

# **Cohabitation, Marriage and Remarriage Patterns in Africa: A religious Viewpoint**

## **INTRODUCTION**

Africa is one continent with several worlds. Africa is home to innumerable tribes, ethnic and social groups, some representing very large populations consisting of millions of people, others are smaller groups of a few thousand. All these tribes and groups have cultures which are different, but represent the mosaic of cultural diversity of Africa. When considering any particular issue pertaining to Africa it is necessary to keep these various cultural variations in mind even in its social institutions such as in the case of Marriage. Marriage in Africa has been commonly described as early and universal and this situation has partly been blamed for the persistence of high fertility in the region. However, the region is far from homogenous. Marriage patterns vary across and within countries among different ethnic groups. Such variations could be due to both cultural and socio-economic factors. Although it varies in different African countries, however, the four main marital union can be identified as follows: Custom/traditional marriage, religious marriage, civil marriage and mutual consent union/cohabitation.

The custom/traditional marriage varies in different countries of Africa. For example, Lobola is a century-old marriage tradition, still common throughout Africa. This system requires that a price be paid for the right to marry a woman. This practice is still used extensively in contemporary African society and has raised both critical and supportive voices. For instance, South Africa has the highest incidence of HIV/AIDS in the world, and some claim that this high rate is partly due to the custom of Lobola. The custom is seen as a monetary transaction and the wife as a bought object; the husband often feels free to acquire mistresses and hence increases the possibility of infection, which in turn can be transmitted to the wife.

Africa is comprised of many religious and non-religious groups. The major religious cultures are Muslim, Christians (Roman Catholic, Protestant, Orthodox, Anglican and others), ethnic religionist, non-Christian, Hindu and Baha'i. Therefore, there are various religious traditions of marriage as well.

Civil Marriage is also common in some African Countries like South Africa. Same-sex marriage (Civil Marriage) became legal in South Africa on 30 November 2006 when the *Civil Unions Bill* was enacted after having been passed by the South African Parliament earlier that month.

Finally, Cohabitation as a distinctive form of union appears to be a feature of many eastern and southern African groups, where traditional marriage is concluded by the transfer of bride-wealth. For example in Botswana, the absence of bride-wealth does not prevent unions, but they are inferior types of union, which do not transfer paternal rights to the man, nor guaranty stability or durable access to the land (e.g. if widowed) to the woman. If she joins her partner's home, the union lasts for several years, and the man participates in the cost of raising the children, a consensual union may be said to exist. It may be a transitional stage, before bride wealth is paid and the cost of wedding feast has been saved, or it is a lifetime arrangement. Survey has shown that out of four women in their childbearing years one may be married, one lives in a stable co-resident union, and two are in visiting union. Eighty-five percent of first children are born before marriage, and in a large majority of cases the father disappears without contributing to their upkeep. The mother's family takes them mostly in charge. In the census of Botswana, 40 percent of the children under 15 are enumerated as grandchildren of the head of household.

Most African countries are extremely poor and have been stagnating over the last 40 years. Several different explanations have been proposed, ranging from colonial origin and bad institutions to tropical climate and diseases. However, it has been argued that the marriage system, as discussed above and in particular polygamy (where a man marries more than one woman) is one contributing factor to the lack of development in this region. Polygamy leads to low incentives to save, depressing the capital stock and output.

The number of married men in polygamous unions ranges from 10.2 in Malawi to 55.6 percent in Cameroon. This region is also characterized by extremely high fertility, a high age gap between spouses, and low savings rates. It has been argued that polygamy causes high fertility and low incentives to save and thereby contributes to underdevelopment in Africa mainly Sub-Saharan Africa.

Polygamy has been considered to be bad for economic development as well. Polygamy raises demand for wives, which increases the equilibrium bride price. While men make payments to obtain brides, a common practice in Africa, they are also the recipients of these payments when they sell their daughters. Women thus function as a good investment opportunity, providing income for retirement.

Earlier in the year 2004 the World Health Organization and the UN published a series of reports looking at reasons why women might be more susceptible to HIV than men. One of the areas blamed here was again marriage. This seemed something of a contradiction, but the idea was that young women, particularly teenage girls, married older infected men and had physical contact with their peers as well. There's also the issue of poverty, exchange of sex for material things and early marriage. Further, polygamous marriage was also not uncommon in these areas. They also found out about a tradition called 'Shaking the dust' where young girls, 10 or 11-years-old, were taken off to a separate hut in a corner of the village, and visited by several men who had physical relationship with them.

### **OTHER CULTURAL AND TRADITIONAL PRACTICES**

Some cultural and traditional practices do have an effect on HIV transmission in some parts of Africa. Some of them are discussed below:

***Polygamy:*** In Africa, as already mentioned above, polygamy is a social practice used to ensure the continued status and survival of widows and orphans within an established family structure. Demographic and Health Surveys in Ghana (1988), Senegal (1986), Kenya (1989), and Zimbabwe (1988-89) showed that the proportion of women in a

polygamous union was 31% in Ghana, 48% in Senegal, 23% in Kenya, and 16% in Zimbabwe. In urban settings and other areas where traditional polygamy is no longer the norm, men tend to have many sexual partners and employ the services of sex workers. Mitsunaga and associates, a researching group of Maryland Population Research Center (MPSC), found that men who have 3 or more wives were at a high risk of engaging in extramarital sex, reinforcing the belief that men are biologically programmed to need sexual association with many women. Also putting young African girls at risk of contracting HIV is the false belief that men can rid themselves of HIV/AIDS by engaging in interaction with a virgin. As a result of this misconception, many young girls have been raped and, subsequently, infected with HIV.

