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Raymond Mutura
School of Humanities and Social Sciences (SHSS)
Strathmore University

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Is the Family a Principle of the Nation in the Kenyan Constitution if examined from an
Aristotelian Perspective?

By Raymond Mutura

Student No: 31681

Submitted in partial fulfillment of the requirements for:

The Degree of Masters of Applied Philosophy & Ethics at Strathmore University, School
of Humanities and Social Sciences,
Strathmore University, Nairobi, Kenya

June, 2015

Author note

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RAYMOND MUTURA

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Abstract

The current constitution (2010 Chapter) defines family as a natural and fundamental unit of society and the necessary basis of social order. The Marriage Act (2014), Matrimonial Property Act (2013), the Children Act (2002) and the Sessional Paper on National Values (2012) provide principles of the family in relation to marriage, matrimonial property, children and how national values emerge from the family. Despite having various studies on the family, there have been few scholarly inquiries on how to assess the core principles of the family from a sound theoretical analysis. The study investigates Aristotle's principles on the family as illustrated in his book *Politics* and examine other foundational principles related to the family from his other books – *Nicomachean Ethics* and *Metaphysics*. The study's objective is to demonstrate how the principles expressed in the different family governing laws of Kenya are informed or not by the principles of the family as illustrated by Aristotle in his book *Politics*. This study uses the qualitative method, involving desktop and documentary analysis. The findings can inform and establish sound principles for Kenya's Family Policies and Laws and other African countries' laws and policies as the results reveal sound and Aristotelian principles based on a very logical theoretical framework of the four causes that has been utilized in philosophy to affirm principles about things. The three causes utilized in the study include material, formal and final causes. The fourth case, the efficient cause was not interrogated due to the tendency of research moving towards the philosophy of God.

Key words: Aristotle, material, formal, final, principle, family, family policy, master, subject, servant, economy, nation, state, natural, virtue, happiness

Acknowledgement

First is to thank God for the inspiration and insights. I would also like to thank my Supervisor, Dr. George Ng'ethe Njenga for his continuous advice, help and discussions on this thesis despite the time constraints. I also wish to thank the Faculty for constant encouragement to us to keep on despite all the challenges. My thanks to Raphael and Raymond for the invaluable encouragement through the administrative process.

I wish to thank my wife Evelynne for her constant encouragement and for agreeing to be part of my thinking pad during this research. Together with her are our children David, Margaret, Elizabeth and Peter who constantly provided me with encouragement while I toiled in the early mornings in this research.

I also acknowledge the help and encouragement of my brothers and sisters Fred, Kim, Maish, Wangare and Essy, not forgetting my mum for providing us with foundations to take interest in being researchers.

Finally my acknowledgements to my MAPE classmates Thomas, Wilbay, Andayi, and Caroline for constantly checking on me and providing the encouragement to carry on.

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List of Abbreviations

NESC National Economic and Social Council

NGOs Non-governmental Organizations

ECOSOC UN Economic and Social Council

MDGs Millennium Development Goals

IYF International Year of the Family

IFFD International Federation for Family Development

DIFI Doha International Family Institute

ICWF IESE Business School's International Centre for Work & Family

FCR Family Corporate Responsibility

IFREI Index Family Responsible Enterprises

Causes The Four Causes of Aristotle (material, formal, efficient and final cause
also cause implies some influence on the being of the thing caused

Chapter 1

Background of the Study

What is a Principle? A principle, according to Oxford dictionary, is defined as “a general or scientific law that explains how something works or why something happens” (Hornby, 2010, p. 1164). Aristotle definition of a principle, equates it to wisdom, he says “wisdom is knowledge about certain principles and causes” (Aristotle, *Metaphysics*, I.982a.ed.Ross 2007). Njenga, (2011) says that the “term principle implies an order or sequence” (p. 197). From this it emerges that the concern is to determine the knowledge about things. As observed, Aristotle makes use of the term cause and principle in determining what things are. Njenga, (2011) clarifies that the term cause “implies some influence on the being of the thing caused”. This suggest that in determining the order or sequence about something, an examination on what influences the thing to be what it is, is essential.

The doctrine of causes includes four causes (1) material (the matter of the substance), (2) formal (includes establishing the ultimate why, which is reducible to cause and principle), (3) efficient (the source of change) and (4) final cause. “The final cause is an end, and that sort of end which is not for the sake of something else, but for whose sake everything else is” (Aristotle, *Metaphysics*, I.982a.ed.Ross 2007). Thus Keyt (1995) describes that

The complete explanation of a thing must mention all the four. Such an explanation tells what the thing is, what it is made of, what its purpose is, and what brought it into existence: it describes its form, matter, end, and origin (p. 101).

The climax of the doctrine of the four causes is on the final cause Aristotle says the following on the final cause

Further, the final cause is an end, and that sort of end which is not for the sake of something else, but for whose sake everything else is; so that if there is to be a last term of this sort, the process will not be infinite; but if there is no such term, there will be no final cause, but those who maintain the infinite series eliminate the Good without knowing it (yet no one would try to do anything if he were not going to come to a limit); nor would there be reason in the world; the reasonable man, at least, always acts for a purpose, and this is a limit; for the end is a limit (Met.2.994b-12-19 2007).

This climax points to a need to observe the purpose or end of man's actions. In the realm of actions (behavior), the ends are the first premises (the principles). And since man is end-bound, and geared towards his creator, he achieves his happiness if his actions that are freely chosen conform to the principles put in place by the source of all order and goodness. This requires us to look at Ethics. Why *Ethics*? Gichure (1997) states that "Ethics is the study of human actions from the point of view of their "rightness" or "wrongness" as means for the achievement of man's ultimate happiness" (p.16). Selles (2010) argues that "Ethics belongs to the realm of human essence", while Vanney (2011) believes that "Ethics as a social sub-system "brings guidelines to the governing individual when making decisions" (p. 4). Ethics is really the basis of "trust" that the rest of society needs in order to allow the participation of an ethical individual in society and in his/her decisions.

The works of Aristotle summarize very well how one "ought to live" and provide insights on what to be ethical means. The arguments commence by demonstrating that everyone aims at some good/end. Generally people are fully aware that many times when they claim people are not happy or ethical or not following the "principles" of life or we observe they pursue certain non-final ends in form of goods that usually results in unhappiness. In these situations, and in the moment of observation, they are puzzled why one does not /cannot pursue things that make him happy. Aristotle comes to our aid. In *Nicomachean Ethics*, Aristotle demonstrates that there are three types of life,

pleasurable, political and contemplative life. Aristotle tries to build his arguments by trying to demonstrate that “Every art and every inquiry, and similarly every action and pursuit, is thought to aim at some good” (Aristotle.NE.I.1.1094a.ed.Ross 2007b). This means that those who pursue a pleasurable life, a political one and of contemplation all aim at this good.

But critical for Aristotle is the question, what is the ultimate good and therefore end? Aristotle demonstrates this by providing various scenarios on how people seek goods. And he then poses the question on what good they are really seeking. He provides an answer based on the following argument as regards the final end “Since there are evidently more than one end, and we choose some of these (e.g. wealth, flutes, and in general instruments) for the sake of something else, clearly not all ends are final ends; but the chief good is evidently something final. Therefore, if there is only one final end, this will be what we are seeking, and if there is more than one final end, the most final of these will be what we are seeking. Now we call that which is in itself worthy of pursuit more final than that which is worthy of pursuit for the sake of something else, and that which is never desirable for the sake of something else more final than the things that are desirable both in themselves and for the sake of that other thing, and therefore we call final without qualification that which is always desirable in itself and never for the sake of something else” (NE.I.7.1097a.ed.Ross 2007).

This argument concludes for us that it is unlikely that pleasure or honors are really the ultimate end of a man’s *eudaimonia* - man’s moral happiness”. Why? Because there is evidence of seeing people that have pursued pleasure, honor and have not been happy in their life. There must be something much more for a man than mere pleasure or honor. Aristotle again introduces another concept he calls “self-sufficient”. He argues “Now by self-sufficient we do not mean that which is sufficient for a man by himself, for one who lives a solitary life, but also for parents, children, wife,

and in general for his friends and fellow citizens, since man is born for citizenship” (NE.I.7.1097b 2007). This presupposes that the goodness one yearns for is not necessarily for theirs only.

This summarizes with Aristotle the true anthropology of man. He begins by demonstrating what the function of man is. He says that for one to really understand the end for man, and ultimately his/her happiness – *eudaimonia*, one must inquire into the function of man – Why man – what is he made for? Aristotle argues “we state the function of man to be a certain kind of life, and this to be an activity or actions of the soul implying a rational principle, and the function of a good man to be the good and noble performance of these, and if any action is well performed when it is performed in accordance with the appropriate excellence: if this is the case, human good turns out to be activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete”(NE.I.7,1098a14-16 2007) So Aristotle then begins to confirm that man is not just matter, man is both body and soul and that within the complete man there are certain activities that are vivified by the soul that moves the entire man towards doing good.

Man, Aristotle argues is composed of certain “forms” that he also shares with other animals, the vegetative state, the sensible state and the intellectual state. If we focus a lot on *eudaimonia* within the sensible state, we discover in there pleasure and honor. That “good” that is within the realm of “body” as opposed to the “soul”. Where it is some form of “happiness” we can say it is not complete happiness /good life. There is always more and more for man. Aristotle argues “Happiness then is the best, noblest, and most pleasant thing in the world. Yet evidently, as we said, it needs the external goods as well; for it is impossible, or not easy, to do noble acts without the proper equipment. In many actions we use friends and riches and political power as instruments”. Aristotle also argues that to get

this full happiness one must exercise virtues, “happiness is an activity of soul in accordance with perfect virtue” (NE.I.7.1099a 2007).

Aristotle warns that the knowledge at the highest form is the hardest to acquire since it deals with the most universal of concepts, the most knowable things (Met.I.982a.20 2007b). Since Politics is the highest science of man and the family is a constituent of the politics, it means that one must be of the highest exercise of the cardinal virtues, in order to understand this highest science. However it is observed in the world that many have still not moved from challenges of the senses and have difficulty in living the cardinal virtues viz self-mastery (the lowest of the cardinal virtues, whose aim is to govern the appetites of man), fortitude (or courage) and justice (responsibility or giving one his due) and prudence (sound judgment).

This analysis of the four causes, with an emphasis on what the final cause means for man, enables the conclusion that any principle about something must deal with the four causes and that specifically for man, there must be an examination of the final end which demonstrates that what is important for man is eudaimonia – happiness.

What is clear on the four causes utilizing Aristotle’s Politics and as argued by Keyt (1995) is that generally the matter or material cause is

A given population or territory, the final cause (the topics of chapters 1-3 and 13-15) is the end to which the best constitution should be directed (VII.2.1325a15). The end of every constitution is happiness or living well (I.2.1252b29-30, III.91280b39, VII.2.1325a7-10, VII.13.1332a3-10). The form is the organizing principle of a city. This is its constitution. The efficient cause is the law giver who designed the constitution. (p. 102–104)

Whilst Aristotle focus in the Aristotle is the entire Politics, this study focuses on chapter 1 of the Politics and attempts to classify some of the principles utilizing the method of Aristotle. This means in this study an examination on how the four causes about a thing (that will derive for us the principles) will be key guidelines for determining what the principle of the family should be. The principles of the family must determine (1) the material cause of the family (2) the formal cause of the family (3) the efficient cause of the family and the (4) final cause of the family. An examination of Keyt (1995) views, concludes that the matter for the family is those within the family, the form of the family is what determines the constitution of that family, usually this is the relationship between the man and the woman, the efficient cause as being the one that determined that there be families (here the study is forced to ask who caused the family?) whilst the final cause is happiness of the all those that constitute the family. The final and efficient cause may be obvious to this study and it may be difficult to dwell into the topic of the efficient cause, even though as a conclusion, the study shall simply state this is a realm that may lead us to philosophy of God, which is not fully the scope of this study. The study can demonstrate that the state and family are natural, without delving into the entire study of the cause of the family or the state.

Using the doctrine of *Politics* the family is natural and that it enables the state to be. If the family is natural and that if the state emerges from the family then the state is also natural Barker (1958) illustrates that:

What makes the state natural, in Aristotle's view, is the fact that however it came into existence, it is as it stands the satisfaction of an immanent impulse in human nature towards moral perfection, an immanent impulse which drives men upwards, through various forms of society into the final political form.(p. xlix).

The state is therefore natural when, or in so far, as it is an institution for that moral perfection of man to which his whole nature moves. All the features of its life- slavery, private property, the family – are equally justified, and also natural, when, or in so far, as they server that sovereign end. (ibid, p. 1). Polis or political association is the crown- it completes and fulfills the nature of man *Ethics*. (VIII.XII.97-1253a).

On the two material and formal causes, Njenga (2011) summarizes this by demonstrating that “The perfect “prime matter” of the family is the relation of fatherhood, motherhood, filiation and servant hood The ‘form’ or the nature of family in Aristotelian philosophy, is unity in the association established by nature for the provision of “human needs” or “companionship” of the cupboard” or “companions of the manager” (p. 198). Njenga (2011), further affirms another aspect of unity illustrating “thus far the study has added to the Aristotelian definition of the form or purpose of the family as manifested in his Politics, not only meeting the daily needs of the members, but also unity in the ruler, generation and preservation of the members”(p. 218). From this the study concludes, even without determining who caused the family these two causes are critical to demonstrating principles of the family. They focus on realities that can be observed and necessary conclusions derived in relation to the arguments presented by these two causes. The final cause also is easily accessible to reason.

Why determine principles of the family from Aristotle politics?

Introduction. Aristotle was born in the year 384BC and died in the year 322BC.

His life can be summarized into three periods: there is “an apprentice period” which lasted for twenty years from 367 to 347BC; “journeyman period”, which was partly spent in the north-western corner of Asia Minor and partly in Macedonia, and which lasted for some twelve years”; and the period of

the “master”, which was spent in Athens and lasted 335-322. In this period he founded his school – the Lyceum (Barker, 1958, pp. xi–xxvi).

Plato, a contemporary of Aristotle, developed what is called the “philosophy of ideas” (Maritain, 1937, p. 21). He states that “ideas are essences and the perfections of things, but that they are distinct from things, belong, indeed to another world, the soul beheld the ideas and possessed intuitive knowledge” (ibid, pg. 21). Plato concludes by demonstrating that we are living an imitation of a previous world, and that world is the world of “ideas”. This concept of “ideas” yields to a school of thought known as idealism. The main proponents are Plato (ancient idealism) and later, Emmanuel Kant (modern idealism). The main tenet is that “ideas are the only true reality, the only thing worth knowing”. Plato develops this concept in his dialogues, in a book called the Republic (book7). In Plato’s concept there are two worlds – the higher world (spiritual, permanent, orderly, regular), and the lower world (experienced through the senses), what generates what is called the duality of the mind and body. Later in years, Immanuel Kant (Vanne, 2012) picks up the same line of thought with a slight difference that he is influenced by a Christian background and that for him, education requires that one form his morality/character, and this must conform to a set of rules, plan and imposed strictly to children as they commence their education. What is critical for those being educated is obedience.

Aristotle corrects this error (that ideas are elsewhere – in the world of ideas) of Plato (Maritain, 1937) by clearly illustrating that “our ideas are not innate memories of pre-natal experience, but derived from the senses by an activity of the mind” (p. 24). In other words, our ideas emerge from ourselves. Our ideas emerge from a clear understanding on how man gets to think, how man gets to know.

Aristotle is deeply indebted to Plato's political ideas. Nevertheless, there is a radical difference. While Plato starts from the ideal, the forms and tries to change reality according to them, Aristotle starts with facts - what can be observed by Barker (1958),

The *Politics*, as its title indicates is concerned with the polis; or to speak more exactly it is concerned with the 160 or so examples of *polis* (city-states), scattered over the Greek mainland and the maritime area of the Greek dispersion, which Aristotle studied (p. xlvii).

Aristotle collected these different constitutions and analyzed what they had in common. Aristotle is more realistic than idealist. In his analysis of society he uses the same tools he discovered in his physics and metaphysics, mainly the hylemorphic (matter and form) composition, and the four causes that explain the substances.

The *Politics* is a unitary treatise of eight books. It contains six sections or methods.

Book I is concerned with the household, or with the "economy" (which in Greek means 'the management of the household'). This section begins by distinguishing the association of the household from other forms of association; and it proceeds to deal with factors in the life of the household such as slavery, property, and the institution of marriage (Barker, 1958, p. xxxviii).

This is the area of interest in this study. The study shall examine Aristotelian thought on the principle of the family from this.

The other methods or sections include:

1. Book II – concerned with ideal states both in theory and practice
2. Book III – concerned with the general theory of political constitutions
3. Book IV and V – concerned with problems of actual politics; political morphology (Book IV) and political pathology (Book V).

4. Book VI- concerned with the methods of organizing democracies and oligarchies.
5. Book VII and VIII – concerned with the theme of political ideals, sketches and ideal state. (ibid Barker, 1958)

The entire work of Aristotle is complete, connected and scientific. Aristotle thought leads us to science, being a certain and true knowledge by its causes. The sciences will be classified according to the type of object they study. Further, the sciences will be classified according to their end. Theoretical sciences study what things are while Practical sciences study what should be done. He highlights that the most exact science “are those that deal most with first principles; for those which involve fewer principles are more exact than those that involve additional principles” (Met.I.982a.20 2007b). He thus qualifies that the theoretical kind of sciences are higher. Aristotle in summarizing the concept/idea/universal says “the knowledge of everything must necessarily belong to him who in the highest degree possesses knowledge of the universal, because he knows in a sense all the particulars which it comprises. These things, viz. the most universal, are perhaps the hardest for man to grasp, because they are furthest removed from the senses” (Met.I.982a.20 2007b).

