

An Exploration of Polygamous Marriages: A Worldview

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Doi:10.5901/mjss.2014.v5n27p1058

Abstract

Polygamy remains one of the key topics in various societies. It is through cultural practices, beliefs and also on the individuals' choices that people decide to be committed to polygamy lifestyles. Polygyny remains widespread across the world. Over seventy percent of the societies known to Anthropologists permit men to marry more than one wife. There are consequences to each type of marriage that certain individuals might adapt to. Women who have entered into polygamous marriages have different experiences that can be enriching to those who practice monogamy. This paper highlights what people in polygamous marriages face on a daily basis. It argues that there are more disadvantages for women who are in polygamous marriages than there are for their counterparts in monogamous relationships. The paper further suggests that the patriarchal power structure appears to play a powerful and effective role in polygamous marriages in our societies. However, there is also a realization that many people practsing polygamy are happier. There is also an exploration of the complexities of polygamous marriages from a worldview with the hope of understanding the nature and evolution of polygamous marriages.

Keywords: Polygamy, Polyandry, Co-wives, Egalitarianism

1. Introduction

Polygamy has been a prominent feature in most communities worldwide. It is deeply rooted in the early lifestyles of our ancestors. Over the years, polygamy has become the subject of numerous books, journal articles, heated debates, discussion papers, a theme for women activist groups, web pages, and even cable television shows. Consequently, many contrasting policies in different communities have been adopted in relation to polygamy. Polygamy is the practice of having more than one wife or husband at a given time.

A study conducted by Berkowitz (2007) notes that about eighty-three percent of human societies permit polygamy. Although the worldwide percentage of men with more than one wife is relatively minuscule, as many as a third of the world's population belongs to a community that allows it. If one were to consider the patriarchal characteristic of many societies around the world, it is safe to conclude that there is a potential for the unequal and discriminative treatment of wives by their husbands in polygamous marriages. With this in mind, there is an urgent need to address such treatment of women in polygamous marriages, regardless of their social, cultural, religious and also economic background.

There are some cases where wives in polygamous marriages have suffered. In a study conducted by Nurrohmah (2003) it was found that, of the nine women in polygamous marriages, all had experienced psychological abuse; five of them suffered physical, economic and sexual abuse.

However, it would also be a mistake to believe that all polygamous marriages are abusive. These opinions were frequently rationalised by feelings that polygamy creates inequality amongst co-wives since the husband cannot care for and cater to the needs of more than one wife, and that polygamy gives men "boundless power and authority" (Dangor 2001).

Where co-existence amongst the families seems to be flourishing, relationships between co-wives have been found to be especially beneficial to women's economic and political power (Yanca & Low 2003). While women might initially feel uncomfortable and envious when a new woman enters the household, these sentiments usually fade away to ensure harmonious relationships and the equal treatment of the wives. In a study conducted by Rehman (2011), a small proportion of women indicated that they would agree to enter into polygamous marriages if given such an option. Many

women living in polygamy support plural marriage and appear to find happiness and satisfaction within their family structures (D'Amour & Carmichael 2004). Some women even encourage their husbands to marry additional wives (Chambers 1997, p. 73-74). Certain anecdotes reveal genuine love and companionship among polygamous spouses and within their entire family unit, leaving us to question whether polygamy is intrinsically damaging to the spousal relationship (Palmer & Perrin 2004; Solomon 2003).

Children, however, can be adversely affected by polygamous marriages. The rivalry between the co-wives more often than not prove damaging to the children in polygamous families. In addition, the thoughts and beliefs children encounter are controlled, allowing them only to learn polygamist beliefs, thus "blinding children from the existence of life outside polygamy" (Ward 2004, p. 149). Such children tend to believe that the polygamous lifestyle is the only way out and hence they often end up attached to a polygamous life style. Children attached to polygamous lifestyle view polygamy as the only key that can only lead them to the happiness that they aspire to have in life.

Christian polygamists, claiming to come from conservative churches, quote Hebrew and Christian Scriptures and cite Biblical patriarchs to support their understanding of polygamy as something scriptural Shippis (1987) depicts Mormonism as the fourth great Abrahamic tradition, standing in relation to contemporary Christianity just as early Christianity once did to Judaism. Sullivan (2007) and Gordon (2001) illustrate the centrality of federal efforts to eradicate Mormon polygamy by defining the nature and limits of what is officially, legally, and constitutionally legitimate religious practice in the US.

