed planter had to be one of the husband's brothers and in rare cases his sister's son<sup>63</sup> because Africans strongly believed in "the same blood lineage."<sup>64</sup> Children born out of a 'raising children' sexual relationship belonged to and were known as real children of the impotent husband and his wife. And while Goldin and Gelfand are right in limiting the seed-raisers exclusively to relatives, they fail to provide evidence to support their premature conclusion that the practice of 'raising children' on behalf of the impotent man has disappeared, largely owing to the influence of Western missionaries.<sup>65</sup> On the contrary, the African (Shona) society has continued to practise 'raising children' by sexual relationship even among Christians.<sup>66</sup> 'Raising children' by sexual relationship with a wife of an impotent man is common, though subtly disguised, among members of the African Initiated Churches. It is public knowledge in Zimbabwe that certain wives of (impotent male) members of most African Initiated Churches spend nights in the bush with designated "prophets" "praying" for them to fall pregnant. What has become evident over the years is that the "prophets" actually sleep with these women on behalf of impotent church members.<sup>67</sup> As long as men continue to find it difficult and shameful to admit their impotence, 'raising children' by sexual relationship with the wife of an impotent male will continue unexposed, and even increase. Women's rights are grossly violated in the 'raising children' by sexual relationship practice. A wife of an impotent husband is held at ransom and pressured into having sex with another man, even among church people.

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<sup>62</sup>Because of their strong belief in "the same blood" as members of the same descent, traditional Shona people do not believe in child adoption. Cf. Holleman, *Shona customary law*, 218.

<sup>63</sup> Goldin & Gelfand, *African Law and Custom*, 166.

<sup>64</sup> Holleman, *Shona Customary Law*, 218.

<sup>65</sup> Goldin & Gelfand, *African Law and Custom*, 166.

<sup>66</sup>The writer knows of a Christian couple who could not have children due to his medically proven impotency. But his wife later gave birth to a baby boy whom the couple referred to as their 'miracle baby.' It was later revealed privately that the baby was a result through the practice of 'raising children' on behalf of the impotent man by one of the husband's brothers.

<sup>67</sup> In July 2003, a wife of a member of one of the African Initiated Churches who could not fall pregnant in England flew back to South Africa to have her bishop "pray" for her. She personally told the writer that after he prayed for her; she fell pregnant the following month, and flew back to Cambridge, UK, where she later gave birth to a baby boy. She said that each time she wanted to fall pregnant she had the bishop pray for her. 'Raising of children' on behalf of the impotent man, among members of the African Initiated Churches, is a way of solving the biological problem of impotency. In Zimbabwe, wives of impotent men in one of the African initiated churches, *VaPostori* of the Johane Masowe group, spend nights in the bush with "prophets" "praying" for them to fall pregnant. The famous Prophet Mpondi in Norton, 20 miles west of Harare, had a high record of women he had prayed for falling pregnant between 1993-1997 until he succumbed to HIV/AIDS. 'Raising children' on behalf of impotent men is still subtly and secretly practised in African (Shona) society especially among members of African initiated churches.

Should a married man die, an approved relative was expected to assume responsibility for the widow and the children. The most important duty of the levir was to raise children with the widow on behalf of the deceased.<sup>68</sup> Since levirate unions were viewed as a legal continuation of the original marriage, there was no new or additional *lobolo* transaction demanded.<sup>69</sup> On the side of the bridegroom's family, any blood relatives<sup>70</sup> (but not the father) who had contributed to the *lobolo*, was entitled to becoming a seed-raiser after the death of a brother.<sup>71</sup> Through a levirate marriage<sup>72</sup> the widow would continue producing offspring for her dead husband.

In the case of either barrenness or the death of the wife without progeny, her parents would send their son-in-law a substitute "to put children in the womb" of the barren sister,<sup>73</sup> or "to set up the house that has fallen" as the result of the wife's unexpected death.<sup>74</sup> Of course, the relation between the husband and the younger sister of the barren wife would result in polygamy. The barren woman was not usually sent home, though the second wife, the child bearing one, would be given more attention. By failing to bear children for her husband and his family, the wife and, by extension, her agnatic group had not fulfilled the purpose of a typical African (Shona) traditional marriage. Thus, no *lobolo* was required for the second woman, usually a sister of the wife.<sup>75</sup> The obligation to have offspring was so strong in African (Shona) traditional communities that, if a second wife was not sent, the parents of the barren wife were expected to return a great part of the *lobolo* to allow the husband to find another wife elsewhere who could bear children for him and his extended family clan.

The *lobolo* transaction also gave the married woman procreative rights and the social status of legitimate motherhood. Any children born to a woman for whom *lobolo* had not been transferred or contracted were regarded as illegitimate or children of a prostitute.<sup>76</sup> Motherhood in a marriage relation, in African (Shona) society, was a thing of great honour. Any girl of marriageable age who got pregnant and gave birth out of

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<sup>68</sup> According to Section 24 of the Marriage Act, levirate marriages were prohibited. Cf. Marriage Act, 1996. But there is no prohibition against them in the Customary Marriages Act, 1996, which reflects African social values.

<sup>69</sup> Gluckman, 'Kinship and Marriage', 190.

<sup>70</sup> The levir was usually a younger brother of the dead man. Cf. Krige, E.J. & Krige, J.D. *The Realm of a Rain-Queen*, London: Oxford University Press, 1943, 160.

<sup>71</sup> Jennings, *Bogadi*, 21.

<sup>72</sup> Levirate marriages were also common among ancient Jews. Cf. Deuteronomy 25:5-10; Neufeld, E. *Ancient Hebrew Marriage Laws*, New York: Longmans, Green & Co, 1944, 23-55.

<sup>73</sup> Gluckman, 'Kinship and Marriage', 188.

<sup>74</sup> Krige & Krige, *The Realm of a Rain-Queen*, 159.

<sup>75</sup> Especially among the Zulu, Swazi and Shona. Cf. Gluckman, 'Kinship and Marriage', 188.

<sup>76</sup> Schapera, *The Natives of South Africa*, 1967, 8.

wedlock was despised, and was socially looked upon as a 'fool' or prostitute.<sup>77</sup> From the time she gave birth to her first child, she was referred to as a 'girl-mother' a social stigma for any girl who became a mother out of wedlock. If the 'girl-mother' subsequently got married to a different man, he would only pay *lobolo* but not the 'virginity cow' or 'mother's cow'.<sup>78</sup>

Illicit sex between a divorced woman or a 'girl-mother' living with her parents, and a married man or a secret lover was viewed as adultery on the part of the latter. The fine for such adultery with either a divorced woman or a 'girl-mother' was usually two head of cattle.<sup>79</sup>

### **Irregular forms of contracting a traditional African (Shona) marriage**

Normally, the form or method of marrying which was most acceptable in African (Shona) traditional society was the one that has just been described above. This was a proper way of requesting a wife or contracting marriage. It was by no means the only form of marriage although it was the ideal method. Various circumstances led to other forms of marriage which were meant in some cases to overcome hitches in the long process of African (Shona) marriage.<sup>80</sup> These other forms included: elopement, pre-marital impregnation, credit marriage or girl child betrothal and marriage by adoptive service.

#### ***Elopement***

Another but less ideal custom of establishing what would eventually become a valid union was marriage by elopement. The girl might or might not be pregnant, but even if she was found with a male in circumstances that raised strong suspicion, she was forced to go for elopement with the same man.<sup>81</sup> Though the arrangements for elopement were always kept secret from the girl's family, it was customary for the young man to get his father's consent before he embarked on the adventure, to ensure the latter's co-operation

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<sup>77</sup> Holleman, *Shona Customary Law*, 222.

<sup>78</sup> Parkin, & Nyamwara, *Transformation of African Marriage*, 175.

<sup>79</sup> Holleman, *Shona Customary Law*, 222.

<sup>80</sup> Bourdillon says that other forms of traditional marriage were meant to overcome various difficulties in the normal procedure. Cf. Bourdillon, *The Shona Peoples*, 60.

<sup>81</sup> The writer's nephew was caught in a similar situation in October 2004. When his girlfriend got home at midnight her parents suspected her to have had sex with her boyfriend. So, they sent her back to her boyfriend and asked her to remain with him as his 'wife'. They had gone to watch a movie but failed to come back on time. He ended up marrying her.

when a marriage had to be eventually negotiated.<sup>82</sup> The preliminary arrangements for elopement were usually made by a go-between, someone who was a trusted friend of the young couple. At the appointed place and time (usually late in the evening) the girl would meet her husband-to-be, who would be accompanied by a few of his friends. Prior to the meeting, she would have gathered some of her basic belongings before being escorted to the place of meeting by one or two of her sisters. Before the girl and her company set out to the boy's homestead, her sisters were given a thank-you farewell gift by the girl's man. The girl herself, who had to act as an unwilling and hesitating party, was given a redeeming gift before she was willing to start walking towards his homestead.<sup>83</sup>

If the boy's father had previously agreed to the elopement, the party would go straight to his village. If he had been left ignorant, the couple would first go to a nearby village of friends or relatives, from where a spokesman was sent to report<sup>84</sup> on the arrival and presence of the elopement party. If the father was annoyed by his son's action, his son was required to pay him a reconciliation gift usually of a goat. After a few days, the boy's family would send an intermediary or a go-between to the girl's family with a notice token (of a small item like a hoe). The go-between would pretend that he was paying a casual visit to the girl's parents, and upon his departure he would leave his token before 'shouting' 'look for your girl at our place'! The token would convey to the girl's family the intention of the boy's family to start marriage negotiations. If the girl's parents were willing to accept the boy's people as family-in-law, they would accept the token, and marriage negotiations would then follow in much the same manner as marriage by courtship, but with minor changes. However, the usual acts whereby the girl signified her approval or acceptance of the intended marriage, as in marriage by courtship, were absent in marriage by elopement because her elopement with her lover was deemed a conclusive proof of her willingness to marry him.<sup>85</sup>

### ***Pre-marital impregnation***

Closely related to marriage by elopement was the "flight marriage" or "to run away to someone". This was marriage by pre-marital impregnation. Here the girl ran away from

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<sup>82</sup> Holleman, *Shona Customary Law*, 109.

<sup>83</sup> Holleman, *Shona Customary Law*, 110.

<sup>84</sup> The report would be communicated idiomatically: "Your son has shot a rat" or "Your son has stabbed a hyena" or "Your son has done something wrong".

<sup>85</sup> Holleman, *Shona Customary Law*, 112.

her parents' home unescorted and presented herself to the family of her lover as a prospective bride. Her actions therefore almost invariably came as a surprise to both families, though she might have already informed her paternal aunt (who was familiar with the love relationship of the two) that she had fallen pregnant.<sup>86</sup>

This approach to marriage was almost one of desperation. Once an unmarried girl found that she was pregnant from her lover who seemed to be unready to marry her yet, she would go and present herself by seeking refuge in his home. Once the boy accepted her claims, then marriage negotiations and *lobolo* transactions started and were conducted in the same manner as in elopement marriages.

### ***Girl child credit marriage***

Another irregular approach to marriage was girl child betrothal or credit marriage.

Shona traditional people used to speak of the two most common irregular approaches to marriage as elopement and girl credit marriage. There were many reasons for girl credit marriages. A man would marry off his daughters in order to sustain the life of his family especially during drought years or to procure cattle with which to provide wives for his sons. The girl-child would be notified of her prospective husband only when she reached marriageable age.<sup>87</sup> An agreement would have been reached between the husband-to-be (a much older married man) and the father of the girl-child when the girl-child was still a baby.

Eventually the 'husband', an already married man, would make his first formal visit to the girl's parents 'to see his wife' and present her with a special token of a string of beads or any other trifle to show her that she was now his wife. His formal visit was then followed by a visit of some of his female relatives to ascertain the girl's feelings about the affianced groom and also to make sure that she was physically ready to become a wife.<sup>88</sup> If the girl was deemed physically ready and emotionally strong enough to become a wife, then the final arrangements regarding the outstanding *lobolo* transactions would be made. Generally speaking, the *lobolo* transactions which had been advanced by the creditor or son-in-law at the time of contracting a girl credit marriage constituted an effective 'binding security'.

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<sup>86</sup> Holleman, *Shona Customary Law*, 123.

<sup>87</sup> This term, although it was commonly used in connection with a young girl credited to marriage, it was also used as a general term of reference to a girl around the age of puberty.

<sup>88</sup> Holleman, *Shona Customary Law*, 118.

The African (Shona) institution of girl credit marriages undoubtedly caused some misery and unhappiness to some girls who felt that it was their duty and sensed that they were under coercion to submit to the arrangements made by their parents.<sup>89</sup> It was usually the rich old men who became involved in credit marriages. One reason for the girl's unhappiness might have been ending up marrying an elderly husband who already had other wives. Culturally, children were normally not expected to object to their parents in such family matters.

At the introduction of Native Marriages Ordinance in Zimbabwe, girl child betrothal marriages were outlawed, though they have continued until recently among members of the African Initiated Churches (chapter 4).

### *Marriage by adoptive service*

Adoptive service was another irregular approach to marriage in African (Shona) society. The basic feature of this irregular approach to marriage was that a poor man, instead of providing the customary *lobolo* transactions, would obtain his wife against a long-term service agreement in the employment of his father-in-law.<sup>90</sup>

The prospective son-in-law, who was usually unable to provide *lobolo*, would agree to stay with his father-in-law and work for him for an unspecified period. In the meantime, the service marriage prospective was allowed to marry the girl and to have children by her. But he could regain his freedom, and take his wife and children with him, when he was able to provide adequate security for his own family. Normally, service marriage arrangements and agreements were made by the girl's father.<sup>91</sup> However, in some instances the girl herself, anxious to marry a suitor who happened to be poor, would persuade her father (through either her mother or paternal aunt) not to insist on *lobolo* transactions but to invite the young man to come and live with and work for them towards his marriage to her.

The young man upon accepting a marriage offer by service would be required, at the appropriate time, to give the girl a love or commitment token to show his commitment to her. Eventually the father would formally hand his daughter over to his son-in-law by allotting them their own hut where conjugal relations could be enjoyed for the first time.

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<sup>89</sup> There was likely to be a greater amount of coercion in credit marriage cases than in others, because of the usually long-standing relations with, and obligations to, the creditors. It was impressed on the girl that: 'Your husband has saved your family from starvation. How dare you 'kill' your father by refusing to marry our son-in-law'?

<sup>90</sup> In the Bible, Jacob worked for a total of fourteen years for his two wives (Genesis 29:1-30).

<sup>91</sup> Holleman, *Shona Customary Law*, 125.

Marriage by adoptive service seems to have disappeared with the introduction of a cash-economy. Marriage by adoptive service was a common practice among the ancient Jews.<sup>92</sup>

### **Polygamy and the status of women**

One of the assumptions of traditional African marriage, described above, was the acceptability of polygamy. In African traditional societies, polygamy, as a form of marriage, was a way of life.<sup>93</sup> Polygamy is the term used to denote a marriage where there are more than two partners. Technically, the term polygamy should be divided into polygyny, where a man marries more than one wife, and polyandry, where several men are married to one woman, a state that is much rarer than the former.<sup>94</sup> However, for simplistic purposes we will use the term polygamy in reference to polygyny.

One British church historian reminds western society what polygamy is by distinguishing it from serial monogamy of the West: “a polygamous marriage is not a number of loose sexual relationships, but of simultaneous stable unions contracted under a form of law, recognised as a marriage by the people of the community or country, entered upon with a lifelong intention, and providing both a permanent home and legitimate status for the offspring.”<sup>95</sup> Maillu, an African historian and church leader, contends that “most white men in the West see polygamy as an attribute of primitiveness, and they think that the African cannot really attain civilization unless he has discontinued polygamy and adopted monogamy.”<sup>96</sup> This notion is supported by the fact that “since the arrival of the white man in Africa, with the joint effort of the church, he has been doing his best to abolish polygamy.”<sup>97</sup> Maillu finds the serial monogamy of the Western society, in which one husband is engaged consecutively in discreet monogamous unions marrying and living with one wife at a time, as morally repulsive as Europeans probably found polygamy in Africa.<sup>98</sup> According to him, “the colonial church in particular, has been fighting against the tradition on the basis that it is incompatible with the Bible; whereas the colonial administration went against it with

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<sup>92</sup> Genesis 29:1-35.

<sup>93</sup> Gelfand, M. *The Genuine Shona: Survival Values of an African culture*, Gweru, Zimbabwe: Mambo Press, 1973, 176.

<sup>94</sup> Parrinder, G. *The Bible and Polygamy: A Study of Hebrew and Christian Teaching*, London: SPCK, 1958, 1.

<sup>95</sup> Hastings, A. *Christian Marriage in Africa*, London: SPCK, 1973, 73.

<sup>96</sup> Maillu, D. *Our Kind of Polygamy*, Nairobi, Kenya: Heinemann, 1988, 1.

<sup>97</sup> Maillu, *Our Kind of Polygamy*, 1.

<sup>98</sup> Maillu, *Our Kind of Polygamy*, 1.

the claim that it is not in keeping with modern civilisation.”<sup>99</sup> A great deal has been done to wipe out polygamy in modern Africa, yet the tradition has continued to survive. Since independence, monogamous and polygamous marriage laws co-exist in nearly all African states.

In traditional African (Shona) society, a man could have as many wives as he could afford, provided that he did not neglect any of them so much as to make them dissatisfied and unhappy. In fact, few men were able to afford more than one wife until they were relatively old and influential members of the community, since polygamy, in some cases, was linked to wealth and high social status.<sup>100</sup> Most men became polygamists only in old age when they inherited their brothers’ wives.<sup>101</sup> In traditional African society, a husband would take a second wife only with the knowledge and permission of the first wife. In some cases, it was the first wife who suggested to her husband, for practical reasons, to take another wife.<sup>102</sup> Usually she would choose one of her nieces or even her sister. When a new wife came to join the family, she would carry out the wishes of the first wife and would remain under her orders until such a time when the first wife allocated her, as a junior wife, her own kitchen and cooking utensils.<sup>103</sup> To regulate relationships in a polygamous marriage and make the running of a household easier, people were to live and operate according to laid down rules.<sup>104</sup> There were reasons<sup>105</sup> as to why it existed nearly in every traditional African society.<sup>106</sup> One of the reasons for polygamy was that a single person of marriageable age would not fit anywhere in the social structure of African life. Traditional married women used to speak mostly of children and husbands whenever they came together. Single girls of marriageable age were in a sense a social misfit.<sup>107</sup> To correct such a misfit, older women would see to it that any single girl of a marriageable age was married even if it meant becoming a second or third wife.

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<sup>99</sup> Ibid.

<sup>100</sup> Bourdillon, *The Shona Peoples*, 49.

<sup>101</sup> Weinrich, *African Marriage*, 139.

<sup>102</sup> Trobisch, W. *My Wife Made me a Polygamist*, Downers Grove, Illinois: Intervarsity Press, 1971, 30-37; Genesis 16.

<sup>103</sup> Gelfand, *The Genuine Shona*, 179.

<sup>104</sup> Weinrich, *African Marriage*, 138-141.

<sup>105</sup> Josh Yego outlines four major and related functions of polygamy. Cf. Yego, “Polygamy and the African Church,” *East Africa Journal of Evangelical Theology* (1984), 61-65; Maillu, *Our Kind of Polygamy*, 1-9.

<sup>106</sup> Yego, “Polygamy and the African Church,” (1984), 62.

<sup>107</sup> Kivunzi, Titus (ed). *A Biblical Approach to Marriage and Family in Africa*, Machakos, Kenya, 1994, 183.

Another reason for polygamy was childlessness. In traditional African society, childlessness was not merely an unfavourable incident, but a calamity. In traditional African society, a child, in particular, was viewed as a link of the eternal chain of existence that stretches from the unknown into the unknown future. People believed that it was by divine law that man should not break this chain by a deliberate refusal to have children. In the event of a married man's death, "he will live through his own blood...that he leaves behind in a child of his own."<sup>108</sup> Then, as long as that child relayed forward the life of the parent by a turn of having his or her own children, his grandparents as well as all those who came before those grandparents would never perish, but would live forever. Having children has been seen and understood in African society as a kind of natural insurance policy against the unseen bad circumstances which might rob a person of his loved ones, of his shelter, food and company. There is an African proverb which says, "To have a son is to have a mirror for looking at your back."<sup>109</sup> Over and above, in African psychology, your own child is believed to be a reflection of yourself in whom you see, study, understand and realise yourself. A child was the crown of the marriage.<sup>110</sup> A child is the fulfilment of the promise of survival. In traditional Africa, daughters are brought up for marriage, or at least, bearing the faith that they will eventually get married in order to start a 'saving account' for their own lives too, besides fulfilling the natural urge to have a male partner. They therefore grew up with the knowledge that one day they would leave the parents' home to start their own home since, in nearly all cases it was the girl who joined the man in marriage. Sons were, therefore, brought up to live with or within the domain of the parents and, for this reason, they and their wives became the custodians of the parents' security and social life.

Another practical reason for polygamy was possibly a moral one whereby the man was allowed to find release for his sexual needs within a marriage relationship instead of him having to move outside his family and so bring him into conflict with other men.<sup>111</sup> In traditional African societies, where a monogamous marriage was seen as impractical and likely to lead to adultery, polygamy served as a method of "birth control", at least as seen from the point of view of the individual wife and mother. If a wife was breast feeding, her husband was not permitted to have any sexual relations with her. Breast

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<sup>108</sup> Maillu, *Our Kind of Polygamy*, 4.

<sup>109</sup> Maillu, *Our Kind of Polygamy* 5.

<sup>110</sup> Maillu, *Our Kind of Polygamy*, 5.

<sup>111</sup> Gelfand, *The Genuine Shona*, 177.

feeding used to take between two and three years. Therefore, a married man would need another woman, during that time, to meet his sexual needs. Also, people believed that the wife after she had passed her menopause was not supposed to have any sexual intercourse with her husband. If the couple did, by mistake, they had to take special herbs to remove any risk of falling sick.<sup>112</sup>

Another way in which a man took a second or third wife was in the event of the death of his elder brother. In traditional African (Shona) society, when a man died his family had the right to provide the widow with another husband from the same patri-group.<sup>113</sup>

Usually, it was a younger brother of the deceased who was expected to inherit the widow should she be willing to accept him. If she declined to marry one of the deceased's agnatic relations, and decided to marry a man from another family, she would lose her children from the first marriage. So, she had to choose either to give up her children and leave them behind on marrying another man of a different family, or become the second or third wife of an already married brother of her late husband.

Remaining unmarried, after an official one year of mourning, was almost impossible in traditional African society.<sup>114</sup> Upon her refusal to marry one of her late husband's relations, the family of her deceased husband could claim from her father a portion of the *lobolo* paid at the time of marriage. Sometimes, the widow's father could meet such an obligation from *lobolo* received on her re-marriage.<sup>115</sup>

During the colonial and missionary era in sub-Saharan Africa, Europeans, in particular missionaries, strongly condemned polygamy under the pretext of Christianity while avoiding addressing its practice by some godly Old Testament patriarchs (Abraham, Jacob), kings (David, Solomon) and judges (Gideon). Conversely, members of the African Initiated Churches, until recently, based their practice of polygamy on the examples of the Old Testament patriarchs like Abraham and Jacob.

### **Dissolution of traditional African (Shona) marriages**

Although marriage was considered a life-long commitment, there were instances when its dissolution became inevitable. A traditional African (Shona) marriage could be dissolved when two families agreed that a continuation of such a marriage relation

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<sup>112</sup>Maillu, *Our Kind of Polygamy*, 5.

<sup>113</sup>Child, H. *The History and the Extent of Recognition of Tribal Law in Rhodesia*, Salisbury, Rhodesia: Government Printers, 1965, 90.

<sup>114</sup>Trobisch, *My Wife Made me a Polygamist*, 35.

<sup>115</sup>Child, *The History and the Extent of Recognition of Tribal Law*, 90.

between them had become impracticable. The two families only needed to satisfy themselves that dissolution of the marriage was justified under the circumstances.<sup>116</sup> Divorce, that is, the termination of a marriage relationship by a liquidation of the assets (children and *lobolo* transactions) involved in the marriage was never based upon the consent of two individuals, a husband and a wife, but only and always on the reached agreement between the two families who originally concluded the affinitive agreement.<sup>117</sup> In other words, a marriage could under no circumstances be dissolved by the unilateral action of one family or individual spouses.<sup>118</sup>

Should a man wish to divorce his wife, he would normally give her a token of divorce. By this token he would be asking her to go back in peace to her parents. And she would then return to her parents and present, through proper channels, the token of divorce to her parents. Eventually, the reconciliation 'court' composed of representatives of the two families, would convene to hear the case. The final decision in either marriage disputes or divorce rested entirely with members of the two families. The very fact that both families had to agree and actively co-operate before a dissolution could be effected and that the interests involved extended far beyond those of the individual marital union of husband and wife, was sufficient guarantee that no marriage was terminated on trivial grounds.<sup>119</sup>

The main purpose of family 'courts' was to reconcile the husband and his wife. What would emerge during the process was a history of the marriage, a detailed record of human relations in which usually neither party was entirely blameless. The trouble often appeared to have started with a comparatively trivial act of negligence or an insignificant wrong, which provoked resentment and ill-considered retaliations, which again gave rise to further provocation, finally culminating in a clear breach of marital obligations, serious enough to justify formal litigation and dissolution of the marriage. A common feature of such cases was that once it had been proved (or merely taken for granted) that a particular wrong had been committed by one party the other party at the family court would almost invariably ask *why* such a wrong had been committed. For

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<sup>116</sup> Marriage dissolution could result from failure to provide *lobolo*, death of a spouse, barrenness of wife, impotency of husband, misbehaviour of spouse, accusation of witchcraft, etc. Cf. Holleman, *Shona Customary Law*, 67-80, Goldin and Gelfand, *African Law and Custom*, 148-152.

<sup>117</sup> Goldin & Gelfand, *African Law and Custom*, 150.

<sup>118</sup> Holleman, *Shona Customary Law*, 265; Goldin & Gelfand, *African Law and Custom*, 147.

<sup>119</sup> The low divorce rate was proof of this. In southern Sabi Reserve a survey of 450 marriages revealed five cases of formal dissolution (just over 1%); in the northern Sabi Reserve there were five dissolutions amongst 250 marriages (2%); in the southern Wedza Reserve there were eight dissolutions in 200 marriages (4%).

example, it was common to hear a complainant (husband) opening his case with the words: 'I want the family court to find out why my wife has been sleeping with Mr. T.' To which the wife could reply with a counter-question: 'I want to know, through you family court, why my husband refuses to sleep with me.' In one of the 1969 cases in the Masvingo area, in the southern part of Zimbabwe, a woman did not deny that she had slept with a lover but she refused to be held guilty for adultery. She explained to the family court that her husband had blamed her for remaining childless while in fact she believed him to be impotent. In order to 'prove' him wrong, she went ahead and slept with his young brother and fell pregnant. In the end, the family court rebuked her but did not grant her husband the right to divorce her. Since her 'adultery' involved raising children on behalf of her impotent husband, the family court reconciled the couple. A reasonable motive could shift the blame to the other party. While this need not actually exculpate the guilty party, it obliged the other so-called innocent party to justify his or her own behaviour. And usually, the couple ended up reconciled with each other. But if reconciliation failed, then the family court would consider divorce for the sake of peace and harmony between the two families. The divorce process was never confined to the one failure or wrongful act of the defendant which induced the complainant to seek the intervention of the family 'court'.

Upon settling in Zimbabwe, the British authorities began to codify, in consultation with some missionaries some of whom had arrived in the country before Rhodes and his column in 1890, the unwritten African customary marriage law, among other things, into written marriage law.

### **Conclusion**

The African (Shona) people had a well-structured system of marriage. Any violation of this strict principle was punishable accordingly. One of the moral values of the traditional African (Shona) society was that girls were not expected to engage in sex before marriage. It was the *lobolo* transaction or agreement to it that legitimised sexual intercourse between a man and a woman as husband and wife. European missionaries and colonial authorities who established their presence in Zimbabwe from the second half of the nineteenth century noticed that Africans had their own norms and patterns of life which were different from European ones. Initially, the BSAC administration thought that to leave the inhabitants under their existing own social structures and traditions seemed more likely to promote harmony and Africans seemed happy to

maintain their social structures, especially the customary marriage system. Of all the irregular forms of African (Shona) marriage system, Europeans found credit marriage morally repugnant. In an effort to eradicate the practice, the European authorities passed a marriage ordinance that required all Africans to contract their marriages before a white Native Commissioner (chapter 4).

According to unrecognised church marriage rules, if an African Christian couple consummate their customary marriage on the night of the handing over of the bride but before a church wedding which takes place months or even years after the customary marriage, mission churches would insist that they had committed fornication and were therefore subject to humiliating church discipline (chapters 5-7). Mission-founded churches have no biblical and theological basis in labelling sexual intercourse after customary marriage sin. Moreover, mission-churches had no biblical and theological basis in refusing to recognise customary marriages as valid and legitimate unions for church purposes (chapters 4-6). The uncritical acceptance of the European Christian marriage tradition and the unabated refusal to recognise customary marriage by mission-founded churches in independent Africa seems to stem mainly from a lack of sufficient understanding of the history of church weddings. Therefore, an understanding of the history and development, theology and practice of the European tradition of church marriages in the thirteenth century and civil marriages in the sixteenth century church marriage (chapter 3) which Europeans imposed on their African subjects and converts (chapters 4-6) and an examination of Jesus' teaching on Christian marriage (chapter 8) will help us realise that when African Christian couples consummate their legitimate and valid customary marriage before a church wedding which takes place several months or even years after the traditional marriage ceremony they have not committed 'fornication' as mission churches effectively insist on.

## CHAPTER 3

### THE HISTORY OF THE VALIDITY OF MARRIAGE IN EUROPEAN TRADITION

“A valid and binding marriage may be defined to be a marriage between parties in all respects competent and willing to contract it which is solemnised with the requisite forms of and ceremonies.”<sup>1</sup>

#### **Introduction**

The definitions of the validity of marriage changed and developed over the centuries of European history, and the outcome of such historical and theological debates on marriage in Europe was what mission organizations and colonial authorities imposed on African societies. In spite of the introduction and legislation of the European Christian marriage tradition in Africa society in the name of civilisation and Christianity, African couples, Christian and non-Christian, have continued to contract marriage traditionally before considering going for a second marriage ceremony- a civil or church marriage ceremony. Until the introduction of ecclesiastical marriage law and courts in the Middle Ages, and later in the sixteenth century of the state marriage law, religious leaders in Judaism and Christianity endorsed customary marriage as the only practice of contracting a valid and legitimate marriage even before God.

The European Christian marriage tradition, as it is known and practised today, is a reflection of the cultural values and practices of the ancient Jewish, Roman-Hellenistic and Indo-European societies. Before the introduction of Church marriages in the thirteenth century and civil marriages in the sixteenth century, Christians accepted customary marriage as the only form of a valid and legitimate husband-wife relationship.

#### ***Marriage validity in ancient Israel***

In the Ancient Near East, a contract towards a valid marriage union was in two parts- the betrothal and the wedding- sometimes with about a year between them. Both the betrothal and the subsequent marriage ceremony always took place in a home setting and never in the temple or synagogue. Legally, the couple became actually bound in marriage at a betrothal ceremony.<sup>2</sup> However, they would not live together as husband

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<sup>1</sup> Eversley W.P. & Craies, W.F. *The Marriage Laws of the British Empire*, London: Stevens and Haynes, 1910, 2.

<sup>2</sup> Braybrooke, M. *How to Understand Judaism*, London: SCM Press, 1995, 34.

and wife until after the actual day of the marriage ceremony.<sup>3</sup> In Semitic cultures, from the time of betrothal and the presentation of gifts and payment of the *mohar*<sup>4</sup> or bride price, “the woman would henceforth be referred to as the wife and the man as the husband”.<sup>5</sup> In Babylon and Assyria not only were the betrothed couple called husband and wife, but the bride was henceforth called ‘daughter-in-law’ (*kalatum*) by her father-in-law. And her father, likewise, would become the father-in-law (*emu*) of the groom although consummation had not actually taken place.<sup>6</sup>

In view of its inseparable nature, one can conclude that betrothal, as a customary mutual declaration, was in fact a serious commitment to a lasting valid marriage relationship.<sup>7</sup> In spite of the high Jewish regard for both marriage and religion, marriage ceremonies and celebrations were never conducted in a religious building nor officiated at by a religious leader, priest or rabbi. Traditionally, marriage making was more of a social undertaking than either a religious or a civil responsibility.<sup>8</sup> All the same, the Old Testament narrators present God as being involved in such non-religious social marriage ceremonies and celebrations,<sup>9</sup> just as Jesus socialised with people at the marriage celebration of Cana.<sup>10</sup> The presence of Jesus and his disciples at the home-based marriage reception at Cana should not be seen as a sign of the Christianisation of secular marriage.<sup>11</sup> Schillebeeckx accuses some Roman Catholic scholars of wrongly using Jesus’ presence at a Jewish wedding-feast of an already betrothed marriage to imply that he had inaugurated a universal spiritualization of the marriage ceremony itself.<sup>12</sup>

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<sup>3</sup>Braybrooke, *How to Understand Judaism*, 34.

<sup>4</sup>This was bride price that the man, or his father or guardian paid to the prospective wife’s father. In this type of a marriage process in which the formalities of paying *mohar*, the payment had legal significance and would mark the first stage in the marriage transaction. Cf. Neufeld, E. *Ancient Hebrew Marriage Laws*, New York: Longmans, Green and Co, 1944, 94-117.

<sup>5</sup>Neufeld, E. *Ancient Hebrew Marriage Laws*, New York: Longmans, Green & Co. 1944, 143. In the narration of the Birth of Jesus the angel of the Lord referred to Mary, the betrothed woman to Joseph as “your wife” (Matthew 1:18-25) though the couple had not yet been formally married and consummated their marriage. She was still a virgin. However, she was already his ‘wife’.

<sup>6</sup> Mattuck, I.I. ‘The Marriage in Jewish Law’ in *Studies in Jewish Literature, Issued in Honour of Professor Kaufmann Kohler*, Berlin: G. Reiner, 1913; Mangel, L.A. *La formation du mariage en droit biblique et talmudique*, Paris: L.Rodstein, 1935.

<sup>7</sup>Genesis 24:49, 54, 55; Deuteronomy 20:7; Judges 14:7, 8.

<sup>8</sup>Bowker, J.W. *World Religions*, London: Dorling Kindersley, 1997, 130.

<sup>9</sup> In Genesis 2, God provides a wife for Adam, in Genesis 24 God leads Abraham’s delegation in search for a wife for Isaac to Rebecca, one of the daughters of Laban. In the book of Ruth, God directs Ruth to Boaz, etc.

<sup>10</sup> John 2:1-11. Jesus Christ did not see a need to spiritualise a social celebration. God can still be honoured through social activities which acknowledge him as the source of life and creator of marriage.

<sup>11</sup> Schillebeeckx, E. *Marriage: Human Reality and Saving Mystery*, London: Sheed and Ward Ltd, 1965, 109.

<sup>12</sup>Smith, H. (trans.), *Ante-Nicene Exegesis of the Gospels*, London: SPCK, 1926, 6-14.

To the Jews, whose religion was at the centre of their social life, God was involved with their tradition of marriage making which did not belong to temple worship. In their view, every marriage, Jewish or non-Jewish, was contracted before God who created it as a union between a man and a woman. There seems to be no evidence that Jews viewed their customary marriage as a universal pattern of marriage to be imposed on non-Jew converts. Unfortunately, European missionaries to the sub-Saharan Africa in the nineteenth and twentieth centuries viewed their Christianised customary marriage- a church marriage ceremony- as a necessary consequence of genuine African conversion to Christianity.

Whatever arguments Christian proponents for Church marriage ceremonies, symbols and rituals may want to generate, they cannot legitimately claim the Old Testament Jewish religion as its heritage because “matrimony, being a private affair of the parties and of their respective families, required no public ceremony, religious or otherwise, for its legalisation” and validity.<sup>13</sup> The institution of marriage was never in the hands of the priests or any religious leaders.

### ***Marriage validity in Roman law***

Christianity which first emerged among the Jews in the Mediterranean world before it spread to Europe existed under the Roman-Hellenistic society which had its own system of law. The *Corpus juris civilis*, A.D. 529, which became the foundational collection of Roman law, remains to this day the basic source for all study of Roman law. In other words, Roman law since Justinian<sup>14</sup> has meant essentially the law in the shape that he and his codifiers left it. Their work has been the basis of all subsequent jurisprudence in the Roman tradition and remains fundamental to the civil law systems based upon that tradition.<sup>15</sup>

According to the *Corpus juris civilis*, which formulated a doctrine of marriage that made the intentions and attitudes of the parties critical elements of any valid marriage contract, a valid marriage was defined as “the joining of a male and a female and a

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<sup>13</sup>Neufeld, *Ancient Hebrew Marriage Laws*, 149.

<sup>14</sup>Justinian (AD 483-565), the greatest of the Byzantine Roman emperors, is credited with the publication of a code of Roman laws including the validity of marriage. As a Christian emperor, Justinian believed that all people, rich or poor, slaves or free, had equal rights under the law.

<sup>15</sup> Brundage, J.A. *Law, Sex and Christian Society in Medieval Europe*, Chicago: The University Press, 1987, 113, 114.

partnership of all of life, a sharing of divine and human law.”<sup>16</sup> Although the Justinian Codex reaffirmed traditional Roman marriage law, it also changed the very basis of the marriage contract, from a union contracted merely by consent of the *paterfamilias* to that contracted on the basis of a couple’s consent for marriage. Such a marriage agreement was then recorded on a *dotal* instrument (‘marriage certificate’) on the actual day of marriage. Such written agreements were required and common in any property transaction arrangements. The dowry was a crucial element in property relations between the two families and the spouses themselves. Although a dowry was not normally required for a marriage to be valid in Roman law, however, its recording essentially indicated that the union was intended to be a legal marriage and not concubinage.<sup>17</sup> Because a husband was not strictly under a legal duty to maintain his wife, in practice he would feel a moral and social obligation to do so after receiving a dowry.<sup>18</sup> The dowry consisted of property (or some other contribution) given to the husband by the wife or her *paterfamilias* or others on her behalf.<sup>19</sup> It was normally given on the marriage day, but could be given before or after the marriage contract. Justinian himself held that a ‘marriage certificate’ would help the wife secure some measure of financial protection especially in the event of divorce.<sup>20</sup> This was a major development in the gradual improvement of the legal position of women in valid marriages in Roman law.<sup>21</sup>

According to the *Corpus juris civilis*, individuals who could not produce a written ‘marriage certificate’ were deemed legally unmarried.<sup>22</sup> The Roman law condemned different categories of sexual behaviour as immoral which included *stuprum*, that is, illicit sexual relations with unmarried women of honourable social standing, and sexual intercourse with married women was considered adultery, *adulterium*.<sup>23</sup> As a result, all sexual relations were to be limited only to marriage: “The bed of a virgin is

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<sup>16</sup> Borkowski, A. *Textbook on Roman Law*, Great Britain: Blackstone Press Ltd, 1994, 110; Cf. Watson, A. (trans.), *The Digest of Justinian*, Philadelphia: University of Pennsylvania Press, 1985; Dixon, S. *The Roman Family*, London: Johns Hopkins University Press, 1992.

<sup>17</sup> Grubbs, J.E. *Law and Family in Late Antiquity: The Emperor Constantine’s Marriage Legislation*, Oxford: Clarendon, 1995, 142.

<sup>18</sup> Borkowski, *Textbook on Roman Law*, 119.

<sup>19</sup> Grubbs, Judith Evans. *Law and Family in late antiquity: The Emperor Constantine’s Marriage Legislation*, Oxford: Clarendon Press, 1995, 142.

<sup>20</sup> Borkowski, *Textbook on Roman Law*, 122.

<sup>21</sup> Borkowski, *Textbook on Roman Law*, 122.

<sup>22</sup> Mears, T.L. *Corpus iuris civilis Institutes and the Institutes of Gaius and Justinian, the twelve tablets, and Novels*, London: Stevens, 1882, ‘Novels,’ 74.3-4.

<sup>23</sup> Zimmermann, Reinhard. *The Law of Obligations: Roman Foundations of the Civilian Tradition*, Cape Town: Juta & Co Ltd. 1990, 706-7.

approachable only through marriage; else one is subject to the law on *stuprum*.<sup>24</sup>

However, it must be pointed out that concubinage was an accepted form of sexual union between those of social unequals whereas adultery, strongly condemned by the *lex Julia de adulteriis coercendis*, could, properly speaking, be committed only with and by a married woman.<sup>25</sup> Strictly speaking, any sexual intercourse outside a valid marriage was regarded as a form of punishable adultery.

In summary, in the pre-Justinian Roman marriage law a valid marriage was contracted purely by the consent of the *paterfamilias*. However, from the sixth century, under the Justinian Codex, a fully accepted and recognised marriage union was solely dependent on the consent of the two parties, the groom and the bride.<sup>26</sup> In traditional African marriage, a fully accepted marriage of a bride and groom depended on the consent of the *paterfamilias*, whereas for a civil marriage according to the provision of the Legal Age of Majority Act<sup>27</sup> anyone over the age of eighteen years can legally enter into a fully recognised form of marriage without the consent of the *paterfamilias*. However, in spite of the provisions of the Legal Age of Majority Act, African couples even in modern African society still find it unacceptable to enter into marriage without parental knowledge and consent.

### ***Marriage validity in the Early Church and Patristic Writings***

The Apostle Paul's treatment both of illicit sex outside of marriage (*porneia*)<sup>28</sup> and of marital sex itself partially echoed Roman law on sex and marital ethics.<sup>29</sup> In the early church "marriage in the Lord"<sup>30</sup> actually meant a culturally acceptable, normal, secular marriage ceremony and celebration, but with the clear implication that a Christian should marry a Christian.<sup>31</sup> The early Christian apologetic writings did emphasize a Christian form of asceticism which expressed itself in the exemplary self-control and devotion to God of those Christians who renounced marriage. To those people who chose to get married rather than remain celibate or virgins, some bishops began to make

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<sup>24</sup>Laiou, A. (ed.), *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, Washington, D.C: Dumbarton Oaks Research Library Collections, 1993, 117.

<sup>25</sup>Laiou, *Consent and Coercion to Sex and Marriage*, 114.

<sup>26</sup>Laiou, *Consent and Coercion to Sex and Marriage*, 113.

<sup>27</sup> In Zimbabwe, The Legal Age of Majority Act of 1982 accords majority status to a person upon attaining the age of 18 years. A person who has reached the age of 18 has the capacity to enter into legal contracts such as applying for a bank loan or enter into a marriage contract without the consent of a guardian or parent(s).

<sup>28</sup> 1 Corinthians 6:16-20.

<sup>29</sup> Brundage, *Law, Sex, and Christian Society*, 60-61.

<sup>30</sup> 1 Corinthians 7:39.

<sup>31</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 135.

assertions about the marriage practices appropriate to baptised church members.<sup>32</sup> Nevertheless, in principle and practice, the early Church fully accepted that marriage was validly contracted according to local custom.<sup>33</sup> Therefore, customary marriages constituted the only known form of marriage, even for Christians.

The early Church, along with the Roman Empire under which it existed, considered that customary marriage ceremonies were “private and family festivals.”<sup>34</sup> However, some bishops, especially those who played a role of guardians or *paterfamilias* to orphans, began to be concerned about some aspects of the wedding festivities of their baptised believers.<sup>35</sup> They encouraged Christian couples to celebrate their customary marriages in God-honouring ways by excluding such things as drinking, dancing, and overeating from marriage family festivals. John Chrysostom (A.D.344/354-407), Bishop of Constantinople, through his homilies on the Epistles of Paul to the Corinthians, gives us some insight into what used to take place at Hellenistic-Roman customary marriage ceremonies. Having affirmed that there was only one form of a marriage ceremony, whether it was between two Christians or a non-Christian couple, Chrysostom then admonished Christians to exclude things like dancing, use of cymbals and flutes, shameful words and songs, drunkenness and revelling at their marriage receptions.<sup>36</sup> It is interesting to note that since the introduction of Church weddings in colonial Zimbabwe, things like suggestive dancing, consumption of beer, use of what is regarded as worldly music and songs are strictly forbidden at African Christian marriage celebrations since they are considered unsuitable for Christian marriage festivals.

Tertullian of Carthage (A.D.160/70-215/20), moralist, apologist and theologian, like Chrysostom, did not find any fault with the customary marriage ceremony itself as the only way of entering into a valid and legitimate marriage union. He had no problem with marriages validly contracted as “ceremonies at private and family festivals.”<sup>37</sup> He objected, however, to any Christian bishop participating in or performing any pagan sacrifices at customary marriage ceremonies of baptised Christians. Although it was Tertullian who first suggested that it would be fitting for a Christian couple to conclude

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<sup>32</sup>Grubbs, *Law and Family in Late Antiquity*, 147.

<sup>33</sup>Schillebeeckx, E. *Marriage: Human Reality and Saving Mystery*, Translated by N.D. Smith, London: Shedd & Ward, 1965, 272.

<sup>34</sup>Greenslade, S.L. *Early Latin Fathers: Selections from Tertullian, Cyprian, Ambrose, and Jerome*, London: SCM Press Ltd, MGMLVI, Vol. V., 101.

<sup>35</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 249.

<sup>36</sup>Chambers, Talbot W. *The Homilies of Saint Chrysostom, Nicene and Post-Nicene Fathers*, Vol. XII, Grand Rapids: Eerdmans Publishing Company, 1969, 69.

<sup>37</sup>Greenslade, S.L. *Early Latin Fathers*, London: SCM Press Ltd, 1956, vol. V. 102.

their customary marriage ceremony with a priestly Christian benediction or that they should be “sealed with a blessing” instead of a pagan sacrifice or benediction,<sup>38</sup> in the early church all marriages of Christian couples were contracted *away from the church*. At this point in the history of the Church, the bishops did not even contemplate solemnising any marriages of Christians at church. To solemnise a marriage in ancient Roman pagan cultures was essentially a religious act whereby a woman was initiated into a different religion, that of her husband or an offering to the household gods of the family or family ancestors. Instead of singing hymns to pagan gods at customary marriage ceremonies and celebrations, Tertullian suggested that Christians should sing praises, psalms and hymns to God.<sup>39</sup> Tertullian used the phrase *Christian marriage* in reference to the Christian experience of marriage which is brought about by two Christian partners, a man and a woman, sharing in the same faith, by their joint participation in the Eucharist, by their practice of Christian charity, and by their praying together at home.<sup>40</sup> Tertullian was also the first who is known to have testified to the fact that a marriage concluded without the knowledge of the bishop and the church community was regarded by the faithful or church members in a somewhat unfavourable light.<sup>41</sup> This was no doubt due to Montanist views about the role of the church in marriage since there is no evidence to show that these views were also held outside Montanist circles in the first three centuries.<sup>42</sup>

It is only in the fourth century that evidence of a priestly prayer or blessing is found in connection with the customary marriage of baptised Christians. The first known priestly blessing on a marriage took place during the time of Pope Damasus (A.D. 366-384).<sup>43</sup> A priestly marriage blessing, based on an allusion that God blessed the marriage of Adam and Eve, was probably developed from the practice of a bishop when he went to congratulate the Christian couple when a marriage feast was celebrated.<sup>44</sup> The domestic liturgy or prayer was intended for the groom and bride that they would have offspring. Hence, it was always offered in the couple’s bedroom.<sup>45</sup> This practice anticipated the role and responsibility of a bishop or priest or minister in church

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<sup>38</sup>Greenslade, *Early Latin Fathers*, vol. V. 102.

<sup>39</sup>Alexander, R. *Ante-Nicene Christian Library: The Writings of Tertullian*, Edinburgh: T. & T. Clark, 1969, Vol. I, 279-303, Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 254.

<sup>40</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 254.

<sup>41</sup> Alexander, *Ante-Nicene Christian Library: The Writings of Tertullian*, Vol. I, 279-303.

<sup>42</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 246.

<sup>43</sup>Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 250.

<sup>44</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 260-1.

<sup>45</sup>Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 253-4.

marriages in later centuries. Clement of Alexandria also taught that any marriage that was concluded according to the Logos (the word of God) was sanctified “if the community of marriage was subject to God and was contracted with a sincere heart in the fullness of faith [“faith” here is probably used in the sense of marital fidelity] by those who have purified themselves of guilt and have washed their bodies with pure water and agree in the same hope.”<sup>46</sup> Clément’s policy on marriage of Christians was to Christianise pagan practices by replacing pagan marriage baths with Christian baptism at marriage. The purpose of this liturgical framework, that is, Christian baptism at marriage, was to demonstrate the holiness of the marriage contract. The practice had been prompted by pastoral care which included prayers that God would “harmonise” the marriage already concluded in heaven with that of the couple on earth.<sup>47</sup> According to Schillebeeckx, some modern Roman Catholic theologians have interpreted the visible participation of some Church Fathers at the marriage ceremonies of Christians to mean the invisible presence of angels as witnesses, and God’s consent and blessing on the marriage of any two baptised Catholics.<sup>48</sup> However, Schillebeeckx prefers to see priestly participation at customary marriage as nothing more than giving a confirmation of what was a family and secular occasion, which, however, had a special meaning for Christians by virtue of marriage baptism and was to be sustained and nourished by Christian prayer and the sacrament of the Eucharist.<sup>49</sup>

Although Christian couples may have appreciated the presence and participation of a bishop as a guest at the end of their marriage feasts, the validity of marriage was still wholly vested in the performance of the customary ceremony and not in a priestly blessing.<sup>50</sup> The first evidence that we have of a nuptial mass taking place *at church* after a customary marriage ceremony dates from the fourth and fifth centuries. After the Council of Laodicea in A.D. 375, it became customary for baptised Christian couples to receive a pastoral benediction *at church* instead of at the house. Pope Siricius (A.D. 384-399) and Pope Innocent I (A.D.404) laid down some decrees that required marriages of certain Roman Catholic ‘lower clergy’ to be solemnised by a priest. However, the ‘solemnisation’ of marriage by a priest was nothing more than the Roman

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<sup>46</sup>Fergusson, John. (trans), *Clement of Alexandria, Stromateis: Books One to Three*, Washington, D.C.: Catholic University of America, 1991, 4, 20.

<sup>47</sup>Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 250.

<sup>48</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 254.

<sup>49</sup>Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 254-5.

<sup>50</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 251.

Catholic's approval of the couple's blameless conduct.<sup>51</sup> Although the church could sometimes approach the state about certain marriage matters- for example, in A.D. 406 the Council of Carthage requested that an imperial law should be passed forbidding married persons who were separated to contract a new marriage- it had no jurisdiction over marriage affairs.<sup>52</sup>

In summary, the early church vested marriage validity of baptised Christians in customary marriage ceremonies. However, Christian couples were strongly encouraged to exclude at their marriage festivities common cultural practices that were considered unchristian (for example, dancing, use of cymbals and flutes, shameful words and songs, drunkenness and revelling). Christian couples were also encouraged to be different by involving only Christian bishops instead of family pagan priests at the private and family festivals. By the fourth century, a priestly Christian benediction was conducted *in front of the church* instead of in the home. However, the validity of marriage was determined by conforming to established custom, and not by priestly participation. Such clerical participation and benedictions were not necessary to make marriages of Christians valid before the Middle Ages.<sup>53</sup>

***Marriage validity in the Roman Catholic tradition:  
An introduction of Church marriages***

During the first ten centuries of Christianity, there was no obligation for church members to have their valid marriages solemnised in church.<sup>54</sup> As late as the ninth century, Pope Nicholas I referred in his well-known *Responsum ad Bulgaros* (A.D. 866), to the validity of marriage by customary mutual consent, even if an ecclesiastical marriage liturgy or blessing was lacking. With its gradual establishment and influence, the church claimed subject matter jurisdiction over doctrine, liturgy, patronage, education, charity, inheritance, oral promises, oaths, moral crimes, and marriage.<sup>55</sup> In the Middle Ages, the Roman Catholic Church “claimed a vast jurisdiction- a power to proclaim and enforce law, literally ‘to speak the law’ (*jus dicere*).”<sup>56</sup> It was this

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<sup>51</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 255.

<sup>52</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 272.

<sup>53</sup> Joyce, G.H. *Christian Marriage: An Historical and Doctrinal Study*, London: Steed and Ward, 1948, 90; Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 251.

<sup>54</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 256.

<sup>55</sup> Witte, *From Sacrament to Contract*, 31.

<sup>56</sup> Berman, Harold J. *Law and Revolution: The Formation of the Western Legal Tradition*, Cambridge, Massachusetts: Harvard University Press, 1983, 221.

church's new legal and political prominence in the West that rendered the alliance of theology and law so powerful during the medieval centuries:

In the Middle Ages, the church was not merely a voluntary association of like-minded believers gathered for worship. Its canon law was not simply an internal code of spiritual discipline to guide the faithful. The church was the one universal sovereign of the West that governed all of Christendom. The canon law was the one universal law of the West that was common to jurisdictions and peoples throughout Europe. The great nation-states of Western Europe were not yet born. The Catholic Church with its canon law held pre-eminent authority.<sup>57</sup>

Marriage began to be regarded in ecclesiastical rather than simply social terms.<sup>58</sup> Church marriages, as an ecclesiastical doctrine and practice, have their origin in the Roman Catholic Church tradition. These jurisdictional claims rendered the church both legislator and judge of Christendom. In carrying out its responsibilities, the church issued a steady stream of papal decretals that were to prevail throughout Christendom. Through canon law, the Roman Catholic Church began to regulate marriages in Western Europe. The canon<sup>59</sup> law, the assemblage of rules or laws relating to faith, morals, and discipline, prescribed or propounded to Catholics by ecclesiastical authority,<sup>60</sup> has governed the Roman Catholic Church since the medieval times. Originally, canons as a collection of ecclesiastical legislation principally attributed to the popes and canonists of the twelfth and thirteenth centuries were referred to in disputed cases as of some sort of authority.<sup>61</sup> Gratian, the father of canon law, was the first one to codify the body of canons in his *Decretum* (c. 1140), known also and more accurately as the *Concordia discordantium canonum* (or 'Concordance of discordant canon'). In it Gratian assembled texts from the Bible, writings of the Church Fathers, canons of the early Church Councils, and papal decrees, and arranged them according to subject.<sup>62</sup> By this means he brought a measure of harmony to what had seemed a hopelessly contradictory mass

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<sup>57</sup> Witte, John. *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*, Louisville, Kentucky: Westminster John Know Press, 1997, 30.

<sup>58</sup> Helmholz, R.H. *The Ius Commune in England*, Oxford: Oxford University Press, 2001, 13.

<sup>59</sup> This is a term of many meanings in ecclesiastical literature. The Greek word (κανών) originally meant a rod for measuring or rectifying what is crooked. Hence it came to mean a rule of belief or conduct, especially when decreed by the Catholic Church.

<sup>60</sup> Morrisey, Francis G. *The Canon Law: A practical guide to the code of Canon Law*, London: Geoffrey Chapman, 1995,1.

<sup>61</sup> Gallagher, Clarence. *Canon Law and the Christian Community*, Roma: Universita Gregoriana Editrice, 1978, 47.

<sup>62</sup> Helmholz, *The Ius Commune in England*, 12.

of authorities that had come down to him.<sup>63</sup> Most of the papal decretals which became part of the codified canon law were taken from the answers given by the different popes over the centuries to questions that had been put to them, usually by bishops from around the Western church. The papal decretals as authoritative statements provided the starting point for the theology and the regulation of marriage in the Western medieval church.<sup>64</sup>

In 866 A.D Pope Nicholas I proclaimed that the regulation of marriage should be based on the consent of the parties rather than on consummation. Gratian in 1140, on the other hand, suggested that the regulation of a valid marriage should be in two stages- marriage initiated (*conjugium initum*) and marriage ratified (*conjugium ratum*). Rejecting Gratian's formulation, Pope Alexander III (1159-1181) decreed like Pope Nicholas I that consent of the parties was all that mattered to the question of a union's validity.<sup>65</sup> Briefly stated, Alexander's marriage rules were: a) future consent, *consensus per verba de futuro*, ("I promise to take you as wife/husband"), freely given by a man and a woman capable of marriage, made a valid, indissoluble marriage, if that consent was followed by the sexual intercourse between the parties; b); present consent, *consensus per verba de presenti*, ("I take you as wife/husband"), freely given by a man and a woman capable of marriage, made a valid marriage, which was indissoluble during the joint lives of the contracting parties, except in the most unusual of circumstances and c) any Christian man was capable of marrying any Christian woman, if both were over the minimum age of consent (seven in the case of future consent; fourteen for the man and twelve for the woman in the case of present consent), if neither had been previously married to someone else who was still living, if neither was in major orders or had previously taken a solemn vow of chastity, and if the parties were not too closely related to each other.<sup>66</sup>

The striking thing about these rules is not what they required but what they did not require. A *present consent* marriage did not have to be consummated to be valid and indissoluble. The consent of no one other than the parties, not even that of their parents or feudal lords, was required to make a valid marriage, unless the parties expressly

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<sup>63</sup> Helmholz, *The Ius Commune in England*, 12.

<sup>64</sup> Helmholz, *The Ius Commune in England*, 13.

<sup>65</sup> Helmholz, R.H. *The Oxford History of the Laws of England: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s*, Vol. I Oxford: Oxford University Press, 2004, 524.

<sup>66</sup>Donahue C. "The Dating of Alexander the Third's Marriage Decretals", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*, 99 (1982), 69-124; Donahue, C. "The canon law on the formation of marriage and social practice in the Later Middle Ages", *Journal of Family History* (Summer 1983), 144f.

conditioned their consent on the consent of others. No solemnity or ceremony of any kind was necessary for a valid marriage. There did not even have to be witnesses to the exchange of consent if the parties conceded that the marriage had taken place and if the rights of third persons were not involved.<sup>67</sup> Of course, if one of the parties denied that the marriage had taken place, the other party would have to prove it, and the church courts generally required two witnesses for the proof of any proposition.<sup>68</sup> This is not to say that the church encouraged clandestine or customary marriages, but it left the door open for secret or customary unions to take place. The proper way to get married was publicly *in front of the church* with the blessing of the parish priest, following the publication of the banns, which called upon anyone to declare any impediment which might prevent the union.<sup>69</sup> But according to Alexander's rules, marriages which had none of these characteristics were valid, at least in some periods and in some areas.<sup>70</sup> Alexander's rules were more than a synthesis of previous views on marriage; they represented a vision of what marriage ought to be. It was a vision which was far from the social reality of the time in which Alexander lived. In the late twelfth century, marriage was a matter of customary law, and also as a matter of social act, was not the exclusive consent of the marriage partners.<sup>71</sup> By requiring the presence and the blessing of the parish priest for the validity as well as the legitimacy of a marriage, the Council of Trent in 1563-4 wrought a fundamental change in Alexander's rules. In the first half of the twelfth century, when speculation about the "sacral signs of religion", had already begun, the church found itself defending 'marriage as a sacrament' against the various Manichean tendencies of the Catharist and Albigensian sects which had begun ravaging Christendom.<sup>72</sup> These heresies condemned all marriage unions as fundamentally evil.<sup>73</sup> Adherents of Catharism were propagating with some violence the view that legitimate marriages were to be held in contempt. The Second Lateran Council of the Church (1139) in turn had to condemn these heretical doctrines

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<sup>67</sup> Helmholz, *The Oxford History of the Laws of England*, 524.

<sup>68</sup> Donahue, C. "Proof by Witnesses in the church courts of Medieval England" in Arnold, Morris, *On the laws and customs of England*, Chapel Hill, North Carolina: University of Carolina Press, 1981, 127-158.

<sup>69</sup> Donahue, C. "The Policy of Alexander the Third's Consent Theory of Marriage," in Kuttner, Stephen (ed) *Proceedings of the Fourth International Congress of Medieval Canon Law*, Vatican City: Biblioteca Apostolica Vaticana, 1976, 251-281.

<sup>70</sup> Donahue, "The Policy of Alexander the Third's Consent Theory of Marriage," 1976, 267.

<sup>71</sup> Donahue, "The canon law on the formation of marriage", 146.

<sup>72</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 313.

<sup>73</sup> Rahner, Karl (ed). *Sacramentum Mundi: An Encyclopaedia of Theology*, London: Burns & Oates, 1968, 394.

on marriage.<sup>74</sup> In response to these Manichean tendencies the Synod at Veron issued an official document in 1184 stating that marriage was a “sacrament” just as baptism, the Eucharist, and penance were.<sup>75</sup> In repudiating the Cathars, the Synod stated that marriage was holy and, therefore, should be honoured. Thus, the ethical controversy about marriage provided early scholasticism with an urgent reason to undertake a more accurate analysis of the sacred character of marriage.

The theology of Peter Abelard (1080-1143), Hugo of St Victor (1097-1141), Peter Lombard (?-1160), St Bonaventure (1217-1274) and Thomas Aquinas (1225-1274) marked a new step in Catholic teaching of the sacraments. They distinguished the sacraments of the Church from her other ceremonies, and defined the sacraments as a cause of grace. They asserted Christ’s real presence in the Eucharist.<sup>76</sup> Abelard included marriage among the five sacraments, which he listed as Baptism, Confirmation, Eucharist, Extreme Unction, and Marriage. However, he made a distinction between the first four sacraments and marriage. According to Abelard, the last does not confer the gift of grace, but it is a means against fornication for those who cannot live the life of celibacy.<sup>77</sup> Even though marriage was included as one of the sacraments in the twelfth century, not all the Schoolmen agreed at first as to whether or how the sacrament of matrimony conferred grace.<sup>78</sup> Peter Abelard says of matrimony, “Among them (these sacraments) there is one that does not avail unto salvation and yet is the sacrament of a weighty matter, namely matrimony. For to bring a wife home is not meritorious for salvation, but it is allowed for salvation’s sake because of incontinence.”<sup>79</sup> Hugo of St Victor, in his *Dogmatica*, has two sections on *De Sacramento Conjugii*<sup>80</sup>, but in neither did he speak about marriage as a sacrament in the later Roman Catholic sense. Peter Lombard, the most influential theologian before Aquinas, was the first one to list the seven sacraments as they have since been reckoned by the Roman Catholic Church.<sup>81</sup> For him, the sacrament is given as a sign of God’s grace and not only as a symbol of the invisible grace, but also as a cause of what it symbolizes.<sup>82</sup> When dealing with the sacrament of marriage he denied this sacramental grace. The grace consists only in the

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<sup>74</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 313.

<sup>75</sup> Schillebeeckx, *Marriage: Human Reality and Saving Mystery*, 357.

<sup>76</sup> Dugmore, C.W. *The Mass and the English Reformers*, London: Macmillan, 1958, 39-58.

<sup>77</sup> Abelard, Peter. *Epitome Christianae Theologiae*, xxxi Patrologia Latina, CLXXVIII, 1745.

<sup>78</sup> Rahner, *Sacramentum Mundi*, 394.

<sup>79</sup> *Epitome Theologiae Christianae*, 28: Patrologia Latina, 178, col.1738.

<sup>80</sup> Hugo of St Victor, *Dogmatica*, Patrologia Latina, CLXXVI, 153-74, 479-520.

<sup>81</sup> Lombard, Peter. *Sententiarum*, IV (2), 1, Patrologia Latina, CXCII, 841-2.

<sup>82</sup> Lombard, Peter. *Sententiarum*, IV (1), 2, Patrologia Latina, CXCII, 839.

fact that marriage as an institution is remedial. In listing the sacraments, he differentiated between those that supply grace, such as baptism, and others which are only remedial, such as marriage.<sup>83</sup>

Both St Bonaventure (1217-1274)<sup>84</sup> and Thomas Aquinas (1225-1274)<sup>85</sup>, as contemporaries, agreed and argued for the sacramental nature of marriage. Thomas Aquinas in his effort to stress the holiness and goodness of marriage appealed to the Vulgate translation of the Greek Το μυστήριον τουτο μεγα εστιν (*Sacramentum hoc magnum est* or it (marriage) is a great mystery)<sup>86</sup> and various patristic texts in which the term *sacramentum* is used with different nuances. The answer to the question: ‘Is marriage a sacrament?’<sup>87</sup> depended on how theologians understood the Vulgate term *sacramentum* as translated by Jerome in the Latin version of Ephesians 5:32 and in patristic writings in a very indeterminate sense.<sup>88</sup> Excluding Ephesians 5:32 in which it is applied to marriage,<sup>89</sup> in no one of the other fifteen cases can *sacramentum* possibly mean a sacrament in any sense employed by Thomas Aquinas.

