

gospel will contribute nothing to this that cannot be more effectively achieved by black power. It is a view one can readily understand; it is one that not a few of the younger black people I have met in South Africa are tempted to adopt. But it is hardly one that could be acceptable to Dr Cone as a Christian.

A Report on Marriage by Fr Adrian Hastings

Early in 1970 I was approached by the Anglican archbishop of Central Africa with a request that I conduct an investigation for the Anglican communion in Africa of marriage issues—to be precise, ‘a pastoral appreciation of the problems arising out of African marriage customs, both rural and urban, in relation to full membership of the Church’. It was hoped at first that the work could be sponsored by both the Anglican and the Roman Catholic hierarchies, but for various reasons the latter were unwilling to join in on the plan as it had been proposed, so in December 1970 I began work sponsored by the Anglican archbishops alone but with the general understanding that I would look at the problems of Catholics as well, in so far as I could. The Anglican communion is not present in most African countries, notably the French speaking lands (except for Rwanda and Burundi), and it was also decided to leave out West Africa, but the area to be considered remained vast—Kenya to South Africa—and it was obvious that my survey could not include original field research; the idea was to provide an overall view of the position in some nine countries based upon already available literature, brief visits on my part and a questionnaire, together with a theological and pastoral appreciation of the problems the factual survey indicated as most pressing. It is this that I have attempted to do in the six chapters and ten appendixes of my final report, *Christian Marriage in Africa*, published by SPCK in March of this year.

My aim here is not to summarize all the arguments or conclusions of that report, but simply to offer a few of my own comments upon it or upon the subject it treats. The report was completed in July 1972, so already some nine months have passed to distance me a little from it. The points I make here have either come home to me more forcibly since concluding the report or they are ones

which could not suitably be included within an Anglican report, which is what I was writing.

This does not mean, of course, that because it is a report for Anglicans I am not personally committed to the substance of its conclusions. I certainly am, but they have naturally been developed within an Anglican context and with the sort of somewhat impersonal sobriety appropriate to this form of literature. There are matters of Roman Catholic practice which it would have been irrelevant to include, and there are avenues of more personal theological enquiry which the writer of a church report should desist from entering. I have, of course, spoken at times of Roman practice, notably in regard to the so-called Pauline and Petrine privileges; this was because, while the working of the latter at least is not well known to Anglicans (or perhaps to many Catholics), these matters have a considerable bearing upon the indissolubility of marriage and the witness which different communions have given to it. In coming to a right understanding of marital indissolubility it is of the greatest importance to realize that no major communion has wholly rejected the possibility of divorce and remarriage. That is to say, no major communion has understood Jesus' words on the subject, as reported by Mark, in their most absolute sense.

The most characteristically African issue in the field of marriage is undoubtedly that of polygamy,¹ and a good deal of the report has attempted to re-examine the whole subject in the light of history and sociology as well as theology. My concluding position is not likely to satisfy extremists upon either side of this still hotly debated issue. I have argued that monogamy is in itself the best form of human marriage because it alone structurally guarantees the equality and reciprocity of the marital relationship; that this is clearly implied (though not explicitly stated) by the New Testament; that it has been a constant element in the teaching of all major churches at all times; and that it is socially opportune in modern Africa where many men may still crave for the implicit superiority of an optional polygamy but where women are increasingly in arms against it. On the other hand I have argued that polygamous marriage is most certainly to be classified as marriage and not as adultery; that the New Testament does not explicitly reject it while it does strongly condemn the breaking of a marriage; that Christians have frequently put up with socio-moral situations that are not theoretically ideal; and that slavery is, to say the least, a more serious social evil than polygamy but was for long accepted in this way by the Church. Consequently, I have recommended that, while Christians should not feel free to take on a second wife, people within a polygamous marriage should, if otherwise suitably disposed, be received to baptism and communion, without having to break up

¹In this article polygamy is used to mean the legal marriage of a man with more than one woman.

any of these unions. I have also recommended that where a Christian has taken a second wife by customary law for responsible reasons in accord with the sense of moral obligation inculcated by the traditional culture and current public opinion of his people (such as the widowhood of a sister-in-law or the prolonged childlessness of a first wife), while such action cannot be recommended, yet it should be understood with great sympathy, and it should not be impossible at some subsequent date to receive such a person, still in his double union, back to communion—much as Anglicans do now receive the divorced and remarried back to communion even though their second marriages have not been blessed in church.

