CHANGING PATTERNS OF BLACK MARRIAGE AND DIVORCE IN DURBAN

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PREFACE

This thesis is based on research which I carried out during the period 1980 - 1984 in the Durban Metropolitan Area. Unless specifically indicated to the contrary in the text, therefore, all the data presented and conclusions reached are my own original work.

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INTRODUCTION

> 'When future historians consider the history of marriage and divorce in the western world, they will point to the period from 1960 to 1980 as providing the most extraordinary volte face since the Fall of the Roman Empire.....'
>
> Turner,1980:137

The above quotation, though doubtless something of an overstatement, reflects the growing interest and attention which the subjects of marriage and divorce have received from academics, lawyers, legislators and the general public of the western world in recent years. Following on the so-called sexual revolution of the 1960's, a changing social climate has led to increased acceptance, if not approval, of practices such as couples living together without going through a marriage ceremony, and an ever-increasing number of divorces. Confronted with this open flouting of deeply-ingrained ideas about the sanctity of marriage, some commentators have expressed doubts about whether marriage as an institution will survive and, if it does, in which sort of form (Eekelaar and Katz, 1980).

South Africa has not escaped the critical re-appraisal of the institution of marriage which is occurring elsewhere. Acceptance of the high incidence of divorce as a painful fact of life has led to attempts to at least ameliorate the trauma by facilitating jural dissolution, with the passing of the 1979 Divorce Act, and recently the Hoexter Commission has inquired into the feasibility of instituting family courts to deal with divorce-related matters.[1] On 1 November, 1984, the Matrimonial Property Act of 1984, designed to ensure a more equitable distribution of property in white marriages, came into force.[2] Even the local agency which offers marital counselling services has, mindful of the times, amended its Constitution to include, amongst its varied objectives 'To provide a

confidential and counselling service for people who have difficulties in their marriage, or in other personal relationships' (FAMSA Constitution, as amended, May, 1981; my italics).

If marriage as it exists amongst whites in the western world is in a state of considerable flux, what of black marriage? What sort of influence have changing economic, political, religious and legal circumstances had on this institution? Has it also been affected by the changing conceptions about the nature and permanency of marriage which are prevalent in the western world?

It is against such a background that this present study should be seen. In view of the dearth of recent local research in this area, the aim at the outset was to obtain a broad overview of the present state of black marriage and divorce, exploring issues such as whether marriage is still viewed as an institution of central importance in the lives of blacks, the sort of expectations it engenders, the extent to which cultural norms and values rooted in the past have been influenced by those derived from western culture, and the frequency with which divorce occurs.

Following contemporary anthropological usage, as well as the language of many of my informants, I have used the term 'black' in this study to refer to those South Africans of an 'African' as against an 'Indian' origin (Mayer,1980; van der Vliet,1982; Preston-Whyte,1982). From an anthropological point of view, the overwhelming majority of persons referred to would be classified as Nguni; the majority were Zulu-speaking, but many Xhosa-speakers were included. A few were Shangane or Bhaca, who spoke Zulu in addition to their native tongue, were married to Zulu-speakers, and appeared generally integrated into the largely Zulu-speaking community in which they lived. A small minority were of Sotho-Tswana origin.

Inter-cultural differences (e.g. regarding exogamy rules) will be mentioned if applicable and, when specific comparisons are made between what is happening now and what is said to have happened in the past, references will be primarily those on the local (Natal)Nguni.

The universe from which informants were drawn, and the case material used, comprised those black persons living and/or working in what is roughly the greater metropolitan area of Durban, some of which area falls politically into South Africa (or, more specifically, Natal), and some into Kwa Zulu. In terms of central government policy, South Africa has been divided into various National States, to which blacks are assigned in terms of criteria laid down in the Citizenship Act of 1970. All of these National States are destined to ultimately achieve independence from South Africa. Some,such as the Transkei, Ciskei and Bophuthatswana, have already accepted independence. The movement of blacks between rural and urban areas is governed by legislation, and the ways in which this restrictive legislation affects marriage are detailed in the course of this study, particularly in Chapter 7 (Residence Patterns). Some of the legislation affecting marriage differs according to whether an individual lives in Kwa Zulu or in Natal, because of changes made by the Kwa Zulu government to codified customary law; these differences will be pointed out where applicable.

Those persons involved in this study, although based in and around Durban, varied in the degree to which they had urban roots. Some had been born in townships, and had lived there all their lives, yet usually had regular contact with their country kin. Many had been born in country areas, yet considered the Durban area their home, in that they were working and living there with their families. Others could be better described as migrants, in that their sojourn in the city was merely to earn a living, such as

domestic workers who were 'living in' at their places of employment, and whose homes and most significant kinship ties were in country areas.

Before describing the methods used to select informants and gather information, I consider it necessary to describe in detail my own premises, particularly about man, society and culture, some of which, as Smelser (1976:48) points out are

> 'philosophic or paradigmatic.....they deal with first assumptions about the nature and source of empirical knowledge, assumptions that are rooted in articles of conviction or faith and are not easily settled on empirical grounds'.

There are various important reasons for making one's premises explicit. Firstly, there is their role in the choice of theory: Although I endeavoured during the research to let theory 'emerge' from the data collected (Glaser and Strauss,1967:40), the inevitability of an a priori orientation is acknowledged, insofar as it plays an important part in the selection and arrangement of the material; as Pelto says (1970:17) 'atheoretical description is not logically possible'. Reichardt and Cook (1979:13) point out that 'modern philosophers of science largely agree that all facts are imbued with theory, and so are at least partly subjective'. One's theoretical proclivities are particularly noticeable in one's approach to subject matter, and in the way basic concepts are defined, definitions of marriage, as Pelto remarks (1970:28) often being a prime example.

One's values as an anthropologist, like the theory selected, are also related to one's philosophical premises (see, e.g. Ritzer, 1975:10 who, following on Kuhn, discusses the ideological basis of the competitition over paradigms), and it seems generally acknowledged now in the social sciences that, no matter how carefully concealed, ideological factors influence social scientists.[3]

The methodology used, as well as depending largely on the field of study and practical constraints, is also connected with basic premises (Pelto, 1970:93; Reichardt and Cook, 1979:9). Smelser, who notes (1976:39) that 'selection involves preconception' points out that even Durkheim, for all his emphasis on objectivity, implicitly acknowledged the role of selectivity. Outside of a purely behaviouristic approach, there is a great deal of agreement that complete objectivity is impossible to achieve; recognition of subjective factors, and a constant striving for awareness of one's own biases and shortcomings, are important factors in the anthropologist's attempts to be as objective as possible. It is recognized that one's own background, personality and experience intrude into the research situation (Phillips, 1971:53; Gans,1968:308; Webb et al,1966:139), and I feel I should mention that I have spent several years as a social worker involved in marriage counselling, and have undergone rigorous training in interviewing, and close supervision in the counselling situation.

I agree with Phillips (1971:53) and Kapferer (1976:3) that there is a need to make one's model of man explicit; how one views man has important implications for fieldwork and for one's model of society, insofar as the role of man in shaping the society he lives in, and in creating culture, is concerned. Such a model relates to one's philosophical assumptions and, in my own case, is also 'grounded' (Glaser and Strauss, 1967) in experience. In much anthropological literature the model of man has been implicit, but recently transactional analysis has posited a 'maximising man' driven by a profit motive. Having closely observed individuals from a psychological point of view, I could not accept a model of man developed by a cybernetici-st, and my own model of man corresponds in some respects to that of Phillips (1971:54):-

i) Although I accept the view that man is basically self-centred, I reject the supposition that he is necessarily always driven by hope

of gain, as suggested by anthropologists such as Barth (Kapferer, 1976:3). I consider such a view too simplistic and rational, for my own observations have taught me that human motivation is extremely complex;

ii) As recognized by Malinowski (1960), human needs are extremely important. In addition to basic physiological needs man also has psychic needs, such as the need for social approval; however, I agree with Phillips's criticism of Goffman (Phillips,1971:54) that although the individual is influenced by the image he thinks others have of him it is not always his central concern. Another psychic need is for mastery, or achievement, which is closely related to self-esteem. As recently acknowledged in anthropological literature (Kapferer,1976; Comaroff and Roberts,1981) meaning is crucial to man. I do not accept, however, that all institutions can be explained solely in terms of human needs, or any other form of psychological reductionism, but I do believe that some forms of institution are more successful than others in meeting human needs adequately;

iii) Man is essentially 'free' to choose amongst various alternatives, but not in a completely indeterminate sense, for there are limitations and constraints imposed by society. However, because a great deal of human behaviour is learnt, many ways of perceiving and acting can become habitual, giving the impression that human nature is very plastic; I suggest that the extent to which the individual is 'moulded' by society may be overemphasised by some perspectives, such as that which presents an 'over-socialised' conception of man (Wrong, 1961), for, important as societal norms and values are, the relationship between man and society is dialectical, and 'man is both the product and producer of his social environment' (Mitchell,1978:36).

The social environment in which the present study is situated is the culturally heterogeneous society of South Africa. Anthropologists have traditionally studied 'societies' or 'cultures', depending on their own background and orientation, an approach which is generally inadequate in modern, urban settings. Although I am concerned with black marriage as a cultural institution, it seemed at the outset of my research that it would be extremely unlikely that I would find, in a predominantly western setting, one particular manifestation of this phenomenon - if, indeed, it had ever existed (Krige,1936:vi mentions regional differences). My aim was rather to find out the extent to which customs described in the literature, or perceived by informants as being 'traditional', still existed, and whether there were various 'models' of marriage, which models would depend on variables such as geographical background, age, status in society etc. I was also naturally interested, as already mentioned, in the extent to which western norms and values had impinged on conceptions and practices surrounding marriage. It is now necessary for me to clarify what I mean by the terms 'culture', 'institution', 'marriage' and 'society'.

Culture may be defined in comprehensive terms, as including behaviour and artefacts, as, for example, the classic anthropological definition of Tylor (Herskovits,1947:17). However, I prefer to use it in an 'idealistic' or 'mentalist' sense, as pertaining to 'a set of standards of perceiving, believing, evaluating, communicating and acting' (Goodenough,1970: 99) or 'abstract patterns of and for living and dying' (Johnson,1960:82). It is, as Johnson continues,

> 'abstract in the sense that it is manifested in behaviour and in the results of behaviour but is neither the behaviour itself nor the tangible results. Since culture must be inferred from observation of uniformities in behaviour, it is to some extent an imperfect, or approximate, construct of the observer'.
>
> ibid 82

Thus culture can only be studied through individual understandings of it, i.e. in the present situation, individual 'models' of 'traditional' or

contemporary black, or white, culture. It is treated as if it were a 'thing', a 'social fact', in the Durkheimian sense (Mitchell,1978:98). Culture gives direction and meaning to behaviour, and gives rise to the manufacture of material objects, or artefacts, such as Nguni grass mats as distinct from western-type goods.

Institutions, like culture, may be defined in comprehensive terms to include the behaviour of persons, their material equipment, as well as ideas, or as an 'abstract pattern in the structure of social relations', both of which usages are 'deeply rooted in social science tradition' (Parsons,1957:59). The aim of this study is to describe the institution of marriage in the first-mentioned, comprehensive, sense, whilst attempting to extract the abstract cultural patterns which could be seen as typically 'black' as opposed to 'white', and 'western' in origin.

A definition of marriage is problematic. Although it is said to exist in some form or another in all human societies, any attempt to arrive at a definition which can be universally applied seems doomed to failure, and one has to agree with Leach (1961:105) that 'all universal definitions of marriage are vain'. Much would depend on the perspective from which marriage was viewed, which would differ from one society to the next; differing perspectives might also be found between different groups in a complex society: For example, as a social institution it is concerned with procreation and companionship, from a legal point of view it involves various 'rights', in religious terms it might be conceived as a sacrament, and politically as a way of forming alliances.

Within anthropology, researchers and writers usually approach the definition from their own theoretical perspectives; e.g. Gluckman (1971), Goody (1962) and Fortes (1962) would see marriage primarily in jural terms, Comaroff (1980) would be concerned with meaning, and Riviere's emphasis (1971) would be on underlying structural principles.

The oft-quoted definition from Notes and Queries in Anthropology (1951), i.e. 'A union between a man and a woman such that children born to the woman are recognized, legitimate offspring of both partners' is, as Leach (1961:105;1971:939) points out, inadequate. Such a definition is too narrow to include an institution such as fraternal polyandry, or those unions which may, for various reasons, be childless. As Leach points out, the term 'legitimate offspring' needs further clarification, because what constitutes 'legitimacy' varies greatly from one society to another (1961:107). Also, marriages do not necessarily take place only between men and women, as, e.g. in the case of the woman-to-woman marriage which occurs in Africa. Riviere (quoted by Krige,1974:12) attempts to overcome this problem by defining marriage as a 'socially approved and recognized relationship between the conceptual roles of male and female'. However, even this definition is challenged by Krige (1974:32), who points out that amongst the Lovedu a woman may marry another in her role as a 'mother-in-law', i.e. she does not assume a male role. Leach's example of a form of marriage between men and boys, where both roles are conceptualised as male, which occurs amongst inhabitants of the Swah Oasis (Leach,1980:210) would also seem to contradict such a definition as Riviere's (not to mention, of course, contemporary homosexual unions in the western world).

Other criteria which appear to have universal applicability in defining marriage are the existence of a sexual relationship and social approval. Sexual relations are generally central to marriage and, in exceptional cases, may serve to define its existence as, e.g. amongst the Eskimos described by Leach (1971:940). Leach argues that even if sexual relations do not occur (as in the case of woman-to-woman marriage) 'it always endows a man [or, one presumes, a female 'husband'] with rights over the sexuality of his wife, even if only disposal'. Some anthropologists, such as Mitchell, would

elaborate on this statement, and point out the distinction between sexual rights per se (included under the rubric 'rights in genetricem' and the husband's rights in the offspring of the wife ('rights in uxorem'), which they would see as conceptually different (Mitchell,1971). Krige draws attention (1974:34) to the fact that marriage in Africa is primarily a relationship between groups, as against the stress on individual husband and wife by Leach (1961), the group nature of marriage being a characteristic long recognized by anthropologists and administrators (Radcliffe-Brown,1950:51; Reports and Proceedings of the Government Commission,1883:26).

The second criterion mentioned above, social approval, also appears to be a prerequisite for the existence of a marriage, but it is possible that two persons might see themselves as married, but that the community of which they were a part might not share this view; e.g. partners to a Caribbean consensual union, or to a western 'common law' marriage, or a contemporary couple who felt that they had made the essential commitment, which they considered the cornerstone of marriage, privately to each other, and so were truly married. As mentioned at the beginning of this chapter, ideas about what constitutes a marriage are being questioned, and the dividing line between marriage and non-marriage is becoming blurred. As one commentator has put it(Weyrauth, 1980:265):

> 'The demarcations between marriage and cohabitation have become obscure.....Following middle-class acceptance, behaviour that once had been confined to the American lower classes and ethnic outgroups has gained respectability'

The term 'formal' union, as used by Mandeville (1975), which would denote an officially (in terms of that society's criteria for validation) prescribed and recognized marriage, as opposed to 'informal' unions, which were not publicly sanctioned, would overcome this problem, especially in societies in which radical re-definitions of marriage were not taking place.

A formal marriage has important implications for the wider community which an informal union does not, for the two groups to which the individuals belong are formally placed in a relationship with each other, although even here anthropologists do not necessarily agree about when they become related. A. Kuper (1970:474), writing about marriage in Sotho-speaking communities, states that it generates affinity, whereas Holleman, discussing 'Bantu' marriage in general, suggests that it is relationships of affinity which are established first, and which give rise to the marital union (Holleman, 1958/9:81).

As well as the unresolved problems of arriving at a universally accepted definition of what constitutes a marriage, it is not clear in some instances when a marriage takes place. Leach asks at what point a temporary union becomes a common-law marriage (Leach, 1971:941), but that this problem is not only confined to informal marriages, but crops up in formal marriage as well, has been highlighted in recent anthropological literature.

Although the processual aspect of African marriage has long been recognized (Hoernle, 1925; Radcliffe-Brown, 1950), the question of whether the process is a clearly demarcated one, as Kuper (1970) maintains, or whether it is highly fluid and open to reinterpretation, as Comaroff (1980) and Holleman (1958/9) suggest, remains contentious, and not easily settled one way or the other. This question of the processual nature of black marriage will be taken up again at a later stage, as will the question of how this institution is defined by those concerned (i.e. the folk definition).

Since some sort of definition is necessary as a starting point, I shall define marriage from a primarily analytic (or etic) perspective, as either 'the union of one man with one woman in accordance with any law for the time being in force in any province governing marriage' (Black Administration Act of 1927, Section 35), or as a 'customary union', which would include

leviratic (ukungena) unions, or any other form of marriage reported in anthropological literature, or by my informants, as being of customary origin (e.g. woman-to-woman marriage). Although in terms of the Black Administration Act a customary union is specifically excluded from falling under the definition of 'marriage', and the offspring of such a union are regarded as illegitimate, it is generally recognized by the black community as being a valid union in terms of customary practices; the distinction between marriage and customary union appears mainly a technical, legalistic one imposed, somewhat inconsistently it will be shown, by the central government, and not necessarily shared by the black population. The whole question of the legal implications of marriage is naturally dealt with in greater detail at a later stage.

A basic premise of this study is the functionalist maxim that an institution can only be understood in the context of the wider social system of which it is part, including its relationship to other institutions. At this point it is pertinent to examine the relationship between blacks and the wider South African society of which they are part. Blacks form part of the larger, racially and culturally heterogeneous, or 'plural', South African society. By 'society' I mean a group of people, sharing a 'network of relationships' and 'related to one another in various institutionalised ways' (Beattie,1964:34), through their social structure. In South African society political power is centralised in the hands of the dominant white group, and those institutions which governed black life in the past - economic, legal, social, political, educational, religious - have been influenced by the white group to varying degrees. Existing norms may thus be culturally (black) derived, or socially or politically imposed. For example, in marriage a cultural norm would be ukuhlonipha avoidances on the part of the new bride (Krige,1936:154), and a socio-political norm would be the requirement that a marriage ceremony be conducted by a suitably

qualified person, i.e. a magistrate or marriage officer. Values could likewise be derived from customary sources (e.g. ancestor veneration), or from particular other reference groups (e.g. the white value of achieving material success). As argued by anthropologists of the Manchester school (van Velsen,1967), individuals select norms and values from amongst what may be conflicting alternatives.

From the outset of the research I did not see the subjects of this study as an homogeneous cultural group, but rather as being divisible into various sub-groups, whose ideas and practices regarding marriage would have been influenced to a greater or lesser extent by white (or any other, e.g. Indian) acculturative elements. It also seemed likely that I would have to take class divisions into account, for studies in other parts of the world have shown clearly the influence of this factor on patterns of marriage and divorce (Yorburg,1973; Schneider and Smith,1973; Goode,1961; Komarovskly,1967) and recent literature suggests similar tendencies amongst South African blacks (Hellman,1971:172).

The question of exactly what constitutes a class is a contentious one in the social sciences (Giddens,1973; Littlejohn,1972), and the problem is compounded in South Africa by a lack of agreement about the role of skin colour in class formation (Rex,1979). It is far beyond the scope of this study to enter into the merits of the different viewpoints, and I shall use this term in the fairly general sense it is used by other researchers both in South Africa and overseas, in which access to power and/or wealth is considered the main criterion of class membership, assessment being made in terms of the objective indexes of education and occupation. (Yorburg,1973; Schneider and Smith, 1973; Schlemmer,1973,1976). 'Class' is usually seen as an analytic(etic) construct (Pelto,1970:86), and is opposed to 'status', the folk definition which refers to the way in which prestige, honour etc.

are differentially accorded to individuals by other members of their social milieu (and which may or may not coincide with their 'class' position). However, informants tended to use the term 'class' in the same sense as the anthropologist (e.g. a professional man spoke of 'people in my class').

When discussing informants I have placed them in broad categories[4] based primarily on educational and occupational criteria (etic), similar to those used in urban studies such as that of Pauw (1963). 'Professional' includes doctors, social workers, lawyers, as well as teachers and nurses; 'white collar' includes those employed in clerical and sales positions; 'semi-skilled' refers to persons with several years of schooling, who occupy positions in which some degree of training or learning of skills is necessary (e.g. a caretaker who undertakes some repairs and administrative work); 'unskilled' refers to those engaged in work such as performed by a labourer or domestic worker. The sample did not include anyone who could properly be described as 'skilled' in terms of having followed an apprenticeship, for example. In addition, a job description (e.g. housewife), or educational detail may be given.

One further category is used: Recent studies, following on the work of researchers such as L.Kuper(1965) and Brandel-Syrier (1971) have drawn attention to the role of the elites in shaping urban black public opinion (Zulu,1981:45; Mayer,1975:145). I do in places refer to elites when it appears that the person concerned is perceived as such by members of his/her community. Factors of both an objective (education/occupation) and subjective (perceptions of community members) nature play a part in the categorisation of an elite.

To summarise, my objectives were to present as comprehensive a picture as possible of black marriage from a descriptive, ethnographic perspective. From the information obtained, I aimed to abstract (applying an analytic, or etic, perspective) those cultural factors which could be seen as essentially black, as well as the nature of acculturative influences.

Marriage was seen as an institution catering for certain of man's needs; it was not viewed in isolation, but from an holistic, anthropological perspective, influenced by, and itself having influence on, other institutions (political, economic, religious, legal), and hence the need to place it in the context of the wider South African society (see Gutkind, 1974:107).

It is at this point appropriate to describe the methodology used. As Foster and Kemper (1974:9) point out 'Selecting and delimiting the urban population segment to be investigated is the critical first step in anthropological research'. The population universe of the study having been delimited as those black persons living and/or working in and around Durban, given the sheer size of the population there was clearly no way in which a truly representative sample could be obtained; narrowing the focus of the study to one particular township, or part thereof, in order to obtain a suitable sample, would also have precluded generalisations due to the likely lack of representativeness of the wider population. Since the whole aim of the study was description, and hypothesis-generating rather than hypothesis-testing (Weiss,1968:346) I consider that under these conditions such an approach, which does not start by drawing a 'scientific' sample (probability or non-probability) to be perfectly legitimate. Furthermore, other studies of marriage suggest that a primarily qualitative, in-depth approach in research on such an intimate subject yields data with a high validity content (Komarovsky, 1967:5; Rapoport and Rapoport,1976:28).

In setting about the research in 1980 I tried to reach as many black persons as possible, from a variety of areas and backgrounds; in this process I was guided by four criteria mentioned by Richardson (as quoted in Phillips,1971:106), i.e. accessibility, economy of resources, accuracy and relevance.

Using the criterion of accessibility, I sought contacts through a variety of means such as personal acquaintance (both black and white) and professional organizations and church groups, telling them about my research, and asking them whether they themselves, or anyone else they knew, would be able to assist in any way (similar to what Ritzer,1975:69 refers to as 'snowball sampling'). In this way I was given many names, and heard about weddings which were taking place or being negotiated. Emphasis was on finding contacts with whom rapport and ongoing discussion was possible, to ensure accuracy and as much information as possible. Lengthy interviews were favoured, particularly where regular contact could be built up, and an in-depth look at specific cases could be obtained, acting on the assumption that 'While a large and diverse sample of cases can aid in such informal generalisations, so can the depth of understanding of a single case' (Reichardt and Cook,1979:15). The sort of data sought from particular people depended on the setting and the nature of the contact; e.g. information which could be regarded as personal (such as sexual matters), or in any way 'political' (e.g. ideas about family size) was elicited only from individuals with whom a great deal of rapport had been established. Not having any paid assistants ('economy of resources' mentioned above) I did all the interviewing myself, and was sometimes helped by friends, particularly if translation was needed.

As much use as possible was made of participant observation, but unfortunately unless one is living in a community for any length of time, or at least staying with the families being studied and observing day-to-day interaction (as, e.g. did Oscar Lewis in his research for 'Five Families'), participant observation in itself gives little insight into many areas of marriage (Oppong,1974:16; van der Vliet,1982:277). Extended periods of living with the families concerned was not only impractical for me personally, but also illegal. Apart from observing the behaviour of couples when they were

together and with their friends, participant observation was confined to areas such as the wedding ceremonial and other ritual.

Rather than setting out with too rigid a research design, flexibility was very important, and an approach similar to Glaser and Strauss's 'theoretical sampling' was utilised to some extent in that

> 'Whom one selects to study, while initially guided by the research question, undergoes changes based on what data are being collected and the direction such information suggests with respect to who can provide additional information to answer emerging questions that were generated by the research process'
>
> Filstead,1979:38

Virtually all the data was obtained during the period 1980 - 1983, with the exception of a small amount of case material which was available to me prior to that period. As research progressed, many new areas of exploration, which had not been apparent at the outset, were suggested as a result of information received. A total of 69single and 23 group (involving two or more people) interviews[5] were conducted, involving approximately 136 persons. Most of these interviews were between one and two hours, a few were less than an hour, and a few ran to between three and four hours. Although personal contact was preferred and always sought, a need for questionnaires emerged during the research; some informants expressed a wish for a self-administered questionnaire, claiming that it was more convenient from a time point of view, some offering to pass them on to friends so that more people might be reached. However, only about half (eight) of the questionnaires issued were completed and returned to me, and the information obtained was not nearly so comprehensive as that gleaned from interviews.

The interviews mentioned above do not include numerous informal conversations with interested parties during, for example, social interaction, nor telephone conversations. Nor do they include the numerous interviews with any of the five couples selected for in-depth case studies (see following chapter).

I attended seven wedding ceremonies, some of which involved both church services and odwendwe (udwendwe is that part of the customary ritual which includes the presentation of gifts by the bride to the groom's family), and some only one or the other ceremony; I also witnessed some of the formalities involved in umgezo (cleansing) rites which follow the seduction of a virgin.

In addition to the time spent in interviewing, visiting and observing ceremonial, a great deal of time was spent in other research activities. As is widely advocated (Phillips,1971:174; Webb et al,1966:1; Filstead,1979:38; Pelto,1970:43/4), many methods were used in order to give as complete a picture as possible. Magistrates' (Commissioners) court records connected in any way with marriage, courtship, and the dissolution of customary unions were scrutinised, as were marriage registers. I paid visits to the Divorce Court and sat in on hearings, and had discussions with persons who, by virtue of their roles in society, could be expected to have more-than-average knowledge about marriage in the community, e.g. ministers of religion, social workers, community workers and councillors - an approach utilised by Harrell-Bond (1975:311) who terms it 'experience survey' (some of these discussions being included in the interviews mentioned above). I was also able to make use of numerous essays, a valuable tool in anthropological research (Beattie,1960:vii; Diamond,1967:439; Unterhalter,1973:310); written by high school pupils they provided some additional information about pre-marital relationships between the sexes.

In fact, in most respects, particularly in the use of loosely structured or unstructured interviews, I seem to have used essentially the same methods as those of other anthropologists and sociologists who have studied marriage and the family (Rapoport and Rapoport,1976; Komarovsky,1967; Bott,1957; Oppong,1981; Harrell-Bond,1975)[6] Whilst eschewing the use of projective techniques favoured by American anthropologists such as Cohen (1971), I did make use of information about particular marriages gleaned from interviews with clients receiving marriage counselling, which had

been conducted either by an extremely competent black social worker or myself (about ninety cases)[7].

Recording was usually in the form of note-taking, and depended on the nature of the interview; for example, if it was felt that recording would interfere with rapport, or arouse suspicion, it was kept to a minimum. Tape recording was used mainly when it was important to capture what was going on for detailed translations and/or transcription, e.g. ritual, sermons and speeches at weddings (such recordings making a particularly welcome present to the couple at a later stage). Some group discussions were tape-recorded but, as Pelto cautions (1970:141) recording may interfere with the naturalness of responses and, as I soon found, transcriptions are extremely tedious and time-consuming.[8]

Inevitably, there were specific problems, relating primarily either to myself, the informants, or the socio-political situation we all lived in. For example, observer errors such as selective remembering are likely to occur in any research, and I can only hope that Webb et al (1966:139) are correct and that 'Errors of the observer.....show systematic biases that can be predicted, and hence corrected for', and that my own rigorous training in interviewing since undergraduate social work years, together with guidance from my supervisor during the research period, have helped to reduce these to a minimum. I considered my own inability to converse in Zulu as a major obstacle in achieving the sort of communication I would have liked, and was fortunate that most informants spoke good, or at least sufficient English (doubtless resulting in a certain amount of 'bias' in my sample). Questions were formulated as clearly and unambiguously as possible.

Another type of drawback seemed likely in the case of those informants who spoke fluent English, especially professional men and women, i.e. the complicating factors of 'role selection' and 'response set' (Webb et al, 1966:13). The former related to the strong possibility that professional persons, highly conscious of their own western-type role in society, would not admit to something like witchcraft beliefs, or the role of the ancestors in marriage, for example. The 'response set' difficulties related to the fact that many informants had been trained in the social sciences, and some had taken anthropology courses at university, so I felt that there would be a possibility that they would say what they thought I wanted to hear, or what they recollected from some anthropological text book. I attempted some sort of check on the data obtained through discussions with other informants with whom I was well enough acquainted to speak more openly on certain sensitive issues, assuming from information they freely offered that they themselves were not defensive about beliefs in customary ritual, nor preoccupied with making the right sort of impression.[9] The combination of methods used, I feel, also contributed to the validity of my findings; e.g. the man who ran a well-patronised herbalist shop confirmed that 'love medicine' and impepho (a sweet-smelling shrub used in communicating with the shades) are purchased by individuals from all social strata (and, in the case of the former, also by whites). I also encountered what Webb et al (1966:13) term the 'guinea pig' effect, in that one very helpful informant, who had been unable to find many volunteers for my research from amongst his colleagues, mentioned that they were feeling like guinea pigs because their cooperation had recently been sought for other research projects.

Fieldwork in the South African socio-political climate has its own inherent problems. Allusion has already been made to inaccessibility of informants because of legislation and, although authorities were extremely co-operative in granting the permits required to visit black townships, such visits are not permitted at night, when much of the ceremonial of marriage takes place. Even during the day I was not always at ease in areas known to

have very high crime rates, and was guided by informants' advice about safety aspects. One anticipated factor was suspicion of the motives of the researcher (Foster and Kemper,1974:12; Gans,1968:311). For example, unwillingness of some blacks to be involved in any white research was reported, and there were a few odd incidents which indicated that I was not welcome (such as when other workers in a building in town objected to my sitting talking to an informant in the small kitchen where they ate their lunch). Two professional men were quite explicit about their reservations in seeing me because of their suspicions about the use to which information would be put, for, to quote Mr C., who held in his hand a well-known anthropological text book,

> 'You fail to appreciate and understand the values involved - you seem to look at the problems, the subjects, through white glasses, as a result of information you try to exploit and pass it over to other people; [it is] used as ammunition by people who want to destroy or make a laughing stock of blacks.'

Nevertheless, in spite of their initial wariness, both men were exceedingly helpful and co-operative, as were almost all of the persons I approached in the course of this study, and on the whole I was overwhelmed by the extent to which many went out of their way to assist in any manner they could, and showered hospitality and kindness on me.

The information gathered in the course of the study is incorporated into this thesis in such a way as to offer a description of marriage from beginning to end. Chapter 1 deals with the choice of a partner, and the betrothal period forms the subject of Chapter 2. Because of the complexity of the whole question of <u>ilobolo</u> and its ramifications, it is dealt with in a separate chapter (Chapter 3), before moving on to the legal and religious aspects of solemnizing marriage in Cahpters 4 and 5. The period following on the conclusion of marriage is detailed in the next two Chapters, 6 and 7, the former dealing with the question of residence patterns, the latter focussing primarily on the marital relationship itself. Chapter 8 looks

at the dissolution of marriage, which may occur through either divorce or death. Summing up and conclusions follow in Chapter 9.

Amongst the material incorporated into the chapters are the case studies mentioned earlier (p.16). The value of case material is well established in anthropology generally (van Velsen,1967), and it forms an integral part of studies on marriage (Komarovsky,1967; Rapoport and Rapoport,1976; Oppong,1981).

The utilisation of case study material has several merits: Ongoing contact over a period of years builds trust, which facilitates openness on the part of the informants, increasing the likelihood that the validity content of the data obtained is high. In the present study contact with the couples concerned covered a period of at least three years.

As Goode and Hatt (1952:331) say of the case study: 'It is a way of organizing social data so as to preserve the unitary character of the social object being studied, an approach which views the social unit as a whole'. Over this lengthy period of time a holistic view of the life situation of the couple is built up, which may be facilitated, as with some of the cases described, by contact with kin and/or other members of the couples' social networks. Interrelationships between marriage and variables in the social (e.g. work) and physical (e.g. living arrangements) environment are highlighted. Case material would seem to be particularly valuable when the anthropologist cannot be a resident participant observer, as in the classical anthropological fieldwork tradition.

Van Velsen (1967:140) points out that

> 'Particularly when several or most of the actors in the anthropologist's case material appear again and again in different situations, the inclusion of such data should reduce the chance of cases becoming merely apt illustrations'.

In contrast to the presentation of some of the information gleaned during more limited contact, such as single interviews, where comparisons of

disembodied traits must of necessity be made by the writer at times (e.g. the views of a young professional man about ilobolo contrasted with those of an elderly domestic worker), the attitudes and behaviour of informants are shown in all their complexity, and discrepancies between what is said and what is actually done become apparent.

The couples selected for these case studies[10] differed in various important respects, such as educational level, occupation, religious affiliation, urban or rural background, and they illustrate that a fair amount of conformity may exist amongst different types of people with regard to certain cultural practices, as well as a great deal of variation with regard to others. Because of their time-depth, case studies also offer a processual view, showing developments and changes over time, and they give some insight into why these changes occur.

Of these five case studies, one, that of Dora and Peter, forms the basis of the following chapters. Their wedding, and the events which led to it, are fully described, and some information is given about what has happened since they married four years ago. This descriptive material is followed by brief background sketches of the other four couples, whose cases will feature in the different chapters of this work.

A TOWNSHIP WEDDING

On a lovely, sunny morning in early spring, 1980, I set off with two companions, Linda and Betty, for a black township on the outskirts of Durban, to attend the wedding of Betty's cousin, Dora Zuma, to Peter Mathe. It was obvious when we arrived at the Zuma home, which under normal circumstances is virtually indistinguishable from hundreds of other two-bedroomed brick dwellings in the township, that it was the centre of attraction for a large number of the neighbourhood's residents. A marquee stood in front, and directly against, the house; it was crowded with people, some of whom had business in the house itself, others, mainly children and young folk, merely roaming in and out, enjoying the excitement of the occasion.

In the garden men sat in groups at the side of the house, chatting, whilst women bustled around in the back yard, and in and out of the kitchen door, preparing large quantities of food, some of which, such as stew, dumplings, rice and vegetables, was simmering in large black three-legged pots over open fires. Vats of frothy utshwala (beer) brewed a few days before by the women of the house stood ready for consumption by thirsty guests later in the day. Several cars were squeezed into the Zuma's and neighbouring driveways, having brought kin and other guests from distant areas of Northern Natal and the Transvaal.

Linda and I were ushered into a neighbour's home, whilst Betty disappeared to help her female kin and neighbours with the preparation of food; she subsequently re-appeared bearing tea and cake for us for, no matter how much else there is to be done, hospitality to all wedding guests is mandatory. Just as any neighbour who is able to assists with gifts of

food for the feast, or helps in the preparations, anyone who wishes to attend a wedding may do so, and will be given food and drink.

The wedding ceremony was due to take place at 1000 hours and, shortly before that time, the groom's party arrived in two cars, amidst much hooting and other noise; women who were in the vicinity of the house ran towards, and alongside, the cars of the groom's party, greeting them with loud, joyful, high-pitched trillings - ukukikiza - and waving grass switches.

It was at this stage that Linda and I were summoned to play a small part in the preparations in the house, for help was required with the bride's hair and make-up. The lounge-cum-diningroom into which we entered, and the kitchen immediately behind it, were hives of activity; people were coming and going, women were ironing wedding attire and preparing and cooking food, and youngsters were changing clothes. The bride's mother bustled about, a hlonipha (respect) blanket covering her shoulders as a sign of respect for the amadlozi (shades) whose presence was especially near that day. The cool, dark front bedroom, normally used by Mr and Mrs Zuma, had been cleared of furniture to accommodate the meat from the cattle which had been slaughtered the night before for that day's feast.

In the second bedroom, directly behind the front one, there was 'standing room only', for the room contained furniture from the front bedroom, plus furniture the bride would be taking with her to her new home, for it is customary for a bride to take a kist and bedroom suite (or/and a diningroom suite) to her in-laws' home. Items of clothing hung everywhere. Several women, including the bridesmaids, were either getting ready, or helping in some way. The centre of attraction, the bride, was seated serenely on a chair in the midst of the hustle and bustle, wearing a beautiful, full-length white wedding gown; her veil had been placed in position, and she was ready, apart from some 'finishing touches' in the way of minimal make-up.

Her small flower-girl stood near her, dressed in a long white dress and veil, looking life a miniature bride herself.

Having done what we could to assist with her make-up, Linda and I joined the large group which had assembled waiting expectantly, outside the house. A short while later the bridal party emerged, to the sound of joyful and rhythmic singing and stamping from the waiting crowd. The demure bride, walking slowly on her father's arm, was preceeded by her flower-girl and page boy (dressed, as were the groom and his groomsmen, in a smart dark suit and bow tie), and followed by four bridesmaids in long, deep pink dresses. The solemn demeanour, and dejected expression, of Mr Zuma seemed out of place in the festive atmosphere. Dora's sister was crying, and her mother was nowhere in evidence at this stage, nor did she attend the church service. For the Zuma family the wedding day was a very sad occasion for, as Mrs Zuma subsequently explained to me, 'instead of getting we're falling down'

The bridal party paused for some minutes at the entrance of the marquee, giving all around a chance to glimpse and admire the bride and her attendants. The young toddler son of Dora and Peter, who had been mingling with the other children outside, was picked up by a relative in order to have a better view. During this time the crowd outside began to sing a popular wedding song, the refrain of which was repeated over and over again, which seemed to express their feelings of pride in the appearance of the bridal party:

Wake wambonaphi ihobo eshada wemalala negsaka?	Have you ever seen a hobo who sleeps in a dirty sackcloth getting married?

In due course, the bridal party got into their cars and, together with the groom's party, the members of which had been waiting somewhat impatiently in their cars all this time, drove slowly to the church in the next section of the township, only a few minutes' drive away. My companions and I followed as part of the bridal entourage and, as we drove slowly along, hooting and greeting everyone we passed, people came running out of their houses, waving and trilling (ukukikiza). A wedding is obviously an event which is advertised to the whole community!

Finally, both parties and their guests arrived at the Lutheran church to which Dora belonged, and assembled outside. In the bride's party someone, catching sight of Peter for the first time, remarked that it was only fitting that the bride looked so beautiful, for the groom was so handsome. Members of each party entered the church, seating themselves on opposite aisles; the bride, her father and attendants, and the groom and his attendants, took their places at a table in front of the congregation, together with the minister.

The consent of Mr Zuma having first been obtained, the ceremony commenced with the usual exchange of vows between the bride and groom. As Peter slipped the ring on his new wife's finger, spontaneous clapping broke out from the congregation. Further formalities such as the signing of the register, a prayer, and the blessing of the minister, which included an admonishment that wives had to listen to their husbands for the rest of their lives, having been completed, it was then over to those members of the congregation who wished to do so to make a contribution to the service.

The umkhongi, the man who had concluded the marriage negotiations between the two families, was the first to speak. Taking his place in front of the expectant congregation he expressed his thanks to the minister for the

beautiful ceremony. He then switched from Zulu to his own, and the groom's father's, native language, Shangane, and gave a brief speech, which was not understood by his largely Zulu-speaking audience, following it with a song sung in Shangane, and some miming and dancing which elicited much laughter from those present, and drew the comment 'this man's a star' from the minister.

At this point Mr Mathe, the groom's father, interspersed. In obvious good humour, he also thanked the minister, and expressed his happiness that his son was getting married. He followed with a rendition of 'Silent Night'. When Mr Mathe had finished singing, the umkhongi, encouraged by the favourable response he had received, announced that he would sing another song, although he did not know all the words. He started a well-known hymn, and the congregation joined in the singing, leading umkhongi to remark at the end that he himself was not like other people who were 'born with music'; he was just trying, and really welcomed the congregation helping him to sing a song he liked.

The minister then called on the father of the bride to sing a song, which Mr Zuma was obviously in no mood to do. Instead he spoke briefly, expressing his thanks to all, and commenting that when he had married on the farm only a few people had witnessed the ceremony; here in the township it was different and it was good that so many people had seen what was happening today. These words met with joyful trillings from several women, who apparently wished to express their own pleasure and approval at what had been said.

The minister clearly understood Mr Zuma's feelings of despondency:

> 'Mathe family is happy to get a bride and Mr Zuma is unhappy. Really, when your daughter is getting married it is like somebody dead at home, because when you had four children and one gets married that means you are left with only three. You don't even know what kind of home or family she is going to stay with, and how they will treat her. So that's why Mr Zuma is sad. He is not the only one who is in this mood, each and every bride's parents are the same.'

The next to speak was Mr Mathe's sister-in-law (the wife of Peter's mother's brother), representing Peter's mother who was at home preparing food. After thanking the minister for the marriage he performed for them, she preached for some minutes about the greatness of God, her words drawing an approving 'yebo' from one of the men present. Praising Peter for having behaved correctly towards the Zuma family, in contrast to the behaviour of most young men, she pointed out that he had done all that was necessary for the marriage and had corrected the damage he had done (an apparent allusion to Dora's premarital pregnancy, and payment of damages and ilobolo). Stressing the devoutness of the Mathe family, she advised Dora to seek help from her mother-in-law, and to cook for her in-laws so that the mother-in-law could use that time to pray. Dora and her family were well known to the Mathe family, and 'she is well educated but we approached her'. In conclusion, she urged them to pray that their divorce would be only through death.

Alluding to the preceeding speech the minister, before proceeding with the bible reading and homily, took the opportunity of pointing out to Dora the responsibility she would bear in her new home as a representative of her family. He knew what thoughts were in Mr Zuma's mind:

> 'Are you not going to disgrace us? I don't mean to say you are going to disgrace us but you always feel nervous when your child is going to such a family as they describe it. You ask yourself if she is going to fit. Won't she disappoint you? This is left with you now, if you see that you don't fit you must change the gear; if the motor's travelling on a sharp ascent you change it to a suitable gear....don't go to sleep without praying, don't shame us please.....'

The minister followed with a Bible reading, from Mathew 19, verses 3-6, which deals with the teaching of Jesus about the indissolubility of marriage, which was the central theme in the homily which followed: 'It is a sin to divorce. Divorcing is against God. It is not me who is saying it, it is God's gospel. Those who divorce are failures, like it or not you are a failure'.

To illustrate what he meant, the minister cited the case of a couple who had lived in the same section of the township as Dora, and who had divorced, stressing their sense of guilt and failure.

The minister then gave various examples of Dora's and Peter's interdependence, and their responsibilities towards each other. For example, if Dora was now using cream to keep her skin so pretty, Peter should continue to provide it for her, for if he did not her skin would change, and he might use that as an excuse to divorce her: 'because my wife has wrinkles I must divorce her'. If Dora went naked and hungry, Peter was not fit to have a wife.

The same went for Dora: If Peter had to take his shirts to the laundry she was not worthy of this marriage. If Peter lost a leg she should not go running around with two-legged men:

> 'A person who fails to behave properly is mad. What I mean here is that from now on it is not Dora and Peter but one person, so if one of you becomes a misfit both of you are destroyed. A failure of one is a failure of both of you'.

There were constant reminders of the couple's accountability before God for their actions, and the fact that there could be no divorce under any circumstances was emphasised. The minister recounted the case of a man who had come to him in 1972, six months after his marriage, pleading that his marriage be dissolved because he had discovered that he was related to his wife, a pretext which did not deceive the minister: 'How can you go out with a girl till you get married not knowing her grandmother? I told him he was talking nonsense. I sent him away and told him he can go anywhere, he won't get a divorce for such a stupid reason'.

The homily ended on a note of praise for Peter, the minister indicating that any doubts he had formerly had about him had been dispelled:

> 'Now I trust you, because in spite of the mistake you made [an allusion to their child] you have been brave enough to take your responsibility.....you see Peter you have done a good thing. I wish all the boys would copy from you.....it is good to correct your mistake'

After a well-known Christian hymn, which followed the homily, had been sung, the minister asked if anyone else wished to speak, and a colleague of Peter's indicated that he wished to do so, and took his place in front of the congregation:

> 'The firm lent us a car so that we could come to Peter's wedding. Young as he is, Peter is very loyal to the company. Boys of today are seldom trusted by their employers. Peter has never been found at fault over a period of years I've worked with him. He does not drink and drive, nor take girls in the company car. This is what I would like to say to him and his wife: Now you are husband and wife don't let anything or anybody come between you. People will come to you with all sorts of lies. Don't listen to those lies because they will be fabricated to destroy your home. Thanks be to God and the priest'

Next, after the clapping from this speech had died down, the minister directed his attention towards me: 'There is a white lady here. Give us a speech white lady'. Somehwat nonplussed, I could think of nothing really appropriate to say, apart from wishing the couple happiness. Linda, taking over from me, explained our interest in weddings, and her job as a marriage counsellor in preventing divorce - drawing appreciative clapping from the congregation with this latter information.

Since the service was drawing to a close, a collection was taken, the proceeds of which would be given to the newly-weds. The final hymn, led by Mr Mathe, followed and when it was over everyone filed slowly outside. A large group milled around the radiant bride and her proud husband, proferring congratulations, before setting off in cars for the Zuma home to attend the reception there.

On leaving the church the wedding entourage followed a different route to the Zuma home to that taken earlier, since the groom's neighbourhood had also to be informed about the marriage. Once again, there was a great deal of hooting and, when the vehicles reached the street where the groom's home was situated, there was a considerable delay whilst neighbours thronged

around the cars to catch a view of the bride and groom, and to offer their congratulations. The groom's mother came rushing out of her house, and around the cars, emitting joyous shrieks. She was dressed in her Zionist attire, for she and her husband are officials of their local Zionist church; like Mrs Zuma she wore a hlonipha blanket over her shoulders. In the front garden of the Mathe home, tethered to a mango tree, stood a brown bull, the umquoliso beast; this animal would be slaughtered later that day, for ritual purposes, and to provide food for the wedding feast.

Due to the interest which the procession of cars aroused in the neighbourhood, some time passed before we were able to move on, the bride's father chaffing impatiently at the delay thus caused. Eventually we arrived back at the bride's home, and the bridal party set off almost immediately to have wedding photographs taken at a scenic park some distance away.

The Zuma home nevertheless remained the centre of much activity, interest and excitement for all around. A band arrived and set up its instruments inside the marquee, the flaps of which had been lifted to provide extra space and air. Just inside the house, in the dining/living room, several small tables had been placed together and covered with a cloth to form one long table, set ready for the bride and groom and their immediate families and attendants. Linda and I were called on to render assistance with the assembling of the professionally-made, three-tiered wedding cake, which was then placed in the centre of the table.[1]

When the bridal party arrived back at the Zuma home at about 1700 hours the reception commenced, and women were kept busy serving food and liquid refreshment to the bridal parties in the house and the large crowd outside. Some of the younger guests danced to the exuberant music supplied by the band, and Dora and her friends sang the wedding songs they had been practising for the past weeks, and which Dora and her sister had composed:[2]

I	Knock knock knock	Qo Qo Qo
	Open the door (refrain repeated)	Vula umnyango
	Somebody is knocking	Kukhona ongqongqozayo

II	There is somebody who is waiting for me, for me; dear one, for me (repeat) Do you remember my love You promised me Never to leave me alone (refrain repeated)	Kukhona umunthu ongi- lindele ongithandayo Uyakhumbula sithando Wangethembiso Ukungashiyi ngedwa
III	Would you believe If I say I love you true Would you believe I say I need you true I can't stop the feeling I need Oh please just wait for me ever I'm gonna come Come on a 'plane	Ungakholwa uma ngithi ngiyakuthanda ngempela Ungakholwa uma ngithi ngiyakudinga ngempela Angikwazi ukufihlihla uthondo lwami nawe Ngicela ungilindele kuze kube ekupheleni Ngiyeza, Ngiyeza negebhanoyi

Dora and her companions, however, were not the only ones singing songs. Peter's sisters and their friends had composed their own songs, which they sung in competition with Dora and her companions, both groups being subject to a great deal of critical comment relating to the words of the songs and their presentation from the wedding guests:

IV	My brother said we must come and fetch her She is poor (repeat) We must fetch her She is poor (repeat)	Utheni ubhuti asizomlanda uyahlupheka Hi hi sizumlanda uyahlupheka
V	We have caught the female baboon HOo Hoo We have caught the female baboon (Repeat)	Sibambe umathananazane Hoo hoo
VI	Over the river that is facing me Lover is waiting, looking for me Fair as the morning Bright as the day Waiting and watching Looking for me, for me	Ngaphesheya komfula obhekene nami ngibona Isithando singilindile sicinga mina Ukukhanya kwelanga lasekuseni likhanya njengasuku Singilindile, sibhekile Sicinga mina
VII	Don't cook for your husband Maize rice (repeat)	Ungaphekeli umkhwenyana imelaie rice

During the early evening, whilst the reception was in full swing, Mr Zuma, his sons, his sisters and a few other selected members of the bride's group, chiefly young women who would be singing on behalf of the bride's family, were summoned to the groom's home to witness the slaughter of the umquoliso beast.

It became apparent when the Zuma party reached the Mathe home that the ritual killing was not going to proceed as smoothly as the groom's family had anticipated. In the first place, Mr Zuma had been very angry when he had discovered that the beast was a bull; Dora was a female, so it was essential that a cow be provided, and failure to have ensured that the beast was of the correct sex was regarded as a grave insult. Mr Zuma was reluctant to accept this animal, but eventually, since no alternative was available, a compromise was reached; R1,00 was paid to Mr Zuma in compensation, and the animal's testicles were cut off for 'Dora did not have testicles'.

Secondly, the man selected to perform the ritual killing, a neighbour said to possess a sure aim, had not been as skilled a marksman as his reputation had suggested. Many stabs had been made before the animal had died and, at one stage the spear had bent, and had had to be straightened before the next attempt. Perhaps the competing groups of female singers, each trying to outdo the other, had unnerved him; whilst Dora's group chanted 'the beast must not die', the Mathe group responded with 'the beast must die'. Fortunately for the Mathes, the Zumas had declined to press for further compensation for those stabs which had missed the mark, for they would have been entitled to have claimed at least 20 cents per stab.

Once the killing was finally accomplished the Zuma party had returned to their own home, to continue the celebrations there, and had been joined by the Mathes (with the exception of Peter's mother, who had stayed at home to cook for the following day's festivities). Mr Mathe, having cut up the umquoliso beast, had taken half the meat, and the animal's skin, to the Zuma home to be cooked there. The disposal of the animal's stomach had been left to Mrs Mathe, who had buried it as a precaution against it falling into the hands of an umthakathi (wizard) who might use it for evil purposes against the Mathe family.

During the evening (about 2130h) the young people from both parties moved from the Zuma to the Mathe home, taking with them the cake and champagne, to continue the festivities at the groom's home. This formal departure of their daughter to her new home was a poignant occasion for the Zuma parents. The Zuma forefathers (amadlozi), who had already been notified of Dora's impending departure, were formally informed by Mr Zuma that she would from now on be living at the Mathe home, as he led Dora slowly around the house prior to her departure; they (the amadlozi) should no longer look for her at her natal home. To the singing of the Zuma ihubo (clan song) Mr Zuma slowly escorted his tearful daughter to the waiting car.

In the mean time, Mr Zuma's brothers had taken Dora's kist, containing personal and household effects, as well as some of the umabo gifts she would present to her in-laws the following day, to the Mathe home, together with the newly weds' double bed. However, because the kist had arrived before Dora the Mathes complained, and demanded a R5,00 fine, which the Zumas reluctantly paid. Joyful trillings (ukukikiza) broke out as Dora arrived at the Mathe home together with her husband, and, as they walked together to Peter's house, the Mathe ihubo rang out from the waiting crowd.

Festivities continued at both the Zuma and the Mathe homes until well into the night. At the Mathe home the young people were joined by neighbours and kin, and the singing of wedding songs by both Zuma and Mathe girls continued in the same competitive vein as earlier in the evening. At the Zuma home the serving of food and drink continued until nothing was left for latecomers. Sleep came easily that night, which was just as well in view of the shortage of sleeping space; many, including the Zumas, settled down in the cars parked nearby for the night.

The wedding festivities continued the following day, Sunday. When, during the course of the morning, Linda and I returned to the Zuma home, the remaining items of furniture which Dora was taking with her were being loaded onto an open vehicle by a party of men from the Mathe family, whilst women from the Zuma group emerged from the house carrying parcels destined for the umabo ceremony which was to be held later that day. Many people stood around watching, or helping in some way but, as compared with the excitement of the previous day, the atmosphere was subdued. The weather, which was cool and overcast, seemed to match the general mood. Someone struck up a well-known wedding song, aptly expressing the sadness of the occasion, and other women joined in:

Niboyigcina, niboyigcina lentandane	You must look after her,
Kusasa nizothuyeba, nithindla amaqanda	this orphan,
Nithi nyathakatha umakoti	Tomorrow you'll be saying the bride steals, is eating eggs, and is bewitching people

This song, as all the others sung that day, was repeated over and over again. In due course everyone was ready to leave, and we all set off, in various vehicles, for the Mathe home. As on the previous day, Mrs Zuma remained at home.

On arrival at the Mathe home we entered a marquee which had been erected at the side of their home. We were fortunate in acquiring a place for, in spite of the numerous seats and benches which the tent contained, it was soon filled to capacity, and many had to remain outside. The morning had obviously been a busy one for the Mathe women, friends and neighbours, for large quantities of food either stood ready or were being prepared. Earlier in the morning, Mr Mathe had annointed Dora with inyongo (gall) from the umquoliso beast which had been slaughtered the previous evening, to inform the Mathe forefathers about the new family member.

We remained seated in the tent for some time and, during the lengthy wait, the monotony was relieved with some singing of hymns and other songs. Umkhongi (the negotiator) rendered a solo performance of a hymn, and the women sang, over and over again:

eMahlathini, sikhala, siyabaleka	In the bush we are crying
Sikhala, siyabaleka	and running away (2x)
Siyabaleka (3x)	We are running away (3x)
Siyabaleka ma (3x)	We are running away ma (3x)

Apparently this delay was due to some disagreement between the Zumas and the Mathes about the order of the day's proceedings. The Mathes, being staunch Zionists, had been hoping to hold another church service of their own, the previous day's services having been held in the bride's church, but this proposal had been vetoed by Mr Zuma because of the lack of time; as he pointed out, some of the guests had a long distance to travel home. The Mathes were unhappy about this decision, especially as they had a visiting preacher in their midst, and felt the Zumas were to blame for being late in arriving. At one stage, whilst we waited in the tent, the bride and groom and their attendants, dressed in full wedding attire, put in a brief appearance, to the loud ukukikiza of the women present. The radiance of the previous day was noticeably lacking, and Dora's expression was solemn, almost dejected. After seating themselves for a few minutes, and listening to the singing, the bridal party rose and walked slowly outside; they then paraded around in the street for a short while, giving passersby and neighbours a chance to see what was going on, before disappearing into the house to change their clothing.

When the couple left, everyone in the marquee followed them out, and items of furniture were taken outside to sit on, for it had been decided that, in view of the weather clearing, and the lack of space in the marquee, ceremonies would be concluded outside. Another lengthy wait ensued, the monotony once again being relieved by singing:

Awe bawinile	Ah, baWinile
Thina soshada	We are getting married
Nawe baWinile	to ba Winile

Thina bakwaVezi	We from Vezi
Sidubula ngombhayimbhayi	We are shooting with cannons
Ngombhayimbhayi	With cannons

the latter from the children[3] (and both of these refrains being repeated over and over again, as were the other wedding songs). Finally, the bridal couple and their attendants re-emerged, smartly attired, as a young couple might dress when leaving for their honeymoon. They were preceeded by a procession of singing women(' you must look after her, this orphan ....') bearing a large number of umabo gifts to be presented to the groom's family by the bride. Dora and her flowergirl and attendant sat on a grass mat which had been unrolled on the ground for them, whilst the groom and his family, and Mr Zuma and his mother (a bent old lady with a stick) sat on benches nearby.[4]

Umkhongi, after conferring with the bride's father, announced that no further time would be wasted, and the gift-giving ceremony commenced. The mistress of ceremonies, Mr Zuma's sister, who was to announce the names of the recipients, started by expressing the hope that, if there was a mistake, people would not concentrate on it, for everyone made mistakes.

The first name called was that of Mr Mathe, and as he came forward a bed was made for him on the ground using some of his umabo gifts; the sleeping mat was unrolled, and sheets, a blanket and a pillow were placed on top of it. Mr Mathe climbed between the sheets and was tucked up by Mr Zuma's sister. He was then brought his other gifts: ukhamba (earthenware pot) with a bead covering, and a wooden platter with a knife and fork on it. After spending a few minutes tucked up, Mr Mathe stood up, expressed thanks, and showed his pleasure by doing a dance (ukugiya). His presents were cleared away to make room for those of his wife; she received the same bedding as her husband had (although his was the better blanket), and she had also to climb between the sheets, whereupon she was brought a beer strainer (ivovo) and a grass broom.

Peter's siblings were the next to receive their gifts: The groom's brother

by the elder of the Mathe daughters on behalf of her brother, who was deceased. The elder of the two sisters received a mat, sheets, pillow, blanket, broom and strainer for, unlike her younger sister, who was given only a mat, pillow and blanket, she was now umfazi, for she was expecting her first child in three weeks' time.

The gifts for Mr Mathe's siblings, none of whom were present, were presented next, in order of seniority (elder sister, brother, younger sister); all received a sleeping mat, blanket and pillow, and these gifts were accepted by either the younger Mathe daughter (on behalf of her aunts) or Mr Mathe (for his brother). There then followed gifts for other, male kin of Mr Mathe: (i) for his father's father a blanket, pillow and mat; (ii) for his father a mat and pillow; (iii) for his mother's father a mat and pillow; (iv) for his father's brother a mat and pillow. All these items were accepted by Mr Mathe. The younger Mathe daughter then came forward to accept a mat and pillow on behalf of Mr Mathe's mother. The only kin of Mrs Mathe to receive umabo gifts were next in line: The younger Mathe daugher accepted a mat and pillow on behalf of her aunt, who was not present and the other sister of Mrs Mathe, who was present, stepped forward to receive her blanket and pillow. The last of the Mathe family to receive gifts was Mr Mathe's father's father's mother, and her blanket and pillow were accepted by the Mathe daughter. There then followed gifts for umkhongi and his wife. Umkhongi expressed his gratitude for the mat and pillow he was given by singing a hymn. His wife expressed her thanks for the mat, broom and strainer she received by dancing. Finally, an oxtail made of grass was presented to the groom's father, to express appreciation for the ilobolo which had been provided.

The umabo presentation now over, the handing over of the bride to the Mathe family by her male kin commenced. Several men, in turn, gave brief speeches, some of them dancing and brandishing sticks,viz. Mr Zuma and his'father'

Mrs Zuma's mother's brother, Mrs Zuma's brother, and Mr Zuma's brothers. Most speeches contained pleas that the Mathes should look after Dora, and expressed the hope that the couple and their families would be separated only by death, calling on God's assistance. Hopes that the union would be fruitful were expressed, and there were some reminders to Dora about serving her in-laws and respecting her new home. Demonstrations of approval in the form of ukukikiza (joyful trillings) followed on some of the sentiments expressed, and the groom's father listened intently, commenting in places. Mrs Zuma's malume (who apparently considered that his advanced age permitted him to take some liberties) engaged in some light bantering with Mr Mathe, commenting, for example, that he kept forgetting his surname because it was a 'difficult' one which they did not have where he came from, a remark taken in good humour by Mr Mathe.

Towards the end of the speeches, Mr Zuma's brother, jumping forward, shouted the praises of the Zuma forefathers, and of Mr Zuma himself, to the accompaniment of ukukikiza and clapping by those present. The Zuma men then, dancing, stamping and clapping, chanted the Zuma iHubo (clan song).

During all these proceedings, the bride and her attendants had been sitting and watching, but had not participated in any way. They remained where they were whilst a double bed, part of the bride's family's present to the groom (i.e. the furniture) was brought outside and assembled and made up, complete with fancy quilt and matching pillows, by women from the bride's group. The groom then climbed into bed and pulled the bedclothes around his head. A tray with a tea cup and pot was brought to him, and when he pushed the bedclothes back the women were waiting to hit him with sticks, which he accepted goodhumouredly before escaping.