Aquinas’ explanation of *sacramentum* based on an incorrect meaning of the Greek translation of the term μυστήριον led him to develop the theology of the sacramentality of marriage. To him, and subsequently to the Roman Catholic Church tradition, the sacred things which are signified by the sacraments (baptism, confirmation, Eucharist, penance, extreme unction, orders and matrimony) are the spiritual and intelligible goods by means of which man is sanctified. A person, according to Aquinas, is incorporated with Christ through these sacraments.<sup>90</sup> Using Aristotelian logic in his *Summa Theologica*, Aquinas compared the spiritual life to physical life. He said that “the

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<sup>83</sup> Lombard, Peter. *Sententiarum*, IV (2), 1, *Patrologia Latina*, CXCII, 842.

<sup>84</sup> Bonaventure, St. *Breviloquium*, translated by Erwin Esser Nemmers, London: B. Herder Book Co., 1947, 210-214.

<sup>85</sup> Aquinas, T. *The Summa Theologica of Thomas Aquinas*, Part III (QQQ LX-LXXXIII), (translated by the Fathers of the English Dominican Province), London: Burns Oates and Washbourne Ltd, 1914.

<sup>86</sup> Ephesians 5:32

<sup>87</sup> The word *sacrament* is sometimes narrowly used to speak of all the ordinances in which an inward and spiritual energy is connected with an outward and spiritual sign or the outward and visible sign of an inward and spiritual grace. Here grace speaks of the grace of the Holy Spirit accorded to Christians. It can also be used broadly to refer to incidents like the tree of life and the brazen serpent of the Old Testament. In the Vulgate and in the writings of the early Fathers the word sacrament is also used in a loose sense to include any mystery of Faith. Cf. Watkins, *Holy Matrimony: A Treatise on The Divine Laws of Marriage*, London: Rivington, Percival and Co. 1895, 137-142.

<sup>88</sup> For example, we read in the Vulgate (where the term *sacramentum* occurs sixteen times) of the sacramentum of godliness (1 Tim 3:16), the sacramentum of the seven stars (Rev 1:20), the sacramentum of the woman and the beast (Rev 17:7).

<sup>89</sup> Ephesians 5:32.

<sup>90</sup> Aquinas, T. *The Summa Theologica of Thomas Aquinas*, Part III (QQQ LX-LXXXIII), 30.

spiritual life has certain conformity with the life of the body,<sup>91</sup> therefore, an analogy between the two could be drawn to explain the *place* and *number* of sacraments in spiritual life. According to Aquinas, by physical birth a person begins to be and to live physically. Correspondingly, the spiritual life begins with (1) *Baptism*, which is a spiritual regeneration (Titus 3:5). Physically, through growth a person is brought to a normal size characterised by strength. Correspondingly, by (2) *Confirmation* which is accomplished by the Holy Spirit who is given to all Christians for their daily spiritual strength. Physically, life and strength are preserved to man by nourishment. Corresponding to this in the spiritual is the (3) *Eucharist* of which Aquinas believed Jesus said it is spiritual nourishment of all believers (John 6:54). In his analogy Aquinas said that man is liable to both corporeal and spiritual infirmity therefore he needs a twofold cure from such infirmity: spiritual healing which comes by (4) *Penance* (Ps.51:4) and spiritual restoration by (5) *Extreme Unction* which removes the remainders of sin, and prepares man for the final glory according to (James 5:15). Aquinas acknowledged that no man is an island. Now with regard to living in a community, he taught that man is perfected in two ways. First, by receiving power to rule the community and to exercise public acts, and corresponding to this in the spiritual life there is the sacrament of (6) *Order*. According to his understanding and explanation of Hebrews 7:27, Old Testament priests offered sacrifices not for themselves only but also for the people. In a similar way, Christians living in a community carry out public duties (or *orders*) for the benefits of all people in that whole community. Finally, with regard to the ongoing natural propagation of the human race, Aquinas emphasised that this is accomplished by (7) *Matrimony*. He explained marriage in both corporeal and spiritual terms. As far as he was concerned natural propagation and spiritual life are both acts of God. He explained marriage in the spiritual realm as a sacrament. According to Aquinas, although marriage had some appearance of evil, as Jerome had concluded (‘in the marriage act the Holy Ghost touches not the hearts’), it is not evil and sinful as it seems since it was created by the *good* God. Aquinas argued that apart from sexual intercourse within a marriage relationship “there can be no bearing of children” which is a necessity in this life.<sup>92</sup> In answer to the question whether the marriage act is meritorious Aquinas said that it is always either sinful or meritorious in “one who is in a

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<sup>91</sup>Aquinas, *The Summa Theologica of Thomas Aquinas*, Part III (QQQ LX-LXXXIII), 81-83.

<sup>92</sup>Aquinas, *The Summa Theologica of Thomas Aquinas*, Part III (QQQ LX-LXXXIII), vol 19, 82.

state of grace.”<sup>93</sup> By that he meant that if the motive for the marriage is that the couple may have children for the worship of God, it is meritorious, but if the motive is lust then the marriage act is a mortal sin.

Therefore, it was established that “matrimony is a holy thing in which the secular power hath no authority”, and it became a dogma of faith that marriage was a sacrament.<sup>94</sup> The sacramental character of marriage was embodied in the pronouncement of the Council of Florence in 1439 which stated that: “This sacrament (of marriage) contains grace and communicates grace to those who receive it worthily.”<sup>95</sup> According to Roman Catholic understanding, the contracting of a marriage between Christians is a sacramental sign.<sup>96</sup> It then follows from the explanation of medieval canonists and theologians that since marriage was a spiritual matter and a holy thing of which only the Church was entitled to conduct, it was only fitting that the Church as the custodian of spiritual things should handle it. What Aquinas thus taught became the perfect exposition of the doctrine of marriage within the Roman Catholic Church, and four centuries later the Council of Trent confirmed it to be an absolute truth of faith.<sup>97</sup> In 1563-4, the Council of Trent endorsed the pronouncement of the Council of Florence and “expressly defined against the Protestants that marriage is a sacrament.”<sup>98</sup>

This doctrine that marriage is a sacrament affirms and guarantees that the married state is a lawful and even salutary one; it ensures that it will not be wrongly seen in a profane light. The doctrine means that through marriage man must in some way share in redemption, since every sacrament conforms us after its own fashion to Christ and his saving deed- which neither man himself nor the sign of itself can do, but only God’s grace bestowed on us through Christ. Now since that grace is henceforth attributed to marriage as such, it follows that only the marriage of baptised persons is a sacrament- only such marriage can so fully

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<sup>93</sup> Aquinas, *The Summa Theologica of Thomas Aquinas*, Part III (QQQ LX-LXXXIII), vol 19, 85.

<sup>94</sup> Hammick, J. *The Marriage Law of England*, London: Shaw and Sons, 1887, 3.

<sup>95</sup> Rahner, *Sacramentum Mundi*, 394.

<sup>96</sup> According to Canon 1055, “the marriage covenant, by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and to the procreation and upbringing of children, has, between the baptised, been raised by Christ the Lord to the dignity of a sacrament.” Morrisey, Francis G. *The Canon Law: A Practical Guide to the Code of Canon Law*, London: Geoffrey Chapman, 1995, 571.

<sup>97</sup> Olsen, V. Norskov. *The New Testament Logia on Divorce: A Study of their interpretation from Erasmus to Milton*, Tubingen: J.C.B. Mohr (Paul Siebeck), 1971, 6.

<sup>98</sup> Rahner, *Sacramentum Mund*, 394.

represent the bond between Christ and his Church that the mystery of God's incarnate love itself will become operative in it.<sup>99</sup>

The grace bestowed by the sacrament (*res sacramenti*) “consists in this: the mystery of God's incarnate love become so efficacious in the husband and wife who do not close themselves against it that they are supernaturally united with God and each other as Christ is united with the Church.”<sup>100</sup> In Catholic tradition, because marriage is a sacrament, “the church can and must regulate it according to the mind of the church and the role of marriage in the church.”<sup>101</sup>

### ***Marriage validity in the Protestant Reformation tradition***

In response to the medieval Catholic theology of marriage, there was a Protestant resounding rejection of its sacramental nature.<sup>102</sup> Continental and English Protestant reformers produced many ideas which made their own contribution eventually possible for the development of civil marriage in the Western world.<sup>103</sup> The Protestant challenge to and rejection of the sacramental theology of marriage inevitably created a legal vacuum which made developing a new court system a matter of urgency.<sup>104</sup> This presented reformed territories and states with the opportunity to develop and produce “a new code of marriage laws.”<sup>105</sup>

Although Reformation theologians spoke with one voice against the Catholic doctrine of marriage,<sup>106</sup> they did not, however, have a uniform policy on models of marriage and practice among themselves.<sup>107</sup> Martin Luther and his colleagues (Philip Melancthon, Martin Bucer) taught that marriage was a social estate of the earthly kingdom of creation, not a sacred estate of the heavenly kingdom of redemption.<sup>108</sup> As part of the earthly kingdom, marriage was subject to the state, not the church. Marriage was still subject to God's law, but this law was now to be administered by civil magistrates who

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<sup>99</sup> Rahner, *Sacramentum Mund*, 395.

<sup>100</sup> Rahner, *Sacramentum Mund*, 395.

<sup>101</sup> Rahner, *Sacramentum Mund*, 395.

<sup>102</sup> Brundage, James A. *Law, Sex and Christian Society in Medieval Europe*, Chicago: The University Press, 1987, 553; Carlson, Eric Josef. *Marriage and the English Reformation*, Oxford: Blackwell, 1994, 67.

<sup>103</sup> Witte, John. *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*, Louisville, Kentucky: Westminster John Knox Press, 1997, 42.

<sup>104</sup> Carlson, Eric Josef. *Marriage and the English Reformation*, Oxford: Blackwell, 1994, 6.

<sup>105</sup> Logan, Donald. “The Henrician Canons,” *Bulletin of the Institute of Historical Research* 48 (1974), 99-103.

<sup>106</sup> Carlson, *Marriage and the English Reformation*, 72.

<sup>107</sup> Witte, *From Sacrament to Contract*, 5.

<sup>108</sup> Baker, J. Wayne. *Heinrich Bullinger and the Covenant: The other reformed tradition*, Athens, Ohio: Ohio University Press, 1980, 2. See also Estes, James Martin. *Christian Magistrate and State Church*, Toronto, Buffalo: University of Toronto Press, 1982.

were God's vice-regents in the earthly kingdom.<sup>109</sup> In the Lutheran tradition, Church officials were expected to counsel magistrates about God's law on marriage and to cooperate with them in publicising and disciplining marriage.<sup>110</sup> All church members, as part of the priesthood of believers, were required to counsel those who contemplated marriage and to admonish those who sought annulment or divorce.<sup>111</sup> But the church no longer had legal authority over marriage. In Lutheran Germany, the social model of marriage was reflected in the transformation of marriage law when civil marriage courts replaced church courts.<sup>112</sup> Though divinely ordained, marriage was directed primarily to human ends, to "the fulfilling of uses in the lives of the individual and of society."<sup>113</sup> According to Luther, marriage restricted prostitution, promiscuity, and other public sexual sins.<sup>114</sup>

On the other hand, John Calvin (1509-1564), the French Reformer who had been trained in law, developed a covenantal model of marriage which, in fact, confirmed many of the Lutheran theological and legal reforms but cast them in a new ensemble. Calvin taught that marriage was not a sacramental institution of the church, but a covenantal association of the entire community.<sup>115</sup> A variety of parties participated in the formation of this covenant: the groom and the bride themselves made their vows to each other and before God, rendering all marriages tripartite agreements, with God as third-party witness, participant and judge; the couple's parents, as God's lieutenants for children, gave their consent to the union; two witnesses, as God's priests to their peers, served as witnesses to the marriage; the minister, holding God's spiritual power of the Word, blessed the couple and admonished them in their spiritual duties; and the civil magistrate,<sup>116</sup> holding God's temporal power as a government official, registered the couple and protected them in their person and property.<sup>117</sup> Each of these parties was considered essential to the legitimacy of the marriage, for they each represented a different dimension of God's involvement in the covenant. To omit any such party was, in effect, to omit God from the marriage covenant. In the Calvinist tradition, the

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<sup>109</sup> Wace, Henry (trans.) *Luther's Primary Works*, London: Hodder and Stoughton, 1904, 377f.

<sup>110</sup> Witte, *From Sacrament to Consent*, 6.

<sup>111</sup> Wace, *Luther's Primary Works*, 389-390.

<sup>112</sup> Witte, *From Sacrament to Contract*, 6.

<sup>113</sup> Wace, *Luther's Primary Works*, 387.

<sup>114</sup> Wace, *Luther's Primary Works*, 387.

<sup>115</sup> Calvin, John. *Institutes of the Christian Religion*, London: SCM Press Ltd., MCMLXI, 4.19.34-36.

<sup>116</sup> Calvin, *Institutes of the Christian Religion* 4.20.1-8.

<sup>117</sup> Calvin, *Institutes of the Christian Religion* 4.19.34-37.

marriage courts of the state learned and administered “a new marriage law, scrupulously based on Scriptural texts.”<sup>118</sup>

The Calvinist view of marriage was first embraced in Scotland before it was adopted in England where Calvinist ecclesiastical polity and theology were unpopular at the time.<sup>119</sup> It also later became the standard marriage law in most of the States of the American Union. In theory, Calvin denounced the sacramentality of marriage, but in practice he embraced the medieval Catholic form of Church marriages.

### *The Council of Trent on customary marriages*

The Council of Trent was prompted by “the many distresses of pastoral solicitude and vigilance” within the church and the many new “schisms, dissensions, and heresies” by which the “Christian commonwealth” was “well-nigh rent and torn asunder.”<sup>120</sup> The Council was designed to respond forcefully to two centuries of humanistic attacks, two decades of Protestant dissent, and a host of political incursions into the church’s jurisdiction.<sup>121</sup> Marriage was among the many subjects for which the Council issued comprehensive ecclesiastical legislation.

The creation of a valid marriage, in accordance with church marriage laws, remained a complex legal issue until the Council of Trent in 1563-4.<sup>122</sup> The Church had continued to regard customary marriages as valid and legitimate.<sup>123</sup> Even after the Germanic peoples had accepted Christianity, these older practices survived by custom for centuries.<sup>124</sup> However, with the Roman Catholic Church’s identification of marriage as a *sacramentum* it began to subjugate customary marriages to ecclesiastical control and regulation. As the Church’s norms for a valid marriage were developed in detail, it was probably true that many unions could not have withstood close scrutiny according to the strict requirements of the canon law.<sup>125</sup> At the Council of Trent, the Catholic Church set

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<sup>118</sup> Lacey, T.A. *Marriage in Church and State*, London: SPCK, 1947, 148.

<sup>119</sup> Lacey, *Marriage in Church and State*, 152.

<sup>120</sup> Schroeder, H.J. (trans.). *The Canons and Decrees of the Council of Trent*, Rockford, Illinois: Tan Books and Publishers, Inc. 1978, 1, 10.

<sup>121</sup> Witte, *From Sacrament to Contract: Marriage*, 37.

<sup>122</sup> Goody, J.R. *The Development of the Family and Marriage in Europe*, Cambridge: Cambridge University Press, 1983, analyses medieval Christian marriage customs and impediments from an anthropological point of view while Brundage, J.A. *Law, Sex, and Christian Society in Medieval Europe*, 1987, *Medieval Canon Law*, London: Longman, 1995 and *Sex, Law and Marriage in the Middle Ages*, Aldershot: Variorum, 1993, discusses the history of marriage during the medieval age from a theological perspective.

<sup>123</sup> Helmholz, *The Oxford History of the Laws of England*, 524.

<sup>124</sup> Lynch, Joseph. *The Medieval Church: A Brief History*, London: Longman, 1992, 289.

<sup>125</sup> Helmholz, *The Oxford History of the Laws of England*, 524f.

the basic theological and legal tone of the Catholic contribution to the Western tradition of marriage.<sup>126</sup> The Council confirmed the medieval sacramental model of marriage- as a natural, contractual, and spiritual institution created by God the Father and sanctified by Jesus the Son:

The perpetual and indissoluble bond of matrimony was expressed by the first parent of the human race, when, under the influence of the divine Spirit, he said: *This now is bone of my bones and flesh of my flesh. Wherefore a man shall leave his father and mother and shall cleave to his wife, and they shall be two in one flesh.* But that by this bond two only are united and joined together. Christ the Lord taught more plainly when referring to those last words, as having been spoken by God, he said: *Therefore, now they are not two, but one flesh,* and immediately ratified the firmness of the bond...

But the grace which was to perfect the natural love, and confirm that indissoluble union, and sanctify the persons married, Christ Himself, the institutor and perfecter of the vulnerable sacraments, merited for us by His passion, which Paul the Apostle intimates when he says: *Husbands love your wives, as Christ also loved the Church, and delivered himself up for it;* adding immediately: *This is a great sacrament, but I speak in Christ and in the Church.* Since therefore matrimony in the evangelical law surpasses in grace through Christ the ancient marriages, our holy Fathers, the councils, and the tradition of the universal Church, have with good reason always taught that it is to be numbered among the sacraments of the New Law.<sup>127</sup>

On the strength of this decree, the Council issued a dozen canons that confirmed the conventional medieval teaching and practice and condemned with ‘anathema’ critics and customs to the contrary.<sup>128</sup> Polygamy and concubinage which had continued among the Germanic societies for centuries after they had accepted Christianity<sup>129</sup> were forbidden and clandestine marriages were outlawed.<sup>130</sup> The Tridentine synthesis of marriage theology, law and practice became a rallying point for Catholic communities thereafter. Translated into multiple languages, and widely disseminated, the marriage decree of the Council of Trent provided a common and familiar guide not only for the

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<sup>126</sup> Witte, *From Sacrament to Contract*, 36.

<sup>127</sup> Schroeder, *The Canons and Decrees of the Council of Trent*, 180.

<sup>128</sup> Schroeder, *The Canons and Decrees of the Council of Trent*, 181-182.

<sup>129</sup> Lynch, *The Medieval Church*, 289.

<sup>130</sup> Schroeder, *The Canons and Decrees of the Council of Trent*, 183.

inner marital life of Catholic believers but also the public marriage law of Catholic countries and eventually in their colonies.<sup>131</sup> The Council passed its *Tametsi* decree for the reformation of marriage, declaring that matrimony should not be valid unless celebrated duly *in facie ecclesiae*, and in the presence of the parish priest and two witnesses. The decree, however, had authority only in those countries which acknowledged the papal supremacy; it had consequently no force in England since Henry VIII had already savoured his relationship with Rome in 1535. Subsequent to the Council of Trent, non-Catholic countries preferred marriage jurisdiction to be the responsibility of the State rather than of the Church.

One can conclude that the medieval canon law on marriage was a watershed in the history of Western marriage law. It set out many of the basic concepts and rules of marriage that have persisted to this day, in Catholic, Protestant, and secular arenas alike. The Catholic and Protestant views of marriage would become distinctive attitudes and doctrines of Western Christianity, which missionaries imposed on Africans in sub-Saharan Africa upon conversion to Christianity.<sup>132</sup> Instead of reflecting the cultures of respective societies, the newly constructed European theology of church marriage insisted on its Western model in the name of Christianity.

### ***Marriage validity in English law***

McMurtry, who traces the common law of marriage of the amalgamated tribes of Britain back to the Norman Conquest, describes the process of the British adoption of Roman marriage law as “one of the greatest seizures of social power in history.”<sup>133</sup> The traditions and influences of both the indigenous and invading tribes became intertwined in the history of English common marriage laws.<sup>134</sup> Before the introduction of the Hardwicke Marriage Act of 1753, there were two types of valid marriage in England and Wales: regular marriages solemnised with a public ceremony and irregular marriages or common law marriages which were not so celebrated.<sup>135</sup> A common law marriage, or a consensual marriage as it is sometimes called, is based upon the mutual

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<sup>131</sup> Brundage, *Law, Sex and Christian Society in Medieval Europe*, 572-574, 608-617.

<sup>132</sup> Phillips, Arthur (ed.). *A Survey of African Marriage and Family Life*, London: Oxford University Press, 1953, xxix-xxx.

<sup>133</sup> McMurtry, J. ‘Monogamy’, *The Monist Journal*, (1972), 592.

<sup>134</sup> Watkins, Oscar D. *The Holy Matrimony: A Treatise on the Divine Laws of Marriage*, London: Rivington, Percival and Co. 1895, 408.

<sup>135</sup> Haskey, J. ‘Trends in marriage and divorce in England and Wales: 1837-1987’, *Population Trends* 48 (Summer 1987), 11.

agreement of a man and woman to take each other as husband and wife without the direct sanction or control of the state or the church.<sup>136</sup>

After the Normans had invaded Britain in 1066, all the occupying tribes together with the indigenous Celts made the British Isles their home and began to base their cultural and social practices on Roman law. And after the Norman Conquest, William declared in 1066 that canon law and common law should not be dispensed in the same court. This necessitated the foundation of church courts which retained jurisdiction over laymen in matters of marriage. Much of the ecclesiastical litigation concentrated on offences connected with sexual morality,<sup>137</sup> especially in determining whether parties had consummated their marriage after the *sponsalia per verba de futuro* (a promise for the future) but before the *sponsalia per verba de praesenti* (a promise in the present tense).<sup>138</sup> Validity of marriage in England continued under English common law until the introduction of the Hardwicke Marriage Act in 1753. A marriage contract made *per verba de presenti*, or *per verba de futuro* followed by cohabitation, between persons able to contract, was deemed a valid marriage and equally binding as if made *in facie ecclesiae*; it was indissoluble, and either party might in the spiritual court compel the other to solemnise the marriage ecclesiastically.

However, England's breach with Rome in the sixteenth century resulted in the king, Henry VIII, becoming the head of both the State and the Church at the same time, hence the law and judicature of the church rested on the sanction of the state in the British Isles.<sup>139</sup> In the first year of the convocation for the province of Canterbury, 1603, King James I made several canons concerning the government of the Church, the clergy and marriage.<sup>140</sup> However, these canons, having not been approved by Parliament, did not have authority to bind the laity although the clergy were clearly bound by them. Several of these canons were directed to the regulation of the celebration of marriage. For example, the 62<sup>nd</sup> canon declared that no minister "shall solemnise matrimony without

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<sup>136</sup> Jacobs, A.C. "Marriage Laws" *Journal of Marriage and the Family*, Vol 1, (1964), 4.

<sup>137</sup> Stone, L. *Family Law*, London: Macmillan, 1977, 27.

<sup>138</sup> Helmholz, R. H. *Marriage Litigation in Medieval England*, Cambridge: Cambridge University Press, 1974, Chapter 2.

<sup>139</sup>In Germany, at the Reformation, matrimonial jurisdiction fell partly into the hands of the parish clergy, partly into the hands of secular judges. The former in their decisions followed mainly the Roman law and the scriptural teachings under the guidance of Luther and other great theologians; while the lay judges were guided by the corpus jurist canonical. Confusion arose: the law was carelessly and ignorantly administered; and so a demand was made for special courts for matrimonial questions. This resulted, generally, in the relegation of matrimonial causes to the newly created consistories, comprised partly of spiritual and partly of temporal judges, who in practice followed the principles of the canon law and constituted in fact ecclesiastical courts.

<sup>140</sup> Hammick, *The Marriage Law of England*, 8.

banns or licence, and consent of parents in the case of minors; and all marriages are to take place between the hours of 8 and 12 in the afternoon in the parish church of the parties and not in any private place.”<sup>141</sup> The 99<sup>th</sup> canon, from which the Table of prohibited degrees in the *Book of Common Prayer* derives its authority, declared that “no person shall marry within the degrees prohibited by the laws of God, and expressed in a Table set forth by authority in the year of our Lord 1563” (namely, Archbishop Parker’s Table of Degrees, which appears to have been published by his own authority only); and that all marriages so made would be adjudged incestuous and unlawful, and would be dissolved as void from the beginning. The Table of Degrees was required to be displayed in every church for the public. Canon 100<sup>th</sup> prohibited minors from marrying without consent of parents or guardians. Canon 103<sup>rd</sup> required the oaths of two sufficient witnesses that the express consent of parents had been obtained, and the oath of one of the parties that there was no impediment before a licence could be granted. Although by these canons the publication of banns<sup>142</sup> or a licence was enjoined, and the express consent of parents or guardians in the case of minors required, a marriage by a clergyman in holy orders was nevertheless valid without banns or licence.<sup>143</sup>

With the coming of Oliver Cromwell to power, discussion on the validity of marriage shifted from the clergy to the ordinary people. Cromwell was concerned to ensure that England would be ruled by parliament and not absolute kings. In 1650, Parliament passed two Ordinances: one dealing with cursing and swearing, the other being an Act for ‘suppressing the detestable sins of Incest, Adultery and Fornication’.<sup>144</sup> The latter imposed the death penalty for marriage or sexual relationships that were considered to be between kin and declared such incestuous unions void. In 1653, the Commonwealth Ordinance of Parliament enjoined that marriages should be solemnised before a Justice of the Peace. Couples intending marriage were enjoined to deliver to the appointed

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<sup>141</sup> Hammick, *The Marriage Law of England*, 8.

<sup>142</sup> ‘Banns’ comes from the Latin ‘*bannum*’ meaning edict or proclamation. Hence the calling of banns is a proclamation of intent that certain people are to get married. In England, either banns or a licence are the necessary formality before the wedding can take place and it is indicative of society’s approval (by no objections being received). By law a marriage ceremony can only take place after the calling of the banns (any three Sundays in the three-month period prior to the wedding) in either of the parish churches of the parishes where the couple reside, and between the hours of 8:00 a.m. and 6:00 p.m. (Marriage Act 1949 s.4)- or in the church on whose Electoral Roll one or other belongs (if the banns have been called there). There was a time when the Anglican Church was the only place where a marriage could take place, but this is no longer true. People can now get married in other licensed buildings. However, wherever the ceremony is to take place the legal formalities have to be observed. Cf. Hutchins, C. *Liturgy For Marriage*, the Grove Worship series, No. 47, November 1976, 9.

<sup>143</sup> Hammick, *The Marriage Law of England*, 9.

<sup>144</sup> Outhwaite, R.B. *Clandestine Marriage in England, 1500-1850*, London: The Hambledon Press, 1995, 11.

Registrar of their respective parishes of abode, at least twenty-one days before their wedding, the names, surnames, additions, and places of abode of the parties so to be married, and of their parents, guardians or overseers. This information the Registrar was to publish on the next three successive Sundays, either in church or chapel, or if the couples preferred, in the market place on three market days. When this was done, a certificate was to be issued by the Registrar to enable the marriage to proceed. The couple were then to come before a Justice of the Peace of the same county, city or town corporate, along with their certificate, and a proof of parental consent if minors.<sup>145</sup> After examination of eligibility, the Justice of Peace was to marry them using a simple exchange of vows:

I, *A.B.*, do here in the presence of God the Searcher of all Hearts, take thee *C.D.* for my wedded wife; and do also in the presence of God, and before these witnesses, promise to be unto thee a Loving and Faithful Husband.<sup>146</sup>

By this simple declaration, their marriage was to be regarded as “good and effective in law; and no other marriage whatsoever within the Commonwealth after 29 September, 1653” was to be considered valid marriage according to the laws of England.<sup>147</sup>

The change in matrimonial jurisdiction brought about by the Marriage Act of 1653 had a twofold significance: First, the judicial authority was, for the first time ever, now vested in civil (state) rather than in church tribunals. Second, related to the first point, jurisdiction over the making of marriage was placed in the hands of local state judges instead of either the parents (before the Middle Ages) or the Church (during the Middle Ages). The Civil Marriage Act of 1653 was to prove the beginning of the legislation of marriage by civil authorities on both sides of the Atlantic- in Britain and North America. The Act of 1653 was clearly an extreme measure: radical in excluding the clergy from the wedding ceremony; and in endowing secular officials- the JPs- with sole powers of officiating; radical in excluding all the symbolism- from rings to nuptial

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<sup>145</sup> Outhwaite, *Clandestine Marriage*, 12.

<sup>146</sup> Lathbury, T. *A History of the Book of Common Prayer and Other books of authority*, Oxford: J.H. and J Parker, 1858, 310. After the restriction was removed in 1656, marriages were frequently solemnised before the mayor and the minister of the parish jointly. Cf. Burn, J. S. *The History of Parish Registers in England*, London: J.R. Smith, 1862, 162-3; Waters, R.E.C. *Parish Registers in England*, London: Spottiswoode, 1870, 16. In 1658, according to the register of St Giles in the Fields, a marriage was celebrated by William Jervis, D.D., before witnesses, and then follows this entry: “That also the said marriage...hath its consummation before John Lord Berksted, Lord Lieutenant of the Tower of London” according to the act of parliament, and before Sir J. Sedley of the county of Kent.” Apparently, this was a double celebration. Usually, the wedding was religiously solemnised in church, after or before the performance of the purely civil affirmation in the magistrate’s parlour in accordance with the instruction of the ‘Directory of Public Worship’. Cf. Lathbury, *A History of the Book of Common Prayer and Other books of authority*, 1858, 310f.

<sup>147</sup> Lathbury, *History of the Book of Common Prayer and Other books of authority*, 310.

blessings and bells- traditionally associated with the ceremony; radical in raising the age of consent; and radical in giving Justices the powers to determine marital causes.<sup>148</sup>

In a civil marriage ceremony, there was first the expression of mutual consent, followed by the interlocking of hands or the old handfasting. Because the origin of the ring was thought to be pagan, its use was not permitted in civil marriage contracted before a Justice of the Peace. However, proponents of Church marriage ceremonies took advantage of the omission of the restriction- “couples are permitted to use the accustomed religious rites if they preferred”<sup>149</sup>. which did not appear in the 1653 Marriage Act document but in the 1656 edition when the Act was actually confirmed by Parliament.

In 1657 there was a long debate in Parliament on the subject of how to implement the Civil Marriage Act of 1653. Since 1658, civil marriage can be contracted either at the magistrates’ court or at Church. A marriage ceremony at the front of the church and later inside the church was purely for its publicity rather than for its religious aspect or significance.<sup>150</sup> In the 1660s when the conformists (Anglicans) started to use marriage artefacts (for example, wedding rings, liturgy, etc.) in church marriage ceremonies which were not permitted in civil marriage at the magistrates’ court, there was a long debate between Anglicans and nonconformists (Baptists, Independents, etc) concerning the use of such things. Nonconformists accused the Elizabethan pattern of church marriage ceremony of a “popish form” which made a wife an idol of her husband. They objected to a groom saying to his bride: “With this ring I thee wed, *with my body I thee worship.*”

Clandestine or customary marriages were certainly very common in the countryside in spite of church officials’ attempts to stamp it out. The assertion of the medieval ecclesiastical jurisdiction over marriage matters was also true in England<sup>151</sup> where clandestine or customary marriages remained an acceptable form of marriage until the enactment of the Lord Hardwicke’s Marriage Act of 1753. The main objective of the Hardwicke Marriage Act, according to its subtitle: ‘An Act for the better preventing of clandestine marriages,’ was to put an end to informal or clandestine marriages.<sup>152</sup> The Hardwicke Marriage Act enforced publicity of all marriage ceremonies by means of

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<sup>148</sup> Outhwaite, *Clandestine Marriage in England*, 12.

<sup>149</sup> Wood, E.J. *The wedding day in all ages and countries*, London: R. Bentley, 1869, 279.

<sup>150</sup> Joyce, *Christian Marriage*, 115.

<sup>151</sup> Hammick, *The Marriage Law of England*, 3, 4.

<sup>152</sup> Gally, Henry. *The Marriage Act of 1753: Four Tracts: Some Considerations upon Clandestine Marriages*, New York: Garland, 1984.

either banns or license as absolute conditions of a valid marriage. According to the Act which actually came into force on 25 March 1754, “all marriages in any place other than in a church or public chapel, and without banns or licence, were to be ‘null and void to all Intents and Purposes whatsoever.’”<sup>153</sup>

The Act laid down detailed rules concerning the publication of banns in the parish of the parties. Interestingly, a marriage by banns without the requisite of paternal consent was not vitiated and this may have been a drafting error.<sup>154</sup> If it was intended, the reason may have been that banns gave greater publicity, and therefore warning to the parents, than the issue of a licence.<sup>155</sup> Alternative to the publication of banns which had been introduced in the thirteenth century, marriage could also now be contracted by licence. Opponents of the Marriage Act of 1753, mainly the Nonconformists, fought a doughty campaign to have the marriage ceremony celebrated in other church buildings other than those of the Anglican Church.<sup>156</sup> The debates led to the most important statutory change, the establishment of the Civil Marriage Act of 1836. Facilities were in place by 1837 for Protestant and Catholic non-conformists to marry in their own places of worship by use of the Registrar’s certificate or licence, whilst those who wished for an entirely secular mode of marriage could legalise their unions in the Registrar’s office.<sup>157</sup>

British colonial authorities, who used to consult missionaries on African affairs including customary marriages in colonial Africa, defined marriage according to the law of England as “a civil contract, and the results that flow from it, both social and legal, in nowise depend upon the form of the ceremony or the views of those who enter into the marriage state.”<sup>158</sup> On the other hand, pioneer Protestant missionaries who understood and defined marriage in the European Christendom context, as “the voluntary union for life of one man and one woman, to the exclusion of all others,”<sup>159</sup> regarded African customary marriage<sup>160</sup> as invalid and unacceptable for African Christians. So, when pioneer European missionaries arrived in Africa, they automatically introduced and

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<sup>153</sup> Gally, Henry. *The Marriage Act of 1753: Four Tracts: Some Considerations upon clandestine marriages.*

<sup>154</sup> Parker, *Informal Marriage*, 29.

<sup>155</sup> Blackstone, Sir W. *Commentaries on the Laws of England*, Volume I, 1857, 455; Parker, *Informal Marriage*, 29.

<sup>156</sup> Parker, Stephen. *Informal Marriage, Cohabitation and the Law, 1750-1989*. London: Macmillan, 1990, 48-74; Outhwaite, *Clandestine Marriage in England*, 145-167.

<sup>157</sup> Outhwaite, *Clandestine Marriage in England*, 165.

<sup>158</sup> Eversley, W.P. and Craies, W.F. *The Marriage Laws of the British Empire*, London: Stevens & Haynes, 1910, 1.

<sup>159</sup> Eversley, W.P. and Craies, W.F. *The Marriage Laws of the British Empire*, 1.

<sup>160</sup> Throughout this study I shall use African customary marriage and traditional marriage interchangeably.

applied European church marriage models and rules which demanded that for any Christian marriage to be recognised it had to be contracted and conducted in Church.<sup>161</sup> Such requirements resulted in confusion and ethical dilemmas among African Christians who already had their own tradition of marriage in place (chapter 2).

### **Conclusion**

A survey of the history and development of the European tradition of church marriages has helped us gain insight into the introduction and practice of church marriages by mission churches and civil marriages by colonial authorities in Sub-Saharan Africa in the nineteenth and twentieth centuries. It was shown that before the introduction of church and civil marriage laws, a valid marriage was determined by what each society deemed valid criteria. Hence the customary forms of marriage among the Jews, Greeks and Romans, provided the marriage forms for Christians as well. Christians from those societies accepted customary marriage as the only form of entering into a valid and legitimate husband-wife relationship. It was the Roman law which introduced the idea of state certification. A marriage certificate, though it did not constitute the actual marriage, was an essential document to verify all legal unions. It was also the Roman marriage law which limited sexual intercourse between a man and a woman to the marriage bed.

The early church continued the Jewish endorsement of customary marriage. Bishops of the early church, while encouraging their members to continue getting married according to the prevailing custom, challenged Christian couples to celebrate marriages differently from non-Christians. Marriage celebrations of Christian couples were to serve as a testimony by not including dancing, drinking, and pagan songs in celebrations. Like the early church bishops, missionaries to sub-Saharan Africa strongly discouraged beer drinking, dancing and inappropriate songs at African Christian marriage celebrations (chapter 7).

Emphasis on the spiritual meaning and significance of marriage especially of two baptised Christians ushered in a new way of marriage ceremony in the thirteenth century. The development of the sacramental theology of marriage resulted in marriage of Christians being conducted *in front of the church* instead of *away from church* in homes. After the Council of Trent, in Catholic countries, only marriages contracted

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<sup>161</sup>Hastings, A. *Christian Marriage in Africa*, London: SPCK, 1973, 68.

*inside the church* in the presence of a priest as one of the witnesses instead of *in front of the church* were regarded as valid and legitimate. The Roman Catholic theology of marriage as a sacrament resulted in efforts to bring all marriages under church authority. Therefore, customary marriages were no longer recognised. Protestants, who had rejected the Roman Catholic theology of marriage during Reformation, looked instead to the State to enforce a Christian understanding and practice of marriage. In England also, the location of marriage ceremonies moved from *in front of the church* to *inside the church* during the Reformation period. Therefore, Catholic and Protestant missionaries to sub-Saharan Africa would not recognise African customary marriages but only church marriages as valid and acceptable for church purposes ended up imposing a similar model of church weddings on African Christians in spite that European ecclesiastical marriage regulations reflected pre-Christian marriage practices cultural values (chapters 4-6). What may be questionable here is whether ecclesiastical and civil marriage legislation passed in Europe to meet specific European marital and social problems of different cultural generations can justifiably be extended to African Christians in Africa for whom they were definitely not designed. In principle Protestants rejected to the Roman Catholic theology of marriage, but not the form of the Catholic practice of Roman Catholic Church marriage ceremony.

## CHAPTER 4

### THE HISTORY OF EUROPEAN MARRIAGE LAW IN ZIMBABWE

“When a marriage was celebrated according to either Christian or civil rites, aspects of traditional marriage norms became irrelevant from both religious and civil authority’s point of view.”<sup>1</sup>

#### Introduction

One of the significant forces that had an impact on the African society of colonial Zimbabwe during the period of 1890-1980 was the introduction and enforcement of statutory marriage law which resulted in social, legal and moral dilemmas from the co-existence of the practice and procedures of customary, civil and church marriages. The main source of confusion and conflict was that, although there was nothing explicit in the legislation to prevent the incidence and practice of traditional marriages from existing side by side with a civil marriage contract, whenever a marriage was celebrated according to civil rites, the principles of African (Shona) tradition were deemed no longer to apply to it, and legally, aspects of traditional marriage norms became irrelevant from the civil authority’s point of view.<sup>2</sup>

On the other hand, despite the introduction of colonial statutory marriage law, African (Shona) people continued to “look upon traditional marriage as a full marriage, and the registration at the court of the Native Commissioner, or the subsequent solemnisation of marriage in Church, as just the means of satisfying the Civil or Ecclesiastical Law.”<sup>3</sup> It was shown in chapter 2 that traditional marriage constituted a genuine marriage contract according to African (Shona) society. The purpose of this chapter is to show that failure by Europeans to recognise the practice and procedures of African customary marriage as a traditionally accepted pattern which had been passed on from previous generations eventually led to the introduction and imposition of civil and church marriages on Africans resulting in social and moral confusion.

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<sup>1</sup>Holleman, J.F. *Shona Customary Law*, Manchester: Manchester University Press, 1952, 146.

<sup>2</sup>Holleman, *Shona Customary Law*, 146.

<sup>3</sup> Broderick, G.E.P. ‘Betrothal Ceremony among the WaZezuru’, *NADA*, (1945), 49.

## **Background to the introduction of Marriage laws in Zimbabwe**

The application of the term ‘customary law’ to indigenous African ‘legal systems’ was discussed at length at the London Conference in December 1959-January 1960 by British colonial representatives serving in British Africa. They had recognised that there was no one common expression which could adequately describe the ‘unwritten local law’ of the different African communities:

The use of the term ‘customary law’ was challenged by members of the Conference. Some regretted the disappearance or disuse of the traditional term, ‘native law and custom’, which they felt to be the most convenient label. Others said that, although ‘native customary law’ was not a satisfactory term, it was not possible to think of any better one. The expression ‘local law’ was proposed as a better term to describe the law which the African (tribal) courts are entitled to administer. A further expression which was put forward was ‘unwritten local law’. The Conference, while feeling that ‘native law’ was perhaps the most satisfactory expression to use in these circumstances (since it could include such things, for example, as the Islamic law administered in the Northern Region of Nigeria) realised that there might be objections today to the use of a term which included the word ‘native’; the expressions ‘native law’ and ‘customary law’ were in fact used interchangeably throughout the remainder of the proceedings of the Conference.<sup>4</sup>

Objections to “customary law” as opposed to “local law” or “native law” were based on the change in character of the law being administered, namely that it was now the subject of written declarations or superior court decisions, and that it was no longer the ‘unwritten law’ with which tribal Africans were familiar. It was these ‘unwritten traditions’ which, at the time of codifying them, obtained the force of “law”. For example, the constitutions of Ghana, Tanzania, Eastern Nigeria, and Zimbabwe,<sup>5</sup> specify that ‘customary law’ is what appertains to a *community* and that ‘customary law’ as ‘traditions’ or ‘rules’ have the force of law because they are established or fortified by usage. The Tanzanian constitution adds the point that the usage must be

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<sup>4</sup> Allott, A. (ed.), Chapter 1, ‘The Definition of Customary Law’ in *The Future of Law in Africa; Record of Proceedings of the London Conference 28 December 1959- 8 January 1960*, London: Butterworth, 1960.

<sup>5</sup> Zimbabwe defines ‘customary law’ as ‘the law of the people of Zimbabwe, or of any section or *community* of such people, before the 10<sup>th</sup> June 1891, as modified and developed since that date.’ Cf. *Zimbabwe Customary Law and Local Courts Act*, ‘Interpretation’, 2(b), Revised Edition, 1996.

“accepted by the *community*” in order to have the force of law. The greatest challenge for European social anthropologists,<sup>6</sup> upon whom European legislators depended heavily at the time of codifying African tradition, was to understand fully the real objective of African dispute-settlement procedures.<sup>7</sup> Modern studies of African local traditions (‘law’) and British common law tend to agree that pioneer anthropologists and colonial legislators read into African mechanisms of conciliatory procedures the British concept of law and legal procedures.<sup>8</sup> Modes of ‘enforcement’, which are what most European social anthropologists on African society focused on, were foreign to African community life.<sup>9</sup> The indigenous use of and reliance on traditional procedures of dispute-settlement were aimed at reconciliation rather than at judicial verdicts.<sup>10</sup> African mechanisms of conciliatory procedures were meant to prevent “any irremediable breaking of relationships.”<sup>11</sup>

In traditional Shona society, when a person who had committed a crime against another was brought to a tribal or family ‘court,’ *dare*, and was found guilty and admitted his guilt, the tribal court determined a fair and reasonable compensation to the complainant.<sup>12</sup> If he was too poor to pay any compensation, and the tribal court was convinced he was telling the truth the fine could be reduced or waived entirely.<sup>13</sup> A spirit of interdependence between kin and members of local communities was dominant in traditional Shona society. Traditional Shona people lived for the community, worked for it, and even died for it.<sup>14</sup> Any potential split within a community could threaten all essential collective activities in social, religious and economic life.<sup>15</sup> Therefore, preventing permanent relations from being broken, especially marriage-relationships, was the main concern for the traditional court. The court was based purely on “the

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<sup>6</sup> For example, in Southern Rhodesia legislators and judges used Charles Bullock’s anthropological studies, e.g. *The Mashona and Matebele*, 1950. In the Foreword, the then Governor of Southern Rhodesia, L. Powys-Jones, highly recommended to administrators and missionaries J.F. Holleman’s book, *Shona Customary Law*, Manchester: University of Manchester Press, 1952.

<sup>7</sup> Chanock, M. *Law, Custom and Social Order*, Cambridge: Cambridge University Press, 1985, 28.

<sup>8</sup> Gluckman, M. *African Traditional Law in Historical Perspective*, London: Oxford University Press, 1974, 21; Chanock, M. *Law, Custom and Social Order*, 28; Bourdillon, M. “Is ‘Customary Law’ Customary?”, *NADA*, Vol. XI, No.2, (1975), 140-149; Allott, A. *New Essays in African Law*, 28-181.

<sup>9</sup> Chanock, M. *Law, Custom and Social Order*, 28.

<sup>10</sup> Chanock’s analysis of African law versus European common law is very helpful. Cf. Chapter 1, *Law, Custom and Social Order*.

<sup>11</sup> Chanock, *Law, Custom and Social Order*, 29.

<sup>12</sup> Gelfand, M. *The Genuine Shona: Survival Values of an African Culture*, Gweru, Zimbabwe: Mambo Press, 1973, 72.

<sup>13</sup> Gelfand, *The Genuine Shona*, 72f.

<sup>14</sup> Melland, F. & Young, C. *African Dilemma*, London: The United Society for Christian Literature, 1937, 16.

<sup>15</sup> Bourdillon, ‘A Note on Shona Court Procedures’ in *NADA* (1974), 11-14.

reconciliatory nature of African procedure” of maintaining harmony in any given African (Shona) community.<sup>16</sup>

On the one hand, a major concern of the judiciary in European society was/is to ascertain, according to the laid down laws, the guilty party and appropriately punish him or her.<sup>17</sup> On the other hand, members of an African (Shona) court were there not to decide on the legal aspects of the case.<sup>18</sup> Marital disputes threatening family harmony were handled by a family court, and not by tribal ‘courts’ (presided over by appointed chiefs and headmen) as colonial authorities legislated at the time of codifying African traditions.<sup>19</sup> Because of their failure to distinguish the reconciliatory character of the African (Shona) court system from the European judicial procedures, colonial authorities ended up referring to African court proceedings as ‘customary law’ which always attempted to find the “guilty” party in each case.<sup>20</sup> An incorrect designation of African traditions as “customary law” has led Gluckman to criticise European legislators for assuming that the African traditional (Shona) court was an equivalent to the European judicial court system.<sup>21</sup>

According to an analysis by a leading social anthropologist in Zimbabwe, the use of “customary law” can have at least three different meanings and no one meaning should be given primacy.<sup>22</sup> First, the ‘unwritten traditions’ which people cite as traditionally governing their behaviour and which have been passed on from previous generations as traditions.<sup>23</sup> Second, the decisions of tribal courts which are the contemporary developments of pre-colonial ‘courts’.<sup>24</sup> And, third, the rules and regulations accepted by European courts as constituting African “customary law”.<sup>25</sup> Bourdillon warns that there is a danger of switching from one context to another without adverting to the fact

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<sup>16</sup>Bourdillon, ‘A Note on Shona Court Procedures’, 11

<sup>17</sup>Bourdillon, ‘A Note on Shona Court Procedures’, 14.

<sup>18</sup>Holleman, *Shona Customary Law*, 42.

<sup>19</sup>Holleman, *Shona Customary Law*, 265f.

<sup>20</sup>Holleman, *Shona Customary Law*, 280f.

<sup>21</sup>Gluckman, M. *The Judicial Process among the Barotse of Northern Rhodesia*, Manchester, Manchester University Press, 1955, 77f.

<sup>22</sup>Bourdillon, “Is ‘Customary Law’ Customary?” *NADA*, Vol. XI, No.2 (1975), 140-149.

<sup>23</sup>The Shona people would speak of traditions (*tsika*) of each ethnic grouping, for example, tradition of the Karanga, of the Zezuru, Makorekore, or VaNdau, etc.

<sup>24</sup>Contrary to Sections 3 (3), 4 and 5 of the European-constructed Constitution, The African Law and Tribal Courts of 1969 which assumed that tribal courts had a set of laws that they applied in determining cases, traditional village courts had no laid down “customary law” but the headman or chief as reconciling agents, *vayanansi*, were guided by their “good conscience” Cf. Section 4 of The African Law Tribal Courts, 1969; Goldin & Gelfand, *African Law and Custom*, 1975.

<sup>25</sup>This is what Europeans perceived as and termed “customary law”. In Shona, there was no word for a standardised legal ‘government’ law or enforcement. What Europeans termed ‘customary law’ was in fact “rules” or tradition (*tsika*).

that the meaning of the term has changed.<sup>26</sup> This becomes a problem especially in discussing issues like marriage, where both social anthropologists and colonial authorities in colonial Africa observed and concluded that it was contracted “according to wholly traditional ways and practice.”<sup>27</sup>

It is a truism that when British and other European colonial authorities claimed overlordship of tribal Africa, they noticed, in most cases, that the indigenous populations of Africa seemed happy to continue with their ways of life. To the British authorities in Zimbabwe, leaving the inhabitants under their existing own social structures and traditions would be in accordance with the guidelines of the 1889 Charter which for the most part specifically instructed members of the British South Africa Company (BSAC) to have proper regard for native customs where they were applicable and not repugnant.<sup>28</sup> On the other hand, British colonial policy anticipated that in each newly acquired colonial territory or other area in which the Crown was exercising jurisdiction a legal system had to be created.

The real challenge before the colonial authorities was either to import the concept and practice of English law or to codify unwritten African customs or traditions into what Europeans regarded as law. The main reason for attempts to codify tribal customs was that once tribal customs were codified they could easily be enforced, just as English law was enforced in England.<sup>29</sup> Colonial authorities felt that codified African customs would (i) provide the essential framework of law and order (that is, with a special emphasis on criminal law and procedure); (ii) regulate the personal and proprietary relationships of non-Africans, British and other, with each other and with Africans; (iii) establish legal structures for the development of the territory, especially in the educational and economic fields; and (iv) allow those Africans who wished, by reason of their education or functions, to move generally or in respect of particular transactions and relationships out of the traditional system and into a Western-law

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<sup>26</sup>Bourdillon, “Is ‘Customary Law’ Customary?”, 140.

<sup>27</sup>Child, *The History and Extent of Tribal Law*, 4; Weinrich, *African Marriage*, 1982.

<sup>28</sup>British colonial policy is epitomised in Section 14 of the British South Africa Company Charter, 1889, in which the authorities were charged to interfere as little as possible in any traditional pattern of domestic relations, except where such indigenous social customs were against (European) ‘natural law justice and morality’ which were conceived to be ‘universal standards. As it turned out, European concepts of justice and morality were outraged by such customs as, for example, the killing of twins, the treating of women and young girls in ways that deemed to make them mere chattels, the pledging of under-age girls into marriage for the settlement of a debt or any other reason. Cf. May, J. *Zimbabwean Women in Colonial and Customary Law*, Gweru, Zimbabwe: Mambo Press, 1983, 44.

<sup>29</sup>Allen, C.K *Law in the Making*, Oxford: Blackwell, 1946.

system.<sup>30</sup> At the same time, there was also an underlying general conviction on the part of the colonial masters that British law was too sophisticated to be administrable to the primitive Africans (natives), living by the hoe and not knowing the use of writing. Only education and the imposition and enforcement of a codified version of ‘native<sup>31</sup> law’ or ‘African customary law’<sup>32</sup> were likely to alter this state of affairs.<sup>33</sup> Harold Child,<sup>34</sup> one of the pioneer colonial authorities in Zimbabwe, itemised five areas of African social life that were codified into a body of law:

- 1) Judicial administration- the implicit obedience to the chief of the tribe who was its embodiment and head, coupled with communal responsibility.
- 2) Land tenure- the absence of individual title to land. All land was held by the chief in trust for his people. Every adult tribesman had a right to occupy a residential site, to cultivate allocated fields and to graze stock on communal grazing grounds.
- 3) Marriage- the recognition of polygamy, and the recognition of the payment and return of *lobolo*, as a legal ingredient in marriage and its dissolution.
- 4) Status of women- the subjection of the female sex to that of the male, and children to that of their father. The incapacity of women to own property, except in exceptional circumstances, and the minority of women.
- 5) Succession- primogeniture among males as the general law of succession and inheritance.<sup>35</sup>

There is no doubt that the concept of “native customary law” or “African customary law” is a colonial construct.<sup>36</sup>

### ***Native Policy and the introduction of marriage law in Zimbabwe***

It soon became apparent that African social traditions were being affected by the imposition of European forms of legislation and judicial decisions which took two main forms: (a) Orders in Council or other prerogative instruments; and (b) local legislation

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<sup>30</sup> Allott, *New Essays in African Law*, London: Butterworths, 1970, 14.

<sup>31</sup> “Native” was always defined as any person both of whose parents were members of some aboriginal race or tribe of Africa. Cf. Section 2 of the Natives Passes Amendment Ordinance, 1913.

<sup>32</sup> Allott, “The Definition of Customary Law and Repugnancy of Customary Law” in *New Essays in African Law*, 145-181.

<sup>33</sup> In his letter to the Editor of the *Manchester Guardian*, UK, 17<sup>th</sup> May 1928, Mr F.L. Barratt, who was living in Southern Rhodesia then, wrote that “The Rhodesia native is not yet equipped mentally or morally for the political authority according to our standards. Whether he ever will be is a very moot question... The gigantic task of completely altering their nature is not the work of one generation but of many, with doubtful prospects of success.”

<sup>34</sup> Harold Child went to Southern Rhodesia at the age of 17 years. He worked in various government capacities, including ministry of Internal Affairs, for over 50 years.

<sup>35</sup> Child, *The History and Extent of Recognition of Tribal Law*, 4-6, 9-20.

<sup>36</sup> Allott, *New Essays in African Law*, 148.

made either by the Governor, Commissioner or Administrator as sole legislative authority, or by a Legislative Council in the particular territory.<sup>37</sup> The Orders<sup>38</sup> in Council were either general<sup>39</sup> in geographical scope or specific<sup>40</sup> to a particular territory or colony. Where such provision of a general law was not made in the constitutional Order in Council (and even in some instances where it was so made), the local territorial legislative authority could fill the gap by prescribing what law was to be followed in the colony. This was not all, as the colonial legislature could amend or repeal any part of the laws (other than the constitutional provisions or other branches of the law subjected to special procedures or reserved powers) without further reference to any extraneous authority.<sup>41</sup>

The history of colonial statutory law in Zimbabwe reveals that many laws and regulations were passed by Europeans to reinforce their status superiority and control over the conquered Africans.<sup>42</sup> Such requirements seem to have been an inevitable concomitant of the dominant new culture. Throughout the colonial period European society in Southern Africa believed that it had to keep itself “pure from African pollution,”<sup>43</sup> through Native Policy legislation. Through the so-called Native Policy,<sup>44</sup> the European community defined and delimited Africans to specific living areas.<sup>45</sup> One of the early colonial governors of Zimbabwe, Sir G. Huggins, reiterated the government’s Native Policy as a safeguard for Europeans in the colony:

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<sup>37</sup> Allott, *New Essays in African Law*, 14.

<sup>38</sup> The Orders in Council which provided for the exercise of Her Majesty’s jurisdiction in certain parts of Africa and in the island of Madagascar were created on October 15, 1889. Cf. Hertslet, Lewis. *A Complete Collection of the Treaties and Conventions*, Volumes 1-31, London: Butterworth, 1840-1925, Vol. 18, 1-36, 63-64.

<sup>39</sup> For example, the Africa Order in Council of 1889 set up a system of administration for any foreign country in Africa within which the Crown was exercising jurisdiction.

<sup>40</sup> For example, The East Africa Order of 17 July 1897 provided for the administration of justice in the East African Protectorate, and the Royal Charter of 29 October 1889 for Southern Rhodesia.

<sup>41</sup> Sections 13, 99 of The Africa Order in Council, 1889; and Sections 11, 45, 52 of East Africa Order in Council, 1897.

<sup>42</sup> Rogers, C. and Frantz, C. *Racial Themes in Southern Rhodesia: The Attitudes and Behaviour of the white population*, New York: Kennikat Press, 1962, 137.

<sup>43</sup> Rogers and Frantz, *Racial Themes*, 157.

<sup>44</sup> The history of South Africa (from which the BSAC was born) since the 1830s presented political circumstances and challenges (from which policies were hatched) with regard to natives. Cf. E. Holub. “Few Words on the Native Question”, in *The Native Question*, Kimberley, South Africa: The Independent Machine Printing Works, 1877, 1.

<sup>45</sup> In accordance with the Native Policy and racial attitudes towards Africans, the BSAC Administration enacted The Settlement of Colonial Natives Ordinance, The Land Apportionment Ordinance, The Village Regulations Ordinance, The Land Occupation Conditions Ordinance, The Native Urban Locations Ordinance, Towns Management Ordinance, The Native Pass Ordinance, The Masters and Servants Ordinance, The Kaffir Kraals Prohibition Ordinance, The Native Registration Ordinance, and other segregation laws which barred Africans from living in the same areas with whites.

While there is yet time and space, the country should be divided into separate areas for black and white. In the Native area the black man must be allowed to rise to any position to which he is capable of climbing...excepting only- and always- the very top...In the European area the black man will be welcomed, when, tempted by wages, he offers his services as a labourer, but it will be on the understanding that there he shall merely assist, and not compete with the white man...The interest of each race will be paramount in its own sphere.<sup>46</sup>

As a result, a caste system crystallised in colonial Zimbabwean society.<sup>47</sup> This caste system, like the Indian one, was marked by the concept of pollution. Social contact with Africans could defile the higher caste of Europeans, so Africans and Europeans in Zimbabwe ended up living in different worlds, although they inhabited the same country.<sup>48</sup> However, it soon became clear that Europeans were desperate for cheap labour on all commercial sites and in their homes. At first, very few Africans were willing to work for the Europeans because their own traditional social system had as yet been little affected by cultural contact with the whites and still provided for all their needs. The African economy at this stage was based on subsistence farming and not on earning money.<sup>49</sup> Therefore, working for whites as a way of earning a living did not at first appeal to the natives. In response to such African apathy for working for a white man, Europeans introduced a monetary fiscal system which had far-reaching consequences on the conquered Africans. The colonial authorities introduced the Hut Tax.<sup>50</sup> In order to earn taxes for the newly imposed charges, male villagers had to offer their labour to Europeans on farms, in mines or in towns.<sup>51</sup> The situation forced nearly all African men to leave their rural land, homes and families and find a new work place in industrial areas. Their wages were assessed as being sufficient for a single man's needs and the right amount towards the stipulated the Hut Tax.

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<sup>46</sup> Batten, T.R. *Thoughts on African Citizenship*, London: Oxford University Press, 1944, 62, 63. Cf. Huggins, G.M. *Statement on Native Policy in Southern Rhodesia*, Salisbury, Southern Rhodesia: Government Printing Office, 1941.

<sup>47</sup> Weinrich, A.K.H. *Mucheke: Race, Status and Politics in a Rhodesian Community*, Paris: UNESCO, 1976, 3.

<sup>48</sup> Weinrich, *Mucheke: Race, Status and Politics*, 10.

<sup>49</sup> Weinrich, *Mucheke: Race, Status and Politics*, 10.

<sup>50</sup> The Hut Tax Ordinance of July 27, 1894 imposed a mandatory tax on every household. According to Sections 5 and 6, every male native had to pay an annual Hut Tax of ten shillings in sterling coin which could be obtained only at white commercial settlements.

<sup>51</sup> May, *Zimbabwean Women in Colonial and Customary law*, 33.

The introduction of the Hut Tax and other statutory laws affected African society as the people tried to adjust themselves to the new order.<sup>52</sup> The process of disintegration was nowhere more apparent than in the most significant feature of African society, the family. H.C. Thomson, a British administrator in Southern Rhodesia, wanted other European authorities to hear and see how Africans felt about the Hut Tax and other newly introduced laws.

We argue about the natives, and lay down rules for their improvement, but we seldom try to see through their eyes, or to understand how they feel about all that is being done from and to them. Yet it is interesting sometimes to glance into a native's mind, as the following little essay enables us to do. "You say it is a wicked thing to drink and lead immoral lives, and that if we do we shall go to hell. Well, hell can't be a very bad place, for you white people don't seem to be afraid of going there. We see that you do all these things. We often wonder if the English and the Dutch did right to take the country away from us. I don't know whether they did right to come here or not. It was right to help us to be better, and it was not right to take our land from us, and give us nothing but English government and taxes. They have also brought many things that trouble us. They make us pay taxes for our own houses. They do not make our houses for us either; they give us a little piece of land and we stay on it, and never go on to what they call theirs; and yet they make us pay taxes." Before the English came, the natives' wants were few and easily supplied, and they were not troubled about what they should do with their money, for they had none. Their children would play in the sunshine and dirt until they were satisfied, with no one to tell them not to soil their clothes, or to trouble them by calling them into school.<sup>53</sup>

Thomson had observed that Africans had "in them much that is good...the germ of better things is there; it is only cultivation that is needed to bring it out."<sup>54</sup> However, the rest of the colonial settlers and missionaries took exception to Thomson's attitude by insisting on the introduction of an alien law of marriage for the Africans.

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<sup>52</sup>Phillips, *Marriage Laws in Africa*, 1.

<sup>53</sup> Thomson, H.C. *Rhodesia and its Government*, London, Waterloo Place: Smith, Elder and Co., 1898, 86.

<sup>54</sup> Thomson, *Rhodesia and its Government*, 87.

### ***Registration of African customary marriages in Zimbabwe***

In urban areas, all Africans were required and expected to live in defined and designated areas known as locations<sup>55</sup> or townships<sup>56</sup> according to the Native Policy. These accommodation facilities were located not too far from places of employment but not too close to European homes and social facilities.<sup>57</sup> Township housing was designed for single men and not for married men with their families. It soon became evident that married men separated from their wives would eventually succumb to the temptation of illicit sex with single women<sup>58</sup> “hanging around in the townships”<sup>59</sup> in pursuit of their commercial sex trade. As a consequence of unprotected sex with different female partners, many male employees and even some single white settlers became infected with sexually transmitted diseases,<sup>60</sup> which affected the manpower of the commercial industry. In response to a complaint made by the Municipalities of Salisbury and Bulawayo, “who complained that natives had been found in domestic service suffering from contagious or infectious disease,” the government instituted an investigation into the matter.<sup>61</sup> Having satisfied itself of the matter, and in an attempt to control and stop the rapid spread of contagious or infectious sexually transmitted diseases like syphilis, the BSAC authorities “thought legislation was necessary,”<sup>62</sup> and passed a law or Ordinance<sup>63</sup> requiring all migrant native employees to register their customary marriages. The BSAC administration was concerned about sexual health of its workers because if it were to be profitable it needed a healthy labour force. At the time of customary marriage registration, it was the wives who were served with marriage certificates which they in turn used as Identification Passes whenever they

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<sup>55</sup> According to Native Urban Locations Section 1 (a) a ‘location’ shall mean and include any area in or near any city, town, village, or any area set apart under the provisions of this Ordinance as a reserve for the occupation or residence of natives employed in any such city, town, village, or established area.’

<sup>56</sup> Townships have remained a permanent feature of urban accommodation for the lower and medium classes up to this day. They were based on the South African model. Cf. Sections 1-19 of the Native Locations Act, 1892, *The Statutes of the Cape of Good Hope*, 1652-1895, Cape Town, J C Juta & Co. 1895.

<sup>57</sup> Section 3 of The Native (Urban) Locations of the 24<sup>th</sup> August, 1906. This was based on Sections 1-19 of the Native Locations laws of *The Statutes of the Cape of Good Hope*, 1652-1895, Cape Town, J C Juta, 1896.

<sup>58</sup> ‘Single women’ had come probably from the mining areas of South Africa where the Afrikaans word for a prostitute ‘*hoer*’ was later transliterated into Shona as *hure*.

<sup>59</sup> Section 9, Natives Registration Ordinance, 19 November, 1902.

<sup>60</sup> Rogers and Kantz, *Racial Themes*, 283.

<sup>61</sup> *Debates of the Legislative Assembly of Southern Rhodesia*, 11 May-21 June, 1918, gives the historical background to the creation of the Native Marriages Ordinance, 190.

<sup>62</sup> *Debates*, 11 May-21 June, 1918, 23.

<sup>63</sup> ‘Ordinance’ means a Legislative Ordinance made by the BSAC under the Charter or under the Orders in Council established in 1890.

visited their husbands at their place of employment. From now on only women with marriage certificates were allowed access into township residence. According to The Registration of Certain Native Servants and the Issue of Passes to Natives Within Townships Ordinance of 1902, “no native, not being a married woman whose husband is in employment in the township, shall remain within the limits of any township without being in possession of either a pass or (marriage) certificate.”<sup>64</sup> Also according to Section 5 of The Registration of Certain Native Servants and the Issue of Passes to Natives within Townships Ordinance of 1902 (which is sometimes incorrectly confused with the Native Marriages Ordinance of 1901), “every male native within the Territory over the apparent age of fourteen years shall after the taking effect of this Ordinance, register himself at the proper Pass Office of the district in which he resides, or with a Pass Officer appointed for the purpose.”<sup>65</sup> All unmarried men (fourteen years and above), who resided in the locations while looking for employment, were to register their presence. In addition, all children below the age of fourteen had to be registered also under the Births and Deaths Registration Ordinance, 1902.

