

**DIVORCEES' PROBLEM:- THE CHURCH AS A HEALING AGENT
IN COUNSELLING OF DIVORCEES**

By

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**Submitted in partial fulfilment for the Masters in Theology Degree in the
School of Theology, University of Natal Pietermaritzburg - 1998.**

ABSTRACT

The objective of this research study is to investigate the problems of the divorced Christians within the Anglican Diocese of Kirinyaga in Kenya. A selection was made of some the divorced Christians in this diocese who even after their separation and divorce remained in the Church.

The divorced Christians in this study were observed to have many more problems than ordinary Christian people. Their failure to survive their marriage made them feel desperate, tending towards a sense of personal failure. It was hypothesized that divorcees experience being sidelined in the Church, thus causing them physical and psychological emotions which affect them and label them as people who are unpardonable.

Jack Dominian (1979), in search of information leading to the breakdown of marriages, has observed that the Christian Churches' teaching on sexuality and marriage has been a factor contributing indirectly to the breakdown of marriages and specifically to divorce. He also confirmed that another important contributing factor is the background of the partners.

With this in mind the Christian Churches will want to do everything possible to save marriages. Therefore, the Churches have to be properly prepared and equipped for undertaking the challenges involving in building a worthy marriage. At the end of this research study the emphasis on marriage counselling is appealed to as a worthy tool to guide people towards a stable marriage.

The dissertation commences with chapter one as an introduction which defines

the objectives, motivation and the hypothesis to be tested. The literature review is tabled and is followed by definition of the terms so as to make the reader familiar with their usage. Finally, the chapter closes with the structure of the study.

Chapter two deals with the methodology, explaining the sample and the development of the tool. The survey and all procedures are explained.

Chapter three is divided into three parts. Part one introduces *Agikuyu* marriage and divorce, part two brings a theological review of divorce problems in the scriptures and part three brings a challenge to the missionary endeavours in the Anglican Diocese of Kirinyaga.

It deals with the tensions created by the efforts of the Western missionaries and the Church as they came up against the African traditional heritage.

Chapter four brings out the results of the methodological work. Hypothesis analysis is done and the interpretation given. The findings are given for and against the hypothesis. Discussion of the findings is done and then a conclusion is made.

Chapter five is divided into three parts. First, a few ideas arising from the findings are discussed at length. The second part is the way forward which suggests possible ways in dealing with divorcees and enhancing a stable marriage. The final part carries the concluding remarks as a summary of the research study.

ACKNOWLEDGEMENTS

Many people have contributed to see this dissertation to this end. To all of them I owe many thanks. Special thanks go to my supervisor Ms. Edwina Ward. She tirelessly read this manuscript and her ability and diligence and expert supervision saw me through.

Special thanks go to those faithful Christians whose case studies appear in this project. Their willingness touched me as they shared their inner life experiences. Finally to my dear wife Nancy, daughter Sarah, and sons Mwangi, Ngacha and Gate: your enduring patience, encouragement and earnest prayers throughout these two years of my being away from you will long be remembered. I fail to find words to thank Nancy for keeping our home and family united. I owe you deep gritudes.

DECLARATION

I, Justus Mbogo Mwangi, candidate for the Master of Theology Degree at the School of

Theology, University of Natal, Pietermaritzburg hereby declare that, except for the quotations

specifically indicated in this text, and such help as I have acknowledged, this is wholly my

own work and has been submitted for purposes of the above-mentioned degree.

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1998

LIST OF ABBREVIATIONS

RSV - Revised Standard Version

NKJV - New King James Version

EARBM - East Africa Revival Brethren Movement

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CHAPTER 1

INTRODUCTION

1.1. Background Information

At the end of every war, there comes peace. This is true with families who have lived quarrelling and fighting. When the actual separation takes place or divorce is finalised, there comes a feeling of comfort as harmony is restored. Unfortunately this peace and harmony is usually short-lived.

Soon come the memories that the marriage has failed and the storm strikes a unique form of pain, very different from any other experience. The reason is because the expectations of their mutual love, which were meant to be a source of strength have broken down and the couple experiences personal failure, social rejection and religious guilt. Divorce becomes the answer, but once executed its pain cuts like a deadly venom. Its effects are many and are regrettable. The fact that the Church fails to accept divorcees in the Church contributes among other stressors and in some cases guilt. This research tries to highlight the suffering of the divorcees as a concern to the Church and positively point to the areas needing redress.

1.2. Motivation of Study

“I was sent by the Principal to bring this form to you for signing and stamping. He will also need your word on the issue,” Wamicii said, as she handed the form to the parish priest. The priest took the form and studied it. It was for those who felt called to train in the ministry of the Church after which they would then be ordained into priesthood. The above case depicts a divorced person who felt that God was calling her into the ministry. The researcher was her parish minister and had known her as a young Christian woman who was divorced for five years by then. Wamicii and her husband had lived together for three years before their divorce. Wamicii was living by then with her parents together with her two children. She had secured a job from which she had her livelihood. She had returned to her old Church where she had been brought up and she was a regular attendant.

There is an unnoticed and rising population of divorced people who remain in the Church even after divorce has taken place. In the field as a minister within the Anglican Church of Kenya, the researcher has discovered that the Church has limited provisions for the divorcees. Up to the present time, divorcees remain sidelined, and this is discouraging pastorally. The researcher wants to find out what the Church can do with the divorced members of the Church so as to bring about healing for them.

Wamicii's episode sounds challenging enough because the Church provided no room for her training into the ministry. There were no words to explain to Wamicii that she could not be taken for the training. She felt that she had not only lost her husband but also her Church as well. It is on this foundation that it is hoped the contribution of this research study will stimulate priests, and the laity as a whole, to adopt a self critical scrutiny of the plight of the divorcees whereby the wholeness of the divorcees will be of concern and be given priority.

1.3. The Aim of the Research Study

The aim of this research study is to establish the causes of divorce in the Christian institution of marriage, which is affecting the Christians in the Anglican Diocese of Kirinyaga in Kenya. The research will cover the following aspects:

1. Establish the primary catalyst bringing about rapid changes in the institution of marriage.
2. Find out how the society deals with divorce at present.
3. Find out the relationship of the divorcees and the Church as regards healing.
4. Find out how the Church could be a source of hope to divorced people.

1.4. Significance of the Study

This research attempts in some ways:

1. To alert both men and women and the Church to the cry of the divorcees.
2. To provide the divorcees with coping styles more appropriate for changing family patterns.

3. To try to provide materials for action in dealing with the divorced in the Anglican Church of Kenya - Kirinyaga Diocese.

1.5. Overview of the Problem

Divorce is being accepted today as a common phenomenon mostly in the Western society. Today Africa has joined the drama and its unnoticed and rising population of the divorcees is gathering momentum. Victims of divorce are in every congregation. These people cannot be kicked out and be denied their existence in the Church.

In the United States of America today, two fifths of all marriages are expected to end in divorce. In Europe and Britain the tragic phenomenon is very much the same. Among those affected are the couples from which half of the United States' children are victims of the human tragedy of divorce. The institution of family life is no longer holding things together (Hoose 1998:248).

The rising rate of divorce has not whatsoever diminished the value of the institution of marriage. The majority of people who are married consider themselves happily married. A minority portion considers themselves unhappy. This study is embarking on finding out what the Church is doing in providing healing for the divorcees. This is because there are forces which have 'desacralised' the institution of marriage, and it is the duty of the Church to prove its love to those who have fallen short of its standard of living.

The attitude of the Church toward divorcees has been harsh, and lacking in mercy. It is unkind even to the innocent children of the divorcees. The position of divorcees affects the whole family. This research study endeavours to address the suffering which these victims experience and tries to persuade the Church militant to scrutinise its vocation towards the divorced, without looking at them as unpardonable sinners.

The research looks at marriage as a divine institution with the divine goal of spiritual union. A lack of this signifies something is not going well within the Church's teaching and its training institutions. There is a need to deal with this problem of what we can do to uphold

the gift of marriage. This is what this study embarks on.

1.6. Literature Review

An amount of research work was done from the library text books, journals, magazines, and newspapers.

Phillips, A. 1953; Phillips, R. 1988

An earlier general outlook on marriage and family life was studied from Phillip, A 1953. This gave a glimpse of marriage in Africa from a general perspective and helped in the understanding of divorce from a wider aspect. For a contrast, the latter work of Phillips, R 1988 gave a wonderful insight from the perspectives of marriage in the Western society.

Gathigira, K. 1933; Kenyatta, J. 1938; Mbiti, J. 1969.

The former was the earliest book on the *Agikuyu* of Kenya written by an African about his peoples' customs. Kenyatta became the second African who wrote an extensive research on the people of *Gikuyu* and their customs. There was material on marriage and divorce which became very necessary to this study. It was from Kenyatta 1938 that the model of training the young people was derived. This is elaborated on further from chapter three to 'the way forward' in chapter five. Mbiti writes also to prove that African philosophy and religion/s have spoken on marriage and divorce. His philosophy is enormously used in this study. He sees no way that Africa can go, other than to join others by waking up and dancing for better or for worse the evolution of change.

Cotran, E. 1968.

The understanding of divorce in *Agikuyu*, the way of terminating a traditional marriage is explained clearly in this book. Customary marriage and divorce are evident in this community and it was necessary to find an authority on the same. The book recognises the statutory and customary procedures on the same footing. It was noted that the book was the result of a commission on the law of marriage and divorce, which was chaired by Mr. Justice Spry of April 6, 1967 (Kenya Government 1967. Gazette Notice. Vol. 1. xvix, No. 1261).

Kisembo, B., Magesa, L., Shorter, A. 1977; Hastings, A. 1973

In these two books the African Christian Marriage is dealt with as it is given as the problem area in the study. Their discussion dwells on pastoral crises of culture and Christianity. It was important to observe their evaluation as they sought to provide Christian answers in the context of the changes brought about by evolution of change. Hastings seems to have written his report earlier. He seeks to find a Christian approach to the modern problems threatening marriage in the continent.

Cadwallader, M. 1969.

As an American Professor of Sociology and Humanities, he objects critically to the Church's attitude of clinging to its traditional basic structure of Western Christian marriage which is never questioned nor alternatives proposed nor discussed. He argues that marriage has changed radically, given the present industrialised urbanised 'American' era. He deplores the inadequate preparations for marriage by the Church. He suggests that instead of marriage being "till death do us part," it should be permitted to be a flexible contract for one, two or more years, with options to renew (1969:231-239).

Toffler, A. 1971.

Toffler is another social critic. His book 'Future Shock' draws heavily from social critics like Ferdinand Lundberg who believes that family is near the point of complete extinction; William Wolf, a psychoanalyst who believes that the family is dead except for the first year or two of child raising; and from pessimists who believe that the family is running to oblivion. Toffler concludes that the contemporary (as opposed to the pre-industrial) family is a threatened species, given the rise of super-industrial revolution. He anticipates a time of an end to traditional parenthood in preference to professional parenthood where the parents for that matter would be freed for other occupations (Toffler: 244). He refers to the practice of serial marriage as a way to deal with divorce. Remarriage is already so prevalent a practice that nearly one out of every four bridegrooms in America have been to the altar before (Toffler:252). This then expresses the critique of why African polygamous marriage should be looked at as a bigger evil when compared to the institutionalized serial marriage in the West. Awesome wonder is evident and illustrated in the encouragement of polygamous

husbands to divorce their extra wives in favour of the monogamous marriage. Whereas this paper upholds the Biblical marriage being monogamous, it questions strongly the pastoral aspect in the dealing with those who have failed to make it in their first marriage.

Uka, M., in Masamba, M., Nwachuku, D. 1991:154.

Emele M.Uka writing on 'Broken Homes and Strategies for Renewal', comments that to continue to think of the family in purely conventional "Christian" terms is to defy all reason in the face of staggering scientific and social revolution. The impact of these developments is bound to dent even stable homes and could cause broken homes.

Keller, S., in Masamba, M., Nwachuku, D. 1991:154,155.

Keller wonders whether the family has a future in the modern fundamental challenges and she contends that a society's hope for family can only survive through examining and taking stock of what is in order to affect what will be. She is pessimistic about the view that if the society refuses to shed some of the most cherished preconceptions and pretensions such as the idea that monogamy is superior to other forms of marriage, or women naturally make the best mothers, then much as people may be convinced of these now, time may reveal them as yet another illusion, another example of made-to-order truths.

Williams, A. 1969.

Williams looks at marriage being a personal relationship bedecked with dreams and expectations. When these expectations are not met Williams says the problems in the marriage arise. She notes complaints from either husband or wife relating to the extravagance of the partners, to other identified sources of trouble from people outside the marriage relationship, for example the in-laws. Very encouragingly, Williams believes these problems could be controlled.

Bowen, M. 1976.

His theoretical ideas focus on emotional relations in the family system. He centres on establishing and maintaining the boundaries between the individual's life and that of other individuals and sub - systems in the family. He concentrates on the tension between the

emotional and the intellectual aspects, hence the importance to this study.

Clinebell, H. 1966; Masamba, M., Nwachuku, D. 1991.

These two are taken as the model references of the wealth of pastoral Care and Counselling writers. The former is a powerful resourceful personality in the field of Pastoral Care and Counselling. He provides skills and opens a way for Christian Counsellors to use knowledge from other disciplines.

This study has recommended in the conclusion, Clinebell's model of counselling as an effective way to save marriages and control divorce. The latter has a very different approach. He confirms the above but goes further to illustrate the importance of African traditional rites and knowledge in the counselling process.

DeBlasie, R., Anderson, J., Barnett, L. 1975.

They have remarkable faith in Clinebell's method of Pastoral Care and Counselling. They take this and develop a model of preventative measures of divorce through preparing couples for marriage. They work as a team of three partners to the effective Pre and Post Cana Marriage Counselling. This model has been suggested by the researcher as an effective way in dealing with divorce and ensuring the control of divorce (see 5.2 Way Forward page 93).

Kysar, M., Kysar, R. 1961.

This is a joint venture of two brothers who have looked at divorce from a theological point of view. They question the stand of the Church by keeping the victims of divorce sidelined. Their study on this work has been taken as a worthy study for reference.

Mwaniki, J. 1988.

His small book is dedicated to divorce, and the contribution is a simple theological study on the *Wa-Embu* of Kenya. Its reference has been used as a useful contribution to this study. The *Wa-Embu* are the kindred tribe of the *Agikuyu*, and their customs vary very slightly.

Root, H. 1971.

This is a report from a debate on marriage and divorce in the Anglican Church. The report is informing on the relevant issues on this problem of divorce. The Root Commission was able to highlight the biblical stand and the practices of the present Church. The Church voted in favour of its findings but in practice despite the voting, remarriage itself remained as being recognized obliquely.

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1.7. Toward a Definition

This section introduces terms used frequently throughout the research.

1.7.1. The *Kikuyu* / *Agikuyu*

In the earlier reference books the term used is *Kikuyu*. This term is incorrect. The correct one should be *Gikuyu*, as explained by Kenyatta in his book *Facing Mount Kenya*. According to Kenyatta *Gikuyu* refers to the country itself. A *Gikuyu* person is referred as *Mugikuyu* which expresses the singular form, and *Agikuyu* expresses the plural. The latter is used extensively in this thesis (Kenyatta 1938: xv).

1.7.2. Divorce

The law of Kenya considers four systems of marriage and divorce - the statutory marriage and divorce, customary marriage and divorce, Hindu marriage and divorce and Islamic marriage and divorce. The first two marriage and divorce systems will be referred in this study. In a brief way the statutory marriage and divorce follows Acts of law that govern the law relating to the marriage, divorce and matrimonial causes. All their dealings and decisions are executed in a court of law. The customary marriage and divorce procedures are for every ethnic group of Kenya, in reference to marriage and divorce under customary law. Importantly the high courts and all subordinate courts are guided by the African customary law in civil cases.

Divorce in this study would not be limited to the courts alone. It will be granted by the family and clan elders under customary procedure, or by a court. The grounds for divorce would be the ones laid down for both procedures (Cotran: 1968 : 1,2,19).

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Among the target people, the *Agikuyu*, a divorce is not considered unless ‘a ram of destroying the home’, *ngoima ya gutharia nyumba*, is slaughtered by the husband. Another ‘ram of sweeping the waste matter’, *ngoima ya kuhaata mbimbi*, is slaughtered by the father of the girl (Cotran: 1968: 20,21).

In summary I have taken the definition given by Mbiti very seriously in this dissertation. He confirms that what constitutes divorce must be viewed against the fact that marriage is a process complete only when some ritual conditions of diverse procedures have been observed. It becomes hard then to break marriages. Divorce according to Mbiti, is a delicate accident in marital relationships (1969:145).

1.7.3. Divorce / Divorced / Divorcee/s

The study uses the term divorce to mean a marriage relationship which was consummated and which is no more. In the true sense of the word, the husband and the wife regard themselves as not accountable to each other. The single husband and wife, who are divorced, will each be referred to as a divorcee and both as divorcees. The form divorced will be taking the past tense in the singular and plural, to describe those who have been through a divorce.

1.8. The Structure of Study in Chapters

Chapter one is an introduction which defines the objectives, motivation and the hypothesis to be tested. Definition of essential terms to this study are defined.

Chapter two deals with the methodology, trying to explain the sample and the development of the tool, the survey and all the procedures.

Chapter three deals with three topics. First *Agikuyu* marriage and divorce is described in details. Then, there is a theological review of divorce problems in the scriptures. The third topic brings a challenge to the missionary endeavours in the Anglican Diocese of Kirinyaga. It deals with the tensions created by the missionary effort.

Chapter four brings out the results from the methodological work. Hypothesis analysis is done and interpretation given. The findings are given for and against the hypothesis. Discussion of the findings is done and a conclusion given.

Chapter five is divided into three parts. First, a few selected ideas arising from the findings are discussed at length. Then a way forward is suggested where possible and ways for a stable marriage are given. Solutions for dealing with divorcees are given. By doing this, divorce is likely to be controlled. The final part carries the concluding remarks as a summary to the research study.

CHAPTER 2

METHOD

The previous chapter has established a background of this research study. Descriptions definitions and explanations were given of issues pertaining to the marriage institution, and divorce. The following will deal with the procedure followed in studying the problem of divorced Christians and how the society and the Church treat them.

2.1 The Sample

The Anglican Diocese of Kirinyaga consists of three districts-Kirinyaga, Isiolo and Marsabit. This research study limited itself to Kirinyaga district. The work was narrowed to those Christians who were divorcees but remained members within the Church even after their divorce crisis. They were a mixture of young and old between twenty-six and eighty years of age. Education ranged from those who had never gone to school to those who had a university education. The majority came from a rural setting and only a few were employed in urban centres.

2.2 Tool

A hypothesis was formulated to be tested in finding out what the Church position is in the healing of divorced people. The hypothesis was: Divorced people are sidelined / stigmatized and are treated unequally in the Church. To accomplish the demands of this hypothesis there were questions for which answers had to be found, since they involved the problem areas touching divorce. They were as follows:-

1. What are the causes effecting divorce ?
2. What emotions / feelings are experienced by those in a divorce crisis?
3. What do divorced people do when they feel tense from the above feelings?
4. What illnesses do divorced people suffer from in relation to the tensions affecting them?

5. When divorce becomes irretrievable, who is consulted ?
6. From where is divorce settled ?
- ✓ 7. What preparation is given to young people prior to marriage?
8. Who is the custodian of the children and property ?
9. What do divorcees think about remarriage?
10. Who among husband and wife is usually the first to initiate divorce?
11. What role does the Church play in helping the divorcing couple?
12. What can the Church do to enable the divorced people to feel at home?
- 13. What could be done to prevent divorce?