These thoughts lead to a school of thought known as Realism. The father of realism is Aristotle. The realist believes that reality exists. Reality is independent of the human mind. The truth is an objective reality; it is initiated through the use of our senses that observe; and concluded by the abstraction of what is observed through the intellect. Realism develops the need for empirical science naturally. This school by Aristotle (Maritain, 1937) grounds its principle from the fact that the

Essence as a universal exists only in the intellect- in our mind, which extracts or abstracts it from the things in which it exists individualized – and on the other hand, it is solely as an object of intelligence (inasmuch as it cannot be conceived apart from certain attributes), and that in its real existence, that it is external and necessary (p. 23).

Further “there exists in everything an intelligible and immaterial element,” (Maritain, 1937), which Aristotle calls form, in virtue of which it possesses a specific nature or essence. But this principle is not separate from things; it inheres in them as one of the factors which constitute their

substance. “Thus individual objects, thought mutable and mortal, are no longer deceptive shadows, they are reality” (p. 23).

Taylor, (1955), assists us in showing how Aristotle categorizes the different branches of science (p. 19–24). Further ideas, below, have been added to some of the original ideas of Taylor.

Theoretical (speculative) v/s practical science. The first and most important division to be made is that between Speculative or Theoretical Science (disinterested contemplation of truths which are what they are independently of our own volition; its end is to *know* and only to know). Theoretical science is concerned with universal truths deducible with logical necessity from self-evident principles. Practical Science (to know, but not only to know but also to turn our knowledge to account in devising ways of successful interference with the course of events). Since Practical Science relate to what “can be otherwise”, “are never rigidly universal; they are *general* rules which hold good in the majority of cases, “but are liable to occasional exceptions owing to the contingent character of the facts with which they deal”.

Division of theoretical (speculative) science. Unlike Plato, who did not think there are distinctions in the classifications of science Aristotle classifies “theoretical” , Philosophy into a number of distinct though not co-ordinate branches, each with its own special subjects of investigation and its own special axiomatic principles. Of these branches there are three, First Philosophy, Mathematics, and Physics.

1. First Philosophy (later in the Middle Ages “Metaphysics”) is concerned with the universal characteristics which belong to the system of knowable reality as such, and the principles of its organization in their full universality. It investigates the character of those causative factors in the system which is without body or shape and exempt from all mutability. It culminates in the

knowledge of God, and is hence frequently called Theology. It thus includes an element which would to-day be assigned to the **Theory of Knowledge**, as well as one which should ascribe to metaphysics, since it deals at once with the ultimate postulates of knowledge and the ultimate causes of the order of real existence.

2. Mathematics: is concerned with “real being in so far as it exhibits number and geometrical form”.
3. Physics is concerned with the study of objects which are both material (positives sciences) and capable of motion (biological sciences)

Taylor (1955) does not classify Logic or *Organon* as a speculative science but refers to it as a Method of *Science*. This implies that “logic furnishes the tools with which every science has to work in establishing its results” (ibid, pg. 25). Thus logic is an introductory science to all sciences.

Division of Practical Science. Aristotle did not seem to have done a similar division for practical science. His followers were accustomed to recognize a two-fold distinction defined as follows (Sperling, 2014);

A. Those that Study the internal decisions of man:

1. Ethics. It concerns itself the theory of individual and how he ought to live.
2. Economics. It concerns itself on the theory on how the household should be managed.
3. Politics. It concerns itself on the theory on how to manage the State. This is superior of the practical sciences because the Polis is the highest and most demanding of the works of man. (p. 3)

B. Those that study man’s production:

Modern students of Aristotle have tried to fill in the omission by adding artistic creation to contemplation and practice as a third fundamental form of mental activity. The object of this is to find

a place in the classification for Aristotle's famous *Poetics* and his work on *Rhetoric*, the art of effective speech and writing. This in Aristotle would form “part of his more general theory of education and must be looked for in the general discussion of the aims of education contained in his *Politics*” (ibid).

Fig 1: Summary of Aristotle division of Science (with some classification added by some of his followers).

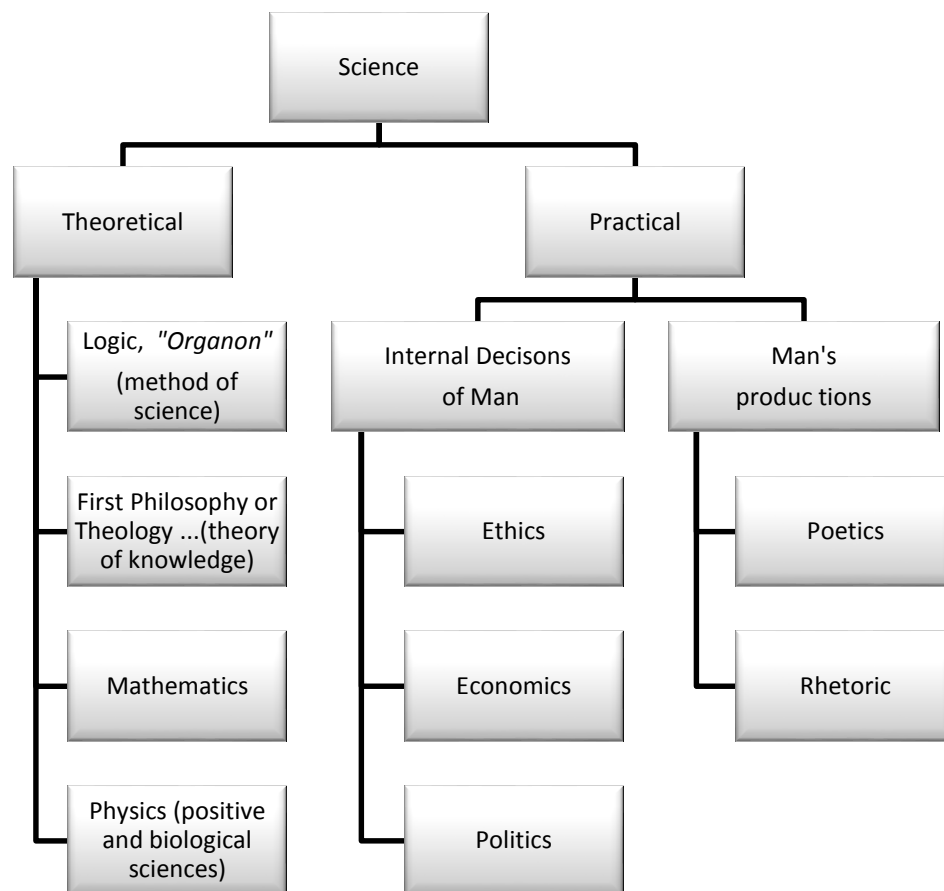


Figure 1 Aristotle Division of Science: .Adapted from (Taylor, 1955), with an elaboration on Practical and addition of Production and other ideas through the analysis of his text on Aristotle.

This summary demonstrates that Aristotle Politics is within a framework of thought that completely examines in depth the connections of how man ought to function. Naturally because there

is a lot of observation, the study concludes that this examination is scientific since science tries to determine what causes something to happen. The study will borrow the theoretical analysis from the works of Aristotle on Metaphysics, The theory of knowledge and then apply the theoretical concepts to the two practical sciences of Ethics (examining the individual) and Politics (examining the individual within society).

The principle of the family in Kenya. The discussions so far points to a utilization of the four causes to determine the principle of something. Aristotle doctrine of the four causes will be utilized in the study. The study will attempt to determine what the material, formal and final causes is. As stated in the abstract, the study shall not place much emphasis on the efficient cause. Whilst doing so, it is envisaged that the focus will mainly dwell on the definitions. The Material cause or the prime matter of the family is the relation between paternity, maternity, filiation and servant hood. The formal cause or the form of the family is unity for the sake of family needs, with emphasis of unity in the ruler, generation and preservation of the members.

Before 2010: brief history of laws relating to marriage and the family. Before 2010, the study observes the following laws on marriage and children as stated in the Constitution of Kenya National Council for Law Reporting (2014) that may point to some understanding of some principles of the family. They are:

- i. Marriage Act, (1902): An Act to make provision for marriages
- ii. (Mohammedan Marriage & Divorce Registration Act, (1908): An Act to provide for the registration of Mohammedan marriages and divorces

- iii. (Mohammedan Marriage, Divorce and Succession Act, (1920): This acts relates to divorce and matrimonial causes in the cases of marriages in the Islamic Faith and those relating to intestate succession in certain cases
- iv. (Maintenance Orders Enforcement Act, (1921): An Act of Parliament to facilitate the enforcement in Kenya of maintenance orders made in the United Kingdom or Eire or in certain British possessions, and vice versa
- v. (Sub Ordinate Courts (Separation & Maintenance), (1929): An Act to support women in this area.
 - i. African Christian Marriage & Divorce Act (1931): For African Christians on their Marriages and divorces.
 - ii. Matrimonial Causes Act (1941): An Act to consolidate and amend the law relating to matrimonial causes. Section 2 of the Matrimonial Causes Act, Chapter (Cap) 152 of the Laws of Kenya. This Act of Parliament consolidates and amends the Laws relating to matrimonial causes. This means Divorce, Annulments, Judicial Separations, Restitution of Conjugal rights, Maintenance, Alimony, Damages, Settlement/Division of Matrimonial Property, Protection Orders and Custody.
 - iii. Hindu Marriage & Divorce Act (1970: An Act to on Marriage and Divorces for those professing the Hindu Faith.
 - iv. Children Act: (2002): An Act of Parliament to make provision for targeting children to ensure there is parental responsibility on children. It also tackles issues on, fostering, maintenance, guardianship, adoption, custody, care and protection of children.
 - v. (African Christian Marriage & Divorce Act, 1931). For African Christians on their Marriages and divorces.

- vi. (Matrimonial Causes Act, 1941). An Act to consolidate and amend the law relating to matrimonial causes. Section 2 of the Matrimonial Causes Act, Chapter (Cap) 152 of the Laws of Kenya. This Act of Parliament consolidates and amends the Laws relating to matrimonial causes. This means Divorce, Annulments, Judicial Separations, Restitution of Conjugal rights, Maintenance, Alimony, Damages, Settlement/Division of Matrimonial Property, Protection Orders and Custody.
- vii. (Hindu Marriage & Divorce Act, 1970). An Act to on Marriage and Divorces for those professing the Hind Faith.
- viii. (Children Act, 2002). An Act of Parliament to make provision for targeting children to ensure there is parental responsibility on children. It also tackles issues on, fostering, maintenance, guardianship, adoption, custody, care and protection of children.

From the utilization of the principles so far discussed, the study notes that all the laws listed (i-viii) focus on the material and formal cause of the family in Kenya. There is no demonstration of the final cause and the study will exclude the efficient cause. All these Acts have been replaced by one, called the Marriage Act (2014). The Marriage Act (2014) contains the same principles as the older Acts. The study will refer to the interpretation of the material, formal and final cause listed in the Marriage Act (2014).

The children Act (2002). The Children Act (2002) captures in detail the concept of filiation, but with an over-emphasis on the children needs and rights at the exclusion of the other aspects of the material cause, thus paternity, maternity and servant hood. Very little is demonstrated on the form of the family since the main focus as mentioned in the short title of the Act is to “to make provision for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children; to make provision for the administration of children’s institutions; to give effect to the

principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child and for connected purposes”(Children Act , Cap. 141 National Council of Law Reporting,2002)

The promulgated constitution (2010) and the family. The constitution of Kenya states in the preamble: “committed to nurturing and protecting the well-being of the individual, the family” (Constitution of Kenya National Council of Law Reporting, 2010). Further in Article (45) the study gets a clearer specification on how the family is viewed. The four points relating to this article are summarized thus (p. 12):

(1) The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State;

(2) Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties;

(3) Parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage;

(4) Parliament shall enact legislation that recognizes—

(a) Marriages concluded under any tradition, or system of religious, personal or family law; and

(b) Any system of personal and family law under any tradition, or adhered to by persons professing a particular religion,

to the extent that any such marriages or systems of law are consistent with this Constitution

p.31).

Article 45(4) requires the development of new laws in Marriage within 5 years once the new constitution is promulgated. By April 2014, all subsequent legislation was passed by parliament. The

new acts are illustrated below, with the researcher determining the extent to which they conform to the Aristotelian principles.

- i. Matrimonial Property Act (2014) : An Act of Parliament to provide for the rights and responsibilities of spouses in relation to matrimonial property and for connected purposes. (Matrimonial Property Act National Council for Law Reporting, 2013).
- ii. Marriage Act: (2014) : An Act that “consolidates the various laws relating to marriage and divorce” (Marriage Act National Council for Law Reporting, 2014)

National values and the family. The sessional paper on National Values points to series of principles that may connect the three key principles that emerge from the material, formal and final causes. The process of deriving the national values commences in April 2010 with the a council called the National Economic and Social Council mandating the Ministry of Justice, National Cohesion and Constitution Affairs to come up with a National Values Policy. In August of 2010, the new constitution is promulgated with Article 10 focusing on National Values and Principles of Governance. The constitution of Kenya, Chapter 2, 4 (2) states that “The Republic of Kenya shall be a multi-party democratic State founded on the national values and principles of governance referred to in Article 10” (ibid). Article 10 of the Constitution of Kenya highlights a number of critical “national values”. Among them include: “patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized; good governance, integrity, transparency and accountability; and sustainable development”. Among the presidential function stated in Article 132(1)(c) is to every year “report, in an address to the nation, on all the

measures taken and the progress achieved in the realization of the national values, referred to in Article 10”.

The Ministry prior to the one of Devolution and Planning, the Ministry of Justice, National Cohesion and Constitutional Affairs had derived a policy framework on National Values in a sessional paper nick named, “Inuka (meaning arise!), No. 1 of 2012 on National Values and Principles of Governance Policy”. This document highlights a number of value carriers, value drivers and their roles. Among these is the family.

The sessional paper summarizes a fundamental and key concept the study is interested in. This is the relation to how values are to be inculcated in and by the Kenyan citizen. It talks of value carriers and drivers and mentions: “This policy as embodied in the Ministry of Justice, National Cohesion and Constitutional Affairs (2012) recognizes that “the paramount actor is the individual who is expected to internalize, apply, embody and propagate the National Values and Principles of Governance and hence act as a value-carrier and value-driver”.(p.28). It further states “This policy requires parents and guardians to provide basic needs for their children and create a conducive environment in families for positive socialization. Parents are expected to mentor and nurture their children into functional and useful members of the society who uphold national values. On its part, the state will take deliberate steps to protect the family against negative and harmful cultural influences and practices such as child labour, early child marriage, pornography, drug and substance abuse. The state will encourage family counseling services to promote family cohesion and harmony for life-long marital relationships. Other family supportive incentives will include housing schemes, educational support, health care schemes and favorable employment policies.” (ibid)

Summary of the principle of the family in the constitution and the Kenyan laws. The study has embarked on utilizing Aristotle's principles that are derived from the four causes. The study has examined the material, formal and final causes. While viewing the family using these Aristotelian principles, the study notes that the final cause (happiness) is denoted by the Constitution of Kenya and the Sessional Paper on National Values dubbed "Inuka" of 2012, it lacks focus in the previous law on Marriage, the Marriage Act (2014) and the Matrimonial Property Act (2013). Whilst the principles around the material cause are availed, the study observes that these do not clearly demonstrate the relation between paternity, maternity, filiation and non-existent is the relation of servant hood. Finally very little is demonstrated on the unity of the ruler (or master) as head of the family. Polygamy is practiced by certain sections of people in the country. This challenges all the three causes.

Statement of the Problem

Article 45(1) of the Kenyan constitution identifies the “family as a natural and fundamental unit of society and the necessary basis of social order”, Article 45(2) provides for every right of an adult to marry whilst Article 45(3) mentions equal rights in marriage among those that marry. Article 45(4) further provides for a need for further laws on marriage and matrimonial property. These laws are the Marriage Act 2014 and Matrimonial Property Act 2013. There also exists the Children Act (2002) that deals to a great extent on Children in relation to the family. The National values Sessional paper points to a possibility of a connection between values and the family.

These laws and policies point to the family being a natural and fundamental unit of the nation and a necessary basis of social order. If the family must be a fundamental unit of the nation the problem arises on how to assess the definition of the family and related principles on the family in these laws and policies and whether these are grounded from a good theoretical foundation. The Aristotelian principles in politics are a good theoretical framework since they are grounded on a number of theoretical sciences that focus on the study of the internal decisions of man. The foundation of the principles in Aristotle is in questioning the reason for the existence of something. The principles are guided by what Aristotle calls the causes and principles of things. The principle on one hand is a determination of the order or sequence of something whilst the cause is the influence caused to the thing. The causes are four (formal, material, efficient and final). If these principles are lacking, then it is difficult to derive from the family social order or values that can be inculcated for nationhood that Aristotle further develops in his theory on Politics.

