

## On the Marriage Institution

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### Abstract:

*This study had to be done because the continued perversions and even clamor for the abolition of the marriage institution, in our time, has reached a stage that necessitates its ardent defense that hinges on the categorical imperative. Those who would benefit from this study are those who are either positively or negatively involved in or concerned with the marriage institution. These groups need to be properly informed. This study is an expository essay on the marriage institution aided by perusing extant literature on marriage and by critical survey. When this was done, it became obvious that the marriage institution is actually experiencing challenges of revival and not becoming moribund. What this meant was worked out by exposition and analysis. This was done to the extent that certain categorical points in defense of the marriage institution became outstandingly clear. The implication of this, in terms of research, is that more research needed to be done on marriage institution in our times. The implication of this, in terms of practice, is that people needed help with a proper understanding of marriage as an institution. This, in specific terms, is because some people are known, due to ignorance, to have advocated for the abolition or dissolution of the marriage institution. What still needed to be done is research into befitting marriage forms for our times.*

**Key words:** Marriage; Social Institution; Monogamy; Polygamy; Same-Sex Marriage; cohabitation

## **INTRODUCTION**

In our time it is obvious that sweeping changes are washing away some core human values and institutions founded on these values. The marriage institution has been the most hit by these sweeping changes. Hence, many marriages collapse soon after they are communed and this for so many (sometimes strange) reasons. For instance, during the plenary session of the 2010 international conference of the Department of Philosophy, University of Nigeria Nsukka, one of the keynote speakers M/s Ahiauzu held the audience spellbound with her strongly held position on the prevailing irrelevance of the marriage institution in our times. More so, marriages have become perceived, by some people, as a burden on the parties due to certain legal implications even as some other people argue for the possibility of actualizing love, sexual and other interpersonal needs fulfillment, having children through adoption and single parenthood as real. These and more have prepared the ground for those who pervert and even propose the dissolution of the marriage institution.

The concern of this study is with the marriage institution. It is a reply to the observed neglect and continued clamor for the abolition of the marriage institution in our times. As one of the few institutions still clinging, albeit limply to life, the marriage institution needs all that can be done to make it survive and be stronger. This study, therefore, is focused on what could be said about the validity of marriage as an institution in our times.

The purpose of this study is to make an eloquent show of the relevance of the marriage institution in our times. It is a refutation of the proposal for the dissolution of the marriage institution. This means that this essay would argue to establish the continued need for marriage as an institution. The further purpose of this essay is to argue that the marriage institution is rather undergoing a cross-cultural revival that would make it a

stronger and a more universally oriented institution in our times.

This study is significant in many ways. Firstly, it showcases the continued relevance of marriage in our times. Secondly, the study is significant in pointing out the short sightedness of those who advocate for the dissolution of the marriage institution. Thirdly, the study would be drawing attention to duty as a sustaining core of the marriage institution and highlight some of the aberrations that threaten the existence of the marriage institution.

## **VIEWS ON MARRIAGE**

According to *Encyclopedia Britannica (2009)* marriage is “a legally and socially sanctioned union, usually between a man and a woman, that is regulated by laws, rules, customs, beliefs, and attitudes that prescribe the rights and duties of the partners and accords status to their off spring (if any)”. According to the *Encyclopedia Britannica (2009)* too, “marriage is functional in terms of sexual gratification and regulation, division of labor between the sexes, economic production and consumption, and satisfaction of personal needs for affection, status, and companionship; perhaps its strongest function concerns procreation, the care of children and their education and socialization, and regulation of descent”. From this ,one also learns that marriage is a universal institution that take the forms of group, exchange, polyandry, polygamy, etc. and that, “in the biological evolutionary scale, the more complex the species, the longer the offspring is dependent on its mother for survival from the time of birth to maturity. Human beings, at the top of the evolutionary scale, require the most time of all species to reach maturity. This imposes increased duties on human parents for the care of their children and marriage traditionally has been seen as the institution best suited to fulfill these parental duties and responsibilities” (*Encyclopedia Britannica 2009*). Furthermore, “some form of marriage has

been found to exist in all human societies, past and present”. Accordingly too, religions shape marriages according to beliefs but legally every marriage functions to ensure the rights of partners with respect to each other and to ensure the rights and define the relationship of children within a community” (*Encyclopedia Britannica 2009*).