With the clearing away of the bed and bedding, the formal ceremonies of the day had come to an end, and Peter's aunt, on behalf of the Mathe family, spoke briefly. It was difficult, she remarked, to talk about all these gifts they had received, for there had been so many that they would still be talking the following day if they did. She hoped that from where they had obtained these gifts God would give them more. People were hungry now and, since the kitchen was full of food, people should not leave but should go and eat. Most present accepted this invitation, and were given the usual wedding fare - dishes of curry and rice, salads, vegetables and puddings. Some, however, had to leave for distant homes immediately after the ceremonies were over. As on the previous day, revelries continued for some hours, curtailed only by the need for a good night's sleep before returning to work and school the following day. Dora's life as a makoti now commenced in earnest.

Before looking at the changes which the marriage had brought about in the lives of the two families, and especially that of Dora, some background to the events described is called for. Holleman states, concerning 'traditional Bantu marriage', that the wedding celebrations were merely the culmination of the long-drawnout process that constituted a marriage (Holleman,1958/9:85). It is to a description of the series of prescribed steps which had preceeded the weekend's activities, that I now turn, beginning with some relevant information about the two families, and about the young couple's courtship.

Dora's father and mother, who had originated from the Dundee and Eshowe areas respectively, had met and married in Durban. Both had had very little schooling, and since marriage had been employed in manual work, he on a factory assembly line, she as a domestic worker. Four children had been born of their marriage, two daughters, of whom Dora, aged 25 at the time of her marriage was the second, being followed by two sons.

Peter's mother and father had also met in Durban, his mother's home. His father, a Shangane, had come to Durban from Mozambique to seek work some 35 years previously, leaving a wife and baby son at home. On learning that his wife had died, Mr Mathe had re-married, to his present wife. From this union four children were born; Peter, aged 27 at the time of the marriage, was the only surviving son, and he had two sisters of 17 and 13. Like the Zumas, the Mathes' education had been minimal, and their employment largely unskilled; Mr Mathe had worked in a factory for 30 years, and Mrs as a domestic worker.

Both families had been living in the township for some years when Dora and Peter had met in 1972. They had attended the same local high school, and had first become aware of each other when Dora was 17 and in Form II, and Peter was 19 and in Form III. When Peter had approached her Dora had been pleased (although she did not initially show it) having already taken special notice of him herself, yet at the same time somewhat 'frightened' (in her words), having had no previous experience of boyfriends, Peter being her first and only boyfriend. They had walked together from school, had met at friends' houses, and had gone to bioscope together, having ascertained that they had no mutual kin. In due course they had become lovers. During these years they had been aided and abetted in their secret meetings by Peter's sister, but neither Peter's nor Dora's parents had known anything of their association. After four years of meeting secretly the situation changed, when Dora discovered that she was pregnant. Peter, wanting to marry her, had approached his mother, not daring to go directly to his father, and had broken the news of Dora's pregnancy to her.

According to Mrs Mathe this news had not come as a complete surprise to her, for something had already happened to arouse her suspicions: Her father's mother had come to her in a dream, holding a baby boy that Peter had fathered by a girl named Dora. She had, in fact, told Peter of her

dream prior to his approaching her, but he had maintained an attitude of non-committal; her suspicions had been further heightened when she'd subsequently received a Christmas present and card from the mysterious Dora.

On learning of the true situation from her son, Mrs Mathe had sent for Dora and, having received confirmation that she was indeed pregnant, advised her to absent herself from school; Mrs Mathe had then informed her husband. Both Mathe parents thoroughly approved of their son's choice of bride, for the families did know each other, having belonged to the same savings club; they were also aware, from neighbours, that Dora's reputation was unblemished. Mrs Mathe did, however, feel rather bad about her son being responsible for seducing her friend's daughter.

Mr Mathe had arranged for abakhongi (negotiators) to visit Mr Zuma to negotiate about a marriage. For this task he had chosen two friends, having no relatives in Durban himself. Umkhongi, the main negotiator, was, like Mr Mathe, a Shangane (he was also a neighbour of the Zumas and a member of their savings club); umncane (umkhongi's accomplice) was a Zulu-speaking friend. The abakhongi made two attempts to speak to Mr Zuma, but without success for, it must be remembered, at this stage the Zumas knew nothing about the courtship. However, they became suspicious after the second visit by abakhongi and, when Mrs Zuma had threatened to take her daughter to a doctor, she had admitted the truth. The news had angered and disappointed the Zumas, especially as it meant the end of their career aspirations for Dora, in that they had set their hearts on her training as a nurse. They did not object to her choice of partner, however, for although they did not know Peter personally they were, as mentioned, acquainted with his family. Mrs Zuma, not knowing at first that Peter's mother had been just as much in the dark as she had been, had felt somewhat put out.

Thus, by the time abakhongi called for the third time the Zumas were aware of the true nature of their visit, and were well prepared. Mr Zuma had assembled members of his umndeni (lineage) - his brothers and his father's brothers - in the living room, and had himself waited at the back of the house; the women of the household were concealed in the kitchen, listening to all that transpired. Standing outside, umkhongi had shouted the Zuma praises, following with 'We want to make relations, we want to make lobolo'. Having let abakhongi into the house, Mr Zuma's brother, acting on his behalf, had demanded that R5,00 should first be paid for Mr Zuma to come inside. This request having been complied with, and all parties being seated in the living room, a further R40,00 was paid as imvulamlomo (a 'mouth opener'), i.e. to enable negotiations to commence. Umkhongi then stated his business, and Dora was called briefly into the room for her father to ascertain that she did indeed know these men.

Mr Zuma was at this stage not interested in negotiating a marriage, and in presenting his ilobolo demands, but pressed for 'damages' in respect of Dora's pregnancy. Eventually, agreement was reached: The Mathes would pay R160,00 to each Mr and Mrs Zuma for 'damages', including compensation for the loss of schooling, and would also supply igezambuzi, i.e. a goat for a cleansing ceremony for Dora, which would cost about R50,00. The abakhongi then departed, unsuccessful in their attempts to conclude any ilobolo agreement, and returned the following week with the agreed upon amount for damages.

The igezambuzi was purchased, and was slaughtered and eaten by the women (the Zuma women and their neighbours) to mark Dora's formal entry into womanhood for, although she was no longer a virgin, she was ritually still intombi (a girl) Partaking in this meat, together with other abafazi (women) marked her transition from girlhood. No izintombi who were 'clean girls' were permitted to take part in the feast.

Although Mr Zuma had refused to negotiate a marriage, the Mathes were not deterred, and spent the next year accumulating cash for the anticipated ilobolo demands. In the mean time, in September 1977, Dora gave birth to a baby boy. She and Peter continued to see each other, as unobtrusively as possible, for formal visits to each other's homes were not yet permissable. Dora stayed at home for about a year after the baby's birth, breastfeeding, and started work in a supermarket once weaning was over.

About a year after they had first approached Mr Zuma the abakhongi returned, determined to press for marriage negotiations. By this time Mr and Mrs Zuma had reconciled themselves to losing their daughter, and presented to abakhongi their ilobolo demands; eleven beasts, ten of which were to be paid in cash, and which were to include umquoliso (ingquthu), the special beast for Dora's mother. They also gave abakhongi a list of izibizo requirements, i.e. specific gifts to members of the bride's family prior to marriage.

Again the abakhongi retired, to re-appear a few weeks later, at a pre-arranged date, together with members of the Mathe family, bearing izibizo gifts such as blankets, rugs, utensils of various kinds, clothing, and a goat covered with a blanket (ibikibiki), most of which were destined for Dora's mother. Presentation of the gifts at the Zuma home was a festive occasion; a party was held, and a band hired. Altogether three goats were slaughtered by the Zumas, one for Mrs Mathe, who took the meat and the skin home with her, one for Mr Mathe, who also took the skin and part of the meat with him, and one for Peter. The goat killed for Peter was the indlakudla , permitting him to now participate in meals at the Zuma home. There should, strictly speaking, have been a goat for umkhongi also, but lack of funds prevented the fulfillment of this obligation.

With the official commencement of ilobolo negotiations, cemented by the presentation of izibizo, a new relationship between the Zumas and the Mathes was formally recognized, and they were now umlingane (in-laws). Peter was umkhwenyane (son-in-law) to Dora's parents, and she was now seen as makoti (a wife) by Peter's parents. At the izibizo ceremony Dora had been presented with a new set of clothing by Peter, and an engagement ring. The clothing included a scarf, which she now wore around her neck, and was known as a 'don't touch', which marked her change of status to that of an engaged woman.

In the company of her friends Dora now paid her first formal visit to the Mathe home to 'look around', taking with her a large quantity of foodstuffs. Previous to this visit there had been only odd, informal contacts between her and Mrs Mathe, mainly connected with news about the baby. Peter, out of respect, and because he was somewhat 'scared' of Dora's father, did not visit the Zuma home.

It was in December 1979 that Mr Zuma went to the Mathe home to 'fetch the cattle', i.e. the major portion of the ilobolo which was paid in cash; in June, 1980 a further cow (R130,00 in cash) was paid to Mr Zuma, together with R100,00 in lieu of Mrs Zuma's ingquthu beast (Thus R700,00, the cash equivalent of eight beasts, including the mother's, were paid in these two instalments).

To show the Zumas' appreciation of ilobolo payments, two umbondo visits were paid by Dora to the Mathe home. Accompanied once again by friends, male and female, of her own age group, together with an older female relative in the place of her mother, they had set off on a Saturday afternoon for the Mathe's house, singing songs they had composed (the same as sung at the wedding). Each member of the party carried an item of food or drink of some sort, e.g. rice, sugar, potatoes, amadumbi (similar to a sweet potato), pumpkin, cakes and minerals, mahewu (a sour drink made from maize, sold in cartons) and utshwala (beer) they had brewed, as well as a present of

pinnafores for Mrs Mathe and her sisters. A party, with much song-singing, followed at the Mathe home. It was at the first of these imibondo that indlakudla goat had been killed for Dora, permitting her to eat and drink and the Mathe home.

After the second ilobolo instalment had been paid in June, 1980, Mrs Mathe had felt it was time to take matters into her own hands, and had gone to Mr Zuma herself (for, of course, up until then most negotiations had taken place through umkhongi), until eventually he had agreed to set the wedding date for 6th September. Mr Zuma's agreement had been somewhat reluctant, for he had wanted all of the ilobolo paid, having reckoned that two beasts (i.e. the cash equivalent) would still be outstanding after the Mathes had provided the isikhumba beast (i.e. the one which had been requested on hoof) immediately prior to the wedding. However, the Mathes, taking what they had paid as 'damages' into account, had reckoned that payment had been made in full.

As the wedding day approached, one further formality had to be complied with: Cimela visits by the bride to her relatives. There had been only two of these because Dora was working, and because of the distances at which some relatives lived. She had visited her father's brother, and her father's sister, in different sections of the township, and had received wedding gifts from them.

The week before the actual wedding was one of feverish activity in the Zuma home. Dora had a week's leave from work, and had spent much of the time closeted in her room, receiving visits from female kin and neighbours who had pressed advice on her about how a wife should behave. She and her friends had prayed together, and had practised the wedding songs.

Finally, on the Friday evening, it was time for the wedding celebrations, into which my companions and I had entered on the Saturday, to commence.

The Ngidis had delivered isikhumba beast (one of the ilobolo), a male calf, and Mr Zuma had purchased a beast, which he would slaughter for Peter to mark the Zuma family's formal acceptance of him (uyocola umkhwenyane). Both beasts were slaughtered that evening in the presence of the Mathes, the Zuma family, and kin, friends and neighbours.

Customarily the isikhumba was presented to, and slaughtered by, umkhongi, who then divided up the meat, keeping some for himself. However, since umkhongi was somewhat intimidated by the idea of killing the beast, both beasts had been despatched by Mr Zuma, who had divided the meat and given umkhongi his portion. Peter was annointed with the gall (nyongo) from his (umkhwenyane) beast, and half of the meat, together with the skin, was given to the Mathes to be used at their wedding festivities over the weekend. Different portions of the meat from the slaughtered beasts were reserved for men and women; for the men the head, arm and neck, for the women, the breast, rib and leg. Mrs Zuma had disposed of the stomachs of the animals before an umtakathi (wizard) could lay hands on them, burying them secretly.

Throughout all this ceremonial, Dora remained in her room, receiving last minute advice from female relatives and friends; she should, e.g. become so much part of her husband's family that even if they were witches she should join with them and 'feed the baboons'. After the slaughter of isikhumba Dora was annointed (her face, hands, feet and tongue) with its gall, drawing to her in this way the presence of the shades that night. Some of the meat from the slaughtered beast, itwani (offal) had been set aside at the umsamo, the very back corner of the house, for the ancestors to partake of it that night. Revelries continued for much of the night, so when we arrived the following morning the wedding festivities were actually well underway.

Four years have elapsed since the wedding of Dora and Peter. During that time they have continued to live with Peter's parents, in one of the bedrooms of the house (which has been enlarged and is somewhat bigger than the average township house). Their name is on the waiting list for a home of their own, but they may still have several years to wait. Peter does, to some extent, feel an obligation to remain with his parents since he is the only son. The elder of Peter's two sisters gave birth to a baby boy in 1981, and plans to marry the father when her schooling is complete. Negotiations have been opened between the two parties concerned.

The relationship between Dora and her mother-in-law, initially cordial, has become extremely strained, and Dora complains bitterly about her behaviour towards her. Mrs Mathe is seen by the Zuma family as being a 'difficult' woman, but initially, when Dora complained to her father about the way her mother-in-law was treating her, he made it clear it was not his duty to interfere. However, when Mrs Mathe accused Dora of bewitching her, and implied that her family was also involved, Mr Zuma was obliged to visit the Mathes to demand an explanation; when confronted, Mrs Mathe denied having made such an accusation. For Peter the situation is a difficult one for, although he appreciates his wife's position, he does not want to offend his mother in any way. Mr Mathe, in contrast to his wife, treats Dora in a kindly manner.

Dora had kept her job at the supermarket until the end of 1983, when she left to give birth to the couple's second child, a daughter born in January,1984. She resumed work as soon as possible after her daughter's birth, both for financial reasons, and to keep as well out of the way of her mother-in-law as possible. Since her marriage she has also been kept busy at home with her duties as a <u>makoti</u>, which involve a fair amount of housework. Initially she also did all the cooking, but now cooks only for her husband and children and herself; since Mrs Mathe now fears Dora may put <u>umuthi</u> in her food she has been relieved of further cooking duties. Dora and Peter contribute well to the upkeep of the house, and have purchased various

appliances and fixtures for the Mathe family. Dora has managed to escape participation in the Zionist ceremonies which take place weekly at the house, and still attends her own (Lutheran) church when she has the time. Peter does not object since he is not a committed Zionist. The young couple spend a fair amount of time together when they are not working, but no longer engage in the sort of social activities, such as visits to the cinema, that they did before marriage. Dora considers herself lucky to have a good husband, who is prepared to plan together with her about matters such as finances and their future, and the couple appear, to all intents and purposes, happily married.

In contrast to the apparently smooth path which the marriage of Dora and Peter seems to have run, that of the second couple used as a case study, Phinde and Musa, has had more than its fair share of ups and downs in the four years of its existence, causing Musa to wonder at times whether she should, in fact, 'persevere' (as all wives are expected to do). Some of the problems which this couple have experienced will be mentioned at a later stage.

Phinde and Musa had known each other for about eight years when they married in 1980. The church ceremony (the udwendwe, when the bride presents gifts to her in-laws has not yet taken place) took place somewhat earlier than Phinde would have liked; expense-wise it would have suited him to marry later, for not only were there the usual wedding outlays to be made, but there was also a demand from Musa's father for a further instalment of the outstanding ilobolo before the wedding. However, Musa's father had been furious when he had found out that his daughter, a strictly brought up girl, was pregnant, and he had insisted that Phinde marry her before the baby was born. Their son, the couple's only child thus far, was born a few weeks after the marriage took place.

During the years of their courtship, Phinde had fathered two children by another woman, with whom he had enjoyed an informal sexual relationship, but who did not have the qualities he desired in a spouse. Phinde had elaborated on his views about marriage and a good wife to me before the wedding: Marriage was for partnership purposes, and he wanted a wife he could share ideas with, and with whom he had some interests in common. A wife should be capable and be able to manage if her husband was not around; she should support her husband at all costs, 'make you feel she is with you', and provide something for you to 'rush home for' Phinde considered that he was not like some men who, he claimed, 'take a wife as a puppy to carry slippers'. Unfortunately these partnership ideas have, so far, not been very much in evidence in this marriage.

Phinde had been born in a rural area, but had lived in Durban since boyhood, his parents having acquired a house in a township. Matriculated, he had been employed in a variety of jobs of a 'white collar' nature; he would have liked to improve his qualifications, and once remarked to Musa, in a semi-joking manner, that he would have become a doctor if he had not met her. Musa, who was born and brought up in a peri-urban area, is an almost fully-qualified nurse, who had been prevented by illness from writing her final examinations a few years ago. She has plans to improve her qualifications in the future, and is at present in secure employment not far from where the couple is living. Both were in their mid twenties at the time of their marriage, and both are Roman Catholics.

Another marriage which has not lived up to the expectations of at least one of the partners is that of Gloria and Elliot. Gloria, a domestic worker, had done all she could to expedite her wedding day, to which she was greatly looking forward. Less than a year later she commented sadly to me that 'it is better not to be married', and, in response to my comment at that time that she appeared to have lost weight, Gloria responded wryly

that it was probably due to all the worries she had because of Elliot's behaviour towards her. At this stage Elliot was spending most of his spare time with other women, or drinking with his friends, and his abusive behaviour towards Gloria on occasion was certainly not in accordance with the ideals he had expressed to me: Love, he had said, was the most important factor in marriage, and marriage for him meant 'staying together nicely'.

This couple had married (in church) during the latter part of 1981, after having known each other for six years. Gloria had borne Elliot a daughter during that time, and was pregnant with their second daughter when they married. She also had a son of eight by another man with whom marriage negotiations had not materialised, born before she had met Elliot. Having completed schooling up to Standard IV, Gloria had worked most of her adult life as a domestic worker. Elliot, who had grown up in a rural area, has attained basic literacy only. Having migrated to the town during early adulthood he has for several years been working as a gardener on a church property and, whilst lodging in town, retains close rural ties. His mother resides on the 'farm' and Elliot was anxious for Gloria to move in with her as soon as possible after their marriage, in order to assist her; Gloria did so somewhat reluctantly when their younger daughter was a few months old, commenting cynically that now Elliot would have even more time to spend with his girlfriends. Having spent about a year with her mother-in-law, Gloria moved back to town, where she now lives with Elliot, working once again as a live-out domestic worker. Gloria is a member of Sobantu (Anglican) church, and has retained her religious ties; Elliot does not belong to a Christian church.

The fourth couple used for case study purposes, William and Bongi, present a happier picture than the last two couples described. I first met Bongi on her wedding day; a shy, slender young bride, she was radiant as she sat

next to her new husband, and later left the church on his arm. The following day she wore the dejected expression of the new bride who has just left her natal home as she sat, silent and sorrowful, in the midst of her friends, waiting for the celebrations at the home of her in-laws to commence.

Unlike Musa and Gloria, marriage and motherhood appear to have brought contentment to Bongi, who has blossomed into a self-confident young _makoti_, proudly managing the small home she and William have been fortunate enough to acquire. Although Bongi defers to her husband, who laughingly refers to himself as 'chairman', when in his company, this couple's marriage seems to approximate 'partnership' ideals, in that they share ideas, discuss decisions which are to be made, and engage in joint recreational activities.

William and Bongi, both of whom had been born and brought up in the same neighbourhood of a Durban township, had met each other about three years before they had married in 1980. At that time William, several years older than Bongi, who was twenty when they married, was a teacher at the local senior primary school, and Bongi a pupil at the local high school. They married several months after Bongi had left school, whilst she was attending Teachers' Training College. She did not complete her training, giving it up when their son was born in the middle of 1981, but she hopes to do so in the future. William is very involved in the local church and youth group activities, and is a staunch Methodist. Bongi, too, had been an active member of the young women's group in the church to which she had belonged up until her wedding day; as is the norm (ideal) she had converted to her husband's religion upon their marriage.

The views and expectations of the fifth couple used as a case study differ in many respects to those already described. Although _Bheki_, like Elliot, mentions 'love' in connection with marriage, e.g. _ilobolo_ shows love, there

is no mention of the 'partnership' ideals espoused by Phinde and William, and marriage for this couple has largely pragmatic and ritual ends. Women, claims Bheki, think that a man is only after sex, which is not true. Men's primary aim is to establish a home and have children, and that is why they marry. One also needs to be married - and by that Bheki means having completed all the necessary customary ritual - to be admitted to the company of male ancestors after death. For Bheki, the problems connected with marriage have centred around what he considers a grasping attitude on the part of his father-in-law, which will be described in more detail in later chapters.

In contrast to her short, wiry husband, Thembe is a tall, good-looking woman with the type of sturdy build said to have been admired by the traditionalists studied by Reader (1966:179) and Vilakazi (1962:59). Although Thembe is reserved in her husband's company, Bheki, who has firm ideas about the place of a wife, maintains that she talks too much, and nags him so much that she would have been divorced by now if she had married someone other than him!

Both Bheki and Thembe are Roman Catholics, and married in church in 1978. Bheki, who deprecatingly refers to his educational level as 'only Standard VI' works as a caretaker in Durban, travelling home approximately once a month to visit his wife and children. Thembe remains in the country, in her own house which adjoins that of Bheki's father and stepmother, and pays occasional visits to her husband in town. Bheki would ideally like to settle in the country, but since he does not have the money to open a business there, as he would like to do, he remains dependent on the wages he earns in the city. Thembe attended school up to Standard V.

Bheki's ideal is a large family, and he and his wife have three children, two sons born in 1978 and 1980, and a daughter born in 1983. Bheki's mistress, whom he once described to me as his 'extra girlfriend', bore him a son in 1982.

CHAPTER 1

CHOOSING A PARTNER

Whether or not one decides to marry and, if so, whom, are decisions whose antecedents can usually be traced to the childhoods and family backgrounds of the persons concerned, as well as to the prevailing cultural climate. It is, however, after puberty that the process which leads to the conscious selection of a future spouse starts, and this chapter seeks to examine those factors which have a bearing, during the teenage and early adulthood years, on choosing, or not choosing, a partner. For example, what opportunities are there for meeting and mixing with members of the opposite sex? What are the norms which govern the relationship between the two sexes? What socio-cultural constraints operate in the selection of a mate? What are the preferences expressed regarding the qualities of a partner? Lastly, but certainly not least, why do people marry, or not marry?

Courtship patterns amongst the Natal Nguni which are believed to have operated in the past have been recorded by Krige (1936), and various changes which customary practices have undergone have been documented by Reader(1966) and Vilakazi(1962) and, more recently, by Sibiya (1982). Various other researchers, including Levin (1947), Longmore (1959) and Pauw (1963) have detailed changing courtship norms in different urban areas of Southern Africa.

Since the focus of the present study is primarily urban, scant information was elicited regarding rural conditions, except insofar as was supplied in discussions by persons who were either courting in rural areas at the time I interviewed them, or had been married in a rural area before settling, or merely working, in town (e.g. Bheki). Meetings with spouses in the rural areas occurred in such varied settings as imibondo or wedding

festivities, schools and churches. In view of the major focus of this work, my main concern in the discussion which follows is to examine the opportunities presenting themselves for meeting and mixing with members of the opposite sex in urban areas.

Of the twenty seven marriages, or intended marriages, for which details about where the spouses had met were specifically sought, fifteen couples had met through living in and/or having been brought up in the same rural area, either whilst the man and/or woman were/was working as a migrant in the city, or prior to the couple moving into an urban area. For those whose courting had taken place in the town, a variety of meeting places were mentioned, e.g. school (Phinde and Musa), the cinema, a church hall (Gloria and Elliot), or at or near one's place of employment. Often, it seems, proximity of residence leads to attempts by one or the other interested party to engineer a meeting; for example, William had seen, and taken a fancy to Bongi, who lived nearby, and he had been able to arrange a casual meeting through his sister, who was at school with Bongi. Most professionals interviewed had met their partners at university, or in their common work situation (e.g. teachers, nurses and doctors). One professional man expressed an opinion that'about ninety percent of marriages between university-educated professionals start at the university'.

Many meetings take place on buses, trains, or in the streets, a not surprising fact considering the lack of recreational facilities for blacks in urban areas. In response to my question about where she had met her medical student boyfriend, Anna, one young informant, replied, with a laugh, 'Oh, just around'. She had continued her meetings with him secretly, during errands to the shops for her mother, a domestic worker in the city, or whilst travelling to and from the family home in the township. Other couples, like Anna and her boyfriend, having initiated contact, continue to seek each other's company at friends' houses, or by walking to and

from school together, visiting cinemas, or merely arranging a rendezvous in the city centre. Many informants bemoaned the lack of recreational facilities in the townships, and one minister, referring to the courtship which takes place in cafes and on street corners, in townships with high crime rates, described having seen young men appointing friends to 'stand guard'for them in case their girlfriends had tsotsi connections.

In striking contrast to white norms, which promote the value of parents knowing where their offspring (especially daughters) are, and who they are with, it is expected in the black community that, out of respect for one's parents, relationships with the opposite sex will not be openly flaunted. Although parents certainly do their best to keep track of where their children are, even, as Mr Zuma had done with Dora, locking them inside the house on occasion, young persons obviously connive to overcome parental restrictions, and to keep their activities secret. A girl bringing boyfriends home would soon acquire a reputation, fanned by reports of neighbours who could be relied on to notice, and spread news of, what was going on. Contrary to Longmore's assertion (1959:63) 'public opinion' remains a powerful social sanction. A girl's reputation may be spread over a wide geographic area, through ties such as church membership and kinship. Mrs Mk, e.g., who lived a considerable distance away from Bongi (William's wife), knew that she had been a 'good girl' before she married, because her own daughter belonged to the same church (but a different parish) as Bongi. One's choice of partner should not be made known officially to one's parents until the young people themselves have decided to marry, when the young man approaches his parents about commencing formal negoations (see following chapter).

Several teenagers, in essays[1] they had written about relationships with the opposite sex, criticised the norm which promotes such secretiveness,

pointing out that a boy would probably exercise more responsibility if the parents of the girl knew about him, and they considered that the present system promoted a lack of responsibility on the part of men. Another factor mentioned by these young persons as promoting teenage sexual relations was parental over-strictness in keeping their daughters confined, so that they rebelled when they saw a chance of escaping parental vigilance.

Parents are, however, not necessarily deceived about their children's involvement with the opposite sex, as the following incident demonstrates. When I arrived to collect Anna her mother stood, somewhat agitated, at the gate of the home where she worked, waiting for her daughter's return from the shops, and she commented to me 'she's probably running around with boyfriends'. When her daughter finally appeared in sight, she scolded her loudly; Anna did not respond, but got into my car, and said resignedly that she would have to introduce her boyfriend to her mother, for she was tired of being scolded. She did perform the introduction in due course, but only to her mother; she would definitely not think of introducing her boyfriend to her father, and he would not openly visit her home. If her boyfriend called for her in his car he would wait in the road and send a messenger for her, for he was scared of her father. Anna, like other girls, mentioned the intolerance and jealousy of her boyfriend regarding her having other male friendships; he was very strict with her, and wanted to know what she was doing, and where she had been. Illustrating the double standards which prevail, this attitude on the boyfriend's part was strongly approved of by Anna's(slightly younger) brother, who had several girlfriends himself, and who considered his sister 'weak' (as, he said, most women are), when it came to men. Sibiya also notes (1982:83) that a woman who has had many lovers is regarded as having a 'weak character', and informants mentioned insulting names such as 'rubbernecks', 'skeberesh', and '<u>isifebe</u>' which are used for girls who have had many boyfriends.

As noted by other researchers both in South Africa and other parts of the continent, a belief in the efficacy of 'love medicine' persists (Pauw,1963:116; Longmore,1959:42; Harrell-Bond,1975:267); such medicine is obtained from an inyanga (herbalist) for shops sell only ingredients, or ready-made mixtures such as isimonyo ('good luck' medicine which is smeared on the body) and Spanish Fly (or what passes for it!). Such shops are, apparently, also well patronised by whites seeking solutions for unrequited love. The different types of umuthi (medicine) obtained from an inyanga can be either put in the food or rubbed into the skin of the one whose favours are sought. If someone uses medicine to win you, in the words of one informant 'you love more' and, if subsequently rejected, 'you cry, you're half mad'. One could seek help from an inyanga, but if he did not know what had been used in the first place he would not be able to help, and the only consolation was that the medicine lasted for only a limited period. In fact, it is sometimes said, when a marriage breaks up during the early days, that 'the medicine didn't last'. Ukuhayisa, a type of hysterical laughter accompanied by aimless running around, which afflicts young women as a result of their being given certain umuthi, is said to be fairly rare in urban areas, although some women mentioned hearing such laughter at times at night in one of the townships.

Of the changes which have occurred in the sphere of male/female relations, the most striking and far reaching pertain to sexual matters, as evidenced by the fact that, in the words of one experienced social worker, 'illegitimate births become the order of the day, particularly in the urban environment' (Khanyile,1974:1). Illegitimacy figures should, however, be treated with some caution, firstly because official figures may include the offspring born of customary unions (see Chapter 4), and secondly because many of the parents subsequently marry each other, thereby legitimizing the children (Moeno,1977). Nevertheless, it is obvious that many such illegitimate births

are the result of casual affairs; e.g. a certain young man, who has fathered a child by Mrs Hl.'s daughter, Ethel, has also fathered two other children by two different women in the same area. Community health workers know of cases where one man is reputed to have fathered up to six children by different women in the same township. Alternatively, illegitimate children may result from longer-standing affairs where marriage is anticipated by one of the partners, but never eventuates, as in the following case:

> Miss J. approached a welfare organization for assistance whilst pregnant with her fifth child by a certain Mr X., her boyfriend, who had recently deserted her. She had been living with him for five years, but he had never paid any damages for her pregnancies nor, as he had promised, any ilobolo; all this time she had been under the impression that he was going to marry her, but now he had told her that he was finished with her, and he was reputed to be living with another woman.

The obvious prevalence of pre-marital sexual relationships is in glaring contrast to the strict moral code reported to have operated in the past amongst the Nguni, as reported by anthropologists such as Krige (1936) and Gluckman (1950) although, as one informant cynically pointed out (referring to the illegitimacy of Shaka), there had doubtless always been some discrepancy between the ideal and actual behaviour. The influence of the peer group, previously[2] operating to restrain and control, is now more likely to actively encourage participation in sexual relationships; according to one high school scholar: 'When you are against /intercourse/ you soon become the joke of the school'. A few other teenagers, writing on the subject of schoolgirl pregnancies, specifically advocated a return to what they saw as 'traditional' values, a couple even suggesting a virginity check. Although this custom (ukuhlolha) appears to have largely fallen away, even in rural areas (Whooley,1975:325; Mayer,1961:253;Sibiya,1982:138), one mother I interviewed (white collar) had continued to examine her elder daughter from the time she was about eleven to check whether she was still a virgin; 'How else', said Mrs Mk., when discussing this with me, 'could I

be sure that she was still a good girl?'. Mrs Mk. realised that the excellent relationship she enjoyed with this girl had facilitated her co-operation, and she was uncertain whether her younger daughter would co-operate in the same way in this procedure. The elder daughter had recently married, retaining her untarnished image, which Mrs Mk. considered an important factor in strengthening her marriage, since her husband would not be able to accuse her of any wrong in sexual matters.

Mrs Mk. described in detail the long, hard battle it had been for her, as a mother, in the face of pressure from the environment in which her daughter lived, to attain this ideal. She had been very close to her daughter, constantly talking to her about her parents' expectations regarding her behaviour. Praise had played an important part in the way Mr and Mrs Mk. had brought up their children, and Mr Mk., when alone with his daughter, would make remarks such as 'I see you as a flower in this family'. Prior to their daughter's marriage, her parents had given her a party as a reward for her having been a 'good girl', and she was then held up as an example to be emulated by her younger sister and the other girls.

The positive influence of a close mother/daughter relationship is also illustrated by the following example concerning the choice of a marriage partner, which was described by a single, highly qualified professional woman. When her elder sister had left school and taken up nursing their mother had spoken to her daughters about the sort of boyfriends they should seek, i.e. men who didn't smoke or drink, and who were more educated than they were (for, education being a highly-prized ideal in this family, it was assumed that such men would encourage their wives to study further). Her sister had subsequently taken a boyfriend, but had given him up because he had not met the strict criteria expected of a future husband. She had subsequently contracted an eminently suitable match, and had been held up as a shining example to her two younger sisters.

One can, however, well imagine the problems which beset a vast number of black mothers who rise at daybreak or before, leave soon afterwards for work in the city, and return during the early evening to care for their families (if they are fortunate enough to live together with them in or around Durban), in trying to exercise even minimal control over their daughters, let alone find the time and energy to develop the sort of relationship described above. Added to that are the dangers involved for women in living in townships with high crime rates, where travelling to and from work may take place during hours of darkness. Rape was mentioned as a factor in illegitimacy, and some girls are said to take the contraceptive Pill for fear of being raped.

Quite apart from such dangers, the normative climate operates, as already mentioned, to encourage love relationships between boys and girls; 'girls are encouraged by other girls to have a boyfriend and tell her it is a disgrace to be without any, the same applies to boys', in the words of one essay-writer. Customarily such relationships were normal, but were strictly controlled by the leader of the girl's age group, whose permission was needed before embarking on such a relationship, and who exercised strict control over love-making activities, impressing on both parties the necessity of avoiding defloration (Reader,1966:177). In response to my enquiries about whether ukusoma (intracrural intercourse) still occurred, it was pointed out that such love-making was no longer practicable, for who would check that matters were not going further than they should? (i.e. in the absence of the effective sort of group control which is said to have existed in the past). It seems, however, that some men still use ukusoma as a pretext for persuading the girl to allow sexual intimacy, for in one case heard at the Durban Commissioner's Court in which Seduction Damages were claimed, the male Defendant was reputed to have told the young woman concerned that he would 'use her thighs'.[3]

It seems clear that a multiplicity of factors are involved in the number of births resulting from pre-marital sexual relations. In the essays referred to above few writers actually responded negatively to the use of contraceptive measures (i.e. by expressing opinions against them, either because they encouraged looseness on the part of girls, or because of assumed ill-effects), and almost one quarter (seventy two out of approximately three hundred) suggested that contraceptives should be available to young persons. Very few essay writers alluded to a need for a young woman to establish her fertility, but other informants did mention this factor as being of importance in promoting pre-marital births. A girl competing with others for the same boyfriend, for example, might feel that bearing his child gave her an advantage over competitors. In a survey conducted in one of the townships, the response mentioned most frequently to the question 'What are you most proud of?' referred to the ability to bear children. (Siphiwe Madondo, personal communication).

marriage negotiation

Some girls are said to boast of having used pregnancy as a way of trapping a man into marriage; this manoevre clearly does not work for many, however, as the cases of Miss J and of Ethel Hl., described above, illustrate. Miss J. was resistant to the suggestion that she be sterilised after the birth of her fifth child by Mr X. because she felt she would be at a disadvantage insofar as other men were concerned in the future if she were unable to bear any more children.

Young women may also use pregnancy as a way of getting what they want when their parents are against their proposed marriages, as had Mrs La., a professional woman, whose parents had not wanted her to marry a man who they felt was socially beneath her, but who had relented when she fell pregnant. One young man (white collar) felt that pregnancy could be used as a way of reducing ilobolo demands, for the parents might be more interested in having their daughter married quickly than prolonging negotiations.

Amongst the men interviewed, opinions varied about whether or not it was important for a girl to establish her fertility before she married, some conceding that a man might like to be sure of his future wife's ability to bear children, others denying that there was any relationship. Elliot, e.g., in response to my probing about the timing of his sending his umkhongi to commence marriage negotiations (i.e. after Gloria had fallen pregnant with their first child) denied that there was any connection, and claimed that it was love that was important, and that it was just too bad if a girl could not have children. On the other hand, Eunice, a domestic worker, was adamant that her son had waited until his girlfriend had produced a baby, after having had five miscarrriages, before commencing negotiations.

Some other commentators have linked the large increase in the number of babies born premaritally to the void caused by the breakdown of customary methods of sexual instruction (Reader,1966:138/9; Khanyile,1974:3; Loening, n.d:5). In the essays referred to above over half the writers mentioned the need for more information and guidance, the majority suggesting that either the schools or the parents, or both, fulfill this task. One pupil put forward the idea that instruction be given by 'nurses and old people', an interesting blend of old and new from an anthropological perspective. The frequency with which parents were mentioned as ideally being involved in sex instruction seems to show a definite shift of perception about their roles in contrast to the customary ideas about children's respect for parents precluding open discussion about sexual matters.(Sibiya,1982;140)

Other factors which were perceived by scholars and other informants as playing a role in illegitimacy and teenage sexual relationships were the lack of recreational/sports/work outlets, poor socio-economic conditions (see below), the need for moral standards and self-control, and the co-educational school system. Sexual relationships between young women and men who were considerably older were mentioned in the essays and in

discussions with informants. Teachers were accused by some of exploiting the teacher/pupil relationship; in the words of one essay writer:

> 'I think that the Department of Education must make sure that the teachers do not go out and drink intoxicants during school time so that they must see to it that all the kids are present. Teachers must not be in love with students'.

Relationships with other older men, 'sugar daddies', or 'taximen', were mentioned fairly frequently, the same sixteen year old already quoted having continued:

> 'There must be no bars, shopping centres and taxi ranks near the schools because nowadays many girls love taximen and it is easy for them to go out of schools with those taxis'.

Usually, when talking of these relationships with older men, the financial advantages were mentioned. The existence of such relationships was confirmed by a middle-aged woman, deeply involved with the community in which she lives and works, who described what she termed 'business affairs' between businessmen and young girls. The businessmen took the girls out, e.g. to expensive hotels, giving them what their parents, because of their own dire poverty, could not do; such relationships were 'the greatest temptation these girls have.....it all goes back to pverty', for if the parents were able to provide luxuries such as decent clothing, and outings in a car, what these businessmen offered would not appear so attractive. Sometimes these girls had younger boyfriends also, with the older ones in the background.

When pregnancy results from pre-marital sexual relations, damages are payable to the parents or guardian of the girl, whether or not the couple subsequently marry. In the case of the first pregnancy two beasts are payable, the Ngquthu for the mother, and the 'tenth lobolo' or Mvimba[4] for the father, or their cash equivalents. Also payable is at least one goat for 'cleansing' the young woman (ingeza yezintombi), or an amount in cash to cover it. Strictly speaking, a beast should also be paid for each subsequent pregnancy.

There follows a brief description of a case in which damages were successfully claimed by the young woman's family during my period of fieldwork.[5]

> During their matriculation year, Grace P. had fallen pregnant by Amos Mn. Mrs Mn., a Durban domestic worker, having had word from Grace's mother about the state of affairs, determined to do her duty, and to arrange for negotiations to take place with Grace's family about the damages they required. Since Mrs Mn. had divorced some years previously, a trusted family friend (male), together with Mrs Mn.'s elderly mother, paid a visit to Grace's family, taking with them two goats and certain monies.
>
> They were courteously received by Miss P., Grace's mother (who had never married), and some male members of her umndeni (lineage), including her brother, who handled most of the negotiations. In addition to the gifts they had brought, agreement was reached that the Mn. family should, at some time in the future, pay R450 to the P. family in lieu of the Ngquthu and Mvimba beasts (R250 for the former, R200 for the latter).
>
> One of the goats was not permitted to enter the yard and was slaughtered outside the precincts of the home. This goat, the ingezamuzi was to put matters right between the two families, and to remove Grace and her sisters from a state of ritual impurity (umkhokho). The gall of this beast was spilled on the ground, and the stomach contents were left for the dogs to eat. Its meat was consumed by the P. family and neighbours. The second goat was slaughtered inside the grounds of the homestead in order to notify the P. ancestors about what was happening; nyongo (gall) was placed on Grace's toe, and the gall-bladder and isipandla (strip of the goat's skin worn around the wrist) were kept.
>
> Of the actual monies which had been brought, R10,00 was handed to the P.family to be given to the local chief, and R20,00 plus 20 cents for 'cleansing the girls' was also handed over. Grace and her sisters washed in the nearby stream using the 20 cents as 'soap', and the 'soap' having been defiled was left in the water. The R20,00 was used by Grace and her sisters as they wished (they bought sweets and cool drinks with it).

These ceremonies, which took place in the peri-urban area near Durban bear striking similarities to those described by Vilakazi (1962:55/6) and Sibiya (1982:165) as being performed by the 'traditionalists' they studied. In this case, however, both families were Christians, belonging to major denominations. The Mn.'s had offered a prayer to the forefathers prior to leaving home with the goats, and Christian prayers had been offered at the P. home. Miss P. explained that they did not do all the

'traditional things' (such as keeping the umhlwehlwe, the covering of the intestine) of the slaughtered goat because they were Christians.

Miss P., Grace's mother, subsequently explained that she was prepared to wait for the money for the beasts, for what was most important was that the two families had established a good relationship, and it was clear that the Mn.'s were 'nice people.....I can understand them and them me'.

Unfortunately, not all claims for Damages are resolved so amicably; should a man or his parent/guardian dispute a claim which is made against him for Damages, a charge may be laid against him by the woman's parent/guardian at the appropriate Commissioner's Court. The man, if he disputes paternity, may be sent for a blood test, which does not, however, prove conclusively that he is the father of the child, but only that he definitely is not, or that he might be, the father. However, this latter step does not appear to have been taken in either of the two cases amongst those described below in which paternity was disputed. The four cases which follow were brought in the Durban Commissioner's Court during the period 1980/1:

(i) Mchunu v. Masondo (Case 52/80)

Plaintiff's daughter had fallen in love with Defendant, and had had sexual intercourse with him in the veld at Kwa Mashu; his wife, he claimed, had, together with two other women, confronted Defendant with their daughter's pregnancy six months before the baby had been born, whereupon Defendant had admitted paternity and had paid R5,20 for ingeza yezintombi (cleansing maidens). Plaintiff was claiming R480,00 for the Ngguthu and Mvimba beasts. The Defendant denied all these allegations and engaged the services of a lawyer for his Defense. Judgment was awarded to the Defendant, for in the opinion of the Commissioner, the Plaintiff had not proved his case.

(ii) Mtshongwana & Njiyela v. Mbatha (Case 125/81)

About October,1978, Defendant had seduced Plaintiff's daughter, who was at that time a virgin, and a child had been born in June, 1979, but had subsequently died. Damages of R1000,00 for the two beasts, which were later reduced to R500, were claimed, together with funeral expenses of R44,75. Defendant did not appear in Court when summoned, and Judgment for R500,00 plus R44,75 was awarded to Plaintiff. Defendant was to be summoned again about the payment of this Debt, with the threat of a warrant for arrest if he did not comply.

(iii) Ntaka v Xolo (Case 333/81)

Plaintiff's daughter had fallen pregnant by Defendant, and had given birth in December, 1980; R200,00 and R160,00 were claimed in respect of Damages. Defendant admitted paternity, but considered the claims excessive, and was prepared to offer R80,00 and R50,00 respectively for the two beasts. The Commissioner, however, awarded the original sum claimed to Plaintiff.

(iv) Mashabane v Mokoene (Case 546/81)

Plaintiff claimed, in December, 1981, sums of R200,00 and R150,00 for Damages in respect of his ward (sister) who was pregnant with Defendant's child. Defendant denied paternity, claiming that the affair had ended prior to conception. With both parties present in court, the pregnant woman testified: 'My mother, myself and Mrs Mj.went to Defendant's people to report my pregnancy in September, 1981, to Defendant and his parents....I was a virgin when I first had intercourse with Defendant.....had not had intercourse with anyone else'.

After questioning both Plaintiff's sister and Defendant, and accepting as evidence a letter written by Defendant to the pregnant woman, the Commissioner awarded Judgment for Plaintiff, for the sum claimed and costs. How long Plaintiff had to wait for his Damages is not indicated for, although a Warrant of Execution against Defendant's property was issued, he had no attachable assets.

Whether or not Damages have been claimed, after the birth of a child a woman may seek legal assistance if maintenance is not forthcoming from the child's father and, should he dispute paternity, he may be required to undergo a blood test, as mentioned above in the discussion on Damages. It appears that the majority of cases handled by the Black Maintenance Court in Durban, concern extra-marital children (Mr Koen, Commissioner, personal communication).

In spite of every indication to the contrary, evidenced by the large numbers of women who bear children before marriage, the ideal remains: 'There is pride if you married a virgin', as one male informant put it. The obvious discrepancy which exists between ideal and statistical norm has been noted by other researchers in contemporary Southern Africa (Pauw, 1963:121,123; Whooley,1975:322)[6]

Before dealing with other preferences expressed regarding desirable qualities in a partner, I shall first consider those socio-cultural constraints which operate to limit the choice of partners which is available, such as politically-imposed limitations on geographic mobility and culturally-prescribed exogamy rules and norms about the role of parents in the choice of a partner.

The working hours and location of many blacks, particularly migrants to the city, limit the time and opportunity available for meeting members of the opposite sex, a factor mentioned particularly by domestic workers. A rurally-oriented male migrant might prefer to seek a wife from the country area from which he had originated, and where his family still lived, but would find difficulty in doing so because of lack of free time, and the distance involved. Without one's own transport, travel to some rural Natal areas may take more hours than can be spared at weekends, so visits home may be left until annual leave, as a result of which courtship becomes severely curtailed. Political factors such as influx control regulations, which restrict movements of blacks, may also impose limitations. If, for example, a Zulu-speaking Kwa Zulu citizen lives in a 'prescribed' (i.e. part of white South Africa) area, he would anticipate difficulties in bringing a 'foreign' (e.g. Transkeian) bride to live with him in the urban area; a woman who left the 'prescribed' area to live with her husband in Kwa Zulu would lose her residential rights there. (see Chapter 6)

Turning to cultural prescriptions, there is, as is well known, a major difference between Nguni-speaking and non-Nuguni peoples regarding whom one is permitted to marry (Preston-Whyte,1974:177; Kuper,1975), the latter showing a distinct preference for marriage with close kin. In contrast, marriage between those who are related in any way is proscribed amongst Zulu and Xhosa speaking peoples. Incest and exogamy rules in these two cultures co-incide.

Although Gluckman (1950:170) mentions only members of one's father's or mother's clan, or 'anyone who shares a common grandparent' as being excluded as a marriage or sexual partner, Bryant (1949:584) and Plant (1905:41) make it clear that exogamy rules were, at least in the past, far more extensive than those mentioned by either Gluckman (1950) or Krige (1936:156), and excluded as a marital or sexual partner also members of the same clans as ego's grandparents, as well as persons with whom one shared sociological relationships (e.g. members of a clan into which one's widowed mother or half-mother had remarried). According to Sibiya(1982:97/8) in contemporary rural Kwa Zulu sexual relationships are still forbidden for other than biological reasons; e.g. a male ego may not marry women from lineages and clans from which his polygamously married father has obtained wives (for they would be sociological sisters to him), nor siblings of his mother's brother's wife (which is considered indecent), nor divorced spouses of paternal or maternal kinsmen (because of possible enmity).

It became clear during my research that knowledge of incest and exogamy rules is still deeply ingrained amongst Zulu and Xhosa speakers, the former in particular, and that marriage should never occur if there were any possibility of a biological relationship between the partners. Almost all Zulu-speaking informants consulted agreed that marriage and/or sexual relations should ideally be avoided with any person sharing a common isibongo (clan name), on either the mother's or father's side, as well as cousins of all kinds, up to the grandparental generation; i.e. the names of the mother's father, the father's mother and the mother's mother, in addition to the prospective partner's own isibongo should be ascertained before becoming sexually involved. Three informants (two female domestics, one male professional), all of whom were over fifty years of age, indicated that they would check on all families up to the great-grandparental generation. It was, however, generally agreed that, amongst younger people,

relationships beyond the grandparental generation were not checked because of lack of knowledge about more distant relationships.

Nevertheless, rules are one thing, and actual behaviour another, as some informants pointed out. Several people of different ages felt that if the grandmothers' names on both sides were the same (and here there was some difference of opinion, some saying that the father's mother was the more important, others denying any difference), the relationship would be broken by the slaughter of a goat or cow (see below). Several young people (early twenties, white collar/professional) said that details about grandparents, and even about mothers, were usually not discussed much by the young people themselves, and were only gone into by the families when marriage was negotiated. Some time after their marriage, Musa admitted that she did not know the name of Phinde's grandmother, but Gloria had carefully checked the names of Elliot's grandparents' clans herself. Some Xhosa informants pointed out that their own use of surnames tended to place less emphasis on the importance of the isibongo than amongst the Zulu-speakers.

Linked clans, izithakazelo, should also be checked. Explanations about the origin of thakazelo varied, and they were described by informants as having come into being through:

(i) a son adopting his father's first name as his isibongo from that time on;

(ii) a particular incident in the history of the clan, resulting in a man's descendants, or a whole group, being given a different name to that of the parent group; e.g. when the Shozi people were moving from one area to another, some of them had stopped at a certain place and had not wanted to go any further when the rest of the group moved on, and had henceforth been known as 'Khawula' (i.e. their isibongo) for they had said 'sikhawula ukuhamba' (we cease to go)

(iii) the names of clan heroes being retained after the clan had split. Various examples of clans linked in this way were given, such as Mbatha-Shandu; Radebe-Mtimkulu; Mdlaka-Dlomo-Radebe.

All this information was passed on to the younger generation by parents or grandparents, but additional details might be learnt from other, unrelated persons; one informant, e.g. had first heard of another of her family's thakazelo in general conversation. The first thakazelo is usually the most important, and it is also possible that a common thakazelo might be pure co-incidence, without any relationship of a biological nature being supposed (e.g. Zungu and Ntuli have a common thakazelo but, according to the informant who provided this detail, there is no relationship.) There may also be disagreement about the correctness of marriage when a distant relationship between clans is involved, and examples concerning one of the most common clan names, the Dlaminis, were given; e.g. although some Pungulas might marry Dlaminis, conservative persons would not do so, because the Pungula section had broken away from the Dlaminis in the 19th century (and conservatives may include young, professional men and women). It is clear, however, that discrepancies about professed rules and actual behaviour must occur, for some informants could not recall the izithakazelo of all the clans they would be excluded from marrying into, and some young men admitted they would not bother about mentioning izithakazelo unless their girlfriends did so first.

Either party should enquire about the other's families during the early part of the relationship but, as indicated above, this rule may not be followed. One man remarked that it was a good sign once a girl started asking, and one became 'hopeful' and 'excited'. One of the parties might also concoct an imaginary relationship as an excuse for breaking off the affair. Some women complained about the lax, and sometimes downright

dishonest, approach of some men about ascertaining family names, and related examples where incorrect names had deliberately been given. (Sibiya,1982:93 also mentions deliberate concealment occasionally occurring, as does Vilakazi,1962:22). The anonymity of the towns is an especially hazardous factor, for an illegitimate child might never learn his father's name since his mother, if she had had several lovers, might not know it herself. Stories were related of men and women who found out only during negotiations, or even at the altar, that they were planning to marry their son or daughter! Sometimes, reminiscent of Levi-Strauss (1969), the analogy of 'animals' was used for people who were not strict about keeping exogamy rules.

When explaining the reason for these rules, almost all informants mentioned the belief in the production of faulty offspring by persons who were related in any way (see also Sibiya,1982:93; Pauw,1963:114), such as cripples, albinos, Siamese twins, mongolism, or 'stupid' children; infertility, it was believed, might also result from such a union. These consequences were anticipated because 'the blood is the same', and 'the forefathers will not agree'. Those who expressed their own disbelief in such consequences pointed out that they had to respect their parents' wishes. Sometimes, being told that whites could marry someone of the same name, or even first cousins, met with incredulity, some persons referring to a supposedly higher incidence of faulty offspring amongst groups not having these marriage rules. I was told in some detail of one case, in which two whites with the same surname had married, and had subsequently produced children and grandchildren with health problems. Some men did mention the positive value of marrying 'out' and extending one's ties, and one quoted the proverb '<u>Induku enhle igawulwa ezizweni</u>' (a good/beautiful stick is cut from faraway places) to illustrate the positive value of marrying someone from another area.

Sometimes the conservation of family wealth was mentioned as a reason for other groups marrying relatives, and there were some comments from women that perhaps close marriage was a good idea because men might care for their wives more if they were related to them!

As mentioned above, marriages with excluded categories of kin do take place, and everyone questioned on this matter knew of the cultural device for correcting the situation, i.e. the slaughtering of a white beast; there were, however, differences of opinion about whether the animal should be a cow or a goat. Almost all mentioned that the beast should be white, one person suggesting that this colour ensured that one did not give birth to albinos. Those who did not specify a colour stipulated that it should not be black, contrary to Longmore's assertion that a beast of this colour should be used (1959:133). Although a cow was often the animal which was mentioned, it was pointed out that a goat was the appropriate animal for ritual slaughtering amongst Zulu-speakers, and that Xhosas might use a cow.[7]

Different names are used when referring to this ritual. Both Reader(1966:155) and Vilakazi (1962:22) mention the term ukubulala igula ('breaking the gourd') but many informants had never heard this expression, and it may be specific to a certain geographical area. Sibiya (1982:93) refers to it as ukugeza ubuhlobo (to wash away kinship), and other terms mentioned by informants were shweleza emadlozini(to pacify the ancestors) and geza igama(cleanse the name Details of the actual ritual could not be ascertained[8], for informants agreed that when marriages within the prohibited degree of kinship take place, and this ceremony is performed, secrecy prevails since people do not like to make such matters public (see also Reader,1966:157n.)

Incest within the immediate family circle is said to be exceedingly rare, and social workers with many years of experience in dealing with family problems could recall only isolated cases. Because of the deep shame

involved, any such occurrences would be dealt with secretly by the umndeni members. There is, however, some speculation that crowded living conditions, and excessive drinking on the part of parents, might promote its occurrence. Incest, as defined legally, e.g. between step-parent and child, does occur and, although no blood relationship is involved, it is culturally proscribed and viewed with abhorrence. The following case concerns such a relationship:

> Mrs Mt., a domestic worker, had married her husband when her illegitimate daughter was one year old. She had been very pleased that her husband seemed so fond of the daughter, showering her with presents and generally spoiling her, but when the girl was sixteen she discovered that her husband had interfered sexually with her, and was insisting on having full intercourse with her. Because she had nowhere else to go the mother felt powerless to stop her husband, and considered whether she should merely provide contraception for her daughter. Eventually the daughter herself 'told her step-father off' so loudly that the neighbours heard, which shamed him into stopping this behaviour. He transferred his affections to another woman, and 'took it out' on his wife, forcing her to leave her employment (which he blamed for her 'getting ideas' and seeking help from a social worker), did not maintain her adequately, would not allow her to visit friends, and was abusive towards her when drunk.

Turning from the subject of cultural proscriptions, to the role of parents in the selection of a spouse, to what extent do parents impose their own requirements about suitable partners upon their children? The literature on other black societies in South Africa, and in other parts of the continent, indicates the increasing acceptance by parents that their children choose their own partners (Pauw,1963:125; Manona, 1980:195; Harrell-Bond,1975:171). Of the informants to whom I asked the question 'Would you still marry a man/woman of whom your parents did not approve?' only three, a female domestic and two professional women, answered an outright 'No', everyone else maintaining that he/she would, e.g. 'I am to marry her, my parents aren't connected'; sometimes this type of assertion was qualified with statements such as 'if my feelings were

strong enough'. Although some informants believed that in the past the choice of a bride lay with the young man himself, it is clear from the literature that arranged marriages also occurred (Krige,1936:124). In spite of informants' declarations to the contrary, the impression is that Harrell-Bond's observation (1975:171) that the status and authority of the elders are still strongly recognised may often apply; some informants acknowledged the conflicts which would arise should they be faced with parental disapproval of their choice, and pointed out that their choice would have been guided by parental expectations in the first place (as in the case of the professional woman described above). Bheki, e.g. had followed the advice of his deceased mother, who had appeared to him in a dream, and had instructed him to marry the woman he would meet near his home when he returned to the rural area on leave. Pauw (1963:125) also points out that, despite the trend towards individuals making their own choice, there was considerable variation in his East London sample, and the Rev.Tau(n.d.) mentions coming across cases of arranged marriages during his experience as Director of Soweto Marriage Guidance Society. Another minister who has spent many years counselling people before and after marriage quoted men as saying 'the first wife is for the family'. Several clients who sought marriage councelling in Durban had, they claimed, been persuaded by their parents to marry, for example:

(i) Mrs Mo.'s sister had been married to Mr Mo. and, when the sister died, she had been 'forced by her parents to take her sister's place as Mr Mo.'s wife'[9]

(ii) When Mrs W. was pregnant with her second child by her husband her family had 'pushed her into marriage because Mr W.'s family was very rich and he was the only son'

(iii) Mrs Mc.'s mother, who had a 'lot of influence' over her, had 'forced her into marrying Mr Mc. saying that if she did not do so she would disown her and take no <u>lobolo</u> from anyone else'.

As the following case illustrates, it may be very difficult to fly in the face of parental opposition:

> Mr Ma., a sophisticated, matriculated man of 25, working in the business sector in Durban, approached FAMSA to see whether they could help him in his dilemma. He had chosen a young woman of twenty to be his wife; she had an equivalent standard of education, and belonged to the same church,as he did. His father, who lived in the rural area, disagreed with his choice, and was adamant that his son should marry another woman, who had borne him a child (Mr Ma. expressed doubts about whether the child was actually his). His father had pointed out to him that the young woman he approved of had borne a child, whereas his son's choice had not proved her ability to have children. Mr Ma., although he had had sexual relations with the girl of his choice, had used contraceptives, since he wanted a proper 'church wedding'. His father had suggested that he take the woman he had chosen as a second wife, but he was not prepared to do so. If he was forced to marry the woman his father favoured he was sure the marriage would end after a year or two, either through divorce or, he hinted, through sorcery. Mr Ma. concluded that he had better remain a bachelor for, if he married the woman he had chosen he would risk being disinherited by his father and, as the eldest son, he could not face that; however, he could not bear the idea of marrying the other woman.

Unfortunately contact was lost with Mr Ma., so it was not possible to follow up this case and ascertain how he solved his dilemma.

I now turn from the subject of the constraints which are placed on partner selection to the role of religion, ethnicity, education, urban/rural background and age in the choice of a spouse, with particular reference to preferences expressed by informants when specific questions were put to them about whether these factors were important when selecting a partner.

(i) Religion: Five respondents indicated that religion was important when choosing a partner, one man and one woman qualifying this statement by saying that his/her partner had to be a Christian, and two woman specifying that their husbands should be Roman Catholics, as they themselves were;[10] in one of the latter cases the woman had married a man who had subsequently converted to her faith. Usually, however, a woman converts to her husband's religion upon marriage and, although in most cases for which marital

histories were available this conversion did occur, there were several exceptions. When the usual procedure is reversed, and the man converts to his wife's religion, there may be inferences that the wife has adopted an inappropriate, dominant role. Phinde, e.g. was at pains to remind Musa that he had converted to Catholicism before they were seriously courting, and only because the faith had appealed to him.

Kiernan (1979) argues that marriage is a way for Zionists to recruit followers. Of three Zionist marriages for which I have a fair amount of background information, the woman in one case converted from one of the major Christian denominations to her husband's church, and became an ardent Zionist disciple, although her husband himself did not participate (but his mother did). In the other cases, those of Dora and of her mother, both have continued to attend their own church; neither Peter nor Mr Zuma is actively involved in Zionist activities, and their own mothers have not succeeded in converting their daughters-in-law.

(ii) Ethnic group: The same two women who had wanted their husbands to belong to their religion had shown a preference for husbands of the same ethnic group (Zulu), as had one other woman (professional) and two men (one middle-aged professional, one white collar). Other informants denied that ethnicity was, in itself, of any importance when marrying, apart from the fact that one might prefer to know more about the family backgrounds and, if one's partner was not of the same cultural group, the family might live some distance away.[11] Education, as one man commented, had cut across any previous divisions which might have existed. Apart from what one informant termed 'hangups' about Xhosa girls, who were considered by some to be 'too bright, too clever, too pushy', stereotypes about other cultural groups which were verbalised were generally favourable; e.g. Shangane were described as 'quiet', and the Tswana as 'good-hearted'.