The provisions of the Towns Management Ordinance of 1894 and of the Municipal Law of 1897 gave municipal administrators powers to expel all unmarried women from the locations.<sup>66</sup> Under the Native Marriages Ordinance of 1901, all unmarried women, perceived as and presumed to be prostitutes, who could not produce Identification Passes in the form of marriage certificates were banned from the townships and industrial areas.<sup>67</sup> The required registration of customary marriages would bar unmarried women perceived to be prostitutes from ‘hanging around’ in industrial areas. Since in African traditional culture no girl left home before marriage to look for employment outside the home, the ‘single women’ or prostitutes who had invaded the Zimbabwean industrial or urban locations, taking advantage of sexually vulnerable men separated from their village wives seem to have come from the mining areas of South Africa.<sup>68</sup> Jeater is of the opinion that such ‘single women’ should not be labelled as prostitutes for they were “young women who were simply beginning to make their own

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<sup>64</sup> Section 9, Natives Registration Ordinance, 19 November 1902.

<sup>65</sup>Section 5 (1) Natives Pass Ordinance, 1902.

<sup>66</sup> Speight, A. *The Statute Law of Southern Rhodesia: From the Charter to 31<sup>st</sup> December, 1910*, Salisbury, Southern Rhodesia, 1911, 780.

<sup>67</sup> Report of the Chief Native Commissioner, p. 4, Presented to the Legislative Council, 1913.

<sup>68</sup>Cf. Chavunduka, “Social Change in a Shona Ward. Salisbury”, (1970), Cf. Michael Gelfand, *African Crucible*, 1967,100.

choices of sexual partners with their free choice of lovers,”<sup>69</sup> while May approves of such activity as “freedom of pre-marital sex.”<sup>70</sup> While such an approach to sex may be socially accepted in Western culture, it was and still is unacceptable in the traditional African society of Zimbabwe.<sup>71</sup> Even African women’s groups in Southern Africa do not condone pre-marital sex in their advocacy of women’s rights.<sup>72</sup>

Therefore, the creation and enforcement of the first native marriage ordinance in colonial Zimbabwe in 1901 was a consequence of promiscuity in urban areas. The requirement to register traditionally contracted marriages of migrant workers eventually became a statutory marriage law of general applicability in Zimbabwe. Initially, colonial authorities fully recognised customary marriage as the only suitable marriage pattern for African society. According to the Native Marriages Ordinance of 1901, all African employees were required to register their traditional marriages including polygamous unions<sup>73</sup> for all civil purposes - “every marriage entered into in this Territory between natives according to native custom.”<sup>74</sup> The marriage certificate contained full details of the marriage consideration or *lobolo* either already paid or still outstanding. The Native Marriages Ordinance of 1901 was the first marriage statute in colonial Zimbabwe to regulate African marriages entered into under traditional practice and procedures. The reason for recording the *lobolo* consideration on the marriage certificate was to use it as evidence in cases of marital disputes or divorce.<sup>75</sup> According to the provisions of the Native Marriages Ordinance, no African marriage in which the delivery of *lobolo* had not been agreed upon as an essential of the marriage contract could be recognised as valid. The Native Marriages Ordinance was constructed by the civil authorities in the light of what they thought appropriate for Africans living in the locations.

The role of the state at this stage was simply *declaratory*, that is, declaring on a newly introduced marriage certificate that all traditional marriage norms had been met, including *lobolo* consideration and that therefore the marriage could be registered as

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<sup>69</sup> Jeater, D. *Marriage, Perversion, and Power*, Oxford: Clarendon Press, 1993, 66, 68.

<sup>70</sup> May, *Zimbabwean Women in Colonial and Customary Law*, 22.

<sup>71</sup> Holleman, *Shona Customary Law*, 83; Nyathi, P. *Traditional Ceremonies of AmaNdebele*. Gweru, Zimbabwe: Mambo Press, 2001, 111.

<sup>72</sup> *Women and Law in Southern Africa Research Project: Maintenance in Zimbabwe*. Harare: Matthews Printers, 1991, 2-6

<sup>73</sup> *Debates*, 3 May 1918, 23-28.

<sup>74</sup> Section 1, Native Marriages Ordinance, 1901.

<sup>75</sup> For examples, in the cases of marital disputes of *Mandizvidza v Rosi* and *Mvakure*, 1942, S.R.N. 155, *Dudzai v Mapanda*, 1943, S.R.N. 20.

valid. In principle, through their insistence upon marriage registration the pioneer column of commercial Europeans accepted and endorsed African (Shona) traditional marriage as the legitimate method of contracting marriage between Africans. According to Section 4 of the 1901 Ordinance, the amount to be paid as *lobolo* had been limited, in the case of a daughter of (a) a chief, to five head of cattle or the equivalent in other property; and (b) for daughters of all other natives to four head of cattle or their equivalent. The restriction was presumably intended by the legislature to further the object of the enactment giving freedom of choice to girls in connection with marriage. In other words, it was intended to prevent the rich suitor from having a better position in the eyes of the guardian than the poor man.<sup>76</sup> However, it soon became apparent to the civil authorities that it was practically impossible to control such transactions which took place among Africans in their respective villages.<sup>77</sup> Therefore, the administration decided in 1912 that “the *lobolo* limitations of 1901 should be abrogated.”<sup>78</sup> Hence, the purpose of the 1912 Native Marriages Amendment Ordinance was to repeal the *lobolo* section on the marriage certificate of the initial 1901 Native Marriages Ordinance. It is interesting to note that when the country became independent in 1980, the government of Zimbabwe adopted and implemented the 1912 version of the Native Marriages Ordinance for its African Marriages Act, which is now referred to as the Customary Marriages Act.<sup>79</sup>

The Native Marriages Ordinance of 1901 was to become the basis of subsequent African marriage laws in Zimbabwe, though such recognition of customary marriage would soon be challenged by the mission churches that colonial authorities regularly consulted on African marriage laws, as we will see in the rest of the chapter and in the next chapter.

### **Solemnisation of African marriages in Zimbabwe**

The original Native Marriages Ordinance of 1901, which became known in 1951 as the African Marriages Act, and in 1996 as the Customary Marriages Act,<sup>80</sup> went through several amendments. One aspect of African customary marriage which the BSAC

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<sup>76</sup> *Debates*, 6-23 May 1912, 67.

<sup>77</sup> *Debates*, 6-23 May 1912, 67.

<sup>78</sup> *Debates*, 6-23 May 1912, 67.

<sup>79</sup> The 1996 Revised Edition.

<sup>80</sup> The Marriage Act, Revised Edition, 1996.

administration sought to stop, in accordance with the “repugnancy clause”, was under-age girls or credit marriage.

In the 1912 marriage legislation, the government made under-age girls marriage contracts a criminally punishable practice in Zimbabwe. Now an African marriage contract could only take place “upon the willing consent of the girl had been given.”<sup>81</sup> Moreover, her willing consent to the marriage could only be verified by a white Native Commissioner at a local district office. In 1917, the BSAC administration introduced an Amendment to the Native Marriages Ordinance of 1901<sup>82</sup> that gave sole authority to a white Native Commissioner to solemnise *all* African marriages. It was no longer sufficient for African couples simply to come in and register their already contracted traditional marriage (as the 1901 Native Marriages Ordinance prescribed); now they had to get legally married in the eyes of colonial authorities by the Native Commissioner in a government building before their union could be declared legitimate and valid. Under the Native Marriages Amendment Ordinance (also commonly known as the Native Marriages Validation Ordinance<sup>83</sup>) of 1917 it became a comparatively simple matter to ascertain whether or not a native or African was married by native custom inasmuch as such marriage was required to be solemnised in a civil building before it could become valid in the eyes of the colonial authorities. According to the 1917 Ordinance, the intending husband and wife, and their respective guardians, and the chief or the headman were all required at the solemnisation ceremony. In particular, the bride had personally and publicly to give her consent to the marriage, and her guardian was also to give his consent to his daughter marrying the particular man. A chief or headman had to act as a witness to the marriage. The 1917 Native Marriages Amendment Ordinance imposed a penalty on any man that took away a girl who was under age and treated her as his wife.<sup>84</sup> However, African couples who considered themselves already traditionally married did not see any sense in solemnising their marriages for the

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<sup>81</sup> *Debates*, 6-23 May 1912, 67.

<sup>82</sup> Native Marriages Amendment Ordinance, 12 April 1917.

<sup>83</sup> The Act had been put in place to validate certain marriages between natives. Section 2 of the Validation of Marriages Act of 1917 reads, “All native marriages in respect of which the duties imposed on native commissioners or other authorised officials by the Native Marriages Ordinance of 1901 were performed prior to the first day of June, 1917, by an assistant native commissioner or a clerk are hereby declared to have been as legal, valid and effectual marriages to all intents and purposes as if the aforesaid duties had been performed by a Native Commissioner or other authorised official.”

<sup>84</sup> Section 7, Native Marriages Ordinance of 1917.

‘second time’ before a European Native Commissioner,<sup>85</sup> and the ordinance appears to have been widely ignored.

The main objective in requiring all African couples to solemnise their marriages before a Native Commissioner was to protect under-age girls from credit marriages,<sup>86</sup> which were commonly practised, especially in some parts of the country, due to seasonal droughts. Only after solemnisation before a Native Commissioner could an African marriage be considered valid and binding in the eyes of civil law. The abolition of marriage by under-age girls or credit marriage illustrates some of the challenges colonial settlers encountered in applying the British colonial policy which was epitomised in Section 14 of the BSAC Charter in which the authorities were charged to interfere as little as possible in any traditional pattern of domestic relations such as marriage.<sup>87</sup> The application of European standards to African traditional marriage systems was sanctioned by the general application of certain prescribed standards under the “repugnancy clause”- ‘natural justice and morality’ which were conceived to be ‘universal standards.’ The ‘repugnancy clause’ represented both the policy to leave African institutions intact, for the purposes, both moral and pragmatic, of good government, but also the reservation of the right of the Europeans to judge moral issues in the light of Western values, however hedged about with almost indefinable terms concerning ‘universal standards.’<sup>88</sup> The traditional marriage practice of under-age girls or credit marriage in particular was deemed to fall beyond ‘universal standards’, on the basis that the practice violated accepted standards of ethics and created a sense of revulsion according to European sensibilities and moral standards of the time.<sup>89</sup> Thus marriage by credit was eventually outlawed by the imposition of external laws, that is, European moral standards.

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<sup>85</sup> Mair, L. *African Marriage and Social Change*, London: Frank Cass and Co Ltd, 1969, 44.

<sup>86</sup> Difficulties had been already encountered in previous attempts to stop the pledging of children into marriage. For example, in the cases of *R v Gutalyi* 1915 SR 49, *R v Nyamusingwe* 1916 CPD 254, *R v Maviredza* 1915 SR 159, *R v Tshipara* 1917 SR 150 in which the “wives” had been found to have joined their “husbands” while they were still under age.

<sup>87</sup> Section 14, “In the administration of justice to the said peoples or inhabitants, careful regard shall always be had to the customs and laws of the class or tribe or nation to which the parties respectively belong, especially with respect to the holding, possession, transfer and disposition of lands and goods and testate or intestate succession thereto, and *marriage*, divorce and legitimacy, and other rights of property and personal rights, but subject to any British laws which may be in force in any of the territories aforesaid, and applicable to the peoples or inhabitants of thereof.” Evans, Morgan O. (ed), *The Statute Law of Southern Rhodesia: From the Charter to December 31, 1898*, Salisbury, Southern Rhodesia: The Argus Printing and Publishing Company, 1899, 7.

<sup>88</sup> May, *Zimbabwean women*, 45.

<sup>89</sup> Allen, *Law in the Making*, 503; Allot, *New Essays in African Law*, 165-172.

Before the 1917 legislative assembly,<sup>90</sup> some missionaries and church denominations had submitted their recommendations on marriage to the Legislative Assembly, recommending that only civil marriage instead of traditional marriage should be considered a valid form of marriage for all Africans for government purposes. At the 1917 Assembly, government legislators noted that the Roman Catholic Church in particular, which did not recognise either traditional or civil marriage forms, had insisted from the beginning that their priests “were obliged to exercise their priestly functions at the instance of persons belonging to their congregations, irrespective of what the law might say, if a man and a woman belonging to that (Roman Catholic) Church desired to be married, the priest would be obliged, in conscience, to marry the parties.”<sup>91</sup> The Catholic Church regarded its canonical decrees on marriage as more important and more binding than either civil marriage law or traditional marriage practices.<sup>92</sup> But the state refused to grant the Catholic Church or other mission churches jurisdiction over marriage matters.<sup>93</sup> The colonial government of the day insisted that marriage jurisdiction was the sole responsibility of the state.<sup>94</sup> As far as the state was concerned, only traditional marriages solemnised before a local Native Commissioner at a local district office were recognised as a legal and valid form of union for all African couples, Christian or otherwise.<sup>95</sup>

As far as the government was concerned, church weddings, which had been conducted in various mission-founded churches even before the establishment of the colonial rule, had to be supplemented by a civil ceremony before a Native Commissioner, if they were to be considered legal and valid in the eyes of the state. To accommodate church weddings, the state introduced an Enabling Certificate<sup>96</sup> for any African Christian couple who were expected to ‘marry’ by Christian rites. The government policy for such African Christian couples was for them to go and secure an Enabling Certificate (essentially, a government marriage certificate) from their local Native Commissioner first before they could have an unrecognised church wedding. The couple had to produce a letter of recommendation to the Native Commissioner from their missionary church minister stating their eligibility for marriage. The Native Commissioner, upon

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<sup>90</sup> *Debates*, 13 April 1917, 72.

<sup>91</sup> *Debates*, 19 April 1917, 193.

<sup>92</sup> Linden, I. *Catholics, Peasants, and Chewa Resistance in Nyasaland 1889-1939*, London: Heinemann, 1974, 172.

<sup>93</sup> *Debates*, 19 April 1917, 193.

<sup>94</sup> *Debates*, 13 April 1917, 71.

<sup>95</sup> *Debates*, 13 April 1917, 72.

<sup>96</sup> See Appendix 4.

receipt of a recommendation letter, would issue an Enabling Certificate which gave them permission to get married in church. In the eyes of the government, obtaining an Enabling Certificate from a Native Commissioner was essentially solemnising an African marriage according to the provisions of the Native Marriages Amendment Ordinance of 1917.

By 1920, it had become apparent that some African Christian men who had chosen to solemnise their monogamous marriages before a Native Commissioner had subsequently entered into a second marriage in accordance with African tradition. The mission organisations who were members of the Southern Rhodesia Missionary Conference (Church of England, the Roman Catholic Church, the Presbyterian Church, Wesleyan Methodist, American Methodist Episcopal, Dutch Reformed Church, Salvation Army, Brethren in Christ, Churches of Christ, American Board of Mission, African Board Mission, African Methodist Episcopal Church, Seventh Day Adventists) collectively presented their case before the government, requesting that Christian natives who contracted subsequent unions during the subsistence of a Christian or common law marriage (more correctly designated a marriage under the Marriage Order in Council, 1838) should be judged guilty of the crime of bigamy.<sup>97</sup> However, the government maintained its position that as far as the statutory marriage law of the country was concerned a registered polygamous marriage was as valid and legal as a monogamous union “since polygamy was recognised by the native people.”<sup>98</sup> As far as the government was concerned, “Christian marriage has all the elements of a marriage by native custom, except in so far as that the husband may not marry a second wife... and all the elements of native law are thus present or expressly recognised in native Christian marriage, with the exception previously mentioned.”<sup>99</sup>

The government rejected the missionaries’ request for two reasons: first, because Africans accused of bigamy did not know and had not been told what would be the consequences of departing from the strict monogamy of a Christian marriage; and second, those who had been found guilty of polygamous marriages had already been expelled from churches by their missionary pastors. For example, a young native had contracted a Christian marriage, and thereafter succeeded to an important chieftainship. His wife was no longer capable of carrying out the duties of a chief’s wife, mainly those

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<sup>97</sup> *Debates*, 25 May 1921, 1093.

<sup>98</sup> *Debates*, 25 May 1921, 1095.

<sup>99</sup> *Debates*, 25 May 1921, 1095.

of providing food for his official visitors. He informed the Native Commissioner of his district that he intended taking a second wife to assist his first wife. However, his missionary minister openly told him that if he took a second wife he would be expelled from the church. The man accepted this as a just and inevitable decision involving forfeiture of his church membership, and his reversion to heathenism, but not as barring additional marriages. He went ahead and took a second wife. According to one local district Native Commissioner, some native teachers in his Reserve Area who had married with Christian rites but later took additional wives had already been expelled by missionaries from their jobs and had also been removed from church membership.<sup>100</sup> As far as the government was concerned, such expulsion from church was enough punishment.

With the exception of the introduction of the Married Persons Property Act in 1929 and the Matrimonial Causes Act in 1943, the constitutional marriage statutes of the colony or independent state (1923-1980) of colonial Zimbabwe, by and large, remained unchanged. Copies of the newly introduced Married Persons Property Act of 1929, which came into operation on 1 April, 1930, were sent by the Minister of Native Affairs to all district Native Commissioners informing them of any new changes or amendments. The Matrimonial Causes Act of 1943 gave both parties equal rights to initiate divorce on specific grounds.<sup>101</sup> Historically, if divorce took place (which rarely happened) it was the husbands who normally had the right to divorce their wives and not vice-versa, just as in England until 1937.<sup>102</sup> The African Marriages Act of 1951 was essentially a restatement of the 1917 Native Marriages Ordinance, though a significant new feature was that a divorced woman (or widow), being emancipated from the power of her guardian, was legally free to re-marry without his consent, as her previous marriage had the effect of releasing her from the *patria potestas*, that is, *paterfamilias* authority over her, unless she agreed voluntarily to be once more in *potestas*, that is, under his control. However, the fact that a woman under these circumstances was a *femme sole* did not affect the right of her guardian to claim *lobolo* on her re-marriage, nor did the guardianship of children of such marriage pass to the husband until *lobolo* had been paid, even if the marriage was by civil rites.<sup>103</sup>

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<sup>100</sup> *Debates*, 25 May 1921, 1095.

<sup>101</sup> Sections 1-14.

<sup>102</sup> Lacey, T.A. *Marriage in Church and State*, London: SPCK, 1947, 180-1

<sup>103</sup> Child, *The History and Extent of Recognition of Native Law*, 21f.

It was the state which had jurisdiction over the solemnisation of African marriages under the Native/African Marriages Ordinance in Zimbabwe. That meant that mission churches could only conduct unrecognised church weddings subsequent to the issue of an Enabling Certificate by a Native Commissioner. In the eyes of the state, the issuing of an Enabling Certificate was essentially the solemnisation of African marriages under the Native Marriages Amendment Ordinance of 1917.

### ***Solemnisation of African marriages under the Marriage Act of 1964***

From 1917, legal African marriages in the eyes of the government could only be solemnised before a Native Commissioner in a designated government building, although missionaries of church denominations had for some years been ‘solemnising’ unofficial marriages of their church members on mission stations.

In 1964, when the colonial government introduced a new Marriage Bill, it was supposed to be an amendment of the Marriage of British Subjects (Facilities) Ordinance of 1918. Historically, the provisions of the 1918 Marriage Ordinance was *exclusively* limited to people of British origin. It meant that any British subject resident in England, Scotland or Ireland could now contract marriage with any British subject living in some British colonies.<sup>104</sup> In practice, the Marriage of British Subjects (Facilities) Ordinance of 1918 in Zimbabwe was an extension of the marriage statutes of the Cape of Good Hope Colony.<sup>105</sup>

The Marriage Act of 1964, which came into effect on 1 March 1965, adapted the Marriage of British Subjects (Facilities) Ordinance of 1918 by extending its provisions to the *non-African* and *non-British* groups (that is, Jews, Muslims and Hindus) living in Zimbabwe at the time. It was not the intention of the colonial government for Africans to contract legal marriages under the Marriage Act of 1964 since *all* Africans were expected to get legally married under the Native Marriages Amendment Ordinance of 1917. Conversely, no non-African was expected to contract a marriage under the Native Marriages Amendment Ordinance.

It is necessary to examine those aspects of Marriage Act of 1964 that came to apply to Africans by default. One of the consequences of the abolition of slavery throughout the British Empire in 1833 was that “the marriage laws of the colonies, plantations and

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<sup>104</sup>Section 3, Marriage Act, 1918. Cf. Sections 1-28, *The Marriage Act, Statutes of the Cape of Good Hope, 1652-1895*, Cape Town, J.C. Juta, 1895.

<sup>105</sup>Section 3, Marriage Act, 1918. Cf. Sections 1-28, *The Marriage Act, Statutes of the Cape of Good Hope, 1652-1895*, Cape Town, J.C. Juta, 1895.

possessions have been found inappropriate...and inadequate to the increased desire for lawful matrimony therein.”<sup>106</sup> Therefore, on 1 February 1839 there came into force in British Guiana, Trinidad, St. Lucia, Mauritius and the Cape of Good Hope, a Marriage Order in Council, setting out the conditions for the publication of banns of marriage and for the appointment of marriage officers by the Governor. Local legislatures could adapt the order to their special circumstances. One of the more helpful features of the Order was that where the number of ministers of religion was insufficient, the Governor could appoint other persons as marriage officers. By the Act of 1860, therefore, the Cape Town legislature provided for the appointment of Resident Magistrates as marriage officers. In 1882 such Resident Magistrates were given power to issue special licences for the solemnisation of marriage. On 10 June 1891, the statutory law, including the marriage law, at that time in force in the Colony of the Cape of Good Hope was applied to Zimbabwe and so the Order of Council of 1838, together with the subsequent acts mentioned above, came into force. On 10 January 1895, it became possible for every magistrate or acting magistrate covered by the Matabeleland Order in Council of 1894 of Southern Rhodesia to exercise and discharge all the powers, functions and duties vested in Resident Magistrates of the Cape of Good Hope by the marriage laws of that Colony, and similar powers were granted by the Proclamation of 14 August 1899 to Assistant Magistrates and Acting Assistant Magistrates.

According to the colonial authorities, the Marriage Act of 1964 was to cater for the modern *non-African* society of Zimbabwe which included Jews, Muslims and Hindus. The state assumed the Marriage Act of 1964 to refer only to monogamous unions as opposed to a potentially polygamous marriage under the African Marriages Act<sup>107</sup> of 1951 under which *all* Africans were expected to get legally married.<sup>108</sup> Therefore, Muslims could legally contract only monogamous marriages under the Marriage Act of 1964 even though their religion permits polygamy.<sup>109</sup> The crucial unintended consequence of the 1964 Marriage Act was that African Christian couples, for whom the Act was not initially intended, could also solemnise their monogamous marriages under its terms. If Africans wanted to contract a marriage under the provisions of the Marriage Act of 1964, they could legally contract only monogamous marriages even

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<sup>106</sup> N/A, SRG 3, Lib 22, 1.

<sup>107</sup> Previously referred to as the Native Marriages Ordinance. In 1996 it became known as the Customary Marriages Act.

<sup>108</sup> *Debates*, 2 June 1950, 1922.

<sup>109</sup> Islamic law allows polygamous marriages, up to four wives for each man.

though their customary law allowed polygamy. For the first time in the history of marriage law in the territory, African couples could legally contract a valid marriage before a religious marriage officer (on behalf of the government) at a place of their own choice. European missionaries, as representatives of their respective church denominations, also became government marriage officers who could now officially solemnise legal Christian marriages under the Marriage Act of 1964, including those of their African converts, in church. Names and addresses and denominations of such religious ministers and organisations were to be kept on a permanent record in the office of the Registrar of Marriages. Before the provision of the Marriage Act of 1964, missionaries used to marry their African converts in church, but such weddings were not recognised by the government. Now any marriages conducted in church by an authorised church marriage officer became recognised by the government. The Marriage Act of 1964 clearly outlined the duties and limitations of religious ministers with regards to recognised church marriage ceremonies.<sup>110</sup>

However, before African Christian couples could get married in church under the Marriage Act of 1964, they had first to obtain an Enablement Certificate as required by Section 12 of the African Marriages Act of 1951, though non-Africans marrying under the Marriage Act, 1964, were not required to secure such a certificate before the publication of either banns or notice. In other words, African couples had to meet some requirements of the African Marriages Act before their intention to get married under the Marriage Act of 1964 could be published either by *banns* by a designated minister of religion, or by notice to a district commissioner.<sup>111</sup> The reason for requiring public notice of an intended marriage was to give people in the community an opportunity to raise objections, if any, to such a marriage. Any person desiring to raise any objections to the proposed marriage had to do so in writing to the person who published the banns or notice of intention to marry, or to the district commissioner who issued the special licence, or the objection could be raised directly with the marriage officer who was to solemnise such a marriage.

Under the provision of the Marriage Act of 1964 an African Christian couple could choose to have their marriage solemnised either before a magistrate at the magistrates' court or before a religious minister, and their marriage would be considered legally

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<sup>110</sup> Section 29, 1964.

<sup>111</sup> Sections 4, 5, and 11.

binding and valid.<sup>112</sup> According to the provision of the Marriage Act of 1964, a religious minister as a marriage officer could conduct a church marriage ceremony at any time and in any place in the presence of the parties concerned and at least two witnesses of the age of eighteen years or above.<sup>113</sup> An African (Christian) couple could also choose to have a civil monogamous marriage ceremony conducted by a government marriage officer (a magistrate) in a government building within specified hours of conducting such a marriage ceremony.<sup>114</sup> However, a magistrate could decline to solemnise a civil marriage outside the ordinary hours of attendance observed at offices of the Government. The following declarations, drawn from English marriage law, had to be made by the parties married under the Marriage Act of 1964 before a magistrate. The man had to declare:

“I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D. here present”;

and

“I call upon these parties here present to witness that I, A.B., do take C.D. to be my lawful wedded wife”.<sup>115</sup>

And the bride had to make a similar declaration:

“I do solemnly declare that I know not of any lawful impediment why I, C.D., may not be joined in matrimony to A.B. here present”;

and

“I call upon these parties here present to witness that I, C.D., do take A.B. to be my lawful wedded husband”.<sup>116</sup>

Some African Christian couples chose a civil marriage ceremony rather than a church marriage for various reasons: first, if the couple already had children by customary marriage; second, most church ministers would not marry anyone in church if the couples consummated their marriage after the customary marriage ceremony but before a church wedding; and third, a civil marriage ceremony was much cheaper than a church wedding. After a civil marriage, an African Christian couple married under the

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<sup>112</sup>Section 31, Marriage Act, 1964.

<sup>113</sup> Section 29, Marriage Act, 1964.

<sup>114</sup> Section 29, Marriage Act, 1964.

<sup>115</sup> Section 28, Marriage Act, 1964.

<sup>116</sup> Section 28, Marriage Act, 1964.

Marriage Act could go and have a church blessing, in a less formal and non-legal service.<sup>117</sup>

One of the benefits of the Marriage Act of 1964 was that for the first time in the history of Christianity in Zimbabwe some African clergy in missionary-established churches (for example, the Methodist Church and Anglican Church) could now be registered as marriage officers. Until the 1970s, the majority of religious marriage officers in Zimbabwe were mostly white missionaries. Very few African clergy have since qualified as marriage officers because most African pastors aspiring to become marriage officers continue to find the government-set examination (put in place by the colonial government) very difficult to pass. Moreover, the government of Zimbabwe still allows only a very small number of ministers from each denomination to be registered as marriage officers.

The main problem with the provision of the Marriage Act of 1964 was that, although there was nothing in the legislation to prevent the incidence and practice of traditional marriages from existing side by side with a civil marriage contract, whenever a marriage was celebrated according to either Christian or civil rites, the principles of the African tradition were deemed no longer apply to it.<sup>118</sup> On the other hand, African people looked upon traditional marriage as a full marriage, and the subsequent solemnisation of marriage either before a white Native Commissioner or before a missionary in church, as merely the means of satisfying either the civil or ecclesiastical law.<sup>119</sup>

Legally, according to the Marriage Act of 1964, Africans who entered into marriage under the terms of that Act could obtain a decree of divorce in the High Court of Zimbabwe or in a court of a district commissioner.<sup>120</sup> With the introduction of the Marriage Act of 1964, only the government has powers to dissolve an African marriage contracted under the Marriage Act. According to the statutory law, a civil marriage between two Africans could be dissolved only on the grounds for divorce.<sup>121</sup> The specific grounds for divorce were listed as adultery, malicious desertion, incurable insanity, imprisonment for a definite period and cruelty.<sup>122</sup> However, the stipulated

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<sup>117</sup> Section 29, Marriage Act, 1964.

<sup>118</sup> Holleman, *Shona Customary Law*, 146.

<sup>119</sup> Broderick, G.E. P. 'Betrothal Ceremony among the WaZeruru of the Salisbury District', *NADA*, (1945), 49.

<sup>120</sup> *Sikwela v Sikwela* 1912 SR 168; *Chikosi v Chikosi* (1) 1973 (3) SA 142 (R); Section 2 of the Matrimonial Causes Amendment Act 1973; Section 9 (2) of the African Affairs Act as amended by Section 33 (4) of Act 24 of 1969.

<sup>121</sup> Sections 3 (1) and 6 (1) of the Matrimonial Causes Act of 1973.

<sup>122</sup> Sections 3 (1) and 6 (1) of the Matrimonial Causes Act of 1973.

statutory criteria for divorce were not normal causes for dissolution of marriage in traditional African society.<sup>123</sup>

### **Conclusion**

The BSAC authorities, as representatives of a chartered commercial company, had no interest in transforming African cultural values. Therefore, they originally took a different attitude towards African traditional marriage from that of the mission churches. The BSAC initially recognised African traditional marriages. The introduction of the Native Marriages Ordinance in 1901 was a necessary measure to control sexually transmitted diseases in the township residence of male migrant labourers on whose labour the BSAC depended. The introduction of the Native Marriages Amendment Ordinance in 1917 was, however, a response of a moral kind to the prevalence of under-age credit marriages among the African people. In effect, through the Native Marriages Amendment Ordinance of 1917, the colonial authorities changed from their unqualified acceptance of traditionally contracted marriages to recognition only of unions solemnised before a white Native Commissioner. On the other hand, mission churches which refused to recognise African traditional marriages required all their African converts to get married only by Christian rites. There were at least three long-term consequences of such changes. First, African marriages contracted by custom in the village were no longer regarded as valid and legitimate unions in the eyes of the colonial authorities, in spite of the fact that Africans continued to contract marriages traditionally before going for a prescribed European form of marriage ceremony. Second, missionaries felt that they were better qualified spiritually than Native Commissioners to solemnise marriages of African Christians. In the end, both missionaries and the colonial masters imposed their systems of marriage on Africans. This was the beginning of a three-cornered approach to marriage in the African society of Zimbabwe. In practice, when an African marriage was celebrated according to either church or civil rites, aspects of African traditional marriage norms seem to have become irrelevant especially from the missions' point of view. In such discussions surrounding the imposed European model of marriage, the African voice of either consent or objection to foreign marriage laws is significantly absent. Third, it was only after the introduction of the Marriage Act in 1964 that African church marriages were recognised by default as valid and legitimate unions for both government and

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<sup>123</sup> Holleman, *Shona Customary Law*, 265f.

church purposes. Africans could for the first time contract a valid and legitimate marriage in the eyes of the government either at the magistrates' court or in church under the provision of the Marriage Act of 1964. Also, with the introduction of the Marriage Act in 1964, polygamous marriage under the African Marriages Act of 1951 was outlawed as bigamy if one chose to get married first under the former. In the next chapter we will see how failure to recognise African traditional marriage by mission churches affected African converts to Christianity.

## CHAPTER 5

### SRMC<sup>1</sup>, ANGLICAN AND CATHOLIC MISSIONARIES ON CUSTOMARY MARRIAGE IN ZIMBABWE

“The Rhodesia native is not yet equipped mentally or morally according to our standards. Whether he ever will be is a very moot question.”<sup>2</sup>

#### **Introduction**

The coming of Christian missions to Zimbabwe largely from the last half of the nineteenth century coincided with the arrival and establishment of colonial settlers upon whom the pioneer mission churches fully depended for financial support and land grants on which to build mission stations which were to become ‘new African communities.’ Most Christian missionaries started arriving in the territory from the south in the last decade of the nineteenth century and began establishing mission stations with the help of the British South Africa Company (BSAC) in different parts of the country. Apart from the London Missionary Society (LMS) which limited its missionary work to Matabeleland, most mission organisations worked among the Shona peoples<sup>3</sup> in Mashonaland. Although the BSAC administration and the subsequent colonial government had different attitudes towards customary marriage from those of mission churches, the former frequently consulted the latter through their umbrella body, the Southern Rhodesia Missionary Conference (SRMC), on marriage laws that affected African Christians. This chapter will pay particular attention to the attitudes of the Southern Rhodesia Missionary Conference (SRMC), Anglican and Roman Catholic Churches towards African traditional marriage in Zimbabwe. Mission societies in colonial Zimbabwe belonged to the SRMC mainly for consultation purposes.

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<sup>1</sup> SRMC stands for the Southern Rhodesia Missionary Conference, established in 1903.

<sup>2</sup> Barratt, F.L. Letter to the Editor, *The Manchester Guardian*, UK, 17 May 1928. Cf. footnote 34 Chapter 4, 85.

<sup>3</sup> Karanga, Zezuru, Korekore, and Ndauro are some of the Shona peoples among whom missionaries worked and established churches and built schools.

## **The Southern Rhodesia Missionary Conference on African customary marriage**

In December 1903, the early mission societies<sup>4</sup> working in Zimbabwe came together and formed the Southern Rhodesia Missionary Conference (SRMC). Through the SRMC, mission organisations used to, among other things, “consider all questions” related to “legislation of the natives,” and “to consult and advise on methods of missionary work, with a view of securing, as far as possible, uniformity of action in dealing with Native customs and affairs.”<sup>5</sup> Africans were held to be untutored barbarians who had only vestigial religious and moral consciousness. Theories about them varied considerably.<sup>6</sup> According to Peaden, some, who held the Darwinian theories, considered that the African people had not yet reached the same stage of evolution as the whites.<sup>7</sup> Others held a ‘child-race’ concept.<sup>8</sup> Although some European missionaries held similar opinions about the African people and their culture, they differed from the other Europeans only in the question of how far, and how quickly, Africans should be assisted to develop their potential.<sup>9</sup>

One of the African customs which dominated discussion at the SRMC bi-annual meetings was African customary marriage. In 1906, SRMC members considered two issues related to African customary marriage: a) the payment of *lobolo* by church members, and b) the age of consent to marriage. Mr John E. Hatch of the South Africa General Mission had proposed that mission organisations, in their local churches, should “refuse to accept any African Christian as a church member who gives or receives cattle or money as *lobolo* in payment for wife,” because *lobolo* was considered a hindrance “to spiritual growth among their African converts.”<sup>10</sup> It was a common belief among missionaries that prohibitive *lobolo* requirements prevented African Christian young men from coming forward for Christian marriage in church by

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<sup>4</sup>Church of England, Wesleyan Missionary Society, London Missionary Society, Methodist Episcopal Church, Dutch Reformed Church, Brethren in Christ, Seventh Day Adventist Church, Swedish Missionary Society, Berlin Missionary Society and others.

<sup>5</sup>N/A *Minute Book I*, SR 10/1/1.

<sup>6</sup>Porter, Andrew. *Religion versus Empire: British Protestants missionaries and overseas expansion, 1700-1914*, Manchester: Manchester University Press, 2004, 283-92.

<sup>7</sup>Peaden, W. Roger. ‘Christian Missions in Mashonaland 1890-1927’, Department of Theology and Religious Studies, University of Bristol. Unpublished PhD thesis, 1974, 16.

<sup>8</sup>Mackenzie, J.M. ‘African Labour in South Central Africa, 1890-1914 and the Nineteenth Century Colonial Labour Theory’, School of International and Public Affairs Department, University of Columbia. Unpublished PhD thesis, 1969, 68.

<sup>9</sup>Peaden, W. Roger. ‘Christian Missions in Mashonaland 1890-1927’, 16.

<sup>10</sup>N/A *Minute Book I*, SR 10/1/1 Minutes of the SRMC, Meeting held in Salisbury on 27 June through 29 June 1906.

Christian rites. Therefore, missionaries strongly discouraged the practice of the *lobolo* system among African Christians.<sup>11</sup> The SRMC, however, acknowledged some real difficulties about attempting to prohibit the *lobolo* system, given its central place within the African family structure. For example, if a Christian young man were arranging a marriage with a Christian girl whose parents were still heathen, the missionaries recommended that he should pay her parents the usual *lobolo* when demanded.<sup>12</sup> In spite of long sessions of discussion on the subject of *lobolo*, the SRMC could not unanimously agree on the issue.<sup>13</sup> In the end, each mission organisation was left free to impose its own church rules on *lobolo*.

The other topic of discussion at the 1906 meeting was the “age of consent to marriage” for the girls. The Rev Dr George Wilder of the American Board Mission had proposed that some representatives of the SRMC should approach the Government of the day asking them to legislate “the age of consent in marriage for the girls at not less than 14 years.”<sup>14</sup> This was in an effort to prevent girl child betrothal marriages. The SRMC wanted the civil authorities to make girl child betrothal marriages “a penal offence.”<sup>15</sup> The SRMC had great influence in the legislation of most of the African marriage laws in Zimbabwe as we have seen in chapter 4. Many a time colonial authorities would solicit the views of the SRMC on issues related to African life and society.<sup>16</sup> The civil authorities considered the request of the missionaries and eventually made it into law in 1912 though the practice did not stop especially in remote rural areas where Africans did not bother going to register their traditionally contracted marriages at their nearest local Native Commissioners’ offices.

At the 1910 meeting, Rev Edwin W. Smith<sup>17</sup> of the Primitive Methodist Church challenged the SRMC through two papers (one on “Lines of approach to the native mind” and another based on his work among the Bsiila people of northwest Zambia)

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<sup>11</sup>Minutes of the SRMC, 27-29 June 1906.

<sup>12</sup>Minutes of the SRMC, 27-29 June 1906.

<sup>13</sup> Unfortunately, the Minutes of the SRMC, 27-29 June 1906 do not supply the names of those who objected to Mr John E. Hatch’s proposal.

<sup>14</sup>Minutes of the SRMC, 27-29 June 1906.

<sup>15</sup>Minutes of the SRMC, 27-29 June 1906.

<sup>16</sup> Colonial authorities consulted with the early missionaries to Southern Rhodesia on whether legitimate African marriages should be anchored in either ‘customary marriage’ or ‘alien marriage law.’ The missionaries preferred the latter, and the state implemented their input into marriage law. Cf. Phillips, Arthur. *A Survey of African Marriage and Family Life*, London: Oxford University Press, 1953, xxviii, 397; ‘Memorandum: Native Christian Marriages’, SRMC, Great Zimbabwe, 24-29 June, 1915.

<sup>17</sup>Edwin W. Smith (1876-1957) authored more than twenty books most of them on African anthropology. Smith, like Livingstone, wanted to treat Africans ‘as men and brothers.’ Cf. Young, W. John. *The Quiet Wise Spirit: Edwin W. Smith 1876-1957 and Africa*, Peterborough, England: Epworth Press, 2002, 16.

which questioned their European stereotypical perception of Africans. In addition to Smith's thought-provoking presentations, Rev John White of the Wesleyan Missionary Society, who was more fluent in the Shona language than most missionaries of his day, also addressed the SRMC on the meaning of African conversion. In response to Smith's and White's presentations, the SRMC set up a Commission to inquire into the different churches' attitudes towards various aspects of African custom in relation to Christian baptism and membership.<sup>18</sup> In 1913 the Commission reported its findings, "which were the consensus of member churches' attitudes" towards African customary marriage.<sup>19</sup> Missionaries unanimously agreed that non-Christian Africans, who were consistently accused of witchcraft divination, ancestor worship and polygamy, were not to be married by Christian rites.<sup>20</sup>

On polygamy, the Commission Report said that polygamists could be allowed only into catechumens' classes but not into full church membership. However, it became apparent during discussion that some missionaries were not quite sure of what to do with wives of polygamists.<sup>21</sup> Some thought that any converted wives of a polygamist could be baptised and received into membership. But others argued against the idea by suggesting that only the first wife could be baptised and accepted into membership. Others were of the opinion that the husband was to be allowed to choose one wife from his many wives. In spite of this diversity of view, as far as what to do with the other wives of a converted polygamist was concerned, the SRMC came up with a general rule that disregarded African traditional marriage practice, when they agreed that other wives had to go back to their respective homes.<sup>22</sup> As far as missionaries were concerned, whether the wives returned to their fathers' homes or were married by other men, in neither case was the Christian husband expected to claim a refund of *lobolo*.<sup>23</sup> Culturally, these wives had no legal reason to return to their fathers' homes because there was no legal divorce. Instead of consulting with African Christians, missionaries made a unilateral decision on wives in polygamous marriages. Some missionaries suggested that all converted wives of polygamists could be baptised since they were considered not responsible for their state. The Methodist Church in Zimbabwe would later baptise three polygamists, one at Epworth Mission station in the outskirt of Harare,

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<sup>18</sup>N/A, SRMC, *Fifth Conference*, held at Umtali, 11-13 July 1910, N/A, SRMC, *Minute Book I*, 1910.

<sup>19</sup>N/A, SRMC, *Minute Book I*, SRMC, 19 July 1913

<sup>20</sup>N/A, SRMC, On Saturday morning session, 19 July 1913.

<sup>21</sup>N/A, SRMC, 19 July 1913.

<sup>22</sup>N/A, Minutes of the SRMC, 19 July 1913.

<sup>23</sup>N/A, Minutes of the SRMC, 19 July 1913.

one at Marandellas Mission station, east of Harare and one at Chimanza Mission station, northeast of Harare, and their wives and accepted them into membership.<sup>24</sup> According to Peaden's findings, it seems that this experiment was not repeated, no such happenings have been recorded although there have been many polygamist conversions to Christianity.<sup>25</sup> At the 13-19 July 1913 SRMC, most missions ruled that only the first wife could be baptised.<sup>26</sup> Others kept converted polygamists in catechumen classes indefinitely in the hope that they would eventually divorce their other wives. After learning that their catechumens' status would not be good enough for membership, most polygamist Christians eventually left church altogether.<sup>27</sup>

Another problem which exercised the minds of the SRMC at the seventh meeting in 1915 was the government's attitude towards unregistered marriages of Africans who got married by officially unrecognised Christian rites in their denominational churches.<sup>28</sup> Some of the converted African men were being accused of taking a second wife (which the Native Marriages Ordinance made provision for) subsequent to a church wedding which was not recognised by statutory law at this stage in the history of the church in Zimbabwe. In response to these specific questions which the SRMC had raised, the Government sent the SRMC a Memorandum entitled 'Native Christian Marriages' which became the focal point of discussion at the 1915 Meeting held at Great Zimbabwe near Fort Victoria (known now as Masvingo). SRMC representatives expressed their appreciation to the Government for its acknowledgement of the gravity of the issue missionaries had pointed out, and the Government's assurance that the matter would receive an "immediate legislation action."<sup>29</sup> However, in the Memorandum, the Government came to the defence of African Christian men accused of polygamy by pointing out that the violation of the 'church marriage vow' had arisen from African ignorance at the time of contracting marriage by Christian rites as to what Christian marriage really meant. Therefore, the Government suggested to the SRMC that all contracting African parties should first appear before an approved Government marriage officer, the Native Commissioner, to have the meaning of the marriage

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<sup>24</sup>Peaden, W. Roger. 'African Marriage Customs and Christian Ethics,' A course of lectures delivered at the Salisbury Area Ministers' Retreat, held at Mabelreign Methodist Church, 6-7 April 1967, 9. Information on the dates of the polygamists' baptism and acceptance into membership is not available in the lectures.

<sup>25</sup>Peaden, *The Methodist Church: African Marriage Questions and Christian Ethics*, 10.

<sup>26</sup>N/A, Minutes of the SRMC, 19 July 1913.

<sup>27</sup>Peaden, *The Methodist Church: African Marriage Questions and Christian Ethics*, 10.

<sup>28</sup>N/A, Minutes of the SRMC, Held at Great Zimbabwe, 24-29 June 1915.

<sup>29</sup> N/A, Minutes of the SRMC, Great Zimbabwe, 24-29 June 1915.

contract explained.<sup>30</sup> Then, subsequent to the solemnisation before a Native Commissioner, they could go for a church wedding (which was not recognised by the government). According to the Memorandum, the Native Commissioner would issue the couple with an Enabling Certificate<sup>31</sup> as was shown in previous chapter. By issuing the Enabling Certificate to the groom and his prospective wife, the government would make sure that every African marriage was legally registered. The Native Commissioner was then tasked to explain to every African couple what a marriage contract meant. In response to the Government's recommendations, the SRMC declared on 28 June 1915 that it could not agree with the idea that the Native Commissioner was the right person to undertake the spiritual task of explaining the nature of the bond African Christian couples were undertaking.<sup>32</sup> The SRMC felt very strongly that church ministers would be in a better position theologically than Native Commissioners to explain marriage by Christian rites to African converts. According to the Roman Catholic Church, which joined the SRMC in 1920 before withdrawing in 1939, priests "were obliged to exercise their priestly functions at the instance of persons belonging to their congregations, irrespective of what the law (of the country) might say, if a man and a woman belong to that church desired to be married, if there was no bar of consanguinity to the marriage or other canonical impediment, the priest would be obliged, in conscience, to marry the parties."<sup>33</sup>

Therefore, the Catholic Church wanted its priests fully to inform their Catholic couples of the consequences of marriage.<sup>34</sup> Although the Government acknowledged the Roman Catholic Church's view of marriage as a sacrament and of a priest as the only qualified person to solemnise marriages of Roman Catholic couples,<sup>35</sup> it, however, insisted, without wanting to offend the Church, that "the State wished to control the marriages and wished to ensure that the persons entering into marriage should be fully informed as far as possible, of the whole consequences of the marriage."<sup>36</sup> The colonial state, in recognition of the "churches' keenness and their sincere endeavour to

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<sup>30</sup>SRMC, Great Zimbabwe, 24-29 June, 1915.

<sup>31</sup>The idea had been taken from the Union of South Africa where in early days the matrimonial court was a great burden to Dutch settlers. They got free from its obligations, but it was retained in the Transvaal as a requirement for the native people under the term of the Law 3 of 1897.6. Cf. *Report on the Commission on Marriage*, 1947, 15.

<sup>32</sup> N/A, Minutes of the SRMC, Great Zimbabwe, 24-29 June 1915.

<sup>33</sup> *Debates*, 19 April 1917, 193.

<sup>34</sup> *Debates*, 13 April 1917, 71.

<sup>35</sup> *Debates*, 13 April, 1917, 71.

<sup>36</sup>*Debates*, 13 April 1917, 72.

bring Christian influence to bear upon the natives for their betterment”, for the first time incorporated the Christian view of marriage in its definition of the main consequence of marriage. The Government added the following statement which a Native Commissioner would use in solemnising a marriage among African Christian couples: “The main consequence of marriage is that it is a union of *one* man and *one* woman for life or until the marriage is legally dissolved.”<sup>37</sup> By accommodating a monogamous Christian view of marriage in any marriage solemnisation before a Native Commissioner, the Government stood their ground by insisting on maintaining jurisdiction over the statutory marriage law of the country. The Government would not be moved from its position since the state concluded that marriage laws were in the best interest of all Africans, and not just for Christians.<sup>38</sup> The Government feared that some churches (for example, the Roman Catholic Church) would end up defying the marriage law of the land in exercising their priestly function according to their conscience.<sup>39</sup> Having changed its definition of the main consequence of marriage in favour of the Christian church in Zimbabwe, the Government then issued a challenge to all Native Commissioners as marriage officers “to be theologians who are thoroughly conversant with the doctrine of the churches in the matter of informing those people what is required under the Christian rites of marriage.”<sup>40</sup> After a marriage solemnisation before a local district Native Commissioner, the African Christian couple would then be advised “to go to the minister of their own denomination” for an ecclesiastical solemnisation which the Government did not see as a threat to its jurisdiction over all African marriages in the country.<sup>41</sup> Nevertheless, missionaries saw the granting of such spiritual authority to Native Commissioners as undermining their ecclesiastical authority in society. They felt that society would end up ‘respecting Native Commissioners more than religious ministers’ in matters of marriage contracts. Therefore, the SRMC, through its chairman, Rev John White of the Methodist Church, objected to the idea of Native Commissioners playing the role of priests or ministers at marriages of African Christians:

The proposed change is based on the assumption that the explanation of the Native Commissioner is clearer and more forceful than that of a minister. I think

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<sup>37</sup>*Debates*, 13 April 1917, 72.

<sup>38</sup>*Debates*, 13 April 1917, 72.

<sup>39</sup>*Debates*, 19 April 1917, 193.

<sup>40</sup>*Debates*, 19 April 1917, 187.

<sup>41</sup>*Debates*, 19 April 1917, 193.

there would be a little difficulty in proving that. There have been cases where natives, after marrying by Christian rites, have taken, or tried to take another (wife) in later years by native custom. In this matter the Native Department does not seem to have spoken with one voice. Some Native Commissioners have said that a man may do this; others have said that it is contrary to law.<sup>42</sup>

The SRMC continued to discuss with the Government the proposed introduction of the Enabling Certificate for any African Christian couple who wanted to have their marriage solemnised in church subsequent to a civil solemnisation before a Native Commissioner. The SRMC felt strongly that the introduction of the Enabling Certificate was unnecessary and burdensome for African Christians.<sup>43</sup> As far as some missionaries were concerned, African Christian couples should solemnise their marriages *in church first* and go at a later date to register their church-solemnised marriage at their local district office. However, the Government insisted on the other way round. Therefore, from 1917 all African Christian contracting partners who desired a church wedding had to appear first before a Native Commissioner who served them with an Enabling Certificate<sup>44</sup> before proceeding to their particular church for a church marriage ceremony.

In this ongoing exchange of ideas between the state and the SRMC, the question of the use and definition of the term ‘marriage’ in the old Ordinance of 1901 came up. Initially, the only government requirement was to register a traditional marriage which had already taken place in the village. Now according to the Native Marriages Validation Act<sup>45</sup> of 1917 the requirement was that for any African union to be referred to as a ‘marriage’, the contracting parties, who would have already contracted their marriage according to native custom in the village or kraal, had to come before a white Native Commissioner or other duly appointed white officer. The question was what to call a traditionally contracted union prior to the solemnisation ceremony in the Native Commissioner’s office (followed by a church wedding for African Christian couples). To which of the three ceremonies would the term ‘marriage’ apply? According to the civil authorities, only when the contracting couple had come before a Native Commissioner or any duly appointed marriage officer, and solemnised their union in the

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<sup>42</sup>*Debates*, 19 April 1917, 188.

<sup>43</sup>How to reconcile the Government’s position and that of the SRMC on the Enabling Certificate as a prerequisite for a church marriage would take several years of discussion.

<sup>44</sup> See Appendix 4.

<sup>45</sup> Also known as the Native Marriages Amendment Act.

presence of witnesses, could such contracted unions be considered valid and binding marriages. At the registration ceremony, the Native Commissioner expected the bride personally and publicly to give her consent to the marriage, and the couple's guardians, and the chief or the headman to act as witnesses to the marriage between the two families.<sup>46</sup> It was shown in chapter 2 that as far as Africans were concerned customary marriage constituted a real marriage, rather than what transpired before a white Native Commissioner at the local district office. The government informed the mission churches that to most African Christian couples a marriage solemnisation before a Native Commissioner "was a marriage and they had nothing further to do to perfect the contract recognised."<sup>47</sup> On the other hand, mission churches viewed a church marriage ceremony theologically as the real marriage even for those African Christian couples who had already contracted marriages traditionally. Hence, the Wesleyan Methodist Church in Zimbabwe could ask as late as 1968 the very critical question raised at the start of this thesis: *'At what point should a couple married by African custom be recognised as married in the eyes of God?'*<sup>48</sup> which, unfortunately has not been seriously discussed at African church level to this day. This thesis will attempt to answer the question of 1968.

In 1926, the SRMC approached the Government through Rev H.C. Hugo of the Dutch Reformed Church trying to convince the civil authorities to outlaw polygamy among Africans. The SRMC argued that in African society the second wife was taken without the consent of the first wife.<sup>49</sup> Although the SRMC was unsuccessful in their initial attempts, they continued to dialogue with the Government on the issue. A breakthrough came in 1929 when the Government finally passed legislation making it illegal to marry a second wife by African custom after a Christian marriage. Before passing the legislation into law, the Government had presented the draft to the SRMC Executive for comment and approval. The SRMC acknowledged its crucial contribution to the contents of 1929 Native Marriages Ordinance Amendment. Even the Government acknowledged that the "SRMC corporate views on matters affecting natives are regarded as weighty."<sup>50</sup> However, the Government did not make polygamy a crime, as

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<sup>46</sup>*Debates*, 19 April 1917, 193.

<sup>47</sup>*Debates*, 19 April 1917, 193.

<sup>48</sup>See page 1 above and discussion of the question in Chapter 6 which was first raised by the Methodist Church Committee of African Customs and Christian Beliefs, Tuesday 30 July 1968.

<sup>49</sup>No records of such complaints by first wives could be found at the time of field work.

<sup>50</sup>N/A, No. X. 943/502/Mar, 1931 'Memorandum on Native Marriage by Christian rites', October 1929, 7

missionaries had wanted. Bigamy would become a crime only after the Marriage Act of 1964.

Because there were no significant marriage ordinance amendments or new marriage legislation from the 1930s onwards, there was also less Church-State interaction on African marriage law. The SRMC was eventually replaced by the Southern Rhodesia Christian Conference (SRCC) in 1953 which remained missionary-dominated. Between the 1953 and 1970s, the SRCC, whose biennial assemblies were too infrequent for ecumenical action on most national issues and which was judged by the *Denominational Joint Action Bodies*<sup>51</sup> ineffective as a national organisation, gradually dissolved into regional *fellowships of church leaders* (for inter-church co-operation in the cities), *issue-oriented action groups* (concerned with the needs of larger community than of the institutional church), *councils of congregations* (more inclusive of representatives of different denominations), and *denominational joint action bodies* (concerned about national political issues).<sup>52</sup>

The SRMC had a loose relation with other European missionaries serving in Africa. In 1926 Western missionary representatives of mission organisations working in Africa met at a conference to consider the relation of Christian beliefs to some of the African customs like traditional marriage. At least four missionary representatives<sup>53</sup> of mission organisations in Zimbabwe attended the *Le Zoute* Conference of 1926.

### **The *Le Zoute* Conference of 1926 on African customary marriage**

In response to the challenges of the emerging “new Africa,”<sup>54</sup> in all 221 missionaries<sup>55</sup> drawn from several countries,<sup>56</sup> and a few invited African consultative members<sup>57</sup> came

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<sup>51</sup> Church leaders who belonged to the *Denominational Joint Action Bodies* were concerned about national political issues which required not just a local but a national inter-church body through which to express their Christian conscience. Cf. Thomas, N. E. ‘Inter-Church Co-operation in Rhodesia’s Towns’, in *Themes in the Christian History of Central Africa*, London: Heinemann, 1975, 243.

<sup>52</sup> Thomas, ‘Inter-Church Co-operation in Rhodesia’s Towns’, 240-254.

<sup>53</sup> Rev R.H. Baker of the Anglican Church, Rev Holman Brown of the Wesleyan Methodist Church Missionary Society, Miss M. L. Fuller of the Methodist Episcopal Church, and Rev F.T. Meacham of the American Board For Foreign Missions. Cf. *The Christian Mission in Africa*, 180-188.

<sup>54</sup> Smith, *The Christian Mission in Africa: A study based on the work of the International Conference at Le Zoute, Belgium, September 14<sup>th</sup> -21<sup>st</sup> 1926*, London: The International Missionary Council, Edinburgh House, 1926, 1-7.

<sup>55</sup> Smith gives a list of the delegates and consultative members, four were from colonial Zimbabwe, at the Le Zoute Conference. Cf. Smith, *The Christian Mission in Africa*, 180-188.

<sup>56</sup> America, Belgium, Brazil, Denmark, Egypt, Finland, France, Germany, Great Britain, The Netherlands, Norway, South Africa, Sweden and Switzerland.

together to discuss among other topics<sup>58</sup> “whether or not it was right in the eyes of God to baptise converted polygamists and their wives, and consider them for church membership.”<sup>59</sup> According to Hastings, Edwin Smith, who produced the *Le Zoute Report* under the title of *The Christian Mission in Africa: A Study Based on the Proceedings of the International Conference at Le Zoute, Belgium, September 14<sup>th</sup> to 21<sup>st</sup> 1926*, was a better example of a missionary to comment on the Conference because of his experience in the field of language, translation and culture.<sup>60</sup> Smith had written major works on the Ila language and peoples (Zambia), and an authoritative textbook, *The Golden Stool*, for African missiology.<sup>61</sup> In *The Golden Stool* Smith explicitly suggests that in Africa Christianity should be presented as not antagonistic to, but the fulfilment of African culture.

Rev Robert H. Baker was one of the four missionary representatives of the SRMC at the *Le Zoute* Conference. Although his views on African Christian marriage are not recorded in the Smith Report,<sup>62</sup> Baker, through a series of correspondence with the Government officials between 1920s and 1930s,<sup>63</sup> tried to convince the Government that a valid marriage for African Christian couples was the one solemnised in church. He was the architect of a church marriage certificate<sup>64</sup> for the Anglican Church in the Mashonaland Diocese.

The Conference, which proudly referred to missionary work in Africa as ‘*The Christian Mission in Africa*’ agreed that both professional missionaries and national Christians of whatever race “were to be the vehicle and instrument through which the Eternal Spirit could establish the reign of God in Africa.”<sup>65</sup> At the beginning of the Conference, missionaries had acknowledged and agreed collectively that “the acceptance of Christianity by Africans did not mean, at least, it ought not to mean, that African converts would cease to be Africans”:

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<sup>57</sup> Smith, *The Christian Mission in Africa*, 187.

<sup>58</sup> According to the Smith Report, some of the topics covered at the Conference include: The New Africa, Facing the Facts, The African Church, Towards a Healthy Africa, and Co-operation in and for Africa.

<sup>59</sup> Smith, *The Christian Mission in Africa*, 51ff.

<sup>60</sup> Hastings, Adrian. *The Church in Africa 1450-1950*, Oxford: Clarendon Press, 1994, 553.

<sup>61</sup> Hastings, *The Church in Africa 1450-1950*, 554.

<sup>62</sup> Smith admits that his Report represents notes of the discussions at which he was present. He says that he could not attend all the seminar discussions. Cf. Smith, *The Christian Mission in Africa*, v. Therefore, it is possible that Smith was not able to attend the seminar at which the outspoken R.H. Baker might have made his contribution.

<sup>63</sup> N/A, ‘Native Marriages’, Ref. S482, 779/39; Ref. No. 1371/1517 Marr.; No.Y.2087/1517/M.; No.943/502/Mar.; No. C. 4363/5072/M.

<sup>64</sup> See Appendix 3

<sup>65</sup> Smith, *The Christian Mission in Africa*, 28.

The more we accept the view that in Africa the forms of Christianity should be African as well as Christian, the more we are compelled to face the relation between the new life and the old.<sup>66</sup>

That meant that Western missionaries were to “change their attitude towards African people and their culture from that of being irredeemably bad.”<sup>67</sup> At the Conference, missionaries also admitted that in the past they had not taken an interest in African customs and what such traditions culturally meant to African people, resulting in legislating church rules and regulations for the African Church, “hence ending up creating artificial sins” for the African Church.<sup>68</sup> During discussion on converted polygamists, African members from South Africa at the Conference pointed out that “people were deserting the church on account of the stiff and unbending attitude of missionaries towards customs which Africans do not regard as evil.”<sup>69</sup> Now that missionaries claimed to have gained a “better knowledge of great awakening of conscience in regard to the African”<sup>70</sup> (mostly through the writings of Edwin W. Smith on African anthropology<sup>71</sup>), they committed themselves to working together with Africans in matters of African customs and Christian beliefs.

One of the pressing issues for European missionary church planters at the *Le Zoute* Conference was pre-Christian polygamy: ‘What should be done when a man applies for admission into the Church, who in the days of his ignorance contracted legal marriage, according to African customary law, with several wives, and cannot now honourably break the contract- should he be baptised or not?’<sup>72</sup> Representatives at the Conference listened to different missionary experiences with pre-Christian polygamy from different parts of Africa. Most of the Anglican representatives at the Conference were bound to answer the question in accordance with resolution 67 of the 1920 Lambeth Conference of Bishops (which read: ‘The Lambeth Conference affirms as our Lord’s principle and standard of marriage a lifelong and indissoluble union, for better or worse, of one man

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<sup>66</sup> Smith, *The Christian Mission in Africa*, 48.

<sup>67</sup> Smith, *The Christian Mission in Africa*, 48.

<sup>68</sup> Smith, *The Christian Mission in Africa*, 49. Artificial sins were defined as those rules or cultural burdens that the Bible does not label as sin.

<sup>69</sup> Smith, *The Christian Mission in Africa*, 49.

<sup>70</sup> Smith, *The Christian Mission in Africa*, 16.

<sup>71</sup> The writings and conference papers on African anthropology of Dr Edwin W Smith, for example, *A Handbook of the Ila Language*, London: Oxford University Press, 1907; *The Ila-Speaking Peoples of Northern Rhodesia*, London: Macmillan and Co. 1920; *The Religion of lower races: As illustrated by the African Bantu*, New York: Macmillan, 1923; had broadened the Western perception of African culture. It is a mark of his growing reputation that the Conference asked him to record and publish the proceedings of the *Le Zoute* Meeting.

<sup>72</sup> Smith, *The Christian Mission in Africa*, 51.

with one woman, to the exclusion of all others on either side, and calls upon all Christian people to maintain and bear witness to this standard’).<sup>73</sup> However, some delegates, while affirming that no Christian who had been baptised could be allowed to take more than one wife, considered it cruel and unjust to send away women who had been good and faithful wives. Bishop Henning of the Moravians, who of all Protestant communions had the longest experience in Africa, suggested at the Conference that the African Church should make room not only for monogamous but also for polygamous marriages. Henning suggested a practical approach to polygamous unions of converted polygamists and their wives: “Granted that polygamy is a heathen abuse of the divine order of things, we nevertheless maintain that the Christian Mission has no right to treat as illegal conjugal unions contracted by heathen according to the legal standards of their people. We further hold that the Christian Mission has no right to refuse to such, if they believe in Christ, the sacrament of baptism and with it the right of entrance into the Christian Church.”<sup>74</sup> This was the attitude taken years ago by that great phil-African, Bishop Colenso, who considered it cruel and unjust to turn adrift women who had been good and faithful wives. While affirming that no Christian who had been baptised could be allowed to take more than one wife, he came to the conclusion that a man who was already a polygamist should not be required to get rid of any of them.<sup>75</sup>

Some members of the Conference were willing to take Bishop Hennig’s position and “would trust the work of the Spirit in the hearts of Christians to raise their standard of sexual morality.”<sup>76</sup> They believed that African women would one day rebel against polygamy and bring it to an end.<sup>77</sup> In support of Bishop Hennig’s view, some missionaries said that “they would rather wait for this than impose monogamy upon polygamists from outside.”<sup>78</sup> However, the majority<sup>79</sup> of Conference members were opposed to Henning’s suggestion of tolerance for polygamists and their wives.

The majority members of the Conference were opposed to such tolerance, believing that it would inevitably lower the ideal of Christian marriage which at any cost must be maintained. They expressed their concern that the distinction

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<sup>73</sup>‘Resolutions and Reports’ of the *Conference of Bishops of the Anglican Communion*, held at Lambeth Palace, July 5 to August 7, 1920, 44.

<sup>74</sup> Smith, *The Christian Mission in Africa*, 52.

<sup>75</sup> Smith, *The Christian Mission in Africa*, 52.

<sup>76</sup> Smith, *The Christian Mission in Africa*, 52.

<sup>77</sup> Smith, *The Christian Mission in Africa*, 52.

<sup>78</sup> Smith, *The Christian Mission in Africa*, 52.

<sup>79</sup> Smith does not give the exact breakdown of missionary votes on the issue other than saying “the majority members”.

was not always drawn between ‘customs’ and ‘wrong-doing’ or between what was merely customary and what was contrary to Christian morality in African society.<sup>80</sup>

Missionary representatives at the Conference, contrary to their initially expressed desire for a new approach to African Christianity (to trust African Church leaders to work out a position which would suit African Christians),<sup>81</sup> in the end they passed a conservative resolution on African Christian marriage and voted to affirm only monogamy as the Christian ideal of African family life wherever the Church was planted in the different regions of Africa.<sup>82</sup> “This Conference is convinced that Christian Society must be built on Christian family life and that the ideal of the Christian family life can only be realised in monogamy”.<sup>83</sup>

The representatives of mission churches at the *Le Zoute* Conference, like those of the SRMC, had to implement the Conference resolutions “on methods of missionary work” in ways that were acceptable to their respective denominational constituencies. Any interdenominational Conference resolutions were elaborated at separate church synods or dioceses before they could be applied to specific matters in individual mission churches.