Objectives of the study

1. To demonstrate on how the principles expressed on the Family in the Constitution of Kenya (2000), the Marriage Act (2014), the Matrimonial Property Act (2013) and the Children Act (2002) ground it as a principle of nationhood.
2. To highlight the principles of the family by Aristotle in his book *Politics* and how they ground the family as a principle of nationhood.
3. To analyze and assess the key principles of the family from the Constitution of Kenya (2010), the Marriage Act (2014), the Matrimonial Property Act (2013) and the Children Act (2002) in relation to Aristotle's *Politics*.

Research Questions

The following are key research questions:

1. What are the principles expressed on the Family in the Constitution of Kenya (2010), the Marriage Act (2014), the Matrimonial Property Act (2013) and the Children Act (2002) and how are they grounded as a principle of nationhood?
2. What are the principles of the family by Aristotle in his book *Politics* and how do they ground the family as a principle of nationhood?
3. How do the key principles of the family from the Constitution of Kenya (2010), the Marriage Act (2014), the Matrimonial Property Act (2013) and the Children Act (2002) compare in relation to Aristotle's *Politics*?

Scope of the Study

The scope of the study involved reviewing the principle of the family in the Kenyan Constitution (2010), the Marriage Act (2014), the Matrimonial Property Act (2013), the Children Act (2002) and the National Values Sessional Paper No. 1 of 2012. The review was undertaken utilizing Aristotle political and ethical theories as demonstrated in his books on *Politics* and *Ethics*. Any writers that have further developed these theories were utilized in the study. One of the causes that determines the principles of the family, that of the efficient cause was not dealt with in the study due to the possibility of this dwelling onto the philosophy of God or Theology.

Significance & Justification of the Study

The study is expected to highlight how policy makers, parents and general population should enact and /or examine the interpretation of laws and policies that touch on the function of the human person.

Limitation of the Study

1. The study will be a theoretical analysis of Kenyan Laws on the principle of the family as relevant for the nation. Some of the Acts to be examined are the Marriage Act and the Matrimonial Property Act. The two acts are fairly new (passed in 2014 and 2013 respectively). A further study is necessary to demonstrate the effects of the Acts on the day-to-day reality of the Kenyan people. The study will limit itself to areas that demonstrate the principle of the family.
2. Some of the principles around polygamy have been tried and tested in the Islamic and Kenyan Customs and whilst they may be good reasons for this, the study will not determine the historical reasons for the adoption and or promotion of polygamy.

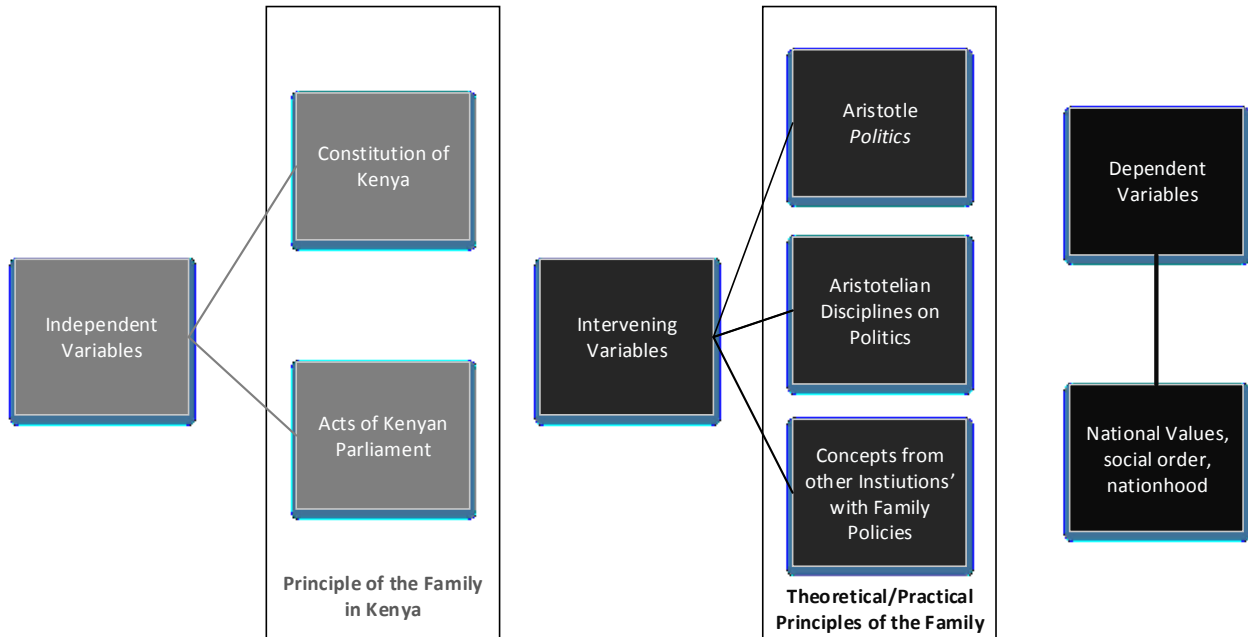
3. The Aristotelian thought on the principle of the family is original. Aristotle lived in a different cultural setting, thus there may be some limitations on these thoughts when looking at the current setting. The study will make attempts to derive ideas from those that have followed the Aristotelian thought over the years, though this may not be exhaustive
4. The Politics of Aristotle is an entire book with 8 sections. The study will restrict itself to the principle of the family as explained in Book I, which is concerned with the “Management of the Household”.

Theoretical Framework

The study is grounded on Aristotle Politics. Politics is the highest practical science according to Aristotle and that it borrows largely from the Theoretical Sciences developed by Aristotle. The theory supplies the concept of principle as utilizing the four causes of Aristotle (thus the material, formal, efficient and final cause). The final cause, which Aristotle calls the final end, leads us to utilize Aristotle Ethics in determining from the actions of man, what is it that man (or woman) seeks as an end.

Conceptual Framework

The diagram below illustrates the conceptual framework. The study aims at examining the principles of the family from Aristotle Politics, with further ideas developed by those that have followed Aristotelian thoughts. The study will cross-examine independent variables on the principle of the family illustrated in the Constitution of Kenya (2010) and any laws that touch on the principle of the family in Kenya. The expected outcome is that if the Constitution of Kenya and other Acts can demonstrated the principle of the family following the lenses of an authority of these principles (in the study’s case, Aristotelian Principles), then it is highly likely and possible that the concept of national values or social order or nationhood can be achieved over time.

Fig 2: Conceptual Framework

From this conceptual framework, the study summarizes the following proposals

1. The principle of the Family in Kenya is derived from two key sources: the Constitution of Kenya and the Enacted Laws on Marriage, Family and Children.
2. Aristotelian thoughts on politics and ethics, the two practical sciences that deal with the study of man's internal decisions are critical to a formulation of proper principles.
3. Other principles represented in other institutions may tally with the Aristotelian Principles and this may give input to principles in the Kenya Constitution and Acts of Parliament on Marriage, Family and Children.
4. The outcome of a good principle on the family supported by a good theory would provide the needed outcome of good national values, social order and nationhood.

Chapter 2

Literature Review

The literature review is organized based on the objectives of the study.

Introduction - principles of the family – the basis from Aristotle’s four causes. Experience of motion in things shows that, besides what they already *are* (“*act*”), they have the capacity *to-be-other*; capacity to acquire and lose perfections (“*potency*”). Act emerges when the capacity to do is put in motion. This act/potency arrangement is also alluded to creatures that are a composite of matter/form. Of course of interest is to clarify that the act/potency arrangement presupposes that things change. The subject of change in creatures is called prime matter; it is the ultimate common substratum of all material changes. The subject in question is not an established being; it is only a potency with respect to a (substantial) form and, as such, it is only potency. This prime subject or (prime) potency is incorruptible since all material substances, however deep and elementary they may be, are made from something already in existence. As it is pure potency, prime matter is never without a particular substantial form. What exists is not just matter but the composite of matter and form. Prime matter is potency in relation to the substantial form; and with it and through it in relation to “*esse*” (to exist). In creatures we allude there is a composition of body and soul. The body is in the realm of “*nature*” while the soul [the substantial form of the body), the immaterial is what “*vivifies*” the body. The soul is the “*form*” of the body by giving life to it. The soul is the principle of life. In other words, the operations of the body are coordinated by the soul. Thus, the essence of man is that he is both body and soul and that his operations are dependent on this fact.

But one may ask, and what caused the soul? The soul indeed does exist, but who caused it? Did it cause itself? The study concludes that ‘all effect must have a cause’. Over and above the causes which act only *by moving and transforming* (like in our example creatures through the *body/form arrangement*) and which justify the becoming (“*fieri*”), one has to seek the basis for the root of the

perfections of the effect and the act of all its acts: in other words, the basis for “*actus essendi*”. In the emergence of this esse (“to exist”), there are two moments, (Alvira, Clavell, & Melendo, 1991):

(1) A predicamental one: being follows on form; as happens in creatures and (2) A transcendental one: that explains the “*esse*”(to exist) of “*ens*”(being) as such, as happens in God. Transcendental cause cannot be the *nature* of the same “*ens*”. *Transcendental cause (Pure Act, “Esse” by Essence or “Esse” Itself) is unique on account of its simplicity which excludes all basis for multiplicity; Being unique, the cause of “esse” is cause of all being, and we call Him God (p. 73–77).*

From this analysis the study discovers that in things, there is the material cause, the formal cause and the efficient cause. The efficient cause is related to the cause per excellence, who is God. Alvira et al (1991) further clarifies that the material cause constitutes prime matter and secondary matter. The prime matter has the “features of a material cause in the fullest sense” (ibid. pg 195). This doctrine of causes had been attempted by Plato with the difference that for him being belongs to the forms or “ideas” (ibid, Cf1, 193). Plato’s doctrine on forms/ideas as has been established earlier supposes that these ideas or forms exist in another world and are not arrived at from abstraction and thus in one’s mind.

The final cause is that “for the sake of which something is done; in other words “it is what determines the agent to act, or the goal towards which it tends through its operations (ibid, pg. 219).

The act/potency arrangement and the matter/form principles allude to an appreciation of principles from the view that man is both body and soul. Are these principles universally always accepted? The study observes that in the pre-modern times there existed sophists. Who are sophists? They evolved from “people who were known for their knowledge (for example Socrates and the seven sages) and those that earned money from teaching advanced pupils (for example Protagoras,

Prodicus)”. “By the 4th century the term becomes especially limited to those who taught rhetoric, specifically the ability to speak in assemblies or law courts. Because sophistic skills could promote injustice (demagoguery in assemblies, winning unjust lawsuits) as well as justice (persuading the polis to act correctly, allowing the underprivileged to win justice for themselves), the term “sophist” gradually acquired the negative connotation of cleverness not restrained by ethics” (“Protagoras [Internet Encyclopedia of Philosophy],” 2013). Examples of the older sophists according to “Platonic dialogues include Protagoras, Gorgias, Prodicus, Hippias, Euthydemus, Thrasymachus” (Ibid).

Their contribution that would generate a different conclusion to the Aristotelian doctrine include (1) They began by shifting attention that had been developed by the earlier philosophers on the object of knowledge to what things are to the interest of the knowing subject. While this may be good in itself, the approach (Maritain, 1937) they took was to “to sought the advantages conferred by knowledge so far as knowledge brings the possessor power. Only that their knowledge was only knowledge and not truth leading to a more utilitarian than a speculative end” (p.16-17). Their approach came at a time when Athenians were seeking to take part in practical politics, had grown impatient with natural philosophers and were increasing getting skeptical about the traditional religious teaching. (2) Confusion and Perversion of “arête” (or excellence) to success. The sophists employed rhetoric, to provide, for lack of a better word conviction out of mere argument, using good arguments. The focus shifted from seeking how one ought to live to practical conduct of life in law morality and politics. They made many “to believe that what was important in knowledge is the art of refuting and disapproving by skillful arguments” (Ibid) (2) Theory of knowledge that is limited to the individual and not on a universal truth. Protagoras for example uses a theory of knowledge that seems to suggest that only sense knowledge is the most fundamental. In his saying “man is the measure of all things; of

the things which are, they are, and of the things which are not, that they are not". From this the study notes that everything is only according to the individual (the subject). This would imply that only the individual can judge and can therefore not judge falsely meaning all are equal in the knowledge of the truth.

Unlike the sophists, the Classical thinkers (including Aristotle) were able to demonstrate through metaphysical arguments that man is both body and soul and that within man, the intellect can be used to understand what observable reality is and also what may be beyond mere senses. They were able to argue that the intellect can abstract from observation. The idea of observation, abstraction presupposes a need to evaluate a theory of knowledge followed the classical thinkers, including Aristotle whose theory and ideas in this study are utilized.

Through this quest of the truth, the classical thinkers demonstrated that they can reach the understanding of a one who is the creator of what we all see. Whereas they were not completely able to demonstrate the entire nature of God, they were able to arrive at the point that indeed there is a creator (there is one that causes things).

In medieval times, the medieval philosophers were able to demonstrate the revealed faith confirmed by the man and God Christ. Thus for classical thinkers, faith is reasonable. One can apply reason to the truths of faith to understand it in a deeper way. Faith has as its specific task what has been revealed and it applies reason as a method to understand better the revealed truths

The modern thinkers, with their pessimism suggest that this not possible to know the truth. These thoughts begin with Ockham, developing to Montaigne and other modern thinkers. The major

implications or the thought process of the modern thinkers implicates (1) Man is unable to know the truth. We cannot know reality. The possible schools are either of those that say reason only is sufficient (rationalism with such modern thinkers as Hegel) or those that say only faith is sufficient to know the truth (skepticism with such modern thinkers as Montaigne and Hume) (2) Rationalism then leads to the possibility of truth through empirical evidence. If there is no empirical evidence, then there is no truth. This led to a entire school of thought of the sciences being looked as the most important, since they are practical. This school commenced with Galileo who claimed that God has indeed written three books the bible, that of nature and that of man. This then completely killed the metaphysics and other theoretical subjects that can demonstrate truth, without necessarily providing empirical evidence (3) The whole thought of claiming that man is not capable of the truth, has resulted to the denying the possibility of the act of knowing. Through the act of knowing man is fallible, he makes mistakes. But when man knows truth as truth, from either the rationalist or fideism, then man is incapable of making mistakes. This then has resulted to some relativism in what one knows, since it is not referential to reality. It is depended on the reality that is in in “my ideas”. This then leads to no conformity of truth and then leads to existence of God, death and such realities that one cannot comprehend with the understanding of ideas in one’s mind.(Lazaro, 2012)

The study established that many modern thinkers develop their theory of knowledge with either an emphasis of the senses (Hume, Montaigne, Descartes) or intellect (Hegel) or a different approach of a combination of the senses and the intellect (Kant). From these theories they then developed what the study could call ideas around how to live (what the study may call moral philosophy).

The reason it is very easy to challenge the modernist moral philosophy is what both Anscombe and Macintyre argue as a defective line of reasoning. They (Garcia, 2001) conclude that

They freely shift from concepts of natural law to natural rights, from obligation to virtue, from self-interest to sacrificial charity, from consideration only of overall consequences to compassion for immediate victims to interests in one's own higher interest and long-term self-improvement, without noticing the very different histories and incompatible bases and presuppositions from which these concepts and vocabularies emerge.

MacIntyre, provides the following critiques to the modern moral philosopher's thoughts (1) they ignore the "dependency of both justice and moral reasoning on standards and group traditions. His argument is that what one ought to do should be tied to pertinent virtues while considering the tradition of moral enquiry into human flourishing".(2) They divorce what they regard as facts from values. This he claims are enlightenment inventions as they create an "unnecessary bridge where arguments are not then based on moral reasoning and moral concepts but on theories in the name of values. Usually this values are "my values" that is a relativistic approach inherent in modern thought, where the focus is the individual rights/views as opposed to what is knowable by observation" (classical thought approach). (3) Modern Moral philosophers promote "the fragmentation of the modern subject into disparate and conflicting roles without providing any basis or method for her reunification, coherence and integr(al)ity". (4) Modern Moral philosophers "permit, and encourage, the subject to see her private (and her faction's) self-interest as pitted against both the good of other individuals and more important, the good of the larger political community" and finally (5) "that of the groups that make other groups other than themselves appear as non-progressive. They claim their position is superior to the otherwise parochial, romantic, narrow, mystical, dogmatic, unscientific, or otherwise irrational, illiberal, and unjustified groups".(Garcia, 2001)

From the analysis and discussion so far, the study deduces that to arrive at the same conclusions as Aristotle what is critical is to appreciate Metaphysics, the study of being. If Metaphysics is utilized, then the conclusions deriving from the appreciation that to understand beings requires a theoretical framework that recognizes the four causes. If this appreciation of being is not acknowledged and instead as illustrated by Garcia (2001), the focus is on the individual appreciating truths, for their own sake, then it is unlikely that the conclusions on this theoretical framework will be arrived at.

The principles expressed on the family as from the Constitution of Kenya (2000), the Marriage Act (2014), the Matrimonial Property Act (2013) the Children Act (2000) that ground it as a principle of nationhood. In the background to this study, the application of the material, formal and final cause was applied. The study has so far concluded that two of the causes are found in the Constitution and related laws. However, what is established is that the material cause is affected by the acceptance of polygamy in the African customary practice and for those that practice the Islamic Faith. On the other hand, very little is found as regards the final cause. The final cause, as established in the study so far requires is visible in the Constitution, where there is linkage between the family and social order and in the Sessional Paper on National values that demonstrates that values emerge from the contribution of parents toward the education of their children.

