THE EFFECTS OF DIVORCE IN A SOUTH AFRICAN COMMUNITY WITH SPECIFIC REFERENCE TO ESIKHAWINI IN KWAZULU NATAL.

BY

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DECLARATION

This is to declare that this thesis "The effects of divorce in a South African Community with specific reference to Esikhawini Area in Kwazulu-Natal" represents my own work in its conceptual framework and execution.

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ABSTRACT

The sole purpose of this research is to determine the effects of divorce in a South African Community with specific reference to Esikhawini Area in Kwazulu-Natal.

The effect that divorce has on both parents and children is that, it is fearful and insecure with loyalty conflicts. In South Africa however the high divorce rate has just escalated greatly and this has an effect on government funds because the government is supposed to control the family structure and a fixed budget for children support services for the abandoned children or unemployed mothers.

Furthermore there is a great need for counselling services for children at Esikhawini since, there are problems of juvenile delinquency, deviant behavior and school drop outs.

Our country's divorce rate is an indication of the quality of our family life. Social workers and psychologists provide the divorce court with the back ground information or reports especially where there are children involved. Children of divorced parents show an increase in dependancy over time and exhibited less sustained play then children of intact families. Children need emotional, physical, moral and financial support which are usually provided by the different organizations for example church, helpful community members and welfare agencies from the government.

The state has an obligation to support divorced parents and abandoned children by introducing the divorce therapy programmes in order to reduce hatred, anger and depression to those who are affected. Welfare agencies and day care centers are available in Esikhawini Department of Welfare and pension. The researcher has consulted the records at Ongoye Magistrate's Institutions such as those of social workers, maintenance court and find out that there is a huge number of divorce cases reported to them by the victims of divorce.

The study explores and describes the effects of divorce with reference to Esikhawini area of Empangeni. It also explores if children are informed about the pending divorce as well as arrangements made concerning the visits by parents who loose the custody of the children.

Counselling should not be omitted per - se in due to the fact that it plays a significant role in the building up of the individuals self esteem or helplessness. The population under study is caught between the traditional and the modern standard of living because of social changes.

The first chapter, which is mainly introductory serves as an eye-opener for the thesis. The researcher succinctly shows in that chapter, that the effects of divorce might affect the child's academic performance and so many other aspects of life. The researcher continues to state what motivated him to carry out the study. A statement of the problem, the historical background of the place under study, the aims and objectives of the study, the hypothesis, the methodology are outlined.

Chapter two presents the scholarship review of the study. Chapter three focuses on the methods that was used to obtain results from the respondents. In the same manner, chapter four focuses on the interpretation of data obtained after the respondents had answered the questionnaires. Chapter five gives the recommendations and also a brief conclusion that sums up the argument of the thesis.

This study has explained and described divorce as an act which affects the lower and higher socio-economic residents of Esikhawini. The study also came up with the assumption that divorce occurs more to couples staying with the extended family than to couples staying alone and this assumption was tested and confirmed by the study. The conclusion also sums up the findings of the study that this population lives the modern style of life.

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CHAPTER ONE

1.1. STATEMENT OF THE PROBLEM.

In this study the writer discusses the effects of divorce in the African community of Esikhawini, a residential area in Empangeni. By "the effects" the writer refers to the outcome or the end results of divorce and children related divorce issues based upon divorce decisions which have to be made regarding child custody and access to children for the parents who have lost custody.

Divorce is a painful and traumatic experience for all those who are involved and it causes a disruption of family life. It is the dissolution of the children's world as they know it, therefore when they are told that something very disrupting is going to become a reality, they need to know what this unknown terror actually feels like.

Literature, which describes the process of divorce, places emphasis on divorce trends and external factors, the aftermaths of divorce and children in the middle or in divorce. The absence of a father or a mother from a family could have different effects on the growing child. According to Biller (1993) in Magane (2000 : 206), closeness with parents could be especially important in fostering the child's sense of self esteem and self confidence. Mruk (1995:109) described self esteem in terms of a sense of competence and worthiness, accordingly, low self esteem is associated with feelings of inadequacy, unworthiness and anxiety.

This may contribute to the child experiencing social or peer rejection, or to the child isolating her or himself because she or he does not fit in with his or her friends, for example the child may lack proper clothes or pocket money and this could make him or her to feel different to the peer group. The child may also not aspire to go for tertiary education due to a lack of financial resources when one of the parents or both as the only source of income is absent from the family. Thus, a lack of money may de-motivate the child to continue with tertiary education where the child had gone to school. It might affect the child's academic performance. The child may be more pre-occupied with the need for food, the need to fit in with his or her peer group and the need for family security, then to focus on education (Magane, 2000 : 71-72). Given the views expressed in the foregoing paragraphs the researcher felt it was worth researching more on the problems of divorce, particularly with regard to it's effects on the broken family.

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In this study the writer focuses on the effects of divorce on children especially in African communities, as their environmental and educational attainment is different.

1.2.   MOTIVATION OF THE STUDY.

In the surrounding area where the writer is living the number of divorces escalated greatly during the period 1999 to 2002. And the researcher has come across so many fatherless and motherless children. One of the reasons why fathers and mothers desert their families is that they often go to work in the cities due to a lack of job opportunities in the surrounding areas, migrant labour, in turn often results in estrangement between spouses, and the bread winner (husband or father) not supporting his family adequately. A fatherless child is thus a common phenomenon in township areas (Magane 2000 : 72).

A high proportion of delinquent children or orphans come from broken African homes in our community. Another aspect that motivated the writer to carry out this study is that child with separated or divorced parents has been shown to have low educational achievements, low social class and poor accommodation. Children seen in Physiatrics Clinics as well have frequently experienced parental separation and divorce.

This condition raised some questions in the writer's mind because the writer observed that life changes and development in the way of life of the people. This would determine how their life in an area would progress from a predominantly traditional to a modern style.

The writer assumed that correlation between the two life styles had contributed to the increasing divorce rate.

1.3   AIMS OF THE STUDY.

The aims of the study were:

(i)   To investigate the effects of divorce on both parents and children in an African community namely the residents in the Esikhawini area of Empangeni.

(ii)   To establish whether children are told or informed about impending divorce in the said families.

(iii)   To determine the impact of counselling in the area.

(iv)   Lastly to see or establish from the respondents whether faithfulness and love would not serve as the means to eliminate divorce.

1.4   DELIMITATION OF THE STUDY.

Esikhawini is about 18 kilometres on the South of Richards Bay. The township was established in 1971 through the development of Richards Bay Municipality. It is a suburb, township or a Black component of the Richards Bay Metro-politan.

Esikhawini is predominantly occupied by Blacks, Coloureds, although Blacks are predominant. It is largely a black community with a total of about 80 000 dwellers. It is located at about 12 kilometres south of Empangeni near the National or Toll road to Durban. This area is approximately six hundred and fifty thousand hectares. The place is administered by a mayor and counsellors. The mayor and counsellors are responsible for solving problems and the smooth running of this area. The statistics on the total population of Esikawini township is up to eighty thousand according to the records at Esikhawini Magistrate's Office. The recent census shows that the population is thirty thousand more than it was before which means that it is now one hundred and ten thousand (110 000) with the inclusion of the surrounding reserve places. It might have increased greatly over the subsequent years, had it not been for the faction fights or political instability or rivalry. At the time of the study the population was eighty thousand in the township alone and thirty thousand on the reserve side or the surrounding.

The township is divided into four sections that is J1 and J2 which is illustrated on page 4 and H1 and H2 which is illustrated on page 5.
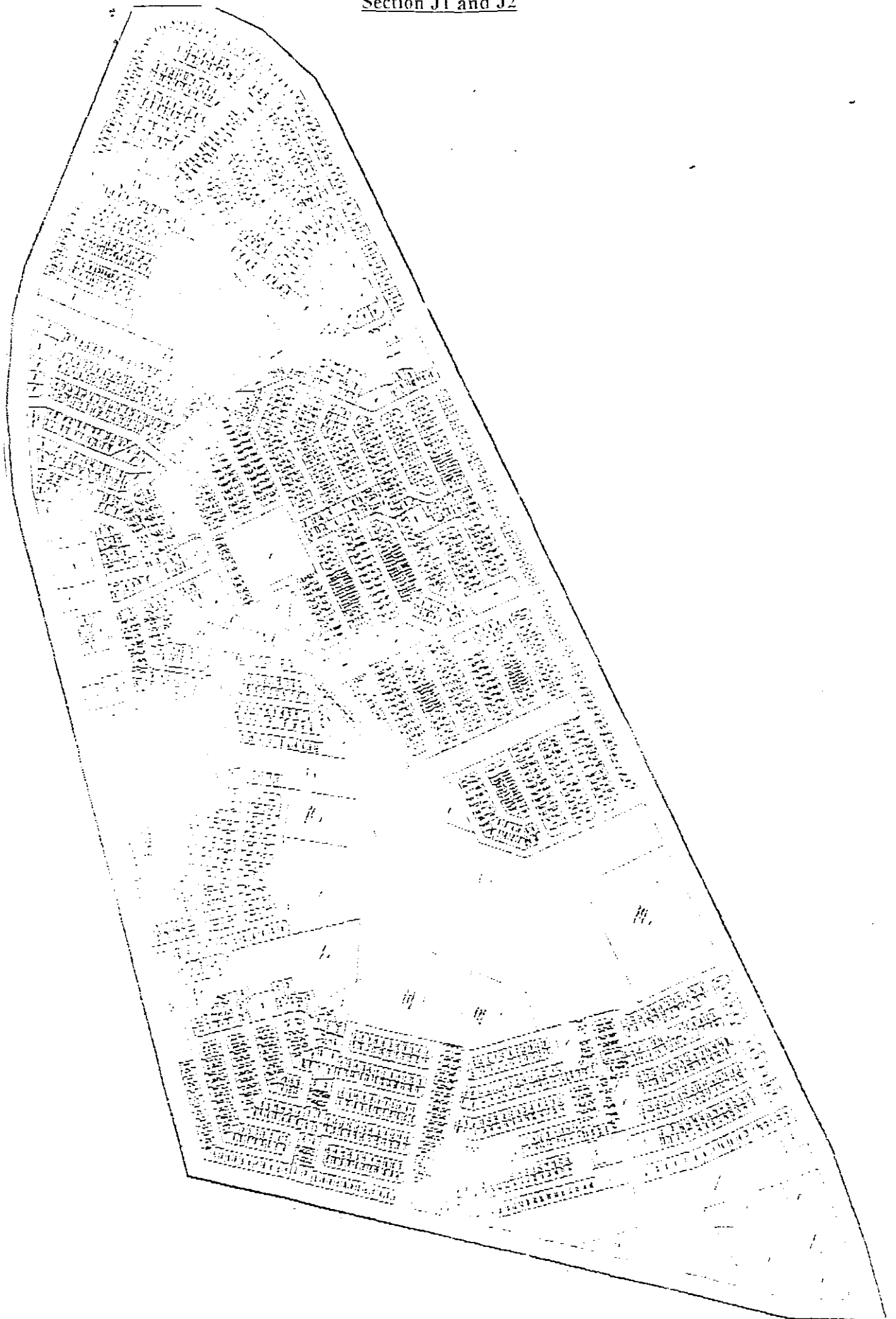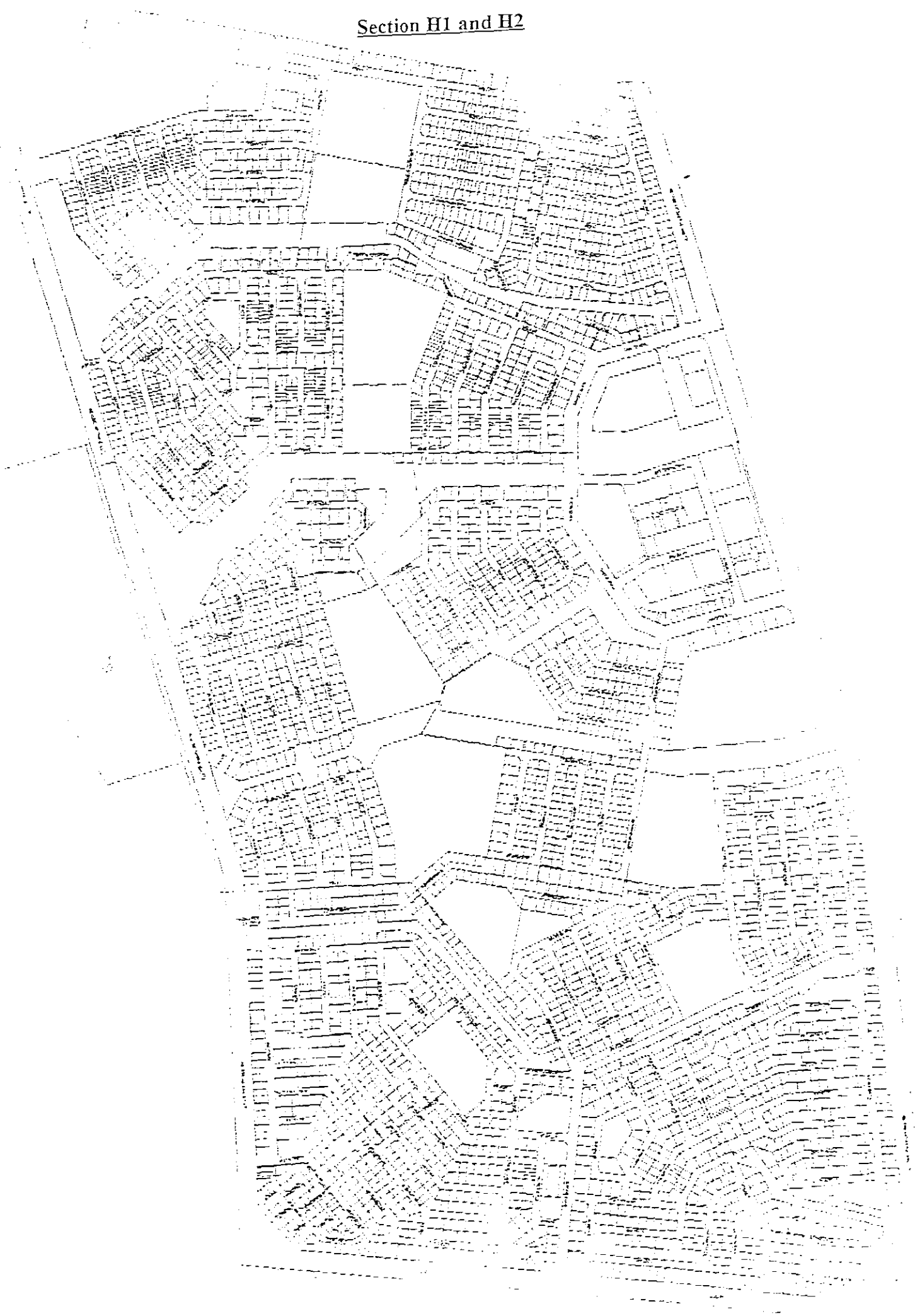
1.5.   VALUE OF THIS RESEARCH.

It is hoped that this research would contribute to the economic support of the society by ensuring that the rate of compliance with maintenance orders is increased. Children would consequently benefit since the effects of divorce on marriage have been mentioned and would be taken into consideration. There is a widespread belief by many married persons that the birth of a child in warm hands of both parents has a beneficial effect and influence upon the humanity (Norman, 1993: 147).

Throughout the world there is a low rate of compliance with maintenance orders. According to Maclean (1997: 119) in South Africa 80% of Blacks and 30% of Whites default on maintenance payments. The economic consequences of divorce, that while society tolerates easy divorce and this results in high divorce rate, it cannot expect a segment of the population namely women and children to bear a disproportionate share of the hardships consequent upon divorce and they plead to state support, (Van Zyl, 1997: 72). In South Africa however, Government funds are available for such purposes to any significant extent. The maintenance (law) act has been recently amended to ensure enforcement.

Divorce is considered as a cure for selfishness, extravagance, neglect and as a solution to a variety of strain and stress in marriage. Sometimes this is fulfilled, but at least it seems this is usually the case. Children should be born into loving and well-adjusted homes and not for the purpose of creating or providing love and happiness alone.

The upbringing of children and the obligations towards them could more often result in greater marital stress than has already been experienced without them, (Norman 1993: 147).

The Government would be able to control the family structure since there would be a fixed budget for child support services for the abandoned children.

Informal support systems have disappeared and have now had to be replaced by more formal centres, foster care and adoption. Once again there is a great need for counselling services for children since there are problems of juvenile delinquency, deviant behaviour and school drop-outs.

Van Wyk (1987: 841), says that counselling services for children are characterized by a search for solutions to the multitude of problems they meet in their lives. Our country's divorce rate is an indication of the quality of our family life.

Social workers and Psychologists provide the divorce court with the background information or reports especially where there are children involved.

1.6. THE OUTLINE OF THE STUDY.

The outline of the study is as follows:

Chapter One : **Statement of the problem.**

In this Chapter the researcher gives the orientation of the study in which he states the aims of the study, formulates the motivation for undertaking the study, statement of the problem and basic assumptions. The researcher also explains the limitations of the study and the outline is given.

Chapter Two : **Scholarship Review.**

This Chapter deals with the scholarship review, covering the effects of divorce in a South African Community with specific reference to the Esikhawini area in Kwazulu - Natal.

It also focuses on the gist of the study that forms the theoretical framework of the study.

Chapter Three : **Research Methodology.**

This Chapter discusses the research design, sample, simple methods, research instruments and methods of data collection. It also focuses on the method that was used to obtain results from the respondents.

Chapter Four : **Analysis and interpretation of research findings**

Structured and unstructured questionaries were also developed. The questionnaires were distributed to a sample of respondents among Esikhawini dwellers. The data was analysed, presented and the findings have been interpreted. In the same manner, this

chapter also focuses on the interpretation of data obtained after the respondents had answered the questionnaires.

Chapter Five : Summary, Conclusion and Recommendations.

A summary of findings, conclusions and recommendations has been presented in this chapter. This chapter has focused on the recommendations and also a brief conclusion that sums up the argument of the thesis has been given.