### **Anglican and Roman Catholic missionaries on African customary marriage**

From the arrival of European mission churches in Zimbabwe, some church missions have kept records of their attitudes toward African customary marriage. In this section we will examine the attitudes of the Anglican and Roman Catholic Churches on customary marriage. The Roman Catholic mission joined the SRMC only in 1920 before withdrawing in 1939 so; their views are not represented in the SRMC before 1920 or after 1939. The Anglican Church was the first mission organisation in Mashonaland, so their first impression of the Shona culture and social structure deserves to be highlighted also. Due to the unavailability of church records of some of the mainline denominations on the subject, and the limited space which this study allows, we will examine only these three mission churches here, and in the next chapter we will look at the Wesleyan Methodist Church in Zimbabwe as a case study specifically of the

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<sup>80</sup> Smith, *The Christian Mission in Africa*, 52.

<sup>81</sup> Smith, *The Christian Mission in Africa*, 49.

<sup>82</sup> Smith, *The Christian Mission in Africa*, 52.

<sup>83</sup> Smith, *The Christian Mission in Africa*, 51.

relation of African customary marriage to conversion, ordinances of baptism and communion, church membership, and admission to church office and ordination to ministry.

At the dissolution of the SRMC any discussion on African customary marriage shifted from representative organisations to church denominations where each mission church was trying to implement the SRMC rules on African marriage in relation to Christian baptism, church membership and ministry.

### ***Anglican Church missionaries on African customary marriage***

According to Murphree, High Church Anglican missionaries in Zimbabwe, who put their emphasis on individual salvation, could not deny the personal salvation experience of converted polygamists and their wives who had positively responded to the proclaimed gospel.<sup>84</sup> Yet they could not reconcile European Christianity with African Christianity when it came to marriage. Historically, the Protestant reformers, on whose teaching the Anglican Church based its view of marriage, were divided on polygamy. Although the Protestant reformers, like most of the Church Fathers (for example, Origen, Clement of Alexandria, Tertullian, Jerome, Augustine),<sup>85</sup> viewed the birth and rearing of children as the ultimate purpose of marriage, John Calvin held that monogamy was rigorously prescribed by natural law and therefore, polygamy was strictly forbidden even where a woman was believed to be barren.<sup>86</sup> Luther and Melancthon, on the other hand, did not regard monogamy as obligatory. They held that whatever was permitted by the Law of Moses remained lawful still; that Christ had not forbidden anything which a man had been free to do previously. Hence, since under the Old Covenant a man might have more than one wife, he was equally at liberty to do the same under the Gospel.<sup>87</sup> In view of this, the Council of Trent made an explicit declaration against polygamy.<sup>88</sup>

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<sup>84</sup>Murphree, *Christianity and the Shona*, 80.

<sup>85</sup> Cf. A summary of their views in Watkins, Oscar D. *Holy Matrimony: A treatise on The Divine Laws of Marriage*, London: Rivington, Percival and Co., 1895, 591-633.

<sup>86</sup> Calvin, John. *Commentaries on The First Book of Moses called Genesis*, King, John (trans.), Grand Rapids: Reprinted by Baker Book House, 1993, 97, 422-432.

<sup>87</sup> When consulted by Philip of Hesse in 1539 regarding his proposed bigamous marriage with Margaret von Saal, Luther, Melancthon, Bucer and other divines of the Reformation assured him that in principle he was within his rights in taking a second wife. Cf. Joyce, George H. *Christian Marriage: An Historical and Doctrinal Study*, London: Sheed and Ward, 1948, 580-581.

<sup>88</sup> 'If anyone shall say that it is lawful for a Christian to have more wives than one, and that this is not forbidden by Divine Law, let him be anathema' (Second of 12 Canons). Cf. Schroeder, Rev. H.J (trans).

The Anglican Church in Zimbabwe initially fell under the Anglican Diocese of South Africa. The Anglican Diocese in the Natal Province had already discussed African customary marriage before some of their missionaries moved to Mashonaland in the 1890s. Bishop Knight-Bruce, the first pioneer Anglican missionary to Mashonaland in 1886, believed that polygamy (which they called African marriage<sup>89</sup>) was a serious hindrance to the advancement of Christianity among Africans in Mashonaland.<sup>90</sup> As far as he was concerned, if polygamy was not allowed in England, it should not be allowed either among Africans:

But surely the question is not whether the uncompromising attitude towards polygamy is a hindrance or not, but whether it is right. The forbidding of many things considered unlawful is a hindrance to the rapid progress of Christianity, but the position cannot therefore be abandoned. If polygamy is morally right for a Christian there is no valid reason why we should not be polygamists in England today. If it is morally wrong it should be given up by Africans.<sup>91</sup>

It is interesting to note that Knight-Bruce based his arguments against African marriage (polygamy) precisely on England's marriage law. The laws of marriage in England clearly stated that if a British subject living in a British colony contracted a marriage with a person whose native laws permitted polygamy, such a union, not being a Christian or monogamous marriage, would not be recognised by the English courts.<sup>92</sup> Knight-Bruce's conclusion seems to have been that if something was considered morally wrong in England, it was, therefore, equally morally wrong for Africans. In an indirect challenge to Bishop Colenso who had previously pointed out that the sending away of the polygamist's other wives would create untold hardships as they would lose the support of their husband,<sup>93</sup> Knight-Bruce callously stated that "it is the four or five wives who have supported themselves and a fourth or fifth part of their husbands, and if they are sent away, they have only to support themselves."<sup>94</sup>

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*The Canons and Decrees of the Council of Trent*, Rockford, Illinois: Tan Books and Publishers, Inc. 1978, 181.

<sup>89</sup>Most European missionaries equated African marriage with polygamy.

<sup>90</sup>Knight-Bruce, G.W.H., *Memories of Mashonaland*, London: Edward Arnold, 1895, 140-143.

<sup>91</sup>Knight-Bruce, *Memories of Mashonaland*, 140-143.

<sup>92</sup>Eversley, W.P. & Craies, W. F., *The Marriage Laws of the British Empire*, London: Stevens and Haynes, 1910, 1.

<sup>93</sup>Colenso, John William. *A letter to His Grace the Archbishop of Canterbury upon the question of the proper treatment of cases of polygamy as found already existing in converts from heathenism*, 1862.

<sup>94</sup>Knight-Bruce, *Memories of Mashonaland*, 1895, 142.

It did not occur to Knight-Bruce that a more severe hardship might be the emotional bond between husband and wife.<sup>95</sup> That sexual bond could be just as strong between a second or third wife and the man in a polygamous union as between the one wife and her husband in a monogamous marriage. There would also be the hardship of her subsequent position in society which had no room for unmarried women or widows. Challenging Colenso's belief that the Holy Spirit would work in the hearts of African Christians to transform their own marriage tradition to that of exclusive monogamy, Knight-Bruce maintained that it was unrealistic to expect Africans to stop polygamy on their own:

Why should it be? If it be not dropped when converts accept Christianity, when would we suggest its being dropped? It is then that the convert professes to give up all that is wrong. If it is not given up on their being received as Christians, it can only be on the ground of it's not being wrong, and therefore need never be given up. It is perpetuated; the chance of reform in this matter is lost.<sup>96</sup>

It is not proposed at this stage to enter into discussion of the arguments that Knight-Bruce put forward but merely to note his inflexibility typical of virtually most European missionary writers of that period. As there is a total absence of liberal missionary writing<sup>97</sup> on the subject in Zimbabwe, it could possibly be assumed that there was some opposition from converted polygamists and their wives who resented a missionary stand against polygamy.<sup>98</sup> It was noted above that African members at the Le Zoute Conference pointed out that converted polygamists deserted the church because of the unbending attitude of missionaries towards polygamous unions.<sup>99</sup> It will be shown in below that converted polygamists in the Trial register in the Methodist Church decided to leave the church instead of divorcing their other wives. On the other hand, Bernard Mizeki,<sup>100</sup> Knight-Bruce's first African 'missionary' counterpart to Mashonaland, seemed to have had a different attitude towards African customary marriage. Mizeki lived and worked in Chief Mangwendi's village in northeast Mashonaland. Chief Mangwendi spoke highly of him and his ministry among his people. The chief's four

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<sup>95</sup>1 Corinthians 7:1-5.

<sup>96</sup>Knight-Bruce, *Memories of Mashonaland*, 142.

<sup>97</sup>We have seen above that even liberal missionary like Arthur Shearly Cripps opposed polygamy.

<sup>98</sup>Harries, Lyndon. 'Christian marriage in African society', in *A Survey of African Marriage and Family Life*, Phillips, A. (ed.), London: Oxford University Press, 1953, 33.

<sup>99</sup>Smith, *The Christian Mission in Africa*, 49.

<sup>100</sup>Mizeki is spelt in different ways in missionary journals and reports. The writer will use the correct Shona spelling, Mizeki. This Shona spelling of Bernad's surname is also used for the high school named after him, Bernard Mizeki Secondary School, just outside Harare.

wives regularly came to Mzeki's Sunday services,<sup>101</sup> and it was reported that Chief Mangwendi considered Mzeki the most reliable subject he had ever met.<sup>102</sup> In early January, 1895, Mzeki himself wrote that Mangwendi's wives never missed Sunday services, and that Chief Mangwendi himself had started to observe Sundays by not working on Sundays.<sup>103</sup> From his reports, Mzeki did not seem to make an issue of Chief Mangwendi's polygamy. As an African missionary, Mzeki's approach to church planting among the Africans in Mashonaland did not focus on African marriage (polygamy) per se. This does not mean that he personally endorsed polygamy because he himself contracted a monogamous marriage with Mutkwa in early 1897. Instead of openly condemning polygamy, he modelled an ideal marriage by taking only one wife. On the other hand, European Anglican missionaries challenged African polygamy openly. For example, in his letter to the Mashonaland Diocese, Bishop Gaul of South Africa urged missionaries to continue condemning polygamy among Africans in every way.<sup>104</sup> At a church wedding of two young Anglican Africans, missionaries would feature the groom and his bride. The parents or relatives of the couple were not featured or mentioned in any of the available records or reports. In most Anglican missionary reports in the *Mashonaland Quarterly Paper*,<sup>105</sup> there were wedding pictures of relatively young African couples on the front pages of the issues. These reports usually highlighted African church membership, African women helping in the kitchens of white missionaries, and how African women were making progress in taking care of the little ones in their own homes. According to the May 1907 edition of the *Mashonaland Quarterly Paper*, the first African Anglican Church wedding was solemnised by Rev E. J. Parker, Priest-in-Charge, at St Michael's Church for Natives in Harare. Only the given Christian name of the groom is mentioned as "Samuel, a Shangani boy."<sup>106</sup> Like the LMS missionaries in Matabeleland, the Anglican Church focused on teaching boys and girls on Christian marriage or monogamy. In his Annual Report, the General Secretary of the Mashonaland Diocese, Upcher, said that he was putting most of his effort in the Rusape area, Mashonaland east, into training boys and girls as potential partners for Christian marriage: "If the Christian boys are not to fall back into heathen

<sup>101</sup> 'Report on Bernard Mzeki', *MQP*, No. XVIII (November, 1896), 18.

<sup>102</sup> 'Report on Bernard Mzeki', *MQP*, 18.

<sup>103</sup> 'Report on Bernard Mzeki', *MQP*, 18.

<sup>104</sup> Gaul, W. T. 'The Native Question in South Africa- To the Bishop of Mashonaland', *MQP*, No XLII, (November 1902), 4.

<sup>105</sup> *The Mashonaland Quarterly Paper* later became known as the *Southern Rhodesia Quarterly Paper* in May 1915.

<sup>106</sup> *MQP*, No. LXIII, (February 1908).

ways, they must have Christian wives.”<sup>107</sup> It was these young people they had trained who were normally married in church. These African church marriages were not recognised by the state.

The Government accused the Anglican Church of “consistently obstructing the smooth working of the Validation Native Marriages Act of 1917” by issuing its own church marriage certificates to African Christian couples instead of encouraging them to go and solemnise their unions before a Native Commissioner.<sup>108</sup> The Revd Robert H. Baker (one of the four missionary representatives at Le Zoute Conference of 1926), of the Anglican Diocese of Zimbabwe had a long correspondence with the Government on the issue of African Christian valid marriages. He designed, on behalf of the Anglican Church in Zimbabwe, a church marriage certificate<sup>109</sup> for the Anglican Church members. He conducted what he saw as valid marriages for African Christian couples. The Government wanted the Anglican Church and other mission churches who conducted African church weddings to know and recognise that a valid marriage between two Africans was that solemnised before a Native Commissioner: “Any marriage celebrated between natives who have not obtained the Enabling Certificate shall be invalid.”<sup>110</sup> As we have seen in chapter 4, the Government considered marriage solemnisation before a Native Commissioner as the only legitimate marriage ceremony for all African couples, Christian and otherwise. In the eyes of the Government the Enabling Certificate<sup>111</sup> was as good as a valid marriage certificate. On the other hand, Baker, through a series of correspondence with the Government officials (the Native Commissioner of Mutare, the Prime Minister in Harare) between 1920s and 1930s, tried to convince the Government that a valid marriage for African Christian couples was the one solemnised in church.<sup>112</sup>

In response to the Government’s position on of the validity or invalidity of African marriage, the Anglican Church produced a Report of the Commission on Marriage in March 1947. The Government had pointed out that they had noticed some “anomalies and imperfections” in how the Church of England and other denominations in

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<sup>107</sup> Upcher, ‘Report 1901-1902 Mashonaland Mission’, *MQP* No XLI (August 1902), 19.

<sup>108</sup> N/A, Ref. S482 779/39 ‘Chief Native Commissioner’s Office, Salisbury, Southern Rhodesia’

<sup>109</sup> See Appendix 3.

<sup>110</sup> N/A, No. X.1371/171/Marr.

<sup>111</sup> See Appendix 4.

<sup>112</sup> N/A, ‘Native Marriages’, Ref. S482, 779/39; Ref. No. 1371/1517 Marr. No.Y.2087/1517/M.; No.943/502/Mar.; No. C. 4363/5072/M.

Zimbabwe were applying rules and practices to African Christian marriages.<sup>113</sup> As far as the Government was concerned, “the publication of marriage banns for a Christian native marriage did not have the same effect in the case of natives as it had in the case of Europeans.”<sup>114</sup> According to the Government,

The effect of publishing the banns of Europeans is to, so to speak, broadcast a notice of the intended marriage and it can be said with some degree of certainty that those concerned must come to hear of the marriage before it takes place.

This is not the case where natives are concerned. Cases have occurred in which the bride’s father had no knowledge of the projected wedding until his daughter was married.<sup>115</sup>

Before 1964, only Europeans would qualify to contract a valid and legitimate marriage by Christian rites under the Christian or Common Law Marriage (more correctly designated a marriage under the Marriage Order-in-Council, 1838).<sup>116</sup> The Government had to remind the Church of England in Zimbabwe of the role and purpose of the Enabling Certificate, as discussed in chapter 4, for any African Christian couple who wanted to have a church wedding.<sup>117</sup> According to the Government’s position, “any marriage celebrated by Christian rites between natives who have not obtained the Enabling Certificate shall be invalid.”<sup>118</sup> As far as the Government was concerned Africans could not, under the existing marriage law of the day, contract a valid and legitimate marriage by Christian rites (only Europeans could do that): “in common with all African tribes, the natives of Southern Rhodesia follow polygamous rules of marriage.”<sup>119</sup> The Anglican Church pointed out to the Government that requiring only African Christian couples to obtain an Enabling Certificate before a church marriage ceremony could be conducted was a form of discrimination, but in the end had to comply with the Government’s stance on ‘Christian native marriage’ by Christian rites. According to the Commission,<sup>120</sup> the main goal of the 1947 Anglican Report on

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<sup>113</sup> N/A, No. X. 943/502/Mar, 1931, ‘Memorandum on Native marriage by Christian rites’, 3.

<sup>114</sup> N/A, No. X. 943/502/Mar, 2.

<sup>115</sup> N/A, No. X. 943/502/Mar, 2.

<sup>116</sup> N/A, No. X. 943/502/Mar, 1931, Memorandum on Native marriage by Christian rites’, 7.

<sup>117</sup> N/A, No. X. 943/502/Mar, 1931, Memorandum on Native marriage by Christian rites’, 7.

<sup>118</sup> N/A, No. X.1371/1517/Marr, ‘Chief Native Commissioner’s Office’, Letter of Baker to the Secretary to the Premier.

<sup>119</sup> N/A, No. X. 943/502/Mar, 1931 Memorandum on Native marriage by Christian rites’, 7.

<sup>120</sup> Members of the Commission were Archdeacon of Mashonaland, the Rev Fr Robert H. Baker, Rev E. Chipunza, Mr L.M.N.Hodson, Rev Fr L. Rakale, Rev L. Sagonda, Mr H.D. Simmonds, Rev Stowell, Rev C. Tambo, Rev G.E.P.Broderick, who acted as Secretary, (Rev Fr L Rakale withdrew on leaving for

Marriage in Zimbabwe was “to consider ways and means of bringing European and African marriage discipline into closer lines with one another.”<sup>121</sup> The Anglican Church had not looked before into how customary marriage could be recognised as a valid and legitimate form of marriage even for African Christians. It is probable that the writings of certain senior Government officials on African marriage, who were also members of the Anglican Church,<sup>122</sup> encouraged the Anglican Church to begin developing a positive attitude towards African society. The Commission noted that an African customary marriage was contracted in the kraal or village, and then it was supposed to be registered or solemnised before a ‘registering officer’ for government purposes.<sup>123</sup> By pointing out some existing similarities and discrepancies within the Church’s policies on African and European marriages, the Commission wanted to know if “a church’s blessing may be given upon a European marriage which has previously contracted *elsewhere*”<sup>124</sup> why could not the Anglican missionaries extend the reference of *elsewhere*, which meant for European Christians a civil marriage, to include African customary marriages that would have been contracted *elsewhere* in the kraal or village?<sup>125</sup> The Commission had found out that very few Africans got married in the civil court under European law<sup>126</sup> because “among Africans marriage is of individuals as members of two families while among Europeans marriage is more looked on as a contract between individuals.”<sup>127</sup>

It seemed right to the Commission to suggest that Africans who had contracted their traditional marriage in the village receive a blessing of the Church on their customary marriage, just as Europeans did on their civil marriages.<sup>128</sup> However, in an effort to prevent polygamous marriages, the Commission recommended that for an African customary marriage to receive a church blessing it had to be registered first before a Government Registering Officer, and then followed by the publication of banns before

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England, and Rev H. St J. Evans resigned on account of other duties). A considerable amount of work was conducted by correspondence between the members.

<sup>121</sup> ‘Report of the Commission on Marriage’ March 11<sup>th</sup>, Salisbury, Southern Rhodesia, 1947, 1.

<sup>122</sup> For example, Rev Charles Bullock, the author of *The Mashona and the Ndebele*, Cape Town: Juta & Co. Ltd, 1950, ‘The origin and nature of totemism among the Mashona’, *NADA*, (1951), 45-51, was an ordained minister who also served in the Government.

<sup>123</sup> *Report of the Commission on Marriage*, 5.

<sup>124</sup> *Report of the Commission on Marriage*, 1, 5.

<sup>125</sup> *Report of the Commission on Marriage*, 5.

<sup>126</sup> *Report of the Commission on Marriage*, 4.

<sup>127</sup> *Report of the Commission on Marriage*, 4.

<sup>128</sup> *Report of the Commission on Marriage*, 5.

it could be blessed in church.<sup>129</sup> As far as the Commission was concerned, if an African customary marriage had been registered by a Government official, it was as good as a civil marriage.

The Commission found it unacceptable that African Christians who had contracted their marriages *elsewhere* in the kraal or village just as European Christians who had contracted their civil marriages *elsewhere* in the magistrate courts were treated differently from their European Christian counterparts:

At the present time Europeans married in the civil court are admitted to Holy Communion in most cases without their marriage receiving the Blessing of the Church. In the case of Africans, however, the subsequent Blessing of a Marriage registered in the Civil Court is insisted on before admission to Holy Communion, and indeed before the parties to such marriage can hold any office in the Church. In some Missions also this Blessing is required before the man can be admitted into the Choir, or the woman received as a member of the Mothers' Union.<sup>130</sup>

Unfortunately, the recommendations of the Report were never implemented. Since such a church blessing on a customary marriage had not been legislated by the Church of England, the Church of the Province of South Africa (which included Zimbabwe) which depended on the *Book of Common Prayer* for guidance on matters of marriage concluded that they could not do something outside the teaching guidelines of the mother church in England: "The ecclesiastical laws which are binding on us as clergy are, of course, those of the Church of this Province. In matters on which the Church of this Province has not specifically legislated the clergy will naturally follow the law or custom of the mother church of England."<sup>131</sup> The Church of the Province of South Africa argued that when the *Book of Common Prayer* was published in 1662 it was intended exclusively for English people; therefore, guidelines on what to do with African Christians married under customary marriage before they became Christians had not been provided for in the *Book of Common Prayer*.<sup>132</sup> The next Anglican Report on African Marriage would follow a quarter of a century later.<sup>133</sup> In both cases,

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<sup>129</sup> *Report of the Commission on Marriage*, 10.

<sup>130</sup> *Report of the Commission on Marriage*, 5.

<sup>131</sup> *Report of the Commission on Marriage*, 3.

<sup>132</sup> *Report of the Commission on Marriage*, 4, 5.

<sup>133</sup> Hastings, A. *Christian Marriage in Africa*, London: SPCK, 1973. See full discussion of the Report in Chapter 7.

implementation of these two Commissions' recommendations on African customary marriage remains to be realised by the African Church.

### ***Roman Catholic missionaries on African customary marriage***

We gain insight into the Roman Catholic Church's attitudes towards African society, African people, and their customary marriage through the writings of some early Catholic missionaries in Zimbabwe. As already noted, the Roman Catholic mission briefly joined the SRMC in 1920 before finally leaving the organisation in 1939. Therefore, their views on African customary marriage are not represented in the crucial early SRMC debates on customary marriage between 1906 and 1917.

The application of the decisions of the Council of Trent in 1563-4 on marriage "to persons emerging from paganism into Christian life was that marriage is at once a contract and a sacrament which appertains entirely to church life but has certain effects on social life which are not of a Christian nature."<sup>134</sup> According to Canon 1108 on the form of the celebration of marriage:

Only those marriages are valid which are contracted in the presence of the local Ordinary or parish priest or of the priest or deacon delegated by either of them, who, in the presence of two witnesses, assists, in accordance however with the rules set out in the following canons (2228-2233), and without prejudice to the exceptions mentioned in Canons 144, 1112 Section 1, 1116 and Sections 2-3, 1127).<sup>135</sup>

While acknowledging "the competence of the state regarding the 'merely' civil marriage" with regards to "registration, inheritance, the name borne by a wife and by children, tax liability, and the state's requirements concerning such things as the time and place of the ceremony, blood tests, prior notice and the like," Catholic teaching clearly states that: "The Catholic Church does not recognise civil legislation which is contrary to divine law, or which is contrary to canon law."<sup>136</sup> According to Catholic view, civil authorities have no power to regulate the form of marriage or the condition of its validity, much less can they perform marriage, but they have the right to legislate for social purposes (e.g. property rights).<sup>137</sup> Theoretically, a marriage is not valid unless

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<sup>134</sup>Schroeder, *The Canons and Decrees of the Council of Trent*, 180f.

<sup>135</sup> Morrisey, Francis G. *The Canon Law: A Practical Guide to the Code of Canon Law*, London: Geoffrey Chapman, 1995, 622.

<sup>136</sup> Morrisey, *The Canon Law: A Practical Guide to the Code of Canon Law*, Canon 2070, 576.

<sup>137</sup> Morrisey, *The Canon Law: A Practical Guide to the Code of Canon Law*, Canon 2070, 576.

celebrated in accordance with the canonical form determined by the Catholic Church, that is, by a priest before two witnesses; and “a marriage thus celebrated is complete and valid in the eyes of the Roman Catholic Church even if it does not fulfil government requirements.”<sup>138</sup> In practice, in order to safeguard the social effects of the marriage, parties being married in a Catholic Church are usually encouraged to comply with the regulations of the government on civil marriage.<sup>139</sup> Catholic couples are encouraged to go and register their union with the relevant civil authorities either before or after a church marriage ceremony.<sup>140</sup>

The Catholic Church has nothing to do with customary marriages because “only those marriages are valid which are contracted before the parish priest.”<sup>141</sup> In the view of the Catholic Church, customary marriages may culturally be considered valid matrimonial contracts when performed according to native law and custom but they are, of course, not canonical or sacramental unless they have been conducted by a priest in church.<sup>142</sup> Fr R. Sykes, one of the first Catholic priests to work in Mashonaland in the modern period, was for many years the Superior of the *Zambezi Mission*. He viewed Africans as “natives without God and without hope”, “worshippers of evil spirits”, and “having little or no sense of moral values.”<sup>143</sup> Sykes believed that for an African to be a real Christian he “had to cast out all other beliefs and *customs* for Christianity must be exclusive.”<sup>144</sup> Therefore, a true missionary, according to Sykes who did not see anything good in African culture, was someone who could not compromise with error which he said was so prevalent in African society.

The Catholic missionary knows no compromise with error, with that which is false or untrue. And only his supernatural faith which can remove mountains of obstacles and difficulties can carry him victoriously through the fight he has to wage. The stronger force overcomes the weaker. This is the sign in which the Catholic missionary is to conquer.<sup>145</sup>

Sykes thus took issue with African traditional marriage. Like his Protestant missionary counterparts, he was equally condemnatory of African customary marriage, which he equated with polygamy. He pointed out that polygamy was the greatest stumbling

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<sup>138</sup> Morrisey, *The Canon Law: A Practical Guide to the Code of Canon Law*, 576, 622.

<sup>139</sup> Morrisey, *The Canon Law: A Practical Guide to the Code of Canon Law*, 576.

<sup>140</sup> Interview with Fr Michael Robson, St Edmund’s College, Cambridge University, 14 December 2006.

<sup>141</sup> Morrisey, *The Canon Law: A Practical Guide to the Code of Canon Law*, 622.

<sup>142</sup> Morrisey, *The Canon Law: A Practical Guide to the Code of Canon Law*, 576.

<sup>143</sup> *ZMR*, Vol. 3, (1908), 376.

<sup>144</sup> *ZMR*, Vol. 3, (1908), 376.

<sup>145</sup> *ZMR*, Vol 3, (1908), 376.

block in the conversion of Africans. As a Catholic priest, he was echoing earlier sentiments of other contemporary Roman Catholic missionaries in other parts of Africa.<sup>146</sup> As far as Sykes was concerned, the common practice of polygamy among the Africans was not merely a question of sexual appetite but social standing.<sup>147</sup> He sarcastically stated that “a native man who has only one wife is a dog or a slave, whereas the one who has more is a man of position.”<sup>148</sup> He was of the view that polygamy was prevalent among the Africans (Shona) because there were more women than men due to warfare. Therefore, he planned to reduce polygamy among the African people by creating ‘a new society’ in which the number of females and males was almost equal.

Sykes believed that mission farms would be the best places to create ‘new communities’ in which monogamy was the only acceptable form of marriage. Presumably referring to tenants on mission farms, Sykes said, “Something can also be done by a system of preference and privileges for monogamists, which must be free from all suspicion of purchasing a doubtful acquiescence in Christianity and its practice.”<sup>149</sup> The Roman Catholic missionaries went as far as requiring the physical separation of Christians from their non-Christian relatives living on the same mission farms. On the Jesuit farms at Chishawasha (in Mashonaland) and Empandeni (in Matabeleland), young people who received Christian marriage were required to leave their family home and build a home on another part of the farm.<sup>150</sup> Those who had already contracted such polygamous marriages when the farms became mission property were given two years in which to embrace Christianity (to give up all but their first wife) or be expelled from the farm.<sup>151</sup> Widow inheritance and child-betrothal were also prohibited on mission farms. Sykes believed that the African practice of polygamous marriages was a violation of universal moral principle:

The unelevated savage does not regard marriage as violated by the practice of polygamy, and in some respects does not admit that the morality of monogamy

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<sup>146</sup>Mesnage, J., *Le Christianisme en Afrique*, vol. ii, Paris, 1901, 283.

<sup>147</sup>Fr Sykes, *ZMR*, vol.2, (1898-1930), 53-57.

<sup>148</sup>Fr Sykes, *ZMR*, vol.2, (1898-1930), 53.

<sup>149</sup>Fr Sykes, *ZMR*, vol.2, (1898-1930), 57.

<sup>150</sup> Fr Sykes R. ‘Hindrance to native conversion in South Africa’, *ZMR*, 1902-1905, 2, 57.

<sup>151</sup>N/A, N3/5/1/1, Correspondence of Father Fleischer to Native Commissioner of Inyanga, 29 October 1911.

is superior to that of polygamy, as he has certain very rigid notions of living separate from his wife at certain periods.<sup>152</sup>

What Sykes meant by “certain rigid notions of living separate from his wife at certain periods” was a two-year interval of lactation during which a husband would not sleep with his wife. According to Sykes, the husband would find it difficult to abstain altogether from sexual intercourse during the lactation period, so if he did not take a legal wife it would tempt him to immorality. This was the only argument from an African point of view that Sykes mentioned, although there were other important ones.<sup>153</sup> Sykes accused some of his contemporary Protestant missionaries of being too soft on African polygamy.

All those who have more than one wife are permitted to retain them, and yet they admit the men to baptism, although they would not permit them to marry a second wife after baptism. Needless to say, no Catholic missionary could thus palter with the truth, and fail in the maintenance of that which is one of the most glorious triumphs of the religion of the cross.<sup>154</sup>

Without mentioning names, Sykes probably had in mind Bishop Colenso of the Natal diocese of the Anglican Church when he accused some Protestant missionaries of admitting polygamists and their wives to baptism.<sup>155</sup> Sykes made no attempt to enter into discussion with Colenso and the Moravian missionaries who, as discussed above, viewed African marriage differently from European marriage. Instead, he outlined how he hoped polygamy could be tackled while admitting that it would take a long time for Europeans to uproot it from among the Africans:

The defeat and displacement of polygamy will be necessarily slow. You cannot uproot in a day from the life of a nation what is part of the national life. The nearest way is to get the children, to instil into them a higher morality, to keep them as far as possible from contact with heathen influences, to form reserves, or separate villages and kraals of married Christian couples as these grow up to the responsible age. Even then in the first generation especially, with nothing but pagan influences around, great care to safe-guard them will be necessary.<sup>156</sup>

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<sup>152</sup>Fr Sykes, *ZMR*, vol.2, (1898-1930), p. 54.

<sup>153</sup>Walter Trobisch discusses some of the reasons in *My Wife Made Me A Polygamist*, Downers Grove, Illinois: Inter-Varsity Press, 1971, 7-40.

<sup>154</sup>Fr Sykes, *ZMR*, vol.2, (1898-1930), 55.

<sup>155</sup>Lewis, C., & Edwards, G.E., *Historical Record of the Church of the Province of South Africa*, London: SPCK, 1934, 362.

<sup>156</sup>Fr Sykes, *ZMR*, vol.2, (1898-1930), 55-56.

Sykes was unwilling to see any possibility of reconciling African customary marriage with Christian beliefs. In this he was typical of pioneer Catholic missionaries who maintained an uncompromising stance against African customary marriage<sup>157</sup> by refusing to recognise them even for church purposes. A change of Catholic attitudes toward African society and customary marriage emerged in the 1960s, probably due to the writings of Catholic social anthropologists like M. Bourdillon and A.K.H. Weinrich, both lecturers in the department of sociology at the University of Rhodesia and Nyasaland, now the University of Zimbabwe. Both had done extensive research on African social structure and customary marriage.

In 1968, the Rhodesia Catholic Bishops' Conference set up a Commission on the relation of Christian marriage and African customary marriage in Zimbabwe. In April 1970, the Marriage Commission reported on the result of its two-year study of the religious and legal implications of inserting Christian marriage into the context of the African marriage system.<sup>158</sup> The Marriage Commission, during its two-year study, came to the realisation that the problem of trying to reconcile African customary marriage with Christian marriage was one shared by other churches as well as being an issue for the State.<sup>159</sup> Therefore, the Commission distributed its findings to heads of the major Protestant mission churches in Zimbabwe. The 1970 Commission pointed out that there were many African unions which were accepted by traditional African custom but had never been solemnised in church nor registered by the civil authority. These unregistered customary marriages were mostly in the rural areas. The Commission recommended that such unregistered customary unions of Roman Catholic members could be solemnised in Church. The kind of customary unions which could be solemnised in Church were those which were: a) monogamous, b) indissoluble, and c) contracted by real and true consent for offspring.<sup>160</sup> In addition to the above essentials for an African Christian marriage, the Commission also recommended that the essentials for a customary union were: a) the consent of the woman, of the woman's guardian, and the man; b) mutual agreement to pay and to accept *lobolo*; and c) a formal

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<sup>157</sup> Fr Biehler of Chishawasha mission wanted to create a new community of the Shona people from young people not older than fourteen years. Cf. Henderson, I. and Warhurst, P. *Revisions in Central African History to 1953*, Salisbury, Southern Rhodesia: Central African Historical Association, 1965, 1.

<sup>158</sup> 'The Report of the Marriage Commission set up by the Rhodesia Catholic Bishops' Conference', Salisbury, Rhodesia, April, 1970.

<sup>159</sup> 'The Report of the Marriage Commission set up by the Rhodesia Catholic Bishops' Conference', in the 'Minutes of the Joint Faith and Order Committee, held in Committee Room B, 25 Marylebone Road, London, October, 1971, 1.

<sup>160</sup> 'The Report of the Marriage Commission set up by the Rhodesia Catholic Bishops' Conference', 2.

handing over of the woman as wife by her family. It will be suggested in the last chapter that these three demands should be incorporated into an *African Christian marriage ceremony*. Unlike the SRMC in 1906, the Roman Catholic Church never questioned the practice of *lobolo*, although they took note of the fact that the excessive demand of *lobolo* was one of the reasons for “the failing of African Christian marriage.”<sup>161</sup> The Commission believed that these essentials for a customary union were fulfilled either at a) the handing over ceremony; when the bride is officially accompanied by her paternal aunt to the village of the groom, after the father-in-law had given his full consent to her staying as lawful wife with her husband; or at b) the ceremony of welcoming the son-in-law in the father-in-law’s home. In the second case, the scenario in mind was that the bride would have originally gone without her guardian’s permission to stay with her future husband (elopement); but marriage negotiations were later entered into, a *lobolo* agreement reached, and a certain amount was paid; then the father-in-law received the groom officially as son-in-law and handed over to him the guardianship of his ward in an official capacity.

According to the Commission, in the interest of recognising the African system of marriage, if the above essential requirements were met, the Catholic Church would view them as a pre-request to contracting a Christian marriage in church. The Commission put forward a proposal on how to go about conducting such a church marriage: a) the priest who investigates such unions should thoroughly understand the nature of the African customary union and be able to verify that such customary union already exists, or that all the conditions for such customary union are present; and b) that the parties concerned would have to be advised that such a church marriage does not entitle them to a civil marriage certificate or certain civil effects. Therefore, the couple should be encouraged to have their marriage registered (actually solemnised) by the civil authorities at their earliest convenience after a church marriage ceremony. This would ensure “the couple of getting eventually all the advantages of the civil marriage or a civil marriage certificate, while in the meantime they could be living a fully Christian life.”<sup>162</sup>

The Catholic Commission went a step further by suggesting that if the government refused to amend the Marriage Act of 1964 in favour of their view, then, the Catholic

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<sup>161</sup> ‘The Report of the Marriage Commission set up by the Rhodesia Catholic Bishops’ Conference’, 2.

<sup>162</sup> ‘The Report of the Marriage Commission...Conference’, 3.

Church would conduct a purely church marriage without the civil effects.<sup>163</sup> In that case, the proposed church marriage ceremony would take the essentials of customary marriage and insert them into what the Commission called *African Christian marriage*, while leaving out the civil effects. An African Catholic couple would then go and register their church marriage at the magistrates' court some weeks or months after a church wedding. As it turned out, the government did not amend its Marriage Act of 1964. According to the Native Marriages Validation Act of 1917, 'to register' an African marriage before a government official or a European Native Commissioner practically meant to 'solemnise' a marriage. Therefore, if an African Catholic couple were to appear before a Native Commissioner weeks or months after their church marriage ceremony the Government official would take no cognisance of their church wedding but would solemnise their marriage, regarding this civil act as the point of contracting a legal and valid marriage. By this approach, the Roman Catholic Church proposed essentially to "ignore the state Marriage Act altogether" just as the government would ignore the previously conducted church marriage altogether.<sup>164</sup> In Malawi, for example, when the government found out that the Catholic priests in general had not bothered to register as marriage officers on behalf of the state the civil authorities said such priests were liable to prosecution.<sup>165</sup> In putting together the Report, the Commission claims to have had the advice of two lawyers who assured them that this procedure would not contravene the civil law.<sup>166</sup>

### **Conclusion**

From the beginning, the SRMC, the Anglican and the Roman Catholic missions in Zimbabwe viewed African customary marriage as an evil system and practice because it was different from the European tradition of church marriages. Therefore, all mission churches initially refused to recognise any traditionally contracted marriages for church purposes. In most cases African converts with unbelieving spouses could not become church members and were barred from Christian ordinances of baptism and communion. Effectively, African conversion to Christianity meant a cultural change from customs like traditional marriage to European practices such as church weddings.

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<sup>163</sup> 'The Report of the Marriage Commission set up by the Rhodesia Catholic Bishops' Conference', 1.

<sup>164</sup> Linden, I. *Catholics, Peasants, and Chewa Resistance in Nyasaland 1889-1939*, London: Heinemann, 1974, 171.

<sup>165</sup> Linden, *Catholics, Peasants, and Chewa Resistance*, 172.

<sup>166</sup> 'The Report of the Marriage Commission set up by the Rhodesia Catholic Bishops' Conference', 3.

The question is whether or not the Bible sanctions church marriages as a criterion for ordinances and membership. By requiring converted polygamists to send away all their wives except the first; missionaries were asking African Christians to divorce their legitimate wives, a step which could be argued to be contrary to biblical teaching on marriage.

Although there is evidence of a significant shift in missionary attitudes towards African culture, apparent to some extent at the *Le Zoute* Conference in 1926, and more markedly towards traditional marriage in the 1947 Anglican and 1968 Catholic Commission reports, mission churches would not accept customary marriages as valid and legitimate unions for church purposes. Judging by the *Le Zoute* Conference's resolutions on African marriage, missionaries, although they had at the beginning of the Conference committed themselves "not to be antagonistic to the life and customs of African peoples any longer,"<sup>167</sup> in the end, they decided for the African Church the type of marriage that would be acceptable for church purposes. Although the 1947 Anglican Report recommended that traditionally contracted marriages should be recognised and blessed as African marriages contracted *elsewhere*, that is, in the village or kraal, just as the Anglican Church could bless European marriages contracted *elsewhere*, that is, in the civil courts, the Diocese could implement recommendations sanctioned only by the Archbishop of Canterbury. The Catholic Church, in spite of their notable change of attitude (from that of pioneer Catholic missionaries like Sykes) towards traditional marriage by acknowledging in 1970 the legitimacy of African customary marriages as a cultural basis for solemnisation in church, would not accept traditional marriages for church purposes because of its universal doctrine of the sacramentality of marriage. In the next chapter we will examine the Methodist Church's attitudes towards African customary marriage by how it applied its church rules to regulate church marriages among its African members in the Zimbabwe Methodist District.

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<sup>167</sup> 'Impressions of *Le Zoute*', *The International Review of Missions*, Vol 16 No. 61 (January 1927), 36.

## CHAPTER 6

### THE WESLEYAN METHODIST CHURCH IN ZIMBABWE AND AFRICAN CUSTOMARY MARRIAGE

“In all questions of indigenou customs, care should be taken not to create artificial sins.”<sup>1</sup>

#### **Introduction**

The Wesleyan Methodist Church in Zimbabwe, along with other mission churches in the country, refused to recognise customary marriage as a valid and legitimate form of marriage for African Christians. The Methodist Church regarded church weddings as the only form of valid and legitimate marriage for church purposes for converted Africans. Therefore, as a mission church, the Methodist Church introduced rules that were intended to regulate African church weddings. Church marriages in the Methodist Church became a criterion for admission to baptism, communion, church membership, church office and ordination to Christian ministry.<sup>2</sup>

Because of the readily available records of the Wesleyan Methodist Mission Church’s activities and synod resolutions in Zimbabwe, it was decided to select this denomination as a detailed case study of how church weddings have become a criterion for admission to ordinances, church membership and ordination to Christian ministry.

#### **The history of the Wesleyan Methodist missions in Zimbabwe**

In May 1891, Rev Isaac Shimmin and Rev Owen Watkins, by the direction of the Wesleyan Methodist Missionary Society Committee in South Africa moved north of the Limpopo River into Mashonaland. After crossing the Limpopo River they reached Fort Victoria (Masvingo) where they encountered some African people for the first time. Shimmin narrates his initial observation and prospects of Christianising the heathen Africans of Zimbabwe: “They are in most deplorable ignorance of all true religion, but judging from their present attitude, they are most willing to learn and judging from appearance, they are likely to make sound and intelligent Christian believers.”<sup>3</sup> Upon

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<sup>1</sup> Smith, Edwin W. *The Christian Mission in Africa*, London: The International Missionary Council, Edinburgh House, 1926, 49.

<sup>2</sup>Zvobgo, C.J.M. *The Wesleyan Methodist Missions in Zimbabwe 1890-1945*, Harare: University of Zimbabwe Publications, 1991, 96-121.

<sup>3</sup>Simmin’s letter to Rev Marshall Hartley (Wesleyan Mission House, Bishopgate, London), *MMS*, Box 333, Folder 1, 7 September, 1891.

reaching Harare in early September 1891, Watkins and Shimmin commented that their coming into Zimbabwe was to “be as the coming of the Son of man (Jesus) to many tribes and peoples.”<sup>4</sup> Pioneer Methodist missionaries in Zimbabwe, like their Protestant missionary colleagues and Roman Catholic priests, had little positive to say about the African people and their culture. They viewed them as people who had been under barbarism for centuries, “and therefore, had no concept of sin, repentance and salvation; and preaching on these doctrines was seen as a waste of time and human energy.”<sup>5</sup> Such attitudes towards the African people and their culture would shape the Methodist Church’s approach to African marriage in Zimbabwe.

### **The Wesleyan Methodist Church on African traditional marriage**

In 1899, A.S. Sharp, as chairman of the Wesleyan Methodist Mission in Zimbabwe, saw the potential of farm communities as potentially “Christian villages, where we make our own civic laws and social rules.”<sup>6</sup> According to Sharp’s colleague, Stanlake, the three main moral vices<sup>7</sup> European missionaries had to tackle and uproot from among Africans by creating ‘new villages’ were witchcraft, beer-drinking and polygamy.<sup>8</sup> Methodist missionaries,<sup>9</sup> like most of the European missionaries of the different missionary organisations, viewed polygamy as a vice of the worst description which had to be uprooted from among those Africans living on mission farm villages.<sup>10</sup> To Methodist missionaries the abandonment of polygamy by Africans was a sure sign of true repentance and genuine Christian conversion.<sup>11</sup> Mission-owned farms with tenants were considered suitable for this purpose because more control could be exercised over the people than was possible in the scattered villages.<sup>12</sup> These Christian farm villages

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<sup>4</sup>Shimmin’s letter to Rev Marshall Hartley (Wesleyan Mission House, Bishopgate, London), *MMS*, Box 333, Folder 1, 5 October, 1891.

<sup>5</sup>Whiteside, J. *History of the Wesleyan Methodist Church of South Africa*, London: Eliot Stock, 1906, 465-6.

<sup>6</sup>Sharp, A.S. (ed.), ‘Pages from the past: A Chairman’s Tour- 1899’, *The Rhodesian Methodist (RM)*, vol. 38, (1962-3), 135.

<sup>7</sup>Polygamy, witchcraft and beer-drinking were strictly forbidden.

<sup>8</sup>Stanlake’s Report to the WMMS Headquarters’, *Work and Workers in the Mission Field (WWMF)*, vol. IX, (1900), 157.

<sup>9</sup>Chief Native Commissioner, Correspondence, Churches and Missions, General, 7. iii. 1910-1912.vii, 1913, Father Fleischer to NC, Inyanga, October, 29th 1911.

<sup>10</sup>Stanlake’s Report to the WMMS Headquarters’, *WWMF*, vol. IX, (1900), 157.

<sup>11</sup>Stanlake’s Report to the WMMS Headquarters’, 157.

<sup>12</sup>‘Church of England at Bulawayo’ Report by the Rev. A. Bathie, *Southern Rhodesia. Reports on the Administration of Rhodaisia, 1898-1900*, 328.; ‘Letter from the Revd. H. R. Quinn’ *MQP*, vol. 62 (1907), 13.

were also to serve as “an object lesson to the surrounding African heathen.”<sup>13</sup> African converted tenants on farm stations were required to build *square* houses to distinguish themselves from the surrounding heathen who built *round* ones.<sup>14</sup> By isolating certain people from “heathen communities,” missionaries were hoping “to make a new man of a native.”<sup>15</sup> European missionaries in Zimbabwe had been greatly influenced by a theory of missionary work pioneered in South Africa by the Moravians who believed that it was necessary to separate African converts from their environment in order to establish them in their faith.<sup>16</sup>

Rules and regulations governing members of the Wesleyan Methodist Church in Zimbabwe were crafted by the Synod which is the policy making and governing body within each Methodist Church District. Most of the district policies had to be referred to the Methodist Missionary Society Committee, in London, before they could be implemented.

From 1902 the Synod of the Methodist Church District of Zimbabwe began to pass a series of marriage resolutions governing African members.<sup>17</sup> The Synod considered elopement, as a disgrace that was punishable by church discipline. A high incidence of marriage by elopement<sup>18</sup> was reported in the Gatooma (Kadoma) and Sinoia (Chinhoyi) Circuits.<sup>19</sup> The Synod also resolved that the receiving or giving of *lobolo* between any two Methodist Church families should be strongly discouraged, the issue which dominated the SRMC Meeting of 1906. These rules and regulations had great bearing on converted Africans when they sought church membership, admission to church office, and admission to ordination to Christian ministry. The Mission then approached the Government to see if it could help them in discouraging such traditional marriages by punishing boys and girls who got involved in “runaway marriages” or elopement. The civil authorities referred the Methodist missionaries to the Native Marriages Act

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<sup>13</sup>Sharp, ‘Pages from the past: A Chairman’s tour- 1899’, *RM*, 135.

<sup>14</sup>Sharp, ‘Pages from the Past: A Chairman’s Tour- 1899’, 135.

<sup>15</sup> *Southern Rhodesia, Report of the Commission of Native Education, paragraphs. 238-239*, 1925.

<sup>16</sup> Peadar, W. Roger. ‘Christian Missions in Mashonaland 1890-1927’, A Thesis submitted for the degree of PhD at Bristol University, 1974, v.

<sup>17</sup> Zvobgo, C.J.M. *The Wesleyan Methodist Missions in Zimbabwe 1891-1945*, Harare, Zimbabwe: University of Zimbabwe Publications, 1991, 110-121; Manyoba, Charles B. ‘The Methodist Church and its response to culture’ in *A Century of Methodism in Zimbabwe 1891-1991*, Banana, Canaan S. (ed.), Harare, Zimbabwe: The Methodist Church in Zimbabwe, 1991, 58-78.

<sup>18</sup> Rev M J Rusike of Sinoia circuit cited 78 girls who ran away with young men in his district alone.

<sup>19</sup> Each local congregation is part of a circuit. Each circuit is made up of between 9 to 14 congregations, which together form the unit for which a minister is responsible. All the congregations on his circuit are responsible for his maintenance. Cf. Murphree, Marshall W. *Christianity and the Shona*, London: The Athlone Press, 1969, 67-8.

Amendment of 1929 which prohibited marriage by elopement and provided the necessary guidelines on how to handle such unions.<sup>20</sup> In 1938 the Synod published a rule that stated that women in “runaway marriages” or in marriages which had not been registered by the Native Commissioner should not be allowed into Church membership.<sup>21</sup>

### ***On Conversion***

No African could be admitted as a member of the Methodist Church who did not accept the Christian view of marriage.<sup>22</sup> All traditionally married African couples who converted to the Christian faith were required to take marriage vows in the European Christian tradition in a Church marriage ceremony. In the case of a wife of a non-Christian, she was received on probation for the benefit of receiving instruction or Christian teaching, and could afterwards be baptised and received as a full member of the Church if her husband refused or was still ineligible (because he was not yet converted) to be married in church by Christian rites.

A person who was already a polygamist or a second wife of a polygamist before Christian conversion could apply, after due preparation and instruction, to the Leaders’ Meeting and the Superintendent of the Circuit for consideration for Christian baptism. Such applications would be considered by the Area or District Pastoral Committee. This procedure would ensure the fact that a polygamist “had genuinely repented and was filled with the Spirit and was now showing the fruit of the Spirit” in his life.<sup>23</sup> As a baptised Christian, a polygamist could receive the Holy Communion, but he would not be received into full membership nor could hold a Church office.<sup>24</sup> Also if a full member of the Church took a second wife he should lose his full membership.<sup>25</sup>

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<sup>20</sup>Minutes of the Native Committee of Review, held in Bulawayo in January 1931.

<sup>21</sup>Resolutions for the Joint Representative Session, Synod of the Southern Rhodesia District, January 1938.

<sup>22</sup> Banana, C.S. (ed.), *A Century of Methodism in Zimbabwe, 1891-1991*, Harare, Zimbabwe: Methodist Church in Zimbabwe, 1991, 35.

<sup>23</sup>*Resolutions passed by the Rhodesia District Synod*, Methodist House, Harare, 1923.

<sup>24</sup>*Resolutions passed by the Rhodesia District Synod*, 1923.

<sup>25</sup> Manyoba, Charles B. ‘The Methodist Church and its response to culture’ in *A Century of Methodism in Zimbabwe 1891-1991*, Banana, C.S. (ed.), Harare, Zimbabwe: The Methodist Church in Zimbabwe, 1991, 58-78.

***In relation to admission to baptism, communion,  
Church membership and ordination to Christian ministry***

Baptism and membership could only be administered to people who met the laid-down criteria. Infant baptism could only be contemplated if the parents were church members and would promise to instruct any baptised children in the truths of the Christian faith. If church leaders failed to get reasonable assurance that this would happen, they would withhold the requested infant baptism.<sup>26</sup> In the case of an illegitimate child,<sup>27</sup> baptism was not to be administered unless there was proof that the mother who was responsible for the rearing of the child, was truly sorry of her sin (of having a child out of wedlock, in this context, meaning ‘without having been married in church’), had, if possible, subsequently married the father of the child, and had shown by her conduct that she desired to live a good life, and to rear her child in the fear and nurture of the Lord. The Church regarded the return of such a mother to full membership as a real proof of the genuineness of her penitence, and desire to lead a new life.

According to the rules and regulations of 1902, all people who wished to join the Wesleyan Methodist Church were to be placed in classes as members on trial or junior members.<sup>28</sup> When they had satisfied the minister in charge as to their conversion, sincerity and knowledge of Methodist doctrines, they were received into full membership. The minimum period on trial was two years. Should a person on trial, after a sufficient time of four or five years had elapsed, show no inclination to fulfil the conditions (of getting rid of his other wives) entitling him to baptism and full membership, it was deemed prudent, after due warning and exhortation, to remove the name of such an one from the church roll.<sup>29</sup>

In 1925 members of the Makwiro Circuit of the African branch of the Methodist Church approached the missionary-dominated Synod asking the governing body of the Church to define the relationship between African traditional marriage and a Church wedding. This had been prompted by the case of Abraham Chirisere, an itinerant evangelist, who had contracted marriage by African custom. When some missionaries found him with his wife he was charged with immorality by the Pastoral Discipline Committee because

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<sup>26</sup>*Resolutions passed by the Southern Rhodesia District Synod, 1923.*

<sup>27</sup>This was any child born out of wedlock in which the mother was already a full member of the church.

<sup>28</sup>Zvobgo, *The Wesleyan Methodist Missions in Zimbabwe 1891-1945*, 110-121.

<sup>29</sup>*Resolutions passed by the Southern Rhodesia District Synod, 1923.*

the Committee would not accept Chirisere's traditional marriage.<sup>30</sup> Only marriage by Christian rites in church was regarded as acceptable for all Methodist Church members and workers. Eventually, Chirisere was dismissed from his post for 'fornication'.<sup>31</sup> Following Chirisere's case and dismissal, the Methodist Synod passed a resolution that all aspiring African evangelist students should be married by Christian rites before enrolling at Waddilove Training Institute,<sup>32</sup> the first Methodist Church theological institute, northeast of Harare. For example, if students training to be evangelists had been married by African custom, then, they had to seek marriage by Christian rites in church before they could be allowed to undertake their Christian ministry course. Moreover, no evangelist student would be admitted to Waddilove if his wife could not read the vernacular.<sup>33</sup> Living together as husband and wife after customary marriage before contracting an ecclesiastically valid and legitimate marriage was considered to be sinful co-habitation, and punishable by the Church. All existing customary marriages of church members and mission church workers were required to be ratified by Christian marriage within a reasonable time. No Christian marriage was to be performed between a Christian and a non-Christian until its meaning and implications had been fully explained to and accepted by both parties.<sup>34</sup>

In spite of such provision, women married to either polygamists or non-Christians could not fulfil the criterion for marriage by Christian rites. In her Report of her missionary work among African Methodist women in 1952, Miss M. Baker mentioned that in many circuits she had found many African Christian women who were not yet married by Christian rites in church. Initially, she blamed African Christian women who had wedded in church for their failure to encourage other African Christian women to follow suit. When she later realised that their hindrance was their marriage to either polygamists or non-Christians the issue was referred to the Ladies Fellowship Group, the *Ruwadzano*<sup>35</sup>, for discussion.<sup>36</sup> The Ladies Fellowship Group was tasked to suggest

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<sup>30</sup>The Committee was composed of three missionaries and two Africans: Brown, Hardaker, Brown, Moeketsi and Mantiziba.

<sup>31</sup> Item 6, Summary of References to General Committee from the Local Committee, Synod of the Rhodesia District, 1929.

<sup>32</sup>Native Committee of Review, Methodist Synod Minutes, 1927.

<sup>33</sup> Native Committee of Review, Methodist Synod Minutes, 1927.

<sup>34</sup> Banana, *A Century of Methodism in Zimbabwe, 1891-1991*, 35.

<sup>35</sup>The term *Ruwadzano* basically speaks of fellowship. The movement was launched in the Transvaal by Mrs Amos Burnet as an 'African Women's Prayer Union'. It later expanded to Zimbabwe in 1919 where it became known locally as the *Ruwadzano* in Mashonaland and the *Manyano* in Matabeleland. The *Ruwadzano/Manyano* women were also known as the 'Red Blouse Women' because of the red blouse which formed part of the uniform. In 1920 the Synod urged the members to make every effort to extend

the status of such women both in the *Ruwadzano* and in the Methodist Church. The women, who had always resisted any efforts by men of the church to lower the moral requirements for *Ruwadzano* membership, insisted on their position by saying, “although the Methodist Church will accept into membership those married by civil rites, the *Ruwadzano* still maintains its insistence upon the church wedding, arguing that this requirement strengthens the weaker Christians and discourages both pre-marital intercourse and polygamy.”<sup>37</sup> Therefore, according to the strict Methodist *Ruwadzano* policy, such women would not qualify for a full Church marriage by Christian rites. Church marriage also became a requirement for any employment or church office within the Methodist mission church. According to Methodist Church regulations, any employee of the Methodist Mission Church who was married only by African custom was required to get married in church by Christian rites if he or she wanted to maintain his or her job. For example, in 1960 it was ruled that Henry Siyawareya of Makwiro Circuit could be employed only after producing a church marriage certificate (unrecognised by the State). The Synod similarly ruled that Andrew Motsi from the same Circuit could not be employed because he did not have a Christian marriage, although he was already married traditionally. Phibeion Bandambira, a family man, could be employed only after a Church marriage by Christian rites.<sup>38</sup> Traditionally married Francis Chihota Kunaka of Waddilove Methodist Church could only be re-employed after a Christian marriage in church.<sup>39</sup> Clara Samkange, already a wife and a mother, was in a similar situation. She could only be considered for re-employment after evidence of a Christian marriage in church. Lack of such evidence for marriage by Christian rites became a major hindrance to African employment within the Methodist Church in Zimbabwe.

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the Women’s Prayer Union throughout the country. In the Swedish Church Mission it became known as the *Vashandiri* (Co-workers), and in the Dutch Reformed Church as the *Sungano yeMadzimai* (Women’s Fellowship). Cf. Zvobgo, C.J. M. *A History of Christian Missions in Zimbabwe, 1890-1939*, Gweru, Zimbabwe, 1996, 346.

<sup>36</sup> Representative Session, Synod of the Southern Rhodesia District, Salisbury, 16 January 1952.

<sup>37</sup> Muzorewa, F.D. ‘Through Prayer to Action: The *Ruwadzano* Women in Rhodesia’, in *Themes in the Christian History of Central Africa*, Ranger, T.O and Weller, John. (eds.), London: Heinemann, 1975, 260.

<sup>38</sup> ‘African Workers Discipline Committee’ in the Southern Rhodesia Synod Minutes, 5 January 1960. Similar cases were reported at Nengubo, Wedza, Kwenda, Gwai and Pakame circuits. By 1961 there were 23 African circuits and 12 European circuits in Southern Rhodesia.

<sup>39</sup> ‘African Workers Discipline Committee’ in the Southern Rhodesia Synod Minutes, 5 January 1960.

### *The response of African Methodists*

At the Great Zimbabwe SRMC Meeting in 1917, missionary representatives voted against including African clergy as members of the SRMC. Eventually, in March 1928, the first Missionary Conference of Christian Natives (MCCN), an African counterpart of the SRMC, was held in Harare. However, the SRMC agreed that the MCCN could be formed only if it were chaired by a missionary. So, John White of the Methodist Church became its first chairman, with Thompson Samkange, an African, as its secretary. Any recommendations the MCCN wished to make either to the SRMC or the government had to be mediated by a missionary. The African ministers had no direct contact with either European settlers or the SRMC when it came to policy making affecting Africans. Accessible missionary records are silent on African input on the matter.

From time-to-time Africans voiced their views on how missionaries had misunderstood African customary marriage during the colonial era. Thompson Samkange became one of the first African Methodist ministers to challenge missionaries' attitudes towards African customary marriage in Mashonaland, although his views were ignored by the SRMC. In 1928, Samkange was accepted as a candidate for Christian ministry, thus commencing a seven-year process of testing and examination.<sup>40</sup> He attempted to make the voice of the African ministers heard on African marriage, but his input fell on deaf ears. Speaking at the Missionary Conference of Christian Natives (MCCN) in 1928, Samkange attacked the European system of marriage law which missionaries insisted should replace African customary marriage, but with no success.<sup>41</sup> The missionary chairman of MCCN who functioned as the middle man between SRMC and MCCN, John White, does not seem to have reported Samkange's convictions to the SRMC. By speaking at the MCCN in the presence of John White, Samkange was trying to convince missionaries that African Christian leaders like him could reconcile African customary marriage with a biblical theology of Christian marriage.<sup>42</sup> He also strongly felt that customary marriage should not be replaced by a European form of marriage. From the SRMC's records and the Methodist Synod Minutes, it appears that missionaries were not prepared to consider Samkange's views on African marriage. As far as missionaries

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<sup>40</sup> Ranger, T. *Are We Not Also Men?* Harare, Zimbabwe: Baobab, 1995, 4.

<sup>41</sup> Minutes of the Missionary Conference of Christian Natives, 21 and 22 March 1928, file 'SRNMC', Samkange Archives.

<sup>42</sup> Ranger, *Are We Not Also Men?* 5.

were concerned, only church marriage was to be recognised as a valid and legitimate form of marriage for African Christians.

Moreover, missionaries insisted on calling African married women by their maiden names if they did not have a church wedding. In the eyes of missionaries, African wives by customary marriage were still considered single; hence they were to be called by their maiden surnames until they got married in church by Christian rites. That meant the title of Mrs so and so (e.g. *Mai Moyo*, i.e. Mrs *Moyo*, or *Mai Zhembe*, i.e. Mrs *Zhembe*) could only appear in Church record registers after a church wedding.<sup>43</sup> In African culture, all married women are called either by their husband's last name or by their family totems. Adult Africans, who normally do not call traditionally married women by their father's surname, would have found it socially unacceptable to hear their wives called in public by their maiden names. It is not clear what happened to those who chose not to comply.

In 1933, Samkange was asked to serve as a non-voting committee member of the SRMC Committee which had to inquire into *lobolo*. The Committee's convener, Rev H.C. Hugo of the Dutch Reformed Mission, believed that *lobolo* should be banned or at least limited by state law. Samkange's advice to the Committee was: "*Rovoro*<sup>44</sup> is a native custom which is one of their strong social fibres...*Rovoro* to the native mind is not as some Europeans think. What seems evil to Europeans is ethical and just for Africans; our morals to a certain extent are different."<sup>45</sup> Samkange believed that if "all missionaries had learnt algebra, then they could learn to eliminate by substitution, and not merely by abolition. No rule should be made by any Christian Church if we at all call ourselves preachers of good news. Rules do not make Christians."<sup>46</sup> However, the Committee did not pay attention to Samkange's very helpful analysis based on his

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<sup>43</sup>Twenty-three years later, the 1954 Synod, upon the recommendation and practice of the Marandellas Circuit, decided to allow African Christian women, traditionally married who had their marriages registered at the Native Commissioner office, to be known in Church records by their husband's name. In the same year, the Plumtree Circuit, south of Bulawayo, had pointed out some inconsistencies between the South African and Southern Rhodesia Districts of the Methodist Church. The wives of South African men were called by their husbands' names even though they had been married only by African custom, while in Southern Rhodesia that was not the case. Cf. Minutes of a Meeting of the District Synod of the Southern Rhodesia District, held at Salisbury 6-15 January, 1954.

<sup>44</sup> *Rovoro* is the Shona equivalent to the Ndebele word *lobolo*.

<sup>45</sup> Thompson Samkange to H.C. Hugo, 26 April 1933, File 'Lobolo', Samkange Archives. From his own research around Waddilove, Samkange came to the conclusion that influential men were asking higher *lobolo* because in pre-colonial times the norm had been bride service (*kugarira*) as discussed in chapter 2. Deprived of the labour of their to-be sons-in-law, fathers were now demanding significant sums.

<sup>46</sup> Thompson Samkange to H.C. Hugo, 26 April 1933, File 'Lobolo', Samkange Archives.

understanding of the Christian Scriptures and the African (Shona) concept and practice of *lobolo*-based marriage.

Frustrated by being ignored on African customary marriage by the missionaries, Samkange drafted an article<sup>47</sup> for publication in the European press under his pen name, Matandindaba:

Many of your correspondents understand very little, if anything at all, of this great Bantu custom. *Lobolo* as an institution was never meant for gain. It was a concrete way of binding two families together. In seeking to limit it, those who are directing Native Affairs in this country may find that they have made a law which cannot be kept. So far as native marriages are concerned I find *lobolo* to be right... What I dislike is the idea of making Christians by law... Why try to make natives adopt Christian ideas before they become Christians?<sup>48</sup>

From the early 1930s right through the 1940s, marriage discussions within the Methodist Church District of Zimbabwe were dominated by the question of Remarriage of Divorced Persons. The issue was more of a problem in European Methodist circuits in Zimbabwe than in African Methodist Circuits.<sup>49</sup> However, the question had ramifications for African Methodists, for the definition of divorce depended on the definition of marriage. Upon receiving the request from European Methodist Circuits in Zimbabwe through the Synod, the Joint Overseas Temperance and Social Welfare Committee of the Methodist Missionary Society in London looked into the matter with the hope of giving required guidance.<sup>50</sup> According to item 6 of the proposed guidelines on Remarriage of Divorced Persons by the Joint Overseas Temperance and Social Welfare Committee, European cases of divorce and remarriage were to be handled by European churches only, and African churches were to deal only with African marriages.<sup>51</sup> As far as the Methodist missionaries were concerned, the term “divorce” would be used in African church contexts only in reference to dissolution of church

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<sup>47</sup> Only a copy of the handwritten article can be identified at the Samkange Archives.

<sup>48</sup> Draft letter in File ‘*Lobolo*’, Samkange Archives.

<sup>49</sup> By the 1960s, there were twenty-three African Circuits and twelve European Circuits in the Methodist District of Zimbabwe. Cf. Minutes of the Synod, 5 January 1960. Because of the country’s segregation laws, African and European church members continued to worship separately until independence in 1980.

<sup>50</sup> The Methodist Missionary Society in London wrote back to the Southern Rhodesia District Synod in December 1934 assuring them that they had appointed a special Committee to consider the question of the re-marriage of divorced persons.