The study also observes that whereas the material cause is establish in the Constitution, the Matrimonial Property Act (2013), he Marriage Act (2014) the Children Act (2002) and the Sessional Paper on National Values (2012), very little is determined as regards the unity with the ruler for the sake of generation and preservation of the members, other than a connection on this in the Sessional Paper on National Values.

This conclusions so far requires the study to examine available literature that make the case for polygamy and that makes the material cause examined to only the existence of paternity, maternity,

filiation and servant hood (very little of this though). The conclusions also demand that the study examines in detail how the aspect of the final cause can be arrived at.

The literature review will examine therefore aspects on polygamy from a customary and Islamic perspective on one hand and on the other determine aspects that can point to the final cause (happiness)

Polygamy – a Kenyan custom & Islamic perspective .Hartley (1971) argue that this emerges from a religious or ethnic or cultural practices and emphasizes in “most Afro-Asian countries have a system of personal laws under which each religious or ethnic community is governed by its own law as regards matters of family law and succession”(p.1). The main reason for enablement of the custom appears to be the consideration that as mentioned by Nsereko (1975) “marriage contract is incomplete unless and until a child is born. Up to such time the "marriage" is merely inchoate, although some societies obviate this by legalizing the institution of polygamy” (p.699). He further demonstrates that “Society's old attitudes are difficult to change, and hence legislative efforts to abolish or limit the custom of marriage-gifts have failed” (ibid, p.703).

This idea is confirmed as illustrated by the recent newspaper article announcing the new Marriage Act (2014). The writer illustrated “The Marriage Act was not intended to bring about new forms of marriage but to consolidate and document all the types of marriage existing in Kenya. In fact many of us are spouses, children or grandchildren of such marriages. If you ask around your immediate space, whether you are in a church, an office or an estate, you will be surprised by the extent of customary marriages. As customary marriages are potentially polygamous, there are many polygamous unions around us” (“Marriage Act does not Promote Polygamy, It Regulates All Unions”, 2014)

Nwoye (2007) summarizes that there are two approaches to examining Polygamy in Africa. “affluent polygamy and interventive polygamy” (p.383). He further demonstrates that affluent polygamy is not the true polygamy that African customs have followed over the years instead it is “the type that is motivated by the urge for social prestige and economic ambitions”. The true polygamy is the interventive polygamy which he explains is “entered into in response to family stress” He expresses this concept by saying part of “pressing exigency” may include “childless marriage”.

In addition, Nwoye (2007) develops ten theoretical principles from which the basis of polygamy is based. These include

- (1) African traditional marriage is teleological. This means that it has some definite pre-ordained goals of self-realization including the need for (a) development of a permanent, peaceful, creative and complementary partnership; and (b) successful procreation and education of children
- (2) African marriage is oriented to the predetermined goal of diversity and climax, which means children of both sexes, health and well-bred
- (3) African marriage is grounded on a framework of order (which implies children are taken care of, and they in turn look after their parents in their old age)
- (4) An African marriage experiences a sense of disorder and distress, in other words a tragedy if the above does not happen
- (5) African marriage is, therefore influenced by the buffering principle (maintaining a surplus)
- (6) interventive polygamy is never entered into with levity or impulsively It is rather understood as a strategy of last resort, only when the marriage is sonless or childless
- (7) alternative of interventive polygamy is adopted as a means to heal rather than to cause stress or embarrassment to the integrity and esteem of the first wife
- (8) it is influenced by the systemic principles of equifinality{ the search for a goal through many means) and of omnivory, in that in it the understanding is that it is always wise to spread the risks and to avoid putting all of one's eggs

in one basket (9) interventive polygamy is not inclined to the abstract. It is rather understood as a type of solution-focused therapy and finally (10) interventive polygamy is influenced by the African traditional concept of life as a problematic, the stress of which can be altered by means of constructive human agency. It is also influenced by the African people's psychology of refusal to place themselves hostage to fortune at the difficult trials of life (p. 389–393).

From an Islamic perspective, the best reason is what Sow (1985), notes as regulation of the Koran,

Polygamy and divorce have also interested the African authorities. Polygamy still present at least officially in African societies and especially in the Islamicized ones, has been the source of many debates and resolutions, ranging from the regulations laid down by the Koran to pure and simple abolition (p .568).

The study observes that the main reason(s) around polygamy center on the fact the children are needed for the preservation of the species, for continuation of the family and from an Islamic perspective simply as a regulation.

To provide for more insights regarding what is needed to propel the unity of the ruler for generation and preservation of the species, the study examines other interventions on the principle of the family from institutions that derive polices or have initiatives that promote the principle of the family. These are the UN, the International Federation for Family Development, the Doha International Family Institute and the International Centre for Work and Family.

Exploring principles beyond father | mother | children, and especially the final cause - happiness

The United Nations. In the African Preparatory conference for the 20th Anniversary of the International Year of the Family that took place in Nairobi on 23rd and 25th January, 2014, Renata Kaczmarek from the Focal Point of the Family, United Nations Department of Economic and Social Affairs summarizes **four frameworks** that the UN has taken over the years on how to define the principle of the family.

1. The first is the International Human Rights frameworks. The International Covenant on Economic, Social and Cultural Rights, Article 10 and 11 highlight four critical points relating to the family. The four points include: (1)“the widest possible protection and assistance; (2)special protection to mothers during a reasonable period before and after childbirth; (3) special measures of protection and assistance on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions” (especially as regards child-labor) and the recognition of the (4)“right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”.(United Nations, 1966).

Other human rights conventions that influence the family include “Convention on the Elimination of All Forms of Discrimination against Women (focuses on discrimination and unequal treatment of women and their status in the family” (CEDAW , 2003), “Convention on the Rights of the Child (focusing on the child)” (United Nations, 1989), “Convention on the Rights of Persons with Disabilities (focusing on disability issues)” (United Nations, 2006), “Convention on Workers with Family Responsibilities (focusing on absence of effective measures for reconciling work and family responsibilities)” (United Nations, 1990),“The Convention on the Protection of the Rights of All

Migrant Workers and Members of their Families (relating to the protection of the unity of the family of migrant workers)”.

2. A second framework is that of Conventions, Conferences and Summits Frameworks. This focused on conferences and summits. The study notes the World Summit for Social development (WSSD), 1995, that highlights four critical ideas:

(1) the family as the basic unit of society and as such should be strengthened; (2) it is entitled to receive comprehensive protection and support; (3) it has a supporting, educating and nurturing roles & contributes to social integration and social cohesion and that social and economic policies designed to meet the needs of families are encouraged as a promotion of mutual respect, tolerance and cooperation within the family and (4) promoting equal partnership between women and men in the family (p. 80–81).

3. A third framework has been the Millennium Development Goals (MDGs). Framework

“The millennium development goals comprise eight international development goals which were set by the United Nations. The relevant areas that focus on the family include: (1) poverty reduction, (2) education of children, (3) gender equality and (4) women empowerment and reduction in child and maternal mortality”. These are difficult to achieve unless the strategies to achieve them focus on the family.

4. A fourth framework has been the “International Year of the Family & its follow up framework IYF + 20 GA & ECOSOC resolutions: The International Year of the Family, 1994 set off actions benefiting families at national, regional and international levels. Starting in 1994, International Days of Families have been observed to raise awareness on family-related issues. The first International Year of the Family (1994) was observed under a theme: *Family Resources and*

Responsibilities in a Changing World & a motto *Building the Smallest Democracy at the Heart of Society*". A resolution on the International Year noted "The General Assembly appeals to Member States as well as to other participants in the observance of the Year to highlight 1994 as a special occasion to benefit families of the world in their quest for a better life for all, based on the principle of subsidiarity, which seeks solutions to problems at the lowest level of the societal structure". (GA/RES/47/237 United Nations, 1993). Every 10 years since 1994, the UN has organized anniversary celebration for the International Year of the Family. Thus 2004 and in 2014.

Since 1996 International Day of the Families; these have been organized since 1996. Their main themes have included in 1996: "Families: First Victims of Poverty and Homelessness" and in 2014 "Families Matter for the Achievement of Development Goals; International Year of the Family (2014) and the UN Family Social Policy and Development Division (2014).

The work undertaken by the UN suggest that certain interventions on the family are critical to ensure it fulfills the concept of happiness (or final cause). The ones highlighted so far in the study point to (1) protection and assistance to families; (2) special protection to mothers during a reasonable period before and after childbirth; (3) Education and special measures of protection and assistance on behalf of all children and young persons without any discrimination (4) right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. This should include poverty reduction. (5) It further requires that special groups are given attention. These groups include Children, persons with disabilities, migrant workers and workers with family responsibilities. Special mention is given to the need to promote (6) Women empowerment and (7) Reduction in child and maternal mortality. Finally

it is to participate on the (8) International Year of the Family Day and related anniversaries in order to promote the family as a basic unit of society and social order.

The International Federation for Family Development (IFFD). The IFFD is the largest family organization in the world. It has an institutional history of 50 years with the official formation of the IFFD in 1978. The International Federation for Family Development “was founded in Orlando (Florida), as a union of non-denominational, non-profit, independent and private Family Enrichment Centers. The headquarters is in Spain, which is where the first courses started”. (“About IFFD | IFFD,” 2014). IFFD offers family enrichment courses to 65 countries reaching 100,000 families every year. Family Enrichment courses are “support programs for parents based on the case method: a useful way of promoting dialogue about real situations which avoids imposing our own ideas or dismissing other people’s”. (Marina, 2014). “IFFD has General Consultative Status with the UN Economic and Social Council (ECOSOC)” (ibid).

The IFFD further in a declaration to the Civil Society in the 20th Anniversary of the celebration of UN International Year of the Family for 2014 provided for the following proposals:

1. *Welcome* the call made by United Nations to celebrate the forthcoming twentieth anniversary, in 2014, of the International Year of the Family, and to integrate a family perspective by introducing a family impact report or assessment as a standing and compulsory part of policy making.

2. *Urge* Member States to enhance and strengthen family mainstreaming in policy making at all levels, considering the impacts of socio-economic policies on families; to develop, promote and implement family-friendly policies aimed at providing sustainable, affordable and quality living conditions for families; and to empower families and recognize their role in social cohesion and economic development;

3. *Invite* Member States to recognize the right of families to sufficient resources and social assistance and the right to live in a manner compatible with human dignity, recalling that this is a common vital issue for single-parent, large and immigrant families; to develop, promote and implement policies aimed at ending child poverty through the eradication of family poverty, and encourage social, economic and educational policies to prevent intergenerational transmission of poverty; and to promote the provision of integrated services for families and family-friendly taxation policies and practices, including reduced taxes on goods and services for early childhood products and services;

4. *Request* Member States to recognize and communicate the value of balancing family and work in the economy and in society; to develop, provide and communicate comprehensive well-resourced and flexible parental leave entitlements, to promote skill development and learning systems throughout the life course of the family and in periods of transition, to facilitate parents' re-entering the labor market, and to enhance dialogue and partnerships between social policy makers and relevant stakeholders, including families, family associations, business sector, trade unions and employers to develop and improve family-friendly policies and practices in the workplace;

5. *Encourage* Member States to facilitate intergenerational solidarity, quality couple and family relationships, parenting programmes; high-quality childcare and other ancillary services which support families; promote and develop active measures to support the psychological well-being of children and youth with sensitivity to family situations; prevent violence, addictions and juvenile delinquency; and promote school to work transitions and young adults' economic security to facilitate family formation and stability, particularly among those with insecure socio-economic resources; as well as to promote and develop public policies concerning the support to the elder members of the family, especially in situations of

particular need such as cases of Alzheimer or similar diseases” (International Federation of Family Development, 2015).

The study observes that the IFFD with its 50+ years of experience has developed specific areas that enhance the need to look at the family with an end to arrive at the final cause. The Key principles here support need for (1) integrate a family perspective in policy making, inclusive of family friendly policies (such as parental leave, skill development during time of transition, facilitate parents re-entering the labor market and promotion of dialogue to all stakeholders, (2) introduce a family impact report (3) eradicate family poverty through taxation policies and practices (4) promote initiatives on teaching couples on quality couple and family relationships and on parenting and how to balance between work and family. These intervention can enhance how the final cause can be achieved.

Doha International Family Institute. The “Doha International Family Institute (DIFI), formerly known as Doha International Institute for Family Studies and Development (DIIFSD), was established by Her Highness Sheikha Moza Bint Nasser, Chairperson of Qatar Foundation for Education, Science and Community Development in 2006. The Institute has special consultative status with the United Nations Economic and Social Council (UNECOSOC)”.

The mandate of DIFI is based upon the affirmations set forth in the Doha Declaration on the Family. This was the outcome of the Doha International Conference on the Family, organized in 2004. The Doha Declaration on the Family, noted in a resolution by the United Nations General Assembly A/RES/59/111 on 6th December 2004, restates and reaffirms commitments of the international community to (1) support and promote the family at all levels of government; specifically (2) encouraging member states to conduct research and evaluation to

support a knowledge base on the family. Family, parental and child rights, and dignity are stressed throughout the Doha Declaration, as is the importance of the institution of marriage itself. The Doha International Family Institute was established to support the aforementioned aims, with the declared mission of encouraging, supporting, and promoting “the implementation of the Doha Declaration, and to reaffirm international commitments to strengthen the family (DIFI - DIFI, 2015).

As a contribution towards the celebration of the 20th Anniversary of the International Year of the Family, the DIFI organized an expert meeting that concluded with the Doha call to Action (2015). The Doha Call to Action spelt out the following principles.

1. Develop comprehensive and coherent policies, integrate cross sectorial approach to support family stability and establish/strengthen a national mechanism to develop family-oriented policies and programmes and allocate adequate human and financial resources to implement, monitor and evaluate them;
2. Promote gender equality and the empowerment of women, reform discriminatory laws and policies, particularly family laws, and enact legislations to end child marriage and violence against women;
3. Recognize the contribution and responsibility of men to families, develop policies to address the impact of the absence of males/fathers on family wellbeing and promote active fatherhood;
4. Focus poverty alleviation strategies on the family as a unit and acknowledge that family breakdown can be both a root cause and an effect of poverty and its prevention is a priority;

5. Adopt policies to ensure work-family balance, so that the responsibilities of parenting and maintaining families do not fall primarily on women and collaborate with the private sector to protect and support workers with family responsibilities;
 6. Value important contributions of all generations within the family, design and implement policies to strengthen intergenerational solidarity and partnerships and promote healthy intra-family relations;
 7. Ensure the systematic collection of data and statistics on family wellbeing and collaborate on good practice exchange at national, regional and international levels;
- Develop and implement family focused policies and interventions to strengthen and support families in vulnerable situations (such as conflict, natural disasters and health epidemics including HIV / AIDS and malaria);
8. Create an enabling environment for a meaningful contribution of civil society organizations in the design, implementation and monitoring of family policies and programs and remove barriers to the establishment, work and funding of non-governmental organizations;
 9. Acknowledge that families are at the center of sustainable development and ensure that families are an integral part of the post 2015 development agenda; (DIFI - Doha Call to Action, 2015).

The study notes the key principles here include (1) Need for family-oriented policies and programmes that support work-family balance (2) Promotion of equality and empowerment of women (3) Recognize and promote the contribution of men in families and especially to manage the impact of absent fathers and promote fatherhood (4) Poverty Eradication strategies that can ensure support of the family as a unit (5) Intergenerational solidarity (6) Systematic collection of data and statistics (7) support families in vulnerable situations (8) promote the civil society organization in designing,

implementing and monitoring family policies and programs (9) Ensure families are recognized in the post 2015 development agenda.

International Centre for Work and Family Balance. The “International Center for Work and Family (ICWF)’s mission is to promote Family Corporate Responsibility (FCR) in business, i.e. to promote leadership, culture and corporate policies that facilitate the integration of employees’ work, family and personal life”.

It aims at the following objectives:

1. To promote an organizational culture focused on people;
2. To develop talent and leadership skills to create a business culture that facilitates the integration of work, family and personal life;
3. To create policies and practices of reconciliation and equal opportunities, through the flexibility and the development of FCR;
4. To improve the environments in which career paths are developed, so that people can have a balanced work, family and personal life;
5. To foster commitment and satisfaction of workers, increasing the competitiveness and sustainability of organizations;
6. To investigate, analyze and promote the professional advancement of women and the integration of different aspects of life to achieve their full development;
7. To encourage governments and other public institutions to develop regulations and policies aiming to facilitate FCR; (ICWF, 2015)

The ICWF utilizes a tool to assess Corporate Policies and proposes ways that corporate companies can improve on Family Corporate Responsibility.