CHAPTER TWO

SCHOLARSHIP REVIEW

2.1 INTRODUCTION.

In this chapter which is the scholarship review of the study, the writer discusses the meaning of divorce, traditional authority, the difference between traditional and modern divorce, divorce and marriage systems. The chapter also discusses the types of marriage systems, courses of divorce, effects of divorce, contributory factors to divorce, discussion of divorce by the concerned couple, tactics used to explain divorce to the children, services available before, during and after divorce, the anchors of the traditional marriage, the value embodied in the law, the proposed legislation about gays and lesbians getting married. The effects of divorce on children and the perception or theories of other scholars about divorce are also explained. The chapter is concluded by giving a summary of its scholarship levels.

2.2 THE MEANING OF DIVORCE.

Divorce, according to Havemann (1990:270) is a social process that has consequences both for the families involved and for society. Divorce is the legal process through which a a marriage is dissolved. Traditionally divorce implied that one of the partners was guilty of some transgression in the marriage and that someone was at fault. Initially adultery and physical cruelty were the only basis for divorce. Later a number of other transgressions were added such as abandonment, habitual drunkenness and mental cruelty. Divorce is considered an unmitigated evil. The experience of the human race, however, seems to prove that there may be a right and wrong use of it, as of everything. Divorce is not only a legal action, it also involves a range of economic, psychological and social processes.

Steinzor (1969:04) sees divorce as an act of considered and willful choice which is consistent with our democratic heritage. In our culture, love and personal choice in marriage are logical derivations of our constitutionally guaranteed freedoms, where there is freedom to choose. There must also be the freedom to change one's mind. The image of the heavy hand of death in the marital vow, "till death do us part", contradicts our traditions of liberty and the individual right to pursue happiness Steinzer (1969:04) "it requires seemingly contradictory attitudes: that one is committed to achieving harmony within the family but be ready to separate if family life becomes a prison."

According to McDonald (1978:442) as cited earlier on divorce is defined as the dissolution of a society and democratically recognised marital relationship. It is marked by formal court proceedings is a decree of divorce. It is usually accompanied by formal arrangements for the owning of property, custody and support of children, if there are any. The property adjustment may also include a provision requiring alimony to be paid by one former partner to the other although alimony is less frequently granted today.

According to Steinzor (1969:85) divorce is an honest and above board admission that the couple cannot get along and there is no use pretending that they can provide their children with a model of a loving relationship. Divorce is a legal action terminating the marriage, but carrying the right to marry. This is true of absolute or unlimited divorce although in at least one state New York, the defendant in any action for divorce may do it only after an interval of several years and then only after the authorities are declared as the good "behaviour" of the defendant. In case of limited divorce of legal action, remarriages is not permitted.

According to Blumer (1952:342) divorce more over, is not the sole measurement of the maladjustment. Although it is a traumatic experience for those involved, it must be recognized, however, that in many cases divorce is, but the aftermath of marital discord. Divorce is a solution to problems in that, it is the final legal termination of a seriously broken marriage. Nevertheless, in the majority of cases, a more or less serious adjustment to life is necessary for at least one member of the divorced pair and the problems are likely to rise for both partners. Divorce signals major life changes and involves social, psychological and economical implications. Children are frequently involved and are seen as the innocent victims of divorce (Berger, 1986 : 248)

2.3 TRADITIONAL AUTHORITY.

Traditionally divorce implied that one of the parties was guilty of some transgression in the linkage where someone was at "fault". Initially adultery and physical cruelty, used to be, the only cause of divorce. Later a number of transgressions were added, such as abandonment, abnormal drunkenness and mental cruelty. The concept or fault was embedded in an adversely legal process in which an accuser had to prove that the defendant had committed some wrongs and therefore should sustain the financial liabilities of the divorce. Also, the divorce laws were predicated on traditional conceptions or gender roles in which the wife was supposed to devote herself to the care of the family. The husband would provide for its economic needs where the

husband was the guilty party. He was expected to pay alimony a particular level of financial support for a specified period of time. If the wife was not at fault she was generally awarded alimony. Child support was typically ordered to be paid by the father until a child reached the age of legal maturity (Havemann 1990:270).

2.4 TRADITIONAL AND MODERN DIVORCE.

The symbolic meaning of love has changed new value systems. According to Steinzor (1969:04) "The ideal of love is the noblest ideal in our Western or modern tradition, expressed through the Hebrew -Christian religion and through democratic political systems, undoubtedly, the ideal and how it should be lived will continue to evolve and change, as it has throughout History." Today, love in marriage means a fusing of passion, sensual satisfaction and the enhancement of each persons unique potentialities for a creative life. Love in marriage is believed to be the necessary quality of family life if the marriage is to achieve its highest aim to rear children and to be creative and responsible.

Traditionally, African fathers place great value on the birth of a son, since sons ensure that the name of the family will continue. Although the contact between fathers and daughters is usually limited, this does not mean that there is no impact of divorce on girls. For the children having a father figure contributes to feelings of security, knowing that there's someone who cares for one, and who could help one to deal with the challenges of life. The absence of one parent could thus affect the psychological well being of children.

According to Leslie (1967:169), if divorce existed at all during the earliest period, it was rare . Even during the Homeric times the indissolubility of marriage was emphasized gradually. However, the husband's right to repudiate had emerged, he had only to state his displeasure with her in the presence of witnesses, such repudiation apparently was rare because they were strongly disapproved and they necessitated the husband returning the wife's dowry. On either of the two grounds adultery or barrenness, the husband was regarded as justified in divorcing his wife.

Gradually the law came to demand annulment in the event of flagrant adultery on the part of the wife. At least during the period of urbanization the wife had limited rights of divorce. She could not, however, divorce her husband for adultery no matter how continuous such behaviour might be, only if his actions involved physical cruelty to her or gross neglect of his

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family was she entitled to seek divorce. Even then she had to seek permission from the authorities, which she could not do unless her husband permitted her to leave the house to do so (Leslie 1967:170).

2.5 DIVORCE AND MARRIAGE SYSTEM.

According to Steinzor (1969:22), it is customary for counsellors on divorce to load their words with many references to the pain, anguish and tears associated with the end of the affair. It can be a useful warning to us to take our time in recovering from a difficulty into morale crippling marriage, but instead of being glad to be out of the mess, the divorced person may use the pain felt during the period of adjustment to justify feeling of sorriness for oneself. Under totalitarian culture in which dissenters from the norm may be severely punished, it

makes sense to do the socially approved thing even if it contradicts personal convictions. In democracy parents have an obligation to teach their children that a desired course of action should be taken if it is of serious and reasonable thought and if it does not hurt others. When parents hesitate to divorce only because others might disapprove, they teach the child cowardice and the belief that in their private affairs they should always be guided by public opinion. Parents who divorce could help their children, deal with whatever social prejudice may be directed at them(Steinzor 1968:61).

Organized religion and divorce, although many laws that regulate divorce today appear to favour the women, we must remind ourselves that our basic attitude towards divorce and the rights of women has been largely an outcome of biblical tradition. A woman of high status, such as Salome, could arrange a bill of divorce, but this was considered an affront to Jewish law. Theologians have argued whether the new testament forbids divorce absolutely from a number of passages in Mark and Luke. . In the Bible, (Mathew 32) says "everyone who divorces his wife, except on the grounds of unchastely makes her an adulteress and who ever marries a divorced woman commits adultery." Religious leaders who take a morale position against divorce must, be consistent, condemn the changes that have taken place in the social and economic status of women. (Clapp, 1969:211).

2.6 TYPES OF MARRIAGE SYSTEMS.

According to Caulo (1969 : 157) marriages are verified differently and offcourse there is no

marriage which needs to fit exactly one or another type. Most marital relations are mixtures in various proportions. The writer suggests the following or undermentioned five types of marriage that could arouse high hopes of a young bride and bride-groom have happiness and permanence in the marital relationship, although these do not always materialise. These types are loving, antagonistic, the friendly, the static, the cyclical and the romantic.

2.6.1 THE LOVING MARRIAGE.

According to Steinzor (1969:70) the outside pressures for a young adult to marry is as important as it is for the understanding of the divorcing person's loss of bearing and self regard, bear less on
him than his own need to find love in marriage. A song says "Love and marriage for together like a horse and carriage" and love as the goal of marriage has become even more of an imperative since the disappearance of the buggy. Through courtship and marriage each person seeks to reveal himself to the other, as he is, with all of his limitations and assets, in sickness and health, increases and in serenity.

Respect for each other increases with the experience of the differences as well as their similarities. Conflicts are occasions for clarifying their respect attitudes rather than opportunities for providing who is right and who is wrong (Steinzor 1969:14).

Respecting oneself the person helps his partner feel less ashamed about himself. Love is given freely and not possessively. Each finds joy in the other's growth and success. In being competitive, their relationship is vital, lively and marked by an active dialogue. At times they may confront one another with every strong emotions but respect for the other's differences and limits is abiding.(Steinzor 1969:15).Couples should remind themselves that norms of love and companionship in marriage is a relatively new development in human history .Romantic love, introduced in medieval times, did not become the ideal of love in marriage discussed here until the last hundred years. Most of the human race does not strive for it, and what evidence we have about our society suggests that the loving marriage is achieved only by a small minority of couples and that is not worked for as a goal by the majority .

When a person fails to achieve love in marriage and decides to divorce, perhaps to try again, usually draws the mortifying conclusion that he or she is not a loving person"something is very wrong with him or her, he is a failure and defective in his capacity to love." Probably ill-prepared

for loving, he has, nonetheless, made love the foremost aim in life and thus accepts the negative judgment of others when he divorces because it reinforced himself. This maybe the case; but our emphasis on personal responsibility forces the divorced person to bear all the burden of shame and guilt for the broken marriage(Steinzor 1969 :16).

2.6.2 THE ANTAGONISTIC MARRIAGE.

Steinzor (1969: 17), is also of the view that unfortunately the loving marriage is not very good material for dramatists, but the antagonistic type certainly is and the writer could label this style "Virginia Wolf',with credit to Edward Albee. We do not really know how many people imprisoned in this form of marriage actually seek a divorce. Each partner relates to and acts upon the other as an "it", as an object upon which to gratify "its" needs." To punish and be punished the distress of present, realistic frustration provides an excuse for venting against the partner a torrent of anger accumulated from past deprivation.

If the couple remain married, they do so out of fear, exhaustion, or bitter pessimism about their capacity for making another relationship. The resence of children both deepens the competitive antagonism and provides a culturally approved rational for remaining married. The individuals in such a relationship are pessimistic about the rewards of marriage.

2.6.3 THE FRIENDLY MARRIAGE.

In friendly marriage the couple gets along because it is convenient to remain married rather than to dissolve an emotionally meager relationship. Being wedded has social, economic and sexual advantages It is the modern, sophisticated version of the old- fashioned arranged marriage. There may be an explicit contractual understanding to be and let be. When serious differences threaten to erupt, each partner goes his own way and does not matter much whether he does it far away or
in his own room.

The husband and wife usually pursue their own careers or may work together because of economic advantages. The friendly type of marriage is suspected to be more frequently among people of high income (Steinzor 1969:19).

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2.6.4 THE STATIC MARRIAGE.

The partners remain relatively compatible, needing each other .The affectionate companion and managing to conceal from themselves and each other, those aspects of their relationship that could evoke strong disappointment. As long as events affecting their lives do not intrude too sharply, they feel reasonably content. One or the other may at moments have vague doubts and periods of malaise, or even serious doubts about himself and his marriage, but by suppressing the discontent, he accepts the situation as it is (Steinzor 1969:19).

Each partner usually assumes a definite role in regard to the other, consistently maintaining the behaviour appropriate to that role through time and with regard to particular activities. For example, one may assume a parental or dominant role in relation to the other. This type of couple will fulfill the role of motherhood and fatherhood, but as the child grows the latent unconscious conflicts are evoked in both parents and anguish which replace the presumed bliss (Steinzor 1969:20).

2.6.5 THE CYCLICAL MARRIAGE.

The couple goes through periods of sharp maladjustment followed by periods of serenity and joy. The full cycle may be marked by short or long "waves" or by deep or shallow thoughts. They kiss and make up, full of good resolutions and often with a better understanding of each other's vulnerabilities. Their fights and arguments reach each other and are brought to change.

They grow in love but at a fair price of personal distress (Steinzor 1969:20).
Sometimes they are strongly tempered, passionate individuals who seek excitement in the intensity of a marital battle all the while inwardly smiling at the dramatic scene unfolding before their eyes. When they are happy they could also be sad, and horrid.

2.6.6 THE ROMANTIC MARRIAGE.

Steinzor (1969:20) further contends that this is the classical love at first-sight union, full of poetry, dance and passionate courtship followed by the hangover shortly after the honeymoon. It often runs its course rapidly from the justice of the peace. One of the partners, but usually both, become disillusioned. Each one accuses the other of having fooled the other. The marriage is consummated in haste and most likely is dissolved in haste, since the partners rarely try to take stock of themselves.

When we focus on the varieties of family life we wonder what advantages there are in living in some of these types of relationships. We must become less restrictive in our attitudes towards those who decide to break up.

2.7. THE FAMILY DIVORCE.

It could also be the case that everyone agrees that divorce should end the useless bickering over unresolved differences, and everyone knows that it rarely does (Steinzor, 1969:23). The door must be kept open for reasonable discussions and negotiations regarding the up-bringing of children.

The idea of divorce lived out in friendliness is an attractive one, embodying as it does the parents with, to stop fighting and to show the child good ways, though they could not get along while married. Each parent now wants the child's relationship to the other to be as good as possible. It seems apparently that to behave in anything but a friendly fashion is at best to involve the child in difficulties for which he or she is not responsible, and at worst to deny the child's being.

When parents do manage to live apart in a friendly way, a possibility is then enhanced by the feeling of remarriage for both. It seems hopeless and blind to challenge the apparent sense of well being of all. It should be easy for the couple who had a friendly marriage to establish a friendly
divorce. So why not then practise respect and friendliness in seperation, whatever else proceeded it in marriage?

2.7.1 DIVORCE WITH FREEDOM.

Steinzor (1992:27) has also stated that he does not think it is possible for a person to live a friendly and divorced life, unless he is adept at hypocrisy and self-deception, or has left a marriage that has been a friendly, shallow one, short lived in emotional investment if not in years. Many of us know divorced parents who claim that although they have been deeply embattled, they have learned to become friendly. It is the kind of friendship in which one party tells the other to go and see a doctor when the friendship gets difficult, or becomes strained if called on for more than a pleasant, sociable evening. It is the kind of relationship that is expected in human relations. There is a tendency to disguise genuine feelings by speaking in

language that is unclear to others.

For example one could find that the male and the female are married. As the time progresses it becomes exposed that they have complications in their marriage, then their differences could result in divorce. However, their divorce has no freedom because they live together, and they discuss their family matters. A good example here is a soap which is broadcasted on SABC I, called "The Bold and the Beautiful", by William J Bell.

When parents divorce after a serious involvement, the problem of achieving detachment from each other is very complex. In the first place the bride is given a mat to sit on. During the visit, she is not allowed to sit where ever she feels like, even before she is regarded as a real bride. Automatically she is accepted as a bride by the ancestors, and the members of the groom's family.

Divorce is not allowed at all in the Zulu traditional marriage because where two families have agreed upon the whole process of marriage, up until the marriage ceremony, and during the time when the bride is sprinkled/washed with bile, automatically the ancestors have accepted the bride. She will remain as a full member of the family no matter what she could decide, but at the end of the day she would come back to where she belongs.

The law regards marriage only as a civil contract to be established by means of a civil act. Since then civil marriage has gradually obtained affording in the legislation of most European countries although in many of them, as in England. The parties may choose the religious or civil right, just as they like, both making the marriage equally valid by law (Westennark1976:226).

It is an indescribable or clarifiable truth that in the whole research, the traditional marriage has been built from its basic roots, that helps the traditional marriage to stand firm from whole impossibilities or obstacles.

2.8   CONTRIBUTORY FACTORS TO DIVORCE.

The difficulties occurring in the initial stage of a marital dissolution do not necessarily vanish on the finalization of a divorce degree (Halem 1982:10).

The concerns of adjustment and coping are influenced by many factors, ranging from practical instances relating to money, employment and child care to the more emotional dimensions of the dissolution. For example, who initiated the divorce, whether there was a third party involved and whether the rejected party suspected a problem or was caught unaware, and the conditions
of children, family and friends.

The circumstances surrounding the split determines the ease or difficulty with each individual who makes the transition from marriage to divorce.

According to Clard (1992:346) few divorces are caused solely by one partner, and through it may be tempting to place all the blame elsewhere. One would be the loser if one did it alone.

There are many people in this contradiction who result in divorce. The pattern of their marital understanding is determined by the structure of the relationships outside the family for the major gain of the family. For example, the husband contributes the money essential for the family and expects the services to be perfect or 100%, where as that is emotional gratification in return. When he is unsatisfied with that exchange, he could either seek a divorce to begin as an alternativ relationship (Mutdock 1978:170). Women expect emotional ties to be strengthened by the
economical security they obtain for themselves and their children through marriage. When the man fails to be a good provider a woman's relationship to the family structurally changes, she automatically finds herself not taking good care of the household (work) and children. Sometimes where a woman is employed by the economically sounding company, automatically her relationship to the family is structurally changed. Her double ties to her marriage might lack and remain committed to her job as long as it provides emotional satisfaction. When that satisfaction is gone, the extra work of caring for and supporting her spouse becomes a liability. In this instance marital break up could be an advantage.

For this reason, one would do well to get some straight legal information from an attorney about how one's state laws and country procedures may effect one personally. A specialist or one who practices has an emphasis in family law many couples arrive at a settlement through their respective attorneys. The settlement may also include other provisions, such as life and health insurance and payment of legal fees. Again it is advisable to rely on one's spouse's personal lawyer, since attorneys must represent their client's interests.

There are many contributory factors to divorce, but the writer is not going to discuss them all. Attention will be given to those factors which are regarded as a predominant way of life to a modern style of living in our days. These factors are brutality, flagrant adultery, barrenness, the migratory labour system, abandonment and the changing role of women.