One other possible drawback mentioned was language but, in the words of one young professional man, who had just been extolling to me the virtues of a 'partnership' marriage, 'women adjust easily'.

Sibiya (1982:91) mentions a preference for 'ethnic endogamy' amongst 'traditionalist' Mkwanazi of rural Kwa Zulu, and suggests that it is becoming increasingly difficult to maintain this attitude as numbers of non-Zulus move into their area. Ahrens (1978) suggests that the role of ethnic factors in the choice of a partner decreases in importance with the increasing length of residence in urban areas, but I do not have sufficient relevant information to test this hypothesis. It does appear, however, from the number of inter-ethnic marriages which occur in Durban, that ethnicity is not an important factor. An examination of marriage records of the Durban magesterial district revealed that, as in other parts of Southern Africa and Africa in general, inter-ethnic marriage occurs relatively frequently (Mayer,1975:152;Levin,1947:15-17; Parkin, 1969: 98 ;Little,1967:410;Mercier,1973:42/3).

In 1980, 148 of 623 statutory marriages (i.e. almost 24%) were between members of different ethnic groups, and in 1981 the percentage of such marriages was approximately 25% (93 of 376). In 1980, 72% of the 148 were between members of sub-groups within a broad cultural category, such as Nguni (e.g.Xhosa/Zulu) or Sotho (e.g.Sotho/Tswana), and 28% of the 148 were between members of different cultural categories (e.g. Sotho/Zulu). In 1981 these percentages were 65% and 35% respectively.

(iii) Education: Of the five criteria for which an evaluation of importance in marriage was requested, it was with regard to education that the greatest variety in the way of responses was elicited, and a trend towards marriage occurring along 'class' (education/occupation) lines, noted by other researchers (Levin,1947:17; Longmore,1959;31;Sibiya,1982:99) seemed to emerge.

Generally, domestics and manual workder did not see education as an important criterion in the selection of a partner, except from mentioning factors such as the improved earning ability of a more educated husband. Responses from persons in the white collar category varied, as did those of female professionals, including nurses and social workers, although those with higher than average qualifications, or who had attained high status in their occupations, insisted that their husbands be similarly qualified.[12] Some of those women who maintained that their husbands' educational level was not an important factor, asserted that it was love which was important; it also seems likely that with increasing age a woman may become less choosy about a spouse's attributes, and it was sometimes alleged (by other women, e.g. social workers) that nurses were keen to marry at all costs (and not, it seems, only nurses, as the case of Elizabeth, described below, suggests). Cheater (1974:154/5) mentions that in her sample many nurses were married to non-professional men, or men whose educational qualifications were inferior to theirs, which is not surprising in view of the fact that the pool of professional women is larger than that of professional men.[13] In the cases which I have come across some nurses were married to occupationally high-ranking men such as doctors or executives, some to teachers or clerical workers, some to labourers. One female domestic maintained that nurses preferred less educated men, for they looked after them better (her own husband having been involved with a nurse).

Of the seven professional men who were asked, only one claimed that a wife's educational level was not important (and since this response was part of a written questionnaire, no further detail was given). It is possible that having an educated wife is more important to a man than the reverse is to a woman, for Brandel-Syrier (1971:106)mentions the

tendency for upwardly-mobile men in Reeftown to divorce their lower-status wives in order to seek better matches (van der Vliet,1982, and Little & Price,19(refer to similar tendencies in Grahamstown and West Africa respectively). Only two of the professional men interviewed were prepared to marry a woman more highly qualified than they were; both these men were very successful in their careers, occupying 'executive' type jobs; one admitted that it would have been a 'blow to my ego' if his wife had been better qualified than he, but the other commented 'I don't have a complex'. The connection between social life and education was often mentioned; a man would want a wife with whom he could communicate at his own level, who would not feel at ease in his circle of friends, and who would share similar achievement goals for their children.

However, in spite of the expressed preference for educated wives, a great deal of ambivalence emerged regarding educated women: 'Men dislike educated women because they can't order them around as they do less educated women' (very highly qualified professional woman), and 'such a woman wants to be treated on a par with a man, she becomes stubborn, i.e. she will not be subservient to the man, which is what men want'(professional man). Some men referred to the difficulty of highly educated women in finding marriage partners, and the view was often expressed that having a highly educated wife placed a strain on a marriage. The man cited above in connection with a lack of subservience illustrated his contention by referring to a prominent black woman whose divorce, he inferred, was related to her furtherance of her own educational and occupational aims. Elsewhere in this country and the continent similar ambivalence towards educated wives has been noted (Sibiya,1982:102;Little,1967:413;Harrell-Bond,1975:162). Harrell-Bond, e.g. found that men preferred their wives to have less education, and to earn less, than their husbands: 'Most men expressed strong feelings about the

potential threat to their marriage.....they say that educated African women do not know the limits of a wife's authority in the home' (1975:162). There are, neverthless, always exceptions, and I did come across professional men who were proud of their wives' achievements, and gave them a great deal of support and encouragement in pursuing educational and career goals.

(iv) Urban/rural background: In almost all cases in which the question was asked about whether or not this factor was important, responses were in the negative.[14] However, from the cases I came across during research involving male unskilled migrants (e.g. domestic workers, who were not included in the sample of persons who responded to the set questions detailed in Appendix it seems that men in this category may prefer to seek wives from rural areas (see also Preston-Whyte,1981:165), rejecting the sophistication of urban women. Female domestics, as Preston-Whyte notes (1981:166) show no such tendency.

With regard to the better-educated persons, the urban/rural categories are, in themselves, probably of little value, their importance being largely superceded, when there is an expressed preference about the spouse's attributes, by educational and occupational qualifications.

(v) Age: The majority of informants emphasized that a woman should be younger than her husband, the main reason given being that women aged more quickly than men[15](see also Sibiya,1982:75; Pauw,1963:113). However, in spite of the fact that this type of union is termed 'chicken murder' many do take place, 60 of the 623 (almost 10%) and 47 of 371 (12%) marriages occurring in the Durban magesterial district in 1980 and 1981 respectively falling into this category. In the majority of cases the age difference was not greater than five years. I was also told of young men boasting about being 'kept' by older women.

During both 1980 and 1981 the average (mean) ages at which men and women married in the Durban magesterial district were 35 and 30 respectively (see tables in Appendix B), which are higher - at least for men - than those mentioned by Pauw (1963) and Whooley (1975) for certain urban and rural areas of the Cape. Pauw notes (1963:109) that in East London only a minority of men and women in his sample remained unmarried after their thirtieth year, and whilst Whooley (1975:283,317) states that men tended to marry at any age, women usually married between eighteen and twenty four. Modal ages for both men and women in Durban in 1980 and 1981 fell within the 25 - 29 years age range. However, without adequate local comparative material spanning a number of years it is impossible to confirm whether the age of marriage is actually rising, as Wilson (1981:141/2) shows has been the case in parts of the Cape. It may well be that in Natal men married at a relatively late age in the past; Sibiya (1982:20), for example, notes that during the time that men belonged to regiments it was unusual for them to marry before the age of forty.

Having looked at courtship norms, constraints and preferences regarding choice, and at the question of when people marry, last but not least, why do they marry - or why do they deliberately choose not to marry? Taking into account responses to my question 'Why do people marry?', remarks which were forthcoming in general conversation, and case histories, the most important reasons for entering into marriage can be grouped together as primarily home and children or other interpersonal needs (e.g. companionship); status, respect and community pressure; socio-economic factors. The various factors falling under these headings will now be discussed in more detail, bearing in mind that usually several, interrelated types of factors play a part in one's decision.

The reason most frequently advanced by persons from all walks of life was to establish a home and to have children; related to these aims was the fact that marriage was customarily, and very often still is, seen as a stage in life through which everyone should pass. For example, in response to my question about what sort of man was looked up to in the community, the answer invariably referred to his role as husband and father, such as: 'a good home, that he's able to maintain.....no want in his home... children can eat, can move about without shame', or 'a man who supports his family adequately and sends his children to school'. An unmarried man was not a full man, he was 'always a boy' and 'his advice can't be taken - he's no experience'.[16] Several women, domestics in particular, mentioned this factor, i.e. that one could not be looked up to, nor respected, if not married: 'I can't be called mama' one complained. An unmarried woman would be scorned by her sister-in-law, who might taunt her with words such as 'go and get out, get married, where is your husband?' A man who is approaching middle-age and is not yet married may be derisively referred to as a 'she-mane' (a 'she' man).

There was general agreement that community pressure still plays an important role, in that members of one's community would infer that there was something wrong with a man or woman who had not married by a certain age; parents, in particular, would be very sensitive to community opinion, and might use whatever influence they could to remedy the situation.

That love may be considered an essential ingredient in contemporary black marriage in South Africa has been noted by other researchers (Levin,1947:9; Whooley,1975:194), and informants from all walks of live mentioned it as an important factor in the selection of a partner, as well as being a reason why people marry. As already noted above, the love that one feels may, on occasion, be attributed to the use of medicines by the other party, as the following case illustrates:

(i) Mrs A. had become involved with her husband, eighteen years her senior, and totally illiterate, when she was a pupil of fifteen in Standard VII. Mr A. already had a wife in the country, and Mrs A. had a boyfriend of her own age. However, Mr A. had 'used muti' to get her, so soon she had found him irresistable, and had finally succumbed to his sexual advances. She became pregnant in due course, which was exactly what Mr A. wanted, for he used her pregnancy to put pressure on her parents to allow him to marry her. Her parents resisted but, when she was 21 and had two children by him he managed to obtain a court order permitting them to marry (see Chapter 4). It appears that the muti soon wore off after they married, for Mrs A. claimed that the marriage had never been happy.

(ii) Mr Xl., a man in his 50's, caused a disturbance at the place of employment of his domestic worker girlfriend, a woman of 50, threatening to kill her and burn down the house of her employer because she refused to marry him. He averred that she had been using medicine to make him fall in love with her and want to marry her, and that she now wanted to break the relationship. Fearful of the possible consequences, this woman left her place of employment, and moved to an unknown address.

Six men, all of them professional or white collar, mentioned partnership ideals/companionship as a reason for marrying. Of these, two are divorced, and the marriage of the third (Phinde) is not living up to this ideal. Several women, mainly domestics, said they wanted to be 'looked after';e.g.

> Bella, an unmarried domestic worker in her late thirties with two children had a secure, well-paid job. However, thinking ahead to when her own mother would no longer be around to assist her with child-care, and not relishing the idea of working for someone else until her old age, decided to accept a proposal of marriage from Charles, a widower, and to retire to his country home (conveniently near to where her family lived) to look after his children.

As Pauw (1963:126) notes, pregnancy may also precipitate marriages which might never have occurred, as in the following two cases:-

(i) Mr Mz. had not really wanted to marry his wife, he claimed, but had been pressurised by her mother into doing so; she had pointed out to him that because her daughter was pregnant by him both might be excommunicated from their church if he did not regularise the relationship.

(ii) Mrs T. arrived at the social worker's office, virtually destitute. An orphan, she had fallen pregnant whilst at a church boarding school in a rural area. Mr T., who worked for the church, had suggested that they marry, for fear that he might lose his job. However, in spite of

> promises that he would soon introduce her to his parents, he disappeared not long after the marriage, and she strongly suspected from what she subsequently heard that he was already married.

Turning to factors in the socio-economic and/or political environment, the need for accommodation, or to acquire land, may motivate a man or woman to marry (see also Manona,1980:194). A man needs to be married to acquire land in rural areas, or to occupy a house in a township. I was told of '6 month marriages', where two people agree to enter into a union within six months, this formality being required in order to place their names on a waiting list for a house. Years may elapse, without a wedding taking place, although in due course they may live together in the house in order to keep the accommodation.

Prior to the relatively recent adoption of a policy which permits single women to occupy houses in townships cases occurred of middle-aged women entering into marriages purely to retain occupancy of houses. One further reason for marrying which relates to accommodation concerns girls whose brothers have married, and who have brought their wives to live in the parental home. Informants commented that often if your brother married, and he and his wife were given one of the bedrooms to occupy, a young woman might be driven from her natal home into a marriage or illicit union in order to find accommodation.

Another factor in the socio-political environment which may lead people, especially women, into contracting a marriage is Influx Control legislation, and I have come across cases where women who were not entitled to remain in urban areas (e.g. from rural areas or from an independent national state) have contracted marriages hoping to acquire full residential rights in Durban for themselves, and sometimes for their children by other men as well.

The tendency of some firms to pay married men a higher wage, mentioned by Manona (1980:194) was also referred to by some wives, usually with some bitterness, because they did not feel they derived any benefit from this policy. Some business concerns apparently do have this policy; according to one black professional man, well-informed in matters relating to employment, they are usually 'unscientific' types of firm, who employ 'hostel-manager' types as personnel officers, i.e. a man 'who grew up with the Bantu and knows them well!'

Money undoubtedly lures some into marriage, as the following case illustrates:

> When Mrs K.'s grandmother, with whom she had been living in the country, had died she had left her granddaughter property in the form of cattle and goats. Mrs K. had been 17 at the time, and had met Mr K., who had soon persuaded her to marry him so he could help her; however, his 'help' consisted of speedily disposing of the livestock, and forcing his wife to go out to work because he did not support her at all.

Finally, in a community where marriage is viewed by the majority as a desirable, natural step in one's life, are there persons who deliberately choose not to marry? Some women (domestics) expressed doubts as to whether they would ever marry, pointing out that they had established a certain routine of their own, which marriage would disturb. However, such opinions may reflect a lack of opportunity, since it is up to men to propose marriage and, as one woman pointed out 'It's our own fault [that they don't] because we give them what they want without marriage'. The only bachelor who was of an age when most men were married who discussed his reasons for staying single with me explained that he was supporting a large number of dependents (over twenty), and that his vocation took up most of his time.

As mentioned by other researchers (Hellman,1974:19 ; van der Vliet,1982: Ch.6) I was sometimes told of women who, either because they had seen their mothers miserable, or considered that the types of marriage which others in the community had had little to offer them, did not themselves wish to

marry. Some unmarried women, particularly professionals, laid down very high standards that a future husband would have to live up to; however, even amongst professional women, not all were so fussy, particularly after they had turned thirty. Elizabeth, e.g., a university-educated professional woman in her mid-thirties, whose responses to my questions relating to the choice of a partner have been included in those cited above, maintained that she would marry a man with little education if he looked after her, and that his age would not be important for it was 'old fashioned' to worry about that. She would even consider marrying a polygamist for 'we over thirties no longer mind, if we don't live in the same place as the first wife'. Elizabeth (and, according to her, some of her friends) was having to make do with the status of 'permanent mistress' since the opportunity of marriage did not present itself.

However, there are other women of Elizabeth's age who do not share her views; the case of Thandi Y. is perhaps the most interesting, for she is a woman who has had the chance of marrying, and has consciously and carefully thought out her reasons for rejecting the institution. The ideas she so cogently puts forward have been voiced to some extent by other like-minded women:

> Thandi was born in a country area over forty years ago, the eldest of a large family. Her father, a migrant, spent most of his time in the city and his family would not see him for months on end until he returned, contrite, bearing presents for all. Thandi's mother had had minimal schooling, having had to tend the family's cattle as a child, but had encouraged Thandi to have a profession of her own. Thandi had boarded at a mission high school, at great personal sacrifice to her mother.
>
> Having matriculated, Thandi had gone on to qualify in her profession and has, over the years, reached a senior position. In spite of having had the opportunity to do so she has never married; she did once seriously consider a proposal she received, but had decided against it when her boyfriend told her that she would not have to work after marriage because there was a successful family business, the idea of giving up work being anathema to Thandi. Instead of marrying she has borne two children who, up until now, have been cared for by her mother much of the time; since she has recently acquired a house of her own the children have now moved in with her. Thandi has, since qualifying in her profession, been assisting her own family in various ways (e.g. school fees for siblings, and now accommodation).

> Thandi realises that she has consciously always rejected the image of marriage with which she grew up: Women in long skirts, firewood on their heads, babies on their backs. This rejection was re-inforced by all she had witnessed concerning marriage over the years, e.g. brides being given advice prior to the wedding that whatever happened in marriage they had to persevere, persevere, persevere; advice in which there was nothing positive. Looking at friends and colleagues who were married, Thandi saw men as irresponsible in their roles as husband and father, and as exercising control over women, e.g. (in connection with financial support) 'You /as a woman/ can be the man of the family if they want you to be, but they strip you of this right when it doesn't suit them', an attitude which she considers related to the payment of ilobolo, and the connotations that the woman was the man's property because of it. She suggests that men are, unconsciously perhaps, threatened by women's efficiency, and take it out on their wives in various ways because of it. Thandi, as did some other professional women, connects the differences which she objects to in the roles of men and women with socialization patterns. Girls, from the time they are little, are taught to be efficient wives and mothers, who can cope with any demand made upon them; she remembers being very upset at her mother's scolding her, when young, for not clearing up after herself, with the words 'what sort of wife will you make?' Men, on the contrary, are never taught the responsibility of the male role, because their fathers do not set an appropriate example; they are either unavoidably absent as migrant labourers or, if domiciled with their wives, are out with their friends most of the time they are not working. some professionals (according to Thandi) being the worst offenders.

In spite of her attempts to inculcate certain wifely virtues in her daughter, Thandi's mother, whom she describes as a 'very special person', has clearly been of prime importance in developing her strong sense of autonomy, through the goals she set for her daughter, her constant encouragement and sacrifice, as well as her own sense of determination, as evidenced in her behaviour; e.g. when her daughter's stay at boarding school was threatened because the fees were unpaid, Mrs Y., in her husband's absence, sold one of the family's cows, stopping in the city en route to the sale to tell her husband of her decision, which had been taken because he had failed in his duty.

Thandi's single-mindedness is probably exceptional, particularly because of the pressure on women to marry which has already been mentioned. I now return to the subject of courtship procedures, and especially what happens after the choice of a future partner has been made.

CHAPTER 2

THE BETROTHAL PERIOD

It is clear from the literature that, in the past, there were various ways of proceeding with negotiations after the decision to marry had been taken by one or both of the prospective partners and/or their parents. Although the most common method involved a formal approach by a representative of the man's family to that of the woman's (termed ukucela), there were various recognized ways in which the woman's family, or even the young woman or young man her/himself, might take matters into their own hands and initiate formal negotiations.

The term ukuganisela refers to the procedure whereby the young woman's family took the initiative in arranging a union with a man of their choice, usually for socio-political reasons (Krige,1936:124; Sibiya, 1982:183-5). Raum (1973:290) points out that this method was favoured by members of the royal family or the nobility. A young woman might also try to force her father's hand by running away (ukubaleka) (Krige, 1936:125; Plant,1905:32/3; Raum,1973:291), or going 'to stand' (ukuma) outside the homestead of her intended spouse (Vilakazi,1962:65; Sibiya, 1982:185). Another option involved the actual carrying away of the bride (ukuthwala)(Krige,1936:125) by the young man and members of his age group. This last-mentioned procedure which still, it seems, occurs fairly frequently in the Cape (Manona,1980:189; Whooley,1975:295) appears to have been relatively rare in Natal (Reader,1966:188/9). The adoption of these alternative strategies would have been followed, in due course, by an orderly interchange between the two families, through an intermediary, along the lines to be described below.

Those informants who were asked whether they knew of these less common forms of marriage procedures either had not heard of them or thought that they were probably rare, even in rural areas. As with marriage generally, regional variations may account for reported differences in the incidence of these lesser-used procedures, for whilst Raum (1973:290) seems to suggest that ukuganisela is still practised, and Vilakazi (1962:65) notes that the 'traditionalists' he studied still favoured iyokuma, Reader reports that ukubaleka was falling into disuse during the time of his fieldwork, and Sibiya states that ukuganisela in its 'traditional' form no longer existed in the rural area in which he conducted research(1966:185).

Certainly the negotiation procedures described to me by informants from a variety of rural backgrounds, as well as those who were Durban born and bred, were broadly uniform, approximately those of the ukucela referred to above. Despite the remarkable basic uniformity of the major processes described, there were also numerous variations, due no doubt to the differing regional backgrounds of those involved,as well as idiosyncric adaptations to contemporary lifestyles and work demands; some indication of these variations will be given in the description which follows.

Having decided to marry, it is necessary to notify one's parents or guardian, and to obtain their/his permission. Seeking parental approval is a cultural, not a legal norm, unless (i) either or both are under 21; (ii) the woman is 21 or over and resides in Natal (South Africa) and not Kwa Zulu. In most cases, rather than approach one's father directly, the young man or woman would discuss the matter with his/her mother, or another relative having influence with the father, who would best know how to inform the father. The man's father would then set in motion the negotiations designed to create bonds, not only between the two young persons, but also between their families. In cases where a man's father is deceased

a father's brother (real or classificatory) might be consulted. Discussion between father and son, which would probably include other male umndeni[1] members, about who would be a suitable umkhongi (negotiator) ensues, the son usually being guided by his father in making the decision. As appears to still be the norm amongst other groups in South Africa (Pauw,1963:126; de Jager,1971:161; Sansom,1976:146) the delicate task of negotiating with the girl's family was, in all instances recorded, entrusted to an intermediary (umkhongi), who is accompanied by impelesi (accomplice); together they are termed abakhongi. In no cases did I hear of the young man approaching the woman's family himself, as reported by Longmore (1959:88/9) and Reader (1966:215) to have occurred amongst inhabitants of Reef townships and amongst Christianized Makhanya. In cases where there is no senior male kin a young man may choose the umkhongi himself; e.g. Phinde's father is deceased and, apart from an older brother with whom he is not on good terms, the nearest senior male kin are in the Ciskei, so he himself chose a very good friend of his to act as his umkhongi, since he felt he could place his trust in him, and had arranged for his younger brother to accompany him.

Umkhongi may be a relative, a close friend, or a neighbour. Both Reader (1966:179) and Vilakazi (1962:62) mention that, amongst the 'traditionalists' they studied, malume (mother's brother) was regarded as being the most suitable person. Malume may still fulfill this role if available but, in most instances I recorded, either other categories of kin (e.g. 'sister's husband' or 'cousin'), or good friends or neighbours, had been selected as chief negotiator.[2] In choosing from amongst available alternatives, the personal characteristics of umkhongi are important, trustworthiness being the factor most frequently mentioned as being the primary consideration, together with age (see also de Jager,1971:161); as one informant explained, a young man can't talk to the woman's father about 'all those things'. As Sibiya(1982:186) also notes, umkhongi should be

able to command respect, so he should therefore be of an appropriate social and/or educational status to deal with the prospective in-laws. In two instances I came across, both in country areas, and where long-standing friendship had existed between the two families, the groom's father had visited the woman's father initially to 'sound him out' before sending his umkhongi to handle the actual negotiations. With one exception I did not find any cases in which a woman had been involved in negotiating on behalf of the prospective groom; in this apparently fairly exceptional case, Eunice, a widowed domestic worker, was assisting her son (sister's son) to marry and, having appointed her boyfriend as umkhongi, had accompanied him when he approached the woman's family.

The abakhongi, having agreed to the task, are formally instructed by the man's family to handle negotiations on their behalf, and are given guide-lines about the type of ilobolo they are prepared to pay. A skillful umkhongi would then try to obtain as much information as possible about the prospective in-laws, for such information would be of great assistance in the negotiations. For example, if one found out that the father had a certain weakness, such as a fondness for alcohol, one could take some utshwala (beer), or purchased liquor, with him to the prospective in-laws' residence. In setting out for the woman's home the young man himself may or may not accompany abakhongi, in case the woman's family want to see him, but if he does he stays in the background, usually not entering the house nor directly participating in the proceedings.

Enid T., when describing what had occurred when abakhongi had arrived to negotiate about a marriage with her daughter, stressed that they should arrive whilst it was still dark. Many persons, however, did not know of this custom, which is also mentioned by Reader (1966:180), but one professional man, who had himself recently acted as umkhongi for a

good friend, described this requirement as an 'ancient custom' which was generally no longer observed. Important factors influencing the arrival time at the woman's home are the distance involved and the amount of time available; e.g. some Durban-based abakhongi to whom I spoke had had to travel during a weekend from Durban to places such as Newcastle and Dannhauser, i.e. several hours' journey away, to negotiate on behalf of a friend or relative. Travelling expenses incurred by umkhongi are paid by the prospective groom or his family.

By the time abakhongi arrive the prospective bride's parents should, as indicated, have been prepared for their visit by their daughter unless, as in Dora's case, she has not yet found a way of breaking the news to her parents before abakhongi's arrival. Having been notified, the father would have called together his closest male kin, ideally members of his umndeni; e.g. Mr R. had his younger brother and eldest son with him, and Mr S. had his brother (parallel cousin) to assist him. If it is not possible for kin to be present, trustworthy friends and/or neighbours will take their place. Bongi's father had called his neighbour to be present when William's abakhongi arrived. If the woman's family has not been sufficiently prepared, as in Dora's case, abakhongi may be requested to call at a future date, or merely sent away. If they arrive when only the woman's mother is at home, which is especially likely to occur when households are headed by a widowed or unmarried woman, they would be told to return at a later stage when a male relative had been summoned, for women should not handle marriage negotiations on their own; if the mother had never married, her own father or brother would handle the negotiations. Any prospective son-in-law who paid ilobolo to the widowed or divorced mother could be legally obliged to pay the full amount again to the woman's father, or his kin if he were deceased (See Chapter 3).

The procedure on abakhongi's arrival varies considerably, depending on factors such as the setting (whether urban or rural), the personality and skill of the umkhongi, and the ideas of the bride's family concerning correct procedure. Mr Gm., a professional man, who has had considerable experience as an umkhongi himself, pointed out that one would deal differently with people with a 'traditional' approach to such matters as those with a more 'modern' approach. With the former, umkhongi would first have to find out and memorise the praises of the woman's father, then stand just inside their gate and call the praises, motivating them to receive him. Strictly speaking, he should carry induku (a stick). Since customarily an umkhongi might be beaten by the woman's family, Mr Gm. personally had found it advantageous when there was any suspicion that he might be assaulted, to hint about the charges he would lay. Although various informants mentioned that umkhongi might be beaten (see also Vilakazi,1962:62), I did not come across any instances of it having happened. One had to be very careful about how one handled different types of people, Mr Gm. continued: A 'traditional' person would expect the procedure to be quite correct in terms of customary standards, but if the prospective in-laws had a 'modern' outlook one had to be very careful not to appear 'traditional', for such a person might think you were looking down on him. Mr Gm. continued to describe his approach to a 'traditional' family thus: After singing the praises of the father he would announce:'I've been sent by.....to come and ask for something to make fire with. The situation at home is terrible, there's an old lady who needs a makhoti [wife] to help her'. He would then announce what ilobolo he had to offer. The first beast had to be a heifer, for otherwise the implication would be that the woman was no longer a virgin (this beast was still offered even if it was known that she wasn't, as long as she hadn't had a child). The heifer would be described as being of a certain

colour, and a 'touch of poetry' was in order when singing about the colour. One needed to mention exactly what one had to offer and, if it were live cattle the type and sex should be mentioned, e.g. heifer, ox, bullock, but great care had to be exercised that the beasts described would be available, for later the woman's family would expect exactly what had been offered. Sometimes when live beasts were described the groom's family would shout derisively 'where do you keep them', knowing that most township inhabitants did not have cattle. Particularly for the 'traditional' family one would offer at least two beasts, which were needed live for the wedding ritual but cash sums might be offered for the balance, i.e. a certain number of beasts @ Rx, and a certain number @ Ry.

Different descriptions of the initial negotiations were given by other abakhongi, some corresponding to that of Mr Gm.'s handling of a 'traditional' family, others differing because of the type of family concerned (e.g. a more 'modern' family), or because of a different personal style/approach by umkhongi. For example, Mr Zm. described the calling out of cows to commence negotiations as 'old fashioned', and pointed out that the woman's family might want their izibizo demands settled before they even discussed ilobolo. The words 'we want to make fire' are commonly used, as is the greeting 'Sikhuleka' or 'Sikhuleka ekhaya'(we greet you/at home) (see also Krige,1936:127) or 'here we are, the.....we have come here because we are going to be relatives to each other' (see also Sibiya,1982:188). With 'modern' families one might start informally with 'we have come on this matter of the two young people who want to marry'.

The abakhongi are left standing at the gate for varying lengths of time, but in the townships the wait is not usually very long, and a member of the girl's household is sent to invite them inside. In the house, the father's male kin (or neighbours/friends) are waiting in the living room;

the women, including the prospective bride, are concealed elsewhere (usually, in the township houses, in the kitchen), and the father himself may or may not be present. He is often waiting outside, at the back of the house, and the abakhongi are asked for money to enable the father 'to come out of the tree'; in the country the father may actually climb a tree, or perhaps roll himself in a blanket and refuse to come out until a monetary gift is given to coax him to do so. More 'modern' fathers did not actually go outside, but there might still be some light-hearted exchanges to the effect that 'his mind is up in a tree', together with discussion about how to get him down to earth! The father himself does not actually participate in the discussion, which is handled by his spokesman (the kinsman/neighbour/friend), and an umkhongi needs to be very careful how he deals with that person, who would be the one to greet him initially, for he would have influence with the father. Having coaxed the father with imvuka (the initial monetary gift, the equivalent of the coming out of the tree) to at least be physically present, various other sums of money are requested by the woman's family, the most common being imvulamlomo ('the mouth opener'). Amongst other sums which may be requested are those in respect of ingqaqamazinyo (for 'opening the teeth') or izikhwehlela (for 'coughing up the phlegm' in order to be able to speak). One cannot settle down to serious discussion until these initial monies, termed celwa, have been settled.

The mother of the woman must also be consulted, and she is called through to the room where the men are negotiating, together with a female kinswoman or friend who speaks on her behalf. She may require any of the following monetary gifts:

- amakhambi and ucato (an emetic used while her daughter was a baby, and the spatula-like instrument with which it was applied, respectively;

- money 'for the knees', for which she may go down on her knees as she did when giving birth, and need money in order to rise;
- money for amabele (the breasts), for having fed the baby;
- money with which to purchase snuff.

One informant mentioned that imvulamlomo had been paid to the mother as well as to the father. Generally, it seems, total amounts which are in the region of R20 - R30 are asked as celwa gifts, but one man, whose son was negotiating marriage with the daughter of an induna claimed that the son had had to pay approximately R300,00 during this initial stage of negotiations.

Requesting amounts specifically for these afore-mentioned items may be dispensed with, particularly, it seems, by well-educated persons. For example, Mr Pw., a highly qualified professional man who had negotiated on behalf of a colleague had paid R30,00 to start negotiations, which, he said, was 'more or less imvulamlomo' but had not actually been called by that name. One informant , a migrant male domestic with rural roots, had also had to supply a monetary gift for the 'secretary' who was to record the transactions, i.e. the list of requirements which umkhongi was to take back to the groom's family with him.

During the initial part of the proceedings either the whole group of girls (i.e. the daughters of the house and any other girls staying with them), or the young woman on her own, are summoned, for the umkhongi to point out the woman concerned (i.e. if the whole group is summoned) and/or to obtain the woman's confirmation that she does indeed know about what is going on.

Once the preliminary monetary requests have been settled the woman's family, through the father's spokesman, makes its requirements known; as is the case throughout the proceedings the personal skills of the

negotiators both sides are very important, for either side may gain an advantage through careful handling of the situation. Mr Gm., the experienced umkhongi referred to above related the story of the man who had thought he would be sophisticated, and had used English 'about eighty percent of the time' during negotiations. Mr Gm., extremely fluent in English himself, had been able to turn the situation to his own advantage for, since they had wanted to do things in the 'western' way, they had no right to expect too much ilobolo!

The order in which the woman's family makes its demands known varies. During the initial contact the ilobolo demands may be mentioned, or only the izibizo requirements may be given, and ilobolo matters may be handled at a later stage. For example, Mr Pw., who had travelled to Dannhauser to negotiate 'the modern way' on behalf of his colleagues, had obtained a list of all the requirements of the bride's family that same weekend. However, in another case where the negotiators had followed equally 'modern' lines, during umkhongi's initial journey from Durban to Newcastle only the izibizo demands had been made known, and ilobolo had been discussed only after the izibizo had been presented (see below).

Transactions may be recorded for both parties to sign and witness, but insistence on such a formality may give rise to offence, implying a lack of trust on one side. Bheki, who feels that his father-in-law has grossly exploited him by making expensive ilobolo and izibizo demands without fulfilling his reciprocal obligations, now wishes that he had drawn up a legal contract.

The abakhongi depart, bearing with them, either in their heads or, more usually now, in writing, a list of the requirements of the woman's family in the way of izibizo and perhaps ilobolo (the whole question of ilobolo, because of its importance and complexity, is dealt with separately in the following chapter). The nature, and manner of presentation, of izibizo

appears to have undergone change over the years since descriptions based on their own fieldwork observations were published by Vilakazi (1962) and Reader (1966). From their descriptions, the whole process of reciprocal giving appears more spread out over time and informal, and they list less items than are generally asked for nowadays. In the rural settings in which they conducted their research, izibizo items appear to have passed gradually between the two families, i.e. an item or two at a time. The initial monies (i.e. celwa) asked during the first visit by abakhongi are included by these researchers under the rubric of izibizo. Vilakazi, e.g. refers to imvulamlomo as the 'first of the izibizo' , izibizo being'part of this general pattern [of].....gifts that pass to and fro between the contracting families as long as the marriage persists' (1962:63). Apart from the monies which were described to me as celwa, Reader (1966:190) mentions only ibikibiki goat for the mother, and possibly a suit for a young brother of the woman, as comprising izibizo. Bheki maintained that izibizo gifts in their present form are of relatively recent origin, stemming from about the 1930's period, a point made also by Bekker (1978), but it does seem that the custom of leaving small gifts for the father and mother of the woman had existed for some time before then (Plant,1905:35).

The various back and forth visits between the potential in-laws described by Krige (1936:132-4) and Vilakazi (1962:64) appear to have become condensed into a few clearly defined social occasions, both in rural and urban areas; this change is doubtless related to modern work conditions and, in some cases, the distance that needs to be travelled. The presentation of izibizo is one such occasion, and appears to be widely regarded as an engagement party (although in some odd cases no party had been held). The presentation of izibizo takes place at the home of the woman's family, after the umkhongi and his wife arrive, bearing with them the izibizo gifts, most of which are destined for the mother and her female kin. Accompanying

umkhongi are the groom, members of his family and friends.

From details I was given, izibizo gifts which are presented are essentially the same whether the families are Christian or non-Christian, and the differences noted by Reader (1966:215) and Sibiya (1982:196/7) were not apparent. Izibizo invariably include utensils and items of food associated with the birth of the baby daughter whose marriage has now been agreed upon. Some typical items which are requested are paraffin and a paraffin stove, a large ibhodwe (iron three-legged pot), a wash basin, towels, soap, imbazo (axe), a large quantity of sugar, and tea. There is symbolic significance attached to these goods: The axe relates to the cutting of wood to light the fire, and the ibhodwe to the receptacle in which the water was heated, at the time of the birth, the basin, soap and towels having been used to wash the baby. Teasets, cutlery and even a dinner service may be amongst izibizo gifts, and these are connected with the catering for the guests who arrived after the birth. One or more sacks of sugar and a packet of tea are standard inclusions, for tea had been served at that time. Reciprocal obligations are maintained with the sugar received, for small quantities are measured out and given to kin, friends and neighbours with whom one interacts socially, and from whom one has received similar gifts, or anticipates doing so in the future.

Sometimes many of the smaller gifts are omitted (e.g. tea cups, iron pot), and a large item such as a coal stove is requested in their place. Mrs Mk., whose sustained efforts to preserve her daughter's virginity were mentioned in the last chapter, described an interesting and extremely practical variation she had decided upon instead of most of the usual items: A rain water storage tank. Living as the Mk. family did in a peri-urban area, not only was this receptacle extremely useful, but it had associations with her daughter's childhood for, when younger, she had fetched the water from the river for her mother.

Personal gifts to the mother and her female kin consist of rugs and/or blankets and headscarves, connected with the need to dress respectfully - which includes ensuring that heads are well covered - when visiting the new in-laws, whether or not all concerned are actually likely to make such visits in the future. Enid T., for example, had received eight rugs and eight 'doeks' and, with the exception of one of each which she had kept for herself, had passed them on to her husband's female kin who lived in Mozambique. She had also received two blankets, one for her own mother, and one for her husband's mother in Mozambique. Ibikibiki goat for the mother is almost always included amongst the izibizo. Unless a cash substitute in lieu of this beast is given, it arrives covered with a blanket, and is killed and eaten by the mother and her kin and friends (female). Informants knew only that this goat is given to the mother in appreciation for her having given birth to the daughter, but Sibiya (1982:197) clarifies that the compensation is for having shed waters when giving birth.

Gifts may also be made to the father, usually in the form of clothing, particularly an overcoat, shoes and hat. Sometimes liquor may be included, or a saddle or a shambok (see also Sibiya,1982:194). Some families may also require a set of clothing for a brother of the bride.

The izibizo given by Peter to the Zuma family are fairly typical of what is required:

Mr Zuma received a winter coat and an expensive hat;

Mrs Zuma received, for herself and her female kin:

8 rugs (5 for herself, her sisters and her husband's sister, 2 for ugogo(grandmother), one for her mother's sister)
8 amaduko (scarves, distributed in the same way as the rugs)
1 ibhodwe (a very large three-legged pot)
50 lb sugar (which she had divided amongst the neighbours)
1 large packet of tea
1 tin paraffin and 1 large paraffin lamp; 1 packet matches
R2,00 in respect of ucato (purgative)
1 large washing dish, 1 large-sized bath towel, 1 large bar soap
1 tea set (pot, cups, saucers, tea plates)
1 ibikibiki goat, covered with a rug (additional to other rugs)
1 large umese (knife)
1 imbazo (axe)

Estimates of izibizo expenditure (as well as other types of outlays at marriage) were difficult to obtain, for people generally do not keep records of what is purchased (see also Levin,1947:55). However, using a similar list, compiled by a man who had purchased izibizo at about the same time as Peter had, and who was claiming a refund in a court case[3], the above-mentioned gifts would have cost in the region of R500,00.

Cash may be substituted in lieu of some or all of the izibizo. In the majority of instances for which I have details, most gifts had been given in kind, with cash equivalents being given for some items (e.g. ucato). In one case only had everything been paid in cash, and in several instances all gifts had been presented in kind.

In addition to these presentations to the girl's family, the man's family give the bride-to-be a set of clothing, the present-day substitute for the isidwaba customarily worn by a married woman, and now worn only by non-Christians in rural areas. Although isidwaba was customarily supplied by the bride's father (Krige,1936:135; Reader,1966:193; Raum,1973:293) nowadays the man either purchases a set of clothing himself, or provides money for his prospective bride to do so, according to his specifications. This clothing comprises a skirt, which should be of at least knee length, or even full-length, a 'doek' for her head, a a scarf termed a 'don't touch' worn across her shoulder to show that she is now engaged, apparently a carry-over from the customary 'red cloth hanging from her shoulders' described by Krige (1936:124); shoes, handbag and hat may be included also. By providing this clothing her fiance indicates to her how she should dress as a married woman. Sometimes this clothing, or the money in lieu of it, was termed ikhehla by informants, clearly an allusion to the change of hairstyle which customarily accompanied the woman's changed status (Krige, 1936:134; Reader,1966:192). Nowadays a brooch may be given to wear in the hair to denote the changed status. A blanket with which the new bride

will ukuhlonipha at her new home is also given: When Bongi arrived at William's home during the early hours of Sunday morning, following the reception at her home, she had been wrapped in this blanket as a sign of respect to the family's ancestors, and she was dressed in the set of clothing given her by William.

The presentation of izibizo is usually accompanied by the slaughtering of one or more goats by the family of the woman, and in cases where this slaughtering is omitted, it was either because of the shortage of funds, or because it was put off for another occasion, i.e. it was more convenient to do so at a later stage. For example, in the negotiations handled by umkhongi Z. at Newcastle, the goat had been slaughtered only after the second instalment of ilobolo had been paid, which was immediately prior to the actual wedding.

More usually, however, the imvuma[4](acceptance) goat is slaughtered at the time the izibizo are presented, this slaughtering marking the formal acceptance of the man's suit (Reader,1966:183); its gall is sprinkled on all the major joints of the umkhongi's body for, as Vilakazi (1962:65) points out 'to accept (vuma) the umkhongi is to vuma the lineage that sent him'. Some informants termed this ritual uyocola umkhwenyana (to annoint the son-in-law), presumably because umkhongi stands in the place of the son-in-law, and may even, according to Krige (1936:126) be called by the name umkhwenyana (although informants claimed he is called umlingane by the bride's family, which refers to his general status as an in-law). Some informants maintained that they, as prospective grooms, had also been annointed with the gall. Part of the meat of this goat, together with its skin, is given to the umkhongi to take home with him.

Often another goat is killed at this time, by the woman's family, i.e. the indlakudla for the prospective groom[5], enabling him to eat the food of the woman's home; gall from this animal may or may not be sprinkled on him.

This goat may be killed at a later stage, and in some cases it had not been done although the marriage had taken place; it had not, e.g. been slaughtered for William who, on the odd accasions he ate at the home of Bongi's family, did so 'unofficially'.Elliot, who had been lodging in the house of Gloria's mother since before their marriage, pointed out that what he ate there had been purchased from local supermarkets, and the fact that the indlakudla had not yet been slaughtered for him did not affect his partaking of that food; it would have been a different matter if the family's food had been supplemented by meat from its herd of cattle, for example. Depending on the means of the woman's family, other goats may also be slaughtered at the presentation of izibizo: The Mk. family, e.g., had provided two goats for the abakhongi, and one for the groom's eldest sister, as well as the indlakudla for the groom himself.

From this point on the couple are formally betrothed, the woman is (ingoduso) and may not be courted by anyone else. She is now termed makoti (wife), and the man umkhwenyana (son/brother-in-law), and members of the two families refer to each other by the appropriate in-law term. Often an engagement ring is given at the izibizo presentation (although it may also be given at another time, even at the wedding ceremony, together with the wedding ring) and, amongst some Christians, a small church ceremony may be held to bless the ring.

Arrangements about the payment of ilobolo vary considerably; initial instalments may already have been made before izibizo presentation but, more usually, these start after izibizo demands have been met (and, as already mentioned, negotiations about the amount required may commence only after that time). Generally, one or two beasts, or their cash equivalent, are paid at a time, sometimes over several years, and are frequently not completed by the time of the marriage. However, in some cases, especially

where assistance from one's family is available, or the demands are not too high, full payment may be made in one or two lump sums. Of the five main case studies used for illustrative purposes, only in that of William and Bongi had the ilobolo demands been fully settled (by William himself) prior to the marriage; in the other four cases some ilobolo is still outstanding.

In the country areas, or in the urban/peri-urban areas, in cases where cattle are available (even if specially purchased), the woman's father may still inspect the cattle to be paid as ilobolo. Sometimes when the main ilobolo instalment is paid prior to the marriage, either in cash or kind, the ilongwe goat[6] is slaughtered by the man's family. For example, Phinde, who was at that time renting a room of his own elsewhere had to purchase a goat, and to arrange for it to be transported to his family's township home, when a large cash instalment of ilobolo (the final one before the actual church wedding) had been paid. After ilongwe had been killed its gall had been sprinkled on the young couple, and the gall bladder of the animal hung over their shoulders. Neither Phinde nor other informants who knew that this goat should be slaughtered (and many had not heard of it) knew of the symbolism involved.

In almost all cases, one or more umbondo are sent by the woman's family to reciprocate the izibizo and/or ilobolo, by both Christian and non-Christian alike. Those informants who were already married by church rites, and had not yet completed at least one umbondo visit, had either been excused by their in-laws because of the distance involved and/or because of insufficient funds, and usually planned to fulfill this customary requirement at some time in the future. For example, Mr and Mrs Sb. had met in town, and had had neither the time nor the financial resources for her to make the journey to his parents' home in Northern Natal. Gloria, who had been particularly financially hard-pressed throughout the courtship period

had been excused from this obligation by her mother-in-law (father-in-law was deceased), on the implicit understanding that it would take place in the future. Bongi planned to make one umbondo visit before umabo were presented, umabo being the reciprocal gifts which, as part of the wedding ceremonial, pass from the family of the bride to that of the groom (and which may, in many instances, occur years after the church/civil rites). There is widespread belief that at least one umbondo is essential, even if it is carried out years after the legal formalities of the marriage have been completed, for its omission would invite misfortune.

Arrangements for the imibondo, and the decision about how many will be carried out, depend on one's resources,and circumstances such as distance involved and time and means of travel available. If the couple live within walking distance of each other, as in the case of Dora and Peter, a party of young men and women, relatives and friends of the bride, proceed on foot to the groom's home, accompanied by an older, female relative; each person carries some article of food or drink, which would include many varieties of fruit and vegetables, samp, cakes, tshwala, mahewu and lemonade (alcoholic beverages being excluded if the family members were teetotallers). If tshwala were included it would probably have been brewed by the bride herself and/or her mother some days beforehand.

In cases where the bride and groom's families live some distance away from each other a bus or van is usually hired, and a party of young people, supervised by an adult, set off, usually over a weekend. When Musa had journeyed from her home near Durban to her prospective husband's home at the lower South Coast, a hired bus, full of relatives from both sides of her family, and a few friends, set off, bearing large quantities of food - sacks of cabbages, pockets of potatoes and onions, boxes of tomatoes, hands of bananas, whole pumpkins etc. The tshwala which Musa and her mother had

brewed was transported, in large containers, in the other vehicle which accompanied the party (a van). On arrival at her future in-laws' home Musa, as is customary on this occasion, had sat on the floor on a special cansi (grass mat) bought for that purpose, and had had to be enticed with gifts of money to take part in the proceedings, including money to sit on a chair and money to speak. Under contemporary conditions, such a weekend of carousing may be frowned upon by the parents; Enid T., e.g. would not permit her two teenagers, Anna and her brother, to accompany a mutual friend on a similar weekend umbondo for she did not trust the proposed adult supervision.

Whether or not both the bride and groom, or even either of them, are present at their own imibondo depend on circumstances and, according to some informants, the geographical area of origin/residence. Imibondo visits may take place in country areas whilst the prospective groom is away working in town; in one group of women with whom this question was discussed, it transpired that Mrs Cl. from Mapumulu had taken part, Mrs Zl. from Ixopo had not done so, and Mrs N. from Mtubatuba had participated in one and not the other (the second having taken place after the marriage when umpuca, the bride's first visit to her natal home after marriage, had occurred). Sometimes, imibondo displaying the type of informality suggested by Vilakazi's (1962:64) and Krige's (1936:132/3) descriptions (as opposed to the type of visit which is planned to fit into contemporary working schedules) were mentioned. Bheki, for example, described how, at his rural home, his fiancee and her friends had visited, bringing beer and food, to work in the fields;their gifts had been reciprocated by his family by the slaughter of a goat, or money. These visits were of longer duration than those of Dora and Musa which have been described, lasting for approximately a week, and, unlike the situation apparently prevailing in the town, the beer had been brought by the women, and the girls had been permitted to take only the food.

One further custom which is still observed prior to the marriage (and, if it does not occur prior to the church ceremony,it should take place before umabo are presented) is the cimela visit of the bride (Krige,1936: 135; Reader,1966:192). Cimela visits are paid to relatives to 'open the eyes', in the words of one informant, about marriage, to bid them farewell before marriage removes the woman from her natal family, and to receive presents from them. As with the other customarily prescribed procedures already discussed, the extent of these visits, i.e. those relatives who are visited, and the time spent with them, may be considerably modified to fit in with modern work demands, particularly in urban areas when the bride-to-be and some of her relatives may be working. Bongi, like Dora, paid visits only to relatives in the local townships, immediately prior to her wedding. In contrast, Beauty, a domestic in the city, had lived in the country with her family prior to her marriage, and had paid visits to various relatives during the three months prior to her wedding, some of these relatives having lived a considerable distance away from her own family.

Side by side with these customary cultural observances, Western practices such as a kitchen tea may be organised for the bride by her friends. The church group (young unmarried women) to which Bongi had belonged had organised such a function for her.

To sum up then, the betrothal period is marked by an interesting combination of appropriate customs, which individuals have selected, and combined in different ways, from what they perceive as 'traditional'and 'western' sources. No longer is the sharp dichotomy between Christian and non-Christian, so noticeable twenty to thirty years ago in the peri-urban areas of Durban (Reader,1966; Vilakazi,1962), and still existing in rural Kwa Zulu (Sibiya,1982) obvious in and around Durban. On the whole there is widespread knowledge of customary procedures, although some persons do

excuse their own lack of detailed knowledge in specific areas on the grounds that they were brought up in a mission area(see also Ngubane,1977:3) One area in which some confusion exists relates to the names of the different beasts which are slaughtered at various stages of the proceedings (e.g. which goats are which) and, to a lesser extent, whether the beast which is slaughtered should be a cow or a goat (e.g. some informants referred to the slaughtering of an imvuma cow, or an indlakudla cow, whereas most associated these terms with goats). Those persons who claimed to have considerably knowledge of customary matters were adamant that, when notifying ancestors about important events, goats and not cows should be slaughtered.

The length of the betrothal period varies from months to years. Obviously an extremely important factor is the ability of the prospective groom (and possibly his family, if they are assisting) to produce the izibizo and ilobolo. However, contrary to what is sometimes suggested (Longmore, 1959:35; Moeno,1977:44), an inability to make the necessary payments should not be seen as the sole delaying factor in finalising wedding arrangements, for sometimes the woman's family, or even that of the man, may delay the wedding,under various pretexts, after the ilobolo has been paid. For example, Mr Hl., working as a messenger in Durban, had completed substantial ilobolo payments (his future father-in-law being an Induna, and thus entitled to a higher-than-average amount), but the woman's father had delayed the marriage for some time, using excuses such as the need to wait until the second baby was born, or the need for her elder sister to marry first. Sometimes an unexpected event such as a family death may delay proceedings; e.g. on the same day as the presentation of izibizo had been planned, the brother of Charles, Bella's fiance, had died, so this festive event had been postponed for several months, as had the wedding itself.

One last important point, already alluded to above, is that not all the preceeding steps such as izibizo, umbondo and cimela visits must necessarily be performed before the church/court ceremony. Since in many cases the legal ceremony is regarded as being of minor ritual importance as compared to the customary ritual, formalities such as cimela or umbondo may not be seen as essential until it is time for the umabo presentation to occur, which may be years after the legal marriage. Before discussing in more detail the legal as opposed to the religious aspects of marriage, a closer examination of the whole question of ilobolo, which has been only briefly touched on in this chapter, is called for.

CHAPTER 3

iLOBOLO

With the possible exception of polygamy, there is probably no single aspect of black marriage in Africa which has attracted more attention from missionaries, lawyers, administrators, and anthropologists alike than bridewealth. A glance at the explanations which are offered by writers on the subject for the existence and persistence of this custom suggests that, as a topic of anthropological debate, it provides in many cases an excellent forum for the testing of prevailing theoretical preoccupations. For example, writers such as Brandel (1959) and Jeffreys(1951), (the latter in spite of a noticeable evolutionary bias) are preoccupied with the 'functions' of ilobolo[1] (the Nguni name for bridewealth), in keeping with the 'structural-functional' approach popular at the time of their writing. Whilst also operating within a 'functionalist' paradigm, theorists such as Goody (1973) and Gluckman (1950) favoured a jural approach, in which the transfer of the rights in a woman's domestic, sexual and possibly reproductive services is seen as the underlying reason for the transfer of bridewealth. Muller (1978), a disciple of Levi-Strauss, attempts to explain the variations in bridewealth he encountered amongst the Rukuba of Nigeria in structuralist language, arguing that, because the rights transferred are the same, but the amounts given differ greatly, these transfers actually reflect ideas about how women and goods should ideally be distributed in this society. During this past decade also attention has been given to a feminist perspective on this subject by both Singer (1977) and Ogbu (1978), both of whom have attempted to correct the male bias which they feel has always existed when interpreting bridewealth practices.

Most of the explanations referred to above have been 'etic' or anthropological' in nature. Recently, no doubt as a result of the popularity of 'emic' or 'folk' models, anthropologists such as Sansom and Comaroff have offered descriptions of contemporary Southern African bridewealth transactions which emphasise the meaning with which they are invested. The Pedi, e.g. are said to conceptualise bridewealth as a 'separate sphere of exchange', and consciously conceal monetary connotations (Sansom,1976). To the Tshidi-Tswana the passage of bridewealth removes the ambiguity inherent in the process of marriage (Comaroff 1980).

In line with the attention currently being given to 'folk' models then I shall give a good deal of attention to the views of informants, in terms of their attitudes towards, and their explanations about why, ilobolo is paid. These views will be examined in the context of the prevailing literature and the legal norms which are operative in South Africa, and some attempt will be made to compare 'ideal' and 'actual' behaviour, i.e. if people express positive feelings about ilobolo are they actually paying it when they marry and, if so, how much? Finally, through combining folk and anthropological perspectives some conclusions will be drawn about the significance of this institution in the contemporary Southern African context.

What then are some prevailing attitudes towards ilobolo? The following is a break-down of answers to the question 'Is ilobolo a good thing/not a good thing', which will serve as a basis for further discussion:[2]

	Good thing		Indifferent		Not good	
	M	F	M	F	M	F
Professional	8	12	2	-	-	6
White collar	7	2	-	-	1	-
Semi-skilled	2	-	-	-	-	-
Unskilled	-	27	-	-	1	4

The above categories are intended as rough guides only. For example, of the female domestics who responded that ilobolo was 'not a good thing', one had accepted it for her daughter (albeit a fairly minimal amount), and the other conceded that she would have to ask it for her daughter, because of social pressure. The two professional men who asserted their indifference indicated that their participation in future ilobolo transactions (which would involve their daughters, for both had given it for their wives) would be influenced by their families, e.g. if Mr L.'s daughter did not want it he would not (he maintained) insist. Of the others whose attitudes were negative, most realised that they would have to go along with their parents' desires, and they would be sure to want something. In only one of these cases, that of Nomsa D., had the marriage actually taken place without any ilobolo passing, for her father had been in agreement with her wishes. One other (professional) woman felt fairly certain that her father would not insist on its passing if she married.

The objections which were voiced revolved mainly around the ideas of ilobolo being merely a payment and, in particular, the power it gave a man over a woman. For example, it was only a payment, and in the country areas a woman would have to work hard because a man had paid ilobolo (23 year old male labourer, no formal schooling); 'I've paid for you, I've bought you' (nurse, early twenties, unmarried); 'from my point of view I don't know what I'm worth', in that whatever was given she would feel she was worth more (31 year old, unmarried, highly qualified woman). Two domestics said they were 'not selling' their daughters, for men thought they could do as they pleased with them then. There were property connotations attached to a woman who had been lobola'd: 'I don't think a human being can be bought.....don't like it.....purchase takes something from a woman....[men say you're]...property I bought' (35 year old professional, unmarried woman).

The allegation that ilobolo was 'only a payment' was emphatically denied by most of those informants who were in favour of the custom, but they were nevertheless prepared to concede that frequently commercailization and over-charging were regrettable accompaniments of contemporary ilobolo transactions (see below), and some agreed that such a misuse of custom would also have occurred in the past, with some fathers seeking to enlarge their herds through their daughters' marriages. That these tendencies did exist in the past is suggested also by Torday (1929:279) who refers to the assertions of Fynn (an early settler in Natal) that the amount of bride-wealth had been fixed by the elders to prevent fathers 'selling' their daughters.

The idea that bridewealth is only a payment has never enjoyed much support amongst anthropologists, and their position in this regard has been heavily criticised by Gray (1960), who argues that in some societies women are 'purchased' just as other goods are. As indicated, the majority of informants rejected such an interpretation as being out of keeping with the spirit of the practice, but as unfortunately occurring in some cases. For example, Bheki, who had vehemently argued that ilobolo was not a payment, but was symbolic of the relationship between the two families, was disappointed and angry about his father-in-law's seemingly grasping attitude. Bheki considered that his father-in-law had charged him exhorbitantly, and had not even honoured his reciprocal obligations at the time of the wedding (i.e. by supplying the necessary beast to be slaughtered). Thus his father-in-law was not 'building relationship', but was merely selling his daughter: 'He's selling, I'm buying' he remarked cynically, adding (as an explanation of why he'd refused to allow his wife to visit her father) 'if he wants his daughter home he must pay, I bought her'.

Some informants qualified their approval of the custom with the stipulation that there should be 'no overcharging', or that ilobolo should preferably be a 'token'. This suggestion did not entirely eliminate the negative attitudes held by some women, such as a qualified nursing sister who had felt devalued when her father had asked only R200,00 as a 'token' when girls with Form II education were having much more ilobolo paid for them. Fixing a monetary sum seems to imply an evaluation of worth, and the amount of ilobolo given is not talked about outside the family circle, unlike the openness and pride with which it is discussed in the Ciskei (Whooley,1975:288), nor does it form part of a woman's praises, as amongst the Pedi (Sansom,1976:147). Amongst the Xhosa and the Pedi, however, the monetary value is not mentioned, and the number of head of livestock is variable. In Natal, ilobolo, in terms of the number of cattle which may pass, is fixed by law, as will be explained below; only the cash amount per beast is variable, and one would not want to boast about having had R1 000 paid for one, when the other person might have been lobola'd for R2 000,00.

What of the other objection expressed, that a lobola'd wife was merely a possession of the husband. Not surprisingly, resentment of this connotation was expressed by women rather than by men. The connection was implicitly acknowledged by some men, such as Mr To., a middle-aged executive, who commented: 'I doubt whether you can marry a woman who doesn't want lobolo - how can I tell she's mine?', and who attributed his own wife's somewhat 'independent' attitude to the fact that he had paid a small token, and had then supported his wife's widowed mother since their marriage, rather than paying ilobolo in the usual manner. Mr Dl., a young professional man who was about to make the final ilobolo presentation to his new in-laws, remarked that your wife was not really yours until all the ilobolo had been paid (see Brandel,1958:47 who cites a similar remark). Some nursing sisters commented cynically that men's infidelity after marriage was permissable, but ...

Amongst the drawbacks to ilobolo mentioned by informants there was one noticeable omission - noticeable because it is regularly mentioned when this custom is discussed (Holleman,1959:91; Brandel,1958:44 ;Moeno,1977:46; Hellman,1971:168), i.e. it is because of the large amounts of ilobolo which have to be accumulated that marriage is often delayed, and couples are forced to merely live together. Mathewson (1959:74) goes so far as to link ilobolo to the supposedly high incidence of immorality in the towns. Informants with whom I raised this question either acknowledged that the provision of ilobolo might be one of several factors delaying marriage, or they were skeptical about such claims, e.g. Mr Zm., who works amongst members of a township community, commented: 'I've never come across a case'. The single most important factor in delaying marriage, which was repeatedly stressed by informants, was the critical lack of accommodation in towns, an allegation which is substantiated by numerous examples of gross overcrowding in township houses (See Chapter 6). Undoubtedly the necessity of accumulating ilobolo extends the period of engagement in some cases, but, as was pointed out in the last chapter, marriages may also be postponed for various other reasons.

Turning to the positive responses towards ilobolo which were elicited, the main reasons for seeing it as a 'good thing' can be summarised as follows[4], in order of decreasing frequency mentioned:

- It is a custom, a cultural value: 'The Zulu way', or 'for we Africans the best thing.....nice to pay.....same as our fathers and mothers did' (domestic workers), or 'one of the very few [cultural values] that are left....at times I even wonder how this could be stressed to people' (professional man).
- It shows the value attached to a wife: It would be thrown up to a wife in an argument 'go away I haven't paid for you', or, as one domestic worker put it 'If they don't lobola they take you just as a cheap woman'.

- It shows the man is a 'responsible somebody' (secretary), and makes him work to look after a wife.
- It unites the two families: 'It's a good thing to show the relationship between two families' (young white collar man)
- One must compensate, show appreciation to one's wife's family: One young professional man explained that if his fiancee's father had not wanted ilobolo he would have found some other reward for him or, as a domestic worker put it 'a good thing to us....we struggle very hard to grow up, pay for schooling....not right to take without paying'. In other words, 'You don't want to feel you're getting without giving' (professional man)
- It is part of things being done 'properly' and, as such, is linked to the success of the marriage. To some, the idea of misfortune, such as barrenness, lurks if ilobolo is not paid.
- It brings home to all the seriousness of the relationship and gives those concerned the time to get to know each other properly. If one did not have to pay ilobolo one might not be so careful about whom one married. Phinde, e.g. pointed out that having had to pay ilobolo had made him think very carefully about who he married, and to look for certain qualities in a wife.