***Widow inheritance:*** In many sub-Saharan African countries, a man's property, including his wife, passes to his adult sons or brothers after his death. The fate of African widows ranges from disinheritance and forceful deprivation of property to the mandatory observance of harmful rituals. One of these traditional rituals is widow inheritance, a practice whereby the widow agrees to marry her husband's younger brother to continue as a member of the family. In case of refusal, she is expelled and left to care for her children alone.

In a study of 92 widows whose husbands died of a chronic illness between November 1991 and October 1992 in Kenya, Okeyo and Allen found that 47 women (51%) had already been inherited, 34 (37%) had plans to be inherited, and 11 (12%) refused to be inherited for fear of spreading HIV. Comparing the sexual behaviors of inherited and uninherited widows, Agot and colleagues, a research group, found that inherited widows were more likely to be sexually active (odds ratio [OR] = 2.7; 95% confidence interval [CI] = 1.9-4.0), to have sex with casual partners (OR = 7; 95% CI = 1.6-28.5), and to engage in ritual sex (OR = 4.3; 95% CI = 1.1-14.7), but the difference between the 2 groups with regard to HIV seroprevalence was not significant. If a man died of AIDS and had infected his wives, the younger brother(s) will in turn become infected. However, a younger brother may be HIV-infected and, upon marrying his deceased brother's wife or wives, he will infect her or them

**Male Circumcision:** Data from Africa showed that countries in which fewer than 20% of males are circumcised, such as Zimbabwe, Botswana, and Zambia, experience a high prevalence of HIV infection (greater than 19%), whereas countries in which more than 80% of males are circumcised, such as Cameroon, Gabon, and Ghana, have a lower prevalence of HIV infection (less than 10%). Moreover, preliminary results from a South African randomized trial showed that male circumcision can reduce the risk of contracting HIV by 70%, a level of protection far better than the 30% risk reduction set as a target for an AIDS vaccine. Inungu and colleagues summarized the mechanisms thought to explain the protective effects of male circumcision. First, the foreskin contains a high density of Langerhans cells (the prime target for sexual HIV transmission) compared with cervical, vaginal, or rectal mucosa. Second, the foreskin increases the risk for ulcerative STDs, which facilitate the transmission of HIV. Third, the susceptibility of the foreskin epithelia to disruption during intercourse may facilitate HIV transmission. Fourth, the moisture and temperature under the foreskin may promote microorganism survival and replication. Finally, a circumcision develops a layer of keratin that minimizes the risk for HIV transmission.

## **MEASURES TO BE TAKEN**

Considering the above discussion it might be said that the marriage pattern of Africa or polygamy is the most common reason or one of the most common reasons for which Africa is facing the disasters of poverty, economic disparity, and transmission of HIV. In this paper we will be dealing with the most serious problem of all faced by Africa, i.e. HIV. Prevention is still by far the more compassionate and more cost-effective answer to the problem of the spreading of HIV. Prevention does not replace treatment, but it does reduce the number of people whose lives will depend on expensive drugs with significant side effects. The key to a good prevention program is to understand the dynamics of disease transmission. The vast majority of HIV transmissions in Africa occur during unprotected heterosexual sex. HIV prevention efforts should aim to make behaviour and practices safer while respecting local cultures. In many cases this may be achieved through relatively small changes in cultural practices, such as sterilising blades or

switching to alternative rituals that are culturally acceptable but carry a lower risk of HIV transmission. However, what we will be suggesting in this paper is basically changing the marriage patterns of Africa by legally enforcing monogamy or limited polygamy in Africa. The sources of this law might as well be derived from religious viewpoint, from what is stated in various religions or faiths that exists in the world. To understand this we have to analyse the laws of marriage in various religion. Below is the analysis of laws of marriage in various religion discussed individually.

## **LAWS OF MARRIAGE IN VARIOUS RELIGION**

### **Islam**

#### ***History of marriage in pre Islamic Arabia***

First and foremost, there is no one single interpretation or implementation of 'the' Islamic marriage, although there is *Shari'a* (Islamic) law used in Islamic countries to a greater or lesser extent. To be able to put the various rules and regulations concerning marriage in context, knowledge of societies in the pre-Islam period, known as *Jahiliya* (a state of barbarism and ignorance), is useful because the Divine words and explanatory *hadiths* written during and after the life of Prophet Mohammad (SAW) was an attempt to improve the then prevalent situation.

Abu Da'ûd, on the authority of 'Aishah [R] reported four kinds of marriage in pre-Islamic Arabia: The first was similar to present-day marriage procedures, in which case a man gives his daughter in marriage to another man after a dowry has been agreed on. In the second, the husband would send his wife – after the menstruation period – to cohabit with another man in order to conceive. After conception her husband would, if he desired, have a sexual contact with her. A third kind was that a group of less than ten men would have physical contact with a woman. If she conceived and gave birth to a child, she would send for these men, and nobody could abstain.