There are places like Cameroon where polygamy is practiced due to economic factors. The conceptualisation of wealth is the heart of this problem. Women and children are viewed largely as labourers and producers. Wives produce children and gardens, while girl children produce dowry, provide personal service, and are valuable for increasing garden income. The cash income from all a man's gardens belongs to him exclusively and he shares as little as possible with his wives. Wives have a great desire to own, and if they do not find that they receive an equitable proportion of the cash income from their labour, they are anxious to 'seek other means of securing money. However, the wives may do by encouraging and helping the husband to secure other wives. This gives each wife an opportunity to free herself from the close control of her husband, to sell her garden produce in a market town, to find employment, and to have financially rewarding extramarital sex relations.

In Utah, in the United States of America, polygamy is constitutionally and statutorily prohibited. Article III, Section 1 of Utah's Constitution guarantees perfect toleration of religious sentiment. It further provides that no inhabitant of that State shall ever be molested in person or property on account of his or her mode of religious worship. However, polygamous or plural marriages are forever prohibited. Thus, in Utah, polygamous marriages are prohibited. However, specific actions to be taken and punishments to be given in relation to the breach of such laws are not specified.

Polygamy is prevalent in Muslim communities. The most well-known polygamous communities are associated with a religious doctrine that supports it. Muslims practicing polygamy refer to the verse in the Qur'an (4:3) which states that a man may marry up to four wives. However, polygamy is not exclusive to such countries only. It is estimated that as many as 30,000 people also practice polygamy in the Western United States and Canada. Polygamy in America was historically scorned as anti-democratic and a threat to the modern social order. Over time, this perceived threat has died down, allowing practicing polygamists to generally go unnoticed.

While polygamy is strongly denounced in several passages of the Book of Mormon, the Old Testament provides ample evidence that it was acceptable in ancient Israel. The Bible has evidence of the existence of polygamy in Christian societies of that time. For instance, Genesis 4 verse 19 holds: "And Lamech took unto him two wives: the name of the one was Adah, and the name of the other was Zillah." The importance of this verse is that during these times, in Christian communities, polygamy was in existence and accepted by the society. According to Judaism, it is notable that most of the Old Testament Prophets were polygamous. According to the Old Testament, Abraham "the friend of God" and he had more than one wife, David had one hundred wives; and Solomon is even said to have had 700 wives and 300 concubines. This serves to show that the culture or the concept of polygamy is rooted in our ancestral history.

In the United States, polygamy has been practiced primarily by the Mormon Church, although the practice is much more prevalent in other parts of the world. There are various reality programmes on television that show that polygamy is indeed happening. The Learning Channel's ("TLC") hit reality television show; *Sister Wives* shows the prevalence of polygamy in the United States. While polygamy is most common among Fundamentalist Mormons, there are also some Muslim polygamists in the United States. However, the actual incidence of these families is undetermined, and there is very little available literature on Muslim polygamists in North America.

Hassouneh-Phillips' (2001) provides a rare glimpse into American Muslim polygamy. As part of a larger study of spousal abuse in American Muslim families, she interviewed Muslim women in the United States who had experienced abuse, or knew a family member or friend who had been abused. Most of the women who had an experience with

polygamy reported that they or their mothers entered polygamous marriages unwillingly, some likening it to "legalized adultery" (Hassouneh-Phillips 2001:740). The arrival of new wives in the family was described by the women as a traumatic experience for the senior wives and their children. The issue of the inequitable treatment of wives by their husbands was a major concern.

Polygamy, according to Anderson (2000), is more common in Africa than anywhere else in the world today. It is a socially accepted practice among tribes and communities in a number of African countries, particularly those in the western region (Timaues & Reynar, 1998). According to Elbedour (2002 and Bergstrom (1994), in some parts of Africa an estimated twenty percent to fifty percent of all marriages are polygamous. Polygamy in Africa is encouraged by diverse factors, and its prevalence reflects differences in tribes and religions, as well as in economic and social structures. Many Africans in plural marriages are Muslim, but some non-Muslim men enter plural marriages for economic, status, or social reasons (Ezra 2003, Madhavan 2002, Klomegah 1997, Meekers & Franklin 1995).