My findings appear to be in line with those of most other researchers in contemporary Southern Africa who have suggested that most persons wish to retain this custom (de Jager,1971:171;Moeno,1977:45;Dlamini,1983:517), and the responses of informants cited above co-incide largely with those reported by Brandel (1958); although the nurses she had interviewed were divided in their opinions, the majority were in favour, and offered similar justifications for their positive feelings, i.e. ilobolo reinforced the husband's respect, it recompensed the woman's parents, and tested the

groom's intentions and sense of responsibility. Mathewson (1959:73), on the other hand, writing at about the same time as Brandel, suggested that members of the professional/white collar occupational group were no longer in favour[5], but certainly no such clear-cut distinction occurred amongst different categories (in terms of age, sex, or socio-economic status) of respondents in the present research. Domestic workers expressed similar attitudes for or against ilobolo as social workers, and the different views which were found within a particular socio-economic group are well illustrated by comparing those of three exceptionally highly qualified professional women who are all working in essentially the same occupational field and who, in popular parlance, are very'liberated':-

i) Nomsa D., in her early forties, is married, and had not wanted to be lobola'd because she considered the custom had become commercialised, and that it was degrading for a woman; upon her marriage nothing had passed except a small token gift.

ii) Thandi Sl., in her early thirties, was unmarried at the time of the research. She did not want ilobolo paid for her, for she would feel devalued; she realised, however, that because of pressure from the community her parents would insist, albeit only as a token, as they had done for her sister.

iii) Thoko F., in her late twenties, is unmarried, and would want ilobolo paid for her; she has faith in her parents' judgment, that they understood the custom 'in context', as a 'token of the strength of the relationship between the two families', and would not make exhorbitant demands.

Thoko's reservations to the effect that fathers should not make unrealistic demands on future son-in-laws, echoing as they do the views of other informants, brings me to the whole question of the expenses involved in ilobolo transactions.

Firstly, although ilobolo is no longer (since 1932) a legal requirement for the contracting of either a civil/church (statutory) marriage or a customary union, the impression is that it passes in the majority of marriages (if paid in cases of statutory marriage it is legally regarded as a separate contract). The records show that it was given in all cases of customary unions, and it is recorded as having passed in 14 of the 28 civil marriages which took place between blacks in 1980/1 in Durban.[6] No details are available in the official records of church marriages, but all of those I interviewed for research purposes, with the exception of Nomsa D. described above, who were, or had been married, had paid ilobolo or had had it paid for them, whether or not they approved of the custom. Informants whose occupations involve them in matters pertaining to marriage, such as lawyers, ministers and social workers, confirm that ilobolo almost always passes, or that there is at least a promise of it to be paid in the future. Incredulous responses when informants were told that one woman I knew had refused to be lobola'd, and the obvious social pressure which exists (e.g. both the prospective husband and the wider community would think there was something wrong with the woman if no ilobolo was required) reinforced opinions expressed by informants that ilobolo is a normative prerequisite for marriage amongst both Christians and non-Christians.[7]

If ilobolo is paid the Natal and Kwa Zulu Codes stipulate that, for commoners, it should not exceed ten head of cattle for the woman's father, plus one head (the Ngquthu beast) for the mother. The number of cattle which may pass is increased if the woman is the daughter of an Induna or Chief. The amount decreases if the woman has had children: The Ngquthu and one beast for the father is payable as Damages when the first child is born before the marriage and, strictly speaking, a further beast is payable to the father of the woman for each subsequent pre-marital child born.

The father of a woman who has borne two children before marriage would be entitled to eight beasts; as Phinde remarked, tongue in cheek, 'you could say that she's depreciated'.

If paid in cash the value per beast should not exceed R10,00 in Natal, or R100,00 in areas where the Kwa Zulu Code operates, these provisions being applicable only if a dispute arises between the two parties (Dlamini, 1983:241). Many men are aware that ilobolo may be limited in this way and maintain that, if their prospective father-in-laws' demands are excessive they will appeal to the Commissioner's Court. Such steps are occasionally taken, but in practice one often hesitates to involve officialdom for fear of creating relationship problems with future in-laws. Bheki, whose father-in-law maintains that three ilobolo beasts are still outstanding, has threatened to take the matter to the Commissioner's Court if he persists with his demands.

As Phillips and Morris point out (1971:50), legislation is generally ineffectual in limiting the bridewealth payments, and it is obvious from a perusal of customary union registers, and the details supplied by informants that it is impossible to generalise about ilobolo payments. Amounts which are given in respect of ilobolo vary tremendously, from a 'token' of R100,00 - R200,00, to a figure in excess of R3 000,00.

Contrary to what has been reported by other researchers, there does not appear to be any clear-cut relationship between the amount of ilobolo which passes and the educational level of the bride (Mathewson,1959:75; Raum and de Jager,1972:72; Longmore,1959:67; Sibiya,1982:206). Some fathers may insist on high amounts because of their daughters' educational qualifications (e.g. one young man had had to pay almost R4000,00 for the eleven live beasts his father-in-law had demanded plus the transport costs), but increasing demands with rising educational levels does not appear to

be the norm[8]. For example, amongst other cases for which I have details, a token of R200,00 had been paid for a qualified nursing sister, and amounts in the region of R1 300 to R1 500 had passed for university-educated professional women, izibizo demands in these cases having been minimal. Bheki, on the other hand, whose wife had left school in Standard V, had paid approximately R2 500 for izibizo and ilobolo (incomplete) prior to his marriage. As noted in the Baumanville study (Natal Regional Survey, 1959:33), which also found no correlation between ilobolo and education, these demands appear related primarily to the 'bargaining power and personalities involved'.

As Ogbu (1977:251) points out, bridewealth expenditure needs to be placed in the context of the giver's income before any meaningful conclusions can be drawn about its relative size. For Bheki, e.g., earning as he was approximately R80,00 per month at the time he was engaged in izibizo and ilobolo transactions, these costs were relatively far higher than they were for Stephen Ld., a graduate earning over ten times as much as Bheki, who had paid less than Bheki (in real value) for all the ilobolo and izibizo for his professional wife.

Quite apart from some fathers who make unrealistic demands on future son-in-laws, there appear to be persons who make a business out of fleecing unsuspecting suitors, as the following case which I came across during research illustrates:[9]

> Mr Xa., a young domestic worker, became enamoured of a very attractive young woman (who had recently won a beauty contest) and paid a fair amount of ilobolo to her 'guardian', whereupon she announced that she no longer wished to marry him. Mr Xa. took the matter to the Commissioner's Court and, in front of the magistrate, the young woman and her 'guardian' maintained that she had changed her mind, and intended marrying him; once outside the court both had disappeared. Mr Xa. declined to pursue the matter for fear of retribution, and it subsequently appeared that he had not been the first to be taken in in this manner.

Possible exploitation aside, the father's demands may appear exhorbitant, but may merely be based on a realistic assessment of his likely expenses. As described in the last chapter, at least one, and possibly more, umbondo visits should be sent to the bridegroom's family and, although initial visit/s may be viewed as reciprocating the izibizo which have been given often a further umbondo is sent after the marriage (as in Dora's case). Depending on the status and aspirations of the bride's family, the costs accompanying the wedding itself may be prohibitive. Not only must wedding expenses be met (and these are usually shared by the groom's family), but umabo gifts must be purchased, often for twenty or more people, plus furniture for the newly-married couple. For example, Stephen Ld.'s umkhongi estimated that the bride's family's expenditure had exceeded that of the groom's by at least several hundred Rand. Enid T., a domestic, who had received ilobolo to the value of approximately R1 000,00 had spent (in the mid-seventies) about R250,00 on umabo for twenty five people, plus R900,00 for a diningroom suite for the couple, and had purchased a kist for her daughter, quite apart from all the other wedding expenses. Phinde's outlay on izibizo and ilobolo (incomplete) had been in the region of R2 000,00, but Musa was adamant that her father's expenses had been greater, and that was why she was assisting him to purchase the umabo gifts (see also Vilakazi,1962:68 ; Murray,1981:129; Dlamini,1983:387,512;Nkabinde,1984:30). As a companion remarked to me at Dora's wedding, whilst viewing the piles of umabo gifts and the furniture the bride was taking with her, 'don't tell me anyone makes anything out of lobolo!' Thus, although customarily ilobolo received should have been set aside for use by the bride's brother (Ngubane,1981:91), the fact that I have not come across any such cases in the urban area is doubtless related to the expenses incurred by wedding celebrations (see also Levin:1947:54 in this connection)

ilobolo may be paid wholly in cash or all on hoof, or part may be cash and part live cattle; frequently the live beasts are used for the various wedding rituals, and many of the cases for which I have details included some liv beasts as well as cash. Of the 136 customary unions which took place in Durban in 1980, ilobolo was paid wholly in cash in 60 cases, all on hoof in 27, and a mixture of cash and live beasts passed in 49 instances. During the negotiations between the two families, ilobolo is spoken of as though live beasts were involved, each of which is given a specific monetary value by the bride's father. Some abakhongi still commence negotiations by enunciating the virtues of the cattle they are offering, explaining tactfully at a later stage that a cash equivalent will need to be substituted.

It is essential that all ilobolo (apart from the mother's Ngquthu beast) be given to the bride's father or guardian or, if deceased, his male agnatic kinsman (see also Lewin,1971:118). If the bride's mother is divorced the prospective groom should ensure that he pays ilobolo to her ex-husband, or the same fate might befall him as befell the unfortunate Mr Mpanza, a Defendant in a case brought against him by a certain Mr Latha in the Durban Commissioner's Court in 1979(Latha v Mpanza, 645/79):

> Mr Latha claimed R900 in respect of his daughter's ilobolo, the equivalent of 9 beasts, which Mr Mpanza alleged had been paid to his mother-in-law (two beasts had passed before that when a pre-marital child had been born). Mrs Mpanza's parents had divorced some years prior to her marriage, and she had been placed in the custody of her mother, who had received the ilobolo. Because Mr Mpanza should have known that one does not pay ilobolo to a woman, the Court ordered that he should pay Mr Latha R900,00 plus costs of R29,09. Subsequently a Warrant of Execution was issued against his property (the Mpanzas had several children at this stage) but, since there was no attachable property, an Order was eventually issued for Mr Mpanza to pay R25,00 per month.[10]

One can well imagine the tensions which must have arisen between Mr Mpanza and his in-laws, and the financial hardships for the family, as a result

of this claim. Dlamini (1983:202) points out that the Kwa Zulu Code has, in some respects, altered the position regarding receipt of ilobolo for those living within its jurisdiction, in that women may now, under certain conditions, receive ilobolo on behalf of their daughters.

Nowadays most men probably pay their own ilobolo (see also Dlamini,1983:288) a trend which has been noticeable for some time (Levin,1947:98). Of the 291 men married according to customary rites in 1980/1 in Durban only one recorded having received assistance from his father. Of several cases I encountered in which fathers had helped their sons to meet ilobolo demands, most involved families who had herds in the rural areas. Not only are the majority of fathers no longer in a position to assist their sons, but a man's ability to provide his own ilobolo may be viewed in a positive light (see below).

It has often been alleged (Holleman,1959:92; Longmore,1959:67; Sibiya, 1982:212; Nkabinde,1983:14) that some women give the men they wish to marry the money for their own ilobolo. Informants had heard that such practices occurred, but did not know personally (although some had strong suspicions) of any cases, for such assistance would remain a closely guarded secret. One social worker claimed that nurses were well-known for this practice, and were termed 'jackpots' for that reason. Comments invariably condemned such assistance as 'corruption', or 'very silly.... marriages crumble, a man has no respect', for it would be thrown up to a woman during a quarrel that 'I didn't lobola you'.

In many instances, perhaps the majority, some ilobolo is still outstanding at the time of the marriage, and may be paid off gradually, or in a lump sum, afterwards. Of the five couples referred to for case study purposes, only William had paid all the ilobolo before marriage (in cash). Some parents may drop tactful hints if the ilobolo remains outstanding - but they do not necessarily meet with any success. For example, Musa's father had 'hinted'

to Phinde that he would like one of the outstanding beasts, but had met with no response except anger on Phinde's part directed towards Musa. Other fathers do not like to approach their son-in-laws and hope, like Dora's father, that they will remember of their own accord. In some cases ilobolo may never be paid in full, for it may be conveniently forgotten with the deaths of the father and his heir. However, there are cases where outstanding ilobolo payments are requested, and made, after the death of one or both of the contracting parties.[11] Some sources (Soga, quoted by Shropshire,1970:77; de Jager,1971:171) refer to the indeterminate nature of ilobolo payments, in terms of the number of beasts payable, and the extended time period over which such payments stretched. Some informants agreed that such was the true nature of ilobolo, and sometimes the Zulu saying umfazi akaqedwa (a wife is never finished being paid for) was mentioned. The impression is that such an attitude towards ilobolo is changing, for those who are able to afford to do so pay all before, or as soon after marriage, as possible. According to Mr C., a professional man, such a procedure is not acceptable, even if one can afford to pay all at once: 'your wife should not feel small', for it would be said 'so-and-so must have despised the [wife's] family, he just paid ilobolo like paying for a couple of handkerchiefs' Furthermore, the son-in-law should always assist the wife's father if necessary, or even 'revive the relationship' if his own fortune improved. Mr C. linked the reluctance of many men to help support their wives' families to a loss of sense of value about ilobolo, manifest in the attitude 'if I've paid ilobolo in full there is no obligation'. This link between resentment of the wife's helping her family financially and ilobolo was verbalised by other informants, e.g. 'the lobolo grudge plays a part', and is mentioned also by Shropshire (1970:86). However, other men pointed out that the obligation to assist one's new relatives existed even when ilobolo had

been paid in full, and much would depend on the personalities, and on whether the son-in-law felt that he had been exploited.

Before turning to informants' explanations about why this custom exists, I shall briefly summarise the main reasons which appear in the literature on African marriage and bridewealth, in order to draw some conclusions about the relevance of anthropological theories for ilobolo practices in a contemporary urban setting. The following are the most popular anthropological explanations:

1. iLobolo validates/legalises/legitimates a marriage: Various anthropologists of different theoretical persuasions, and some lawyers, see the passage of ilobolo as an indispensable element in the validation of a marriage (Mair,1969:14; Ogbu,1978:258; Manona,1980:192; Bekker and Coertzee,1982:10) or as being the definitive step in legalising a marriage (de Jager,1971:170; Lewin,1941:14), or as signifying the existence of a 'proper' marriage as against a less formal type of union (Brandel,1958:48; Mandeville,1975:189).

2. iLobolo transfers rights in children and/or partners: This overtly etic approach, which is accepted by most contemporary writers (Kuper, 1970:471/2; Sansom,1976:154; Murray,1981:112), has given rise to a large body of literature and, particularly in relation to Gluckman's well-known hypothesis about the stability of marriage which is closely connected with this approach, a fair amount of controversy. The expression rights in uxorem is used to refer to those rights acquired by a man to the sexual and domestic services of a woman, and rights in genetricem refers to the rights of a man, and sometimes his descent group, to the woman's offspring. To counter the obvious male bias, Ogbu has recently suggested (1978:248) that the more neutral term 'conjugal rights' be used for those rights which are acquired reciprocally by both partners in a marriage. The question

of whether or not ilobolo gives rise to reciprocal conjugal rights hinges on whether it is accepted as a distinguishing characteristic of a valid marriage; if it is the connection with conjugal rights is obvious. The more controversial aspect of the 'rights' argument relates to whether the passage of ilobolo is directly connected with the acquisition of rights in genetricem, i.e. whether a man, and possibly his agnatic group as well, pays ilobolo in order to gain control over a woman's children, which is an old theme in anthropology (Radcliffe-Brown,1924:555; Torday,1929:276). Amongst the most influential proponents of this view are Jeffreys(1951) and Gluckman (1950), and their arguments, which differ considerably in emphasis, will be briefly examined.

Jeffreys (1951),with an (over)abundance of ethnographic illustrations, argues, somewhat repetitively, that ilobolo is nothing but (my italics) 'child price'. His argument is summed up in the following excerpt from his well-known article:

> 'It is the use of surplus wealth in the purchasing of the right to the woman's children that constitutes the function of lobolo: it has nothing to do with, nor has it developed out of marriage. Lobolo is an economic institution - marriage a social one: that the two institutions are often confused is unfortunately only too true' (1951:153)

Jeffreys' argument is flawed in several respects: Although he discusses ilobolo in terms of 'functions' his theoretical premises are anything but 'functional', but rather evolutionary and diffusionist; 'traits' are isolated out of their ethnographic context, e.g. 'the Zulu social system recognizes that marriage is one culture trait and ilobolo another, and that they are not inherently connected (1951:158). His assertion (1951:157) that ilobolo has 'no function in the marriage ceremony' is certainly far from true in the case of Zulu-speaking peoples (Reader, 1966:223). Such an approach, where 'traits' are compared out of the institutional complex of which they are part leads to an inevitable loss of meaning. Jeffreys also shows a lack of knowledge about marriage as an institution in non-western societies, particularly in that it has economic implications. Furthermore, he conveniently side-steps the whole

question of bridewealth in matrilineal societies.

The main thrust of Gluckman's (1950) truly 'functional' (in terms of his examining the part played by an institution in the social system) argument, theoretically far more sophisticated than that of Jeffreys, and of particular interest because it flows from his fieldwork amongst the Zulu, concerns the stability of marriage. Of interest at present is his idea that the acquisition of rights in genetricem by a man and his agnatic group went together with relatively high bridewealth, these variables forming part of a wider pattern of institutionalised practices associated with stable marriage. Thus, although there is considerable difference in emphasis, and skill with which the arguments are put forward, both Jeffreys and Gluckman link the payment of bridewealth to the acquisition of rights in children. Gluckman did, however, acknowledge that it is through marriage that these rights are acquired.

3. iLobolo is paid as compensation of some sort to the family of the bride. This compensation may be thought of either as primarily material or economic (Ogbu,1978:255), or symbolic in nature (Radcliffe-Brown,1950: 49/50), as when 'The loss of a member disturbs the equilibrium between the two groups, and this has to be set right by the giving in return of something else of great value in the lives of the people' (Krige,1936:120).

4. iLobolo pays a symbolic role in creating and maintaining relationships across society. Although probably Levi-Strauss (1969:467) is the best known exponent of this perspective, such an explanation is hardly new. Krige's fieldwork amongst the Lovedu (Krige,1980) had shown clearly the symbolic role of bridewealth in creating and perpetuating alliances amongst groups right across that society. A considerably earlier proponent of this view had been Shepstone: 'It /ilobolo/ is a bond of alliance between the two families; one gives the daughter, the other fills the void with cattle' (Report on Native Laws and Customs 1883,Vol.II:26).

How did informants' responses compare with these anthropological perspectives?[12] The three most frequently given answers were that ilobolo was a custom, that it was connected with the relationship between the two families, and that it showed appreciation, or was compensation, for the wife's family:-

- It is a custom: This explanation was given by those who did not know of any other reason why it passed, e.g. 'when I asked the old people they said it was a custom'. It was sometimes accompanied by reasons for observing custom, such as the old people's insistence, or that ilobolo had always been given so one could not stop now, or comments about pride in observing custom.
- It is connected with the relationship between the families: It was a 'sign of happiness that people are together, that there is relationship connecting two families, to show you like that family....I want to show I'm in favour of those people' (20 year old, matriculated technician, or 'to expand friendship of the two parties' (labourer, Standard VIII).
- It is given as compensation or appreciation: This explanation sometimes included specific reference to the woman's economic role in the past and the present, or the symbolic loss to her group. One professional man pointed out, for example, that when a woman married her ancestors had to be appeased, for 'she is part of the ancestral world of the new family on death'. More usually, allusions were made to more general principles of reciprocity such as 'you can't get without giving', or to the need to express appreciation.

The fourth most frequently mentioned view concerned the need to show responsibility and the need to prove one's worth as a prospective husband.[13] Although probably in the past the same applied in Natal as in the Cape (Wilson,1981:140), in that a man might earn his own ilobolo through service

to the chief, or through raiding (Dlamini,1983:84), his family would usually have provided ilobolo for him from that received for a sister. One wonders, therefore, whether this view has developed comparatively recently (a point made also by Holleman,1959:91). Bearing in mind the struggle many blacks undergo to attain suitable educational and occupational qualifications, and the difficulty in finding and keeping steady employment (e.g. limitations imposed by Influx Control regulations), the provision of a large sum of money is understandably an admirable achievement.

Most of the other explanations offered usually referred to doing things 'properly', either alluding to demands of the ancestors, or feelings of pride on the part of the wife that she had been lobola'd. There were also misgivings about the possibility of misfortune befalling a marriage in which ilobolo had not passed. Only one respondent who had given the relationship between families as the primary role of ilobolo, mentioned that it could be seen as legalising marriage, and one other man described it as the 'seal of approval' on the union. Concerning its purported connection with rights in children, only one woman said it was to 'buy babies'. In view of the anthropological prominence given to these last-mentioned two explanations, I shall explore the implications of this divergence between anthropological and folk models.

Firstly, how important was ilobolo in the past in 'validating' marriage? In Natal, in spite of ilobolo's not having been seen as legally essential, legal opinion appears to have viewed the right to claim ilobolo as an integral part of black marriage (Whitfield,1948:183 ; Prentice-Hall Law Reports,1930:R16). Such an interpretation fits in with the ethula custom (Krige,1936:121) whereby a man, if he were too poor to pay ilobolo for a wife, would give that which was received for his first-born daughter to his father-in-law. One informant mentioned such a contemporary case in the rural area from which she originated. It seems that not only were

cattle used, but valuable articles such as brass rings might pass, or even two or three stones could be offered to indicate that cattle would follow at a later date (Krige,1936:121,211; Dlamini,1983:84). What appears to have been of importance was the act of reciprocating the gift of a bride in some manner, and that either ilobolo, or the promise to provide it in some form in the future, seems to have been an integral part of the marriage procedure. However, this view is not the same as saying that ilobolo presentation is the step which validates a marriage, and it is understandable that informants did not generally see it in this light. In fact, it would seem that any moves to incorporate ilobolo transactions into the legal formalities associated with statutory marriage might prove unacceptable to many blacks who perceive this institution in a different light to lawyers and legislators.

As has already been pointed out (p. 120) official records of ilobolo which passes are kept only if a customary union is entered into. The fact that ilobolo does not form part of a statutory marriage contract has recently been criticised by van Themaat (1980:249/50); his, and similar arguments, appear related to possible disputes concerning the return of ilobolo in the event of a divorce. However, a perusal of records, and discussions with lawyers and Commissioners, suggest that attempts to recover ilobolo on divorce may occur relatively infrequently.[14] Arguments in favour of including ilobolo in the marriage contract also overlook the very important fact that ilobolo is, as described above, part of the chain of reciprocal exchanges, which involve expenses on both sides.

Certainly, apart from conceding that such a step might deter 'sharks', the proposal that ilobolo be included in the marriage contract did not generally find favour with informants with whom it was discussed (Bheki being one of the exceptions), some of whom passed comments about the advantages to lawyers of such a move. The main objection was that ilobolo

should not be seen as a legal institution, as the opinions of these two professional men indicate:

> 'Why should it be part of a legal contract? If we understand the value of ilobolo men have a moral obligation so there is no need to make it a legal one....most lawyers conveniently side-step the moral part of ilobolo, the moral part is where the bond is sealed'

and /ilobolo is/ 'more affective than legal....it has a pleasantness accompanying it, once legalised it might lose that tinge'. Last word on the subject came from a somewhat cynical divorced woman: 'What do they want their lobolo returned for when they're going to claim the lobolo of their daughters?'. Perhaps, as Simons (1968:128) comments 'the courts, and not the Africans, have made a fetish of lobolo'(!)

The second question which needs further exploration concerns the connection between ilobolo and rights in children. Since this link was mentioned spontaneously only once, this particular anthropological explanation was discussed with various informants. Some agreed that there was a connection between ilobolo and children, but stressed that it existed only because ilobolo went together with marriage (a point argued strongly by Dlamini, 1983:183ff,258,352/3,531/2). Some ruled out that there was any link, and others went so far as to assert that, even if ilobolo had been paid, and there was no marriage, the woman's children could not be claimed by their father.

There was no consensus over whether the custom whereby a man might pay a certain number of cattle to lobola extra-marital children had existed amongst Zulu-sepaking peoples in the past. What appears to be the most feasible explanation is that the situation varied from one area to another, as Lewin (1971:26) mentions occurred with bogadi practices amongst the Tswana.

The following case, heard by the Appeal Court of South Africa in 1913 illustrates the controversy which surrounds this question (the case of Mantjoze v Jaze (South African Law Reports,Appellate Division,1914)

> Some thirteen years earlier, in the Utrecht district of Natal, Jaze, the natural father of an illegitimate daughter had, without the permission of the mother's family, removed the one-month old child from its natural home. The mother's guardian had sought help from the authorities (since it was during the Anglo-Boer War it is not clear whether a magistrate or military official had been involved), and this official had ordered that three head of cattle be paid. Subsequently the chief of the area had ordered the child returned to the mother's custody. Jaze had then appealed to the Native High Court, which decreed that the child revert to its natural father. Finally, the Appeal Court at Bloemfontein had reversed the High Court's judgment, and the child had been restored to its mother.

The Appeal Court had based its findings on the testimony of the two Chiefs and an Induna. Qomintaba, a chief of the Kumalos, maintained 'The father cannot acquire any right in the child unless there is a subsequent marriage. It is not the custom to pay for the child only' (S.A.Law Reports,1914:149). His Induna, and Gogo, an Mbata chief, agreed in essence, but both reported an 'old custom' by which the father could take the child if there was an agreement with the woman's father. Legally-oriented anthropologists have recently stressed the fluidity of customary law (Comaroff and Roberts, 1981:18), which suggests that custom of this type may not only vary from one area to another, but may be a matter of negotiation by the parties concerned.

Regardless of the situation in the past, and in the rural areas of contemporary Southern Africa (Murray,1981:117), several cases I encountered point to the fact that most men in urban areas are not interested in acquiring 'rights', through the provision of cash or cattle, either in their own extra-marital children, or in the children of their wives by other men (e.g. Elliot), which is quite understandable under contemporary

economic conditions, i.e. children are no longer economic assets in the same sense as they are in a rural subsistence economy. There appears to be no need for men to lobola their children by women other than their wives, for it is said that sons, in particular, will, as they grow up, make every effort to locate their natural fathers. Also, some women, unable to support children born out of wedlock, may welcome the father's assuming responsibility for this task, without any extra payment, as, e.g. Phinde has done.[15]

Before briefly summarising and drawing some conclusions, there is one further pertinent question, i.e. whether or not the payment of bridewealth, especially in large amounts, has any influence on the stability of marriage. This question has been much debated, and problems such as the satisfactory definition of variables such as 'stability' and 'high' or 'low' bridewealth have been highlighted (Ogbu,1978), in attempts to test Gluckman's well-known hypothesis (Gluckman,1950). This preoccupation with whether marriage is more stable if ilobolo has passed, and whether stability is affected by the form which it takes (e.g. cash or cattle), is also evident in the work of those who have been engaged in research on urban blacks during the past fifty years (Krige,1936b; Janisch,1941 ; Mathewson,1959 ; Brandel,1958; Hellman,1971). Although informants' views on this subject were not extensively canvassed, discussions with lawyers and social workers, together with the soaring black divorce rate (see Chapter 8), suggests that, even if ilobolo had been a stabilising factor in the past, it no longer plays a significant role in this respect.

iLobolo then is clearly a complex issue, about which caution should be exercised before making superficial generalisations. My own research, it seems, confirms the observations by Phillips and Morris (1971:50) that the evils of bridewealth, such as commercialization, later marriage and consequent immorality, and fathers evaluating their daughters in terms of money spent on education are open to exaggeration. Certainly some

malpractices do occur, and hardship may be experienced, but surely the whole institution of ilobolo should not be judged according to the misuses to which it is sometimes subject.

From the perspectives of those involved, ilobolo is still widely valued, for a variety of reasons. Nevertheless, some women and men, from all walks of life, profess to wish it done away with, and see it only as a payment which has degrading connotations for women. Regardless of these different views, ilobolo apparently still passes in the majority of marriages which take place in and around Durban.

The perceptions of informants about the role of ilobolo correspond largely to those offered by anthropologists, with some modifications. iLobolo is seen primarily as a means of creating, and symbolising, the relationship between the two groups involved in a marriage, and of offering compensation, both material and symbolic, for the loss of a daughter. Whilst not seen as the definitive step, it is still seen as an indispensable element in bringing about a proper marriage (see also Simons,1968; Holleman,1958/9). As one other contemporary researcher has put it (Whooley,1975:313):

> 'Lobolo and the ritual that accompanies it is the only language that can bring about the emotional changes that new relationships demand; it is the only language that can express new relationships, obligations, privileges, etc. It is the framework that people use to express and to bring about complicated changes in terms of emotional realities, values, attitudes and concepts. It is also the language that the ancestors understand and bless'.

The most fundamental divergence of opinion between anthropologists' and folk explanations concerns the relationship between ilobolo and children, a relationship which is acknowledged but is seen as being indirect, and existing because of marriage. It is possible that, in their preoccupation with the primacy of reproduction in marriage (Radcliffe-Brown,1950:5)

anthropologists may have neglected to acknowledge sufficiently the importance of marriage itself in the lives of individuals, bringing about, amongst other changes, a transition to the status of adulthood.[16] As one informant, critical of the 'rights' in children approach, put it: 'the problem with researches by whites in the black context is that there's a communication gap.....the symbolic nuances are missed'. Such nuances, I believe, relate to the whole meaning of marriage as well as ilobolo itself, and perhaps the over-emphasis on ilobolo as the element which validates marriage stems from the western perspective on marriage which views this institution as the result of a particular ceremony, a theme which will be taken up in the next two chapters.

As well as the persistence of customary values, bridewealth payments have, as Sansom shows, assumed new roles in contemporary society, e.g. allowing a migrant Pedi worker to 'buy himself back in' to his rural community after his absence working (Sansom,1976). Amongst informants in Durban, a comparatively new role assumed by ilobolo concerns the man's proving himself a person worthy of marrying and supporting a wife. Also, in a large, comparatively heterogeneous and anonymous society, in which some fathers and guardians are thought to see ilobolo as an opportunity to make a profit out of their daughters, the way in which ilobolo demands are made known, and negotiations handled, give important indications of the type of family one is dealing with.

The most frequently offered explanation about why ilobolo passes, and why it is valued, i.e. because it is a custom, has various implications. Obviously, social control plays a part in maintaining custom, for it is not easy to go against family and societal opinion, and it is also sanctioned by the fear that some misfortune may occur if it is not paid (see also Dlamini.1983:195). One further reason for its continued importance relates to the growing appreciation of, and pride in, being black, which has gained momentum particularly since the advent of the Black Consciousness

movement in South Africa. This reason was suggested by a few informants, and has been noted by other researchers (Brandel,1958:49 ; Hellman,1971:167/8; Dlamini,1983:503; Sibiya,1982:220). Pride in the black cultural heritage has led to attempts to see 'what we can preserve....what is meaningful, in our culture', as one informant put it. iLobolo, as another man (professional) stressed, is one such meaningful aspect of black culture. As an indispensable part of the process of becoming married, ilobolo, it would seem, is increasingly being viewed as the distinguishing mark of a black, as opposed to a white, marriage, ideally embodying as it does customary values such as reciprocity and valued relationships between groups, as well as what is selected as worthwhile from western, Christian, marriage.

Having rejected the notion that ilobolo is, in itself, sufficient to bring into existence a marriage, whilst arguing that it certainly does constitute one of the indispensable elements involved, it is time to turn to the whole question of validation, and the following two chapters will examine those legal and religious prerequisites of a valid marital union.

CHAPTER 4

SOLEMNIZING MARRIAGE THE LEGAL IMPLICATIONS

Black marriage as it exists today in the form of a legal institution must be viewed against the background of the imposition of jural principles which had evolved in Western Europe on to the indigenous conceptions regarding the nature of marriage. Therefore, I shall first describe the various forms of legally sanctioned conjugal unions in the context of their historical development, as well as the legal and political factors which have influenced them, before attempting to assess whether, in the past, black marriage could in any sense be considered a legal institution.

Two systems of law, the common (i.e. the general law of the land) and the customary (i.e. applicable only to the black population) co-exist in South Africa. In terms of the Black Administration Act, it may, under certain circumstances, be left to the judge or magistrate who is dispensing justice to decide whether customary law or statutory law should apply in particular cases (what Suttner,1968:624 terms a 'special dispensation'). The common law under which blacks, like other population groups, may contract a statutory marriage, which may be either a church or civil ceremony, is largely Roman Dutch; it was initially introduced, and subsequently modified by, the Dutch, who colonised the Cape Province in 1652(Wille,1966:1). It had been less than one hundred years prior to that date that marriage in Western Europe itself had taken on secular legal significance with the passing of the Political Ordinance in Holland in 1580[1] for, prior to the Reformation, the common law of the Roman Catholic Church had governed marriage (Olivier et al:1980:162). Some control over the marriage of the indigenous population was soon exercised for, in 1685. the first prohibition was placed on marriage between whites

and blacks (Olivier et al:1980:163). At the present time the Prohibition of Mixed Marriages Act No.55 of 1949 forbids marriage between whites and non-whites. Blacks may, however, marry members of other non-White groups (e.g. 'Coloureds' or 'Indians') by either statutory or customary ceremonies.

As the white colonists extended their occupation of the sub-continent, local events of decisive historical significance for the blacks occupying the southeast part of South Africa were, firstly, the settlement of Natal by the British and the extension of British Colonial rule to the Transkei and Natal during the first half of the nineteenth century, and secondly the conquest of Zululand by the British during the Anglo-Zulu war of 1879. Various legislation relating to the marriages of blacks was passed, some of which, such as the restriction of statutory marriage to those Africans who were either Christians or were exempted from customary law, has since been abolished (Phillips and Morris,1971:142); the most far-reaching changes took the form of codifying what the legislators perceived as 'customary law' (the whole question of what constitutes 'customary law' is examined in more detail below). The initial codification took place in 1878 (Government Notice No.194), and this Zululand Code, as it was known, was amended in 1891, and extended to cover the whole of Natal in 1897 (Whitfield:1948:272).

As mentioned in the Introduction, it was the Black Administration Act of 1927 which defined what should constitute a marriage for blacks in South Africa as a whole, and which also governs the application of customary law. According to Holleman (1958/9:97) it was this Act which lowered the status of what had previously, in some parts of South Africa including Natal, been a <u>marriage</u> to that of a 'customary union' with all its attendant consequences: 'The result is an indirect and partial recognition of Bantu Marriage as a second-rate marital union' (<u>ibid</u>) As a result of the 1927 Act the 'Zululand Code' was repealed, and reformulated as the Natal

Code of 1932 which still, with certain minimal amendments (e.g. in 1967) applies today in those areas of Natal which are not part of Kwa Zulu (see below). As Schiller points out (1965:172), this Code is the only instance of the enactment of customary law by a central legislature in Africa.

Since the passing of the 1927 Act and the 1932 Code, the geographic and political division of South Africa into the various national states, as described in the Introduction, has taken place. Although the Kwa Zulu government has so far rejected total independence, it has the power to legislate on certain matters, including marriage, provided that its legislation is approved by the South African State President. Kwa Zulu has re-enacted the Code with certain amendments (e.g. the perpetual tutelage of women has been abolished) in Act 6/1981. This Code operates in the place of the old Natal Code in those parts of Natal which are Kwa Zulu and not South Africa; the differences between the two Codes in respect of marriages will be indicated in the course of the discussion that follows.

Statutory marriage is a legal contract between two individuals which is sanctioned by the State, which alone has the power to dissolve it; although formalised at a certain point in time, it can be viewed as starting with the engagement, for should one of the parties wish to contract out of the partnership a breach of promise suit can, under certain circumstances, be brought against the defecting partner (Bekker and Coertze, 1982:245; Dlamini, 1982:406). Although the defecting partner cannot be compelled to marry, damages may be awarded to the injured party. That such actions are still brought is illustrated by the following case which was heard in the Durban Commissioner's Court in 1978, in which the Plaintiff, a young woman of twenty five named Miss C.T. Goba, brought a Breach of Promise suit against her ex-fiance, Mr Ndhlovu:

> Plaintiff had met Defendant, a traffic policeman, six years previously at the Durban Indian market where she, together with her mother and her sister, sold fowls for a living. They had become engaged in February, 1973, and a photo of their engagement party in a church hall, showing them both cutting a cake, had been produced in the court as evidence. At the time of the hearing Miss Goba was still wearing the ring which had then been presented to her. Plaintiff alleged that she had given up work at the market on her fiance's request, with consequent loss of earnings (approximately R60,00 per month). R200,00 of the total agreed-upon figure of R400,00 for ilobolo had been given to her father at the time of the engagement (the father, having died shortly afterwards, was not available to give evidence , and the mother's evidence was substantially the same as her daughter's). Having obtained permission to marry her, Defendant had seduced her, visiting her every weekend and having sexual relations with her: 'He said he would not make me pregnant for he wanted a white wedding', said Plaintiff, who also averred that her fiance had kept putting off setting a date for the wedding. During 1975, only about a month after he had last visited her, and without his having said anything about terminating their engagement, she had been shocked to learn of his marriage to another woman.
>
> The Defendant confirmed that they had become engaged, but he denied that he had instructed Plaintiff to stop her selling activities. He alleged that she was always in the company of other men, with whom she had had love affairs. The engagement had come to an end, he maintained, when she had suddenly disappeared to 'sell clothing in Zululand', and he had met the woman he had subsequently married after Miss Goba's disappearance. Defendant entered a counter-claim for R2 500, to cover izibizo he claimed to have presented, and various other sums in lieu of 'pain of mind, loss of dignity /R1 000 for the latter, for he maintained, his friends had ridiculed him when she had disappeared/ and loss of profits'
>
> The Court, finding Plaintiff and her mother far more reliable witnesses than Defendant, who had been unable to substantiate his allegations, awarded Plaintiff a sum of R904,67 for damages (R800,00) and costs (R104,67), and stipulated that no gifts Defendant had made were returnable.

The basis on which the Court arrived at the sum for Damages is not clear from the records, but presumably the loss of Plaintiff's earnings, as well as injury to her feelings, and her social standing (Bekker and Coertze, 1982:245) were taken into account. It was pointed out, e.g. that 'Defendant produced no evidence that Plaintiff was a woman of no standing in the community' that, on the contrary, she was a well-dressed, well-spoken young woman who would not have disgraced any social community, and her mother

made an equally favourable impression; Defendant had, after all, been quite happy to associate with her for a period of nearly three years, and to promise marriage. Defendant failed to pay the sum ordered, claiming he could not afford it, and was subsequently ordered by the Court to pay R20,00 per month until it was settled in full.

At present the legal requirements for the conclusion of a statutory marriage are as follows:-

i) the minimum ages laid down are 18 for males and 15 for females(unless Ministerial permission is obtained), and parental consent is necessary if the prospective partners are under 21. In Natal, the written permission of a black woman's father or guardian is always necessary, unless she has become emancipated from such control; she may, however, appeal to the Commissioner's Court if such permission is unreasonably withheld. The Kwa Zulu Code has done away with the need for parental permission for a woman who has attained the age of majority (21).

ii) Persons who are related to a common ancestor, within the first degree, may not marry, nor may those who are directly related lineally (including through adoption) marry;

iii) the marriage must be solemnized by a marriage officer, in the presence of two competent witnesses (and indoors). The ceremony may therefore be either civil or religious, so long as the presiding official is a marriage officer. Not all ministers of religion, especially those of the black Independent Churches, are marriage officers, so marriage in such churches must be followed by either a civil or a customary union ceremony to attain legal recognition.

The requirements for a valid customary union are set out in the Natal and Kwa Zulu Codes, and they are essentially the same in both Codes, and are as follows:-

i) the consent of the wife's father or guardian;

ii) the consent of the intended husband's father or guardian if legally necessary (i.e. if he is under the age of 21);

iii) a public declaration by the intended wife to the Official Witness (a person appointed by a Chief to officiate at the celebration of a customary union) that the union is with her own free will and consent.

Phillips and Morris (1971:97) point out the anomoly that, unlike a statutory marriage, there is no minimum age at which a union may be entered into under customary law in Natal. In terms of the Codes, the Official Witness and the husband are bound to ensure that the marriage is registered with the Administrator of Native Law (i.e. a magistrate) within thirty days. Non-registration does not, however, invalidate the marriage but it is clearly to the advantage of the parties concerned to have proof, e.g. for purposes of obtaining accommodation. In other parts of South Africa, where customary unions are not required to be registered, a proliferation of civil marriages entered into solely for the purpose of obtaining proof of marriage, and known as 'shilling' or (at a later date) 'half crown' marriages have been reported to have taken place (Shropshire,1970:72; Janisch,1941,6),

In view of their different statuses, and their relationship to the two types of law, statutory and customary unions have vastly different consequences for the parties concerned, especially with regard to the economic and property rights of partners, and the status of the children.

In terms of the Black Administration Act, in South Africa, blacks marrying according to statutory law are considered to be married 'Out of Community of Property', unless (a) an ante-nuptial contract is entered into within one month prior to the marriage, specifying the rights of each partner; (b) a declaration is made within one month prior to the marriage, to the marriage officer, that the parties wish to be married in Community of Property. A man who is a partner to a customary union may not enter into this type of joint property marriage (the consequences of statutory

marriage for customary unions are discussed below). In cases where such a declaration is made the property is held to be jointly owned, (with the exception of land held under the quitrent system,which is excluded), but is administered by the husband by virtue of his marital power. If no such declaration is made, nor any ante-nuptial contract entered into, each partner owns his/her own property, but the wife's property is administered by her husband by virtue of his marital power. That such power is abused in cases where women are unaware of their rights to register themselves as legal owners of property will be illustrated in the Chapter entitled 'Dissolution of Marriage'.

In Durban, during the 1980/1 period, no marriages in which an ante-nuptial contract were entered into were recorded. The breakdown for the two years for marriages in and out of community of property is as follows[2]:-

	1980		1981	
	In C/P	Out C/P	In C/P	Out C/P
Church	424 (66%)	198 (34%)	204 (54%)	172 (46%)
Civil	8 (50)	8 (50)	16 (94%)	1 (6%)
	432	206	220	173

An examination of the marriage records shows that marriages performed by some ministers are almost always in Community of Property, whilst those performed by other ministers are invariably Out of Community of Property, which suggests that Ministers may vary considerably insofar as informing the couple they are marrying about the legal implications of marriage is concerned. Certainly ministers interviewed showed varying amounts of knowledge themselves about legal consequences, and one (white) minister, responsible for fairly large numbers of marriages, admitted his lack of knowledge, in that he had recently had to make enquiries himself from the Department of Co-operation and Development, following on complaints from persons he had married about not informing them of the legal implications of their marriages. In addition to the ignorance factor, the extent to which ministers pass on this sort of information may also be related to their own views about the status of women; it is women who, not only during

the duration of their marriages but also on the death of their partners (see Chapter 8) are primarily affected by which marital regime is selected, and the need for full information is obvious.

In Kwa Zulu, with the passing of the new Code, the situation appropos legal consequences has been reversed: All marriages (statutory) are automatically in Community of Property, unless specifically excluded before or at the time of the marriage.

All black women who are married by statutory rites in both South Africa and Kwa Zulu are, however, protected by the Matrimonial Affairs Act of 1953[3] and so, unlike their customary union counterparts, are entitled to retain their own earnings, and to open savings accounts in their own names. A woman married in this way may also sue a third party for damages (alienation of affection) in the event of a divorce in which the third party plays a part, and , if her husband deserts her, she may obtain a court order to be free of her husband's control; neither of these options are available to a customary union spouse. Thus partners to a statutory marriage generally fall under the common law of the land with regard to marriage, the main exception being the devolution of an intestate estate according to customary law if the marriage is Out of Community of Property.

Conversely, upon entering into a customary union, a man and a woman place themselves under customary law insofar as it applies to marriage and the status of partners, a fact far more advantageous to men than to women. Whilst the statutory wife is protected by the Matrimonial Affairs Act, a customary union spouse is not even, in principle, entitled to retain her own earnings. As Horrell states (1968:12):

> 'If a dispute about the earnings of a customary union wife went before a Bantu Affairs Commissioner he might decide that native law should apply and that, as the woman was a minor, her earnings were the property of her house and came under her husband's control'

A woman, upon entering into such a union, moves from the guardianship of

her father or other male relative to that of her husband. Even a woman who has become 'emancipated' from customary law, and there were two such cases in Durban in 1980/1, reverts to the guardianship of a man, as does a 'Coloured' woman marrying a black man in this way (as occurred in one case recorded in the customary unions register).

A customary union 'wife' is, strictly speaking, entitled to 'house-property' which is defined in the Natal and Kwa Zulu Codes as

> 'property vested in and pertaining specially to any house in a kraal. Such property is acquired by donations, earnings or apportionment and by receipt of ilobolo in respect of the girls of the house'

Although the 'house-property' provision may continue to afford some protection to rural women, if cattle and/or land are available for allotment, how such a system operates outside of the umuzi (rural homestead) setting, i.e. in an urban area, is difficult to conceive. If a man were to rent or purchase a house for, say, a second customary union wife, only if the tenancy or ownership were registered in her name (which would be inconsistent with the restrictions placed on a customary union spouse) would any security of tenure be guaranteed. When ilobolo is paid in cash it is frequently swallowed up in wedding expenses, as noted in the chapter on ilobolo and, even if the part or whole of it remained, it would be far easier for a father to dispose of cash as he wished than it would be for him to apportion cattle irregularly. Official records about 'house-property' are kept only when a man who is already married by customary rites enters into a Christian marriage, a declaration (Form BA 134) being completed by the man, who is required to give details of children and 'the nature and amount of movable property allotted to each wife'

Although legislators originally envisaged that women in customary unions should look to their ilobolo-holders for support in cases where the husband did not fulfill this duty (a rather curious view seeing it was not essential

to pay ilobolo for a valid union to exist), these women are now also covered by the Maintenance Act. It is only since 1963 that a customary union 'wife' has been able to claim delictual damages against a non-African third party responsible for the death of her partner (e.g. in a road accident), and she also has the status of wife in terms of the Workman's Compensation Act, the Citizenship Act, Estate Duty and Succession Acts, and taxation and insolvency laws (Olmesdahl:1980). As Olmesdahl (ibid:53) remarks 'the recognition is piecemeal and inconsistent', for whereas partners to a marriage in South Africa, as elsewhere in the world, are not compelled to give evidence against each other in Court Cases, customary union spouses are obliged to testify, if called upon to do so, in cases involving their partners![4]

It is when one turns to the question of the position of children born of a customary union that its status as a non-marriage becomes most obvious![5] It was in 1977 that legal attention was focussed on this issue when a certain Silumka Samente, in his capacity as father and natural guardian of his minor son Collen, aged sixteen, sued the Minister of Police for Damages his son had sustained whilst in police custody. In the course of the proceedings, in the Eastern Cape Division of the Supreme Court, the whole issue of who should be acting on Collen's behalf was raised, and it was subsequently decided that, a customary union not being a true marriage, the mother was the natural guardian of her minor children. However, being a minor herself, she had to be assisted by her own guardian who, in terms of customary law, was her husband!(Mqeke,1979). The total number of customary unions entered into in South Africa and the independent National States may well exceed the total number of statutory marriages contracted (Simons,1968:111) and, if the offspring of these unions are included in 'illegitimacy' statistics (see Moeno,1977:43)

a totally distorted picture of the number of children born out of wedlock will be given.

Nevertheless, in spite of its consequences for the legal status of children, and the considerable limitations it imposes on women, a customary union continues to be a popular means of establishing a legal conjugal relationship. During 1980 and 1981 there were, respectively, 136 and 156 such unions established in the magesterial district of Durban. When respondents, all of whom were at least nominal members of Christian churches, were questioned about the merits of the two types of conjugal unions, there was a distinct tendency for customary unions to find more favour amongst men from all walks of life than amongst women. Of the professional men, only one replied unambiguously to the question: 'Which is better, a civil/church marriage or a customary union' by saying that a church marriage was preferable because it gave a woman more legal protection. Others were inclined to be more cautious in their responses (i.e.professional/white collar) pointing out that both forms were equally valid, sometimes adding that they personally would not enter into such a union, e.g. for religious reasons, or because their wives would not consider it. One professional man, and four white collar men, expressed a personal preference for a customary union. Of those respondents (male) who were married, all had been married according to Christian rites.

In contrast to the responses of men, only three women stated a preference for a customary union, and one said she did not mind (all these women were domestics). Fifteen other women, four of whom were domestics, and the rest professional/white collar, were clearly in favour of statutory marriage, and did not show the same tolerant attitude towards customary unions as did the men, some going so far as to say they should be done away with.[6]

Although various reasons were given by men and women for favouring one or other form of union, preferences were most commonly related in various ways to the ease of divorce and/or the polygamous nature of customary unions. Divorce was seen as being easier and cheaper to obtain if the union were a customary one, especially for a man, although one man felt that statutory marriage facilitated divorce for a woman, and preferred a customary union for that reason. Women tended to associate customary unions with polygamy, and to eschew them for that reason, although one of the domestics who had favoured a customary union pointed out that it was better for a man to marry other women that to have girlfriends.

The potentially polygamous nature of customary unions is sometimes mentioned in the literature as a reason for its not being granted the status of a proper marriage (Phillips and Morris,1971:146). Certainly an oft-quoted definition of marriage, made by the famous British lawyer Lord Penzance in 1866, stipulates monogamy: 'Marriage is the voluntary union for life of one man and one woman to the exclusion of all others' (quoted by Finlay, 1980:156). Contrary to a trend in some other parts of Africa (e.g. the Ivory Coast, and the Central African Republic), where polygamy was abolished after Independence (Phillips and Morris,1971:38/9) the Transkei has, since its Independence in 1976, elevated the status of the customary union to that of a 'proper' marriage (Kotze,1983:161), a status which, according to Holleman (1958/9:97) it had possessed prior to 1927. Thus, the legal status of the unions of those Transkeians living in and around Durban, who marry according to customary rites in their National State, is of a different nature to that of their Natal neighbours. Although the Kwa Zulu Legislative Assembly has debated the issue of legalizing polygamy (Mrs Yengwa, former Member of Kwa Zulu Legislative Assembly, personal communication), no changes have yet been made to the existing situation. The impression is, from the reactions

of women towards this issue, that should legislation legalising polygamy be mooted in Kwa Zulu, opposition from women would be considerable. Predictably, in the present study, far more of the men who were interviewed than the women supported the practice of polygamy, when they were asked: 'What do you think about a man having more than one wife?' Apart from a Minister, only one man (professional) was totally opposed to polygamy (or so he declared), commenting that it was 'stupid' for a man could only properly be married to one wife. The responses of other men were more cautious; for example, another professional man, after stating initially that he was personally 'totally against it - nowadays' because of socio-economic considerations, such as lack of suitable accommodation, added that 'if I had all the means I'd gladly take more than one wife....it's basically good because our forefathers did it'. Similar expressions about polygamy being valued because it was a custom, and practised by their forefathers, were often voiced, a justification which was dismissed by educated women as merely a rationalization. Men, however, claim that polygamy is still a genuine cultural value for, as one professional man explained (having himself answered that 'It's O.K. - male chauvenist that I am'), 'that traditional tie is not broken'. He himself felt that a legitimate union was preferable to secret affairs, provided the wife was consulted, a point made by some other informants. For example, another professional man, having replied 'it is traditional, hence not wrong' went on to point out that extra-marital affairs were common amongst 'monogamously' married men of all races[7]. A few women, whilst expressing their own negative attitudes towards polygamy, felt that wives were at least preferable to girl friends. One highly qualified woman, for example, who had commented that she had seen polygamy working well in the country, providing the man was of a sufficiently high socio-economic status, agreed with the idea of there being openness about other women, pointing out that

'half the time she [the mistress] is controlling things....she gets the car, the salary, and taken out, all the things the wife doesn't get'. However, she concluded, it would seem that urban men were more intent on 'having fun with women' rather than wanting wives, a point of view shared by other women for, as one woman of standing in her community cynically remarked 'man wants to explore.....you can let him have twenty wives and he'll still fiddle with other women'. The most common reasons given by women for disliking polygamy, which were also mentioned by some men, were ill-feeling amongst fellow-wives, the preference of a husband for a certain wife and/or her children, and the fact that a man could not love more than one wife. As one young, unmarried (white collar) man commented: 'he'll always love the last wife, others will get nothing, he forgets that an old brush knows all the corners'. Nevertheless, two women (both domestics), in spite of their reservations about polygamy, admitted that they would marry as second or third wives, for it was preferable to no marriage at all. Other women, including professional, agreed that such a marriage might appeal to a woman who was 'past marrying age', e.g. in her thirties.

In the wider community, reservations such as those expressed by informants are either not present, or are outweighed by positive factors, for in both 1980 and 1981 a large percentage of customary unions contracted in Durban were polygamous. Of 136 such unions in 1980, 60 were polygamous, as were 69 out of 156 in 1981 (i.e. 44% for both years). A breakdown of these figures follows:

	1980	1981
2nd wives	48	61
3rd wives	10	5
4th wives	2	-
5th wives	-	1

It is possible that in some of these cases the other wife/wives had been divorced, or was/were deceased, but in only one instance was it specifically

mentioned that such was the case, and the clerks handling the registration of unions maintained that the earlier unions were usually extant.

Customary unions may be entered into by those individuals wishing to contract such customary forms of marriage as the levirate (ukungena) and sororate (Gluckman,1950:184/5) which, particularly if polygamous, are not approved by Christian churches.[8] Also allowed for under customary law procedure is the ukuvusa, known to anthropologists as the 'ghost' marriage (Gluckman,1950: 184). If a ukuvusa union is contracted, the parties should enter in the register of customary unions the name of the person on behalf of whom the union is being entered into (i.e. the deceased). No cases of actual ukuvusa (as opposed to ukungena) were recorded in the Durban register of customary unions during 1980/1, and many men and women who were questioned did not know of the existence of such a union. Those men who had heard of ukuvusa, and of its still occurring in rural areas, tended to stress that such a step would be taken only if ilobolo had been paid for a woman, i.e. if marriage negotiations were underway. Questions about the existence of 'woman' marriage amongst Zulu-speaking people (Gluckman, 1950:84; Krige,1974:24) usually elicited bafflement and, occasionally, responses such as 'we have heard that such marriages occur in America but not amongst the Zulu' and, even when the rationale behind such a union had been explained, most informants denied that such a custom had ever existed. One man (white collar), who had close rural ties, had heard of such a union occurring; probably always rare, it became clear that in the event of women 'marrying' in this way, the union is conceptualised, not as a 'woman' marriage, but as a variant of ukuvusa, where the deceased is conceptualised as the groom, i.e. a woman is not seen as marrying another woman, but a deceased man. It was strongly emphasised that contemporary homosexual unions, such as those which are reported to have occurred in Cato Manor, Durban[9] some twenty odd years ago,were a modern deviant response to the social conditions under which blacks lived.

Having discussed these two types of union, customary and statutory, what of the relationship between them which is, understandably, described by Lewin (1971:44) as one which 'often produces problems which trained lawyers find hard to decide'. Referring to various relevant Court cases, van Themaat (1980:247/8) maintains that if a man enters into a statutory marriage after contracting a customary union that customary union is dissolved, even if there is a subsequent divorce from that marriage. However, in the Transkei, where a customary union has the same legal status as a statutory marriage, this situation would not apply. In South Africa, although men should not enter into customary unions once they have married by statutory rites, assertions by informants suggest that they do, so presumably the female partners to such unions would have neither legal status nor rights. Kotze (1983:162) notes that Sec.39(2) of the Act on the Code of Zulu Law of 1981 has effected certain improvements to the status of customary unions, in that

> 'The Act provides that if a man is married by customary law to one woman he may enter into a civil marriage with that woman, but no one else. If he is married by customary law to more than one woman he may not marry any one of them nor any other woman by civil rites'

The problems which arise insofar as the status of customary unions vis a vis statutory marriage is concerned highlight the inconsistencies and confusion which stem from the co-existence of two sets of law, which is a usual situation in countries in Africa which have been subject to Colonial rule.[10] Legal opinion amongst experts in African law clearly differs as to what the relationship between these two types of law should be. Allott, e.g. (quoted by Phillips and Morris,1971:56/7) maintains that customary law should be treated 'as a matter of fact and not of law, and judicial notice should not necessarily be taken of it', whereas Simons(1968) and van Themaat (1980) consider that it should in no way be inferior to the common law. Suttner (1970:148) suggests a synthesis:

> 'the best approach for the present would be to develop a legal system which responds to the social structure, which reacts to what it finds, instead of trying to mould the society into what the legislature wants. Unless law is in touch with social realities, unless it is able to react to actual needs, it cannot hope to operate successfully'.

Suttner's suggestion appears a sound one and, in drawing attention to the interrelationship between law and other sub-systems of society also raises important questions about the validity of customary law as it stands in South Africa at present (i.e. where no recent revision, such as that embodied in the Kwa Zulu Code, has taken place), bearing in mind the circumstances under which 'customary' law was initially codified (i.e. by the white Colonial authorities), and subsequent changes made to it by the white Union and Republican parliaments. In other words, how valid is customary law considered in the eyes of those to whom it applies? As Nwogugo (1980:116) points out, change is inherent in customary law, and reflects cultural norms and values (its flexible nature is also emphasised by Allot,1961:123, who speaks of indigenous conceptions about 'moulding' law as one moulds clay). In the local context one thinks of the minimal changes which, until the recent Kwa Zulu modifications, had been made to the Natal Code during the past fifty years, in spite of the rapid social change which had occurred amongst the black population. Comaroff and Robert's (1977:102) examples of the changes which have occurred in Tswana customary law - e.g. a woman may now litigate unaided by her guardian - illustrate the adaptability of such legal systems which operate comparatively free from outside legislative interference. It therefore seems unlikely that the unmodified form of the Natal Code adequately meets contemporary marital needs.

Another, related question involves the extent to which the Code, when first formulated, adequately reflected then existing norms and perceptions about marriage. I shall argue that the Natal Code, by including marriage

in its customary union form, within the purview of western-type legal institutions, imposed a legal character onto marriage which it had not previously possessed. However, in order to assess the extent to which marriage could, in the past, be seen as a 'legal' institution, some idea of what constituted customary law, and the role it played in black society in the past, is called for.

The problem of arriving at a universally acceptable definition of law, and its relationship to custom, is an old one, both within the field of jurisprudence itself, and within the sphere of legal anthropology (Allott, 1970:155; Bohannan,1965:33; Nader,1965:4; Pospisil,1978:8). In anthropology the debate continues between those with a fairly narrow, and allegedly western-biased view, who maintain that law can be cross-culturally described by criteria such as 'principles abstracted from legal decisions' (Pospisil,1978:2), which implies that specific 'legal' institutions exist in all societies (Bohannan,1965:196; Roberts,1979:24), and those who prefer to focus on the broader question of how order is maintained in societies (Roberts,1979:27/8). These two contemporary trends flow largely from the differing treatment of the subject of law by Radcliffe-Brown and Malinowski respectively. Radcliffe-Brown, whose influence in this respect is evident in definitions adopted by Evans-Pritchard and Fortes, favoured the definition of law given by the jurist Pound (quoted by Schiller,1965: 168)

> 'social control through the systematic application of the force of politically organized society....coterminous with that of organized legal sanctions and thus obligations imposed where there were no legal sanctions were matters of custom but not of law'

There is thus in this first type of definition a distinction between custom and law, and the inference that a distinct legal-political system exists. Malinowski's far broader view tends to define law by function rather than form: 'an aspect of their tribal life', a 'body of binding obligations, regarded as a right by one party and acknowledged as a duty by the other'

rather than inhering in specialised institutions (Nader,1965:4; Pospisil, 1978:23). Each of these definitions is criticized by those in the other camp as being either too narrow for adequate cross-cultural comparative purposes, or too broad for specific use.[11]

A full discussion and evaluation of the merits of the differing perspectives is far beyond the scope of the present chapter, and both definitions would appear applicable to the small-scale Southern African societies of the past. Although one can see the value of a definition of the latter type in societies lacking institutions with specialised legal functions (such as acephalous societies), centralized political control had been in force in Natal for some time prior to British conquest, power in politico-legal matters being delegated to chiefs and indunas by the King (Gluckman, 1940:32/3). Dlamini (1983:23) points out that there are different words for 'custom' and for 'law' in the Zulu language. Thus, whilst there were clearly differentiated, specialised 'legal' institutions in the western sense of the term, legitimate authority was embodied in the politico-legal figures of King and Chief, and was closely associated with ritual power. The extent to which the King's authority extended to the sphere of marriage will be considered below, but first the whole question of the nature of law in non-western societies must be briefly examined.