2.8.1 Brutality.

According to Krige (1985:157) in former days when a husband ill-treated his wife, she would go to her father who could, if ill-treatment was proved, fine the husband or if the woman wished for divorce, this could be granted and the husband would not be able to get his cattle back.

The situation in Western culture is explained and it is different, Halem (1980:19) in Pennsylvania, for example cites the justice system which is authorised to grant absolute divorce for turning a wife out of the house, cruel and barbarous treatment endangering her life and other indignities to render her condition intolerable.

2.8.2 Adultery.

According to Mair (1969:16) adultery by a woman is everywhere regarded as an infringement of her husband's right. Traditionally a fine was imposed upon the adulterer and in the olden days, the husband's right to make her pay back the cows was admitted.

Since sex is the most intimate aspect of marriage, extra-marital intercourse is its most profound betrayal. (Blood Jr, 1969:384). For example, churches which allow divorce on no other grounds, consider adultery sufficient.

2.8.3 Barrenness.

Procreation is seen in many cultures as the purpose of marriage. Kringe (1985:56-157) states that in traditional culture if a wife is barren or dies before she has children to her husband, he could claim his lobola. On either of the two grounds, adultery or barrenness are reasons for a husband to be regarded as justified in divorcing his wife.

Kringe (1985:157) further continues to say that Section 163 of the Natal Code, enacts that a wife could sue for divorce on the grounds of impotence and for barrenness.

2.8.4 Migratory Labour System.

Tooke et al (1974:405) states that migratory labour system had its origin at the very inception of the mining era. They further continue to say that in spite of the strong cultural forces drawing them back to their rural or originated homes, including the desire to own cattle, the keeping of which is not possible in the cities, many African families have taken abode in the urban area to have become more fully a part of modern industrial society. In cities, they usually stay in hostels with bad facilities. In previous times, they were forbidden to bring their families with them and thus were forced to live separately from their wives and children for long periods of time. This disruption of normal family life, which resulted in setting up the system of migrant labour, was a prime cause of destroyed family relationships and personal demoralisation (Pomeroy, 1986)

2.8.5 Abandonment.

According to Schapera (1973:367) labour migration has come to play a prominent part in Black African men's life. The need for money and shortage of land are some of the important factors which force men to leave their families even in townships and go to the cities in search of work.

The normal period of absence from home is a year or so, but there is an increasing tendency for men to stay longer and in many cases as the growth or population shows, they never return. This has led to divorce, because women have acquired an increasing independent attitude and during the absence of their husbands also to commit infidelity. As a result their husbands divorce them or they divorce their husbands for abandonment or desertion.

2.8.6 Changing Role of Women.

According to Schapera (1953:367) women have also begun going out to work, nowdays despite the almost universal disapproval of traditional honour to men and the nation as a whole. The South African Constitution has now focussed on gender equity act which concentrates on trying to eradicate women abuse and improve affirmative action with the aim to place the disadvantaged women on the relevant positions they deserve especially those who are educated. Some uneducated women could now earn money independently as domestic workers for which schooling is not necessary. This has now led to the changing role of women resulting in them being a threat to men in general. This has led to divorce because they meet people who play the role of the husband in their urban places of employment.

Mair (1969:24) argues that women are not willing to accept the inferior status that the majority of men still think they had because during man's absence they experience freedom, since by traditional standards, wives and children are subject to the authority of the man. The long absences give them power to survive independently. As a result they are able to take independent decisions including the decision to divorce their husbands, if they are dissatisfied with the man's role functioning.

Another cause of family dissension may be resentment if the husband fails to send home money and goods and leaves his wife with the sole responsibility for the family. Usually, women find alternative means to supplement the money which is expected to be sent by the husband. Continued dissatisfaction may lead to a decision to divorce the husband who is viewed as inadequate.

2.9   DISCUSSION OF DIVORCE BY THE CONCERNED COUPLE.

It is important that the divorcing parties should discuss divorce between themselves before it actually takes place. This would help them and their children to cope more effectively with the crisis of divorce.

Halem (1982:33) states that while negotiation between spouses is not a prerequisite for a court hearing, it is generally agreed that of all the aspects of the divorce process negotiation is most important.

If successful, the pretrial negotiations would culminate in the production of a separation agreement that would govern the future relations between the parties in detail and with such precision as to minimize the danger of controversy (Felder, 1971:202). The parties may, for example, work out their own agreement, or they may employ a mediator or a lawyer to assist them to negotiate on their behalf although a combination of them may result in a satisfactory agreement since negotiations do not necessarily end with the production of a written contract.

Discussions of divorce by the couple are necessary for the sake of the children involved as well as themselves.

2.9.1 FACTORS USED TO EXPLAIN DIVORCE TO THE CHILDREN AND SERVICES AVAILABLE BEFORE, DURING AND AFTER DIVORCE.

When parents are embroiled in their quarrel they tend to ignore children and their welfare. Below, the writer discusses some of the important points concerning children in divorce, the custody of children and the visitation arrangements.

Parents deal better with their children with regards to divorce issues, and this could provide a neutral person to whom children could express their fears and concerns and who could perhaps adjust to a difficult time in their lives (Clapp 1992:21). May be one would want to provide the basics and then allow them to react and digest as well as they could for now.

Parents do not want to get into lengthy discussions about why the separation or divorce is occurring. For most situations, short simple discussions of the reasons suffice. For example "your father and I have not been getting along for a long time and now we both feel this is best" (Michell, 1985:170).

Parents never want to involve their children in discussions about the, whys and wherefore, the slights, wrongs, faults, problems, inadequacies and dishonesties of the other parent except for statements of facts that are obvious. This is despite the fact that some children would do all they could to get involved and grasp everything they could about the inner workings of their parents break-up.

Divorce resides in the adult concerns and is regarded as a matter which is beyond what they could handle, despite their sometimes intense interest in the world. Their involvement could only serve to interest with normal healthy functioning of their lives. But with regard to the break up, there are actually some issues that children need to know. If they do not ask questions, it does not hurt to. Questioning them, when parents divorce could be helpful usually consult a professional counselor. Councelling could assist with the help of a divorce mediator (Clapp 1992:23).

When the case is placed to court, the parents life is articulated or scrutinized in public and he or she is robbed of the right to look at the future and their children's future. Instead future is placed over to a judge, who neither knows the background nor has the time to improvise or tailor a decision to their unique case.

There is a popular belief that children are happier if their parents separate than if they continue to live in a family where they argue or fight. Where as they do not share that belief, they would prefer to keep their parents together, even if they do not get on with each other (Michell, 1995:01).

It is the right of every child who is old enough to understand or to know if his or her parents are divorcing.

The whole family structure is torn apart and everyone gets hurt, but the way in which parents handle the situation can strongly affect how easily they recover from it.

As soon as parents actually decide to divorce, they should sit down with their children and discuss everything with them, telling them what is happening and why. This kind of discussion obviously depends on the age of the children. They should not tell the children anything children might not be able to understand.

Grollman (1969:18) states that before discussing the breakup with children, parents should make sure that the decision is irrevocable or could not be stopped. It is so stressful for a child to be informed about a divorce that is only discussed as a possibility. Councellors are in agreement that if divorce is eminent, it is best to tell the children at once because nothing is more disturbing to young people than to feel ignored.

2.9.2   Custody of Children.

Custody of children is another aspect which is usually a source of controversy among divorcing couples. Hodges (1986:89) explains that there are three types of custody, namely sole custody, joint custody and split custody. Sole custody is when legal responsibility for the child is given entirely to one parent. Joint custody refers to legal responsibility not physical location. It is possible for the parents to have joint custody for the rearing of the child, even though the children have primary residence with one or more child go with one parent, and the rest go with the other parent.

Freedman (In Grollman 1969:123) points out that the general rule of law applicable in the determination of the custody question is that custody is granted in accordance with what is in the best interest of the child. The courts must and do consider the age, health and gender of the

child. Preference of the child is given according to the age, when the child could express a rational and logical choice.

According to Hodges (1986:88) some judges are reluctant to award custody to a parent who has had an affair that was the precipitating event that led to the divorce. Such an award could have the appearance of rewarding immoral behaviour.

2.9.3. Visitation Arrangement.

This refers to arrangements made by parents after divorce for their children to visit the parent who was not awarded the custody of the children. It is ordered by the court of law or it could be an arrangement made by parties involved.

Foster (in Hodges 1980:150) mentions that a parent who does not grant custody of the child is entitled to reasonable visitation rights unless the court finds after a hearing, that visitation would endanger the child's physical health or significantly impair his emotional development. The court may modify an order granting or denying visitation rights whenever modification would serve the best interest of the child, but the court shall not restrict a parent's visitation right unless it finds that the visitation would endanger the child's physical health or significantly impair his emotional development.

It is important that divorced parents encourage their children as much as they could to love and respect the other parent. It is also emphasized that no one needs security more after the breakdown in a marriage to expert the other parent at the time that was agreed on every time. Real communication, chatting in natural surroundings and a little private and personal space for children visiting the other parent is also required.

Although visitation is encouraged, there is a negative side of it. According to Hodges (1986:148) visitation provides a chronic problem in requiring parents who were not able to maintain a marriage with each other to negotiate times, places and activities, thus forcing continued contact and encourage continued conflict. Visitation could be a major source of conflict between parents because it is a constant reminder of the marriage and its failure.

2.9.4 Services Available to Divorced Couples.

There are services available before, during and after divorce. The writer is going to briefly discuss these services.

2.9.4.1 Services Available before divorce.

Counselling may be divided into three phases, before, during and after divorce (Swart, 1987:580). Research is needed to discover more effective techniques for use in divorce counselling. She continues further to point out that there are two tasks in the litigation process, first to examine the possibility for negotiation and compromise between parents and second to examine the family adequately and give the court sufficient information for it to make appropriate decisions.

People may come to social agencies with a general or specific complaint about marriage. The complaint may be expressed about the children and not about the marriage. The social worker would be aware of the possibility that the serious underlying problem may be a marital one.

In trying to tackle the problem, the social worker may use the exploratory process. Feldman et al (1968:87) argued that there could be questions to ask which try to get to the core of the problem. These would help to look at the help sought and how this communicates and so on.

These explorative areas are designed to provide answers to questions for the purpose of understanding the nature of the problem and identifying what way the social worker could be helpful directly and by drawing on other legal resources.

There are potential and actual resources which could be utilized by the social worker for aiding families or individuals to cope more effectively with their problem. These resources could be within the worker's agency, such as a Foster home finding, legal and work training or placements.

The social worker could bring to the attention of the people that there are resources that they might be utilized to their best advantage, resources which people could not be aware of, or resources that they could not grasp the importance of the use thereof.

2.9.4.2 During Divorce.

During divorce services are available to help the couples to cope more effectively with the divorce. These services are family therapy and mediation. Masson et al (1984:21) argued that the aims of family therapy are to intervene in and modify those aspects of a family system which are interfering with the management of life tasks of the family and its members. Masson and

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O'Bryne (1984:21) focus on the transactional patterns within the families and see to change them so that people would relate to each other differently.

They try and increase the choice for people by demonstrating that situations may be viewed and tackled differently and that there are more productive ways of dealing with each other. They also seek to modify or restore the family's structure and functioning by interrupting the sequence of behaviour through which those aspects are expressed.

2.9.4.3 AFTER DIVORCE.

After divorce, services are available to enable the couples to cope with the aftermath of divorce. The co-operation and support of children and parents for the divorce therapy programme is vital because they react with hatred, anger and depression.

Among available therapies there are sessions on self esteem and self awareness, social skills, loneliness, depression and parenting. The services are also aimed at improving their quality of life after divorce and to retain their social functioning.

Welch (2000) in Snyman (1987:32) discusses divorce adjustment group method which combines lectures and restructures the group process in an attempt to meet the following goals: to help individuals to regain their emotional autonomy by focussing on present needs to mitigate the debilitating aspect of divorce. This means the social withdrawal of existential anxiety, poor job performance, to provide a safe place to express the emotional reaction to divorce, to express the emotional reaction to divorce, to assist individuals in meeting new friends in a meaningful way and to help them learn coping skills that could be applied to other situations where loss is involved.

Hodges, et al (1986:331) advocates post-divorce family therapy as an orientation of helping both parents to stay involved with thier children. Based on a review of literature, they conclude that post divorce therapy should have as its goals : to increase the party's co-operation in parenting, to improve the quality and effectiveness of parent child communication and to train parents in behavioural management techniques.

The mutuality involves helping the parent express their feelings, explore competences, choices

and opportunities for growth, relate current hurts and angers to past rejections recognize their own contribution to the conflict and learn from past mistakes. Parents are encouraged to initiate discussions with each other.

2.10 THE ENCORES OF THE TRADITIONAL MARRIAGE.

- The Almighty, the great father (umvelinqanai) is the only one, and real driver or pilot who makes the ship to steer to a good course throughout.

- The culture of traditional marriage is to follow the best ways and the rules and regulations.

- All African religious nations, do not lose, abandon or forget their cultures even if they have been educated.

- The head of each kraal is the proper person to speak with the spirits and make offerings to them (Malcolm, 1979:10).

The whole process of involving ancestors, and the division of the parts for the relevant cows strengthens the value of the marriage. The slaughtering of a cow and the spiting of blood on its own, represents the traditional rules which are accepted by the ancestors.

The acceptance of the bride is described by the ceremonies carried out by the bride when her traditional dance in the chosen area for performing traditional wedding dace (for example like a festical) to purify the bride so that she could feel welcome to the groom's family. There is a portion of meat which is given to the bride to feel welcome and accepted to the family. That part of meat makes solidarity between the two families and the ancestors traditionally.

The purification ceremonies are thus of frequent occurrence on the bride's arrival at the bride's groom's home or destination (Westermark 1976:200).

Referring to the above mentioned information the traditional marriage from this information, divorce is totally unforbidden in traditional marriage.

A legal divorce is the dissolution of the marriage by the state through a court order terminating

the marriage. The main or principal purpose of the legal divorce is to dissolve the marriage bond so that emotionally divorced spouses could remarry .

Some couples live separately or apart but still are legally married. They may eventually resume the marriage, or divorce, or remain separated indefinitely.

There are about half as many separated as divorced people (Glick & Norton 1979:42). Separation as a solution to a unhappy marriage has been declining relatively to divorce, as people who leave marriages are now more prone to resolve the situation legally.

The two aspects of the legal divorce itself make a marital break painful. First a legal process does not provide the orderly and social approved discharge of emotions that are elicited during the emotional divorce. Bohannant (1970:42) Separation as a solution to an unhappy marriage has been declined relatively to divorce, as persons who leave marriage.

The legal divorce is based on grounds. It is not surprising that in our daily work schedules we are quite often faced with situations of conflicts of laws which exists between these two parallel yet co-existing systems, for example what comes to our minds is "Lobola" as well as its ramifications on divorce.

2.10.1 DIVORCE LAW AND SOCIAL CONTROL.

Steinzor(1960:208)questions to what extent divorce law could be used to prevent de facto family break up, that is, the situation where marital partners are separated formally or informally. If law is to act on human behaviour, it should provide an environment, which should enable the deviant, or potential to internalize.

2.10.2 THE VALUE EMBODIED IN THE LAW.

Historically the idea that divorce is a punishment seems to rest on the general Christian doctrine that marriage is good per se which could be broken only by a sinner. The punishments established by the law could not reach basic values of the deviant.

Law as a form of punishment , involves penalties that are so great that people have incentives to reconcile their conflict. Such laws force one spouse to depend on the other as a condition of break up. This has a tendency to force the family spouse to depend on the innocent for seeing

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the children grow. This influence by law as punishment, provides penalties. Sometimes the law acts as therapy because it allows fundamental conflicts to break up. Other conflicts are settled through the process of therapy. The law also functions as a form of education, it seeks to develop personal abilities so that individuals could deal with conflicts or would be less rarely to marry (Bel, 1960:206).

2.10.3 LAW AS PUNISHMENT TO THE DEVIANT'S BEHAVIOUR AND VALUES.

According to Bell (1960:210) punishment is defined as the deliberate and public unlocking of the deviant's ability to achieve his or her goal if he violates those embodied in the law. The law as punishment might fail where it is unable to provide sufficiently serious blocks to the deviants values.

The wife who might not want her husband to leave but feels he has a moral right to, might not want to take advantage of the law as punishment to demand the maximum alimony she could get.

She might permit the husband to visit the children, even though he has no right to undermine the law, where the person who is defined by the law to be the innocent, refuses to recognize punishment as legitimate mode of orientation in marital declaration, then punishment loses all threats to the guilty spouse. The divorce laws have to achieve control through reduction of break up by conflict, break up by opportunity and breakdown of marital fiat. The law of punishment only indirectly faces the problem of breakup by conflict if the married couple realized that it is very difficult to carry out a divorce and that they must stay together, then they would attempt much harder to reconcile their conflicts. The law of punishment controls breakup by indifference in moral ways (Bell 1960:212).

2.10.4 LAW AS THERAPY.

According to Bell (1960:113) a basic premise of law as therapy is that people seek divorce because of serious emotional problems. Therefore, any legal procedure seeking to control divorce should provide that the spouses see a therapist. The major contribution to the law as therapy is that it brings to bear upon deviant a more focussed kind of measure for internalizing

the value of society. Law as therapy has several shortcomings. The policy under the law as therapy is usually to allow breakups where major changes in personality are required. According to Leslie (1969: 139) recondification occurred in 1936 as well as in 1944. The solemnity, the importance, and the permanence of marriage made forces increasingly difficult to obtain. Since 1944 only officially registered marriages were recognised as legal for either partners, but both parties must be summoned to the court and to specific grounds on which to the courts satisfaction. Action needs to be filed in a peoples court but this court was not empowered to grant a divorce.

The peoples court is explicitly instructed to seek reconciliation of the couple. If reconciliation is not achieved, the suit must be filed again with a higher court which either may grant the divorce or deny it, at its discretion. The criteria of the welfare of the state is used as the basis for the decision, not the legitimacy of the complaints nor the welfare of the couple. Substantial fees are charged at each step in the procedure so that divorce is quite expensive to obtain.

