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Marriage undoubtedly remains an important social institution. Its importance is highlighted by what one could term the politics of marriage. Mbati (1999) vividly captures these politics by referring to African Marriage as a drama where everyone becomes an actor or actress and not just a spectator. While most individuals and societies across Africa value marriage, there is still a debate on what marriage is in a rapidly evolving social context and when and under what circumstances a sexual (sexuality in its positive and broader sense) relationship between humans (and also between human and non-human) qualifies as marriage. Indeed, there are many instances where long term relationships between two consenting adults sometimes blessed with offspring is not recognized by all parties. These include traditional marriage (both monogamous and polygamous) not being recognized by state institutions, families not recognizing civil union without 'proper traditional wedding' and religious institutions voiding some relationships.

This issue of the magazine will contribute to the debate on sexuality and the implications for wellbeing and social justice. In contemporary Africa, as poverty, economic opportunities and multiculturalism are shaping individuals and institutional agencies, various forms of marriage and long term relationships are emerging and sometime defying dominant notions of age-mixing heterosexual marriage with cohabiting spouses.

Before proceeding to the core discussion, it is important to examine the notion of unusual marriage. The term unusual has various connotations, i.e. from the derogative to the positive. From essentialist perspectives, unusual marriage would mean an unnatural or abnormal marriage, while from the social-religious perspective, it could mean an uncommon and abnormal marriage. Unusual could also be positive in the sense of being distinguished and outstanding. But for the purpose of this short paper and for this issue we use unusual to refer to different types (in terms of diversity) of marriages.

What is unusual about marriage in Africa? From the definition adopted in this paper, the answer would be nothing, because even in the smallest community, there are always particular long-term commitments alongside the dominant general patterns of marriage. Indeed, most relationships can be called unusual because they were in the blind spot for a very long time or they are emerging or they do not strictly conform to at least one of many (sometimes unknown) attributes of pre marital and marital lives or to the marriage process itself. Unless one makes a deliberate effort to see the immediate surroundings, many happenings will remain invisible.

From the blind spot perspective

Marriage/long term commitment could be termed unusual if it falls outside one or more of the characteristics, processes and meaning of the mainstream practice of marriage. These include the processes to legitimize both internally and socially such relationships through the attributes/characteristics of the partners, the living arrangements of the spouses or the relationship and romance between the partners.

From the new occurrence perspective

While most discussions of unusual marriage will refer to the media display of same-sex sexual relationship and marriage, it is important to note that unusual marriage occurs among heterosexuals too. For instance due to increased mobility and career opportunities for both partners, an increasing number of spouses are living apart together. For instance in Nigeria, the increase in such living arrangement gave birth to the new concept of Abuja marriage or married bachelor. This is unusual with regard to cohabitation.

Unusual marriage may also arise as the outcome of the agency of frustrated or marginalized groups who have decided to focus on their well-being and challenges in dominant institutions. In Zimbabwe for instance the Maputo marriage is seen as an alternative to patriarchal marriage while urfi marriage is thought to be a challenge to the increasing cost of wedding.

What of the implications for health, rights and well-being?

Whatever justification for a long term relationship to become called unusual, it is important that efforts are made to safeguard the health and well-being of the individuals involved. Falling within one of the many characteristics of the unusual marriage does not make one less human. In that regard the new marriage bill of the Government of Kenya that seeks to protect individual partners of a non-registered relationship is very much welcome.

At an individual level, it is equally important that regardless of the type of long term relationship one is involved in, one remains mindful of and respects the rights of others. Unusual relationship does not and should not be an excuse for the violation of an individuals' rights or the denial of social justice. After all it is a relationship between human beings.
"Come We Stay" Marriages In Kenya: Implications For Sexual health

By Njiru Roseanne

"Come We Stay" relationships, also called cohabitation, refer to unmarried heterosexual couples living together in an intimate relationship. They are fact arrangements not sanctioned by either civil, religious or traditional authority but where a man and woman decide to live together as husband and wife. In Kenya, there are no available statistics on 'come we stays' since they are not recognized by the state, but it is evident that they are on the rise especially among young people in urban areas. Anonymity in the urban areas offers a perfect setting for cohabitation since parents and relatives live in the rural areas and may not learn about it until much later, in most cases when a child is born. In fact, it is feared that 'come we stays' are quickly displacing legal marital unions.

Like sanctioned marriages, 'come we stay' relationships involve a shared household between intimate partners and have characteristics in common with marriage. Similarities include pooled economic resources, a gender division of labor in the household and sexual exclusivity. Oftentimes, a 'come we stay' is started by the girl letting the man have sexual relations with her on his mere promise to marry her. Thereafter, he takes up living with her and never takes any steps to legalize the marriage. Some of the 'come we stays' are later legalized but others, for reasons such as the interior position of women to demand for legalization, remain that way for many years.

There are five separate legal systems of marriage in Kenya: Civil, Christian, Islamic, Hindu and Customary. All types of marriage other than customary must be registered. Although cohabitation is not recognized by the state in Kenya and partners in non-marital unions normally have no legal rights and obligations, courts have developed the common law principle of presumption of marriage, conferring some marital rights and duties on cohabiting couples meeting certain criteria. The exact criteria vary but judges generally weigh the length of cohabitation, whether there are children and whether the man and woman hold themselves as husband and wife.