It has developed the Index Family Responsible Enterprises (IFREI) model. A brief history is summarized below: The ICWF of IESE Business School developed in 1999 the

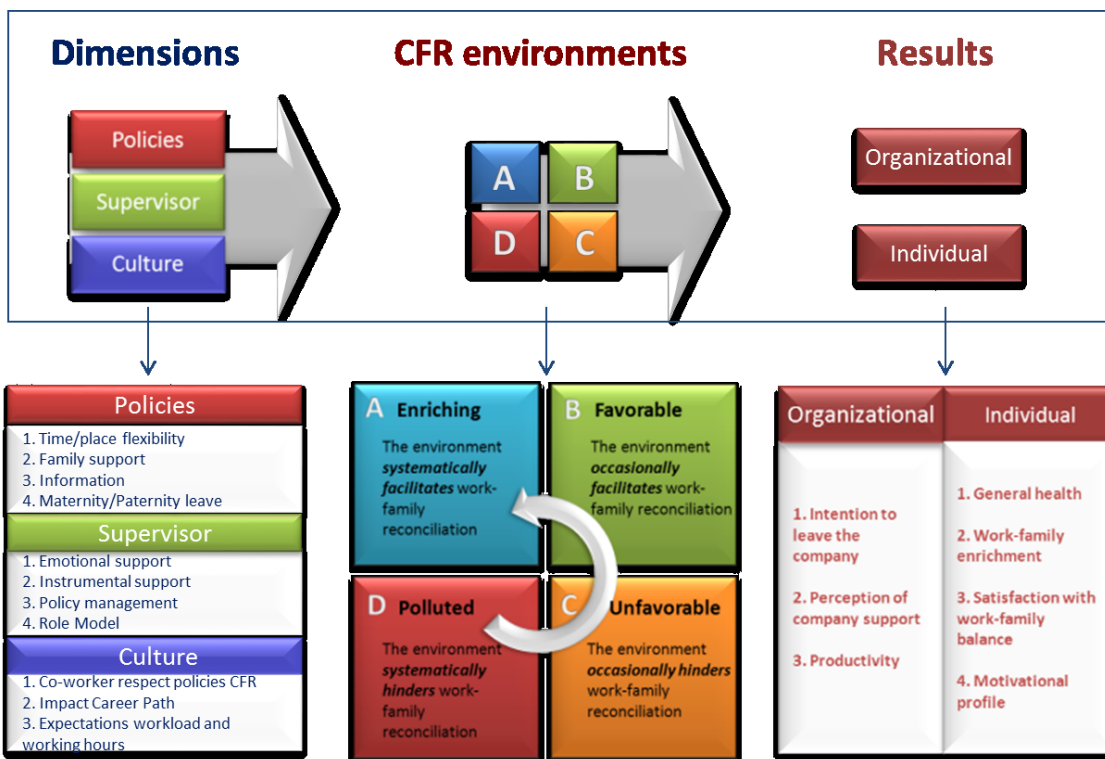
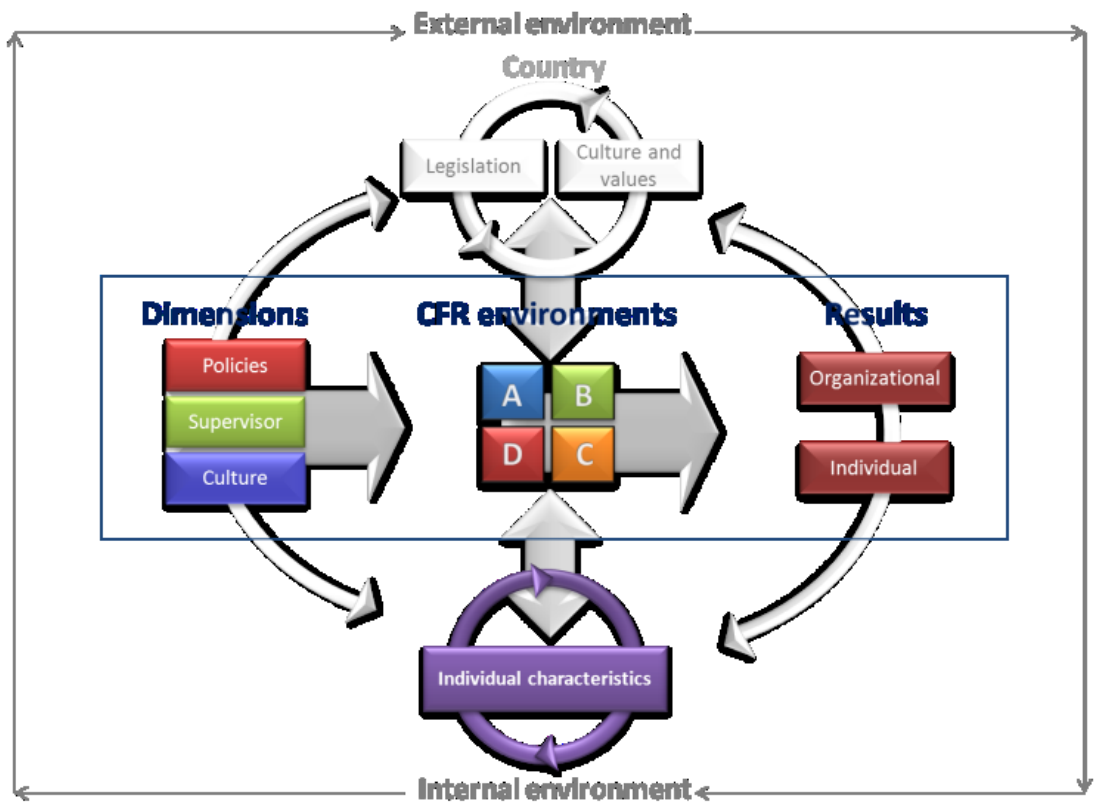
“INDEX FAMILY RESPONSIBLE ENTERPRISES (IFREI 1.0) evaluating the implementation of policies aimed to reconcile work, family and personal life in 19 countries. The questionnaire collected information from CEO’s or HR Managers and focused its study on policies, culture, brakes and drivers. Since 1999 more than 3,800 companies have participated in this survey;

In 2010, a new version of the questionnaire was developed. The IFREI 1.5, addressed to all employees of the company, measures the impact that policies, the supervisor and culture have on the organizational and individual results. It has involved more than 5,000 people in 23 countries;

In 2012, the IFREI 2.0 was released. Its aim is to deepen the analysis of each company’s environment, through multiple responses from the same organization. This questionnaire involves the HR director, managers and employees;

The IFREI model aims at analyzing the impact that the company’s policies and culture, management style of the supervisor and the personal characteristics of employees have in organizational and individual performance”. (IFREI Model | IFREI | IESE Business School, 2015)

Fig 3: Source: (“IFREI Model | IFREI | IESE Business School,” 2015)



The model is explained below:

1. **Policies:** They are the formalized practices within a company that support the integration of work, family and personal life of employees.
 - Providing flexibility in both time and space.
 - Including professional support and family benefits and services that go beyond financial reward.

2. **Supervisor:** The manager who promotes Corporate Family Responsibility:
 - Takes care of the family demands of its employees.
 - Respects personal freedom.
 - Supports and facilitates the integration of work, personal and family life.
 - Promotes the use of Corporate Family Responsibility practices.
 - Is open and sensitive to flexibility.

3. **Culture.** The Corporate Family Responsibility culture is the set of assumptions and beliefs shared by members of the organization related to the degree in which the company supports and values the integration of family, work and values of its employees.

A culture of Corporate Family Responsibility:

 - Values people who use flexibility policies by their contribution to the company, and do not penalize them for its use.
 - Respects people's workloads and avoids creating the expectation that they must constantly put their work before their family.

4. **Individual characteristics**

Alongside policies, supervisor support and company culture, there are other factors that can facilitate or hinder Corporate Family Responsibility.

Individual characteristics are the preferences that each person has when dealing with the integration of their work, family and personal life.

5. **CFR Policies Impact**

The Corporate Family Responsibility (CFR) policies have a positive impact on:

 - **People:** having flexible work facilitates the balance in their professional, family, social and personal life. These policies also tend to reduce the unproductive time spent in commuting, and improve performance and productivity.

- **Company:** facilitating the extension of opening hours, reducing costs related to absenteeism and promoting a stronger involvement of people in their work.
- **Society:** facilitating the reduction of environmental pollution due to the reduction of worker commutes. It also reduces costs in health care, since the CFR policies help in reducing stress and related diseases. They also have a positive impact on the children's educational level.

6. CFR Environments:

- a. **Enriching:** The work environment is **very positive** and favors the integration work-family - personal life. These areas **enrich each other**, achieving a high level of satisfaction and commitment.
- b. **Favorable:** The work environment **facilitates** the integration of work-family-personal life. These areas are **enriched occasionally**, and conflicts may arise which employees have to handle personally.
- c. **Unfavorable:** The work environment **occasionally hinders** work-family-personal life integration. These areas **routinely enter into conflict**, creating the perception of lack of support from the organization, as well as stress and dissatisfaction of employees.
- d. **Polluted:** The work environment **systematically hinders** integration between work, family and personal life. These areas **enter systematically into conflict**, resulting in employee dissatisfaction and a high degree of stress, creating a down turn in motivation and an increase in the desire to leave the company.

The study notes the use of the IFREI tool as way of promotion of research will enable the need to provide data and statistics in demonstrating the impact of work-family balance policies and practices. To highlight the principles of the family by Aristotle in his book Politics and how they ground the family as a principle of nationhood.

Principles of the family by Aristotle in his book Politics and how they ground the family as a principle of nationhood. Dana (2008) argues that this “Aristotle’s view of is too simplistic”. She argues that “conventional understanding of Aristotle’s view of the private sphere and its relationship to the public sphere is too simplistic” and that any other arguments appear to gather their arguments heavily on Aristotle’s discussions of marriage and family in the *Nicomachean Ethics*” Her point is that the study should gather its arguments “to the *Politics* that it must look for his understanding of the political dimension of the relationship between man and woman. For it is in the *Politics* that Aristotle deals centrally with questions of hierarchy and authority—of why some rule and others obey”

Those that argue otherwise demonstrate, according to Dana (2008) that “Aristotle’s treatment of the household is both more positive and more complex than is generally appreciated”. Those that promote that view argue that “that Aristotle sees the household as a cooperative adventure in which the friendship between the members comes from a common concern for the welfare of the unit” (Arlene, 1985). Promotes “the complementarity of man and woman” (Dobbs, 1996) and that “the household as the primary vehicle of moral education, the political community’s most serious task” this is according to Dobbs (1996) and Swanson (1992).

The position, the research takes is that the entire work of Aristotle needs to be look at as such. The argument of Aristotle is built from his Theoretical sciences and is climaxed at the Practical Sciences. Looking at the arguments of Aristotle without borrowing from his *Metaphysics* and looking at *Ethics* complementing *Politics* is borne to arrive at different conclusions.

The principles in Aristotle are categorized based on the four causes thus material, formal, efficient and final cause. Emphasis has been placed principally on the three cause's material, formal and final cause. The principles are summarized thus:

Principle I – self perpetuation/self-preservation. In the pursuit of political science one would have to start from the original seeds of which one would say a political society is composed. The study notes in the Aristotle Politics “In the first place there must be a union of those who cannot exist without each other; namely of male and female, that the race may continue (and this is a union which is formed, not of deliberate purpose, but because, in common with other animals and with plants, mankind have a natural desire to leave behind them an image of themselves), and of natural ruler and subject, that both may be preserved for that which can foresee by the exercise of mind is by nature intended to be lord and master, and that which can with its body give effect to such foresight is a subject, and by nature a slave” (Pol. 1.3.1253a40-b6).

From this the study observes that man, just like animals self-perpetuates and brings forth offspring through the union of male and female. The only way the race continues is when there is offspring and that this emerges out of a natural desire.

Principle II – filiation. The study observes that Aristotle demonstrates that male and female need each other. He says “In the first place there must be a union of those who cannot exist without each other; namely of male and female” (Pol. 1.3.1253a40-b6). From this the study concludes that the first ‘filiation’ is that of male and female wishing to perfect themselves in each other; that is, they try to beget themselves in each other. Filiation is a consequence of the need of perfection they have for each other. The climax of this intimacy is self-generation (first principle

above), wanting to perfect oneself in another, whilst the second is the physical generation of what Aristotle calls images of themselves.

From the analysis above, the study concludes that man and woman are needed in the family. Their perfection is in form of what we could call their unity. This unity is in turn their intimacy. Intimacy gives as Alvira (2004) says;

The most perfect encounter between those who share the house for they know one another most profoundly. Intimacy is therefore a necessary quality of the nature of family. Intimacy is strongest in the relationship between man and woman consenting to a common life. This intimacy is by nature not easily broken and should not be easily broken (p. 48–49).

Njenga (2011) highlights the following three ideas as to why the relationship between man and woman are not easily broken. He says

Marital-unions relations are by nature not easily broken or set aside, because of three things; (1) is that, in all families, the nature of the union is based on generation and preservation; (2) it is based on moral friendship which is an unconditional gift of one another for life; and (3) because in the material family there arises a consanguineous relationship which is a relationship that cannot be broken unless by death (p. 135).

Thus, the study formulates a key concept of Aristotle as regards the nature or form of the family. This is summarized as the “natural gift of oneself to the other in unity” (Njenga, 2011, p. 217).

Filiation that results in begetting children presupposes intellectual generation of oneself to the children that are begotten (that is, the parental education of the child). The study says that the “domestic family has its end in the generation of children and the supply of the family members daily

needs including, education, cultural formation, formation in virtues, formation into common life with others”(Njenga, 2011, p. 203).

The principle of filiation is demonstrated to the greatest extent in the relationship between the male, female and what they beget. The result is paternity, maternity and filiation. These

Relations in a community can only be understood from the perspective of gift, because the relationship of paternity/maternity is a gift and filiation is mutual reciprocation of love; and the principle conveyed is that of maternity. Paternity is the free and deliberate act of begetting or fostering a community. The perfect paternity is a perfect community, which is self-sufficient. Hence, he who begets a community that is fully self-sustaining is in reality the most perfect “*Pater*” (or *father*). The one who sustains and contains that goodness in the most perfect manner is the most perfect friend, which is “*Mater*” (or *mother*) (Njenga, 2011, p. 168)

Perfect generation of ensuring one achieves images of himself is through passing on intellectual capacities to the other. This is the realm of education where the father and mother generate themselves through educating their offspring, in order to preserve themselves, their culture, their contribution in society so far etc. “This intellectual and moral formation of the person is perpetuated one generation after another” (ibid).

This concept of perpetuation from one generation to another through education needs more discussion. Maritain (1976), highlights that education as “directed toward wisdom, centered on the humanities, aiming to develop in people the capacity to think correctly and to enjoy truth and beauty, is education for freedom, or liberal education”(Maritain, 1976, p. 69). Education is also is the “pursuit of truth to make men free” (Donald & Idella, 1976, pg. 10). These arguments support the principle that filiation most critical contribution is perpetuation of oneself to the new generation.

Perpetuation should focus on the individual person. Thus,

The prime goal of education is the conquest of internal and spiritual liberty, to be achieved by the individual person, or, in other words, his liberation through knowledge and wisdom, good will, and love. This conquest of being, this progressive attainment of new truths opens and enlarges our mind and life, and really situates them in freedom and autonomy (Maritain, 1943, p. 11).

“Education concerns behavior” (Maritain, 2004). According to Aristotle thought, “human action is oriented because the final cause leads human wish. Eudaimonia – i.e. happiness- is the top of human desire. There is a connection between human reason and human desire, recognized as the practical life of the rational part of man” (ibid). “If indeed there is a connection between the theoretical aspects and the practical aspects the study notes that the appropriate method has to be one that “draws inspiration from interpersonal (as such impersonal) rules but is always necessary to put it into practice according to the personal profile of the one been educated” (ibid).

The study already propose that this principle of filiation demonstrates the need to perpetuate oneself intellectual, the study then concludes that because of this the study suggests that the “first school of education is the family. It is in the family that there is security and that since the best method of teaching is the personal one, then the family is really the appropriate first school of education”(Selles, 2010). “The future of education also passes through the heart of the family. Since it involves accepting and giving, the family ought to educate in responsibility and love” p.147). Other institutions that come after the family should only extend the same style as that of the family. Only if

there are “trustworthy” “individuals in the schools and in the world, can true education be imparted to those receiving it” (ibid).

It is critical to pause here and evaluate an element of African culture with regard to the issue of intimacy and family life and education. The study can summarize that culture as being “the customs, traditions, beliefs and values that a group of people share. It includes language, what people eat, make, and believe and how they dress” (Vanne, 2012). “The social unit critical to passing out culture is the family” (ibid). “One critical part of culture that is passed on by the family is that on values” (Ibid). Values are transmitted through what the study calls “character formation”. “These values will include: honesty, caring, fairness and integrity”. “Tradition on the other hand, is one form of culture but implies a spontaneous assimilation of the past in understanding the present. Tradition is part of culture, while culture begets traditions that are applied by people in the day-to-day living”. Usually our cultural practices that we receive from the family and community that “educates” us become part of our traditions that we can relate to when we claim to be a certain people or society” (Ibid)

The study observes that generally within the African culture the way parents educated in the past included a “community-based approach”, what was called the extended family. The concept of the extended family is still in use though slowly being challenged by rural-urban migration. The study (Weisner, 2010) observes that many parents in the African setting emerged from a setting that taught them to be “interdependent, to share resources, and to live within family and community authority systems. As adults, they may struggle to break away from those very beliefs to be autonomous, curious, searching for new alliances. Beliefs, values, activities and experiences are never perfectly integrated during childhood and across developmental stages.”(p. 142). What the study observes is that experience of those that have moved to the cities and are taking care of their family have disconnected

from the extended family. They are forced to live in towns and therefore work with neighbors and school in raising their children. Because of the setting of how they were raised, it is clear that the idea of working with “interpersonal education” may not be an experience that parents have in society today. Therefore the study finds that many parents have not clearly understood this role and they need help in this fast-growing world to acquire these skills. The study has availed extensive conclusions on how other institutions in support for some of the principles noted here can enable through parenting programs, the development of parenting skills.