Law rests on certain philosophical assumptions rooted in the culture of the society of which it is part, and its history. Law in Europe, whilst based to a great extent on Roman principles, was also greatly influenced by Judaic-Christian tenets (Goody,1983); in regard to marriage, one has only to consider the process by which marriage came to assume civil (as opposed to ecclesiastical) legal significance after the Reformation, and the undoubted influence of biblical injunctions about marriage embodied in European law.

Evidence from other parts of Africa suggests that, prior to the spread of western influence, the whole concept of 'law' may have been viewed in a different light to its western counterpart. Driberg, e.g., whose monograph on the Nilotes had been published in 1923, emphasised (pre-empting Bohannan's plea for the importance of 'folk' concepts) that European concepts of law and justice should be discarded; because such concepts had developed in European culture which differed greatly from African ones, 'any investigation based on them [i.e. western concepts] is bound to be fallacious' (Driberg,1934:231). Pointing out that the individualistic basis of western laws are opposed to the collective organization of African society, Driberg went on to point out another fundamental difference, i.e.

> 'African law is positive and not negative. It does not say "Thou shalt not" but "Thou shalt". Law does not create offences, it does not make criminals; it directs how individuals and communities should behave towards each other..... its whole object is to maintain an equilibrium and the penalties of African law are directed, not against specific infractions, but to the restoration of this equilibrium'
>
> ibid,231

Driberg's observations are consonant with Malinowski's definition, and doubtless influenced by his fieldwork in acephalous societies. However, there is some evidence to suggest that such conceptions of law were not necessarily confined to acephalous societies of East Africa, for Schiller (1965:168) refers to attempts by Belgian scholars in West Africa to uncover indigenous conceptions of law in societies with different types of politico-legal organization. These scholars suggested that the 'body of rules comprising indigenous customary law stemmed from philosophical concepts wholly foreign to our view of life' such as 'paternity' or 'life force'

Although care must be exercised in generalising, the differing conceptions of law which have been mentioned suggest that caution is necessary when offering interpretations of indigenous legal systems. An examination of available ethnographic evidence on the Natal Nguni confirms that elements

such as collective responsibility (Krige,1936:223), the restitution of wrongs, and reciprocity predominated: 'In kinship groupings the main integrating activities and social sanctions were based on reciprocity and communal living' (Gluckman,1940:39). Legal and political norms and sanctions were closely connected with the religious sphere, e.g. dangerous ritual states resulted from transgressions, and the Chief's power was sanctioned by his role in the ancestor cult, as was the King's. The notion of 'paternity' was in evidence, the King or Chief being seen as 'fathers' of their people (Gluckman, 1940:44).

Assuming then the existence in the past of a black society in which legal institutions, although present, were not clearly differentiated from political and religious institutions, and that the whole philosophy upon which law was based differed to that of western legal systems, to what extent did such institutions impart a 'legal' character to marriage.

After the establishment of the Zulu Kingdom, the main requirements imposed by the King concerning marriage appear to have been the need for his permission to be granted in order for regiments and age groups to marry (Gluckman,1940:26). Apart from this restriction, the conclusion of marriage appears to have been left to the two groups involved, as had been the case in early England, prior to the rise of the influence of the Roman Catholic Church (Weyrauth,1980:268; Radcliffe-Brown,1950:44). Although Gluckman (1940:44) mentions a chief's attendance at his people's weddings, it was, it seems, in his capacity as 'father' of his people (in the same way as he sent condolences if one of his people suffered bereavement), and not because, as in the present time, an official presence (the chief's deputy) has to be present to validate the marriage from a legal point of view.

That this lack of a formal legalising mechanism created problems for Colonial and Union legislators and Courts, is obvious from a study of

law records[12]. Their problems in deciding whether or not a union had come into existence were obviously compounded by the whole processual character of African marriage, long recognized by anthropologists (Radcliffe-Brown,1950:49) and highlighted recently by Comaroff and Comaroff (1981) and Murray (1981), and doubtless contributed to the fixing of criteria whereby the status of a union could be assessed, such as those embodied in the Natal Code.

However, acknowledgement of the lack of 'legality', and of the processual nature of customary marriage, does not mean that there were no events of decisive significance taking place during the creation of a marriage. It is to a consideration of the part played by ritual, and its importance in the validation of a marriage, that I now turn.

CHAPTER 5

SOLEMNIZING MARRIAGE: RELIGIOUS ASPECTS

The last chapter drew attention to the fact that marriage, even in the western world, has become only comparatively recently in its history a 'legal' institution, in the sense that it is known today. For the first fifteen hundred years of its existence, marriage according to Christian rites appears to have been (in theory, at any rate) primarily of religious[1] significance. Although there is some ambiguity surrounding the question of exactly when marriage actually occurred, religious rites, albeit of a different type, have undoubtedly been of central importance in the establishment of a customary black marriage. Ngubane, for example(1981:93) maintains that it is the slaughter of the eyisikhumba beast which renders the bride married amongst the Natal (as opposed to the Zululand) Zulu, and Murray likewise avers (1981:115) that amongst the Sotho, in the past at any rate, 'the killing of the ox was the ceremony at which man and woman became husband and wife'. This chapter is an attempt to describe and analyse contemporary religious aspects of marriage amongst Durban blacks, whether of a Christian or customary nature.

Christian churches vary with regard to whether they recognise a purely legal/civil ceremony as a valid marriage. The Catholic church, for example, does not recognise civil marriage, for marriage is a sacrament[2], 'the expression of God's final Covenant with man in Jesus Christ' (Peters,1975:33). According to Phillips and Morris, the 'sacramental view of marriage is widely held' in the Anglican church also (1971:399), but a civil marriage may be accepted as valid in this church (Verryn, 1975:241, likewise distinguishes between 'Reformed' and 'Catholic' traditions in this respect).

In the other major Christian denominations (Methodist, Lutheran, Congregational and Presbyterian), marriage is 'essentially a civil contract' (Phillips and Morris,1971:399), the validity of which depends solely on compliance with the secular law. Protestant ministers with whom the question was discussed stressed that, from the point of view of their churches, the vows were the most important part of the marriage.

In view of the small number of purely civil marriages contracted in Durban as compared with the large number of church marriages , and the views expressed by informants, it is reasonable to suppose that the large majority of Christians (in the sense of belonging to a Christian denomination) do marry in church.[3] Therefore, I shall start by describing the procedures, both Christian and customary, followed by those marrying in church, contrast such procedures briefly with those which omit a Christian ceremony, and conclude with an analysis and discussion of the material presented.

As with the other phases of the marriage process, there is great variation with regard to which ritual elements are selected, and when the ceremonies take place. Such variation is only to be expected for, in the literature about black marriage a division is said to have existed between Natal and Zululand, in terms of the customs observed (Krige,1936:vi ;Ngubane,1981:95) as well as further variation within these two broad areas (Sibiya,1982:2/3). These differences apparently still persist in rural areas, for one umkhongi who, like the prospective groom, is from 'Natal', had had to write to the bride's parents in 'Zululand' as the day of the wedding approached, and ask for clarification about how they should proceed: 'We at.....do things in this manner, how do you do things in your area?'. A written reply had set out details of the procedures which should be followed at the bride's home which, particularly as they related to the names of the beasts, and

the manner of the slaughtering (by whom, and when) had varied from those followed in their own area. Thus, a fairly general description, as emerged from the various cases observed, or described in great detail, follows, accompanied by some indication of the variation which exists.

Ideally, both church and customary (including the handing over of the bride by her father and the presentation of umabo gifts) ceremonies should occur one after the other. As one informant put it: 'the day after the church service tradition takes over'. Frequently, however, these two ceremonies are separated, possibly widely, in time, usually because of the financial outlay involved. The events immediately preceeding the religious ceremonies start during the week prior to the church service and/or presentation of umabo gifts, but just how long beforehand depends on the amount of time available. Some informants maintained that the woman should be shut up in her home for the week preceeding the wedding but, with modern work demands, it is usually only the day and/or night before that she stays inside. During these days of preparation the bride's father, as Dora's had done, should arrange for the slaughtering of a beast/s for both ritual purposes and to feed the large numbers of people who generally arrive at weddings. There are differences of opinion about the names of the beasts slaughtered; in fact a great deal of confusion appears to exist about the names and types of beasts used for ceremonial purposes, and this question will be discussed in more detail in the course of this chapter.

Strictly speaking, according to informants from various areas, a goat should be slaughtered to notify the amadlosi (forefathers) about the departure of the bride from her natal home, for goats should always be used when communicating with the forefathers. Both Reader (1966:195) and Sibiya (1982:241) confirm that a goat should be slaughtered at this time, and I found, as did Sibiya, that in some cases the slaughter of this goat had been dispensed with and a beast slaughtered instead.[4]

This beast serves the dual purpose of notifying the amadlosi of the bride's impending departure and providing meat for the wedding festivities. The Zumas, for example, had not slaughtered a goat prior to Dora's departure for, as Mrs Zuma explained 'we could not find it' (there had been enough expense without the provision of another animal). When only a beast is slaughtered the bride is annointed (ukucola) with the gall (inyongo) of this animal. Some informants had had only goats slaughtered prior to their departure, others both goats and beasts. Part of the meat of the slaughtered beast is usually taken to the groom's home if festivities are to be held there.

As mentioned above, the bride usually spends this last day, or at least the night, before her departure closeted inside the house or, if the wedding takes place in the country, at the umsamo of the indlunkulu (the back portion of the main hut) where she is expected to sit and cry because of her immanent departure (However, this seclusion may not occur if the handing over of the bride and presentation of umabo is not due to take place until a later stage; e.g. Gloria did not observe this custom, but will do so in the future when umabo presentation occurs). The bride is visited by female relatives and friends, who ply her with advice about how a makoti should behave, e.g. she must hlonipha her in-laws, she must be respectful towards her husband, and her obedience and duty to her new family should extend even to the adoption of their witchcraft practices for, should they indulge in such activities, she should help them to 'feed the baboons'. Whatever happens, 'you must persevere, you must persevere, you must persevere.....' she is told. Informants agreed that the type of advice she receives has been well summarised in the following passage, which is directed towards the Christian wife:-

> 'You are a married woman now; you've got to remember that all the time. You now leave behind all the freedom and pleasure of being a girl - so you forget about your girl companions. You are going to your married home; remember not to disgrace our good name. Build us a home there. Remember that your

> parents are respectable Christian people, therefore,don't forget the good habits and customs of the church on which you were brought up. Respect your new home; don't wash your domestic dirty linen in public. If you have a grievance God is there for you to confide in Him. We will never forsake you. We don't want to hear about your problems there, so don't come back with tales. Persevere; be patient, pray and accept your new married role with dignity.....'
>
> Dwane,1981:1

Thandi Y., whose strong views about not marrying were described in Chapter 1, described graphically the scene when her cousin had married in the country according to Christian rites. She had been taken to the umsamo of the great hut, draped with a blanket which, according to Thandi, symbolised not only the necessity of showing respect to her ancestors, but also the fact that she was dying to her family, and was being buried by them. 'That's where you must die, you're dead here', she had been told. Instead of crying, as expected of her, her cousin had giggled, and had been warned severely that she would certainly be crying later. There was 'nothing positive' in the advice given, Thandi stressed, a fact confirmed by many other women.

The husband-to-be may receive some general advice about his new role as a husband from his father and other male kin, as William had, but he is not subject to any prescribed ritual prior to the actual ceremony unless, as was the case when Dora married, he had not previously been officially 'accepted' (the imvuma beast had been killed for Peter the night before the wedding) by the bride's family. If he does not attend such formalities at the bride's home he may spend the eve of his wedding quietly at home, or he may even participate in a type of 'stag party', as had Phinde, who had spent the night with his friends carousing away the last hours of his bachelorhood (the effects of which were still visible at the church ceremony the following morning).

Once the cola animal (i.e. the animal slaughtered for the annointing of the bride) has been killed, the bride's father applies the inyongo (gall) to his daughter's wrists, feet and tongue, explaining to the forefathers what is happening. The inyongo must be left in place overnight so that the ancestors have a chance to visit and become acquainted with what is happening. Portions of the meat may be left overnight for the forefathers in that part of the house designated as the umsamo;in township houses, it is usually one of the far back corners. The umhlwehlwe of the slaughtered beast may or may not be kept for future use.[5]

The meat is cut up and stored overnight for cooking the following day; some of it may, as indicated, be given to the groom's family. Although a certain amount is set aside for general consumption (stewed or curried) other, specific portions are allocated to specific categories of people, such as men, old women, young women, and may only be eaten by them.[6] The women - kin, friends and neighbours of the bride, and of the groom if a reception is to be held at his home during that weekend - are very busy with food preparation during this time, engaged in such time-consuming tasks as shredding and chopping salads, mixing the ingredients for the amadombola(dumplings), and preparing puddings. To the mother of the bride is entrusted the task of burying the stomach of the slaughtered beast in some spot where an umthakathi (practitioner of witchcraft) will not find it and use it for evil purposes against the family. The utshwala would have been brewed some time before these last-minute preparations and left to ferment. There is little chance to sleep at the home of the bride and groom that evening. The following morning[7] preparations start early for the church ceremony.

The scenes at the groom's and bride's homes usually resemble those which I witnessed in Dora's and Peter's homes (i.e. if there is to be a feast at the groom's home also that weekend) - throngs of people coming and

going, people changing clothes, and kitchen and outdoor cooking areas hives of activity (although, if the wedding is fairly small, as Gloria's was, most of the cooking may be done in the kitchen). Finally, once all the preparations are complete, the bridal parties are ready to leave and, depending on the involvement of the families in the local church life, prayers may be offered before the departure for the church (as at Gloria's wedding). At the bride's home wedding songs are sung as the bride slowly emerges from her home, on the arm of her father or other male kinsman, together with her attendants. In the vast majority of weddings, it seems, a full-length white dress is worn by the bride and, although she should not have her face veiled if she has had a child before the marriage, some brides who have borne children do cover their faces with veils. Having paused outside the house for all around to see and admire the bridal party, they set out, in cars gaily decorated with balloons, streamers and other eye-catching trappings, for the church (unless, as in Musa's case, it is within walking distance). During the drive attention is drawn to the bridal parties by loud hooting and reciprocal (from both cars and passers-by) waving. If too far to walk, friends and kin arrive at the church by car or bus. Sibiya (1982:255) mentions that 'traditionally' neither father nor mother of the bride was permitted to attend the wedding of the eldest daughter, but he found that even amongst 'traditionalists' some men disregarded this prohibition. Invariably in the urban area, and doubtless related to legal requirements that he give his permission to the marriage, fathers attend the church wedding and umabo presentation. Although there is a general agreement that mothers should not attend their daughters' weddings (with the possible exception of the youngest daughter), and generally mothers do not appear to do so, some do attend the church ceremony and/or the festivities at the groom's home.

At the church, singing may continue whilst one party awaits the other, or while both parties are assembled ready to enter the church, depending on the size and inclination of the crowd. The groom is attired in a smart suit, which may include a waistcoat, as are his attendants, and all men wear white gloves given them by the bride. Both bride and groom have at least two or three attendants, and one or more flower girls and page boys. The flower girl, or one of them if there are more, is often dressed as a miniature bride, and is paired with a small 'groom'. At one of the weddings I attended (that of a couple I shall call Thomas and Margaret) there were three bridesmaids and groomsmen, and four flower girls and pages. Of the small attendants, two (one boy and one girl) were dressed as 'bride' and 'groom', and even sat apart from the other youngsters during the service. Entrance into the church is generally informal, and is accompanied by singing; the bride and groom may enter separately with their attendants, or together, and family and friends of each usually appear to mingle rather than sit apart in church.

Services witnessed[8] varied greatly in both format and duration depending, not only on the religious denomination (and there were great variations within a particular denomination in the type of service), but on the proclivities of the minister. Some clearly allow far more scope for informality of expression than others. For example, one service at a Methodist Church lasted approximately a half an hour altogether, and followed closely to the format of the standard wedding service prescribed by that church another service in a United Congregational Church lasted between two and two and a half hours. In the former instance there were no speeches (for the minister, the Rev.Bu. believes that these belong at the home festivities) and minimal singing; the latter service included various speeches, the rendition of choral and instrumental offerings by members of the congregation, a lengthy homily, and some spontaneous singing, such as 'Halelujah, let's praise the Lord' accompanied by dancing around the church.

As at the Mathe wedding, speeches may be made by the father or other relatives of the bride and groom, or by family friends, particularly if they enjoy some sort of status in the community, such as councillors or ministers. Invariably during the services attended the impression was that there was far more spontaneity than occurs at the services when whites marry. One minister, Father Lo., who feels strongly that most blacks do not consider a church service of any significance in validating the union (see discussion below) has incorporated a number of what he sees as 'traditional' elements into his service as a matter of course, and the order is as follows:

Bride and groom enter the church separately with their fathers (for they are, Father Lo. points out, still separate families). The bride then comes forward with her father, who gives a speech, the 'traditional giving away'of the bride, and may, if he so wishes, render an extempore prayer. The prospective husband then comes forward with his father, who speaks and usually replies to the bride's father. Only then does the exchange of vows occur.

It would seem that Father Lo. and the Rev. Bu. (the Methodist minister referred to above) fall at opposite ends of the continuum with regard to the place they consider that customary procedures should occupy in Christian services, and most ministers probably fall somewhere in between when it comes to the amount of deviation from set service format which they permit.

At which stage the vows are made depends on the order of the service in the particular church. One common feature observed in all the services attended was clapping, followed by a rythmic surging forward by the congregation to congratulate the newly-married couple immediately after the vows had been exchanged, usually to the accompaniment of well-known wedding songs, such as

'Savumelana nawe	'We accepted
Tina Sobabili savumelana (twice)	Both of us, we accepted

During the homilies, and perhaps from the speakers also, husband and wife receive advice about their new roles, and specific duties are singled out. The husband is reminded to support his wife, and she is instructed to attend to her cooking (for 'men run away if there's no variety'), to teach her children well and not spoil them ('a child becomes good or bad because of women'), respecting her husband and his family, and listening to her husband and not to others (she should not 'take the part of a husband by not listening'). The need for co-operation is sometimes stressed, as is the value of reliance on God for assistance.

Generally, far more attention is devoted to instructing the new wife about her role than the husband, and homilies and readings may reflect a distinct bias towards 'male chauvenism'. For example, when Musa and Phinde were married the minister chose a reading from Peter, 1:3, in which women are admonished to 'submit to their husbands', as did Sarah, who 'obeyed Abraham and called him her master'. Women are further instructed not to use artificial aids to make themselves beautiful to others, for beauty is achieved through submission to their husbands.[9] The minister developed this theme further during his homily, which he tempered with a certain amount of paternalism, in that Phinde was told that if his wife had done something wrong he should correct her first before taking 'further steps'.

However, not all ministers reflect such a bias in their readings and preachings. The Rev. Da., who officiated at the wedding of William and Bongi, has had a great deal of experience in dealing with marriage problems, and clearly sympathises with the predicaments that wives sometimes find themselves in, made specific mention of ill-treatment of wives by husbands, and the necessity of husbands adequately supporting their wives. Husbands should not drink, but should go straight home after work; they should not believe others' gossip about their wives, but should ask their explanation first.

As occurred at Dora and Peter's wedding, the father, or other representatives of both bride and groom's family may be called upon to speak. Musa's father, for example, warned her that Phinde should correct her when she did wrong, and that things would be different to what she was used to at home. She should listen to her in-laws, and should even 'feed their baboons' if it were necessary. Since no senior patrilineal kin of Phinde's were present, his widowed mother then spoke on behalf of her late husband's family, saying that love was the best medicine for dealing with the difficulties they would encounter in marriage.

As already indicated, speeches by other relatives or acquaintances may follow the contributions of family members, as they did at the wedding of William and Bongi. Firstly, the middle-aged president of the young women's group in the church, to which Thandi had belonged up until her marriage, was called upon to say a few words. Speaking on behalf of the group, she praised Bongi for listening to what she had been taught whilst a member, for 'Other girls who didn't listen to these women [i.e. what they had taught] are not where you are now' (i.e. married). She praised also the parents' role in bringing up their daughter, and spoke to Bongi of her duties as a wife, warning of the difficulties ahead (e.g. complaints about food, and gossiping by others), for 'to be a woman is really hard'. She should not do things at her new home that she had done at her own place, for at William's home they would do things another way. Whatever happened she should stay at her new home, until she died as one of that family.

Next to speak was a popular councillor in the township where the couple and their families lived, who declared that he was talking as a 'father' of these two children who were getting married. He had known Bongi's family since the beginning of his childhood, and William's family were relatives because his mother's name had been the same as William's mother's.

Advising the couple to love and respect each other wholeheartedly, to be separated only by death, and to remember their duties to God, he thanked them for what they had done (i.e. getting married), for there wasn't the opportunity for everyone to marry nowadays. He concluded with a song in English.

Once the service is concluded the couple, their attendants, family and other guests file out of the church, often singing a hymn, or humming the wedding march. Outside the church the singing may continue, particularly if there is any waiting around, as happens when the register has still to be signed (often this formality is completed in church).

The journey back to the bride's home is roundabout and, if the groom lives in the same area/township, the parties will detour past the groom's home, where his mother and other family and friends run out, joyfully shrieking and trilling. A pause outside the groom's home allows all around to see what is happening, before proceeding to the bride's home. In addition to loud hooting, drivers in the wedding procession may 'show off' by swerving their cars back and forth zigzag fashion across the road. At the bride's home, their arrival is greeted by more singing and ukukikiza.

At the bride's home a festive table has been set, either in a specially erected marquee, or in the living/diningroom, or in some other room. Groaning under the weight of a variety of salads and drinks (minerals, beer), and often decorated with flowers, the table contains place settings for the bridal party and the immediate family of the groom, the wedding cake standing in pride of place. Outside the meat simmers in large, three-legged pots, or roasts over an open fire. In due course the meal is served, firstly to the bride and groom and their retinue, then to the other guests, wherever they are accommodated; e.g. if a marquee has been erected for the bridal party many will squeeze into the living room of the house, but many are seated outside. Apart from the young people who are attendants (i.e. part of the bridal party), the sexes are generally seated apart, men

together in clumps outside, and those women not involved in cooking or serving the food (mainly the groom's kin and friends) in groups elsewhere. Food serving may take place in relays as, for instance, when the bride and groom and party leave to have their photographs taken at some scenic spot and other guests take their places at the main table. It seems that honoured guests and close relatives and friends are served first, and accorded the most comfortable seating. At the weddings attended, all guests were served with stewed meat (which may be beef, mutton, goat,and may also include chicken), dumplings, rice and vegetables (pumpkin, cabbage) and salads. Puddings invariably consisted of tinned fruit, jelly, custard and sometimes ice cream. Plates containing pieces of itwani (intestine) may be served separately, as a delicacy to which guests help themselves.

Depending on the amount of time available, the festivities, including singing and dancing, may continue at the bride's home for the rest of the afternoon and into the evening; however, if time is short, e.g. because the ukhwaba (i.e. umabo presentation) is to be held that same afternoon, the stay at the bride's home may be fairly brief. If no ukhwaba is to be held, or if it is to take place on the Sunday, the festivities at the bride's home will probably last until well into the evening, as Dora's and Bongi's had done. One further factor is whether or not an 'outside' reception is to be held, such as that organised by Thomas and Margaret (a couple referred to above): After the morning church service, followed by a feast at the bride's home, and wedding photos in the afternoon, a lavish reception was held on the Saturday evening at an 'international' hotel, and the bride did not leave for her new home until mid-morning on the Sunday. However, because of the costs involved, such receptions are not a matter of course, and usually the bride moves to her new home during the late Saturday evening/early Sunday morning hours.

In the midst of the festivities, the moment of the bride's departure is a solemn one. With tears in her eyes she is led slowly around the house by her father or his representative, who announces her departure to the family's amadlosi (forefathers); her father then escorts her to the waiting car or, if the distance is short, begins the walk to her new home with her. The clan's ihubo is sung at this time. If the presentation of umabo is to take place that day or the next the umkhongi should, at some stage prior to the bride's departure, have called to collect her kist, containing some of the umabo, and possibly some of her own possessions and/or household goods which she is taking with her to her new home (the kist is only transferred when the umabo presentation takes place, even if it is years after the church wedding). When the kist arrives at the groom's home there is great excitement, and much joyful ukukikiza, for its arrival signifies the immanent arrival of the bride herself. The wedding cake is taken uncut to the groom's home.

The arrival of the bride is an occasion of great joy at the groom's home. The mode of her arrival, and her attire, may vary, according to factors such as the time at which the move occurs, and what is considered suitable by the parties concerned. For example, Mrs Mw., whose umabo presentation took place on the Saturday afternoon after the morning church service was still attired in her wedding gown, and Bongi, who moved to William's home in the early hours of the Sunday morning, was wrapped in a hlonipha blanket. Margaret's arrival at her new home on the Sunday morning was particularly impressive: Attired in a smart two-piece suit and a hat, she and her companions alighted from their car around the corner from her in-laws' home and, flanked by two male kinsmen, she travelled down the road in the midst of a troop of chanting, prancing Ingoma dancers (who later entertained the wedding guests).

At the groom's home tables are set, and catering arrangements are essentially the same as at the bride's home. Usually food is served before the umabo presentation, if it is to take place, but serving may also occur afterwards (as at the Zuma/Mathe wedding). If the cola (or umquoliso - see discussion below) of the groom's family has been slaughtered, the groom's father will annoint the bride with its inyongo at some time after her arrival, telling the forefathers about her presence and, as a further notification to them, perhaps placing the horns of the slaughtered beast on the roof of the house.

Presentation of umabo takes place at the most suitable part of the garden, that which can accommodate the greatest number of spectators. The place where this ceremony takes place is known as isiqcawu, as it is in the rural areas (where the wedding ceremonies usually take place in the cattle-pen - see Sibiya,1982:259; Raum,1973:295). Inclement weather may cause problems particularly at this stage, as occurred at the Mw. wedding when a sudden downpour necessitated the hurried movement of furniture, umabo gifts and guests to the marquee, which was far too small to comfortably accommodate all those present. Another problem in the confined spaces of township gardens is noise from passing traffic, especially buses, which may drown the speeches.

While preparations are being made, competitive singing by the 'bride's group' and the 'groom's group' may take place; at the wedding of Margaret and Thomas groups of young persons stood at opposite sides of the garden, the presentation of umabo taking place in the middle, trying to drown out each other's singing. Once proceedings are ready to commence, the bride and her attendants seat themselves either on a cansi (grass mat) on the ground, or on chairs which have been placed ready for them, and the kist and bundles of umabo gifts (sundry items such as blankets and pillows rolled up in cansi) are brought forward and placed near where the bride is sitting .

Furniture which the bride has brought with her, in most cases consisting of a double bed and bedroom suite, is also placed nearby.

When everyone is ready speeches begin, the length and content of these varying in accordance with the oratory skills and inclinations of the speakers. The bride's father or his representative[10] will officially 'hand over' the bride to her husband's family, with words to this effect[11]:

> 'You of.....we of.....have come to hand over our daughter; she has always been a quiet person....we are a quiet family.....the only time you see us not quiet is when there are tears in our eyes....look after her we ask you, you and your ancestors, she is all yours'.

Other members of the bride's family may speak, as in the case of Dora's wedding, and family praises may or may not be recited. If ilobolo has been paid in full there will be a public acknowledgement by the bride's family. Ukukikiza by the women indicates support and approval of certain points made during the speeches.

The father, or some other kinsman of the groom, will respond to what has been said by the bridal party's spokesman/men, expressing thanks to the bride's family. Members of the groom's family other than agnatic kinsmen may play a prominent role in the proceedings, as at the wedding of Thomas and Margaret, where the groom's father, a rather shy, retiring man, declined to give a speech, and indicated to the malume (mother's brother) of the groom (who, in the absence of agnatic kinsmen, was acting as a 'master of ceremonies'), that he wished him to thank the bride's family on his behalf. Other kinsmen or friends of the groom's family may also speak: When Mr Mw.'s son married, Mr Mathe (who had chosen Mr Mw. as umkhongi when Peter married Dora) had, in the absence of Mw. relatives, given a speech as a 'father' of the groom. Speeches, as in church, may contain advice to the young couple, but especially to the bride, and may include suggestions that she ignore her husband's affairs, or that she should not pick his pockets!

Once the speeches are over, the presentation of umabo commences. The groom's parents, or his mother, would have drawn up the list of relatives who would have to receive gifts, but the choice of gifts is usually left to the bride's family. Sundry items for twenty or more persons are quite usual, and the main factors influencing the number of gifts are the size of the groom's nuclear family and the extent to which members of his wider kin group (especially ascending and collateral relatives) are included. The smallest number of persons recorded as receiving umabo was twelve, the largest approximately forty. Gifts for the groom's mother and father, and his siblings, and umkhongi, are mandatory. Usually umkhongi's wife and/or the man who accompanied umkhongi receive something. Which other kin are selected to receive gifts will depend on the groom's family and, unlike the situation reported by Raum as obtaining in Zululand (1973:297), many affines whom the bride will not necessarily 'respectfully avoid in contact', such as children, may be included.

The gifts for the groom's father are the most impressive; his cansi (grass mat for sleeping) may be the most ornate, being decorated with various coloured strands of wool, and his blanket is of a 'leopard skin' pattern (in one case only which I recorded did the groom's mother receive a similar blanket, but of a different colouring). He invariably receives also ukhamba (clay pot), and imbenge (pot cover), a pillow and fancy pillow-slip and sheet/s, and isithebe (small grass mat).

The mother's gifts are similar, except that her blanket is usually of a different type, she may not receive the ukhamba, but generally receives ivovo (beer sieve) and umshanyelo (a small grass broom). These gifts, as are all umabo, are presented even if the recipient is deceased. The 'beds' of cansi, blanket, pillow and sheet/s are 'made up' on the ground, and each recipient (or, if deceased, a relative on his/her behalf), climbs under the blanket, to the sound of loud ukukikiza from the crowd. The recipients may give a dance of appreciation (ukugiya) if so inclined.

In addition to the siblings of the groom, their wives may be included, as may their children. In the ascending (to groom) generation, brothers and sisters of the groom's mother and/or father may be included, as may persons of the same generation as the grandparents, or even great-grandparents, but there appears to be no set pattern, and just which family members are chosen varies; e.g. at two of the umabo presentations attended, the groom's paternal grandmothers, but not their grandfathers (both sets of grandparents were deceased) received a blanket, cansi, pillow and pillowcase. When recipients are deceased the various articles are used by other family members; if recipients are alive, but not present, such as Enid T.'s in-laws who live in Mozambique, the items are stored until they can be passed on.

Family members other than the parents of the groom receive different types of bedding, and generally the quantity and the quality varies according to the age and importance of the recipients. In the Mw. family, for example, the eldest and second sons (i.e. the brothers of the groom) received a rug and a grass mat, a pillow and pillowcase each; the two daughters (groom's sisters) received a rug and grass mat each. The eldest son of the eldest son received a small grass mat and a rug, but the younger son and the daughter received only a small mat. All who receive gifts follow the procedure of lying done upon the 'bed', and being covered by a blanket (if they receive one),and may giva in appreciation.

In some cases the groom himself receives gifts; invariably, however, once the gifts have been given the double bed which the bride has brought with her (which may already have been in use for some time if the presentation occurs some time after the church wedding) is made up, and the groom is summoned. After his wife has removed his shoes he climbs between the sheets, and is promptly pounced upon by the female kin and friends of the bride, who beat him with sticks, and warn him to 'wake up', whilst he

tries to protect himself with the bedclothes. The 'attack' is soon over, and he quickly climbs out of bed and runs away. This procedure concludes the wedding formalities, and the guests and spectators either drift away, or return to the feast if it is still in progress.

Although no non-Christian (i.e. where there had never been a church service of some type) marriages were witnessed, from descriptions by informants who were themselves not married by statutory rites, and from the umabo presentation of a member of the Church of Nazareth (Shembe) which was attended, it appears that the format of the feast and umabo presentation is essentially the same, and that the major differences (apart from the absence of a church service) obtain with regard to how much of the type of customary ritual described by writers such as Krige (1936), Reader(1966) and Sibiya (1982) is included. The bride, for instance, may dance with her attendants wearing an isidwaba (a skin skirt), carrying an isinqindi (dagger) and shield, and wearing the inflated gall-bladder/s of the slaughtered beast and/or goat on her head and/or wrist. Men and women may dance separately, and the antagonism which has been recorded (Raum, 1973:294; Krige , 1936: 140) between the groups of the bride and the groom may be more manifest than at Christian weddings (where it is not entirely absent - see discussion below), and customary rituals such as the piercing of the stomach of the slaughtered beast by the bride may openly occur.

In fact, the whole impression one receives when witnessing a Christian wedding, and contrasting it with descriptions of 'traditionalist' or 'pagan' weddings in the literature, is the lack of a sharp dichotomy between the Christian and non-Christian wedding. Unlike the situation in the rural areas described by Vilakazi (1962), Reader (1966) and, more recently by Sibiya (1982), it is difficult to make the clear-cut distinction which they do between 'traditional'('pagan') and Christian in Durban. Because individuals select and combine what they perceive

as 'traditional' and 'Christian' elements, it would seem preferable to visualise them as falling at different points along a continuum between these two ideal types. The most striking factor which emerges is the harmonious blending of the old and new, the persistance, albeit in what is often a greatly modified form, of valued custom, together with western innovations of both a religious and a secular (e.g. receptions of a western-type) nature.

In the contemporary setting, black cultural ideas and values such as reciprocity and community involvement persist (with some exceptions, to be discussed further below). For example, although western-type wedding invitations, some of which are very elaborate , may be issued, the feasts at both the bride's and groom's homes are open to all and, just as anyone may attend, so are contributions in the form of help rendered, and izipheko (gifts of food),forthcoming from various quarters (kin, friends, neighbours). Weddings are talked about in the community, and are generally evaluated in terms of criteria said to have been important in the past, such as hospitality and generosity. One informant, for example, commenting favourably about a very lavish wedding we had both just attended remarked: 'I don't like to go to weddings where people treat you like dogs'. The quality and quantity of food is particularly important, and there is a stigma attached to having a big wedding and not accommodating everyone who wishes to attend.

This need to accommodate large numbers, and the ensuing expense, is cited by some informants as a reason for not wanting a large wedding for, in spite of the impression one receives that weddings should be on as lavish a scale as possible (i.e. as resources permit), there appears to be a trend, amongst the educated elite in particular, to dispense with ostentatious display, and to marry as quietly as possible; as one professional man remarked: 'People of my class prefer small weddings'. According to one knowledgeable (in terms of community trends) informant , the favourable

attitude towards small weddings is found mainly amongst 'professional' elites rather than amongst businessmen and their families, who tend to prefer extravagant celebrations. In response to my question about the size and type of wedding, informants in the white collar/professional category would sometimes point to the advantage, cost-wise, of a court marriage, or a quiet ceremony in the office of a minister, and some had themselves had small weddings which had included only families and a few friends. Others, such as the professional man quoted above, had had to comply with family expectations and have a large celebration. Those who expressed such views were inclined to point out the debts which ensue from having a big wedding, and preferred to put their money into their new homes.

Families whose weddings I attended did complain of the expense to which they had been put, and the debts (e.g. in the form of hire purchase agreements) which had had to be paid off after the wedding. As with other expenditure conncected with a wedding (e.g. umbondo,izibizo) it was difficult to establish exact costs for, particularly with regard to food, people do not keep exact records, and neighbours and friends do assist. Gloria, whose wedding was extremely modest (no beasts/goats slaughtered, nor umabo and furniture purchased, photos taken by a friend , and food provided for a relatively small number of guests at Gloria's home only) shopped around for weeks before her wedding in search of the cheapest wedding cake and food, kept a record for me of what she and Elliot had spent, and it amounted to R224,00,[13] which was the approximate equivalence of their combined monthly income. At the other end of the scale, Thomas and Margaret, whose wedding was the most lavish I attended, spent approximately R5 000 (probably, in terms of what each was then earning, the equivalent of about three months' combined salary). The majority of weddings probably fall somewhere between these two extremes.

In spite of what are, at times, crippling costs to both families, those who are prepared to go against public opinion, and keep their weddings private, family affairs are in the minority, and for the majority a wedding remains a public event par excellence, possibly related to the pre-contact (white) situation, in which various other means of establishing the validity of marriage, such as the issueing of licences and certificates were absent.

Still obviously present, although generally in a far less conspicuous form than that described in the literature, is the corporate nature of the involvement of the bride's and groom's groups, and the competition and latent hostility which exists between them. Krige (1936:140) and Raum (1973:294) describe the insulting nature of the qhubushela songs directed by each group against the other, which engender 'mutual provocation' (Raum, ibid). The fact that the competitive dancing and singing may lead to outbreaks of violence is mentioned by Krige (1936:145) and Reader (1966:203).

No open hostility or fighting was witnessed at weddings in urban areas, but informants mentioned that trouble sometimes occurred in rural areas, one of the factors being that weddings might be used as platforms from which to give vent to grievances existing between individuals and/or groups. Nevertheless, tensions of various types and degrees of severity can be detected at most weddings. One informant, commenting that it was just as well I had been unable to accompany her to a certain wedding, described how she and her family (members of the bride's group) had had to ignore various instances of provocation when they had travelled to a rural area for the festivities at the groom's home (the married couple were both professionals). They had not been provided with food, so had bought their own, and the groom's family had provided a male instead of a female beast for cola purposes (as had happened at the Zuma/Mathe wedding); to prevent

the eruption of open unpleasantness when the groom's family had refused to pay the 'fine' for their mistake, my informant's brother had himself provided the money.

Situations of potential conflict, and critical attitudes towards the 'other' group, were noted at weddings attended. The removal of the kist may give rise to altercation, as at the Mathe home when the groom's mother insisted on a fine being paid because it arrived at the wrong time, and was brought by the wrong person; at the wedding of Thomas and Margaret there was some wrangling over who should remove the kist from the bride's home to that of the groom, in that umkhongi (whose duty it is to remove the kist) and his wife were somewhat put out to find, when they arrived at the bride's home to collect it, that her kist was being loaded into one of the bride's group's cars. A few words ensued, and umkhongi's wife remarked coolly, as the kist was transferred to their vehicle: 'We are not adamant but it is our right to take the kist'. At the wedding of William and Bongi critical comments were heard from one of the women in the groom's group as a bus load of the bride's people arrived: 'What type of children are these?' asked one woman, who went on to criticise their appearance as not being smart enough.

Competition was much in evidence when groups sang and danced. Discussing what had happened at their own wedding some months previously, Bongi laughingly remarked that she thought her side had won, but this assertion was immediately countered by her husband, who was adamant that his side had been victorious. The songs which are sung at weddings may still contain lyrics which would be unacceptable under other circumstances, as evidenced at the wedding of Phinde and Musa: The youngsters belonging with the bride's and groom's parties stood singing outside the church while the register was being signed; the bride's 'group' was subdivided into two units, one consisting of kin, friends and neighbours from the area where she lived, and the other her 'cousins' from further afield

geographically. At times the latter asserted <u>their</u> relationship with the bride against that of the 'home' group, at other times all sang together as one group, chanting insultingly 'Hey, father of Phinde, hey mother of Phinde', continuing that he/she should not go telling others if the couple quarrelled. As Raum remarks (1973:294) at this time 'no offence is taken at this apparent breach of manners'.

Other parallels can be drawn with usages described in the literature. As is reported to have been the case customarily (Ngubane,1981:84), most of the ceremonial involves the bride to a greater extent than the groom and, as indicated, the major content of the speeches are directed at her, in the form of advice and admonitions. Not only does she make the transition from girlhood to womanhood/wifehood but, ideally, also from her own family to that of her husband, i.e. whether or not the couple will live with the husband's family, she is now seen as belonging with them. She is no longer an irresponsible girl who can continue to behave as she did in her own home, but a dutiful wife, who owes obeisance to her husband and his family. As one critical commentator has recently put it, her wedding day, which 'starts with ululating and song, and ends with the setting of the sun and tear-filled eyes...../is/.....the day her liberty and individuality are firmly out in the grave and forgotten' (Dwane, 1981 :2). The prescribed reticence and downcast eyes during much of the festivity, her reluctance and tears when it is time to leave her natal home, are still much in evidence. The fact that white brides do not experience this wrench at their marriages is viewed with surprise. One informant maintained that even in the townships, the attempts by the bride to run away, which are said to occur in the rural areas (Krige,1936:149; Raum,1973:297) occasionally occur, and that if a bride were able to reach a certain spot, such as a particular street, a penalty would have to be paid to bring her back. No such attempts to escape were actually recorded.

It is certainly tempting to hypothesise that the customs of western origin, such as flowergirls, wedding cake and the bride's kist, which have been incorporated into contemporary black wedding ceremonial, have been symbolically re-interpreted in terms of cultural meanings whose origins lie in the past. If there are contemporary meanings derived from customary usages these are generally not part of the actors' 'conscious models'[14]. For example, informants attributed the existence of the small bride to the western custom of having a flowergirl but, not only was this small girl, unlike her western counterpart, usually dressed in white, but she also wore a veil and train, which is not part of the regalia of western flowergirls. An 'anthropologist's model' suggests a connection between a contemporary flowergirl and the small bride who customarily accompanied the bride (umakotshana), and still does so in rural areas (Krige,1936:154; Raum,1973:297; Sibiya,1982:268).

Similarly, most informants were unable to attribute any specific meaning to the wedding cake[15], apart from mentioning the general value attached to the sharing of food at weddings, which was often stressed by informants when discussing the sharing out of the meat of slaughtered animals. Discussing the relevance of the wedding cake amongst contemporary Cape Nguni, Wilson (1972:195) points out the congruence between 'traditional' and Christian ideas about ritual food sharing, and suggests that, for some people, the cake has become 'sacramental' food. However, at the weddings described by Wilson, the groom's and bride's families each supplied a cake (see also Levin,1947:52), and the health and fertility of both the bride and groom are, according to Wilson, closely connected with the proper division (by the mothers) and consumption of the cakes: 'Traditional ideas about the dichotomy between lineages and the control of senior relatives over fertility.....were thus expressed in new symbols' (1972:195).

In Durban, generally only one cake is purchased for the wedding, but the cost is shared between the two families (one exception I came across was the provision of two cakes at the wedding of Margaret and Thomas; the miniature bride and groom were supplied with a second, smaller, yet still elaborate, wedding cake). The practice of dancing with the cake held aloft, as described by Wilson (amongst the Pondo and the Bhaca the two cakes are held aloft in the midst of the dancers from each group) was not observed. If there is to be a party at the groom's home following on that at the bride's home the cake is taken uncut to the groom's home; it may be cut there, or at a hotel reception if there is one, or may even be kept and cut on the first wedding anniversary (according to one informant). The symbolism of the wedding cake is obscure in western society, but it is possible that, in the past, there were fertility connotations attached to it.[16] Informants who were questioned on this subject did not make any conscious connections between fertility and the wedding cake, but did connect the cake with bringing 'luck'.

Similarly, most informants were unaware of any symbolism surrounding the provision by the bride of a kist, and said it was customary to take a box with one's possessions to one's new home. A few, however, connected the kist specifically with the bride's virginity, and it is quite plausible that, amongst some Christians, the opening of the kist at the groom's home has assumed the symbolic significance customarily associated with the piercing of the stomach of the <u>cola/umduoliso</u> beast by the bride (Reader,1966:206) The fact that the kist should not be taken until <u>ukwaba</u> (<u>umabo</u> presentation) suggests that it belongs with the customary ceremonial (although, of course, <u>ukwaba</u> may be years after the church ceremony, and the bride's virginity at the time of the Christian service is often more of an ideal than a reality). More than one informant suggested that the kist or box was equated symbolically with a coffin, and symbolised the permanency of the

move to her husband's home: 'I came with a box, I leave in a box', is a saying which is quoted. Bearing in mind the stress which is placed on being parted only by death in the speeches at weddings, such an interpretation is feasible.

One further custom which informants explained simply as being 'done at weddings' was the beating of the groom with sticks by the bride's female friends. One man suggested a possible connection between this practice, and the customary one of beating the young man with sticks when he went to visit his betrothed at her home for the first time, but could not elaborate as to why such a practice had existed.

In spite of the value which is still placed on the provision of the relevant beasts and/or goats, and the annointing of the bride with the gall of the slaughtered animal/s, these formalities usually take discreetly at Christian[17] weddings, and are not the focus of public ceremonial. As at the Zuma/Mathe wedding, the slaughter of the cola/umquoliso beast by the bride's father may be a public occasion, accompanied by the chanting of 'the beast shall die'/'the beast shall not die' by the opposing groups. In the rural areas the bride may be confined to her hut at this time, sweeping the floor until she hears that the beast is dead, as described by Raum (1973:296). However, in the urban areas at any rate, the annointing of the bride with the gall of this animal is carried out privately, in the house, in the presence of family members, and the gall-bladder of the slaughtered beast/s is/are not worn (by members of the mainline churches; members of separatist churches appear to observe these customs more openly). Portions of meat from slaughtered animal/s, and/or beer, may be set aside overnight for the forefathers to partake of.

It was extremely difficult to establish definitive names for the beasts which were connected with wedding rituals, and the reasons for such difficulties are varied. As the literature shows, and as already pointed out, variations occur from one geographical area to another, and members of the heterogeneous black population in Durban maintain ties with many rural areas. Largely as a result of economic conditions, i.e. the fact that most people do not possess cattle, and lack the resources to purchase more than the bare essentials for weddings, usually only two or three beasts are slaughtered for weddings, and one beast may fulfill various purposes, such as in the case of the slaughter of one beast, rather than a beast and a goat, prior to the bride's departure from home. Also, in addition to providing the beasts required for wedding formalities, beasts may also be slaughtered at this time in connection with customs which should have been observed some time before marriage, in particular the bride's memula[18]. For example, when Dora had married, Mrs Zuma had intimated that the isikhumba beast, from which gall was taken to annoint Dora, had also had memula connotations.

Many informants were familiar with the term isikhumba; Krige describes it as a Natal term, and this distinction appears still to apply, in that some informants from 'Zululand' did not know of it. According to Reader (1966:195) and Krige (1936:392), the isikhumba was one of the ilobolo, and part of the endisa cattle which were returned by the bride's family to the groom's home and slaughtered there after the wedding dances. Reader (1966:194) notes that it has the ritual significance of joining the ancestors of the two descent groups. Krige uses the term isiGodo also for this beast (1936:392), and it is interesting to note that Sibiya (1982:270) found that, amongst the Mkhwanazi, the isiGodo was one of the beasts taken to the groom's home, which played an important part in the ritual connected with marriage (see discussion below). Ngubane (1981:93)

strsses that, amongst the Nyuswa, it is the eyesikhumba which 'renders the bride married and transfers her fertility to her husband's family'. Although,it seems, the slaughter of the isikhumba should take place at the groom's home when the bride is formally handed over to her husband's family (when the cola beast is killed by the recipients), the slaughtering may, for convenience, occur at the bride's home it seems, as in Dora's case.[19] As Ngubane points out (ibid), there is a link between this beast and the future fertility of the bride, and I have been told of cases of infertility associated with its not having been slaughtered. The skin of this beast may still be used for an isidwaba for the bride amongst non-Christians.

The other beast which is slaughtered, by the groom's family, is termed either the umquoliso (in Zululand) or the Cola (in Natal) beast. Informants stated, as do Krige (1936:393), Reader (1966:195) and Sibiya(1982:260ff.) that the beast is supplied by the groom's family for the wedding, at the time when the isikhumba is slaughtered. Raum, however, maintains that this beast may, in Zululand, be supplied by either the groom's father or the bride's father, but the meaning attached to it will vary accordingly. If supplied by the groom's father, 'the animal is a symbol of the groom's virility, and its gall, which is poured over the bride, ensures her attachment to the groom's lineage' (1973:296). If the bride's father supplies the beast, 'the scattering by her Ms, [mothers] of the stomach contents (umSwami) in the groom's cattle-pen implants her, as it were, into his family'. According to Krige, the slaughter of this beast is the 'fixing point for the wedding in Zululand' (1936:393), and Sibiya also emphasises that it is this beast which 'confers the status of wifehood' (1982:260). Sibiya, however, also points out that, in spite of fulfilling this legitimating function, the slaughtering of this beast is not a ritual activity in that, although bile is applied to the bride, the ancestors are not

officially notified; the notification of the groom's lineage ancestors takes place a few days later, with the slaughter of the isiGodo beast (Sibiya,1982:270). As noted earlier, the fact that this term has, in the past, been applied to the isikhumba, and that both names refer to one of the ilobolo cattle (endisa/beka) which is returned to the groom's home, suggests that there is a definite distinction between the umquoliso/cola and isikhumba/isiGodo beasts, and that the eyisikhumba is not necessarily the Natal equivalent of the umquoliso (in a ritual sense, at any rate), as Ngubane (1981:95) suggests. Certainly, though, at present informants, regardless of their geographical background, insist that two beasts should be supplied for the udwendwe (when bride's family go to the groom's home to hand over the bride and present umabo), one purchased separately by the groom's family (and termed cola/umquoliso), and the other one of the ilobolo beasts (termed isikhumba by informants).

One further beast referred to by an informant who had recently married in a rural Zululand area (a Durban professional man) was the udondolo. The beast was provided by his in-laws on their arrival at the bride's home, for slaughtering and consumption by the groom's party, who alone were permitted to eat this beast. The other beast (he did not know the name) had been killed the day before by the bride's family, for their consumption and that of their guests, and for the annointing of the bride prior to her departure. On the next day the parties had travelled to the groom's home in 'Natal', where a beast had been slaughtered purely for consumption at the reception, and it was the gall of a goat (indicating yet another variation of the procedures followed) which had been used to notify the ancestors of the groom about the new wife. Krige writes of the udondolo (1936:392) beast that in Zululand it is killed at the groom's home, but the bride doesn't eat its meat. Sibiya (1982:270) clarifies the matter

further, showing that this beast is one of the beka animals (i.e. the endisa beasts, part of the ilobolo which is returned to the groom's home). Clearly there is a principle of reciprocation here; in the above-mentioned case the ilobolo had been paid fully in cash, and the bride's family was reciprocating by returning one beast for the groom's family's consumption.

The confusion over names, and whether cows or goats are and/or should be used for ritual purposes, can thus be related to the fact that the informants originated from different parts of the province, have lived in town for various lengths of time, and have different (in terms of quality and quantity) types of ties with rural areas. Not only do people have differing and imperfect perceptions of 'traditional' norms and values, but, as Leach (1980:200) remarks 'In the case of ritual performance the details sometimes vary simply because the actors have forgotten what ought to happen next'; usually, informants had to check out details about correct procedure and names of animals amongst each other when responding to my questioning.

Nevertheless, in spite of the variance in actual details, such as the sequence of events, and the type of beast used and its name, a definite common pattern emerges, in that the bride's absence should be, and probably is in the majority of cases, marked by notifying the forefathers, just as her arrival at the groom's home is marked by the notification to his forefathers of the changes which are taking place. Although the outer trappings such as the wearing of inflated gall bladders and some of the other overt ritual are eschewed by Christians, the gall of the slaughtered beasts is still smeared on the bride; at the very least, if, as in the case of Gloria's marriage, the provision of even a goat is out of the question for financial reasons, impepho (incense) is burnt and the ancestors are informed verbally of the new relationship. As indicated, the events

described may take place over a period of many years, and the question of exactly when, at which point in the process, a 'marriage' actually comes into being, from the point of view of the individuals concerned (i.e. not legally) is difficult to assess; i.e. although they are married in the eyes of the church or in terms of the law of the country after the relevant formalities have been complied with, do the individuals concerned, in particular the Christians, feel they are 'properly married', or must certain customary procedures be complied with. If so, which procedures validate the marriage?

The literature on black marriage (Plant,1905; Krige,1936; Reader,1966 etc.) gives the impression that all marriage formalities were completed over a period of a few days, as against the lengthy period which may elapse between various stages at the present time. Early law reports[20], and the views of a few informants, suggest that, in earlier times also, the required ceremonies may have been spread over a time period far longer than a few days, perhaps for reasons similar to contemporary ones (e.g. shortage of beasts). However, once the required ritual slaughtering and accompanying feasting had taken place the couple, as Ngubane (1981) and Sibiya (1982) maintain, were well and truly married (a question which will be taken up again in Chapter 8).

Some attempt was made to ascertain what, at the present time, constitutes the most important factor in the validation of marriage (e.g. legal, religious, the notification of ancestors, ilobolo, vows), but informants pointed out that it was difficult to isolate one particular aspect, when several combined to form a pattern; e.g. the vows had religious significance but legal recognition was also important, and ilobolo was an integral aspect of the whole pattern associated with marriage.[21] Younger, educated men and women were inclined to emphasise the vows, but some pointed out

that vows could be automatic and without meaning, i.e. not taken seriously enough, and that it was the quality of the commitment, and the relationship between the two persons, that were of primary importance. One single professional woman considered herself as good as married because of the understanding she and her boyfriend shared about their relationship, a view shared by some white couples also.[22]

Although informants from varying educational and occupational backgrounds stressed the necessity of presenting umabo to 'complete' marriage requirements, actual attitudes were difficult to establish because of defensiveness about showing belief in what they perceived as 'traditional' rituals; some younger, professional people are particularly liable to discount the necessity of customs such as the slaughtering of beasts and the presentation of umabo, but may feel bound to go along with their parents' wishes in these matters. Conversely, some professionals openly agreed that customary ritual involving the ancestors was still relevant, and pointed out that some other persons of their standing were inclined to observe procedures relating to the ancestors secretly. Father L., the minister referred to above, was adamant that most blacks he marries do not consider the church wedding (which is referred to as the 'small' wedding) of any value unless it is presented under 'traditional' (in terms of speeches, singing, dancing) guise. When I pointed out that some blacks preferred small, quiet ceremonies, and emphasised the relationship between them, he commented that this minority were simply copying what they read about in white books.

Most white collar/professionals interviewed intimated that the vows, with or without the church service, and/or the commitment made, were sufficient for them to feel 'properly' married (e.g. Mr Gm., an executive: 'My wife is my wife from the time we feel we're going to marry). Phinde, when he had married in church, maintained that he felt properly married, but

both his mother and Musa's mother have pressed for the udwendwe to take place. In fact, shortly after their marriage, Musa's father was most upset that she had moved in to live with Phinde before he had officially taken her to her husband's home in the correct manner. In the four years since their marriage this couple has experienced many problems, and are currently living apart. Nevertheless, Musa, who has been gradually completing her collection of umabo items, still wonders whether she should present these gifts, and fulfill her family's udwendwe obligations; she admits to being under pressure from her family and the 'older people', who attribute their marital problems to their failure to complete these ancestor-linked ceremonies.

In general though,it is those with less education who are prepared to openly discuss their feelings about being 'properly married'. Bheki, for example, in spite of having been married by Christian rites, responded to my question by saying 'I'm not married at all', because his father-in-law, in spite of what Bheki considers exhorbitant ilobolo demands, has not provided the beast for slaughtering at the udwendwe, nor has he made any arrangements about formally handing his daughter over to Bheki's family and presenting the umabo. Bheki is blaming his father-in-law's omissions for the gynaecological problems his wife has experienced, for their three children had to be delivered by caeserian section, and his wife will not be able to bear any more children. This connection between ritual observances and the health and/or fertility of the wife, discussed by Ngubane (1977:1981) is, as mentioned above, still encountered.

To summarise, the following, very tentative conclusions, based on observed facts, and attitudes expressed by informants regarding themselves and the behaviour of others, are suggested: Although it is difficult to assess the relative weight given to customary and Christian religious aspects, most Christian couples appear to go along with customary ritual, either through

personal conviction, or because of family and community pressure, for it takes a great deal of courage to go against a considerable body of family and public opinion when problems (e.g. marital, fertility) arise. Although Christians value their churches' religious sanctions, these are probably not sufficient in the majority of cases to fully validate a union, for a wedding is 'not finished' until the 'big wedding', at which the ritual of formally handing over the bride and slaughtering the prescribed beasts has been held. Some members of the professional class disclaim the importance of customary ritual, and emphasise the importance of vows and personal commitment in the creation of a marriage. Those Christians who belong to separatist churches, and have less education, often give more open acknowledgement to the importance of customary ritual, and education and occupation would appear to be the most decisive factors in the development of attitudes and beliefs about marriage; religious affiliation in itself appears to be of minor significance in this regard (e.g. widely divergent views about what constituted marriage were expressed by three Catholic men).

It should be noted that marrying in church is not necessarily an index of one's 'religiosity', and the status considerations which go together with a church wedding, such as the accompanying display of hospitality, should not be overlooked. It is tempting to suggest that the widespread adoption of western ideas about weddings, concerning appropriate dress and lavish entertainment, has been accepted by the majority of the black population (excluding many of the 'intelligensia') because, as a 'subjected class' in the Marxian sense they have unquestioningly adopted the values of the dominant white class (Mafeje,1971:254). Alternatively, in accordance with Veblen's theory of embourgeouisement (Littlejohn,1972:29), the 'conspicuous consumption' so evident at most weddings serves to enhance social status in a community which lacks many other means of asserting one's standing.

However, it is important to note that, in terms of cultural values which existed in the past, weddings probably were occasions on which to display whatever hospitality one could afford, and to exercise reciprocal obligations, and that it is perhaps the small class of professional elites who eschew such public, lavish display which represents a greater departure from long-standing cultural expectations than those who appear to have wholeheartedly embraced western values about wedding size. Although excuses for not wanting a large wedding were at times couched in apparently 'individualistic' terms, such as wanting to save the money for one's new home rather than feed all and sundry, at least some of the persons who expressed such views were certainly not 'individualistic' in the popularly-accepted western sense, in that they were often engaged in assisting numerous members of their families in different ways (e.g. financial support, accomodation, educational expenses). It was often these people who were inclined to verbalise ideals of marriage which emphasised the centrality of partnership and the importance of commitment, whilst expressing also appreciation of the value of their wider family ties.

Berglund (1975) contrasts what he terms 'the fertility-oriented concept' of husband-wife relationships, clearly applicable to many non-western/Christian societies including African, with the 'Biblical concept' of Christianity. In their 'ideal' forms these two 'types' are diametrically opposed, the former being a group concern emphasising fertility, the relative inequality of the wife, and the value of polygamy, the latter stressing individual partnership, the primacy of wifehood as against motherhood, equality and monogamy. It is to the question of the extent to which these different ideals of marriage have been adopted, and are being lived out, by members of the black population of Durban, that I now turn in the following two chapters.

CHAPTER 6

RESIDENCE PATTERNS

The literature on the Natal Nguni makes it clear that, in the past, the norm was that residence after marriage was patrilocal, the bride, ideally after the appropriate ritual[1], joining her husband at his umuzi (homestead), where the newly-married couple formed part of the wider extended agnatic group, headed by the senior umndeni member (Gluckman, 1950:169). Unfortunately there is little quantitative data to indicate the extent to which the ideal norm concerning residence was observed in the past, although Holleman (1940:33,71) does show that imizi might, some forty years ago, contain non-kin also, i.e. there were clearly some married couples who were not living with agnatic kin.

At her new home, the bride was firmly under the authority of her mother-in-law, and was initially not permitted to have a fire in her own hut (Krige,1936:155). Only with the passing of the years and the birth of children did she gradually acquire more autonomy. At her husband's home, the makoti (wife) was subject to strict hlonipha observances, i.e. certain forms of respectful behaviour towards her husband's kin, such as not walking on the side of her mother-in-law's hut where her father-in-law slept, walking with averted eyes, and avoiding the names of her husband's father and other senior agnatic male kin (Krige,1936:30,155). The makoti was also subject to certain food taboos such as initially abstaining from the amasi (sour milk) of her in-laws' animals (Raum,1973:106; Vilakazi,1962:74), a taboo which was lifted in due course after an appropriate ritual, involving the slaughter of a beast, had been performed (Krige,1936:154/5).

Similar living arrangements, where the bride resides with a large group of her husband's kin after marriage, are reported to still exist in rural areas (Raum,1973: 104 Sibiya,1982: 13), although the composition of the extended family has obviously been radically modified by the absence of large numbers of migrant workers (Schlemmer and Muil,1975:115; Clark and Ngobese,1975:24-8). In urban areas, such living arrangements have, for reasons such as the design of residential units, and modern work demands (e.g. geographical mobility of family members) become impracticable. However, the extent to which ideas about the desirability of patrilocal residence exist, and the extent to which residence patterns similar to the cultural ideal described above, are some of the questions which will be considered in this chapter.

