

Notes and News

'Customary unions' and 'Christian marriage'

SOME Africanists refuse to regard 'disintegration' as synonymous with 'demoralization'; they prefer to describe the social processes now at work as 'reconstruction'; for they discern the emergence of factors which are creating new bonds between members of African society. They would admit, however, that the constructive forces are at present less evident if not less potent than the disintegrative—than, for example, the migration of men and women to European towns and labour-centres. It is generally agreed that the introduction of Western civilization is largely responsible for widespread deterioration in sexual morality. No one would maintain that the old African system produced ideal relations between the sexes, but it did strive, and with considerable success, to control the natural impulses of men and women in the interests of a stable society, and chiefly by the establishment of the family which implies marriage and the legitimization of children. Now it is the family that is chiefly threatened by the new economic system.

Mr. Arthur Phillips, Judicial Adviser to the Kenya Government, in his remarkable Report on Native Tribunals, expresses the conviction that Government should give Africans the assistance which they undoubtedly need if they are to be successful in reintegrating their social life. The Christian Church has surely its own contribution to offer. But apparently Church and State are both bewildered by the complexity of the problems. There is no agreement anywhere on the measures that should be taken; and no unanimity as to the value and efficacy of the Marriage Ordinances which various governments have introduced. The law and practice in one colony differ from the law and practice in another, perhaps contiguous, colony. 'A vast muddle' is a recent writer's description of the position of marriage in England. What shall we name the position in Africa?

It is because of the tremendous importance of the subject that we have opened our pages to a discussion of it. Writers, African and European, who can speak from experience and who represent various points of view, have been invited to contribute to this symposium. The first two of the articles appear in this number and others will follow.

What is Christian marriage?

BOTH Mr. Amoo and Mr. Childs write of 'Christian marriage' without clearly defining this ambiguous term. What distinguishes Christian marriage from any other marriage? Mr. Phillips points out that in British Africa we have in reality three forms of marriage: (a) according to native law and custom; (b) according to English law and custom; (c) Christian marriage. The distinction he draws between (b) and (c) helps to clear up the ambiguity; but still we have to ask, What constitutes Christian marriage? And can the expression have any legal significance?

The New Testament contains no full and self-contained law on marriage. Christ laid down no law but held up an ideal of what marriage should be: a union, lifelong and indissoluble, of one man with one woman, to the exclusion of all others on either side. Marriage was a recognized and honoured social institution among the peoples to whom the Gospel was first preached, as indeed it was in the Africa of yesterday. There was much in common between Roman law and Christian principle: both enjoined monogamy; they differed in that Roman law permitted divorce. And the Church accepted the civil law which ordained that, provided the parties were legally capable of intermarriage and intended immediately to begin cohabitation, any declaration of consent, in whatever form given, sufficed for a legal marriage. For about the first thousand years of the Christian era consent alone was regarded