In the African context, according to Musumbi Kanyoro, "before marriage, a woman did not have an independent identity. A woman was regarded as the daughter of her father. After marriage she became the wife of her husband" (Kanyoro 1993). In this case, women are found to be objects even after marriage. They might not have that freedom to be objective. Polygamy is less prevalent where there are higher levels of education and urbanization. While some groups hail the decline in the practice of polygamy, there is a conflict between the desire to protect African cultural traditions and increasing pressure to recognise women's rights (Simmons 1999).

Experiences of women in African polygamous families vary with the socio-cultural features of their surrounding tribe, community or region. Most, if not all, follow a patriarchal structure. However, the degree of authority held by the husband often depends on the cultural and social expectations for his behaviour (Madhavan 2002; Agadjanian & Ezech 2000). According to Madhavan (2002), the degree of co-operation or competition among a husband's co-wives depends on a number of factors, both internal and external to the family. Polygamy remains common in much of Africa.

In several sub-Saharan countries; more than 10% of married women are in a polygamous union (Tertilt 2005). Between Senegal and Tanzania stretches a "polygamy belt" in which it is common to find that more than one third of married women are polygamous (Jacoby 1995). Similarly, Bergstrom (1994) perceives polygamy as a consequence of inequality in male endowments of both wealth and of sisters that can be traded for wives. This effect is tempered, however, by the self-interest of the elite. Lager (2010) suggests that a self-interested ruler may impose monogamy to prevent competition by lesser men deprived of wives.

In countries where there is overpopulation, there are some measures that were taken to control the population. Polygamy was banned in Thailand in 1935, in China in 1953, among the Hindus in India in 1955, and in Nepal in 1963. The main exceptions to this global trend were the least secularised Islamic countries of the Middle East and more generally sub-Saharan Africa. Despite the Quran's tolerance of up to four wives, some Islamic countries such as Turkey (1926) and Tunisia (1956) have formally outlawed polygamy and others have imposed judicial restrictions on this practice. However, looking at the overall proportion of population between the males and females, females are relatively many, hence some people see it as convenient for males to marry as many wives as possible. It is only in a closed population, with a balanced sex ratio, that these features cannot possibly be reconciled.

Polygamy has been criminally prohibited in Canada since 1890, but many people, including some communities, openly engage in the practice either as a matter of lifestyle choice, because the practice is culturally familiar and accepted, or because it is religiously mandated, as it is in the Fundamentalist Church of Jesus Christ of the Latter Day Saints (FLDS), whose followers are also known as 'fundamentalist Mormons'.

The Recognition of Customary Marriages Act (120 of 1998) (the "RCMA") brought about fundamental changes to the legal position of a customary marriage in South African law. The RCMA ensured that a customary marriage is, for all purposes of South African law, recognised as a valid marriage. It is evident that in South Africa, different people from different backgrounds and cultures practise polygamous marriages. The President of South Africa also lives a polygamous lifestyle that is common/ normal in the Zulu culture.

In Zimbabwe, there are places where a polygamous lifestyle is practised. According to Khumalo-Sakutukwa (2003), almost 14% of married Zimbabwean women report being in polygamous unions. This situation is clarified by Rodriguez (2007) who observes that Zimbabwean women comply with polygamy in order to conform to culture and for fear of social discrimination. In Gutu, when a man dies, his wife traditionally becomes the possession of his brothers, along with his cattle, house and land. The wife is 'forced' to choose a husband among the brothers of the late husband, even if all the brothers are already married. Elaborate ceremonies involve the woman putting a bowl of water in front of her late husband's brothers as she "chooses" one to be her next master, while he still lives with his other wife or wives. Polygamy in such instances is therefore, forced upon the wife. Her only option is to choose a husband or be cast out of the family and the community, resulting in her being separated from her children who will be forced to stay with her late husband's

family. The researcher will explore on the experiences of women in polygamous marriages.

1.1 Problem statement

Polygamous marriages are practised in different societies. Some women who are practising a polygamous lifestyle are abused in their relationships. This abuse comes in the form of emotional and physical abuse. Children from some polygamous marriages also suffer psychologically when their fathers take other wives. Relations in the family are very complicated because of the husband's perceived favouritism for one wife. Children are mostly affected by rivalry between co-wives, and by the fact that more children in the family may mean less time with, and attention and supervision from parents, especially their fathers.