Reasons for 'Come We Stay'
There are several reasons why people cohabit. The main reason is that cohabitation serves as a transition stage between single and married life. It is a trial marriage meant to assess viability and compatibility of the partnership before a lifelong commitment to marriage. Other reasons include:

- Observation that most marriages have serious marital problems and the rising cases of divorce and separation make young people question the importance of marriage.
- Less complicated dissolution than marriage.
- Increased intimacy opportunity to share sexual and emotional intimacy without getting married and without being seen as promiscuous.
- It offers more freedom than marriage since the partners are not legally bound.
- High cost of marriage in the midst of rising economic difficulties and high unemployment rates and thus the feeling among men of 'why buy the cow when you can get free milk' most girls and women have been through school today and their parents make very high bride wealth demands for their educated daughters.
- Economic advantages cohabitation offers an opportunity to save money by sharing expenses especially if the two are in employment.

Implications of 'Come We Stay' Relationships on Sexual Health
According to the World Health Organization, sexual health is a state of physical, emotional, mental and social well being in relation to sexuality, and not merely the absence of disease, dysfunction or infirmity. Sexual health requires positive and respectful approach to sexuality and sexual relationships as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination
and violence. It can only be attained and maintained in an environment where sexual rights of all persons are respected, protected and fulfilled [3]. Note that since health is a fundamental human right, so is the result of an environment which recognizes, promotes and defends sexual rights. Sexual health, therefore, is that enabling environment wherein the sexual rights of an individual are protected. They further note that in the context of marriage, sexual health prevails where the following sexual rights are expressed: right to sexual freedom, sexual pleasure, sexual autonomy, privacy, sexual expression, right to make responsible reproductive choices, right to sexual education, and sexual health care. However, these rights and ultimate sexual health have been difficult to achieve in marriage due to underlying factors such as lack of empowerment, gender and sexual violence and sexual dysfunction. Within come-we-stay relationships, sexual achievement and maintenance of sexual health also face certain challenges.

One of the reasons for come-we-stay is the ability to enjoy sexual freedom and autonomy, which among other sexual rights creates an environment for the achievement of sexual health, without being considered promiscuous. Nonetheless, in these arrangements, there may be lack of commitment to one partner if the two are just trying out especially where there are differences of opinion in the arrangement that may lead to dissatisfaction with the partner or even violence. This may create a fertile ground for multiple partnerships as each tests around for compatibility in order to eventually make a marriage commitment. This has implications for pleasurable sexual experiences, fundamental if sexual health is to be achieved and risks of sexually transmitted infections including HIV and AIDS. Gender power imbalances also play a key role in sexual relations. Sometimes, to show commitment and trust to a partner, women do not negotiate condom use, which has serious implications for STDS, and/or unintended pregnancies that could lead to abortions if the two are not ready for child birth. Notable is the fact that abortions in Kenya are illegal and most African countries are done in the back streets by quacks and this has serious repercussions for sexual and reproductive health.

There are no local studies on ‘come-we-stay,’ but elsewhere studies on cohabitation in the US and other Western countries show that there are higher rates of violence among cohabiters, double that of married partners. Severe violence is five times more for cohabiters than for married partners. Also, in cohabitation, there is a higher risk of physical, emotional and mental abuse [4]. Violence and gender power imbalances hinder the right to pursue a satisfying, safe and pleasurable sexual life, a major sexual right and health concern. Moreover, the instability of come-we-stay relationships limits and affects discussion on sexual matters among partners, including the making of reproductive choices, sexual expression, seeking sexual information and sexual health care. On the other hand, legal marriage adds the essential ingredients of commitment and security to one’s sex life, making it more satisfying. Research also suggests that cohabiters have poorer communication skills in discussing problems than couples who are not merely cohabiting [5]. Communication allows for sexual expression and view marriage, divorce and come-we-stay relationships [6].

The adoption of the Bill will have consequences for sexual health as it will encourage many more young people to enter into the unstable ‘come we stay’ relationships because they do not have to worry about paying bride wealth. Sexual health cannot be achieved in relationships that are susceptible to multiple sexual relations, violence, disagreements, easy dissolution, and are unproductive for healthy sexual expression and discussion due to lack of commitment in these relationships.

In conclusion, therefore, whereas there is some degree of sexual liberty and independence in ‘come we stay,’ there are several factors that limit full attainment and maintenance of sexual health.

These include, gender power imbalances, violence, feelings of insecurity, and lack of commitment especially where couples feel they are free to walk out at any point when the relationship fails, among others. These hinder the realization of sexual rights which is the environment in which sexual health can be wholly achieved.

References

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What does marriage mean to you?

It is a consensual relationship and establishment of a long-term commitment between two persons or more, depending on the society. It is certainly not financial dependence. But it includes financially supporting each other, if you are in a problem, your partner should support you. It should not be a form of exploitation of one partner. It is a comprehensive institution, not a cafeteria where you go and pick what you want, but where you have a time of sorrow and happiness, and share the good and the bad. It is a place to plan the future and to live in the present, to laugh at the past or to have good memories of the past; it is the past, the present and the future. It is sexual, it is emotional, and it can be platonic and so on. It is not perfect. Because you can have clashes, you have to have sex, have disagreements, etc. It is simply about everything that you are prepared to share.

It is all a matter of choice. Everybody can get married but for various reasons there are people who don't get married at all. There are various people who protect their sexuality, like the clergy, priests, etc.

For example, if you want to become the Pope you have to suppress your sexuality. While anybody can get married except for those people who by choice have decided not to, as stated earlier, one thing that everyone should know is that a marriage relationship is supposed to be lasting and have implications and commitments; it is taking somebody from one type of life to another. Therefore, it is important that it is perceived as at least the intention to take care of the other, that mentally they are prepared and their condition allows it. I am not talking about financial conditions here. One person can earn a thousand Birr (Ethiopian Currency) a month and is comfortable in his own environment and prepared to be married, and another can earn 1 million Birr a month but not be ready. Thus we have to be ready to live together. It is not like buying a shirt one day and throwing it away the next day.