2.10.5 LEGAL DIVORCE.

Hulem, (1922:49) asserts that there are those who believe that divorce laws and practices have been completely revolutionized in recent years. The "me generation", they say has spanned the era of easy divorce, available upon the demand of either party.
The fault states have not only escalated the divorce rate, but by simplifying legal formalities, they have also opened the courthouse door to citizens councils. Do it yourself divorces and, to a lesser extent shared lawyers divorces as suggested to some that legal representation may now be an unnecessary luxury .

The supreme court decision that the state laws without alimony provisions for both parties are unconstitutional has disconcerted women and delighted men. Decidedly, the law's control over and management of the divorce processes are under challenge. Moral legal approaches for example (mediation, arbitration, divorce counselling) as well as do it yourself and shared lawyer divorces are being accorded new credit.

2.10.6 HOW TO DEAL WITH DIVORCE.

By looking into the theory that marriage must be for life, come hell or anything close to it, this does not meet with the increasing demand on marriage as a creative act of mutual love carried

on with the judiciousness and effort to reduce hatred, mistrust and increase spontaneity and affection between the couples or partners.

Parents deal better with their children with regards to divorce issues, and it could provide a neutral person to whom children could express their fears and concerns and who could perhaps adjust to a difficult time in their lives (Clapp 1992:21).

Parents do not want to get into lengthy discussions about why the separation or divorce is occurring. For most situations, short simple discussions of the reasons suffice. For example, "your father and I have not been getting along for a long time and now we both feel this is best" (Mitchell, 1985:170).

Although some children will do, all they could, to get involved and grasp everything they can about the inner workings of their parents break-up.

Divorce resides in the adult concerns and is regarded as the matter which is beyond what they could handle, despite their sometimes intense interest in the world, their involvement could only serve to interest with normal healthy functioning of their lives. But in regard to the break up, there are actually some issues that children need to know. If they do not ask questions, it does not hurt. Counselling could, however assist with the help of a divorce mediator Clapp (1992:23).

When the case is placed to court, one's life is articulated or scrutinized in public and you are robbed of the right to look at your future and your children's future, instead your future is placed over to a judge, who neither knows your background nor has the time to improvise or tailor a decision to your unique case.

According to Webster (1983:370), divorce means a legal dissolution of a marriage to terminate an existing relationship or union. What should parents do if they are getting to divorce or, are already divorced. In this study the researcher has focussed on what he thinks are the effects or concerns that regularly come up for children when parents divorce especially in African communities.

2.11 INFORMING THE CHILDREN ABOUT THE DIVORCE.

If one is thinking about getting divorced, but only thinking about it, discussing that possibility with children is useful, depending on their ages. All it would do is cause an unnecessary worry that would intrude on their day to day lives, and there is nothing they could do about it. The idea that their parents are getting a divorce is very scary to children. It is like a bomb shell in their lives, all that was stable goes up in smoke. Divorce is the dissolution of their world as they know it. Therefore when children are told that something is going to happen that is very disrupting and it is going to become a reality, they need to know what this unknown terror is actually going to look like.

2.12. GAYS AND LESBIANS LEGISLATION ABOUT GETTING MARRIED.

Gays and Lesbians have never been given the chance to come out from the closet. Their beliefs, habits and feelings have been kept private and secret because our South African community had the feeling of embarrassment about them.

Now the new resolution or the validity of the constitution has accepted them to practise their rights openly. The South African government has given them a chance or an obligation to support children although this is still on the listed rights or in cycle of our legislature (not yet legislated)

This issue falls within the listed rights or listed ground cases which needs attention in our community as gays and lesbians form part of our society.

2.13 SEXUAL ORIENTATION.

Sexual orientation is taken as that part of the other persons proof of contrary. Gays and lesbians are presumed to be protected until their listed rights pass. The respondents revealed this issue as not a complicated one as our community views it.

The complication was raised by separation and divorce aspects. The South African judges have raised the issue by looking at better level of income of the parent and the right of the child.

The decision taken by a high court was adequate by the judges view of the right of a child. The

judges did not look at the creation of an abnormal community which could possibly be created.

Judges argued that it is legal to adopt children because the rights of children would always be there and protected. The concurrent issue of norms and standards of African society is that of children's rights would always be there.

The draft and the declaration adopted by the South African Law says love, care and belonging are the main or primary qualities to be looked upon. The law has to be strengthened to reflect the reality.

2.14   EFFECTS OF DIVORCE ON THE ADOPTED CHILD.

We now turn on to look at the effects of the adopted child. We particularly look at the notion of what would happen if the two gay parents were separated or divorced. What would happen if they experience problems in their marriage?. Since children are easily influenced by the sexual orientation or practices of the parents this could automatically confuse children. If the two parents were separated according to my own view, a confused or abnormal society would be created. According to the Sunday Times dated 2002 November page 5 "Twin toddlers have been officially declared to have two mothers, the names of both women will appear on the childrens birth certificates, one as mother, the other as father. The babies are the children of two women who have lived together in the same sex partnership for seven years".

The complication or contradiction viewed by the separation and divorce division is based on the argument by the judges that a normal child is a child who has been brought up between the warm hands of both parents, that is father and mother.

The Department of Welfare introduced the basic or primary qualities which are very important on a parent, that is love and care. They did not look at the shortcomings or the future opinions about this issue.

2.15   THE EFFECTS OF DIVORCE ON CHILDREN.

Parental divorce is a major stresser experienced by children in today's society (Wolchik, West over, Sandler, Martin and Fisher, 1993 : 85) It is generally very disruptive for children. The

question to consider is not whether children will be hurt by the divorce, but rather how much they will be hurt (Adler and Archamba, 1992 : 195)

Souglas et al (1968:78) in a national child development study compared the changed experiences by the age of 7 - 11 year old children in one parent families with those in two parents families. Their material and environmental changes were investigated. Their educational attainment, behaviour and adjustments are different. Research has shown that children of divorce show higher incidents of emotional, behavioural and educational difficulties. The common short term reactions shown by children affected by divorce include a sense of insecurity, a drop in academic performance, minor stealing, truancy, disciplinary problems, rebellious behaviour, withdrawing socially, mixing with the bad crowd, regressive and attention seeking behaviour (Van Wyk and La-cock 1988 :185)

A father's absence had led to poorer performance at school (especially in arithmetic) but not to behavioural problem after making allowances for the disadvantages of poverty. A high proportion of delinquent children comes from broken homes. Divorce is thus always accompanied by a period of uncertainty, insecurity and disorientation for all family members. Often during the divorce process there are repeated patterns of separation and re-conciliation which is very hurtful and upsetting for children. The decision and ambivalence of parents creates even more insecurity in children's minds (Yatt, 1996 : 186).

Children with separated or divorced parents have been shown to have low educational achievement, but this may have been because of low social class, low income or poor housing. (Ferri 1976:04). The impact of divorce on children depends on various factors, these are the child's age and gender, the maturity of the child, the child's personality, the parents financial situation and conditions leading up to divorce. According to (Yatt 1996:27) the impact that divorce has on a child is difficult to ascertain because it may only be years after the divorce that problems arise. Children who experience divorce often display adjustable problems that continue for years after the separation. It has been found that both parents and children exhibit more problems one year after the divorce, compared to those at two months after divorce.

It is difficult to separate disorders caused by separation, divorce from pre-existing ones (Brun 1980:74). Parental divorce and the factors associated with it appear to lower the well being of children. The physical separation is probably the most critical time in the divorce process for children (Sprenkle in Yatt 1986). It would appear that young children are the most severely

affected by the marital break up at the time it occurs. They find separation and divorce more difficult to understand and handle because of a lack of intellectual development and cognitive skills (Yatt 1996 : 37).

Children who lose one parent by separation would almost experience a lower standard of living than when they lived with two parent Ferri (1976:04). It has been found that more vulnerable children show extensive expression of depression, low self esteem and prolonged involvement with oedipal fantasies (Stein and Blakeslee, 1990 : 286). Children of divorced parents show an increase in dependancy over time and exhibited less sustained play than children of intact families (Stein 1981) Children often blame themselves for the divorce. They believe that if they had not been naughty or had shown more love to the departing parent they could have prevented the separation.

Children who are poorest before parental separation would be even poorer afterwards (Gibson 1976:14). Many children had quickly lost touch with one parent, and some parents had dodged the issue of explaining to their children the reason for the absence of the other parent. (Mitchell 1981 : 286). Changes after divorce in family routine, such as meals, arrival at pre-school centre, or at bedtime were not explained to children. Behavioural problems worsen during first year after divorce especially for boys.

2.16   THE DIVORCE EXPERIENCE OR EFFECTS ON PARENTS.

One cannot believe how bad one's life is, how terrible one's feel, how overwhelming daily tasks become, how frightened one is. One could not believe that life is worse now than when one broke up. The decision to divorce could turn into a nightmare.

Many men and women become tense, listless, painfully lonely, and overwhelming with feelings of failure, inadequacy, poor self-esteem and the feeling of "not belonging" anywhere.

Too often, they feel out of control, victims of intense emotion previously unknown to them. Self pity and depression leave many wondering if they would ever return to normal. (Clapp 1992:13).

Divorcing men and women usually become obsessed with thoughts about the spouse and the broken marriage. The history of the marriage is relived time and time again on -the fights, the

accusations, the significant events, the trivial occurrences that may have contributed to the break up. For example, when did the trouble start, who is to blame, what it inevitable? (Clapp 1992: 17).

For some obsessive thoughts it becomes maddening. Although a minority of couples report that they get along better once they no longer have daily contact, others report having primarily explosive and conflict- laden interactions after separation. Yet despite the conflict, the majority of divorced men and women are haunted by memories of the good times and many fall victim to impulses to call, or to initiate dates, to seek out information about their ex's new lives. The majority of divorced people studied have questioned, whether they made the right decision to end the relationship and people vacillate between feelings of love and hate, of longing and anger.

According to Clapp, (1992:21) there are some legal fundamentals. What everyone should know is that if he or she comes across with the problem of some kind, the honest truth remains that divorce was meant to be, than how to deal with it. Divorce law and divorce procedures are the subject of the entire books written by attorneys.

Since conditions are like this, the writer foresees that there are some current legal trends we need to focus on, for example South Africa has its own divorce laws and frequently each country within a state follows some different procedures, relevant to that country, such as it's social and his historical past, beside is varied cultures and customs governing marriage, etc.

If ones marriage gets into trouble or hassle, should one learn in the direction of saying "married "despite the problems and unhappiness it could cause? Or should one be quick to call it "quits" despite the pain that divorce is bound to produce. (Camana 1991:228).

The choice is not easy to make, it is at best attempt to choose the lesser of the two evils, "like deciding to retain an infected leg as compared with suffering an amputation" (Kirk. 1963:43).

At any given time, probably more than a million Americans are spending gloomy days and sleepless nights agonizing over the decision, as far as the reason of marriage arrives at the brink of divorce, (Camana 1997:228).

Obviously people may experience individual differences in what they consider so intolerable in

marriage that divorce seems preferable. If one ever face the choice, for what so ever reason. only one could make it, on the basis of ones individual situation and personality, including what ever religious and moral attitude one has towards divorce.

Sometimes the advice one gets from a friend and relatives is likely to be useless and perhaps even

harmful. It might be based only on their own experiences and prejudices will hardly any knowledge or analysis of ones particular feelings and problems. Only a good marriage counsellor could provide a genuine guidance, and even a marriage counsellor could only clarify the situation and then leave the decision up to you (Caman 1977:222).

2.17   THEORIES OR PERCEPTIONS OF OTHER SCHOLARS ABOUT DIVORCE.

For the purpose of this research, the following theories were used which shall have much relevance to the study undertaken. The researcher thinks that experts on the affairs of the heart are implicated in the widespread negative judgement on divorce as an institution. One sign of this is the wide variety of marital and professionals ready to help couples to live happily in marriage, while those who remain single
or become "formerly married" have much less help from the experts. When help and counselling is offered, it is usually assumed that the divorced person, bachelor or bacherllorrete must be disturbed and in need of psychotherapy.

Generally speaking many people also believe that divorce is a shameful step and a tragedy. The divorcing person is embarrassed by his action at the time when he needs every bit of his self-possession, every support to help him face what he or she is doing instead of running away, and to help him think through the arrangements that would so much affect his future. The guilt and shame he or she experiences weakens the ability to stabilise.

2.17.1 THEORETICAL, FUNCTIONALIST, CONFLICT AND FEMINIST PERSPECTIVE.

According to Weber (1990:239) when associating with divorce, the action was the focus of Weber's sociology , and so in a sense he could be content with this specification because it

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stayed

within the realm of experience. But as we have seen, values are taken essentially as ideas. Here Weber was convinced that the value of this necessarily involved individuals in bitter choices and conflicts within themselves and with others.

Decisions, values and questions were made by individuals in their daily lives and they involved making choices and compromises but on the basis of their own convictions. In this way individuals gave meaning to their own lives, on the contrary, this gave individuals the great responsibility of all the choices of their own (Weber 1990:239).

According to Blumer, (1980:84) accepts that action to some degree structured and routinized. He states that in most situations in which people act towards one another they have in advance a firm understanding of how to act and how other people will act.

According to Ogburn (1967:235) in theories of family structure and family changes, family disorganization, he states that a certain amount of disorganization inevitably resulted from the loss of these family functions, husband status, and his wives status.

The determination of a husband's income, one of the primary symptoms of this disorganization was the rapid increase in the number of broken homes. Since 1880, the number of divorces per 1000 population has increased roughly about 3 percent per year. Broken homes signify unhappy men and women whose expectations of harmonious marital life have been frustrated in the disfunctioning family (Ogbum 1967:235).

Divorce produces problems, not only for the parents but also for their children who must suffer emotional conflict, loss of a parent, and also financial privatisation, frequently association symptoms of social disorganization included illicit sexual activity, family desertion and juvenile delinquency.

2.18   HYPOTHESES.

The following hypotheses of this study are as follows:

(a)   whether divorced parents and their children get any help or therapy from the community members and the different organizations in the community such as the Church, Political

organizations and the Government. This is because the focus is on children in a stage of identity versus role confusion, in which children need to resolve the crises of role confusion by stabilizing their sense of identity. To address this, children need emotional, physical, moral and financial support which are usually provided by the parents and the community.

(b)   whether divorced parents and children get any help from the State since there are aftermaths of divorce. The introduction of divorce therapy programme to reduce hatred, anger and depression.

(c)   whether there is any need for therapies that are sessioned for self esteem and self awareness.

(d)   whether welfare agencies are available as well as day care centres in Kwazulu-Natal Department of Welfare and Pension.

In this study, these hypotheses mentioned above were investigated in the Esikhawini Community.

2.19   OPERATIONAL CONCEPTS USED IN THIS STUDY

To avoid misrepresentation and misconception of terms it is important to define terms that will be used through the study. The writer has defined concepts which are of importance to this study namely divorce, alimony, alliance or union, marriage dowry, annulment, flagrant adultery, customary anguish, affront and bill.

2.19.1 DIVORCE.

Callahan (1979:15) defines divorce as a case of the official ending of a marriage especially as declared by a court of law.

According to the Oxford Advanced Learners Dictionary of current English (1974:257), divorce means to put an end to a marriage by law or the legal dissolution of marriage.

This concept is used in this study as meaning a traumatic

experience which is caused by an end to a marriage by law, experienced by the divorcing parties in the Esikhawini area of Empangeni.

2.19.2 ALIMONY.

The Oxford Dictionary (1974:23) defines alimony as money that a man or woman has been ordered to pay regularly to his or her former partner after they have been legally separated or divorced.

2.19.3 ALLIANCE OR UNION.

The Contemporary Dictionary (1987:1155) defines union as the act of joining or state of being joined into one, for example lit or pomp marriage.

When the union of two or more things takes place, they are joined together and become a union for example in this study the term refers to the union of husband and wife.

2.19.4 DOWRY.

The Oxford Dictionary (1987:308) defines dowry as the property, money or goods that a woman brings to her husband in marriage, or which her father gives to the man that she marries.

The writer refers to the status of traditional divorce and the symbolic meaning of love which has changed to a new value system, like when a man has to repudiate or to state his displeasures with the ex-wife in the presence of witnesses. Originally or naturally the law necessitates the husband to return the wife's dowry.

2.19.5 ANNULMENT.

According to the Contemporary Dictionary (1987:33) it defines annul as to cause (a marriage, agreement, Law) to no longer exist and to have no legal force.

The writer refers to the gradual introduction of the law, which came to demand the annulment in the event of flagrant adultery on the part of the wife. If a contract or marriage is declared invalid

so that legally it is considered never to have existed.

2.20 FLAGRANT ADULTERY.

The writer defines flagrant and adultery respectively:

2.20.1 Flagrant.

The Oxford Dictionary (1974:388) defines flagrant as bad actions or situations, which are not concealed in any way.

2.20.2 Adultery.

The Oxford Dictionary (1974:14) defines adultery as sexual relations between a married person and someone who is not their husband or wife (to commit adultery).

2.21 A CUSTOM MARRIAGE.

The Oxford Dictionary (1974:254) defines customary practice as an established and habitual practice especially of a religious or social kind, which is typical of a particular group of people.

2.22 ANGUISH.

The Oxford Dictionary (1974:32) defines anguish as great pain and suffering especially of the mind.

2.23 AFFRONT.

According to the Oxford Dictionary (1974:17) it defines affront as an act, remark that is rude to someone or hurts the feelings especially when in public or an obvious insult to one or a large number of citizens.

The writer refers this statement or definition to the basic controversy among the Christian Denominations, which forbids divorce absolutely. (Matthew 32), "But I say to that everyone who divorces his wife, except on the grounds of unchastely makes her an adulteress and who ever marries a

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divorced woman commits adultery."

2.24. BILL.

According to Oxford Dictionary (1974:91) it defines bill as "to kiss and speak softly to each other."

2.18. SUMMARY AND CONCLUSION.

In this chapter the writer has discussed the meaning of divorce, traditional authority, the difference between traditional and modern divorce, divorce and marriage system, types of marriage system, causes of divorce, the effects of divorce and contributory factors to divorce. A discussion of divorce by the concerned couple, the tactics used to explain divorce to the children, services available before, during and after divorce, the anchors of the traditional marriage, the value embodied in the law, the effects of divorce on children and the perception or theories of other scholars about divorce have equally been explained.