Principle III – Master /Subject. Aristotle demonstrates that in the relationship between male and female, there emerges a natural leader. He says “and of natural ruler and subject, that both may be preserved for that which can foresee by the exercise of mind is by nature intended to be lord and master, and that which can with its body give effect to such foresight is a subject, and by nature a slave (understood as servant or subject)” (Pol. 1.3.1253a40-b6 2007c). The study observes, using Aristotle words that “A husband and father rules over the wife and children, both free, but the rule differs, the rule over the children being a royal, over the wife a constitutional rule. For although there may be exceptions to the order of nature, the male is by nature fitter for command than the female, just as the elder and full-grown is superior to the younger and more mature...the relation of the male to the female is a type of constitutional rule, but their inequality is permanent” (Pol. I.12.1259a39-b12 2007c).

This presupposes a number of ideas. (1) That there is man, woman and children in the family. (2) that there is need to acknowledge the differences in the rule and by extension the role of each one. The study observes that there is a proposed clear difference between men and women in the phrase by Aristotle (“their inequality is permanent”).

It is essential to interrogate this difference. On one hand, the study (Burke, 2007), observes “it is true (and it is always a generalization) that woman’s natural approach is more “person-concerned” and man’s more “activity-concerned” (p. 111–112). The study argues that this maybe so because by nature the two have a different contribution to the family they begin. The study observes that the reason why the concepts of “fitter for command”, master-subject, rule over ruled continue to highlight challenges when looking at men /women is because many try to “see opposition rather than complementarity between the sexes leads to a disruptive “feminism” or “masculinism” obsessed with a “struggle for power” which tends to reduce all aspects of man-women relationship to opposition (ibid).

It is possible to develop a theory around why the opposition happens.

The idea of complimentary or the possibility of the existence of the human being in the different modalities of man and woman requires us to ask why? This question why prompts conclusions that point to the fact that the human person is social by nature [physically, the body] and, by essence [at the added life level – the realm of intellect/will]. This is attributed to the following points (Selles, 2010):

1. The human being utilizes the body as an expression of his/her personhood. The dignity of man’s and woman’s nature becomes self-evident on taking into account that neither fulfills the whole of that nature singly, they do so together; the same is true of essence. Thus the study concludes that being human implies masculinity as well as femininity. Both human nature and essence are dual and that man and woman are complementary from both the nature and essence levels;
2. The way woman incarnates human nature complement’s man and vice versa. The realities of ethics, education, work, culture, technology, and economics are improved or made better by the

existence of the complementarity (different modulations) of men and women to these realities. The growth of the reality of future is only possible through this complementarity;

3. Using the words of Polo the study claims that **“Man is not a solitary being. As soon as he is born in the family, he is social: he is prepared in the family to start another family”**. Man is prepared to form this family with both bodies (and natures) of male and female, because only through these bodies does new life come into being. Man also at an essential level (or added life) improves his offspring through the exercise of the intellect and will (again in different modulation) in educating /improving /making better his offspring. Man is compelled by nature to form this family because “the family is the first and highest manifestation of the human person and because each person is a family within its intimacy and it is only through the family that one reaches love, which is the radical feature of the person act of being”. On the other hand “after the family, comes education, which is what makes possible ethics, society, language work etc. Without it, none of these would be possible; (p. 137–144).

From the analysis above, the study concludes that man and woman are needed in the family. Their unity as earlier demonstrated is the true “form” of the family. This unity is called intimacy as earlier denoted by (Alvira (2004).

From this the study deduces that it is natural and good that man is fitter for command; he is fitter to “govern” or “lead” the family because of his nature of being “activity centered”. The need for being activity-based provokes the possibility of foreseeing, as opposed to person-centeredness that yields to “concerns for others”, thus nurturing. However as demonstrated by Aristotle in another phrase the one that leads must not be consumed by passions, he concludes that uncontrolled “desire and passion perverts the minds of rulers making them like wild beasts even when they are the best of

men. Such rulers become tyrants and he who bids man rule adds an element of the best” (Pol. III.XVI.1287a25-35 2007c). Tyranny, the study argues can be motivated by two approaches. That of what is part of appetites (or passions) and what is part of sentiments.

From appetites the study derives “concupiscible appetites” (includes: love, hate, desire, repugnance, pleasure and pain and “irascible appetites” (includes: expectation, despair, daring, fear and anger) (Selles, 2010).

From sentiments, the study can examine temperaments. These are “predisposition to react in certain ways (or tendencies)”. Temperament is the natural predispositions of our genetic make-up. The general characteristics fall under: reflective, extroverted, passionate and detached”. They include:

1. Choleric: This is an original type “A” personality. He/she loves to take charge and welcomes challenge. He/she is strong-willed, determined, a quick learner and a natural leader,
2. Melancholic: sensitive, spiritual, and often artistic. She/he needs to be greatly encouraged to express and extend himself/herself. High ideals are critical to the melancholic as well as space, quiet, and solitude
3. Sanguine: This type is the eager type, bright, sensitive, funny, fun-loving and enthusiastic. She/he loves life and the being the centre of attention
4. Phlegmatic: is peaceful, quiet, cooperative, reliable and obedient. He /she is dutiful, quiet, and harmonious. She/he is difficult to be known and usually goes unnoticed; (Bennett & Bennett, 2005).

While man is with the appetites and temperaments at a natural level (received life, at the body level), the study (Selles, 2010) argues,

If one must raise to the essence level (the added life, where there is the active use of the intellect and will; at the soul level). The study observes at this level that virtue is essential. Virtue is a word from Latin which means “strength”. It can also be termed as a “good operating habit of the will”. A habit can be loosely called (the “to have”). Habits simply are “acquired”. There exist theoretical intellectual habits and practical habits. Theoretical intellectual habits are “intrinsic perfections”, non-material acquired by the mind (the intellect), by a single act of reason, so as to know increasingly more and better. The theoretical intellectual habits perfect reason in respect of the knowledge of the truth. An example is science. Practical habits are also acquired just like the theoretical intellectual habits, but as opposed to being acquired out of a single act reason, they need repetition. The practical habits also perfect reason but in order to increasingly know the “verisimilitude” or probability of things and concurrently to elaborate better and more human cultural products. An example is *prudence*. Generally, the study call habits to the perfections added to the intellect and moral virtues to the perfections added to the will” (p. 126–133).

Principle IV – Economy. One area that concerns many from a happiness perspective is that art of getting wealth. Aristotle distinguishes between the art of getting wealth (money) and that of managing a household (oekonomia, sometimes translated to economics) and inquires on whether it is the instrument of the master is of the household. He summarizes that the “It is evident then that the getting of money is not the same thing as economy; for the business of the one is to furnish the means of the other to use them” [Pol.I.1253a]. From this the study deduces and comment that it becomes clear that making money or wealth is for the service of the household needs. This presupposes that the master of the household should not over-concern himself to the wealth of the household to an extent that he forgets the need to be “in command” in the household. The being in command pre-supposes

the need to govern, to lead, and in a way to facilitate the preservation of himself/herself to the other and to the children through sharing the intellectual capacities, most of which is in virtue, in other words – education.

Principle V – Master/Servant Relationship. The study demonstrated in the principle above that by nature man and woman come through a natural desire to self-perpetuate themselves. They are united through friendship to facilitate this for the sake of self-generation. Their unity generates perfection of each other and enables the generation of the images of themselves. The study also observes through Aristotle that everything should be examined “everything in its fewest possible elements; and the first and the fewest possible parts of a family are master and slave, husband and wife, father and children” (Pol. I.3.1253a40-b6). The master rules both the subject and the slave.

The study distinguishes here the term slave v/s the term servant by demonstrating that Aristotle’s mind was more of servanthship than slavery as demonstrated in this four definitions of slaves by Njenga (2011) who strives to clarify and demonstrate that Aristotle’s mind on slavery could be looked at in four senses:

1. Those who are subject to a master for the sake of the good of the master. He coins the word “servanthship”,
2. Those who are subjected into slavery because of their bestiality with a view to correction in virtue,
3. Barbarian communities who cannot govern themselves,
4. By misfortune or birthright such as slaves by indebtedness or children of slaves, (p. 231).

Servants are necessary in the family because there exist material imperfections from the viewpoint that certain tasks/duties within the home require another to fulfill. The study concludes that the servant exists “for the sake of the good of the master” (ibid) and the overall common good of the

family. For example, the master would like to provide good shoes for his subjects or family. But he is not a cobbler and therefore needs another who makes shoes in the manner he would like them for the sake of his family.

Principle VI – Family Leads to the Nation. According to Aristotle the state is a natural institution that emerges from the family, which is composed of individuals (male + female). He says as regards the state

When several villages are united in a single complete community, large enough to be nearly or quite self-sufficing, the state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life. And therefore, if the earlier forms of society are natural, so is the state, for it is the end of them, and the nature of a thing is its end. For what each thing is when fully developed, we call its nature, whether we are speaking of a man, a horse, or a family. Besides, the final cause and end of a thing is the best, and to be self-sufficing is the end and the best. Hence it is evident that the state is a creation of nature, and that man is by nature a political animal (Pol.I.2.2024 2007c).

Njenga (2011) states

What we observe in reality is that; (1) man lives among other men and that the interrelationship among men is good and necessary for the sake of man's good; (2) that he lives with other elements of nature which form an essential environment for the good of man. (3) we observe that this reality is what we call society as a whole. (4) we observe that society concerns "many" or a multitude, each seeking its own good or appropriate *telos* in relationship with others. (5) one understands that man makes an effort to find out the nature of this unity in multitudes in order to live well: to be happy (p. 192)

What makes the state natural, in Aristotle's view (Barker, 1958,) is the Fact that, however it came into existence, it is as it stands the satisfaction of an immanent impulse in human nature towards moral perfection. An immanent impulse which drives men upwards, through various forms of society into the final political form (p. xlix).

The state is therefore natural when or in so far, as, it is an institution for that moral perfection of man to which his whole nature moves. All the features of its life- service, private property, the family – are equally justified, and also natural, when, or in so far, as they server that sovereign end. (ibid, pg. 1). “Polis or political association is the crown- it completes and fulfills the nature of man”(NE.VIII.XII.97-1253a 2007b).

Finally, the family and state are natural because in them we find self-sufficiency in man; man achieves his end, happiness (*eudaimonia*). Njenga (2011) states that,

“The natures of the relationship that are also discussed as foundations or as it were the primordial cells of the self-sufficing society and therefore in its own sense the family relationships are complete; the family as the natural community is complete. Aristotle shows that it is complete or self-sufficing by explaining that in the household is found every good necessary for a happy society. There is moral friendship, there is ‘gift’, the principle gift being self-giving between man and woman, and then there is filiation and education of children and the children's children” (p. 133).

Principle VII – Family Leads to Systems of Government. The study has demonstrated thus far that the man rules both subject and servant. This rule is essential for the sake of self-perpetuation and for the sake of generation of one in another (through intimacy) and in generating the images of themselves in begetting children. According to Njenga (2011

In the domestic family there is kingship or queen ship in the form of paternity with regard to children and servants. There is also a sort of Aristocracy or polity in the relationship between mother and father in governing the domestic family. Between children there is a sort of democratic relationship since they are equal (p. 216).

The ruler is a monarch and beholds Aristocracy “because of his capacity to foresee intellectually and prudently the things that are conducive to the preservation of the whole, providing what is worthy of the good of the subject and repelling what is not. At the same time the mother and servant are subjects because the ruler would not be able to provide anything without the help of strong bodies who fulfill his command. Neither would he who has bodily strength survive outside rule for he would not have foresight or prudence of everything necessary for his self-preservation as a whole. All these systems of government whether royal, aristocracy or polity admits of excellence, and the only way they differ are in the manner they attain excellence in the common good” (ibid).

Summary of the Literature Review

The family is recognized as a principle in the Kenya Constitution and related laws. Aristotle Book I also highlights principles but based on the Aristotelian theoretical framework that demonstrates the use of the four causes. A number of gaps are identified as regards whether there is clear interrogation of such principles as polygamy both from a customary and Islamic perspective, clarity in the definition of how critical are father, mother, children and servants and the associated principles of paternity, maternity, filiation and servant hood. The gap highlighted demonstrates that there is a need to interrogate existing laws and policies that focus on fundamental definitions and base them on a tested theoretical framework. In this study, this is the Aristotle Politics.

Chapter 3

Research Methodology

Research Design. This will be a qualitative research. Bogdan & Bilken suggest that qualitative data “takes the form of words or pictures rather than numbers. Often the descriptive data contains quotations said by informants to illustrate and substantiate the presenting findings” (pg. 1).

The title of the Research is “The Family as a Principle of the Nation in the Kenyan Constitution from an Aristotelian Perspective”. Included in the examination of the principle is the utilization of a Theoretical Framework that borrows the Aristotelian Thought Process around the four causes as part of how he derives “Principles”. After an examination of the theoretical basis and after applying it to the Politics, the research will further deduce on how these principles exist or do not exist in the Constitution of Kenya (2010), the Children Act (2002) the Matrimonial Property Act (2013), the Marriage Act (2014) and the Sessional Paper on National Values (2012).

The methodology used in the research is qualitative, involving documentary analysis of the Constitution and the related Acts of Parliament. There was also library research involving an analysis of philosophical works that relate to Aristotle and journals that could point to some of the topics on the family and further ideas challenging or supporting Aristotelian views.

Sampling. The study analyzed sources of the principle of the family. The main sources identified were the Constitution of Kenya (2010), the Children Act (2002) the Matrimonial Property

Act (2013), the Marriage Act (2014) and the Sessional Paper on National Values of 2012). This was exhaustive.

Data collection Methods. The documentary analysis involved identifying the principles of the family qualitatively and based on the Aristotelian arguments, comparing them, weighing their relevance and significance, and recording them systematically.

Content Analysis. The content analysis, aimed at the content of the texts that are relevant to the study.

Research Quality, Validity and Reliability. The study utilized the Aristotelian principles and examined this on the Constitution and laws of Kenya. This were provided in text analysis and tabulated to provide a comparative analysis/assessment.

Chapter 4

Research Findings & Discussion

Introduction. The study has pursued the principles of the family in Kenya Constitution 2010, the Marriage Act (2014), the Children Act (2002), the Matrimonial Property Act (2013) and the Sessional Paper on National Values (2012). The study has also pursued the principles of the Family according to Aristotle Politics, with commentaries from those that following Aristotelian line of argument. The theoretical framework has focused on analyzing what principle means in the line of argument of Aristotle. The study established that this does mean the use of the four causes (material, formal, efficient and final cause). The study did not delve into the efficient cause, as this would necessitate an entire argument that would lead to the philosophy of God. The study thus has examined the other three causes.

Research Question 1: What are the principles of the family by Aristotle in his book *Politics* and how do they ground the family as a principle of nationhood?

The principles of the Family in relation to Aristotle.

Introduction. The study has derived from the four causes of Aristotle, a classification that is specific to the family. The fourth cause, the efficient cause has not been utilized in the study. Thus the three causes identified are the material, the formal and the final cause. These three causes are utilized in the following way: (1) The material cause is the relation of fatherhood, motherhood, filiation and servant hood (2) The formal cause is the unity in the association established by nature for the provision of “human needs” or “companionship” of the cupboard” or “companions of the manager” and the unity in the ruler in generation and preservation of the members” and (3)

The final cause is happiness, reached by the exercise of the cardinal virtues.

The Seven Aristotelian Principles on the Family using the Causes Theory. The study has arrived the following seven principles (1) Self-Perpetuation/Self Preservation (2)Filiation (3) Master/Subject (4)Master/Servant Relationship (5) Economy (6) Family Leads to the nation (7) Family Leads to System of Government. These can be categorized following the three causes as Material Cause (Principle 1, 2,4), the formal cause (3) and the Final Cause (5,6 and 7).

This is denoted in the table below:

Table 1:

Cause	Principles	Comment
Material	(1)Self-Perpetuation/Self Preservation (4) Master/Servant Relationship	This deals with either paternity, maternity, children or servant hood. The prime matter of the family
Formal	(2) Filiation (3) Master/Subject	This deals with the unity of father/mother and extends to the unity for the sake of generation and preservation of the species
Final	(5) Economy (6) Family leads to the nation and (7) Family leads to System of Government	Deal with the question of happiness with the ultimate of this happiness being an exercise of the cardinal virtues prudence (or sound judgment), justice (or responsibility), temperance (or self-mastery) and fortitude (or courage)

Research Question 2: What are the principles expressed on the Family in the Constitution of Kenya (2010), the Marriage Act (2014), the Matrimonial Property Act (2013) and the Children Act (2002) and how are they grounded as a principle of nationhood?