Marriage is about tolerating and caring for each other, giving in and taking in. Also, one has to think about maturity. Am I mature enough to get married, accept such responsibility? Early marriage should be discouraged to encourage the girl child to go to school or get some form of vocational training. This is because everybody wants to be the best that he or she can be.

Are there other forms of marriage you know of?

The forms of marriages and characteristics, including issues relating to age, sex and gender, depend on the society and tradition of the world in which one finds oneself. There are relationships where the wife is more like a domestic worker, there are marriages of convenience, and there are also the types of marriages where the woman is regarded as a wife because the man likes her, and in some cases she doesn't even know she is a wife. There are different types of marriage whether they are legally binding or not, and they all depend on each country and society.

Types of marriages in Ethiopia

In Ethiopia, the legal system recognizes a marriage between a man and a woman and if you have lived together for some time it will be deemed that you are married. However, there are different traditions and customs, each religion and region has its own forms of marriage. I want to mention that child marriage is a big issue in Ethiopia and this is something we should all address as a violation of rights.

Temporary marriages?

A marriage is normally an intention that is for life, and people live together by virtue of that. However, there are times when things happen to divert the relationship from its main goal. It's like starting a journey without the foreknowledge of the course that it might take. It is not a contractual thing. Marriage can be difficult to understand but I know you certainly do not get married for one week! The intention is normally to make it permanent.
In Ethiopia are there noticeable changes in marriage or long-term relationships?

Marriage has changed over time and this is because of the way that the society is organized, the way one gets ideas, education and even the economic relationships, like polygamy which occurs for various reasons which anthropologists might be more familiar with. Polygamy does not necessarily imply that the man or the woman involved is promiscuous, that is fallacious. There are beliefs, traditions, economic and cultural reasons for all types of marriages - that is the anthropological way of seeing things. For example in the old days even lower income people could afford big compounds, many wives and several Tukus (nuns) where they could house their wives, and have large farms where the children can work. Today things are different, even if a man's tradition allows him all these things, he cannot afford to live in this manner because he would probably live in an apartment that cannot house a lot of people, or he cannot afford to buy food for the entire family as was possible in the past. One has to look at things from both sides. In those days, since traders traveled a lot they had the tendency to maintain wives and houses along their routes. They could not stay in hotels because there were no hotels at that time. Therefore it was the norm for them to have homes along their trade paths. But today times are very different, we now have views, modernization, education, women's empowerment. All these things help to transform the type of relationships that exist in contemporary Africa.

Do you know anything about polyamorous relationships?

I don't know, theoretically such relationships can exist, but in our society I don't think it takes place in a very declared way, and if it does it is very rare and a bit eccentric. Sometimes you think it is European, however even in Europe I don't think it is widespread: it is marginalized. So what's the use and why theorize about it? These things happen. A study in the United Kingdom found that Africans are not any more unethical than the Europeans. Some level of pervaded behavior exists. However, polygamy is becoming less prominent as a result of the changing economy. As a result people are having affairs as an excuse because the society frowns at polygamy in some cases.

In these relationships, what do you think should be the health concerns?

When you engage in a marriage or a relationship you care about the entirety of your partner, from the spiritual, physical and financial perspectives. It is a total package. So you can not say, "I want a healthy wife but who is mentally unstable." Caring is about the complete well-being of the individual concerned. It is important to look at it holistically. Also, sexual well being and not necessarily sex is a part of this holistic caring. It is not whether somebody is sexy, has an eye or a finger, whatever it is, the person has to be taken as a whole.

Reproduction as the sole reason for marriage?

You know what differentiates human beings from animals is that you get married not just to have babies.

When you engage in a marriage or a relationship you care about the entirety of the person, from the spiritual, physical and financial, is a total package.

Otherwise you can do that anywhere; you can go to the laboratories to have children or you can walk around and get a woman, to make babies for you, like you are selling something. But the relationship goes beyond that; you want to enrich your relationship by having something in common which comes as a result of your sexuality and the children are the product of a common life. An animal baby knows only the mother but not its father or blood relatives. But in human beings particularly the African societies with large families, you don't just have a filial relationship with the father and mother; you have it with the uncles and aunts, in-laws and so on. So it is a wider sense of relationship which goes beyond reproduction. You cannot just go into a shop and buy a baby just like you will buy a cooker. The way the relationship develops and blossoms shows this the sexuality, the flirting and the relationship itself. It is not true that Africans just want babies. Our society is much more caring and affectionate than others want to portray it to be.

With regards to relationships, how do you view the trend among young people today?

Young people today are not like the young people in the past when a girl was expected to remain chaste and pure before marriage. These days, people often live together before marriage. I don't think that human nature has changed over time, it is the way we express the love and the facilities that we have that have changed. In the old days people were not able to go to hotels, but when we look at the eyes, the love, affection, the flirting, throwing flowers, things have all changed. In the old days when a man loves you he would throw lemons. There are some very symbolic relationships in the old days, but there were few avenues for expressing them. This is because in the old days villages were sparsely populated. That meant that one could not hide, even in the villages everyone would look at you. Today, you can even be in the next village and nobody sees you, you can be in the next bar and nobody sees you. So it is the atmosphere and the way society is organized which has given room for the kind of relationships we see today. I don't think that people who accuse young people of being more promiscuous and so on are right; it is simply that young people have more opportunity to express themselves in today's world.