These recommendations do, of course, go far beyond any present Catholic practice and almost any Anglican practice. They are my personal conclusions after much thought and discussion, but they are in line with a good deal of recent thinking in other Churches, both Lutheran and Methodist. Naturally they are submitted to the judgment of the proper authorities. To some people they will seem extremely permissive; to others (both black and white), who regard monogamy as merely a western form of marriage imposed upon Africa as one aspect of Europe's cultural-religious imperialism, they will seem excessively conservative.

At the end of my research I felt more convinced than at the beginning of the justification of asserting a truly Christian (and not merely western) character for monogamy, Christian because preferentially human. But such an assertion must be made within an adequate moral theology, and this has often been most woefully lacking. In modern Africa the sound socio-moral reasons for polygamy have greatly declined while the moral objections have comparably increased, and in fact stable legal polygamy is, admittedly slowly, on its way out. In traditional society polygamy was certainly not always or chiefly a male way of dominating the female, of demonstrating the inequality of the sexes. Its deeper sense is related to the ordering of individuals and their marriages according to the needs of the wider group of kindred and extended family, and to ensuring that some women do not remain unmarried in a society where the marrying age is very much lower for women than for men, while its deeper criticism should be based on the ease with which it could degenerate into a species of uncontrolled capitalism. In the individual case it could serve the immediate needs of women at least as much as those of men—for companionship, domestic assistance, a periodic relief from child-bearing, and the guarantee of a husband and a home for those who would otherwise be left without. These things can still apply. In today's society, however, in which major changes are going on quite apart from anything the Churches do or say, the advantages for a woman of participation in a polygamous household have much decreased while resentment towards such a condition has magnified. If in the

past the first wife might well welcome the arrival of a second as the way to lighten her domestic burdens (she might even propose it), today on the contrary she is much more likely simply to walk out. Polygamy today appears increasingly as an assertion of male domination and sexual inequality, and women know it. If liberation is or should be at the heart of the message which the Church proclaims in any society, then in Africa today the assertion of the preferentially monogamous character of all human marriage, and the Christian's commitment to adhere to that preference, relates to an element in her witness more fundamental even than that of marriage itself. To go back upon it would be a betrayal of the task of liberation, at its here and now most relevant edge; and while the Church may well in large part have betrayed that task time and again (though it has not wholly done so) in other fields and even in many aspects of this one—as in her acceptance and even reinforcement of systems of male dominance elsewhere, particularly in southern Europe, through the very mistaken identification of the western patriarchal marriage pattern with the Christian ideal—that is not a reason to countenance a further sell-out to the desires of the dominant group. And women, I am convinced, would not forgive such a *volte-face*. In the case of those already polygamously married and wishing to become Christians the position is quite different; here the Church's present discipline (insisting that a man dismiss all his wives but one, yet in practice allowing him to decide which one) is in fact in most cases not a way to liberate women, but a further assertion of masculine domination resulting in a very miserable life for the discarded wives. I have noticed time and again how thoughtful African women welcome the idea of this change in the present discipline while strongly opposing the proposal that polygamy should become otherwise optional.

What would be the right pastoral answer to give to the question of the Christian acceptance of polygamy within a society which is strongly polygamous, in which women customarily and almost necessarily marry at a much younger age than men, but which is not open to major social change, is a still more difficult matter. Such indeed was the state of many African tribal societies a hundred years ago, when the present controversy in fact began. Polygamy was a pretty integral part of the social system and its rapid elimination was quite impossible. The situation in Ireland in the time of St Patrick was probably somewhat comparable. In such circumstances should monogamy be proposed by missionaries as a marital ideal but as no more? I tend to feel that even in a situation of this kind such a line is not enough. It is of its nature for Christianity to be a revolutionary force in the area of culture and of social and marital *mores*. Polygamy is, after all, only one of the forms of sexual behaviour, fully approved and socially useful among one or another of the peoples of the world, but in contrast with Christian *mores*. There is

polyandry, sexual hospitality offered to a visitor who is invited to sleep with one's wife, the sexual rights of brothers-in-law, secondary marriages, and much else. None of these things are so obviously reprehensible as the traditional western Christian judgment might consider them, and they all had a structured meaningful place within a particular culture and society. Yet Christian faith and its sense of holy and unholy behaviour is, I would hold, bound to clash not only with what people regarded in other societies as scurvy or sinful or unsocial behaviour, but also with culture itself. Christian faith, in fact, judges culture—as Jesus judged the Jewish cultural practice of easy divorce, though it was justified by the law of Moses: the very central point for Jewish culturo-religious validation.

