HTS Teologiese Studies/Theological Studies
ISSN: (Online) 2072-8050, (Print) 0259-9422

Civil partnerships in Zimbabwe: The church's response

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Dates:
Received: 21 Jan. 2026
Accepted: 16 May 2026
Published: 23 Sept. 2026

How to cite this article:
Vengesai, P., 2026, 'Civil partnerships in Zimbabwe: The church's response', *HTS Teologiese Studies/Theological Studies* 82(1), a11275. https://doi.org/10.4102/hts.v82i1.11275

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Zimbabwe's *Marriages Act* harmonises previously fragmented legal systems governing different marriages into a single-statute framework. This codification improves legal certainty and facilitates practical engagement for family law practitioners and litigants alike. Going beyond simple harmonisation of existing marital classifications, the Act introduces civil partnerships as a unique legal marital category. The religious approval of this legislation by the Zimbabwean churches remains contested, reflecting a range of doctrinal views across different denominations. In Zimbabwe's predominantly Christian society, supported by constitutional guarantees of religious freedom, the positions of church organisations merit careful consideration. Churches advocating for monogamous marriage, mainly Mainline Protestant and Pentecostal groups, view civil partnerships as morally questionable. Conversely, the White Garment Apostolic churches adopt a different theological stance that accommodates polygamous marriage practices. It is concluded that forbidding civil partnerships for individuals already in monogamous civil unions would help maintain a clear divide between monogamous relationships and polygamous arrangements. Further, the article suggests revising the *Marriages Act* to include only unregistered civil marriages within the scope of civil partnerships. A document-based qualitative research methodology was used.

Contribution: This article offers a discussion of civil partnerships under Zimbabwean marriage law. It further expounds on the divergent church views on civil partnerships and ultimately proposes a legal reform that reframes the provisions on civil partnerships, offering them a meaning that brings harmony to different marriage beliefs in the Zimbabwean church community.

Keywords: civil partnerships; Zimbabwe; Christianity; same-sex marriage; *Marriages Act*; marriages.

Introduction

Globally, there has been a notable evolution in marriage regulations to reflect societal changes. Recently, many countries have introduced civil partnerships or civil unions, as they are called in other jurisdictions (De Vos & Barnard 2007:810). For example, the United Kingdom introduced civil partnerships through the *Civil Partnership Act* in 2004 (United Kingdom Government 2004). Initially, civil partnerships in the United Kingdom were only for same-sex couples, but they were extended to mixed-sex couples in 2019 through the *Civil Partnerships, Marriages and Deaths (Registration etc) Act* (United Kingdom Government 2019; Hayward 2025:29). Qualitative research involving mixed-sex couples further demonstrates that some partners choose civil partnerships because they regard them as a more egalitarian and contemporary alternative to marriage, which they associate with patriarchal traditions and unequal gender roles (Hayfield et al. 2024:1937). South Africa also enacted the *Civil Union Act* to regulate same-sex relationships (South African Government 2006). In most countries, legal frameworks for civil partnerships have not only altered marriage requirements and consequences but also expanded the types of couples eligible for unions (Hayward 2025:29). This includes the recognition of same-sex couples, who have long been excluded from legal marital frameworks (Smith & Robinson 2010:30).

Many forms of marriage have existed in Zimbabwe, including unregistered customary law marriages, registered customary marriages and civil marriages (Manyonganise & Mhuru 2021:13). These marriages were governed by a fragmented legal framework: civil marriages were regulated by the *Marriages Act* (Zimbabwe Government 1964), customary marriages by the *Customary Marriages Act* (Zimbabwe Government 1950) and unregistered customary marriages by unwritten customary laws. In 2022, Zimbabwe enacted what is regarded as the harmonised *Marriages Acts* (Zimbabwe Government 2022), which now governs all these types of marriages. The *Marriages Act* was also introduced to recognise civil partnerships (Vengesai 2024:223). Other forms of marriage have been studied more extensively, yet civil partnerships still require more interrogation.

The civil partnerships outlined in the Zimbabwean *Marriages Act* differ from those in other countries where same-sex marriages are permitted. Civil partnerships in Zimbabwe are not only limited to mixed couples, but are also permitted between those who are married, even in civil marriages (Vengesai 2024:223). The controversy arises when parties to civil marriages, which are mainly monogamous, are legally recognised as participants in civil partnerships. This position provokes conflicting views among churches in Zimbabwe, where some promote monogamous marriages, and others endorse polygamous ones. This article examines this controversy surrounding the nature of civil partnerships in Zimbabwe, how churches in Zimbabwe respond to this concept of civil partnerships and explores how they can be reinterpreted to align with the various religious beliefs of the churches in Zimbabwe.

Research methods and design

This article employed a document-centric qualitative research methodology. Given the intersectionality of law and religion, pertinent texts on these domains were meticulously examined. Primary sources encompassed constitutions, legislation and Bible scriptures. Legal sources were deployed to elucidate the legal status and purview of civil partnerships. Sacred texts, particularly from the Bible, were engaged to substantiate the doctrinal convictions of churches in Zimbabwe. Secondary sources, consisting of scholarly articles, textbooks and anthologies, were also integral to the investigation. These ancillary materials, through thematic analysis, corroborated and augmented the primary sources, offering profound insights into key constructs while presenting heterogeneous viewpoints. This methodology fostered a robust discourse and illuminated deficiencies within the legal framework pertaining to civil partnerships.

Understanding civil partnerships in Zimbabwe

Despite Zimbabwe's extensive jurisprudential history pertaining to marital regulations, which can be traced back to the enactment of the *Native Marriages Ordinance* in 1901, the legal recognition of civil partnerships has remained elusive until the recent introduction of the *Marriages Act* (Zimbabwe Government 2022; Manyonganise & Mhuru 2021:9). Chirawu (2019) delineates civil partnerships as unions between adults cohabiting in the throes of romantic affection. Civil partnerships may also be articulated as romantic alliances between two cohabiting adults (Chirawu 2019; Manyonganise & Mhuru 2021:16). Musunga (n.d.) posits that these unions emerged as a formal mechanism to encapsulate cohabitation, ensuring equity and judiciousness upon dissolution. Additionally, Musunga equates civil partnerships with the concept of universal partnerships. Nevertheless, Musunga's conflation of civil partnerships with the quintessential notion of universal partnerships may be fallacious; the latter effectively pertains to a business construct utilised by the Zimbabwean judiciary for equitable property distribution in unregistered customary unions (*Chapeyama v Matende and Another*; see Vengesai 2024:225).