It is true that divorcing parties should discuss divorce before it actually takes place. This would enable them to come to a mutual agreement about few arrangements and they could be in a position to be transparent and tell their children about divorce and give explanation on what is happening and why it is happening.

The services which are available before, during and after divorce are aimed at helping couples to cope more effectively with divorce.

The next chapter presents information about Esikhawini area, in Kwazulu-Natal, where this study was carried out, as well as how this study was undertaken.

CHAPTER THREE

METHOD OF THE STUDY

3.1 INTRODUCTION.

In this chapter the writer describes the area under study so as to enable the reader to have a clear understanding of the study. The aim of the study was to investigate the effects of divorce on both parents and children in an African Community namely the residents in the Esikhawini area of Empangeni. A perspective of divorced women attempting to stimulate the experiences of women in marital transition is given. Attention has been given to the socio economic structure, needs and problems of this population and services available to meet these needs and problems. The study is open to all ethnic groups who are direct victims and indirect victims from the age of 21 years to 44 and over. The increasing rate of divorce among the middle age is escalating greatly and the writer believe more attention could be given to this population. The writer then summarises and concludes this chapter.

3.2 POPULATION STUDY

The population covered in this study includes both parents and children. With regard to sex distribution both males and females were interviewed. The total number of respondents interviewed was fifty.

3.3 DATA COLLECTION.

The researcher used questionnaires to collect the necessary information for this research. For statistical material the researcher consulted the records of some institutions such as those of social workers, maintenance courts, the high magistrate offices and main courts to find out the number of cases reported to them by the victims of divorce. Those interviewed were assured of the complete anonymity of the whole procedure and were also assured that neither their names nor their status would appear in the final reporting. Without these, it is most certain that even fewer would have been willing to participate. Naturally the respondents were not led in any of their responses, although minor clarification of some questions was occasionally requested, thus underlining the desirability of the interview method. In addition, interviewer bias was

eliminated. A disadvantage of the interview method of data collection can be noted here, and that is the time restriction. The respondents felt compelled to reply in as short a time as possible and might miss some answers, whereas with a postal questionnaire the interviewee is possibly able to consider more answers. With the interview, encouragement was needed in many cases to evoke responses of which that would not have been easy with a postal questionnaire.

3.4 ETHICAL CONSIDERATIONS

The purpose of the study was explained to all subjects before participation. According to Nachmias and Nachmias (1992:74) as the scope of the social sciences has expanded and as our methods of research and analysis have become more penetrating and more sophisticated, concerned over the ethics of conducting social research has been growing.

Issues related to research participants rights and welfare and science professions, and most scientific societies have adopted ethical codes that cover their particular domains.

Obviously conducting research that may violate the rights and welfare of research participants is neither the intent nor the major interest of social scientist. Ethics is that branch of philosophy which pertains to the study of right and wrong conduct. So central and practical is this branch of philosophy that theories of ethics have been produced throughout recorded history (Podey, 1984 : 330). Bailey (1987:427) says that to be ethical is to conform to accepted professional practises.

According to Moorhead and Griffin (1998:576), the researcher must contend with ethical concerns. Two concerns are particularly important. First, the researcher must provide adequate information for participants in the study and not violate their privacy without their permission. A good way to increase people's willingness to participate is to promise that their identities will not be revealed. Having made such a guarantee the researcher is obliged to keep it. Likewise, participation should be voluntary. The researcher should explain all procedures in advance to participants and should not subject them to any experimental conditions that could harm them either physically or psychologically. Many government agencies, universities, and professional associations have developed guidelines for researchers to use to guarantee the protection of human subjects.

According to Bailey (1987:427) it is generally agreed that it is unethical for researchers to harm anyone in the course of the research, especially if it is without the persons knowledge and

permission. This includes deceiving a respondents about the true purpose of the study, asking questions that cause him or her extreme embarrassment, causing emotional turmoil by reminding him or her of an unpleasant experience, causing guilt or invading his or her privacy.

Researcher, can also act unethically when analysing data for example by revealing only part of the facts, presenting facts out of context, falsifying findings or misleading presentations such as lying with statistics.

3.5   THE RESEARCH SAMPLE.

Purpose of sampling is an acceptable kind of sampling for special situations. It uses the judgement of an expert in selecting cases or it selects cases with a specific purpose in mind. Mitchell (1985 : 133) states that a sample is a small portion of the total set of objects, events or persons, which together compromise the objects of the study. Purposive sample was based on the researchers judgement on the suitability of the person. All these fifty respondents were drawn from Esikhawini population and they were divorced people and children of divorced parents.

3.6.   RESEARCH DESIGN.

According to Tripodi (1985:60), research designs are plans, structures and strategies of investigations, which seek to obtain answers to various research questions.

There are five types of research designs, namely, historical design, exploratory design, descriptive design, experimental design and evaluative design. Exploratory and frequencies are also very important for the statistical analysis to organize the data. Out of the population, fifty respondents were selected from two categories which was low on social structure and those who are in the middle in the social structure at Esikhawini Community. These fifty respondents were not selected according to their age groups as well as their gender, equity and educational status. The statistical analysis used to organize the data was frequential and exploratory. In analysing the research findings the researcher will make use of the statistical tools among which included , simple percentages and chi square analysis and contingency co-efficient. Some of the respondents had experience and some did not. They were not selected according to their experience as they were divorced persons, and others were children of divorced parents out of the members of the respondents. Various ethnic groups were selected according to their availability as they were staying or living in the township.

The writer also decided to use or implement the exploratory descriptive design since it fits with the study, for example the exploratory descriptive design gives the actual incidence of the study which took place as well as the time phrase. The study explores and describes the effects of divorce with specific reference to Esikhawini area in Kwa-Zulu Natal. It also explores if children are informed about the pending divorce as well as arrangements made concerning visits by parents who lose the custody of the children.

3.7   DATA ANALYSIS AND INTERPRETATION.

Data was collected by means of questionnaires and analysed manually . Graph tables, pies and charts were used and interpreted.

3.8   PRESENTATION OF FINDINGS.

Information was obtained by means of the questionnaire method and face to face interviews. Findings were then discussed in detail. The conclusion and recommendations about the findings were made so as to know how divorce could be reduced to a minimum or how we could deal with it altogether.

3.9   METHODS FOLLOWED AND ADOPTED IN THIS STUDY.

3.9.1   FACE TO FACE INTERVIEW.

The face to face interview is normally conducted if need be Hysamen (1987 : 115) says that in personal interviews, the interviewer visits the respondents at home or at their work. The interviewer is restricted to the questions because their wording and order gives some pressure . It restricts respondents freedom to deviate from it . The face to face interview is much cheaper than the telephone , although the telephone interview is the most expensive but saves on time. The disadvantage of telephone interview is that it limits the interviewer in explaining the question in providing further details.

The writer intended to conduct the face to face interview since some of the questions were open ended questions. Esikawini is predominantly occupied by Zulu speaking dwellers, so the researcher was prepared to interpret questionnaires from English into the native language. This was to facilitate easier communication where the researcher would be satisfied, and the

interviewee or the respondent would also understand fully the questions clearly.

Fifty respondents were interviewed as the writer stated in the research sample and the purpose sampling was used in this study. The reason for this is that the respondents who met the expected purpose would be well known.

3.10 DELIMINATION OF THE STUDY.

Esikhawini is about 18 kilometres to the south of Richardsbay. The township was established in 1971 through the development of Richardsbay municipality. It is a suburb or township largely comprised of Black residents of the Richardsbay metropole. There are also Coloureds although Blacks are predominate. Its total population is about 80 000 dwellers . It is located about 12 kilometres south of Empangeni near the national or toll on the way to Durban. This area is approximately six hundred and fifty thousand hectres. The area is administered by a mayor and councillors. The mayor and councillors are responsible for solving problems and the smooth running of this area.

A recent census showed that the population is thirty thousand more than it was before which means that it is now one hundred and ten thousand with the inclusion of the surrounding reserve areas. It might have increased greatly over the subsequent years, had it not been for the faction fights or political instability or rivalry. At the time of the study the population was eighty thousand in the township alone and thirty thousand on the reserve side or surrounding.

Fifty respondents were interviewed as the writer stated in the research sample. The reason for this is that the respondents who met the expected purpose would be well known. Qualitive research technique was used also since the writer had observed the number of people in Esikhawini area. It happens that in the analysis the writer ended up interviewing neighbours or people from neighbouring places like Richardsbay as well as the surrounding reserve due to their regular visits to Esikhawini Township. The reason for this is because the writer conducted his research during the weekends and holiday visits, that is why the researcher took them as the respondents but the writer's focus is on Esikhawini area where he conducted the main research.

3.11 SOCIO ECONOMIC STRUCTURE.

The writer focused on the social structure of the population under the study which was divided into two categories : that is, low on the social structure and those who are in the middle. The middle class consists of ministers, members of parliament from provincial and national government, business people and the young generation who are fairly educated. On the other side there is a great number of gangsters from this population under study who have been removed from their original homes because there are so many reasonable or cheap dwelling places. This has brought about an increase in the crime rate, car hi-jackings and crime in general. More than 45 % of the total population is employed by Richards Bay industries like Richards Bay Minerals, The Indian Ocean, Smelter, Mondi etc. Agriculture is not a special sphere of Esikhawini population because this community manages to live without ploughing. Some of them live a westernized way of life. Besides, there is a little arable land in a largely dwelling township.

3.12 NEEDS AND PROBLEMS OF THE POPULATION.

People in Esikhawini have needs and problems like any other people living in other townships or communities. These include the need for employment as any other unemployed South African. Observation also shows that professional day care centres and counselling services for children are in dire need.

3.12.1 NEED OF EMPLOYMENT.

Almost 45% of the people from Esikhawini township are educated. Most of them are employed by the Richards Bay Industry. Feldman & Scherz (1968:29) states that the prevailant expectation in our culture is that the rational man will maintain himself and his dependants by means of his work. This must be accessed against an industrial society in which rapid mechanisation and automation have reduced the number of employment opportunities available to under educated individuals and those lacking in actual or potential skills for reasons that are either personal or originate in the labour market.

Ferdman and Scherz (1968:29) further go on to say that this expectation contributes to deep anxiety on the part of the man who has always been hardworking and selfsupporting, but who for a variety of reasons is now unable to find a place in a changing society, in the family which may be a fertile ground for divorce and other social problems.

3.12.2 NEED FOR DAY CARE CENTRES.

Some women have to take up employment because of social and economic reasons. This has created a need for day care centres because westernisation has affected the old traditional way of life, where support systems within the family played an important role as far as child caring is concerned.

Zuckerman (1983:03) explains this situation in his statement that an extended family has many natural and informal ways of filling gaps in parental care created by death, illness, absence and incapacity. A grandmother or aunt my take care for children when their mother has to work, with industrialisation and urbanisation. Many of these informal support systems have disappeared and have had to be replaced by more formal arrangements for day care centres, foster care and adoption.

Day care centres alleviate the problem of where to leave the children, although paying for them creates another problem since some of these mothers do not earn much.

3.12.3 NEED FOR COUNSELLING SERVICES FOR CHILDREN.

There is a need for counselling services for children in Esikhawini because of many problems that residents encounter. These include problems of juvenile delinquency, deviant behaviour and school drop outs. Van Wyk (1987:841) says that counselling services for children are characterized by a search for solutions to the multitude of problems they meet in their life. These problems become increasingly complex as the structure of society and the physical environment change rapidly. He goes on to explain that these changes have brought about a large diversity in the views currently held concerning the world and life in general. Parents hold conflicting opinions on the relevant norms of the upbringing of their children. Parents can no longer be sure that the upbringing they give to their children will be adequate for the changing circumstances in which they live. Deviance and juvenile delinquency are increasing at a disturbing rate.

According to the current statistics or news release which is expected in our country's divorce rate is an indication of the quality of our family life. Statistics from the Durban high court was confirmed by the clerk of the court who showed that twenty one thousand five hundred and ninety three divorces (21,593) were granted in South African courts recently

3.12.4 Kwazulu Natal statistics for divorce from 1999 to 2002 are as follows :

DURBAN

Cases reported	=	3,453
Divorces granted	=	2,038

PIETERMARITZBURG

Cases reported	=	389
Divorces granted	=	200

EMPANGENI

Cases reported		335
Divorces granted	=	196

ESHOWE

Cases reported	=	48
Divorces granted	=	30

VRYHEID

Cases reported	=	173
Divorces granted	=	95

NEWCASTLE

Cases reported	=	476
Divorces granted	=	223

TOTAL NUMBER OF CASES REPORTED IN KWAZULU NATAL

4,874

TOTAL NUMBER OF DIVORCES GRANTED IN KWAZULU NATAL

2,782

Sometimes the problem of deviance and juvenile delinquency is complicated by the fact that children are affected and have no say in family matters, because according to traditional

culture,51 family matters are the concern of the elders.

3.13 SERVICES AVAILABLE TO MEET THE NEEDS AND PROBLEMS.

As it has been stated the population under study has needs and problems. There are some services available in this community or township which meets some of these needs and problems. These will be discussed below:

3.13.1 SERVICES OFFERED BY WELFARE AGENCIES.

There is a welfare agency under the Kwazulu Department of Welfare and pensions which renders welfare services to Esikhawini residents. This welfare agency has four field workers, one clinic social worker and a supervisor. It works in close co-operation with Ongoye Magistrate court which is under the Department of Justice. A childrens court exists which deals with adoptions, protected infants, juvenile delinquents and other child related cases.

The dissolution of customary union cases and the hearing of divorce cases are the responsibilities of the Ongoye magistrate court. All the divorce cases are finalized by the Eshowe Magistrate Court. The Ongoye Magistrate court known as Esikhawini court presently deals with the dissolution of customary union cases only. Social workers provide the Eshowe Divorce court with the background information or reports especially where there are children involved.

Other resources available are old age homes which care for the aged who have no one to look after them in their original chronically homes. A sick home for children who are chronically sick and in need of care, besides training centre for the mentally ill and cripple care for the physically handicapped is desperately required.

3.14 SUMMARY AND CONCLUSION.

The population under study is caught between the traditional and the modern standard of living because of social changes resulting in urbanisation and industrialisation. This area or community is served by counsellors through a ward system which is controlled by Richards Bay

Municipality or Metropolitan Authority, in the solution of their problems and the general administration of their affairs. At the same time urbanisation and industrialisation are playing an important and key role in their lives. Women are no longer bound by traditional sanctions to stay at home and plough the fields, look after the children and the old. Places of care are needed to cater for the children and the old during the day whilst men largely are at work and this needs money.

The majority of the population under study is educated, but there is a problem of unemployment. Unemployment leads to stress and anxiety on each family and automatically this leads to divorce and other social problems.

In the next chapter the writer will present the analysis of data which was obtained through data collection for purposes of this study.

CHAPTER FOUR

ANALYSIS AND INTERPRETATION OF RESEARCH FINDINGS.

4.1 INTRODUCTION.

In this chapter the writer presents, analyses and interprets data which was collected. The focus is on the effects of divorce in a South African Community with specific reference to Esikhawini area in Kwazulu Natal.

4.2 PROCEDURE FOLLOWED IN THE PRESENTATION OF DATA.

This chapter shall be focussing on the analysis and the interpretation of data that was collected from the fifty respondents of Esikhawini Area in Empangeni. Tables were used for presenting research findings. Procedure followed in the presentation is such that the data is categorized according to a systematic order, so that a clear picture of the responses is presented. The data obtained from the sample was arranged and presented in table form and converted into percentages for each of the items being analysed. The writer ended up with a sample of fifty respondents. Percentages were used for further interpretation with the aid of the following statistical formula :

$$\% = \frac{a \times 100}{N} \qquad \text{(Descriptive statistics)}$$

The number of respondents was fifty therefore the "N" value is fifty.

4.3 CHARACTERISTICS OF THE RESPONDENTS.

The study concentrated on the personal characteristics of the respondents in order to have a profile of the divorced people in the area of study. It has been mentioned that some broken or unhappy marriages could be saved from divorce by eliminating the source of unhappiness. In certain cases the cause of dissatisfaction or resentment can not be altered, but the resulting unhappiness could be eliminated (Goldi, 1971:44). It has been mentioned that where communication between the spouses is broken down, sexual difficulties and lack of adjustment which often give rise to problems apparently unconnected with sex, sulking, quarrels, excessive drinking or even assault, could often be solved and thereby many causes of divorce would disappear.

The study is vast and complicated and therefore it is not possible to deal with its outcomes in detail. Perhaps sufficient indication has been made to indicate certain causes of unhappiness in marriages which often result in divorce, which are capable and susceptible to treatment (Goldi, 1971:50).

4.4 DISTRIBUTION OF RESPONDENTS ACCORDING TO SEX.

The question was asked in order to establish the sex distribution of the respondents since the writer was interested in obtaining views from both sexes. Information in this regard is contained in graph 4.3 below:

GRAPH 4.1 : GENDER OF RESPONDENTS
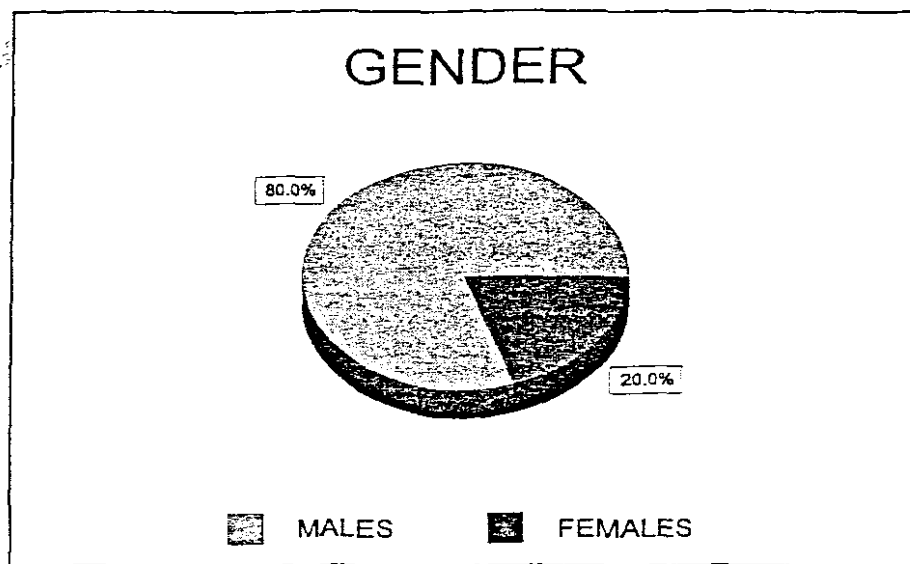
The above graph 4.1 shows that 80 percentage (80%) of the respondents were females while 20 percentage (20%) were males. Both sexes represented in the study, although females were the majority because they showed to be the most affected group.