The principle of the Family in Kenya. Generally the following is the finding of the principles as highlighted in the constitution and the laws:

The Constitution of Kenya –general findings

The Family. Article 45 states that, (1) “The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State” (The Constitution of Kenya Act, 2010, p. 31) It further alludes to marriage as an institution formed by two adults of the opposite sex. This is in Article 45 (2) “Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties” (ibid, p. 31). It further affirms that those parties to a marriage are equal in Article 45 (3) “Parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage” (ibid, p. 31).

The constitution is in full support on the concept of the family based on the ideas the study has derived from Aristotle on it being the fundamental unit. Where things begin getting challenged is from Article 45(4) that provides for parliament to enact laws on marriage. Thus parliament is given power in Article 45 (4) “to enact legislation that recognizes (a) marriages concluded under any tradition, or system of religious, personal or family law; and (b) any system of personal and family law under any tradition, or adhered to by persons professing a particular religion, to the extent that any such marriages or systems of law are consistent with this Constitution” (ibid, pg. 31)

The study has already observed here an inconsistency of the possible laws that will recognize traditions, or system of religion or personal or family law. This is inconsistent to the principles in Article 45(1) on marriage of two adults of the opposite sex, equality in marriage (at the time of, during and at dissolution of the marriage).

The repealed Acts that supported any tradition, or system of religious included: “Marriage Act – Cap 150, African Christian Marriage & Divorce Act – Cap 151, Matrimonial Causes Act – Cap 152, Sub Ordinate Courts (Separation & Maintenance) Act – Cap 153, Maintenance Orders Enforcement Act – Cap 154:, The Mohammedan Marriage & Divorce Registration Act – Cap 155 :, Mohammedan Marriage, Divorce and Succession Act – Cap 156: and the. Hindu Marriage & Divorce Act - Cap 157” (Repealed Acts - The Marriage Act (2014),” 2014, p. 40). It is important to note that the Matrimonial Causes Act highlighted a key point that the study finds it missing in the Constitution or in the new enacted Acts on Marriage. The phrase illustrates that marriage is a “*the voluntary union of one man and one woman for life to the exclusion of all others.*” (“Matrimonial Causes Act Chapter 152,” 2012, p. 7)

Children. The Constitution of Kenya summarizes the issue of children in Article 53. What the study notes is that there does not appear to be a necessary connection between the parents and the children. It is possible that children can have rights without reference to their parents, in fact from the Articles regarding children; parents do not need to be married. Thus the rights of children cover a number of issues that come before that of them having a need to have rights to parental care. Thus on Article 53 (1)

Every child has the right (a) to a name and nationality from birth; (b) to free and compulsory basic education; (c) to basic nutrition, shelter and health care; (d) to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour; (e) to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not; and (f) not to be detained, except as a measure of last resort, and when detained, to be held (i) for the shortest appropriate period of time; and (ii) separate from adults

and in conditions that take account of the child's sex and age. Finally a general statement is provided in Article 53(2) that a child's best interests are of paramount importance in every matter concerning the child (The Constitution of Kenya Act, 2010, p. 35 & 36).

The Constitution of Kenya and the Causes. In this study while examining the three causes so far identified, the following is observed: the material cause is clearly highlighted by recognizing to a greater extent the (1) final end that the family is the basis of social order. The constitution also provides for the (2) material cause in the sense that it recognizes that every adult has a right to marry a person of the opposite sex. It does not propose or suggest the other two parties important for the matter of the family, thus filiation (children) or servanthood and finally recognizes the formal cause by stating (3) parties to a marriage are entitled to equal rights at the time of marriage, during the marriage and at the dissolution of the marriage.

The Marriage Act (2014) and the Matrimonial Property Act (2013)

The Marriage Act. The Marriage Act combines the previous six Acts on marriage that touched on tradition and on system of religion into one (thus Part I is on Preliminary, Part II on General Provisions, Part III on Christian Marriages, Part IV on Civil Marriages, Part V on Marriage under Customary Marriages, Part VI on Hindu Marriages, Part VII on Marriage Under Islamic Law, Part X on Matrimonial Disputes and Matrimonial Proceedings (The Marriage Act,2014),. It thus introduces mixed concepts that are a realm of either the tradition or religion into one Act. In Part I Preliminary the following are the definitions:

"Monogamous marriage", means a marriage whose character has been converted to a monogamous marriage by a declaration made under section 8, including an originally polygamous or potentially polygamous marriage;

"polygamy", means the state or practice of a man having more than one wife simultaneously;

"spouse", means a husband a or wife;

"party", in relation to a marriage, an intended marriage or a purported marriage, means a spouse in a marriage, or the intended spouse to a marriage or purported spouse in a marriage;

"prohibited marriage relationship" "has the meaning assigned to it in section 10;

(p. 3–4)

Here the study notes that within the same Act there is a monogamous concept and a polygamous concept. The idea may be supported by the fact that the Marriage Act is dealing with all systems or tradition/religion.

Under Part II General Provisions the following possible definitions are found:

3. (1) “Marriage is the voluntary union of a man and a woman whether in a monogamous or **polygamous union and registered in accordance with this Act**”.

Observation: Again this provides for two concepts of marriage that may contravene the very constitution on Article 45(a)

(2) “Parties to a marriage have equal rights and obligations at the time of the marriage, during the marriage and at the dissolution of the marriage”.

Observation: Whereas this supports equality, it may contravene itself if the study talks of polygamous marriage where one man can marry more than one wife. Whereas this is something that has been cultivated from tradition or some religious faith, one is forced to ask – is it in the nature of man? And why would it be important for a Family to be built of one man – woman and children as Aristotle points in showing how the first community is established?

(3) “All marriages registered under this Act have the same legal status.

(1) A marriage may be registered under this Act if it is celebrated—

(a) in accordance with the rites of a Christian denomination;

(b) is a civil marriage;

(c) in accordance with the customary rites relating to any of the communities in Kenya;

(d) in accordance with the Hindu rites and ceremonies; and

(e) in accordance with Islamic law”.

Observation: This provides for the different traditions/system of religions and bundles the concepts of equality, one man one woman without paying attention to the anthropology of man as man.

(2) "A Christian, Hindu or civil marriage is monogamous".

(3) "A marriage celebrated under customary law or Islamic law is presumed to be polygamous or potentially polygamous".

Observation: Some definitions here do not consider the anthropology of man.

8.(1) "A marriage may be converted from being a potentially polygamous marriage to a monogamous marriage if each spouse voluntarily declares the intent to make such a conversion".

8 (2) "A polygamous marriage may not be converted to a monogamous marriage unless at the time of the conversion the husband has only one wife".

Observation: This provides for choice to convert a polygamous marriage to a monogamous marriage. This forms a critical process that may support converting the Kenyan people from a tradition of polygamy either through religion or tradition. It forms an important point of transition to supporting families who may be in these situations to convert towards how things should be.

The Marriage Act and the Causes

Material Cause. It defines spouse as being husband or wife. This shows there is the consideration of paternity and maternity. No clear relation is demonstrated between paternity, maternity, filiation and servant hood. The consideration of the matrimonial property, which is defined as Sec 6(1)(a) matrimonial homes, 6(1)(b) household goods and effects in the matrimonial

home or homes and 6(1)(c) any other immovable and movable property jointly owned and acquired during the subsistence of the marriage is limited to effects owned together and the Act then demonstrates how these are shared in event of a conflict.

Formal cause. The spirit of the Act is “to provide for the rights and responsibilities of spouses in relation to matrimonial property and for connected purposes” and as such may not place emphasis on the unity of the spouses nor the unity in the ruler. The Act also brings about the issue of polygamy from both a Islamic point of view and customs point of view, but all in the view to demonstrate the responsibilities of the what happens with the properties.

Final Cause – nothing is said as regards the final cause.

The Matrimonial Property Act- General Finding. Under Part I Preliminary the following are the definitions:

"matrimonial home" means any property that is owned or leased by one or both spouses and occupied or utilized by the spouses as their family home, and includes any other attached property;

"matrimonial property" has the meaning assigned to it in section 6;

Section 6

(1) For the purposes of this Act, matrimonial property means—

- (a) the matrimonial home or homes;
- (b) household goods and effects in the matrimonial home or homes; or

(c) any other immovable and movable property jointly owned and acquired during the subsistence of the marriage.

"spouse" means a husband or a wife.

Under Part II General Provisions the following are the definitions:

3 A person who professes the Islamic faith may be governed by Islamic law in all matters relating to matrimonial property.

8. (1) If the parties in a polygamous marriage divorce or a polygamous marriage is otherwise dissolved, the—

(a) matrimonial property acquired by the man and the first wife shall be retained equally by the man and the first wife only, if the property was acquired before the man married another wife; and

(b) matrimonial property acquired by the man after the man marries another wife shall be regarded as owned by the man and the wives taking into account any contributions made by the man and each of the wives.

8 (2) Despite subsection (1)(b), where it is clear by agreement of the parties that a wife shall have her matrimonial property with the husband separate from that of the other wives, then any such wife shall own that matrimonial property equally with the husband without the participation of the other wife or wives.

Observation: What is critical is there is a process on how property can be re-distributed.

However the spirit of the law must support the principle of using the “economic means” for the

betterment of the family, then the village, then the nation. A lot of more programs are needed to ensure that families stay together and do not need to break for flimsy reasons.

The Matrimonial Property and the Causes. The study has utilized the Aristotelian Principles of the four causes to determine to what extent the Matrimonial Property law has considered these causes. Three of the causes have been applied to the family.

Material cause. It defines spouse as being husband or wife. This shows there is the consideration of paternity and maternity. No clear relation is demonstrated between paternity, maternity, filiation and servant hood. The consideration of the matrimonial property, which is defined as “ Sec 6(1)(a) matrimonial homes, 6(1)(b) household goods and effects in the matrimonial home or homes and 6(1)(c) any other immovable and movable property jointly owned and acquired during the subsistence of the marriage is limited to effects owned together and the Act then demonstrates how these are shared in event of a conflict.

Formal cause. The spirit of the Act is “to provide for the rights and responsibilities of spouses in relation to matrimonial property and for connected purposes” and as such may not place emphasis on the unity of the spouses nor the unity in the ruler. The Act also brings about the issue of polygamy from both a Islamic point of view and customs point of view, but all in the view to demonstrate the responsibilities of the what happens with the properties.

Final Cause – nothing is said as regards the final cause.

The Children Act (2000). The areas the study may have an interest in the Children Act include definitions, the duties of parents and that of the children.

The study observes that generally the Children Act has clear principles as regards our appreciation and understanding of the family based on the Aristotelian concept. These are contained in the sections highlighted below:

On definitions - **“parent”** means the mother or father of a child and includes any person who is liable by law to maintain a child or is entitled to his custody;

“spouse”, in relation to a wife of a polygamous marriage, means the wife applying for an adoption order either as the sole applicant or jointly with the husband or the wife into whose care a husband applying for an adoption order proposes to give the child.

On care by parents

6(1) A child shall have a right to live with and to be cared for by his parents and 6(2) Subject to subsection (1), where the court or the Director determines in accordance with the law that it is in the best interests of the child to separate him from his parent, the best alternative care available shall be provided for the child.

On Duties of a child on section 21 the child should work for the cohesion of the family, respect parents, server the national community, preserve and strengthen solidarity and preserve and strengthen positive cultural values.

On Parental responsibilities, the study observes 23(1)(1) In this Act, “**parental responsibility**” means all the duties, rights, powers, responsibilities and authority which by law a parent of a child has in relation to the child and the child’s property in a manner consistent with the evolving capacities of the child. The critical one is 23(1)(e) on parent’s responsibility to “education and guidance” and 23(1)(i) give parental guidance in religious, moral, social, cultural and

other values;

There is also very clear ways parental responsibility can be extended to either the father or mother or other persons based on the circumstance in Section (24), 25 and 26.

(National Council for Law Reporting, 2014)

The study summarizes the principles so far determined with the perspective of the causes as illustrated in the table below. A “√” demonstrates it exists fully, a “~” denotes it partially exists while “X” denotes it does not exist.

Table 2:

Cause	Constitution of Kenya (2010)	Marriage Act (2014)	Matrimonial Property Act (2013)	Children Act (2002)
Material	√	~	~	~
Formal	~	~	~	~
Final	~	X	X	X

Principles from the UN and other Institutions working on the Family. The literature has identified a number of other principles that need to be evaluated and determined to fit as part of the principles that should encompass the principle of the family in Kenya.

Material cause. The literature has identified a number of other principles that need to be evaluated and determined to fit as part of the principles that should encompass the principle of the family in Kenya. These includes: (1) Special protection to mothers during a reasonable period before and after childbirth; (2) It further requires that special groups are given attention. These groups include Children, persons with disabilities, migrant workers and workers with family responsibilities. Special mention is given to the need to promote (3) Reduction in child and maternal mortality (4) Recognize and promote the contribution of men in families and especially to manage the impact of absent fathers and promote fatherhood

Formal cause. Those that touch on the formal cause include (1)Promotion of equality and women empowerment (2) promote initiatives on teaching couples on quality couple and family relationships and on parenting and how to balance between work and family (3) The utilization of the the IFREI model that aims at analyzing the question of work-family balance.

Final cause. Those relating to the final causes include: (1) integrate a family perspective in policy making, inclusive of family friendly policies (such as parental leave, skill development during time of transition, facilitate parents re-entering the labor market and promotion of dialogue to all stakeholders (2) protection and assistance to families (3) Education and special measures of protection and assistance on behalf of all children and young persons without any discrimination participate on the (4)right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. This should include poverty reduction(5) International Year of the Family Day and related anniversaries in order to promote the family as a basic unit of society and social order.(6) introduce a family impact report (7) eradicate family poverty through taxation policies and practices

(8) Need for family-oriented policies and programmes that support work-family (9) Systematic collection of data and statistics (10) Intergenerational solidarity (11) support families in vulnerable situations (12) promote the civil society organization in designing, implementing and monitoring family policies and programs (13) Ensure families are recognized in the post 2015 development agenda.

The study establishes in the literature that there are other principles that can be borrowed and incorporated in order to cater for the fullest extent of the three causes identified. These is summarized below:

Table 3:

Cause	Principles Introduced
Material	(1) Special protection to mothers during a reasonable period before and after childbirth; (2) It further requires that special groups are given attention. These groups include Children, persons with disabilities, migrant workers and workers with family responsibilities. Special mention is given to the need to promote (3) Reduction in child and maternal mortality (4) Recognize and promote the contribution of men in families and especially to manage the impact of absent fathers and promote fatherhood
Formal	(1) Promotion of equality and women empowerment (2) promote initiatives on teaching couples on quality couple and family relationships and on parenting and how to balance between work and family (3) The utilization of the the IFREI model that aims at analyzing the question of work-family balance.
Final	(1) integrate a family perspective in policy making, inclusive of family friendly policies (such as parental leave, skill development during time of transition, facilitate parents re-entering the labor market and promotion of dialogue to all

Cause	Principles Introduced
	stakeholders (2) protection and assistance to families (3) Education and special measures of protection and assistance on behalf of all children and young persons without any discrimination participate on the (4)right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. This should include poverty reduction (5) International Year of the Family Day and related anniversaries in order to promote the family as a basic unit of society and social order. (6) introduce a family impact report (7) eradicate family poverty through taxation policies and practices (8) Need for family-oriented policies and programmes that support work-family (9) Systematic collection of data and statistics(10) Intergenerational solidarity (11) support families in vulnerable situations (12) promote the civil society organization in designing, implementing and monitoring family policies and programs (13) Ensure families are recognized in the post 2015 development agenda.

Research Question 3: How do the key principles of the family from the Constitution of Kenya (2010), the Marriage Act (2014), the Matrimonial Property Act (2013) and the Children Act (2002) compare in relation to Aristotle's *Politics*?

The study has identified and categorized the Aristotelian Principles into the three causes. From the study there is discovery of other principles that can form part of the principles for the family in Kenya and that can be using the three causes. The table below demonstrates the connection between the Aristotelian Principles and those of the Kenya Constitution and Law and those other than have

emerged out of the literature review. A “√” demonstrates it exists fully, an “~” denotes it partially exists while “X” denotes it does not exist.

Table 4:

No.	Aristotelian Principles	Kenyan Constitution	Marriage & Matrimonial Property Laws	Children Act (2000)	Sessional Paper on National Values
1	Self-Perpetuation/Self-Preservation	√	~	√	√
2	Filiation	~	~	~	√
3	Master /Subject	√	~	√	√
4	Economy	X	X	X	X
5	Master/Servant Relationship	X	X	~	~
6	Family Leads to the Nation	√	X	X	√
7	Family Leads to Systems of Government	X	X	X	X

The study is cognizant that the principles introduced from the UN process and other entities is critical and should form part of the analysis with the Aristotelian principles. As such out of the seven principles of Aristotle, the identified principles are mapped as demonstrated below:

Table 5:

Cause	Principles Introduced	Aristotelian Principle
Material	(1) Special protection to mothers during a reasonable period before and after childbirth; (2) It further requires that special groups are given attention. These groups include Children, persons with disabilities, migrant workers and workers with family responsibilities. Special mention is given to the need to promote	Self-Perpetuation/Self-Preservation Master/Servant

Cause	Principles Introduced	Aristotelian Principle
	(3) Reduction in child and maternal mortality (4) Recognize and promote the contribution of men in families and especially to manage the impact of absent fathers and promote fatherhood	
Formal	(1)Promotion of equality and women empowerment (2) promote initiatives on teaching couples on quality couple and family relationships and on parenting and how to balance between work and family.(3) The utilization of the the IFREI model that aims at analyzing the question of work-family balance.	Master /Subject
Final	(1) integrate a family perspective in policy making, inclusive of family friendly policies (such as parental leave, skill development during time of transition, facilitate parents re-entering the labor market and promotion of dialogue to all stakeholders (2) protection and assistance to families (3) Education and special measures of protection and assistance on behalf of all children and young persons without any discrimination participate on the (4)right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. This should include poverty reduction (5) International Year of the Family Day and related anniversaries in order to promote the family as a basic unit of society and social order. (6) introduce a family impact report (7) eradicate family poverty through taxation policies and practices (8) Need for family-oriented policies and programmes that support work-family (9) Systematic collection of data and statistics(10) Intergenerational solidarity (11) support families in vulnerable situations (12) promote the civil society organization in designing, implementing and monitoring family policies and programs (13) Ensure families are recognized in the post 2015 development agenda.	Economy Family Leads to the Nation Family leads to System of Government

The study demonstrates from the table above that whereas principles may continuously be discovered this need to fit into the principles demonstrated by the theoretical framework that demonstrate the utilization of a scientific way to conclude this are in relation to the anthropology of man.