The *Marriages Act* bestows a comprehensive framework for adjudicating the existence of a civil partnership, as delineated in s. 41(1) (Zimbabwe Government 2022:15). It provides that:

1. A relationship between a man and a woman who –
    a. are both over the age of 18 years
    b. have lived together without being legally married to each other
    c. and are not within the degrees of affinity or consanguinity as provided in section 7
    d. having regard to all the circumstances of their relationship, as a couple living together on a genuine domestic basis

shall be regarded as being in a civil partnership for the purposes of determining the rights and obligations of the parties on dissolution of the relationship and, for this purpose, s. 7–11 of the *Matrimonial Causes Act* [Chapter 5:13] shall, with necessary changes, apply on the dissolution of any such relationship.

Eighteen years of age

The principal prerequisite for establishing a civil partnership is the status of legal adulthood for both partners, aligning with the legislators' imperative under both national and international statutes that remediate the scourge of child marriages. Numerous international and regional covenants to which Zimbabwe is a signatory categorically proscribe child marriages. Article 24(3) of the Convention on the Rights of the Child (CRC) (United Nations 1989:7) mandates that States Parties must undertake all efficacious and appropriate measures to eradicate traditional practices detrimental to the health of children. In 2019, the CRC Committee and the Committee on the Elimination of Discrimination against Women jointly decried child and coerced marriages as pernicious practices and violations of human rights, advocating that the legal minimum age for marriage should unequivocally be set at 18 years (United Nations 2019:7–8). Article 21(2) of the African Charter on the Rights and Welfare of the Child explicitly prohibits child marriages, designating 18 years as the threshold age for matrimonial unions (African Union 1999:16).

Section 78(1) of the Constitution (Zimbabwe Government 2013:38), corroborated by judicial scrutiny in *Mudzuru and Another v Minister of Justice, Legal and Parliamentary Affairs NO and Others,* underscores Zimbabwe's resolute commitment to combating child marriages by forbidding unions for individuals beneath the age of 18 years. The stipulation of 18 years as the minimum age for civil partnerships exemplifies the nation's dedication to honouring its commitments to thwart child marriages. Moreover, section 3(3) of the *Marriages Act* criminalises actions linked to child marriage,

encompassing conducting, solemnising, promoting, permitting or coercing a child into marriage or civil partnership (Zimbabwe Government 2022:5). Violations of this provision incur penalties including fines up to level 10 and/or imprisonment not exceeding 5 years. Thus, civil partnerships in Zimbabwe can only be entered into by those who are aged 18 years or older.

Partners must have lived together but not married

In the context of civil partnerships, a precondition necessitates that partners cohabit without the formalisation of marriage. This stipulation, articulated retrospectively, intimates that the legal validity of a civil partnership is predominantly salient post-dissolution. Thus, its protective measures are activated primarily during the severance of the relationship rather than throughout its duration. Consequently, civil partnerships are predominantly acknowledged for the equitable distribution of assets upon dissolution (Cassim 2022). Though distinct from matrimonial unions, civil partners frequently cohabit, engage in sexual relations, and may nurture progeny, thereby constituting a familial unit subject to dissolution akin to that of marital divorces (Chirawu 2019). Divergent opinions persist regarding whether participants in informal customary unions possess the right to invoke civil partnership claims for equitable recompense upon termination (Cassim 2022). Fundamentally, civil partnerships and unregistered customary unions diverge markedly regarding their formation; unregistered customary unions are traditionally anchored in cultural rites such as the payment of bride price (lobola) (Vengesai 2024:217).

For instance, in the case of *Gwatidzo v Masukusa* the court deliberated on the legitimacy of an unregistered customary union, affirming its existence contingent upon the substantiation of bride price remittance. Likewise, the High Court in *Hosho v Hasisi* elucidated that the bride price payment is pivotal in adjudicating the existence of unregistered customary unions. The ruling underscored that the payment of lobola remains the paramount evidence of such unions, particularly in the absence of formal registration. In contrast, a civil partnership does not necessitate the payment of bride price. However, civil partnerships may be regarded as unregistered civil unions (Chirawu 2019). In summation, this arrangement serves as an unregistered civil union for individuals espousing a Western lifestyle who eschew traditional marriage while paralleling unregistered customary unions for those adhering to customary practices without formal registration (Chirawu 2019).

In the case of *Almero v Sithole* Justice Muchawa adjudicated on a summons amendment, wherein the Plaintiff, in an unregistered customary union, sought to transmute it into a civil partnership. Justice Muchawa elucidated the distinctions between unregistered customary unions and civil partnerships, asserting:

> As pointed out by the defendant in his submissions, the parties' unregistered customary law union does not fall into the category of a civil partnership whose requirements in s 41 do not include the payment of *lobola*. Rather, s. 47 (3) still recognises the existence of unregistered customary law unions which were contracted before the date of the coming into operation of the *Marriages Act* in 2022 and allows parties to secure the registration of their unregistered customary law unions (Almero v Sithole p. 8–9).

This clarification underscores that the *Marriages Act* (Zimbabwe Government 2022) accommodates both civil partnerships and unregistered customary marriages, delineating the two as distinct institutions; thus, neither institution supersedes the other.

