

The Extent of Polygamy in Africa, Any Role for the Information Professionals in Curbing Further Spread?

OLASORE, Remilekun Elizabeth
Law Librarian, Olabisi Onabanjo University Ago Iwoye

Abstract

This paper considers the impact of polygamy, which is lawful in several African jurisdictions, on women and to a lesser extent, children. Research has demonstrated that the implications of plural marriage vary according to the context in which it is practiced, but most reports suggest that the impact on women is negative rather than positive. Polygamy adversely affects a woman's social status, economic position and health and as a consequence, the international community has criticized the practice. The paper concludes by considering the role of information professionals and their role to reduce, if not totally eradicate the act of polygamy in Nigeria.

Keywords: Polygamy, Impact on women, information professionals

INTRODUCTION

Polygamy is a common practice in every part of our country, Nigeria regardless of traditions or religious beliefs. Even many well educated people and religious go behind the scene of their faith and prohibition and practice the age old act¹

By virtue of the provisions of section 45 of the Interpretation Act of 1963, complete English Common and Equity were introduced into the Nigerian law together with certain English statutes. As Nigeria developed, there is this cultural awareness by the people that some of the provisions of the introduced laws are faulty mostly because they do not reflect the social norms of the people in Nigeria. Such are found in various provisions of law that deal with the incidence of customary marriage particularly polygamy.

One factor which appeared to have motivated the colonial legislators in enacting the Marriage Act² was to bring Monogamous marriage into Nigeria as they thought that marrying more than one wife is abhorrent³ the colonial administrators could not comprehend a marriage system which was inherently polygamous. This is deduced from the words of Thomas Jackson⁴

“The term native marriage is viscous as marriage connotes excessiveness and indissolubility as its immediate and palpable advantages.....it ensures to women, however illfavoured by nature, the certainty of not being compelled to pass her life in single blessedness”

The study and practice of polygamy raises many questions, some of them are suitable for quick replies, and while others need a deep more considered response.

POLYGAMY AN ANCIENT PRACTICE

To fully understand what polygamy is, it is trite to give a working definition of Monogamy. Monogamy simpliciter is the practice of being married to only one woman⁵. In this practice, the husband and wife each regard the feelings, sentiments and sexual benefits of the other, as exclusively belonging to him or her.

Polygamy on the other hand is the practice of marrying more than one woman⁶. Its essential characteristic is the capacity of the man to take as many wives as he pleases. Polygamy exists in three forms: **polygyny** – where the family unit consists of one man and multiple wives; **polyandry**– where the family unit consists of one woman and multiple husbands; or **group marriage**– where the family unit consists of multiple husbands and multiple wives. Historically, all three practices have existed, but polygyny is by far the most common. Confusion arises when the broad term "polygamy" is used when a specific form of polygamy is being referred to, and most references to polygamy in practice is to polygyny. Most countries that permit polygamy permit only polygyny popularly referred to as polygamy.

In most worlds today, polygamy is an acceptable social practice of different tribes⁷. Polygamy had not only existed among the barbarian tribes, but also by many civilized people. Apart from the Arabs, it was said to be practiced by Jews, Mormons, Iranians and several other people⁸.

¹ Alfred Aisediohen 2010 . The effect of polygamy in our population. Sourced on 2/12/2012 at <http://www.apianinternational.co.uk/free article html>

² Marriage Act: cap

³ Kasumu S. 1996. Nigerian Family Law. Claverianum press, Ibadan p.20

⁴ Great Britain. Public Records office, Gold Coast Marriage Law VC.O.879/20D. Dispatch 441 dated 18th September, 1882

⁵ Women and her rights-<http://www.najaforg/English/book/21html> sourced 2nd December, 2012

⁶ Nwogugu E. 1999. Family Law in Nigeria. Claverianum press, Ibadan p. ixxxx

⁷ Aggrey E. Polygamy.<http://www.helium.com/items html> sourced 26th October, 2012

⁸ ibid

The polygamy has existed in all over the African continent thanks to the fact that it represents an aspect of their culture and religion. These types of marriages have been more present in the whole history of Africa like no other continent in the world. One of the reasons why this has happened is because the African societies have managed to see that children were a form of wealth and this way a family with more children was considered to be more powerful. Under these circumstances the polygamy in Africa was considered to be part of the way you could build an empire.