The Catholics Bishops of Nigeria rose from their 2012 annual conference with the publication of their communiqué in a work titled *Promoting Authentic Development in Nigeria (2012)*. In *Promoting Authentic Development in Nigeria (2012)*, the following is part of the communiqué: “We denounce the relentless efforts of many Western nations’ development programs and the united Nations’ agencies to pressurize and manipulate countries in Africa . . . to embrace an anti-life culture and anti-life programs . . . Nigerians should, through the prism of good religious and cultural values, learn to reject decadent values, in order to evolve wholesome responses to global issues (CBCN, 2012: 3). These anti-life culture and programs primarily stand against the marriage institution and procreation by encouraging perversions like same-sex marriage and co-habitation.

In *The Seven Mysteries of Life (1978)* Murchie discussing sex relationship wrote, “The general notion in the eastern Mediterranean region before the emergence of the Hebrews or the Greeks was that sexual attraction is due to the two sexes having originally been one – and this was reiterated from Genesis, wherein woman was created from part of man . . . to Plato’s *Symposium*, in which Aristophanes observes that man’s joining woman reunites . . . . Wasn’t this after all just one application of the long-accepted concept of gravity as caused by the tendency of like to seek like, of the yearning of free stones to hug the stony ground, of smoke to rise up and embrace the cloudy sky, (1978:127)? This implies that marriage is fundamentally biological and universal and natural.

In *Man and Morals (1950)* C. N. Bittle gave a wholesome rehearsal of a good marriage. According to him, in order that

the contract of marriage is validated, therefore, a number of conditions must be antecedently present and fulfilled. Because the marriage contract is based on free consent, error, force and fear must be absent. "There must be no error regarding some presently existing quality of the person . . . physical force may not be used . . . grave fear, the result of unjust intimidation, would also invalidate the marriage ... finally, there must be no close blood relationship . . . since marriage affects the public welfare of church and state, they can enact positive laws regulating the conditions of a valid marriage not otherwise determined by the natural law," (1950:510). Furthermore, "in marriage the purpose of the sex of man and woman reaches its natural fulfillment in the procreation of a new human being similar to themselves – the child. The child is the concrete embodiment of their marital love", (Bittle; 1950:511). This implies that marriage is a union of presumably normal man and woman duly established customarily and legally and in the main for purpose of procreation and other mutual benefits secondarily attached.

## **CONCEPTUAL FRAMEWORK, MATERIALS AND METHOD**

Conceptually, this work is a pro-marriage study cast in the context of duty. Therefore, materials of this study are extant literature and result of a survey on the subject of marriage. Also of importance to this study were materials yielded by ardent study of the concept of duty. Based on the materials and conceptual framework as stated above, this study had no better deal than to be presented in terms of important points in argument form. This became necessary because this study is principally a defense of the marriage institution in our times.

Part of the research method used is the survey research method. This is considered appropriate because the subjects were studied in their natural settings and also because the responses of the samples were necessary as raw material for

the study. Also the nature of the problem of the study justified the use of survey method.

The above also helped in shaping the design of this study. The design of this study is expository. This design is to make for proper understanding of certain issues that are of vital importance to any good appraisal of the marriage institution. The research design further embodied the plan, structure and strategy for obtaining a reliable and valued result. In view of this, the researcher conducted interviews in a way that elicited objective answers relevant to the problem of this study. The population of this study will be made up of adult residents of Ugwunkwo in Nsukka area of Enugu State in Nigeria and the interview questions were designed to ensure easy coding and proper inquiry into problem under study. The interview questions were conducted on samples.

The samples of this study were drawn from adults. This group will ensure reasonable representation of the population. The researcher will sample from adult residents of Ugwunkwo in Nsukka area of Enugu State in Nigeria because of the possibility of getting good responses. The research samples were selected on the basis that marriage is meant for adults. The research will find out the continued relevance of marriage in our time.

Interview was used in collecting information for the study plus the added information from extant literature on the issue under study. The interview was administered to respondents in their various locations in Ugwunkwo in Nsukka area of Enugu State in Nigeria.

In analyzing each of the questions contained in the in the interviews conducted, percentage was applied. Percentage was chosen for the purpose of simplicity and utility. However, approximation as a way of arriving at conclusive answers was, where necessary, also employed in data obtained from the interview and responses were tabulated and explained in percentages.