4.5 DISTRIBUTION OF RESPONDENTS ACCORDING TO AGE CATEGORY

The writer asked this question in order to establish if there was a particular age at which divorce was prevalent among the community group being studied. Table 4.1 gives the responses to this question.

TABLE 4.1 : AGE OF RESPONDENTS

Age of Respondents	Number	Percentage
16-20	5	10%
21-32	7	14%
33-38	8	15%
39-44	27	54%
45-50	13	7%
51 and over	-	-
Total	**50**	**100%**

Table 4.1 above reflects the majority of the respondents, that is 54% (27) were in the 39 to 44 age category at the time of the study. 14 percent (7) were aged from 21 to 32 years while 15% (8) were in the 33 to 38 age category, none were in the 51 and over.

The fact is that couples in Esikhawini Township divorce at an early age if confirmed by the statistics at the Esikhawini Magistrate's Office. According to these statistics the average age at which people in Esikhawini area divorce was 39 to 40 years. The finding suggest a much younger age than that indicated by Carter and Glick (1979) as well as Glick and Northon (in Harlem, 1990:02) referred to in Chapter Two, when they stated that the divorce rate among individuals over 45 and in the middle class populations is increasing.

4.6   EDUCATIONAL LEVEL OF RESPONDENTS

The researcher considered the educational standard of the respondents in order to establish if there was any relationship between the education level of the respondents and divorce. Table 2 below reflects the educational standards of the respondents.

TABLE 4.2 : EDUCATIONAL LEVEL OF THE RESPONDENTS

Educational Level	Number	Percentage
Not educated	0	0%
Grade 0 - 12	5	10%
Technical	15	35%
Technikon	20	40%
College	4	9%
University	6	6%
Total	**50**	**100%**

Table 4.2 above reveals that respondents had different educational levels. 20 (40%) were in the Technikon category, 15 (35%) of the respondents studied up to as far as the Technical category, 5 (10%) of the respondents attained between grade 0 to 12 and 6 (6%) of the respondents furthered their education up to University level. The above findings reveal that most of the respondents have received formal education and their general academic achievement is very high. This tallies with the writers assumption that divorce occurs more to people from the lower to higher socio-economic group in Esikhawini Area.

4.7 MARITAL STATUS

GRAPH 4.2 : MARITAL STATUS OF RESPONDENTS
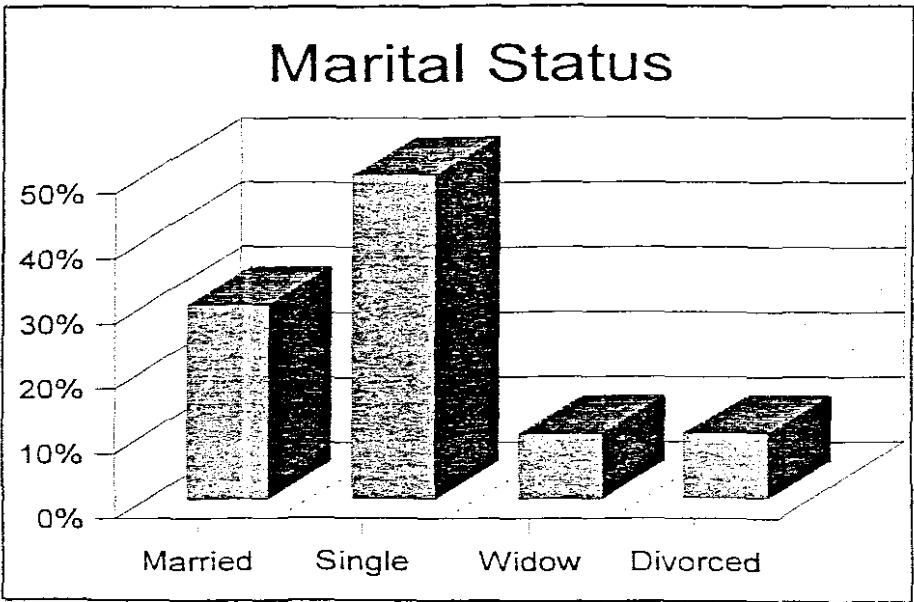
The writer considered the marital status of the respondents in order to establish the sample of the respondents interviewed.

The graph 4.2 highlights that 30 (30%) of the respondents interviewed were married, 25 (50%) of the respondents were single, 10 (10%) of the respondents were widowed and another 10 (10%) of the respondents were divorced.

The researcher asked the question in order to determine the marital status of the respondents.

4.8   THE RESPONDENTS ETHNIC GROUP.

The writer asked this question in order to establish the ethnic group of the respondents as he mentioned in the research design that various ethnic groups were selected according to their availability. The researcher considered the availability of the respondents or ethnic groups staying in the township.

GRAPH 4.3 : RESPONDENTS ETHNIC GROUP
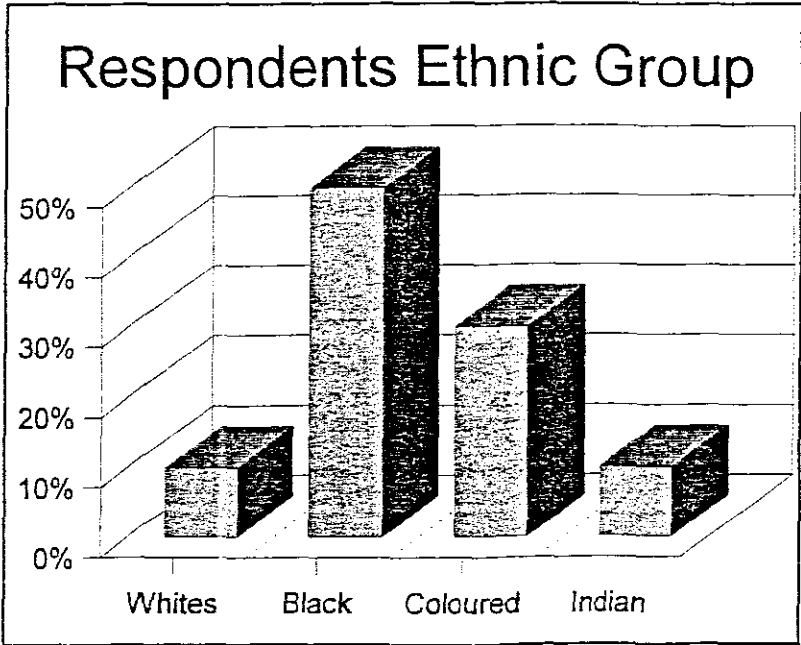
Graph 4.3 highlights that 5 (10%) of the respondents interviewed were White, 25 (50%) of the respondents were Black, 15 (30%) of the respondents were Coloureds and another 5 (10%) of the respondents were Indians in Esikhawini.

4.9   TYPE OF MARRIAGES.

The writer asked this question in order to establish if there was a particular type of marriage in which divorce was prevalent among the community group being studied. Table 3 gives the responses to this question.

TABLE 4.3 : TYPES OF MARRIAGES

Variable	Respondents	Percentage
Christian Rights	18	36%
Civil Rights	2	2%
Customary Union	15	31%
Traditional Marriage	15	31%
TOTAL	50	100%

The above table 4.3 shows that 31% (15) of the respondents were married according to Customary union, 31% (15) of the respondents were married according to traditional marriage because they highlighted their own cultural beliefs and norms. 32% (18) were married under Christian Rights and there were 2% (2) who were married by civil rights.

The statistics obtained at the Esikhawini Magistrate's Office support the above finding that the majority of the population of Esikhawini contracted their marriage according to both Customary and Traditional union. This variable is not related to their educational standards as they are from a higher socio-economic group and their general academic achievement is high as shown in table 2.

4.10   DIFFERENT TYPES OF MARRIAGE SYSTEMS.

GRAPH 4.4 : TYPES OF MARRIAGE SYSTEMS
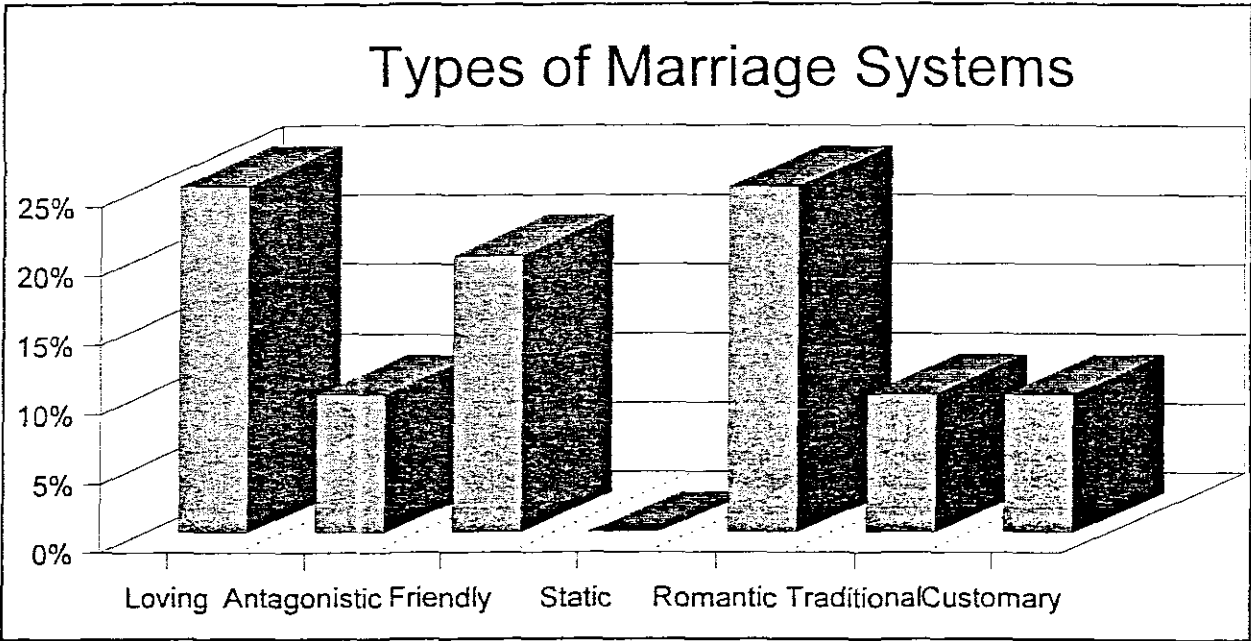
Graph 4.4.11 indicates the awareness of different types of marriage systems people are familiar with. 25% of the respondents indicated that they are familiar with loving marriage, 20% were familiar or aware of the friendly marriage system, 25% of the respondents showed to be familiar to the romantic marriage, and 10% of the respondents indicated to be familiar to traditional marriage and 10% showed to familiar or aware of the customary system. 10% of the respondents showed to be familiar to the Antagonistic marriage and 0% on the part of Static marriage.

4.11   DURATION OF MARRIAGE.

The writer asked this question in order to find out if there was a specific period in which divorce was prevalent among the community being studied.

GRAPH 4.5 : DURATION OF MARRIAGE OF RESPONDENTS
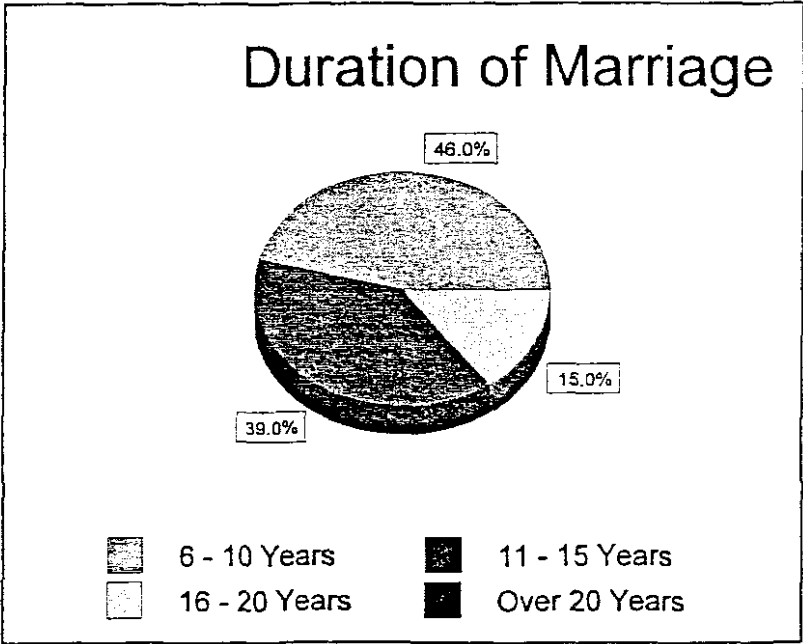
Graph 4.5 succinctly shows that 46% of the respondents were married for 6-10 years at the time of the divorce, 39% had been married for 11 to 15 years and 15% were married for 16 to 20 years. None were married for 20 years and over.

The findings show that there is a relationship between the duration of marriage of the respondents at the time of divorce and their age. The majority of this population was divorced at an early age as shown in table 1 and they divorced after a short duration of marriage. This indicates a shift from the traditional view that marriage is immutable.

4.12   RESIDENCE AFTER MARRIAGE.

The writer considered the residences of the respondents after marriage with the purpose of establishing if there was any relationship between the place of residents after marriage and the divorce rate. Table 4.4.12 shows us the residences of the respondents after marriage.

TABLE 4.4 : RESIDENCE AFTER MARRIAGE

Residence	Number	Percentage
With Paternal Family	15	31%
With Maternal Family	5	8%
Alone or Husband and Wife	30	61%
Other arrangements	0	0%
Total	50	100%

The above Table 4.4 shows that the majority of the respondents, that is 61% (30) stayed alone as man and wife after marriage, 31% (15) stayed with the paternal family, 8% (5) stayed with the maternal family.

The finding is consistent with the writers assumption which stated that divorce occurs to couples staying with extended family members, more than to couples staying alone instead the information given by the majority of the respondents which shows a shift towards clear families which is a western style of life.

4.13   CAUSE OF DIVORCE.

The writer asked this question in order to discover the cause of divorce among the population under study. Information in this regard is contained in the Table 4.5.

TABLE 4.5 : CAUSE OF DIVORCE OF RESPONDENTS

Variable	Respondent	Percentage
Brutality	8	15%
Adultery	8	15%
Bareness	4	8%
Migratory Labour System	15	31%
Women being self dependent	15	31%
Total	50	100%

The above table 4.5 indicates that the majority of the respondents, 31% (15) sought for divorce because of desertion, therefore the writer categorized migratory labour system and women being self dependent together respectively. 15% (8) gave the reason for their divorce as brutality and adultery, respectively. The remaining 8% (4) divorced because of bareness or childlessness.

The information on the records at the Esikhawini Welfare agency coincides with the above findings. The majority of women divorcees in the agency mentioned desertion due to failure by their husbands to return home and maintain their families. The above information is consistent with the Schapera's (1953:367) view quoted in chapter two that there is an increasing tendency for men to stay longer in their places of employment and in many cases as the growth of urban population shows that they never return at all. The consequences of this problem is that the marriage comes to an end.

4.14   DIVORCE AFFECTION BY INDIVIDUALS OR PARTNERS.

This question was asked because the writer wanted to know whether the divorcing couples ever experienced or were affected in terms of the following:

TABLE 4.6 : DIVORCE AFFECTION BY INDIVIDUALS OR PARTNERS OF RESPONDENTS

Variable	Respondent	Percentage
Physical	8	15%
Psychological	8	15%
Social	4	8%
Economical	15	31%
Education	15	31%
Total	50	100%

Table 4.6 indicates that the majority of the respondents, 31% (15) were affected socially because of divorce, 15% (8) gave the reason for their divorce as affected physically and psychologically respectively. The remaining 8% (4) and 31% (15) were affected economically and educationally.

4.15   IS DIVORCE NECESSARY

GRAPH 4.6 : DIFFERENT OPINIONS OF DIVORCE ACTION BY RESPONDENTS
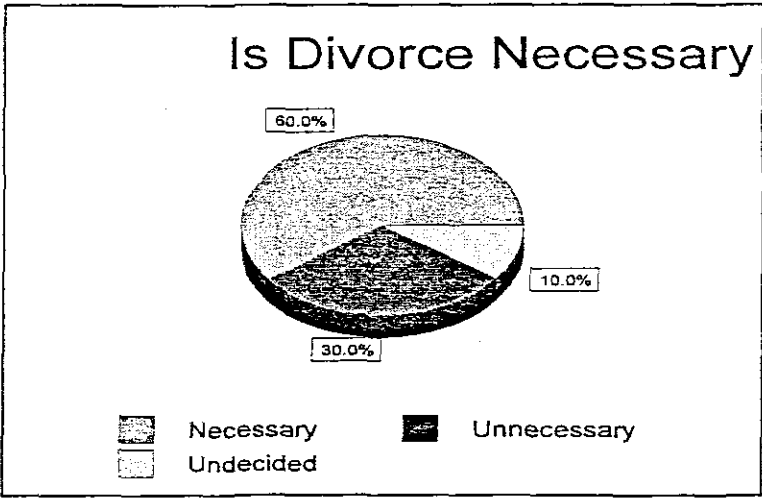
Graph 4.6 shows that 60% of the respondents have seen divorce as a necessary action to be taken if there is a misunderstanding between the individuals or the couple. 30% have seen it to be an unnecessary action because there are services available to be utilized by the couple before the actual divorce for example : Social Workers, Ministers of Religion, counsellors as well as other services, 10% of the respondents seemed to be undecided about the situation.