It was only after the colonial era in Africa that polygamy was perceived as a taboo, as this was one of the things imported along with the colonists that took over some regions of Africa. Some people are saying that there was also an economic reason why this has happened: there were many issues of property ownership that conflicted a lot with the European colonial interest.

At first the polygamy was very popular in the west part of Africa, but as the Islam has started to diffuse in this region, the prevalence of polygamy has started to continuously reduce due to the restrictions that appeared to the number of wives.

For example polygamy is very widespread across Kenya and right now one of the most prominent single individual that is popularizing this practice is Akuku Danger who as managed to become famous based on the fact that he is married with over 100 wives¹.

Even if people are thinking about the fact that South Africa is by far one of the most developed countries in the region, there are still many traditionalists out there that are constantly practicing polygamy. Even the president of South Africa: Jacob Zuma is declaring openly that he agrees with plural marriages and he is currently married to 3 wives. And at the same time he has 20 children with these and the two previous wives that he had in the past².

Another country where the polygamy is accepted is Sudan. Under these circumstances the Sudanese president: Omar Hassan al-Bashir has always sustained polygamy and he says that these multiple marriages are one of the options available for Sudan in order to increase its population³.

Overall the polygamy in Africa is a very common practice that you are going to find all over Africa, but it tends to be more popular especially in the West African countries. This practice is very common among the animist and the Muslim communities. For example in Senegal there are almost 47% of the marriages where they feature more than one woman. In the Arab nations the percentages are even higher and there is also the Bedouin population that you can find in Israel, where around 30% of them are part of multiple marriages. And along with all that there are also the Mormon fundamentalists who also live in polygamous families⁴.

Before the reception and introduction of the English Common Law in Nigeria, customary Native Law controlled the lives of the people. Customary Laws in Nigeria have some unique features in that it is unwritten, it must be a mirror of accepted usage⁵. It is note worthy that there is no single uniform system of Customary Law prevailing throughout Nigeria, but it appears that the practice of polygamy cut across all tribes hence, one can justifiably conclude that polygamy is widely practiced in Nigeria.

Aside from having polygamy enshrined in the various customary laws in Nigeria, the Islamic Religion which is well practiced in Nigeria permits a man to marry at most four wives⁶. Under civil law, Nigeria recognizes polygamous unions. The northern states of Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara recognize polygamous marriages as equivalent to monogamous marriages, as all twelve are governed by Sharia Law which allows for a man to take more than one wife as long as he treats them equally.⁷

It is estimated that Nigerian alone has over Forty Million polygamist (N40m). This figure includes a large proportion of kings, traditional chiefs, religious leaders, business men, government officials, politicians, members of the Armed Forces, judiciary and even the farmer, beggars on the street⁸

REASONS FOR POLYGAMY

A number of reasons have been adduced for the continuous practice of polygamy in Nigeria and other jurisdictions. Several different schemes have been proposed it explain its incidence. Some people suspect that a desire for numerous sex partners is built into basic human biology, a factor that would explain the almost its

¹ Abc News. abcnews.go.com/international/danger-akuku-dies-leaves100-widows/story?id=11794693 sourced: 16/02/2015

² Laing, Aislinn(2012) Jacob Zuma faces losing \$1.2million support for four wives. Daily telegram London. Sourced at www.wikipedia.org/wiki/jacob_zuma 16/02/2015

³ Sudan Tribunal. Sourced at www.sudantribune.com/spip.php?mot126 16/02/2015

⁴ ibid

⁵ Barramain J in *Owoniya v Omotosho*(1961) ALLNLR 304 at 307

⁶ ibid

⁷ Polygamy in Nigeria: http://en.wikipedia.org/wiki/Polygamy_in_Nigeria sourced 7th December, 2012

⁸ Campaign Against Polygamy and Women Oppression International (CAPWOI) <http://www.polygamy.org> history.html sourced 9th December, 2014

universal occurrence, but not the exceptions or variations. Other theories based on population and ecological factors explain it as a response lengthy periods of sexual abstinence that women must follow after child birth in some cultures. This practice reduces population growth, but drives husbands to acquire additional wives to meet unfulfilled sexual needs. Demographic theory suggests that polygamy may occur because of a surplus of women that results from a high incidence of male warfare.