The fourth kind was that most of the men used to have physical relationship with sex workers. When the woman became pregnant and gave birth to a child, she used to collect those men, and a seer would tell whose child it was. The appointed father would take the child and declare him/her his own. When Prophet Muhammad [SAW] declared Islam in Arabia, he cancelled all these forms of physical contacts except that of present Islamic marriage. [Abu Da'ud - The Book of marriage]

Pre-Islam Arabs had no limited number of wives. They could marry two sisters at the same time, or even the wives of their fathers if divorced or widowed. Divorce was to a very great extent in the power of the husband. [Abu Da'ud - The Book of marriage]

With respect to the pre-Islam Arab's relation with his offspring, we see that life in Arabia was paradoxical and presented a gloomy picture of contrasts. Whilst some Arabs held children dear to their hearts and cherished them greatly, others buried their female children alive because an illusory fear of poverty and shame weighed heavily on them. The practice of infanticide cannot, however, be seen as irrevocably rampant because of their dire need for male children to guard themselves against their enemies. Such reference of pre-Islamic condition in Arab is also given in Holy Quran as follows:

*“When news is brought to one of them, of [the birth of] a female [child], his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has received! Shall he keep this [child] despite the contempt [which he feels for it] or shall he bury it in the dust? Oh, evil is indeed whatever they decide!” – The Holy Quran ( Sural An Nahl; Ayah: 58-59).*

Inter-tribal relationships were also fragile and weak in Arab due to continual inter-tribal wars of attrition. Deep devotion to religious superstitions and some customs held in veneration, however, used to curb their impetuous tendency to quench their thirst for blood. In other cases, there were the motives of, and respect for, alliance, loyalty and dependency which could successfully bring about a spirit of rapport, and abort groundless bases of dispute. A time-honored custom of suspending hostilities during the prohibited

months (Muharram, Rajab, Dhul-Qa'dah, and Dhul-Hijjah) functioned favorably and provided an opportunity for them to earn their living and coexist in peace.

Therefore, we may sum up the social situation in Arabia by saying that the Arabs of the pre-Islamic period were groping about in the dark and ignorance, entangled in a mesh of superstitions which was driving them towards an evil world. The woman was a marketable commodity and regarded as a piece of inanimate property. Inter-tribal relationships were fragile. Avarice for wealth and involvement in futile wars were the main objectives that governed their chiefs' self-centered policies.

### **Marriage In Islam**

Following are the rules laid down in the Holy Quran regarding marriage and these are the rules to be followed by all Muslim men and women.

#### **Do Not Marry Idol Worshipers:**

*Do not marry idolatresses unless they believe; a believing woman is better than an idolatress, even if you like her. Nor shall you give your daughters in marriage to idolatrous men, unless they believe. A believing man .is better than an idolater, even if you like him. These invite to Hell, while CREATOR invites to Paradise and forgiveness, as He wills. He clarifies His revelations for the people, that they may take heed. [Surah Al-Baqarah; Ayah:221].*

*How could you take it back, after you have been intimate with each other, and they had taken from you a solemn pledge? [Surah An Nisa :Ayah 21].*

#### **Incest Forbidden.**

*Prohibited for you (in marriage) are your mothers, your daughters, your sisters, the sisters of your fathers, the sisters of your mothers, the daughters of your brother, the daughters of your sister, your nursing mothers, the girls who nursed from the same woman as you, the mothers of your wives, the daughters of your wives with whom you .have consummated the marriage - if the marriage has not .been consummated, you may*



*marry the daughter. Also prohibited for you are the women who were married to your genetic sons. Also, you shall not be married to two sisters at the same time - but do not break up existing marriages. CREATOR is Forgiver, Most Merciful. [Surah An Nisa; Ayah:23]*

#### Mutual Attraction And Dowry Required.

*Also prohibited are the women who are already married, unless they flee their disbelieving husbands who are at war with you.\* These are CREATOR's commandments to you. All other categories are permitted for you in marriage, so long as you pay them their due dowries. You shall maintain your morality, by not committing adultery. Thus, whoever you like among them, you shall pay them the dowry decreed for them. You commit no error by mutually agreeing to any adjustments to the dowry. CREATOR is Omniscient, Most Wise. [ An Nisa; Ayah:24]. .*

*Those among you who cannot afford to marry free believing women, may marry believing slave women. CREATOR knows best about your belief, and you are equal to one another, as far as belief is concerned. You shall obtain permission from their guardians before you marry them, and pay them their due dowry equitably. They shall maintain moral behavior, by not committing adultery, or having secret lovers. Once they are freed through marriage, if they .commit adultery, their punishment shall be half of that .for the free women. Marrying a slave shall be a last .resort for those unable to wait. To be patient is better for you. CREATOR is Forgiver, Most Merciful. [Surah An Nisa: Ayah: 25].*

#### **Islam Advocates Timely Marriage:**

Islam encourages marriage to discourage immorality. It is said in Quran “*You shall encourage those of you who are single to get married. They may marry the righteous among your male and female servants, if they are poor. CREATOR will enrich them from His grace. CREATOR is Bounteous, Knower*” [Surah An Nur: Ayah: 32].

It further says: *“Today, all good food is made lawful for you. The food of the people of the scripture is lawful for you. Also, you may marry the chaste women among the believers, as well as the chaste women among the followers of previous scripture, provided you pay them their due dowries. You shall maintain chastity, not committing adultery, nor taking secret lovers. Anyone who rejects faith, all his work will be in vain, and in the Hereafter he will be with the losers”* [Surah Al Maidah : Ayah 5].

### **Islam and Polygamy**

Islam considers marriage as a solemn family relationship between a man and a woman, based on mercy and love. Muslims view marriage as the foundation of society and family life. In a practical aspect, Islamic marriage is thus structured through legally-enforceable rights and duties of both parties. In an atmosphere of love and respect, these rights and duties provide a framework for the balance of family life and the fulfillment of both partners. In Islam, polygamy is allowed, with the specific limitation that men can only have up to four wives at any one time. However, the Qur'an specifically states that men who choose this route must deal with their wives as fairly as possible, doing everything that they have to spend equal amounts of time, money on each one of them. Polygamy for Muslims, in practice and law, differs greatly throughout the Islamic world, where polygamous marriages constitute only 1–3% of all marriages. In some Muslim countries, polygamy is relatively common, while in others, it is rare or non-existent. Tunisia, for example, is an Arab country where polygamy is not legal.