Not related to each other in the prohibited degree

Additionally, regarding consanguinity, the statutory framework delineated in s. 7 of the *Marriages Act* (Zimbabwe Government 2022) elucidates prohibitions pertinent to marriage among relations, as articulated in s. 75 (2) of the *Criminal Law (Codification and Reform) Act* (Zimbabwe Government 2004:36). Prohibitions extend to individuals sharing biological parents, irrespective of marital status. This interdiction encompasses sexual relations between progenitors and their offspring, whether by birth or adoption, as well as between stepparents and their stepchildren, uncles and nieces, and grandparents and grandchildren. Such individuals are precluded from entering a civil partnership, and any attempt to do so is categorically deemed an offence, potentially incurring imprisonment of up to 5 years as provided by s. 75(2) of the *Criminal Law (Codification and Reform) Act* (Zimbabwe Government 2004:36).

A couple living together on a genuine domestic basis

A couple cohabiting on an authentic domestic foundation must be evaluated through a prism of multifaceted determinants as articulated in section 41(2) of the *Marriages Act*. These determinants encompass:

- the duration of the relationship
- the nature and extent of their common residence
- whether a sexual relationship exists
- the degree of financial dependence or interdependence, and any arrangements for financial support, between them
- the ownership, use and acquisition of their property
- the degree of mutual commitment to a shared life
- the care and support of children
- the reputation and public aspects of the relationship.

Critiques of these criteria argue that they constitute nebulous social constructs, eluding precise legal definition (Chirawu 2019). Phrases such as 'mutual commitment to a shared life' and 'reputation and public aspects of the relationship' are inherently subjective, lacking clarity in legal appraisal (Chirawu 2019). Furthermore, the

assessment of these criteria remains within the discretion of the judiciary due to the permissive use of the term 'may' in the statute (Chirawu 2019). The absence of the obligatory 'shall' imposes upon the courts the arduous task of discerning whether a civil partnership exists between the parties, rather than establishing a definitive checklist requisite for asserting property claims in a civil partnership (Chirawu 2019).

A partner can be in another marriage

An examination of Section 41(5) of the *Marriages Act* (Zimbabwe Government 2022) necessitates an inquiry into the property rights of spouses involved with individuals in civil partnerships. This stipulation permits civil partnerships in scenarios where one or both parties are simultaneously legally married, whether in a civil or customary setting (Zimbabwe Government 2022:16; Manyonganise & Mhuru 2021:16). The coexistence of a civil partnership alongside another marriage raises the conundrum that individuals, concurrently in a civil partnership and another marriage, cannot be classified as participating in a polygamous union (Cassim 2022). Ironically, this paradigm acknowledges that, upon a comprehensive appraisal of civil partnerships, engaging in such a union alongside an additional marriage arguably culminates in a polygamous configuration, as parties accrue matrimonial property to which each is entitled pursuant to the provisions of the *Matrimonial Causes Act* (Cassim 2022).

What is particularly disconcerting is the prospect that all matrimonial unions in Zimbabwe could conceivably be polygamous, given that even civil marriages, historically regarded as monogamous, now permit the formation of multiple civil partnerships (Cassim 2022). This legal framework introduces potential implementation dilemmas, especially if one or both parties within the civil union are already entrenched in a monogamous marriage with a separate individual (Chirawu 2019). Should the property rights of spouses during marriage remain nebulous or inadequately safeguarded, segments of society may grapple with the spectre of double jeopardy, engendering disputes over property rights (Chirawu 2019). Before the enactment of the *Marriages Act* (Zimbabwe Government 2022), a spouse in a civil marriage who contracted another union while still married faced the legal peril of bigamy, a misdemeanour punishable by up to 1 year of incarceration, monetary penalties or both (Manyonganise & Mhuru 2021:13). Consequently, aggrieved spouses could instigate litigation for damages under this statute (Manyonganise & Mhuru 2021:13). However, as societal norms evolve towards a more laissez-faire approach to marriage, such stringent constraints have dissipated.

The purpose of civil partnerships

The conceptualisation of civil partnerships in Zimbabwe elicits a spectrum of interpretations. On one end of the discourse, some perceive them as manifestations of matrimonial rights accorded to intimate partners, while others view these partnerships as a remedial instrument designed to mitigate the void left by the non-recognition of unregistered civil unions within the Zimbabwean matrimonial landscape. Additionally, there exists a perception that civil partnerships serve to furnish legal safeguards for cohabiting couples, a perspective articulated by Cassim (2022) and Musunga (n.d.). The democratic ethos espoused in the Constitution advocates for the entitlements of adults who cohabit to receive comprehensive legal protection, thereby ensuring unfettered access to property rights devoid of discriminatory barriers based on marital status (Chirawu 2019). Section 56(3) of the Constitution explicitly prohibits such discrimination (Zimbabwe Government 2013:29; Manyonganise & Mhuru 2021:15). Mubaiwa (2020) posits that civil partnerships may inadvertently engender gender-based disparities, particularly in contexts of relationship dissolution, wherein the absence of legal acknowledgement may place women at a distinct disadvantage. The existing *Marriages Act* (Zimbabwe Government 2022), while extending protection of property rights at the termination of relationships, falls short of delineating provisions regarding the implications of a partner's death (Chirawu 2019), rendering the remedial measures legislated by Parliament somewhat inadequate.

The allowance for individuals to choose sexual partners outside the confines of traditional marriage constitutes a progressive evolution, aligning seamlessly with the constitutional rights to personal agency and relational autonomy irrespective of marital status (Cassim 2022). Nevertheless, the ecclesiastical landscape in Zimbabwe displays considerable variance in its stance on civil partnerships. Predominantly, Pentecostal congregations uphold the sanctity of monogamous unions, equating civil partnerships with acts of adultery, whereas the Apostolic sect, advocating for polygamous arrangements, remains largely ambivalent in the ongoing discourse (Cassim 2022).

The church's response

The nexus between religion, law and human rights necessitates a nuanced understanding. This exploration adopts a definition articulated by Mutangi (2008:528), which frames religion as a constellation of metaphorical assertions and actions subtly signalling social affiliations and the quest for social standing. This conceptualisation underscores the formative influence of religious doctrine on social dynamics and legal frameworks. Legislation governs societal conduct from a juridical perspective, while religion functions as a societal compass directing ethical behaviour. When practised as a facet of social interaction and spiritual growth, religious observance assumes a more voluntary nature; conversely, when intertwined with legal stipulations, adherence to religious mandates becomes obligatory.