In response to a dialogue box created via the internet by Randolph Hollingsworth, student of the University of Buckingham on the topic “**query on reasons for polygamy in Africa**¹ contributors have this to say about the continual existence of polygamy in Africa.

Firstly, human labour was essential and therefore polygamy provided more hands to work in the field and produce more food or more cash crops for sale thus, polygamy produced wealth. This assertion may very well be highly applauded if reference is made to the 1950s to 70s and not nowadays where there are high mechanized equipments for agricultural practices other than human labour.

Secondly, polygamy enables all females to be married. This is based on the assumption that there are not enough men to go round for one to one marriage. This assumption seems to be faulted with the recent Nigerian population figures of the year 2006. The figures stood at One Hundred and Forty Million (140million). It revealed that Seventy One Million, Seven Hundred Thousand (71.7million) are male while Sixty Eight Million, Three Hundred Thousand are female (68.3million)²

Thirdly, polygamy makes it possible for widow and her children to be cared for. Widow inheritance is common in Nigeria and some part of the African countries. The essence is to reduce the problem of neglected old women.

In political terms and royal kingdoms, the more wives one had the more political alliances one could form. Kabaka Mutesa 1 of Buganda had to resist Christian Baptism because he was asked to divorce his Eighty Five (85) wives and get wedded to one. The queen mother said expressly that it was unheard of for a king to have one wife like the poorest commoner³. This position also exists in Nigeria for instance, **Mohammed Bello Abubakar**, also known as **Mohammed Bello Masaba**, born in the year 1924 is a Nigerian man who stirred up controversy in his hometown of Bida Niger State, when he married 86 wives, and fathered 170 children⁴. Also, hardly would you find a king, baale or a chieftaincy title holder with a single wife, if he does not take a wife expressly by himself, he would be given one or two as a gift for such positions.

Men prefer polygamy because it gave them sexual gratification and diversities in mates. Particularly in societies with lengthy post-partum sexual taboos. For instance in some culture, it is a taboo to have sexual intercourse during menstruation, and polygamy provided solutions to this⁵.

Women and children were safer in larger households where they were better protected from aggressors. Pride was associated with a larger family and shame and low self-esteem were associated with small families which were symbolic of poverty.

In modern times when some workers live in the city, they may prefer to have two wives and two families; one in the city and the other in the rural area

Polygamy is also commonly found in closed cultures where open displays of courtship and affection are shunned. As well, polygamy has historically been used in place of divorce in countries with limited grounds for divorce and high thresholds for proving those grounds⁶

A man's wealth was measured by the number of his wives as well as the number of his children and cattle or livestock. The list of reasons for the continuity of polygamy cannot be exhausted. However, there have been several agitations by various jurisdictions on the eradication of polygamy as it is proposed to be an infringement on the right of the woman and children.

THE EFFECT OF POLYGAMY ON WOMEN

An area where gender inequality is strongly pronounced in Nigeria is Marriage. Women are sexually exploited by their male counterparts who are empowered by our culture which relegates the female gender. A considerable body of research concludes that the polygamous family structure has an impact on children's and wives' psychological, social and family functioning⁷.

¹ Randolph Hollingsworth. Query on reasons for polygamy. <http://www.hartford-hwp.com/achives/30/158.html> sourced December 7th 2014

² Nigerian Population Census result 2006. http://www.davidajao.com/blog/2006/12/29/nigerias-population_is_140million/html sourced December 5th 2014.