At the end of the study, the questions raised in the course of this study are expected to have been reasonably answered. The study will approve or disapprove the continued relevance of marriage in our times. Above all, it will approve or disapprove that the marriage institution is experiencing a revival.

## A SUMMARY OF FACTS AND OPINIONS

This section deals with the presentation of the proposal on the marriage institution based on opinions of respondents in interviews and the result of ardent perusal of extant literature connected with this study. The interview, which was the main instrument of data collection used in this study, was administrated to 100 respondents, adults in Ugwunkwo in Nsukka area of Enugu State in Nigeria.

**Table I: Responses of Respondents**

INTERVIEW QUESTIONS	RESPONDENTS	Yes	%	NO	%
1. Are you married?	100	43	43%	57	57%
2. Do you like marriage?	100	56	56%	44	44%
3. Is marriage still relevant?	<b>100</b>	<b>80</b>	<b>80%</b>	<b>20</b>	<b>20%</b>
4. Is the marriage institution dying?	<b>100</b>	<b>70</b>	<b>70%</b>	<b>30</b>	<b>30%</b>
5. Does all cohabitation translate into marriage?	<b>100</b>	<b>60</b>	<b>60%</b>	<b>40</b>	<b>40%</b>
6. Is same sex union marriage?	<b>100</b>	<b>93</b>	<b>93%</b>	<b>7</b>	<b>7%</b>

Based on a dedicated perusal of the above table of data and extant literature connected with this study, certain findings were made. It is important that a summary of these findings is given since they will henceforth shape the discussion in this study. One of the findings of this study is that there is the passionate opinion of certain categories of people that the marriage institution has outlived its usefulness. This is based on the committed belief of this category of people that the roles and reasons for marriage have been overtaken by time and that such roles could, where still necessary, be realized through some other legal means. For instances, according to those of

them in this group, the need for children can now be answered by revised adoption laws and institutionalization of single parenthood and that the need for sexual satisfaction has been answered in the sexual revolution. Another finding of the study, based on materials and method of the study, is the fact that marriage is a universal and necessary phenomenon. And, the study of the materials also indicated that certain features are universally connected with marriage. These are features such as payment of dowry, exchange of marital vows, cohabitation and certain liberty of private intimacy and duties and obligations. A third but disturbing finding of this study is that many have continued to hold the opinion that marriage as a burden. Let us now proceed to the discussion of these in order to establish a case for the continued need for marriage in our time.

## **DISCUSSION**

In this effort to address these passionate opinions and facts about the marriage institution in our times, it is of paramount importance the key concept in this essay is given a précising definition. This is considered important in order to avoid any misconceptions due to possible vagueness and ambiguity. Marriage as used and discussed in this essay implies organized series of activities that join men and women together for purposes of procreation of children, raising up of such children, conferring proper descent on such children and satisfaction of sundry mutual needs of parties involved and that has features such as payment of dowry, exchange of marital vows, cohabitation and certain liberty of private intimacy and duties and obligations

By the above, this essay does not recognize any such arrangement that brings a man and a man or a woman and a woman (or hen and men or women and women) which to this essay is same-sex marriage or by whatever name(s) as marriage. On the other this essay understands and uses the



term co-habitation to mean situations where a man moves in with a woman or a woman moves in with a man (or, men and women move in with themselves) for purposes of procreation, raising up of such children, satisfaction of sundry mutual needs of parties involved and certain liberty of private intimacy and duties and obligations but has no features such as payment of dowry and exchange of marital vows. This essay does not understand this as marriage. Also, the term single parenthood in this essay is used to refer to situations where men and women arrange to have a child or children and raise them without marriage and cohabitation. Now, let us turn to the main discussion of this essay.

One of the findings of this study is that there is the rather passionate opinion of a certain category of people that the marriage institution has outlived its usefulness. This is based on the committed belief of this category of people that the roles and reasons for marriage have been overtaken by time and could where still necessary be realized through some other legal means. For instances, according to them, the need for children can now be answered by revised adoption laws and institutionalization of single parenthood and the need for sexual satisfaction which has been answered in the sexual revolution. Hence, for instance, in a plenary session of the 2010 international conference of the department of Philosophy, University of Nigeria, Nsukka one of the keynote speakers M/s Ahiauzu held the audience spellbound with her strongly held position on the prevailing irrelevance of the marriage institution in our times basically for reasons as stated above. But, this category of people miss the mark because adoption laws (revised or not) can never invalidate the sanctification of the human person that is only realizable in a normal marriage union. May be, those proposing the abolition of marriage on this premise are thinking that marriage is equal to same-sex marriage, which is not true. It is only for those who have fallen for the mistake called same-sex marriage that adoption is the only answer to having children. There is an unquantifiable self-