<sup>51</sup> Minutes of the Meeting of the Synod of the Southern Rhodesia District, held at Bulawayo, 11-21 January, 1947.

marriage by Christian rites.<sup>52</sup> Dissolution of an African customary marriage was not considered a divorce since such marriages were not recognised as acceptable marriage contracts for Christians.<sup>53</sup> The Methodist Church “only recognises Christian marriage.”<sup>54</sup> Missionaries perceived African customary marriage to be void of any marriage vows taken before either God or civil authorities or church members. Hence, it was not considered to be a binding and life-long union.<sup>55</sup> In that light, Methodist missionaries did not see anything morally wrong in encouraging any converted polygamist to send away all of his other wives except the first one. Missionaries did not view the sending away of subsequent wives as divorce, but simply as a genuine demonstration of true conversion.<sup>56</sup>

In an effort to counteract incidents of “runaway marriages,” the Women’s Missionary Committee of the Methodist Church introduced in 1936 a Domestic Science Training Centre for girls at Tegwani Mission as a means of grooming potential African Christian wives for African Christian men. According to the Committee, the Training Centre would produce good wives and mothers who would eventually raise the standard of African home life. Unmarried trained girls would also serve as good and clean housemaids in the homes of mostly white settlers. They would eventually replace African men as cooks or housemaids in European households.<sup>57</sup> Employing male servants had apparently encouraged inappropriate sexual relationships between some white women and their African male house-servants, especially in the homes of colonial settlers. It is clear that some white women were making advances towards their African male servants. In the end, the government had to enact the Immorality and Indecency Suppression Ordinance of 1916 which imposed severe punishment on African men who got involved sexually with European women. However, the law did not apply a similar punishment to white men involved with African women. So, in 1923, the Methodist Synod requested the Government to amend and extend the Immorality and Indecency Suppression Ordinance of 1916 to make intercourse between a white man and a black woman equally an offence as was intercourse committed between a white woman and a

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<sup>52</sup> Item 5 of Remarriage of Divorced Persons in the Minutes of the Meeting of the Synod of the Southern Rhodesia District, held at Bulawayo, 11-21 January, 1947.

<sup>53</sup> ‘To the Southern Rhodesia District Missionaries’ Meeting’ by the Methodist Missionary Society, 24 Bishopgate, London, E.C. 2 December 1935.

<sup>54</sup> Minutes of the Synod, 1949. Cf. Banana, *A Century of Methodism in Zimbabwe 1891-1991*, 71.

<sup>55</sup> ‘To the Southern Rhodesia District Missionaries’ Meeting’ by the Methodist Missionary Society, 24 Bishopgate, London, E.C. 2 December 1935.

<sup>56</sup> Banana, *A Century of Methodism in Zimbabwe 1891-1991*, 71.

<sup>57</sup> Resolutions of the Southern Rhodesia District Synod, January 1936.

black man.<sup>58</sup> In addition, the Synod desired to condemn emphatically the practice of a number of white men in the colony of consorting with African women, and urged the government to amend the law so as to make the practice a punishable offence.<sup>59</sup>

Unfortunately, both suggested amendments were not implemented.

It was only in the 1950s that the Methodist Church began to look seriously into the relationship between African customary marriage and civil marriage. In 1953, the Synod submitted a request to the Government Minister for Justice and Internal Affairs to revise the African Marriages Act in light of the Methodist Church's current policy which stated that a) all Christian people, when marrying should be urged to marry by Christian rites; b) the contracting, by a woman, of a marriage by Native Custom, such marriage being duly registered with the Native Commissioner, shall not constitute an offence under our Rules nor be a bar to Church Membership provided that it is a monogamous marriage and the woman is the first wife of her husband; c) a male Christian in any of our categories of Church Membership must, when marrying contract a Christian marriage, subject to the existing right of appeal in the event of the woman refusing Christian Marriage; and d) no person married only by Native Custom shall be eligible for any office in the Church or in any Movement sponsored by the Church. This is not to be retrospective (rescinded in 1954 C 7.ix.).<sup>60</sup>

The 1960s saw a further significant shift in Methodist attitudes, caused in part by the advent of African leadership. With the creation of the Committee of African Customs and Christian Beliefs in 1968 under the chairmanship of an African minister, Rev A. Ndlela,<sup>61</sup> the Methodist Church noted that "the question of the place and significance of marriage in African life needed urgent attention."<sup>62</sup> At their first meeting in July 1968, the Committee posed the fundamental question cited at the beginning of this study, a question which needed a theological and an ecclesiastical answer: "*At what point should*

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<sup>58</sup> According to Sections 1 and 2, the law specifically said, 1. Any white woman or girl who by words, writing, signs or other form of suggestion entices, incites, solicits or importunes any native to have illicit sexual intercourse with her, or to commit any act of indecency with or upon her, shall be guilty of an offence, and upon conviction shall be liable to imprisonment with or without hard labour for a period not exceeding one year. 2. Any native who by words, writing, signs or any other form of suggestion entices, solicits or importunes any white woman or girl to have unlawful sexual intercourse with him, or to commit any act of indecency with him, shall be guilty of an offence, and upon conviction be liable to imprisonment with or without hard labour for a period not exceeding one year. Cf. *Immorality and Indecency Suppression Ordinance*, 1916 formerly known as the *Immorality Suppression Ordinance* of 1903.

<sup>59</sup> 'Consorting of white men with African women' under Marriage Laws in the *Synod Journal*, 1945.

<sup>60</sup> Minutes of the Meeting of the Synod, Bulawayo 6-16 January 1953.

<sup>61</sup> Present: The Revd A M Ndlela (Chairman of the District), the Revds. R. Forshaw, C.B. Manyomba, E.M. Musa, H.H.M. Wright, N.S. Chiyoka, T.C. Baird (convenor).

<sup>62</sup> Minutes of the Methodist Church Meeting, Salisbury, Rhodesia, Tuesday 30 July 1968.

*a couple married by African custom be recognised as married in the eyes of God?*<sup>63</sup>

Before the 1960s missionaries had not bothered to consult African ministers on marriage matters. But by 1968 the African church leaders on the African Customs and Christian Beliefs Committee were pointing out that in African society “African customary marriage was a process rather than an event marked by various ceremonies.”<sup>64</sup> There was a general agreement among the Committee members (three of whom were missionaries) that an African marriage should be recognised as a marriage when the couple have gone to live together as man and wife, following the mutual consent and agreement of the couple concerned, and that of the two families they represent, the consent having been sealed by the offering and acceptance of the *lobolo*.<sup>65</sup>

In an effort to get input from all African circuits, the Committee sent the same question (“*At what point should a couple married by African custom be recognised as married in the eyes of God?*”) to all Area Councils of the Methodist Church District of Rhodesia for discussion and comment. The Harare Area Council offered its answer in 1969 by stating that: “The Church should recognise African customary marriage when it is satisfied that the agreement between all concerned is proved, providing it is monogamous.” The Harare Area Council defined marriage from an African perspective by stating that African marriage was an agreement between all concerned (two families) and not just two people.

In April 1970, while the Committee of African Customs and Christian Beliefs was waiting for the rest of the responses from all area councils to its question, the Synod received from the Roman Catholic Church a Report of the Marriage Commission which had been set up by the Roman Catholic Bishops’ Conference.<sup>66</sup> In response to the Catholic Commission Report, the Methodist Synod first of all acknowledged that the matters raised in the Catholic Report had also been of concern to them for some years. Then, the Synod took steps towards analysing the Report with the hope of adopting the Catholic Commission’s Report on African marriage. The Methodist Church noted that:

The adoption by the Methodist Church of the same procedure as the Catholic Church would solve the present problem that the *vatezvara* (father-in-law) can by insatiable *lobolo* demands, indefinitely postpone a church marriage by a

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<sup>63</sup>Minutes of the Methodist Church Meeting, 1968.

<sup>64</sup>The Interim Report of the Committee on African Customs and Christian Beliefs, May 1968.

<sup>65</sup>The Interim Report of the Committee, 1968.

<sup>66</sup> See discussion in Chapter 5.

couple. The marriage in church would be on the wish of the couple after the minister had satisfied himself that a customary marriage agreement had been made, he could marry the couple even though some of the demands of the *vatezvara* remained unfulfilled. The couple could then remain as full members of the church during the time that the *mukuwasha* (son-in-law) was looking for the balance of the payments. When the *vatezvara* was satisfied he could go with the couple to have the marriage registered as a civil marriage.<sup>67</sup>

This was a major shift of attitude from the Synod resolution of 1949 which did not accept nor recognise African customary marriage as having any significance at all for African Christians. If one compares the answer of the Harare Area Council of the Methodist Church in 1969 with the Methodist Church's response to the Catholic Report in 1970, it can be noticed that the former focused on the need for an African marriage to be monogamous whereas the latter made a *lobolo* transaction the *sine qua non* of African marriage. The Methodist Church was beginning to view African traditional marriage as a legitimate form of marriage for Africans (though not yet good enough to be on the par with civil marriage and church marriage).<sup>68</sup>

Before the Methodist Church in Zimbabwe had received the feedback from the rest of African area councils on its 1968 question, the Methodist Synod of the Zimbabwe District submitted the question to the Joint Faith and Order Committee of the Methodist Missionary Society in London which subsequently appointed a twelve-men Working Party to discuss the question in the light of a) the Methodist Digest of a Report on a Marriage Commission set up by the Zimbabwe Catholic Bishops' Conference; and b) a Methodist Church, Zimbabwe District, Memorandum of 1970 on African marriage.<sup>69</sup> In the end, the question which had been raised locally by the Methodist African ministers was debated mostly by non-Africans in London.<sup>70</sup> In light of the emerging new position

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<sup>67</sup> Quoted in the Minutes of a Meeting of the Joint Faith and Order Committee, 25 Marylebone, Road, London, 28 October 1971.

<sup>68</sup> Methodist Digest of Report on a Marriage Commission set up by the Rhodesian Catholic Bishops' Conference, 1970.

<sup>69</sup> The Methodist Church Memorandum on African marriages read: "The adoption by the Methodist Church of the same procedure as the Roman Catholic Church would solve the present problem that the *vatezvara* can by insatiable *lobolo* demands indefinitely postpone a church marriage by a couple. The marriage in church would be on the wish of the couple after the minister had satisfied himself that a customary marriage had been made. He could marry the couple even though some of the demands of the *vatezvara* remained unfulfilled. The couple could then remain as full members of the church during the time that the *mukuwasha* was looking for the balance of the payments. When the *vatezvara* was satisfied they could go with the couple to have the marriage registered as a civil marriage."

<sup>70</sup> Rev Kwesi Dickson of Ghana is mentioned as having been part of the Committee that discussed the question in London.

on African marriage, the Synod in Zimbabwe wanted to know from the Methodist Missionary Society in London how, as a District, they could resolve the conflict which would arise from adopting the new understanding of African marriage in Zimbabwe as proposed by the Zimbabwe Catholic Bishops' Conference.

Therefore, the Methodist Church Synod in Zimbabwe wanted some clarification of the significance of the traditional Methodist Service headed,<sup>71</sup> "The Baptism of those who are able to answer for themselves with the Public Reception into Full Membership or Confirmation" in the *Methodist Service Book*. A paragraph in the preamble to this Service says: "Those who are to be baptised when they are able to answer for themselves will normally have fulfilled the requirements for full membership, and the Leaders' Meetings, being satisfied of this, shall receive them into the full membership of the Methodist Church. Thus, when they are baptised they shall normally proceed at once to the Public Reception into Full Membership or Confirmation." The Zimbabwe District wanted to know, firstly, what were 'abnormal circumstances' in an African context: "Under what circumstances could a person be accepted for adult baptism but not be qualified for full membership? Could we for example baptise a converted male polygamist, but because of his plurality of wives withhold Public Reception, in order to witness to the church's view on marriage? If we did this what would be the status of such a person in the church?"<sup>72</sup>

Secondly, the Zimbabwe District raised a question in relation to admitting people to the Lord's Table or Holy Communion. "In Rhodesia this has been confined by rule to full members. In other words, we have held the view that the Sacrament symbolised the unity of believers rather than the Wesleyan doctrine of it as a converting ordinance. Some have argued that the Wesleyan doctrine demands having an open table. The argument against this has been that if a converted polygamist or other believer whose marriage was defective, was admitted to the sacrament, it would not in this case be using it as a converting ordinance because these people were already converted. Is there any way of resolving the dilemma of offering the Sacrament to all believers while at the same time maintaining the church's witness to what it believes?"<sup>73</sup>

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<sup>71</sup>Methodist Digest of Report on a Marriage Commission set up by the Rhodesian Catholic Bishops' Conference, 1970.

<sup>72</sup>Methodist Digest of Report on a Marriage Commission set up by the Rhodesian Catholic Bishops' Conference, 1970.

<sup>73</sup>Methodist Digest of Report on a Marriage Commission, 1970.

Thirdly, the Zimbabwe Methodist Church pointed out that there was a “problem which may be peculiar to the Zimbabwe District”: “According to a rule which has been operative for about thirty years, a person after adult baptism is not received immediately into Full Membership, but comes into what is called On Trial Membership. The On Trial period must last at least one year, and appears to be an extension of the catechumenate because On Trial members have more lessons preparatory for Reception into Full Membership. Also, On Trial members may not receive Holy Communion. The category of On Trial Membership is however complicated by a number of other factors a) there are some who are able to be baptised but unable to proceed to Full Membership according to our present rules. Such a person for example may be a man who has contracted a monogamous marriage, valid according to African custom but not solemnised in church. The reason for such a situation might be that *lobolo* instalments have not been completed; b) it is customary for Full Members who are disciplined for minor offences to be reduced to On Trial status. (Discipline is taken very seriously in this District). An example might be one has quarrelled with his neighbour and cursed him. It has been held by some of our committee members that the category of On Trial Membership has no theological validity and should be abolished. Catechumens would then be given all their preparatory lessons prior to baptism and would in the ordinary way be baptised and received into Full Membership at the same ceremony. This would then raise the question of how to discipline members for minor offences. Also, if it was accepted that converted polygamists and junior wives may be baptised, in what category or membership would they be put? We would be grateful if the Faith and Order Committee would give us its views on these matters and also for information about what is happening in other overseas districts if known.”<sup>74</sup>

The Joint Faith and Order Committee in London acknowledged that the new understanding of African marriage as reflected in the Methodist Digest of a Report on a Marriage Commission set up by the Zimbabwe Catholic Bishops’ Conference and in the Memorandum on African marriage as discussed above would conflict with the traditionally held view of the Methodist Church on Church discipline and converted polygamists:

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<sup>74</sup> The three points raised by the Rhodesia District Synod are also in the Minutes of a Meeting of the Joint Faith and Order Committee, Marylebone Road, London, 28 October 1971. The Minutes are located in the Methodist Church Rhodesia District Archives, The Methodist House, Harare, Zimbabwe.

At present the rules of the Methodist Church Synod in Rhodesia will not allow our Church to baptise converted polygamists unless they dispose of all but their first wife. Similarly, we are not allowed to baptise any but the first wife of a polygamist. A converted junior wife would have to leave her husband before she could be baptised. The problem is whether Christian charity demands that people in these categories should be integrated into the Christian Community, and if so, how to do it.<sup>75</sup>

According to the Minutes, the Working Party comprised among others,<sup>76</sup> at least one African, Rev Kwesi Dickson<sup>77</sup> from Ghana. In essence the Working Party had been convened to consider the question raised in Zimbabwe in 1968. For the first time, discussion on African marriage in relation to the ordinances of baptism and Holy Communion, and to church membership, had become a theological issue and an African theologian was invited to be on the Committee.

In response, the Working Party was hesitant to endorse the Roman Catholic position which had argued that “Christian marriage of Africans must also accept the requirements of African customary marriage.”<sup>78</sup> As discussed in chapter 4, the Roman Catholic Commission had proposed that African customary union should be a pre-condition for a Catholic Church marriage. However, the Methodist Church through the Working Party did not want the requirements of African customary marriage to become a hindrance to a church marriage for any potential African Christian couples. Therefore, the Working Party altered the Catholic statement to read: “Christians are not bound to all the requirements of any one particular culture in order to have Christian marriage. In modern African cities it is not always possible to carry out all the requirements of African customary marriage.”<sup>79</sup> Unlike the Roman Catholic Commission, the Working Party stressed that African Christian marriages should be civilly registered unions. The

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<sup>75</sup> Minutes of a Meeting of the Joint Faith and Order Committee, London, 28 October 1971.

<sup>76</sup> The Minutes mention by name only five of the twelve men committee (Rev Benjamin Drewery, Rev Kwesi Dickson, Rev Raymond George, Dr Albert Mosley, and Rev D.A. Wollen) in connection with either their contribution to the debate or their vote or absence at the time of voting.

<sup>77</sup> Professor Kwesi A. Dickson (1929-26.10.2005) combined an illustrious academic career with outstanding ecclesiastical service. Following his postgraduate studies at Oxford, he was ordained into the ministry of the Methodist Church Ghana at the British Conference of 1957. He taught at the University of Ghana, Legon, for three continuous decades until 1989. During this period, he also served the University as Head of the Department for the Study of Religions, Dean of the Faculty of Arts, and Director of the Institute of African Studies. He was a visiting professor to Union Theological Seminary, New York and his alma mater, Mansfield College, Oxford. He also served as the President of the Methodist Church Ghana Conference. His publications include: *The Christian Faith and Exclusivism*, *Theology in Africa*, *The Human Dimension in the Theological Quest*.

<sup>78</sup> Minutes of a Meeting of the Joint Faith and Order Committee, London, 28 October 1971.

<sup>79</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

Methodist Church in Zimbabwe had already made a ruling that only ministers who had been appointed as marriage officers since November 1965 could conduct church marriages.<sup>80</sup> According to the provision of the Marriage Act of 1964, all church marriages conducted by registered marriage church ministers became automatically registered as civil marriages. It was shown in chapter 4 that unregistered Roman Catholic priests would marry their Catholic members in church, and then would advise them to go and register their own marriages at the magistrates' courts at their own convenience.

Having analysed and made some changes to the Roman Catholic Commission Report on African marriage, the Working Party started to re-examine the traditional position of the Methodist Church on two ordinances (baptism and Holy Communion) and polygamy:

All those who confess Jesus Christ as Lord and Saviour and accept the obligation to serve Him in the life of the Church and the world, are welcome as full members of the Methodist Church. It is the privilege and duty of members of the Methodist Church to avail themselves of the two Sacraments, namely Baptism and the Lord's Supper.<sup>81</sup>

The Working Party acknowledged that when a statement like this is applied to the question whether the ordinances of baptism and Holy Communion should be made available to polygamists, Methodists disagree over the interpretation of "accept the obligation to serve him." Therefore, they tried to re-examine the whole question in light of the Scriptures instead of simply from a Methodist tradition. They said that they wanted to move away from purely Western presuppositions by focusing the theological discussion on biblical texts on the subject.<sup>82</sup> This was a breakthrough in the whole discussion of what constitutes a Christian marriage in African society.

The Working Party acknowledged that although the nature of biblical authority in moral questions (like polygamy) as found in the Bible contained many specific moral directions, it also expounded a number of general moral principles, "in every age and new situations which the Church must think out afresh their application to moral problems."<sup>83</sup> Members of the Working Party also noted that "there are many situations which are not discussed at all in the Bible. And where specific rules are given, they

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<sup>80</sup> Minutes of the Meeting of the Pastoral Committee held in Salisbury, Southern Rhodesia, 19 May 1971.

<sup>81</sup> Minutes of the Meeting of the Pastoral Committee 19 May 1971.

<sup>82</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

<sup>83</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

always depend for their interpretation on the context in which they were originally given.’<sup>84</sup> Therefore, they admitted that there was no simple way of resolving the problem of Christian attitude towards polygamy by the simple quoting of texts. Rather, the Working Party insisted, the attempt must be made to discover the biblical principles which underlie the Christian’s understanding of marriage which may guide him and her in decision about polygamy.<sup>85</sup> The Working Party discussed African marriage primarily within the context of polygamy. The members noted that:

Although polygamy was practised in Old Testament times on a limited scale, by the time of Jesus it appears to have died out, except in the case of ‘levirate’ marriage (i.e., the obligation of a man to marry his dead brother’s wife and beget children in his name- even here Jewish law prescribed a form of release from the obligation). Monogamy was the ideal in the Greco-Roman world, and although the early Church had to address itself to problems of divorce and moral laxity, it does not seem to have come into contact with cultures which practised polygamy. Until recently that monogamous pattern has been accepted without much question. We have not been able to discover much evidence of early discussion which can guide the church in coming to a decision in modern times.

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In seeking to relate general biblical principles to the question of African marriage in relation to church ordinances and church membership, the Working Party summarised the three different positions that Christians maintain:<sup>87</sup>

The first position that the Working Party cited says that a person cannot live the Christian life and be a party in a polygamous marriage relationship at the same time. The view argues that biblical statements such as Genesis 2:24; Mark 10:6-9 (some would add 1 Tim 3:2; Titus 1:6) indicate that monogamy is the only form of marriage which a Christian can contemplate. As regards polygamy in the Old Testament, proponents of this view say the example of the patriarchs is only to be copied in the matter of faith, not of morals. Though Mark 10:6-9, according to this view, deals with questions of divorce and remarriage, it is *a priori* concerned with the nature of marriage itself. Therefore, proponents of the view would conclude that if it would be impossible

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<sup>84</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

<sup>85</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

<sup>86</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

<sup>87</sup> All the three positions are listed in the Minutes of a Meeting of the Joint Faith and Order Committee, 28 October, 1971.

for a person to live a Christian life within a polygamous marriage, it would be wrong to baptise and admit a polygamist to Holy Communion.

A second position which the Working Party highlighted says that the forms of marriage within a society are part of the culture of that society, and that there is nothing *specifically* Christian about any of them. According to this view, amongst the people of God in the Old Testament times- including some of those held up by the New Testament writers as examples for Christians to copy- there were many polygamists, and the New Testament makes no attack on polygamy. Proponents of this view say that Genesis 2:24 refers to a man's leaving his father's family unit in order to set up on his own, not to the number of wives he may properly have; that Mark 10:6-9 is concerned with divorce and remarriage; whilst 1 Timothy 3:2 and Titus 1:6 more probably refer not to monogamy but to remarriage, and in any case apply only to bishops and presbyters. This view, based on the recommendations of the All-Africa Seminar on the Christian Home and Family Life held at Mindolo, Zambia, Africa, in 1963,<sup>88</sup> moves away from strict condemnation of polygamy towards attitudes which give serious consideration to the possibility of making the sacraments available to polygamists, at least to those who were polygamists before baptism.

The third view which the Working Party cited attempts to combine the first and second views. It recognises monogamy as the ideal form of Christian marriage but also recognises that in some circumstances to try to compel all Christians to be monogamous would be a denial rather than an expression of Christian love. For example, to insist on monogamy in situations where polygamous marriages already exist is in effect to impose divorce, for it requires the polygamist, on being converted, to put away all his wives except one.<sup>89</sup> According to this view, a refusal to baptise and welcome to Holy Communion a converted polygamist could make him feel that he was being rejected by Christ, to whom he had sought to commit his life- and could, in effect, drive him away from Christ and the kingdom of God.<sup>90</sup> The view argues that the church's best witness for monogamy is not through legislation excluding polygamists from the ordinances, but through instruction and preaching. Therefore, according to this view, the church should be willing to baptise polygamists and admit them to Holy Communion whilst at

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<sup>88</sup> 'The All-Africa Seminar on the Christian Home and Family Life' held at Mindolo Ecumenical Centre, Kitwe, Northern Rhodesia (Zambia), 17 February to 10 April 1963.

<sup>89</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October, 1971.

<sup>90</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

the same time witnessing as strongly as possible that monogamy is the Christian ideal, and forbidding baptised Christians to enter polygamous marriages.<sup>91</sup>

In light of the theological implications of these views, especially the third position, the Working Party agreed that baptism, reception into church membership and admission to Holy Communion should be implemented. The members concluded that there could be no justification for baptising people who could not be received as full members of the church, nor for an 'On Trial' period of membership between adult baptism and reception into full membership of the church, nor for a category of 'Baptised Adherents' who are *permanently* denied Holy Communion. Kwesi Dickson's presence and contribution in the deliberations seems evident.

In an effort to choose which view to recommend to the Methodist Church District of Zimbabwe, the Working Party soon found out that its twelve men were unable to come to a unanimous decision. *One* member, the Rev D.A. Wollen, supported the first position and felt that in view of the complexity of the problem he could not recommend a change in the present rules, though he would be prepared to make exceptions in conceivable pastoral situations. He felt very strongly that African church members who take a second wife should be excluded from Holy Communion. *Two* members (no names supplied) took up the second position and *eight* (no names supplied) took up the third position saying that it was wrong to refuse to baptise polygamists who had been converted.<sup>92</sup> By the time of voting on these positions, Rev. Kwesi Dickson had flown back home to Ghana so his position on the three views was not recorded.

The Working Party noted that much more research and biblical exegesis needed to be done on the grounds upon which a Christian judgment could be based. In particular, the Working Party concluded that it was important that those who believe that monogamy is a Christian ideal should be able to show that such a judgment is not purely based upon the mere prejudice of those brought up in Western culture.<sup>93</sup> In light of this ongoing debate, the Working Party noted that a research programme had been set up by churches in Eastern, Central and Southern Africa, with the participation of Notre Dame University in North America, on Marriage in Africa, employing considerable theological resources. The Working Party believed that the results of such research

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<sup>91</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

<sup>92</sup> Unfortunately, the names of the two members who voted for the second position and of the eight members who voted for the third position are not supplied in the Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

<sup>93</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

would be of great benefit to the Church in Africa. It is not clear whether such research was ever published.

The deliberations, disagreements and recommendations of the Working Party were forwarded to the Methodist Church District of Zimbabwe, and then circulated to the Area Councils for discussion. The Zimbabwe District Synod of 1974, in an effort to answer the question: “*At what point should a couple married by African custom be recognised as married in the eyes of God?*” in light of the deliberations of the Catholic Bishops’ Commission and the Working Party agreed not to recognise the stage of handing over of the bride in African customary marriage as the right time to make the marriage Christian, until the churches came to agree on the procedure to follow. Because the *lobolo* negotiations and transactions can be protracted over a long time, the Methodist Church in Zimbabwe would not accept the handing over stage as the right time to call African traditional marriage Christian. It will be shown in the next chapter that twenty-five years later C. Mugaviri<sup>94</sup> of the Methodist Church in Zimbabwe would argue that African customary marriage should be Christianised at the handing over ceremony.

### ***Since devolution***

Although the Synod of the District of Zimbabwe started making its own resolutions from 1968 onwards, the Church’s continued dependence on the Mother Church for financial aid and answers to theological and ecclesiastical questions concerning African Christians has led some contemporary African Methodist leaders to ask as late as 1991: “When will the indigenous Church become truly autonomous and self-sufficient in both administrative and financial terms?”<sup>95</sup> The current Acting President of the now multi-racial Methodist Church in Zimbabwe is the Rev Margaret James,<sup>96</sup> the granddaughter of Rev Frank Noble who succeeded Rev John White as Chairman of the Synod in 1927.<sup>97</sup>

According to Mugaviri, the late nineteenth-century and early twentieth-century official missionary attitude towards African customary marriage still remains within the Methodist Church despite the change in leadership from foreign missionaries to African

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<sup>94</sup>Mugaviri, C. ‘A Critique of the Wesleyan Methodist Church’s Approach to marriage in Zimbabwe’, unpublished PhD thesis, University of Birmingham, 1998.

<sup>95</sup>Banana, *A Century of Methodism in Zimbabwe 1891-1991*, 107.

<sup>96</sup> Communication with the Rev Margaret James, 10 May 2005.

<sup>97</sup>Banana, *A Century of Methodism in Zimbabwe 1891-1991*, 112.

Christians.<sup>98</sup> According to the Church's centenary Report, *A Century of Methodism in Zimbabwe 1891-1991*, the challenge facing the Church today in Zimbabwe is "one of decision-making" in determining what is best for "the indigenous people."<sup>99</sup> An exception to the Methodist Church's current general rule on monogamy is in the Siabuwa and Gokwe areas, lying in the Zambezi Valley between Zambia and Zimbabwe, where polygamy is rife. Here the Methodist Church resolved in 1974 that "sincere polygamists should be accepted on their merits into full membership of the Church with the proviso that sincerity be understood to mean those who have been found by the Gospel already so married."<sup>100</sup> However, such "candidates must be referred to the Pastoral Committee for approval."<sup>101</sup> Here the Methodist Church has allowed polygamous people into the membership of the church because the church found those people in that way of life. But it has made it clear that those found in a non polygamous state may not indulge in that custom after becoming Christians.<sup>102</sup> The Church's tolerance of polygamy in the Zambezi Valley is an indication of its embracing the third view discussed above. According to the current edition of the *Deed of Church Order and Standing Orders* of the Methodist Church in Zimbabwe, membership is open to all those who confess Christ as Lord and Saviour and accept the obligation to serve Him in the life of the Church and the world.<sup>103</sup> If any person who confesses Christ as Lord and Saviour seeks baptism, the Church would baptise him or her.<sup>104</sup> A baptised Methodist Christian can partake of the Lord's Communion.<sup>105</sup> On paper, baptism, membership and the Lord's Supper are not tied to one's marriage status, but in practice they are.

### Women's perspectives

Synod records reveal that women were hardly represented on such governing bodies and committees except in the *Ruwadzano*<sup>106</sup> Movement. The *Ruwadzano rwe Madzimai*

<sup>98</sup>Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach to marriage in Zimbabwe', 2.

<sup>99</sup>Banana, *A Century of Methodism in Zimbabwe 1891-1991*, 106-7.

<sup>100</sup>Minutes of the Meeting of the Synod, Salisbury, 10-14 January 1974.

<sup>101</sup> Minutes of the Meeting of the Synod, Salisbury, 10-14 January 1974.

<sup>102</sup> Banana, *A Century of Methodism in Zimbabwe 1891-1991*, 76.

<sup>103</sup>Membership, Section 900 (1), The Methodist Church in Zimbabwe, Methodist House, Harare, 1997.

<sup>104</sup>Baptism, Section 901 (1), The Methodist Church in Zimbabwe, Methodist House, Harare, 1997.

<sup>105</sup> Lord's Supper Section 902 (1), The Methodist Church in Zimbabwe, Methodist House, Harare, 1997.

<sup>106</sup> Its original name was *Ruwadzano rweMadzimai* (Fellowship of Married Women). Cf. discussion, Muzorewa, Farai David. 'Through Prayer to Action: The *Ruwadzano* Women in Rhodesia' in *Themes in the Christian History of Central Africa*, Ranger, T.O. and Weller, John (eds.), London: Heinemann, 1975, 257.

(Fellowship of Married Women) which had no parallel elsewhere on the African continent outside South Africa and Zimbabwe,<sup>107</sup> provided a forum for the Methodist African married women to discuss the relationship between Christian beliefs and African customs like traditional marriage. The *Ruwadzano rwe Madzimai* which began in Zimbabwe “as a worshipping fellowship of the wives of the ministers, ministers in training, and pastoral teachers at Old Mutare Mission,”<sup>108</sup> closely linked their spiritual zeal with the burning desire to help improve husband-wife relationships in African homes. In one sense, the new association was formed to help married women discuss their concerns as African Christian wives and mothers.<sup>109</sup> In 1961, the *Ruwadzano* women said that they were in a moral Christian “battle against the sins of polygamy, marital infidelity, beer drinking, and smoking,”<sup>110</sup> which they accused most African husbands of engaging in. They were determined to bring about real social change in their homes without a direct interference of their husbands who were often the male leaders of the church.<sup>111</sup> Culturally, African women are not expected to confront their husbands even if they suspect that they are having an affair.

In light of their understanding of Christian marriage, the *Ruwadzano* women oppose the tradition and practice of pledging “a baby girl to her husband before she becomes of age to choose for herself.”<sup>112</sup> At the time of the author’s field work in 2005, it was not clear how the *Ruwadzano* as an association dealt with polygamous marriages apart from the Synod resolutions. When the Methodist Church began to insist on church marriages for all its employees it became evident in 1958 that the European style of church weddings was a financial burden to most African Christian couples.<sup>113</sup> With the introduction of the bridal gown, many attendants, wedding cakes and marriage rings as requirements for a church marriage by Christian rites in church, many African couples found it very difficult to put one together. At first, missionaries helped African men who worked for them by providing them with wedding suits and bridal gowns, and baked cakes for them. They even helped them financially to conduct attractive wedding ceremonies and receptions for all to see.<sup>114</sup> Wedding couples began to expect exorbitant gifts at church

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<sup>107</sup> Zvobgo, *The Wesleyan Methodist Missions in Zimbabwe 1891-1945*, 97.

<sup>108</sup> Muzorewa, ‘Through Prayer to Action: The *Ruwadzano* Women in Rhodesia,’ 257.

<sup>109</sup> Muzorewa, ‘Through Prayer to Action: The *Ruwadzano* Women in Rhodesia,’ 257.

<sup>110</sup> Minutes of the Manyano/Ruwadzano District Committee, 4 January, 1961.

<sup>111</sup> Muzorewa, ‘Through Prayer to Action: The *Ruwadzano* Women in Rhodesia,’ 257.

<sup>112</sup> Muzorewa, ‘Through Prayer to Action: The *Ruwadzano* Women in Rhodesia,’ 257.

<sup>113</sup> Minutes of the Synod, ‘African Workers’ Discipline Committee’, Salisbury, Southern Rhodesia, 1958.

<sup>114</sup> Kivunzi, Titus (ed). *A Biblical Approach to Marriage and Family in Africa*, Theological Advisory Group (TAG), Machakos, Kenya, Scott Theological College, 1994, 110.

weddings as a way of recovering funds they would have spent towards marriage ceremony expenses. In 1961 the *Ruwadzano rweMadzimai* finally asked the Synod to look into the practice of expensive weddings so that men could consider making church wedding something affordable.<sup>115</sup> Concern was also expressed at the growing number of girls who fell pregnant before a church marriage, and still ended up having large and elaborate church weddings.<sup>116</sup> This precipitated a requirement for the virginity test as a crucial criterion for a church marriage.<sup>117</sup> Within the Methodist Church, girls were expected, for the first time, to be virgins when they came forward for a Church wedding. However, the Church had no mechanism of testing young men of their sexual purity at the time of Church marriage ceremony. It was the *Ruwadzano rweMadzimai* who first suggested virginity test at marriage. Probably they were trying to introduce in the church the traditional practice of conducting a virginity test at marriage.

### **Conclusion**

The Wesleyan Methodist missionaries established mission stations in Zimbabwe with the help of colonial authorities which they hoped to become new communities for an ideal African society in the country. To achieve this, they isolated their African converts from the rest of the rural village people and settled them on mission farm stations where African customary marriage, among other 'evils', was outlawed. As far as the Methodist missionaries were concerned, African customary marriage could not be reconciled with the African new faith, Christianity. The missionaries seem to have been unaware of the fact that the form of Christianity they planted among the Africans was characterised by European trappings. For example, they expected every African Christian couple to have a white wedding in church.

The deliberations and recommendations of the Working Party in 1971 on the relation between Christian belief and African customary marriage revealed evidence of significant change in missionary attitudes towards the traditional marriage system. For the first time the Methodist Mission Society acknowledged that the African customary marriage system was a significant component of the African society. This was a major shift of attitude from previous resolutions which did not recognise traditionally contracted marriages as having any significance at all for African Christians. The

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<sup>115</sup> Minutes of the Manyano/Ruwadzano District Committee, held at Bulawayo, 4 January 1961.

<sup>116</sup> Minutes of the Manyano/Ruwadzano District Committee, held at Bulawayo, 4 January, 1961.

<sup>117</sup> See discussion in Chapter 2, Chapter 7, and Chapter 8.

Methodist Mission Society through the Working Party discussed the issue of African customary marriage in light of the Christian Scriptures and African realities instead of examining it from purely Western presuppositions.<sup>118</sup> This was a breakthrough in the whole discussion of what constitutes a Christian marriage in African society. Unfortunately, the Zimbabwe District Synod failed to agree on the right time to make the African customary marriage Christian- whether at the completion of *lobolo* transactions or at the handing over of the bride stage of the traditional marriage ceremony. Perhaps the reason for the failure of the Methodist Church under African leadership to agree on a way forward is to be explained in terms of the continuing conservative stance of the *Ruwadzano rweMadzimai*. According to the current *Ruwadzano* Administration rules, women with customary marriages may not be “bloused” as members of the organisation nor be elected into positions of leadership.<sup>119</sup> Instead, they should be encouraged to have Christian marriages in church if their husbands have no other wives.<sup>120</sup> The problem with such an attitude towards African marriage is that Christian wives in ‘unacceptable marital situations’ are not in a position to change their own situation. In the first place, they do not have Christian marriage by Christian rites because their husbands are either polygamists or non-Christians. Second, when it comes to what form of marriage a couple would have, culturally it is up to the husband to decide since it is his prerogative to choose which form of marriage to go for. Therefore, punishing other Christian women for failure to have a Church marriage does not seem to communicate God’s love and acceptance of Christian wives who find themselves in such unions. According to the current Acting President of the Methodist Church in Zimbabwe,<sup>121</sup> many wives in monogamous marriages still oppose allowing Christian women in polygamous marriages to take Communion. The then Acting President of the Methodist in Zimbabwe, Rev Margaret James, said that she is surprised to see that it is the African Christian women who are being hard on other African Christian women (though with no biblical support). It is interesting to note, as discussed

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<sup>118</sup> Minutes of a Meeting of the Joint Faith and Order Committee, 28 October 1971.

<sup>119</sup> Upon meeting *The Ruwadzano rweMadzimai* criteria for membership, which included a church marriage by Christian rites, Christian wives would be accepted formally into the *Ruwadzano* by the leader of the group. The candidate would be presented or “bloused” with a traditional *Ruwadzano* uniform- a blouse, a skirt, and a lady’s hat- which she is she expected to put on at all Christian gatherings, for example, at funeral services, hospital visits, Sunday Services, etc. Cf. ‘Preparing For Blousing’, Section 12.4, *The Methodist Church in Zimbabwe: The Ruwadzano/Manyano Administration Policy and Constitution*, Harare, The Methodist House, 2000.

<sup>120</sup> Section 12.4 ‘Preparing for Blousing’, *The Ruwadzano/Manyano Administration and Constitution*.

<sup>121</sup> Interview with Rev Margaret James, May 10, 2005 at the Methodist House, Harare, Zimbabwe. The Rev James is a granddaughter of Rev Frank Noble, one of the early missionaries to Zimbabwe.

in the next chapter, that Mugaviri, a Methodist Church minister, has argued not simply for recognition of African customary marriage for church purposes, but even for a principled acceptance of polygamy.

## CHAPTER 7

### AFRICAN VIEWS OF AN AFRICAN CHRISTIAN MARRIAGE CEREMONY

“When introducing Christianity in new surroundings, our attitude should be: to Christianise that which is unchristian and to leave that which is valuable and not against Christianity. One such valuable thing was the old African idea that marriage ties had life-long, binding character.”<sup>1</sup>

#### **Introduction**

Through a questionnaire and personal interviews conducted in Zimbabwe in 2005 from a wide range of African Christians belonging to different Christian churches, the author has been able to form an impression of current Christian views of customary marriage in Zimbabwe. The main objective of this chapter is to analyse contemporary Christian views on current approaches to African marriage and examine some moral implications of insisting on Church weddings months or even years after the customary marriage ceremony.

#### **The heart of the dilemma**

If an African Christian couple consummate their marriage after customary marriage (as is culturally expected and insisted upon by family members who have played key roles in the whole marriage process) but before a church wedding, they will normally face public church discipline. Mission churches expect African Christian couples to refrain from sex during the long interval between customary and church ceremonies until a church wedding. In most mainline churches, a bride is expected to put on a white wedding gown which signals virginity at marriage. On the one hand African couples believe that they are already married after customary marriage; therefore, engaging in sexual intercourse as husband and wife even before a church wedding is culturally acceptable and expected. On the other hand, as a Christian couple under the influence of their own cultural norms and church teaching which say no sex before marriage or a church wedding, they feel guilty for breaking ‘God’s law’ as understood and taught by their culture and church. The background to the virginity test in the church was provided in chapters 2 and 6. Virginity testing, however, has come under fire from some women’s groups who maintain that instead of protecting girls, the practice actually

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<sup>1</sup> Helander, Gunnar. *Must we introduce monogamy?* Pietermaritzburg, South Africa: Shuter & Shooter, 1958, 22.

violates the human rights of the girl child. This came against the backdrop of reports that chiefs and headmen in Gokwe area, northwest Zimbabwe, had thrown their weight behind the revival of virginity testing as a means of discouraging premarital sex and reducing the prevalence of HIV and AIDS. Chiefs Nembudziya and Chireya of Gokwe are reported to have recently directed headmen under their jurisdiction to identify elderly women to conduct the tests. The Women's Action Group (WAG) said virginity testing was an intrusion of privacy: "The young girls who are being subjected to such violence as virginity testing...give in to these tests for fear of stigmatisation, being labelled and regarded as impure."<sup>2</sup> The issue of when an African Christian couple should rightly and with a clear conscience consummate their marriage has never been addressed.

African Christian couples admitted in their questionnaire responses<sup>3</sup> that it is almost impossible to abstain from marriage consummation during the long interval which can be as long as twelve months or two years due to the high cost of church marriage ceremonies and commercialised celebrations. If the wife falls pregnant before a church wedding, the couple will be accused of pre-marital sex if their full-term baby is born much earlier than the ninth month from the day of a church marriage ceremony. The bride and her husband are then put on church discipline, which varies from church to church. As was shown in chapter 6 by reference to the Methodist Church, they would be barred from Holy Communion and any participation in church activities (Choir, Leading Youth Groups), and their child, as one 'born out of wedlock' would be refused infant baptism.

Many pastors are quite aware that most couples, especially in urban areas, now resort to using contraceptives to avoid pregnancy after customary marriage but before a church wedding has taken place.<sup>4</sup> In the light of these realities, most African pastors now discourage a physical virginity examination on the eve of a church wedding, but encourage, in the wake of the rampant spread of HIV/AIDS, all prospective couples to go for HIV/AIDS testing before they can be married in church. Most pastors feel that it is their moral responsibility to encourage couples to get tested for HIV/AIDS before a church wedding. In an African context where sex and sexual transmitted diseases are a

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<sup>2</sup> 'Women Groups on Virginity', *The Herald*, Harare, Zimbabwe, September 12, 2005.

<sup>3</sup>See Appendix 2: Contemporary attitudes towards African customary marriage.

<sup>4</sup>Communication from Pastor Rice, Upper Room Ministries, Harare, Zimbabwe. 21 March, 2000.

taboo subject, a pastor of the couple is a neutral person who is able to suggest that the two go for HIV/AIDS testing before they start living together as husband and wife.

### **Measuring popular African Christian attitudes in Zimbabwe**

The 243 survey participants included African church pastors, church leaders of different denominations, pastors' wives, college lecturers in theology, university theology students, married couples, singles, and village-dwelling Christian couples in the Sanyati rural area, northwest of Zimbabwe. Most of the interviewees in the Sanyati area originally came from Masvingo (Fort Victoria), south of Zimbabwe, in the 1950s. Their understanding of Christian marriage was based on the Calvinistic doctrine of marriage of the Dutch Reformed missionaries who exclusively settled and established churches in Masvingo province. However, African Christian couples who relocated to the Sanyati area found that their understanding of Christian marriage or church weddings was essentially similar to that of the American form of Baptists who are predominantly operating in the Sanyati area. Although these African couples (relocated and Baptist couples)<sup>5</sup> had accepted the ecclesiastical rules and regulations on Christian marriage, they continued in practice to view African customary marriage as valid and legitimate. Male and female theology students were interviewed from the University of Zimbabwe and two inter-denominational theological colleges (Harare Theological College and Domboshawa Theological College) in Harare. The theology students came from the African Reformed Church in Zimbabwe (formerly the Dutch Reformed Church), the Anglican Church, Apostolic Faith Mission in Zimbabwe, Baptist Union of Zimbabwe, Brethren in Christ, the Evangelical Church in Zimbabwe, Presbyterian Church, Roman Catholic Church, Seventh Day Adventist Church, and the Harare International Church of Christ. Most of the ministers interviewed were in Harare.

Respondents to the questionnaire supplied their answers either on paper or by word of mouth (in vernacular) and the writer noted their responses accordingly. In certain places the survey was conducted informally so as to get the most from the African interviewees. A sample of the questionnaire<sup>6</sup> and a tabulated summary of their responses<sup>7</sup> are supplied in the Appendices section. Specifically, the survey was aimed at gaining insight into contemporary African Christian attitudes towards, and perceptions

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<sup>5</sup> It shows that Protestant mission churches to Zimbabwe had a similar practice of church weddings.

<sup>6</sup> See Appendix 1: African marriage questionnaire.

<sup>7</sup> See Appendix 2: Contemporary attitudes towards African customary marriage.

of customary marriage in relation to church or civil marriage ceremonies. Most of this chapter is an interpretation of that survey.

### ***Male and female attitudes to marriage ceremonies***

Our survey participants indicated that in spite of their Christian faith and some recognition of the benefits of securing marriage certificates when couples get married in church under the Marriage Act of 1964, they, as Africans, still anchor the significance of their marriage in traditional custom. Most African pastors admitted to the usually unspoken dilemma that they and their African parishioners always face at church weddings: culturally, no marriage in which two Africans are involved can be considered valid and legitimate in the eyes of the public unless it has been contracted according to traditional custom; yet ecclesiastically, a marriage is only considered valid and legitimate when it has been conducted before a pastor or minister functioning as a marriage officer on behalf of the state. According to four pastors, although an African Christian church wedding is an opportunity for biblical instruction that is missing from customary marriage ceremonies, at present the African church lacks an appropriate marriage liturgy for African Christian couples who come for a church wedding after an earlier customary marriage ceremony. They admitted that the present church marriage liturgy is too Western and therefore, unsuitable for an African society for which it was not initially created. Many mainline daughter-churches in Zimbabwe use identical Marriage Service books to their mother-churches in Europe.<sup>8</sup> Most of these daughter-churches have translated the European marriage service books into the local vernacular for African Christian church weddings.<sup>9</sup> Interestingly, most African church weddings in Zimbabwe are conducted in the vernacular. Where there are no vernacular translations available, the officiating African minister is supposed to make his own translation from the European marriage service book.

About 99% of the married men said that they would have preferred a simple and small church wedding (in the form of a church blessing on their traditional marriage). A prominent leader in the Apostolic Faith Mission Church in Zimbabwe expressed the

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<sup>8</sup> For example, The Methodist Church in Zimbabwe uses at African Church marriage ceremonies the same *Methodist Service Book* that is used in Great Britain. The writer secured a copy of *The Methodist Service Book*, Methodist Publishing House, Peterborough PE3 7PG, England. UK., at the Methodist House, Harare, Zimbabwe. It was confirmed to him that the Methodist Church in Zimbabwe uses the same book at African Church weddings.

<sup>9</sup> The Roman Catholic Church in Zimbabwe has, like most daughter-churches, translated the Marriage Service book into Ndebele and Shona. The writer secured a copy of the Shona translation: *Zvifundiso Zvavachati*, 1987.

view that a 'church blessing' on their customary marriage would be sufficient and essential, because he understood from Genesis 2:18-24 that marriage was instituted by God; hence all marriages of Christians should be blessed (in church).

There are different reasons why many men would like to see only a private church blessing on their customary marriage. First, most men would want to avoid a church marriage ceremony because of the high cost involved in putting together an elaborate church wedding. It is the men who foot the bill for church weddings and receptions in Zimbabwe. Secondly, because of their male sexuality, most men would prefer consummating their marriage after a customary marriage contract rather than wait for months or even a year for a church wedding. Apart from the relatives' expectations, it is men who pressure their wives to consummate their marriage after the customary marriage ceremony but before a church wedding. According to Fuchs, sexual diversity between men and women comes from God who made sexes.<sup>10</sup> The male's sex drive is normally stronger than that of women.<sup>11</sup> Therefore, it is unrealistic for the mainline churches to expect all young African Christian couples to refrain from consummating their customary marriage contract before a church wedding months or even a year later. The main reason for the long interval between customary and church marriage ceremonies is the high cost involved in the *lobolo* transactions and in putting together an elaborate church wedding. It is well accepted that in cases where a woman falls pregnant before a church marriage ceremony takes place, it is the man who would have pressured her into having sex before a church wedding. Therefore, by preferring having just a church blessing on their customary marriage, men think that they can avoid being subjected to church discipline if they consummate their marriage before a church wedding.

On the other hand, African Christian women felt that it was important for every Christian couple to have a white wedding. All our women respondents said that it was every African Christian girl's or woman's life-dream to walk down the church aisle in a white wedding dress. One motive for preferring a white wedding seems to be a desire not to communicate a wrong message by wearing a white wedding gown (representing virginity) at a church marriage ceremony when she knows that they had already consummated their marriage after the customary marriage contract. It is the African

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<sup>10</sup> Fuchs, Eric. *Sexual Desire and Love: Origins and History of the Christian Ethic of Sexuality and Marriage*, Cambridge: James Clarke & Co, 1983, 115.

<sup>11</sup> Fuchs, Eric. *Sexual Desire and Love*, 115.

Christian women more than their husbands who feel a sense of guilt and shame when they put on white wedding gowns at church wedding after the couple had already consummated their marriage months before. By insisting on church marriage ceremonies, African Christian women are saying they would prefer consummating their marriage after a church marriage ceremony. Another motive for women preferring a white wedding seems to be purely a matter of display. The bride becomes the focus of attention on the wedding day. African Christian women who insist on expensive weddings associate a meaningful marriage ceremony with a white wedding ceremony in a church building in spite of the fact that many couples go into debt. On this evidence, it will take some time for most African Christian women to change their current view and perception of church weddings. Some ministers have noted that expensive weddings often detract from the true meaning of a Christian wedding. Instead of focussing on the value and significance of a Christian marriage, the expensive weddings focus on the wealth and importance of the couple. Another motive relates to the insecurity that polygamy creates for women. A church wedding under the Marriage Act of 1964 is at least in part about security from the threat of a second wife. To most African Christian women it is not so much the marriage vows that the couple make to each other, but the church wedding in itself which is viewed as a public testimony to discourage the husband from considering taking a second wife or sleeping around. Culturally, most African men cheat on their wives.<sup>12</sup> There is a common belief among the African (Shona) people that once a man has experienced sexual intercourse with his wife he would like to continue having sex even with other women during her monthly period, pregnancy and lactation. Sexual intercourse with your wife during these times is superstitiously forbidden. Because of the publicity church weddings receive and the measure of security they appear to bestow 99.9% of the African Christian women respondents would like to see their customary marriage ultimately solemnised in church. At church weddings, husbands are strongly encouraged to remain faithful to their wives throughout their lives. Moreover, contemporary pastors speak to couples during pre-marital sessions about the role of sex in marriage, differences in male and female sexual drives, and the importance of faithfulness in husband-wife relationship.<sup>13</sup> In African customary marriage, discussed in chapter 2, husbands at the time of marriage were hardly encouraged to remain faithful to their wives. Contemporary African

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<sup>12</sup> See discussion in Chapter 8.

<sup>13</sup> Kitembo, *African Christian Marriage*, 135-138.

Christian women would like to see their husbands live by biblical principles rather than by cultural tendencies.

The survey suggests that in principle, African Christians in Zimbabwe would like to experience a form of marriage solemnisation in which both customary and Christian elements of a marriage ceremony are acknowledged and present. African Christians in Zimbabwe feel that they belong to a particular society and culture within which Christian marriage ceremonies should be contextualised.

### ***Male and female attitudes to polygamy***

Although polygamy still poses a challenge both in society and among some church people, most African Christians are against it. All Christian women respondents in the survey indicated that they were intolerant of polygamy, especially among Christians. Nearly all African Christian women felt that if a man takes a second wife subsequent to his Christian conversion, the polygamist should not be allowed to keep the second wife. According to a pastor's wife, currently reading theology at the University of Zimbabwe, if a Christian husband took a second wife the man would be guilty of committing adultery against the first wife. She feels that polygamy is a form of adultery. Under the Marriage Act of 1964, adultery is one of the causes for divorce. While adultery is acknowledged as an offence under the Marriage Act in Zimbabwe, the statutory law has interpreted African custom in such a way that no distinction is admissible between adultery and a polygamous second marriage. According to the government of Zimbabwe, spouses married under the customary law whose partners commit adultery cannot sue for damage or file for divorce because a customary law marriage is considered potentially polygamous.<sup>14</sup>

Christian women in Zimbabwe are quite aware of the possibility of professing African Christian men taking a second wife. In Zimbabwe, African couples get married by Christian rites only if they profess to be Christian. There are other cases the writer is personally familiar with. A former principal of a Bible College, who received a graduate degree in theology from a renowned overseas evangelical seminary, took a second wife while his first marriage by Christian rites was still in existence.<sup>15</sup> Two evangelical

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<sup>14</sup> 'Adultery not recognised under customary law', *The Herald*, Harare, Zimbabwe, 20 February 1999.

<sup>15</sup> In 1993, the author unsuccessfully tried for several months to stop Mr 'T' from pursuing a second marriage. Under the provision of the Marriage Act of 1964, the first wife got custody of the children and the house. He left his family in town and got settled in his rural area with his second wife.

pastors took additional wives after retiring from active full-time Church ministry.<sup>16</sup> After taking additional wives they suddenly stopped attending mainline churches. At the time of the survey, one para-church leader who is also a church elder said that he was contemplating polygamy.<sup>17</sup> A single male university student-pastor was of the view that the African Church should accommodate polygamists and their additional wives. Although most men did not express ethical repulsion at polygamy in the way women did, they preferred monogamy to plural marriage. Although Zimbabwean Christian women strongly suggested that polygamists should be excommunicated from church, they did not, however, express any pastoral concern for the excommunicated man and his family. In the past, such families were accepted in African Initiated Churches which “went out of their way to attract people who for one reason or another had married more than one wife and yet wanted to continue calling themselves Christians.”<sup>18</sup> African Initiated Churches addressed themselves in particular to Christians from mission churches who had ceased to be monogamists. However, in September 2005 the Union for the Development of Apostolic Churches in Zimbabwe (UDACIZA), an umbrella body of the African Initiated Churches<sup>19</sup> in Zimbabwe, made a landmark resolution to oppose polygamy among its members.<sup>20</sup> Through its twelve years of study of facts and realities on the ground, UDACIZA came to the conclusion that polygamy was the main cause of the spread of HIV and AIDS among its members. Therefore, it finally stated that all African Initiated Churches should cease to tolerate polygamy in favour of monogamy.<sup>21</sup>

Although it has taken the crisis of HIV/AIDS for UDACIZA to produce such resolution against polygamy it is noteworthy that African Initiated Churches are progressively engaging in their own theological reflection on such questions. One gets the impression, on the other hand, that some mainline church leaders apply certain marriage rules simply because they were handed to them by their founding missionaries. It is hoped

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<sup>16</sup> Rev ‘K’ and Rev ‘M’ both trained at the same Bible College, and served in the same denomination. Upon retiring in 1987 and 1989 respectively in their late 70s, they took second wives. It seems like they viewed their retirement from a mission denomination as ‘freedom’ to go for polygamy.

<sup>17</sup> Mr ‘V’ of the Reformed Church in Zimbabwe, 24 May 2005.

<sup>18</sup> Weinrich, A.K.H. *African Marriage in Zimbabwe*, Gweru, Zimbabwe: Mambo Press, 1982, 157.

<sup>19</sup> Some of the churches which were part of the historic development were Johane Masowe, Johane Marange, Zvapupu ZvaJesu, Johane Masowe weChishanu, Zviratidzo ZvaVapostori, and Mugodhi Apostolic.

<sup>20</sup> “VaPostori Sects Ban Polygamy”, *The Herald*, Harare, Zimbabwe, 18 September 2005.

<sup>21</sup> “VaPostori Sects Ban Polygamy”, *The Herald*, 18 September 2005.

that ethics and ecclesiology for the modern African Church will be a result of serious biblical reflection by African Christians.

### **Recovering the key features of customary marriage**

In post-independent Zimbabwe, Africans, including Christians, take pride in their cultural identity. Christianity does not exist in a cultural vacuum. African Christians would like to see some of their culturally meaningful marriage values and some symbols highlighted and practised in Christian weddings. Instead of continuing to highlight only European marriage artefacts, they would like to see culturally relevant African marriage features also take the centre stage at their Christian marriage ceremonies. African Christians agree that there are observable acts (and not necessarily spoken words) that indicate the existence of a commitment for life in a customary marriage system.

Most African Christians rely primarily on what their church leaders say as a guide to the Church's teaching. Therefore, it was not surprising to find that 89% of the informants thought that church weddings were fully sanctioned by the Bible. They were under the impression that wedding artefacts like the wedding gown, the wedding veil, wedding rings, and marriage vows are all rooted in the Bible. This is because from the beginning missionaries as local church pastors and marriage officers attached scriptural verses to each of these artefacts at African church weddings in an effort to demonstrate that church marriage ceremonies were Bible-based. For example, during the exchanging of wedding rings pastors usually cite 1 Corinthians 13:4-13 as a reference to endless love (a ring has no observable line of division); Ephesians 3:14-19 and Matthew 19:4-6 are highlighted as a reference to the permanence of marriage while the groom and bride are making marriage vows to each other; and the marriage feast of Revelation 19:6-9 is cited while unveiling the bride and at the time of cutting a wedding cake. It is well known that a white wedding gown and a veil are meant to be symbols of purity or virginity at marriage. The unveiling of the bride by the groom at the end of a church marriage ceremony signals, according to most African Christian women, the exclusive permission given him to enter into a sexual relationship with the woman who had kept herself pure until marriage. A wedding ring is understood to be a symbol of endless love for each other,<sup>22</sup> and is normally placed on the left-hand ring finger which is believed to

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<sup>22</sup> The pastor, as a marriage officer, usually reads 1 Corinthians 13, which speaks of unconditional love, in the hearing of all present.

have its veins running to the heart.<sup>23</sup> It was pointed out in chapter 3 that all these church marriage artefacts, symbols and rituals were borrowed from pre-Christian European cultures at the time of formulating a church marriage liturgy in the medieval times. During the Middle Ages, brides from wealthy families used to wear dresses interwoven with gold or silver thread and lace. The predominant colour represented a family crest. In some cases, family wedding costume would be passed on from generation to generation, as family symbols, especially if the family had a high standing in society. And those from poor families would put on a white blouse trimmed with a little lace, a skirt and a jacket. In general, brides could put on their best or Sunday clothes in whatever colour. The practice continued right through the eighteenth century. However, when Queen Victoria wore a white gown at her wedding to Albert, the colour became associated with virginity at marriage since she had kept herself a virgin until marriage. Consequently, her white wedding dress became a symbol of virginity at marriage.<sup>24</sup> During Queen Victoria's reign the expectation of virginity at marriage became increasingly rigorous in British society.<sup>25</sup> Those who preferred to get married in church were understood to be virgins. And their virginal status would be signalled by church bells at the time of the wedding. Therefore, it was assumed and accepted that if church bells were not rung at a wedding the bride was no longer a virgin. However, with the fading away of the Victorian standards of morality there has been an unprecedented increase of cohabitation before marriage. While virginity at marriage is

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<sup>23</sup> Before the invention of coins, an Egyptian man would carry and display his wealth by having gold rings on his fingers. On the wedding day, he would give one of the gold rings to his bride. While putting the gold ring on her finger he would be making a promise saying, "With this ring all my worldly goods I thee endow." By so doing, the husband was symbolically conferring his worldly goods upon her. When the Romans came on the scene as the dominant world power, they adopted the use of the Egyptian ring as a marriage pledge. To them the ring became a symbol of the cycle of life. Unlike the Egyptians, they would give an engagement ring instead of a wedding ring as a token of a pledge or commitment for a future marriage. It was the Germanic tribes, during the Middle Ages, who resumed the ancient Egyptian use of the wedding ring. A groom would give his bride a marriage ring on the wedding day itself. Later, the Western culture started to make use of both the engagement ring (like the ancient Romans) and wedding ring (like ancient Egyptians and Germanic tribes). At an engagement ceremony, a fiancé would give his fiancée an engagement ring as a pledge for a potential marriage. Then, on the actual wedding day, the bridegroom would give his bride a wedding ring as a pledge to a life-time commitment. Historically, the wedding ring became part of the Church marriage ceremony pledge in 1549. Initially, only the groom would give his bride a wedding ring while pledging, "With this ring I do thee wed." And the wearing of wedding rings especially by married women gradually became almost a universal expectation and practice. Married couples would wear it on the third finger of the left hand since it was believed that a nerve in that finger went straight to the heart. It was the English who first referred to the ring-finger as the *gold finger* because of the gold value in the ring. Hence, the modern use of marriage vows, cakes, and marriage rings in Church marriage ceremonies and celebrations can be traced back to pre-Christian Egyptian, Roman and Celtic cultures. Cf. Davies, Dunstan. *Why Do We...At Weddings?* Nuneaton, Warwickshire, England: M.D. & P. Davies Book Services, 1996.

<sup>24</sup> Davies, Dunstan. *Why Do We...At Weddings?* Nuneaton, Warwickshire, England: M.D. & P. Davies Book Services, 1996, 4.

<sup>25</sup> Davies, *Why Do We...At Weddings?* 4.

no longer a cultural expectation and a criterion for a church wedding in Britain,<sup>26</sup> it is still a criterion for church marriage in most mission churches in contemporary Zimbabwe.

One of the features of customary marriage that nearly all of the informants said that they would like to see acknowledged and recognised at African Christian weddings is the role, purpose and significance of *lobolo*. Interestingly, less than 2% of our female informants specifically mentioned the significance of ‘marriage vows’, while none of the participants made any reference to the meaning and significance of wedding rings normally exchanged at church weddings. As we have already noted above, all the participants rooted the legitimacy of marriage in *lobolo* transactions. Traditionally, *lobolo* is viewed as a token of appreciation by the groom and his family to his in-laws of their irreplaceable part and responsibility in the upbringing of his beautiful bride or mother-to-be. The respondents felt that the significance and acknowledgement of *lobolo*, and not necessarily the substance, should be mentioned at every African Christian wedding. None of the informants gave the impression that they regarded *lobolo* as a form of ‘purchasing’ a woman, even though some rightly pointed out that *lobolo* has become highly commercialised. ‘The Rights of Women in Zimbabwe’ Report argued that the parties should agree on what is a reasonable amount of *lobolo* since such agreement will reflect “the true nature and place of *lobolo*” in marriage.<sup>27</sup> *Lobolo* is the buttress of the whole present system of African marriage, and it pervades every area of personal law.<sup>28</sup> It is the *sine qua non* for customary marriage.<sup>29</sup> It is for that reason that 98.7% of the male respondents felt that African Christian couples should consummate their marriage *after* traditional marriage but *before* a church wedding. The concept of marriage, be it a registered or unregistered customary marriage or a civil or a church marriage, is still very much influenced by the traditional concept and significance of *lobolo*.<sup>30</sup> In principle, even African women’s groups in Zimbabwe do not oppose *lobolo*. That explains why African Christians still value customary marriage as constituted by *lobolo* more than they do church marriages constituted by the exchange of “marriage vows.”

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<sup>26</sup> Ash, Christopher. *Marriage: Sex in the service of God*, Leicester: Inter-Varsity, 2003, 35-55.

<sup>27</sup> ‘The Report on The Rights of Women in Zimbabwe’, Harare, 14<sup>th</sup> to 17<sup>th</sup> November, 1984, 10.

<sup>28</sup> Seymour defines personal law as: “The law of persons or status is for the most part bound up with the question of marriage, its consummation, consequences and dissolution; children, their minority, tutelage and emancipation; and succession.’ Cf. Bekker & Coertze, *Seymour’s Customary Law in Southern Africa*, 1982, 43.

<sup>29</sup> May, J. *Changing People Changing Laws*, Gweru, Zimbabwe: Mambo Press, 1987, 41.

<sup>30</sup> May, *Changing People, Changing Laws*, 37.