³ Kabaka Mutesa 1 of Buganda (1856-1884) http://en.wikipedia.org/wiki/kabaka_of_Buganda. sourced 7th December, 2014

⁴ pmnewsnigeria.com/2011/...polygamist.../abubakar-masaba-2 sourced 4th August, 2012

⁵ The practice of and reasons for polygamy <http://www.swc-cfc.gc.ca/>. sourced 5th November, 2012

⁶ ibid

⁷ Alean A.(2009)Medical Literature on the Effects of Polygamy on the Family. <https://stoppolygamyincanada.wordpress.com/2009/11/03/medical-research-on-the-effects-of-polygamy/> sourced

Fundamental contradictions inherent in many African legal systems—the coexistence of modern, statutory laws with Islamic and traditional customary laws and practices—has created a complex and confusing legal regime under which women are denied legal rights. Many African governments, due to the complexity and enormity of the task, and perhaps due to their own resistance toward female empowerment are slow to enact meaningful reform, preferring to allow for extreme decentralization in matters of family or personal law. The practice of polygamy throughout Africa with its accompanying absence of equitable means for justly allocating the respective interests of a man's numerous wives presents problematic administration of estate laws effectively barring a widow's rights to inherit.¹

For instance, few widows attempt to make use of the formal, legal, judicial system. Widows rarely challenge the legality of prevailing customary rules of inheritance or raise the question of discrimination inherent in these rules. Activist organizations are trying to changing this. Few widows have filed complaints with the police and fewer have attempted challenging the constitutionality of these oppressive customary rules and practices.²

Complex inheritance issues arise from polygamy and the ability of African men to jump from one form of marriage to another. Men marry wives under civil law, then add a few more under custom or start the other way around and then marry a wife under general law. Although such combinations and “juggling” of wives may cause complications during the life of the man . . . the real problem arises when he dies and the resources of the family have to be allocated among the various competing “groups” and wives within the family. Given the complex relations courts have a lot of interests to balance³.

The first –tier interest of the legal wife of a monogamous, statutory union, the interest of the legitimate children of such marriage, the interest of the additional “wives”, mistresses of a man who had previously contracted a monogamous marriage, the interest of the various wives in a polygamous, customary law or marriage, the interest of the many children born in a polygamous, customary law marriage, and the interest of the illegitimate children of the deceased. Second-tier interests would include those of the parents, brothers, and sisters of a man.

So complex is the web of relationships and interests that may exist with regard to a single estate that several calls have been made for legislation to deal with the problem. Any reform can only be a beginning that will need to be amended as its efficacy is evaluated throughout implementation.

Despite various attempts embarked upon by international bodies, Governments and NGOs on gender equality and empowerment, the position in Nigeria is still disheartening. It has been observed that girls and women are the greatest number among the poorest of poor in Nigeria as they are plagued with poverty of ignorance, illiteracy, discrimination and injustice, cultural oppression, seclusion, HIV/AIDS and sexual violence⁴. HIV/AIDS of all the gender related problems identified are not just incurable but has devastating effects on physical, social, economic and psychological wellbeing of the infected, his/her relative and the entire community. This is probably accounts for the global attention the pandemic has received. The practice of formal and informal polygamy creates a network of simultaneous or "concurrent" sexual relationships that links sexually active people not only to one another but also to the partners of their partners— and to the partners of those partners, and so on—creating a giant web that can extend across huge regions. If one member contracts HIV, then everyone else in the web may, too. Polygamous men generally seek out young women, even as they themselves age. In this way, formal and informal polygamy pumps the virus from one generation to the next. Sticking to one sexual partner is assumed will curb or reduce the spread of HIV/AIDS, the practice of polygamy negates this position. One may not be wrong to assert that the practice of polygamy is a major contribution to the spread of HIV/AIDS in this part of the world. The most recent international AIDS conference in the summer of 2004 recognized the need to empower women and address cultural and religious factors influencing HIV vulnerability and prevention⁵. Governments must address this problem through law reform and other means in answering the call to stop the spread of AIDS as research reveals that about half of all people living with HIV are women; they face a variety of human rights concerns in the context of the epidemic. Two issues recognized need urgent action by governments are property and inheritance rights. When a woman's husband or father dies, as described above, other relatives may seize all property and evict orphans and widows. Women in this situation are sometimes stripped of their possessions and forced to engage in sex work or transactional sex in exchange for survival items such as food, protection and cash.