Chapter 5

Conclusion and Recommendations

Summary. The study commences by the discovery of the word principle. The study generates the conclusion that a principle is a general or scientific law that explains how something works or why something happens and in Aristotelian words this is knowledge about certain principles and their causes. The four causes discovered are the material, the formal, the efficient and the final cause.

The study discovers that those that may hold a different view, do so and differ because they do not utilize similar tools of investigation. The main differing tool is in the use of *Metaphysics*, the study of being.

The research has derived the framework of Aristotle as the authoritative one to enable the analysis of laws or policies that demonstrate the principle of the family. The theoretical framework applied showed that Aristotle four causes can be used to evaluate principles about something. The doctrine of causes includes four causes (1) material (the matter of the substance), (2) formal (includes establishing the ultimate why, which is reducible to cause and principle), (3) efficient (the source of change) and (4) final cause “(the final cause is an end, and that sort of end which is not for the sake of something else, but for whose sake everything else is)”. The complete explanation of a thing must mention all the four. Such an explanation tells what the thing is, what it is made of, what its purpose is, and what brought it into existence: it describes its form, matter, end, and origin. Aristotle also argues that to get this full happiness (final cause, final end) one must exercise virtues. The virtues in question self-mastery (the lowest of the cardinal virtues, whose aim is to govern the appetites of man), fortitude (or courage) and justice (responsibility or giving one his due) and prudence (sound judgment).

In using Aristotle four causes, it has been demonstrated that the material and formal causes are fully demonstrated in the Constitution of Kenya. There is some partiality of application of the material and formal causes in the Marriage Act, the Matrimonial Property Act mainly due to the fact the equality of those married is challenged by the question of polygamy. The material and formal causes are also partial in the Children Act (2002) because a lot of focus is placed on the Child as opposed to the parents.

The final cause is only partial in the Constitution and complete lacks in the Married Act (2014), Matrimonial Property Act (2013) and the Children Act (2002). The main reason is because little emphasis is placed on ensuring the family is the source of happiness in these Acts.

The study observed certain cultural and religious perception as regards polygamy that point to three views on polygamy affluent polygamy (out of choice), the interventive polygamy (due to reasons of lack of children) regulation of the Koran as a reason for polygamy.

The study has borrowed significant contribution of around a number of additional principles that can form part of the material, formal and final cause. These principles form a critical mass for the need to accommodate these in a law or policy. These twenty principles include (1) Special protection to mothers during a reasonable period before and after childbirth; (2) Special groups are given attention. These groups include Children, persons with disabilities, migrant workers and workers with family responsibilities. (3) Reduction in child and maternal mortality (4) Recognition and promotion of the contribution of men in families and especially the management of the impact of absent fathers and promote fatherhood (5) Promotion of equality and women empowerment (6) Promotion of initiatives on teaching couples on quality couple and family relationships and on parenting and (7)

Utilization of tools to demonstrate balance between work and family (8) integration of a family perspective in policy making, inclusive of family friendly policies (such as parental leave, skill development during time of transition, facilitation of parents re-entering the labor market and promotion of dialogue to all stakeholders (9) Protection and assistance to families (10) Education and special measures of protection and assistance on behalf of all children and young persons without any discrimination participate on the (11) Promotion of the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. This should include poverty reduction(12) Participation of in the International Year of the Family Day and related anniversaries in order to promote the family as a basic unit of society and social order.(13) introduction of a family impact report (14) eradication of family poverty through taxation policies and practices (15) Need for family-oriented policies and programmes that support work-family (16) Systematic collection of data and statistics(17) Intergenerational solidarity (18) support families in vulnerable situations (19) promotion of the civil society organization in designing, implementing and monitoring family policies and programs (20) Ensure families are recognized in the post 2015 development agenda.

Any principles discovered must form part of principles based on the method the study recommends, thus utilization of the four causes. These when the study utilized Aristotle were discovered to be seven. They include: (1) Self-Perpetuation/Self Preservation (2)Filiation (3) Master/Subject (4)Master/Servant Relationship (5) Economy (6) Family Leads to the nation (7) Family Leads to System of Government.

Conclusions

There is some possible utilization of the three causes to the principles of the family in Kenya. However there is need to further integrate some of the twenty other principles into a further document in the form of a Family Policy in order to guide the Kenyan people on how critical the family is as a natural and fundamental unit of society and the necessary basis of social order. The Family policy, should be guided by the key principles the study has discovered on the Aristotle method.

The issue equality of the parties in the marriage is supported by the Kenyan Constitution. However this is challenged by Polygamy. Whereas it is a practice in the customary and Islamic traditions, serious consideration should be made to analyze whether this still hold as avenues that can facilitate the application of the other principles demonstrated in the study.

The study is a beginning of recognizing the principle of the family in regard to nation building. This study was just a beginning and a lot more needs to be researched on how the family contributes to nation building, how it contributes to leadership, how it contributes to the economy, how it contributes to social order. The research here has only examined the principles, but researchers need to embark on research that can demonstrate data on how these theoretical foundations indeed enables what has been listed.

Recommendations

This is a unique study. It has utilized Aristotelian philosophy as a framework to determine the principle of the family in Kenya. Whilst the Kenyan constitution and the general spirit of the laws recognize the family as a principle for nationhood, the study calls for further interest to evaluate how the first natural institution connects to other institutions. This connection needs to be evaluated following a theoretical framework that is sound. This can be discovered from philosophy.

The other institutions and practices that require study from this perspective include a thorough evaluation of those that govern or lead. Those that lead can do so either with virtue or tyrannically. If they lead families like this, or if they lead those that need to lead this way, then there is an impact on how those that are introduced in the country as leaders are influenced by their background. This calls for a thorough evaluation of the entire concept of leadership in the family, in the institutions, in the country utilizing a philosophical theoretical framework.

The study sees the need of the application of principles that are borrowed from other institutions that have dealt with the family in the world. Some of the key principles requires that there is constant evaluation of data on families, parents are continuously taught to be parents and spouses. These need to be investigated further.

References

About IFFD | IFFD. (2014). Retrieved from <http://iffd.org/about-iffd/>

Africa Preparatory Conference. (2014). 20th Anniversary of the International Year of the Family.

Retrieved March 17, 2014, from <http://family2014.org/nrbi.php>

Alvira, R. (2004). *El Lugar al que se vuelve; Reflexiones Sobre la familia*. [The place to be back: Reflections on family]. Pamplona: Eunsa

Aristotle. (2007). Complete Aristotle. *Feedbooks*. Retrieved from <http://ebooks.adelaide.edu.au/a/aristotle>

Aristotle. (2007a). Nicomachean Ethics. *Australia*. web edition. eBooks@ The University of Adelaide.

Retrieved from <http://ebooks.adelaide.edu.au/a/aristotle/>

Aristotle. (2007b). Politics. *Australia*: web edition . eBooks@ The University of Adelaide. Retrieved

from <http://ebooks.adelaide.edu.au/a/aristotle/>

Arlene, S. (1985). Women in the History of Political Thought. *Westport, CT*: Praeger.

Barker, E. (1958). The Politics of Aristotle. Oxford University Press.

Bennett, A., & Bennett, L. (2005). The Temperament God Gave You. Manchester, New Hampshire:

Sophia Institute Press.

CEDAW , 2003. 29th Session 30 June to 25 July 2003. Retrieved March 14, 2014, from

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

Children Act Cap. 141 . (2002). National Council of Law Reporting. The Laws of Kenya. Retrieved

June 17, 2015, from <http://www.kenyalaw.org:8181/exist/kenyalex/index.xql>

Dana, J. S. (2008). Aristotle's Account of the Subjection of Women. *The University of Chicago Press*

on Behalf of the Southern Political Science Association, The Journal of Politics, Vol. 70, No. 4 (October 2008), p. 929-941. Retrieved from <http://www.jstor.org/stable/10.1017/S0022381608080973>

DIFI (2015) Doha Call to Action. Retrieved January 2, 2015, from <http://www.difi.org.qa/about/doha-call-to-action>

DIFI - DIFI. (2015). Retrieved January 2, 2015, from <http://www.difi.org.qa/about>

Dobbs, D. (1996). Family Matters: Aristotle's Appreciation of Women and the Plural Structure of Society. *American Political Science Review* 90 (1):74–87.

Garcia, J. L. . (2001). Modern(ist) Moral Philosophy and MacIntyrean Critique.

Hartley, T. (1971). The Law Commission: Report on Polygamous Marriages: Wiley on Behalf of the Modern Law Review, *The Modern Law Review*, Vol. 34, No. 3 (May, 1971), p. 305-307. Retrieved from <http://www.jstor.org/stable/1094630>

<http://www.standardmedia.co.ke/article/2000126380/marriage-act-does-not-promote-polygamy-it-regulates-all-unions>

IFREI Model | IFREI | IESE Business School. (2015). Retrieved April 2, 2015, from <http://ifrei.iese.edu/en/ifrei-project/ifrei-model>

International Center for Work and Family. (2015). Retrieved January 2, 2015, from <http://www.iese.edu/en/faculty-research/research-centers/icwf/about-us/>

International Centre of Greek Philosophy and Culture, & Boudouris, K. (1995). *Aristotelian Political Philosophy (Vol. I)*. Athens.

International Federation for Home Economics – IFHE, 2014. 20th Anniversary International Year of the Family 2014 . retrieved from

https://www.ifhe.org/index.php?eID=tx_nawsecuredl&u=0&g=0&t=1454445973&hash=21f2783296f49ecb7ba36f7c92b978880851c97b&file=fileadmin/user_upload/redaktion/IYF_2014/UN/Family_Study_Documenting_Contributions_of_Civil_Society_Organisations_to_the_Well-Being_of_Families.pdf

International Federation of Family Development, 2015. Retrieved from <http://iffd.org/en/>

International Federation of Family Development. (2015). *IFFD Declaration of the Family on the 20th Anniversary of the UN International Year of the Family. Family perspective*. Retrieved January 2, 2015, from <http://www.familyperspective.org/act/act-0012-en.php>

Lazaro, R. (2012). 8108, Topic 8, *Enlightment II*.

Maintenance Orders Enforcement Act – Cap 154: Enacted 06.09.1921. National Council for Law Reporting. (2014). The Laws of Kenya | Marriage. Retrieved April 8, 2014, from <http://www.kenyalaw.org:8181/exist/kenyalex/index.xql>

Marina, R. (2014). Parenting around the world: same task, same effort, different solutions. *UN - Family Futures*.

Maritain, J. (1937). Introduction to Philosophy. Retrieved from <http://archive.org/stream/introductiontoph00mari#page/n7/mode/2up>

Marriage Act ,1902. National Council for Law Reporting. Retrieved from http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/TheMarriage_Act2014.pdf

Marriage Act: Enacted 29.04.2014. Marriage Act . National Council for Law Reporting, 2014

Matrimonial Causes Act. Chapter 152. (2012). National Council for Law Reporting. Retrieved from <http://www.kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/M/Matrimonial%20Causes%20Act%20Cap.%20152%20->

[%20No.%2033%20of%201939/docs/MatrimonialCausesAct33of1939.pdf](#)

Matrimonial Property Act: Enacted 16.01.2014. Matrimonial Property Act . National Council for Law Reporting, 2013

Ministry of Justice, National Cohesion and Constitutional Affairs. (2012). Inuka, *Sessional Paper No. 1 of 2012* . National Values and Principles of Governance Policy.

Mohammedan Marriage & Divorce Registration Act – Cap 155: Enacted 08.06.1908 . National Council for Law Reporting. (2014). The Laws of Kenya | Marriage. Retrieved April 8, 2014, from <http://www.kenyalaw.org:8181/exist/kenyalex/index.xql>

National Council for Law Reporting. (2014). The Laws of Kenya | Marriage. Retrieved April 8, 2014, from <http://www.kenyalaw.org:8181/exist/kenyalex/index.xql>

National Council of Law Reporting. (2010). Kenya Law: The Constitution of Kenya. Retrieved June 17, 2015, from <http://kenyalaw.org/kl/index.php?id=398>

NESC Policy Brief. (2010). *National Economic & Social Council of Kenya. Volume 3*. Retrieved from http://www.nesc.go.ke/index.php?option=com_jdownloads&Itemid=220&view=finish&cid=6&catid=13

Njenga, G. (2011). A Theoretical Analysis and The Common Good in Aristotelian Tradition and Modern Liberal Ethos. Universidad de Navarra, Instituto Empresa y Humanismo.

Nsereko, D. D. (1975). The Nature and Function of Marriage Gifts in Customary African Marriages. *American Society of Comparative Law, The American Journal of Comparative Law, Vol. 23, No. 4 (Autumn, 1975)*, p. 682-704. Retrieved from <http://www.jstor.org/stable/839241>

NVS Taskforce-2010. (2010). Draft Framework Policy on the National Value System.

Nwoye, A. (2007). The Practice of Interventive Polygamy in Two Regions of Africa: *Background*,

Theory and Techniques. Springer, Dialectical Anthropology, Vol. 31, No. 4 (2007), p. 383-421. Retrieved from <http://www.jstor.org/stable/29790800>

Selles, J. F. (2010). *Anthropology for Rebels, A different way of doing philosophical anthropology.* Strathmore University

Sow, F. (1985). *Muslim Families in Contemporary Black Africa. The University of Chicago Press on Behalf of Wenner-Gren Foundation for Anthropological Research, Current Anthropology, Vol. 26, No. 5 (Dec., 1985), p. 563-570. Retrieved from <http://www.jstor.org/stable/2743075>*

Sperling, D. (2014). *Aristotle Science, MAPE 8103 Unity 09. Retrieved from <http://www.strathmore.edu/iheds/elearning/enrol/index.php?id=6>*

Sub Ordinate Courts (Separation & Maintenance) Act – Cap 153: Enacted 01.02.1929. Constitution of Kenya National Council of Law Reporting, 2010, p. 12).

Swanson, J. (1992). *The Public and the Private in Aristotle’s Political Philosophy.* Cornell University Press

Taylor, D. A. E. (1955). *Aristotle.* NY: Dover Publications.

The Constitution of Kenya Act. (2010). National Council for Law Reporting with the Authority of the Attorney-General. Retrieved from <http://www.kenyalaw.org/klr/index.php?id=741>

The Marriage Act (2014). (2014). National Council for Law Reporting. Retrieved from http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/TheMarriage_Act2014.pdf

Thongori, J. (2014, June 29). *Marriage Act does not promote polygamy, it regulates all unions. Standard Digital News – Kenya. Retrieved from*

UN Family Social Policy and Development Division. (2014). International Day of Families. Retrieved March 24, 2014, from

<http://undesadspd.org/Family/InternationalObservances/InternationalDayofFamilies.aspx>

United Nations. (1966). International Covenant on Economic, Social and Cultural Rights. Retrieved March 14, 2014, from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

United Nations. (1989). A/RES/44/25. Convention on the Rights of the Child (also contains Corr.1). Retrieved March 14, 2014, from <http://www.un.org/documents/ga/res/44/a44r025.htm>

United Nations. (1990). A/RES/45/158. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Retrieved March 17, 2014, from <http://www.un.org/documents/ga/res/45/a45r158.htm>

United Nations. (1993). GA/RES/47/237,1993: International Year of the Family. Retrieved March 24, 2014, from http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/47/237&Lang=E&Area=RESOLUTION

United Nations. (1995). Programme of Action of the World Summit for Social Development of the World Summit for Social Development, Copenhagen 1995. Retrieved March 17, 2014, from <http://www.un.org/esa/socdev/wssd/text-version/agreements/poach4.htm>

United Nations. (2006). Convention on the Rights of Persons with Disabilities. Retrieved March 14, 2014, from <http://www.un.org/disabilities/convention/conventionfull.shtml>

Vanney, M. A. (2012). MAPE 8202. Class Presentation. *Main Concepts Anthropology and Ethics Social Subsystems Philosophy of Education*. Strathmore University

Weisner, T. (2010). Culture Matters, How Values Shape Human Progress. Basic Books.

World Summit for Social Development - WSSD United Nations, 1995, p. paras. 80–81. Retrieved from <http://www.un-documents.net/poa-wssd.htm>