The point at which the bride ideally takes up residence with the groom appears to be after the legal/church ceremony. However, in some instances, the couple may have actually been living together for some time (although one informant maintained that the bride should temporarily move back to her family prior to the actual marriage) and, as in the case of Phinde and Musa, some fathers may feel that <u>all</u> the correct rituals should be observed before the bride's move. (see p194 and below) Furthermore, because of the critical housing situation in Durban, some couples may continue living apart after they are legally married; e.g. Esther H. had continued to live with her mother since her marriage twelve years previously, her husband residing in a local men's hostel; the couple met periodically at the home of one of Esther's aunts.

For various reasons, the most important of which will be discussed in some detail below, a variety of living arrangements are practised after marriage. Like Dora, many brides do move in with their husbands' families, into what are usually already overcrowded township houses (see below),

and stay there for varying periods of time. Others, such as Bheki's wife, remain in the country, whilst their husbands seek, or return to, work in the town, from where (depending on time available and distance from their rural homes) they pay periodic visits to their wives. Some wives, such as Gloria, move from the urban area to the husband's rural home. Urban bred women are said to find rural life demanding, and Gloria certainly postponed her move to the rural area as long as she could, for she was not looking forward to the change, and returned to Durban as soon as she could. As happened in her case, such a move is made even more difficult for a woman when she has a child or children by another man, for she would usually have to leave it/them with a relative when she moved to the rural area. Gloria worried about the support of her nine year old son, who stayed in Durban with his grandmother, for her widowed mother had no regular source of income, and had relied heavily on the money which Gloria had provided when she had worked in Durban. In what is probably a minority of cases, couples who are able to afford it (e.g. Thomas and Margaret, mentioned in the last chapter) move into a home they have themselves purchased, usually with the aid of a loan from the Kwa Zulu Development Corporation or their employers, directly after marriage.

During the first few weeks after marriage (opinions varied about the exact length of time, generally said to be either two or three months) the bride should not visit her parents' home, for during these weeks she needs to settle into her new surroundings without the distraction of visits to her own family. Some informants referred to the first visit to her natal home after marriage as <u>impuco</u>, but many did not know this name. Both Reader (1966:211) and Krige (1936:155) allude to this visit, which took place, according to Krige, one month, and according

to Reader, two or three months after the marriage; during this visit the bride's hair was 're-shaven round the head below the top-knot' (Krige,1936:155) and, on her return to her in-laws' home, impuco beer was taken. This term appears limited to certain areas, which accounts for lack of knowledge about it on the part of some informants; Krige, e.g., mentions that the beer was known as umHlazo in Natal (ibid), and significantly the families of those informants who used the term puca had originated from 'Zululand'. Dora had paid a puca visit two months after her marriage (she maintained that it should have taken place after one month of marriage); she had spent about a week at her natal home, and had not been permitted to eat meat, nor drink milk there. During her stay a party had been held for her and, on her return to her in-laws' home she and her friends had taken a small umbondo (beer they had brewed, and different fruits and vegetables). Dora did not know the meaning of these observances, but said the puca visit meant that she was now permitted to visit her family freely.

The prohbition on Dora's eating meat and drinking milk during her puca visit is interesting, for food taboos, whilst continuing to operate in principle, generally play a minor role in the daily lives of urban residents (and those many rural residents without their own herds), where meat and amasi is acquired from the butcher and supermarket. When beasts are slaughtered by the groom's family, the bride may eat meat of the slaughtered animal if the indlakudla goat has been slaughtered.[2] When Bongi arrived at her husband's home on the day following the church wedding, she was initially not permitted to partake of the meat of the beasts slaughtered by the in-laws for the wedding feast, and a neighbour brought her a plate of food to still her hunger. Later that day the indlakudla goat was slaughtered, and the taboo on eating at William's home was lifted.

Several informants living in rural areas mentioned that their wives would not initially be permitted to drink milk from their in-laws' herds. Thembe, Bheki's wife, had brought her own cow to her new home, as had some other informants. John Hl's wife had used condensed milk in her tea until John had given her a cow fairly soon after their marriage. The period of time during which a wife must abstain varies (Raum,1973: 348/9); e.g. Adam, a gardener in Durban, asserted that his father, at whose homestead his new wife lived in the rural area, would decide when she would be permitted to drink the family's amasi and would then give her either a cow or a goat (she would probably have to wait until she had one or two children). Bheki claims that he has not yet provided his wife with the requisite beast because he does not have one, nor does he have the money to purchase one. Gloria, about to depart for her husband's rural home, confirmed that she would not be permitted to drink amasi there until Elliot gave permission (his father was deceased). Once this permission was given she would take some money from Elliot to her own mother, and her mother would reciprocate with an equivalent monetary gift to Elliot (these monetary gifts presumably taking the place of beasts when resources in livestock are limited).

In spite of the song at her wedding, Dora had been permitted to eat eggs at her new home, and the same appears to apply to many other urban-dwelling wives. Some informants maintained that in the rural areas wives may not eat eggs at all. Thembe may eat eggs which have been laid by her own chickens, but not those of her husband's family for, according to Bheki, that would bring bad luck to the marriage. Informants did not know the reason for avoiding eggs, butLaubscher mentions that amongst the Cape Nguni (Tembu) eggs were eaten only by men because they were believed to contain 'powerful aphrodisiac qualities and if eaten by women will drive them to seek men from other kraals' (1937:83).

Hlonipha avoidances, manifest in dress, speech and behaviour, continue to operate in urban areas, but are said to be less strict than in the rural setting. The bride avoids using the first names of her husband's senior agnatic kin such as her father-in-law and senior brothers-in-law, and also avoids the use of words containing the same syllables as those names. Under certain circumstances, she avoids mentioning the husband's isibongo; if the husband's isibongo is the same as the name of some object which is present in the environment (i.e. a common noun) she would not be allowed to utter it (e.g. Nkomo, Ndlela). She would be permitted to mention the isibongo if there were no other connotations apart from its being a proper noun (e.g. Dlamini).

In her behaviour, the new wife maintains a respectful attitude towards her husband's kin. As a makoti she is expected to dress in a modest manner, e.g. her skirts should be longer than those she previously wore (some women even wear ankle-length skirts), her dress or blouse should have sleeves, and her head should be covered whenever she is in the presence of her in-laws. The latter, in particular, is a strictly observed requirement, which does not lapse with the passing of the years. Amongst those men questioned, there was some difference of opinion as to whether a wife should keep her head covered at all times, some men claiming that they did not mind if their wives left their heads uncovered when they were not with the man's family. The majority of men, however, including white collar/professional, stipulated that a married woman should cover her head at all times when outside her home, or at least when she was not with her husband. This stricture was resented by some younger, well-educated women and was, at times, a source of considerable friction between spouses (as, e.g. when the husband of a professional woman arrived unexpectedly at her place of employment, and created a scene when he found her with

her head uncovered). The reason usually advanced for insisting on this covering was that it was customary for a woman, as opposed to a girl, to cover her head. One young man (matriculated, white collar) commented that if her head were not covered 'it looks bad, a person seems as if she's open to other guys....it tells a lot about the marriage.../she's/ open to others'.

In the confined spaces of most township houses and environs the sort of spatial avoidance of the father-in-law customarily prescribed, i.e. 'A recently married woman must not be where her HF is. If she meets her HF by chance she goes inside a hut or steps aside at a considerable distance' (Raum,1973:104/5) is difficult to achieve. In contemporary urban settings, however, the bride continues to avoid entering the bedroom of the father-in-law and/or that of the husband's elder brother (which is not always possible under over-crowded conditions). Although she is usually permitted to enter the living room when her father-in-law is present, in some homes she may not be permitted to sit down, and take part in what is going on, if he is present. Her behaviour should be modest when in the presence of her husband's male kin; she should, e.g. avoid bending whilst in their presence. Eating arrangements vary and, contrary to those customary norms which stipulated that a father-in-law and daughter-in-law might not eat in each other's presence (Raum,1973:107) the bride may, as Bongi had been, be allowed to eat with the family.

Heavy burdens of work may still be placed upon the young <u>makoti</u>, particularly when she is despatched to the husband's rural home with a view to her being of assistance to his mother. In the urban area also, a young <u>makoti</u>, even if she is working full-time as Dora was, may still be expected to assume a large share of the household chores. The situation varies according to the number of women at home, and the personalities of

mothers-in-law and sisters-in-law. The subservience which is institutionalised in the bride's relationship with her mother-in-law may generate a great deal of tension between husband and wife, particularly if the latter expects her husband to take her part if his mother's demands appear unrealistic. Many wives complained of mother-in-laws who were unduly critical and unfair in their treatment of their daughters-in-law. For example, Mrs Du., had been 'picked on' by her mother-in-law, with whom the couple and their two children lived, since the day of her marriage (when Mrs Du. had inadvertantly forgotten to cover her head), and greatly resented the fact that her husband did not stand up for her. Although some men responded to questions about how to handle this type of situation by pointing out that a man should not allow himself to be dominated by either his wife or his mother, the situation is in practice a difficult one for him, and is often greatly exaccerbated by the lack of suitable accommodation, so that the young couple's stay is often far longer than deference to custom would demand. A man may feel very guilty about his siblings having had to vacate the bedroom for him and his bride, and his mother may be very resentful of her daughter-in-law because her own children may, as a result of the marriage, have had to move into the living room to sleep, or even out of the family house altogether. One community worker described the pressure on girls to move out of the house so that their brothers, especially if they were the first-borns of the family, could marry and bring their brides to live with them. A girl might then have to seek someone to marry simply for security, or might live together with a man because it would be difficult for her to find accommodation on her own.

However, personality factors influence the situation, and some brides reported getting on well with their mothers-in-law. For example, Gertrude Sk., who had lived with her widowed mother-in-law for several

years, claimed that she was like a sister to her. In some cases the tables may be turned, in that when the bride has a forceful personality she may succeed in making life very uncomfortable for her mother-in-law, especially if the latter is a widow and her son is the registered tenant of a township house. In the past, in terms of the Natal Code, situations have been reported in which a widowed mother has actually been turned out of her house by her 'guardian', i.e. her adult son, and his wife.

The bride may also encounter problems with her sister(s)-in-law who, once again depending on personality factors, may contribute to making life extremely uncomfortable for her, as the following case illustrates:

> Mr and Mrs Dm. had been married for two years during which time they had, together with their three children (ranging from seven years to eighteen months) been living with Mr Dm.'s family. The house was a two-bedroomed one, so Mr Dm.'s four sisters had had to vacate the bedroom they had previously shared to make room for the couple. They made their resentment towards Mrs Dm. for her part in this matter very obvious. Mr Dm.'s widowed mother had been living in the home with a man of whom her son did not approve, and eventually, after a fight between Mr Dm. and this man, the latter had been told by a township councillor to leave the house, and Mr Dm.'s mother had decided to leave with him. Mr Dm.'s sisters were very angry about their mother's departure, and accused Mrs Dm. of influencing her husband to chase them away. Their hostility towards Mrs Dm. increased, and they told their brother various untruths; as a result, he sided with his sisters when they quarreled with his wife, and accused Mrs Dm. of being a bad element who had used <u>umuthi</u> (medicine) to make him chase his mother away and disorganize his family. In view of the serious nature of this allegation, Mrs Dm. had returned to her father's home, and shortly afterwards her husband had come to fetch her, and had apologised for his behaviour. A goat had been slaughtered to cleanse her and her family, and she had then returned home with her husband. However, her husband's sisters still made life hard for her, and her mother-in-law visited frequently just to shout and swear at her, and call her a witch. Although Mr Dm. supported his wife in wanting to move out of the house, and their name was on the housing list, since poeple had to wait many years their prospects of finding alternative accommodation were slight.

One can well imagine the sort of tensions this situation created for Mr Dm., and the implications for the marital relationship. Clearly, although the potential for conflict between the bride and her in-laws (particularly female) has always existed, such conflicts are greatly exaccerbated in the cramped living conditions of township houses.[3]

Because of the critical shortage of accommodation, it is difficult to establish a norm about the length of time, if any, a couple should live with the husband's parents after marriage. Although the ideal still appears to exist that a wife, especially the wife of a first-born son, should spend at least some time, even if only a few weeks, living with her husband's family after marriage, in order to get to know them and their way of life (see also Whooley,1975:262), the accommodation situation in and around Durban influences this expectation in two ways:-

i) Because of the gross overcrowding in the home of the husband's parents, those couples who can afford to do so may move into a home they have purchased directly after marriage (as, e.g. Thomas and Margaret, mentioned in Chapter 5), or may rent a room in another house, even although they might ideally have liked to spend a little time with the husband's family;

ii) The period which is spent with the husband's family may be far in excess of the minimal ideal because of an absence of alternative accommodation.

The impossibility of acquiring alternative accommodation may also force living arrangements which were roundly condemned, i.e. living with one's wife's family. A man living thus is seen as being 'pushed around' and may even be called by the wife's family name (e.g. if she is a Duma, he would be called 'Mr Duma', and not by his own isibongo) in derision. Elliot, e.g. had been boarding with Gloria's widowed mother when they married, and continued to live in her home with Gloria, remaining there when his wife moved to the country. Phinde, who had described this type of living arrangement as 'low', and as 'killing your feelings', nevertheless had no option but to move in with Musa's family at one stage. In fact, the accommodation problems which this couple experienced have doubtless

contributed to the stresses and strains their marriage has experienced since its inception:

> Immediately after their marriage Phinde and Musa had lived in a small room which Phinde had been renting from a landlord piror to his marriage, having himself moved out of the family home in a local township because of conflict with his elder brother (his father is deceased, his mother lives part of the time in the country, part in town). When the brother had moved out of the home, leaving only Phinde's unmarried sister living in it permanently, Phinde and his wife and young baby had moved back with her. The move created problems for Musa, who now had a far greater distance to travel to work; she nevertheless solved that problem by rising at 0330 to catch a train and bus in order to be on time for the early shift at the place where she worked. Phinde, however, became very dissatisfied with the arrangement, for he felt that his wife was being influenced too much by his sister, and he himself felt somewhat excluded in the relationship between the two women. Musa, for her part, was completely ill at ease, for she felt she had to defer to her sister-in-law, the senior woman of the house, yet was castigated by her husband for giving his sister too much attention. The strain she felt was increased because of her parents' attitude; they considered that, because of the official 'handing over' of the bride and the presentation of umabo not having been completed, she should not have moved out of her natal home to the new one, to which her father had been unable to escort her in the correct manner.
>
> Phinde subsequently obtained a good job in P., a large town approximately an hour's travelling time from Durban, but Musa was wary of making the move with him because of the uncertainty over accommodation there. Phinde had obtained temporary accommodation in a 'white' area and Musa who, for financial reasons, had to continue to work, would have had to leave her present secure employment and seek work in P. In order to work in P. she would have had to register with the Labour Bureau section of the local Administration Board and show that she had 'legitimate' accommodation, a definition which did not include 'illegal' residence in a 'white' residential area. In Phinde's absence she moved back to her parents' home, which was far nearer to where she was working; eventually Phinde, who was not prepared to go on living a bachelor existence, left his job in P. and went to live with his wife's family, eventually acquiring work in Durban again.
>
> During their time apart, Musa confided that, regardless of any other obstacles (e.g. the difficulty in finding employment), she would have joined her husband in P. if only he had been able to find a proper home for their child and herself.

This example, whilst highlighting the role of accommodation, also illustrates the interaction between factors of an interpersonal (the triadic relationship between Phinde, his sister and Musa), cultural (the ideas

of Musa's father about what constituted a 'proper' marriage) and structural (accommodation and influx control regulations) nature. This example also shows that the whole question of accommodation cannot be divorced from prevailing structural constraints of a political and economic nature. It is influx control regulations which play a crucial role in deciding whether partners may live together and, if so, where. Influx control regulations govern not only entry into, and residence rights in, certain urban areas, but also access to employment. Legal employment, in turn, officially hinges on having approved accommodation, of which there is an acute shortage in and around Durban. It is thus to a description and discussion of these constraints that I now turn.

For those blacks living and working in and around Durban, accommodation (apart from those who 'live in' at their places of employment, such as domestic workers and those who are accommodated in the 'compounds' of their employers) is available either in a designated township, or in a hostel block within a 'white' area, or in one of the large peri-urban settlements around Durban; these peri-urban communities include people living on land allocated by 'tribal' authorities (e.g. at Inanda), and people living informally on land zoned by the South African government for other racial groups (e.g. 'Indian' land at Inanda). Some of the townships within the greater Durban metropolitan area are politically part of Kwa Zulu, others are still part of white South Africa, and their different political statuses have differing political and economic implications. The major townships are:

i) Clermont, near Pinetown, which consists of individual plots of land owned on a freehold basis by black landlords. Many owners of properties sub-let, or let out rooms of their properties to lodgers. Clermont occupies an anomolous situation as compared with the other townships,

in that it is, in spite of being owned by blacks, part of 'white' South Africa, and is administered by the Department of Co-operation and Development. Lodgers and tenants or landlords should have officially approved employment in order to qualify for residence.

ii) Umlazi, to the south, and Kwa Mashu and Ntuzuma to the north of Durban, which are politically part of Kwa Zulu, house the bulk of the township population of Durban.[4] Both include single-sex hostels (accommodating men only), those in Kwa Mashu housing approximately 20 000 men. Houses are of varying sizes, the largest being the standard two-bedroomed township unit, many of which have had extra rooms built on to them. In recent years, tenants have been encouraged to purchase their homes, which they formerly rented from the Kwa Zulu government. There are thus few houses available for rental (primarily those which are being built at Ntuzuma), for those putting their names on a waiting list for a house. The purchase of a house gives no rights to the land, but approved alterations may be made. There are also new homes being built at Umlazi and Kwa Mashu which may be purchased, with the assistance of a loan from one's employer or the Kwa Zulu Development Corporation. Some plots are available at Umlazi upon which a purchaser may erect a house; however, no ownership rights to the land are acquired.

iii) Lamontville and Chesterville are fairly old-established (from about the 1930's) townships which form part of 'urban' or 'prescribed' areas of white South Africa, and are administered by the Port Natal Administration Board (recently renamed Development Board Natalia). Lamontville adjoins Umlazi to the south of Durban, and it has recently been announced that it will be ceded to Kwa Zulu[5] at some future date. After many years of uncertainty about the fate of their township and expectations that they would have to move to a suitable black area, residents of Chesterville have recently been informed that they will be allowed to stay where they

are.[6] At present houses in these two area are rented, although in the 1950's residents of a certain section of Lamontville were permitted to purchase their properties under a thirty year leasehold scheme. However, 'ownership' in the true sense of the word has not eventuated, for those who have been purchasing homes in this way may not bequeath their properties, and may dispose of them only to the Department of Co-operation and Development.

The conditions under which one is entitled to live in an urban area differ according to whether that area is part of Kwa Zulu or of South Africa. Residence in the 'prescribed' (i.e. officially 'white') areas of Lamontville and Chesterville is governed by the possession of 'urban rights' and/or employment.

The qualifications for urban rights, as laid down in Section 10 of the Urban Areas Amendment Act of 1952 are:-

i) Birth in an urban (prescribed) area;

ii) Employment with one employer for 10 years continuously, or for more than one employer, whilst legally resident in the urban area, for fifteen years;

iii) being either the wife or dependant of such a worker and normally resident with him.

However, the granting of these rights is no straightforward matter. Birth in an urban area must be proved, i.e. a son or daughter of a Lamontville man, born in and living his/her life in the township, must be included on the house permit in order to qualify. Large numbers of children born in urban townships will no longer qualify in terms of the Black Citizenship Act of 1970, in that if they are children of citizens of National States which have taken independence from South Africa (e.g. Transkei, Ciskei) they will no longer be entitled to urban rights if born after the date of their homeland's independence (even if born within a prescribed area).

Urban rights, once granted, may be lost under various conditions. Movement away from a prescribed area is sufficient to jeopardise one's status as, e.g. may occur if a township born and bred teacher accepts a position at a rural school. Urban rights may also be lost if the holder is imprisoned or fined (6 months or R500,00 or more), or he/she is declared 'idle and undesirable'[7], a definition wide enough to include involuntary, as well as voluntary, unemployment:

> 'The Minister /in terms of the Act/ can order the removal of Blacks who are lawfully resident in any urban area, to land which forms part of a homeland, whenever the Minister is satisfied that the number of Blacks to be repatriated are in excess of the reasonable labour requirements of the area from where their removal is ordered'
>
> Cassim, n.d.7

Rights are also lost if areas are incorporated into Kwa Zulu, as occurred a few years ago with Umlazi and Kwa Mashu, and as is planned for Lamontville.

The granting of urban rights to wives is not automatic, as might be assumed from the wording of the Act. Nevertheless some women have contracted marriages purely for this purpose, as in the following two instances:

(i) Mrs Ba., whose husband was behaving violently towards her, described her marriage as 'the biggest mistake of my life', and told the social worker whom she approached for assistance that she had never loved her husband, but 'simply married him to acquire residential rights in Durban'

(ii) Mrs Mb., whose short-lived marriage had ended in divorce, also explained that she had married her ex-husband, a Durban man, hoping to obtain full residential rights in Durban for herself and her three pre-marital children.

In spite of the Komani Judgment of 1980[8], when the Appeal Court ruled that Mrs Komani was entitled to live in the urban area with her husband under terms of Sec.10(1)(c) of the Black (Urban Areas) Consolidation Act, Development (formerly Administration) Boards, acting in terms of Regulations promulgated a few years ago, stipulate that a man with urban rights (e.g. a Lamontville man) who marries a 'foreign' wife (e.g. a resident of Kwa Mashu or Umlazi) must apply for permission for his wife to live with him in a prescribed area. This requirement, which may be accompanied by

protracted delays while applications are handled, was repeatedly challenged by the late Mr Dube, a Lamontville councillor, as the following excerpt from his memorandum to the Ningizimu Community Council shows:-

> 'It will be recalled that last year I submitted a memorandum calling upon the Board as an agent of the Central Government of the Republic of South Africa to desist forthwith from operating in terms of the provisions of the regulation that declares 'foreign' wives from rural areas legally married to Durban men. The reasons I tendered were that this process is not only embarassing and humiliating but that the provisions of this regulation were ultra vires in that they superceded the powers vested in the Births, Marriages and Deaths Act of Parliament.....this regulation is bad law....'

Mr Dube was subsequently informed that, since the Chief Director and the Board officials operated in terms of licences granted to them by the Minister, any application to introduce a married female into the urban area was referred to the Department of Co-operation and Development, and it appeared that none of the applications were turned down.[9] On making enquiries, I was informed by an official of the township office (Mr van Niekerk, Acting Superintendent) that all applications were treated on merit, taking into consideration the availability of accommodation (my italics). Apart from single-sex hostels, no new accommodation has been built in 'prescribed' areas of Durban for many years, and the chronic shortage of accommodation is used as a mechanism of Influx Control:[10] 'In 1948 the government moved systematically to control the provision of African accommodation in urban areas, as this meant control of their movement as well' (Race Relations Information Sheet 4/81,3). It is Influx Control which is the ultimate determining factor in whether a husband and wife may legally live together.

There is one further variable which is crucial to the question of access to accommodation in prescribed area, i.e. employment, for having legal employment may be the deciding factor in whether one is able to initially obtain, and later retain, accommodation.

In addition to the categories of Section 10(1)(a)(b) and (c) already described which entitle men and women to reside in urban/prescribed areas, temporary residence is also permitted in terms of Sec.10(1)(d) of the same Act, which allows contract workers (but not their wives/dependants) to legally reside in a prescribed area whilst they are in approved employment. If their employment contracts are terminated for any reason (e.g. retrenchment), the workers would have to return to the areas from which they had originally come to Durban, and await further job recruitment through the local labour bureaux in those areas.[11] Even possession of 'urban rights' granted in terms of Section 10(1)(a) or (b) as described is no guarantee that a man, and perhaps his wife and dependants, will remain in Durban, for if it is brought to the attention of agents of influx control that such a man has lost his job he would be given thirty days in which to find alternative employment, after which time he would forfeit his accommodation if unsuccessful. For example, lodgers' permits must be renewed monthly and if a resident could not find alternative employment he, his wife and children would be liable to lose their accommodation. In other words, residence in a prescribed area is precarious and, even for someone who has 'urban rights' it may be dependent, in the words of a hostel superintendent, on the 'supply and demand' of labour at a particular time. Another example of the overriding importance of the employment market is the case of a migrant from the rural area seeking employment in Durban for the first time. To legitimately acquire employment he/she should have accommodation; however, to obtain accommodation he/she should have employment, a position acknowledged by one hostel superintendent as a 'chicken and egg' one, in which the only way out was to give the work-seeker a letter to say that accommodation would be provided <u>if</u> the man was given permission to seek work. It is thus the labour officer who has the final say in regard to residence of any type in an urban area.

To summarise, the implications of Influx Control for marriage are as follows: A man living in a prescribed area, who himself has 'urban rights', and who marries a woman who does not herself have 'urban rights' must apply for permission for her to live with him, and the availability of accommodation is the major factor in determining whether or not permission will be given. No new accommodation for married couples/families has been provided in the prescribed areas of Durban in recent years. A man whose sojourn in an urban area is governed by contract employment (section 10(1)(d)) may not live with his wife in that area. A man who has full (i.e. in terms of sec.10(1)(a) or (b)) urban rights may lose these under certain circumstances, particularly those connected with employment, and would have to move to his 'homeland', together with his wife and children.

The situation of residents in Kwa Zulu, Umlazi and Ntuzuma differs in that these areas are not regarded as 'urban' since they form part of Kwa Zulu (as, e.g. do certain areas of informal settlement at Inanda), and the residents of the former two townships lost any 'urban rights' they possessed when the areas were ceded to Kwa Zulu in the 1970's. The major implication of the loss of these rights is the loss of the preference the holders previously enjoyed when seeking work in Durban. Labour recruitment in respect of residents who are not themselves owners or registered tenants of houses, such as lodgers and hostel residents, should take place through labour bureaux; registered occupiers of houses and their families have been exempted to a certain extent from these provisions by what has been termed by one commentator 'a dubious agreement' (Nicholson,nd,6).

To obtain accommodation in a township a man, once he is married[12], places his name on a waiting list at one of the township offices (if especially wanting to live at Lamontville or Chesterville), or at the central offices of the Development Board Natalia if willing to be allocated a house in

any of the townships. Some people living in a prescribed area, who are in possession of urban rights, are loth to move to Ntuzuma, for example, and lose their urban rights and the accompanying preferential labour rights. In 1982 there were approximately 230 names on the waiting list for houses at Lamohtville, some of these names having been on the list since 1972. Waits of ten years or more for a house are not unusual, and a recent estimate has put the black housing backlog for Durban as a whole as being in excess of 115 000 units (Hankinson,1984)

Allegations of bribery are sometimes made when the question of housing is discussed, i.e. it is necessary to 'know someone' or to 'grease a few palms' when seeking accommodation. Sometimes men who already have township houses which they share with their wives and children are said to use their marriage certificates to seek other houses in different townships in which to accommodate their mistresses. Several years ago official confirmation of the occurrence of bribery was given by a senior official of the (then) Port Natal Administration Board who, when giving evidence to the Cillie Commission, maintained that 'bribery was rife in the Bantu Administration Departments', since the type of work carried out lent itself to bribery: 'When you have long queues and waiting lists, heavy demand and short supply, you have the sort of situation where bribery can flourish'[13]

As a result of the severe housing shortage, large numbers of couples and their children either opt for residence in one of the 'illegal' informal settlements which have mushroomed around Durban, or continue to live in grossly overcrowded township houses. Township councillors to whom I spoke confirmed that overcrowded houses, due to lack of suitable alternative accommodation, was the worst problem with which they had to deal. Councillors occupy an invidious position in this regard, for they are perceived by many members of their communities as having power to allocate

housing when, in most instances, there is little they can do save press for priority in what seem to be especially urgent cases (as with the Mg. family described below). Some residents resort to erecting structures in their backyards, or making alterations to houses which are,strictly speaking, illegal, and for which they would not be recompensed if obliged to demolish them.

Examples of overcrowding abound, and instances of a two-bedroomed house accommodating in excess of twenty persons are not exceptional (see also Moller et al,1978:16 regarding Kwa Mashu), a situation which apparently prevails in other urban areas of South Africa also (Duncan,1983:39). The following are examples of two of the overcrowded standard two-bedroomed homes in one ward of Lamontville, which contained, at the time of my visit, nineteen and twenty seven persons respectively:

> Case 1: The house was occupied by the Mg. family, comprising Mrs Mg. senior, a widow; four of her sons, three of whom were married and lived in the house with their wives and children; and two daughters, one of whom had a child. With the assistance of the local councillor a fifth son, who had been living in the home with his wife and children, had recently acquired his own home. The youngest son wished to marry his girlfriend, but lack of accommodation was the delaying factor.
>
> The living arrangements in the house were as follows: Mrs Mg., her youngest son, her two daughters and the daughter's child slept in the first bedroom. In the second bedroom slept Alfred and Thoko and their two children. The lounge was occupied at night by the other two Mg. sons and their families. In the double bed standing against the wall slept Enoch and Clara and their three children; at night a settee was moved to the centre of the room to act as a sort of room divider, and Simon and Confidence and their three children slept on the floor in the place where the settee stood during the day. Although the eldest of the brothers in the house, Simon and his family occupied the worst sleeping position, for some time previously, in an effort to find alternative accommodation, he and his family had vacated the bedroom they had occupied and moved into another house, shared by fewer people, not realising these other occupants had been 'tsotsi' elements. As a result he had lost his possessions and had had to move back with his family and accept the present sleeping arrangement.
>
> The Mg. sons did not wish to move out of Lamontville and lose their urban rights (this was prior to the announcement about the township being ceded to Kwa Zulu).

> Case 2: This house was occupied by Mr and Mrs Mx. and their family. Mr Mx. was a pensioner, and his wife worked (unskilled) in Durban. The family comprised four adult sons, the wife of one of the sons, three adult daughters (one of whom was divorced and the others unmarried) and twelve grandchildren.
>
> In the first bedroom slept Mr and Mrs Mx., their daughter Doris, and all the small children. Three adult, unmarried sons, Conrad, Petros and Dominic slept in the second bedroom. The lounge was occupied at night by Ludwig and his wife Theresa and their three children (boys of 17 and 16 and a girl of 10) on the floor at one side, and two of Ludwig's sisters and various children on the other side. The lounge furniture was moved each night and put back in the morning; there was no space for beds.
>
> Ludwig had put his name down for a house in 1971 when he had married, and was prepared to live anywhere.

Numerous other cases of similar overcrowding were encountered during research, including families lodging in kitchens of houses of non-relatives. For example, Mr C., a professional man, had occupied the kitchen of a house in which three other families also lived, one in each of the two bedrooms and one in the diningroom: 'My flat [i.e. the kitchen] was used for cooking - you can imagine six paraffin pressure stoves in your bedroom in the hot summer months', he commented.

Those occupants who sleep in the diningroom or kitchen must wait until all in the house are ready for bed at night and usually, as in the above cases, furniture must be re-arranged at night and early morning to accommodate sleeping arrangements - arrangements which are conducive to neither privacy (as will be discussed in more detail below), comfort, nor health. 'When one child cries at night', said Thoko Mg. 'they all cry, and when one child gets diarrhoea, or any other sickness, they all do'.

When there are several women living in the house, the division of household labour varies; in some instances, as with Theresa Mx. being the only makoti (whose mother-in-law and sisters-in-law were working) she may shoulder the entire cooking and cleaning burden; if there are several married women (as with the Mg. family) each may cook for her own nuclear family within the confines of the same tiny kitchen. The potential for

conflict and tension under such conditions is high, and the in-marrying wife (or wives) may be particularly vulnerable. Not only are wives, especially if not working, more housebound than their husbands, but they would have to cope either with the burden of large amounts of work (as did Theresa Mx.), or of sharing scarce cooking and washing facilities (as did the Mg. wives); they may also be blamed by their husbands for delays in preparing food or washing water for them. My companion during the visit to the Mg. family, who had known them for a long time, commented on the careworn and haggard appearance of Confidence, who had once been very pretty. A neighbour of the Mx. family remarked that there were fights in that house every day. In some instances, wives may be resentful of supporting large numbers of the husband's kin with whom they are forced to live for, whilst obligations to support kin in need are not generally shirked, there are also cases in which couples are taken advantage of; e.g. one wife who was working was obliged to buy food for the whole household, including not only her husband's grandmother and his sisters, but also the boyfriend of one of the sisters who lived with them.

It is apparent that it may be well-nigh impossible to observe customary standards of behaviour such as <u>hlonipha</u> avoidances towards the father-in-law and senior brother-in-law under the type of circumstances which have been described. In the Mg. family Simon, the eldest of the brothers in the house, slept in the same room as his younger brother and his wife. Overcrowding has been linked to various social evils, such as drinking and delinquency (Møller et al,1978), and its effect on the marital relationship (as well as the relationship between the nuclear unit and the wider family and residential group) can be imagined. The physical conditions under which many married couples are obliged to live confound any striving for wester-type marriage ideals of intimacy of any kind between husband and wife, whether of a conversational or sexual nature. There is little

opportunity for any discussion of a private nature; as one informant in a community study of Kwa Mashu put it: 'There is nothing confidential one can say without being overheard by the children or visitors. This place is really dehumanising' (Moller et al,1978:17). Where can husbands such as Ludwig Mx. or the Mg. brothers relax at home with their wives after a hard day's work? There is a complete lack of privacy at night also for many husbands and wives who share their sleeping arrangements with other adults and/or children who may or may not be their own. The norm that 'parents must not indulge in sexual intercourse in the presence of their children' (Raum,1973:133) is virtually impossible for many married couples to uphold under the type of sleeping arrangements described for the Mg. and Mx. families. What privacy, for example, do Ludwig and Theresa have in their corner of the lounge floor which they share with their three children, two of them teenagers, at night (quite apart from the other occupants of the lounge).

One councillor related what he cynically termed a 'joke' he had heard, involving a seven year old boy who shared a bed with his parents. His parents had naturally waited for him to fall asleep before 'doing their thing'; however, unknown to his parents he had been unable to sleep but had grimly hung on to the bed (which was higher than usual because it was on bricks), trying not to fall off. At breakfast one morning he had remarked to his parents: 'This game of yours that you play at night is going to get me into trouble', at which his father had angrily shouted at him and told him to keep quiet. However, in due course the boy had fallen off the bed and had been able to tell his parents that he had been warning them that this would happen! This councillor linked such occurrences, which were coupled with parents' conservatism and hesitancy about discussing sexual matters with their children, with the fact that sex was often 'just a game' to youngsters, and with the high incidence of pre-marital births.

One informant speculated that overcrowding might give rise to incest[14] between brother and sister, because if they witnessed parents' sexual activity (especially if parents had been drinking and were careless in concealing their actions from their children) they might try to copy it (see also Raum,1973:133).

Living conditions such as those described undoubtedly contribute to problems in marital relationships, as well as the break-up of many marriages, as evidenced by the comments of ministers, and the cases handled by a social worker at FAMSA in Durban, from whose records the following excerpts were taken:-

> - 'Mr Na. marriage is on the rocks.....his wife left him some time ago.....Mr Na. admitted that he was partly to blame because of his failure to find suitable accommodation.....the couple and their three children occupy the diningroom in the family's one-bedroomed home';
> - Mrs So. was seeking help in finding accommodation to escape the tensions of life in her husband's family home, and the counsellor commented 'Their sex life is not good - they sleep in the kitchen with their two children'.

Small wonder that for Mr C., the professional man referred to above who had lived in a kitchen with his family, the decision to keep his wife with him under these conditions rather than send her and their children to live with her parents some distance away had been a very difficult one. Mr C., like many others, had waited ten years for a house of his own.

Unlike Mr C. many thousands of men do not have any option about living with their wives, for they have no choice but to leave their wives in the rural areas whilst they work in the city. These are men without urban rights who live as lodgers in Lamontville and Chesterville, and men who live in single-sex hostels, or employers' compounds, and who, even if they themselves possess urban rights are unable to obtain accommodation in which they can live together with their families.

The type of hostel accommodation which is available varies, and consists of either buildings several storeys high containing rooms with one, four or ten beds in each (Smith Hostel), or one, two or four beds (Glebe Hostel), with shared ablution and kitchen facilities, or single storey blocks of units comprising two rooms, one a kitchen and one a bedroom, shared by four men (Kwa Mashu Hostels). Some of the rooms (e.g. single or double) may have proper beds, in various states of dilapidation, others have beds consisting of bricks, or metal bars, covered with slabs of wood (Kwa Mashu), some having thin pieces of foam covering them. Some rooms have small cupboards for valuables, in others one puts one's suitcase in a 'hole' under one's bed, which one man likened to sleeping over a grave. Men are responsible for cleaning their own quarters, and cleaners may be provided for the ablution facilities. Physical conditions are depressing, and men complain about the state of hostel buildings, which are often described as dirty and in a poor state of repair.

Facilities of a sort for visiting wives and children (one child at Kwa Mashu and two at Smith) exist at the various hostel complexes. These 'facilities' must be booked in advance and, subject to the approval of the superintendent, may be utilised for periods of up to fourteen days. Accommodation varies to some extent; e.g. at the Smith hostel there is a separate hostel for wives, supervised by a matron, each room being furnished with two 'beds' covered by a plank and piece of foam. At Glebe[15] and Kwa Mashu the wives' accommodation consists of bare rooms, which are shared by the visiting wives (two or three per room). In Kwa Mashu these small houses are situated near the side of the road not far from the main entrance and, driving past, one notes newspapers covering windows in an attempt to give a semblance of privacy. It is under these depressing, and hardly private, physical conditions that a sexual reunion of husband and wife is officially permitted.

Nevertheless, in spite of the glaring inadequacies of this accommodation, and the demoralising quality of existence under these living conditions, demand for hostel beds exceeds supply, a situation resulting from a complete dearth of other types of accommodation, coupled with the economic necessity of acquiring and keeping employment in Durban. All appear to have waiting lists and, as in the case of houses, in some instances obtaining a bed (or a room to yourself) may be related to 'who you know'. If a resident loses his job he is, unless he is able to conceal the loss, liable to lose his bed. Concealment is impossible if other legal employment is sought, for the resident needs a letter from the hostel to take to the labour bureau confirming that he has accommodation. For example, a Transkeian national at one of the hostels, whose work contract in Durban had commenced after Transkeian independence in 1977, and who had lost his job, should return to his homeland and once again seek permission to work in Durban through local labour recruitment channels. If he were able to obtain a permit to seek work in Durban he would find on his return that there was no hostel bed available.

For those men fortunate enough to retain their jobs and accommodation, the case of Mr Jm. illustrates many of the problems experienced by men living in hostels away from their wives and families. Mr Jm. had, when I first met him, recently moved into a house in a township and was, for the first time in his twenty five years of marriage, able to experience the happiness of living together with his family - happiness which was evident as he dandled his youngest child, a baby of several months, on his knee, fully appreciative of the joys of fatherhood:

> Mr Jm. had lived in hostel accommodation in Durban for thirty years, during which time he had been fortunate enough to remain in steady employment. With his wife and children in the country it had been 'very very bad' for they 'liked to stay together', and it was 'very hard' to have to leave one's family in the country and stay in a hostel. When he had gone home his children had asked 'Who is this man?'. He had sent money home regularly

> but many men did not, for they had girlfriends and/or drank. Some residents drank and sold liquor in their rooms, and did not care about the inconvenience they caused to other residents. In spite of the availability of beerhalls, people still sold drink in their rooms (illegally) as a source of revenue, and these undertakings were successful because the atmosphere was preferable to that of a beerhall. Men said they wanted to forget a 'lot of things, a lot of worries', and that is why they were drinking. There was a great deal of prostitution; there was also much fighting in the hostels, because of the drink, and over women - 'it's no good, it's no good'. His wife had visited him sometimes, but they were liable to be caught by the police, who raided at any hour of the night or day. His wife had been caught once, but luckily the superintendent had put in a good word for him. One was not even supposed to have friends from the nearby township, or even from other hostel blocks, visiting and, if there was any trouble at all, it was 'bad for them' for they were not supposed to be there.

Mr Jm.'s experiences had been shared by various other informants. What recreational facilities exist, e.g. soccer fields, community halls, are felt to be inadequate for the needs of the residents, and the lack of a convivial atmosphere in which to relax, together with a paucity of entertainment (e.g. if one wants to go to the cinema at Kwa Mashu it is some distance from the hostels, and travel at night is dangerous) draws residents to the shebeen-like atmosphere of some rooms, especially when illegal brews such as gavine are available. In surroundings where one one has to come home from work and do one's own cooking and washing, where there is no space or atmosphere conducive to relaxation, some men feel there is nothing to do to relax but drink.

However, for the occupants of the room other than the brewer the lack of privacy inherent in the sharing of cramped living arrangements, particularly in four and ten bed rooms, is exaccerbated by the presence of customers drawn to the illegal liquor sales, and sleep may be difficult to come by. Some men just sit and drink, others become involved in fights, which are promoted by the use of alcohol. Fights are especially prevalent if there are ten men per room; they also break out over women, as Mr Mj. averred. 'When they see women they're mad', said one Smith hostel resident, who also

claimed that women had been thrown from hostel windows and killed. There was a great deal of talk about women at the hostels, for it was not natural to be alone without a woman, especially if married.

Hostel regulations concerning visiting wives vary; some hostels (e.g. Kwa Mashu) permit women to visit, but others which are administered by the local Development Board (Natalia) do not generally permit it (an exception being that men sharing two-bed rooms at Glebe may bring girlfriends at the weekend). However, legal or not, as one man pointed out 'where there's a man there's a woman'. Women have been permitted at Kwa Mashu and Umlazi hostels since Kwa Zulu took over the running of the townships several years ago. The issue of whether or not their presence is desirable is obviously a difficult and sensitive one, and one which appears to cause deep divisions within the communities concerned. I was, for example, told of an Inkatha meeting at Kwa Mashu at which this question had been discussed, and at which the men who were present could not agree about whether women should or should not be permitted to visit. According to my informant, 'they nearly tore each other apart', and some had forecast that blood would be shed if the women were no longer allowed in the hostels.

The men who regularly had their girlfriends in their hostel rooms were, of course, opposed to being without them, not only for the sexual gratification they provided but because these women cooked and washed for them, and generally looked after them. Hostel residents opposed to the ruling pointed out the disadvantages they suffered: Other men had no privacy and, if in a room of four men three had women with them it was terrible for the fourth, and he just had to turn his face to the wall. There were also complaints that these women who frequented the hostels stole, for in the past when there had been only men staying in the hostels there had not been the sort of property losses there were at present. Some pregnant women, claimed one indignant informant, even went into labour in one's room.

The neglect of their rural families by some 'decent men' in hostels was attributed to their pre-occupation with their girlfriends. At Kwa Mashu, according to one informant, 'decent people, who used to be responsible' were spending money, and 'so many' who used to go home at Christmas and Easter holidays, or during their annual leave, no longer did so; as a result of the cessation of visits home, he continued, women were starving in the country. It is difficult to estimate what percentage of men send money home regularly, but according to this informant there were 'too many' men roaming around and drinking and misusing money.

This hostel resident's comment about the plight of women in the country areas, who are totally dependent on migrant remittances, and who live in grinding poverty[16] because of the inadequacy or failure of remittances is certainly true in countless instances, and has been well documented (Clark and Ngobese,1976; Graaff,1978; Murray,1981). Some men support their rural families conscientiously, and pay regular visits home, often taking with them large quantities of food for them. There are many men who would wish to return home more frequently, but for whom the hours of travel are too lengthy or too costly, and a survey of attitudes of migrant workers conducted in Durban several years ago showed that the majority of respondents felt that they did not see their rural families frequently enough, due to factors such as work demands, travelling time and the expense involved; according to Moller and Schlemmer (1977:24)

> 'the physical and emotional fatigue involved in the brief visit, together with the risk of arriving late for work on Monday morning, have led to a certain resignation on the part of some migrants who have renounced their claims to frequent visiting'

However, the aforementioned survey also indicated that a large percentage of men felt that they saw their families frequently enough, a percentage which doubtless included some of the sort of men described by the informant quoted above.

The fears of rural wives, that they and their children will not only suffer physically through the neglect by their husbands, but will be totally rejected in favour of town women becomes a reality for many. Having mistresses in town was the reason given by informants not only for the neglect of rural wives, but also for sometimes even sending wives home when they came seeking their husbands in town. Some men deliberately did not tell their wives where they were, and wives found it difficult to locate them in the sprawling hostel complexes. Other men wanted their wives to write a letter if they were coming to visit them in town, and if they arrived without warning the husbands would say 'why didn't you tell me you were coming - go back home'.

The question of men having girlfriends or other wives in town will obviously not disappear if the women are not legally allowed in the hostels, but easy availability of large numbers of women clearly increases the temptation for men to stray. For those men striving to remain faithful to their own wives, the presence of roommates with girlfriends impinges on what little privacy they have, and possibly makes their own sexual abstinence more difficult.

The fact that single men's and single women's hostels have been built side by side at Kwa Dabeka, near Pinetown, was seen by some informants as deliberately creating temptation, particularly as men whose wives were pregnant were not permitted to visit; as one man remarked, not without bitterness:

> 'There are faithful men there who know their responsibility, and innocent women [i.e. wives] are not allowed.....with women in the hostel next door how am I expected to live..... Dr Koornhof [the Cabinet Minister concerned] decides who I am to fall in love with, and marry, and when I may have sex and my wife give birth'.

The presence of single-sex hostels also poses problems for the wider community, as has been noted by other researchers; e.g. Wilson (1975:189) refers to the 'strength of feeling' in a township near Phalaborwa 'expressed by urban insiders against the existence of the migrants in

hostels set in the midst of their family houses'. Informants told of young girls tempted by money offered by men in the hostels, and the dangers of letting one's daughter attend tennis lessons in that particular area since she had to pass the hostels to reach the courts, for schoolgirls were lured by offers of R1,00, or even less by the hostel men, who then took them to their rooms for sexual relations. One informant related how there had been tears in the eyes of an old hostel resident as he spoke of these things which were so painful to him: 'old men, old khehlas /i.e. men old enough to wear a head-ring/ calling schoolgirls in to the hostels, and girls in uniform but not attending school, loitering in the vicinity to make money'. Sometimes girls fell pregnant after casual sexual encounters, and were unable to locate the man responsible when they returned to the hostels.

The experiences related by the migrants themselves, and others familiar with hostel life, confirm the dehumanising effects of this existence on the individuals concerned, the inestimable damage which it can inflict on marriage and family life, and the disruptive effects which migrant labour has on the wider community. Men, broken by the system in which they are caught up, use drink and women to escape their degraded existence, wives and families starve in rural areas, and tension is, by the very presence of vast numbers of single men, created and deflected between hostel residents and the wider black township communities.

Nevertheless, the building of hostel blocks continues. The first phase of the building of the Umlazi Men's Hostel, which will eventually house 3 000 men, has been completed ('Daily News', 21 October,1983) and there are plans to increase the number of beds at Glebe hostel (currently, according to official estimates, approximately 9000 beds) to between 20 000 and 25 000 (Mr Brown, Superintendent, personal communication). It is claimed by officials concerned with hostel administration that the

design of this new hostel accommodation could lend itself to conversion to family units at a later stage.

In spite of the large body of evidence accumulated over many years demonstrating the destructive consequences of migrant labour (Murray,1980:140) various arguments are still advanced in favour of retaining this sytem (see summary in Wilson,1972:168-74). Anthropologists have often pointed out that men do not wish to settle permanently in town, and that they prefer their wives and children to remain in the country away from adverse town influences, looking after the land in the absence of their husbands (Mitchell, 1970). Men are obviously divided on the question of whether or not they would wish to bring their wives and families to town, and some informants stated a preference for having someone at home to look after land and cattle. Motives naturally vary, and some men favour this alternative because it is important for them to retain rural links, and/or because they genuinely believe it is in their wives' and childrens' bests interests to remain in the country; many men in this category appear responsible and conscientious in supporting their families and visiting them as regularly as possible. There are, of course, other men whose motives for keeping their wives in the country are primarily selfish, and given human weakness, and a system which facilitates irresponsibility, it would be unrealistic to expect that some men would not take full advantage of the opportunity to escape from family responsibilities. A minister whose pastoral duties have involved him deeply with migrants pointed out that that their perceptions of their situation had been greatly influenced by what he termed the conscious promotion of the 'migrant mentality', in that 'from the time of the original recruitment to the gold mines men had been told that <u>indoda</u> [a man] spends periods working in town and leaves his wife and family in the country'. For those without secure urban accommodation, whose right to remain in town hinges on employment opportunities, the retention of rural ties with homelands where land rights are vested is an obvious

inducement to cultivate rural links.

However, there are large numbers of migrants who would bring their families to town with them if they had the chance to do so. Men in this category spoke of the pain of being separated, and the pain of arriving home to find one's child dead and buried whilst one was away because of the absence of refrigerated mortuary facilities in rural areas. One important modification to the present system verbalised by some 'responsible' men who preferred their wives to remain in the country (as opposed to the 'irresponsible' ones who reject and neglect their rural wives) was that wives should have the freedom of movement to visit their husbands when they wished. The phenomenal growth of 'squatter' settlements around Durban, as in other peri-urban areas of South Africa such as the Cape Flats, where the demolition of flimsy shelters by government officials has recently been rigorously pursued,[17] clearly demonstrates the desire of a great many men to live together with their families, in spite of overwhelming odds.

Having given a background of the type of residential patterns which exist, it is to the question, in more detail, of the relationships between husbands and wives that I now turn in the next chapter.

CHAPTER 7

THE MARITAL RELATIONSHIP

It is perhaps when one comes to examine those norms and values which surround the relationship between husband and wife, such as the expectations which each has of marriage, and the nature of the roles each partner assumes, that the difference between what I shall term 'traditional'[1] black marriage and marriage in contemporary western societies becomes most apparent; indeed, the norms and values surrounding these two models of marriage are, in many respects, opposed.

'Traditional' black marriage was, as was marriage amongst the majority of the population of Europe until the rise of the modern 'companionate' type of marriage in the 19th century (Shorter,1975:24) primarily an economic and reproductive institution, for a woman, especially in an agrarian society, was a valued economic asset, as were her children. The wider kinship group played an important part in this type of marriage, both as the unit which entered into the marital alliance, and as a force which countered the development of too great a degree of intimacy between husband and wife.[2] Although doubtless companionship did develop in many instances between husband and wife (Krige,1980: 71), marriage was not contracted for this purpose, and expectations about the roles of husband and wife did not include intimacy (Gluckman,1955:76). Another characteristic of 'traditional' marriage was its potentially polygamous nature, which was related to factors of a demographic (excess of women over men), economic (the desirability of many children) and political (the usefulness of alliances) nature. There was a sharp distinction between male and female roles in marriage, corresponding

with what were seen as appropriate spheres of activity for males and females generally, each complementing the other (Suttner,1969:620). Although women might enjoy a certain amount of autonomy within their own spheres of activity, overall male authority was firmly entrenched, and was backed up by sanctions of a religious (e.g. ancestors) and economic (e.g. control over resources) nature.

In terms of all these main characteristics of the 'traditional' model of marriage, i.e. its primarily economic and reproductive aims, its potentially polygamous nature, its de-emphasis on close companionship, its segregated role structure, and its male-dominant authority structure, there is a sharp contrast to contemporary western marriage, with its ideals of partnership, monogamy, flexible division of labour, and egalitarian decision-making (Yorburg,1973:164).

Contemporary western marriage is a product of both Christian and secular roots(Goody,1983), and although it may, as in the model which is presented to converted blacks, be thought of as 'Christian' marriage, the role of socio-economic factors in shaping this 'modern' version of marriage (and the family) is paramount. For example, although Berglund, in discussing marriage from a biblical point of view, speaks of the primacy of the husband-wife unit, separated from the family of procreation, as marked by 'unity in the deepest sense of the word' (Berglund,1975:22), the rise of this type of family unit in Europe is linked by social historians to the changes brought about by the Industrial Revolution. In his influential book, Shorter (1975:224-30) tentatively traces changes leading to the contemporary 'companionate' type of marriage to different periods of the nineteenth century, when it was first adopted by the upper-middle classes, and later by the lower classes. These changes, Shorter maintains, were accompanied by a 'new ideology' of domesticity, which facilitated the withdrawal of the family from community and public life: 'The modern family

then changed from an economically defined unit comparatively bereft of any emotional ties to a child-centred emotional retreat from the intrusions of the community'[3](Weitz,1977:123). What seems to have happened, then, is that there has been a comfortable merging of 'Christian' ideals with changing family forms. The net result is that the 'modern' marriage ideal is one of partnership, intimacy and monogamy, sanctioned, for many couples, by Christian teachings on the nature of marriage, these teachings varying to a certain extent depending on denomination; e.g. whilst the Protestant churches appear to hold the view that 'In marriage the production of children is overshadowed by the marriage union itself' (Pretorius,1975:121), the Roman Catholic Church still avers that 'the very institution of marriage and conjugal love are ordained to the procreation and education of children' (John Paul II,n.d.26).

In addition to the stress on intimacy and partnership, other characteristics of 'modern' marriage include the blurring of the sexual division of labour which existed in 'traditional' marriage, in that the demarcation of roles has become less rigid (e.g. husbands sharing domestic chores and child-rearing tasks with their wives), and the ideal of democratic decision-making. With the contemporary emphasis on the sexual fulfillment of both partners, even the question of exactly what constitutes 'conjugal rights' has become unclear, cases being reported in the popular press in which men are accused of raping their own wives (see, e.g. 'Marriage - right to rape?', 'Daily News', 5 June,1981).

Although it is probably fair to say that this popular model of 'modern' marriage predominates in the conceptualisations of those who write marriage mannuals (see, e.g. Medical Association of S.A. booklet 'You and your Marriage', and Mace, 1974), and in the minds of the majority (doubtless related to the role of the mass media, e.g. books, magazines, films, T.V.),

research suggests that such a model is, in many respects, a 'middle-class' one, which is not necessarily accepted as the ideal, let alone lived out, by members of other, lower socio-economic classes. Sociological and anthropological studies in the western world show distinct differences between members of the middle and lower socio-economic groups with regard to male and female roles in marriage, decision-making patterns, and expectations of marriage in general (Komarovsky,1967; Schneider and Smith,1973; Yorburg, 1973:138,154,160).

With these two models of marriage, the 'traditional' and the 'modern' (both of which are, of course, 'ideal types') as a background, and bearing in mind that variations are to be expected in the way in which individuals in different socio-economic classes actually perceive and live out their marital relationships, what sort of picture of contemporary black marital relationships emerges from this research? How much emphasis is there on intimacy and/or partnership? How important is it to have children? Who performs various tasks, and who makes decisions? To what extent do shared recreational and social activities take place? These are some of the main questions to be considered in attempting to build up a picture of the different types of marital relationships amongst blacks in and around Durban, and in assessing the role of structural and cultural factors in shaping these relationships.

What do contemporary blacks expect of their partners? In responses to open-ended questions on what constituted a good husband and a good wife, and from general conversation, there emerged a clear distinction along socio-economic lines, insofar as whether the spouse was perceived primarily as a partner, or primarily as a provider or housekeeper/home manager (the latter being the sort of role designation apparently envisaged by some migrant men). In other words, there was a difference in emphasis as to whether material or emotional aspects of the relationship were emphasised.

Professionals, without exception, expressed partnership ideals, occasionally mentioning the value of communication, and stressing qualities such as mutual understanding, trust and compatibility. The difference in the two types of response was summed up by some nurses who pointed out that in the 'olden days' a good husband had been someone who worked, who sent money, and who maintained his family, nowadays he should be 'someone who loves me, understands me' However, this category of respondents also mentioned the qualities of a husband as a provider, and a woman as a house-keeper and, especially, as a mother.

Although love was mentioned as an important factor by persons from all walks of life, there was a distinct tendency for those informants with less education to describe the roles of husband and wife in terms of 'traditional marriage', in which the qualities of a man as a provider, and of a woman as a home-maker, were stressed. In the words of one domestic, which sum up what others said when describing a good wife: [she] 'makes his house clean, everything in the house and outside, do washing, ironing, look after children; if a man comes from work give him water to wash and food'. A good husband, as another domestic said, should 'look after the family, feed them, clothe them, pay for schooling'.

In the past, as already mentioned, the solidarity of the wider kin group mitigated against the development of modern-type intimacy. Whether or not the couple is living with them, a husband's family still continues to play an important part in their lives, and the wife should get on well with them, she 'should love our relatives' in the words of one informant (male, white collar). The extent to which this wider kin unit intrudes upon the intimacy of the spouses is influenced by factors such as whether or not the couple live with them, and the personalities of the husband and his family, as examples cited in the last chapter show.

Also working against this type of intimacy idealised in 'modern' marriage were strictly prescribed rules about the central role of respect in the relationship between husband and wife (Raum,1973). The need for mutual respect between partners is still considered essential, by persons from all walks of life, and the importance of a wife respecting her husband was particularly emphasised. However, closer, less formal (than was customarily the case) relationships between partners is evident amongst younger, educated and/or urban-bred men and women, such as Musa and Phinde and William and Bongi, who, e.g. address each other by their first names, and who eat together. Raum (1973:49/50) refers to a division of opinion amongst his informants about whether a husband might use his wife's personal name, but notes that there was agreement that a wife should not use her husband's personal name. Such restrictions on the use of first names, and also the norm of eating separately, were still observed by housewives who had migrated to the urban areas with their husbands. Although couples such as Musa and Phinde use each others' first names when alone together, they observe polite forms of address when referring to their spouses in company; e.g. a wife might initially call her husband 'brother of (his sister's name)', and later, after the birth of a child 'father of(child's name)'. Wives would be termed either 'ma(her father's clan name)', or 'mother of (her first born's name)'. Thus, although behaviour when alone together may be considerably freer than was customarily the case, the behaviour of spouses when in company should be dignified. Public displays of affection between husband and wife are frowned on.

Although a few educated informants mentioned the importance of being able to communicate with one's partner, the impression is that 'communication' in the sense of reciprocal sharing of innermost thoughts, feelings and aspirations, is not regarded as being of central importance, as it is by many white couples who seek to make a success of their marriages[4]. It is

thought that most men do not talk much to their wives, and that it is only amongst well-educated persons that some change has occurred in this area. Whether or not this 'lack of communication' is seen as a problem by wives is relative to their expectations, and it is probable that only a few, highly-educated wives, with very 'modern' expectations of marriage, set a great deal of store by 'communication' (as, e.g. Mrs Mi. who is referred to in the following chapter, p.292).

In the popular model of marriage promoted by the mass media (e.g. women's magazines) good communication and good sexual relationship are closely associated, and sex is seen as the ultimate form of communication (Masters and Johnson,1975). Some allusion has already been made to the changing role of sex in 'modern' marriage, in that rather than being a man's conjugal right, it is closely related to the emotional relationship, to be freely given by the woman, for her right to sexual enjoyment and fulfillment has become a prerogative.[5] However, here again this 'popular' model of marriage, which stresses good communication and good sex, is probably still, in terms of reality (i.e. what sort of expectations people have), largely a middle-class one. Komarovsky, for example (1967:111) suggests that sexual adjustment is not as closely interrelated with marital happiness amongst members of the lower socio-economic stratum, and that expectations about 'communication' tend to rise with educational level.

Because of its intimate nature, and out of respect for the privacy of individual informants, the subject of sex was not widely explored. All indications are that, as noted by Levin (1947:74) sex remains a man's prerogative, and a wife may not refuse her husband's demands. Some health workers claimed that some urban men even disregarded customary taboos on having intercourse with a menstruating woman. A wife's refusal could be seen as an indication that she was being unfaithful, and it might even invite a beating from her husband if he were so disposed - or he might use

her lack of response as an excuse to take a girlfriend. Abstinence, it was claimed, was bad for a man, and involved 'loss of power'.Semen should not be accumulated, for otherwise it went to the head, and wet dreams were not welcome (see also Berglund,1976:333ff.) Although customarily a woman would not discuss sex, or approach her husband (i.e. all sexual approaches should come from his side), several educated men and women who were questioned felt that whether or not a woman made any advances, such as sending out non-verbal signs, would depend on the couple.

In spite of the espousal by some, especially educated, men and women about marrying for partnership and companionship, notions about the central importance of children in marriage are shared by all, and it is inconceivable that children should be deliberately excluded from the union as, for example, occurs in some white marriages. Children are still a natural, and much hoped for, outcome of the marriage. It is the wife who is held responsible for any failure to conceive, and the mother-in-law in particular is likely to pass derogatory comments if the makoti does not conceive (e.g. inyumba, meaning barren). There is resistance to admitting the possibility that the husband may be at fault. Men, apparently, do not accept that they may be sterile; in fact, changes had to be made to forms which have to be completed when applying to adopt a child in order to eliminate a question about whether the man was able to father children because clergymen objected to this question. Some women fall pregnant by men other than their husbands to prove that it is not they who are at fault.