1.2 A Brief Literature Review

Polygamy remains one of the key topics in various societies. It is through cultural practices, beliefs and also on the individuals' choices that people decide to be committed to polygamy lifestyles. Polygyny remains widespread across the world. Over seventy percent of the societies known to Anthropologists permit men to marry more than one wife (Coults & Habenstein 1965). There are consequences to each type of marriage that certain individuals might adapt to. Women who have entered in polygamous marriages have different experiences. This might result in sadness or happiness for the people involved.

1.3 The practice of polyandry

The practice of polyandry in India has brought so much attention to researchers. It has been associated with the decline of the overall population. Throughout Tibet and the neighbouring Himalayan areas of India, Nepal, and Bhutan, polyandry has been common for generations. In this area a polyandrous marriage is usually one in which a woman marries two or more brothers. Like other polyandrous societies, the people of this region do not limit themselves strictly to polyandry (Levine & Sangree 1980). In Africa, polyandry is best known among the tribes of the Jos Plateau, the Lele of the Kasai in western Congo. These tribes, however, practice a different form of polyandry. The Lele's type of polyandry is uncommon, and perhaps unique only to their group. Unity within the village is very important, and the sort of polyandry they practice supports that. Historically, polyandry was also found among some Native North American groups. One such society that practiced this marriage form was the Shoshoni of Nevada. They were known to participate in polyandrous marriages, they were a hunting and gathering society.

1.3.1 Muslims

The Muslims strongly believe in the Qur'an, which supports a man marrying multiple wives. In the Qur'an, the holy book of Islam, the fourth *Surah* (chapter), entitled ("The Women"), third (verse), states:

*If ye fear that ye shall not
Be able to deal justly
With the orphans,
Marry women of your choice
Two, or three, or four;
But if ye fear that ye shall not
Be able to deal justly (with them),
Then only one....'*

From this, Muslims have justified multiple marriages for over a millennium. To be more specific, *Surah* 4:3 permits *polygyny*, or a male having many wives, as opposed to the more general polygamy, which could apply to either sex. In fact, polyandry, which entails a female having many husbands, is strictly forbidden in *Surah* 4:24.

Religious beliefs also appear to play a role in the formation of formalised polygynous unions. Islam permits men to have as many as four wives (El Azayem & Hedayat- Diba, 1994; Madhavan, 2002) and views polygamy as protecting the family from possible deviation to illegal sexual intercourse and from contracting sexually transmitted diseases (El Azayem & Hedayat- Diba, 1994).

1.3.2 The impact of polygamy on children

In polygamous marriages, children who live in such marriages are affected. The thesis of this study is premised on the notion that the usually large polygamous households are associated with low resources per head, which adversely impact on child health and survival. Notwithstanding the conflicting views on the fertility implications of polygamy for individual women, the overall family size of polygamous households tends to be larger than their monogamous counterparts.

1.3.3 The cultural beliefs on polygamy

In any just system which recognises polygamous relationships, husbands and wives should have reciprocal rights and responsibilities, and both polygyny and polyandry should be permitted (Calhoun 2005, p. 1039-40). No social norm should imply that men must be obeyed by their wives, or that women should be demure and submissive to their husbands. It is through the norms that were established a long time ago that women have been forced to be submissive to their husbands. Through modernisation of the world, that women now go to schools and they are empowered to speak out, thus amplifying their voices against the abusive husbands that they might be married to.

The importance of children and the pressure for women to bear children may also encourage polygyny because "infertility in Hmong society is seen as the woman's problem" (Rice 2000, p. 217). If a couple is unable to produce children, especially a son, then "the husband is encouraged to take a second wife" (Rice 2000, p. 20). This is because the husband's family and clan see her as unable to produce children to carry the clan name into the future. More often than not, this lowers the first wife's status. Her status is worsened by her inability to bear a son who will not only carry the last name of her husband's family, but one who will also care for his parents in old age. The issue of cultural emancipation also stretches to the value of men as important. It is evident that male children are regarded as important. When a male child passes on; the elders usually kill a cow for him, but when the daughter dies nothing is done.

1.3.4 The effect of religion on polygamy

The practice of polygamy is a criminal offence in countries like the United Kingdom (UK), in some parts of United States of America (USA) and many countries in the West. Nevertheless, it is estimated that over three billion people around the world still practice polygamy (CAPWOI, 2004).