The way chosen was to divide the respondents into age sets. The expected number of respondents to be interviewed was sixty five. They were later to be arranged into three age sets. They were to be as follows:-

1. Twenty-six to thirty-nine years-referred in the discussion as the youngest age set.
2. Forty to forty-nine years - to be referred as the middle age set.
3. Fifty years and over - to be referred as the oldest age set.

2.2.1 Questionnaire 1 Interview

To cover the areas touched by the above, simple questions were formulated in the form of a questionnaire aiming to survey the scope of the whole area (see Appendix 2). It was to be accompanied by an introduction letter (see Appendix 1). The scope was set to interview sixty-five couples.

The design was chosen with the knowledge of its definition of being an examination of a specific phenomenon such as an event, a person, or a process (Merriam 1988:8). The study seeks out how the Church handles the divorcees. The above questions were found' relevant in the process of testing the hypothesis.

2.2.2. Case Study Method

The case study method is said to be a non-experimental or descriptive form of research seeking to describe and explain a phenomena. It examines events or phenomena, and looks at the situation as it is, not manipulating it (1988:8). This is the position taken to describe the situation as it is. Among the respondents who were contacted the researcher selected four case studies after ensuring confidentiality.

The first case study indicated a denial of conjugal rights. It was selected because of its sensitivity and the effect it has in the African marriage. It was to be observed how it allows for divorce.

The second case study was on a childless marriage. This was chosen with knowledge that in Africa childlessness allowed for divorce. It was necessary to survey whether the stand has changed. Pastorally the case study was aimed to find out how the Church was dealing with childlessness.

A third case study was on misuse of alcohol. This was used to show the place of the African traditional fixed roles in relation to divorce. It also tried to seek the place of the church in curing the problem of alcohol.

The fourth case study was chosen to cover the family domination. This was set to show the impact of external influence on families. It was set to touch the involvement of the in-laws, and the family budget.

2.2.3. Written Sources

The fulfilment of the desired results would not be complete without consulting written sources from the library - text books, journals, reports, magazines and newspapers.

2.2.4. Personal Experience

I was ordained into the priesthood in the Anglican Church of Kenya in 1984. Since then I have served the Church in various capacities.

First and foremost I have been the parish priest in five parishes. Secondly, I was the Diocesan Education Secretary serving the educational institutions and representing the Church on 17 boards regarding matters of education.

Thirdly, I have been a lecturer in pastoral studies in the Diocesan theological institution, training young men and women for the ministry of ordination. In this institution I have held the office of deputy principal-an office that is both administrative and pastoral.

I have in these capacities encountered the problem of divorcees face to face with the effect that the respondents of this research study are the result of this interaction. Travelling with divorcees in their painful memories as they seek someone to listen to them has generated the commencement of this research study. It is a theological practical encounter geared to counselling.

2.2.5. Delimitation

To study divorce in all its implications would deserve a longer time, and it is a demanding job to accomplish. This study therefore, attended only to the divorcees' problem relating to how the Church deals with them. The purpose is because of the primary calling of the Church in this world to heal and nurse the wounded. The study was narrowed to a single district within the Anglican Diocese of Kirinyaga-the Kirinyaga district and the target people were the divorcees.

2.2.6. Procedure

The survey to prove or disapprove the hypothesis was to be conducted by the researcher with each respondent singly in his or her place of residence. The participant was to be approached and requested to help the Church to understand the divorcees problems so it could stand in a better place to deal with their healing. The letter was to be read to the participant and then the 18 questions were to be tackled one at a time (see Appendices 1 and 2). The researcher was to be

with the respondent in the whole session up to the end. He would be guiding in all the questions trying to give clarification where need be.

2.2.7. Precaution

Assurance was ensured, so that the study was not taken as an intrusion in their personal private life. Effort was made by assuring the participants that their responses were to be treated as strictly confidential. The previous experience with the participants as a parish minister in their parishes was an added source of confidence for them in this research study.

CHAPTER 3

Introduction

This chapter is divided into three major parts. The first part lays the background of the *Agikuyu* people. The knowledge is aimed at forming a spring board which this study is going to use as a reference. The second part is the theology of divorce. This aims to provide a Biblical standpoint to be used as a standard measure in placing the divorced in a theological position. The third part deals with the challenges arising from the missionary impact. It is assessed so that the Church may know its position and what it has to do with the divorcees.

3.1. A Short Historical Background of the Agikuyu People Before the Coming of Christian Missionaries, in Relation to Marriage, Divorce and Remarriage.

Some nations, who do not know the African traditional ways of life think that marriage in Africa has similarities to the buying of slaves as happened in the past. That is, the African wife is a 'slave' to the husband. Accordingly, the African marriage and family practices offend European principles and consciousness. The African wife becomes the actual 'victim' of customs which shock the outside world (Phillips 1953: xvi).

This section attempts to show in a small way marriage and family life among the *Agikuyu* people. The idea is to establish the historical background which would help in our discussion. It would also help to correct the erroneous notions accepted out of ignorance. This is to help the reader to understand the crucial debate on divorce.

3.1.1 The Agikuyu Marriage

3.1.1.1 Marriage Preparation

The primary factors of the Agikuyu system of marriage is the desire of every member of the tribe to build up his own family group. By so doing the father's clan, '*mbari*,' and the tribe are extended and prolonged. The desire to have children is the couple's sacred duty, and a childless marriage is considered a failure because children bring joy and dignity to their parents, the '*mbari*' and the tribe as a whole. A healthy couple is required to have at least a minimum of four children. Marriage then becomes the most powerful sacred means of maintaining cohesion in

the society and enforcing the conformity to the kinship system and to the tribal organisation without which social life is impossible (Kenyatta 1938: 164).

There were the initiation rites, whose purpose was to introduce the young people to the matters of sex, marriage, procreation and family life. It was a ritual sanctification which served as a preparation for marriage. Only after that could the young people get married. Those African societies where the initiation rites were silent and not heard of, required the parents and other relatives to initiate their children in their own tradition in marital affairs. Both therefore served the same purpose that prepared the young people for life. The intimate contact between them was considered right and proper. It was considered as a foundation stone for the tribe - morally, physically and mentally sound. The youth were safeguarded from nervous and psychic maladjustment (Masamba and Nwachuku 1991:134).

Kenyatta confirms the above, and adds that there were three main activities which built this foundation. First, circumcision was significant among the youth-boys and girls. It was an indispensable requirement. This was a physical operation done on the genital organs of both sexes. It was regarded highly. With the intervention of Christianity, this operation on girls is rare today and is very discouraged among many Christians. It is dying out gradually among the girls unlike with the boys. Among the *Agikuyu* it is a significant requirement that all boys must get circumcised and it would be a strange phenomenon to find one uncircumcised¹. It is a

¹*In May 1996, a prominent consultant of the Kenya Government was said to have died in pursuit of this operation. He was in his late fifties when he got himself circumcised to wipe away a political challenge that his contemporaries did not remember him being initiated into manhood. It was said that the challenge was so stressful that the man had no other way than to undergo the operation at that age. It was said abroad that the operation was the cause of his death. His political rivals managed to emphasise the importance of the operation to the extent that failure to undergo it causes one to be sidelined throughout the society.*

taboo to this day. During this operation, all information on law and customs were taught, and matters relating to tribal rules and regulations-those governing sexual indulgence were taught (Kenyatta.1938: 155).

Secondly, there were the numerous night and day dances for recreation and enjoyment. The young people were allowed to mix freely and this became the starting point of their friendship. Attraction by both parties was evident in a way that one could not hide the emotional gratification. They were attracted to each other through one another's appearance, smartness in dancing, hair dressing or charming and graceful body carriage (1938: 156).

Thirdly, to suppress entirely the normal sex instinct between them, and for the sake of good health they were trained to acquire the technique of practising a certain restricted form of intercourse called, '*umbani na nguiko*,' translated as the 'platonic love and fondling.' This, '*nguiko*' was looked upon as a sacred act and one which had to be done in a systematic well organised manner and a well regulated code of convention (1938: 156).

An illustration of the '*nguiko*' would be of significant purpose at this point. Kenyatta compares it with the Europeans' kissing on the lips. The fondling could take place in day time or at night. The visitation was done by girls to their boy friends at an agreed special hut, known as '*thingira*.' Girls used to carry with them their favourite token of affection in the form of food and drinks to this place. Food and drinks were shared collectively and indiscriminately. When the feeding was done the '*nguiko*' would start (1938: 157).

The choosing of the partners was "done in most liberal way," thus allowing even the exchange of partners, which generated freedom of social contact. The two would be together as they removed their clothing. The boy removed all his clothing as the girl removed her upper

garment, retaining her skirt, known as '*muthuru*,' and the soft leather apron, called '*mwengu*.' Pulling it back between her legs and tucking it in together with her leather skirt, '*muthuru*,' she would fasten them together to her waist, thus providing effective protection of her private parts. They would face each other with their legs interwoven so as to prevent any movement of their hips and they would then begin the 'platonic love and fondling,' the '*nguiko*.' They fondled each other, rubbing their breasts together and at the same time engaged in love-making conversation. The fondling would continue until the two would gradually fall to sleep (1938: 158).

In this play, Kenyatta says the young people's sexual relief would be experienced. He notes that sexual relief was not the essential feature of the '*nguiko*,' because its concern was the enjoyment of the warmth of the breasts and not the full experience of sexual intercourse. Again this trained boys and girls to develop the technique of self control in the matter of sex - a fact the missionaries could not conceive (Kenyatta. 1938: 159). Rules governing the '*nguiko*' had to be observed and any violation meant being "sent to Coventry," that is '*kuhingwo*' (1938: 160).

Taboos concerning the game were observed and I agree strongly with Kenyatta as he observed that this game provided a discipline that made the practice of homosexuality unknown among the *Agikuyu*. This was an experience that encouraged them to prepare usefully for married life. Yet the love-game was considered as a sacred act and that was why it had to be done systematically. The point in hand was that the courtship among the *Agikuyu* young people-boys and girls was therefore based on "mutual love and gratification of sexual instinct between two individuals" (1938: 162). Having shown the historical background, an explanation follows as to how boys and girls were making choices for their life partners.

3.1.1.2 Choosing a Life Partner

There are many different tribes in Africa and each has a different custom as regards choosing a partner for life. Some societies encouraged the parents to make the choice for their young people, and this could go as far as including the unborn children. The affected children waited until they were old enough to take responsibility. This was the time they would get married.

Some parents and relatives would arrange the marriage of their young man with the parents of a particular girl. Arrangements and negotiations were set in such a way that it would coincide with the age of puberty. In some tribes force and pressure were applied to get the reluctant young person to marry the partner chosen by the parents and relatives. Let us return to the *Agikuyu* behaviour regarding this issue.

Gathigira says the custom was common among the tribe. This happened by bringing a marriage intention to a very young child when she was not even mature for marriage, '*kugwatia mwana.*' This was happening during the famine. Mostly, the famine affected the disabled, the poor and the widows. These people allied with the rich who had food so that they would not die. So, some made a secret deal such as, "if I eat your food, and you save me during this famine, I will persuade my girl to be married to you. I will tell her I became your debtor during the famine" (Gathigira 1933: 18,19). Should the girl become mature and find that she does not love the man, she normally refused him. This would cause a real crisis in the two families. Mostly it was the girl who won. This custom no longer exists among the Agikuyu tribe, because of the interference of the government and the church. Today the girl carries the ultimate freedom in choosing her lover. The choosing of the life partner followed some five stages. For this information, I found Gathigira, 1933. most useful.

Stage One

This stage began by the young man revealing his love to his girl friend. It is unbecoming in African culture for the girl to start telling her boy friend that she loves him and this is not resolved to this day. The young man would reveal to the girl he loved that if there was nothing to prevent them from being married (like relations, or anything else), he would be ready to marry the girl. The girl would answer by neither agreeing nor refusing but by requesting time to consider the issue. She would tell her boy friend that she would give the answer when he visited next time.

When the boy friend would return to the girl's homestead she would have enquired of the young man through her parents and relatives. If any cause for denial had been found, the girl would inform her friend on that specified day. All this effort was done when the girl loved the

young man. In the case when the girl did not love the young man, the girl would give her negative answer straight away, and the boy-friend would go away. Once the girl gave a positive answer to the young man, he would report their love and intention to his father. The parents of the boy, in the same manner as had been done by the parents of the girl, would enquire of the girl's welfare, and if there was no cause which could stop their marriage the young man and his father would then arrange a day to visit the girl's parents. They take with them honey-beer or sugarcanes'-beer. This beer was called, 'the beer of asking the girl's hand,' *'njohi ya njuurio.'*

Stage Two

The parents of the boy and girl meet for the first time on this occasion. The girl would be called and asked whether she agreed to be engaged. To get the answer there would be a starting ceremony. The girl would be told to fetch a particular horn for beer drinking, '*ndahi*.' She would come back with it (*ndahi*) and would be requested to pour some beer in it and sip it, as a sign that she knew whose beer it was. She would be requested to pass it to her father. The father would sip and spit it down and sprinkle some on his chest and then would hand the same '*ndahi*' to the mother who would follow the same ritual. Another filling would be done and handed to the boy's parents following the same procedure. Kenyatta says the first sip by the girl is the sign of consent to her lover (1938: 167). During the ceremony the conversation went as follows (P = Parent of the girl who is necessarily the father, and G = Girl).

(The beer is in front in a small calabash. The stopper is some green leaves. Parents of the potential lovers and a few close kin are present. The boy and girl friends are also present).

P1: Tell me daughter, whose beer is this?

G1: It is mine.

P2: Go then and come with the beer-drinking-horn, '*ndahi*.' (The girl runs to fetch the beer-drinking - horn. She comes with it. The father continues). If it is yours, show me by pouring some of it into the drinking horn and drink it. (The girl pours some beer into the drinking horn and hands it to one of her brothers who takes a little and hands it to the father. Gikuyu girls were not supposed to take beer; hence the reason of passing the beer to her brothers. Before taking the beer the father of the girl enquires).

Now that you have given me this beer, will you ever make me vomit it? (Meaning would she ever be responsible for another beer from another boy-friend thus making the father symbolically 'vomit' the former vows).

P2: No. (She confirms, thus giving the father and everyone her word of confirmation).

This confirmation would make it known truly that the girl had agreed to the young man. As a result, they all would join in a prayer of blessing the occasion and the life of the two friends, '*kurathimithia.*'

Stage Three

When the second stage ended, the in-laws would be allowed to arrange for the next ceremony. This would be the occasion of bringing the bride-wealth. They would be given a date when they would bring the bride-wealth, '*ruracio.*' On all occasions regarding '*ruracio,*' there would be a beer ceremony. On the agreed date, the boy's parents would come and the dowry payment would be mentioned. The bride-wealth was never debated, even to this day. Once mentioned it became the duty of the boy's parents and his clan to find ways of settling it. The mentioning of the '*ruracio*' was another way to tell the boy's side that they were given leave to start bringing the payment. The bride-wealth payment would be given in the form of sheep, goats or cattle. Many more visits would be arranged but the final celebration would end with a feast being provided which included the slaughtering of one fat sheep, '*ngoima ya ruracio*' (Gathigira 1933:15).

Dowry regulations varied from district to district, but the significance of it was the blood which signified the purification and protection of the two lovers from any evil. The '*ruracio*' formed the link of the two clans being closely linked, (Kenya, 1938: 169). According to Mbiti, if the bride-wealth is not paid as agreed between the two families it would lead to temporary separation, and could eventually lead to divorce (Kenya,1938: 146). Hence, the marriage payments are terms all trying to translate the understanding of '*lobola, bogadi, mahari*' (Phillips 1953: xii).

Stage Four

The boy's parents would then make arrangements as to how to pay the full amount of the bride-wealth. This would be according to the agreed terms and according to their ability. This would be done in the presence of an assembly of people from both sides, who bore witness as to what was given as the bride-wealth. Then there would be the confirmation by the assembly who partook of the feast and reached the climax by participating in the dance and the songs. During the occasion the presents are given to the girl's mother, thus marking the short term of the girl's time with her parents and relatives. Permission would be granted and from that time onwards the girl would be regarded as having been blessed and given ceremoniously to the boy's mother and relatives (Kenyatta, 1938: 170). She would be regarded as a lawful bride ready for her bridegroom. She would be waiting for her wedding and this could be on any day. The last stage then would be their wedding.

Stage Five

The Wedding

During all this time the young man had been busy preparing for the coming of his bride. Gardens would be dug and prepared ready for planting. A hut would be built for her in preparation for her housekeeping. A day for the wedding would also be arranged in consultation with his parents. The boy and his parents would prepare a brew for the father-in-law so as to be given the bride for both to go and start living together. Seeing that he was ready to take his bride, he would inform his age-peers, and having notified his mother, the bride would be brought home (Gathigira, 1933: 15). In the majority of cases the bride would be carried shoulder high by the boy's age mates. Of course there would be tears, when she would remember the many things she had left. She would sing grief songs to her friends expressing how sad she felt by leaving their fellowship and their friendship. These grief or weeping songs were called, '*kiriro*.' At this time, friends from her home would be visiting to keep her company and solace her. They would carry food for her, since she could not eat food and drink from her husband's parents. This was allowed until some time later after she had received some gifts from her husband's mother. The '*kiriro*' would come to an end on the eighth day. When it came to the end, "a sheep is killed, the fat of which is fried and the oil is used to anoint the bride

in a ceremony of adoption into the new clan.” Kenyatta says that, this ceremony allowed the bride to mix with the family as a full member of the clan. Only then would the bride be allowed to visit her parents on an agreed date. This going back was a ceremonial act. She was to go back and seek a blessing from her parents. She would have the whole day with them, until evening when she had to return with presents from her parents. These presents were taken as an act of “warming the brides’ hut,” thus ending the marriage ceremonial - the couple were now husband and wife! (1938: 174).

As a matter of serious note, parents wished their girls to enter marriage and be joined to their husbands as physical virgins. This was taken seriously and whereas the boy was to show by certain signs that “the girl was a virgin,” in the same way “the girl too, had to do the same to show that the boy was physically fit to be a husband.” In case of impotency on either side, the matter was put forward before the families’ council and the marriage would be annulled at once (Kenyatta, 1938: 173).

The stages leading up to the wedding day right into married life have been described. But now the short-cuts which fell short of the expected need to be mentioned. These were weddings that did not follow the set path of rules and procedures. They can be grouped into three known types, according to Gathigira.

The first one was between a young man and a girl who agreed to go and live together, without any preparation or notification to their parents of their intention. Immediately, the girl would go to live in the boy’s home. Another type was between a virgin who having been spoilt by the boy, refused to go back home in fear of shame of being spoilt. Her refusal to go home was a way of telling everyone that so and so had made her his wife. The last one was of two lovers who were forbidden to marry but who loved each other. They would agree to go and live together, and make a short-cut so that the issue of the bride-wealth could be sorted out later, when they were married. When the parents of the girl learned what had happened, they would send a council of elders to enquire about the matter. If the young man testified of love for his lover, his parents gave some goats called *‘mburi cia nduma’* that is ‘goats of darkness.’ This was a kind of pay for the ‘theft.’ Also the payment of the ‘goats of darkness’ served as a

reconciliation and it became a sign that there were to be family links and dowry would be paid. If this was done, the other marriage procedures would be followed (1933: 17).