### **Is Polygamy allowed in Islam?**

In Islam, polygamy is allowed and practised under certain restricted conditions. Muslim men are allowed to practise polygamy and can have more than one wife at the same time, up to a total of four. Muslim women are not allowed to practise polyandry (a woman marrying more than one man). Islam allows polygamy with the specific limitation that men can only have up to four wives at any one time. However, the Qur'an specifically states that men who choose this route must deal with their wives as fairly as possible, doing everything that they can to spend equal amounts of time, money on each one of

them. If a woman does not feel that she could allow her husband to marry more than one woman at the same time, then Islam gives her the right for not giving the permission to her husband for marrying a new woman.

In Surah An Nisa: Ayah:3 states that *"If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice."* Considering the above Verse it might be said that Polygamy in Islam might not be allowed for those who might result in damaging the society with their marriage by bringing more illiterate, poor, and in many cases starving children to the society. Polygamy in Africa are bringing such consequences as illiteracy, poverty, population crisis and of course raising the number of people getting affected with HIV. Considering this it might be suggested that Islamic view will not allow Polygamy in African countries on the basis of the above Verses.

Further, In Surah An Nisa : Ayah:129, it states *"Ye are never able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If ye come to a friendly understanding, and practice self-restraint, Creator is Oft-forgiving, Most Merciful."* Here we clearly see that Allah, the Almighty tells men that they will never be fair to their wives, thus, further emphasizing the fact that Polygamy is not encouraged in the Holy Quran. Allah, the Almighty was clearly careful to highly discourage polygamy to men by telling them "but if ye fear that ye shall not be able to deal justly (with them), then only one..." (Verse 4:3), which clearly orders men to either be fair or to not marry at all and further by telling men that **"Ye are never able to be fair and just as between women, even if it is your ardent desire..."** (Surah An Nisa: Ayah: 129), He clearly nullifies the excuse that He gave them to practice polygamy.

In terms of the Traditions of the Prophet Muhammad, (SAW) we can see another meaningful example in his life. The Prophet Muhammad (SAW) married his first wife

Hazrat Khadija (RD), aged 40, when he was 25 years old, and Prophet (SAW) remained monogamous throughout his entire 26 years of marriage to her. He then married Hazrat A'isha (RD) at the age of 54, but this was three years after the death of Hazrat Khadija (RD). It was after this marriage that Prophet (SAW) took other wives. However, he had very noble cause behind these later marriages. All of these women, he later got married to, were quite old or were widows who had been left destitute and without protection during those troubled times when events took a very serious turn in Medina. The enmity of the Quraysh resulted in armed battles in which so many of the noble Muslims fell as martyrs. And so as the head of State at Medina, the only proper way (according to Arab code) in which Muhammad (SAW.) could extend both protection and maintenance to them was by marriage. Other marriages were contracted from the motives of policy, in order to conciliate the heads of rival factions. Then there was also one more consideration, in no way less important than those discussed earlier, which led to these marriages. Prophet Muhammad (SAW) was the bearer of Creator's message not only for men, but also for women. The womenfolk needed the prophetic guidance, training and instruction in the same way as the males. The Holy Prophet (SAW) was fully cognizant of the need of Muslim society. He had, therefore, in the best interest of the Ummah (the Muslim community or people), endeavored to create a new leadership amongst women, which, like its counterpart amongst men could, by precept and example, help the formation of a new type of womanhood representing the teachings of Islam.

### **Islam Regarding Adultery**

Adultery, according to the Quran, is the involvement of a married man or a married woman in an extramarital affair

Islam has taken a firm and decisive stance against *Zina* (fornication or adultery). Allah, the Almighty, commands in explicit and unequivocal words: *(And come not near unto adultery. Lo! it is an abomination and an evil way) (Surah Al-Isra': Ayah: 32).*

Thus, Islam not only prohibits *Zina*, but also closes all the avenues and means leading to it. This is achieved by prohibiting every step and means leading to stimulating desires, opening ways for illicit illegal physical relations between men and women, and promoting indecency and obscenity.

Adultery in Islam is one of the most heinous and deadliest of sins. Its enormity can be gauged from the fact that it has often been conjoined in the Qur'an with the gravest of all sins: shirk or associating partners with Allah. Some of the verses in Qur'an related to adultery are as follows:

*"Do not go near to adultery. Surely it is a shameful deed and evil, opening roads (to other evils)" (Surah Al Isra: Ayah: 32).*

*"Say, 'Verily, my Lord has prohibited the shameful deeds, be it open or secret, sins and trespasses against the truth and reason'" (Suarh Al Araf: Ayah: 33).*

The enormity of this sin is no small measure due to its dire consequences affecting individuals, families, and societies. Among these are that it entails infidelity and erodes the trust and tranquility that are the foundations of a fulfilling family life; it dissipates one's energies; it undermines peace at home; it corrodes the purity of one's soul and hence destroys one's faith; finally, it exposes the person to the wrath of Allah, thus resulting in eternal damnation.

Prophet Muhammad (SAW) has said in many places that adultery is one of the three major sins.