fulfillment in having a child in a normal marriage. This cannot also be answered in a single parent arrangement. Single parents in a lot of societies attract certain degree of social ridicule. More so, some legal indications attend single parenthood in many societies. No single parent has the respect and honor conferred on parents by marriage. More so, those who think that sexual satisfaction which marriage guarantees can be realized elsewhere are wrong in thinking that the depth of meaning and satisfaction conferred on sex for reproductive purpose in a normal marriage are realizable in aberrations like same-sex marriage, masturbation and other forms of gay unions. The actual meaning of sex in normal marriage is to be found in God's injunction to man in the Christian Holy Book: "Have many children, so that your descendants will live all over the earth and bring it under their control", (Genesis, 1: 28). Man's highest creative ability is in reproductive sex in marriage unions.

Another finding of the study, based on available materials is the fact that marriage is a universal phenomenon. And, the study of the materials also indicated that certain features are universally connected with marriage. These are features such as payment of dowry, exchange of marital vows, cohabitation and certain liberty of private intimacy and duties and obligations. Marriage, an institution closely tied to the family, is a relation of one or more men to one or more women which is recognized by custom or law and involves certain rights or duties both in the case of the parties entering into union and in the case of the children born into it. Marriage ensures responsibility for and legitimacy of children. Marriage thus makes a biological father at the same time the social father without which a child becomes illegitimate (bastard). Illegitimate (bastard) children cannot inherit the properties of their biological fathers in different parts of the world such as Igbo land in Nigeria.

The above more than anything else goes to emphasize the necessity of marriage as an institution. It is not something

that could just be done away with and life continues to be the same. Hence, in most cultures marriage entails certain rituals which culminate in payment of dowry. The fact is that it is not just every form of relationship that is a marriage. People living together even for as long as possible and having as many children as they like never translate into marriage. Such relationships could be abrogated but not marriage, which is sacrosanct. Remarkably Christians know this well enough because the first miracle Christ performed was at a marriage ceremony where Jesus turned water into wine so that the marriage ceremony could go on.

The continued relevance and necessity of the marriage is further pressed by the institution's universality and manifestation in different forms as represented below. Marriage could be in different forms. Monogamy is the form of marriage which emphasizes the marriage of one man to one wife or vice versa. This is the form of marriage emphasized by Christian communities both in Europe, Africa and all parts of the world where Christianity has taken root. Monogamy has its opposite as polygamy a plural word, that is, the form of marriage in which one man or woman could be married to many women or men. Hence, polygamy is a form of marriage in which a man marries more than one wife. This sort of marriage is a common feature of most traditional African societies and is also permitted by Islamic culture worldwide. Such is embraced by man to enhance the numerical strength of the family, ensure more hands at work and for other attendant advantages conferred by number. In modern times, it has its own attendant shortcomings. Polyandry is a form of polygamous marriage in which a woman marries several men as in some parts of India (Ladakh). The woman stays with the men in turn during which none else has any claim over her-except the one she is staying with. Polyandry could be fraternal where related brothers are involved in such sharing of one wife. Such marriage encourages great degree of unity among other advantages but still has its own disadvantages. Group marriage is a form of marriage in

which a group of (usually) related men are married to a group of women. Such women are commonly owned and are free to go to any of the men at any time. The men are as well free to go to any of them at any time provided such is not engaged by any of the men. Ghost marriage is a form of marriage in which a brother of a dead man or bachelor is expected to marry and have children in the deceased's name. The dead brother thus becomes posthumously married and the attendant children of such marriage belong to the deceased. This form of marriage which could be found in parts of Africa (e.g. Nuer of Sudan) emphasizes the priority of social fatherhood over biological fatherhood.

A third but disturbing finding of this study is that many have continued to hold the opinion that marriage is a burden. It is obviously becoming worrisome that in many countries the unrelenting anti-population campaign has its most devastating effect on the marriage institution. People are, more and more, beginning to see marriage as a form of perpetual bondage. Those things which represented the sanctity of marriage have become the slaughtering instruments of marriage. For instance, certain biased approaches to women liberation struggle have come to interpret payment of dowry, exchange of marital vows, cohabitation and certain liberty of private intimacy and duties and obligation as oddities which could only be done away with through the abolition of the marriage institution. However, to those who think that marriage is a burden to be cast away, the best reply would be an orientation in nature and role of social institutions, which marriage is.