Such weddings were noted with regret and the woman remembered that short-cut throughout her life for it deprived her of her grieving activities of mourning her girlhood, '*kiriro*.' She would remind her husband, when she was angry, of the 'goats of darkness' - '*mburi cia nduma*' (1933: 18). The short-cut marriages were not liked by anyone. It was regarded as a disgrace to one's parents, clan and the tribe as a whole, and that was why the incidents were very rare. Let us have a look then at the circumstances leading to divorce.

3.1.2. Circumstances Leading to Divorce

Introduction

Until recently, divorce was not common place in Africa. The reason was that religion cemented the social fabric of the community as a whole. The African beliefs, ceremonies, rituals and festivals made divorce rare (Mbiti 1969 : 2) as compared with divorced numbers in Europe and America.

3.1.2.1. Temporary Separations

If divorce was realised, it scarcely called for a procedure. Its shortcomings, mostly revealed that some temporary separations were the first signs of divorce. These temporary separations were in the past and even today, more common than divorce. The wife would go back to her people, for a period from a few days, months and even years. This could continue until there was reconciliation. Only then could the wife go back, and the cause of the separation remedied. In some cases, such separations led to divorce (Mbiti, 1969: 145). However, neither the wife nor the husband dared take the risk of divorce without a very genuine cause. It could sometimes start with a quarrel between them both or with the wife and relatives of the husband (1969 : 146).

Earlier on, while dealing with the stages of marriage (see stage three above), it was clear that '*ruracio*' that is 'dowry' was a complex phenomenon. One essential part of the making of the payment by the bridegroom to the parents of the wife was for the establishment of 'legality.' The

diversity of the payment was great and in some tribes it could be in different instalments whereas in others it was to be paid in total value. The problem came when this was not settled as agreed. This failure of the husband in not paying the agreed marriage payment to the in-laws caused a separation that could lead to a divorce. Yet there was no good cause for this separation because the in-laws had to respect any ratio of the payment. The *Agikuyu* of Kirinyaga have a saying, '*muracia imwe utatiria,*' translated as 'better a bride-wealth-payer who pays little by little.' The fact of the bride-wealth in this saying depicts that the bride-wealth was a continuous phenomenon that continues even after the death of the son-in-law (Phillips 1953:xii, xiv). The bride-wealth continued from those who are living and also to those who would come.

Another cause of divorce was of desertion. This happened if one party left the other at home in the country-side. This had a detrimental effect on marriage as a whole and sometimes led to full divorce. The gap of absence could bring about an unfaithfulness from either partner. Adultery therefore was prohibited and its penalty was great and in the *Wa-Embu* of Kenya it warranted a divorce, for it was seen as the most unclean offence against the whole community (Mwaniki 1988: 8). Yet there were other major causes for divorce which were considered very seriously.

3.1.2.2 Barrenness

Sterility on the side of the wife was tested when no child came after a long time of waiting. The husband took the risk of allowing his wife to have sexual intercourse with one or more of his peers. A failure to conceive would make them consult the medicine - man. Both parents from both sides would give their ceremonial blessings as they were considered essential to fertilise the womb. Sometimes, the wife succeeded in having a child, and thus escaped the embarrassment of being mocked with the nickname of '*thaata*' meaning 'barren' (Kenyatta, 1938: 183, 184).

When efforts to conceive failed, the case would be considered being above the power of man, hence attributed to the will of '*Ngai*' the Creator God. If there were no other disagreements, the two lived together and perhaps would adopt a son or daughter, provided the man was not in a position to marry another wife. In some cases, the husband would take another wife, and would keep the barren one and thus save the first marriage.

Let us return to the impotence of the husband. The husband would be given the same trial as the woman. In the first place if he could afford it, it was necessary for him to marry a second wife. She would stay with the husband, and should he succeed in having a child by her, it was said that the failure was on the part of the first wife and that it was because their blood did not agree. But if there was a failure, the man confirmed his impotence and then he would allow his wife or wives to have sex companions or friends to fulfil his duty of procreation. This saved the marriage from breaking down (1938: 184). Children from such union were regarded in exactly the same way as if the real husband had been physically fit to function sexually.

3.1.2.3 Cruelty

Another major cause of divorce was the continued cruelty by the husband toward the wife. Such a cause made the wife return to her father's home for protection. Once the truth of cruelty was established, the father would take his daughter home until the problem was settled and the husband paid a fine and promised not to ill-treat the wife. If that was not done, it warranted a divorce (1938: 185). Mwaniki cites that in the *Wa-Embu* of Kenya, if the wife was called to attend one giving birth she had to go quickly and unquestioningly even if she and the husband had just quarrelled. Refusal was considered as witchcraft (Mwaniki, 1988: 8). The *Agikuyu* regarded any suspicion or practice of magic and witchcraft a genuine cause for divorce (1938: 183).

3.1.2.4 Virginit

A mention of the value of virginit indicated a norm that made the youth to be disciplined in matters of life. The point being made here is that in some tribes, marriage would break completely, if the bride was not a virgin at the time of the wedding. Among the *Agikuyu* there was a general consensus that could lead to the nullification of the wedding. The violation of this sacred entity (virginit) deprived quite a value of the bride-wealth in case the boy decided to continue with the wedding. However the mother would miss 'congratulation' gifts. The family would also miss their long awaited grandeur. This was why training and discipline on matters of sex was taken seriously (see '*Umbani na Nguiko*' in Marriage Preparation 3.1.1.1)

3.2.1.5 Conjugal Rights

Kenyatta confirms that refusal to render to the partner the conjugal rights was another major cause which could lead to divorce. As a result the absence of any partner was taken seriously and was discouraged (1938: 183).

3.1.2.6. Laziness

Among the *Agikuyu*, laziness was very much discouraged. One quality of a spouse to be was characterised by hard work. This was emphatically on the side of the girls for it was known clearly that a lazy woman would lead her family into hunger all the time. This was not strict on the side of men because their task was to follow the herd. It was on rare occasions that they had to do the cultivating. The *Agikuyu* were a people of cattle more so than they are today. Interestingly, the preparation business of the bush was the work of men and also the task of breaking soil to the level of planting. Then the task of maintaining the crops was left to the woman. The husband could come in to help any time he deemed right or when asked to help by the wife. In the case of sickness of the woman at the time of nearing preparation of the gardens, it was the husband who was to do the preparation and arrange for the planting. Mostly on such occasions she would send for a team of communal labour, provided he was ready to make a brew for the participants. This could also be done at other normal times any time assistance was sought.

Laziness was deplored also among the husbands. There were those who were known to be lazy. This group followed other men in search of a home where there was a brew. So instead of following the herd to the pastures and guiding the young boys, they used the time in tracing where the brew was. As a result such men ended with having nothing of their own. A man of this nature was given a name '*kanabu*' that is someone who runs after beer to the extent of forgetting his family obligations. But the word for laziness of this level was known as '*kiara thui*' that is 'a finger that does nothing.' This befell any person regardless of sex. A lazy woman was divorced and sometimes the husband married a second wife if he had property. A lazy man was divorced by the wife and the wife could go home. Mostly such a wife would get married if it was known that she was a hard working person. These were the major traditional causes of divorce. Now let us see how the *Agikuyu* customs dealt with divorce.

3.1.3. Dealing with Divorce Cases by the Elders

Divorce was not easily obtained by the mere wish of the husband or wife in the absence of substantial grounds (Phillips 1953: v). The elders allowed this to happen when all the efforts to keep the husband and the wife together had completely failed. Only then, an action for divorce could be taken (Kenyatta 1938:183). The reason was that when marriage had been constituted it became hard to dissolve, and if it was dissolved it created a great scar in the community (Mbiti 1969: 146). The truth of the matter was that in the majority of tribes in the African continent a marriage was dissolved by inter-family arrangement. Let us turn to the elders and be informed as to how they dealt with divorce. There was a council of elders into whose hands such cases fell.

3.1.3.1 The Council of Elders

Mostly, when the problem could not be tolerated any longer, it was the wife who went to her father's home, if she was the one who wanted to divorce the husband. On the other hand if the husband was the one who wanted to divorce the wife, he would send her to her father's home. The wife did not argue and was given one or two elders to escort her to her father's home. These elders would explain the fact of their mission - that the wife had been told to come home. As a procedure the father would then take some two or three elders who would accompany his daughter and the elders to the husband's home and listen to what was the matter. At the husband's home the elders from the two sides would start a session and listen to both husband and wife. Each would be given a good hearing. This was the 'Council of Elders' which was called, '*Ndundu ya Athuri*,' whose major aim was to reconcile the two. If they agreed, there would be allowed to resume living together. The one in the wrong was warned, and both would pay the elders' fee which symbolised a cleansing and a starting of a new life (Gathigira, 1933:18). But it was not always that simple. If the two did not agree and the council of elders failed to bring them into a reconciliation, they decided the case and the two were allowed to divorce. However, they were not released so simply without an oath of allegiance. Both had to agree that neither would at any time plan or do anything evil against the other. The *Wa - Embu* called that oath, '*kaurugo*' and the *Agikuyu* called the act, '*kugwatia ng'ondu*' (Mwaniki, 1988: 12,13; Gathigira, 1933: 18). The oath among the *Agikuyu* would bind both wife and husband under a spell that neither would ever plan evil against the other, nor against the children, their

parents and kin. The declaration was then made that none of them was responsible to the other (Gathigira, 1933: 18).

The council of elders, the '*ndundu ya athuri*,' would then consider matters regarding the marriage gifts, that is, the bride-wealth which the husband had given. These could be in materials, sheep, goats or cattle which were given as the dowry. This was how the elders decided. It was required that the wife's parents or relatives should return or refund the bride-price. Some demanded the refund of the total value and others demanded the refund in parts. There were conditions set (Phillips, 1953 : xv). Among the *Agikuyu*, if the wife had borne children, the dowry, that is, the '*ruracio*' could not be claimed back.

The child or children were left with the father. However, if the wife remarried, her former husband reserved the right to claim at least half of his sheep and goats or cattle. Should she remain in her father's home, without remarriage, no property could be claimed. Kenyatta says that if the divorced wife happened to have a child, the former husband claimed that child as his, for as long as '*ruracio*' remained not returned, the union was not completely dissolved (Kenyatta 1938 : 185).

Mwaniki cites a case of a "Mr. *Mwaa* who divorced his wife *Kariko*. His son *Candi* was then a boy and he went with his mother. But when *Candi* was given milk he refused it and said that the milk did not come from his father's cow and this made *Kariko* return to her former husband Mr. *Mwaa*." To the *Wa - Embu*, it was very hard for a divorce to be granted if the woman had a son (Mwaniki, 1988: 11). A divorce case that had no children in the marriage union would be considered much simpler to dissolve. But it was evident that the *Agikuyu* allowed divorce and even remarriage. Like their kindred people, the *Wa-Embu*, the children remained with the husband. The community knew it was its duty to care for the children, by safeguarding them from the heavy blow of divorce (Mbiti, 1969 : 146).

3.1.4. After Divorce

Divorce was not an end in itself. As stated above, the *Agikuyu* did allow the divorced people to remarry. In some cases the two partners resumed their marriage again, though sometimes this

was not possible. If this happened there was a cleansing ceremony which in the *Wa-Embu* involved a bull and a calf being slaughtered and the two families eating in fellowship. The family would eat the meat together and drink the beer together and finally bless the couple for their new start (Mwaniki 1988: 14).

The *Agikuyu* divorce, was considered if 'a ram of destroying the home', '*ngoima ya gutharia nyumba*' was slaughtered by the husband. To make this very official another ram was slaughtered by the father of the girl. This ram was known as 'a ram for sweeping the ram's waste matter,' *ngoima ya kuhaata mbimbi* (Cotran, 1968:9). Once the meat has been eaten together by the two families the two partners are set free and remarriage was not prohibited. The case of children was never left unsettled.

In this section the picture of the pre - Christian marriage and family life among the *Agikuyu* has been dealt with. The young people had a place in the society and this position was well set in the rhythm of life. There were the rites of passage which were followed strictly and these justified the initiates the right of belonging. Much more was on the training of family life and marriage. The preparation took time to prepare the young people to carry on the life from the old people. There was no one stage which was taken for granted. Confidence was instilled in them in the daily happenings from morning to evening. They were carriers of the vital force of the tribe. Training was enhanced so well so that each one new his or her part with no problem. This was the situation the Missionary and the Western powers met Africa.

From the above background, it is then important to understand what the scriptures have to say on divorce and remarriage. This will be dealt in the following section.

3.2. Theological Concerns

This section attempts to take a look at the Biblical teachings on divorce and remarriage since the two are inseparable. The purpose is to help us to know what the Bible teachings say to the ministry of the church. A general survey therefore would help us understand the teaching of the New Testament on marriage and divorce in the light of the Old Testament and its current interpretations. A start with the early Hebrews' marriage would suffice here.

The Hebraic matrimony had many faces. For example, polygamy was not forbidden and concubinage was also practised. The wife had not much say. She remained a property of the husband and it was very easy to divorce her. The Deuteronomical legislation was regarded as a saviour to the Hebraic woman. The husband had to give his wife a bill of dismissal for divorce to take effect. Another protection which favoured the wife was when a husband had committed an offence against her before he married her, or if he had brought a false accusation of adultery against her after he had married her, he could not divorce her (Deut.22:13ff, 28ff). Their marriage was indissoluble (Root et al. 1971: 79).

In the second century A.D. some developments were noted. This was on the bill of divorce. The Mishnah indicated that if divorce has been executed, the husband had to return the marriage dowry, and he was to declare that his wife was henceforth free to marry anyone she chose. Once married, she could not, after a further divorce, return to her first husband (Deut. 24: 4). This condition also worked as a check to a hasty marriage. The wife could not divorce her husband, but she could make her husband do it in matters like cruelty and denial of conjugal rights. Among the Romans divorced people were not a stigma, but not so among the Hebrews (Root et al 1971 : 79). The Hebrew culture did not look on it favourably as Eleazar says, based on Mal. 2:16, “ the very altar weeps when a man divorces the wife of his youth” The Essenes was a religious group in Israel like the Pharisees and Sadducees, and it forbade divorce (1971: 80).

The question of adultery had a penalty of death if the parties were found in the very act, *in flagrante delicto* (Deut.22:22). However, the problem in the Hebraic society was the fact that a woman was judged to be adulterous and the man allowed to go scot-free (Jn.8:3ff). This is evident in the above scenario of the woman who was caught in the act of adultery. The writer of the Gospel omitted the part of the man. The woman was not alone. Traditionary, the Hebraic society of the time could not condemn the man. Jesus then pronounced to the lady, “ Neither do I condemn thee” (Jn. 8: 11). Jesus did not subject the woman to any kind of stigma. This verse could be conceived as a standard that adultery could be forgiven (1971: 80).

Deut.24:1 centres fully on uncleanness as a reason for divorce. The Rabbi Shammai school of thought suggested that the verse in question referred to immodest behaviour by a wife, for

example, going into the street with her hair undone. The other school of thought of Rabbi Hillel interpreted the same verse of uncleanness to mean “that any cause for the husband’s displeasure sufficed.” The latter thought prevailed (1971: 80).

3.2.1. Priest’s Household and Divorce

The challenges of the marriage were to the whole community of Israel and the priesthood families were not excluded from these shortcomings and the pains of broken marriages and divorce. There are a few passages in the Bible showing a concern in prescribed regulations for divorce and remarriage in the priest’s household. Lev. 22:12 gives a law whereby the priest’s daughter is divorced by an outsider. She should not eat an offering of the holy things. In Lev. 21: 13 there is a law for the priest’s daughter who is a widow or divorced. If she is divorced and is returned to her father’s house she is allowed to eat her father’s food. Lev. 21: 14 depicts a law given to the priest that he should not be married to a widow or divorced woman, but should marry a virgin from his own people. In the proceeding pages the study will utilise the work of Myrna Kysar and Robert Kysar, 1961. These are two theologians who have jointly done a real service to this study.

3.2.2. The Hebrew Community and Divorce

Having shown that the priest’s family was not an exception to the pain of divorce, it would then be of value to understand what was happening with the general community of Israel. There was a law which stated that divorce was forbidden to a man who slandered his wife and in cases where a man seduced a virgin. Such was forced to marry her (Dt. 22: 19, 28 -29). Among the Hebrew people cases of divorce prevailed. Hence the prophets’ echoes throughout the Old Testament. For example, Mal. 2: 13 - 16 categorizes and echoes divorce as an insult to God. It is a cruelty to women. Hence the prophet speaks out to prohibit divorce and to minimise the cruelty and the practice. Metaphorically Jer. 3: 1-8, Isa. 50:1 and Hos. 1-3 show an analogy by the prophets for the relationship of God to His people Israel. For example Hosea, depicts God’s justice in that he ‘divorces’ the ‘unfaithful wife’ Israel. These passages demonstrate that divorce was a common practice in Hebraic society in the Old Testament times. It is from this knowledge of divorce that it is important to note that the whole of the Old Testament has no registration that prohibits divorce for the ordinary person (Kysar, et al. 1961:17,18).

3.2.3. Deuteronomy 24: 1 - 4

When a man takes a wife and marries her, and it happens that she finds no favour in his eyes because he has found some uncleanness in her, and he writes her a certificate of divorce, puts it in her hand, and sends her out of his house, when she has departed from her house, and goes and becomes another man's wife, if the latter husband detests her and writes her a certificate of divorce, puts it in her hand, and sends her out of his house, or if the latter husband dies who took her to be his wife, then her former husband who divorced her must not take her back to be his wife after she has been defiled; for that is an abomination before the LORD, and you shall not bring sin on the land which the LORD your God is giving you as an inheritance (NKJV).

Kysar et al agree with modern translators of the passage that the verses are no longer a law about divorce but a prohibition to the remarriage of a couple who have been divorced and after the man has married another woman. Contemporary translators and scholars have detected a serious mistake by the older translators, regarding the passage as a statement regarding divorce. Now, it is agreed that the passage is about renovation of a dissolved marriage which is forbidden. For that matter, the Old Testament omits a general law regarding divorce. Kysar et al, propose four possibilities as to why the woman should not be allowed to return to the first husband: First, the prohibition discouraged a hasty divorce; second, the prohibition was a protection against the possibility of the wife threatening to return to the first husband; third, the prohibition protected both parties from assuming that the renovation of a dissolved marriage constituted adultery; and fourth, the prohibition provided an understanding that divorce was not a simple instance of 'taboo' (1961: 24).

I tend to agree with the Kysar and Kysar, when they say this is a somewhat a strange law against the renewal of a dissolved marriage, and it doesn't seem to have been widely known in ancient Israel. They cite 2 Sam.3:14-16 where David asks, "Give me my wife Michal, whom I betrothed to myself for a hundred foreskins of the Philistines" NKJV. This former wife of David had since been married to another man. Such a reservation is not expressed in Hosea chapters 1, 2 and 3. Yet, although Deuteronomy and Hosea have a number of features in common, this prohibition against the renovation of a marriage is silent in the prophetic books. There is no support anywhere in the Old Testament or in the culture of the time. The only safe conclusion at this stage would possibly be a tolerance of divorce.

Following the discussion Deut. 24: 2 indicates another permissibility for a divorced woman to remarry. It is not clear whether the practice was encouraged or only tolerated (1961: 25, 26).

Accordingly, the above writers observe that the written document in Deut.24: 2, shows that the woman is formally divorced and hence free to remarry without being charged with adultery. As pointed out earlier in this chapter, divorce in Hebraic society was a male privilege because husbands alone could initiate divorce. The Talmud has a protection of the rights of women whereby the woman has the right to initiate divorce. Interestingly, the motivation clause once enacted made her unclean for a remarriage to her first husband. Besides the state of uncleanness, it was a serious offence before God with social repercussions for the whole people of Israel (1961: 28, 30).