In the older African societies, it was the grandparents, elders and older family members who spoke to the children about sexuality and the issues surrounding it because parents were usually also young at that time. However today, the way we live, with our apartments, our traditions, and the language, there is no way to communicate about sexuality. Our education system is hypocritical because it does not allow us to deal with sexuality because it is believed that those who talk about sexuality are talking about sex with school children.

Sexuality is something we all have as human beings. It is not something we need to be taught, it is the way we express and do it that we learn. Sexuality is inherent in us. Then we have to find the method of education, taking out the inhibition giving the right information and not making it not seem like a shameful thing, because when you make it appear shameful it only shows that you have
I don’t think that today’s young people are more promiscuous than the previous generation; it is the way they express themselves. For example, we have soap operas that we watch nowadays, while we also have fairy tales in our culture. Our lives are a reality. Young people need to be informed and not coerced but educated, given the right information and assisted properly.

What are the implications of these relationships and the rights of the people involved? Should the law enhance the rights of people especially women in this relationship?

I don’t believe our laws are completely negative or our traditions completely oppressive to women. But there are areas which need improvement. The biggest problem is that people tend to choose the misunderstood, ignored or prevented part of our culture and focus on the laws that perpetuate problems. In every society you find people who abuse and beat and so on, if this happens with the Europeans, we are told that they are sick and have psychological problems and so on, but if it happens in Africa they say it is our mutual respect for one another.

When you talk about education, there are some cultures that say to marry a man and a woman is not generally good. When it comes to the woman we have more traditions that are not favorable. But I believe that we have to highlight the positive part of our culture, our traditions and give it the modern value. Because if you want to convince and educate our elders, we have our religion to give base to our values or tradition, though this is not to say everything is perfect, not! Unfortunately, it is the modern age that is taking the bad part of our culture, highlighting it and using it for one selfish interest or the other. But the responsible and caring part of our culture is undermined because it is not in the media.

We have to find a way of taking that positive part of our culture and educating people, not as propaganda but as information, advocacy and education, so that we have a better idea of our society. Unfortunately, our politicians always bring the worst part of the laws to govern us. We need to bring the best part of Africa to light. That’s where we have to build our future because everybody is capable of using back language, but we have to know how to unload the bad one and how to follow up with the best part of Africa and bring it to the 21st century. We are the ones who are killing our own culture. Read the very fantastic novels by Chizoba Achebe and Ben Okri and get new caring our society is (of course you see also the evil part of our society). We need people to emend these good and the modernity of our tradition and to bury the one which is uncaring and oppressive. We need to take these uncaring and oppressive parts and do not replace them with artificial culture.

With regards to the different kinds of marriages and relationships, most laws in Africa do not recognize these relationships, what is the role of the law in enhancing the rights of these relationships?

What has the law to do with the kind of relationship that an individual is going to have? It is nobody’s business. It becomes somebody’s business when it affects the rights of others. Is the lesbian relationship going to affect the neighbor? Are homosexuals affecting their neighbors? Norms and culture and society are not going to be proscribed by law, they have to be protected by education and interaction. So if we believe that our culture is African why should we worry about some people engaging in this act? If we are so sure, why do we need a legal backing? There are other areas that need legal protection, like spousal abuse needs that to stop to reduce it. What is the sense of having to have a law to guide a sexual relationship?

Culture has to be something of much more importance. Sexuality should be an individual right. Why can’t we ban commercial sex workers, why can’t we ban smoking, sex workers? Can smoke for example but he is not allowed to smoke in public places where it can affect others, etc. We have to leave individual choices and be concerned about things that affect the public good and the culture. This should be done through education and not through coercion.
An Inclusive Definition
Of Marriage For Same Gender Lovers

By Rowland Jide Macaulay

How would you define marriage?

I would define marriage as the union between two adults, either heterosexual or homosexual. For the benefit of sexual minorities or same gender loving people, marriage can be extended to same gender loving people that are in a committed relationship and ready for a (legal) recognition. However it is important to note that there should be a legislative clarity on the age of the person. It could also be explained as the legalizing of the commitment between two people. It could be legalized under the law in places where there is a law to legalize such unions, especially for same gender loving people. It is also a way in which two people further show their commitment to each other because they exchange wedding bands (rings) and it is also a covenant, it is however difficult for same gender loving people to show such public confirmation of their relationship. However in countries like South Africa, United Kingdom and Canada, it is legalized. Also under the law, marriage gives couples rights to inheritance, child custody, etcetera.

Different forms of marriages?

There are different forms of marriages. There is the marriage between older men and much younger women in cultures where very young girls are given away in marriage. Marriage between men and women of the same age group since heterosexual marriage is known widely and more popular as the societal norm of marriage. There are also homosexual marriages which are marriages between two men or two women, these are popular in countries like Canada where they are governed under the Gay marriage Act, South Africa (Gay marriage Act) and the United Kingdom (Civil Partnership Act).

Are there temporary marriages?

I don't believe that there are temporary marriages. Marriage is more or less a formal way of showing or sharing a long term commitment in a relationship. There are some relationships that might come to an end as a result of mutual agreement between the parties or other factors like natural consequences such as death. Do not see so called temporary marriages as marriages under duress. Marriage is a long term relationship. Over time marriages can and people do change over time in relationships. It all depends on their ability to handle changes in their relationships. These changes can and sometimes do come about when people are not committed to their vows and relationship for different reasons like distance (a situation where both parties do not reside in the same place), economic changes (poverty), illness and etcetera. Both parties have to understand that marriage is a life time commitment, therefore they have to keep reinventing the love in their relationship, stick to their vows regardless of the situation and they should have the ability to endure both positive and negative changes as enduring the changes is the most important thing in marriage.