A woman who is unable to conceive is riddled with self-blame, and perceives herself a total failure: 'What woman am I if I can't have children', one woman who had been unable to conceive remarked to me. She feels she brings shame to the family. Women who cannot fall pregnant may visit an inyanga, or a 'faith healer'; sometimes the situation is rectified by the slaughter of the isikhumba beast (see also Ngubane,1977:71) if it has not yet

taken place, which appeases the ancestors so that they are willing to play their part in procreation.

It is doubtless the immense social pressure on women which leads some desparate wives, who have untruthfully told their husbands and families that they are pregnant, to approach hospitals and Child Welfare organizations and bed that they be given abandoned babies. There are also occasional instances of pseudo (ghost) pregnancies, such as the case of Mrs Nd:

> Mr Nd. had fathered a child by a girlfriend, and had subsequently chased his wife out of their conjugal home. Mrs Nd. attributed her husband's behaviour to the fact that she had not borne him any children, and claimed that she herself had been pregnant for two years. She was, however, highly resistant to all attempts to refer her to a medical practitioner, and claimed that doctors could not help her because she had been bewitched by the other women (the husband's girlfriend).

The type of bewitchment Mrs Nd. complained of is attributed to <u>ubuthakathi</u> (witchcraft) or <u>uMeqo</u> (medicine placed where the victim will cross over it). Physically the woman may appear pregnant, in that her stomach becomes distended; one experienced midwife described a case of a woman who had been so adamant that she was pregnant that she had gone into labour, and had 'pushed' only a great deal of wind during what she had thought was the final stage of the delivery.

If a woman believes she is pregnant she should tell her husband immediately after the first missed period; i.e. she should not wait until she misses a second period for her husband might then suspect that the child was not his. There appear to be no universally held ideas about the way pregnancy affected a woman, and individual men expressed differing attitudes towards pregnant wives. In spite of initial reservations they had felt, some said, they had been 'proud' to be out with their wives, carrying <u>their</u> children (one man adding that he had 'surprised himself'). Others did not wish to be seen out with pregnant wives, and attributed changes in wives' behaviour, some of which caused problems in marriage, to their wives pregnancies; she might,

for example, 'hate' her husband at a certain stage, especially if she was carrying a boy. One man, who admitted violent behaviour towards his wife, blamed it on her behaviour whilst she was pregnant. The following is a fairly light-hearted exchange between husbands and wives in a group (white collar/professional) which followed on comments by the men about their wives 'horrible' cooking during their pregnancies, and their complaining attitudes:-

Wife: 'the men think she must be dumped in the house, and she must go out of the way because she's pregnant, she must stay in the house....she's unsightly, she can't go out'

Husband: '....must admit most men - black men - don't like a pregnant woman'

Wife: 'but they've made her pregnant, and it was nice to make her pregnant'

When it comes to the actual birth, black men, as was customarily the case, stay well clear of the labour ward, and do not take advantage of the opportunity to witness the birth, which one man described as 'filthy to watch'.

Notions about the uncleanliness of a woman, and the need for her isolation after the birth (Krige,1936:68) persist to some extent. After her release from the hospital or clinic where she has given birth, the mother should remain inside the house for a certain period, and abstain from cooking. This period varies, and is usually not more than about two weeks at the most (Some informants maintained that it varied according to whether the woman gave birth to a boy or a girl, the periods of seclusion being one and two weeks respectively).

The taboo on intercourse whilst a wife is breastfeeding appears to have largely fallen away, except amongst strong adherents to custom such as members of the Shembe church. It is thought that the period which elapses between the birth of the baby and the assumption of sexual relations varies from about three months to six months. The physical proximity of husband and wife under urban living conditions, particularly the temptation involved in sharing

a double bed, work against lengthy periods of abstinence. The possibility that breastfeeding may prevent further conception may be seen as a factor to be taken advantage of.

The preference for male children (Vilakazi,1962: 41 ; Levin,1947: 78) remains, especially in the case of the first born. It is better to have one son than several daughters, but more than one son is preferable. When Thembe was pregnant with their second child, Bheki, for example, spoke of the need for two or more sons, in case his eldest child, a boy, should meet with some misfortune, or become a tsotsi when he grew up. Women comment that, from the mother's point of view, girls are preferable, for they are more likely to look after their mothers later on. Men complain that daughters fall pregnant. Boys are desired because they spread the family name: 'my line of descent will not die' (professional man, who pointed out that girls would marry and adopt another surname); 'it's a history of him... my name will disappear if there are no sons' (white collar man); 'a man likes a son, he says "yes, I'm a man now, if I'm dying my son is here" ' (female domestic). Women are often blamed if there are no sons; they may, for example, be told that they have not found favour with the aneestors (Berglund, 1975:118). One professional woman, having borne her husband three daughters, was told by him when their fourth child was due that she could pack her bags and go home if it were another girl; it was, fortunately, a son. Stories are told of men who say they have no children if they have only daughters, or who buy a car, 'something to be responsble for' if their wives give birth to daughters and not sons. Nursing sisters describe cases of husbands being carried away in their elation of having sons, and arriving at hospital with suits of clothing for a toddler or an older boy, instead of baby clothes.[6]



Various practices for trying to ensure the sex of the baby were mentioned: e.g. if you want a girl open your eyes during intercourse, if you want a boy close your eyes; if you want a boy you should put on your husband's pyjamas while you make love, or you should change position during love-making (e.g. the woman on top of the man).

Because of its potentially contentious nature (e.g. one black minister who advocates the limiting of families never mentions it because of its political overtones, noted also by Wilson,1981:144), few individuals were questioned directly on family planning views and methods. However, conversations with nurses, family planning personnel and social workers revealed that many couples do use various means of limiting their family size, but that there is a great deal of resistance on the part of some, especially men. Although, strictly speaking, wives should have their husbands' permission before approaching a doctor or clinic of any kind, women may take the Pill, or have contraceptive injections, without their husbands' knowledge (see also van der Vliet,1982:150/1). Others, whilst not wanting to conceive, may be too fearful to follow this type of surruptitious action because of their husbands' threats about taking them to the doctor if they do not conceive. Women such as nurses, who are not eligible for more than two maternity leaves, may feel they have no alternative, for fear of losing their jobs. Other husbands agree to their wives' limiting their families, and couples such as Phinde and Musa, and William and Bongi[7] are waiting until their economic situations have improved before having more children (Musa, e.g. would like only one more child).

Mothers-in-law may also be stumbling blocks to the wife's limiting her family; others, according to informants, may actively encourage their daughters-in-law to delay having more babies, saying to clinic nurses 'you must tell her to wait until she has a house of her own to have a baby'.

As in other parts of the world, family size appears to be decreasing as educational and income levels rise. 'Elites' are said to limit their family size, in contrast to the attitudes of men such as Elliot and Eheki, both of whom apparently want several children.

Eheki's wife, having had three caesarian deliveries, has been sterilized because of the dangers to her health of any further such births. Although the tying of the fallopian tubes is 'fairly common', particularly when there is a history of caesarian births, husbands may be very resistant, not only because of the limitations it places on family size (and here a woman who has borne children by a man other than her husband before marriage is in a particularly difficult position), but also for fear that such an operation may encourage infidelity on the part of wives free of the fear of unwanted pregnancy. Other methods of contraception may also be opposed by men for fear of encouraging their wives' infidelity (see also van der Vliet,1982:223), and men may blame the use of contraceptives for a variety of other ills: The wife's real or supposed lack of sexual responsiveness is commonly cited; one man blamed the fact that he had contract Venereal Disease (from his girlfriend it transpired) on his wife's contraceptives;another complained that his wife's Intra-uterine device would injure him and, when his wife told him, untruthfully, that she had had it removed, he stopped complaining. Injections do sometimes lead to missed periods which may, in terms of black culture, be held responsible for any illnesses which are contracted. Various side effects are experienced by women who take the Pill, or the equivalent contraceptive injection, or who have had an intra-uterine device fitted, and fears about sterility or cancer are associated by some with the use of the Pill. Reservations by women about the use of these contraceptives are not without justification, the possible dangers involved having once again been highlighted recently (see, e.g. 'Dying of ignorance?', 'Sunday Tribune', 20 November, 1983), and evidence of harmful effects of these contraceptives have been accumulating for some years (see, e.g. an excellent summary in

Family Planning personnel maintain that the diaphragm, a safe and fairly reliable method of contraception, especially when used with spermicidal jelly or foam, is not popular (and not even stocked by Famming Planning clinics) because of customary taboos on a woman touching her own vagina; other health workers, however, maintain that this taboo is falling away. Although there is said to be widespread knowledge of the value of condoms in preventing the spread of Venereal Disease, this method is not popular because of the consequent lack of 'flesh-to-flesh' contact.

Men do not favour vascectomy, claiming that such an operation would result in impotence, and cases of men undergoing this operation are exceedingly rare. I was told of only two instances which health/family planning workers could recall; one involving a fairly young father of three who was a labourer, and who had himself grown up under conditions of great hardship and had decided that his family was large enough, and the other in which the husband had agreed because the health of his wife would be at stake if she were to conceive again.

In the care of, and bringing up of children, the mother's role is still seen by all as central, and that of the father fairly peripheral. It appears probable that it is only amongst some of the 'elites' that fathers may take a more active role in child rearing, e.g. being at home if their wives are working night duty, and giving their children lifts to school and to extra-mural activities, and accepting the norm that fathers should spend more time with their children than was customarily the case. As one executive remarked 'you're not a father if you don't have time [for your children]', this time allowing companionship and help with homework, for daughters as well as sons, in contrast to the fairly distant, formal educative role a father played towards his son/s in the past (and still does in the majority of cases). Hellman (1971:165/6), who cites the Zulu proverb

'A father cannot be friends with his child', also notes changes in the role of the father amongst those in the 'highly educated' category of urban blacks. However, as one professional man was at pains to point out, the closer relationship between father and children should occur 'without losing Africanism' and all it entailed, i.e. respect, not only for the father and senior relatives, but for all adults generally.

These slight changes in the role structure within the family suggest some movement towards fluidity in the whole question of male/female roles. There is a certain amount of flexibility in the role structure of contemporary marriage, as mentioned above, the husband often participating in various household tasks formerly viewed as 'female' (Zelditch,1974 :256). However, it is probably still true to say that the man remains primarily the breadwinner and the woman, even if she is working, the primary homemaker. To what extent do role structures in black marriages approximate a 'modern' model?

Although informants from all walks of life expressed no objection to their wives working outside the home, providing that the children were cared for, there are instances of men withholding their permission for their wives to work; generally, however, the economic contribution of the woman is recognized as essential. In the absence of sufficient creche facilities, a variety of substitute child care arrangements exist, e.g. the services of older or younger female relatives, or other women in the community who supplement their own incomes through child-minding, are enlisted, or a maid may be employed by those who can afford to do so. Women stress that their duties as wives and mothers are still seen by men as being of central importance in the running of their homes; in the words of one young secretary 'There are some things that men, no matter how educated they are, expect from their wives, e.g. food; even if the wife hasn't done the cooking she should still serve the food'.

From various case studies, comments about how the roles of husband and wife are conceptualised, and answers to the question 'May a husband help his wife around the house?', the following picture emerges[8]: Male and female spheres of domestic activity differ, the women attending to cooking and cleaning and rearing of children, and the men, if they assist in the home, to chores such as maintenance, repairs, assistance with gardening etc. That is, women and men are still seen as having different, complementary roles, and tasks are normatively assigned as primarily either male or female. Bheki, e.g., sees such a division of labour as natural because of the physical differences between men and women, men being better equipped to do the heavier work. Mr Ds., a professional man, putting the same notion in a different manner, said 'I believe in different roles, although not in the sense of superior/inferior' and, after describing what he would and would not be prepared to do, giving the following example: 'I can't see myself looking after a servant; supervision and training is her duty'. However, both men and women agreed that it was allright for a man to help his wife under certain circumstances, e.g. if she were sick or exceptionally busy (perhaps working full time herself outside the home), and some men, including both unskilled and professional, claimed that they did on occasion do so (see also van der Vliet,1982:156). Men did tend to emphasise that the decision about whether or not to assist would have to be theirs, i.e. if they decided to do so, and there should definitely be 'no instructions' from their wives. In actual practice, men are probably called upon to assist their wives relatively rarely because there are often other female household members present or, in some cases, paid help in the form of servants; furthermore, children are expected to assist with chores (girls in particular).

The question of who handles the money appears to often be a contentious one (see also van der Vliet,1982:163ff.). Understandably, all women asked endorsed the idea that a wife should know what her husband earned, and some

men said they agreed that a man should tell his wife, and that budgetting should be a joint activity. In practice, however, as noted also by van der Vliet (1982:149), wives do not usually know what their husbands earn, since men are generally secretive about their salaries. 'A husband never wants his wife to know' said one knowledgeable informant, and I was told how one man had incurred the wrath of his colleagues by mentioning to the wife of one that they had all had an increase in salary. Women who earn money of their own often complain that they have to be secretive about their income, for husbands will try to claim their wives' earnings[9] and perhaps squander them; certainly many women have no option but to shoulder much of the economic burden in the household because of their husbands not pulling their weight financially (see below). Contrary to the customary expectations of assistance when necessary from umkhwenyana, few men - but there are exceptions - are prepared to assist in the support of their wives' families, and women speak of rendering secret financial assistance if and when they can to their own families (see also van der Vliet, 1982:103/4). Those men who say they are prepared to assist their in-laws stress that the decision to do so must be theirs (i.e. the husbands').

As these allusions to the husband's decision-making role suggest, male authority within marriage remains firmly entrenched. Ideas about who, i.e. which partner, should make decisions, not surprisingly, differ along sex lines, men tending to respond to questions about who should make decisions by saying that the husband should, and women (especially educated ones) by saying that both partners should be involved in decision-making. The level of education, and the personality of the man, are factors which largely determine whether or not a man will consult his wife about major decisions. Joseph Bm. (white collar) was, e.g. prepared to discuss decisions with his wife, he said, but if she disagreed she should say so in the 'right way', i.e. she should not say 'no' and give the impression that she was

ruling her husband; she might make suggestions, but should not undermine her husband's authority. 'If I'm a man I'm here to control' and 'she must comply with whatever I say to her' were comments from two white collar/ professional men. Men are sometimes said to make unfavourable comments about the dominant role of white wives, saying, for example, to their wives, 'you can't lead me by the nose; I'm not a white man' (van der Vliet, 1982:74,145/6 noted similar stereotypes about white husbands during her research). As Mr Dd., a clerk, remarked: 'These days, if people hear that your wife - especially the educated - is dominating your life, you get so worried; you can't let them think your wife's controlling the house'. Men complain about educated women, who want to be on a par with men, and who refuse to play the subservient role that their husbands expect of them. Women, especially those with higher education, confirm that men dislike educated women because they could not order them around as they did the lesser educated wives, and they resent the dominance of their husbands: 'You must be an appendage of him....you can't even decide to go to bioscope on your own', and 'they won't accept the idea that you're equal, they call it domination', were the comments of two professional women. The whole question of the balance of power in contemporary marriage is a contentious one and fraught with conflict, as will be discussed further below.

When it comes to the pursuit of leisure activities,[10] although, of those questioned, the majority agreed in principle that there should be some shared (involving both husband and wife) recreational activities, no one felt that all leisure activities should be 'joint', but that there should be opportunities for each spouse to pursue independent activities. In particular, a man's continuing contact with his male friends was extremely important, as was the case amongst van der Vliet's informants also (1982:262). Couples' patterns of social interaction after marriage vary: Apart from visits to kin, most of William and Bongi's social activities are church-centred, for William is very involved with choir and youth work in his

church, and Bongi, having converted from her own religion, now attends church with William. Margaret and Thomas (see Chapter 5), who have been married for two years now, still do all the things together they did before they married, such as attending social events and bioscope shows; however, from the comments of other informants, Margaret's sharing in these social activities does not appear to be the norm, and Margaret herself says she is very lucky to have a husband like Thomas. Education and occupation appear to be the important variables in the amount of shared recreational activity that couples engage in: Neither Bheki nor Elliot engage in any social activities with their wives, but spend leisure time with their male friends. At the other end of the educational and socio-economic scale, amongst the 'elites' joint social activity occurs fairly regularly. However, even 'elite' wives, according to one woman in that category, had to wait for their husbands to invite them to accompany them when they went out, and should not assert themselves in any way when with their husbands. One professional woman told a story about a colleague of hers, a 'brilliant' woman whose wit was admired by her husband's friends who came to visit their home. Her husband, finding such attention difficult to tolerate, told his wife that her place was in the kitchen. The next time his friends visited she had repaired to the kitchen and, when they sought her out, merely repeated 'my place is in the kitchen'. Yes, it is quite true,stressed other educated women, that a wife's place is in the kitchen.

This norm, that a woman's place after marriage is properly in her own home, where she should devote herself to the welfare of her husband and children, is an important factor in the 'segregated' pattern of social activities observed by the majority of blacks. If a woman is working, for example, she should still spend whatever other time she has available at home. The husband's participation in sporting or social activities, either alone with his male friends, or in mixed company such as parties, appears to be accepted

by men and women from all walks of life as a norm. The other important factor, described by one professional man whose work is closely involved with the community, is the normative expectation that men should be out of their houses, and participating in social activities with their friends. One nursing sister described how her husband had gradually decreased the amount of time he spent with her, going to church, and accompanying her shopping and visiting, until it ceased altogether, because his friends had goaded him about spending so much time with his wife. As Mr Dd., the clerk referred to above, put it: 'What we as blacks believe, that when you take your wife outside some neighbours or your parents might think you are pulled by your wife. You see, we are scared to take wives always out....my neighbour, he talks'.

On this question of roles in marriage, answers to the question 'How does marriage change a man's/woman's life?'[11] are illuminating, particularly in terms of the different replies by men and women about the role of the husband.

Although women's and men's appraisals of the changes undergone by a woman when she married were essentially the same, women tended to stress far more than men did the restrictions which were placed on wives. Because the focus of a woman's life after marriage was her home and children, her social contacts were restricted, and any freedom she had enjoyed before marriage - especially any contacts involving other men - was curtailed. Educated professional women were especially liable to stress the restrictions placed on a wife, as their comments show: 'usually she totally changes, or she won't qualify as a woman - she can't be a girl, can't be a failure, for friends will say it won't last, they're waiting for it to break up'; 'if aiming high you can't get that high'; 'if outgoing before, after marriage she would have to behave in a proper way' (i.e. not go out on her own, or to parties). Marriage was seen as a definite barrier to achievement in one's

Certain standards of behaviour are expected of a wife, by men and women alike. In particular, there should be abstention from smoking and drinking. Smoking, for a woman, was universally condemned as 'bad', 'cheap', by men and women alike, virtually the only exceptions amongst informants being a chain-smoking professional woman who maintained that she would continue to smoke if she married, and an executive man who, whilst disapproving, felt that he could not stop his (professional) wife from smoking if she was determined (and women certainly do smoke secretly, e.g. in women's cloakrooms). One black social scientist felt that there was some acceptance that 'executive' women, such as doctors, social workers and lawyers (but not nurses) might drink or smoke, for they were, to some extent, identified with men. Exceptions to the drinking rule were usually made by lesser educated men and women who felt that a wife's moderate indulgence in utshwala was acceptable, and a few younger professional men and women (but not the majority of those interviewed) who thought it acceptable for a wife to take a glass of wine or champagne. Make-up was permitted, provided it was light and inconspicuous, and did not appear artificial; one should not, e.g. wear bright red lipstick, which suggested a 'tickie line' (cheap woman). Some reference has already been made (Chapter 6) to the need for a wife to dress respectfully, and the wearing of slacks by a wife is generally frowned upon, for there is 'too much exposed'. However, some younger, well-educated men and women stated that it was permissable for a wife to wear slacks, so long as she was not visiting the home of the husband's parents.[12]

It was, however, when changes to the man's life after marriage were discussed that the perceptions of men and women varied greatly. Men, for example, maintained that there were distinct changes in their lives after marriage: 'Automatically you become a man not a playboy' (male labourer, Std. VIII); 'He becomes responsible and neglects all that he used to do when he was unmarried' (male clerk, Form III); 'it makes him more responsible' (graduate);

'there are responsibilities attached to marriage and certain acts done prior to marriage [i.e. when single] have to be abandoned, freedom of movement is reduced; sharing is a new phenomenon' (male social science graduate).

Women, on the other hand, emphasised that, no matter what the ideal (about being a husband) men did not change after marriage, as the comments of these white collar/professional women show: 'I don't think any great change, he still has the same friends'; 'very minimal', for although a man might claim to have restricted his contacts he did not in fact do so; 'I haven't seen any man changing after marriage - he still patronises the same shebeens, and soccer matches, with other men'; 'women have to change....I don't think they [men] change'

The perceptions of men and women differ not only about whether changes occur with marriage, but also with regard to their evaluations of the whole institution of marriage itself. These evaluations are doubtless based on the differing expectations and aspirations of men and women about marriage (and here my own findings support those of van der Vliet,1982:258), and are related to patterns of deep conflict which permeate what appears a majority of contemporary black marriages in Durban; it is these evaluations which, reflecting as they do the experiences of men and women in the living out of their marriages, highlight the actual dynamics of married life. Men may complain about nagging wives who attempt to dominate them, or who do not give them enough respect, and some men comment with concern about prevalent problems couples experience, but they do not generally criticise marriage as an institution, as is commonly the case with women, especially those who are, or who have been, married. The following comments made by women from different backgrounds, either individually, or as members of groups, reflect apparently pervasive attitudes:

Groups of women in a squatter settlement near Durban, having verbalised at length over the problems they had experienced as wives, and the hard life of being a woman, likened marriage to a 'jail', or to being 'in a box' or 'in a hole'. Members of a group of nursing sisters commented 'not one of us can talk nicely about marriage'; /in marriage/ 'you become addicted to persecution'; and 'a woman is happy when her husband dies'. Yes, a woman was happy when her husband died, confirmed an elite, 'she puts on weight'. A domestic worker, explaining why she had not remarried after her divorce, but had borne children by her boyfriend, described marriage as 'heavy, heavy, heavy', and a young professional woman had noted that during a church-sponsored women's gathering she had attended black and white women's perceptions of men had differed strikingly, and black women had described men as 'selfish and domineering' (see also Hellman, 1974:19)

These perceptions are doubtless related to what appear to be the most common problems in black marriages,[13] problems which are a recurrent theme when marriage is discussed[14] and, whilst not universal, are certainly, to all intents and purposes, extremely widespread: Lack of adequate maintenace of the wife and family, excessive drinking on the part of the husband, assaults on their wives by husbands, and the infidelity of husbands. Obviously, women may drink excessively, or engage in extra-marital affairs or even, as in one case I encountered, beat up their husbands; however, such deviations appear to be relatively infrequent as compared with similar aberrations on the part of men. Often, it appears, several of these problems form a pattern; e.g. a man does not maintain his wife adequately because he drinks excessively and/or spends his money on other women; or he doesn't support his wife because he drinks, and he assaults her whilst under the influence. Although obviously such problems are manifest in individual personalities, the apparent prevalence of this type of 'irresponsible'

husband (from some accounts it would appear almost a 'statistical' norm) suggests that structural and cultural factors may play an important part in promoting such behaviour. That this type of behaviour should manifest itself so conspicuously is all the more noteworthy because it is in startling contrast to the 'ideal' norm concerning the behaviour of a husband, which defines a good husband as a responsible man who has a good home, takes adequate care of the needs of his wife and children, and does not abuse his wife.

Central to this ideal norm then is the expectation that a man will support his wife adequately - yet large numbers of men fail to do so.[15] Reference has already been made to men ceasing to maintain their rural wives, but a similar lack of support of one's family is also a critical problem in many urban marriages. Women whose husbands fail in this duty may approach the Maintenance Office at the Department of Co-operation and Development, who will call the husband in to explain himself and, if the wife's allegations are correct, will arrange for the husband to make payments to his wife via the Mainteance Officer. If these payments fail, the husband is charged in the Court, and a stop order is placed against his wages.

Men differ in the extent to which they acknowledge that a problem of this nature exists. Some men point it out; others deny, apparently in the face of contradictory evidence, that the problem is widespread, and allege that it is confined to a 'few irresponsible types'. Obviously, poverty does play a part in a great many instances, e.g. when a man is unemployed, or when (as in what is probably the majority of cases) he does not earn enough to adequately support his family. However, if a man is earning he should obviously give his wife <u>something</u>, even if it is inadequate. Also poverty aside, this problem is not confined to particular socio-economic strata, for there are also numerous cases of men earning relatively good

salaries and not supporting their wives. Reasons given by men when the question of non-support is discussed usually referred to the wife's real or supposed 'extravagence' (she would, for example, not use her own money if her husband was too generous, some men felt), domestic disputes (the husband might, for example, suspect that his wife was being unfaithful), or to the general behaviour of the wife (in the words of one man employed in white collar capacity 'nowadays there are ladies who have no respect, who keep talking, and are themselves drunk'). Men also mentioned that it was difficult to give money to a woman who was herself working and earning, which relates to a point made by a social scientist who has recently completed research on rural women (Nene, personal communication), i.e. that customarily men did not see their role as that of providers, for subsistence needs were met by a woman's own efforts.

Although accusations about wives' behaviour are doubtless true in some instances, these reasons appear inadequate in accounting for apparently prevalent behaviour; as one social worker pointed out, a woman would always be concerned about her children's support. One factor which seems to play a part in the reluctance of some men to give their wives money is their fear that, if their wives have children by other men (e.g. pre-marital) they would use what their husbands give them to support these children.

Clearly, there are many men whose support of their families fails because of their own excessive consumption of liquor.[16] Abuse of alcohol is found amongst all sectors of the community, some professionals (e.g. doctors and teachers) being mentioned as particularly vulnerable. However, it is important to stress that many men either do not drink (e.g. for religious reasons), or drink only in moderation. Excessive consumption may relate to individual problems of alcoholism (i.e. actual addiction on the part of the person), or patterns of heavy social drinking. I am not concerned here

with drinking as it relates to personality factors[17], but with those social and/or cultural factors which promote drinking; i.e. cultural norms about the role of liquor in social life, and structural factors which create pressures from which the individual, through the use of alcohol, seeks to escape.

Men's responses to my question about why so many men apparently drink excessively usually emphasised those factors in the socio-economic environment (structural) which promoted this type of behaviour, such as 'if you don't earn enough to support your family you might as well drink it', 'frustration', 'loss of hope for the future' (frustration with life generally, and with one's job). Important as these reasons undoubtedly are, there are also other factors related to socio-economic conditions of life in townships, and cultural factors. In the former category, the easy availability of liquor is often stressed, in that liquor outlets may be the first, and sometimes only, 'facilities' which are established in communities (e.g. in U section at Umlazi the first structure erected by the Kwa Zulu Development Corporation had been a beerhall, and a source of revenue to Development Boards (in townships and hostel blocks).

Not only are men driven out of their homes to find relaxation in shebeens because of problems such as overcrowding (described in the last chapter), but there is a positive value in being with other men, and in drinking together. There is a great deal of pressure on men to conform to community drinking patterns; according to one knowledgeable informant, e.g., in factories men are encouraged to eat at tea break so they can spend their lunch hours drinking with the other men, and young men who start work are 'indoctrinated' into certain drinking patterns at work by older men who have influence over them as their seniors. During recreation periods, such as in the evenings, men feel the need to sit in shebeens, drinking together and talking about football and women, the view being 'what do I go home for - I must sit with men'. If a man didn't drink he wouldn't 'percolate easily'

into his own age group. Men who tried to give up drinking often found it extremely difficult because of the social pressure, such as when members of a man's drinking group went to the extent of buying liquor for him, and going to his house and passing comments such as 'if you want to get rich, giving up drinking, drink our money'. 'What will I do if I stop drinking', men asked. For many men, the difficulty is to combine social drinking patterns with financial obligations towards families, for moderation may be difficult to achieve in the face of pressure to stay on and drink, and expenditure on drink cuts deeply into wages which are low (perhaps far too low to subsist comfortably) to start with.

As mentioned earlier, it is whilst under the influence of liquor that many men become violent towards their wives; however, wife abuse may also occur without the misuse of alcohol. Without entering into the debate about the extent of man's inherent tendencies towards aggression, it is clear from the evidence of anthropologists and sociologists that societies may differ in the extent to which violent behaviour is institutionalised,[18] and that the role of cultural factors (e.g. ideals about 'masculine' behaviour), and structural factors (poverty, powerlessness) is paramount in understanding violent behaviour. The sort of violence which occurs in some black marriages (e.g. cases which I have encountered personally include a husband attacking his wife with a bushknife, dealing her a karate kick, breaking her arm, bursting her eardrum) cannot be compared with any powers of chastisement black husbands may customarily have possessed (Olmesdahl, 1980b:5ff). Some wives live in fear of their lives, or of serious injury, and have little protection short of lodging a complaint at the Commissioner's Court, or leaving their husbands. Police are generally reluctant to become involved in domestic disputes, and some black women have little faith in assistance from this quarter for they consider that, being men, the police will be on the side of the husband.

This type of violence in black marriages must be seen in the wider societal context, not only as a facet of the generally high level of violence in townships (Moller et al, 1978:55f), but as linked to the general sense of powerlessness and the frustration that stems from it, together with what is often very real poverty, on the part of blacks; all of these structural factors tending to promote violent behaviour (May,1972:23). This position of powerlessness on the part of black men in society generally exaccerbates factors which are present in black marriage, and which have been noted as being of significance in studies of violence in western marriage. The potential for violent behaviour is present when there is a discrepancy between what the husband is expected to achieve, and to provide for his family (i.e. normative expectations about the role of the husband), and his far lower levels of actual achievement, due primarily to obstacles in the social structure (poverty, lack of skills and opportunity), this gap between ideal and actual being termed 'status inconsistency'. Lacking economic power and social status, he lacks those sanctions which legitimate his authority as a husband, and the wife, particularly if she has access to economic power independently of her husband (e.g. a salary), is perceived as a threat to her husband. Violence is then used as a resource by the husband as a way of controlling (or attempting to) his wife. (Toby, 1974; O'Brien,1974). Violence may also, of course, serve to displace the frustration felt by the husband about his life situation generally (Freedman et al,1970:106ff.)

The final major complaint by women, almost invariably mentioned by them when discussing marriage, and often advanced as another reason for non-support, is, as one woman put it, the 'mistress business'. Attitudes towards polygamy have already been discussed (Chapter 4), and percentages of customary unions which are polygamous have been given. It is alleged,

however, that it is not only men who are partners to customary unions who actually 'marry' more than one wife, but that the practice of taking a second 'customary' spouse also occurs (illegally) amongst men who have been married under statutory law. Furthermore, such practices are not confined to migrants with wives in the country, such as Bheki, who has a couple of girlfriends in Durban, and whose wife (presumably having no option) says she accepts that such a step is natural for a man who is not living with his wife. These second 'marriages' are also said to occur amongst men, especially those who are better-off in terms of education and occupation, in urban townships, who can afford to do so. They are, for example, said to obtain a house in another area (such as Kwa Mashu, if living at Umlazi with their original wives) in which to set up mistresses, whom they may or may not have 'married'. One executive described how, at a conference at a luxury 'international' hotel, another delegate, married by Christian rites, had openly boasted of his second 'marriage' and the feast which had accompanied it. 'International' hotels, where men can entertain girlfriends well away from their wives, are said to be favoured by those who can afford to use them as venues for their liaisons. Educated men are said to usually be secretive insofar as their wives not knowing about their having girlfriends is concerned. Probably most men do not actually formalise this type of union in any way, but merely set up another woman/women as a mistress/es, or simply enter into a relationship with another woman/women. It is difficult to assess the prevalence of such extra-marital affairs; women tended to see husbands having mistresses as the norm, and some wondered whether there were any men who were faithful to their wives; others were prepared to concede that there were some exceptional men who remained faithful to their wives. I have certainly encountered cases where men were, to all intents and purposes, sincere in their convictions of the value of monogamy, and have remained faithful to their wives.

In all probability, an overwhelming majority of black men do have regular girlfriends or mistresses but, as pointed out by Mr C., a professional man, so do many men in other 'racial' groups. In response to one of the most recent surveys of this type in America, conducted by Shere Hite (1978:142), 72% of men who had been married for two years or more claimed that they had been unfaithful to their wives.[19] Another professional man, who had had access to the files of white employees at his place of employment had noted the allegations of sexual harassment of secretaries by their employers (whites).

Men varied in their responses when questioned about 'other women'. Some felt that proclivities towards infidelity on the part of the black man were over-emphasised; e.g. one professional man asserted emphatically that the incidence of infidelity amongst blacks was no worse than amongst his white and Indian friends. Most men, however, were prepared to concede that the tendency to take a girlfriend/mistress/other wife (or more than one) was very common; e.g. 'give it a nice, very nice, eighty percent' (married clerk); 'most married men I know have girlfriends' (white collar, married); 'those few men who aren't having affairs are not doing so out of conviction but for fear of the consequences if their wives find out' (married, professional man).

The reactions of women to their husbands' affairs vary. There are some women who find the idea of their husbands' infidelity difficult to cope with and who have, as a result, been led to seriously consider divorcing them because of it. Such women have exceedingly high expectations of the closeness and sharing of the conjugal relationship. Others (probably the majority) consider it virtually inevitable that their husbands will have girlfriends (as one man remarked 'our women are brave enough to take it') and, whilst not welcoming such affairs, accept them with resignation, <u>provided</u> the affair is conducted with discretion (a point made also by

van der Vliet's informants;1982,213ff.), and provided the husband cares adequately for his family. The latter is, of course, often not the case, and resentment is especially, and understandably, likely to occur if a man squanders his earnings on a girlfriend at the expense of his children's welfare. Resentment, and retaliation in the form of divorce, may also occur if a man, or the 'other' woman, is blatantly open about the whole business.

Women complain about the differential treatment afforded to wives and girlfriends: Wives, for example, may not be permitted to dress smartly, (see van der Vliet,1982:84), or apply make up, but girlfriends may do so, and the girlfriend is taken out in the car at the weekend and the wife is left at home (see also Wilson and Mafeje,1963:80); 'they want to give you many children, but the girlfriend can use contraception' remarked some community health workers.

Although widely accepted as, to some extent, natural for men, there is no way in which infidelity on the part of the woman can be condoned; it is never permissable 'oh no, she may not be loved', as one professional woman remarked), and the sort of reaction it provokes is reflected in the following case[20]:

> Mr Bt. had had numerous affairs, had allegedly impregnated two of the girls who had worked for the family, and had tried to persuade Mrs Bt.'s illegitimate daughter of twelve to sleep with him. When Mrs Bt. had had an affair, which she claimed she had been 'pushed into' by her husband's behaviour, he had taken it very badly when he had accidentally found out, and had threatened to kill her: 'Do you know what the Zulu custom is about a woman who commits adultery - she is killed', he had told his wife, who feared for her safety. When she had confronted him about his countless affairs, and the pregnant girls, he had claimed that this was his privilege 'as a man'.

Whereas behaviour of this type is a 'shame' for a woman, it is, as one minister put it, a 'glory' for a man (van der Vliet,1982:262 also notes the prestige attached to a man's having affairs). There does definitely appear to be a positive cultural value attached to a man having another,

or various other, women apart from his wife, and the secret, as one professional man pointed out, was to let one's friends know without one's wife knowing. Men said 'that's a real man, I wish I could be in his shoes', and a personnel officer related how he had heard men in the factory talking about him, and saying 'Gm. can't talk to you, he stays with one woman, he's not a man'. A male clerk claimed that it was 'too difficult to have just one woman', in that a woman could be satisfied with one man, but a man needed (physically) more than one woman. It is not only one's image in the wider community which may be at stake, but living by such ideal normative standards may also positively affect a man's own self-image, and is perhaps one of the few ways in which he can achieve status in his own and in the community's eyes. A minister, for example, related how a man he knew was able to 'be someone' in the home of his domestic worker girlfriend (the comfortable room she had as a 'live in' domestic worker), whereas in his own home in a squatter settlement he was constantly reminded of his inability to provide sufficiently well for his family. 'In one way or another you assert yourself' one executive remarked in connection with 'other women'.

It is difficult to assess the extent to which what are perceived as 'traditional' ideas about the ralue of polygamy are important. Unlike Harrell-Bond's informants (1975:140), some educated men resented the label of 'polygamist' often applied as a stereotype by whites, having themselves selected, and attempted to live up to monogamous standards. Other men referred to their father and/or grandfather as having had two or more wives, and contended that they fell between the two stools of 'traditional' and 'Christian' marriage: 'That traditional tie is not severed', stressed one professional man. Women are quick to point out that the men have been brought up in the Christian church, according to Christian standards of

monogamy, and are merely using 'tradition' as a rationalisation of their infidelity, as was verbalised during a discussion involving two couples (professional/white collar), excerpts of which follow:

Male '.....black men.....educated class, he's got two minds. He's grown up in Christian rites, so supposed to lead Christian way of life. At the same time, he knows that the forefathers used to have this particular rite, then in his mind he's using both Christian rite and the customary rite.....'

Female: '.....as Christians we know what is expected of us.... in marriage one partner becomes unfaithful, and when he is engaged in unfaithful ways he then turns to traditional things, makes them an excuse, doing it because it was like this. Whereas he wasn't brought up that way....same with my husband, he wasn't brought up that way, but when they engage in these extra-marital things they tend to use it as an excuse; it's just the unfaithfulness of the men, or the partner concerned... when it suits them they like to go through modern ways, when it suits them they like traditional ways'

Certainly other studies of marriage in Africa point to the selective use of 'tradition' by men (Clignet and Sween,1974; Harrell-Bond,1975; van der Vliet,1982), and accusations similar to those I have cited above were made by other female informants such as an experienced counsellor who remarked that 'When it suits them they'll hang on to the past, when it suits them they're avante-guarde'.

Whether or not these women are correct in their allegations is not easy to assess, for it is likely that many men have not internalized positive values about monogamy in spite of having been brought up within a Christian church. In this regard, the father's role as a model for his son is important, in that identification with the male role model should theoretically be the crucial variable in the internalization of values of this type. A father who has more than one wife, or who does not conceal values about mistresses, is clearly providing a different sort of model to that provided by a father who lives up to his monogamous ideals. Women were quick to point out that as children men would have seen only the superficial aspects of a

polygamous home, and would have thought 'when I grow up I will have four wives' as, perhaps, their grandfathers had; they would not have been aware of the tensions which simmered under the surface, such as wives at loggerheads with each other but who, having 'no say' as women, had to pretend in front of their husbands that all was harmonious. Sometimes the polygamy of the Zulu king was mentioned as being a contributory factor, in that it lent respectability to the practice.

Cultural factors of the type I have been discussing apart, there are various other structural factors which promote, or at least facilitate, extramarital affairs. Sometimes husbands, especially Xhosa-speaking ones, refer to the fact that a man may legally have more than one wife in the Transkei (see Chapter 4). Poverty is an important socio-economic factor, in that there are many young women who either have no option but to attach themselves to men for security (e.g. a young woman who is illegally in an urban area, because of the impoverishment of the rural area she originates from, and who is unable to register for legal employment), or are lured by what older men (e.g. businessmen) can offer in the way of material comforts (clothing, good food) and 'good times' (being taken out to places of entertainment), which their parents have never been able to provide, and which appear immensely attractive. One further, very important factor is, of course, the migrant labour system which facilitates a man taking another wife in town whilst his rural wife remains in the country.

Before summarising and further analysing contemporary relationship patterns in the wider socio-economic and cultural context, there is one further cultural variable which apparently continues to play an extremely important role in black marriage, i.e. practices which are popularly (by informants) classed as 'witchcraft'. The Rev. J. Tau, the Director of Soweto Marriage Counselling Services, maintains that witchcraft is believed by clients to play a part in the majority of marital problems (Tau, personal communication)

and that, in a survey carried out in Soweto, 79% of the respondents blamed witchcraft for divorce (Tau,n.d.). Are beliefs that witchcraft plays a role in marriage prevalent in Durban?

Although seldom spontaneously mentioned by informants, those questioned on this topic, whilst usually disclaiming belief in it themselves, admitted that it is believed to continue to play an important role in marriage. One minister, for example, commented that he needed first to know what people believed about the role of witchcraft in their marriage before helping them with their marital problems. Of the approximately ninety cases taken from the files of FAMSA in Durban, witchcraft was mentioned specifically in eight instances, clients suggesting it was responsible for a variety of ills:

- in two cases the wife accused her husband (and in one instance his family also) of bewitching her;
- in one case the couple themselves wondered if their problems stemmed from having been bewitched (but made no suggestions as to the source);
- in one case (described in Chapter 6) the husband's sisters accused his wife of bewitching him;
- in one case the husband (himself a sangoma) thought that, because his wife wanted to end the marriage, she had been bewitched (but did not specify the source);
- in one case (mentioned above, p.238) a woman who claimed to have been pregnant for two years blamed her husband's lover for bewitching her;
- in one case the wife attributed her husband's irresponsible behaviour (assaulting her, failing to maintain his family) to witchcraft, but didn't specify the source;
- in one case the wife attributed their unsatisfactory sex life, specifically her husband's inability to have an erection (which he said was because he was tired) to his lover's having bewitched him.

Although some of these clients had not had much schooling, and some did not claim church membership, several belonged to major Christian denominations (e.g. Methodist), several had had some years of high school education, and two women had professional qualifications. It is probable that suspicions of witchcraft were present in more cases handled by the FAMSA social worker than these eight alone, for people, especially if they are well-educated, are often reluctant to admit to such 'irrational' beliefs.[21] How widespread

beliefs such as these are is impossible to assess, but one black social scientist conceded that it was probably true to say that witchcraft was the commonest cause of marital break up.

The most commonly mentioned form of witchcraft is the use of medicines. Women, for example, might put certain herbs in their husbands' food, or rub substances on their bodies, to try to keep their husbands' love, especially if they feared losing him to another woman.[22] If a husband found out, or suspected such goings on, he would leave his wife. A young secretary, who assured me that 'if you believe in it, it does happen, it does work' related the story of her aunt, who had been able to get her husband to do whatever she wanted (Berglund,1976:285/6 links a man obeying a woman to ubuthakathi). A girlfriend had told her uncle what was wrong, and had arranged for him to receive help from an inyanga (herbalist), and the medicine which he had been given had enabled him to vomit up what his wife had put in his food in the first place, whereupon her influence over him had ended and they had divorced. It is, as pointed out in Chapter 1, suspected that medicine has been used in marriages which do not last. Other purposes for which umuthi may be used in food include a man giving his wife a preparation which will make her not mind any more about his girlfriend, or a jealous girlfriend using this method to bewitch the wife. Umuthi applied to the hands is also thought to be capable of influencing the behaviour of another, in that if a man applies it to his hands he can make a woman do whatever he wants. One female client at FAMSA refused to shake her husband's hand in the counsellor's office, saying that he had put umuthi on it.

It seems that witchcraft continues to explain what, to the individual, appears otherwise inexplicable. During a period of marital stress, when Phinde was behaving in an irresponsible manner, Musa suspected that one of his ex-girlfriends, who was jealous of their marriage, might be responsible, assuring me that 'these girls can do these things'. However, visits to

various izangoma convinced her that his behaviour was probably connected to some neglect of duty, on Phinde's part, towards one of his ancestors, for which a beast had to be slaughtered (which Phinde refused to do). These beliefs were not seen by Musa as incompatible with her fairly strong Christian faith, for she was also at this time praying fervently for a solution to her marital problems.

Witchcraft beliefs also continue to act as a sanction against disapproved behaviour, as the following story circulating in Durban fairly recently, and originally told to me by a black university student, illustrates:

> A man who was married to a nurse suspected that his wife was being unfaithful to him, so he followed her one night. Sure enough, she met her lover after work, and they disappeared together into a disused railway coach. The husband said nothing, but paid a visit to an inyanga and obtained a certain medicine. This medicine the man somehow (details are not known) transferred to his wife the next time they had intercourse. The following time the wife had illicit sexual relations with her lover, her lover was unable to withdraw his penis from her vagina, and they remained joined together. They were removed, still together, to the hospital and there, according to my informant, they were shot because they could not be separated.

Other informants confirmed that this story had recently been circulating, as it had at various other times, in slightly different versions, in the past[23]; it was, of course, merely a rumour which had been taken seriously by some. However, as one professional man pointed out, such stories definitely had a deterrent effect when considering an adulterous relationship. Rumours aside, some do believe that this type of medicine exists (see also Longmore,1959:129), and may be used by the 'lower classes'.

What,then, can one conclude about the nature of contemporary marital relationships, the ideal components of which are culturally defined (with reference to 'traditional' and 'modern' or 'western' models) and are influenced by prevailing structural (of a socio-economic or political nature) conditions. There appears to be no single relationship pattern which can be said to characterise black marriage in Durban, but variations of a

'traditional' or 'modern' model, these variations following predominantly socio-economic lines (education and occupation of the spouses appearing to be the most important factor). The most 'modern' expectations, such as partnership, some shared social activities, some role flexibility, and smaller families appear to be found amongst the 'elites', whilst the most 'traditional' views, such as the primarily economic (as opposed to emotional) function of the spouse, and segregated social activities and roles, seem to be held by those with minimal education, especially if they are rurally-based (i.e. their families in the country), a finding which is consistent with other studies of a similar nature (van der Vliet,1982; Oppong,1981). However, like van der Vliet (1982:249) I believe it would be an oversimplification to see a movement from 'traditional' to 'modern' (i.e. along a continuum), with increasing socio-economic status, but consider that it is more appropriate to see individuals selecting what they consider most worthwhile from both models. No matter what their educational level, all retain cultural values which were customarily important about the central role of children, the importance of good relationships with the wider kin group (especially the husband's), and the value of separate (as well as, in some case, joint) activities of the spouses. Male dominance remains firmly entrenched at all socio-economic levels.

Differing perceptions of marriage by men and women emerge, women, especially if they are well-educated, tending to resent their subservient role in marriage, what they see as selfish and domineering behaviour on the part of men and, in many instances, the totally irresponsible behaviour (drinking, lack of support) of husbands. They also complain about the prevalence of men's infidelity, which some men justify in terms of cultural values. These findings confirm observations made by other researchers in South Africa (Hellman,1968;1971;1974; Wilson,1981; Cheater,1974; van der Vliet,1982) about the conflicting expectations of marriage and sex roles held by men and women. There appear to be great differences, in many instances, between

the ideal norm about a good husband, and what actually happens in practice, and one is led to seek reasons for this discrepancy in cultural and socio-economic factors.

There are noticeable similarities to what researchers have found in other parts of Africa, where 'traditional' and 'modern' models of marriage clash, and where there is conflict over husbands' affairs in ostensibly monogamous marriages, apprehension on the part of men about educated wives, and differing male and female definitions of the role of women in marriage (Harrell-Bond,1975; Little and Price, 1967; Dinan,1977). However, the fact that women, especially those who achieve, are a potential threat to their husbands' egos is not confined to African countries, for the Rapoports in their study of highly achieving, dual-career families in England, note that (1976:297):

> 'it required a husband who was either very secure or very identified with his wife's efforts (or both) to allow her to enjoy equal or superior career advantages without discomfort or disruption'.

An analysis of black marital relationships reveals features which are common to similar socio-economic groups in other parts of the world as well as features which are unique to the South African situation. I suggest that the sort of conflict which appears endemic to black marriage, such as the pattern of the 'irresponsible' behaviour of men, and the pervasive tension over the balance of power in marriage, can only be understood by viewing it in its wider socio-economic context.

As anthropologists and sociologists point out (Schneider and Smith,1973; Yorburg,1973; Komarovsky, 1967), in industrial countries work is of paramount importance in a man's life, and is of significant import for his family, in that there is a carry-over from occupational to familial roles. Not only do'middle-class' jobs promote autonomy and job satisfaction, which positively affect a man's self-image, but earnings and expertise which are part of the job re-inforce the husband's role as head of the family. Conversely, lower-paid

unskilled jobs provide less work satisfaction (amongst my informants various men commented about women's lack of understanding of their frustrations after being 'kicked around' at work), and are also less secure (i.e. more liable to retrenchment). Such work does not support a patriarchal authority structure, as Yorburg, writing about the lower class in America, points out (1973:169):

> 'The effective dominance of the wife and mother is strongest in this class, despite the appearance of male dominance, because the husband is least able to legitimate his authority in the home by means of personal or economic assets'

In South Africa, the patriarchal ideal is still emphasised and, in the majority of marriages, comes into sharp conflict with the structural realities, in that most black men fall within the working class; in 1977, 85,8% of blacks fell into this category (Meth,1983:194).

It is in this context, where the political, legal, economic and, to some extent, religious sanctions which legitimized the patriarchal authority structure in the past have fallen away, that conflict between men and women in marriage must be viewed. Comments from several men revealed that earning ability and authority structures in the home are closely linked for,as Komarovsky notes(1967:68):'Money is a source of self-esteem and of power'. The educated, professional woman presents an obvious threat under circumstances such as these, but so also does her less educated sister. Black women with minimal education have shown themselves, of necessity, extremely resourceful, seeking employment through avenues such as domestic service, or through making the most of informal sector opportunities. Women now bring to their marriages money, which they have earned independently of their husbands (in contrast to their former economic dependence on their partners), as well as the expertise they have learned in their work spheres, both of which have been shown to be crucial components in decision-making in the family (Blood and Wolfe,1960). The challenge they present to their husbands is obvious.

However, one must look further than merely the work situation, to the whole position of black persons in South Africa, to understand more fully why so many black marriages, including those of 'middle-class' couples, are far from satisfactory. Black persons in South Africa are daily reminded of their 'difference' to the ruling whites, with all the implications of inferiority that accompany these differences, and almost every aspect of their lives is regulated (such as where they may live and work), resulting in feelings of powerlessness and lack of control over their own lives. As Hellman (1974: 22) remarks:

> 'Some believe, as I do, that the disruption of family life is exacerbated by the fact that the African man, who is losing the patriarchal authority he wielded in traditional society at the same time has been stripped of his human dignity by laws which discriminate against him on the grounds of race'.

Although these laws affect women just as badly - in fact more so in some respects(e.g. their legal position) - the effect on men may be more obvious because of the dominant social and political status they customarily enjoyed.

One experienced black marriage counsellor, who had commented that the black man was 'somebody stripped of his manhood.....the only place he can be someone is in his home', suggested that 'women must show that they can be men in the home....we have a real role in shoring him up'. Women, striving under adverse circumstances to raise children, and bearing the brunt of their husbands' dissatisfactions, may find that 'easier said than done', and the fact that many marriages do not survive such pressures as I have described is perhaps not surprising. It is to the breakdown of marriage, as part of the wider aspect of marital dissolution, that I now turn in the next chapter.

(*) Death
- The role played by umakoti
- see Daber's Thesis.
- Patti Henderson's research Paper @ Ridgeville - Aids (the role of women) + expectations
- Maxine's presentation (HIVAN Paper)
- Death of a spouse. → leads to ukungenwa komakoti (Levirate).
- Even after death of a spouse, 'the' umakoti is a property of husband's home.

CHAPTER 8

THE DISSOLUTION OF MARRIAGE

When does a marriage cease to exist? When did it cease to exist in the past? What sort of factors lead to, and are associated with, its dissolution? These are the central questions this chapter seeks to answer. Dissolution may occur either during the lifetime of the partner, or at the death of one. Firstly, I shall give attention to those circumstances under which a marriage dissolves during the spouses' life time.

Dissolution may be formalised, as when a legal decree of divorce is issued by a Divorce Court in South Africa, or when a customary union is dissolved by a magistrate or Commissioner's court, or it may take place without any formalities, as when contact between husband and wife ceases (Mair,1971:178). These different ways of terminating a marriage are sometimes referred to by anthropologists as de jure and de facto divorce respectively (E.Goody,1962:51)

Like the laws pertaining to marriage, legislation surrounding statutory (as opposed to customary) divorce in South Africa is derived from similar laws enacted in Western Europe after the Reformation. Until the Reformation, control over the dissolution of marriage was vested in Ecclesiastical courts, which had gradually assumed this responsibility in different parts of Europe during the Middle Ages. Since the church maintained the doctrine of the indissolubility of marriage, these courts did not permit divorce, but granted annulments under a variety of circumstances and, as Westermarck, quoting a certain Lord Bryce notes: 'the rules regarding impediments were so numerous and so intricate that it was easy, given a sufficient motive, whether political or pecuniary, to discover some ground for declaring almost any marriage invalid' (Westermarck,1926 :290).

Following on the denial of the sacramental and indissoluble nature of marriage by certain Reformist churches, and the recognition by Luther of secular authorities to intervene in this area, divorce in certain European countries (e.g. Germany, Scotland) was granted by civil courts from the sixteenth century onwards, on grounds of adultery and desertion. In England the termination of marriage actually became more difficult after the Reformation, for although the Ecclesiastical Courts, now in the hands of the Church of England, retained control in this area they did away with the machinery for obtaining easy annulments. From the late seventeenth century onwards divorce was obtained by special Act of Parliament only, and it was only with the passing of the Civil Divorce Law of 1857 that divorce fell within the purview of the civil court in England (Weitzman and Dixon,1980:145; Westermarck,1926,291-3). Since some Christian churches continue to exert a great deal of influence over their members in matters of divorce, I shall give a brief overview of the position of the different churches on this matter, before discussing the legal regulations governing divorce in South Africa at present.

The precepts of the Roman Catholic church remain essentially the same as they did at the time of the Reformation,in that a proper marriage, once contracted, remains indissoluble, and only annulment, under certain circumstances, is permitted. However, the number of annulments granted in recent years appears to have increased greatly, this increase being attributed by a member of the local Marriage Tribunal not to any growing leniency on the part of the church, but to a recognition by the church of those factors shown by medical and social scientists to influence the ability of individuals to contract a valid marriage in the first place. Grounds for annulling the union exist if it can be shown that one or both parties were, at the time of the solemnization of the union, incapable of entering into a Christian marriage. Evidence of this incapacity might be found in such

diverse factors as the lack of true Christian faith on the part of one or both partners, personality malfunctioning, or marrying under duress (e.g. a 'shotgun' wedding).[1]

Annulments, which may take place years after the marriage, are granted only after a detailed enquiry by the local Marriage Tribunal (staffed by priests), and only if there is an Appeal against the decision is the case referred to another (South African) Marriage Tribunal, the final Court of Appeal being the Roman one. No charges are levied, apart from possibly those covering expenses such as travelling or postage.

Although certainly not intended, in Durban this whole procedure seems to work against blacks, in that whites appear to have more access to information concerning the feasibility of annulment. A member of the Tribunal conceded that, already short-staffed, the Tribunal would be severely pressurised if flooded with applications by blacks for annulments. The need for blacks to be made aware of the possibility of seeking annulment is illustrated by the following case:

> Mrs Zd, a 41 year old nurse aide with a Std.VIII education, had been married for 15 years, and had three children aged 14, 13 and 12. The marriage had never been happy, Mr Zd having spent most of his time away from home, engaging in numerous affairs and not supporting his family. When she had tried to force him to support his family by obtaining a maintenance order he had left his job but, since he ran a very busy shebeen, Mrs Zd knew that he was well able to afford maintenance. He had been living with another woman for the past two years, and Mrs Zd and her children shared a room with five other people. Mrs Zd was very worried about her children, who were not registered in Durban, for they would later have problems finding employment. She realised that if she were to divorce she might find alternative accommodation more easily for at present, as a married woman, her husband would have to sign for her, and he probably would not be prepared to do so since he was in an urban area illegally. If she had accommodation she thought she could register the children herself since she had urban rights. However, Mrs Zd could not bring herself to decide on divorce, for the church law about it was a big factor in her life. The priest she had approached (her parish priest) had told her she should not divorce, and that he was praying for her.

In this case, the religious convictions and/or the sanctions operating (the censure of the parish priest, and possibly the fear of divine retribution) acted to exaccerbate the already serious problems of a structural (influx control, accommodation) nature which Mrs Zd was experiencing.

Until very recently the official position of the Anglican church had remained similar to that of the Roman Catholic church, in that marriage was regarded as indissoluble; however, annulments appear to have been exceedingly difficult to obtain. After a debate by the General Synod of the Church of England in November, 1983, it was proposed to officially permit the re-marriage of divorced persons under certain circumstances; opposition to the proposed move, however, has resulted in the original ban on approved re-marriage remaining in force, at least officially. Unofficially, apparently, re-marriage of a divorcee has being occurring for several years, including in South Africa.[2]

Other Christian churches, such as Lutheran, Methodist, Congregational, continue to recognise civil divorce, and are prepared to re-marry divorcees under certain circumstances. As one Methodist Minister, for example, pointed out, theirs is a view of re-marriage based on the doctrine of forgiveness for past mistakes (see Chapter 5 about the differing conceptions of marriage held by the various major churches). This line of reasoning obviously flows from the changes introduced by Luther with the Reformation.

The Roman Dutch laws on divorce which South Africa inherited were formulated in Holland after the Reformation in 1580; these laws, which did not accept Canon Law on the indissolubility of marriage, permitted divorce on grounds of adultery and desertion. Apart from some modifications, such as the inclusion of Incurable Insanity and Habitual Criminality as grounds of divorce (Durban Marriage Guidance Society, 1973), the divorce law in South Africa remained largely unchanged until July, 1979, when the Divorce Act of 1979 became law. The Kwa Zulu Legislative Assembly enacted this same

piece of legislation in November, 1980, and during the intervening seventeen months (i.e. since the passing of the 1979 Act in South Africa) the old and new divorce laws operated side by side in Natal: If the Plaintiff lived in Kwa Zulu the divorce proceedings were conducted in terms of the old legislation, if he/she lived in South Africa, proceedings followed the new Act.

As well as the legislation governing the dissolution of statutory (i.e. church or civil) marriages, there are provisions for the dissolution of customary unions, these provisions being laid down in the Natal and Kwa Zulu Codes of Law. Before describing these provisions, I shall give attention to the procedure surrounding statutory divorce.

Under the old legislation (i.e. prior to 1979) Plaintiff had to sue for divorce, and to present a convincing case to the court for the granting of a divorce on one of four grounds, i.e. Adultery, Desertion, Incurable Insanity or Habitual Criminality. Desertion included both malicious and constructive desertion, the former describing willful desertion of one partner for no good reason, and the latter covering those cases in which a partner was given good cause, by the behaviour of his/her spouse (e.g. physical abuse, excessive drinking) to leave the conjugal home. Most white divorces were granted in terms of Desertion (Rip,1966:31). After filing a divorce action with a lawyer an order to restore conjugal rights was made (termed a Restitution Order), delaying proceedings for several weeks, and giving the partners a chance to reconcile before the matter came to court. The granting of a divorce effectively rested on the proof that one partner had been guilty of misconduct (through deserting, or causing desertion, or committing adultery). If the Defendant contested the action brought by his/her spouse, long drawnout, expensive, and often bitter court proceedings might ensue, and Defendant might succeed in blocking the spouse's Divorce Action.

In terms of the 1979 Divorce Act, apart from Insanity, and in line with similar changes in other parts of the western world, Irretrivable Breakdown of the marriage is the only grounds for divorce. Such a breakdown could be occasioned by a variety of factors, the adultery of one partner, or his/her desertion, or even a total breakdown of communication, being amongst the indicators that the marriage has in fact broken down. As with similar legislation in Europe and America (Gorecki,1980:127) the question of who the guilty partner is in the breakdown is no longer of importance (although it may be taken into account for some purposes, e.g. when maintenance is determined). Summons to appear in court for the hearing is issued on the application for a divorce, i.e. no longer is a Restitution Order issued. Although Defendant may theoretically oppose an Action which his/her partner brings for divorce, in practice there is little he/she can do to prevent it occurring in the long run, as the couple's living apart for a year or more is taken as an indication that the marriage has irretrivably broken down. The net result of the new type procedure (i.e. no Restitution order, and the futility in the long run of opposing the Action) is that the whole process of divorce may occur far more speedily than in the past, and that a partner who does not wish to divorce can do virtually nothing to prevent it occurring.[3] Although the Act contains provisions for the court to refer a couple to a marriage counsellor (Sec.4(3)), this provision appears seldom utilised.