In conclusion there is wonder in how the Old Testament lays down regulations concerning diet and fails either to institute divorce or forbid it. The rights of women are given protection as God is concerned in situations of divorce and remarriage, as in all situations in which human-kind find themselves. God is always ready to protect the dignity of the powerless (1961: 31). “Therefore a man shall leave his father and mother and be joined to his wife, and they shall become one flesh” (Gen. 2:24). This is taken as the Hebraic regard for marriage and observe therefore Deuteronomy 24:1 accepting the notion that what is spiritual could be dissolved. The “separation of the oneness of the married couple was not only allowable but frequent, apparently.” These theological writers refrain from judging whether Hebrew people were wrong to allow divorce and remarriage. They question whether this custom was another garment which Christians should strip away from the Old Testament and discard (1961: 32).

3.2.4. Divorce and Remarriage Attributed in the Gospels

In the Gospels, Jesus’ words regarding divorce are in Mk. 10:2-9 and Mtt. 19: 3-8. There are sayings of Jesus about divorce and remarriage. These are found in various forms in four different places in the Gospels - Mtt.5: 31 - 32 and 19: 9, Mk.10: 11-12 and Lk. 16: 18. (1961: 36,37).

Matthew’s Gospel in chapters 5: 31 - 32 and 19: 9 adopts the words of Jesus, which he believed to be divine guidance. Matthew depicts Jesus siding with those who saw unfaithfulness as the only legitimate grounds for divorce. In Mark’s setting within the Gentile world of the first century, he was writing predominantly to the Gentile congregation. So Jesus

is going back to the origin by asking, “What is the teaching of Moses’ recorded in the books of the law?” They were trapped in their wisdom and now they were required to give an answer. They were told, “ ... but from the beginning it was not so,” Mtt.19:9 NKJV. This was a brazen answer from Jesus. It challenged Moses’ law as a compromise with human sinfulness. This is seen in the history of humankind which depicts strongly the humankind’s record of its inability to fulfil the true intent of God. Jesus had to correct the situation and press the matter back to the origin of marriage and reminded the obvious male and female of becoming one. It is important to note that scholars have proposed this portion of Moses’ law as an improvement for the woman, as a break-through in man’s privilege over the woman. Then Jesus’ answer struck a deafening blow and showed God’s intention for the husband and wife to become a spiritual unity. A divine intent is expressed by an intimate relationship in which two people are so united as to become a single entity. Jesus’ answer is a ‘no’ that leaves marriage as an ideal and an indissoluble relationship. “Therefore what God has joined, man must not separate” Mtt.19:6 NKJV (1961: 40-44).

Jesus recognises the human nature and the human error to undo the intention of God’s work. He recognises that with human confusion and failures, there is the likelihood of the separation of the divinely intended unity. The Lukan and the Markan sayings are almost identical, and only Matthew has the significant difference. This is the exceptional clause which forbids divorce except in one case : the wife’s unfaithfulness (1961: 44, 45). The exceptional clause of Matthew has prompted much controversy, thus throwing the church into being involved in the impossible. The majority of New Testament scholars argue that the earlier form of the saying is represented in Mark and Luke, and therefore Matthew’s longer form is due to the addition of the ‘exceptional clause’ (1961: 48).

The difference from the Matthean and Markan passages is evidence that in the Matthean version Jesus is not asked whether divorce was permissible but whether a man can divorce his wife for every cause. Again the Pharisees depict an awareness or knowledge of Mosaic permissibility. It is not Jesus here asking them (Pharisees). In the Markan passage indissolubility is suggested and Jesus is seen taking up a position with the current controversy - *“least of all for porneia”* (1961: 49).

Hastings takes the word *porneia* to mean prostitution. He admits its usual meaning of fornication. Deut. 22: 20 suggests premarital intercourse as a very grave sin. Hastings says that some other scholars believe the *porneia* clause to mean adultery. This he says is an unlikely meaning and concluded that the word denotes a form of sexual misconduct. This to me tends to be the likely meaning. On the woman divorcing the husband, there is no conflict noted in the law and custom of the Jews. Nonetheless, Jesus is noted to be very rigorous on the fact that not all men could hope to enter into marriage. His answer caused his disciples to be amazed, thus forcing them to declare, “... it is not good to marry” (Mtt.19:10-12), hence connoting the seriousness of the institution of marriage (Hastings 1973: 84). A scrutiny of the synoptic problem on the exceptional clause of Mtt.5:32 appears to be a further editorial activity taken from the same source. It is evident, as agreed by the majority of scholars, that the clause was derived from the Jewish Christian environment in which the Gospel was composed (1973: 88).

3.2.5. Apostle Paul: Divorce and Remarriage

Let us consider the Pauline mind on divorce and remarriage. His letters were the first of our present New Testament literature to be given canonical status. This is not disputed so far (1961: 61). A short discussion on the Pauline evidence on this matter is important here. First, Romans. 7: 2-3 states

For the woman who has a husband is bound by the law to her husband as he lives. But if the husband dies, she is released from the law of her husband. So then if, while her husband lives, she marries another man, she is free from that law, so that she is no adulteress, though she has married another man (NKJV).

According to Paul, marriage is a lifetime obligation, and only death can free the married woman from its obligation (Kysar, et al. 1961: 61). I Corinthians. 7: 10-11 says:

Now to the married I command, yet not I but the Lord: A wife is not to depart from her husband. But even if she does depart, let her remain unmarried or be reconciled to her husband. And a husband is not to divorce his wife (NKJV).

St. Paul believed in the permanence of Christian marriage. As indicated above his materials were the earliest. His first letter to the Corinthians was written around A.D.51. Paul being a realist, has added his own teaching in cases where a woman was divorced (1 Cor.7: 12ff.). Evidently, Paul appears to be writing about separation and in this problem-ridden church he had no other alternative than to use his authoritative power - the Pauline privilege of divorce and remarriage

(Hastings, 1973: 90). The church showed a need for counsel; hence their asking whether marriages could be dissolved. Paul appears aware of Jesus' sayings about divorce and remarriage which are similar to those recorded in the Synoptic Gospels (1961: 66). With reference to the wives, in verse 10, Paul prohibits separation. However, he recognises the right of the wife of an unbeliever to divorce her husband. This attitude it appears is not in favour of the unity of the family, and it was not said by Jesus. It is strange to note that Paul has not considered the fate of the children seriously. Both man and wife have the right to separate (v.15). Paul sounds conditional when he tells the spouse to remain married if the unbeliever so desires; but if the unbeliever demands otherwise s/he should be granted it (v.12,13).

3.2.6. Scriptural Realism

Paul is showing that marriage is a permanent relationship, and divorce is not desirable for a Christian. However, should it occur, the woman should remain single. Divorce in this sense does not free one to remarry. Freedom comes by death of the spouse. So death opens the way for remarriage. Jesus prohibits divorce unless the woman is guilty of adultery (Mtt. 5: 32 and 19:9). This is the exception in Matthew which shows a difference. Following the Pauline realism, however, divorce may sometimes be necessary when the lives of wife and husband, are seriously threatened by the continuance of a relationship that does not grow (1961: 69). The realism of the above can be seen in the expression by Paul in 1 Cor.7:11. It is vivid that human sin is bound to result in the dissolution of some marriages (1961: 70). The fact is that so long as the human sin affects the entire creation of personal and social life, divorce will be there indeed. The Pauline general message is that there is possibility of remarriage following divorce (1961: 70, 81).

The note from Paul and Jesus is clear that divorce and remarriage are recognised as denying the spiritual union that God desires for a husband and a wife. They were never the original desire of God. This appears a problematic scenario. But God is the one who pardons the alienating acts of human beings, and His nature does not change. Yet, remarriage after divorce is adultery. How then is the saving power of God responsible for our fallenness if there are some sins which are unpardonable? Adultery is a sin like other cardinal sins such as murder. If it is so that divorce and remarriage are coming after failing to reach the reign of God in one's marriage,

then forgiveness would be necessary. This fallenness is liable for forgiveness as in other sins. Then God is calling the divorced and the remarried into repentance and rebirth (1961: 88, 89,90). This tends to challenge the church in the way it looks upon the divorced and remarried as “more sinful” than other acts or attitudes or feelings.

Having noted what the Scriptures recommends about marriage, divorce and remarriage it is now the time to sum up. The section has established that there is an agreement by scholars on what Jesus taught that for the purpose of a good marriage, it was meant to be a permanent bond. For that matter any deliberate cessation of this contract is to go against the known will of God. The section has established that promoting marital breakdown of marriage is “a mark of grave human failure” (1973: 94, 95). Conclusively, it has been established that there are specific situations where divorce and remarriage cannot be ruled out as an authentic response to God’s will for particular people. There is unlikeliness to conclude that all divorce and remarriage, from the ruling of Jesus, were definitely forbidden.

3.3. THE MISSIONARY IMPACT

Introduction

In the area covered by the Anglican Diocese of Kirinyaga, it is important to note that there are other main Christian denominations and sects. The Anglicans are the largest in number, Roman Catholics next. These are followed by the Euro-American Pentecostals, the Salvation Army, the Independent African Church (Indigenous), the Adventists. There are very few Presbyterians and Methodists.

The position of the Roman Catholic Church is very clear on the treatment of divorce. The church does not allow divorce and it preaches that this is against the teaching of the Bible. The teaching of the Roman Catholic Church is that a divorcee may not re-marry after a divorce and continue to receive the sacraments. If a person wishes to re-marry and remain in full communion with the Church they should seek an annulment where possible. In Church history, this is evident in the beginning of the Anglican Church during the Reformation. The theologians of the time affirmed that even without a Papal dispensation King Henry the Eighth of England could take a

second wife in his anxiety for a male heir to the kingdom. The issue at stake was seeking the way to nullify the first marriage with a divorce (Hillman, 1975: 221, 224).

Gradual development is noteworthy as Roman Catholic theologians propose as an unofficial opinion, that, “ people who have divorced and remarried in defiance of the Church’s teaching, and who are now confronted with the fact and the obligation of the second marriage, should be allowed access to sacraments ” (Shorter, 1973 : 176). This debate is not agreed on by the theologians to this date.

3.3.1. Divorce and Remarriage

The constitution of the Anglican Church of Kenya derives solely from the constitution of the Anglican Church of England. The Anglican Communion, consisting of all the dioceses and provinces deliberate all the agenda in the Lambeth Conferences. This works like a parliament of the Anglican Church in the world. For procedural purposes issues needing theological references and further discussions are referred to the functionary *ad hoc* body known as Anglican Consultative Council. Since 1967 Anglican provinces were given a mandate to discuss their pressing agenda with consultation with other provinces so that later this can be brought to the Lambeth Conference having been exhausted. For example Canada passed a canon that had permitted divorce and remarriage even when the other party was living (Root, et al. 1971: 155, 156). So the present situation of the Church of England Marriage Commission of 1978 is that it recognises that the marriage ‘bond’ is subjected to careful scrutiny and as of now the level of oneness created is a bond, and “nothing can dissolve it.” This is the Anglican stand in principle. The truth of the matter is that “not every marriage reaches that level of oneness” (Hoose, 1998: 254).

How does the Anglican church treat its members whose marriage relationship has become irretrievable? When the bond breaks, the marriage is no longer in existence and the two partners, each on his or her own, may embark on another union. It is taken as radically wrong when a marriage breaks down, but in this matter there lies a measure of human failure and sin (Hoose, 1998: 255). This was true with the respondents in this diocese of study and has caused tensions discussed below.

3.3.2. Tensions

The major characteristic of the approach to the problem of divorce by the Church in many parts of Africa, according to Hastings, is expressed by the word 'discipline.' In particular the victims are excluded from communion for an unstated period (1973: 105). This is the first step of exclusion. The understanding of the Communion is misunderstood, by the victims of divorce and the Christians in general, especially when Christians are put permanently in a quarantine of unspecified duration. The Anglican Church looks at this as the chief penalty in a place of virtual excommunication. It was observed that among the study respondents, there were only three respondents who were partakers of the Eucharist, and all three had a common factor to their divorce - their failure to have children. They were remarried by husbands who were widowers. The other divorcees, by the time of writing this research, remained in quarantine and did not know whether they would be received back into the Church.

3.3.2.1. Isolation

It was found from the respondents that isolation stigmatized them mercilessly even without considering that they were already in serious problems. When they were denied involvement in the community of a loving church it felt painful, their public image was badly injured as they were only left with a few friends and members of the extended family, available for them. These try to comfort them and to give guidance and counsel. When the church indicates no other way of concern, the victims have to confront the situation. Some straight-a-way leave the church and go ahead in contracting second marriages in the customary manner (Hastings, 1973 : 18). Others go to churches which condone divorce, remarriage and even polygamy. Here is a tension in the Anglican Church.

In the past Africans had precise systems connected with particular rites of passage. There was no confusion as to what had to be done. They knew exactly what to do. Partners in an irretrievable marriage could be allowed to divorce only as the last resort, after all the attempts to survive the marriage had failed. There were also provisions in their customs for the possibility of a remarriage. The idea of exclusion from the community was not heard of. This would have meant uprooting the victim from his roots, the tribe, the only standing ground for survival. Counselling was provided and issues which threatened the two warring people

were dealt with. Children and the bride-wealth were decided upon on the day divorce was decided. The traditional system provided much help and in a troubled marriage they tried to involve all the relevant functionaries that could bring reconciliation.

3.3.2.2. Constitution and Divorce

Within the Anglican Church of Kenya the treatment of divorce and remarriage of its members is stipulated clearly in its constitution as contained in Canon iv dealing with the problem of divorce and remarriage. It states:

Since the Church of the Province of Kenya regards marriage as a life-long contract of loyalty between two persons, it can regard divorce only with disapproval and regret (Canon iv : 47).

The church does not even declare that so and so is excluded, but the ‘stigma’ imposed in the many years of the church tradition compels the inflicted member to shy away from communion and other official church duties. Those who have divorced cease in practice to hold any church office. There is silence in the constitution regarding this practice although the Church tradition upholds it. This causes a tension as one compares this treatment with how the African tradition was doing. There was always the attempt to bring the lost back into the fold.

3.3.2.3. Remarriage

To the present day the divorcees who remarry are not accepted easily. In the Diocese of Kirinyaga the divorced are not accorded chances of reconciliation and the majority have remained under disciplinary action of an unspecified duration. A reference would make it clear:

... It should be noted, however, that it has been the custom of the Church that persons who have made a second marriage, after divorce are not allowed to seek office in the Church, as church wardens, as members of any parish council or any Diocesan Synod or Standing Committee. The Bishop may approve the service of any such persons in other bodies not specified above (Canon iv 11: 49).

In Case Study 1 Waimwa the husband of Wanyimu did not wait to be relieved of his treasurer’s post he had held for a time, after their incident of divorce. Neither did Wanyimu wait to be relieved of her Mothers’ Union post as treasurer. They knew it so well that the consequences of victims of divorce was to cease automatically to be in any leadership post as one prepares to transit into the oblivion of no participation. This is another tension and it can be very

depressing for the persons concerned.

The outcome of this public humiliation is unkind and unhelpful particularly if it is done by the church. Church members hold prejudices against divorced and remarried people. The church has been living with this prejudice, deeply rooted in its expressions, owing to an inadequate understanding of the Biblical materials and deficient theology. The tension is evident here as the crisis provokes very deep and complicated feelings. The presence of a divorced couple in a society can be a threat to people. During this emotional insecurity, the church has to struggle to heal it (Kysar, et al. 1961: 99). From the African context this is a tension which has fought against the missionary churches' agenda in the propagation of the Gospel of Jesus Christ to this day. It has given an opportunity to the rejected people to run to other churches for relief.

3.3.2.4. Children

Another tension comes with the treatment of the children. There is a social stigma imposed on the children by the society (Case Study 2). Children become innocent victims of the divorce circumstances. They feel uncomfortable especially where husband and wife have confronted each other in the court of law. The children experience bad dramas of hatred and sometimes name calling. The children are capable of assimilating all the quarrels and are forced to take sides. It would be better to find a way that does not leave such pain and destruction on children.

The African culture, in the past, had ways and means of dealing with the children of the divorced. The case was normally judged by the elders from the two parties, that is, from the husband's and the wife's sides. This study challenges the church to find ways of seeking whether to borrow such a "leaf" from the African culture in settling the issue with children of divorce. The present Anglican Church constitution has catered for the children of the divorced people only if their parents were full members of the church before divorce. If this is so, the children are open to all relevant rites in the church. However, the public humiliation remains to be dealt with.

The Constitution of the Anglican Church of Kenya stipulates the stand of the Anglican Church on remarriage of not accepting the responsibility of marrying again in the church because of the

once used phrase ‘... till death do us part.’ However, it finds no problem in accepting pastoral responsibility and even helping in spiritual counsel and advice. Then, it is interesting to see how the church plays its cards. Its stand is clear that:

...it is not possible for the church to accept the responsibility of marrying again in church those who have once made this promise and found it impossible to keep. Nor is the church, as at present advised, prepared to provide a service for the second marriage with mutilated or abridged rites (Canon iv. 8,9).

This is strange because the church wants to handle the pastoral functions of the same couple, whom they had refused to marry in the church in their time of need, even without bothering where and when the couple got remarried. This borders on hypocrisy of the highest calibre. It can be possible to see that the church by accepting any legitimization, shows that it has legalised what it is refusing to do in principle. This depicts a spiritual hypocrisy which the church has to wrestle with. It is not wise to let other functions to do the work for you : “ It is not the custom of the Church Province of Kenya, that persons, one or both of whom have been divorced should be married in Church” (Canon iv.7: 48). This is another tension the church has to handle.

Those who sought to be restored to the privilege of communicants, should be those whose new marriages have shown stability in their new marital unions. The restoration could only be done in consultation with the bishop. During the period that they are not restored, they are forbidden to hold any church office. As cited above in this discussion the bishop may approve the service of any such persons on other bodies not specified above. But the tension remains in that some of these people might be professionals in many fields of life, and stopping the utilization of their gifts deprives the Church of their noble services and their relevant gifts. The casting away of their knowledge into oblivion is an injustice and is contrary to Christian love. In the traditional life of Africa such would not have been heard of. It was observed that, in whatever manner the Church uses the divorcees, those services do not fill in the rigid discipline of the exclusion from the communion. The divorced in Africa had a place among their people. They felt themselves belonging in a caring community that focused a sense of belonging. The attitude of the Church brings a crisis / conflict which becomes not only serious but is also cutting painfully into their hearts. The tension needs to be confronted with a permanent solution.

The African way of dealing with isolating someone from the community had a motive to persuade the erring person to come back. This was the aim and purpose of discipline. Sometimes a penalty or a fine was mentioned. That was to make the wayward person reconsider coming back to the original agreed norm.

There was no handing the victim to another, as is the case with the Anglican Church. It refuses to marry the divorced in the church but leaves it to the courts to do the arbitration work, after which the church awaits the candidate to come to Church for nurture. By this time the parties who are remarried are welcomed by a blessing into the communion. There is the tendency here of escapism which the church has to deal with. This is another tension which has made the church misunderstood.

This section has tried to establish the outcome of discipline as related to tensions which result when the Church acts against the divorced people and the children by sidelining them from the congregation. It was noted that whatever can be done for the victim the isolation effect will remain unless something is done to replace the dignity that has been lost.

3.3.2.5. Forgiveness

Discipline is defined by Hastings as being “all expensive of love and forgiveness.” Since Eucharist is the spiritual food for the weak and strong, a chance to allow the person to come back would be worth while. Forgiveness should not be limited by discipline. Hastings warns it should never be taken as the case for the strong, at the expense of the weak (Hastings, 1973: 106). This contradiction has caused a tension that the Church needs to provide solutions before it prepares to enter into the second millennium.