*"There are three types of sinners that Allah will not speak to on the Day of Resurrection; neither He will purify them nor will He even look at them; rather they will suffer severe punishment: an older person who commits adultery, a king or ruler who lies to his subjects, and a poor person who acts arrogantly!" (Muslim and An-Nasa'i).*

*The Prophet (SAW) said, "Whoever guarantees me that he will guard his chastity, I will guarantee him Paradise" (Al-Bukhari).*

Abu Hurayrah reports that the Messenger of Allah said, *“No one commits adultery while still remaining a believer, for faith is more precious unto Allah than such an evil act!”* In another version, it is stated, *“When a person commits adultery he casts away from his neck the bond that ties him to Islam; if, however, he repents, Allah will accept his repentance”* (Al-Bukhari, Muslim, Abu Dawud, An-Nisa’i and others).

The Prophet (SAW) said: *“Faith is like a shirt that Allah places on those He chooses; but whoever commits adultery his shirt will be taken off from him; if he were to repent sincerely, Allah will place it back on him.”* (Al-Bayhaqi).

As for the punishment specified in the Shari`ah Law for the married adulterer or adulteress, it is stoning to death.

Let us now look at the Hadith and the four Prophetic traditions which further give us the guidance to avoid adultery.

#### **Four Prophetic Traditions [Hadith]:**

1. "Said the Prophet (SAW): 'A grievously heinous sin in the estimation of Creator is to commit adultery with a woman living in one's neighborhood'" [Bukhari & Muslim]
2. " He or she who casts a lewd glance at another and allows himself or herself to be attracted likewise, both meet the displeasure of Creator." [Dailami]
3. "There is nothing which Creator abhors more than adultery."
4. "Observed the Prophet (SAW): 'Whenever a calamity befalls a centre of population, take it for granted that immorality is rampant in that place.' [Dailami].

## *Rights Of Women In Islamic Marriage*

The Quranic conception of marriage is love, mercy, and tranquility, not possession and double standards.

The Quran never considers any woman to be the possession of any man. The Quran eloquently describes the relationship between the spouses by saying:

*" And among His signs is that He created for you mates from among yourselves, that you may dwell in tranquility with them and He has put love and mercy between your hearts: verily in that are signs for those who reflect" (Surah Ar Rum: Ayah: 21).*

Further the Holy Quran says: *"Do not inherit women against their will"* (Surah An Nisa: Ayah:19).

Both men and women have equal rights in Islam to contract a marriage as well as to dissolve it. The precondition of marriage is merely the mutual agreement by both parties. And unlike Christianity, a woman in Islam can divorce her husband at any time if she feels that she has been dealt with unjustly or even if she is just unhappy with her spouse since marriage is based upon mutual responsibilities toward each other. Islam has also ensured the woman's right to remarry pending a three month refrainment period.

As for social rights, Islam has always recognized the prominent role that women play in society. They are given the freedom to pursue any profession including political positions. Both in the past and present day, women in Islamic societies have reached political heights unparalleled in the most "advanced" western nations. Even in the earliest day of Islam, Hazrat Ayesha (RD), the wife of the Prophet (SAW), lead an army of 30,000 soldiers. Muslim women lead many Islamic countries: Benazir Bhutto served as the prime minister of Pakistan and was a strong and remarkable leader. Turkey was also headed by a Muslim woman, Tansu Ciller, who was elected the prime minister in 1993. Sheikh Hasina and Begum Khaleda Zia were the Prime Ministers of Bangladesh.

Some examples of the concept of equality of men & women in Quran are as follows:

*"Their Lord responded to them: 'I never fail to reward any worker among you for any work you do, be you **male or female - you are equal to one another**. Thus, those who immigrate, and get evicted from their homes, and are persecuted because of Me, and fight and get killed, I will surely remit their sins and admit them into gardens with flowing streams.' Such is the reward from CREATOR. CREATOR possesses the ultimate reward."* [Surah Al Imran: Ayah: 195]

*"The believing **men and women are allies of one another**. They advocate righteousness and forbid evil, they observe the Contact Prayers (Salat) and give the obligatory charity (Zakat), and they obey CREATOR and His messenger. These will be showered by CREATOR's mercy. CREATOR is Almighty, Most Wise."* [Surah At - Tauba: Ayah:71]

*"CREATOR promises the **believing men and the believing women** gardens with flowing streams, wherein they abide forever, and magnificent mansions in the gardens of Eden. And CREATOR's blessings and approval are even greater. This is the greatest triumph." [ Surah At- Tauba: Ayah: 72].*

*"The submitting men, the submitting women, the believing men, the believing women, the obedient men, the obedient women, the truthful men, the truthful women, the steadfast men, the steadfast women, the reverent men, the reverent women, the charitable men, the charitable women, the fasting men, the fasting women, the chaste men, the chaste women, and the men who commemorate CREATOR frequently, and the commemorating women; CREATOR has prepared for them forgiveness and a great recompense." [Surah Al Ahzab: Ayah:35].*

### **HIV AIDS in Muslim countries compared to Africa :**

Quran specifically has warned people of diseases like HIV. It says that: *"When adultery becomes rampant in a nation Allah will expose them to His chastisement."* (Abu Ya`la). Further it goes on saying: *"When promiscuous behavior becomes rampant in a nation, Allah will send upon them such (strange) diseases that their own ancestors never heard of."* (At-Tabarani).



Religious constraints on sexuality may have consequences for the transmission of sexually transmitted diseases. Among 38 sub-Saharan African countries, the percentage of Muslims within countries negatively predicted HIV prevalence. A survey of published journal articles containing data on HIV prevalence and religious affiliation showed that six of seven such studies indicated a negative relationship between HIV prevalence and being Muslim.