Due to demand, pressure and changes in time, the society must adjust to the environment and observe certain adaptive procedure if it must survive. This the society does through certain necessary social provisos known as social institutions the main functions of which are regulation, distribution and sustenance. Therefore, social institution could be understood as:-

- a) “Major spheres of social life or societal sub-system organized to meet human needs”, (Macionis, 2012: 86).
- b) “Statuses and their related roles determine the structure of the various groups in society. When these statuses and roles are organized to satisfy one or more of the basic needs in society, the group is called social institution”, (Thomas, 2009: 68).
- c) “Organized, usual standard ways by which society meets its basic needs”, (Henslin, 2009: 104).

In other words a social institution is an established way of solving a social need. It embodies a set of internalized folkways, mores and laws found around one or more social functions. Social institutions, by extension, are also clusters of established, accepted and implemented ways of social behavior that could be passed from generation to generation. Therefore, social institutions are organized systems of social relationship which embody certain common, shared ideals and goals about what is desirable and standardized behavior pattern that groups follow. Every social institution must meet certain basic needs of the society. Every human society evolves certain crucial needs. According to Parsons (1951) the particular expectations which define the roles constituting a societal institution are underpinned and influenced by the value system of the society. Marriage is one of these identified basic social institutions to which are assigned the functions of satisfying the basic needs of the society by performance of certain specific functions.

Every institution has a defined objective or aim. The marriage institution, for instance, is concerned with organized procreation just as the religious institution is concerned with salvation of souls. The security as an institution is concerned with the maintenance of law and order in the society. Most institutions have symbols. This could be material or non-material. The symbol of an institution such as a political party could be a crest, a pass word, etc. another important feature of

social institutions is availability of rules and regulations. All institutions have certain defined rules and regulations guiding their operations. There are certain rules and regulations guiding social institutions like marriage. Hence, not all who may have lived together for a good number of years, such as cohabiters, might leave with a marriage certificate. Every institution depends and survives on the collective activities of the people. The rules and regulations guiding institutions are made by people, hence, only the people could ensure allegiance to them through collective activities. Sequel to the above, institutions must evolve ways of checking the excesses of members within the institution. There is jail in any political institution as well as other means of ensuring conformity in the polity. Social institutions are for fulfillment of certain needs. Hence, the marriage institution serves the fulfillment of organized procreation among others as enumerated below. Institutions may have certain peculiar functions but most institutions function as below:-

1. Social institutions ensure loyalty of members through rules and regulations.
2. Designs and enforce standards of behavior
3. Formulate symbols; pass words etc e.g. the ring as a sign of marriage, the cross as a sign of the church, etc.
4. Develop inter-institutional operations for effective operation of the society. For instance, the marriage institution has evolved standard ways of functioning or relating towards the educational institution that there can never be real hitches in their operations.
5. Institutions perform role, functional delineation to enhance equity and fair play.
6. Institutions prepare members for carrying out roles, functions or authorities as might be assigned at intervals.

The concept of transfer of functions in social institutions implies that the different social institutions have certain

specific roles they play and that functions required by participants in one institution which the institution cannot provide are transferred to other institutions which can perform such functions. The marriage has the specific function of ensuring organized procreation or reproduction but cannot function well as an educational institution hence the specific role of educating members of the society are transferred to the educational institutions such as schools, colleges, polytechnics, universities, etc.

Away from transfer of functions in and among social institutions they compete and co-operate in order to achieve their specific separate and common goals. Institutional competitions become obvious when scarce resources need to be allocated. Also competition is occasioned in institutions when there is the need to apportion praise or blame for the state of the society. The families, the educational and other institutions compete among themselves to assert importance and thereby gain in allocation of very scarce resources. They also compete in dodging blames if the society is bad and compete in claiming praise if the society is good. The competition is essentially and basically social; along certain agreement or rules and there is also a commonly shared belief that such competition is necessary and fair. On the other hand, there is an apparent co-operation among social institution especially such as when resources of most institutions and efforts are pooled together to achieve certain common goals, such as producing a better organized society. Such co-operation enhances social order and interaction. As instance of co-operation among institutions, the family, the educational as well as the political institution co-operate towards the provision of a well organized polity where individuals are well born and educated.