Section 60 of the Constitution of Zimbabwe (Zimbabwe Government 2013:30) enshrines the right to freedom of conscience, delineating this right by stating that:

1. Every person has the right to freedom of conscience, which includes:
    a. freedom of thought, opinion, religion or belief; and
    b. freedom to practise and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private and whether alone or together with others.

The Zimbabwean Supreme Court in *Dzvova v Minister of Education and Culture and others* clarified that religion encapsulates a definitive system of beliefs and worship. This elucidation reinforces the notion that the establishment of churches and their respective doctrinal tenets form an integral aspect of religious rights, allowing for the formation of distinct religious communities. Zimbabwe's religious landscape is characterised by a myriad of doctrines and practices, each shaping its perspective on the integration of civil partnerships into the marital framework.

The initial ecclesiastical response to civil partnerships predated legislative action, inciting considerable controversy among religious and traditional leaders. This cacophony of reactions has been marked by divergence, where certain denominations categorically oppose civil partnerships, while others, particularly those aligned with indigenous belief systems that endorse polygamy, have adopted a more passive stance (Manyonganise & Mhuru 2021:5). In this diverse ecclesiastical milieu, African Independent Churches (AICs) tend to express support for civil partnerships, contrasting starkly with the views of mainline and Pentecostal denominations, which staunchly advocate for the preservation of monogamous unions.

Proponents of civil partnerships

Zimbabwe, much like a plethora of African nations, is characterised by a multifaceted religious mosaic, which can incisively be delineated into three primary strands: Missionary-initiated churches (mainline churches), AICs and Pentecostal congregations (Baloyi 2013:173). Historically, the incursion of Christian missionaries into Africa propagated a paradigm of monogamous matrimony, which has since retained a venerated status within Christian orthodoxy concerning marriage through the annals of time (Baloyi 2013:166, 173). In reaction to what they perceived as the derision of indigenous African matrimonial customs by missionary Christianity, some AICs have invoked Old Testament scriptures alluding to polygamy to validate their polygamous practices (Manyonganise & Mhuru 2021:12).

Polygamy, a term etymologically rooted in Greek, encompasses marital configurations wherein one individual is concurrently wedded to multiple partners, including both polyandry (female) and polygyny (male). Nonetheless, the prevalent manifestation within the African milieu is polygyny (Mutseta 2018:187). Consequently, throughout this discourse, the term 'polygamy' will predominantly connote polygyny unless explicitly noted otherwise. This matrimonial form enjoys widespread recognition and societal acceptance in diverse cultural and religious contexts worldwide, encompassing locales in India, New Guinea, and across various facets of the Islamic realm and Africa (Mutseta 2018:187; Gwirayi 2017:30). In Zimbabwe, the Johanne Marange 'Apostolic' sect stands as an exemplar of a religious faction where polygamy is not merely socially upheld, but is also sanctioned by doctrinal principles (Mutseta 2018:187). This sect is a notable fraction within the religious landscape of Zimbabwe, constituting about 33% of the populace and standing as the third largest religious body in the nation (Mutseta 2018:190). It has been postulated that polygamy is instrumental in the proliferation of independent churches (Mutseta 2018:189).

The doctrinal underpinnings and rites of the Johanne Marange Apostolic sect are steeped in biblical texts, the founder's philosophical insights, and what is proposed to be the 'revelation from the Holy Spirit' (Mweya), amalgamating aspects of African cultural identity with contemporary thought (Mutseta 2018:190). Certain luminaries within AICs assert that missionaries obfuscated or misconstrued biblical truths concerning polygamy (Mutseta 2018:189). Figures such as David and Solomon were renowned for their polygamous alliances. Solomon is recorded to have had 700 wives and 300 concubines and acts as a biblical archetype (Mutseta 2018:189; 1 Kings 11:3). The absence of outright condemnation of polygamy in scripture underpins the argument that the pivotal aspect of such unions is the equitable treatment of all individuals concerned, consistent with the example delineated by Jesus (Baloyi 2013:167). Jenkins (2010) highlights the inclusivity of AICs, which frequently exhibit a more embracing ethos towards polygamists, thereby fostering a demographic saturated with polygamous households within their congregations (Baloyi 2013:174).

Civil partnerships emerge as a conduit to regulate and safeguard polygamous arrangements that remain outside formal recognition. By architecting a framework for officially sanctioned unions, civil partnerships can synthesise the doctrinal implications of polygamy as discerned within the Johanne Marange Apostolic sect. The Marange sect subverts the missionary narrative on marriage, espousing a more profound interpretation of biblical discourses, particularly by foregrounding polygamists such as Abraham, Jacob, David, and Solomon as paragons of their tradition. Ultimately, polygamy is expressed as a culturally delineated, socially embraced, and legally acknowledged model of enduring matrimony characterised by a man maintaining multiple wives concurrently; the legitimacy of such unions is contingent upon the social mores of the involved communities (Baloyi 2013:166).

Opponents of civil partnerships

The nascent church in Zimbabwe, particularly missionaries, buttressed the colonial government in regulating African marriage (Manyonganise & Mhuru 2021:11). Mutseta

(2018:188) traced the genealogy of monogamous unions to the advent of missionaries in Africa, who wielded moral censure against polygamy in a manner that compromised scientific objectivity (Mutseta 2018:188). Since Western missionaries had been steeped in monogamy ideology within their natal countries, they inexorably transplanted a faith predicated on that ideology to the populations they evangelised (Mutseta 2018:188). These convictions endure substantially to the present epoch (Manyonganise & Mhuru 2021:12). Pentecostal Christians have been among the most strident detractors of Section 41 of the *Marriages Act* (Zimbabwe Government 2022), denouncing it as an assault on the matrimonial institution and as an aberration according to the Bible, which proscribes polygamy (Manyonganise & Mhuru 2021:19).