The Mormon belief, for example presents an interesting case study. Early Mormonism was recognisably Christian, with strong theological overlaps with Methodism. It follows an essentially Protestant organizational structure.

Mormonism arose in the United States in the first half of the 19th century. The United States (1878), tested and formally defined the limits of what reasonably constitutes religious behaviour, religiosity, and religion in the Republic. The court upheld the federal regulation of Mormon religious practice by creating a formal, legal distinction between belief and action. During the painful transition away from plural marriages (Smith 2006; Hardy 1992), some Mormons sought refuge from prosecution by moving outside the physical space or state jurisdiction (to the polygamist colonies in northern Mexico and southern Alberta), Mormons in the American west found refuge in the private space of the mind, arguing that merely believing in the eternal principle of celestial (plural) marriage was enough to qualify one for exaltation in God's eternal kingdom. The *pesantren* is a centre of Islamic high-culture and the influence of the *Tuan Guru* teachers encompasses entire communities and government, not just the *pesantren* (Hamdi & Smith, 2009). Maulana Syeikh's teachings and practices play important roles in the reproduction of the *pesantren*. They remind teachers and students of the struggle to spread Islam through the practice of polygamy. He himself, practised it with a total of seven women, and he also encouraged endogamous marriages between *pesantren* students. This use of religion has been so evident in many religious sectors. Muslims and Mormonism have a strong belief that having a polygamous marriage will lead to heaven.

1.3.5 Polygamy and the economy

Polygamy in the eastern Cameroon today is motivated more by economic considerations than anything else. Some supporters of polygamy claim it makes for an economically stronger family because there are more people working and bringing money into the home, including children. The debate about the economics of polygamy is not unique to southern Africa. In Kyrgyzstan, many believe that due to ongoing financial instability, a collective approach to making ends meet is more pragmatic than an individual effort. According to sociologist Minojat Tashbayeva (2007) polygamy exists due to the poverty of the majority of the population, and there is no way to eliminate it without improvement of living standards. Hamid Toursunof (2007) spoke to many women in Kyrgyzstan who said they would marry a man who is already married if

he is prepared to care for them and their children.

However, polygamy has had some of the heavy economic burdens the families of polygamous marriages have had to contend with. The standard of living is higher today and consumer items and other basic necessities of life such as education, medical care, shelter, and clothing, are much more expensive than they used to be. A negative effect results from this economic stress, as the wives are not taken care of, the children are not given good education. As a result, the burden is invariably transferred to the extended family such as uncles, aunts, nieces, nephews, in-laws and other relatives. These relatives are sometimes unable to help financially because they too have their own economic problems. Thus, marrying more than one wife does not only cause economic hardship to the man, but also to other members of the extended family network in the community.

South African gender expert, Nomboniso Gasa, states: "It is the height of irresponsibility for men whose positions do not allow them to ensure that all wives and children are treated equitably and adequately supported, to enter into polygamous unions." She notes that the reality is that most South African men cannot afford to have multiple wives, but many still aspire to. In addition, men in such relationships are more likely to have lower levels of education than men in monogamous relationships. It is apparent from this discussion, therefore, that, there are both benefits and disadvantages in polygamous marriages.

2. Polygamy in Western Countries

Polygamy is as irresistibly fascinating to the American public as it is controversial. It is the subject of numerous books, web pages, and even television shows. The moral issues in relation to polygamy have been debated in the United States for over 150 years, and these debates will likely continue for more years to come. In the United States of America, there are some states which prohibit polygamy. In the Western countries, there are diverse cultures such as Islam and also the Mormon culture, all of which participate in polygamy.

Although polygamy is not legal in most Western countries, it is practiced in specific ethnic and religious communities (Al-Krenawi 1997; Phillips, 1999). The Muslim community, estimated to be 6 million in the United States (Goodwin 1994 & Power 1998), is an example of a religious group in which formal polygamy is practiced by some members as part of their culture. Specifically, the form of polygamy practiced by Muslims is called polygyny. The practice of polygamy is different from the practice of serial polygamy which allows a husband to marry and divorce several times throughout their lifetime. Some prefer to have outside affairs and mistresses. In the end, this will result in the man having more than one wife.

2.1 Africa

Polygamy continues to be widely practiced by statesmen in Africa. For example, the current president of South Africa and the Monarchs of Swaziland and KwaZulu-Natal, and King of Swaziland, to name just but a few. Africans continue to practise polygamy and have steadfastly resisted viewing family through a Western prism (Njoh 2006). This is despite the bid by Western feminists to try and eradicate the practice in an effort to improve the status of African women.