For several reasons, adherence to Islamic tenets may confer protective benefits against the sexual transmission of HIV. While Islamic marital codes permit men to marry as many as four wives and divorce relatively easily, potentially increasing the number of lifetime physical partners—a known risk factor for acquiring HIV, prohibitions against physical relationship outside of marriage outweighs these risks. If followed, codes against sex outside marriage for both males and females could reduce premarital and extramarital sex as well as reduce sexual activity with commercial sex workers. Prohibitions against homosexual sex could reduce the risks of, for example, unprotected anal sex. Islam also prohibits the consumption of alcohol. By increasing risky sexual behaviour, including reduced use of protections or precautions, alcohol consumption may favour higher rates of sexually transmitted HIV. Islamic attention to ritual washing could increase penile hygiene, lessening the risk of STD transmission. Lastly, circumcision has been identified as a practice apparently decreasing HIV transmission. Because all Muslims should be circumcised, this practice may also reduce the acquisition of HIV. For these reasons, we may expect Islamic religious affiliation to be negatively associated with HIV.

A paper, titled ‘Size Matters: The Number of Prostitutes and the Global HIV/AIDS Pandemic,’ authored by John R. Talbott of Africans Against Aids, Inc. based in New York studied at the number of HIV/AIDS patients in different countries and compared that to the number of prostitutes in that country. Study revealed that the rate of the HIV/AIDS infection in sex workers is usually higher than the general population’s and found this to be a good indicator for predicting the rate of future HIV/AIDS infections. The study also found that as the population share of Muslims increases in a country the number of sex workers decrease. This, the author attributes, is the major factor for the

impact of the presence of Muslims in negatively affecting the rate of HIV/AIDS infection.

A paper titled 'Islamizing the sexually free societies through gender interaction discipline' stated that Islamic teaching and laws, either, imposed on a society by an authoritative regime or, optionally by birth or adoption as a way of life have proved to keep HIV/AIDS away. Islam instills serious discipline on gender interactions and a reward or punishment, sized out both in this world and the hereafter. Discipline in interactions between in countries where Islamic law or culture are in place, has proven so far the most effective method toward prevention against all transmitted diseases including HIV/AIDS. The paper goes on stating that, in Asia, the Islamic countries have low cases of transmitted diseases compared to the countries in this world. In Africa the further you travel from the Islamic countries in the northern part to the south nations the more scary the figures. Somalia and Northern Sudan compared to their non Islamic neighbors Kenya and Uganda have experiences to tell on HIV/AIDS. The paper has concluded that Islamic teachings and practices on sex and sexuality still proves the most effective activity and discipline in preventing STD/AIDS compared to the precaution and the awareness posters stick on every wall in the non Islamic world.

Moreover, in line with the above discussion, if we take some further examples within Africa itself, we can see that countries like Senegal, where 92% of the population is Muslim, has one of the lowest rates of HIV infection in Africa, and Gambia, where 96.4% of the population is Muslim, also has low rate of HIV compared to other African countries.

The above comparisons give us an idea that Islamic rules of marriage and Islamic way of living might be one of the best solutions for the disasters faced by Africa today.

### **Christianity:**

Most Christian denominations view marriage as a permanent and life long commitment between a man and woman. Christianity also views marriage as a holy sacrament and as a

reflection of the relationship of Jesus Christ and the Church, in parallel to the Old Testament's teaching of the relationship between Creator and Israel.

The Bible states "Wives, submit to your husbands as to the Lord, because the husband is the head of the wife as also Christ is the head of the church--he himself being the savior of the body. But as the church submits to Christ, so also wives should submit to their husbands in everything. himself for her to sanctify her by cleansing her with the washing of the water by Husbands, love your wives just as Christ loved the church and gave the word, so that he may present the church to himself as glorious—not having a stain or wrinkle, or any such blemish, but holy and blameless. In the same way husbands ought to love their wives as their own bodies. He who loves his wife loves himself. For no one has ever hated his own body but he feeds it and takes care of it, just as Christ also does the church, for we are members of his body. For this reason a man will leave his father and mother and will be joined to his wife, and the two will become one flesh. This mystery is great--but I am actually speaking with reference to Christ and the church. Nevertheless, each one of you must also love his own wife as he loves himself, and the wife must respect her husband." ~ Ephesians 5: 22-33, The New Testament.

This clearly emphasize that Christianity allows Monogamy and not Polygamy. The Gospel says "wife" not wives (*"For this reason a man shall leave his father and his mother, and be joined to his **wife**; and they shall become one flesh."*) It says ONE man and ONE woman. That is the Biblical definition of marriage. When it says "wives" it refers to "husbands" that is not specifically indicating towards one wife or one husband but wives and husbands generally (*"**Husbands**, love your **wives** just as Christ loved the church..."*).

However, there are some examples present in Christianity or reference has been given in Bible of Prophets who had more then one wife. For example, The Bible describes Moses as having married two women. However, the Bible gives no information which indicates that Moses was married to both women at the same time. It is just as likely that one had died before Moses married again. Jacob was married to Leah and Rachel at the same

time. However, it is given that he was tricked into marrying Leah. These examples are not the proper way of getting to the answer of whether Polygamy is allowed in Christianity and as the Christian Churches argue, "all men (and women also) are fallen. We are sinners. We disobey Creator. So holding up the behavior of a sinner as an example to follow is not a valid approach"

Conversely, there are certain examples in the Old Testament of righteous men, whom the Bible calls "blameless". Since these are people in whom Creator finds nothing wrong (they are blameless), they are examples we can take as role models to analyze our point of whether polygamy is encouraged in Christianity.