As a liberal theologian it is not right for me to judge others.

As a liberal theologian, it is not right for me to judge others. As long as the partners in the relationship are happy, care for and have made a commitment to each other, that's all that matters. It is however important to be aware of the possibility of the spread and dangers of Sexually Transmitted Infections also known as STIs and HIV. The risks in a homosexual relationship are the same as in a heterosexual relationship. But where the three parties are faithful and are not infected then such a relationship is safe as such health concerns do not come up. However, there are other health concerns such as heart failure; in such cases the need to negotiate who will be the next of kin is also important. Certainly there are more complicated decisions to be made in polyandrous relationships as against monogamous relationships. The only problem with polyandry is that it is not accepted into the norms of our society. Personally, I do not believe the Bible would condemn such a relationship as long as the people are in agreement after all Sarah introduced Hagar to her husband Abraham. Would Jesus discriminate?

As a pastor, how do you view the precepts of the Bible regarding monogamous and polygamous or polyandry relationships?

As a pastor, how do you view the precepts of the Bible regarding monogamous and polygamous or polyandry relationships. If one takes a conservative and extreme fundamental interpretation of the Bible, it can be one man and one woman. However when one looks at the joy and satisfaction of a polygamous or polyandrous relationship then the joy is mostly fulfilling and the Bible says in Ecclesiastes 4: 9 that two are better than one. Therefore one has to look at it from a broader perspective. Often people always forget that the decision and the commitment is between the people within and not outside the parties and they often judge because they do not fit within the societal norms or so called definitions, we are used to. Once again, I don't think the Bible would condemn such relationships as long as the parties are same and make the right decisions that they want to be in that relationship.

Relating marriage to African values and reproduction

As I mentioned earlier, marriage is the commitment between two people who love each other. When we start to look at reproduction, we are normally saying that marriage is for procreation and not for pleasure. That would then bring a negative
effect on same gender loving people because they are at a biological disadvantage. In the 21st century, as against the 19th century, there are a lot of options for same gender loving people to have children if they choose to. It must also be noted that there are heterosexual couples that can naturally not have children. Should this take away the fact that they can still have sex for pleasure?

So who do you think should be married?

With regards to gender, it could be two men, two women, man and woman or simply any two people that are in love or choose to marry each other. They should be given the right to marry as these are part of the essence of human rights. In different communities and institutions, people need to be guided safely towards making choices that feel right to them. There are a lot of issues around sexuality education, but when people are genuinely in love they should be given the freedom and the opportunity to exercise that love by extending it into marriage. One must however be careful, because some might think it is proper for a parent to marry out a child (an underage girl). Whether the child is adopted or biological, there should be laws to protect children from such marriages.

With regards to relationships, how do you view the trend among young people today?

The trend is slowly picking up. The awareness of choices is very important and with good education, support and mechanism in the society, people can make informed choices. They can also make decisions they feel are right for them and not necessarily what is right for the society. People usually complain of influence from the western world over Africa but this is not true, as different forms of relationships have not always existed but evolved in different communities. The trend is allowing education to evolve in a natural way so that people can be well informed. There is a lot of stigma for same gender loving people in Africa, particularly in Nigeria. And the lack of education and awareness makes it more difficult. The trend can be said to have been closed because it is filled with shame and guilt. For example when two men are lovers, they are often regarded as friends or brothers by unknowing neighbors and this is not always very good.

What are the implications for these relationships and the rights of the people involved? Should the law enhance the rights of people this type of relationships in Nigeria?

From a legal perspective, the implications for homosexual relationships are not different from heterosexual. The Bible says (Romans 13) the ruler of the country has been placed as a ruler over us, but it is possible that the ruler is ruling over people in terror. In Nigeria the government is ruling over homosexuals in terror by not giving them their rights. If a country gives protection for same sex relationship, legislative statutes would be put in place. Domestic violence is also the same in both heterosexual and homosexual relationships as it is violence. In the United Kingdom there is a Civil Partnership law which gives gay men and lesbian women the right to marry, there are also laws protecting gay people from abuse with access to rights to next of kin and child custody, if children are involved. In some countries where there are laws for same gender loving people to marry, there are still disparities between the equality with heterosexual couples. The right of people in relationships are important, the right of next of kin, adoption, right to have biological children, custody etc. However, there are different implications for these rights in different countries. In Nigeria, the government is trying to pass the same sex prohibition bill which is still hanging, but by the popularity of the bill, even if the bill is not passed into Law, there should be another Law that should seek to protect homosexuals from other forms of violence, whether it is violence in the relationship, family, neighborhood, at work or the society at large.

Marriage can be extended to same gender loving people that are in a committed relationship and ready for a (legal) recognition.

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How would you explain same gender loving in relation to your religious beliefs?

There is no doubt that the Bible talks about the fruit of the flesh and the fruit of the spirit, the fruit of the spirit includes love and joy and against these there is no law. Therefore if a man loves a man then a
In an interview with Louisa Ibhaze and Folake Sholola, historian Marc Epprecht discussed the evolving nature and forms of marriage in Africa.