Isolation and damnation contradict the divine mission of the Gospel of Jesus Christ which is full of mercy and forgiveness. The chance of reconciling people to God is always there. It is the appeal of this study to inform the Church to refrain from refusing to extend God’s reconciliation to the divorced. This cause alone was noted to affect the divorced very much. The respondents were able to confirm that condemnation takes away their inner peace.

To solve this, the way out is for the Church to sever condemnation and erase its status of discipline. This threat has to be dealt with by the Church and the community as a whole by accepting the divorced in the Church and allowing them to participate fully in the everyday social life. This would return the divorcees' lost personal value and dignity. It is with that in mind that this research study proposes an action from the Church to give pastoral care and counselling to the divorced and let them out of disciplinary action. They should be allowed to participate in the life of the Church fully after sessions of pastoral care and counselling. The study also calls for a theological review on discipline of the divorced and remarried.

3.3.3. The Mission Assessment

Do we traverse land and sea with a liberating message that summons Christ's disciples from among the nations and then make their last condition worse than the first? (Hillman, 1975:192).

In this concluding section of this chapter it would be sufficient to wind up with the above official appeal to the missionaries of the Roman Catholic Church in 1695 for their missionaries in the field. It sounds a wonderful foresight and instruction *per se*. Further the missionaries were instructed not to regard it as their task to bring any pressure on peoples by trying to change their manners, customs and uses, unless they were evidently contrary to religion and sound morals (Hillman, 1975: 54). The same instruction can bring the missionary endeavours under scrutiny so as to have the picture of what hindered the propagation of the Gospel. It will in short help in a small way to survey how far the missionaries adhered to the above instructions given at the start before they went into the field. The Council of Jerusalem will be a model of reference.

3.3.3.1. The Council of Jerusalem

This council was held because there was a crisis in the early church. Certain men from Judea taught the new converts, that unless they were circumcised according to the custom of Moses, they could not be saved (Acts 15: 1). The campaign was carried on by some of the sect of the Pharisees who believed and were converts to Christianity. They were the ones who held that: "It is necessary to circumcise them, and to command them to keep the law of Moses" (v.5) (NKJV). This move was from within and it sounded like defeating the missionary endeavour. The group was aware that the Holy Spirit was adding converts to the Church to warrant such a testimony from Simon Peter: "You know how unlawful it is for a Jewish man to keep company

with or go to one of another nation. But God has shown me that I should not call any man common or unclean” (Acts 10:28) (NKJV). The above episode happened at Cornelius’ home, who was a Gentile and it shows that Peter had undergone a transition of great change. In Jerusalem then Peter testifies his findings further to the whole Jerusalem Sanhedrin (Acts 15:8-11).

The Sanhedrin sitting at Jerusalem was positively convinced that there was no sense in making Gentiles Jews by law. They were not to be made Jews, through circumcision or any other law (Acts 21: 25). Others who were not Jews could therefore enter into the fellowship of Christian believers. The decree was clear that it seemed good to the Holy Spirit and the apostles not to lay upon them greater burden (Acts 15: 28). With the conviction from the Holy Spirit to Peter and Paul, there were worthy shortcomings to record. Paul was found to compromise the law by his act of circumcising Timothy so as to accompany him in the missionary journey and also to cover up because Timothy’s mother was a Jew and his father a Greek, and this was known (Acts 16:1-3). In another twist in Galatia at Antioch, Peter had no problem eating with the gentile Christians. There were others of the circumcision - Barnabas and his cousin and even Titus from Crete, who were mixing freely with one another. Brethren from Jerusalem were sent by James to Antioch. When Peter learnt of this he quickly withdrew eating with the gentile Christians and persuaded others to follow him. This was another crisis and Paul could not keep quiet. He confronted Peter in front of all the people : “If you, being a Jew, live in the manner of Gentiles and not as the Jews, why do you compel Gentiles to live as Jews?” (Gal.2:3,14,16).

The evidence is clear from the missions of the early Church : that they did not interfere with the customs which were not a hindrance to the Gospel. The missionaries of the early Church demonstrated a real challenge to those who brought the Gospel to Africa. Theirs was a Gospel which was clothed in Western customs which has proven a problem to Africa to this day.

Given the examples above, it is evident that Christianity must adapt itself to local situations and values, but at the same time remain committed to Christ. The next chapter will report on the results achieved as from the interpretations of this survey. Now that the background has been laid, it will be easier to understand the outcome.

CHAPTER 4

RESULTS

4.1. Introduction

It was not possible to make contact with the expected sixty-five couples. It became quite hard given the short time. However, there were a response from forty-two couples. This was above sixty percent and it was deemed as a genuine response. The response indicated a representation in every age set. They were as follows:-

1. In the youngest age set (23-39 years) there were 14 respondents (between twenty-three and thirty-nine years).
2. In the middle age set (40-50 years) there were 18 respondents (between forty and fifty years).
3. In the oldest age set (51 and over years) there were 10 respondents (between fifty and over years).

Given the above response, it was interpreted as a proof that divorce was prevalent in every age set. It was also found that divorce was not a respecter of persons nor age. To test the hypothesis the researcher had to deal with the problems within the scope of the formulated questions. The chapter embarks on analysing the answers given from the survey with the respondents and mainly from the case study materials reflected from the actual interaction with them. It was an attempt to investigate and to test the hypothesis: Divorced people are sidelined / stigmatized and are treated unequally in the Church.

4.2. Causes of Divorce

The survey revealed many causes of divorce which were given by the respondents. However the three most pressing and leading causes recorded from the respondents were first, the negligence by one partner thus leaving the other partner to shoulder all the demands of the home. Case Study 2 was a noted example whereby the husband Murithi neglected all the family chores,

wife and children. This resulted in a divorce.

The second was trouble with the in-laws. This was mentioned by forty respondents, and indicated a real problem in families. Case Study 4 was cited as the best example where the in-laws of Gichuku gave her no peace until she had to seek a divorce.

The third cause was unfaithfulness where it was insinuated that one partner had indulged in adultery (see again Case Study 4). The issue of sex outside marriage was noted as a cause which created a stir in families. It was found that sex outside marriage was regarded more seriously by the woman than by the man. Whatever the regard, both sexes agreed that adultery was arousing a lot of suspicion and lack of confidence in both partners. This area indicated a need of counselling.

4.3. Initiators of Divorce

The respondents reported three cases where women initiated divorce. These were cited in Case Studies 2, 3 and 4. This was a very small representation / percentage. It became indicative that men took the lion's share when initiating divorce. This small percentage showing women's courage to initiate divorce needs to be commended, for it significantly represents that something is at least happening in the realm of the world of women. Even with social change coming with education, technology and modernity, it was observed that the majority of women find themselves afraid to take action toward change. It was found that women are sidelined.

4.4. Remarriage

It was shown that the youngest age set had two divorced women out of fourteen who had remarried. The middle age set showed four women who had remarried, and the oldest age set showed three remarriages. Altogether there were nine remarriages. This indicated that a large portion of women had not remarried. Yet, men from all the age sets had all remarried. It was indicated therefore that the number of men in remarriage was higher than that of women.

Does this indicate that women divorcees do not favour remarriage? To explain this result, it was found that the respondents feared the reunion. Thirty one of the respondents expressed their wish

for a second marriage, in spite of their failure in the past marriage. They confessed that divorce does not mean that they rejected marriage, nor a family. They felt ready for a new union and kept on waiting for a chance to come by. This confirmed the findings of Lillian Messinger (1984: xx).

4.5. Custody of Children

The youngest age set indicated eight women as custodians of children. The middle age set showed sixteen out of eighteen women custodians of children. The oldest age set showed five out of ten women custodians. This gave a total of twenty-nine women custodians. This left only thirteen men who were custodians of children. This interpretation indicated that in this respect women were in the majority.

The findings of this question was against the *Agikuyu* norm of the custody of children. After divorce, the children go directly to the fathers (Kenyatta 1938:185). This crisis is in development and it is not resolved as at yet.

4.6. Family life, and sex education

The only age set that recorded an awareness of family life and sex education was the oldest age set. The other two recorded a zero awareness. However, their answers became questionable when it was found that they were saying boys had a limited education from their peers whereas the girls had a slightly higher sex education from the mothers and relatives. Failure to give training to the youth in matters of life, family and sex education is a serious threat to the nation. This training is left today in the hands of the teachers and the Church. It is appalling therefore when the Church hinders such education. To cite a case as reference, the Church in Kenya was regarded badly as it barred such education to schools. In another incident a head of a leading Church in Kenya led the youths in the main Churches in burning the condoms to demonstrate to the Government its fight against introducing sex education in schools (Daily Nation Kenya, September 5,1998). I am convinced that if we cannot teach the young people in matters of family life and sex education, because of religious or cultural factors, then we have to take the consequences which will tear the family and marriages apart and lead to divorce.

4.7. Consultations with Church Ministers

The survey showed that in the youngest age set there were three consultations with ministers of religion. The middle age set had four couples who had consulted with the ministers of religion. The oldest age set had one consultation with a minister of religion. This is an indication that there was a noted reluctance to consult on matter of divorce with ministers of religion. The rest, thirty three, did not attempt at all to confer with the Church ministers.

It was noted that the reluctance went back to knowing that the minister of religion would only restate the doctrinal position of the Church. This resulted therefore in the respondents choosing not to remain unhappy so as to please the Church, but rather opting to separate and dissolve the marriage. This is a worrying position of the Church which can only be corrected by the Church revisiting its mechanism for reconciliation. Its attitude to sanction discipline for the divorced also calls for a pastoral revisit. All but three of the respondents, were not participating in the Eucharist.

It is very incorrect to single out some people as unpardonable and others not so. A murderer can be received back into the Church and even an adulterer rather than a divorcee. Something is amiss here, and the situation needs to be corrected. A divorcee is pardonable like other sinners. Among those who were receiving Eucharist, it was revealed, were those who were divorced because of childlessness. The rest of the divorcees only attended service and did not even know when the Church would accept them back to the Eucharist.

I tend to see this as a wrong approach to the ministry of Jesus, and I doubt whether Jesus could have denied them the last supper. Even Judas Iscariot dined with Jesus and the other disciples. I am convinced the divorcees would be pardoned as this truth is evident when forgiveness was pronounced by Jesus on the cross “Father forgive them, for they know not what they do.” Lk. 23: 34 RSV.

4.8. Settlement of Divorce

In the youngest age set thirteen divorce cases were settled in customary procedures. This left one case which was settled in statutory procedures. The middle age set had fourteen settled in

customary procedures against four cases settled in courts. The oldest age set had seven cases settled in customary procedures against three statutory procedures. The analysis appeared to indicate that many more divorces are settled in customary procedure than in statutory procedures. To explain a record of cases through the court procedures was studied. It reflected a span of twelve years (1986-1997). Its findings would depict a real situation in the target study area.

4. 9. Divorce cases in Kirinyaga District between 1986 - 1997 (12 years)

In twelve years duration the district reported a hundred and twenty matrimonial petitions which were brought to court for action. There were sixteen petitions for maintenance within the twelve years (1986-1997).

There were six petitions for judicial separation. Affiliation orders had twelve petition cases. It was noted that sixteen cases were dismissed.

It was learnt that the time between the presentation and judgement of the cases varied from months to years. It was not easy to get the records straight here, since this time was indicated in the records of only six years. In 1986 there was a time span of between four and eight months. In 1988 the duration from presentation spread up to one year. The year 1990 had a four to ten months duration, and 1993 had a ten months duration. The year 1994 showed a four to eight months time span. Finally in 1995 there was a duration span of six months. The other years did not show this time lag.

The records indicate a very short time span between time of presentations and judgement which was not compatible with the pressure of cases in the courts. The question as to why was obvious and the cause was understood that the cases were being petitioned by the grieved parties who had been separated for a long period, so that the petitioning action was to confirm what was already a divorce in action. The court finding no reason to bar the existing 'divorce,' would legalize what was in action.

It was also found that there were nineteen petition cases which had an opportunity to be

reconciled and they resumed their joint life together. It was observed that out of ninety-eight divorce petitions only twelve cases ended in divorce (three in 1986, two in 1988, one in 1990, three in 1991, one in 1992 and two in 1994). The data indicated that there were seven divorce petitioners who after filing their petitions for divorce, later informed the court of their reconciliation and therefore withdrew their petition.

Others did not bother to see their cases through to a conclusion. There were four such cases within the twelve years. Such a case is the story of Gichuku and Barimbui (Case Study 4). The latter did not appear in court at all. As a result the judge, after postponing a second and a third time, had no choice other than to decide in favour of the wife.

The study has established that the women had a lead in petitioning divorce cases. Among the cases for maintenance, there were six cases of petitions for the custody of children. They were all women (also proven by this study). Cases petitioning or demanding for division of property were sixteen, and again they were all by women. The women appear to be the most pressed and therefore take the lead to fight for their rights which the customary procedure could not accord. There were sixteen petitions for maintenance and among them only four petitions succeeded. Again only another four petitions got permission not to cohabit with their spouses.

As indicated earlier, divorce cases decided in courts of law were far less than those cases decided by the elders. Cases which were in-coming for statutory procedure needed costs which the general population, being poor, could not afford, thus people choose the customary procedures where fees / costs were comparatively very small.

Today women are not standing and staring, allowing things to take their course. It was indicated earlier on in this chapter that something is happening in the women's world. They are now claiming their rights. The following case explains a strange phenomenon, which would not have been allowed in the olden days among the *Agikuyu* society. The story was carried in a Kenyan daily paper. A woman who had been married to her husband and later divorced was not satisfied with the portion of property she was accorded by the court. She had applied for a fifty percent share and the court disregarded that and accorded her thirty percent. With

dissatisfaction she lodged an appeal with the Court of Appeal, after which, with an apology, the woman was accorded her claim of fifty percent (Sunday Nation Kenya, July 5, 1998).

In this case, the partners had married according to the *Agikuyu* customary procedure in 1968. Divorce customary procedures among the *Agikuyu* do not warrant the divorced woman having any claim of the family assets. It was even too much for the court to allow the woman to receive a thirty percent portion of the family assets. So a fifty percent share would be exceedingly unbelievable.

This was recorded as the first case of its kind. To conclude with the case cited above, it was revealed that education has brought a drastic change to the African woman which enabled the case to be decided equally and on merit.

4.10. Coping with the Family Demands

Among the youngest age set, five divorces occurred because one partner was unable to cope with the demands of the family. The middle age set showed eight divorces in this category, and the oldest age set showed only one divorce where one partner was unable to cope. There was a noted significant representation showing that when married people are unable to cope with family demands they tend to choose to divorce. This was found in the three age sets.

To explain this, the modern social changes in Africa were the possible cause. The African life was organised in such a way that the family, clan, and tribe were all ready to help the young people who married. It is different today, because married parents must cope unaided by the family and the clan. This is a move towards individualism, which appears to have displaced the African family. The social, economic, and political impact were noted to have forced the African families to steer themselves single-handed with little aid or no aid from the family. This had been established formerly by the findings of Masamba and Nwachuku (1991:156).

Another notable change is the demand of the family budget which requires the effort of the two partners. This is eased by the seeking of employment by both parties. It was found that if one partner was unemployed there a possible chance of divorce, simply because one deems

the other party not able to provide any resources for the family. Also it was observed that if the husband was the one unemployed, he would be placed in a shameful and sensitive situation which rendered him dependent on the other party.

4.11. Emotions / Feelings Resulting from Certain External Stressors

After the actual separation has taken place or the actual divorce has been finalised, a feeling of relief was reported by the respondents. It was a sign of relief from the frequent family squabbles and fights. However, it was usually short-lived.

Different things which made the people feel tense were mentioned by the respondents. A list of twelve behaviours were given. Three most common behaviour were noted as -frustration, rejection and insecurity.

Frustration was noted to affect them with a psychological pain that made them feel still connected with their problem of divorce. The respondents registered the connection with the past as a source of insecurity because of memories of the failure of the first marriage. Regret of the wastage of the best years of their life kept revisiting them and added to the feeling of insecurity. They confirmed the psychological pain by this deep sense of insecurity. They tended to agree that the cause was because of the removal of their personal dignity and their sense of value / worth. This resulted in their feeling insecure. It was acknowledged that the insecurity was worsened by the way the community was behaving toward the divorcees. They were not accepted by them. It was confirmed by the respondents that it was worsened by the Church's denial of their involvement in the social life of the congregation. This alone was enough to make them feel desperate, thus provoking them to feel rejected and as a result they gave way to anger. It was proved that the divorcees are sidelined. It was found also that they were treated unequally. This was dealt with in chapter three.

4.12. Conclusion

The chapter has proven:-

1. That married people tend to divorce when they are unable to cope with family demands.
2. That when separation or divorce is finalised, there is a short lived relief of joy inhabiting

the victims before grief comes forcibly and strikes.

3. That emotions of anger, hostility, and frustration among others inhabit the victims of divorce in memory of their unaccomplished marriages which have turned sour.

5. That the hypothesis was proved beyond any doubt that divorced people are sidelined and are treated unequally in the Church.

Many more of the discussions will be carried in the next chapter as it tries to deal with prevalent problems, solutions for a way forward, and the conclusions of the study.

CHAPTER 5

DISCUSSIONS

Introduction

In this concluding chapter there are three sections. The first section discusses and points to the way forward on a few selected issues of great concern to this study. These are - industrialization, urbanization, and education. Masamba (1980) identified three factors contributing to family disintegration. These will be discussed at length and concluded. In the same section the emotions, and coping styles affecting the divorced will be reflected upon. In the second section I will point to the way forward by suggesting possible ways to deal with the problem of divorcees thus proposing solutions to that effect. Finally I will conclude the work by offering a positive way forward for the Church.

5.1. Causes Leading to the Radical Social Changes Which Gave Way to Divorce.

Men and women long for the good old days when there was security in the family system. This is a nostalgic yearning which makes older people believe that the solution to the present marital problems would be to return to the old customs. There is a cause for this yearning within the African family as they have been the victims of the circumstances which result in the breakdown of marriage. There is a need to investigate the cause which severs the fabric of the institution of marriage. There are many factors as we have seen which have worked as catalysts in the breaking-down of African family life and marriage. Some further factors will be considered as stressors effecting the social changes that forced the uprooting of traditional African cultures. These seven factors follow:

5.1.1. Industrialization and Urbanization

This came with the advent of the colonial conquest. The indigenous government was replaced with a colonial government which came up with its new organization and planning, land and other rights (Kinoti, W., Waliggo, M. 1997). Regarding this replacement, Mbiti laments that all “the African political talents were kept impotent indefinitely” (Mbiti 1969: 219).

The conquest came with a brand new concept of time which entered the African mind, causing confusion which he has not yet healed to this day. Time was no longer entirely at his or her disposal. Africa discovered that time was a precious commodity which could be sold and bought. A strange discovery! "Time is money," became an echo of change. It seemed that the transition into this revolution of the concept of "time selling" and "time buying," has been the problem Africa is facing with its monetary economic stress which has made it what Mbiti calls a "victim of economic aid" (Mbiti, 1969: 220, 221). I strongly hold that this is the cause of the African political, economic and ecclesiastical instability, and has brought about Africa's present instability with corrupt African governments and their frequent coups d'état. All these tend to draw heavily from this confusion of unpreparedness.