Personal religious conversion necessarily expresses itself through some sort of change in moral, social and cultural forms. If it did not do so, it is difficult to see what point it would have. A minimization or denial of any serious clash between Christian *mores* and the accepted life style of a non-Christian society in any part of the world would seem to undermine both the psychology of, and the justification for, conversion. Change there must be. The real, and very difficult, question is which changes are appropriate and which are not. It is undeniable that very often inappropriate changes have been imposed by the missionary (for example, a Portuguese surname or the wearing of a pair of trousers). Other questions are at what stage in the conversion process are such changes to come and to what extent the evangelist can impose them. In general conversion should certainly not be held, particularly by those not undergoing the conversion, to require the individual's withdrawal from this activity or that unless the gospel makes this indisputably clear. In the case of, at least, an existing polygamous marriage, I do not believe this to be the case.

In a seriously polygamous society I would expect the Christian gospel preached with a clear intimation of a Christian's future commitment to monogamous marriage to make slow progress, but there is no great harm in that, anyway: the Church's significance derives from the sacramental quality of the living of a minority, not from mass baptisms. However, even in extensively polygamous societies the majority of adult males are not and cannot be polygamous, the balance of the sexes dictates this, so the existence of a religious minority committed to monogamy is in no way socially impossible. Whereas, however, the traditional majority would hold to a marital ideal of polygamy, the Christian minority would hold to one of monogamy; in so doing—as in many other ways too—it creates a counter-culture. This is perfectly healthy. Cultures do not need to be monolithic; where they are, they tend to be oppressive. When they exist in any extensive form they necessarily include within them counter-cultures of one kind and another. That Christian

belief results in such a thing wherever it is sincerely received is only to be expected.

To turn to a quite different issue, the report has endeavoured to make clear that only a minority of Christians, Anglican or Roman Catholic, today have a marriage in church in most African countries. And the proportion is declining quite fast, although there are some places—notably Malawi—where it is still fairly high. From this point of view the Christian population of Africa is moving in the direction of a Caribbean marriage pattern, although the African situation is different from that of the Caribbean in that in the former customary marriage continues to exist while in the latter it does not. I have attempted to show how mistaken, at once theologically and practically, has been the policy of both the Catholic and (more unexpectedly) the greater part of the Anglican communion in Africa in insisting upon a ‘canonical form’ for the valid marriage of Christians. This of course is based upon the decrees *Tametsi* of the Council of Trent and *Ne Temere* of Pius X. I have little doubt that while the number of church members will continue to rise fast in Africa over the next decade the number of church marriages will continue to fall (relatively and, very probably, even absolutely). It is very likely that within the 1970s the position will have been reached in east and central Africa as a whole where hardly one in eight of young Catholics who marry do so in a way recognized by the Church as valid. That is to say over 85% will be placing themselves permanently out of communion by the form of their initial marriage, let alone its subsequent breakdown, the taking of a second wife and so forth.

Doubtless this state of affairs is in large part a consequence of the policy of massive baptism which the Churches have adopted over the last decades coupled with quite inadequate provision for after-care and a very unrealistic attitude towards the structuring of the ministry. Yet it is also consequent upon mistaken attitudes in the marriage field itself. It is absolutely vital that the present canon law of marriage be radically changed; it is strangling the Church. During these last two years the belief has steadily grown upon me that as a rounded whole the modern Roman Catholic law of marriage is theoretically falsely based and in practice often pastorally disastrous. It has claimed for the ministerial authorities in the Church rights over the individual in the marriage field which, I would hold, the Church’s authority simply does not possess. Its theoretical foundation can be most clearly challenged by the consideration of its consequences in certain marginal cases. The present official Catholic position, following upon *Ne Temere*, is that a baptized Catholic cannot make a valid marriage (a true marriage in the eyes of God) except following the ecclesiastical form (canons 1094, 1099). There are certain exceptions to this—canon 1098 admits that a valid marriage can be contracted in the absence of an authorized