Human society, wherever found, is a conglomeration of institutions. These are social, educational, political, economic and religious institutions. Social institutionalization is a permanent feature of every society. Thus, there are schools, universities etc. families, marriage and other social institutions

everywhere. This is the idea of institutional universality. However, universal as institutions are, there are remarkable variations in structures and operations of institutions in different periods in a society or between one society and another. Marriage, for instance, is a universal institution but the structure and operation of the marriage institutions differ remarkably from one society to another. It is not the same protocols of marriage found in a Fulani setting that could be found in a typical Igbo community. This is the idea of institutional variation.

A summary of what has been said so far that forms the discussion of findings of this study is necessary here. This study has reasonably refuted one of the findings of this study, which is that there is the passionate opinion of certain categories of people that the marriage institution has outlived its usefulness. Secondly, the continued relevance of marriage in our time has been strongly argued for based on another finding of the study, which is the fact that marriage is a universal and necessary phenomenon. The study has also tried to establish the continued relevance of the marriage institution in our time by debunking a third but disturbing finding of this study, which is that many have continued to see marriage as a burden.

Further to the above, below is the presentation of this study's other most important argument or reason for the continued relevance of the marriage institution in our times. And, this argument could be summed up in one word – duty. Duty to one's self, duty to the society and duty to God are the basics on which the necessity of the marriage institution can still be sustained. To bring lucidity to bear on this let us explain the concept of duty.

Duty is about right actions, irrespective of whether they bring joy or sadness to the one performing such actions but which culminates in happiness, fairness and justice to one's self, other persons, the society or nature in general. Duty, obviously, is a necessity. Duty is the moral conduct that augments the establishment of a morally ordered society. As



Ani (2009:89) put it “duty is...a necessity in human moral conduct that helps to establish a moral society”. As Josiah Royce (Munitz, 1958: 278) put it “whatever may be your views as to what your duty is, it is plain that the moral interest centers about this idea of duty”.

“Since duty is about right actions irrespective of whether they bring joy or sadness, perceived gain or loss to the one as such engaged, the moral commitment should result in action; it is not a matter of passive feeling or mere recognition”, (Wikipedia, 2013). Rendered in its Latin forms “debere” or “debitum”, French form “deu” or English form “due”, duty conveys a sense of moral commitment or obligation to someone or something. Duty involves sacrifice that is almost always perceived as obligatory.

Let us then put this idea of duty in proper perspective as the most important reason for the continued relevance of the marriage institution. In traditional African society marriage is understood as an institution that directly or indirectly confers dignity on the human person. For instance, the Nigerian constitution says “every individual is entitled to respect for the dignity of his person”, (1999:34). In other words, abolition of marriage is against the idea of duty to the self. Since, in many traditional societies marriage directly or indirectly confers dignity on the human person, it is as such seen as a duty one owes to himself to get into the marriage institution. More so, it should be remarked that people of mature status owe themselves the duty of normal life and good character which the marriage institution confers. This is to say that just as one is not free to take his own life when he wants and as it pleases him so also one is not free to live without the dignity of the human person in a traditional society which the marriage institution confers. At a certain age in a traditional African society an unmarried person becomes a subject of ridicule; is denied of certain rights and offices thereby forcing him, in some cases, to marry or is married for where it is perceived that such a person has no means. More so, just as people are duty-bound

to dress well, eat well, talk well and behave well, so also it is right to submit that marriage, which confers and enhances the dignity of the human person, is a duty one owes to oneself.

Nowhere since the formation of societies and communities has the individual right overridden the general good. Therefore, marriage is a duty one owes his community. This is because a very vital part of the general good is the continued survival and existence of the society. And, if this continued survival and existence of the society must be guaranteed, then there must be procreation. The emphasis, therefore, must be made here to the effect that well ordered procreation could only be fostered in the marriage institution.

The enormous duty the individual owes the society in the form of procreative marriage cannot be over-emphasized. It overrides most of the individual human rights. Marriages seldom fail in traditional African societies because marriages in these societies are founded on duty. For instance, a young man or woman who wants to quit a marriage for reasons of negative experiences is normally encouraged to see it as a duty he/she owes his society, to help the society to continue through procreation. Marriages as such fail which are founded not on this sense of duty but on other perceived goods such as love or affection. These would always give way but duty does not. The pangs of the marriage institution can only be condoned on a good sense of duty, especially to the society.