It is from this background that the towns and cities mushroomed and attracted quite a population from the rural setting. The industries needed workers and it was the African population who moved to this work force. There was a remarkable growth of urban centres with large populations. This has created many more problems for Africa which she has been unable to cope with. This development has affected the African family life and for the first time divorce became known in the society. Children and mothers were left in the rural areas as their fathers went to work for money for the family. The children were taken from their parents and were passed to teachers in schools for caring. The traditional African education was no more, thus indicating that there was no place left to prepare the young men and women for mature life and future careers. The change became very painful for the parents, kinship and the extended family as they observed the marriage and family instability giving rise to a higher rate of divorce and separation (1969: 125, 226).

It would be important to conclude with an observation that urbanization became the centre of change. This was because the industries produced employment which economically provided the workers with money to buy new things for themselves and for those people who remained in the rural areas. Urban centres became catalysts for change. Thus urbanization did a disservice to the African family life and marriage by disorientating the African institution of family life, and marriage, thus setting the stage for divorce. This is discussed in the next section.

5.1.2. Education

In this section, we see how education was found to be a catalyst that changed much of the African understanding of married life. Here the concern would be on the result of education bringing new understandings to the African marriage. The inter-tribal marriages were never so evident as at this time, with partners coming from different tribes, different Church denominations, different religious backgrounds, different races and even different nationalities (1969: 227).

In the second place, it was observed from the respondents that a wide education gap was prone to strain marriages even leading to separation and divorce. In one case, it was observed that Dr. Kirombo (name changed) a professional, divorced his wife when he came back home after being away for a long time furthering his studies abroad. It was a shock to his wife Meri (name also changed), when she found that Kirombo was not ready to listen to her, and all he wanted was a divorce. There were three adult children by their marriage and the elders insisted that the wife should remain in their home with her children and the husband could go ahead with his intentions. Kirombo remarried a learned professional like himself. The cause of this divorce was the education gap. The elders could not understand the meaning of Western education that makes one divorce the mother of one's children who was also the traditional wife. When they married, both had grade eight standard of education, until Kirombo studied by correspondence and passed his examinations to the level of going for further studies. The wife remained faithful to him and was able to go through all the stressful pains of educating their children alone and missing her husband. When the husband came from abroad he decided that he would not tolerate a poorly educated wife who was not able to match his standard of education. The case in reference indicates that Western education can contribute to divorce if care is not taken. Here the man was to blame.

On the other hand, education has brought a worthy contribution to the African woman. Through it, Shyllon observes, the woman knows her rights and asks questions. The woman is conscious, and free to claim her equal rights (Masamba / Nwachuku, 1991:137). Education to a traditional observer has done a disservice to the African marriage institution but on the other hand it has liberated the woman whose rights had rested with men from time immemorial.

This research study suggests a franchise on equal education and similar chances of employment to all irrespective of their sexuality. This is in support of the cry from the African governments and non-governmental organisations. The yearning cry is often heard, as for example from the Washington DC-based organisation named: Women Research and Education Institute (WREI). The same cry was recently picked up by the Kenyan Labour Minister who called on women to be involved in the trade unions (Daily Nation Kenya, October 27, 1998).

5.1.3. The Absence of A Family Community

As noted earlier, Masamba has identified three main factors contributing to the process of family disintegration. This is his first factor. He reminds his readers that in the past, the child belonged to the whole family clan where each and every member was responsible for caring for the youngster as s/he grew. Today, the father and mother tend to cope unaided with the responsibilities of assisting the children to grow up. He observes that the families are leaning towards a kind of individualism in their lifestyle. Accordingly he has confirmed that most of the parents are unable to cope with the present demands of the families and so tend to break up (1980: 111-118). Mbiti also observes that the marriage contract is increasingly becoming an individual's affair and the direct concern of the two people only, rather than the concern of families and communities as was in the tribal society (1969 : 225).

5.1.4. Financial Pressure

This was identified by Masamba as his second factor, though here treated as fourth factor contributing to divorce. Masamba admits that the forces which changed the African social family to a one-family base are at work. He warns that the same can be at work to break up the new family if nothing is going to be done. He points to the question of money, and family budget as relevant examples. The traditional African family did not require both partners to be breadwinners, but today a family with only one partner working leaves a lot to be desired economically. This means, the other non-working partner feels out of place and tensions may arise very likely leading to divorce. As Masamba has observed, and as this research study has confirmed from the respondents, there are the pressures of paying for the family budget. This finding calls for financial mutuality of the two partners. It finds it a requirement and a solution for a financial stability to be complemented by both partners (1980 :111-118).

This research notes Case Study 3 as a pertinent reference where financial instability became a cause of divorce. The mother of the children was managing the family budget alone. It also found no better solution than sharing things equitably for the sake of marriage and peace of the modern family.

5.1.5. The Family Seen As A Repressive Institution

This is given by Masamba as his third factor. He notes the deficiencies of the family institution and the society in which it is embedded. He observes the institution of marriage as being subjected to enormous strains by the habits, customs and taboos of society which are resistant to change. As a result the family institution is seen as repressive and as oppressive because of its fixed roles which create conditions for the individual to develop his or her own identity and thus tends to limit personal development (Masamba, 1980: 111-118; Mbiti, 1969: 225). In Case Study 3 concerning Waceke and Murithi, the attitude of the husband was a nuisance. It was revealed that the husband would never assist the wife with any kind of housework, because the African taboo encouraged the man to leave house-work to the wife. Masamba calls these oppressive fixed roles which create conditions for the individual to develop his or her own identity.

5.1.6. Bride-Wealth

The above five stressors which have been discussed have worked as catalysts which attracted the population from the rural areas to the urban areas. They brought change which was inevitable. They have worked as stressors against the African social life, thus affecting marriage seriously to the level of making divorce very common. Two more stressors are bride-wealth and childlessness. The findings from the respondents to this study would be a good start. They agreed that there was need for bride-wealth to be accorded to the in-laws.

The findings established that failure to pay the bride-wealth as agreed between the in-laws could at times cause separation and even divorce. It is for this purpose it becomes necessary to deal with it here. Archbishop Zoa's stand is a meaningful contribution. He wishes to see the bride-wealth abolished. He has described bride-wealth as "a plague, an obstacle to the development of Africa." He sees no way to correct it (1962: 73-181). In Archbishop Zoa's mind, bride-wealth

causes delays for the engaged couple and even at times prevents sound marriages from happening. In another twist against bride-wealth, it was recorded that the parents tend to favour marrying their daughters to the rich polygamists or to families who are rich and therefore diminish the girls' chances of finding husbands of their own choice. There are opportunities for the parents to ensure the forced and arranged marriages in pursuit of traditional norms and even sometimes in pursuit of wealth. A recent case would illustrate this clearly. A Kenyan newspaper carried a sensitive story of a sixty year old father. This father had a daughter whom he had arranged to marry a man three times older than her. A partial bride-wealth was agreed upon. This was revoked by the court (Daily Nation Kenya, July 28, 1998).

Still in favour of Zoa's contribution against bride-wealth is the fact that, when the potential couples discover that they are not able to pay the costs of the set bride-wealth, the likely alternative is that they choose elopement or a trial marriage. This lack of money is also the cause for not waiting for the Church wedding. The couple go and live together as married people and wait for another day for solemnizing their wedding in the years to come.

The bride-wealth in some societies can be too low, or too high. Presently, the abolition of bride-wealth is a real snag which is difficult to move away from, and I tend to support Archbishop Zoa. For economic reasons bride-wealth is likely to remain high thus always leaving a possibility of abuse around this custom.

Hastings has put down suggestions as a guide to the Churches in matters touching bride-wealth. This was as a result of a commission chosen to study bride-wealth by all Churches in Africa who were meeting at Makerere in Uganda. It had to give guidance to the Churches in matters pertaining to bride-wealth. Five recommendations were tabled.

First, it found that bride-wealth is an acceptable and a valuable custom and it is not the task of the Church to preach or struggle against it. Secondly, it was observed that bride-wealth provides a guarantee of the sincerity of both the bridegroom and the bride. Thirdly, bride-wealth is a symbol to the family of the bride, and works as an impediment to divorce. Fourthly, bride-wealth proves to the young bride that her marriage is something of real

importance and her presence in her husband's home much valued. Finally, the commission observed that to omit it would look like progress to the outsider, whereas to the girl concerned it would appear as an indication that she is little valued (Hastings 1973:106). The commission suggested the remedy of re-evaluating the institution of bride-wealth and restoring it to its original purpose through public re-education. It is feared that this might put the clock back. This is not warranted because it is now imperative that something has been done.

A case to illustrate this development is the stand taken by the feminine liberation and human rights movements. Recently, in the Kenyan media there has been noted a campaign to "save the girl-child" from early marriages and other types of oppression and suppression (Daily Nation Kenya, July 26, 1998). The awareness led to the climactic discovery of a Mrs. Priscilla Nangurai, a headmistress of a boarding primary school who was honoured for her fight against early marriages for girls within her community and the rehabilitation of the children rescued from forced early marriages. By the date of this occasion, Mrs. Nangurai had reached a record of rescuing more than thirty girls around Kajiado, Kenya (Daily Nation Kenya, August 8, 1998). Another headmaster in Marsabit rescued a thirteen year old from an early marriage. She was a standard four girl who was married off by her parents to a husband some days earlier (Sunday Nation Kenya, July 2, 1998). The parents of the girl had to return the bride-wealth to the refused husband. With the help of police, the 'husband' was arrested and the girl was returned to school (Daily Nation Kenya, July 11, 1998).

For a way to solve the bride-wealth problem there is the notable case of the East African Revival Brethren (EARBM). There appears to be a possible light at the end of the tunnel, and food for thought in this issue. This is a movement of Christian believers from Burundi, Rwanda, Kenya, Uganda and Tanzania. The believers are confessed Christians who have experienced a religious awakening of being "born again." They have testimonies of a religious conversion which is a mark of entry into being saved, thus qualifying for the Biblical term of being called *Wandugu*, the *Swahili* word meaning 'brethren.' The religious experience qualifies them for a second 'birth' which makes them praise Jesus Christ, the lamb of God. Hence their nickname *Tukutendeleza* group, meaning 'We praise you.'

The movement challenges the traditional bride-wealth procedures as regards the giving of beer. It also challenges pre-marital sex before marriage. The movement does not condone marriage if the lady is pregnant. They boycott such a marriage because they encourage chastity before marriage. They have nothing to do with a bridal party, wedding cake, and wedding gowns and any other affluent signs connected with the wedding celebrations. They do not condemn the bride-wealth in total, they discourage the idea of “selling.” They condemn beer negotiations and refuse categorically any deals referring to it. This, if persisted in can be a cause to sever the relations of any possible wedding. They are well-known for this stance. They are therefore the ones who negotiate the bride-wealth for their *Ndugu*, that is ‘brother,’ who is intending to marry. The parents of the girl are made to understand that there is no “selling” but a symbol of unity, which any payment accorded needs be taken thankfully as a token of preparing the two people to start their new home. The *Wandugu* encourage the couple to pay what they are able, without which the wedding is still given a blessing for them to continue with their marriage. To achieve this a lot of teaching has to go on.

All has seemed very well with the *Tukutendeleza* movement, but to sound a critical warning, the movement is very inward looking and leaves no allowance for sound criticisms and compromise. Positively, I have admiration for the movement in its choice of dealing with those fixed roles which pose a threat to the spread of Christianity and which the early Church missionaries to Africa had compromised. The *Tukutendeleza* brethren do not compromise their faith. The movement has the advantage of being African oriented and they know exactly what the Bible expects them to ignore or to adopt. It was started in Rwanda around 1933 / 4. As for the bride-wealth, they adopted it but not with beer ceremonies, and the idea of costs that diminish the original status of the value of the bride-wealth. This research study suggests an evaluation of this approach so as to acquire the know-how of having an alternative way towards dealing with bride-wealth.

5.1.7. Childlessness

The African man and woman fears to die childless. This is a dreadful trauma, and many ways and means have been formulated to deal with this problem. Shorter has listed ways of what was being done to keep a family that died without children. In dealing with a husband and a wife who

it has been proven could not have a child, Shorter registers that, in some communities, if it was the woman who died, the husband had the right to demand one of his wife's sisters as a replacement or as a secondary wife (1973: 156,158).

Kenyatta, writing about the *Agikuyu* says that if the experiment on sterility reveals the woman's inability to bear children, either she would be divorced, or if she wanted to survive her marriage and escape divorce, the husband had to marry a second wife and raise the children for the family. However, if the man was the victim of impotence, he would allow his wife or wives to cohabit with other male companions or friends, so as to fulfil the duty of procreation (Kenyatta,1938:84).

It was revealed by the respondents that childlessness, particularly on the side of the woman, allowed for divorce, and for that reason caused the innocent victims to go through painful emotions leading to depression (see Case Study 2 of Wakagure and Muriki). Before leaving this discussion, it is important to state that the custom among the *Agikuyu* of a childless wife allowing her husband to marry another wife in order to save her marriage, may sound accommodating. However, the principle of male domination over women on this issue cannot be ruled out. The childless wife had to choose either to be sent home or to agree that the husband marry another wife. This attitude mostly minimized divorce among the tribe. Shorter observes another reason for the low rate of divorce in Africa. He thinks that the fact that there was no place for singles in the African context was an issue that also minimized divorce (1973:163).

Africa is changing and it is changed. On this question of childlessness, there is no greater fear just as it was in the past. Adoption can be a wonderful answer to this problem. There are opportunities to foster children as one is capable. In the reference case study, Wakagure did just that when her husband Muriki divorced her from their matrimonial home. At the time of writing this research study, she has three big children, all adopted and her family is happily together. She wonders if that could have been possible with her former husband, to adopt such children and live together (Case Study 2).

Another felt problem is the way gossip can harm a home. In the case in reference, Wakagure was disturbed when one day she found her children were unhappy because of being teased and mocked by other children at school and by being sung about that they were bought. They were mocked that Wakagure was not their mother. Wakagure was able to resolve the incident but wondered why parents and the public should be engaged in telling their children such demoralising gossip. This was noted as the tip of the iceberg in the way a gossip can be used to stigmatize the childless couples and the adopted children, thus affecting them psychologically.

A way forward is mentioned by Kelly who commends the importance of voicing such concerns regarding public ridicule of the divorced. He derives his suggestion from a public statement dated 1995 from the Roman Catholic Bishops of England and Wales who called on the British Government to address some features affecting the divorcees as a matter of urgency. The way divorced people are spoken about was voiced, and the bishops noted that these people were suffering from the bad use of the tongue: Sensitivity in the use of language and images about those who have experienced marital and family break-down is often crucial for their welcome in the community. We ask the bishops to give this lead and to encourage their clergy to be as fully informed as possible (1998: 251).

The control of the tongue however is not an easy thing. James warns: “ Even so the tongue is a little member and boasts great things. See how great a forest a little fire kindles! And the tongue is a fire, a world of iniquity ... ” (Js.3:5,6). The injury done by the misuse of language through the tongue cuts deep into those who are divorced. They feel neglected by the society because of the way they are spoken about. The recommendation suggests that the clergy must be informed and must be involved in action in educating the public by teaching them to help in dealing with this ridicule. Yet clergy alone cannot do it.

The support of others is paramount as shown in a small book : *‘Let the Bishop Speak,’* by Dr. Gitari the present Archbishop of the Anglican Church of Kenya. The title is ironical because it had come to pass that in Kenya in the mid eighties the leaders found it risky to speak against the corrupt nature of a one party system of government. Kenya was instilled with fear and those who spoke against corruption were followed by security people wherever they travelled. Those

who were arrested were put behind the bars and tortured, maimed and detained. It became common sense to keep away from challenging the government of the day. Prophetically, Dr. Gitari was convinced that keeping silence when things were going in the wrong direction, was the worst disservice the Church militant could ever do. So he broke the silence. His voice echoed but in the wilderness. The President of Kenya, when he learnt that everyone had taken a low profile except Dr. Gitari, ironically challenged, ‘*Let the Bishop Speak,*’ because Kenya is democratic.’ The bishop took the irony further and preached against corruption and one partyism as if he were never to speak again. Ways to silence him were sought and one night he was attacked in his home, an incident which the Church militant hold the government responsible for to this day. The truth was reinforced when the government, even after appointing a Commission of Enquiry, did not make the findings public. This attitude angered the faithful of the Church, hence the fact of implicating the government as responsible. It was a real twist of events, because when some of the people who had heard it being planned went public and said that there were plans being hatched to attack the Bishop, they were put behind bars and later released. The Roman Catholic Church could not keep quiet any longer and it came out vehemently. Before others decided to join the drama the government through its parliament was forced to scrap its one party-system of the government (Gitari 1988; Daily Nation Kenya, July 1, 1987).

This approach is chosen as possible proposition which would bring an awareness to the people. It sensitises the people not to wait for the Church to speak alone about the injury the society inflicts to the divorced, the remarried and even their children. The society and its functions should be at work to see that the people are informed and have started to take action.

5.1.8. Emotions Dealing with Feelings, Coping Styles and Effects

The hypothesis tested was: Divorce people are sidelined / stigmatized and are treated unequally in the Church. Given the findings in chapter four above, the hypothesis was proven in total. The divorcees were found to be significantly and highly affected by the effects of divorce. The coping styles were as a result of disturbance of the inner peace. The findings established that the Church was treating the divorcees very differently.

The findings revealed that it is delicate to deal with people who are experiencing failure in marriage. The reality of dealing with the divorcees touched the difficulty of loneliness as a recurring pain. Secondly, there was the loss of the old friends. This was too much as it brought feelings of frustrations. Thirdly, there was the loss of children to one partner. This pain takes a lot of energy to believe that it is happening. The victim has to deal with this denial. This gave way to the fourth difficulty-of the heartbreak of the children. These were the innocent victims. These were also sidelined and talked over by the people around. Fifthly, there was the financial strain. Divorce petitions are costly and as it comes to a close, the partners are left financially unstable. This causes pain, anger and bitterness as to the whole business. Sixthly, there is the implication of failure. Recalling what was expected of the marriage disturbs the divorcees. The respondents confirmed that thoughts of past failure in managing a good marriage, a healthy and successful home keeps haunting them occasionally. Finally, there were fears which brought stress to the physical body, convincing the fact of knowing that one has to start all over from the start. These findings confirmed what Thomas A. Harris had observed earlier on (Harris,1973:133).

Therefore the Church has to try by all means to reconcile those who are leaving. When the issue becomes irretrievable, the Church must discover the areas where the divorced need the most help and understanding. Pastoral care and counselling. has to be a tool to let the Church come in terms by helping it understand that blaming the divorcees because of the failure of their marriage does not represent the love of Jesus Christ. The fact of being in a divorced status has not divorced them from the love of God or from the Church of Christ.

Divorce should not be seen as a sin, and this misconception needs to be corrected. It was found that in the process of disintegration of the divorcees' conjugal relationships, personal mistakes causing true moral guilt could not be ruled out. However, in spite of all the prevalence divorce is not sin.

5.2. Way Forward

In a small but significant way this section has focussed on a few scholars who appear to be concerned with the plight of the divorcees by trying to solve their problems. Most of these

scholars have ventured into the tasks which the Church had earlier feared to enter. An African approach to the preparation of marriage is taken and analysed for the reader to judge for her/himself. Lessons have been drawn from the *nguiko* play. It needs to be noted that it is a winding back of the clock. It is a 'leaf' of reference to the scholars of this age that Africa has untapped resources untapped which researchers must seek out - who knows how many others are waiting to be found.

Finally, with this background the research study has adopted an answer to deal with the problem at hand by proposing the model of *Pre* and *Post-Cana* Marriage and Counselling conferences. It is the researcher's prayer that this model will be adopted as the kind of preparation Africa is yearning for in this modern age.