How would you define marriage?
Since there are many different forms of marriage in Africa and around the world and these have changed over time, to define marriage in one form only would be misleading, oppressive and ultimately unhealthy for society. For me personally, therefore, marriage can come in almost any form as long as it involves mutual consent to be together or a union between people who consider themselves married. A formal ritual and family or community approval are not necessary as long as there's an understanding of the negotiated mutual consent of any person who wants to be together with another. In my view, there should also be a long or mid term commitment to provide enough time to develop mutual understanding and respect between partners beyond simple sexual desires. This makes it hard for me to accept the concept of "temporary marriage," although I acknowledge that many people consider such marriage to be different and better than other short-term sexual unions like prostitution.

By this broad definition, anyone can marry whomever they please. For example, a man can marry another man and the same applies to women. Adults who have made their decision based on mutually agreed discussion without force or coercion can get married. This would exclude an adult marrying a child, although there are cultures that recognize and approve this arrangement particularly in Africa. In my view, which is supported by international conventions on the protection of children, child marriage is unfair and undesirable because one partner is at an extreme disadvantage due to age and lack of maturity.

I would also note that marriage is a combination of many things and it is not solely based on sexual relations. A good marriage also recognizes that people change over time. After all, some people have satisfactory marriages without sex. Usually the abstinence period is not permanent, but could be related to short-term stress or ill-health. In other cases, abstinence can go on for a considerable period of time, for example, weaning a child from breastfeeding often takes several years. In such a case, the non-sexual aspects of marriage are critically important to the survival of the marriage.

The generation of today is definitely challenging traditional understandings of marriage and sex. For example, it is apparent that some people (young and old) use the internet to indulge in cynical or shallow relationships. As far as I'm concerned, this is not a very promising way forward in the sense that it seems to make long-term and emotionally deep commitments hard to sustain. One result we see in North America is a big decline in heterosexual marriage and a sharp drop in the birth rate. There is also a lot of pornographic material that is based on, and exploits, gender and racial stereotypes. On the other end, the internet has encouraged people come out with their repressed sexuality, and it allows people to gain honest and accurate information about sexuality. A positive side to this is it can potentially empower young people, and girls in particular, to have some sort of control over their lives, unlike when fathers used to wait for boys to make the first move, or parents to decide for them.

Other forms of Marriages?
There is an incredible range of marriages, for example, woman to woman marriage, which is found in many African countries including Nigeria. In Lesotho there is the marriage to the grave which is a situation where a woman would marry a deceased person in order to maintain an alliance with the family. She would be made pregnant by another man but the fiction in this kind of union is that she was married to the dead man so that his inheritance will remain with the family. Another form of marriage I studied is the so-called mine marriage in Southern Africa. This was widely practiced by men who migrated to work in industrial areas. They would take younger men or boys as their wife. In addition to being a passive sex partner, these younger males carried out all the traditionally female activities in the home like fetching water, firewood, and cooking. The model of this type of marriage was not like the kind of gay marriage we see in some parts of the world but was typically that of traditional heterosexual marriages in rural Africa. In many cases the men took boy wives to protect themselves, and their female wives back home, from sexually transmitted infections they would likely catch if they went to female prostitutes in town.

These days, gay marriages (between mutually consenting adult partners) are legal in South Africa. They remain illegal in other African countries, although same-sex marriages are still practiced unofficially or secretly throughout the whole of the continent. There is also Polyandry where a woman takes several husbands unofficially, although this too is not accepted by any law in Africa. These two types of marriages, since they are not
recognized by the laws, are usually a private vow of commitment to each other.

Another very common relationship is where a man is formally married and has children, but he has an informal sexual relationship with another man. His sexual relationship with his formal wife is to have children so he will conform to social expectations, whereas his actual desire is for his male partner. This type is surprisingly common. In many countries around the world homophobia prevents open homosexual relationships and so people hide their sexual orientation behind socially acceptable heterosexual forms. It may also be that the men do not consider themselves homosexual or bisexual but they sometimes have sex with men out of the feeling that there is less stress in such relationships than in sex with women (where the demands of reproduction and perhaps other social obligations come in). It is definitely also true that for women to have sex with women—or let’s say very intimate erotic relationships—is less stressful than to have sex with men since there is no danger of unwanted pregnancy, and much less risk of sexually transmitted infection or gender-based violence.

Are there temporary marriages?

Several cultures and religions justify “temporary marriage” including some interpretations of Islam. For me, however, commitment is a big part of marriage, which means sharing much more than sex or favours. Time is required to learn about each other’s emotional and wider social life. I wonder, if you are aware and planning that the union will end in a short while, could it really be considered a marriage or simply a convenience? Perhaps if the temporary marriage is intended to stabilize the “real” marriage, for example, during a long period of abstinence while the wife is breastfeeding, then it could be seen as something more significant than simply satisfying a short-term physical desire. It is a debate.

In your opinion, has marriage or long term relationship changed over time?

Yes it has in many ways, including in the sense that it used to be considered a formal requirement that there be a public acknowledgment of a marriage by the law and with the family. Nowadays it has been widely accepted that you can have a marriage without the outside recognition. The recognition can be between the partners involved only. Also there are other forms of marriage that have become less common today compared to the past due to the influence of outside ideologies. For example, the woman to woman marriage I mentioned used to be found in many African cultures but came to be regarded as primitive and unacceptable in light of Christian religion. Likewise, the Mhox marriage (man to man) used to be acceptable and considered a normal thing to help men survive the long periods away from their proper families. It has faded away in part because of Christian teachings but also due to criticism from African nationalist politicians and trade unions.

This creates an ironic situation whereby, in the old African traditions same sex relationships existed and were tolerated if they were discreet and did not interfere with heterosexual marriage, but now modern African leaders denounce them as “un-African.” Those who are defending African culture from the so called perversions of the west are often actually defending the colonial, Christian construction of what marriage should be and not really what the African tradition was when you go back in time.