priest when there is danger of death or when a priest is absent for a month—probably the latter provision has been insufficiently used in Africa. Again the decree of Vatican II on Eastern Catholic Churches (art. 18) now allows the validity of mixed marriages with separated eastern Christians when celebrated in their churches. In the last two or three years dispensations have also been given with increasing frequency in other countries for a Catholic to marry another Christian without the canonical form in a non-Roman Catholic Church. None of this, however, alters the claim of Church authority to be able to circumscribe the basic freedom of Christians to marry, and it is this that is most questionable.

If we consider the case of a lapsed and unbelieving baptized Catholic, the child of Catholics, we find that he is really unable to marry at all according to the mind of the Church. In no way regarding himself as a Catholic, he will not want to marry in a Catholic church, and it would be pastorally undesirable for him to do so, going through the sacramental form; but the Church claims that any other marriage he makes is an invalid one. This is but the logical consequence of the whole Tridentine position. Again, if he is persuaded to go through the church form, and his bride is also baptized but unbelieving, then their marriage will, according to our present canon law and official theology, be a sacrament, bearing with it absolute indissolubility. Here the improbability of the present position upon canonical form merges with that over indissolubility. If a believing Roman Catholic marries a non-baptized person with full ecclesiastical approval in what is certainly an intentionally monogamous and indissoluble union, the Church is nevertheless prepared subsequently to dissolve that marriage and allow the Catholic to marry again, while the marriage of two non-believers referred to above is indissoluble. If a completely lapsed Catholic marries another Christian in an Anglican church, it is an invalid marriage according to the Catholic Church; hence, later, if it breaks down, the Catholic would be allowed by Rome to marry again (I would say, rightly, but not because of the invalidity of the first marriage, but because of its complete breakdown). These and many other anomalies of the present law derive, I believe, from a mistaken view both of the Church's power to validate or invalidate marriages and of the way the indissolubility of marriage should be understood.

Before embarking on this work I had never realized how shaky our marriage position as a whole could appear. This does not mean that some absolutely sound pastoral attitudes have not helped to form it. The basic concern to affirm marriage as monogamous, indissoluble and public has been absolutely right; what I find mistaken have been the canonical short cuts undertaken in support of this affirmation. These short cuts, which can be dated in some cases to the twelfth century, in others to the sixteenth, derive from an over-simplified theology and a legal rather than a pastoral approach

to human situations. Marriage is an immensely complex and delicate human reality, personal and social; a reality which must, above all, share in the freedom characteristic both of sound human life and of the gospel. Here, as in too many other areas, the Church's traditional practice has not adequately respected that freedom; it has done great injustice to some people, caused scandal to others, and in the situation of a very different society, such as that of Africa, it has come largely to pieces. There is no area today in the Church where a drastic re-examination both of theory and of practice is more overdue.

Reflections on a Report by Fr Adrian Edwards, C.S.Sp.

Fr Hastings has touched on many very serious problems in his report, now published as *Christian Marriage in Africa*, and in the previous article, with a compassion and sincerity that draw on wide reading and long reflection. Yet I feel myself out of sympathy with much that he has to say. This may be more to my discredit than to Fr Hastings'; at any rate, let me throw down a few words to suggest that at any rate such differences may be permissible.

First of all, on a relatively secondary point, Fr Hastings takes a view of polygamy which, while he is not the first to suggest it, is still very much a minority view among both Catholics and Anglicans. The direction of the New Testament is monogamous, not so much in an explicit command, as in defining marriage by the image of the union of Christ and His Church in the New Covenant. For the baptized Christian, therefore, polygamy is not an option. For the non-Christian, however, polygamous unions, when they are in accord with the traditions of his society, cannot simply be written off as 'immoral'; to force the disruption of such unions as the price of baptism is much more immoral. Polygamists might therefore be admitted to baptism; and while Christians should regard monogamous marriage as the norm, there are cases where a Christian who has taken more than one wife may be admitted to the Eucharist. Fr Hastings claims that this is the only policy which will be consistent with the 'central precepts of the Gospel'.

I wish that Fr Hastings had been a little more cautious before he made the implied suggestion that those who disagree with him are in