Furthermore, those who negate marriage on grounds of individual human rights of the human person should note that individual human rights of the human person is waived on grounds of that “required which is reasonably necessary in the event of any emergency or calamity threatening the life or well-being of the community or any labor or service that forms part of normal communal or other civic obligations for the well-being of the community”, (Nigeria Constitution, 1999:34: 2d – e (i)). Of course, there is no better way to put the above than that rights of individuals are curtailed in matters that bear heavily on the continued survival of the community, hence, this sense of

duty cannot be over-emphasized. Hence, must be sustained not only on voluntary and choice grounds but on real sense of duty as one owes to the society.

It should also be stressed that duty becomes civic when “it is something owed one’s country (patriotism), or to one’s home land or community”, (Wikipedia). Civic duties, among other things, include, in any African community, the willingness to consent to procreative marriage. Such consent must proceed from the sense of duty. Removing marriage from duty list might put many to act otherwise and might become the lot of the majority which in the long run might threaten the continued existence of the community.

More so, it has been argued that the good of a person in a state is altruism, which is a situation the will of the individual is submerged in that of the state. In this sense the Hegelian philosophy of history applies whole length. That is to say that the state or the community becomes the embodiment of the evolving universal consciousness to which one is duty bound consciously or unconsciously to be a willing instrument of its evolution.

The sense of duty which should drive the wheel of marriage in our times also derives impetus from religious pinning. Religions, especially Christianity, drive home, on the followers, the import of marriage, the procreative marriage in unmistakable manner. In the Christian Holy Book, it is an irrevocable order that God definitely had no more assignment for man and woman than to go and “have many children, so that your descendants will live all over the earth and bring it under their control”, (Genesis, 1: 28). And , that this must be done in the medium of procreative marriage is obvious from the further injunction that a man shall leave his father and mother and cling to a woman and then they shall form not two but one body, (Gen 2<sup>24</sup>). Furthermore, God reasoned well in favor of the marriage institution when he said “it is not good for the man to live alone. I will make a suitable companion to help him, “(Gen 2<sup>18</sup>). More so, Christ showed his interest in marriage through

his miracle in Canaan. The Roman Catholic Church has, based on the above, for ages stood against all forms of artificial birth control – from the use of condoms to the idea of contraception. More so, the church has at all times opposed unwholesome cohabitations and unions that are not properly constituted marriages even as such unions are between a man and a woman and even for procreative purposes. On the basis of the aforesaid, marriage not negotiable but a duty one owes to God who has made man in His own image and likeness to further creative processes.

## **RECOMMENDATIONS**

This essay cannot said to be complete if ended without recommendations. It is the candid recommendation that the aberrations that threaten the existence of the marriage institution be abrogated and/or abolished. These are issues such as same-sex marriage, cohabitation and obnoxious marriage laws. It is imperative, going by indices of arrangements masquerading as marriage but which are not, that these are the real threats to the marriage institution, for instance, no same-sex arrangement is marriage in the real meaning of the word because real and true marriage is for procreation, and organized descent. It is also the recommendation of this essay that other institutions and governments should enhance the efficacy of the marriage institution through provision of incentives such as financial, material and moral cum spiritual support. These, if done, would encourage more and more people to embrace real marriage and not its perversions.

## **CONCLUSION**

The problem of this study remains the marriage institution in our times. It is about the observed neglect and continued clamor for the abolition of the marriage institution in our times with the purpose of making an eloquent show of the relevance

of the marriage institution in our times. This means that arguments have been presented to establish the continued need for the marriage institution. This is because of the convincing conviction that the marriage institution should rather be undergoing a cross-cultural revival that would make it a stronger and a more universally oriented institution in our times.

Let it be repeated here that this study is significant in many ways. One, this study is significant in show-casing the continued relevance of marriage in our times. Secondly, the study is significant in pin-pointing the short sightedness of those who advocate the dissolution of the marriage institution. Thirdly, the study would have highlighted some of the aberrations that threaten the existence of the marriage institution. These are issues such as same-sex marriage and obnoxious marriage laws.

It is, therefore, the conclusion of this study that the marriage institution in our times is not in for abolition. This is based on issues of relevance as raised and discussed in this study. What the marriage institution in our times needs is not abolition but repositioning.

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