I should also stress that technology has made a huge impact on marriage. Most obviously, technology gives women today a lot more power to control their fertility and to terminate pregnancies than in the past. New technology also makes it harder to keep secrets.

How do you view polyamorous relationships?

I view them as commonplace but they usually take place in secret. I take it as a sign of improvement that people are beginning to actually talk about it. Openness and honesty have a lot more potential for avoiding exploitative and unhealthy relationships than secrets and dishonesty or denial. By this I mean, for a man or woman who desires this type of relationship it is only right for him or her to discuss and negotiate with the partner and ensure that they are fully aware of the risks. So if a woman knows her husband keeps a “small house” or a “sugar daddy” to other women or girls, then she will know to protect herself from sexually transmitted infections the husband may introduce. Of course, talking honestly and openly about such things is extremely difficult. Most people probably judge the health risks are less scary than the emotional risks of balancing complex polyamorous relationships, and so they continue to keep secrets.

Are there any African traditions where these types of relationships are accepted?

Informally, yes, there are. But people generally prefer not to speak about them openly in order to protect family privacy or reputations. Normally, African societies will have their official story and unofficially have a lot of flexibility to accommodate different circumstances. For example, an impotent husband might allow his wife to be impregnated by another man or allow his wife or wives to have relationships when he is far away. These men would often be the husband’s brothers, which is seen as better for the family than allowing the wife complete freedom to seek her own sexual satisfaction. A child born of such a union would bear the family resemblance so no one would need to say adultery has taken place or that the husband was impotent.

What are the Health risks for people involved openly or secretly in such relationships?

Secrets can protect family privacy and reputation. But there is
the huge risk of Sexually Transmitted Disease, heart break, family break up, violence and in situations where there are children, it can be very detrimental to them as they might suffer emotionally.

Reproduction and other reasons for marriage
Reproduction is important for many reasons but marriage is not needed to reproduce. Children can and often are born out of wedlock. Likewise, while reproduction is often said to be the reason to get married, this is a cultural argument not founded on biology or even common practice. A lot of heterosexual sex acts in marriage do not result in reproduction. In fact, not all sexual behaviors even involve the genitals. For example, some people would say that a sensuous body rub that lasted for an hour is more sexually gratifying than a five minute, penis-focused round of intercourse. Thus you can say that a wide range of sexual behaviors happen not because of a desire for reproduction but because of the emotional fulfillment they bring. It is also important to recall that people get married for financial, political, or other reasons.

What would you say are the rights implications of these relationships?
Regardless of the form of marital relationships, people involved need to be protected, especially their human and civil rights. There should be protection against being thrown out, being abused, being infected by disease or this could be achieved through honest and frank education about sexuality. But there should also be the right to go to the police and request child custody without being subjected to humiliation. There should be no discrimination against people who do not adhere to certain (heterosexual) marriage forms. Why should one form of marriage be protected and the others not? Of course people want to defend their culture but often they have an idealized picture of that culture, not the actual practice. Moreover, culture changes in Africa just like everywhere else in the world.

The fact is that most African countries have, if not ratified, at least signed most of the international treaties that guarantee most of these rights. Those rights are stated quite clearly in the African Union, which also encourages freedom of speech and freedom of association. Thus there is, and it will only continue to grow, pressure from both African civil society and the international community to address issues of discrimination. Governments will eventually be compelled at one point or another to make certain changes in their laws. Ideally this will be in ways that balance cultural diversity and dignity with emerging ideas about sexual rights and sexual health.

MARC EPPRECHT is a Historian at Queens University in Kingston Ontario Canada. Much of his research on the history of gender and sexuality has been based on South Africa, Lesotho and Zimbabwe, where he started. He now also works closely with pan-African sexual rights and sexual health networks in the struggle against HIV/AIDS.
VIEW POINT 2

Marital Union Undefined...

By Oluwosen Louisa Ibhae

Without an heir
And his family had married Zi to his spirit
So she could produce children
Who would carry on the family name
But we all knew she would be impregnated by other men
Or could spirits carry out their conjugal rights?

Old Chioma had been married for many years
Without giving her husband any children
When she hit menopause still childless,
She had married a younger woman
She called her wife, who would bear
Her husband children
Shouldn't the young wife have been addressed
As his husband's new wife if she was going to give him children?
No, she was Chioma's wife because Chioma had married her

Last Saturday,
Lunga had taken Undiwe to the altar
And made her his wife
And the priest had read from the Holy book
And explained, man and woman become one
Forever and ever
How could this be?
When he was also at the ceremony
Where our chief had chosen his fifth wife
And we had eaten and drank to the wishes
Of a happy marriage and many children
For the couple
How could he say forever?
When Testima had been divorced and married three times?
And is still regarded as a married woman to her new husband
Same as old Orna who has been married to the same man
Before my parents were born

Also there is Rhoda the Lawyer,
Who has been living with Araka in the city,
The women gossip that she is an immoral woman
Because she not only lives with a man but has children
For a man who has paid no bride price
Yet everyone acknowledges the fact that they live together
And whenever she visits, both grandmothers
Struggle to spend time with their grandchildren
Since they disapprove so much of their children's cohabitation
Why not deny the fact that the grandchildren
Are theirs?