If the Church wants to diminish divorce its attitude regarding attacks on the victims of divorce and imposition of injunctions against them must not be enforced with strictness that results in the destruction of human personality, dignity and potential. It is with the product of what has been achieved in this study that something has to be said as regards what can be done. This chapter therefore endeavours to propose a rethinking of the matter of divorce and remarriage with a more realistic view of human nature.

The first author is Hastings who has expressed what a serious sin it is to cause one's own marriage or that of someone else to break up. He summons the Church to take the responsibility to do all it can to help people both to understand that and live their marriages based on such presuppositions (Hastings 1973: 79). Marriage was meant to be a life-long union, and this is the fact of this study. It is therefore sad that a once hopeful relationship of love turns bitter and promises no hope of survival.

A second theorist is Masamba ma Mpolo who is an authority in this field of family life and marriage. He deplores the inefficiency of sex education from the parents. In a comparison between boys and girls, he observes that boys are worse hit than girls, who spend more time with their mothers and older relatives. The group introduces girls superficially to the basics of the sexual life. The boys learn less from their male relatives. Masamba expresses doubt

regarding the education the boys get, and confirms that the information they get on sexual education is gathered from fellow young people in a mixture of truth, half-truth, myth, ignorant concoction, guesswork and even jokes. Thus he discovered that when such people marry one has to expect divorce when problems come their way (Masamba,M., Nwachuku, D. 1991: 151).

This research study tries in a small way to raise a forlorn call to the church to see to it that young people are prepared and equipped for undertaking the challenges for building a good family. Many ways to achieve this have been suggested by many theorists from various departments of life - social workers, health and mental professionals and theologians. Here the attempt is made to draw from their contributions. Their concern is seen, that it is on the welfare of a prosperous family life and marriage.

Kelly is another concerned writer who has first drawn from the research of Dominian. His search for solutions for divorce has been attracted by the contributions of Dominian's suggestions. He adopts them and regards them as a good starting point:

1. To minimise divorce, Dominian suggests marriage preparation courses, and more important the quality of human development education and experience from home and schools.
2. More help and support should be given to couples in their crucial initial years, owing to the fact of the growing demise of the extended family. Bringing up the children in traditional Africa was a communal event. This communal responsibility has been replaced with modernism which has come with individualism.
3. Socially and economically, Dominian notes that stability of marriage would be threatened by external factors such as bad housing, unemployment, job insecurity, poverty, an unhealthy or destabilizing social environment, and the subtle pressures of a consumer society infiltrating through the media (Kelly 1998:250).

Kelly then takes his way forward by viewing divorce positively. In his concern with the divorced people, he comes up with a sensitive suggestion for those involved in marriage preparation. He appeals to them to explore the possibility of using divorced people in the preparation of others for marriage. The suggestion, if taken to its conclusion would be an action of utilizing the divorced people's marital experience as an awareness to the potential candidates for marriage. The approach would also be showing the would-be couple that marriage can bring some bitter life experiences worth knowing by couples before their marriage. The divorced person's presence would be a worthwhile teaching which comes as a testimony from the 'living documents' (the divorcees).

I agree with Kelly and this research proposes an attempt of such steps in the counselling of the couples who are intending to marry. This method would also solve Kelly's feeling of a personalistic understanding of marriage of high expectations which, if not arrived at, can lead to (1998: 249, 251).

Kelly believes that Christian teaching on marriage has unintentionally been an indirect factor affecting the break down of marriages by pulling the young people into the marriage which then does not fulfil the expected 'manna.' Kelly appears to challenge the Church on its negligence on preparing the young people for marriage. He has observed that the breaking down of marriages is possible when one or both partners do not have the capacity or the necessary skills to build up the kind of marital relationship they believed in and which the church has canonized. Kelly affirms that their discovery of such inability allows for the breaking down of marriages. To such couples, the problem may go far back to where the two people have come from. The experiential and social ingredient would matter very much here (1998 : 250).

Kelly hails the enrichment of Christian understanding which has come through the growing appreciation of the full and equal dignity of the worth attached to marriage and its attachments. For example, things like a successful home means that children are born and reared. Kelly observes this as an achievement and a development from the traditional African home, whereby the wife was expected to guard her home with efficiency and have the ability to produce a male heir, and to supervise the household. If these achievements of marriage in the African home

were not realised, Kelly observes there was the likelihood of divorce (1998: 252).

Therefore the absolute prohibition of divorce by Jesus was good news for women. Kelly sees it as a challenge toward men to respect the personal dignity of their wives and not to reject them like a piece of unsatisfactory merchandise (1998: 252). This he says, is another enrichment of Christian understanding in that the awareness at both personal and societal levels, has, for most of history, been seriously distorted by the sinful structure of patriarchy. The 1995 United Nations Fourth Conference on Women in Beijing was said to be progress towards a greater horizon for women. The conference brought a sudden awareness that women have been living in a relationship of great inequality. However, Pope John II voiced that the effect of the conference had a temporary destabilizing effect on marriage (1998: 251).

Nicolson proposes a significant perspective from South Africa in dealing with eradication of the deadly killer disease - the AIDS. He observes the biased position taken by the Church in its unwarranted criticisms of the afflicted and sidelined of society and proposes an ethic and a theology of sexuality for the church. He sees the strength of the Church in the congregation as a focus to transmit knowledge to the people. It is for this the researcher finds his contribution vital. He warns the Church not to wait to be led by others, but instead should be bold to take the front line on social issues. He is arguing for a case of awareness for Aids, but adoption of his proposal can warn the Christian Church of its relevant position to teach and train the youth and all Christians how to provide healing for the divorced (1995: 2,45).

This important contribution from Nicolson, of having faith that the Church is uniquely placed to educate Christians, is a relevant opportunity to take advantage of. The Church should coordinate its strength to mobilise teaching Christians to take their place in communicating the awareness to all members of the congregations. It is this approach that this study has adopted with variations to fit with the divorced, in the way of passing relevant knowledge to the young people-for example, family life and marriage education. For such background to be achieved, Nicolson calls for a theological approach to be developed. Secondly, he suggests for an ethical outlook among the Christians to be developed. Thirdly, he affirms a condition that Christians must be educated and be sensitised into participating to share, to contribute and reconstruct the

wholeness of the AIDS victims in the society. There is no cause why the same cannot be applied to curb the divorcees problem (1995:18). Kysar et al confirm that the divorced persons have not been received in a gracious way by the community of faith, that is the church. Instead they have been greeted with condemnation, slander and excommunication (1961: 94).

Kysar et al propose God's concern for the suffering Israel being so evident : "I have surely seen the oppression of My people ..., and have heard their cry ... so I have come down to deliver them ..." Ex. 3 : 7 - 8. They are convinced that the Church needs to work actively to humanize the practice of our day (1961: 90). This is an idea to contend with, because if God had concern for the Hebrews there is no way that he would not do the same with the other nations, and Africans as well. Marriage was made for humans and not humans for marriage. If marriage then fails to deliver the goods by living for the expression of it, then the people involved in it must dissolve it. Here the Church must stop to take the expression of the divine will. It should stop to enforce it with a vengeance until it was finally universally realized.

Kysar et al seem right when they emphasize the fact that the Church has to understand that God's intention for marriage is forgivable and acceptable to God and the Church should not be trying to transform the words of Jesus into a new law regarding divorce and remarriage (1961: 92, 93).

The primary factor is that the Church is called to be a reconciler. As a reconciler, it must live to practise what it preaches -its ministry of reconciliation that demonstrates God's forgiving love, that accepts into fellowship with him those persons who have experienced the failure of marriage (1961: 94).

5.2.1. The African marriage preparation

It has vividly been established from the research study that there is a lot left to be desired in the preparation for marriage. The respondents were agreed in that they had the least education on preparation for family life, marriage and even divorce.

With this understanding, it would be important to wind the clock back a little and see how

Africans took the preparation of family life and marriage. A mention of the initiation would suffice to do that. The initiation purpose in the tribe was to introduce young people to matters of sex, marriage, procreation and family life. Where there was no tribal initiation, children were initiated by the parents in their own tradition in matters of marital affairs (Masamba/Nwachuku, 1991: 34).

5.2.2. The *Agikuyu nguiko*

A model of the *Agikuyu* training on their young people would be a case in reference. Kenyatta defines *nguiko* very differently from sexual intercourse. It belonged properly to the post-initiation and pre-marriage period, while sexual intercourse or coitus belonged to the married state.

During the *nguiko*, the young boys and girls were after each others' 'breasts and perspiration'-*nyondo na njoya*. That is, they were interested in their bodies' closeness. Importantly there was no contact of the genitalia. That was to come after marriage. Ignorant of this wisdom, the early missionaries held this culture as non-religious. They judged that the Africans had to be redeemed from it.

This custom was condemned by the missionaries as devilish and as a sexual license among the *Agikuyu* youth. It was adultery of the highest calibre- *utharia*.

But this was how the *Agikuyu* organized themselves in order to fulfil the ideals of harmony and commonweal. This was a harmony between the masculine and feminine as seen in the human society's culture and tradition (Kenyatta 1938: 156-159).

This research study endeavours to bring to light the method with which the *Agikuyu* trained their young people in the matter of sexuality. Training is relevant and should not be done in a hurry. They were doing it gradually until the recipients grasp the required knowledge the tribe required them to have. The result was a low rate of divorce and permanency of marriage. Yet this is not a call for a return to the past but a proposal to utilise in training the present youth in all matters pertaining to the family life, marriage and even divorce. The researcher finds no better way to

handle this than with the *Pre* and *Post-Cana* Pastoral Marriage Counselling.

5.2.3. *Pre* and *Post-Cana* Pastoral Marriage Counselling

This model appears in *Pastoral Life: The Magazine for Today's Ministry*. It is a contribution from three family pastoral theologians - DeBlassie, R., Anderson, J., and Barettt, L. Theirs is a workable programme returning the marriage to its original state. The programme was the contribution of a joint effort between the Las Cruces Catholic Deanery of the Diocese of El Paso, and the Newman Centre at New Mexico State University with consultation with various pastors throughout the Deanery. It is designed for those couples who are engaged and are preparing for marriage (1975: 15-21)

As shown in the *nguiko* case cited above, preparation for marriage in Africa was taken seriously and in most of societies it was a long process which was marked with rituals. It also commenced from the early childhood. The initiation rites provided a learning field which introduced the young people to matter of sex, marriage, procreation and family life. The fact to conclude this was that without going through these rites would have meant no marriage. Such discipline created the African culture.

With the advent of Colonialism and Christianity the African norms and values in marriage have been replaced with Westernization in the name of modernity. Hence the unquestionable breakdown in marriages, owing to the hurried courtship and poor preparation for marriage.

Turning to the initiators of the *Pre* and *Post Cana* marriage counselling conferences they are convinced that this is the only way to fight divorce and control it. They suggest a thorough preparation of the couples thus minimizing the hurried courtship contributing to the high probability of unsuccessful marriages. This is an attempted course to deal with divorce. The course is in two parts. The first is called *Pre-Cana* Conferences, which should later be followed by the second part *Post-Cana* Marriage Counselling session. This study proposes this important approach as an up-to-date solution for divorce in the present situation given the rate of breakdown of marriages.

5.2.3.I. *Pre- Cana* Pastoral Marriage Counselling

There are a series of four conferences which are conducted at an agreed centre. The workshops are conducted by a chaplain and at least four host couples. Two of the three initiators of this approach have to present with their wives at least.

First Session

This is designed to explore the theology of marriage. The chaplain provides scriptural references and theological concepts for discussion in small groups led by the host couples. A movie is usually viewed covering preparation and planning for the marriage. The session is for three hours.

Second and Third Sessions

The sessions are conducted by the host couples either at their homes or at the centre. As facilitators in the small groups the host couples aid in the process of exploring various areas related to marriage. The groups deal with the importance of communication, relatives and in-laws, sex and family planning, finances, parenthood, role expectations, establishing sound interpersonal relationships. Host couples also here participate by sharing personal experiences in their small groups. These two sessions are tempered by the Christian ideals professed by the host couples. A modification might be appropriate here to invite experts and professionals who could help engaged couples anticipate problems and offer them viable solutions.

Fourth Session

This is the final session and includes all participating couples coming together as one whole and attempts to synthesize, summarize and integrate the content of the previous sessions. Unresolved questions are discussed in a very frank and open manner. The workshop is terminated by an engagement ceremony performed by the Chaplain of the centre. Finally, a questionnaire designed to obtain feedback on the value of the experience is filled.

The initiators of *Pre- Cana* Marriage Counselling Conferences do note the participants valuable recommendations. From the evaluation and the experience they have got from the views of the participants they have come to recommend that such an experience be provided

for couples preparing for marriage.

5.2.3.2. *Post-Cana Marriage Counselling*

This is a follow-up conference with available couples planned to be held one year later as an attempt to ascertain the efficacy of *Pre-Cana* marriage counselling sessions. The same initiators of the *Pre-Cana* Marriage Counselling take their candidates into a counselling seminar. Clinebell's proficiency in marriage counselling is applied and emphasized as the clergyman's most indispensable counselling skill. His goals are followed (Clinebell 1966:101-102), as the couples are reminded and helped to understand the need for this follow up session in a years time after their marriage.

In marital maladjustments, the counselees learn the wisdom of reference or going back to the priest. They are introduced in dealing with maladjustments through the methodology of Ard (1969: 10-13).

During this session the participants are introduced into an effective counselling relationship. The effective relationship between the priest and the couples is discussed. In this session the initiators recommended the priest as a counsellor, to try by all means to reduce the couples' anxiety to a level that permits them to begin talking about themselves. The priest should refrain from excessive talking that restricts the couple from talking. The priest / counsellor has to have a listening art, so as to listen carefully to what the couple are saying and attempt to reconstruct an image of their world as they are describing it. There are ten suggestions listed for the priest to follow so as to be an effective counsellor (DeBlassie, et al. 1975:19).

The initiators advise the priest to avoid projecting a judgmental attitude on the couple. The initiators encourage the priest / counsellor to emerge first, as a facilitator of communication and dialogue between the couple, secondly, to attempt to help the couple to perceive reality more accurately and thirdly, to attempt to provide an atmosphere wherein the couple can develop their individual optimal potentialities (1975: 20).

The initiators do advise on the issue of referral as being not a defeat when they point or direct

the counselees to another professional with a gift of dealing with the couple's problem. There would be no problem if it had a chance of being dealt with during the *Pre-Cana* marriage counselling conferences.

Termination of counselling the couple should be mutually agreed upon by the priest and the couple. The initiators recommend that an opening for future counselling should be allowed in case the couple decide to come back to the counsellor (1975: 21).

The Church has a mission that is unaccomplished. Positively, it is my conviction that we can prevent some Christians from divorce with the *Pre-Cana* and *Post-Cana* marriage counselling. By this the Church would curb the high incidence of unhappy marriages and also save more children from the aftermath of divorce.

5.3. Conclusion

There is no community which is alien to this tragic and bitter event of divorce. Its result is a weakening of the institution of marriage to the point where it is described as a "wretched institution" Yet, marriage is as old as the history of humankind in this world, and in every community there are times when it has refused to grow and stops short of its expectations because of the human relationships when they turn manipulative, seductive and even degrading (Masamba / Nwachuku 1991: 152).

From the Biblical perspective such relationships are considered sinful. As a result many ways to confront these severed relations have been sought and end up to stigmatize the victims of divorce to the effect of silencing them into oblivion in social life. It has been unfortunate to find that the Church has been at the fore-front in sidelining their members. This has been established by this research study. Worse still when remarriage has come up as a second solution for the divorced, the Church continues with sidelining the remarried all the more. The research has found out how all sorts of distorted, hurtful and sickly instances persist as a threat to the institution of marriage (Verryn 1975 : 240, 242). It is high time the Church considered the pain it has caused to the divorcees since the population of those separating, divorcing and remarrying is on the increase every day. This study recommends that standing and watching

the victims of divorce undergo pain and difficulties in their broken relationships, following them and imposing strict disciplines and excommunicating them from the Lord's Supper is not going to help. A solution has to be found to the problem and this was discussed in the 'Way Forward' above.

This research study has noted the doctrinal and pastoral disagreement on divorce and remarriage in the Church. However it has recognized that the absolute prohibition of divorce by Jesus was truly good news for women. It was noted that the prohibition was a challenge to men that they should respect the personal dignity of their wives and not to reject them. In the same way wives should not be treated like a commodity of acquiring wealth in the name of bride-wealth.

This may sound as if it is bordering on subversiveness and inspirational spirit as put by Dominian. But one thing is evident, and that is though seemingly disturbing to men, it is peacefully encouraging to women. So this research has noted, with Dominian, the sad position of the Church of not giving support to this debate of divorce and remarriage. It was found that the Church has a tendency to leave sensitive debates to the ranks outside the Church to take the lead as in the debates on AIDS, Family Planning and other aspects of sexual emancipation. In these the Church has been known for its disapproval. An example was observed that for centuries the Church has described divorce as an evil and this research study proposes strongly a moral indictment which Dominian wishes, it would prove sufficiently to reverse the Church's traditional tide (1979: 69, 73).

Therefore, much pastoral care is called for in place of Church discipline. If there should be a discipline, I would agree with Verryn in his suggestion that it should be "designed to help" and not to "hinder its outreach to sinners." He finds nothing that should be done to suggest that divorced people are beyond the reach of God's mercy. I concur with him because marriage under the sign of forgiveness offers a useful insight (1975: 242).

Finally, break-down, separation, and divorce of marriages is a fact and always a tragic reality when it occurs. The study endeavours to inform the Church that its duty is to try and stop it.

Also its practice will be measured by its success in helping people to avoid such breakdowns and when they do occur, it should help those concerned to mend their personal lives (Hoost, et al. 1971: 157).

Should there be a failure, as shown by this survey and the case studies, the implications should admit that a breaking down of marriages is in fact a recognized cause for contracting another marriage.

Attacks on the divorcees must be stopped and discouraged. The Church should embark on the propagation of its vision of marriage which would make divorce unnecessary and also therefore remarriage. However they need to be pointed towards the future with the promise that there are to be new beginnings and new opportunities.

The end note for an effective answer today is the word from Dominian as he appeals for an orientation which acknowledges the ideals of indissolubility with an education which prepares couples for changing expectations that do justice to the contemporary man-woman relationship (Dominian, 1979: 73). It is with this note that the truth of the Gospel should be seen at work - that Jesus Christ came so that all may have life and have it in abundance. His Gospel redeems all those who repent, and the divorcees like the rest are not excluded from this abundant life that includes all those who come to him (Jn. 10:10).

CHAPTER 6

APPENDICES

Appendix 1. Introduction letter

Appendix 2. Questionnaire Design

Appendix 3. Case Studies

Appendix 4. Canon iv-of divorce and marriage

APPENDIX 1

INTRODUCTION LETTER

A letter was attached to the questionnaire for introduction purposes.

Dear Sir / Madam,

Re: The aim of this study project is to understand the problems facing the divorced, both men and women in general and understand the role which the Church does /can / may play as a healing institution in the society.

To be able to achieve this you are requested to answer the ten questions below which will try to investigate the issues of divorcees and the Church in general. The researcher is seeking ways and means of how the Church can be relevant to the divorcees.

Your co-operation is essential for completion of this research study.

Your responses will be treated as strictly confidential.