4.16   PROFESSIONS AFFECTED MOST BY DIVORCE.

GRAPH 4.7 : PROFESSIONS AFFECTED BY DIVORCE
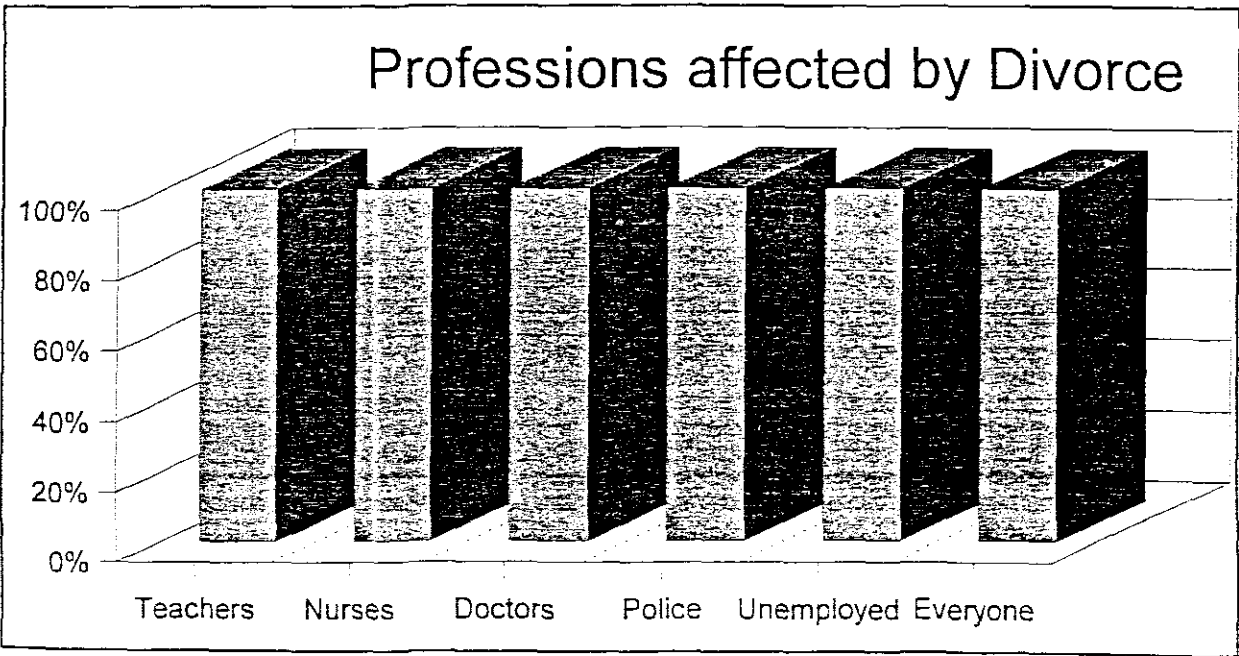
Graph 4.7 explains that 100 (100%) of the respondents unanimously agreed or were of the view that divorce could affect everyone in general irrespective of the profession or status.

4.17 DISCUSSION OF DIVORCE BY COUPLES.

This question was asked because the writer wanted to know whether the divorcing couples ever discussed the divorce before its actual happening. The table below shows their responses.

TABLE 4.7 : DISCUSSION OF DIVORCE BY COUPLES

Variable	Respondents	Percentage
Yes	8	15%
No	42	85%
Total	50	100%

The table 4.7 indicates that the majority of the respondents that is 85% (42) did not discuss divorce, 15% (8) of the respondents did discuss it.

The above information is inconsistent with the view expressed by Felder (1971:202) and Halem (1983:33) which highlights the importance of negotiations between the divorcing parties, either directly, through a mediator or a lawyer so as to minimize controversy and to work out an agreement. This helps to solve the unnecessary problems. There seems to be no communication among the majority of the divorcing couples in the population under study.

4.18 INFORMING CHILDREN ABOUT IMPENDING DIVORCE.

The researcher asked this question in order to determine whether or not children were informed about the impending divorce. Information in this regard is contained in the chart below:

GRAPH 4.8 : INFORMING CHILDREN ABOUT THE IMPENDING DIVORCE
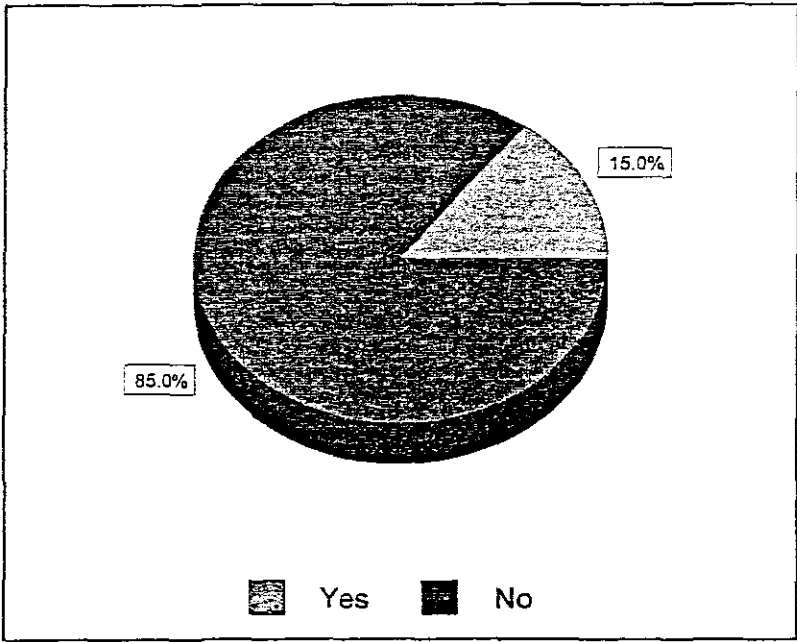
Graph 4.14 indicates that 85% (11) of the respondents did not discuss divorce with their children, and 15% (2) did discuss divorce with them. Once more, the findings of this study do not tally, give or reflect the same results or conclusions with the views expressed in the literature. For example it was mentioned in chapter two that divorcing parties should discuss divorce between themselves before it actually takes place and this would help them and their children to cope more effectively with the crises of divorce. This is a view that is held by experts on the subject.

The writer did mention in chapter three, however, that the traditional cultural point of view on family matters was the concerns of the elders alone according to most South African cultures. As a result children had no say in such matters.

The above finding supports the assumption made by the writer that in the majority of divorce cases in the community under study, children were not informed of the impending divorce.

4.19   SERVICES UTILIZED BEFORE THE DIVORCE.

This question was asked because the writer wanted to establish if there was any help sought by the respondents prior to the divorce.

TABLE 4.8 : SERVICES UTILIZED BEFORE THE DIVORCE OF RESPONDENTS

Variable	Respondents	Percentage
Social Workers	19	39%
Minister of Religion	8	15%
Councillors	23	46%
Other Specify	0	0%
Total	13	100%

Table 4.8 reflects that 46% (23) of the respondents sought help from councillors, 39% (19) from the social workers, 15% (8) from Ministers of Religion and there were none in the other category. The findings of the study reveal that the majority of the respondents first reported and sought help from the counselling services and then they were referred to the social workers by their counsellors.

This referral from counselling to social workers could be attributed to the changes that the writer posed in either chapters from a traditional to a western way of life.

The responses of all the respondents interviewed further demonstrated a shift from the involvement of the culture and traditional way of living in the resolution of marital disputes. The category of other sources which was specified in the interview scheduled was not used. This indicates behaviour that is contrary to what is mentioned by Krige (1985:156-157) quoted in chapter two, that if a wife was ill-treated by her husband, she could go and appeal to her father who could then settle the dispute or retain the dowry.

4.20   PAYMENT OF LEGAL COST.

The researcher asked this question in order to establish if the respondents paid for the legal expenses out of their own resources or with the help from Legal Aid. The Table below shows their responses:

TABLE 4.9 : PAYMENT OF LEGAL COSTS OF RESPONDENTS

Variable	Respondents	Percentage
Own Resource Legal Aid	34 16	69% 31%
Total	**50**	**100%**

Table number 4.9 revealed that the majority of the respondents, that is, 69% (34) paid the legal cost out of their own resources, while 31% (16) with the help from Legal Aid.

4.21   CUSTODY OF CHILDREN.

The question was posed to determine who was awarded custody of the children after divorce.

CHART 4.9 : CUSTODY OF CHILDREN OF RESPONDENTS

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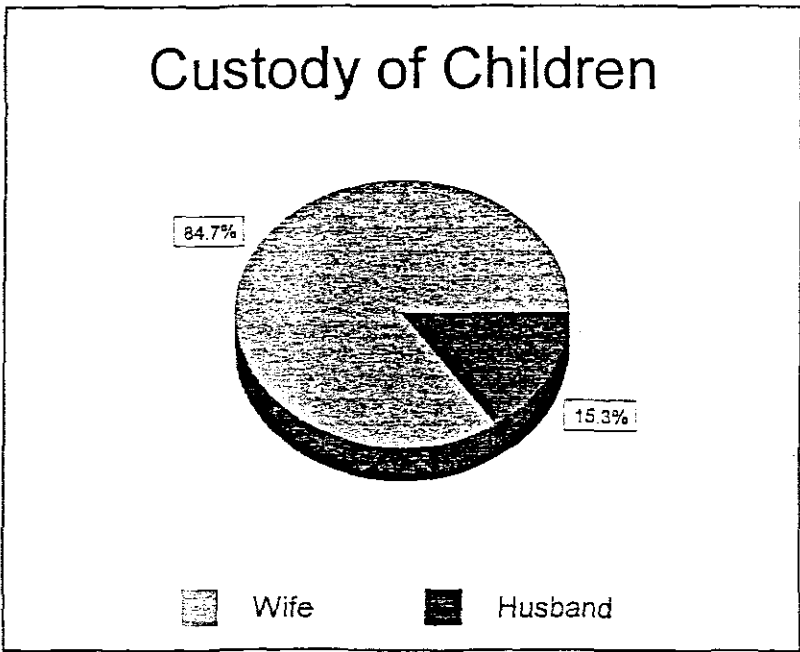
Chart 4.9 indicates that in the majority of cases that is, 83% (11) custody of children was granted to the wife. It was in only 15% (2) of the cases that custody was granted to the husband. The wife is always regarded as the one who has more responsibilities of looking after children, especially in terms of caring, loving and teaching or guiding them. She is always there for them in bad or good times.

This finding is in line with the view expressed by Carter and Glick (in Halem 1980:02) and Glick and Norton quoted in chapter two that, since the mid-nineteenth century, women represented the majority of divorce petitions and by the twentieth century they became the guardian of choice with custody awards being granted to them in 90-95% of the suits.

4.22   VISITATION ARRANGEMENTS.

This question was asked to know whether visitation arrangements were made for the parent who was not awarded custody of the children. Table 4.10 shows the responses.

GRAPH 4.10 : VISITATION ARRANGEMENTS OF RESPONDENTS

Visitation Arrangements

15.0%

85.0%

Yes   No
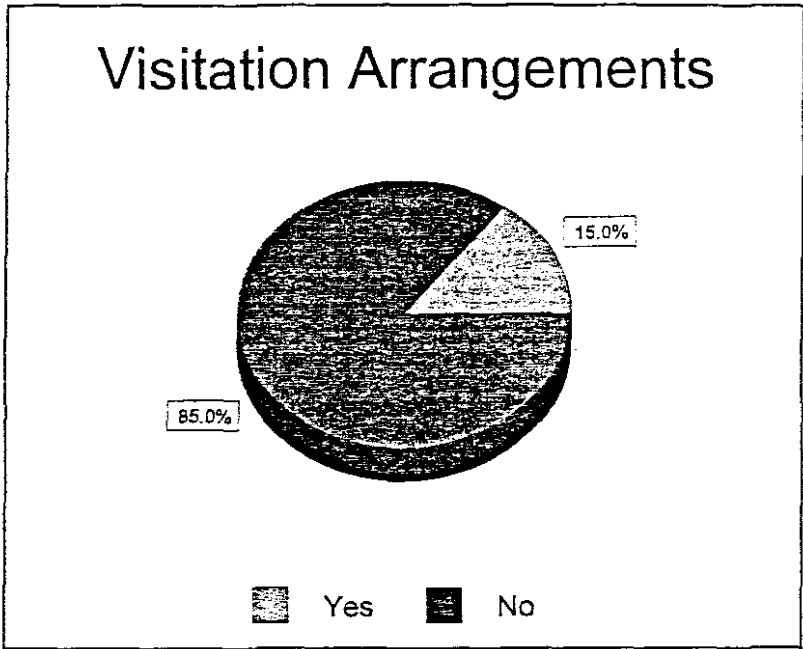
Chart 4.10 indicates that in the majority of cases, that is, 85% of the respondents, no visitation arrangements were made by the divorcing couple. It was only in the fifteen percent of cases that such arrangements were made.

This finding is contrary to the provisions mentioned by Foster (in Hodges 1986:150) quoted in chapter, two, that a parent not granted custody is entitled to reasonable visitation rights unless the court finds,

after a hearing that visitations would endanger the child's physical health or significantly impair his/her emotional development.

4.23   THE ROLE OF GOVERNMENT IN DIVORCE.

This question was asked to assess the respondents views if they have ever been a victim of Divorce.

GRAPH 4.11 : ROLE OF GOVERNMENT IN DIVORCE

Role of Government in Divorce

60.0%   10.0%   30.0%

As victim direct   As victim indirect   No contact at all
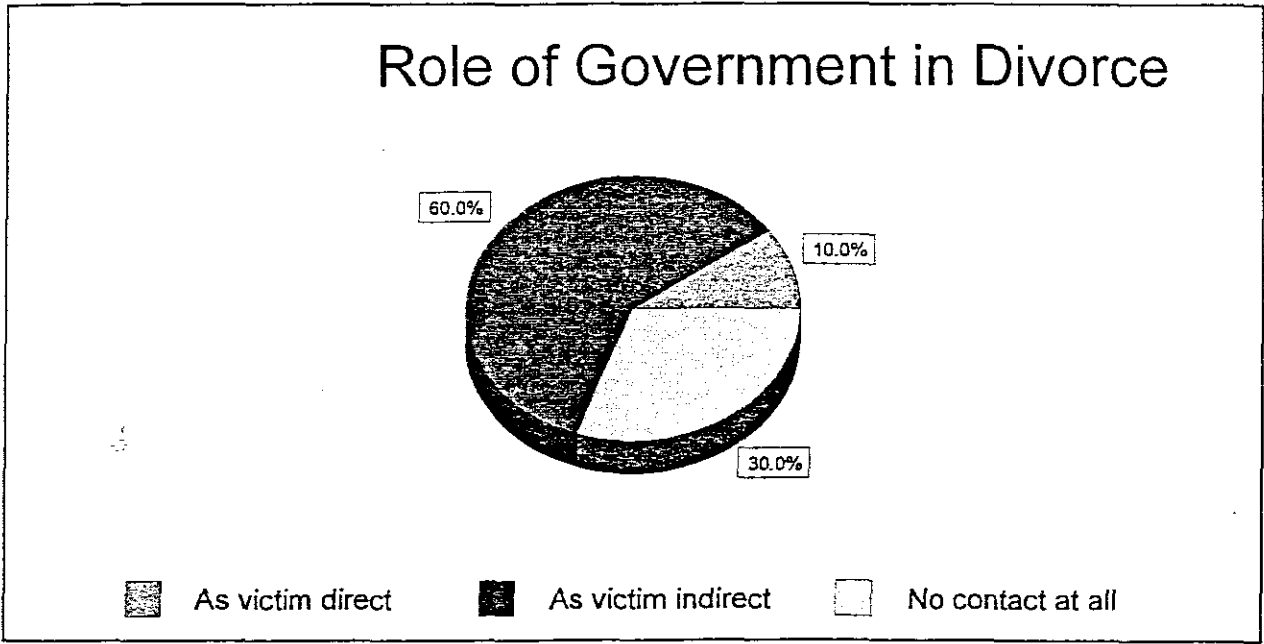
Chart 4.11 succinctly shows that 10 (10%) of the respondents have been the victims direct of divorce, 60 (60%) of the respondents have been the victims indirect of divorce and 30 (30%) have no contact at all with divorce. So this shows that almost 10% of the respondents at Esikhawini has experienced this issue of divorce and something was done by the Government to support direct victims of divorce through welfare and pension departments.

4.24   DOES DIVORCE LEAD TO AN UNBECOMING BEHAVIOUR?.

Results in 4.23 show or indicate that the research on such behaviour involves many variables. Sometimes a person may not live a normal life due to the fact that he or she is affected by the divorce. Abandoned children may end up being street kids, prostitutes, car high jackers, lesbians, robbers and house breakers.

4.25 FUTURE OPINIONS TO DISCOURAGE DIVORCE IN SOUTH AFRICAN. COMMUNITY

The results revealed that the respondents had different opinions with regard to this question. The majority of the respondents revealed that couples must be encouraged to know and understand each other before they get into a marriage. It was observed that they had to be faithful to each other and respect for each other must be encouraged. They must not keep secrets from each other. The concerned parties must be informed of the consequences.

Family ties and interaction must be strengthened. Couples must be able to tolerate any short comings one might have. People should know and understand each other before they get married. The respondents also revealed that people should enter into marriage on a basis of equality. Men should be taught, it is not alright to beat their wives. Counselling before marriage would help and also not allow people to be married at an early age. It requires a few years of knowing each other well before getting married.

Organizing marriage workshops, marriage organizations should be established. Ministers of religion should be involved and there should be visitations for couples. The respondents also revealed that traditional marriages should be discouraged, as well as polygamy must be abolished. Like in the Roman Catholic church, people who want to get married must have a thorough training of at least three months before they get married.