**Noah (Peace Be Upon Him):** "These are the records of the generations of Noah. Noah was a righteous man, blameless in his time; Noah walked with Creator." (Genesis 6:9 NASB) Noah is described as having one wife (Genesis 6:18, 7:7 and 7:13). For example Genesis 6:18 says: "But I will establish My covenant with you; and you shall enter the ark--you and your sons and your wife, and your sons' wives with you."

**Job (Peace Be Upon Him):** "There was a man in the land of Uz whose name was Job; and that man was blameless, upright, fearing Creator and turning away from evil." (Job 1:1 NASB). He had one wife as Job 31:9-10 states: "If my heart has been enticed by a woman, or I have lurked at my neighbor's doorway, may my **wife** grind for another, and let others kneel down over her." Not only do these verses say "wife" (singular) and not wives, but what Job is saying is that he has never looked at another woman and he has not even had desires in his heart for another woman. Job was therefore, a one woman, one wife, man.

### **Polygamy in the New Testament**

There are no examples of Christian polygamy in the New Testament. However, if we look at what the New Testament says about marriage we find that the New Testament always describes marriage as between ONE man and ONE woman. It never allows for more than one wife. "*But because of immoralities, each man is to have his own **wife**, and*

*each woman is to have her own **husband**. The **husband** must fulfill his duty to his **wife**, and likewise also the **wife** to her **husband**.*" - 1 Corinthians 7:2-3 (1<sup>st</sup> letter of the New Testament written to the church at Corinth by Paul whose stay in Corinth is recorded in the Acts of the Apostles). Therefore it discusses marriage always in the context of "wife" (singular) and "husband" (singular). It, therefore, completely excludes the possibility of polygamy.

Ephesians chapter 5 (verses 22-33) discuss marriage. Here again we do see the plural "wives" used. However, it is used because Paul is writing to the overall category of husbands and wives. "Wives be subject to your own husbands, as to the Lord." - Ephesians 5:22 NASB. "Husbands, love your wives, just as Christ also loved the church and gave Himself up for her," - Ephesians 5:25 NASB. However, if we notice in verse 23, his message becomes more personal here and it goes on saying: "For the husband is the head of the wife, as Christ also is the head of the church, He Himself being the Savior of the body." - Ephesians 5:23 NASB. Therefore, we can see that when Paul speaks to individuals, it is husband and wife, ONE man and ONE woman and this is what marriage is in Christianity.

### **Buddhism**

Marriage is considered a secular issue in Buddhism. As such, the religion is silent on issues of polygamy and monogamy. However, the third precept aimed at lay followers of basic Theravada Buddhist philosophy, suggests refraining from extra-marital affairs which would harm the existing relationship between two, in some forms of interpretations. In Tibetan Buddhism, namely Tibetan Vajrayana Buddhism, it is not uncommon to take a consort in addition to a spouse, though it is namely for certain spiritual practices that the spouse may not be able/ready to participate in--or if the husband/wife are at different levels on their spiritual path. A consort is appropriate in such cases. Within this context, either the husband or wife, occasionally both, might take a spiritual consort. This is known as Consort Practice, and there are specific teachings and meditations that go along with it. Consort Practice is often very private, however, and not openly discussed outside of followers of Tibetan Vajrayana--which tends to be a very

private form of Buddhism to begin with--hence it is not very well known. Husbands and wives also engage in Consort Practice together, monogamously.

As in all Buddhist teachings, the institution of marriage is considered as personal and individual concern. It is not considered a religious duty or a sacrament ordained in heaven. It is rather a social convention designed to promote well being and happiness and to distinguish humans from brute life. Although the Buddha expressed no specific rules and regulations regarding marriage, advice on leading a happy married life was offered, and suggested that fidelity and loyalty are the most essential attributes of a happy marriage.

*The Five Precepts*, a central teaching of Buddhism, offers a framework for a successful and happy marriage. The layman is expected to abide by the five precepts, the minimum level of Sila (morality) or restraint expected to be practiced by a Buddhist. The Five Precepts are as follows:

1. *Refrain from destroying or harming living creatures* - A partner's actions should never lead to harm of any kind including emotional suffering. Every action with regard to a partner should be based on the teaching of respect and love.
2. *Refrain from taking that which is not given* - In the context of marriage, this precept expresses the need to maintain an equal and respectful relationship and to share the duties and responsibilities of married life and family.
3. *Refrain from sexual misconduct* - One should be faithful to one's spouse and not participate in adulterous relationships. Respectful attention to the physical needs and desires of one's spouse is an important part of refraining from misconduct.
4. *Refrain from false speech* - Marriage should be based in truthfulness. An essential component of this precept is to create and maintain an open channel of communication between spouses.

5. *Refrain from intoxicating drugs or drink which cloud the mind* - As a clear mind is important in living one's life, so too are clear headedness and clear thinking essential components in married life

In terms of the five precepts, there are no restrictions to marrying and raising a family. However, a layman or lay women on the five precepts takes as his or her "voluntary oath", I shall abstain from "sexual misconduct". This is the third of the five precepts. It should be noted that what is taboo in terms of the third precept is sexual "misconduct" as against indulgence in sex.

"Sexual misconduct" is defined by the Buddha as follows:

A man indulging in sexual intercourse with a women who is under the protection of –

- a husband;
- a mother, father, brother, sister or other rightfully entitled guardian; the laws of the land or by convention.