The colonial ecclesiastical institution vehemently opposed polygamy, contending it is incongruent with biblical tenets (Baloyi 2013:166). Western missionary Christianity, advocating monogamy as the sole permissible matrimonial configuration, asserting that matrimony necessitates an individual departing from parental ties to forge an inseparable bond, presents a puritanical or even hypocritical perspective on human sexuality, simultaneously promoting a more individualistic ethos and the nuclear family paradigm. This stance has engendered substantial turmoil and trepidation within contemporary African society (Baloyi 2013:174; Waruta & Kinoti 2000:108). African Christians, particularly within Zimbabwe, generally regard matrimony as divinely ordained (Manyonganise & Mhuru 2021:12). Section 41 of the *Marriages Act* (Zimbabwe Government 2022) has been perceived as encroaching upon pivotal religio-cultural matrimonial customs; thus, it has faced substantial censure for this transgression (Manyonganise & Mhuru 2021:18). Several factors underpin the adverse response of Mainline and Pentecostal congregations towards civil partnerships.

Civil partnerships encourage polygamy

From the preceding discourse, it is evident that parties engaged in civil and customary unions are not precluded from entering a civil partnership. This insinuates that, in practice, civil partnerships may encompass multiple partners, engendering a scenario that could be loosely construed as polygamous. Consequently, Mainline and Pentecostal churches have decried civil partnerships as they uphold the monogamous marriage doctrine. The conviction in monogamy is rooted in Genesis 2:18–24, wherein God fashioned Eve as Adam's helpmate and companion. God did not bestow upon Adam more than one consort, establishing an archetype of marital purity (Mutseta 2018:188). In his expository teachings regarding the quintessential marriage, Jesus frequently alluded to the Hebrew Scriptures. Primarily, Jesus elucidated that within the one-man, one-woman marital construct, the man assumes the initiative in establishing the union, while the woman is obliged to grant her informed consent to the proposed alliance (Ngundu 2011:45). Furthermore, referencing Genesis 2:24, Jesus accentuated that marriage constitutes a lifelong covenant, wherein one man and one woman amalgamate into a singular entity (Ngundu 2011:45). Although it is laudable that the *Marriages Act* (Zimbabwe Government 2022) endeavours to safeguard individuals in enduring domestic partnerships, particularly women who tend to bear the brunt of dissolution, it could achieve this aim more equitably through alternative mechanisms that do not compromise the sanctity of monogamous civil or ecclesiastical unions (Manyonganise & Mhuru 2021:19).

Promote sexual immorality

Christian churches have historically championed the sanctity of monogamous unions, frequently articulating civil partnerships as pernicious to this foundational tenet (Manyonganise & Mhuru 2021:13). The erstwhile statutory framework in Zimbabwe, as delineated in s. 104 of the Criminal Law (Codification and Reform) Act (Zimbabwe Government 2004) codified the prohibition of bigamy, exacting punitive measures that encompassed incarceration for durations up to 1 year and/or pecuniary penalties, thereby affording a protective bulwark against adultery (Manyonganise & Mhuru 2021:13). In light of this backdrop, it has been posited that contemporary civil partnerships engender extramarital entanglements, culminating in potential vulnerabilities, particularly for women, amid relationship dissolution (Manyonganise & Mhuru 2021:19). Significantly, certain Pentecostal women luminaries, such as Lucia Gunguwo of Eternal Word Ministries, have excoriated Section 40 of the 2019 *Draft Marriages Bill*, contending that civil partnerships engender salacious sexual comportment and undermine the bedrock of Christian matrimonial values (Manyonganise & Mhuru 2021:18). It is asserted that such partnerships jeopardise the integrity of monogamous relationships and could incite serial romantic relationships cloaked in a veneer of legality (Manyonganise & Mhuru 2021:19). One Pentecostal figure ominously characterised the Bill as a 'product from the pit of hell', denouncing its provision for the legal validation of extramarital relationships, which erodes the covenantal fidelity intrinsic to Christian marriage (Gwaze 2019; Manyonganise & Mhuru 2021:19; Ngundu 2011:47).

The vilification of adultery is deeply ingrained in both the Old Testament (Ex 20:14; Dt 5:18). The injunction against sexual liaisons beyond the sanctified bounds of matrimony constitutes a pivotal element of Christian ethical doctrine. This sentiment is reiterated in Matthew 5:27–28, wherein the very act of lust is equated with adultery in the heart:

> 27 You have heard that it was said to those of old, 'You shall not commit adultery'.
>
> 28 But I say to you that whoever looks at a woman to lust for her has already committed adultery with her in his heart. (NKJV)

Historical biblical episodes underscore divine retribution for adultery, exemplified by the narrative of King David, whose transgressions culminated in profound personal calamity when the child born from his adulterous act died (2 Sm 12:13–14). The prohibition of adultery has also influenced Christian engagement with marriage practices in other

cultural settings. Tian's examination of Christianity in late Ming China shows that Jesuit missionaries required the Chinese converts to practise monogamy and relinquish relationships with concubines (Tian 2023:4).

Taking away wealth from those who deserve it

It has been elucidated that upon the disintegration of civil partnerships, the involved parties are entitled to remedies akin to those accessible to legally wedded couples (Manyonganise & Mhuru 2021:16). However, civil partnerships are not recognised as marriages or their approximate equivalents, being solely acknowledged for elucidating rights and obligations post-dissolution (Chirawu 2019; Manyonganise & Mhuru 2021:17). Numerous ecclesiastical leaders posit that civil partnerships engender the expropriation of benefits by individuals who have rendered no substantial contribution, essentially permitting them to 'reap where they did not sow' (Gwaze 2019; Manyonganise & Mhuru 2021:19). This dynamic elicits fundamental concerns regarding the ethical ramifications of leveraging sexual relations as a mechanism to capitalise on another's toil. Such arrangements starkly contrast with the biblically mandated principle of reaping what one sows (Gl 6:7–9), which posits that meaningful rewards are predicated on diligence and virtuous conduct. Engaging in a civil partnership with a legally wedded individual, potentially possessing substantial assets accrued during their marriage, engenders moral quandaries concerning entitlement to those assets, which is antithetical to biblical edicts.