Njoh (2006) states that Christianity implores Africans to forsake their traditional practices, cultures and beliefs, and teaches them that polygamy is ungodly. This is despite the pervasiveness of polygamy in Biblical narratives. Njoh gives examples of quoting among others, Abraham, Isaac and Jacob who practiced polygyny in the Bible.

A study in Swaziland by Mbirimtengerenji (2007) found that patriarchy and polygamy are strong in the culture and history of the country, making it difficult for the monarch, King Mswati, and his government to reconcile cultural norms such as polygamy and the fight against HIV and AIDS. In North African countries, it is Muslims who widely practice polygamy (Altman & Ginat 1996). Polygamy is also prevalent in Western/ Eastern African countries. For instance, in Uganda there is also a comparatively high prevalence of polygamy, especially among Muslims.

2.2 South Africa

In South Africa, customary marriages are recognised. The protection of cultural rights in sections 30 and 31 is given further impetus by section 185 of the Constitution, which provides for the creation of a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. It is also recognised by section 211(3) of the Constitution, which provides for the application of customary law by the courts, "subject to the Constitution and any legislation that specifically deals with customary law." This is because, it has been argued, the right to culture implies the right to recognition and application of customary law (Grant 2006, p. 7).

Legally, women get married at the age of fifteen and men when they are eighteen years old. The consent of both parties is required before marriage. There are certain ethnic groups that allow earlier marriages. Although arranged marriages are illegal, they still exist within other religious groupings. Customary marriages oblige widows after her husband's death to marry another man who is a family member. Even though polygamy is prohibited in civil marriage, it is practiced within customary marriages in South Africa (Lamanna 1997).

The provisions dealing with culture and religion in the South African Constitution are less prescriptive, guaranteeing rights to freedom of religion and the practice of culture, but subjecting these rights to the other provisions of the Bill of Rights, which include the prohibition on sex and gender discrimination. In addition, the ability of the State to give legislative recognition to customary and religious marriages is subject to the same limitation. These provisions are the result of a long process of negotiation to which both women's groups and traditional leaders were parties.

African and Muslim women have taken the lead in criticising certain aspects of customary law and the Muslim Personal Law (MPL). Since 1990 it has focused on the status of African women in the family and community, including issues facing women married under customary law. The Rural Women's Movement identified polygyny, the legal status of women married under customary law, access to resources by women and access to health facilities in the areas where they live, as issues requiring urgent reform.

Muslim men are allowed, according to MPL, to have up to four wives, on condition that the wives receive equal treatment, both materially and otherwise. Customary law places no limit on the number of wives which a man can have and also obliges a man to treat all wives equally in terms of material and emotional needs.

The reasons generally given for the legal antipathy towards polygyny are, firstly, that it does not resonate with the Judeo-Christian ideal of monogamy, and, secondly, that it embodies gender inequality and the oppression of women. It is argued by both customary marriages and MPL that polygyny originally arose to provide, materially and socially, for women who would otherwise be destitute. In addition, studies indicate that women may experience some benefits from polygyny, such as sharing the burden of work with other wives and also obtaining opportunities to work outside the home and to accumulate wealth. The social and economic conditions which made polygyny a beneficial option for women no longer exist. Nowadays, marriage is no longer the only avenue for women to obtain material resources; Unemployment and poverty make it difficult for men to support several wives.

2.3 Zimbabwe

In Zimbabwe, there are two types of polygamous marriages that are being practised. The first is a registered customary marriage prescribed under the Customary Marriages Act [Chapter 5:07], formerly known as Chapter 231, or in vernacular '*muchatowekwamudzviti*.' Such a marriage allows a man to marry more than one wife. This marriage is recognised as a marriage at law. A man in such a marriage is not obliged under any law to notify (inform) his wife of his intention to marry a second wife. Neither does he have an obligation to request the consent of his first wife or other wives before marrying other women.