17/02/2015

¹ Uche E.(2002) Post Colonialism, gender and customary injustice: widows in African Societies. Human Rights quarterly, University of Arkansas school of Law vol 24 page 424-428

² Uche E. supra

³ Uche E. supra

⁴ Uche E. supra

⁵ AIDS2004. International AIDS Conference July 11-16 2004-bangkok Thailand. Proceedings available at <http://www.aids2004.org/>

This gender inequality puts women at a much higher risk of HIV infection than men. It continues despite the fact that States are bound by the principles of the UN Charter, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and regional instruments.

The problem of traditional practices-which include polygamy dangerous to the health of women and the girl-child has been reviewed by several United Nations world conferences. The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993 expanded the scope of the international programme on human rights, emphasizing that "gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated". The Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women in 1995 deal with harmful traditional practices under a number of the key areas. The Platform for Action states that the reasons why men outnumber women in certain parts of the world include harmful attitudes and practices such as female genital mutilation, son preference (which results in female infanticide and prenatal sex selection), early marriage, including child marriage, honour killings and discrimination against girls in food allocation. The Platform suggests concrete steps for governments to eradicate cultural attitudes and practices that are harmful to women and girls.

EFFORT BY VARIOUS JURISDICTIONS TO ERADICATE POLYGAMY

Polygamy was permitted in most parts of the world at one time, but there has been a move away from the practice. Monogamy is now the rule in Eastern and Western Europe, North America, South America, Central America, Australia, New Zealand and large parts of Asia, including Japan and China¹. Although India continues to permit Muslims to enter into polygamous marriages, 80 percent of its population is governed by the *Hindu Marriage Act*, which permits only monogamous marriage². In many of the Asian, Middle Eastern and African countries that still permit polygamy, the rules governing the practice have been made more stringent, and actually polygamous marriages are the exception rather than the rule. In Islamic countries, only the wealthier men are able to comply with the Koran's requirement that a man who takes on more than one wife be able to afford each of them and their children equal protection and benefit³ Turkey banned polygamy completely;⁴ Zaire banned polygamy; Tunisia banned polygamy;⁵ Burundi prohibited polygamy. Mauritius banned polygamy in a comprehensive, informed, court decision addressing religious freedom and secular legal concerns.⁶ Bangladesh also outlawed polygamy through a judicial opinion.⁷

Among the earliest legislations which were used as tools to fight polygamy in Nigeria is the Marriage Act⁸. The Marriage Act had its origin as far back as 1863 and its primary purpose was to combat customary marriage⁹. This clearly show that a marriage celebrated under customary or Islamic law will be regarded as polygamous since they permit a man to marry more than one wife. The classical definition of monogamous marriage is derived from the words of lord Penzance in the old English case of *Hyde v Hyde*¹⁰ where he stated that

“It is the voluntary union for life of one man and woman to the exclusion of all others”.

In other to further enshrine monogamous marriage in Nigeria, there are different provisions of the law that prohibits the practice of polygamy. The most offensive provisions of law to polygamy are contained in sections 35, 37 and 48 of the Marriage Act.

Section 35 provides inter alia:

“Any person who married under this Act or whose marriage is declared by this Act to be valid shall be incapable during the continuance of such marriage, of contracting a valid marriage under Native law and custom”.

By this provision, a customary marriage which is subsequent to a statutory marriage is void. Not only that it is

¹ Legal Status of Polygamy .http://en.wikipedia.org/wiki/Legal_status_of_polygamy. Sourced 7th December, 2012

² ibid

³ ibid

⁴ Irish Peace Society, Women's Rights in Islamic Marriage, available at <http://www.peace.ie/read/islammarriage.html> sourced on 17 Feb, 2015

⁵ Wendy L. Patten & J. Andrew Ward, Empowering Women to Stop AIDS in Cote D'Ivoire and Uganda, 6 Harv. Hum. Rts. J. 210 (1993)

⁶ Mauritius Const. Art. 11(1) in *Bhewa v. Government of Mauritius* [1991] LRC (Const) 298, 307 (15 May 1990).