Metaphorically, the axiom of sowing and reaping intimates that virtuous actions beget positive outcomes, while sinful endeavours invoke dire repercussions. Accordingly, involvement with a married individual is deemed a transgression, meriting severe consequences. Galatians 6:9–10 exhorts believers to persevere in righteous deeds, promising eventual recompense when steadfastness prevails. It states that:

> 9 And let us not grow weary while doing good, for in due season we shall reap if we do not lose heart.
>
> 10 Therefore, as we have opportunity, let us do good to all, especially to those who are of the household of faith.

In summation, civil partnerships present a plethora of both sexual and financial vicissitudes for married individuals, exacerbating the vulnerability of their legitimate spouses (Gwaze 2019).

Transgression of epochal matrimonial protocols

Civil partnerships can scarcely be regarded as commensurate substitutes for conventional matrimony, particularly from an ecclesiastical viewpoint. For an African couple to solicit a clerical benediction for their union, they must either fulfil the criteria for a church ceremony or seek a liturgical endorsement after a civil marriage (Ngundu 2011:45). The scriptural tenets of matrimony, as delineated in Matthew 19:1–12 and Mark 10:1–12, underscore the theological paradigms that substantiate Christian nuptials in contemporary settings. The essence of marriage, a man severing ties with his progenitors to join a woman in an indissoluble union, suggests a bond impervious to human dissolution, including by the parties themselves (Ngundu 2011:45). Thus, matrimonial ceremonies function primarily as public affirmations of the church's doctrinal positions on marriage, serving to reaffirm the understanding and commitment of those involved along with the congregation present (Ngundu 2011:48). Jesus affirmed the significance of the wedding ceremony through his first miracle of providing wine at a wedding in John 2:1–11.

In the milieu of African Christian customary marriages, the quest for divine benediction constitutes a pivotal element, whether for procreation, historically accentuated, or for the marital dyad's holistic well-being, observed in modern practices (Ngundu 2011:49). This reflects the recognition of matrimony as a divinely ordained institution (Ngundu 2011:49). With individuals cohabiting within civil partnerships and engaging in premarital carnal relationships, there exists a notable divergence from the formal Christian matrimonial paradigm. Therefore, it becomes imperative for marriages to adhere to biblical doctrines (Gwaze 2019; Manyonganise & Mhuru 2021:19).

Discussion

Recommendations

Inhibition of civil partnerships for civil marriage parties

The predominant apprehension regarding civil partnerships lies in their permissiveness, permitting individuals in civil marriages to enter multiple unions, thus subverting the monogamous tenets of civil matrimony. It is posited that legislation should be enacted to prohibit individuals already engaged in civil marriages from entering into civil partnerships. This stratification would distinctly differentiate civil marriages, endorsed by Mainline and Pentecostal denominations, from polygamous arrangements prevalent among Apostolic sects.

Reconceptualisation of civil partnerships within the marriage statute

It is advocated that civil partnerships be redefined within the *Marriages Act* (Zimbabwe Government 2022) to encompass solely unregistered civil unions. The prevailing conflation of civil partnerships with registered civil marriages engenders legal ambiguities (Chirawu 2019). Clarifying this nexus could alleviate the persistent confusion surrounding their legal status and entitlements (Chirawu 2019).

Augmentation of legal safeguards

Currently, the provisions governing civil partnerships are devoid of comprehensive coverage addressing asset distribution upon dissolution, excluding stipulations regarding mortality and inheritance. It is suggested that regulations be expanded to encompass these domains, delineating the entitlements of a civil partnership partner to inherit from the deceased spouse's estate. Clarity is essential regarding a partner's status as either a spouse or a

beneficiary and the portion of the inheritance to which they would be entitled, particularly in scenarios involving multiple spouses.

Inclusion of same-sex marriages

The *Marriages Act*'s exclusion of LGBT+ unions epitomises persisting human rights deficiencies and an absence of inclusivity within the legal framework. The constitutional proscription against same-sex marriages (Zimbabwe Government 2013: s. 78:3) raises pertinent inquiries regarding the legality of civil partnerships for homosexual couples. While Section 41 mandates that civil partnerships must be constituted solely between men and women, there exists a pressing necessity for academic exploration into whether civil partnerships can be employed to advocate for legal reforms safeguarding same-sex unions in Zimbabwe. Drawing from global exemplars, particularly nations like South Africa, which acknowledge sexual orientation as a criterion for non-discrimination (De Vos & Barnard 2007:798; South African Government 1996: s. 9[2]), Zimbabwe has a salient opportunity to modernise its legal paradigm. Following South Africa's Constitutional Court adjudication in *Minister of Home Affairs v Fourie* and *Gory v Kolver NO and Others*, which affirmed marriage and succession as inherent rights, respectively, irrespective of sexual orientation, Zimbabwe could fortify its social fabric by conferring equal matrimonial rights to all, transcending gender distinctions, thereby aligning itself with contemporary global mores.

However, this position comes with its fair share of potential rejection from the Christian community, which believes in heterosexual marriages. A handful of biblical texts consider same-sex marriages to be detestable before God. These scriptures include Leviticus 18:22, 20:13, Romans 1:26–27, 1 Corinthians 6:9–10 and 1 Timothy 1:9–10. The acceptance of homosexuality in the Christian community of America is emerging, with churches such as the Roman Catholic Church, the Independent Baptist and the Presbyterian church having shown their acceptance by allowing same-sex couples to marry and welcoming them into church (Gerdts 2019:69). Because the church's perceptions about same-sex marriages were not part of this research, further research exploring this aspect, in the context of Zimbabwean churches' beliefs, is recommended.