Yours sincerely,

J. M. Mwangi

APPENDIX 2

QUESTIONNAIRE DESIGN:

The questionnaire contains ten questions

1. State three causes which effected your divorce.
 - 1.
 - 2.
 - 3.
2. Indicate three emotions / feelings which you felt affecting you in your divorce crisis.
 - 1.
 - 2.
 - 3.
3. Indicate three things you do when you feel tense from the above emotions.
 - 1.
 - 2.
 - 3.
4. The divorced people suffer some body states and health illnesses. State three symptoms you experienced and describe them.
 - 1.
 - 2.
 - 3.
5. Suggest what should be done to avoid divorce.
6. Suggest what should be done so that you may feel better.
7. Give several comments on:-
 1. Remarriage
 2. Children
 3. In - laws

4. Property

8. What role did your Church play in helping you in your crisis?

9. Suggest what the Church can do to enable the divorced feel at home.

10. Any other comment.
 - 1.
 - 2.
 - 3.

APPENDIX 3

CASE STUDIES

Much of this research was done from case studies from Christians who even after divorce remained faithfully in the Church. The encounter was the parishioners' search for healing and the reality is understood as one reads their life stories. The names of real people and places have been changed so as to avoid recognition of any kind. Their stories are full of emotions highlighting the Church's need for tools to deal with the divorced persons in pastoral counselling.

Case Study 1

Denial of Conjugal Rights

Wanyimu and Waimwa had been married for thirty-four years. Their marriage was blessed with three sons and three daughters. The last born had finished her training studies and had been promised a good job. Things ran smoothly, and their relationship was warm. They would go out for dinner together as a couple and during holidays they included the family. It was a wealthy family that commanded respect in the neighbourhood and in the church. For this family there was nothing negative to speak of.

Then abruptly, things changed as they entered their 34th anniversary of marriage. Certain behavioural changes began to be noticed. The family's relationship was not so warm as was imagined. Waimwa, the husband, started missing a Sunday service or two. Then he missed all services totally. His wife Wanyimu followed suit and this alone alerted the concerned that something was amiss in Waimwa's family. The minister was informed and sought for an intervention. The first session revealed the seriousness of the matter. It was reported that the wife was sleeping facing the other side of her bed instead of facing her husband, Waimwa.

This did not amuse the husband. When asked what the matter was, she said that she was well but felt that she should not be disturbed at night.

Being a very busy family, the husband attributed this attitude to a stressful situation that both were aware of. The husband left her alone for the time being. Six months went by and Wanyimu still continued with her distant behaviour and her nagging. In a year's time there was no change and slowly things were taking another direction. They were not enjoying their dinners together and when in bed the wife continued to face the other way. The husband raged. This is what transpired between them as they slept and as the wife maintained her unfortunate position-facing the other way of the bed.

In the verbatim that follows the letter H stands for husband - Waimwa. The letter W stands for the wife - Wanyimu:

H1: You seem to be ignoring me for a long time. Tell me what makes you have such an attitude against me?

W1: Nothing.

H2: But you are expressing something.

W2: What?

H3: That is what I am asking you. You cannot face the other way from me without a reason for your actions.

W3: I am only tired!

H4: I hope you are honest.

W4: I.. I.. (She does not answer. Thus confirming the guess from the husband).

The husband could not take it any longer, because the nagging became the game, night in and night out. Bitter exchanges of words also went on. He could not understand what was happening to his wife and their marriage. He wondered how long this was going to continue. That was not the end of the story.

The husband started coming home late and had gotten himself a young lady to whom he proposed vowing to divorce the nagging wife. But things took a drastic turn. Wanyimu learnt of the plans

the husband was hatching, and also vowed that such a thing could never happen. She hunted for

the young lady with no success. Then one evening the young lady was taken out on an outing by Waimwa. They parked at a safe place and no one was left in the car. They were not aware that they had been followed by Wanyimu from behind. The time for revenge had come. She was carrying petrol in a five-litre can. She poured it onto the car and set it ablaze. The car burst into flames and was razed to the ground. Wanyimu was found sleeping close to the burnt car with her clothes slightly burnt. She was not hurt, and she guided the police in establishing the truth. The price of the evening stroll was a burned out car.

The husband was furious and he filed for divorce. In less than a year's time the case was decided in the husband's favour. Wanyimu was divorced and the young lady occupied her role as wife. During the divorce, Wanyimu could not understand what was happening. She never thought she was being divorced. She could not understand how a woman of her age could be divorced. However it happened, despite her unpreparedness. Within no time after the divorce was finalised, Wanyimu became deeply depressed and she was hospitalised twice. The husband was granted the custody of the children. Wanyimu did not resist this. She knew the husband could look after the children without a problem. They, being adults, were free to visit their mother at their convenience. At first they seemed not to understand. Later they tried to understand what had caused her illness but still it proved difficult.

The act of sleeping facing away from her husband was an indication that she had lost all her feelings for her husband and was left empty. In her words the husband had 'died' in her and she had nothing to do with him. She was allowed to live in their old home and was warned not to interfere with the other wife. The episode affected the family very much. The children, who are adults, did not feel qualified to address their father's young wife as their 'mother.' The young wife had two children of thirteen and nine years of age.

Case Study 2

A Childless Marriage

A childless marriage is a big trauma. The woman gets kicked out of the matrimonial home because she is childless. These women shed painful tears because they cannot have children

of their own. Wakagure knows the pain of not having a child. She was married during the struggle of independence in Kenya in the early 1950s. She remembers how she had seen a bright future when she and her husband were young and in love. They awaited patiently and hopefully for a child, but there was no child. They started getting a bit worried when the obvious seemed remote. Visits to doctors were pursued and the doctors redirected Wakagure to the gynaecologists. Years passed and the child did not come. She was offended when she learnt that she could not have her own children. Wakagure turned to the traditional healers who scooped up huge sums of their savings. Muriki, the husband was growing impatient and desperately wanted children. He knew she was the problem and he could not wait any longer.

Their relationship became severely strained and their marriage was no more. Wakagure was living under the fear that at any time their marriage could break down because of her inability to bear children for her husband. She could read the signs of the times. Then the expected emerged, and one morning after ten years of their childless marriage Wakagure was thrown out of their matrimonial home by Muriki her husband. For the ten years of their marriage, Wakagure had shed painful tears and so when the expected came Wakagure did not shed any more tears. She packed her belongings and moved out and moved back to her parents' home. She did not dream of a remarriage for fear of another rejection. Wakagure admits that she had become almost neurotic because of her desire for a child. Her heart would beat faster on the mention of a child. Theologically anytime she saw street children with no one to care for them or any neglected children she would complain to God, "God, why did you give their mothers children, and not me?" She considered herself ready and willing to take care of a child. Another thing that cut deeply into her heart was any discussion about children. She always took it as a mockery and it remained a social stigma within her. She confessed hatred of those mothers who complained of sleepless nights because their babies troubled them and deprived them of a sound sleep. Finally a solution was found and Wakagure became a happy mother. A 'good Samaritan' helped her in adopting a child. After long yearning years of tears and complaints she had a child of her own. This brought a real joy as she became a good mother and later managed to adopt another two children. Wakagure became a mother of two boys and a girl.

Then, sadly, another social stigma developed which affected both the children and their mother.

The children in the school were teasing Wakagure's children that she was not their mother and that she had bought them. Although she managed to settle the problem she could not accept the impact of such devastating gossip. To this day, the stigma keeps on recurring and as yet she has not resolved it completely. One thing she has taught her children is how to live with it and move on in life. She has managed to bring up her children in the local church where she had grown as a member. Wakagure regrets that her marriage had to break up because of a problem she had not hatched. Her husband remarried and had children of his own. However, he feels shy of going to church because of having divorced Wakagure. He agrees that he is not resolved with Wakagure, and Wakagure wishes that they could have stayed together with adopted children. She is confident that their marriage should not have been severed because of the problem for which they both were not responsible.

Case Study 3

Misuse of Alcohol

Murithi and Waceke were a promising couple. They got married in the mid - seventies. Both of them had a good education, a promising job and a good car. They had two children. Money was not a real problem to the family. However it is this aspect of money which did eventually turn into a problem for the promising couple.

Pressure from the peer group was the starting point. The husband, Mr. Murithi out of his innocence started to buy one or two bottles of beer and he arrived at home by nine in the night. It developed and soon he found himself arriving home at eleven, then midnight, then three in the morning and finally coming in the following morning. The peer pressure did not warn Murithi into reading the signs of the times. It was too late. The family was torn apart and the wife could not cope with her husband. Murithi let go of his family.

Their marriage crumbled although Waceke did not accept the complete failure of their marriage. But it had broken-down. A moment of heartache tortured Waceke as she remembered that Murithi did not want to save their marriage. It was too much to bear and she had no strength to fight it. She was at the end of the road, and she had no option other than to agree to divorce

him. Finally they were officially divorced. Then there were the children - Nguri and Rachel. Very innocent.

Waceke was in grief all the time as she remembered them away from her matrimonial home. It was painful and the trauma cut even deeper and gave her much heartache. She was aware that neither separation nor divorce could bring healing to their marriage.

Aware of this predicament, I had a chance in helping them to discover that even after four and a half years of divorce they had an obligation to revisit their marriage, as they still loved each other. This became a reality and they sought a reunion. The couple have remained faithful to one another ever since and their commitment has proved a reality. A second marriage was ritualised and now they are legally married and once again are a happy couple.

Case Study 4

Family Domination

Barimbui is now 44 years old, and Gichuku is 41 years. They got married customarily in August 1977. Later in 1990 they had their marriage blessed in their local Church. Barimbui had good employment, Gichuku was also employed.

Gichuku felt that she wanted to end the affair but lacked courage to do so. Barimbui seemed very sure he wanted the affair because even without discussing the issue of marriage, he impregnated Gichuku. That was the problem. She was not ready for it and therefore threatened to have an abortion. She tried but was unsuccessful and was saved by a good Samaritan who convinced her not to try it again.

At times Gichuku felt she could bring up her expected child alone rather than yielding to married life. The idea was short-lived since Barimbui worked his plans swiftly. He took his bride to his father's family. Gichuku's parents wanted to interfere and after pressure from the family and friends, they calmed down and agreed to their daughter's marriage. So Gichuku became Barimbui's wife.

Although they received permission from the parents, Gichuku's feelings were yearning for a 'no.' She felt she had made a terrible mistake, yet she turned a blind eye.

For a few months of their marriage life went by smoothly. All was well. Then slowly the husband's family commenced criticisms. The mother-in-law, the husband's sisters and brothers came in and upbraided her in everything she did. She narrates : " I was able to bear this by encouraging myself that this is the way married life is. I called it a new experience of getting to know one another. The criticisms continued and became so frequent that I reached a stage where I could not stomach it any longer. It was an intrusion from all sides. The mother-in-law, sisters and brothers and all others gave me no breathing space. There was disdain even from the smallest child and not a day did my husband try to defend me. He mostly joined his family in criticising me. In the whole family I became the centre of criticism. And I felt pain and insecure as my husband watched and joined the other camp. Any time I reported this to my husband he turned a deaf ear and I was very upset. There was one sister-in-law who was really trying to intimidate me. She behaved as a prefect in our house in all matters starting with what must be cooked to what was to be done in the day. Interestingly, the lady was corroborating with my mother-in-law. Any time I asked my husband what must be done to stop this interference he had no time for my complaints. I felt displaced, interfered with, disrespected and mocked by the members of my husband's family. I felt lonely, yet I was among a large family. My husband always said that they were right and I was wrong. There reached a stage whereby my husband stopped referring anything to me, and instead turned to his sisters and their mother. I resisted this attitude but it was waved aside as usual. I persistently expressed my displeasure and my husband rebuffed me and gave an appraisal of what was happening. I felt exhausted. I felt like running away and had very painful moments as the home became not a home with my husband but every one's home. There was no privacy in our matters. I hated it and wondered how it would reflect when the baby would arrive. As was expected, the baby arrived amidst these mixed feelings."

Gichuku went on to explain, "This became the real trying moment in my life. They set 'dos' and 'don'ts' for me to follow to the letter as to how to nurture my baby. The 'prefect' sister held all the power because she was a nurse in one of our district hospitals. My husband watched her

telling me those 'dos' and 'don'ts' with a smile and a sigh : " Our daughter is lucky to have such a nice aunt. She is aware of what should be done to babies. She has learnt about it in the college." I hated my husband that day, and also the 'aunt' Now I could not keep quiet any longer. There was no one on my side. I could not stop and watch someone decide for our baby. I got stressful, depressed and quickly resolved that I had to quit with my baby and leave this hell. I confronted my husband and told him that, unless he stopped his family and in particular his 'nurse' sister interfering with our baby, I had no other alternative than to deal with them by myself. My husband rudely told me that I had to heed what his family has set for the baby girl. Sadly, he made my heart sink for it seemed he would rather the marriage break down. I refused to heed and confronted his sister and the mother-in-law and told them to 'keep off my home and the child.' That night there was a serious fight which made us drift further and further apart. The beatings he gave me could not make me give up the nurture of my baby to the hands of the unrespecting family members. I felt the baby belonged to me even if the father was not to be responsible. I repeatedly told my husband to make his family understand that they must 'keep off my home and also from my child.' I felt I had played my part and I was ready for anything."

She went on to describe how communication deteriorated. "During this strained relationship, our sex life had deteriorated and we could go for three to four months without sex. The desire for sex was remote and I turned away any requests for it. The anger of the sisters, mother-in-law, and the husband's inability to defend me pulled me further and further from the sexual lust. There was the child to attend to, the work to report to daily, and the family to deal with. All my life was confusion, scuffles and disagreements. I started losing concentration, and suffered sleepless nights. It was at its worst when my husband mocked me saying : 'You are behaving exactly like your mother as a first wife in your father's home. This is not your home and the things must run the way I want.' I felt sure these were not the words from my husband. They were read to him from his mother.

All kinds of insinuations against my family were said at this time. It was true that I had come from a polygamous family and the life there was stormy. But now this was adding more fuel to the fire. I was troubled and longed to run home for peace. Years passed on and I did not

understand how, because every time I was planning to return to my parents, the picture of our daughter made me put it off.

Financially, my salary supported all the expenses in our home and no one knew what he did with his salary. He gave me not a penny or any assistance from his salary. Mostly he was drunk all the month long and sometimes he could even miss going to work in the first days of the month. Even after meeting all the bills, when I refused to give my salary to him he made another accusation to me that I was diverting all my salary to my mother and my family members. He also insulted me with unfaithfulness, which deeply upset me.”

“Then came a serious sickness that became the dividing line. For two years I lay in bed and in hospitals. I was sent from one hospital to another and finally I was referred to rest at home and continued with visits to the clinic and medication. My husband showed little interest as regards my sickness. Only neighbours could come to see how I was. When my husband came from work he could only watch and wait to get to his work the next day. He neglected me and neither did his parents worry about my sickness. My parents tried to come to help me but they were chased away by my husband. They thought it wise to hire a responsible lady to nurse me on a daily basis. Yet my in-laws interfered and persuaded my husband to chase her away. I was very weak and was so physically and psychologically in pain. I prayed for God’s intervention and finally, the Lord God performed a miracle and I became healed completely and regained my health. There was no turning back. My mind was made up. I would terminate this kind of married life. After all the daughter was grown, and she could interpret the happenings in the family. I thought there was no need to influence her, although inwardly I was ashamed of our inability in providing her with a model home. I felt sorry for her but I had no alternative. I had to leave her father.” The final moment came for Gichuku. “Things went really bad and I could not escape the results. The inevitable came in December 1995 when we had a serious fight. It was a Sunday and I waited for him to go on his drinking spree. I took a pen and wrote, ‘Bye, no more heartaches from you. I have called it quits. From now henceforth do not regard me at any time as your wife. I have left your daughter behind, but remember do not mistreat her as you have done to her mother. I have gone to my people. Again bye.’ I spread the paper on the table, packed and went to my parent’s home. The daughter, after some days followed. After

a year and a half I filed for a divorce and it was successful as my husband did not even bother to attend the case hearing.”

APPENDIX 4

Anglican Church of Kenya

Canon iv :- Of divorce and marriage of the divorced persons

1. Since the Church of the Province regards marriage as a life-long contract of loyalty between two persons, it can regard divorce only with disapproval and regret.
2. If it comes to the notice of the parish priest that the marriage of two members of the church is undergoing strain, it shall be his duty to visit the said persons, with, at his discretion godly lay folk of the parish, to remind them of the obligations into which they have entered, to enquire of the causes of dissension and if possible to remove them, and by all means to effect reconciliation between those who have become estranged.
3. Even when everything possible has been done, it may still come about that the situation between married persons has become such that a marriage has in point of fact ceased to exist. It may then be the duty of the Church to concur that, though divorce is always bad, it may be less bad than the continuance of an impossible situation, in which the pretence is maintained that what is now a non-existent marriage still exists.
4. The practice of the Churches in regard to divorce has varied very much through the centuries. Traditionally only such sexual offences as deny the very nature of marriage had been taken into account. In more recent times, the civil law in many countries has taken account of other circumstances such as prolonged and willful desertion, incurable insanity and cruelty.

More recently still disagreements which appear to be irreconcilable have been accepted as grounds for dissolution of marriage.

5. When a decree of divorce has been granted by a civil court, on grounds which the Church is not compelled to regard as frivolous, the Church is prepared to accept that decree, and

to regard the marriage as having come to the end. A Bishop's Court shall consider each case, and declare the mind of the Church on the civil proceedings and on the decision reached on the civil court making to the Bishop such recommendations as are within its competence defined by Regulation. It shall be competent for such a court to declare that, in view of actions or a series of actions that have taken place during the marriage, that marriage is to be regarded as now having no existence at all, having been brought to an end by actions of the parties, before the declaration of the civil court bringing the marriage legally to an end.

6. The advice of St. Paul was that, in the case of permanent separation between husband and wife, the parties should remain as though unmarried. In fact, however, divorced parties do desire to remarry, and provision is made in the civil law of almost all countries for such remarriage.
7. It is not the custom of the Church of the Province that persons, one or both of whom have been divorced should be married in the Church. It should be carefully explained to such persons that the refusal to marry them in the Church is not intended as a judgement on their individual case or moral status, but as a sacrifice that they are asked to accept for the sake of the general well-being of the Church, which has a special responsibility for maintaining and declaring the sanctity of marriage. As long as the phrase 'till death us do part' stands in the marriage vows in the Prayer Book service, it is not possible for the Church to accept the responsibility of marrying again in Church those who have once made this promise and found it impossible to keep it. Nor is the Church, as at present advised, prepared to provide a service for a second marriage with mutilated or abridged rites.
8. If divorced persons have made a civil marriage in accordance with the law of the land and wish to live as Christians, the Church is fully prepared to accept pastoral responsibility for them, and to help them in every way possible to make of their second marriage a responsible and stable union.

9. It shall be competent for the parish priest, with the permission of the Bishop, to hold prayer with a couple who have made such a civil marriage. Such a service of prayer shall be held in the home.
10. It is the duty of the parish priest to pay special attention to persons married in this way, to visit them often and to help them by spiritual counsel and advice.
11. If the new marriage shows signs of stability, and the parties declare their intention to live a Christian life and to observe the responsibilities of a Christian marriage, the parish priest may, after the lapse of not less than twelve months, report the matter to the Bishop, and ask that the parties be restored or admitted, as the case may be, to the privileges of communicant status in the Church. It should be noted, however, that it has been the custom of the Church that persons who have made a second marriage after divorce should not seek office in the Church, as church wardens, as members of any parish council or any Diocesan Synod or Standing Committee. The Bishop may however approve the service of any such persons on other bodies not specified above.
12. Children born to a couple who have been married after the divorce of either or both of them shall be baptized in the ordinary manner, and no kind of stigma shall attach to them.

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