⁷ *Jesmin Sultana v. Mohammad Elias*, 17 BLD 4 (1997).

⁸ Marriage Act cap 218 Laws of Federation of Nigeria

⁹ Ordinance No 10 of 1863

¹⁰ (1866) LRPD 130 at 133

void, the parties are subject to penal sanctions under section 48 of the Act which provides:

“Whoever, having contracted marriage under this Act or any modification or re-enactment thereof, or under any enactment repealed by this Act during the continuance with Native law or custom shall be liable to imprisonment for five years”

Similarly, section 370 of the penal code¹ stresses the opposition towards polygamy thus;

“Any person who having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife is guilty of a felony and is liable to imprisonment for seven years”.

There seem to be more critique on the provisions of law as there have been various acts by men to circumvent the law. For instance, the Act only makes provision for punishment of offenders who register a subsequent marriage under Native law and custom. It stands to reason that a man that takes another wife is exonerated from the caprices of the Act if he does not register under Native Law and custom. Moreover, customary laws are still recognized in all northern states and the Federal law recognizes polygamous unions under customary law. In Uganda, a bill was tabled in December, 2005 before parliament to limit to four the number of wives a man may have and particularly requires the existing wife’s consent in court in order for the man to marry an additional wife² this was more of a proposal because it was unacceptable by majority of the members of the parliament. The same was revisited in the year 2008 and it is still a pending issue before the parliament.

In the United State of America, The practice is illegal in all 50 states³ over a century ago; citizens of the self-governing territory of what is present-day Utah were forced by the United States Federal Government to abandon the practice of polygamy through the vigorous enforcement of several Acts of Congress in which they eventually complied. The Church of Jesus Christ of Latter-day Saints formally abolished the practice in 1890, in a document labeled 'The Manifesto. Among American Muslims, a small minority of around 50,000 to 100,000 people are currently in illegal polygamous relationships.⁴

In the United Kingdom polygamy is Illegal, Polygamy is treated as bigamy if a second marriage is contracted in the United Kingdom. No legal recognition is extended to spouses of subsequent marriages after the first marriage is recognized even when subsequent marriages are contracted abroad. Polygamy in Britain was originally prohibited because of the arguments grounded on the Christian view of marriage. However, the arguments have now metamorphosed into the unacceptability of the custom on grounds of community relations or norms of gender equality and human rights. In fact several politicians have discussed proposing a bill that would revoke the state's granting of welfare benefits to polygamous households.⁵

OBVIOUS TRUTH

It is a known fact that polygamy is predominant amongst African states hence, the Global uniformity in eradicating its practice will continue to be difficult to achieve.

Law can urge greater equality, but banning harmful practices such as polygamy, or even educating against them offers only one line of defense until women can turn to themselves for security and sustenance. Where economic development improves the situation of men, without bettering the situation of women, poorer treatment of women might become even worse in a community.

Being preoccupied with more pressing matters of state, African nations may have found little time or resources or exploration to take on banning polygamy, and most likely a political will on the part of governments is lacking. Add to that the fact that state officials may be part of the very practices the laws seek to abolish. For instance, where a man who is arrested for polygamy, he is caught within the section of law and yet the policeman who arrests him and the judge that sentences him to prison for seven years are caught under the web of polygamy themselves.

Serious problems therefore arise when men move from monogamous, statutory marriages to polygamous, customary law marriages or vice versa, an act which clearly constitutes the offense of bigamy under existing laws in most African states. Unfortunately, the offense of bigamy exists only on paper in most African states. In Nigeria, for instance, with the exception of a single prosecution in the early 1960s, no one has been prosecuted for the offense⁶.