Therefore, it can be said *that* the third precept clearly condemns adultery as it is a form of sexual misconduct. The word "protection" of a husband could be extended to go beyond today's formal marriage and accommodates a relationship between man and woman established by habit and repute and would include a woman who is recognized to be a consort of a man (a woman who lives with a man or who is kept by a man). Reference to the women under the protection of a guardian precludes elopement or secret marriages without the knowledge of the guardian. The women protected by convention and by the laws of the land are women who are forbidden by social convention such as close relatives (i.e. sexual activity between sisters and brothers or between same sexes), women under a vow of celibacy (i.e. nuns) and under-aged children etc. The third precept can be said, from an ethical stand point, seeks to protect a marital relationship from interference and disruption or to promote mutual trust and fidelity between husband and wife

The concept of adultery also goes against the second precept as affairs are essentially 'stealing' someone else's partner and it is also against the fourth precept because most people who have affairs lie to their partner to cover up where they have been, what they have been doing and with whom.

From the *Sigalovada Sutta*, the roles and responsibilities are presented and provide a structure for successful married life:

“In five ways... should a wife... be ministered to by a husband:

1. by being courteous to her;
2. by not despising her;
3. by being faithful to her;
4. by handing over authority to her;
5. by providing her with adornments.

The wife, thus ministered to... by her husband shows her compassion to her husband in five ways:

1. she performs her duties well;
2. she is hospitable to relations and attendants;
3. she is faithful;
4. she protects what he brings;
5. She is skilled and industrious in discharging her duties.”

In both husband's and wife's list of responsibilities we can see that a common term is being faithful to one another. This again shows how Buddhism is completely against the concept of adultery and extra-marital affairs. Although, there is no way to conclude from here whether Buddhism supports Monogamy or Polygamy, it can be said at least that the



religion does not allow 2<sup>nd</sup> marriage while being already married to someone; i.e. multiple monogamy may be allowed but not polygamy.

### **CONCLUSION:**

Our above discussion gives us an overview of the laws of marriage in various religions. We can see that one thing is common among all the religions, they discourage Polygamy and adultery. Africa is presently going through disastrous situations with the increase in population and poverty and HIV affected people. Although various organizations from all over the world are trying to provide proper treatment and give proper medication to people affected with HIV in Africa and also educating them about the effect of the disease, still it is becoming more and more difficult to control its spreading throughout the region. Therefore, in this paper we are suggesting that taking preventive measures might be a better option and for which we need to find the root of the problem. It seems that, as we have already suggested, that the marriage system in Africa might be one of the causes for the problems faced by Africa today. Therefore, changing their law of marriage might be one of the preventive measures that can be taken. However, just enacting a new law will not ensure its compliance. Therefore, it is necessary for various social organizations to educate the mass people of Africa more on religious teaching and encourage them to give up Polygamy or ensure less Polygamy and more Monogamy.

Further, as we have discussed above, we can see that it's not only marriage where religious teaching can provide proper guidance to people. The issue of male Circumcision as discussed under the heading of Other Cultural and Traditional Practices shows us how it reduces the chance of getting affected by HIV. This is something which is practiced in Islam, among Muslim men. So this is another teaching which may be encouraged among people in Africa.

Finally, it can surely be said that reducing Polygamy will not only reduce the affect of HIV but will also help reduce the problem of population faced by Africa which is interconnected with poverty. Therefore, it is our suggestion that Africa decides on a

change of law of marriage based on religious teaching and help improve their present condition.

**Proposed Recommendation:**

1. ***Compulsory Education up to high School:*** Education can be a best way to solve the crisis in Africa. High school education should be compulsory for all and the government should make this accessible by advocating education by developing and funding schools.
2. ***Workshop and seminars to find out the ways to solve the problem or crisis:*** our second recommendation would be to carry out workshops and seminars by various government and non-government organizations to try to find a solution for the problems faced by Africa. Here again, this paper might provide a guidance for understanding the teachings of various religion and how it might help in fighting issues like increased spreading of HIV in Africa.
3. ***Participation or contribution of civil society:*** it is very important that civil society participate and contribute to fight the disastrous situation faced by Africa. Various NGOs and Voluntary Associations already work in Africa to fight HIV and provide proper medications to the people. However, it is necessary that they also help in educating the mass people about ways of controlling the spreading of HIV through religious practice.
4. ***Role of Media:*** Media can play a vital role as it is the best way of relaying a message to the mass and general people of the society. If Africa decides on changing the law of marriage based on religious principals, it is necessary that media helps in spreading the message and educate the people quickly on various points of the new law to ensure its compliance.

5. ***Awareness regarding HIV and other problems; especially the women:*** as already discussed, it's very important that people in Africa are aware of the situation they are going through. They need to understand the seriousness of a disease like HIV and the fate they are creating for themselves and their future generation by failing to control the spreading of such disease. The women must be specially made aware of it, so that they stop committing polygamy and move away from their old traditions as a preventive measure.
  
6. ***Health care Unit:*** last but not the least, it is of course our recommendation that the numbers of Health Care Units are increased in African countries and it is ensured that the people already affected by HIV are provided with proper treatments and medication. It is also necessary that the gravity of the disease is explained to the people and they are given lessons on how the disease may be controlled.
  
7. ***Teaching of Major religion's core principles regarding adultery and marriage:*** the above discussion gives us a very clear view on how teaching of religious principals might help Africa to get out of its present condition. Therefore, our first recommendation would be the teaching of principals of various religions that discourages polygamy and adultery.