The 1947 Anglican Report on marriage in Zimbabwe discussed in chapter 5 (which was never implemented) recommended that since the question of *lobolo*, though not an issue among modern European marriages, was fundamental to Africans, the church should no longer turn a blind eye to that custom.<sup>31</sup> The questionnaire responses suggest that African Christian women in Zimbabwe feel that the lack of mention of marriage by *lobolo* at current church weddings leaves people with the impression that African Christians in mainline European-daughter churches uphold only European marriage values in an African society. It was argued in chapters 2 and 4 that in African (Shona) society if a woman moves in with a man who has not established marriage based on a *lobolo* transaction, she will be considered a loose woman or a short-term prostitute, *mukadzi ari kubika mapoto* (literally, an unmarried woman who cohabits with a man for his sexual needs and in return gets food, clothing and shelter). As a temporary prostitute, she can move out any time in favour of a different man, therefore, she cannot rightfully be addressed as daughter-in-law by the man's relatives. The African society in Zimbabwe looks down on any woman who moves in to live with a man who has not established a *lobolo* transaction with her parents. Therefore, at church marriage ceremonies where there is no reference to *lobolo* transactions, African Christian women tend to feel that they can be viewed as women who are entering into unstable man-woman relationships. Some women respondents pointed out that a form of *lobolo* was practised in the Old Testament. These responses suggest that African Christians in Zimbabwe believe that *lobolo* (rather than Christian marriage vows) help sustain African marriages. There is nothing in the current church or civil marriage ceremony which acknowledges the importance and purpose of *lobolo* in African marriage. Interestingly, in the first Native Marriage Ordinance of 1901, discussed in chapter 4, *lobolo* transactions were always included on the marriage certificate. Another feature the Zimbabwean Christian informants find missing in the current church or civil marriage ceremony is the place of a token of a life marriage commitment (*nduma*). Once the man and the woman have decided on their own that they love one another and would like to marry, they would exchange small tokens or pledges of their love for each other and agreement to marry. To most Africans in traditional Zimbabwe society, the giving and receiving of a token of a marriage commitment is as culturally meaningful as an engagement ring or a wedding ring used to be in the Western society.

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<sup>31</sup>Report of the Commission on Marriage in Zimbabwe, March 11 1947, 5.

It was not so much the value of the token itself, but a sense of a life-commitment that was associated with the giving of it. Unlike the engagement ring in Western society, the token for a marriage commitment is not meant for public display. It is strictly a private agreement; therefore, it is kept secret until the day of the *lobolo* transactions.

Interestingly, none of the informants mentioned any significance that they attached to either an engagement or marriage wedding ring even though all couples who wed in church are expected to exchange wedding rings, regardless of value. In the absence of the token for a marriage commitment, the Zimbabwean Christian women interviewed find the current church marriage ceremony too Western in style and content. 99% of the women surveyed thought an expression of life-commitment exists in both customary and church marriage ceremonies: at customary marriage one produces a token of commitment to marriage which clearly shows the bride's life-commitment to a permanent marriage relationship, and the relationship culminates in the giving and receiving of *lobolo*; and at a church marriage ceremony, one shows the same life-commitment before God (through a public marriage ceremony) in the presence of family members, friends and church members.<sup>32</sup>

Another feature that African women in Zimbabwe said they would like to see featured at an African Christian wedding is a container of condensed cow milk as a form of vaseline or body and hands lotion. Traditionally, when a mother became aware of the impending marriage of her daughter, she would start preparing a container of condensed cow milk. The mother would present the container to her daughter on the eve of the handing over ceremony. The bride would be expected to use it the following morning at her husband's home. On her first morning at her husband's home, she would be expected to get up very early to warm water mainly for male members of her husband's family. After they had washed their own faces, she would supply them with a container of condensed cow milk, as a form of vaseline or body lotion for their faces and hands. The condensed cow milk in a container symbolically expressed the kind of relationship desired between the bride and her husband's family members; that it would be pleasant and easy just as oil softens and brightens the skin.<sup>33</sup> Because African Christian mothers have not been given an opportunity publicly to present their daughters with a container

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<sup>32</sup>However, African Christian female participants did not specifically mention 'marriage vows' as a public testimony of their commitment to marriage before God. In Shona society it is not so much what a couple say to each other at a marriage ceremony (e.g. marriage vows) that is important but what they do, that is, publicly taking part in a marriage ceremony.

<sup>33</sup> Communication from Rev Mrs Constance Sibanda, Methodist Church, March 2000.

of condensed cow milk they continue to do so secretly.<sup>34</sup> Morally and religiously, there is nothing wrong with the use of condensed cow milk or vaseline. As we will see in the next chapter, the Kisembo Catholic Report of 1977 found that some Catholic dioceses in Tanzania allow African Christians to use oil which is a culturally meaningful marriage symbol in parts of Tanzania. In the context of a Christian marriage ceremony in Zimbabwe, African mothers should be allowed to present their daughters with a container of condensed cow milk or in modern days a vaseline bottle on their way to the handing over ritual.

If these currently missing features can be added to an African Christian marriage ceremony, there is a possibility of coming up with what we may call a meaningful *African Christian customary marriage* ceremony. This will be suggested in the next chapter as an alternative approach to African Christian marriage in Zimbabwe.

### **The call for the recognition of customary marriage**

It has been shown in chapter 4 that the Marriage Act of 1918 was initially intended to meet the needs of people of British origin that were living in British colonies during the colonial era. In Zimbabwe, the current civil and church marriage systems, which both fall under the Marriage Act of 1964, do not take cognisance of customary marriage. Retrospectively, some male respondents felt that the lack of recognition of customary marriage by the state and the church was a reflection of a colonial and racist attitude towards Africans and their culture and values. They expressed their resentment towards the colonial government and the missionary movement for depriving African Christianity of its identity at church weddings. Hence, African Christian men, more than women, call for a decolonisation of Christianity by a realistic recognition of African customary marriage. Lack of recognition of and respect for African culture has given some mission organisations and Christianity in general a bad name in independent Africa. On the other hand, urban women saw the lack of tangible evidence in the form of a marriage certificate at a customary marriage as the main reason for the government and churches' refusal to recognise traditional marriages. As we have noted above, African Christian women are committed to the idea of tangible documentation of a marriage ceremony in the form of a marriage certificate. Therefore, they see an

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<sup>34</sup> Communication from Rev Mrs Constance Sibanda, Methodist Church, March 2000.

important place and role for a church marriage under the Marriage Act as an addition to unregistered customary marriage which does not issue a marriage certificate.

At present, most mainline churches in Zimbabwe would advise all their adherents who are only traditionally married to go and have their marriages solemnised first at the magistrates' court under the Marriage Act of 1964 before coming for a church blessing. Respondents indicated in one way or another that Africans are still confused about the difference between a church marriage ceremony and a church blessing on a marriage contracted at civil court.<sup>35</sup> The only significant difference between the two is the absence in the latter case of marriage banns' publication and a marriage certificate.<sup>36</sup> According to some of our female respondents- a female college lecturer, and two pastors' wives reading theology at the University of Zimbabwe- African pastors should not put too much emphasis on the need to get married in the presence of local church members, but rather on a Christian marriage ceremony in the presence of family members and relatives.

Nearly all our respondents acknowledged that there are some definite problems that African Christians experience as a result of the current marriage system.

The first problem that African Christian couples encounter according to the survey is that of social status and image identity within a local church. It was shown in chapter 6 that missionaries insisted on calling African Christian wives by their maiden names until they wed in church. In the survey, women without church marriages reported having to endure public humiliation in some church services. One such woman said that those married only by customary marriage are usually ridiculed from the pulpit, backed up by massive boasting from those who went through a white wedding. So, ridicule and some form of peer pressure are real psychological problems that mostly women church goers usually face. In the *Ruwadzano* meetings, discussed in the last chapter, women with no church marriages are not allowed to put on uniform.

The second problem is that though customary marriage in itself constitutes a valid and legitimate union in African society; it does not issue a marriage certificate. Partly for this reason, women prefer having a church wedding (in addition to a customary marriage ceremony) which issues a marriage certificate subsequent to customary marriage. To African Christian women both customary and church marriage ceremonies

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<sup>35</sup> In *The Methodist Service Book*, the two ceremonies are almost identical. Cf. E1-E22, Methodist Publishing House, Peterborough, England, 1975.

<sup>36</sup> 'The Marriage Service', *The Methodist Service Book*, E1-25, 1975.

are important in spite of the problem of duplication. Zimbabwean Christians end up having at least two marriage ceremonies: a customary marriage ceremony and a church marriage ceremony. Three pastors suggested that the church in Zimbabwe and the government need to engage in constructive discussions on the way forward, and the outcome of such consultations should be brought to the attention of society as a whole and church people in particular. African Christians value customary marriage as well as African Christian marriage ceremonies, and yet the former is not yet recognised by the church which conducts African Church weddings on behalf of the state. The survey suggests that most Zimbabwean Christian women would prefer to be issued with a marriage certificate under the Marriage Act of 1964, which applies only to monogamous unions. According to the Women and Law in Southern Africa (WLSA) Research Project, the majority of unregistered customary unions are in the rural areas.<sup>37</sup> The third problem is that of registration. Since 1917, only registered marriages are considered valid and legitimate by the state. A customary marriage can be registered under the Customary Marriages Act at any district office, and a civil marriage certificate is issued to couples who contract their marriages either at the magistrates' court or in church. However, the date on either the Customary Marriages Act marriage certificate or the Marriage Act marriage certificate will not reflect the actual date of the customary marriage.

African Christians thus find themselves sandwiched between their valued societal traditions which place the validity and legitimacy of any union of a man and a wife in customary marriage, and their new faith, Christianity, which recognises as valid and legitimate only marriages contracted under the Marriage Act of 1964 (either in church or at the civil court). The majority of African Christians in Zimbabwe value both systems of marriage, although the church has not yet been able to reconcile the two. These problems are not unique to the African Church in Zimbabwe. It took the European church centuries fully to reconcile customary marriage norms with Christian belief and the practice of Christian marriage in church. Unlike pioneer European missionaries, it is the desire of many African Christians in Zimbabwe to see the church recognise customary marriages for government purposes. Practically, the two systems of marriage can be reconciled, as we will suggest in the next chapter. It is the goal of

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<sup>37</sup> *Women and Law in Southern Africa: Research Project*, Zimbabwe, Harare: Matthews Printers, 1992, 34.

this thesis to persuade the African church to recognise and register customary marriages for government and church purposes.

### **Previous scholarly proposals for a Christian response to African customary marriage**

The majority of the earlier missionary studies<sup>38</sup> on African Christian marriage discussed mainly the question of polygamy in the light of their understanding of Christian marriage from a Western perspective. A few Christian writers, since the debate on African polygamy, have now acknowledged that to Africans, including Christians, a legitimate and accepted valid marriage is one rooted in traditional practice.<sup>39</sup>

Therefore, the church in Zimbabwe and elsewhere in Africa should continue to explore ways of making a relevant and practical link between African traditional marriage and a biblical theology of marriage. It was shown in chapter 3 that it took the Western church several centuries to develop its Christian marriage tradition from its cultural norms and practices and its understanding of biblical principles of Christian marriage.

Studies by Hastings, Kitembo and Mugaviri on African marriage have made a significant contribution towards the need of the contemporary African Church to recognise customary marriage. The focus of the following discussion is towards suggesting a practical way forward that builds on these previous studies while acknowledging their significant contribution.

#### ***Adrian Hastings***

It was pointed out in chapter 1 that the Hastings Report, *Christian Marriage in Africa* (1973), was commissioned by the Anglican Church to revisit the issue of Christian marriage in contemporary Africa. Hastings was a Catholic missionary priest, theologian and historian who worked in different African countries including Zimbabwe at the University of Zimbabwe where he served as professor of Christian theology until his final return to England in 1983. Hastings' aim through the Report was to help the Anglican Church and other Protestant missionary-established churches in Africa come to a better understanding of the deep-rooted African concept of marriage in the light of

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<sup>38</sup>Jennings, A. *Bogadi: A Study of the Marriage laws*, 1933; Trowell, *The Passing of Polygamy*, 1940; Helander, *Must we introduce monogamy?* 1958; Parrinder, *The Bible and Polygamy*, 1958; Trobisch, *My wife made me a polygamist*, 1971.

<sup>39</sup>Hastings, A. *Christian Marriage in Africa*, 1973; Kitembo, B. *African Christian Marriage*, 1977, Mugaviri, C. 'A Critique of the Methodist Church's Approach in Zimbabwe...', unpublished PhD thesis, 1998.

the European tradition of Christian marriage, so that the African Church might handle African marriages differently from pioneer missionaries.

Before Hastings' suggestion that the church should take a positive attitude towards African customary marriage, most Western missionaries had concluded that an African form of customary marriage was 'defective' because of its supposed omission of the principle of life-long commitment expressed in the formula "till death us do part."<sup>40</sup> The Hastings Report, like the Roman Catholic Church's report which followed four years later, was an attempt to contextualise Christian marriage in Africa by taking customary marriage seriously. Hastings was one of the first European missionary scholars working in Africa to argue that an African customary form of marriage<sup>41</sup> constitutes a valid and legitimate marriage among Africans just as customary forms of marriage had been legitimate for Jews, Greeks, Romans or northern Europeans.<sup>42</sup> Hastings argued that pioneer missionaries had no biblical grounds for rejecting customary marriage in Africa.<sup>43</sup> He admitted that unless the Scriptures were used in a rather formalistic and legalistic way, it was indeed difficult to find any ground at all for the Church's persistent rejection of customary marriage.<sup>44</sup> Therefore, he indirectly challenged the African Church to produce a practical relation between its faith (biblical principles) and its customary marriage system. Indirectly, Hastings wanted the contemporary African Church to ask itself: 'On what basis does the African Church continue to refuse recognising African customary marriage for church and government purposes?' Hastings, having studied African concepts and practice of marriage, came to the conclusion that African customary marriage was just as legal and valid a marriage union as was a Christian marriage since both were equally characterised by lifelong obligations.<sup>45</sup>

Hastings' most notable contribution to the pastoral theology of African church and mission-organisations in Africa was his proposal that the African Church should bless customary marriages.<sup>46</sup> He believed that most African Christians would gladly seek a blessing of the church on their customary marriages.<sup>47</sup> He offered three possible approaches to a church blessing on African customary marriages. The first would be to

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<sup>40</sup> Phillips, A. *Survey of African Marriage and Family Life*, London: Oxford University Press, 1953, 397.

<sup>41</sup> Hastings, *Christian Marriage*, 65.

<sup>42</sup> Hastings, *Christian Marriage*, 72-79.

<sup>43</sup> Hastings, *Christian Marriage*, 74.

<sup>44</sup> Hastings, *Christian Marriage*, 74.

<sup>45</sup> Hastings, *Christian Marriage*, 77.

<sup>46</sup> Hastings, *Christian Marriage*, 66.

<sup>47</sup> Hastings, *Christian Marriage*, 72.

have Western liturgical marriage formulae and a blessing inserted within the customary ceremony at the home of bride, with the priest, or perhaps another representative of the church, going there and taking part. The second would be for part of the customary marriage to be fused with a church service and held in church. The third would be a blessing to be given to the couple or even in their home on some subsequent occasion, but without the form of marriage.<sup>48</sup> In each of the three options, an African Christian couple would end up receiving a ‘church blessing.’ The author’s research suggests that Hastings was right in concluding that most African Christian couples would like to have some form of a public Christian commitment and a pastoral prayer over their marriage.<sup>49</sup> For church purposes, Hastings preferred all unblessed couples married by custom to be registered in a separate book from marriages of baptised members solemnised in church.<sup>50</sup> However, he gave no theological reasons for the church maintaining two separate marriage registers.

In addition to his call to the African Church to consider blessing customary marriages of Christians, Hastings made another bold and important suggestion that the African church should *recognise* and *register* customary marriages for the purposes of government, irrespective of whether or not they had been blessed by a priest.<sup>51</sup>

Although Hastings did not suggest how to go about recognising and registering African customary marriages for government purposes, he had, however, made a point which the missionary-founded churches in Africa had refused to consider from the beginning. It will be pointed below that if the registration is “for the purposes of government”, then the church will be obliged to issue the African Christian couple by customary marriage a marriage certificate in accordance with the statutory marriage law of Zimbabwe (the Marriage Act of 1964).

It was shown in chapter 3 that the European tradition of Christian marriage evolved from a theological and pastoral response of the church to European customary marriage practices. Therefore, Hastings’ work was a breakthrough in calling upon the contemporary African Church to make a thoughtful and biblical response to an African customary marriage system which is not inherently morally unacceptable.

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<sup>48</sup> Hastings, *Christian marriage*, 72.

<sup>49</sup> Hastings, *Christian marriage*, 71.

<sup>50</sup> Hastings, *Christian marriage*, 72, and footnote 1.

<sup>51</sup> Hastings, *Christian marriage*, 72 and footnote 1.

***Benezeri Kisembo, Laurenti Magesa and Aylward Shorter***

In 1977, four years after the Hastings Report, the Roman Catholic Church in Africa produced a similar report, *African Christian Marriage*,<sup>52</sup> edited by Benezeri Kisembo,<sup>53</sup> an Anglican bishop and two Roman Catholic priests, Laurenti Magesa<sup>54</sup> and Fr Aylward Shorter.<sup>55</sup> It is ironic that the Roman Catholic Church in Africa asked an Anglican bishop, Benezeri Kisembo, to serve on the Catholic Report, *African Christian Marriage*, and the Anglican Church in Africa asked a Catholic priest, Adrian Hastings, to serve as editor of the report *Christian Marriage in Africa*.

The fieldwork for the Catholic Report was conducted by the Churches' Research on Marriage in Africa (CROMIA). The Catholic Report<sup>56</sup> which "represents an attempt by Africa to do her own socio-religious research and to respond theologically to her own social problems"<sup>57</sup> frequently makes reference to the Hastings Report. According to the CROMIA's findings, the Roman Catholic universal teaching on marriage had not helped but negatively affected the African Christian community. The editors of the Catholic Report looked at current African Christian marriage in the light of African customary marriage and overall Roman Catholic canonical teaching on marriage. The Report concluded that the Roman Catholic canonical resolutions and solutions on marriage were "unrealistic and untheological" in African society.<sup>58</sup>

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<sup>52</sup>This is a final report of a five-year programme of research into sociology and theology of marriage in Africa from a Roman Catholic perspective. Most of the findings of the Churches' Research on Marriage in Africa (CROMIA) are similar to those of Hastings.

<sup>53</sup> He gained his PhD in biblical languages at the University of Aberdeen, Scotland. He was the Anglican Bishop of Ruwenzori Diocese, Uganda, his home country. He was appointed lecturer in Biblical Studies at Makerere University in 1973. He also served as the General Secretary of the Bible Society of Uganda. He and his wife, the Rev Canon Lovey Kisembo, lived through persecution under the brutal dictatorship of Idi Amin.

<sup>54</sup> Laurenti Magesa received his PhD from the University of Ottawa, and a D.Th from St Paul University, Canada. He is a priest from the Diocese of Musoma in Tanzania, his home area. He is one of Africa's best-known Catholic theologians who has written several books on inculturation and the African church. As an African theologian, he is critical of the traditional Catholic view of priestly celibacy. Cf. L. Magesa, 'The African Priesthood of the Future', *African Scribe*, vol. 1 no.3 (July 2001), 1-4.

<sup>55</sup>Fr Aylward Shorter, who has spent over thirty missionary years in Africa, is the author of several books on various aspects of Christianity in Africa. He served as a British Army Officer in Kenya and Malaysia before reading Modern History at the Queens' College, Oxford. Following Missiology Studies at the Gregorian University, Rome, he returned to Oxford to study Anthropology and then did two years of fieldwork in Tanzania for his doctorate thesis. Until 2002, he was the President of the Missionary Institute of London. Now back in Africa, in 2003 he accepted the position of Principal of Tangaza College, in Nairobi, Kenya.

<sup>56</sup>Unlike the Anglican Report which was edited by one person, the Catholic Report has three editors. Throughout this work we will refer to it as the Catholic Report rather than by any name of the three editors.

<sup>57</sup> Kisembo, *African Christian Marriage*, backcover.

<sup>58</sup> Kisembo, *African Christian Marriage*, 48.

The researchers were personally saddened during their years of their fieldwork for the report to see large numbers of African Roman Catholics who were being denied communion or who were under some form of discipline in their local churches simply because of their failure to marry in church.<sup>59</sup> In response to such unwarranted church discipline, the Report proposed that the Roman Catholic Church in Africa had to come up with a pastoral response to such African Catholics' dilemmas. The Catholic Report suggested that the solution was "not going to be found either by ignoring civil or canon law or by manipulating the law itself...the disciplining of such people is of no use whatever, if it is not accompanied by serious and practical measures to help them achieve church marriage."<sup>60</sup> In an attempt "to respond theologically to Africa's social problems" and dilemmas, the Report made several recommendations as a way forward for the Roman Catholic Church in Africa.

First, instead of African Roman Catholic couples married by customary marriage having to continue being denied communion and suffer discipline, they should "put their situation right" by "converting their stable customary marriage into Christian marriage of indissolubility." The Report pointed out that traditionally the Catholic Church perceived any African customary marriage system "to consciously exclude indissolubility" whereas solemnisation of marriage in Church "demands a commitment and is characterised by indissolubility."<sup>61</sup> However, in view of Canon 1098, which "is a new law and reflects the personalist approach of post-Vatican II law on marriage,"<sup>62</sup> the Report suggested that African monogamous unions of Catholics could be "regularized before the Church by renewal of consensus in canonical form (before the parish priest and two witnesses) in a private ceremony." Canon 1098 states that "a person contracts invalidly who enters marriage inveigled by deceit, perpetrated in order to secure consent, concerning some quality of the other party, which of its very nature can seriously disrupt the partnership of conjugal life."<sup>63</sup> Since Canon 1098 does "not determine the precise reason why and how deceit invalidates marriage,"<sup>64</sup> the Report concluded that it is possible to view Africans in monogamous customary unions as persons who entered into such relationships by consent rather than by deceit. Therefore,

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<sup>59</sup> Kisembo, *African Christian Marriage*, 47.

<sup>60</sup> Kisembo, *African Christian Marriage*, 47.

<sup>61</sup> Kisembo, *African Christian Marriage*, 48.

<sup>62</sup> Morrissey, Francis G. (ed.). *The Canon Law: A Practical Guide to the Code of Canon Law*, London: Geoffrey Chapman, 1995, 614.

<sup>63</sup> Morrissey, *The Canon Law: A Practical Guide to the Code of Canon Law*, 614.

<sup>64</sup> Morrissey, *The Canon Law: A Practical Guide to the Code of Canon Law*, 614.

such African customary unions could be regularised “before the Church by renewal of consensus in canonical form (before the parish priest and two witnesses) in a private ceremony.”<sup>65</sup> The editors’ regret was that “African Roman Catholics are universally unaware of the existence of this (post-Vatican II law on marriage) canon.”<sup>66</sup>

Contrary to Hastings, but like the SRMC, the editors of the Catholic Report believed that African customary marriages as they stand could not be considered valid and legitimate since they are perceived as dissoluble.<sup>67</sup> According to the Catholic universal doctrine of marriage, a marriage between two baptised Catholics becomes a sacrament only when it is solemnised in church. The Report suggested that after solemnisation of a customary marriage in church for sacred and ecclesiastical purposes, African Catholic couples could then be admitted to communion and their names struck off the disciplinary register. Ironically, according to CROMIA’s findings, most Catholic couples were very reluctant to have their African customary marriages solemnised in church, and for most of those who did, their once strong customary marriages “were breaking up in a matter of weeks or months.”<sup>68</sup> CROMIA could offer no explanation for this reality they encountered among African Roman Catholics.<sup>69</sup>

Second, concerning African civil marriages, the Report commented that although “it should be possible for Christians to contract a valid, natural marriage (civil marriage) without envisaging indissolubility,” a church wedding was preferable to a civil marriage for any baptised Catholic couple.<sup>70</sup> Because if a Catholic couple were to choose a civil marriage ceremony over a church marriage ceremony “they would be saying or implying that Jesus has nothing to do with their marriage,” whereas in a church wedding the baptised couple would be testifying that Christian marriage “comes into existence as a Christian sacrament solely because of explicit faith in Jesus Christ, and the churches have a right to testify, in a public act of witness, that such a faith exists.”<sup>71</sup> According to the Catholic Report, couples married by civil law have nothing to fall back on to reduce the temptation to dissolve the marriage.<sup>72</sup> The Report, in the final analysis, was saying that African Roman Catholic couples should choose a church marriage ceremony over a civil marriage ceremony.

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<sup>65</sup> Kisembo, *African Christian Marriage*, 53.

<sup>66</sup> Kisembo, *African Christian Marriage*, 53.

<sup>67</sup> Kisembo, *African Christian Marriage*, 48, 85-128.

<sup>68</sup> Kisembo, *African Christian marriage*, 47-48.

<sup>69</sup> Kisembo, *African Christian marriage*, 48.

<sup>70</sup> Kisembo, *African Christian marriage*, 48.

<sup>71</sup> Kisembo, *African Christian marriage*, 49.

<sup>72</sup> Kisembo, *African Christian marriage*, 49.

Third, the Report made another bold suggestion, namely that Catholics should learn from the achievements of those Protestant churches that had succeeded in contextualising African Christian marriage ceremony by integrating it into the religious and social life of local community churches.<sup>73</sup> CROMIA gives some examples of how some Protestant churches in Africa had succeeded in Christianising customary marriage itself by integrating it into the social life of local community churches. CROMIA had encountered, in some parts of Africa, a variety of contextualised approaches to African Christian marriage ranging from that of European rings being replaced by African bangles in the Democratic Republic of Congo, to that of the Aladura<sup>74</sup> Church, an African Initiated Church found in most West African countries, notably Nigeria, where in the Aladura marriage rite, the European wedding ring is replaced by the Bible. In the Aladura marriage ceremony, the ring is replaced by the Bible and the formula, “With this ring I thee wed...”<sup>75</sup> is altered to the following, as the groom gives the Bible to the bride:

With this Holy Bible, which is the Word of God and Spirit written with the prophets of old, the man weds this woman, and it makes her a covenant in the presence of God and man today, that he will not divorce her, neither give her place to any other, provided she remains in this Word of God. Those whom God has joined together, let no one put asunder.<sup>76</sup>

The idea of the biblical covenant, with some elements from traditional African covenants has been highly recommended for African marriage by Christian rite.<sup>77</sup> In the Nyamwezi and Kimbu area of Tanzania, there have been calls for the use of the veil, crown and oil for anointing which are meaningful marriage symbols in that society. In the context of a Christian marriage ceremony, the priest anoints both bride and bridegroom, after which, with the help of the paternal aunt, the bride is veiled and crowned. The ceremony, considered rich in culturally meaningful symbols and rituals, was carried out in a Christian context.<sup>78</sup> In one community in Uganda, CROMIA found

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<sup>73</sup> Kisembo, *African Christian Marriage*, 227-228.

<sup>74</sup> Aladura is a Yoruba word standing for “praying people.” The Aladura church was constructed on a model that arises from an indigenous reading of the Scriptures and a lively apprehension of the priorities of many anxious people. Many of the church members came from the Anglican Church. They were searching for the demonstration of God’s power amid human devastation (the influenza epidemic after World War I) and spiritual depression. Cf. Turner, *History of an African Independent Church*, 1967, 9-13.

<sup>75</sup> The wedding ring has very little significance among most African peoples as evidenced here and among the Shona of Zimbabwe.

<sup>76</sup> Kisembo, *African Christian Marriage*, 225.

<sup>77</sup> Perrin-Jassy, M.F. *Basic community in African churches*, New York: Orbis Books, 1973, 160-1.

<sup>78</sup> Kisembo, *African Christian Marriage*, 224.

out that following a customary marriage ceremony on Saturday, the bridal couple would proceed to exchange consent or marriage vows before a priest and to place wedding rings on each other's fingers during the Christian service itself on Sunday.<sup>79</sup> CROMIA also gave an example of the Roman Catholic diocese of Jinja, Uganda, which had learned from the Lutheran and Moravian Churches in East Africa how to contextualise African Christian marriage ceremony. The Catholic diocese of Jinja had adopted from the Lutheran and Moravian Churches how to bless a customary marriage contracted in the couple's home or village. The customary marriage ceremony in the village was "followed by the blessing of the priest and the entry of the marriage in the church register."<sup>80</sup> The main reason for the private character of the ceremony, according to Report, was the avoidance of an expensive wedding feast which might otherwise be demanded if the marriage were held in church.<sup>81</sup> Like Mugaviri, as we will see below, the Catholic Report strongly recommends that in African society, Christian marriage ceremonies should be contracted and conducted in the community where people live:

Marriage is a human institution, belonging to the human community, and the churches have no right to undermine such institutions. The aim of the church should be to strengthen such institutions and build them up. The churches, therefore, must work with the community, not in opposition to it. Everything must be done to minimize the distinction between the customary celebration of marriage and its Christian celebration.<sup>82</sup>

The Report's main contribution to the discussion was threefold: first, it acknowledged that some of the Roman Catholic Church's universal marriage canons were unrealistic in African society and without sound theological basis; second, it saw the possibility of 'recognising' African customary marriages within the framework of Roman Catholic doctrine of the sacramentality of marriage; and third, it encouraged the Roman Catholic Church in Africa to learn from the marriage contextualisation experiments and experiences of Protestant churches in Africa.

However, the Catholic Report was mainly concerned with a possible recognition of African customary marriage only for church purposes. It was shown in chapter 5 that the Roman Catholic Church is primarily concerned with a church marriage, and not the legal aspect of it.

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<sup>79</sup> Kisembo, *African Christian Marriage*, 225-6.

<sup>80</sup> Kisembo, *African Christian marriage*, 54.

<sup>81</sup> Kisembo, *African Christian marriage*, 54.

<sup>82</sup> Kisembo, *African Christian marriage*, 53.

### *Charles Mugaviri*

Rev Charles Mugaviri, an African Methodist Church minister in Zimbabwe, examined the work of Methodist missionaries in establishing churches in Zimbabwe, and their attitude towards African culture in general and in particular their negative view of African customary marriage.<sup>83</sup> In response to mission bodies' alleged "concerted effort to destroy traditional forms of marriage and replace them with the ideal of church,"<sup>84</sup> Mugaviri pointed out those European daughter-churches in Zimbabwe "have not succeeded in destroying traditional forms of marriage, which have continued to exist parallel to the so-called 'Christian' view of marriage."<sup>85</sup> Like Peter Hatendi,<sup>86</sup> an Anglican priest who later became Bishop of Harare Diocese, Mugaviri, as an African marriage officer himself, by his own admission, had always felt uncomfortable officiating at an African church marriage ceremony where couples had already been married traditionally: "I always felt that there was something wrong in the church's approach to marriage each time I made the declaration 'I now pronounce you husband and wife' ...to already traditionally married couples."<sup>87</sup> As an African theologian, Mugaviri attempted to suggest a way forward for the African Church.

In response to unsuccessful missionary attempts to destroy African traditional forms of marriage and replace them with the European Christian tradition of church marriages, and out of his personal frustration, as a marriage officer, with the current marriage ceremony duplication, Mugaviri made an assertion that "African traditional marriage can be an important source and starting point in the development of an authentically African and Christian theology of marriage."<sup>88</sup> In his attempt to provide "relevant pastoral models" for the African Church with regards to what he calls an "African and Christian theology of marriage" he anchored his arguments in African theology.<sup>89</sup> In his section on African polygamy and the Bible, Mugaviri, without any attempt to supply an exegetical biblical basis, called upon the African church in Zimbabwe "to

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<sup>83</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach to Marriage in Zimbabwe: Towards an African theology of marriage', Faculty of Arts, University of Birmingham, Unpublished PhD thesis, 1998, 163-208.

<sup>84</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach', 163-208.

<sup>85</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach', 209.

<sup>86</sup> See his discussion in chapter one.

<sup>87</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach', 4.

<sup>88</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach', 209.

<sup>89</sup> He goes to some length arguing for the role and place of African theology in contemporary world Christianity. Cf. Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach', 209-237.

know and make (it) known to others the reality and possibility of a multiplicity of marriage forms in the Zimbabwean context, and allow individuals to make choices which they judge to be important for the preservation of society and for the satisfaction of their personal needs.”<sup>90</sup> He continued by asserting that “the Church needs to be aware of *the fallacy that monogamy* as a social value guarantees the stability of the family and provides the quality of love in marriage...polygamous marriages have been known to be more stable and better serve as a vehicle for realisation of God’s love than monogamous marriages.”<sup>91</sup> Unfortunately, he did not provide examples to substantiate his statements on the fallacy of monogamy and on where polygamous marriages have been known to be more and better unions for the realisation of God’s love than monogamous marriages. Unlike Hillman, who tried to base his argument for African polygamy on some biblical texts,<sup>92</sup> Mugaviri argued for polygamy from the societal and practical needs of African communities.<sup>93</sup> He presented his case from the perspective of African theology. He tried to justify the role and importance of “the hermeneutics and interpretation” of African theology in constructing what he called an “African theology of marriage.” From the perspective of a radical form of African theology, Mugaviri called upon the African church in Zimbabwe to “make (it) known to others” that polygamy is better than monogamy.<sup>94</sup> Mugaviri’s call to the African church in Zimbabwe to “make (it) known to others” that polygamous marriages are better than monogamous unions is insufficiently grounded in biblical theology and is not a helpful contribution to the debate.

After refuting the European tradition of Christian marriage ceremonies,<sup>95</sup> Mugaviri proceeded to propose what he called “an African Christian celebration of marriage,” and here, like the Roman Catholic Report, he was on more solid ground.<sup>96</sup>

My thesis is that the best way to have an African Christian celebration of marriage is to abandon the western church marriage ceremony and instead have the church family join in the traditional marriage ceremony.<sup>97</sup>

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<sup>90</sup> Mugaviri, ‘A Critique of the Wesleyan Methodist Church’s Approach, 256.

<sup>91</sup> Mugaviri, ‘A Critique of the Wesleyan Methodist Church’s Approach, 256.

<sup>92</sup> Hillman, Eugene. *Polygamy Reconsidered: African plural marriages and the Christian churches*, New York: Orbis Books, 1975, 149-155.

<sup>93</sup> Mugaviri, ‘A Critique of the Wesleyan Methodist Church’s Approach, 255-264.

<sup>94</sup> Mugaviri, ‘A Critique of the Wesleyan Methodist Church’s Approach, 256.

<sup>95</sup> Mugaviri, ‘A Critique of the Wesleyan Methodist Church’s Approach, 264-269.

<sup>96</sup> Mugaviri, ‘A Critique of the Wesleyan Methodist Church’s Approach, 269f.

<sup>97</sup> Mugaviri, ‘A Critique of the Wesleyan Methodist Church’s Approach, 271-2.

Since in a Zimbabwean context a marriage ceremony can be conducted anywhere, Mugaviri's suggestion of the church family joining in the customary marriage ceremony in the village or kraal is possible. He suggested that this could be achieved by having a church minister and some members of the church community attend and actively participate in the traditional *kupereka* (handing over) ceremony of a fellow Christian which marks the handing over of the bride.<sup>98</sup>

Here Mugaviri made a great contribution towards the church's recognition of African customary marriage. As an African church minister, Mugaviri located African Christian marriage ceremony where it belongs, in a family rural homestead or village. It was pointed out in chapter 2 that *lobolo* negotiations usually take place at the village or home of the bride. African people, including those working and living in urban areas have a very strong affinity to their rural village which they consistently refer to as 'home'. They never refer to their urban residence or house as 'home.' Home is always at the village, and that is where also marriage negotiations ought to take place. After the marriage ceremony, the couple and those who live and work in urban areas can return to their respective places. Hence, Mugaviri has rightly captured the importance of a village home to Africans, especially at marriage.

Mugaviri suggested that African Christian couples could possibly recite their "marriage vows" at the handover stage, *kupereka*, of the customary marriage before a church minister officiating as a marriage officer.<sup>99</sup> According to Mugaviri, this could be achieved by having the minister and some of his church leaders attend the handing over ritual. Zimbabwean marriage law makes provision for the solemnisation of marriage by a marriage officer in any setting as long as there are at least two witnesses over eighteen. This could be followed by the signing of marriage registers. This would meet the legal requirements of a civil marriage by Zimbabwean law. According to Mugaviri, such pastoral involvement based on sound cultural and theological considerations would go a long way towards eliminating the dichotomy between church and traditional marriage extravagance that has bedevilled church marriages. Mugaviri warned that the church family and minister's presence and participation should not be seen as an attempt to commandeer the whole celebration by imposing a Western Christian marriage framework on a traditional ritual structure. Perhaps for this reason, he did not provide an alternative and suitable African Christian marriage liturgy (after saying that

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<sup>98</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach, 271-2.

<sup>99</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach, 50.

the African church should abandon the European Christian tradition of church wedding).

The handing over the bride ritual, which is technically the last stage of the marriage process, takes place at the bridegroom's home usually just before bedtime. Any attempt to Christianise customary marriage at the handing over of the bride stage of the customary marriage process has three flaws: the handing over ceremony, as the last aspect of the marriage process, normally takes place in the evening, therefore it would be inappropriate for a church minister and his accompanying church members to witness and participate in the marriage ceremony at that time of the night; the handing over ceremony normally involves only the paternal aunts and sisters of the bride who would take the bride late in the evening to the groom's house (her parents would normally be excluded from the rituals); and the handing over ceremony does not mark the commitment stage of African customary marriage, but simply a handover of the bride to her husband for the couple to consummate their marriage.

Mugaviri limited the responsibilities of an officiating church minister to two: asking the couple to recite the "marriage vows", and witnessing the signing of the marriage certificate.<sup>100</sup> If Mugaviri limits the role and responsibility of a church minister to these two aspects, then, how would a Christian marriage ceremony differ from that of a civil marriage in which the responsibilities of a magistrate, as a marriage officer, are also limited to the same two responsibilities? Moreover, if there is no significant Christian input by the church minister and no pastoral prayer or a blessing of the marriage, then, such a marriage cannot rightly be called a Christian marriage ceremony. The African Christian women in our survey pointed out that African customary marriage ceremonies are devoid of Christian input from the church minister.

There is a second problem with Mugaviri's proposal. For a church minister to participate in a customary marriage so as to make it legal, the marriage banns for such a ceremony would need to have been properly published or read on three successive Sundays before the customary marriage. It is an offence for any marriage officer in Zimbabwe to officiate at a marriage ceremony for which wedding banns had not been previously published.<sup>101</sup> Therefore, Mugaviri in his proposal for a church's participation in a customary marriage in the village overlooks this important element of a marriage ceremony under the Marriage Act of 1964.

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<sup>100</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach, 271.

<sup>101</sup> Sections 8, 9 'Marriage Act, Chapter 5:11.

The third and arguably the most serious deficit of Mugaviri's proposal was its inadequate grounding in biblical theology. In any Christian context, contextualisation, which ought to take place within different socio-cultural contexts, should rest on biblical principles.<sup>102</sup> It is all too easy, in seeking to find a way out of some cultural Christians' dilemmas over marriage, to assume what the Bible says or does not seem to say. In a commendable attempt to integrate African customary marriage with a Christian view of marriage, Mugaviri devoted most of his discussion to African theology rather than laying down some solid ethical principles based on biblical texts.<sup>103</sup> We believe that any meaningful discussion on the Africanisation of Christian marriage in contemporary Africa should derive its authority from principles of biblical theology that apply to all cultures. Therefore, if the African Church is to recognise and register customary marriages for government and church purposes, then, Mugaviri's proposal has not simply to take seriously the legal requirements for the solemnisation of a marriage (publication of banns of marriage), but also biblical principles on Christian marriage.

### **Conclusion**

In response to the current system of African Christian marriage in Zimbabwe, it is clear contemporary African Christians in Zimbabwe and elsewhere in sub-Saharan Africa would like to see in place an African Christian marriage ceremony that is culturally relevant, legally recognised and biblically meaningful. Government laws which regulate and define marriage must be adhered to if couples wish the protection of the law in case of the death of the other spouse, or divorce.

The efforts of Hastings, Kitembo and Mugaviri to Africanise Christian marriage demonstrate the ongoing quest and search for the contextualisation of the formation of African Christian marriage in different communities of contemporary African society.<sup>104</sup> Hastings provided broad but bold suggestions for the Protestant Church in contemporary Africa to try and recognise customary marriage for both church and government purposes. Therefore, he did not make any specific recommendations beyond his general statement of procedures towards recognising and registering

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<sup>102</sup> Cole, V. "Africanising the Faith" in *Issues in African Christian Theology*, Ngewa, S., Shaw, M. and Tienou, T. (eds.), Nairobi, Kenya: East African Educational Publishers, 1998, 12-23.

<sup>103</sup> Mugaviri, 'A Critique of the Wesleyan Methodist Church's Approach', 1998, Chapter 7.

<sup>104</sup> Whidborne, V. "Africanisation of Christianity in Zimbabwe", *Religion in Africa*, Vol 4(1983), 31-50; Cole, "Africanising the Faith" in *Issues in African Christian Theology*, 12-23.

customary marriage for church and government purposes. Mugaviri, as an African Methodist minister, picked up where Hastings left off. He suggested that in Zimbabwe, an African Christian marriage ceremony should be conducted in the village or kraal. Mugaviri's contribution was significant in that he located the marriage ceremony which included church participation in the village rather than in church in urban areas. He, however, limited the role and responsibility of a church minister in such a marriage ceremony to helping the couple say their marriage vows and the witnessing of the signing of the marriage certificate. He feared that if the minister became more involved in the African Christian marriage it would look like a Western church marriage ceremony. In Mugaviri's suggested model of an African Christian marriage ceremony, there was very little, if any at all, biblical teaching which would be essential and set it apart from other forms of customary marriage. He also overlooked the publication of banns of marriage that is necessary before a church minister can participate in an African Christian marriage ceremony. Mugaviri did not provide room for a marriage celebration by a wider community- church members and friends. In spite of its neglect of the need to publish wedding banns three successive Sundays before the marriage ceremony in the village, its lack of a suggested marriage liturgy appropriate for an African context, its insufficient attention to the biblical basis of Christian marriage, its lack of specific Christian input from the pastor at the marriage ceremony, and the problems associated with 'christianising' African customary marriage at the handing over of the bride stage, Mugaviri's study made a significant contribution by urging the contemporary African Church in Zimbabwe to join African Christian couples and their relatives at the village or kraal marriage ceremony. Contrary to Mugaviri's seeming endorsement and promotion of polygamy in contemporary Zimbabwe, society in general, Women's Rights Groups, the Council of Chiefs, African Initiated Churches and mainline churches have all now taken a stand against polygamy.

The Catholic Report, on the other hand, addressed itself to the Roman Catholic Church in Africa in the light of the universal doctrine of marriage as originally outlined at the Council of Trent in 1563-4. The research team found the application of the Catholic universal doctrine of marriage unrealistic in Africa. Therefore, the Report called upon the Roman Catholic Church in Africa to consider learning from some Protestant mission churches which had contextualised African Christian marriage ceremonies. One of the drawbacks of the Catholic Report is that it recommended the solemnisation of customary marriage in church *only for church purposes*. Catholic priests when

conducting a church marriage seem to pay more attention to the sacramentality of marriage rather than to the legal aspect of marriage.

None of the previous scholarly proposals for a Christian response to African customary in contemporary Africa has discussed the heart of the problem- whether or not an African Christian couple can consummate their marriage *after* customary marriage but *before* a church wedding. This missing link between African customary and church marriage in African society has resulted in moral dilemmas for African Christian couples at marriage. Seeking a theological and pastoral solution to such confusion will be the focus of our next chapter.

## CHAPTER 8

### AN AFRICAN CHRISTIAN CUSTOMARY MARRIAGE CEREMONY: A theological and pastoral response for contemporary African Christianity

“If an African Christian couple consummate their marriage *after* customary marriage but *before* a church wedding, they will normally face a public and humiliating church discipline.”<sup>1</sup>

#### Introduction

The argument of the study so far has led to the question: If marriage is a divine institution, as universal Christian tradition teaches, are African Christian couples truly and validly married *in the sight of God* when they contract a customary marriage? To those who say an African Christian couple can only be recognised as truly and validly married in the eyes of God after a church wedding, the appropriate response would be: Did God recognise marriages which took place before the introduction of church marriages in the thirteenth century?

This chapter will argue that it should be possible to combine customary and church marriage ceremonies into one, a *Christian customary* marriage ceremony which is both culturally relevant and rich in Christian principles. In chapter 2, we have seen how the traditional African (Shona) marriage is conducted, and in chapter 7 we gained some insight through a survey of popular attitudes towards customary and church marriage ceremonies in an African contemporary society of Zimbabwe. In this final chapter we will discuss the biblical and theological foundations of Christian marriage which the African Church would need to utilise in constructing a meaningful *African Christian customary marriage ceremony*.

#### Biblical foundations of Christian marriage

In our search for a contextualised form of an African Christian marriage ceremony suitable for sub-Saharan Africa, we believe that any meaningful discussion on the Africanisation of Christian marriage in Africa (or elsewhere) should derive its authority from principles of biblical theology that apply to all cultures. In our attempt to answer

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<sup>1</sup> Ngundu, Onesimus. ‘A History of Church Weddings’, *The Sunday Mail*, Harare, Zimbabwe, 3 August, 1997.

the question ‘What makes a marriage valid in Christian tradition?’ we will examine the relevant biblical data, especially the teachings of Jesus on marriage.

In his teaching about marriage (and divorce), Jesus articulated the basic characteristics of ‘the ideal of marriage’ found in the Hebrew Bible.<sup>2</sup> In the phrase ‘the ideal of marriage’, the term *ideal* may be used in at least two distinguishable senses. On the one hand, it may denote that which exists only in idea but has no existence in reality.<sup>3</sup> In this sense it indicates not only the unreal but also the unrealisable. On the other hand, the word may denote an existing thing as the type or standard for imitation. The assumption in this case is that the *ideal*, far from being unattainable, is perfectly capable of realisation.<sup>4</sup> We use the term *ideal* here with the second nuance. The term marriage can refer to both an institution or condition and a ceremony. The institution or condition of marriage refers to a relationship between a man and woman who have given themselves for life to one another exclusively, to live together, support and enjoy one another as husband and wife. The ceremony of marriage (a wedding) refers to the formal public transaction marking this union according to commonly accepted cultural procedures and regulations or laws.

In his teaching on the ideal marriage, Jesus often referred his audiences to the Hebrew Scriptures on marriage. In his answers to questions put across to him by the Pharisees in Matthew 19 and Mark 10, Jesus outlined the essentials of marriage which constitute a valid and legal marriage. In both Mark 10 and Matthew 19 Jesus was asked a question by some Pharisees: Mark has “Is it lawful for a man to divorce his wife?”<sup>5</sup> while Matthew has the question phrased slightly differently: “Is it lawful for a man to divorce his wife for any and every reason?”<sup>6</sup> In Mark, Jesus countered the Pharisees’ question with a question (10:3) and only after they had replied with a paraphrase of parts of Deuteronomy 24, did Jesus give his real answer (10:5-9). In Matthew, he came in with his answer straight away (19:4-6) by quoting several lines from Genesis which provided the basis of the viewpoint he argued in verses 6 and 9. Jesus, in answering the question, chose to focus on timeless principles of a theology of marriage that Christians would wish to apply to all cultures in all ages. Such characteristics of a valid and legitimate

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<sup>2</sup> Matthew 5:31-32; 19:3-12; Mark 10:2-12; Luke 16:18; John 4:16-19.

<sup>3</sup> Deasley, A. *Marriage and Divorce in the Bible and in the Church*, Kansas City, Missouri: Beacon Hill Press of Kansas City, 2000, 13.

<sup>4</sup> Deasley, *Marriage and Divorce in the Bible and in the Church*, 13.

<sup>5</sup> Mark 10:2.

<sup>6</sup> Matthew 19:3.

marriage should not be violated either through divorce, remarriage or any other form of a man-woman relationship/union (for example, polygamy).

In the first place, Jesus pointed out that in a *one-man* and *one-woman* marriage relationship which God first designed as the ideal marriage, the man takes the initiative in creating a marriage relationship, and the woman must give her free consent to the proposal. In both Mark and Matthew, Jesus said almost exactly the same: “From the beginning of creation” (Mark 10:6); “From the beginning” (Matt 19:4) and thus underlined what he was about to say about marriage. Jesus was calling upon or reminding the Pharisees to remember how “the creator” (ὁ κτίσας, *ho ktisas*) designed things “from the beginning.” In his design or creation, God made humankind into “male and female.” The words “male and female he made them” are found verbatim in Genesis 1:27 and 5:2. In Matthew 19:5 Jesus told them the reason why God made two sexes out of humankind: “For this reason, a man shall leave his father and mother and be joined to wife, and the two shall become one flesh.” In the brief introductory formula at the beginning of Matthew 19:5, “and he said”, the subject of the verb is probably to be understood not as Jesus (as at the beginning of 19:4) but as the Creator who is speaking.<sup>7</sup> Jesus here clearly attributes the words of Genesis about marriage to God himself whereas in Genesis they only appear as the words of the human author. At marriage, a man leaves or forsakes his father and mother “to be joined to his wife.” When a woman joins a man in marriage, the unique partnership of husband and wife necessitates the husband to “forsake his father and mother, and the two shall be one flesh.”<sup>8</sup> Both the Greek verb καταλείπω (*kataleipo*) and the Hebrew verb אָזַב (‘*azab*) can also mean to depart, to abandon, to forsake, or to make loose. One can leave a land, house or city.<sup>9</sup> When both the subject and the object are people, the leaving or forsaking seems to have a relational force.<sup>10</sup> The relational detachment has some emotional implications. The future passive form of the verb “to leave”, κολλάω (*kollao*), means to “join oneself to”, “to glue oneself to” or “stick oneself to.” Therefore, the term καταλείπω (*kataleipo*) has the idea of the man taking the initiative towards marriage. When he joins himself to a woman in marriage, upon her consent, the two become one flesh. The forsaking of a man’s parents is for a new and principal dependence, and of a

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<sup>7</sup> Hagner, D.A. *Word Biblical Commentary: Matthew 14-28*, Dallas, Texas: Word Books Publishers, 1995, 548.

<sup>8</sup> Genesis 2:24.

<sup>9</sup> Matthew 16:4; 21:17; Acts 24:17. Titus 1:5; Matthew 19:5; Mark 10:7, Ephesians 5:31 (Matt 19:5; Mark 10:7 and Ephesians 5:31 cite Genesis 2:24).

<sup>10</sup> Acts 24:17. Titus 1:5; Matthew 19:5; Mark 10:7, Ephesians 5:31.

new and primary duty to the wife. Therefore, a man's love for a woman and her complementarity to him in a marriage relationship can be demonstrated practically and sincerely by his attachment to her. Some commentators take the phrase "a man leaves his father and mother to become one flesh with his wife" as an echo of the system of matriarchy in which the woman was head of the family. Cassuto does not think it is necessary to take the meaning that way:

The meaning of the verse is simply this: Whilst a man is single, he forms part of his father's family, but when he takes a wife, he founds a new family; so long as he is in his father's house, all his love is dedicated to his father and mother, but when he is married, his love for his wife transcends that for his parents.<sup>11</sup>

Second, according to Jesus, quoting Genesis 2:24, marriage is to be viewed and respected first and foremost as a binding covenant.<sup>12</sup> At marriage the *one man* and the *one woman* become one: "the two shall become one flesh...they are no longer two but one flesh."<sup>13</sup> The verb εἰμί (*emi*) "become" is used here with the nuance of the indication of time. If one takes the Hebrew translation of the verb הָיָה (*hayah*) in Genesis 2:24 as "become", the implication would then be that marriage is a process in which all marriage partners are only on the way to becoming one flesh and some couples never remotely achieve this. But if הָיָה (*hayah*) is rightly translated as "it came to pass" then the meaning of the phrase will be accurately expressed as 'at marriage' or 'at the time of contracting a valid and legitimate marriage', *one man and one woman become one flesh*. The Hebrew phrase וַיִּהְיֶה לָּהֶם בָּשָׂר אֶחָד (wihayu libasar 'ehad) 'and they became one flesh') does not describe the process, but the accomplished fact, the changed situation. This is clearly Jesus' understanding of Genesis 2:24 as expressed in Matthew 19:5, 6. The Hebrew verb וַיִּהְיֶה (wihayu), 'and they became') in Genesis 2:24 is imperfect which expresses a repeated customary action.<sup>14</sup> The writer of Genesis is describing what normally or regularly happens when men and women marry. At marriage, 'a man leaves...cleaves...and he and his wife become one flesh.' At the time of marriage, a man and woman are no longer two, but become joined together. The term ὥστε (*oste*, so that) in Matthew 19:6 introduces a result clause that emphasises the final point of the preceding citation as well as providing the basis for the conclusion drawn in the second half of the verse.

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<sup>11</sup> Cassuto, C.A. *A Commentary on the Book of Genesis*, Part I, Jerusalem: The Magnes Press, 1961, 137.

<sup>12</sup> Heath W. & Wenham G. *Jesus and Divorce*, Carlisle, England: Paternoster Press, 1997, 103.

<sup>13</sup> Matthew 19:5, 6.

<sup>14</sup> Wenham, G. *Word Biblical Commentary: Genesis 1-15*, Waco, Texas: Word Books, 1987, 71.

The union of husband and wife in marriage means that the two have been joined into “one flesh”, σάρξ μία (*sarx mia*). The verb, συζευγνυμι (*suzeugvumi*), which appears only in Matthew 19:6 and Mark 10:9 in the New Testament, literally means “to yoke together”, “join together”, or “pair up.” At marriage, God yokes a man and a woman (side by side and not in a hierarchical manner) together for life in a mysterious union. The unity in marriage, according to Jesus, was instituted by God himself in the creation of humankind. Such a union of *one man* and *one woman* in marriage was *not* to be broken apart by human beings (μή χωριζέτω, *me chorizeto*, ‘let one not divide’). Marriage in the Bible seems to be first and foremost a binding covenant.<sup>15</sup> Numbers 30 makes it absolutely clear that all vows must be performed and that the Lord will not ‘release’ a person from a vow even if it is a ‘rash promise.’<sup>16</sup> Ecclesiastes specifically and sternly forbids any escape from vows by the person who protests: “My vow was a mistake.”<sup>17</sup> When Jesus said, “therefore no one [neither the couple themselves nor a third party] is to separate them”<sup>18</sup> he was stating the permanence of marriage. So, Jesus in his teaching about marriage reiterates the original will of God as established in the account of creation itself.<sup>19</sup>

### ***Characteristics of a valid marriage in Christian theology***

A valid and legitimate marriage in Christian theology has to reflect certain characteristics of what Jesus said about marriage as discussed above. Therefore, it is hoped that what is valid and legitimate in the eyes of God will be valid and legitimate for church and government purposes.

It is a presupposition of this study that people of different nationalities or cultures (Christians included) contract valid and legitimate marriage unions according to the acceptable norms and traditions of those cultures. In Christian tradition, what Jesus said about marriage should apply to all cultures whose allegiance is to God. A valid and legitimate marriage in the eyes of God, according to Jesus’ teaching should have the following characteristics:

First, a valid and legitimate marriage in the eyes of God should be characterised by a woman’s free and voluntary *consent* to a proposed marriage. According to Jesus’

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<sup>15</sup> Heth & Wenham, *Jesus and Divorce*, 103.

<sup>16</sup> Numbers 30:6-8.

<sup>17</sup> Ecclesiastes 5:4-7.

<sup>18</sup> Matthew 19:6.

<sup>19</sup> Hagner, D. A. *Word Biblical Commentary: Matthew 14-28*, Dallas, Texas: Word Books Publishers, 1995, 548.

teaching on marriage, since it is a man who takes the initiative to propose, a woman's consent to enter freely and willingly into a binding marital relationship is an important aspect of a valid marriage.<sup>20</sup> Throughout the biblical period, very often a marriage of a bride and groom was initiated by parents<sup>21</sup> whose permission for such a union was also essential.<sup>22</sup> Therefore, the consent of both sets of parents or guardians of the groom and bride was assumed as a precondition for a valid and legitimate marriage in the Old Testament. Nevertheless, the bride's consent was essential. For example, Rebecca had to affirm publicly her consent to marriage with Isaac.<sup>23</sup> In the Bible, the phrase "a man takes a woman" in marriage<sup>24</sup> suggests that the man *initiated* the marriage relationship, and the woman would *consent* to the marriage proposal. In Jewish culture, "the taking of a wife" meant a man betrothing a woman. The Hebrew word for betrothal is קִדּוּשׁין, *kiddushin*, derived from the root word קָדַשׁ, *kadosh*- holy, set apart, off limits to all others. At marriage, a woman is set aside for her husband and her husband alone. The transfer of an item of monetary value, however small, symbolises this 'setting aside.' A valid marriage is one in which one woman willingly sets herself apart for one man. At marriage she becomes off limits to all other potential partners- one male and one female become joined into a *one man-one woman* permanent relationship.

Second, a valid marriage was ratified by מֹהַר, *mohar*, which could be in a form of a complimentary gift, bridal gift, wedding gift or bride-wealth. The biblical phrase "take a wife" could also refer to money or a bridal gift. However, this money did not signify purchase but rather it was the symbol of a legal transaction.<sup>25</sup> While scholars of ancient Hebrew marriage laws may not agree on the definite meaning of *mohar*, they all agree that it was an essential aspect of a valid marriage.<sup>26</sup> For a marriage to be considered valid there had to be the transaction of *mohar*. As an indication that a marriage deal had been reached, the bride's family received the *mohar*. For example, Rebecca's family,<sup>27</sup> Dinah's family<sup>28</sup> and Michal's father<sup>29</sup> received a marriage transaction in a form of a

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<sup>20</sup> Heth & Wenham, *Jesus and Divorce*, 103.

<sup>21</sup> Genesis 24:1-4.

<sup>22</sup> Genesis 34:4-6.

<sup>23</sup> Genesis 24:5-8, 57f.

<sup>24</sup> Genesis 29:27; Exodus 2:1; Deuteronomy 22:13.

<sup>25</sup> Such a conclusion is derived from two facts: a) the money specified was so minimal as to eliminate any possibility of constituting a financial transaction; b) unlike other acquisitions, a wife could not be resold or transferred. Cf. Neufeld, E. *Ancient Hebrew Marriage Laws*, New York: Longmans, Green and Co, 1944, 148-150.

<sup>26</sup> Neufeld, *Ancient Hebrew Marriage Laws*, 94-117.

<sup>27</sup> Genesis 24:53.

<sup>28</sup> Genesis 34:12.

*mohar*. After the transaction of the *mohar* had effected a valid marriage contract, the bride was taken from her father's house to the house of the bridegroom. This signified the passing of the bride from the authority of her family to that of the bridegroom. It was, of course, otherwise when the bridegroom was to live in the house of the bride's father (as in the case of Jacob living with Laban).<sup>30</sup>

The third aspect of a transparent, hence, valid and legitimate marriage was a public *marriage ceremony* and/or *celebration*. According to Jesus' teaching on marriage, the formation of and entering into a permanent *one man-one woman* marriage covenant implies that it is a public event witnessed by others. In the act of 'taking a wife,' there is a hint of preparation, feasting, and celebration.<sup>31</sup> In ancient Jewish society, on arriving at the bridegroom's place, a marriage ceremony, at least in the case of the wealthy, was performed under a canopy.<sup>32</sup> Although the description in Joel 2:16 might suggest that only the bride was under the canopy while the bridegroom was in a separate room, the description in Psalm 19:6 indicates that the bridegroom was also under the canopy. However, the details of the ceremony itself performed under the canopy are not known.<sup>33</sup>

Fourth, a regular marriage process was completed by *consummation*. For example, in Genesis 24, Isaac and Rebecca consummated their marriage after a public handing-over of the bride. The handing-over was preceded by the man's initiative in making a marriage proposal to which Rebecca had to give consent. Although Jacob had lived in the same home with his wife-to-be, he and his wife only consummated their marriage after the *mohar* transaction (in the form of labour), a public family marriage feast and handing-over ceremony and a marriage blessing.<sup>34</sup> Boaz and Ruth consummated their marriage after a public ceremony.<sup>35</sup> In biblical times, the bride and groom would have their first intercourse only after the traditional marriage ceremony.<sup>36</sup> The following morning, the bride would bring forth tokens of her virginity- the sheet with bloodstains- which her family would then display as a badge of honour.<sup>37</sup> Though it seems primitive

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<sup>29</sup> 1 Samuel 18:25.

<sup>30</sup> Genesis 29:1-35.

<sup>31</sup> Genesis 24; Genesis 29, Judges 14:12.

<sup>32</sup> Neufeld, *Ancient Hebrew Marriage Laws*, 148.

<sup>33</sup> Neufeld, *Ancient Hebrew Marriage Laws*, 150.

<sup>34</sup> Genesis 29:21-23.

<sup>35</sup> Ruth 4:13.

<sup>36</sup> Greenberg, B. 'Marriage in the Jewish Tradition' in *Perspectives on Marriage*, Oxford: Oxford University Press, 1993, 386.

<sup>37</sup> Greenberg, 'Marriage in the Jewish Tradition', 386; cf. Deuteronomy 22:13-17.

to Western sensibilities, the custom of examining the bride's linen after the first night of marriage for spots of blood as proof of virginity is still practised in some Oriental and African communities.<sup>38</sup> So, consummation was an essential part of the formation of a valid marriage. From the time of consummation, sexual intercourse remains an exclusive privilege between *one man* and *one woman*.

In John 4:7-26, Jesus has a dialogue with the woman of Sychar, popularly referred to as the Samaritan woman, who has come to draw water. After Jesus had interacted with her on the meaning and significance of "living water"<sup>39</sup>, he redirected the conversation to the woman's marital situation.<sup>40</sup> She was surprised that Jesus knew her marital status, and she concluded that he was a prophet. The flow of the narrative suggests that Jesus was leading her to understand marriage from God's perspective. When he asked her to invite her husband to join the conversation, she told him that she had no husband. As far as Jesus was concerned, the sixth man she was cohabiting with was not her legal husband. In this narrative, Jesus implies that sexual intercourse or cohabitation alone does not constitute a valid and legitimate marriage. Conversely, consent alone at betrothal or engagement does not constitute a complete picture of a valid marriage. In summary, in the Jewish culture, first, an intention to marry was marked by a man's initiative to marriage and a girl's personal consent to the marriage proposal. Second, there was a *mohar* which signalled that a girl had been set aside exclusively for her husband alone. Thirdly, there was a public marriage ceremony and celebration. And fourthly, there was consummation of the union. These four features of a valid and legitimate marriage are present in the marriage of Rebecca to Isaac,<sup>41</sup> Rachel to Jacob,<sup>42</sup> and Ruth to Boaz.<sup>43</sup>

### ***Marriage and covenantal faithfulness***

At marriage one man is united to one woman, and the two become 'one flesh'. The Hebrew verb דָּבַק (*dabaq*) tamely translated 'be united to' in the *New International Version* means to cling, to cleave, or to keep close. To cleave or cling implies a relationship of passion and also the idea of the permanence of a marriage relationship. 'The term דָּבַק (*dabaq*) 'cleaving', is a word which occurs also in non-sexual contexts,

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<sup>38</sup>Greenberg, 'Marriage in the Jewish Tradition', 386; *Encyclopaedia Judaica*, vol. 11, 1045,

<sup>39</sup> John 4:10-15.

<sup>40</sup> John 4:16-18.

<sup>41</sup> Genesis 24.

<sup>42</sup> Genesis 34.

<sup>43</sup> Ruth 4.

frequently meaning to join to someone in a permanent way, as Ruth ‘clave unto’ Naomi<sup>44</sup> and the men of Judah ‘clave unto their king.’<sup>45</sup> Its use in 1 Esdras 4:20- ‘a man leaves his own father, who brought him up, and his own country, and cleaves to his wife’- shows that in the marriage context it has a wider reference than the sexual to include the whole relationship. It is one of the words used in the contexts of God’s covenant with his people, urging on the people the importance of committed faithfulness in response to God’s grace<sup>46</sup>- ‘you shall fear the Lord your God; you shall serve him and cleave to him.’<sup>47</sup> Therefore, spiritually, to ‘cleave to the Lord your God’ is part of the covenant obligations which call for absolute faithfulness (Joshua 22:5; 23: 8).

In marriage, when דָּבַק (*dabaq*) is used in a husband-wife relationship, it communicates the idea of loyal affection with physical proximity retained.<sup>48</sup> For example, ‘Shechem’s heart was drawn to Dinah daughter of Jacob, and he loved the girl and spoke tenderly to her.’<sup>49</sup> The word translated ‘was drawn to’ in Genesis 34:3 is the same as דָּבַק (*dabaq*) in Genesis 2:24. These are the words which in the marriage context describe the essential dimension of self-giving love expressed between the covenant partners. The Old English word for such a quality of commitment in marriage is *troth*. On this Olthuis comments that *troth* captures the nuances of trust, reliability, stability, scrupulousness, ingenuousness, authenticity, integrity and fidelity.<sup>50</sup> The central meaning of marriage (not so much of what it is *for*, nor how it is made, but what it *means*) is the expression of a bond of moral *troth*, that is, covenant faithfulness, in which two people marry each other (before God) and pledge to each other loyalty, trust, devotion and reliability.<sup>51</sup> The husband-wife union is a covenant relationship that is not to be broken. Jesus strongly warns against anyone who tries to “put asunder what God has joined together” in a marriage relationship so characterised by permanence.<sup>52</sup> This unique relationship, between a man and woman, is not to be broken because in marriage a man and a woman become one flesh: וְהָיוּ לְבָשָׂר אֶחָד, (*wihayu libasar ‘ehad*) ‘and they

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<sup>44</sup> Ruth 1:14.