Conclusion

Civil partnerships epitomise a commendable augmentation to Zimbabwe's marriage regime, facilitating couples in their pursuit of extramarital affiliations while ensuring an equitable apportionment of assets among all partners involved. These legal constructs serve to assuage potential biases during dissolution, particularly advantageous for women, who frequently encounter an inequitable status concerning matrimonial property entitlements. Nonetheless, civil partnerships have encountered formidable resistance from ecclesiastical entities, predominantly owing to their perceived affront to the monogamous tenets espoused by traditional civil unions. Although select factions within Zimbabwean ecclesiastical circles remain steadfast in their opposition to civil partnerships, it is imperative to re-evaluate the *Marriages Act* (Zimbabwe Government 2022) to more effectively encapsulate the multifaceted theological perspectives that characterise the nation. A reformed, more expansive paradigm that vividly distinguishes between civil marriages and civil partnerships could better honour the doctrinal tenets of diverse Christian denominations, while safeguarding the rights of Zimbabweans to practise their faith and uphold their ideals regarding monogamous unions.

Acknowledgements

During the preparation of this work, the author used ChatGPT (OpenAI, GPT-5) to proofread the manuscript and conduct a final quality check, primarily focusing on the consistency and accuracy of citations and references. The author reviewed and approved all suggested revisions and takes full responsibility for the accuracy and content of the article.

Competing interests

The author declares that no financial or personal relationships inappropriately influenced the writing of this article.

CRediT authorship contribution

Priccilar Vengesai: Conceptualisation, Formal analysis, Writing – original draft, Writing – review & editing. The author confirms that this work is entirely their own, has reviewed the article, approved the final version for submission and publication and takes full responsibility for the integrity of its findings.

Ethical considerations

Ethical clearance to conduct this study was obtained from the University of South Africa College of Law Research Ethics Committee (No: 11494).

Funding information

This research received no specific grant from any funding agency in the public, commercial or not-for-profit sectors.

Data availability

The author confirms that the data supporting the fundings of this study are available within the article and its references.

Disclaimer

The views and opinions expressed in this article are those of the author and are the product of professional research. They do not necessarily reflect the official policy or position of any affiliated institution, funder, agency, or that of the publisher. The author is responsible for this article's results, findings, and content.

References

African Union, 1999, *African charter on the rights and welfare of the child*, viewed 14 January 2025, from https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf.

Almero v Sithole [2023] ZWHHC 60, viewed 14 January 2025, from https://sheriahub.com/cases/zw/caselaw/almero-v-sithole-60-of-2023-2023-zwhhc-60-31-january-2023.

Baloyi, M.E., 2013, 'Critical reflections on polygamy in the African Christian context', *Missionalia* 41(2), 164–181. https://doi.org/10.7832/41-2-12

Cassim, J., 2022, *Zimbabwe's new marriage law gives 'girlfriends' inheritance rights: Progressive law in line with principle of equality in Constitution, says member of civil group*, viewed 14 January 2025, from https://www.aa.com.tr/en/africa/zimbabwe-s-new-marriage-law-give-girlfriends-inheritance-rights/2681788#.

Chapeyama v Matende and Anor 1999 (1) ZLR 534 (H), viewed 14 January 2025, from https://reports.zalari.co.zw/cases/1999-1-zlr-534-h-chapetyama-v-matende-anor--zlr-1866.

Chirawu, D., 2019, 'Analysing "civil partnerships" in the draft marriages bill', *The Herald*, viewed 14 January 2025, from https://www.heraldonline.co.zw/analysing-civil-partnerships-in-the-draft-marriages-bill/.

De Vos, P. & Barnard, J., 2007, 'Same-sex marriage, civil unions and domestic partnerships in South Africa: Critical reflections on an ongoing saga', *South African Law Journal* 124(4), 795–826.

Dzvova v Minister of Education, Sports and Culture and Others (91/06) (SC 26 of 2007, Civil Application 291 of 2006) [2007] ZWSC 26 (09 October 2007) – [2007] ZWSC 26, viewed 28 August 2026, from https://sheriahub.com/cases/zw/caselaw/dzvova-v-minister-of-education-sports-and-culture-and-others-9106-sc-26-of-2007-civil-application-291-of-2006-2007-zwsc-26-09-october-2007.

Gerdts, D.D., 2019, 'The religious landscape for LGBTQ+ persons', *Delaware Journal of Public Health* 5(3), 68–72, viewed 28 August 2026, from https://djph.org/wp-content/uploads/2021/07/djph-53-012.pdf?utm_source=chatgpt.com.

Gory v Kolver NO and Others [2006] ZACC 20; 2007 (4) SA 97 (CC), viewed 28 August 2026, from https://www.saflii.org/za/cases/ZACC/2006/20.html.

Gwatidzo v Masukusa 2000 (2) ZLR 410 (H), viewed 14 January 2026, from https://reports.zalari.co.zw/cases/2000-2-zlr-410-h-gwatidzo-v-masukusa--zlr-2107.

Gwaze, V., 2019, 'Religious groups feast on draft marriage bill', *The Herald*, 26 May 2019, viewed 06 December 2025, from https://www.heraldonline.co.zw/religious-groups-feast-on-draft-marriage-bill/.

Gwirayi, C., 2017, 'Experiences of Shona men in polygamous marriages in ward four of Chivi district, Masvingo province, Zimbabwe', *Journal of Pan-African Studies* 10(1), 25–40.

Hayfield, N., Jones, B., Carter, J. & Jowett, A., 2024, 'Exploring civil partnership from the perspective of those in mixed-sex relationships: Embracing a clean slate of equality', *Journal of Family Issues* 45(8), 1925–1948. https://doi.org/10.1177/0192513X231194298

Hayward, A., 2025, 'Civil partnerships and the repurposing of relationship formalisation: From creating a space to developing a script', *Journal of Social Welfare and Family Law* 47(1), 28–48. https://doi.org/10.1080/09649069.2025.2499385

Hosho v Hasisi HH-491-15, HC 427/11; [2015] ZWHHC 491, viewed 14 January 2026, from https://www.scribd.com/document/871904011/hosho-v-hasisi-2015-zwhhc-491-1-june-2015.