And just the other day
Mother said to me that I have come of age
That soon it would be my turn to get married
But I am confused as to what marriage really is
As I do not understand
Mental union and its intricacies,
Since Andile married a man like himself, And Busi is still regarded as Reke's wife even though it was his brother. Who stood in as the groom at the wedding. While young Aisha is married to a man her grandfather's age, and Esi is a woman old enough to be his mother. With Zi married to a spirit and old Coloma married to a younger woman. Lunga and Lindiwe are married too. And the chief is also married to his five wives. With Tseliso changing husbands and Ono still married to the same man. While Rhoda's bride price has still not been paid.

For now I can not explain or understand. What my fate or marital union would be like. As all these are unions in their own rites. Who or what would I end up with? Will my bride price be paid?

Oluwaseun Luisa Ibehre is a Medical Sociologist with great interest in gender issues, culture and literature. She is presently the Programme Officer for Research and Documentation at the ARSREC.

NOTES TO CONTRIBUTORS

Guidelines For Submissions

The editors welcome submissions related to future issues of the magazine and also other areas of sexuality, sexual health and rights in Africa. These articles or poems should be objective, analytical and reflect current issues and debates. It is therefore a broader approach to sexuality and the sexuality discourse beyond health to integrate the expression of sexuality without guilt or fear.

Priority would be given to previously unpublished articles while already published material might be considered based on the relevance of the subject area to ARSREC's work. Interested details of where to seek permission for its reprint. Presently we are seeking articles on:

Technology, Sexuality And Reproductive Rights In Africa: (Volume 5 Issue 2)

Technology is fast changing ways of life in Africa even though the level of technology penetration in the continent is quite limited compared with the level in other parts of the world. Yet access to Global services for mobile communications (GSM) and the internet is growing at one of the fastest rates in the world. Another technological development is likely to affect sexual life and relationships in Africa is the availability of sex toys and aids for sexual dysfunctions.

Contributions to this edition of the magazine will explore and analyze the effects of these technological developments on sexuality in Africa.

One of the questions an attempt would be to make is how and to what extent should technology foster sexual pleasure and health within the social, legal and religious framework of the society.

Transactional And Commercial Sex: Facts, Issues And Policy Implications. (Volume 5 Issue 3)

This edition of the magazine will explore and analyze facts and controversies on transactional and commercial sex. Some of the key questions for consideration are: What are the levels, forms and factors of these practices? What policies and programmes are needed to address the issues of sexual health and well-being related to the practice of transactional sex, commercial sex and sex tourism?

Food, Body And Sexual Well-being (Volume 5 Issue 4)

This issue of the magazine will explore the relationship between food, the body and sexual well-being. Contributions will look at the sexualization of the body and food, and the extent to which this process contributes to individual sexual well-being in contemporary Africa. Issues around femininity, masculinity and nutrition will also be explored.

Region Watch: Topical Issues with a country or sub-regional focus.
Programme Feature: Best practices from programme implementers.
Research Notes: Focus on research and methodologies.

Viewpoint: Reactions to previous magazine issues or subject areas that a reader wishes to express very strong opinions about.

Length:

- Feature articles: 1,000 - 1,500 words
- Research issues: 800 - 1,000 words
- Opinion articles: 400 - 500 words

Pictures:

Pictures are welcome with or without articles and appropriate credit would be given if the picture is used.

Presentation:

An abstract with your name, contact address, phone number, email address and short personal bio as you would like it to appear on the list of contributors should also be submitted.

*** It is important to note that references should be from the last five years.

*** All contributors would be sent a copy of the issue with their published articles.

All correspondence should be addressed to:
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Please visit our website: www.arsrc.org for more information and access online editions of the magazine. Hard copies of the magazine will be mailed on request and subscribers will however be required to pay the cost of postage.
Sexuality Resources

An Alternative To Patriarchal Marriage: Mapoto Unions
Victor Ngonidzashe Muzvidziwa
National University of Lesotho, Roma, Lesotho
The focus of this article is on new marital forms of women in a growing provincial town of Masvingo in Southern Zimbabwe. The study shows that many urbanites were turning to alternative marital forms, especially to what is commonly referred to in Zimbabwe as mapoto, a loosely structured relation with a man which allows the woman to retain control of her life in terms of decision making. The fluidity of the urban situation made mapoto a viable option. Though one of the advantages of mapoto unions is their ability to operate outside the strictures imposed by tradition or the law, some form of legal recognition of mapoto might be useful in cases where one of the cohabiting partners is seeking legal redress after the break-up of a union. http://www.njas.helsinki.fi/pdf-files/vol11num1/muzvidziwa.pdf.

Hungonachi
Author: Marc Epprecht
Publisher: McGill-Queens University Press, Canada, 2006
This book traces the history and traditions of homosexuality among black Africans from the pre-colonial era to the present. It examines the emergence of modern gay and lesbian identities with the introduction of capitalism, colonial rule and Christian education.

Unspoken Facts
Author: Marc Epprecht
Publisher: GALZ, Harare, 2007
Unspoken facts offers a sympathetic portrayal of the lives of people who do not conform to society’s dominant expectations in terms of love and marriage. It also challenges many commonly held prejudices about gays, lesbians, bisexuals and transgender people.

Walking With Shadows
Authors: Jude Dibia
Publisher: BlackSands Books, Lagos, 2006
This book tells the story of a young boy with an unexplainable secret at the same time craving the love and acceptance of his parents. Years later as a grown and respectable father, husband, brother and mentor, a single phone call changes his life forever. His wife discovers his secret and a lot of questions are raised afterwards that brings to life issues that the typical African associates with the western culture only. In coming to terms with his dark secret, he Adrian is forced to choose between keeping his family or accepting a life of possible loneliness and rejection.

The materials featured here are available for use in the Africa Regional Sexuality Resource Centre