<sup>45</sup> 2 Samuel 20:2.

<sup>46</sup> Atkinson, D. J. *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce*, Grand Rapids: Eerdmans Publishing Company, 1979, 83-4.

<sup>47</sup> Deuteronomy 20:10f.

<sup>48</sup> Genesis 2:24; 34:3; Joshua 23:12; 1 Kings 11:2.

<sup>49</sup> Genesis 34:3.

<sup>50</sup> Olthuis, J.H. *I Pledge You My Troth*, London: Harper & Row, 1975, 21.

<sup>51</sup> Atkinson, David John. *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce*, Grand Rapids, Michigan: Eerdmans Publishing company, 1979, 85.

<sup>52</sup> Matthew 19:6.

became one flesh’ or καί ἔσονται οἱ δύο εἰς σάρκα μίαν, (*kai hesontai duo eis sarka mian*) ‘and the two became one flesh.’ According to Jesus, God has been thus joining couples since the beginning of creation.<sup>53</sup> This is quite clear in both the Old Testament and the New Testament where the distinction is made between wives and concubines.<sup>54</sup> A valid marriage that is a voluntary union for life of *one man* and *one woman* to the exclusion of others is described as a *covenant* characterised by permanence.<sup>55</sup> The concept of covenant is at the heart of the biblical understanding of marriage.<sup>56</sup> The fundamental biblical description of marriage is that of a covenant.<sup>57</sup> If the primary purpose of the covenant relationship of man and wife in marriage is to be a reflection of God’s covenant relationship with his people in which God always remains faithful to his moral obligation to fulfil it, then, a husband in a marriage relationship has a similar moral obligation to fulfil his marriage obligation through faithfulness rather than try to ‘break’ or ‘destroy’ it.<sup>58</sup> As we have already seen in the teaching of Jesus about marriage, it is the man who ‘leaves’ his father and mother to join his wife at the time of contracting a marriage before God. Because of the nature of the marriage institution, it is to be characterised by covenantal faithfulness, just as God’s covenantal relationship with his people is to be marked out by faithfulness. According to Malachi 2:10, the people of God, who is One (אֶחָד *‘ehad*), should not have “profaned the covenant” by breaking faith with him, so also the one husband in a covenantal marriage relationship with his one wife should not ‘break’ the covenantal faithfulness. In Malachi 2:10-14, covenantal faithfulness in marriage can be treacherously ‘broken’ by polygamy as much as by divorce.<sup>59</sup>

### ***Marriage and the blessing of God***

In the Bible, covenants promise *blessings* to those who remain faithful to them and keep the commandments. The blessings under the old covenant were often material in their description, for example: increase of corn, and wine and oil; of the flocks and herds, and the fruit of the womb. But the material was also a symbol of the spiritual.<sup>60</sup> The

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<sup>53</sup> Mark 10:5-9; Matthew 19:4-8.

<sup>54</sup> For example, in Exodus 22:16f; John 4:17f.

<sup>55</sup> Malachi 2:10-14.

<sup>56</sup> Cornes, Andrew. *Divorce and Remarriage: Biblical Principles and Pastoral Practice*, 1993, 41.

<sup>57</sup> Atkinson, *To Have and to Hold*, 134.

<sup>58</sup> Luck, W.F. *Divorce and Remarriage: Recovering the Biblical View*, San Francisco: Harper & Row, 1987, 46.

<sup>59</sup> Hugenberger, Gordon Paul. *Marriage As a Covenant*, Leiden: E.J. Brill, 1994, 84-123.

<sup>60</sup> Dunstan, G. “The Marriage Covenant”, *Theology* vol 78 (January 1975), 249.

marriage covenant relationship also brought with it the promised blessings to those who continued and remained faithful in it.

Since a marriage ceremony was a family affair rather than a religious undertaking, the parents or family members of the bride would give her their blessing before sending her away to her husband's family and home. By their blessing, family members would be expressing a hope that the bride would become a mother of many children.<sup>61</sup> For example, Laban and Bethuel, when parting with Rebecca, blessed her by saying: "Our sister, be the mother of thousands of ten thousands; and may your descendants possess the gate of those who hate them."<sup>62</sup> Sometimes it was the bridegroom who received a marriage blessing before marriage consummation. For example, Boaz received a marriage blessing from the elders of the city and the people present as witnesses when he took Ruth as his wife: "May you prosper in Ephrathah and be renowned in Bethlehem; and may your house be like the house of Perez, whom Tamar bore to Judah, because of the children that the Lord will give you by this young woman."<sup>63</sup> At the end of the marriage benediction, Boaz took Ruth and consummated their marriage, and "the Lord gave her conception, and she bore a son."<sup>64</sup>

In ancient Israel, a marriage blessing was an acknowledgement that only the Lord God could bless a couple with offspring. The great importance of progeny is seen in the recurrent theme of these blessings. Motherhood, in Israel as among all other Semitic peoples, was the true sign of nobility of a woman.<sup>65</sup> When Rebecca found out that she was barren, her husband prayed to the Lord God for twenty years that "the Lord God would open her womb." In answer to Isaac's prayers, "the Lord God granted his prayers, and Rebecca his wife conceived and gave birth to two sons."<sup>66</sup>

Old Testament examples of a marriage blessing were given at the beginning of a valid marriage. In the early church, the rubric of a marriage blessing or pastoral prayer at the end of a customary marriage ceremony<sup>67</sup> was based on Psalm 128:3: "Your wife will be like a fruitful vine within your house; your children will be like olive shoots around your table." It was shown in chapter 3 that from the third and fourth centuries onward,

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<sup>61</sup> Neufeld, *Ancient Hebrew Marriage Laws*, 150.

<sup>62</sup> Genesis 24:60.

<sup>63</sup> Ruth 4:11, 12.

<sup>64</sup> Ruth 4:13.

<sup>65</sup> Neufeld, *Ancient Hebrew Marriage Laws*, 150.

<sup>66</sup> Genesis 25:21-25. Isaac prayed for his wife for twenty years that she might conceive.

<sup>67</sup> Stevenson, Kenneth W. *Nuptial Blessing: A Study of Christian Marriage Rites*, London: Alcuin Club, 1982, 27.

Christian couples started asking their local bishops in place of family pagan priests to pray for them in their bedrooms at the end of a customary marriage ceremony.

### ***Polygamy and the purpose of God***

We have established from Jesus' teaching about marriage that he advocates a monogamous and permanent marriage. Jesus, using the Genesis account as the point of reference for biblical principles for marriage, says that “καί ἔσονται οἱ **δύο** εἰς σάρκα μίαν”, (*kai hesontai hoi duo eis sarka mian*), that is, “the *two* (not three or more) become one.”<sup>68</sup> God's purpose for his creation ordinance, marriage, is an exclusive marriage relationship between *one man* (ישׁ, *ish*, a man) and *one woman* (יִשָּׁה, *ishah*, a woman or a wife).<sup>69</sup> The use of the singular, when referring to the female (a woman, his wife), is also evidence of the monogamous nature of marriage according to divine purpose.

As in all societies, Israelite practice did not always match the teaching of the Torah about marriage. Although the Old Testament recognises polygamous marriages, the exclusive nature of marriage is affirmed in the teaching of Jesus who appealed to Genesis to reaffirm God's original ideal for marriage- *one man* and *one woman*.<sup>70</sup> The argument that says God seems to condone polygamy among the patriarchs by not condemning it explicitly is not consistent with the overall teaching of Scripture. The fact that polygamy was/is commonly practised among Africans before Christianity does not justify it as a biblical ideal of marriage. If a woman's consent is crucial to a Christian view of a valid and legitimate marriage, we can also conclude that if a woman's consent is significantly absent as in the case of most polygamous unions, that a woman who is forced against her will to marry a man (which is usually the case in plural marriages) has not really married.<sup>71</sup>

Hillman tries to argue that if the Hebrew expression “one flesh” in Genesis 2:24<sup>72</sup> can have a much broader meaning of kinship union or family-making community,<sup>73</sup> a wife may be regarded as becoming “one flesh” with her husband. Through marriage she becomes a member of his kinship group. Hence, according to Hillman, it is possible for

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<sup>68</sup> Matthew 19:5; Mark 10:8.

<sup>69</sup> Genesis 2:24.

<sup>70</sup> Genesis 1:27; 2:24.

<sup>71</sup> Cornes, *Divorce and Remarriage*, 40.

<sup>72</sup> Hillman, E. *Polygamy Reconsidered*, New York: Orbis Books, 1975, 152-3.

<sup>73</sup> Such usages of “one-flesh” can be found in Genesis 29:14; 37:27; Leviticus 18:6; Judges 9:2; 2 Samuel 5:1; 19:12, 13; Nehemiah 5:5; Isaiah 58:7.

several wives to be at the same time “one flesh” with the kinship group of the same husband, just as in the symbol of the covenant-marriage of Yahweh with Israel, and of Christ with the Church, there are many individuals united to one Yahweh and one Christ respectively.<sup>74</sup> A closer examination of the passages Hillman’s argument uses shows; however, that “one flesh” is used in these passages as a reference to blood relatives. Reference to man and wife as “one flesh” does not carry the same connotation as it does for blood relatives. Yahweh is spiritually related to the corporate entity of Israel and Christ is spiritually related to the corporate entity of the Church.

The phrase “taking a wife” (תָּקַח, *laqah*) is also significantly absent in passages that deal with patriarchs taking additional wives, a practice which was a violation of Yahweh’s original intention for marriage.<sup>75</sup> For example, in the plural marriages of Jacob, the phrase “taking a wife” (תָּקַח, *laqah*) is present in relation to his first wife, Leah: “In the evening he (Laban) *took* his daughter Leah and brought her to Jacob; and he went into her.”<sup>76</sup> But it is missing from the account of Jacob’s subsequent unions with Rachel (Leah’s younger sister) and Bilhah and Zilpah, the maidservants of Rachel and Leah.<sup>77</sup> The phrase is also omitted in Abraham’s polygamous marriage to Hagar. Sarai did not propose that her husband “take” (תָּקַח, *laqah*) Hagar but merely that he תִּשָּׁב, *shapah* “cohabits” with the maid belonging to her, the real wife.<sup>78</sup> When Rachel discovered that she was barren, she gave her *female-servant*, תִּשְׁפָּה, *shipohah*, Bilhah, to her husband to bear children on her behalf.<sup>79</sup> As soon as Bilhah assumed her new status as a child-provider on behalf of the barren mistress, Rachel addressed her as a *female-slave*, אִמָּה, *amah*, a lower status woman than the female-servant status. The same woman can be called a female-servant and female-slave depending on her current status. In the same way, when Sarah offered Hagar to Abraham to bear children with him on her behalf, she refers to Hagar as a *female-slave*. In both passages, the term *female-slave* was deliberately chosen to emphasise the lower status of a woman in a polygamous marriage. What is not always clear in such situations where polygamous marriages are mentioned is the consent of the woman, in contrast to the one-wife situations, for example, the marriage of Rebecca to Isaac, Rachel to Jacob or Ruth to Boaz.

<sup>74</sup> Hillman, *Polygamy Reconsidered*, 153.

<sup>75</sup> Bloch, A. *The Biblical and Historical Background*, New York: Ktav Publishing House, 1980, 24-25. However, the verb appears in Genesis 4:19 where Lamech is said to have taken two wives apparently at the same time.

<sup>76</sup> Genesis 29:23.

<sup>77</sup> Genesis 30:4, 9.

<sup>78</sup> Genesis 16:2.

<sup>79</sup> Genesis 29:29.

In the absence of the phrase “he took a wife” where polygamous unions resulted, it seems implicit that the woman was somehow ‘forced’ into such a relationship.<sup>80</sup> The biblical record in places speaks clearly against polygamy: “Neither shall he multiply wives for himself, lest his heart turn away.”<sup>81</sup> As far as God was concerned, a plurality of wives was regarded as liable to distract the king from his public duties<sup>82</sup> and, moreover, that the king was also supposed to be an example to his people by maintaining a monogamous marriage.<sup>83</sup> Monogamy was used by the prophets as a symbol of the union between the Lord God and Israel whereas polygamous marriages were used as a symbol of polytheism or idolatrous worship.<sup>84</sup> In spite of some occurrences of polygamy in the Old Testament, it seems that monogamy was the ideal marriage of the Jewish people, and consequently in post-exilic times polygamy was somewhat uncommon, although it was practised for a long time<sup>85</sup> and continued in Israel even until the Middle Ages.<sup>86</sup> According to the prophet Malachi, a husband should not treacherously break a *one-man-one woman* marriage covenant by either divorce or polygamy.<sup>87</sup>

If people had asked Jesus about polygamy in the same way as the Pharisees asked him about divorce, it is plausible to conclude that he would have made a similar appeal to God’s original purpose of marriage. Just as divorce had become common among the Israelites during Moses’ time, so is polygamy still an issue in some modern societies, perhaps most notably in sub-Saharan Africa. Jesus in his dialogue with the Pharisees<sup>88</sup> refused to justify divorce because it violated foundational principles of marriage as originally designed by God. In the same way, any attempts to justify or defend polygamy either on the basis of its common practice today or as a reaction to the ruthless treatment of converted African polygamists by many European missionaries fall short of biblical principles of marriage. According to Jesus’ teaching, any wife taken in addition to the existing monogamous marriage is adultery.<sup>89</sup>

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<sup>80</sup> Abraham and Hagar, Cf. Genesis 16; Jacob and his other wives, Cf. Genesis 30; David and Abigail, Cf. 1 Samuel 25; David and Bathsheba, Cf. 2 Samuel 11, etc.

<sup>81</sup> Deuteronomy 17:17.

<sup>82</sup> 1 Kings 11:3, 4.

<sup>83</sup> In the Talmud: Aboth 2:8; Kethuboth 62a, Yebamoth 44, 65, 107.

<sup>84</sup> Isaiah 1:1; Jeremiah 2:2; Ezekiel 16:8; Hosea 2:18.

<sup>85</sup> Josephus’ Antiquities, XIII, 1, 3 in *The Genuine works of Flavius Josephus containing Five Books of the Antiquities of the Jews*, New York: John Trebout and M.& W. Ward, 1810.

<sup>86</sup> Neufeld, *Ancient Hebrew Marriage Laws*, 119.

<sup>87</sup> Malachi 2:10-16.

<sup>88</sup> Matthew 19; Mark 10.

<sup>89</sup> Matthew 5:32, 33.

## **Theological frameworks of Christian marriage in contemporary Africa**

It was shown in chapter 3 that the definitions of the validity of marriage changed and developed over the centuries of European history, and the outcome of such historical and theological debates on marriage was reflected in the legal and theological frameworks imposed on Africans by colonial authorities and mission organisations respectively. Missionaries to sub-Saharan Africa followed no other marriage laws of Christian marriage than those which applied in their respective home environments in Europe and America.<sup>90</sup> Our investigation into the practical theology of mission-founded churches in colonial Africa suggested that these churches possess no published material, and no liturgical or theology of their own concerning Christian marriage in an African context.<sup>91</sup> The European Catholic and Protestant theologies of Christian marriage appear to have been adopted as the unquestioned framework for the principles and practice of their respective daughter churches in sub-Saharan Africa.<sup>92</sup> Mugaviri was correct to observe that the late nineteenth-century and early twentieth-century missionary hermeneutic of Christian marriage in colonial Africa still retains its hold on the mission-originated churches today despite the change in leadership from foreign missionaries to African Christians.<sup>93</sup> Church leaders in contemporary sub-Saharan Africa, in spite of the moral dilemmas which their church members repeatedly face at marriage, have not yet formulated their own theologies of marriage or written their own liturgies of Christian marriage suitable for the African context. In the course of his fieldwork in Zimbabwe in 2005, the writer secured copies of the marriage service books used in mission-originated churches in Zimbabwe, and without exception the service books used in church weddings were of European provenance.

It is thus clear that the recommendation of the Hastings and Kisembo Reports, as also of the thesis by the Zimbabwean Methodist minister, Charles Mugaviri, have alike fallen on deaf ears: traditional marriage is still not recognised by the leaders of the churches in

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<sup>90</sup> Phillips, A. *Survey of African Marriage and Family Life*, London: Oxford University Press, 1953, 329.

<sup>91</sup> Phillips, Arthur. *Survey of African Marriage and Family Life*, 329; Junod, H. 'Bantu Marriage and Christian Society', *Bantu Studies*, vol. xv, (1941), 25-36; Macregor, J.K. 'Christian Missions and Marriage Usage in Africa', *International Review of Missions*, (July 1935), 379-391; Weinrich, A.K.H. *African Marriage in Zimbabwe*, Gweru, Zimbabwe: Mambo Press, 1982, 77-78; Hastings, A. *Christian Marriage in Africa*, London: SPCK, 1973, 61-91.

<sup>92</sup> Weinrich, *African Marriage in Zimbabwe*, 76-80; Thomas, David M. *Christian Marriage: A Message of the Sacraments*, Wilmington, Delaware: Michael Glazier, Inc. 1983, 84-85.

<sup>93</sup> Mugaviri, Charles. 'A Critique of the Wesleyan Methodist Church's Approach to marriage in Zimbabwe: Towards an African theology of marriage', Faculty of Arts, University of Birmingham, Unpublished PhD Thesis, 1998, 2.

independent Africa. No major church in post-independent Africa has changed its policy on customary marriage. Catholic and Protestant churches in African states have all failed to appreciate that until the late medieval period Christians were married by the customary forms practised in the society of their day.

Both Catholic and Protestant missions considered marriage to be a permanent relationship between one man and one woman. There have, however, been significant differences between Catholic, Anglican, and Protestant traditions in relation to the status of marriage (whether it should be understood as a sacrament or as a covenant), and hence to its indissolubility, and these differences were reflected in the practices of their several mission agencies, and remain visible in their African churches today. In Catholic tradition, Christian marriage has a three-fold purpose: the sacramental blessing of fruitfulness in procreation; the preservation of fidelity by the love between husband and wife; and the sacramental witness to the unending nature of divine love by means of the indissoluble nature of the marriage bond. Although the Catholic Church admits that some Christian marriages do break up irretrievably, it teaches that neither separation nor divorce is enjoined in the Matthean and Pauline passages,<sup>94</sup> nor is remarriage in church allowed. If a non-sacramental marriage (either customary or civil) breaks up, the Catholic Church regards this as an annulment of a union which was never a proper marriage because of not being solemnised in church as a sacrament. Those involved in the annulment are said not to be tied by it and are free to marry in church.

In the Anglican Church there have traditionally been two views- one for, and the other against absolute indissolubility.<sup>95</sup> The former view has seen marriage primarily as falling within the law of the church; whilst the latter has seen it more as an institution of civil society upheld by the state. The 1888 Lambeth Conference ruled that Jesus allowed divorce on one condition only: "Our Lord's words expressly forbid divorce, except in the case of fornication or adultery; the Christian Church cannot recognise divorce in any other than the excepted case, or give any sanction to the marriage of any person who has been divorced contrary to this law, during the life of the other party."<sup>96</sup> The Anglican Church in Africa has therefore followed the practice that if a marriage has so broken down that there is no hope left for its restoration, civil and religious procedures may be followed to bring it to a legal end. Only then, should the way be

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<sup>94</sup> Matthew 5:31-21, 19:1-10; 1 Corinthians 7:10-11.

<sup>95</sup> Hastings, *Christian Marriage in Africa*, 84.

<sup>96</sup> 'Resolutions and Reports of the Conference of Bishops of the Anglican Communion' held at Lambeth Palace in July 1888, London: SPCK, 1888, 43.

open for a church member to remarry. The intermediate position occupied by the Anglican Church on the nature of marriage may perhaps be seen to be exemplified by the 1947 Report on African Marriage in colonial Zimbabwe, which advocated the giving of a church blessing to a prior customary marriage on the same basis as that given to a prior European civil marriage, but which was never implemented owing to reluctance to sanction a course which had no parallel in English law.

Among the English Nonconformist churches, there has traditionally been greater flexibility on the admissibility of divorce and marriage, reflecting the fact that the Nonconformist churches have not regarded marriage as a sacrament, but as a covenant which, though life-long in intention, may be and too often is broken. The essentially contractual nature of the marriage bond underlay the various pronouncements of the Methodist Church in Zimbabwe on African Christian marriage. Hence the request by the Synod in 1953 for a revision of the African Marriages Act in Zimbabwe appeared to allow the validity of a customary marriage contracted by a woman, provided that the marriage was monogamous and that she was the first wife of her husband. Similarly the Committee of African Customs and Christian Beliefs in 1968 pronounced itself in favour of the recognition of monogamous customary marriages contracted by the offering and acceptance of *lobolo*. However, the openness to customary marriage which appears to follow logically from a covenantal rather than a sacramental theology of marriage has not in actual fact characterised the attitudes to marriage of most ministers and lay people (especially laywomen) in the sub-Saharan churches planted by Protestant Nonconformist missions. The overwhelming preference of African Christian women for a church wedding, according to the marriage survey, in addition to a customary marriage ceremony has in practice severely restricted the theoretical willingness of churches in the Protestant tradition to regard a customary marriage contract as in itself fully valid in the eyes of God.

The next section of this study presents a practical proposal for a 'Christian customary marriage ceremony.' Whilst this proposal is offered to the whole Christian community in sub-Saharan Africa, it is recognised in the light of the foregoing analysis that it is likely to have its greatest appeal to church leaders and ministers in those Protestant traditions that emphasize the covenantal rather than the sacramental nature of Christian marriage.

### **A practical proposal: An African Christian marriage ceremony**

It was argued throughout this study that Africans consider customary marriage the *sine qua non* of a valid and legitimate life union between a man and a woman even in contemporary African society. We have also argued that an explicit invocation of the blessing of God should form an integral part of marriage ceremonies in any culture which acknowledges God as the source of life. At present, for any African couple to receive a marriage blessing upon their husband-wife union, they either have to qualify for a church wedding or go for a church blessing subsequent to a civil marriage ceremony. It will be suggested here that invocation of divine blessing should similarly form an integral part of customary marriage for African Christians.

As we have noted above, until the thirteenth century customary marriage posed no special problems for the church. In the case of baptised Christians who wished to marry, the idea of celebrating these marriages with a separate church ceremony, distinct from the normal customary marriage celebrated in the family or the immediate social circle, did not at first come to mind.<sup>97</sup> The established ecclesiastical marriage laws in the European tradition of Christian marriage endorsed the customary practices of the pre-Christian Greek, Roman, and later the German, Frankish and Celtic cultures.

The growing realisation that an everyday secular agreement, that is, a customary marriage contract, had to be regarded as a divine ordinance, not because of the liturgy which in fact surrounded it, but because of the nature of the event of marriage itself, occupied many years of thought and discussion from the eleventh to the thirteenth centuries.<sup>98</sup> The same may apply to African Christianity in sub-Saharan Africa. A customary marriage contract in an African context should be regarded as a divine ordinance because of the nature of the event of marriage itself. The desired paradigm shift in African Christian marriage in sub-Saharan African societies may occupy many more decades of reflection and discussion on the history and definitions of European-oriented church marriage ceremonies in an African society, and the significance of biblical theology of Christian marriage in the light of the realities of the contemporary dilemmas which African Christians face at marriage.

If most of the moral difficulties encountered by African Christian couples at marriage arise from lack of the recognition of customary marriages by missionary-founded churches in African society, then, the modern church in sub-Saharan Africa needs to

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<sup>97</sup> Schillebeeckx, *Marriage*, 233.

<sup>98</sup> Schillebeeckx, *Marriage*, 280.

reconcile the two marriage systems. A consequence of the current approach to either civil or church marriage is that the wedding is regarded by most African participants a duplication of an earlier marriage ceremony. This final section of the study seeks to provide a theological and pastoral response to African Christians' dilemmas over marriage resulting from "the duplication of a marriage ceremony" in African society. If the approach to Christian marriage that was initially brought to sub-Saharan Africa was almost wholly Western,<sup>99</sup> then the need for an evaluation of the missionary tradition of Christian marriage in Africa is not simply an intellectual quest,<sup>100</sup> but a matter of urgency in African pastoral praxis.<sup>101</sup> The outcome of such a pursuit for a culturally meaningful and relevant approach to an African Christian marriage ceremony "will almost certainly be, in many respects very different indeed from what European Christians know in the West"<sup>102</sup> in terms of how it is contracted and celebrated. As we have seen, Hastings made the sensible recommendation that the African Church should *recognise* and *register* customary marriage for the purposes of government.<sup>103</sup> However, Hastings did not tell us *how* African churches should recognise customary marriage for government purposes.

In our study of the biblical theology of marriage above, we have seen some principles that are essential for any (Christian) marriage anywhere in the world today. Christian marriage, which should reflect and maintain all those universal essentials, can be entered into culturally while acknowledging and honouring God through the marriage ceremony. African Christians can enter into a Christian marriage which acknowledges and honours God through using culturally meaningful marriage artefacts. If a paradigm shift in contracting African Christian marriage in Zimbabwe is to be realised, it is suggested here that the Zimbabwean Church should extend its marriage ministry to the rural community where customary marriage normally takes place, rather than in urban churches. The suggested paradigm shift in ecclesiastical approaches to African Christian marriage, which we may call an *African Christian marriage ceremony*, has the following features: the recognition and registration of customary marriage, expressing covenantal faithfulness in marriage, and invoking God's blessing on marriage.

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<sup>99</sup> Hastings, *Christian Marriage*, 1973, 66-72.

<sup>100</sup> Walls, A.F. "Africa and Christian Identity", *Mission Focus*, 7 (November 1978), 13.

<sup>101</sup> Gundani, P. 'Teaching Christian History from an African Perspective,' *Journal of African Christian Thought*, Vol. 6, No.2, December 2003, 45.

<sup>102</sup> Jarrett-Kerr, M. *The Secular Promise; Christian presence and contemporary humanism*, London: SCM, 1964, 8-9.

<sup>103</sup> Hastings, *Christian marriage*, 72, and footnote 1.

First, one feature of the African Christian marriage ceremony should be the recognition and registration of customary marriage. As a public recognition of the African customary marriage ceremony marriage banns should be read or published in church, for example, in Zimbabwe, for three consecutive Sundays before the *lobolo* transactions take place in accordance with the current laws (Marriage Act of 1964) of the land. The church pastor should regularly meet, not only with the couple for pre-marital counselling, but with family representatives of the to-be married. During these sessions, the pastor, who would need to be a marriage officer, would explain his role and responsibility in the marriage ceremony if such a marriage union is to be recognised and registered by the church and state.

On the day arranged for the customary marriage contract, the pastor and some of his church leaders should accompany the groom and some of his relatives to the bride's village home, where *lobolo* transactions normally take place. It was pointed out above that the Anglican Church Commission on marriage in colonial Zimbabwe in 1947 observed that Africans always contracted their marriages in the village or kraal whereas Europeans contracted their marriages either at church or at magistrates' office. The day of *lobolo* transactions, and not the handing-over ritual as Mugaviri has suggested, is the focal point of African marriage. Studies of African marriage agree that *lobolo* is the central piece of customary marriage.<sup>104</sup>

Second, another feature of the African Christian marriage ceremony should be the expression of covenantal faithfulness in marriage. After witnessing the *lobolo* transactions and other related customary marriage ceremony rituals the pastor should ask both sets of families and the couple themselves to make a public declaration. Because the principles of marriage expanded in Genesis 2:18-24 indicate that the unity of husband and wife is somehow stronger than that of a man and his kindred, it will be essential for the parents or representatives of the groom's family to make a public declaration releasing their son (the man) to a new relationship with his wife, the bride. Perhaps the greatest challenge of the Bible to an African society lies just here, but it has once again to be said that it lay here too in regard to European society in the past, and yet for many Christians of every age the husband-wife relationship has in many ways

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<sup>104</sup> May, *Changing People, Changing Laws*, 1987, 41, Bourdillon, *The Shona Peoples*, 1982, Weinrich, *African Marriage in Zimbabwe*, 1982, Gelfand, *African Background*, 1965, Holleman, *Shona Customary law*, 1952, Chavhunduka, 'Social Change in a Shona Ward,' (1979), Chigwedere, *Lobolo-Pros and cons*, 1982.

continued to take second place to that of the man and his lineage group.<sup>105</sup> We believe that the marriage service does more for ‘public relations’ on behalf of the Christian church than any other. Not only are the two people themselves very much concerned over the words that are used, but all those present are confronted by the teaching of the church on marriage.<sup>106</sup>

A suggested statement of declaration by the groom’s parents is as follows:

We, as parents (family) of A.B. (groom), publicly declare in your presence (bride and her relatives, groom and his relatives, church representatives, etc) as witnesses that in recognition of our son’s new relationship with his bride, we joyfully release him to enter into a husband-wife relationship with our daughter-in-law. That unique and special relationship requires him “to leave his father and mother and join himself to his wife, and become one flesh.” Therefore, we now publicly release him to that exclusive husband-wife relationship. It is our desire not to interfere with the new marriage relationship of these two. We publicly accept, C.D, the bride, as our daughter-in-law.

Son, we publicly wish you well as you go into this husband-wife relationship with your bride. Through your marriage to your bride, C.D., we have gained a wonderful daughter-in-law. We welcome her into our family.

This will also be a public assurance to the bride that she is being accepted into the groom’s family as the couple start their own life as husband and wife. In response to the parents’ public declaration, the pastor may ask the groom and bride to make their personal and public declarations which could read something like this:

I, A. B. (groom) would like you witnesses present to know that when I approached C.D. (according to African courtship procedures) for marriage she accepted my proposal after seeking God’s guidance and family advice. I am also grateful to my in-laws for allowing me to enter into an exclusive marriage relationship with their daughter, C.D. By their acceptance of the *lobolo* transactions as a token of my deep appreciation for their part and role in the upbringing of C.D. they gave me permission to marry their daughter. I would like to also publicly thank my parents for their support and consent to my marriage to C.D. As a Christian groom, I would like to make a public

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<sup>105</sup> Hastings, *Christian Marriage in Africa*, 63-4.

<sup>106</sup> Hutchins, Charles H. *Liturgy for marriage: Some Guidelines*, Nottingham, England: Grove Books, 1976, 4.

commitment in your presence as witnesses to the exclusive covenantal faithfulness relationship that I am entering with C.D.

Now to you, C.D: Our courtship was a private matter, though it was in full view of God and our key respective relatives were aware of it. Today, I, A.B. publicly take you to be my lawful wedded wife, to live together according to divine instruction on marriage within our cultural context. My loyal love and companionship will be to you, forsaking all others. It is my commitment to be faithful to you so long as we both shall live. So, help me God!

Then, the bride, at the invitation of the pastor, would also make a public declaration:

I, C. D. (bride) would like you witnesses present to know that when A.B. first approached me (according to African courtship procedures) for marriage, I sought God's guidance and family advice on the matter. I would like to publicly thank my parents for their support since my birth, and for their consent to my marriage to A.B. My parents' acceptance of A.B.'s token of appreciation in the form of the *lobolo* transactions is an indication that the two families are in agreement to this union. As a Christian bride, I would like to make a public commitment in your presence as witnesses to the exclusive covenantal faithfulness relationship that I am entering with A.B.

Now to you, A.B, today, I, C.D. publicly take you to be my lawful wedded husband, to live together according to divine instruction on marriage within our cultural context. My loyal love and companionship will be to you, forsaking all others. It is my commitment to be faithful to you so long as we both shall live. So, help me God!

Then the groom and bride would make a joint statement to members of the community present. The statement could take the following form:

We, A.B. and C.D, ask you all present, as witnesses to our marriage commitment to pray for us. As we start our new home, we are both thankful to our parents who brought us up and groomed us for adulthood. As a young couple, there will be times when we need your wise advice and counsel on issues of life. As a Christian couple, we submit ourselves to God's instruction on marriage, through our leaders of the church and family members. So, help us God!"

At the end of a *Christian customary* marriage ceremony, the groom and bride would sign a marriage certificate. According to the expressed wish of our questionnaire

informants, the couple would like to see their parents or relatives and pastor sign the marriage certificate as witnesses. The date on the marriage certificate would reflect the exact date of the couple's marriage.

Fidelity in marriage is one of the challenges facing the African church. Culturally, married men, whether they are married under the Marriage Act (in church) or Customary Marriages Act, are normally expected to sleep around, but not their wives. According to a recent survey by the Harare *Sunday Mirror*, all respondent men said that "women must accept that man is a nomadic entity meant to serve as many women as his services want."<sup>107</sup> This was in response to respondent wives who suspected their husbands of pathologically cheating on them.<sup>108</sup> The wives said that they were also cheating on their husbands as a means of getting even with their promiscuous men. Promiscuity is not uncommon even among Christians;<sup>109</sup> hence many African Christian women do not trust their husbands.<sup>110</sup> A *Christian customary* marriage ceremony would be an ideal opportunity to emphasise Christian teaching on marriage ethics. At a *Christian customary* marriage ceremony, it would be important that the pastor should stress the aspect of covenantal faithfulness in Christian marriage. Just as the government is trying to empower wives to ask their husbands to use condoms once they suspect infidelity,<sup>111</sup> the Zimbabwean Church should teach Christian couples about the ethical and spiritual consequences of unfaithfulness as Paul did to the Corinthian Christians.<sup>112</sup> And third, another feature of an African Christian customary marriage ceremony should be that of seeking God's blessing on a marriage, either for offspring, as the main motive in the early church, or on a couple as in modern times was/is a practical recognition that marriage is a divine institution established by God. It was a common practice from the beginning of the early history of Israel to acknowledge him as the bestower of blessing. In an African context, a church blessing on a customary marriage should be more than a pastoral prayer on the couple and their marriage. It should be preceded by a course of teaching on the importance of covenantal faithfulness in Christian marriage. In modern pastoral theology and practice, a marriage blessing refers to a private service whereby a minister, priest or pastor prays for the couple who have contracted their

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<sup>107</sup> *Sunday Mirror*, Harare, Zimbabwe, 29 April 2006.

<sup>108</sup> *Sunday Mirror*, Harare, Zimbabwe, 18 April 2006.

<sup>109</sup> There has been an increase in the number of the clergy, and church members dying of HIV/AIDS in urban areas. However, promiscuity is not the only reason for this.

<sup>110</sup> According to the African Marriage Survey conducted in Zimbabwe in 2005.

<sup>111</sup> Dr David Parirenyatwa, Minister of Health and Child Welfare, *The Herald*, Harare, Zimbabwe, September 12, 2005.

<sup>112</sup> 1 Corinthians 6:15-20.

marriage *elsewhere* (at the civil court) where no Christian prayer is offered. It is important that the pastor pray God's blessings on the couple and their marriage as a public testimony and recognition that marriage is a divine institution. A brief address from the Bible on Christian marriage would be appropriate at this stage.

At the end of the *Christian customary marriage ceremony*, the relatives and couple can proceed with some of the cultural rituals (for example, the cultural handing over of the bride) towards the consummation of their marriage before returning to their urban local church. In some ways, the handing over proceedings are like the beginning of a honeymoon in Western society. The parents, especially those of the bride, are not directly involved in the handing over ritual. In the Shona (Zimbabwe) culture, the mother of the bride would be free to give her daughter a container of condensed cow milk specially prepared for the bride to take it with her on her way to her husband's home. According to our survey on marriage, Zimbabwean Christian women said they would like to see their mothers allowed to present them at an African Christian wedding a container of condensed cow milk. Traditionally, when a mother became aware of the impending marriage of her daughter, she would start preparing a container of condensed cow milk. The mother would present the container to her daughter on the eve of the handing-over ceremony. The bride would be expected to use it the following morning at her husband's home. On her first morning at her husband's home, she would be expected to get up very early to warm water mainly for male members of her husband's family. After the men washed their faces, she would supply them with a container of condensed cow milk, as a form of vaseline or body lotion for their faces and hands. The a container of condensed cow milk symbolically expressed the kind of relationship desired between the bride and her husband's family members; that it would be pleasant and easy just as oil softens and brightens the skin.<sup>113</sup> Because African Christian mothers have not been given an opportunity publicly to present their daughters with a container of condensed cow milk they continue to do so secretly.<sup>114</sup> Morally and religiously, there is nothing wrong with the use of a container of condensed cow milk. According to the Kisembo Catholic Report of 1977, some Catholic dioceses in Tanzania allow African Catholic couples to use oil, at African Church marriage ceremonies, which is a meaningful marriage symbol in parts of Tanzania. According to our marriage survey, 69% of the 108 African Christian female participants, an African mother should

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<sup>113</sup> Communication from Rev Mrs Constance Sibanda, Methodist Church, March 2000.

<sup>114</sup> Communication from Rev Mrs Constance Sibanda, Methodist Church, March 2000.

be allowed to present her daughter with a container of condensed cow milk (in modern days a vaseline bottle) on her way to her husband's homestead on the evening of the handing over.

Upon returning to their urban local church after days or weeks at the groom's village, the pastor should introduce the couple to the rest of the congregation as Mr. & Mrs. If the couple want to have a marriage reception, which is often the case, weeks or even months after their *Christian customary* marriage ceremony, it should be made clear to the church that it will be a marriage reception for friends, relatives and the church members and not a marriage ceremony. At the wedding reception, beer-drinking, suggestive dancing, and non-Christian songs are prohibited for Christian witness as they were in the early church. The couple may decide to put on their wedding attire at the wedding reception. Nearly all African women respondents in our marriage questionnaire indicated that they would like to put on a white wedding gown at their marriage. Since it is easier to wear a white wedding gown in an urban building than in rural mostly undeveloped areas, it is suggested here that a bride can put on her wedding dress for the reception. The pastor should, in light of the already conducted *Christian customary* marriage ceremony in the village, make a clear distinction between a *marriage ceremony* and a *marriage reception*.

In summary, the *Christian customary marriage ceremony* approach to African Christian marriage in sub-Saharan Africa has several advantages. First, while maintaining customary marriage as the essence of a valid and legitimate marriage in African society, it also takes seriously the centrality and significance of divine blessing, and the state's laws on marriage by involving the church minister in the village context where most customary marriages are contracted. Second, the date which appears on the marriage certificate will be the same as the actual date of marriage, and names of witnesses on the marriage certificate will be those of the couple's parents/relatives and their pastor as our survey respondents indicated. Third, there will be no need for the church to discipline African Christian couples who consummate their marriage after the customary ceremonies but before a church wedding. As we have noted above, many an African Christian couple has been subjected to unnecessary public and humiliating discipline for having consummated their marriage after customary but before a church wedding. Since Central Baptist Church in Harare, Zimbabwe, has adopted this approach to marriage, there have not been any incidents of church discipline related to the time of marriage consummation. Fourth, this approach places less economic pressure on the couple than

the current system which was introduced to African Christian churches by missionaries who first established Christian churches in sub-Saharan Africa. Expensive and elaborate weddings and celebrations resulted not only from watching and imitating the Europeans, but also from the input of missionaries, who would often bake cakes, provide expensive wedding clothes and help their African Christian workers financially, in order to make it possible for such attractive weddings to take place for all to see.<sup>115</sup> It is also hoped that this approach will reduce the social pressure for expensive marriage ceremonies and celebrations.

## **Conclusion**

In our ultimate aim to explore a theological and pastoral response to African Christians' confusion over marriage in Zimbabwe, we have examined the biblical foundations of Christian marriage. This is crucial for Christian couples in determining when they should consider themselves married in the eyes of God. In the light of the foundational principles of a Christian theology of marriage, we briefly examined mission churches' theology of Christian marriage in Africa which we found to be mostly unpractical for an African society. In our proposal for a new approach to African Christian marriage we have suggested that it is possible for the Church in Africa to recognise and register African customary marriage for church and government purposes, and that this would provide a solution to the moral problems that contemporary African Christians experience at marriage.

The new approach to developing an *African Christian customary marriage ceremony* which we have suggested in this study seems to be an answer to the unnecessary moral confusion surrounding marriage in Africa. It meets all the essential requirements for a customary, church and civil marriage in modern African society. The date on the marriage certificate will reflect the very date on which the actual marriage took place. Since the introduction of European marriage laws in Africa, African marriage certificates (except those recently conducted by Central Baptist Church, Harare, Zimbabwe using the model of the *African Christian customary marriage ceremony*) reflect the date of a civil marriage ceremony which took place either at magistrates' office or at church several months or years after the customary marriage ceremony.

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<sup>115</sup> Kivunzi, Titus (ed). *A Biblical Approach to Marriage and Family in Africa*, Machakos, Kenya: Scott Theological College, 1994, 110.



## CHAPTER 9

### SUMMARY AND CONCLUSION

#### 1. Mission churches and African customary marriage in Zimbabwe

The main aim of the early cross-cultural missionary movement to Africans was to convert them to Christianity and establish them in the new faith. This study has demonstrated that the early missionaries in the British colony of Zimbabwe, because of their view of the African people and their customs, and their ignorance of the history, theology and practice of their own European tradition of Christian marriage, practically always assumed that church marriages were a necessary consequence of genuine conversion to Christianity. Therefore, they required all African Christian couples to be married in church as a criterion for church membership, admission to the ordinances of baptism and communion, and to any office of Christian ministry. Mission churches refused to recognise African customary marriages for church purposes. As result, African Christians who had their own well-structured systems of marriage were not helped to distinguish between the universal Christian theology of marriage and a particular European system of church marriages. Because African Christians had no opportunity to contextualise Christian marriage in African society, they ended up viewing Christianity as the white man's religion.

In their attempts to establish large residential Christian communities on their government-granted estates, missionaries formulated rules that governed social behaviour of African Christians living on mission farms. African occupants were not allowed to engage in any of "the three main moral vices- witchcraft, beer-drinking and polygamy" which missionaries had to tackle and uproot from among the Shona people by creating 'new villages.'<sup>1</sup> Of these three moral vices, missionaries viewed polygamy as "a vice of the worst description."<sup>2</sup> To European missionaries the abandonment of polygamy by Africans was a sure sign of true repentance and genuine Christian conversion.<sup>3</sup> Unfortunately, mission churches did not adequately explain newly

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<sup>1</sup>Stanlake's Report to the WMMS Headquarters', *Work and Workers in the Mission Field (WWMF)*, vol. IX, (1900), 157.

<sup>2</sup> Stanlake's Report to the WMMS Headquarters', 157.

<sup>3</sup> Stanlake's Report to the WMMS Headquarters', 157.

converted Africans why African customary marriages were not acceptable for church purposes.

Colonial authorities, on the other hand, initially recognised African traditional marriage in accordance with the British South Africa Company Charter of 1890. However, in an attempt to prevent child-credit marriages the BSAC administration later required all Africans to solemnise their marriages before a white Native Commissioner. Hence the original Native Marriages Ordinance of 1901 became known as the Native Marriages Amendment Ordinance of 1917 (also commonly known as the Native Marriages Validation Ordinance). Under the Native Marriages Amendment Ordinance, the white Native Commissioner was to verify that the bride was of a marriageable age at the time of contracting a marriage. From 1917 to 1964, Africans could contract valid and legitimate marriage only under the Native Marriages Amendment Ordinance before a white Native Commissioner at a district office. Most African (Shona) couples especially those in the rural areas did not see the need for going to register or ‘solemnise’ their marriages before a white Native Commissioner after their customary marriage ceremony in the village. With the introduction of the Marriage Act in 1964, African Christians could now contract a legal and valid marriage either at the magistrates’ court or in church.<sup>4</sup> However, some missionaries, in particular those belonging to the Roman Catholic Church, objected to the state having jurisdiction over marriage matters of African Christians. The Catholic Church wanted control over all African Christians’ spiritual and social matters.

As a result, African Christians were expected to abandon their traditional marriage system and practices because when a marriage was celebrated according to either Christian or civil rites, aspects of traditional marriage norms became irrelevant from both the religious and the civil authorities’ points of view. To most Africans a church or state marriage without the customary transaction of *lobolo* is “considered a ‘cheap’ marriage and the resulting union akin to concubinage.”<sup>5</sup> It has been persuasively argued that no group of Christians has any right to impose in the name of Christ upon another group of Christians a set of assumptions about life determined by another time and place.<sup>6</sup> Moreover, no convincing case can be made from Christian scripture for making

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<sup>4</sup> Non-Christian Africans continued to contract valid marriages under the Native Marriages Validation Ordinance which became known as the African Marriages Act in 1965.

<sup>5</sup> Bourdillon, Michael F.C. *The Shona Peoples*, Gweru, Zimbabwe: Mambo Press, 1998, 45.

<sup>6</sup> Walls, Andrew F. *The Missionary Movement in Christian History: Studies in the Transmission of Faith*, New York: Orbis Books, 1996, 8.

church marriage a criterion for church membership, ordinances and admission to Christian ministry. Even missionaries at the *Le Zoute* Conference in 1926 admitted that pioneer missionaries had created artificial sins for the African church due to their misunderstanding and ignorance of African cultures. The task of mission churches is to preach the gospel and not their particular cultural form of marriage. Churches in African societies should allow culturally meaningful models of Christian marriage to grow under the influence of the Gospel.

## **2. Contemporary African Christians on systems of marriage in Zimbabwe**

This thesis has not only examined the history, development and practice of church marriage as a European Christian tradition, but it has also attempted to measure the attitudes of contemporary African Christians in Zimbabwe towards the current existing systems of marriage. First, all African respondents to the questionnaire on African marriage felt that the validity and legitimacy of African marriage should be rooted in the procedures and practices of African custom. Second, they nevertheless felt that both the civil and Christian aspects of marriage were necessary in modern Zimbabwe because all three (customary, civil and church components) were essential, especially for African Christians, in establishing a recognised valid and legitimate marriage. Thirdly, therefore, Zimbabwean Christians would like to see in place a new approach to African Christian marriage which combines the customary, civil and church components in a single marriage ceremony.

## **3. A practical proposal to African Christian marriage ceremony**

The most salient contribution of this thesis is to put forward a practical approach to an African Christian marriage ceremony that eliminates confusion and conflicts over ethical questions surrounding marriage consummation. Having demonstrated that the *approach* to (not necessarily the content of) the current European model of church weddings in Zimbabwe has resulted in social and moral problems among African Christians, we have also to accept the fact that the current pattern of church weddings has become an important aspect of African church life in Zimbabwe.

We have evaluated the practice of both African customary marriage and the European tradition of Christian marriage by laying down some biblical foundations of Christian marriage which are relevant to all cultures. Using the biblical principles of Christian marriage as discussed in chapter 8, Christians in different cultures can determine in their

own given cultural contexts as to when a couple is considered in the eyes of God. In Zimbabwe, the proposed *African Christian customary* marriage ceremony which takes cognisance of the civil, customary and Christian aspects of marriage in a single ceremony, seeks to do justice to biblical principles of Christian theology of marriage in an African context. According to this proposal, African Christian couples can consummate their marriage with clear conscience after the *African Christian customary* marriage ceremony.

What has been suggested in this thesis as a possible approach in celebrating African Christian marriage in Zimbabwe will gain momentum when the African Church begins to perceive reality in ways qualitatively different from both their predecessors and even some contemporaries.<sup>7</sup> It is recognised that normally it is practically impossible to abandon completely one paradigm and embrace a radical new one since by nature people do not normally like their “comfort-zone” disturbed. Therefore, proponents of the approach to the current European church marriage model (old paradigm) may not be quite prepared to hear arguments that have been put forward for a newly suggested approach in contracting African Christian marriage in Zimbabwe. Protagonists of the former may tend to immunise themselves against the arguments of the latter. Western mainline churches and their daughter-churches in Zimbabwe and other sub-Saharan African states may piously resist the challenges of the new model with deep emotional reactions, since such challenges threaten to destroy their very perception and experience of missionary Christianity. African Christian respondents in our marriage survey unanimously indicated and admitted that there are still unresolved cultural and ethical issues surrounding the interval between customary marriage and a church wedding. As African Christians discuss these problems they will, it is hoped, see the need for a new approach to African Christian marriage ceremony.

The paradigm shift in contracting African Christian marriage suggested in this study has in fact already been tried at Central Baptist Church, Harare, Zimbabwe. Other churches, as far as South Africa, have expressed an interest in this approach to African Christian marriage.<sup>8</sup> It was pioneered by the writer as one of the leaders of the Central Baptist

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<sup>7</sup>Bosch, D. *Transforming Mission: Paradigm Shifts in Theology of Mission*, New York: Orbis Books, 1992,184.

<sup>8</sup> Communication with the Rev. R. Moshe, Principal of the Evangelical Seminary of Southern Africa, Pietermaritzburg, South Africa, March 1998. Communication from the Rev Mark Taylor, pastor of the Nazarene Church in Cape Town, December 2002. Taylor served as minister of the Nazarene Church, Harare, and later as pastor of the Northside Community Church, Harare, Zimbabwe before moving to South Africa in 2001.

Church and of the Baptist Union of Zimbabwe since 2000. He also raised the subject to a national debate through a series of newspaper articles<sup>9</sup> and live national radio talk-shows.<sup>10</sup> Although the current approach to Christian marriage seems likely to continue for some time, it is hoped that the Zimbabwean churches will change their marital policies for the better.

Since the parallels between the history of marriage in Europe and Africa are somewhat similar, the African church can reflect on and learn from how the medieval church handled the issue of customary marriage. Diversity of marriage practice, on the one hand, does exist simply because of kinship relations, rituals, moral practices, and social responsibilities, while on the other hand, since the introduction in Europe of Church marriages in the thirteenth century and of civil marriages in the sixteenth century, the history of marriage has become one of the competitions between three constituencies—the Church, the State and ordinary people. In medieval Europe, the church encountered a pattern of customary marriage in which casual forms of polygamy were common, and set out to reduce this to what was thought to be adherence to Christian standards. It took the European church hundreds of years of thought and discussion to negotiate Christian principles of marriage with cultural practices of the day. After several centuries, and with the aid of a state which espoused Christendom norms, the church succeeded in outlawing polygamy, gaining legal control of the marriage process, and to an extent in conforming popular practice to Christian norms. Mission churches in Southern Rhodesia attempted to do the same thing in the colonial period with a fair degree of support from the colonial state. The church in modern Africa succeeded to the extent that, first the colonial state and then its independent successors, accepted the point that the validity of marriage should be determined by state registration or certification, and not by customary celebrations. But with a much shorter time-scale than in medieval Europe, and now generally without the support of a Christian state, the church has been much less successful in conforming popular practice to official Christian norms. The church has won the legal battle but not the behavioural one. If the contemporary African

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<sup>9</sup> Ngundu, Onesimus. 'A History of Church weddings', *The Sunday Mail*, Harare, Zimbabwe, 3 August, 1997; 'When is an African Christian couple considered married?', *The Sunday Mail*, Harare, Zimbabwe, 11 March 1999.

<sup>10</sup>The author was featured on live national radio talk-shows of the Zimbabwe Broadcasting Corporation (ZBC). Between 1999 and 2001, the writer appeared as guest speaker 7 times on Steve Vickers' weekly live radio programme: 'In Search of God' (ZBC). The writer was also featured on a television series on African customary marriage. On four radio occurrences, the writer was asked to speak on African customary and African Christian marriages. The talk-shows generated debate and interest in the history of Church weddings.

church and government engage in dialogue on current anomalies of the marriage laws in Zimbabwe, then, it is possible to envisage Zimbabwe having one monogamous marriage act. Women's groups like the ZWLA have already called on the government to amalgamate the current two main marriage acts into one, a monogamous Marriage Act. It is hoped that this study has not just responded to the imposed European Christian tradition of church marriage and civil marriage, but has attempted to offer a meaningful and significant approach to the practice of marriage in the contemporary African Church community of Zimbabwe.

## Appendices

### Appendix 1: African Marriage Questionnaire

*All information will be treated as confidential. It will be used exclusively for the purpose of an academic research.*

Name & Title: (if you wish to include your name)  
(M or F):

Organisation:

Address:

1. What marriage did you go through (if applicable)?
  - 1.1 Where?
  - 1.2 When?
  - 1.3 Do you hold any office in your Church?
2. In your opinion, does marriage solemnisation before a government officer make the union valid and legitimate?
3. In your view what important features of African customary marriage are not present in either a civil or church marriage ceremony?
4. Is your marriage recognised by the Church?
5. Why do you think the State doesn't recognise African customary marriage?
6. Why do you think most churches do not recognise customary marriages?

7. Do you think a wedding ceremony in church is important for Christian couples?

7.1 If so, why?

8. Why should there be apparatus (e.g. a white wedding gown, rings, vows, etc.) in a church wedding?

9. At present, how does your Church handle African Christian couples who get married only according to customary marriage, and then go later to register their union at a government office?

10. If an African Christian couple consummate their marriage after their traditional marriage but before a Church wedding, should they be disciplined by the Church?

10.1 Why?

Or

10.2 Why Not?

11. Why do nearly all mainline churches refuse to bless “customary marriages”, but normally bless a civil marriage in church?

12. From an African perspective, is there a need for:

12.1 a civil marriage after a customary marriage contract?

12.2 a church marriage ceremony after a customary marriage?

13. What problems are being experienced by African Christians as a result of the current marriage system?

13.1 What would be your recommendations to help overcome some problems that African Christian couples face in relation to marriage?

14. Do you think Christians should be involved in polygamous marriages?

14.1 What should a polygamist do with his wives at conversion to Christianity?

14.2 How should the church deal with a Christian who takes a second wife subsequent to his conversion and church membership?

15. How should the church handle it if someone in a polygamous marriage wishes to join the church?

16. What attitude should African Christians take towards *lobolo*?

**Thank** you for taking time to complete this questionnaire and returning it to:

Marriage Questionnaires  
Harare Theological College  
10 Aberdeen Road  
Avondale.  
Harare. ZIMBABWE.

## **Appendix 2: Digest of Responses to the African Marriage Questionnaire**

### 1. *What marriage did you go through (if applicable)?*

All married African respondents (216) went through a customary marriage first before going through either a church or civil marriage ceremony.

#### *1.1 Where?*

All 216 traditionally got married at the brides' parents/guardians' homes.  
166 of the 216 respondents went for a church wedding after a traditional marriage.  
50 of the 216 respondents went for a civil marriage followed by a church blessing.

#### *1.2 When?*

Intervals between customary and civil/church marriage ranged from 6 months to 15 years as church marriages became a criterion for theological training/ministry.

#### *1.3 Do you hold any office in your Church?*

15 respondents were African pastors, 27 church elders/deacons, 45 Sunday School teachers, 10 leaders in the *Ruwadzano* Women Fellowship, 7 Youth leaders.

### 2. *In your opinion, does marriage solemnisation before a government officer make the union valid and legitimate?*

241 of the 243 respondents indicated that customary marriage by *lobolo* transactions makes African marriage valid and legitimate in African society.

### 3. *In your view what important features of African customary marriage are not present in either a civil or church marriage ceremony?*

*Lobolo* 241 of the 243 respondents indicated marriage by *lobolo* transactions.

*Nduma* 22 of the 25 Sanyati female respondents; 40 of the 65 Harare female respondents; and 15 of the 126 male respondents.

*Chinu* 17 of the 25 Sanyati female respondents; 37 of the 65 Harare female respondents.

### 4. *Is your marriage recognised by the Church?*

7 out of 10 Catholic respondents indicated that their Church recognises only church marriages.

209 out of 233 Protestant respondents said that their churches recognise only monogamous marriages solemnised either in church or at the magistrates' court.

### 5. *Why do you think the State doesn't recognise African customary marriage?*

35 out of 126 married male respondents accused the colonial government of no respect for African people and their traditional values.

88 out of 90 married female respondents blamed customary marriage for not issuing marriage certificates.

### 6. *Why do you think most churches do not recognise customary marriages?*

97 of the 126 married male respondents indicated that missionary-established churches had always considered customary marriages not good for Christians.

75 of the 90 married female informants said because customary marriages are not contracted in church.

*7. Do you think a wedding ceremony in church is important for Christian couples?*

88 of the 90 married women respondents said yes for many reasons (e.g. the symbolism of a white wedding gown, biblical teaching on faithfulness in marriage, etc.).

121 of the 126 married male informants indicated that although they are not against church weddings in principle but would prefer consummating their marriage before a church wedding.

*7.1 If so, why?*

88 of the 90 married women informants said because it issues marriage certificates.

65 of the 126 married men indicated that church weddings can be a good testimony in society.

*8. Why should there be apparatus (e.g. a white wedding gown, rings, vows, etc.) in a church wedding?*

99 of the 103 female informants said that they would like to put on a white wedding gown as a symbol of virginity at marriage.

187 informants thought that these artefacts were sanctioned by the Bible.

*9. At present, how does your Church handle African Christian couples who get married only according to customary marriage, and then go later to register their union at a government office?*

The Catholic Church encourages African couples to go and register their church marriage (at the magistrates' court) only after the marriage has been solemnised in church. Protestant churches bless only monogamous marriages (civil marriage) contracted at the magistrates' court.

*10. If an African Christian couple consummate their marriage after their traditional marriage but before a Church wedding, should they be disciplined by the Church?*

*a. Why?*

88 of the 90 married women respondents felt that consummation after customary marriage but before a church wedding is breaking 'God's law'.

Or

*b. Why Not?*

121 of the 126 married men respondents indicated that if customary marriages are valid and legitimate then churches should not discipline couples for consummating their marriage before a church wedding. Interval between customary and church marriage is normally long due to high cost involved in putting together a wedding.

*11. Why do nearly all mainline churches refuse to bless "customary marriages", but*

*normally bless a civil marriage in church?*

187 of the 243 respondents said that customary marriages are considered unchristian.

12. *From an African perspective, is there a need for:*

12.1 *a civil marriage after a customary marriage contract?*

121 out of 126 married male informants said yes for government purposes.

88 out of 90 married female informants said yes for security/spiritual purposes.

12.2 *a church marriage ceremony after a customary marriage?*

88 out of 90 married female informants said yes because of Christian teaching.

121 of the 126 married male respondents said yes since a church marriage was recognised by government under the Marriage Act of 1964.

13. *What problems are being experienced by African Christians as a result of the current marriage system?*

Duplication (all African couples go through customary marriage first before going through either a civil or church marriage ceremony). 121 of the 126 married male informants said that churches forbid consummation of customary marriages before a church wedding. 88 of the 90 married female respondents said customary marriage does not issue marriage certificates.

13.1 *What would be your recommendations to help overcome some problems that African Christian couples face in relation to marriage?*

Of the 243 respondents who answered this question, 67 suggested that the customary and civil/church marriage systems should be amalgamated into one.

14. *Do you think Christians should be involved in polygamous marriages?*

Only 2 men indicated that they might consider polygamy in the future while all 103 female respondents were in principle against polygamy.

14.1 *What should a polygamist do with his wives at conversion to Christianity?*

197 of the 243 respondents said that he should keep his wives.

14.2 *How should the church deal with a Christian who takes a second wife subsequent to his conversion and church membership?*

75 of the 143 male respondents and 88 of the 103 of the female respondents said that he should leave the church.

15. *How should the church handle it if someone in a polygamous marriage wishes to join the church?*

Of the 57 who answered this hypothetical question only 35 said that the polygamous family should be welcomed in church.

16. *What attitude should African Christians take towards lobolo?*

241 out of 243 respondents affirmed customary marriage by *lobolo* transactions.

**Appendix 3: A church marriage certificate**

**MARRIAGE solemnised at....(name of the church) in the Parish  
of.....(year).....**

No	When married	Names and Surnames	Ages	Condition	Rank or Profession	Residence at the time of marriage	After banns or licence
15	March 8th	Isaac Duri R.C. 11866 Inyanga  Ester Zuzi	Full  Minor	Bachelor  Spinster	Natives	Mapfekera	Banns, Enabling Certificate & Episcopal Dispensation

**Married in....(name of the Church) at.... . Mission aforesaid, after banns.**

By me ....(signature) Rev Robert H. Baker

In the presence of....(witnesses) Robert Hipplesley

Benjamin Chanayira (x)

Rhoda Duri (x)

Richard Mandanga (x)

***This marriage was solemnised between us*** (signatures):

Isaac Duri

Ester Zuzi (x)

***Examined with the Original Register by me, and found to be correct.***

***Signature*** (Robert H. Baker).

Those who could not read and write indicated their signatures by an **x**.

**Appendix 4: A Declaration under the Enabling Certificate Order**

I, (a).....of (b).....do hereby declare that I am a (c)....., and am approximately.....years of age, and that I know of no bar of consanguinity, affinity, lack of consent of parents or guardians, or the subsistence of any marriage previously contracted by me, to my proposed marriage with (d).....of (e).....and I make this declaration conscientiously believing the same to be true, and with knowledge that any wilfully false statement herein contained renders me liable to the penalties prescribed by “Native Marriages Ordinance, 1917” and that the marriage which I propose to contract with, during its subsistence, be a bar to any contracting any other marriage.

Witnesses (1).....

(2) ..... Signature of Bridegroom

Declared at.....this.....day of.....19...

.....

**Register Officer** (Native Commissioner)

## Bibliography

### Primary Sources

#### 1. National Archives of Zimbabwe, Harare, Zimbabwe.

N3/5/1/1: Correspondence of Father Fleischer to Native Commissioner of Inyanga, 29 October 1911.

S482 779/39: Letter to the Chief Native Commissioner's Office, Salisbury.

C.4363/5072/M: Chief Native Commissioner's Office: A letter 'To All Native Department Stations in Southern Rhodesia', 12 October 1931.

X.943/502/Mar: Memorandum on Native Marriage by Christian Rites, 25 October 1929.

BSAC/1\1\1: Records of the Anglican Diocese of Mashonaland,

SR10/1/1: *Southern Rhodesia Missionary Conference Minute books for the period 1903-1946.*

GEN/CHU: Church of the Province of South Africa, Diocese of Southern Rhodesia, Report on the Commission on Marriage, 11 March 1947.

SRG 3 Lib22: Some developments in the law of marriage, Paper No. 14:1964.

Samkange's Personal Archives (at his family house), Chiremba Road, Harare, Zimbabwe.

#### 2. Archives of the Wesleyan Methodist Missionary Society

##### A. *Archives in the Library of the School of Oriental and African Studies, University of London.*

*Missionary Magazines of the Wesleyan Methodist Missionary Society*

*Work and Workers in the Mission Field*, 1888-1905

*The Foreign Mission Field*, 1906-

*The Rhodesia Methodist* 1954-1963

##### B. *Archives in Methodist House, Harare, Zimbabwe.*

Minutes of Meetings of the Rhodesia District Synod, 1913-1974.

Farms Committee Minute Book

Epworth Circuit Quarterly Meetings: Minutes, Quarterly Meetings held at Epworth.

Minute Book of Committee Meetings, 1915-1974

*Ruwadzano*: District Committee Minutes, 1929-1954.

*Ruwadzano*: Policy and Constitution

### **3. Records of the Anglican Diocese of Mashonaland, Harare, Zimbabwe.**

Ang.1/4/5: Missionary Conferences, 1914-1960.

Ang. 29/4/4: St. Augustine's Mission, Penhalonga, Students' Roll Book (Ordinands and Teachers), 1921-1950.

Ang.1/1/19: Southern Rhodesia, Diocesan Synod Minutes, 4 volumes, 1933-1939.

Ang. 29/2/5: D.D. Makweche, 'An account of the history of the Knight-Bruce Memorial College for Africans at St. Augustine's Mission, Penhalonga', 1967.

### **4. Roman Catholic Archives, Prestage House, Harare, Zimbabwe.**

Box 126/1: Empandeni, Father Andrew Hartmann's account of the early history of Empandeni 1886-1922.

The history of the House of Loyola, (Chishawasha), 1892-1915.

Box 135/2: Kutama Golden Jubilee, 1914-1964.

Box 308: Inspection Reports on Chishawasha and Kutama, 1934-1939.

### **5. Journals/Periodicals, and Monographs of various mission churches in Southern Rhodesia**

#### ***A. The Anglican Church periodicals at Rhodes House, University of Oxford.***

*Mission Field* 1885-1900, Magazine of the Society for the propagation of the Gospel.

*Mashonaland Quarterly Paper* 1893-1914

*Southern Rhodesia Quarterly Paper* 1915-1926

*The Transvaal and Southern Rhodesia Missions Quarterly Magazine*, 1927-1934.

#### ***B. Roman Catholic Church periodicals at Chishawasha Mission, Harare, Zimbabwe.***

*Zambesi Mission Record* 1898-1930

Rhodesia Catholic Bishops' Conference, "Interdiocesan African Marriage Commission", Report and Recommendations (mimeographed) 1973.

*The Catholic Church in Manicaland 1896-1996*, Harare, Zimbabwe: Kolbe Press, 1996.