Any meaningful reform must change the way people view their rights and obligations here in matters of equality, inheritance, dignity, just as social movements in the United States have with regard to gender and racial

¹ Legal Status of Polygamy .http://en.wikipedia.org/wiki/Legal_status_of_polygamy. Sourced 7th December, 2014

² Ross. BBC News Kampala.uganda polygamy bill

³ ibid

⁴ ibid

⁵ Campaign Against Polygamy and Women Oppression International (CAPWOI). <http://www.polygamy.org.history.html> sourced 6th December 2012.

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injustices. If people's ideas and understandings are not changed, matters will remain unchanged. It is necessary that the government create a conducive environment for such a change. This would include: paying particular attention to financial, administrative, and procedural barriers women encounter in exercising their rights; exposing domestic violence; and recognizing the treatment of widows as a form of violence against women. Delays in the administration of estates and delays in court proceedings could be addressed by establishing family law courts and sensitizing training of legal, judicial, and administrative personnel. The cost of lawsuits could be borne by subsidizing and encouraging the organizations providing legal aid and legal services. In this respect, many African and international women's and human rights groups these groups help women understand their legal rights and work through the system.

ANY ROLE FOR THE INFORMATION PROFESSIONALS

It is obvious from the observation above and deducible that the fight against the spread of HIV/AIDS, poverty, illhealth and social status may not be won with the continuous practice of polygamy, hence the need to as well curb the practice. It is observed that once Aids is not curable, prevention is therefore the best option. The position of factual and corrective information may help to influence the right attitude and behavior that will ensure reduction in the spread of the disease.

Information professionals have the traditional task of relevant information acquisition, processing, storing and dissemination at the right time and environment to all and sundry. However, this work is interested in how information can be used to eradicate polygamy where law seems to have failed. Law seemed to have failed because of inadequate knowledge about the position of law on polygamy which is an infringement on the right of women and children. There is therefore the need for information professionals to join the struggle for the eradication of polygamy by acquiring, processing and making available to individuals in the best available format relevant information on the subject. Apart from information provision, it is the belief of the researchers that we as information professionals can also contribute meaningfully by engaging in the following to wit:

PARTNERING

We can parley with international bodies and Non Governmental Organizations (NGOs) in sponsoring relevant bills to the law makers in the country on the issue.

We can also partner with Government, Non-Governmental and International agencies in packaging, repackaging and the design of eradicate polygamy information materials.

Organization of campaigns, seminars, workshops, conferences et cetera on the issue.

Partnering with relevant communication media in the design and execution of educative discussions on television and Radio.

Partnering with institutions of higher learning on the organization of public lectures, discussions, symposia on the issue, as majority of the students will choose their partners at this stage.

Organization of campaigns and the design of relevant information materials to the non-literate members of the society.

Fund seeking for relevant agencies through preparation of proposals to Government agencies and other grants awarding institutions.

ADVOCACY

Polygamy tampers with women right and health and as such, deserves utmost attention. It is therefore being recommended that the Nigerian Library Association, the Nigerian Association of Law Librarians create a section that deals with the eradication of polygamy. The section can therefore engage in the advocacy for women rights and health through the campaign against polygamy.

PROMOTION OF GENDER EMPOWERMENT, EQUALITY AND EDUCATION BILL

The Nigerian Library Association in conjunction with the Nigerian Association of Women Librarian can promote a bill to the National Assembly to cater for gender empowerment, equality and education at all strata of Government. This is important and with the growing awareness of human rights in Africa, the necessity and legality of previously accepted customary rules and practices are increasingly contested, led by women activists and intellectuals in international and national discourses and in test case litigation and court. A growing women's movement in the continent and improved information network have been effective in moving internal struggles for women's rights in many African countries.¹ There is a growing movement gaining momentum to contest the

¹ Fitnat Naa-Adjeley Adjetey, Religious & Cultural Rights: Reclaiming The African Woman's Individuality: The Struggle Between Women's Reproductive Autonomy And African Society And Culture The American University Law Review 44 Am. U.L. Rev. 1351 (1995); See Crowley Program, Promise Unfulfilled: Law, Culture and Women's Inheritance Rights in Ghana, (2001) available at <http://law.fordham.edu/crowley.htm> (last visited July 8, 2004). See Takyiwaa Manuh, Africa Recovery

legality and legitimacy in a health and human rights context of widely accepted social, customary, traditional and religious practices problem complicated by the apparent division among native women on the very important question of the place of custom in Africa today.