Jenkins, P., 2010, *One man, one woman? The paradox of polygamy*, Notes from the Global Church, Christian Century, viewed 14 January 2026, http://www.christiancentury.org/article/2010-01/one-man-one-woman.

Manyonganise, M. & Mhuru, L., 2021, '"A bill from the pit of hell?": Of civil partnerships, marriage and religion in Zimbabwe', in M.C. Green & F. Kabata (ed.), *Law, religion and the family in Africa*, pp. 3–22, African Sun Media, Stellenbosch.

Minister of Home Affairs and Another v Fourie and Another; Lesbian and Gay Equality Project and Others v Minister of Home Affairs and Others [2005] ZACC 19; 2006 (1) SA 524 (CC), viewed 14 January 2026, from https://www.saflii.org/za/cases/ZACC/2005/19.html.

Mubaiwa, P., 2020, *Opportunities, inconsistencies, and gaps in the Zimbabwe marriages bill of 2019*, viewed 09 December 2025, from https://www.researchgate.net/publication/340051701_Opportunities_inconsistencies_and_gaps_in_the_Zimbabwe_Marriages_Bill_of_2019/citations.

Mudzuru and Anor v Minister of Justice, Legal and Parliamentary Affairs NO and Ors (Constitutional Application 79 of 2014, CC 12 of 2015) [2016] ZWCC 12 (20 January 2016) – [2016] ZWCC 12, viewed 14 January 2026, from https://sheriahub.com/cases/zw/caselaw/mudzuru-anor-v-ministry-of-justice-legal-parliamentary-affairs-no-ors-constitutional-application-79-of-2014-cc-12-of-2015-2016-zwcc-12-20-january-2016.

Musunga, T.A., n.d., *Marriage Act, [Chapter 5:15]: Demystifying the meaning of civil partnership in terms of section 41 of the Act*, viewed 29 October 2025, from https://www.tanyanyiwa.com/wp-content/uploads/2022/09/Demystifying-the-Concept-of-Civil-Partnerships.pdf.

Mutangi, T., 2008, 'Religion, law and human rights in Zimbabwe', *African Human Rights Law Journal* 8(2), 526–545.

Mutseta, A., 2018, 'Christian polygamous marriages in Zimbabwe, women's experiences and the dual scourge of HIV/Aids and poverty: The case of "Apostles"/Vapostori of Marange', *International Journal of Sciences: Basic and Applied Research (IJSBAR)* 39(2), 186–207.

Ngundu, O.A., 2011, 'Mission churches and African customary marriage: A history of church marriages and a case for an African Christian customary marriage ceremony', *Africa Journal of Evangelical Theology* 30(1), 35–53.

Smith, B.S. & Robinson, J.A., 2010, 'An embarrassment of riches or a profusion of confusion? An evaluation of the continued existence of the Civil Union Act 17 of 2006 in Light of the Prospective domestic partnerships legislation in South Africa', *Potchefstroom Electronic Law Journal (PELJ)* 13(2), 30–75. https://doi.org/10.4314/pelj.v13i2.65006

South African Government, 1996, *Constitution of the Republic of South Africa, 1996*, Government Printer, Pretoria, viewed 28 August 2026, from https://www.justice.gov.za/Legislation/Constitution/Saconstitution-Web-Eng.Pdf.

South African Government, 2006, *Civil Union Act 17 of 2006*, Government Printer, Pretoria, viewed 28 August 2026, from https://www.gov.za/documents/acts/civil-union-act-17-2006-17-nov-2006.

Tian, H., 2023, 'Religion and sexuality: Reading the sixth commandment ("you shall not commit adultery") in the context of Late Ming China', *Religions* 14(12), 1552. https://doi.org/10.3390/rel14121552

United Kingdom Government, 2004, *Civil Partnership Act 2004, c. 33*, The Stationery Office, London, viewed 14 January 2026, from https://www.legislation.gov.uk/ukpga/2004/33/contents.

United Kingdom Government, 2019, *Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019*, viewed 14 January 2026, from https://www.legislation.gov.uk/ukpga/2019/12/contents.

United Nations, 1989, *Convention on the Rights of the Child, United Nations General Assembly Resolution 44/25, adopted 20 November 1989*, viewed 28 August 2026, from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

United Nations, 2019, *Joint general recommendation No. 31 of the committee on the elimination of discrimination against women/general comment No. 18 of the Committee on the rights of the child (2019) on harmful practices*, viewed 20 November 2025, from https://docs.un.org/en/CEDAW/C/GC/31/REV.1.

Vengesai, P., 2024, 'The rights of women in unregistered customary marriages in Zimbabwe: Best practices from South Africa', *Law, Democracy and Development* 28, 215–236. https://doi.org/10.17159/2077-4907/2024/ldd.v28.10

Waruta, D.W. & Kinoti, H.W., 2000, *Pastoral care in African Christianity: Challenging essays in pastoral theology*, Acton Publishers, Nairobi.

Zimbabwe Government, 1950, *Customary Marriages Act [Chapter 5:07], Act 13 of 1950*, Government Printer, Harare, viewed 28 August 2026, from https://www.veritaszim.net/node/3420.

Zimbabwe Government, 1964, *Marriage Act [Chapter 5:11], Act 81 of 1964*, Government Printer, Salisbury, viewed 14 January 2026, from https://zimlii.org/akn/zw/act/1964/81/eng@2016-12-31.

Zimbabwe Government 2004, *Criminal Law (Codification and Reform) Act [Chapter 9:23], Act 23 of 2004*, Government of Zimbabwe, viewed 28 August 2026, from https://zimlii.org/akn/zw/act/2004/23/eng@2022-03-11.

Zimbabwe Government, 2013, *Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Act 1 of 2013*, Government Printer, Harare, viewed 28 August 2026, from https://www.veritaszim.net/node/6427.

Zimbabwe Government, 2022, *Marriages Act [Chapter 5:17], Act 1 of 2022*, Government Printer, Harare, viewed 14 January 2026, from https://www.veritaszim.net/node/5682.