4.26 WILLINGNESS TO HELP DIVORCE VICTIMS.
FIGURE 4.12 : WILLINGNESS TO HELP DIVORCE VICTIMS

100.0%

Yes   No
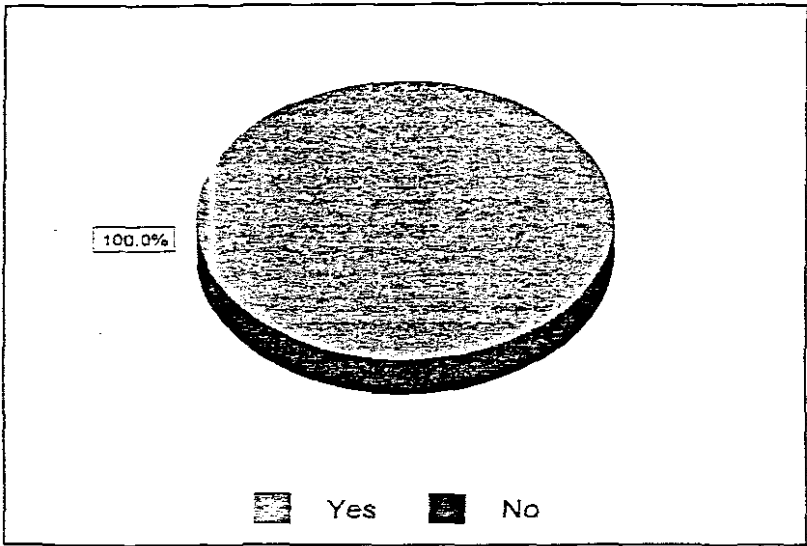
Chart 4.12 reveals that 100% of the respondents unanimously agreed that they are willing to help divorce victims.

4.27 DOES DIVORCE TAKE AWAY DIGNITY FROM HUSBAND AND WIFE?

CHART 4.13 : OPINIONS OF RESPONDENTS
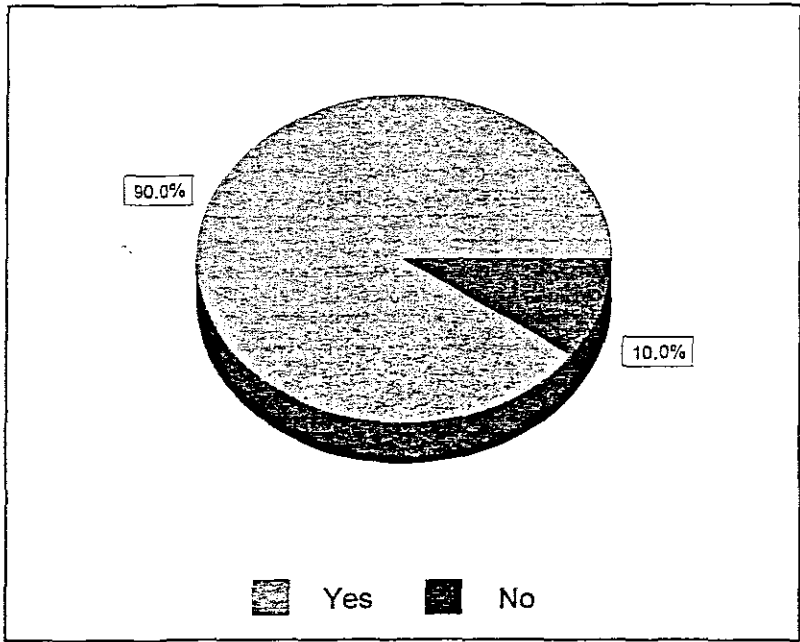
Chart 4.13 reveals that 90% of the respondents agreed that divorce takes away the dignity from the husband and wife, because people look at them as failures, and 10% of the respondents say no, divorce does not take away the dignity from husband and wife, it depends on the situation.

4.28 SUGGESTIONS ON DIVORCE EFFECTS.

The research results reveal that children find themselves in the middle, disrupted and consternated as they are involved. Children are victims in that, they have no control over decisions that are made which will have a great impact on their lives.

Divorce is the dissolution of their world, therefore when they are told they need to know what this unknown terror is actually going to look like, since they always want to experience. Parents too, they usually become obsessed with thoughts about the spouse and the broken marriage. Too often, they feel out of control, victims of intense emotion previously unknown to them and the worse part is when one is

overwhelmed with feelings of failure, inadequacy, poor self esteem and the feeling of "not belonging" anywhere.

4.29 GENERAL OPINIONS FROM THE RESPONDENTS

The research result reveal that children of divorce show higher incidents of emotional, behavioural and educational difficulties. The common short term reactions shown by children affected by divorce include a sense of insecurity, a drop out in academic performance, minor stealing, truancy, disciplinary problems, rebellious behaviour, withdrawing socially, mixing with bad crowd, regressive and attention seeking behaviour.

A high proportion of delinquent children come from broken homes. Divorce is thus always accompanied by a period of uncertainty, insecurity and disorientation for all family members.

4.30 DOES DIVORCE AFFECT THE FOLLOWING PEOPLE?

GRAPH 4.14 : AFFECTION OF RESPONDENTS
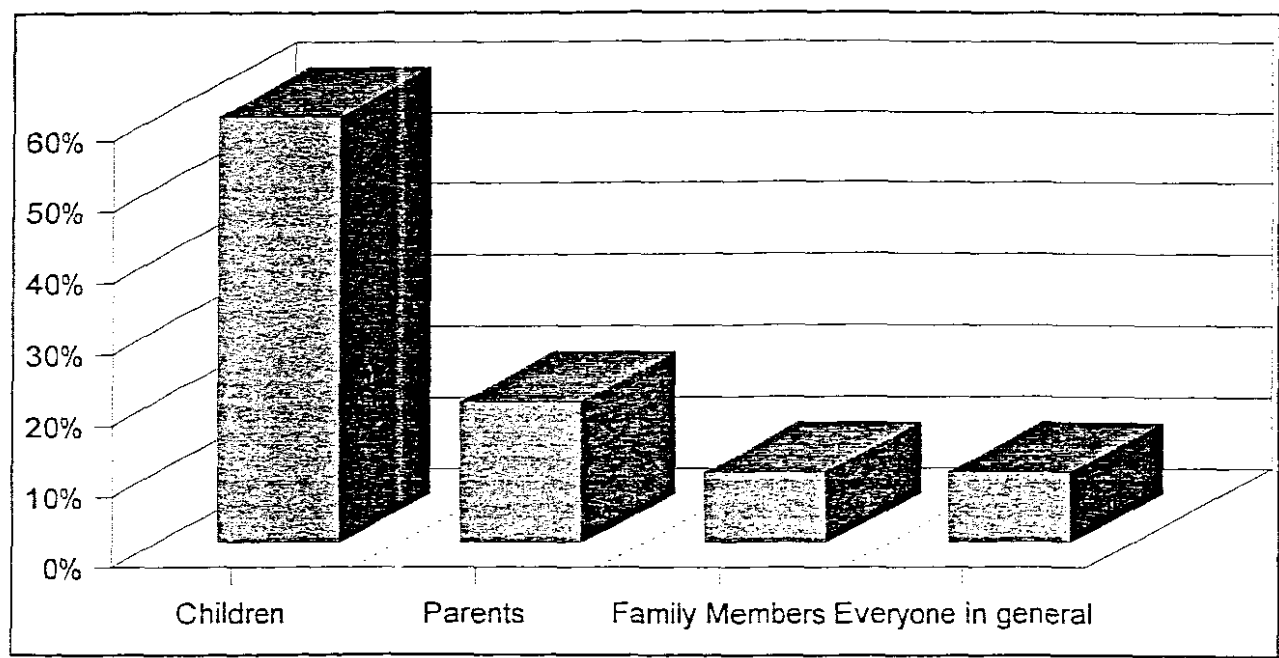
Graph 4.14 indicates that all these people form part of the family structure and everyone is affected directly or indirectly but children are the most affected people. They suffer and end up blaming one of the parents and ultimately their life changes. 60% of the respondents said that children are the most affected because they lack the joy of having both parents and their lives are disrupted. 20% of the respondents felt that parents are the source because they take decisions, 10% revealed that there is hatred

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among them and lastly 10% of the respondents revealed that everyone in general is affected because they lose trust in both parents.

There are numerous things that have been mentioned in this study which are negative but the focus of this research has been on the positive effects which seem to be outweighed by the negative given impact with the ordinary men, women as well as children. One point that should be buried in the mind is that good effects of marriage could not be accumulated in a day. The research stated that further research be carried out using a larger sample of respondents to investigate more about divorce impact on humanity.

This is mentioned in the light of the fact that there are many problems that come with the divorce act, so these problems cannot be solved unilaterally by couples themselves (men and women) and nevertheless, it needs solidarity among the various parties of councelling, welfare agencies and all other concerned government institutions.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS.

5.1   INTRODUCTION.

In this chapter, a summary of findings, recommendations and conclusions will be presented.

Divorce signals or effects causes major life changes and involves social, psychological and economic implications. Children are frequently involved and are seen as the innocent victims of divorce (Burger, 1986).

5.2   FINDINGS OF THE STUDY

The findings of the study reveal that the majority of the respondents succinctly shows that the couples in Esikhawini divorce at an early age. This is even confirmed by the statistics at the Esikhawini Magistrate's office in 2002. According to the statistics, the average age at which people in Esikhawini divorced was 39 to 44 years. This finding suggests a much younger age than that was confirmed by Carter and Glick (in Harlem, 1980:02).

Since this study concentrated on divorce, it is indeed clear that it's results had more impact on both children as well as the parents. The majority of the respondents revealed that children are victimized by their parents decision as a result the state of confusion emanates.

Children find themselves in the middle by not knowing exactly who to blame between the father and the mother because they don't know exactly who was wrong and who was right. They are just in the middle and don't have the state of identity without both parents as a result they develop emotional conflict, financial deprivation which leads to social disorganization, desertion and juvenile delinquency. This leads to low educational achievements as well.

It is assumed that the Government has therapy on this problem because financial support is there from Welfare and Pension Department or Welfare Agency, divorce therapy programmes for divorced parents, maintenance offices for the abandoned mothers, councelling services available for children of divorced families.

The Research findings also indicate that the majority of the respondents, that is 90% obtained

their education up to tertiary level. This finding confirmed that most of the respondents have received formal education and their general academic achievement at a very high rate. This tallies with the writers assumption that divorce occurs from lower to higher socio-economic group in Esikhawini Area.

62% of the respondents were married by customary and traditional union. This is in line with the statistics obtained at the Esikhawini Magistrate's Office, which indicates that the majority of this population contracted their marriages according to customary and traditional union.

The majority of the respondents, that is 61% were married for ten years and less, which indicated that contrary to the traditional belief and expectation about the permanence of marriage, residence of Esikhawini divorced early in the marriage. This indicates a shift from the traditional view that marriage is immutable.

61% of the respondents stayed alone as husband and wife and this finding is contradictory to the writers assumption that divorce occurs to couples staying with the members of the extended family more than couples staying alone. Instead, the information given by the majority of the respondents shows a shift towards clear families which is a western style of life.

42%, of divorce was due to desertion as a result of migratory labour. This is consistent with Schapera's (1953:368) view as quoted in chapter two that there is an increasing tendency for men to stay longer in their places of employment and many cases as the growth of urban population shows, they never return at all. The consequences of this problem is that the marriage comes to an end.

It has been discovered that 85% of the respondents did not discuss divorce as couples. The above information is inconsistent with the view expressed by Felder (1971:202) and (Harlem 1983:33) which highlights the importance of negotiations between the divorcing parties, either directly through a mediator or a lawyer so as to minimize controversy and to work out an agreement.

The majority of the respondents, that is 46% utilized the services like counselling in their efforts to resolve their problems. This finding reveals that the majority of the respondents first reported and sought help at the counselling services and how they were referred to the social workers by

their counsellors.

It has been observed that 85% of the respondents did not communicate with the children about the impending divorce. This is in line with traditional culture withing the region which rules that discussion of family matters is the concern of adults alone and not children.

The majority of the respondents, that is , 69% paid the legal cost out of their own resources.

In 85% of the cases wives were granted custody of the children. This tallies with the view expressed by Carter and Glick (in Harlem 1980:02) and Glick and Northon as quoted in chapter two, that since the mid nineteenth century women represented the majority of divorce petitioners. This went on up to the twentieth century because they were the guardians of choice with custody awards which were granted to them, in ninety to ninety five percent of the suits.

The writer further observed in this study that in 85% of the cases, no visitation arrangements were made. This finding supports the assumption made by the writer that no visitation arrangements were made in the community under study. This finding is contrary to the provisions mentioned by Foster (in Hodges 1986:150) quoted in chapter two that a parent not granted custody is entitled to a reasonable visitation rights, unless the court finds, after a hearing that visitation would endanger the child's physical health or significantly impair his or her emotional development.

5.3   RECOMMENDATIONS.

What seems to be essential to recommend for this study is that since social workers have been found to be people contacted for help, other than the legal authorities, it is recommended that they educate this population and teach residents about other available resources. This input could be utilized in dealing with marital problems, resources like the Legal Aid Board.

When one thinks of divorce, what comes to mind is the issue that children are not informed about the impending divorce, they therefore would benefit if counselling services could be made available for children of divorced families in order for them to cope more effectively with the strains of divorce.

Secondly counselling services for the divorcing parties should be conducted in order to help the

divorcing parties deal with the issue of divorce in a meaningful and constructive manner.

Thirdly, Agencies like the Esikhawini Welfare should extend their services to the victims directly, educate them about the services available before, during and after divorce. This would minimize different feelings experienced by the divorcing parties.

People from the Esikhawini area should be helped to improve their communication skills, through lectures and workshops which should be conducted by social workers.

In deciding upon appropriate measures by which to reduce the rate of divorce, a variety of relevant factors have to be born in mind.

It is also recommended that more research on the subject of divorce be conducted in the future to keep the statistics updated.

5.4   CONCLUSIONS.

The Esikhawini Welfare Agency deals with different cases in the Esikawini Area of Empangeni. This study has explained and described divorce in as far as it affects lower and higher socio-economic residents of the area mentioned. Two of the writer's assumptions have been confirmed by the findings of the study and one negated. The assumption that has been negated is the assumption that divorce occurs more to couples staying with the extended family than to couples staying alone. The findings of this study reflect the opposite.

The findings of the study have also confirmed that this population lives the modern style of life.

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INTERVIEW SCHEDULE

INSTRUCTIONS : Kindly complete the questionnaire by ticking ✓
the appropriate column or fully answering the question in written form

SECTION A : BIOGRAPHICAL DATA

1. Particulars of the respondents

   Your sex or gender

Male	
Female	

2. Your home language.

Zulu	
English	
Afrikaans	
Xhosa	
Swazi	
Sotho	
Other	
Specify	

3. To which age category below do you belong?

16–20	21—32	33 ----38	39 -----44	45 ----50	51and over

4. Indicate your educational level.

Not educated	
Grade 0 – 12	
Technical	
Technikon	
College	
University	

5. Indicate your marital status

Single	
Married	
Divorced	
Widowed	
Other	

6. Your race

Black	
White	
Coloured	
Indian	

SECTION B : MARRIAGE — DIVORCE

7. Do you think that people like traditional marriage ?

Yes	
No	

If the answer is yes, why ? ....
....
....

If the answer is no, explain why ? ....
....
....

8. What is marriage ? ....
....

9. What is divorce ? ....
....

10. Do you think that people are aware of different types of marriage systems ?

a) The loving marriage	
b) The antagonistic marriage	
c) The friendly marriage	
d) The static marriage	
e) The cyclical marriage	
f) The romantic marriage	
g) The traditional marriage	
h) The customary union	

If they are aware, which one do you think they prefer? ....

11.   If you are married what is the duration of your marriage?

Less than 5 years	
6 - 10 years	
11 - 15 years	
16 - 20 years	
over 20 years	

12.   Residence after marriage

With paternal family	
With maternal family	
Alone as husband and wife	
Other arrangements	

13.   What do you think are the main causes of Divorce in South African community?

Brutality	
Flagrant Adultery	
Abandonment	
Barrenness	
Migratory Labour System	
Women being self dependant/professional	

14. How does Divorce affect the individuals or partners in terms of the following:-
   Tick what you consider to be the applicable answer

Physical	
Psychological	
Social	
Economical	
Political	
Educational	

Briefly explain ....
....

15. Do you think Divorce is necessary?

Necessary	
Unnecessary	
Absolutely Necessary	
Absolutely Unnecessary	
Undecided	

Other, specify ....

16. Could you suggest some means to eliminate Divorce?
   Specify...

17. Are you willing to help victims of Divorce?

Yes	
No	

If yes, how? ....

18. Who in the following categories is affected most by Divorce?

Teachers	
Nurses	
Doctors	
Police Officials	
Unemployed People	
Everyone in General	

Other, specify ....
....

19. The rate of Divorce in your community

High	
Low	
Very High	
Very Low	

Other, specify ....
....

20. Does Divorce take away destiny or dignity from husband and wife?

Yes	
No	

How, specify ....
....

21. Do you think the Divorcing couples should discuss impending Divorce?

Yes	
No	

If yes, specify ....

....

22.   Informing children about the impending Divorce

Yes	
No	

Briefly explain...

....

SECTION C

23. Does Divorce affect the following people?

Children	
Parents or Divorcees	
Family Members	
Everyone in general	

Briefly explain...
....

24. What services are available to be utilized by couples before the divorce?

Social Workers	
Minister of Religion	
Councilors	
Other service	

Briefly explain...
....

25. Could you suggest some means of eliminating Divorce?

Other, specify ....
....

26. Willingness to help Divorce Victims

Yes	
No	

27. Information on payment of legal costs during Divorce?

Own resource	
Legal Aid	
Other specify	

28.   Who is preferable to be given the custody of children after Divorce?

Wife	
Husband	

Why, specify ....
....

SECTION D

The role of the Government in Divorce

29.   Have you ever been a victim of Divorce?

As victim direct	
As a victim indirect	
No contact at all	

Other, specify ....
....

30.   Does Divorce lead to the following behavior?

Car highjacking	
Lesbianism	
Robber	
House breaker	
Street kids	
Prostitution	
Juvenile Delinquency	

Other, specify ....
....

31.   Are the visitation arrangements necessary after Divorce?

Explain briefly ....

SECTION E

Future Opinions

32.   In your opinion what should be done to discourage divorce in South African
       Community?

Briefly explain..
....