CODIFICATION AND HARMONIZATION OF CUSTOMARY LAW

The question of codification and harmonization of customary law is one which has plagued most African states since the independence era. In favor of codification and harmonization is the argument of certainty and uniformity, advocates of customary law argue equally strongly that if customary law is a living law, codification would stunt its development and eventually stifle any modernization. But the law is organic and can be amended in a public transparent forum by procedure. Yet a harmful practice or custom, however codified/justified, is repugnant to natural law and human rights. When a widowed human being, notwithstanding her contribution to her deceased husband's estate is left penniless, homeless, inherited and brutalized, this is immoral and illegal by contemporary legal standards. The custom denies woman's significant direct and indirect contributions to her husband's estate. Moreover, because the emphasis is on a male heir, the law has a wider reach and would affect childless widows and widows with only female children adversely.

CONCLUSION

The minefield task of reforming ingrained customary laws and practices is not one that African women activists can undertake alone. Societal and religious attitudes must be changed, and the thorny and complex issues of multiculturalism,¹ religious freedoms and preserving the rights of minorities negotiated. This must take place in the context of a commitment towards the removal of structural and institutional barriers that have oppressed African women. A study of social reform in other countries indicates that effective reform demands an integrated societal involvement requiring the participation of a cross-section of the society.² Also we need to study countries where reform has been achieved. In localities where serious changes have occurred with women's rights in Nigeria, it was the result of efforts of local women, supported sometimes by nongovernmental organizations, influences from information, and the readiness of traditional rulers and village elders for change.³ Specific rights need to be conferred for widows of polygamous and monogamous unions and harmful customary practices abolished. Cultures, customs, and traditions fashioned by people are not static but are changed by people to adapt to conditions. Customs are made by people and it is people who can change them. Many aspects of customary law are critically out of step with the contemporary world.

Bare legislation is insufficient to change long-standing customs and committed enforcement and civil society and religious and traditional leadership is needed to achieve the realization of the law reform and social change. Moreover, too much too fast –too radical changes do have the propensity to disrupt a society and further distance the civilian population from the state. Radical reforms Justice Gubbay of Zimbabwe warned, “might alienate the more traditional and conservative elements in the society” and backfire on the very women we are seeking to protect. Proposals to ban harmful customary or traditional or religious practices may be incremental, will not be static and must be left open to progressive review in light of changing times and social acceptance.⁴ Nonetheless for reasons of presenting a full debate someone should always advocate for the most progressive reform.

Briefing Paper Number 11, April 1998 Women In Africa's Development ,Overcoming Obstacles, Pushing For Progress (April 1998) available at http://www.femnet.or.ke/documents/csw_2002_women_africa_development.pdf sourced on 17th Feb, 2015

¹ Susan Moller Okin , *Is Multiculturalism Bad for Women?* Boston Review available at <http://www.bostonreview.net/BR22.5/okin.html> sourced on 17th Feb, 2015

² Elizabeth Pleck, Domestic Tyranny: The Making Of American Soul Policy Against Family Violence From Colonial Times To The Present at 5, 88 (1987) cited in Uche U. Ewelukwa supra

³ Uche E. supra

⁴ In Justice Gubbay's words with respect to Zimbabwe: There is still a need for further reform, perhaps not so much of the law but of attitudes towards women. . . . we still find outmoded attitudes by virtue of which women attending the theater or going out for an evening of entertainment are treated as prostitutes and rounded up like errant cattle. . . And all women must try and re-educate society as to their real position, rights and entitlements. Cited in Uche U. Ewelukwa supra