#### ***C. The Wesleyan Methodist Church monographs and periodicals***

*Monographs:*

*Rules and Regulations Affecting the Administration of Native Circuits*, Old Umtali, Rhodesia Mission Press, (no date).

*Rules and Regulations for the African Work: Synods of Northern and Southern Rhodesia*, (no date).

*These Forty Years: A Souvenir of the Fortieth Anniversary of the Stonelaying of the Methodist Church in Main Street, Bulawayo*, (no date).

*Fifty Years: The Story of the Growth of the Methodism in Bulawayo, 1895-1945*, (Bulawayo, 1945).

*Limpopo to Zambesi: Sixty Years of Methodism in Southern Rhodesia*, London: The Cargate Press, 1951.

*A Century of Methodism in Zimbabwe 1891-1991*, The Methodist Church in Zimbabwe, 1991.

*Periodicals:*

*Hidden Treasure: The Wesleyan Church Magazine, Rhodesia*

*The Rhodesian Methodist* 1954-1963

***Unpublished Material:***

Mugaviri, Charles. 'A Critique of the Wesleyan Methodist Church's approach to marriage in Zimbabwe: Towards an African theology of marriage', Faculty of Arts, University of Birmingham, Unpublished PhD Thesis, 1998.

Peaden, W. Roger. 'African Marriage Customs and Christian Ethics', A course of lectures delivered at the Salisbury Area Ministers' Retreat, held at Mabelreign Methodist Church, April 6-7, 1967.

Peaden, W. Roger. 'The Development of Missionary Attitudes to Shona Culture 1890-1923', M. Litt Dissertation, University of Bristol, UK. 1967.

Peaden, W. Roger. 'Christian Missions in Mashonaland 1890-1927', A Thesis submitted for the degree of PhD at Bristol University, UK, 1974.

*The All-Africa Seminar on the Christian Home and Family Life*, held at Mindolo Ecumenical Centre, Kitwe, Zambia, 17<sup>th</sup> February to 10<sup>th</sup> April, 1963. Documents are held at the Main Library of the School of Oriental and African Studies, University of London, (Ref: MMSL AF115).

## **Newspapers**

*The Manchester Guardian*, Manchester, England, UK, 'A letter to the Editor by F.L. Barratt, May 17 1928.

*The Herald Newspaper*, 'Church may ban underage marriages', Harare, Zimbabwe, Monday, 19 October 1998.

*The Herald Newspaper*, 'Customary law prevents female heirship to parents' estate', Harare, Zimbabwe, Monday March 1 1999.

*The Herald Newspaper*, 'Wedding marred by disturbance', Harare, Zimbabwe, Monday 3 May 1999.

*The Herald Newspaper*, 'Declare Christianity the official religion', Harare, Zimbabwe, Thursday 2 September 1999.

*The Herald Newspaper*, 'Courts cannot dissolve customary marriages', Harare, Zimbabwe, Wednesday 29 December 1999.

*The Sunday Mail*, Harare, Zimbabwe, 3 August 1997.

*The Sunday Mirror*, Harare, Zimbabwe, 18 April 2006.

*The Sunday Mirror*, Harare, Zimbabwe, 29 April 2006.

## **Secondary Sources**

Abelard, Peter. *Epitome Christianae Theologiae*, XXXI, Patrologia Latina.

Ajayi, F.A. 'The interaction of English Law with Customary Law in Western Nigeria: I', *Journal of African Law*, Vol 4, No 1 (1960), 40-50.

Ajayi, F.A. 'The Interaction of English Law with Customary Law in Western Nigeria: II', *Journal of African Law*, Vol.4, No1 (1960), 98-114.

Alexander, Roberts. (trans.), *Ante-Nicene Christian Library, The Writings of Tertullian*, Vol 1, Edinburgh: T. & T. Clark, MDCCCLXIX

Alexander, Roberts. (trans.), *Ante-Nicene Christian Library, The Writings of Tertullian*, Vol III, Edinburgh: T. & T. Clark, MDCCCLXX.

Allen, C.K. *Law in the Making*, London: Oxford University Press, 1946 (1951, 5<sup>th</sup> edition).

Allen, Roland. *The Spontaneous Expansion of the Church and the Causes which hinder it*, London: World Dominion Press, 1949.

Allott, Antony. *Essays in African Law with Special Reference to the Law of Ghana*, London: Butterworth & Co. (Publishers) Ltd. 1960.

- Allott, Athony N. *The Future of Law in Africa: Record of the Proceedings of the Conference 28<sup>th</sup> December 1959-8<sup>th</sup> January 1960*, London: Butterworths, 1960.
- Allott, Athony N. *New Essays in African Law*, London: Butterworths, 1970.
- Aquina, Mary. 'The Group Aspect of Karanga Marriage', *Native Affairs Department Annual*, Vol 9, No 4 (1967), 28-38.
- Aquinas, Thomas. *The Summa Theologica of Thomas Aquinas*, Part III (QQLX-LXXXIII)- Sacraments. Literally translated by Fathers of the English Dominican Province, London: Burns Oates and Washbourne Ltd., 1914.
- Aschwanden, Herbert. *Symbols of Life: An Analysis of the Consciousness of the Karanga*, Gweru, Zimbabwe: Mambo Press, 1982.
- Ash, Christopher. *Marriage: Sex in the Service of God*, England: Inter-Varsity, 2003.
- Atkinson, David John. *To Have and To Hold: The Marriage Covenant and the Discipline of Divorce*, Grand Rapids, Michigan: Eerdmans Publishing Company, 1979.
- Austin, Reginald. *Racism and Apartheid in Southern Rhodesia*, Paris, UNESCO, 1975.
- Bailey, Derrick Sherwin. *The Man-Woman Relation in Christian Thought*, London: Whitefriars Press Ltd., 1959.
- Baker, H.J. 'How we unfurled the flag at Chimanza', *The Foreign Field of the Wesleyan Methodist Missionary Society*, Vol. V (1908-9), 12-14.
- Baker, M. *Wedding Customs and Folklore*, Newton Abbot: David & Charles, 1977.
- Banana, Canaan S. (ed.), *A Century of Methodism in Zimbabwe, 1891-1991*, Harare, Zimbabwe: The Methodist Church, 1991.
- Barnes, William Emery. *Malachi with Notes and Introduction Cambridge Bible for Schools and Colleges*, Kirkpatrick, A.F, (ed.), Cambridge: Cambridge University Press, 1934.
- Barratt, F.L. 'Letter to the Editor', *The Manchester Guardian*, England, UK, 17 May 1928.
- Barrett, David B. (ed.), *World Christian Encyclopaedia: A Comparative Survey of Churches and Religions in the Modern World, AD 1900-2000*, Oxford University Press, Nairobi, 1982.
- Bate, H.M. *Report From Rhodesia*, London: Melrose, 1953.
- Batten, T.R. *Thoughts on African Citizenship*, London: Oxford University Press, 1944.
- Beach, David. *The Shona and Their Neighbours*, Oxford: Blackwell, 1994.

- Bekker, J.C. & Coertze, J.J. (eds.). *Seymour's Customary Law in Southern Africa*, Cape Town: Juta Ltd., 1982.
- Benno, Jacob. *The Second Book of the Bible*, translated by Walter Jacob, Hoboken, New Jersey: KTav Publishing House, Inc. 1992.
- Berman, Harold J. *Law and Revolution: The Formation of the Western Legal Tradition*, Cambridge, Massachusetts: Harvard University Press, 1983.
- Bishop, Peter. & Darton, Michael. *The Encyclopaedia of World Faiths*, Great Britain: MacDonald and Co. Publishers, 1987.
- Black, Robert. *A History of Rhodesia*, London: Longman, 1967.
- Bloch, Abraham P. *The Biblical and Historical Background of Jewish Customs and Ceremonies*, New York: KTav Publishing House, Inc. 1980.
- Bonaventure, St. *Breviloquium*, translated by Erwin Esser Nemmers, London: B. Herder Book Co., 1947.
- Bond-Stewart, Katy. *Independence is Not Only for One Sex*, Harare, Zimbabwe: Zimbabwe Publishing House, 1987.
- Borchert, G. *The New American Commentary: John 1-11*, USA: Broadman & Holman Publishers, 1996.
- Borg, W.R. & Gall, M.D. *Educational Research: An Introduction*, London: Longman, 1979.
- Borkowski, Andrew. *Textbook on Roman Law*, Great Britain, Blackstone Press Limited, 1994.
- Bosch, David J. *Transforming Mission: Paradigm Shifts in Theology of Mission*, New York: Orbis Books, 1992.
- Bourdillon, Michael F.C. (ed.), *Christianity South of the Zambezi*, Vol. 2, Gweru, Zimbabwe: Mambo Press, 1977.
- Bourdillon, Michael F.C. *The Shona Peoples*, revised edition, Gweru, Zimbabwe: Mambo Press, 1987.
- Bourdillon, Michael. 'A Note on Shona Court Procedures', *Native Affairs Department Annual*, (1974), 11.
- Bourdillon, Michael. "Is 'Customary Law' customary?", *Native Affairs Department Annual*, Vol XI, No 2 (1975), 140-149.
- Bowker, J.W. *World Religions*, London: Dorling Kindersley, 1997.

- Braybrooke, Marcus. *How To Understand Judaism*, London: SCM Press Ltd. 1995.
- Brigg, H.O. 'Ups and downs in ox-wagon in Mashonaland', *Work and Workers in the Mission Field of the Wesleyan Methodist Missionary Society*, Vol II, (1905-6), 299-300.
- Brigg, H.O. 'Light and shade in Rhodesia', *The Bulletin of the Wesleyan Methodist Missionary Society*, (December 1909), lxiii.
- Brigg, H.O. 'The missionary as an amateur doctor', *The Foreign Field of the Wesleyan Methodist Missionary Society*, (1917-18), 147-9.
- Broderick, G.E.P. 'Betrothal ceremony among the WaZezuru of the Salisbury District', *Native Affairs Department Annual*, (1945), 49-50.
- Brooke, Christopher N. L. *The Medieval Idea of Marriage*, London: Oxford University Press, 1989.
- Brookes, Edgar H. *The History of Native Policy in South Africa*, Pretoria, South Africa: Nasionale Peers, 1924.
- Brookes, Edgar H. *White Rule in South Africa 1830-1910*, Pietermaritzburg, South Africa: University of Natal Press, 1974.
- Brundage, James A. *Law, Sex and Christian Society in Medieval Europe*, Chicago: The University Press, 1987.
- Brundage, James A. *Sex, Law and Marriage in the Middle Ages*, Great Britain: Variorum, 1993.
- Brundage, James A. *Medieval Canon Law*, London: Longman, 1995.
- Bullock, Charles. *The Mashona and the Matabele*, Cape Town: Juta & Co. Ltd., 1950.
- Bullock, Charles. 'The origin and nature of totemism among the Mashona', *Native Affairs Department Annual*, (1951), 45-51.
- Cairncross, J. *After Polygamy Was Made Sin*, London: Routledge and Kegan Paul, 1974.
- Calvin, John. *Institutes of the Christian Religion*, Vol. 1 & 2, John T. McNel, (ed.), Ford Lewis Battles, (trans.), London: SCM Press Ltd. MCMLXI.
- Cape of Good Hope: Report and Evidence of Commission on Native Laws and Customs*, ordered by the House of Assembly, Cape Town: Saul Solomon & Co. 1873.
- Carlson, Eric Josef. *Marriage and the English Reformation*, Oxford: Blackwell, 1994.
- Carcopino, J.E. J. *Daily Life in Ancient Rome: The People and City at the Height of the Empire*, New Haven, 1960.

Carnegie, D. *The Chronicles of the Missionary Society*, vols. 1-3, London: Ashton-under-Lyne, 1893.

Carpenter, Edward. *The Origins of Pagan and Christian Beliefs*, London: George Allen and Unwin Ltd. 1920.

Cassuto, C. *A Commentary on the Book of Genesis Part I*, Jerusalem: The Magnes Press, 1961.

Chambers, Talbot W. (trans.), *The Homilies of Saint John Chrysostom: Epistles of Paul to the Corinthians*, in *Nicene and Post-Nicene Fathers*, Grand Rapids: Eerdmans Publishing Company, 1956.

Chanock, Martin. *Unconsummated Union*, Manchester: Manchester University Press, 1977.

Chanock, Martin. *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia*, Cambridge: Cambridge University Press, 1985.

Chavhunduka, Gordon L. "Social Change in a Shona Ward", *Occasional Paper 4*, Salisbury, Rhodesia: University of Rhodesia, 1970.

Chavhunduka, Gordon L. 'Polygamy among urban Shona and Ndebele Christians', *Native Affairs Department Annual*, Vol XII, No 1 (1979), 10-20.

Chigwedere, Aeneas. *Lobola- The Pros and Cons*, Harare, Zimbabwe: Books of Africa, 1982.

Child, Harold. *The History and Extent of Recognition of Tribal Law in Rhodesia*, Salisbury: Government Printers, 1965.

Chinyenze, Moses. 'A critique of Chigwedere's book: *Lobola- Pros and Cons* in relation to emancipation of women in Zimbabwe', *The Zimbabwe Law Review*, Vols 1 & 2, (1983-4), 229-250.

Colenso, John William. *A letter to His Grace the Archbishop of Canterbury upon the Question of the Proper Treatment of Cases of Polygamy as found already existing in Converts from Heathenism*, Cambridge: Macmillan, 1862.

Comaroff, John L. *The Meaning of Marriage Payments*, London: Academic Press, 1980.

Comaroff, Jean and Comaroff, John. *Revelation and Revolution: Christianity, Colonialism and Consciousness in South Africa*, vol.1, Chicago: The University of Chicago, 1991.

Comby, Jean. *How To Understand the History of Christian Mission*, translated by John Bowden, London: SCM Press Ltd., 1996.

- Corbett, E. *The Roman Law of Marriage*, Oxford: Clarendon Press, 1930.
- Corbet, P. *Autour de Burchard de Worms: l'église allemande et les interits de parente*, Frankfurt am Main: V. Klostermann, 2001.
- Corder, H. L. (ed.), *Essays in Law and Social Practice*, Johannesburg: Juta Co. Ltd, 1988.
- Cornes, Andrew. *Divorce and Remarriage: Biblical Principles and Pastoral Practice*, London: Hodder & Stoughton, 1993.
- Cotran, E. and Rubin, N.N. *Readings in African Law*, London: Frank Cass & Co. Ltd., 1970.
- Crawford, J.R. 'Marriage to the Ngosi and the Mainini custom', *Native Affairs Department Annual*, Vol 40, (1963), 27-28.
- Crawford, J.R. *Witchcraft and Sorcery in Rhodesia*, London: Oxford University Press, 1967.
- Cressy, David. *Birth, Marriage, and Death: Ritual, Religion, and the Life-Cycle in Tudor and Stuart England*, Oxford: Oxford University Press, 1997.
- Dachs, A. J. (ed.), *Christianity South of the Zambezi*, Gweru, Zimbabwe: Mambo Press, 1973.
- Daneel, M.L. *The Background and Rise of Southern Independent Churches*, S-Gravenhage: Mouton & Co. 1971.
- Dauviller, Jean. *Le Mariage dans le Troit Classique de L'église, Depuis de Decret de Gratien (1140) Jusqu'a le Mort de Clement V (1314)*, Paris: Sirey, 1933.
- Davies, Dunstan. *Why Do We....At Weddings?*, Nuneaton, Warwickshre, England: M.D. & P. Davies Book Services, 2002.
- Deasley, Alex R.G. *Marriage and Divorce in the Bible and the Church*, Kansas City, Missouri: Beacon Hill Press of Kansas City, 2000.
- Debates of the Legislative Assembly of Southern Rhodesia*, Salisbury, Southern Rhodesia: Government Printers, 1909-1970.
- de Gruchy, John W. *The Church Struggle in South Africa*, London: Collins Liturgical Publications, 1979.
- Delphy, Christine. *Close to Home: A Materialist Analysis of Women's Oppression*, Leonard, Diana (trans.), London: Hutchinson, 1984.
- Devine, W.A. 'Natives marriages tangles', *Native Affairs Department Annual*, (1926), 43-44.

- Dixon, Suzanne. *The Roman Family*, London: John Hopkins University Press, 1992.
- Donahue, Charles. 'The Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages', *Journal of Family History*, Vol 8 (Summer 1983), 144-158.
- Donahue, Charles. 'The Dating of Alexander the Third's Marriage Decretals', *Zeitschrift der Savigny-stiftung fur Rechtsgeschichte, Kanonistische Abteilung*, Vol 99 (1982), 69-124.
- Donahue, Charles. 'Proof by witnesses in the Church courts of Medieval England: An Imperfection Reflection of the learned law', in *On the laws and customs of England: Essays in Honour of Samuel E. Thorne*, Arnold, Morris S, Thomas A Green, Sally A Scully, and Stephen D White, (eds.), Chapel Hill: University of North Caroline Press, 1981, 127-158.
- Donahue, Charles. 'The Policy of Alexander the Third's Consent Theory of marriage' in *Proceedings of the Fourth International Congress of Medieval Canon Law*, Kuttner, Stephen, (ed.), Monumenta Iuris Canonici; c:5, Vatican City: Bibliotheca Apostolica Vaticana, 1976, 422-425, 432-451.
- Dugmore, C.W. *The Mass and the English Reformers*, London: Macmillan, 1958.
- Dunstan, Gordon R. 'The Marriage Covenant', *Theology* Vol 78, (1975), 244-252.
- Du Plessis, J.A. *A History of Christian Missions in South Africa*, Cape Town: Longmans, 1911.
- Durham, John. *Word Commentary: Exodus*, Waco, Texas: Word Books, 1987.
- Durston, C. *The Family in the English Revolution*, Oxford: Blackwell, 1989.
- Dutch Reformed Church, *European and Bantu: Being Papers and Addresses read at the Conference on Native Affairs*, Cape Town, Stellenbosch Mission Bookroom, 27-29 September, 1923.
- Elias, T. Olawale. *The Nature of African Customary Law*, Manchester: Manchester University Press, 1956.
- Evans, I.L. *Native Policy in South Africa*, Cambridge: Cambridge University Press, 1934.
- Eversley, W.P. & Craies, W.F. *The Marriage Laws of the British Empire*, London: Stevens & Haynes, 1910.
- Farrant, J. *Mashonaland Martyr: Bernard Mizeki and the Pioneer Church*, Cape Town: Cape & Transvaal Printers, 1966.
- Ferguson, John (trans.), *Clement of Alexandria: Stromateis: Books One to Three*, Washington, D.C.: Catholic University of America, 1991.

- Findlay, G.G. and Holdsworth, V.W. (eds.), *The History of the Wesleyan Methodist Missionary Society*, London: J.A. Sharp, 5 vols. 1921-24.
- Fletcher, Richard. *The Conversion of Europe: From Paganism to Christianity 371-1386*, London: Harper and Collins Publishers, 1997.
- Forde, Daryll. *African Worlds*, London: Oxford University Press, 1954.
- Fortes, Meyer. (ed.), *Marriage in Tribal Societies*, Cambridge: Cambridge University Press, 1972.
- Franklin, H. 'A selection from Notes on Manyika customs', *Native Affairs Department Annual*, (1927), 56-60.
- Fripp, Constance. 'Bishop Knight-Bruce's Journey to the Zambesi 1888', *Native Affairs Department Affairs*, (1939), 76-81.
- Fripp, C.E. and Hiller, V.W. (eds.), *Gold and the Gospel in Mashonaland 1888*, London: Chatto and Windus, 1949.
- Gallagher, Clarence. *Canon Law and the Christian Community*, Roma: Universita Gregoriana Editrice, 1978.
- Gally, Henry. *The Marriage Act of 1753: Some Considerations upon Clandestine Marriages*, New York: Garland, 1984.
- Garner, W. 'Advance in Rhodesia' *The Foreign Field of the Wesleyan Methodist Missionary Society*, VII, (1910-11), 364-365.
- Garthorne, E. R. *The Application of Native Law in the Transvaal*, Johannesburg: University of Witwatersrand Press, 1924.
- Gaul, William T. 'The Native Question in South Africa to the Bishop of Mashonaland', *Mashonaland Quarterly Paper*, XLII (Nov. 1902), 3-4.
- Gelfand, Michael. (ed.), *Mother Patrick and Her Nursing Sisters: Based on Extracts of Letters and Journals in Rhodesia of the Dominican Sisterhood, 1890-1901*, Cape Town: Juta & Co. Ltd, 1964.
- Gelfand, Michael. *African Background: The Traditional Cultures of Shona-Speaking People*, Cape Town: Juta 1965.
- Gelfand, Michael. *African crucible: An Ethico-Religious Study with Special Reference to the Shona-Speaking People*, Cape Town: Juta & Co., 1967.
- Gelfand, Michael. *Gubulawayo and Beyond: Letters and Journals of Early Missionaries to Zambezia, 1879-1889*. London: Geoffrey Chapman, 1968.
- Gelfand, Michael. *The Genuine Shona: Survival Values of an African Culture*, Gweru, Zimbabwe: Mambo Press, 1973.

Gelfand, Michael. *Ukama: Reflections on Shona and Western Cultures in Zimbabwe*, Gweru, Zimbabwe: Mambo Press, 1981.

Geller Markham J. and Herwig, Maehler. (eds.), *Legal Documents of the Hellenistic World*, London: University of London, 1995.

*Gentleman of the Temple, Considerations on the Act to Prevent Clandestine Marriages*, London: C. Carpenter, MDCCLIV.

Gillis, J.R. *Youth and History: Traditions and Changes in European Age Relations 1770-Present*, London: Academic Press, 1980.

Gillis, J.R. *For Better, for Worse: British Marriages 1600 to the Present*, Oxford University Press, 1985.

Glass, S. *The Matabele War*, London: Longmans, 1968.

Gluckman, Max. 'Kinship and Marriage among Lozi of Northern Rhodesia and the Zulu of Natal' in *African Systems of Kinship and Marriage*, Radcliffe-Brown, A.R. and Forde, D. (eds.), London: Oxford University Press, 1950.

Gluckman, Max. *Custom and Conflict in Africa*, Oxford: Basil Blackwell, 1955.

Gluckman, Max. *The Judicial Process among the Barotse of Northern Rhodesia*, Manchester: Manchester University Press, 1955.

Gluckman, Max. *Politics, Law and Ritual in Tribal Society*, Oxford: Basil Blackwell, 1964.

Gluckman, Max. (ed.), *Ideas and Procedures in African Customary Law*, London: Oxford University Press, 1969.

Gluckman, Max. *African Traditional Law in Historical Perspective*, London: Oxford University Press, 1974.

Goldin, Bennie. & Gelfand, Michael. *African Law and Custom in Rhodesia*, Cape Town: Juta & Co Limited, 1975.

Goodall, Norman. *A History of the London Missionary Society 1895-1945*, London: Oxford University Press, 1954.

Goody, J.R. and Tambiah, S.J. *Bridewealth and Dowry*, (Cambridge Papers in Social Anthropology), Cambridge: Cambridge University Press, 1973.

Goody, J.R. *The Character of Kinship*, Cambridge: Cambridge University Press, 1973.

Goody, J.R. *The Development of the Family and Marriage in Europe*, Cambridge University Press, 1983.

- Goody, J.R. *The Oriental, the Ancient and the Primitive: Systems of Marriage and the Family in the Pre-industrial Societies of Eurasia*, Cambridge: Cambridge University Press, 1990.
- Gray, Richard. *The Two Nations: Aspects of the Development of the Race Relations in the Rhodesias and Nyasaland*, London: Oxford University Press, 1960.
- Gray, S.D. *Frontiers of the Kingdom: The Story of the Wesleyan Missions in Rhodesia*, London: Cargate Press, 1923.
- Green, December. *Gender Violence in Africa: African Women's Responses*, London: Macmillan, 1999.
- Greenberg, B. 'Marriage in the Jewish Tradition' in *Perspectives on Marriage*, Kieran Scott, and Michael Warren, (eds.), Oxford: Oxford University Press, 1993.
- Greenslade, S.L. *Early Latin Theology, Selections from Tertullian, Cyprian, Ambrose and Jerome*, London: SCM Press Ltd. MCMLVI.
- Grubbs, Judith Evans. *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation*, Oxford: Clarendon Press, 1995.
- Hadden, A.W. (trans.), 'On the Holy Spirit, Doctrinal Treaties, Moral Treaties' of Saint Augustine, in *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, vol.3, Grand Rapids: Eerdmans Publishing Company, 1971.
- Hafkin, N.J. & Bay, E.G. (eds.), *Women in Africa in Social and Economic Change*, Stanford: Stanford University Press, 1976.
- Hagner, D.A. *Word Biblical Commentary: Matthew 14-28*, Dallas, Texas: Word Books Publishers, 1995.
- Hale, W.H. *Remarks on the Two Bills Now Before Parliament*, London, 1836.
- Hall, Edward T. and Hall, Mildred Reed. *Understanding Cultural Differences*, New York, Intercultural Press, Inc. 1990.
- Hall, Stuart G. *Doctrine and Practice in the Early Church*, Grand Rapids, Eerdmans Publishing Company, 1991.
- Hammick, J. *The Marriage Law of England*, London: Shaw & Sons, 1873.
- Hardy, H. *The Benefices Act and Ecclesiastical Proceedings under the Act and under the Clergy Discipline Acts; the Church Courts, their Constitution and Jurisdiction; and the Law Relating to Faculties, etc.* London, 1879.
- Hardy, W.J. & Gee, H. *Documents Illustrative of English Church*, London: Macmillan, 1896.

- Harrell-Bond, B.E. "Stereotypes of Western and African patterns of marriage and family life", *Journal of Marriage and the Family*, Vol 38 (May, 1976), 387-96.
- Harrison, Carol. 'Augustine' in *The Early Christian World*, London: Routledge, 2000.
- Haskey, John, 'Cohabitation before Marriage: A Comparison of Information from Marriage Registration and the General Household Survey', *Population Trends* Vol 39 (1985),
- Haskey, John. 'Trends in Marriage and Divorce in England and Wales: 1837-1987', *Population Trends*, 48 (Summer 1987b), 11-19.
- Hastings, Adrian. (ed.), *Christian Marriage in Africa*, London: SPCK, 1973.
- Hastings, Adrian. *African Christianity*, New York: The Seabury Press, 1976.
- Hastings, Adrian. *The Church in Africa 1450-1950*, Oxford: Clarendon Press, 1994.
- Hatendi, R.P. "Shona Marriage and the Christian Churches" in *Christianity South of Zambezi*, Dachs, J.A. (ed.), Gweru, Zimbabwe: Mambo Press, 1973, 135-140.
- Haw, Reginald. *The State of Matrimony: An Investigation of the Relationship between Ecclesiastical and Civil Marriage in England after the Reformation, with a Consideration of the Laws Relating Thereto*, London: SPCK, 1952.
- Hay, Margaret Jean. (ed.), *African Women: South of the Sahara*, London: Longman, 1984.
- Heath, Sidney. *The Romance of Symbolism*, London: Francis Griffiths, 1909.
- Heath, W. A. & Wenham, G.J. *Jesus and Divorce*, Carlisle, England: Paternoster Press, 1997, c. 1984.
- Helander, Gunnar. *Must We Introduce Monogamy? A Study of Polygamy as a Mission Problem in South Africa*, Pietermaritzburg, South Africa: Shuter & Shooter, 1958.
- Helmholz, Richard H. *Marriage Litigation in Medieval England*, Cambridge: Cambridge University Press, 1974.
- Helmholz, Richard H. *Canon Law and the Law of England*, London: Hambledon, 1987.
- Helmholz, Richard H. *Roman Canon Law in Reformation England*, Cambridge: Cambridge University Press, 1990.
- Helmholz, Richard H. *The Ius Commune in England*, Oxford: Oxford University Press, 2001.
- Helmholz, Richard H. *The Oxford History of the Laws of England: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s*, Vol I, Oxford: Oxford University Press, 2004.

- Henderson, Ian. & Warhurst, Philip. *Revisions in Central African History to 1953*, Salisbury, Rhodesia: The Central African Historical Association, 1965.
- Hillman, Eugene. *Polygamy Reconsidered*, New York: Orbis Books, 1975.
- Hobday, R.H. *State Marriage and Christian Marriage*, London, SPCK, 1914.
- Hoffner, Joseph. *Fundamentals of Christian Sociology*, Republic of Ireland, Dublin: Parkgate Printing Works, 1962.
- Hole, H.M. *The Making of Rhodesia*, London: Macmillan, 1926.
- Holleman, J.F. *Shona Customary Law*, Manchester: Manchester University Press, 1952.
- Holleman, J.F. *Issues in African Law*, The Hague: Mouton & Co. 1974.
- Holub, E. 'Few words on the Native Question', *The Native Question*, Kimberley, South Africa: The Independence Machine Printing Works, 1877.
- Holub, E. 'The Native Policy', *The Native Question*, Kimberley, South Africa: The Independence Machine Printing Works, 1877.
- Hooker, Morna D. *Continuity and Discontinuity: Early Christianity in the Jewish Setting*, Great Britain: Epworth Press, 1986.
- Houlbrooke, R. *Church Courts and the People during the English Reformation 1520-1570*, Oxford University Press, 1979.
- Houlbrooke, R. *The English Family, 1450-1700*, London: Longman, 1984.
- Houlden, Leslie. *The World's Religions: Judaism and Christianity*, London: Routledge, 1988.
- Howard, George Elliott. *A History of Matrimonial Institutions*, Vols. I-III. New York: Humanities Press, 1964.
- Hugenberger, Gordon Paul. *Marriage as a Covenant*, Leiden: E.J.Brill, 1994.
- Huggins, G.M. *Statement on Native Policy in Southern Rhodesia*, Salisbury, Southern Rhodesia: Government Printing Office, 1941.
- Hughes, A.J.B. and Velsen, J.V. *The Shona and Ndebele of Southern Rhodesia*, London: International African Institute, 1955.
- Hugo of St Victor, *Dogmatica*, Patrologia Latina, CLXXVI.
- Hutchins, C.H. *Liturgy for Marriage*, The Grove Worship Series, Number 47, Nottingham, England: Grove, 1976.

- Ibbotson, P. 'Native welfare societies in Southern Rhodesia' in *Race Relations* 9 (1942), 71-4.
- Ibbotson, P. 'The urban native problem', *Native Affairs Department Annual*, 22 (1945), 35-44.
- Ibbotson, P. 'Urbanisation in Southern Africa', *Africa* 16 (1946), 73-82.
- Ilogu, E.C.O. *Christian Ethics in an African Background*, Leiden: E.J. Brill, 1974.
- Ingram, M. 'Spousals Litigation in the English Ecclesiastical Courts 1350-1640', in Outhwaite, R.B, (ed.), *Marriage and Society*, London: Europa, 1980.
- Insoll, Timothy. *The Archaeology of Islam in Sub-Saharan Africa*, Cambridge: Cambridge University Press, 2003.
- Instone-Brewer, David. *Divorce and Remarriage in the Bible*, Grand Rapids, Michigan: Eerdmans Publishing Company, 2002.
- Isaacman, Allen. *The Tradition of Resistance in Mozambique: Anti-Colonial Activity in the Zambezi Valley 1851-1921*, London: Heinemann, 1976.
- Jackson, J. *Formation and Annulment of Marriage*, London: Butterworths, 1969.
- Jackson, H.M.G. 'Notes on the Customary Laws of the AmaNdebele' in *Native Affairs Department Annual*, (1925), 57-58.
- Jacobs, Albert C. 'Marriage Laws', *Journal of Marriage and the Family*, Vol. 1 (1964), 4-7.
- Jarrett-Kerr, Martin. *The Secular Promise; Christian Presence and Contemporary Humanism*, London: SCM Press Ltd. 1964.
- Jeater, Diana. *Marriage, Perversion, and Power: The Construction of Moral Discourse in Southern Rhodesia 1894-1930*, Oxford: Clarendon Press, 1993.
- Jennings, Albert E. *Bogadi: A Study of the Marriage Laws and Customs of the Bechuana Tribes of South Africa*, Tiger Kloof Vryburg, South Africa: The London Missionary Society, 1933.
- Josephus, Flavius. *The Genuine Works of Flavius Josephus: Containing Five Books of the Antiquities of the Jews*, New York: John Tiebout and M.W. Ward, 1810.
- Joyce, George Hayward. *Christian Marriage: An Historical and Doctrinal Study*, London: Sheed and Ward, 1948.
- Junod, Henri. 'Bantu Marriage and Christian Society', *Bantu Studies*, vol. XV, (1941), 25-36.

- Kane, N.S. *The World's View: The Story of Southern Rhodesia*, London: Cassell, 1954.
- Kapenzi, Geoffrey. *A Clash of Cultures: The Christian Missionaries and the Shona of Rhodesia*, Washington, DC: University Press of America, 1978.
- Kaye, Bruce. *Obeying Christ in a changing world*, John Stott (ed.), Glasgow: William Collins & Co. Ltd, 1977.
- Kazembe, Joyce. 'The Women Issue' in *Zimbabwe: The Political Economy of Transition 1980-1986*, Mandaza, Ibo (ed.), Dakar, Senegal: Codesria, 1986.
- Kerr, A. J. *The Native Law of Succession in South Africa*, London: Butterworths, 1961.
- King, P.S. *Missions in Southern Rhodesia*, Cape Town: The Citadel Press, 1959.
- Kisembo, Benezeri, Magesa, Laurenti, Shorter, Aylward. (eds.), *African Christian Marriage*, Nairobi, Kenya: Paulines Publications Africa, 1977.
- Kivunzi, Titus (ed.). *A Biblical Approach to Marriage and Family in Africa*, Machakosi, Kenya: Scott Theological College, 1994.
- Knight, G.W. III, '1 Timothy 3:1 and its saying', *The Faithful Sayings in the Pastoral Epistles*, Grand Rapids, Michigan: Baker Publishing House, 1979, 50-61.
- Knight-Bruce, G.W.H. *Journals of the Mashonaland Mission 1888-1892*, edited by Louise Knight-Bruce, London: Society for the Propagation of the Gospel in Foreign Parts, 1893.
- Knight-Bruce, G.W.H. *Memoirs of Mashonaland*, London: Edward Arnold, 1895.
- Krige, E.J. *The Social System of the Zulus*, Pietermaritzburg: Shuter and Shooter, 1936.
- Krige, Eileen Jensen. & Krige, Jacob Daniel. *The Realm of a Rain-Queen*, London: Oxford University Press, 1943.
- Kuper, Adam. *Wives for Cattle: Bridewealth and Marriage in Southern Africa*, London: Routledge and Kegan Paul, 1982a.
- Kuper, Hilda. *The Shona and Ndebele of Southern Rhodesia*, London: International African Institute, 1954.
- Kuper, Hilda. and Kuper, Leo. (eds.), *African Adaptation and Development*, Berkeley, California: University of California Press, 1965.
- Lacey, T.A. *Marriage in Church and State*, London: SPCK, 1947.
- Laiou, Angeliki E. (ed.), *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, Washington, D.C.: Dumbarton Oaks Research Library Collection, 1993.

- Lasch, C. 'The Suppression of Clandestine Marriage in England: The Marriage Act of 1753', *Salmagundi*, 90 (1974).
- Laslett, P. *Family Life and Illicit Love in Earlier Generations*, Cambridge University Press, 1977.
- Lewin, J. 'Some Legal Aspects of Marriage by Natives in South Africa,' *Bantu Studies*, vol. XV, (1941), 13-23.
- Lewin, J. 'A Short Survey of Native Law in South Africa', *Bantu Studies*, vol. XV, (1941), 65-77.
- Lewin, J. *Studies in African Law*, Philadelphia: University of Pennsylvania Press, 1984.
- Lewis, G. & Edwards, G.E. *Historical Record of the Church of the Province of South Africa*, London: SPCK, 1934.
- Lietzmann, Hans. *From Constantine to Julian: A History of the Early Church*, Vol. III. Translated by Bertram Lee Wolf, London: Lutterworth Press, 1953.
- Linden, Ian. *Catholics, Peasants, and Chewa Resistance in Nyasaland 1889-1939*, London: Heinemann, 1974.
- Livingstone, D. *Missionary Travels and Researches in South Africa*, London: John Murray, 1857.
- Livingstone, D. *Narrative of an Expedition to the Zambesi and its Tributaries: And of the Discovery of the Lakes Shirwa and Nyasa: 1858-1864*, London: J. Murray, 1865.
- Lombard, Peter. *Sententiarum*, IV. (1). 2, *Patrologia Latina*, CXCII.
- Loubiere, J. 'Christian villages' *Zambesi Mission Record*, Vol VI, (1918-1921), 369-373.
- Luther, Martin. *De Captivitate Babylonica Ecclesiae: Praeludium*, Vuittembergae, 1520.
- Lynch, Joseph. *The Medieval Church: A Brief History*, London: Longman, 1992.
- Macfarlane, Alan. *Marriage and Love in England: Modes of Reproduction 1300-1840*, Oxford, Basil Blackwell, 1986.
- Macgregor, James K. "Christian Missions and Marriage Usage in Africa" *The International Review of Missions* vol. 24 (July 1935), 379-391.
- Magesa, L. 'The African Priesthood of the Future', *African Studies*, vol.1 no. 3 (July 2001), 1-4.
- Maillu, David G. *Our Kind of Polygamy*, Nairobi, Kenya, Heinemann, 1988.

- Mair, Lucy. *African Marriage and Social Change*, London: Frank Cass and Co. Ltd., 1969.
- Malherbe, Abraham. *Moral Exhortation: A Greco-Roman Source Book*, Philadelphia: The Westminster Press, 1986.
- Malherbe, Abraham. *Social Aspects of Early Christianity*, 2nd ed. Philadelphia: The Westminster Press, 1986.
- Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton: Princeton University Press, 1996.
- Mann, Kristin. *Marrying Well: Marriage Status and Social Change Among the Educated Elite of Colonial Lagos*, Cambridge: Cambridge University Press, 1985.
- Markschies, Christoph. *Between Two Worlds: Structures of Earliest Christianity*, London: SCM Press, 1999.
- Mason, Philip. *The Birth of a Dilemma: The Conquest and Settlement of Rhodesia*, London: Oxford University Press, 1958.
- Mattuck, I.I. 'The marriage in Jewish law' in *Studies in Jewish Literature: Issued in Honour of Professor Kaufmann Kohler*, Berlin: G. Reimer, 1913.
- May, Joan. *Zimbabwean Women in Colonial and Customary Law*, Gweru, Zimbabwe: Mambo Press, 1983.
- May, Joan. *Changing People, Changing Laws*, Gweru, Zimbabwe: Mambo Press, 1999.
- Mbiti, John S. *Love and Marriage in Africa*, London: Heinemann, 1973.
- McKenzie, Steven L. & Wallace, Howard, N. 'Covenant Themes in Malachi', *Catholic Biblical Quarterly*, 45 (1983), 549-563.
- McLaren, Dorothy. 'The Marriage Act of 1653: Its Influence on the Parish Registers', *Population Studies*, Vol XXVIII, 1974, 319-327.
- Mears, T.L. (trans.), *The Institutes of Gaius and Justinian, The Twelve Tables, and Novels*, London: Stevens, 1882.
- Melland, Frank. & Young, Cullen. *African Dilemma*, London: The United Society for Christian Literature, 1937.
- Mesnage, J. *Le Christinisme en Afrique*, vol ii, Paris: E. Leroux, 1901.
- Moffat, Robert. *Missionary Labours and Scenes in Southern Africa*, London: Johnson Reprint Corporation, 1969.
- Moodie, T. Dunbar. 'Migrancy and Male Sexuality on the South African Gold Mines', *Journal of Southern African Studies*, 14 (1988), 228-256.

- Morris, H.F. (ed.), 'Customary Law: Its Place and Meaning in Contemporary African Legal Systems', *Journal of African Law*, vol 9, No 2 (1965), 82-5.
- Morris, H.F. 'The Development of Statutory marriage law in twentieth century British colonial Africa', *Journal of African Law*, vol 23, No 1, (1979), 37-64.
- Morrisey, Francis (ed.). *The Canon Law: Letter & Spirit- A Practical Guide to the Code of Canon Law*, London: Geoffrey Chapman, 1995.
- Mother Bertanda. *In God's White Robed Army*, Cape Town: Maskew & Miller, 1950.
- Mounce, William D. *Word Biblical Commentary: Pastoral Epistles*, Nashville: Thomas Nelson Publishers, 2000.
- M'sandra, Tsinda Hata. "African Marriage: Personal and Communitarian", *African Ecclesiastical Review*, Vol 23, Nos 1&2 (February-April, 1981), 35-37.
- Mudenge, Stanley I.G. *Christian Education at the Mutapa Court: A Portuguese Strategy to influence Events in the Empire of Munhumutapa*, Harare, Zimbabwe: Zimbabwe Publishing House, 1986.
- Murdock, G.P. *Africa: Its Peoples and Their Culture History*, New York: McGraw-Hill, 1959.
- Murphree, Marshall W. *Christianity and the Shona*, London: The Athlone Press, 1969.
- Musharhamina, Mulago Gua Cikala. *Traditional African Marriage and Christian Marriage*, Uganda: Marianum Press, 1981.
- Mutswairo, Solomon. *Introduction to Shona Culture*, Harare, Zimbabwe: Juta Zimbabwe (Pvt) Ltd, 1996.
- Neufeld, E. *Ancient Hebrew Marriage Laws*, New York: Longmans, Green and Co. 1944.
- New Catholic Encyclopaedia*, vol IX, London: McGraw-Hill Book Company, 1967.
- Nkala, Nomsa. 'Adultery not recognised under customary law', *The Herald Newspaper*, Harare, Zimbabwe, 20<sup>th</sup> February, 1999.
- Noble, W. J. 'For the women of Africa', *The Foreign Field of the Wesleyan Methodist Missionary Society*, (1929-1930), 235-237.
- Nock, Arthur Darby. *Early Gentile Christianity and Its Hellenistic Background*, London: Harper Torchbooks, 1964.
- Nyathi, Pathisa. *Traditional Ceremonies of AmaNdebele*, Gweru, Zimbabwe: Mambo Press, 2001.

- O'Donovan, Oliver. 'Marriage and the Family' in *Obeying Christ in a Changing World*, Bruce Kaye, (ed.), Glasgow: William Collins & Co. Ltd., 1977.
- Olthuis, J.H. *I Pledge You my Troth*, London: Harper & Row, 1975.
- Omaar, Rakiya. & de Waal, Alex. *African Rights Justice in Zimbabwe*, London: African Rights, 1996.
- O'Meara, Patrick. *Rhodesia: Racial Conflict or Co-existence?* New York: Cornell University Press, 1975.
- Oosthuizen, G.C. *Post-Christianity in Africa*, Oxford University Press, 1968.
- Oulton, John Ernest Leonard. *Alexandrian Christianity: Selected Translations of Clement and Origen*, Vol II, London: SCM Press Ltd. MCMLIV.
- Outhwaite, R.B. *Marriage and Society: Studies in the Social History of Marriage*, London: Europa, 1980.
- Outhwaite, R.B. *Clandestine Marriage in England, 1500-1850*, London: Hambledon, 1995.
- Palley, Claire. *The Constitutional History and Law of Southern Rhodesia 1888-1965*, Oxford: Clarendon Press, 1966.
- Parker, Stephen. *Informal Marriage, Cohabitation and the Law, 1750-1989*, London, The Macmillan Press Ltd. 1990.
- Parkin, David. & Nyamwara, David. (eds.), *Transformation of African Marriage*, Manchester: Manchester University Press, 1987.
- Parr, Martin. "Marriage Ordinances for Africans" *Africa* Vol 17, (1947), 1-7.
- Parrinder, Geoffrey. "Christian Marriage in West Africa" in *Africa* Vol 17 (1947), 206-68,
- Parrinder, Geoffrey. *The Bible and Polygamy: A Study of Hebrew and Christian teaching*, London: SPCK, 1950.
- Parrinder, Geoffrey. *African Traditional Religions*, London: SPCK, 1962.
- Patzia, Arthur G. *The Emergence of the Church*, Illinois: Downers Grove, Inter varsity Press, 2001.
- Peaden, W.R. *Missionary Attitudes to Shona Culture 1890-1923*, Salisbury, Rhodesia, The Central Africa Historical Association Local Series 27, 1970.
- Pedersen, Fredrick. *Marriage Disputes in Medieval England*, London: Hambledon, 2000.

- Perrin-Jassy, Marie F. *Basic Community in African Churches* (translated by Jeane Marie, *Communaute de base les Englises Africaines*), New York: Orbis Books, 1973.
- Peterson-Galen, Doris. 'Internal Conflicts Between Customary Law and General Law in Zimbabwe: Family Law as A Case Study', *Zimbabwe Law Review*, vols 1 & 2, (1983-84), 3-42.
- Phillips, Arthur. (ed.). *A Survey of African Marriage and Family Life*, London: Oxford University Press, 1953.
- Phillips, Arthur. & Morris, Henry, F. *Marriage Laws in Africa*, London: Oxford University Press, 1971.
- Polycarpo, Luigi. *Customary Marriage in Zambia in the Light of Canon Law*, Ndola, Zambia: Mission Press, 1988.
- Pollock, F. & Maitland, F. *History of English Law: Before the Time of Edward I*, Cambridge: Macmillan, 1895.
- Porter, Andrew. *Religion versus Empire: British Protestant Missionaries and Overseas Expansion, 1700-1914*, Manchester: Manchester University Press, 2004.
- Posselt, F.W.T. "Native Marriage" in *Native Affairs Department Annual*, (1928), 67-73.
- Posselt, F.W.T. *Fact and Fiction: A Short Account of the Natives of Southern Rhodesia*, Bulawayo, Southern Rhodesia: Rhodesian Printing and Publishing Co., 1935.
- Prestage, P. 'The kraal family system among the Amandebele', *Zambesi Mission Record*, Vol 1, (1898-1901), 442-6.
- Price, Thomas. *African Marriage*, London: SCM Press Ltd, 1954.
- Quinn, H.R. 'A letter from the Rev H.R. Quinn' in *Mashonaland Quarterly Paper* (MQP), vol.62 (1907).
- Radcliffe-Brown, A.R. & Forde, Daryll. (eds.), *African Systems of Kinship and Marriage*, London: Oxford University Press, 1950.
- Rahner, Karl (ed.), *Sacramentum Mundi: An Encyclopaedia of Theology*, London: Burns & Oates, 1968.
- Raner, William. *The Tribe and its Successors: An Account of African Traditional Life and European Settlement in Southern Rhodesia*, New York: Frederick A. Praeger, 1962.
- Ranger, Terence. 'State and Church in Southern Rhodesia, 1919-1939', *Historical Association of Rhodesia and Nyasaland* (subsequently *Central Africa Historical Association*), Local series Pamphlet, 4, 1961.
- Ranger, Terence. 'African Reactions to the Imposition of Colonial Rule in East Central Africa', in L.H. Gann and Peter Duigan (eds.), *Colonialism in Africa 1870-1960* Vol 1

*The History and Politics of Colonialism 1970-1914*, Cambridge: Cambridge University Press, 1969, 293-324.

Ranger Terence. & Weller, John. *Themes in the Christian History of Central Africa*, London: Heinemann, 1975.

Ranger, Terence. 'Religion, Development and African Christian Identity' and 'Concluding Summary', in Kirsten Holst-Peterson, (ed.), *Religion, Development and African Identity*, Uppsala: Scandinavian Institute of African Studies, 1987a, 29-57 and 145-63.

Ranger, Terence. 'The Local and the Global in Southern African Religious History', in Robert Hefner (ed.), *Conversion to Christianity: Historical and Anthropological Perspectives on Great Transformation*, Berkeley: University of California Press, 1993, 65-98.

Ranger, Terence. *Are we not also Men? The Samkange Family and African Politics in Zimbabwe 1920-1964*, Harare, Zimbabwe: Baobab, 1995.

Rattray, R.S. *Ashanti Law and Constitution*, Oxford: Clarendon Press, 1929.

Ray, B. *African Religions, Symbol, Ritual, and Community*, Englewood Cliffs, New Jersey: Prentice Hall, 1976.

Rawson, Beryl. (ed.), *Marriage, Divorce and Children in Ancient Rome*, New York: Oxford University Press, Inc. 1991.

Rea, W.F. "The Missionary Factor in Southern Rhodesia," *Salisbury Central Africa Historical Association*, Local Series No. 7, 1962.

Renwick, A.M. *The Story of the Church*, London: Inter-Varsity Fellowship, 1958.

Rhys, John. *Celtic Folklore: Welsh and Manx*, Oxford: Clarendon Press, 1901.

Richartz, F. 'Twelve years' progress at Chishawasha', *Zambesi Mission Record*, Vol II, (1902-5), xxiii, 337-44.

Richartz, F.J. 'Habits and Customs of the Mashonas', *Zambesi Mission Record*, Vol 2, (1905), 508-513.

Roberts, George. *Let Me Tell You a Story: Life as lived by Pioneer Missionaries to Rhodesia*, Bulawayo: Rhodesia Christian Press, 1964.

Rogers, Cyril A. and Frantz, C. *Racial Themes in Southern Rhodesia: The Attitudes and Behaviour of the White Population*, New York: Kennikat Press, 1962.

Rogers, T.E. *The English Marriage: Laws and the Levitical Degrees*, London: Pickering & Co, 1883.

- Ruel, Malcolm. *Belief, Ritual and the Securing of Life: Reflective Essays on a Bantu Religion*, Leiden, E.J. Brill, 1997.
- Rule, J.S. 'Methodism, Popular Beliefs and Village Culture in Cornwall 1800-1850', in Storch, R.D, (ed.), *Popular Culture and Custom in Nineteenth Century England*, London: Croom Helm, 1982.
- Russell, A. F. *The Statute Law of Southern Rhodesia*, Revised Edition of the Laws Act, 1937, Vol. I, *Statutes*, Chapters 1-46, London: C.F. Roworth Limited, 1939.
- Russell, A. F. *The Statute Law of Southern Rhodesia*, Revised Edition of the Laws Act, 1937, Vol. II, *Statutes*, Chapters 47-120, London: C.F. Roworth Limited, 1939.
- Russell, A. F. *The Statute Law of Southern Rhodesia*, Revised Edition of the Laws Act, 1937, Vol.III, *Statutes*, Chapters 121-178, London: C.F. Roworth Limited, 1939.
- Ruzvidzo, Victoria. 'Extraordinary marriages', *The Herald Newspaper*, Harare, Zimbabwe, 1999.
- Sampley, J.P. *And The Two Shall Become One Flesh*, Cambridge: Cambridge University Press, 1971.
- Sanneh, Lamin. 'Prelude to African Christian Independency: The Afro-American Factor in African Christianity', *Harvard Theological Review*, Vol 77, No. 1 (1984), 1-32.
- Schaff, Philip. (ed.), *Saint Chrysostom's Homilies on the Epistles of Paul to the Corinthians, Nicene and Post Nicene Fathers of the Christian Church*, Grand Rapids: Eerdmans Publishing Company, 1969.
- Schapera, I. (ed.). *The Bantu-speaking Tribes of South Africa: An Ethnographical Survey*, London: Inter-University Committee for African Studies, 1937.
- Schapera, Isaac. *Handbook of Tsawana Law and Custom*, London: Oxford University Press, 1938.
- Schapera, Isaac. *Married Life in an African Tribe*, London: Faber, 1941.
- Schapera, Isaac. (ed.), *Western Civilisation and the Natives of South Africa*, London: George Routledge, 1967.
- Schillebeeckx, Edward. *Marriage: Human Reality and Saving Mystery*, Translated by N.D. Smith, London: Sheed and Word, 1965.
- Schluter, M. & Ashcroft, J. (eds.), *Jubilee Manifesto: A Framework Agenda & Strategy of Christian Social Reform*, Leicester, England: Inter-Varsity Press, 2005.
- Schmidt, Elizabeth. *Peasants, Traders and Wives: Shona Women in the History of Zimbabwe 1870-1939*, London: James Currey, 1992.

- Schroeder, H.J. (trans.). *The Canons and Decrees of the Council of Trent*, Rockford, Illinois: Tan Books and Publishers, Inc. 1978.
- Schwerdtfeger, Anne. *Ethnological Sources of the Christian Marriage*, Stockholm: Ceres, 1982.
- Scullion, John, J. *Genesis: A Commentary for Students, Teachers, and Preachers*, Collegeville, Minnesota: The Liturgical Press, 1992.
- Seymour, James J. *The Changing Trends of the Shona Family in Zimbabwe*, Harare, Zimbabwe: Upper Room Ministries, n.d.
- Seymour, S.M. *Native Law in South Africa*, Cape Town: Juta & Co. [1913] 1960.
- Sharp, A.S. 'Mashonaland', *Foreign Field of the Wesleyan Methodist Missionary Society*, Vol VIII, (1911-2), 58-60.
- Shorter Aylward, Magesa Laurenti, Kisembo, Benezeri, (eds.), *African Christian Marriage*, Nairobi, Kenya: Paulines Publications Africa, 1977.
- Shorter, Aylward. *Towards a Theology of Inculturation*, New York: Orbis Press, 1988.
- Simons, H.J. 'The law and its administration' in *Handbook on Race Relations in South Africa*, Hellmann, E, (ed.), London: Oxford University Press, 1949.
- Smedes, L.B. *Sex for Christians*, Grand Rapids: Eerdmans Publishing Company, 1977.
- Smith, Edwin W. *The Christian Mission in Africa: A Study Based On The Work of the International Conference at Le Zoute, Belgium, September 14<sup>th</sup>-21<sup>st</sup> 1926*, London: The International Missionary Council, Edinburgh House, 1926.
- Smith, Edwin W. *The Way of the White Fields in Rhodesia: A Survey of Christian Enterprise in Northern and Southern Rhodesia*, London: World Dominion Press, 1928.
- Smith, Edwin W. (ed.), *African Ideas of God*, London: Edinburgh House Press, 1950.
- Sordi, Marta. *The Christians and the Roman Empire*, translated by Annabel Bedini, London: Routledge, 1994.
- Speight, Arthur. *The Statute Law of Southern Rhodesia: From the Charter to 31<sup>st</sup> December 1910*, Harare, Zimbabwe: Published by Authority, 1911.
- Speight, Arthur. *The Statute Law of Southern Rhodesia: From 1<sup>st</sup> January, 1911, to 31<sup>st</sup> December, 1922*, Harare, Zimbabwe: Published by Authority, 1923.
- Stanlake, J.W. 'Beginnings at Bulawayo', *The Wesleyan Missionary Notices*, Vol II, (1895), 1-3.
- Stanlake, J.W. 'Travelling in Mashonaland since the war', *Work & Workers in the Mission Field*, Vol VII, (1898), 12-17.

- Stanlake, J.W. 'Progress at Bulawayo', *The Wesleyan Missionary Notices*, Vol V, (1898), 1-3.
- Stanlake, J.W. 'Report to the Wesleyan Missionary Society Headquarters', *Work & Workers in the Mission Field*, vol. ix (1900).
- Stanlake, J.W. 'Progress and promise of pioneer work in Matabeleland', *Work & Workers in the Mission Field*, Vol XI, (1902), 50-55, 97-102.
- Stanlake, J.W. 'Missionary meetings in Matabeleland', *Work & Workers in the Mission Field*, Vol XII, (1903), 63-69.
- Stanlake, J.W. 'A visit to Epworth Mission Station', *The Foreign Field of the Wesleyan Methodist Missionary Society*, Vol V, (1908-9), 208-210.
- Stanlake, J.W. 'Progress and promise in Rhodesia', *The Foreign Field of the Wesleyan Methodist Missionary Society*, Vol IX, (1912-13), 61-66.
- Stanley, Brian. *The Bible and the Flag: Protestant Missions and British Imperialism in the Nineteenth and Twentieth Centuries*, Leicester: Apollos, 1990.
- Stark, Rodney. *The Rise of Christianity*, New Jersey, Princeton University Press, 1996.
- Stevenson, Kenneth. *Nuptial Blessings: A Study of Christian Rites*, London: Alcuin Club/SPCK, 1982.
- Stokes, E. and Brown, R. *The Zambesian Past: Studies in Central African History*, Manchester: Manchester University Press, 1966.
- Stone, Lawrence. *Family Law*, London: Macmillan, 1977.
- Stone, Lawrence. *Uncertain Unions: Marriage in England, 1660-1753*, Oxford: Oxford Union Press, 1992.
- Stopforth, P. 'Survey of Highfield African Townships', *Occasional Paper 6*, Salisbury, Rhodesia: University of Rhodesia, 1971.
- Sundkler, Bengt. *Bantu Prophets in South Africa*, London: Lutterworth Press, 1948.
- The Lambeth Conference (1867-1948)*, London: SPCK, 1948.
- The Report on the Colloquium on 'The Rights of Women in Zimbabwe' 14<sup>th</sup> to 17<sup>th</sup> November, 1984*, Organised by The Legal Research Department and Law Reform, Ministry of Justice, Legal and Parliamentary Affairs, Harare, Zimbabwe.
- The Statute Law of the Federation of Rhodesia and Nyasaland*, Salisbury, Southern Rhodesia, 1955.
- The Statute Law of Southern Rhodesia*, Salisbury, Southern Rhodesia, 1965.

- Thomas, David M. *Christian Marriage: A Journey Together- Message of the Sacraments*, Wilmington, Delaware: Michael Glazier, Inc. 1983.
- Thompson, David M.(ed.). *Nonconformity in the Nineteenth Century*, London: Routledge & Kegan Paul, 1972.
- Thorpe, Clarence. *Limpopo to Zambezi: Sixty Years of Methodism in Southern Rhodesia*, London: Cargate Press, 1951.
- Tredgold, Robert C. *The Rhodesia That Was My Life*, London: George Allen and Unwin Ltd, 1968.
- Treggiari, Susan. *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian*, Oxford, Clarendon Press, 1991.
- Trobisch, Walter. *My Wife Made Me a Polygamist*, Downers Grove, Illinois: Inter-Varsity Press, 1971.
- Troeltsch, Ernst. *The Social Teaching of the Christian Churches*, Vols 1 & 2, translated by Olive Wyon, London: George Allen & Unwin Ltd, 1931.
- Trowell, H.C. *The Passing of Polygamy*, London: Oxford University Press, 1940.
- Tucker, L.L. *On Trek with Christ in Southern Rhodesia*, Mutare, Zimbabwe: Rhodesia Mission Press, 1935.
- Turner, H.W. *History of an African Independent Church*, Oxford: Clarendon Press, 1967.
- Turner, H. *Religious Innovation in Africa*, Boston: G.K. Hall, 1979.
- Turner, V.W. *Schism and Continuity in an African Society*, Manchester: Manchester University Press, 1957.
- Van der Merwe, W.J. *The Day Star arises in Mashonaland*, Morgenster: Morgenster Mission Press, 1953.
- Van der Merwe, W.J. 'The Shona Idea of God' in *Native Affairs Department Annual*, Vol. XXXIV, (1957), 39-63.
- Van der Merwe, W.J. *The Development of Missionary Attitudes in the Dutch Reformed Church in South Africa*, Cape Town: Nasionale Pers, 1936.
- Verstraelen, Frans J. *History of Christianity in Africa in the Context of African History: An Assessment of Four Recent Historiographical Contributions*, Gweru, Zimbabwe: Mambo Press, 2002.
- Veryn, T.D. *Church and Marriage in Africa*, Groenkloof, Johannesburg: The Ecumenical Research Unit, 1975.

Veyne, Paul. (ed.), Arthur Goldhammer, (translator), *A History of Private Life: I-From Pagan Rome to Byzantium*, Massachusetts: The Belknap Press of Harvard University Press, 1987.

Wace, Henry.& Buchheim, C.A. (trans. and eds.), 'Bayblonish Captivity of the Church, 1520' in *Luther's Primary Works*, London: Hodder and Stoughton, MDCCCXCVI.

Walls, Andrew F. *The Missionary Movement in Christian History: Studies in the Transmission of Faith*, New York: Orbis Books, 1996.

Watkins, Oscar D. *Holy Matrimony: A Treatise on the Divine Laws of Marriage*, London: Rivington, Percival and Co.1895.

Watson, A. (trans.), *The Digest of Justinian*, Philadelphia: University of Pennsylvania Press, 1985.

Weinrich, A.K.H. *Black and White Elites in Rural Rhodesia*, Manchester: Manchester University Press, 1973.

Weinrich, A.H.K. *Mucheke: Race, Status and Politics in a Rhodesian community*, Paris, UNESCO, 1976.

Weinrich, A.K.H. *African Marriage in Zimbabwe*, Gweru, Zimbabwe: Mambo Press, 1982.

Wenham, Gordon J. *Word Biblical Commentary: Volume 1 Genesis 1-15*, Waco, Texas: Word Books, 1987.

Westbrook, Raymond. *Old Babylonian Marriage Law*, Horn, Austria: F. Berger & Sohne, 1988.

Westermann, Claus. *Genesis 12-36*, Translated by John J. Scullion, Minneapolis: Augsburg Publishing House, 1985.

Westermann, Diedrich. *Africa and Christianity*, Oxford University Press, 1937.

Westermarck, Edward. *Christianity and Morals*, London: Kegan Paul, Trench and Co. Ltd., Broadway House, 1939.

Whidborne, V. 'Africanisation of Christianity in Zimbabwe', *Religion in Southern Africa*, Vol 4, No 1 (January, 1983), 30-50.

White, C.M.N. 'African Customary Law: The Problem of Concept and Definition', *Journal of African Law*, Vol 9, No 2 (1965), 86-89.

White, John. "Our first District Synod in Mashonaland", *Work & Workers in the Mission Field*, Vol IV, (1895), 20-21.

- White, John. "Visiting the native stations in Mashonaland", *Work & Workers in the Mission Field*, Vol. IV, (1895), 394-395.
- White, John. "Latest advance in Mashonaland", *Work & Workers in the Mission Field*, Vol VI, 1896, 78-79.
- White, John. "The Negumbo Training Institution, Mashonaland", *Work & Workers in the Mission Field*, Vol IX, (1900), 270-272.
- White, John. "Translation work in Mashonaland", *Work & Workers in the Mission Field*, Vol X, (1901), 421-422.
- White, John. "Reminiscences of the travel in Rhodesia", *Work & Workers in the Mission Field*, Vol XI, (1902), 498-501.
- White, John. 'The Rationale of the Missionary Conference of Southern Rhodesia; *Native Affairs Department Annual*, Vol 2, (1924), 67-69.
- Whitehall, David. *The Roman Empire*, London: Hodder & Stoughton, 1991.
- Whitehead, R. 'The Aborigines' Protection Society and White Settlers in Rhodesia, 1889-1930', *University of London, Institute of Commonwealth Studies, Collected Seminar Papers on The Societies of Southern Africa in the last 19<sup>th</sup> and 20<sup>th</sup> Centuries*, vol.3 (London, 1973), 96-109.
- Whiteside, Rev J. *History of the Wesleyan Methodist Church of South Africa*, London: Eliot Stock, 1906.
- Witte, John. *From Sacraments to Contract: Marriage, Religion, and Law in the Western Tradition*, Louisville, Kentucky: Westminster John Knox Press, 1997.
- Wood, C.T. (compiler), *The Mission Field: Cumulative Index for the Church in South Africa*, London, 1856-1895.
- Woods, G.G.B. "Extracts from Customs and History: AmaNdebele", *Native Affairs Department Annual*, No.7, (1929), 43-52.
- Worrall, B.G. *The Making of the Modern Church: Christianity in England since 1800*, Great Britain: SPCK, 1988.
- Yego, Josh. 'Polygamy and the African Church', *East Africa Journal of Evangelical theology*, Vol 3, No1, (1984), 60-81.
- Young, W. John. *The Quiet Wise Spirit: Edwin W Smith 1876-1957 and Africa*, Peterborough, England: Epworth Press, 2002.
- Zabel, Shirley. 'Legislative History of the Gold Coast and Lagos Marriage Ordinance: III', *Journal of African Law*, Vol 23, No1 (1979), 10-35.

*Zimbabwe Marriage Act, Chapter 5:11*, Revised Edition, Harare: Government Printer, 1996.

*Zimbabwe Customary Law and Local Courts Act, Chapter 7:05*, Revised Edition, Harare: Government Printer, 1996.

Zimmermann, Reinhard. *The Law of Obligation: Roman Foundations of the Civilian Tradition*, Cape Town: Juta & Co Ltd, 1990.

Zvobgo, C.J.M. "The Shona and Ndebele responses to Christianity in Southern Rhodesia, 1897-1914," *Journal of Religion in Africa*, Vol VIII, (1976), 41-51.

Zvobgo, C.J.M. *The Wesleyan Methodist Missions in Zimbabwe 1891-1945*, Harare: University of Zimbabwe Publications, 1991.

Zvobgo, C.J.M. *A History of Christian Missions in Zimbabwe 1890-1939*, Gweru, Zimbabwe: Mambo Press, 1996.