The second potentially polygamous marriage is an unregistered customary law union. This type of marriage is limited to the cultural practice of the payment of the bride price (*roora/lobola*) by the man to the woman's family. Although all the other types of marriages may be preceded by the payment of *lobola*, their uniqueness lies in the registration of the marriage. For an unregistered customary law union, once the *lobola* process is done, then the two are considered married and can live together. The Zimbabwe Women Lawyers Association (ZWLA) estimates that 70% of people in Zimbabwe are living in unregistered customary law unions (The ZWLA Concept Paper on Marriage Law Reform, 2000).

International human rights instruments protect both rights to culture and religion on the one hand, and gender equality on the other hand. These include the Universal Declaration of Human Rights (UDHR), the African Charter on Human and People's Rights (ACHPR), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Zimbabwe is a signatory to these International Instruments, hence it is bound and obligated to act in accordance to the provisions of these human rights instruments.

Some of these instruments clearly indicate that state parties must abolish practices associated with customary and religious marriages, like polygyny. For instance, the UN Human Rights Committee expressed the view that:

equality of treatment with regard to the right to marry implies that polygamy is incompatible with this principle. Polygamy violates the dignity of women. It is an inadmissible discrimination against women. Consequently it should be abolished wherever it continues to exist.' (United Nations Human Rights Committee General Comment No 28).

Article 16 of CEDAW, specifically requires states parties to take measures to eradicate various forms of discrimination against women in matters relating to marriage, including polygyny. Zimbabwe became party to this instrument by accession on the 13th of May 1991. In 1994 the CEDAW Committee recommended that polygyny and the payment of bride price should be outlawed and that family law rules should be determined by CEDAW rather than customary or religious systems. This particular article has, however, attracted vitriolic criticism from a number of countries, particularly countries with Islamic religion and also those still practicing African traditional cultures.

Elements of customary and religious law, like polygyny, are irrevocably opposed to gender equality and demands for their immediate abolition. This has antagonised many African and Muslim gender activists. In actual fact the provisions of the Islamic *Shariah* accords women rights equivalent to the rights of their spouses so as to ensure a just balance between them. Such arguments assume that African and Muslim women are in need of help, that customary and religious laws are always opposed to gender equality and that western feminists are qualified to define the problems and solutions facing African and customary and religious systems. Western feminists also assume that their analyses of patriarchy can be transposed unchanged into other contexts. Oyewumi summarises the problem,

The problem is that in feminist discourse, these questions are rhetorical not because they demand no answers, but because they have pre-ordained answers, such as, monogamy as the only "normal" (read "civilized," "true") form of marriage, and polygamy and love as mutually exclusive. For many Western feminists, polygamy is barbaric, it degrades and oppresses women, and it is alien to the civilized societies from which they come. No attention is paid to the feelings and perspective of those who experience it as the only form of marriage and no examination is made of its implications of social organisation.

The same assumption is often made of Muslim women, namely that they are uniquely oppressed by the Islamic religion and are in need of 'rescue' by western feminist solutions. Many African Feminists hold a different view to this analysis. In Zimbabwe, there are places where the polygamous lifestyle is still practiced and highly revered. According to Khumalo-Sakutukwa (2003), close to 14% of married Zimbabwean women report that they are in polygamous unions, and sharing the demands of a husband with other women may prove to be a benefit to wives in polygamous marriages.

Another solution to the balance in polygyny would be to allow wives to marry several husbands, thus treating women the same as men (Banda 2002). However, this solution is based on a formal notion of equality and in a patriarchal society; it may, in fact, expose women to greater oppression, rather than empower them (Kaganas and Murray 1991; Juridica 128).

3. Conclusion

From the literature consulted and preliminary studies done thus far, we can deduce that polygyny provides men with access to the sexual, reproductive and other services rendered by several women, while wives in polygynous marriages have to share the material and emotional benefits provided by a single man. Studies indicate that women may experience some benefits from polygyny, such as sharing the burden of work with other wives and also obtaining opportunities to work outside the home and to accumulate wealth. The social and economic conditions which made polygyny a beneficial option for women might no longer exist today. Nowadays, marriage is no longer the only avenue for women to obtain material resources or economic upward mobility. Single women have also shown that they can succeed as most of them were/are able to progress in spite of the fact that they are not married. We have also established that some families in polygamous marriages may experience psychological problems as a result of the man favouring children of other wives instead of all. This, in most instances, results in siblings showing some signs of low-self-esteem and rejection. In conclusion, polygamy has its own merits and de-merits, much as monogamy can be both a positive institution of marriage, depending on how those involved in it, live their life on a daily basis.

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