In addition to changing the grounds and procedure and, in fact, the whole philosophy of divorce, the 1979 Act has also done away with the previously existing alternative to complete divorce, i.e. judicial separation. Prior to 1979 this option existed for couples who did not wish to live together, but who did not consider complete legal termination necessary. Grounds for Judicial Separation were wider than those for divorce, and this course of

action allowed couples a 'breathing space' to sort out difficulties (Durban Marriage Guidance Society,1973), and was also advantageous for a woman whose husband was illtreating her; not only would she be entitled to the normal financial support for, since she was still a wife she would receive more maintenance than she would as an ex-wife, whilst still living away from her husband, but she would remain entitled to existing pension and medical benefits. The fact that this alternative has fallen away is a distinct disadvantage to some women, as the following case illustrates:

> Mrs Kh, a 47 year old nurse aide, had been married for 23 years when she approached a counsellor for assistance. During their marriage, Mr Kh, who was employed as a clerk and earning a fairly good salary, had failed to maintain her and their five children, insisting that his wife worked, and assaulting her when she refused to hand over her earnings to him. At present an order from the Mainteance Court deducted R100 p.m. from his salary for herself and the children. He showed his resentment of this order by assaulting his wife when he was paid, and she had once been hospitalised as a result of these assaults. Mrs Kh. alleged that she had charged her husband on several occasions, but that he had 'bought the police off', for he had lots of money saved. Mrs Kh, who had been referred to FAMSA by the hospital where she had received treatment, was a sickly woman, suffering from hypertension, generalised arthritis and chronic bronchial asthma, but she needed to retain her job, for with her earnings and the R100 maintenance she supported her own five children aged from twenty to nine years, one granddaughter, and her husband's widowed sister and her children who lived with them. Mrs Kh. did not want to divorce her husband because (i) she was not young anymore [see below] and (ii) she would lose her benefits if she did, i.e. pension benefits from her husband's firm, and the medical aid facilities which included her children. A magistrate had suggested a judicial separation but, in 1981 when Mrs Mk. was seen by the counsellor, the New Divorce Act had eliminated this alternative.

The new type divorce legislation has come in for a great deal of criticism because, through making divorce more easily obtainable, it appears to have contributed to soaring divorce rates, both in South Africa and in England, where similar legislation was introduced in 1969, and an enquiry into its workings was launched in South Africa during 1983 (see footnote 3, p.276) It is certainly true that, from the point of view of the dissenting partner, the ease of divorce may provide real hardship, particularly until such time

as amendments are made to existing regulations concerning the marital property rights of blacks (see Chapter 5). However, putting the new divorce laws in sociological perspective, they seem to merely reflect prevailing norms about marriage, i.e. that it is an individual affair, centred around love and a good relationship, the continued existence of which rests on the mutual consent of both parties. What is obviously needed is adequate protection for the financially dependent partner and/or the children of the union. As the presiding officer at one of the local sittings of the Black Divorce Court pointed out, the court is merely putting the 'rubber stamp' on a marriage which has, in the majority of cases, already ceased to exist except in name.

The impression is that generally blacks seek divorce only as a last resort (what statistical information there is is discussed below). Attitudes towards divorce in the black community are negative and, whilst it is recognized that divorce inevitably occurs, its occurrence is viewed with regret[4], and as a step to be avoided at all costs if at all possible. Divorce is felt to be most unfortunate for the children of the marriage, and it reflects badly on the woman, being particularly reprehensible for an older woman (a phenomenon which will be discussed further below); divorce shows that a woman has failed as a wife and, in the words of informants, she is seen as a 'misfit', an 'unending stigma of failure' being attached to her. As the admonitions she receives as a bride-to-be and a new wife make clear, it is the responsibility of a woman to make a success of marriage and, if the union does not last it is largely she who is held responsible. Although guilt is not a factor which is taken into account when a statutory divorce is granted (unlike the case with customary union dissolutions, which are discussed below), in the eyes of the community there may be some sympathy for a woman who divorces if she is obviously not in the wrong in any way (if, e.g. it is known that her husband drinks heavily and is violent towards her).

When problems are experienced in marriage a 'family conference' is called to try to overcome the difficulties. The immediate kin of both husband and wife (parents or guardians, and possibly grandparents and/or aunts and uncles) and the couple themselves meet; each spouse is then required to state his/her case, and each is questioned by any of those present. The problems are then discussed by those kin who are present, and they make suggestions to the couple about putting matters right. If this first step fails to effect any improvement, the problem may be taken to a township counsellor, or a minister, or even to one of the other township officials (e.g. one of my informants, a clerk in a township office, had dealt with marital disputes). It appears that, only if all else fails, may a social worker or marriage counsellor be consulted. However, the role of education is probably important when deciding on the course of action after the family conference, for professional people, for example, are probably far more likely to seek help from a marriage counsellor than a township counsellor or official.[5]

If existing problems cannot be overcome, either with or without outside assistance, and one of the partners decides on a divorce, he or she approaches either a lawyer or the clerk of the Commissioner's Court. If the latter course of action is chosen, and the divorce is handled by the Commissioner's Court without recourse to a lawyer, costs are minimal (R30,00 in 1980). In practice, parties to a divorce usually appear to prefer a lawyer to handle, or to defend, the action, husband and wife choosing different legal representatives. Women, in particular, feel their interests are better served through enlisting independent representation; fears are sometimes expressed by women that officials may be biased towards their husbands. Both parties to a divorce may prefer a lawyer to safeguard their own interests in matters of maintenance, property and the custody of the children, the two latter issues sometimes being interlinked and particularly contentious.

Summons is issued, and a date set for the Divorce hearing. At the hearing Plaintiff is called into the witness box and, in addition to procedural questions, is asked about the history of the breakdown, such as how long the couple have been apart. The Defendant is not called unless the case is contested. The length of the proceedings prior to the granting of the final decree varies, depending largely on whether the summons is served in time, whether the Plaintiff appears in court on due date, whether Defendant contests the Action, and whether the custody of the children is disputed, all of which factors may on occasion delay proceedings.

Prior to the granting of a final order of divorce, the court must decide about the custody of the minor children, awarding it to either the husband or the wife, the party not receiving custody being granted certain access to the children. If the custody is contested, the court may order an enquiry by a probation officer into the circumstances of the parents, to assist in arriving at an equitable decision about who is best able to look after them. One lawyer (black) alleged that fathers may strive to retain the control over the children in order to retain the family accommodation, for preference would be given to the mother's right to remain in the family home if she had been given custody of the children[6].

This whole question of the custody of the children may be most unsettling for them, particularly if divorce proceedings drag on over several months. The Black Divorce Court, a section of the North-East Divorce court, travels around Natal, and sits in Durban, Pietermaritzburg, Eshowe and Vryheid in rotation so, after spending a few weeks in Durban, it leaves for other centres and returns to Durban a few months later. If one of the partners has not received summons, or if a probation officer's report is called for, the hearing is postponed until the next sitting a few months later.

In one case I witnessed in the Durban court, for example, the father had fetched the children from the wife's mother's home in the rural area, where they had been at school, in an attempt to retain custody; when the mother contested her husband's right to retain the children, the case was postponed for several months in order for a probation officer's report to be obtained, which meant the end of the children's schooling for that year since there was no chance of their finding places in local schools.

Although the custody issues must be settled prior to the granting of the final decree, the question of maintenance may or may not be settled prior to that time, for it can be dealt with by the Maintenance Court after the final decree has been granted. Maintenance for children is usual, the father being ordered to pay a certain sum per child; provisions also exist for the wife to claim maintenance, provided she does so at the time of the divorce (even if she only asks for R1,00, and the Court agrees, she may later apply for it to be increased), and when considering whether or not to allow a woman maintenance factors such as the length of the marriage, the age of the woman, and the prospects of her re-marrying are taken into account (Mr Smith, President, Black Divorce Court, personal communication). However, from information given by officials of the Court, and the Department of Co-operation and Development, it appears relatively rare that black women who are divorcing apply for maintenance for themselves, a fact which one experienced social worker attributed to their not having been used to being maintained by their husbands even during the subsistence of the union. Furthermore, views expressed by other informants suggest that, as in West Africa, 'The very idea of maintaining a wife after divorce appears to be foreign to the African perception of marriage and divorce' (Nwogugu,1980:119, quoting from proceedings during a court case).[7]

Property matters are not dealt with by the Divorce Court, but are handled by the Commissioner's Court, as, for example, when the ownership of household possessions is disputed, or when the wife claims rights in a house. As mentioned in Chapter 4, statutory marriages are contracted either in or out of Community of Property. Those women married out of Community of Property, where marital power remains with the husband, may find themselves left with nothing when a divorce occurs, unless they have specified when a purchase is made that it is made in their name. When a house is purchased, wives often contribute a great deal towards paying for it, but they may claim nothing back in the event of a divorce unless they can produce in court receipts reflecting their payments. If a couple are married in Community of Property the wife is, theoretically, entitled to half the proceeds of the couples' assets on divorce. Since the husband holds the marital power he may, of course, dispose of assets such as a house prior to the divorce. Furthermore, even if the house is sold at the time of divorce, and the husband has outstanding debts, these would be deducted from the sale price before it was shared.

Should a man wish to claim back his ilobolo from the woman's father or guardian, such a claim would be handled by the Commissioner's Court, since this matter is a customary and not a statutory one. The opinions canvassed about whether ilobolo should be part of the legal contract have already been mentioned (Chapter 4) and it does appear that, in spite of the provision in the Code that a refund may be claimed upon dissolution of the union, the opportunity is seldom made use of in Durban. In the records of the Durban Commissioner's Court for the period 1979 - 1982 I encountered only one case, that of Gabela v. Mbatha

> Plaintiff was suing his wife's brother and guardian for the return of four head of ilobolo cattle @ R100,00 per beast, plus sundry expenses incurred (e.g. legal costs, and money in lieu of goods allegedly taken by the wife). A week after the marriage in 1969, Plaintiff's wife had deserted the conjugal home, and had remained away, having either married, or merely cohabited with, another man. Summons was served on Defendant on 6 August,1981, and Notice for Default Judgment was set down for 1 November 1981

It is not clear what the outcome of this case was since nothing further had been entered in the file when it was perused in May, 1982, the matter presumably being still pending at that date.

Conversely, any ilobolo which had been promised, but never delivered, may be claimed by the wife's guardian upon dissolution of a marriage or customary union; e.g. when the Cele customary union was dissolved in 1981 (Case No. 378/81) the wife's guardian claimed four outstanding ilobolo cattle at R100,00 each. In an Out of Court settlement Defendant (the husband) eventually agreed to pay R200,00, which was accepted by the wife's guardian.

The procedure with regard to the dissolution of customary unions differs to that of statutory divorce and, if the services of lawyers are not enlisted, it is far more economical than statutory divorce. The partner wishing to dissolve the union approaches the Department of Co-operation and Development where, with assistance if needed, he or she draws up the summons for the Defendant to appear in the Commissioner's Court on a set date. The only costs involved (if there is no lawyer) are (or should be) those covering the fees of the Messenger of the Court who delivers the summons, and the revenue stamps affixed to this legal document. However, that unsuspecting Plaintiffs may be exploited if they are not familiar with the correct procedure is shown by the case of Mrs De., who was told by the official she approached in a certain magesterial district near Durban that it would cost her R50,00, plus some money for cigarettes for him. Having taken the R3,00 she had on her, he told her he could not help her until she returned with the full amount. Mrs De. became suspicious because the same procedure had cost her only R4,50 in Durban, and she had enlised the help of a social worker, who had reported the matter to the chief magistrate of the area.

The date is fixed for a hearing at the Commissioner's Court, and at this hearing both parties (plus the woman's legal guardian if she lives in Natal) should appear. Defendant may decide to oppose the Action, and either

or both parties may, if desired, utilise the services of a lawyer. Various grounds exist for dissolving a customary union, and they are as follows in both Natal and Kwa Zulu (as set out in the Codes):

(a) adultery;
(b) continued refusal to render conjugal rights;
(c) wilful desertion;
(d) continued gross misconduct;
(e) undergoing a term of imprisonment of not less than five years;
(f) that conditions are such as to render continuous living together insupportable or dangerous;

In addition, a wife may sue her husband for divorce on two additional grounds:

(a) gross cruelty or ill-treatment, or
(b) if he accuses her of witchcraft or makes other serious allegations against her.

An analysis of twelve dissolutions[8] which were granted in the Durban magesterial district in 1980 and 1981 reveals that, with the exception of those grounds concerning witchcraft accusations and imprisonment, all other grounds (or behaviour which could be construed as constituting these grounds) were used when divorce actions were brought, as the following breakdown of eleven of the cases shows:-

Behaviour husband/wife	Number of times mentioned
Wife's desertion	5
Husband assaulting wife	6
Husband's failure to maintain	3
Husband's desertion	1
Husband's failure to render conjugal rights	2
Husband's chasing wife away	4
Husband's drinking excessively	1

The above-mentioned reasons, taken as a whole, suggest that the greater frequency of desertion on the part of wives than of husbands may be of a 'constructive' nature, i.e. that the wives, through the behaviour of their husbands, have been obliged to leave the family home.

In one of these cases the husband's having committed adultery was mentioned, amongst other factors, but in no instance was it advanced as a sole ground for divorce. Bekker (1976) notes that adultery by the husband did not

feature amongst the grounds for dissolution of fifty customary unions in Empangeni, details of which he scrutinized, and concludes that 'It would thus appear that the traditional attitude towards adultery still prevails' (1976:349). The picture which emerged during my own research of the double standards which prevail concerning adultery on the part of men, as opposed to that of women, supports Bekker's conclusions.(see Chapter 7)

In thetwelth case of dissolution of customary union in Durban in the period referred to, a case fairly atypical, as compared with the others, it was the wife who was accused, not only of drinking excessively, spending nights away from home and committing adultery, but also of assaulting her husband!

The Codes also stipulate that attempts to reconcile the couple should have been made before consideration is given to dissolving the union, these attempts being described in a sworn statement by Plaintiff (the wife) in the case of Ngidi v Ngidi (Ref. 327/81) thus:

> 'On 15 February 1975 I went to Defendant's home with the child and slept there. Defendant was with someone else. They asked me what I had come for. Defendant threatened me with a spanner but did not strike me'

The hearing may be postponed if no such attempts have been made. The union will be dissolved if it can be shown that attempts to reconcile have been made and have failed, and that adequate grounds exist to terminate the union. Those women residing in Natal must return to the custody of their guardians, or 'protectors' (e.g. brother, son). A decision is made about the custody of the children either during the dissolution hearing or at a later date, and the commissioner may, as in the case of statutory divorce, order a probation officer's report into the circumstances of the parents if custody is disputed.

On the surface, comparatively few customary unions appear to end in dissolution, in that in the 1980/1 period only twelve dissolutions occurred (see footnote 8, p. 284) as compared with 291 such unions which were contracted during the same two year period. However, these figures apply to only one

magesterial district out of the four in which the subjects of this research live and work, and out of approximately fifty in Natal and Kwa Zulu as a whole. Furthermore, as Rip (1966:33) points out, comparing divorces in any given year with marriages contracted during that same year (as, e.g. is done when expressions such as 'one in three marriages end in divorce' are used) is a very crude measure of divorce rates, which should ideally be expressed as numbers of divorces in any given year per 1 000 existing marriages. Such an index facilitates cross-cultural comparisons of divorce rates (as, e.g. in Goode,1961:482).

Due to the paucity of available statistics it is exceedingly difficult to make any meaningful statements of a quantitative nature about black divorces. Although information about the number of black divorces in Natal is available, there is no corresponding information about marriages; statistical data about marriages exists for the individual magesterial districts and for the whole of South Africa. No central statistical information is kept about the numbers of customary unions contracted, nor about dissolution, and to acquire such figures approaches would have to be made to the various magesterial districts (as mentioned above, there are approximately fifty in Natal, at lease four of which are partly or wholly in the greater metropolitan area of Durban, i.e. Umlazi, Verulam, Pinetown and Durban itself).

Information given by the Natal section of the North-Eastern Divorce Court[9] (i.e. Black Divorce Court) which is based in Durban, shows that the following numbers of final orders of divorce were made over the past few years:-

Years	Final orders
1980	689
1981	987
1982	1120
1983	1260

These figures represent divorces which occurred over the whole province, i.e. in all four centres in which the Divorce Court sat and, unfortunately, no breakdown per area was available. From the number of summonses which were

issued in the years 1974 to 1979 inclusive,[10] for which a breakdown was available according to area, approximately sixty percent each year were issued in the area served when the Court sat in Durban. However, since there is no comparable data about marriage available, these statistics cannot be used for estimating even a crude divorce rate. Although these figures reflect a definite increase each year in the number of divorces, doubtless the number of marriages are also increasing, so it is not possible to assess whether the rate of divorce is actually rising. The large jump between 1980 and 1981 may or may not be related to the passing of the new Divorce Act by Kwa Zulu at the end of 1980. Unfortunately, no statistics are available for the final orders of divorce granted prior to 1980, but the number of summonses issued for the period 1974 to 1979 (which did not, of course, necessarily end in divorce) were in excess of 1 000 during each of those years, reaching a peak of 1 405 in 1976, 228 more than in 1975, before decreasing again to 1 197 in 1977, i.e. fluctuating for no apparent reason. Even if one were to calculate the number of marriages, as Simons did (Simons,1968: 69)on the basis of 8 - 10 persons per 1 000 marrying in any one year (e.g. if 10 persons per 1 000 in Natal and Kwa Zulu had married in 1980, 47 663 marriages would have taken place on the basis of available population figures for those areas[11]) it would be impossible to calculate how many were statutory and how many were customary, and therefore impossible to assess the divorce rate for the province.

There is also no way of making meaningful comparisons between the numbers of divorces which occur and the number of dissolutions (customary unions) which take place, since there is no comparable information on dissolutions for either the whole of Natal, or for the area served by the Divorce Court when sitting in Durban. In Durban, as already mentioned above, twelve unions were, as far as can be ascertained, dissolved over a two year period.

Bekker (1976:489) noted that in Empangeni some fifty cases of unions being dissolved had occurred over a seven year period (1967 - 1974), a yearly average of seven. If, say, six dissolutions occurred per magesterial district per year (and there is no way of estimating the number short of perusing the records in each district), the total would amount to 300 per year for the whole of Natal. Although this figure is still considerably lower than the total number of divorces, it is possible that fewer customary unions are contracted than statutory marriages. Dlamini (1983:5) suggests that customary unions are on the decrease, but admits (ibid:31) that there are no statistics to prove it. In Durban, in 1980/1981 only 292 customary unions were contracted as against 1 076 statutory marriages which took place during the same period, but it is quite possible that the proportion of customary unions is far higher in the country. Unfortunately, without adequate statistics it is not possible to make comparisons of even crude divorce and dissolution rates.

However, even if official figures were available about the number of legal divorces and dissolutions, there is one further very important fact which would make meaningful statements about the extent of marital breakdown virtually impossible: It must be borne in mind that informal termination of a marital union, when one or both partners simply drift away from the conjugal home, also occurs, and obviously there are no official records of what amounts to de facto divorce.

Desertion, particularly of wives by husbands (Clark and Ngobese :1975:31-3; Preston-Whyte,1973:268/9) is not at all unusual. Derman reports (personal communication) that in the Sipondweni district of Northern Natal the formalities associated with terminating the existing union and contracting a new one are not necessarily complied with. The extent to which such informal dissolution occurs in Durban, as elsewhere, is impossible to assess. There appears to be no official definition (e.g. in the Codes) of what terminates 'desertion'[12], and on occasion spouses may drift apart for lengthy periods

of time and come together several years later, and it is not clear why partners seek a legal dissolution in some instances and not others. Obviously a desire to formally re-marry is one important factor, and the strict control over movement and over accommodation which exists in urban areas (see Chapter 6) may lead to move formal dissolutions occurring in urban than rural areas. Several cases were encountered, both in the court records of dissolutions and FAMSA records, where the husband and wife had been apart for several or many years, and where official dissolution was sought for reasons such as re-marriage, or accommodation problems, as the following case shows:-

> Mrs Te, a 53 year old woman, had formerly worked as a domestic worker but now, due to ill-health, eeked out a living through informal sector activities. She had not seen her husband, whom she had married 31 years previously, for 23 years. She knew he was living elsewhere with another woman, but did not know if he had married her (she did not seem to have gone to much trouble to trace her husband). She had experienced problems as a married woman without a husband, and maintained she had been arrested for trespassing. She felt that if she were divorced she could try to find accommodation in her own name.

It seems, therefore, that the only valid conclusion which can be drawn about the dissolution of marriage during the spouses' life times is that large numbers of marriages are terminated, either formally or informally, and that, from what women say, it is likely that many more would be terminated if there were adequate alternative accommodation available for women. What are the factors responsible for these large numbers of divorces? As Cohen points out (1971: 11) there is a need to include both psychological and sociological variables if one is to arrive at an adequate understanding of why divorce occurs. Since my primary concern is with structural and cultural variables, such an in-depth study is obviously beyond the scope of this research. Although the use of a large random sample is recommended by some anthropologists (see, e.g. Cohen's discussion of the recommendations of Barnes and Ardener, 1971:5-8) experience as a marriage counsellor suggests that an in-depth study of a limited number of cases, which would involve both partners, would yield far more

survey-type data which a large sample would necessitate. Before turning to an analysis of available material, some comments about the role of divorce in the western world generally are in order, since the prevailing western norms, values and socio-economic factors which influence divorce rates operate in South Africa also.

Apart from the growing ease of divorce, itself a product of changing attitudes towards marriage, various sociological factors have been shown to play a part in the increasing divorce rates in the western world; these factors can be subsumed under two main, interrelated headings, i.e. changes in the economic functions of marriage and changed expectations of the marital relationship. As Goode, one of the foremost authorities on contemporary divorce notes, from a man's point of view services formerly provided by a wife can be obtained from various other sources, and for a woman an industrial society provides various opportunities for supporting herself independently of her husband (Goode,1971:306); in other words, there is now far less incentive for either spouse to remain married for economic reasons and, as one sociologist succintly puts it 'one will divest oneself much more easily from a fellow consumer than from a partner in production' (Berger,1961:29). With regard to the second factor mentioned, when marriages are based on idealised expectations of emotional fulfillment and partnership they are particularly likely to crumble in the face of unmet expectations, particularly when the dominant ethic in society is on self fulfillment. Divorce then becomes 'the expression of an indomitable hope in the future and of a stubborn conviction that happiness, in the fullest sense of the word, is not only possible but is one's inalienable right' (Berger,1961:29). To what extent have these two factors played a part in black divorce?

Firstly, as has been noted by other researchers in the sphere of African marriage (Mair,1969:68/9;Dlamini,1983:177) the role of economic factors

is undoubtedly very important, in that the type of economic interdependence between partners which existed in the past has largely disappeared under modern economic conditions and urban living. A man is no longer so dependent on his wife (i.e. in meeting subsistence needs), and she is able to support herself independently of her husband although, as has been pointed out, accommodation problems may prevent some women from going ahead with divorce.

Do 'modern' expectations about marriage play an important role in divorce? This factor is probably not of major significance in the majority of cases, because most black women appear to have fairly realistic expectations about marriage, i.e. that it is likely to be anything but a 'bed of roses' (in contrast to attitudes encountered amongst some whites). As a result of socialization patterns, and the stress on the wife's perseverance at the time of the marriage, black women generally have no illusions about the role of a wife. There is also the strong community sanction for, in the words of one nurse 'there's shame, fear of failure, that's why women tolerate everything' (see also Dlamini, 1983:176).

However, it may well be that younger, highly educated women are either raising their expectations about marriage, or, because of their personal value systems, lack the commitment necessary for them to persevere in the face of difficulties. The following three cases illustrate attitudes which contrast sharply with norms about a wife's perseverance. All three women have professional qualifications, Mrs W. and Mrs Mi. being more highly qualified than Mrs Km. and both holding good jobs; Mrs Km. was working for her businessmen husband, and was more highly educated than he was. The educational qualifications of Mr W. and Mrs Mi. were approximately the same as those of their wives:

1. Mrs Km. claimed that her husband had beaten her, and that he did not give her enough money to adequately support the family, her glamourous and fasionable appearance giving rise to doubts about the veracity of the latter allegation. Mr Km. disclosed that his wife had had numerous affairs, had taunted him with not being in her 'class' and had

made a laughing stock of him in the community. Numerous family conferences had failed to change her, and he was adamant about wanting a divorce. The children were being looked after by Mrs Km.'s mother, whose disapproval of her daughter's behaviour extended to her refusing her permission to remove the children. Mrs Km, who admitted she had a boyfriend, subsequently obtained a job in a beachfront ('international') hotel, which suited her very well, and said she wouldn't be able to look after the children anyway.

2. The problems in the W. marriage revolved primarily around the role conceptions of husband and wife. When this couple were seen by a counsellor Mrs W. had left home and was living in a multi-racial commune (in a 'white' residential area), enjoying her independence. The couple's one child was with her mother. Her own background was a fairly wealthy,'middle-class' one, contrasting to that of her husband, whose mother had been a domestic worker who had struggled to put him through university. Mrs W. complained that her husband went out in the car at weekends, and left her at home. He resented her having a maid: 'Just because his mother starved herself for him he need not think I am going to be his slave'. Mr W. declared that he was prepared to make changes to suit his wife, but Mrs W. had no inclination to return to her husband, for she was enjoying her freedom.

In these two cases, both women appeared to lack interest in trying to make a success of their marriages, their values being oriented primarily towards seeking self-fulfillment through enjoying their own lives. The third case is somewhat different in that, rather than a lack of commitment to the marriage itself (though this factor was not entirely absent), Mrs Mi's expectations of marriage were exceedingly high, and her dissatisfaction centred around not receiving enough love from her husband for 'if you don't have love you're not a human being'. Compared with other black cases dealt with by FAMSA there were few problems in the marriage, but this case demonstrates that divorce may be a function of expectations of marriage rather than the intensity of the problems which are present, and is similar to many of the problems for which whites, particularly wives, seek help because of dissatisfaction with the emotional quality of the relationship:

3. Mrs Mi, a very attractive, exceedingly articulate and self-assertive woman, was seriously considering divorcing her husband, mainly because of the quality of their emotional relationship. Mr Mi. was inclined to be moody, and sometimes after a quarrel he would not talk to her for long periods. Mr Mi. also resented her husband's tendency to associate with people who were not of their 'class'. She conceded

> her husband's good points, e.g. he was a good father and, unlike most of his friends, he did not have other girlfriends. This couple were counselled and, at the time of the last contact, Mrs Mi. had taken no further steps towards divorcing her husband.

It seems quite likely that with a growing number of educated women, and the increasing exposure of black women generally (e.g. through the mass media) to western conceptions of marriage and alternative life styles (e.g. Mr Mi. suggested that his wife's attitude was influenced by her divorced friends), accompanied by their greater financial security through access to relatively well-paid jobs (all three women cited above were able to acquire alternative accommodation), the numbers of wives who are no longer prepared to persevere will increase. Musa, for example, at one stage when she was separated from Phinde because of various problems, was seriously contemplating divorce. Secure in her job, and aspiring to make a success (through improving her qualifications) of her life, she commented to me that she had 'persevered enough'. At present the couple are still married, and although not contemplating divorce at present Musa realises that it may be necessary in the future.

It will be noted that in all three cases described above the factor of 'class' was mentioned. Brandel-Syrier (1971:106) mentions that amongst the elites she studied in Reeftown there was a tendency for upwardly-mobile men to divorce their lower-status wives. I have no information about whether this occurs amongst higher socio-economic groups in Durban; if it does occur I doubt whether it would be on a large scale because most well-educated men marry wives of an equivalent status and, probably because there are more professional women than men it seems likely that there would be a tendency towards hypogamy rather than hypergamy. I suggest that if divorce occurs for this reason it would most likely be amongst a <u>noveau-riche</u> category of businessmen who would constitute the upwardly-mobile. In America the incidence of divorce (i.e. the formal procedure) tends to decrease with rising socio-economic status (Goode,1961:493), but here I lack information about whether there are any differences in the way the

To return to the subject of structural variables which play a part in divorce it does appear that, as well as those socio-economic and cultural influences of western origin, structural factors which are unique to the South African scene, play an important role. For example, desertion, probably the main source of the informal termination of marriage, is greatly facilitated by the migrant labour system which, in turn, stems from the socio-political structure of South Africa, with its grossly unequal allocation of land and other resources, and its stringent control over the movements of the black population. The influence which structural factors exert on marital difficulties was discussed in the previous two chapters, and it is problems involving 'irresponsible' husbands which probably give rise to the majority of divorces.

Apart from the three cases described above, an examination of the other sixteen cases dealt with by FAMSA in which divorce had occurred or was pending reveals that four resulted from desertion (in three cases the husband had deserted the wife, in the fourth case the situation was reversed), and in the other twelve the husband's behaviour was the major reason for divorce, in that he failed to maintain his family and/or drank excessively and/or was violent. Lawyers confirm the presence of these problems in large numbers of divorces.

A socio-cultural perspective[13] on black divorce then suggests that factors inherent in the present socio-political structure are important variables because of the part they play in prevalent marital problems, problems which often give rise to divorce. 'Modern' type expectations of marriage probably figure in only a relatively small number of divorces. Changed economic conditions have facilitated divorce, as have changes in divorce law. Customary cultural values militate to some extent against divorce, in that women are exhorted to persevere whatever happens, and are labelled failures if they do not do so.

Finally, on the subject of cultural values, to what extent do these large numbers of divorces represent a departure from trends in marital dissolution which existed in the past. Some thirty years ago, in the classic volume 'African Systems of Kinship and Marriage', Gluckman (1950) formulated a hypothesis that marital stability was causally related to a kinship system in which rights in genetricem in a woman were acquired by her husband's patrilineal group. Gluckman based his propositions about stable marriage on his own fieldwork in Zululand, and claimed that divorce among the Zulu was 'virtually unknown'. The hypothesis gave rise to a fair amount of controversy (see de Haas, 1979) but, for present purposes, it is his assertions about the stability of Zulu marriage which are of interest. As Schneider points out (1953: 57) 'stability' may be of either a judicial or a conjugal nature, i.e. it may be judicially stable because divorce as a judicial process does not exist, yet conjugally unstable because the partners do not live with each other. Recently Dlamini has noted that his informants support the view that 'in Zulu customary law divorce was unknown' (1983:373). However, other sources suggest that, whilst the judicial machinery for regulating divorce was not present in the past (i.e. pre-white conquest), conjugally (as against judicially) marriages were not necessarily stable. Bekker (1976:347) quotes Bryant as saying that a man could himself divorce his wife by driving her away, and this assertion is substantiated by Cetewayo's evidence before the 1883 Commission of Enquiry (Webb and Wright,1978:89) 'A person can put his wife away without consulting the chiefs'. Simons, however, suggests that such dissolution was not necessarily unilateral, in that the early law reports showed that not only did men repudiate their wives, but women deserted their husbands, father dissolved marriages of their sons and daughters, and women were given in marriage to successive husbands (1968:122).

Due to the lack of any statistical information, and the probability that most marriages terminated informally even during the early period of contact with white officialdom (as many apparently still do today in the rural areas), there is no way of making any quantitative comparisons with contemporary divorce patterns (see also Wilson, 1981:144). It seems, however, highly likely that marital instability (used in the widest sense to include both formal and informal dissolution) has greatly increased as a result of the sort of structural changes detailed above. For example, although a man might formerly send his wife away, he would be reluctant to do so if he could not afford to lobola another woman because he needed her domestic and sexual services; likewise, far fewer alternatives than now exist would be available to a woman who wished to leave her husband. Although 'modern' expectations of marriage may not figure prominently in divorce, changes in the family structures from an extended to nuclear unit place an 'emotional burden' on the smaller unit which was formerly diffused within a wider kin group (Goode,1971:306; Gluckman,1955:77). Problems there would certainly have been, but under the different structural conditions which prevailed in the past they would have been of a different nature, and on a different scale, to those I have described, and it seems reasonable to conclude that a far greater degree of stability existed then than it does today.

Turning now to the second type of marital dissolution, that which occurs when a partner dies, what changes have occurred?

Firstly, it is important to remember that in the past the death of one or other of the partners did not necessarily end the marriage. Marriage, being primarily the concern of the two kin groups, the place of the deceased could be filled by a kinsman or kinswoman of the deceased through the levirate and sororate (Gluckman,1950:184/5). The extent to which these practices actually occurred in the past is not, of course, known.

Nowadays when a woman is 'married'[14] to a brother of the deceased husband, the Natal Code provides for the registration of such a union, which is termed ukuvusa; strictly speaking this term applies to what anthropologists term a 'ghost' marriage rather than a leviratic one, the latter being known as an ukungena union. During the years of 1980/1, only one such union is reflected in the register of customary unions in the Durban magesterial district, and the Estates section of the Department of Co-operation and Development appears to have handled only one such case during the past few years (Mr Mhlongo, Estates section, personal communication). When asked, men and women from different walks of life stated that they would not enter into such a union, some commenting that such an option had been a 'good thing in the past', but was out of keeping with contemporary practices. However, it is known that arrangements whereby widows continue to live with and/or be supported by their husband's brother exist informally (i.e. without legal recognition), especially when the question of accommodation is involved (i.e. a woman may be reluctant to move from the conjugal home when her husband's brother has inherited it), or the deceased's family are particularly anxious to retain control over his children. One case was described to me (by a lawyer) in which a hospital matron had entered into an informal ngena union, and some nurses described the case of one of their colleagues, whose deceased husband's family had claimed her for another son after her husband's accidental death. When the second son had also died accidentally, the family had considered her an unlucky omen, and had freed her from any further obligations. Cases have also been described to me of rural women escaping to town when attempts are made to force them into such unions on their husbands' deaths (Mrs J. Khanyile, Director Kwa Mashu Child Welfare, personal communication). However, not only women may escape in this way it seems, as the story of the father of Thandi Y. (see Chapter 1) shows:

> When the elder brother of Thandi's father had died, leaving his wife with one young child, and pregnant with another, the family had wanted Thandi's father to marry her. However, he had run away to town as a migrant labourer to escape, and had later sent money for his family to negotiate his marriage with a daughter of a neighbouring family on whom he had set his heart. There being no other suitable male in the Y. family, the widow had contracted a new union with a man from Thandi's paternal grandmother's clan (which was, of course, not ngena)

Sometimes, allusions are made to illicit sexual relationships occurring between a wife and her husband's brother during his life-time, e.g. whilst he is away at work, or spending a lengthy term in prison, and it is usually stressed that such relationships are not approved of by the community.

Cases of the sororate also still occcur, and are not necessarily successful, as this case from the files of FAMSA shows:-

> Mrs Mo., a housewife of 23, had been married to her 40 year old (matriculated clerk) husband for five years, and had a son of four by him, as well as a daughter of two from an adulterous union. Mrs Mo. claimed that the marriage had never been a good one, and she had never loved her husband who, she claimed often beat her up. Mr Mo. had been her sister's husband, and her sister had been murdered by another man with whom she had had an affair. Mrs Mo. had been forced by her parents to take her sister's place, and they had been married three months after her sister's death. Mr Mo. claimed that his wife had accused him of murdering her sister, and deceiving her family into agreeing to the present marriage. He also alleged that his wife was accusing his family of bewitching her. Mrs Mo. intended applying for a divorce, but was not able to afford it at that stage.

Other cases of sororatic unions were described to me, and it is clear that amongst some the idea that a sister is well suited to taking care of the widow's children still obviously prevails; in the absence of a suitable sister another female kinswoman of some kind may seem an appropriate substitute, as the case of Bella illustrates:

> Bella, a domestic worker, was single, aged 34, with two children aged 18 and 8, when she first met Charles approximately two years before their wedding. Bella, 'living in' at her place of employment, travelled to her rural home regularly during week-ends off, and had met Charles, who lived nearby (she could virtually see his home from her own) on the train. However, Charles was not a complete stranger for Bella had known his deceased wife (who had died not long after she met Charles) and had, in fact, been related to her.

> since their mothers were 'sisters', i.e. of the same clan. Charles lived in the hostel at his place of work, and also travelled to his rural home regularly. He visited Bella at her place of employment whilst they were both in Durban and, in due course, he proposed to her. Bella, who had at one stage shown no interest in marriage, and had described men as a 'nusisance these days' to me, was pleased to accept his proposal, for she found Charles 'kind and dependable'. She agreed to give up work - and in fact was pleased to do so, for she did not relish the idea of working in town for the rest of her life - and live at Charles's rural home, looking after his young children. Charles had been left with nine children when his wife died, the three eldest daughters being grown up with children of their own, and the youngest a young toddler.
>
> Bella, on her marriage, took the place of one of the eldest daughters who had remained at home caring for her younger siblings, and had some apprehensions about how the children would accept her. Her own daughter was training as a nurse, and her young son was at school; Bella's mother and sister, who live very close to her new home, continued to take care of him. Charles paid eight <u>ilobolo</u> in cash, the usual <u>izibizo</u> and <u>umbondo</u> ceremonies were held, the couple married in church towards the end of 1983, and the <u>udwendwe</u> followed some months later when Charles had completed the building of a new house for Bella (who retired from domestic service at the end of 1983).

Although not a sororatic union in the true sense of the word, both families found the match eminently suitable because of the relationship between Bella and the deceased, Bella being regarded as an ideal substitute mother for the deceased's children. Bella herself did not rule out the possibility of having one or two more children of her own by Charles, an <u>ukwemula</u> beast having been slaughtered for her by her family prior to the wedding.

What alternatives exist for a widow or widower who does not enter into an ongoing relationship with the family of the deceased? Following on the death of a spouse a period of mourning is observed for a year, a woman showing her status as a widow by adopting mourning garb (a black dress, cloak and doek). After the <u>ukubuyisa</u> (i.e. the ceremony which integrates the deceased with the body of ancestors) has been performed, the remaining spouse may re-marry, although it appears permissable for men to re-marry earlier when there are young children to be looked after.

Different types of problems present themselves to widowers and widows, the man having to find a substitute mother if he has young children, and the woman adequate financial support and accommodation. That the situation which results from the death of a spouse is likely to be far more precarious for a woman than for a man is shown in the following case, related to me by a township councillor who was trying to assist this widow with her accommodation problems:

> Mrs Xb.'s husband had been murdered the previous year. The couple had been living in the township with his parents since their marriage a few years previously. Now that the cleansing ceremony had been performed, her in-laws were evicting her from the house because 'the man you married is no longer here'.

In contrast to the customary security offered to a widow by her husband's family, such an individualistic reaction, to be understood, must be seen against the background of the type of acute housing problems which were described in the chapter on Residence Patterns (Chapter 6)

Tendencies to enter into an informal type ngena relationship also need to be viewed in the context of not only the shortage of accommodation, but also inheritance patterns. Few black men make wills, and the devolution of property after a man's death will depend on the type of marriage he contracted during his life time. If married according to customary rites, or out of Community of Property, his estate will devolve according to customary law, as set out in the Natal and Kwa Zulu Codes. The rule of primogeniture[15] applies and, if the deceased had no sons, his father or his brother would inherit (the latter if the father is deceased). If, of course, the son was a minor, his father's estate would have to be administered on his behalf by his father's kinsman. Although under such circumstances a widow is excluded from inheriting, she is entitled to support from whichever male kinsman inherited (i.e. her son, or husband's brother), and may appeal to the Estate Department of the Department of Co-operation and Development if such support is not forthcoming. According to one member of staff of the Estates Department in Durban (Mr Mhlongo,

personal communication) some heirs are prepared to cede whatever is in the estate to the widow, rather than be bothered with supporting her (which is presumably likely to occur if there is, as in probably the majority of cases, very little in the estate!)

If the couple were married in Community of Property, the deceased's estate would devolve according to common law, and the surviving spouse would inherit part or the whole of the estate according to its value, in terms of the Succession Act of 1934 (Horrell,1968:13). Even a divorced woman married under such a property regime would inherit in this way if her husband had not re-married by either statutory or customary rites. However, any property allocated to a 'House' according to the rules governing the 'house-property complex' laid down in the Codes (e.g. if a man had, prior to his statutory marriage, been married according to customary rites), and any property he held under the customary Quitrent system, would be excluded from inheritance under the common law, as well as being excluded from bequests in any will.

The course of action, then, that is available to widows would depend largely on their financial resources and, especially, the availability of accommodation. That the complexities of inheritance are so closely tied to the type of marriage which is contracted once again demonstrates the need for both women and men to be made fully aware of the myriad of legal implications of their union before they marry.

Some widows, like some divorcees, re-marry, but others deliberately choose to stay single, remaining (if they are fortunate) in a house with their children or, more likely, as lodgers in overcrowded houses, or as members of 'female-linked' households (Pauw,1963; Preston-Whyte,1978). Many divorcees and widows exhibit similar attitudes towards re-marriage to those found in other parts of urban Africa (Mandeville,1975) and prefer to merely consort with boyfriends and, in this way, retain their autonomy. As Florence Nc.,

the divorced domestic who had described marriage as 'heavy, heavy, heavy' (p. 252) explained, after her first marriage she had 'started to learn about marriage' and had no intention of entering into another such union. Although her boyfriend had wanted to marry her she had preferred to bear their three daughters out of wedlock, and retain control of her township house,where she lived with an unmarried son, a daughter from her first marriage and her children (this daughter, due to lack of accommodation being unable to live with her husband), the three daughters by her boyfriend and the child of one, and sundry other kin.

Having, apart from a brief overview of the attitudes of established Christian denominations towards divorce, approached the question of the dissolution of marriage from a largely legal, social and economic perspective, one last crucial question remains to be answered, crucial in that it aids in the understanding of the nature of marriage: i.e. What are the ritual implications of dissolving a marriage? From the point of view of those who attach primary importance to customary beliefs can a marriage, once entered into, be dissolved?

According to Ngubane, a married woman becomes so much part of her husband's patrilineal kin group that she becomes, for her descendants, a patrilineal ancestress (Ngubane,1981:91). What happens when the union is dissolved? This question leads once more to a search for the point at which a marriage is actually fixed. Those informants who expressed the view that the customary ritual was the most important aspect of marriage stressed the importance of the udwendwe, i.e. when the bride is handed over to her husband's people, for it is at this ceremony that the inyongo is applied to the bride by her husband's kin, and his ancestors are officially informed about the new addition to their group. It is, it will be remembered, at this time that the bride brings to her husband's home the kist which, according to some informants, symbolises that she will leave that place only in a coffin.

In fact, the position of a wife who has left her natal home (where, presumably her father has notified his ancestors of her departure), and who has not yet been formally introduced to the husband's paternal ancestors, is, according to some informants, an invidious one. Gertrude Si., for example, a member of the Shembe church, described her worries about dying before the udwendwe was held, several years after she had left her parents' home to start married life with her hus and and his family. Were she to have died during those intervening years neither her own ancestors nor those of her husband would, according to her, have accepted her. Bheki confirmed that the same would apply to his wife were she to die, due to the fact that the udwendwe had not yet taken place. He thought she would become isipoko (a ghost) if she died.

Several informants (including a domestic worker, a clerk and a Christian minister) were adamant that divorce was more difficult after udwendwe and that, if it occurred after this ceremony, a wife could never return to her natal home and live there as she had done before marriage; were she to return to her own family she would have to live in a specially built house nearby. However, Florence Nc., the domestic referred to above, had been divorced after the udwendwe, and maintained that her brother had slaughtered a beast (she averred there was no special name) to inform the ancestors about what had happened and, since the divorce was not a consequence of any guilty action on her part, she could resume normal relationships with her natal family and its ancestors. The whole impression is that there is enough flexibility in the dealings with the ancestors to accommodate a pragmatic approach of the type described by Florence.

Another obviously important consideration in matters of divorce, which has been referred to several times in the course of this chapter, is the age of the woman. The negative attitudes surrounding the divorce of a middle-aged woman have already been alluded to. Informants could not explain why such

an attitude should prevail, except to say that it was understandable that a young makoti should find difficulty in adjusting to her new home, but it was very difficult to understand why an older woman should, after many years, need to leave her husband ('why have you failed to run the race when you're near the end?'), or that the act of divorcing conflicted with the sort of respect a person of that age should be able to command. I suggest that this attitude is related to the fact that it is with menopause that a woman's position in her husband's ancestral hierarchy becomes established(Ngubane, because her own ancestors have lost interest in her once she is no longer able to bear children. It also fits in with the view that marriage is a process (the 'long journey' , as Ngubane,1981, points out), gradually reaching fruition over time and that,as in other parts of Africa (Mair,1971:189; Phillips and Morris,1971:110), a certain amount of instability during the early years was not unusual, even in the past; the uncertainty which apparently existed over whether people were actually 'married'[16] during the early years of black-white contact substantiate such a view.

What then is a marriage from a 'folk' perspective? It seems that with this discussion on dissolution I have returned full circle to where I started, and it is to the task of pulling together the various threads in an attempt to answer this question that I now turn.

CHAPTER 9

CONCLUSIONS

How do blacks themselves see marriage? Is it valid to speak about 'black marriage' in the sense of its existing as a distinct phenomenon which can be distinguished from other types of marriage in the wider South African community?

With regard to the first question, whilst it is possible that in the small-scale society of the past, with its over-arching world-view, there was a high degree of consensus not only about what constituted a marriage, but also the reasons for entering into it and the expectations it engendered, in the contemporary urban setting there are, as I have shown, diverse perspectives amongst blacks on how marriage is conceptualised, some being virtually indistinguishable from those of whites. The differences I have suggested stem largely from competing and often contradictory models of marriage originating from what are seen as 'traditional' or 'modern' sources, the 'modern' model being predominantly a middle-class western one.

However, in spite of the different meanings with which it is invested, there is a striking underlying cultural unity in black marriage when it comes to the procedures involved in becoming and remaining married and which, to answer the second question posed, sets this institution apart in some respects from its white counterpart.

Whilst it is probably true to say that amongst Christians, including purely nominal ones, the church service, which usually also legalises the union, is an essential step, it seems that it is but one of the elements which go together to create a marriage. Marriage still appears to be a process, initiated once the couple themselves have made up their minds to marry, (or have been persuaded by their parents to do so),and set in motion by the chain of events culminating in the formal exchange of vows before a magistrate or minister. This chain of events draws the two families into reciprocal interaction with each other, and ideally includes formal negotiations, the presentation of izibizo, and the observance of other appropriate ceremonial (e.g. umbondo visits) during the betrothal period. iLobolo remains an integral and much valued element in the constitution of a marriage.

However, important as the Christian ceremony may be, this process is not complete once the vows have been exchanged and the legal formalities complied with, for obligations to the forefathers must also be fulfilled through appropriate ritual, which includes the slaughtering of the relevant beasts (the names of which appear to vary according to the geographic backgrounds of the couple concerned), and the presentation by the bride of gifts to the family of the groom, both alive and deceased. To the majority, a wedding remains a public event par excellence, and should be accompanied by feasting and celebration which attracts members of the wider community. A considerable amount of expense is incurred on both sides, and the belief that only the groom is out of pocket because of the ilobolo expenses is a fallacy, for the outlay on the part of the bride's family may exceed that of the groom's. These expenses may continue for years after the Christian and/or legal solemnization has occurred, as when the bride's family gradually accumulates umabo gifts, or the groom pays off outstanding ilobolo.

As indicated in this study, a considerable number of years may elapse before all the stages of this process have been completed, and one of the implications of this processual view is that children who are born 'illegitimate' are often subsequently legitimated through their parents solemnizing their union in a legally approved manner.

A distinctive feature of the ceremonial accompanying these procedures is the stress on the permanency of the union, this message being communicated in various ways; e.g. the advice the bride receives at the time of the wedding ceremonial, when she is told to persevere at all costs, the speeches at ceremonies, and the strong community censure on divorce. Nevertheless, regardless of community disapproval, large numbers of divorces do occur every year, both in Durban and in Natal as a whole. The fact that the strongest opprobium is reserved for middle-aged women who divorce suggests that customary ideas about a woman becoming more and more a part of her husband's family with the passing of the years (Ngubane,1981:84/5) are still in evidence.

With the exception of the inclusion of Christian ritual, and the importance which is attached to it, the same elements constitute a valid union in the eyes of non-Christians, who place more emphasis on what they see as 'traditional' ritual, which is celebrated more fully and more overtly than amongst Christians.

Whilst this description of marriage probably holds good for the majority of blacks, some would not consider it necessary to observe all of the afore-mentioned steps, and their compliance with requirements of a customary nature might be made out of respect of older family members, their parents in particular. Some professionals, particularly those in the elite category, perform minimal customary ritual, and may prefer the solemnization of their unions to be accompanied by small-scale, fairly

private, celebrations.

It is amongst this group that the meaning attached to marriage differs, in that there is a tendency to stress the vows and personal commitment rather than external sanctions of either a Christian or a customary nature. It also appears that amongst members of the educated stratum, women in particular, the marital relationship has taken on western-derived connotations, in that it includes expectations of partnership and emotional closeness, and a somewhat more flexible approach towards the roles of husband and wife than the segregated pattern of the past. However, amongst the majority of blacks the ideal norm would appear to support a high degree of segregation between the roles of the partners, in that each has distinctly different and complementary spheres of activity, and men should spend most of their time with male companions, and a woman in the home (and particularly in the kitchen!). It is, however, universally accepted that children are a natural, and much hoped for, consequence of marriage.

Changes there certainly have been, but to the researcher the most striking aspect of contemporary black marriage is the blending, often - but not always - harmonious, of old and new. The presentation of izibizo may be accompanied by a 'modern' engagement party with a Christian ceremony for the blessing of rings. Spontaneity and community participation (speeches, songs) combine with Christian ritual in church ceremonies. and western-type hotel or church hall receptions and wedding attire merge comfortably with community-based feasting and customary ritual. A conspicuous characteristic of black weddings, apart from a small minority of elite weddings, is their public nature. A wedding is broadcast to the community, various means being used to make as many people as possible aware of what is happening; anyone may attend a wedding and, by the same token, all who are able to do so should assist with gifts of food and practical help.

Amongst changes in evidence, residence is increasingly becoming (where possible) neolocal, either because it is considered desirable in itself, or because of the tensions generated by the gross overcrowding which occurs in small township houses which are occupied by more than one nuclear family. It is probably in the sphere of expectations of the marital relationship, already alluded to above, that the greatest differentiation occurs within the black community and, were one to place different marriages along a continuum, those couples with minimal education, whose orientation is primarily rural (e.g. some migrants) would generally fall near the 'traditional' pole (in terms of ideal types), and those of the highly educated professional elite near the 'modern' pole. However, as I have pointed out, I do not see a simple progression from 'traditional' to 'modern', but rather a selection by individuals from the 'models' available to them, what is selected being based on a variety of factors of which educational level appears to be the most important.

Since marrying for companionship occurs amongst the better educated, it is likely that, with rising standards of education generally, and constant exposure to 'western' models (e.g. through the mass media), increasing numbers of couples will come to espouse partnership ideals. As with white marriage, a more pronounced differentiation along class lines will occur whilst, at the same time, blacks continue tc adhere to, and to value, cultural patterns which are uniquely theirs (as do Jewish or Hindu people).

Cultural values which persist include the strict observance of exogamy rules amongst members of the Nguni cultural category, the central role of <u>ilobolo</u> in the creation of a marriage, and the part played by the families of the couple from the beginning, when the negotiations commence, throughout its existence; when insoluble problems arise during the course of the marriage it is the two families which get together with the couple to try to sort out the difficulties before the final step of divorce is taken.

Even after the death of a spouse these family connections may remain through formal, or apparently more usually, informal ngena-type arrangements. The ideal of the dominant role of the husband remains firmly entrenched, as is the value (apparently amongst the majority) of a man's having more than one woman. Beliefs in the efficacy of 'medicine' (umuthi) and the role of witchcraft in either creating or (depending on the perspective) solving interpersonal problems persists. It is clear that cultural usages have been adapted to fit in with the demands of a contemporary, urban, industrializing society, blending admirably with what are often very sophisticated, western-type (in terms of work and recreation) life styles.

Particularly noticeable to the researcher was the way in which these customs, including those related to ancestral and, to some extent, witchcraft beliefs were fairly openly observed, in contrast to what has been reported in the fairly recent past (Reader,1966; Vilakazi,1962) and contemporary rural areas (Sibiya,1981), as well as the pride which was expressed in observing customs such as ilobolo. I believe that there are various reasons for this attitude:

Firstly, the sanctioning effect of the Christian church is obviously less of a threat in a relatively anonymous urban area than in rural pockets of 'mission' land; furthermore, the churches have, on the whole, adopted a somewhat more flexible attitude towards questions such as ancestor veneration and polygamy (e.g. although a man is not permitted more than one wife there are examples of churches attempting to grapple with this question of polygamy in a humane manner, rather than condemning it outright)

I also believe that changes in the socio-political climate of South Africa during the past fifteen years have contributed to the development of a new attitude on the part of blacks towards their customs: The 1970's

saw the growth of the Black Consciousness movement, with its rejection of the 'mental and spiritual whiteness' (Bhengu,1978:94) previously adopted by blacks, together with a call to see 'the innate value in us, in our institutions, in our traditional outlook to life, and in our worth as people' (SASO 1978,101). Although suppressed as a political movement, the ideology of Black Consciousness appears to have left an indelible mark; one informant, a minister, described how this movement had changed blacks' conceptions of themselves; whereas previously they had, he said, been led to believe that 'to be human means to be white' they now realised that this was not true, and had attempted to see 'what we can preserve, what is meaningful in our culture'. Certainly, although western models of marriage are selectively utilised, any striving for white 'civilised' standards, mentioned in the literature of the 1950's and early 1960's (Mayer,1961:65; Wilson and Mafeje,1963:21,142,145) was not in evidence.

From the comments of informants, and speeches at weddings which praise those who marry, marriage is still, with certain reservations (see below) a widely valued, and highly desirable, institution. Almost all informants who were asked about their views replied that it was a 'good thing', the reasons they advanced often reflecting differing views about marriage which, in turn, relate to their socio-economic standing; for example, a professional man felt that it was 'good for procreation, emotional, companionship' reasons, whereas domestics (female) thought it a 'good thing...if you're not married you can't do anything, can't make a nice house if you have no husband' or because there was 'more respect if married, you get all the rights to do what you want to'.

Although there are women who, having had the opportunity, have rejected marriage for themselves, probably the vast majority want to marry, but

not all have a chance to do so. The marital state is regarded by some as so desirable that, in spite of the censure attached to divorce, they feel it is 'better to marry and divorce than not to marry at all'.

Paradoxically, however, in spite of the attractions of marriage, there is disillusionment amongst women from all walks of life, who see their freedom and individuality stifled by marriage, and often a discernable cynicism about it on their part, as opposed to the complacency of men. Certainly everything possible is done to bring home to them the reality of married life for, as well as the exhortations to which they are subject as brides, and the speeches at wedding ceremonies, the socialization process is, for girls, geared to preparing them for the role of wife.

Marriage undoubtedly places a far heavier burden on women than on men, not only because of double standards which continue to prevail (e.g. it is acceptable for men to have girlfriends, but never for women to have boy-friends although, of course, some do) but because of the type of problems which exist, such as physical abuse and lack of adequate maintenance, exemplified by what I have termed the 'irresponsible husband'. Always hard on a woman (Bryant refers to marriage as involving, for women, 'the hideous reality of perpetual bondage and drudgery', 1949:599), available evidence points to marriage having become unbearable for some. As a result of the serious problems experienced, problems which were spontaneously mentioned in a variety of settings, marriage in many cases ends in divorce. Whilst I have suggested that divorce, in the sense of conjugal separation, may not have been, as Gluckman has maintained, entirely unknown in the past, all evidence points to a tremendous increase in marital instability having occurred.

Against this background suspicions of witchcraft in marriage apparently flourish, providing for many a plausible explanation of their interpersonal problems, rather than their looking further, e.g. to 'all the members of

the community, its government, the decrees of destiny, or other elements against which immediate reaction is not possible' (Malinowski,1945:97) for the more fundamental causes of their difficulties.

Moving from folk to analytical level of analysis, there are, I suggest, various important structural reasons for the sort of conflict which appears endemic in black marriage:

Consider first the changes which have occurred in the black family itself, marriage, as Marwick points out (1958:139) being 'the charter or unwritten constitution for such a group'. In the past, married life was lived out within a patrilocal and patriarchal family structure, the authority of its head (the senior male) being sanctioned not only by religious beliefs in the power of his ancestral spirits, but by economic realities (i.e. the allocation of land resources and cattle was vested in him.) Under urban conditions living arrangements have changed drastically, as outlined earlier, and there are frequently no authoritative male heads in the immediate vicinity to chastise errant husbands for the type of behaviour which violates expectations still cherished about the way a husband should conduct himself, behaviour which, within a patriarchal family structure, would not have been tolerated. More importantly, senior agnatic kin are no longer able to legitimate their authority through the sort of social control mechanisms which previously existed (economic sanctions).

In addition to there often being no adequate male role models present, the contemporary socialization of boys does not, in the majority of cases, promote the type of masculine behaviour which women, particularly the better educated, seek in husbands, such as a willingness to share decision-making and to adopt a flexible attitude towards male and female roles, nor does it foster ideals of monogamy.

Attempts to redefine long-standing norms about male and female roles have probably heightened conflict between the sexes in many cases, not only in other parts of Africa but in the western world generally. As a local Supreme Court judge in South Africa has recently put it, when discussing the increasing economic independence of white wives, achieved through their access to a variety of fields of labour activity outside the home:

> 'But it is not easy for men to accept. They have been reared in the mould of their fathers as head of the family, the decisionmaker, the protector of the 'weaker' sex. They now see themselves threatened in the workplace and equalled and surpassed in many other fields which were traditionally theirs. Their decisions in the home are no longer paramount. Resentment is bred which may surface in various forms, including verbal and physical abuse, infidelity and excessive use of alcohol'
>
> Fagan,1984:201

I have in this study argued that the socio-economic and political structures of South Africa exercise a pervasive influence over marriage through its effects on the individual concerned, both direct and indirect. The direct effects include poor housing, wages and influx control mechanisms. Less obvious, but equally destructive, are the indirect effects of the political structure of South Africa, which attack the dignity and self-respect of blacks and which block achievement goals. In short, it mitigates against the fulfillment of the existential, and frequently the instrumental needs which, as detailed in the Introduction, I see as shared by all human beings. Although both sexes are equally affected (in fact women probably more so) by the prevailing socio-political climate, I suggest that men, because of the dominant role in which they have customarily been cast, find their ascribed inferior status more difficult to tolerate than women do and, in fact, direct much of their frustration against women. If, as the Rapoports suggest (1976) men in a relatively egalitarian society such as England are threatened by their achieving wives, how much more so is a man who may have been denied basic education and training, and whose employment, especially if he is unskilled, is vulnerable to loss?

However, overwhelming as these structural influences are, I do not accept those theories which attribute all societal ills to 'the system'. I would argue that such an explanation neglects the role of the individual who, whilst severely constrained, still has some freedom in his choice of response. There are, for example, in the hostels men who are able to rise above the squalor of their lives, and who manage to maintain their families and visit them (e.g. Mr Jm. mentioned in Chapter 6), and who do not succumb to the temptations of their environment. There are professionals who adequately maintain their families, and who remain faithful to their wives, whilst others of their standing do neither. Obviously, analysis on a different level, which includes personality variables - clearly beyond the scope of the present study - would be needed to understand differential responses to the same structural conditions.

Whilst I do realise the limitations imposed by the research design on making extrapolations from an inadequate sample to the community as a whole, I would like to point out that ideal norms can, to some extent, be gauged without random sampling and that, in the detailed case material I have drawn on

> 'we can see reflected in their experiences cultural contradictions, social-structural discontinuities, or other deficiencies as well as certain positive cultural values'
>
> Rapoport and Rapoport,1976:29

When generalising I have attempted to avoid making anything but what are, in terms of available evidence, well-considered and tentative generalisations. I see this study as a pilot one, specific aspects of which may be taken and further researched in greater detail if considered fruitful. However, the benefits of an anthropological approach in this field of enquiry, as in others, cannot be over-emphasised: Of particular value were the detailed case studies and the participant observation, e.g. of ceremonial, limited as it was by the nature of the subject matter. It is clear that data obtained would not have been nearly so comprehensive without this perspective.

In line with the acknowledgement that no research can be entirely 'value free' in its implications and consequences anthropologists have, in recent years, become increasingly aware of the contribution they can make in pointing to solutions to contemporary problems (Bodley,1976:Chapter 1) and of their responsibility towards those they study to ensure that their findings are used in their interests (Berreman,1973:9,58-61). A deep debt of gratitude to the informants who made this research possible dictates that I should at least end with some recommendations concerning marriage.

Obviously, fundamental structural changes such as the implementation of influx control reforms are essential for the promotion of a healthy family life; however, because of their far-reaching political implications reforms in this area do not appear likely in the forseeable future. Also unlikely to occur immediately, because of the financial expenditure required, and because of government policy about black urbanisation, is the type of urgent attention to housing needs which is necessary to ameliorate many of the problems facing black couples; it would, for example, require a basic change of policy in order to divert funds for building hostels into residential units.

Recognizing that divorce is here to stay, the speedy institution of family courts, as recommended by the Hoexter Commission, for blacks as well as for whites, would greatly facilitate these unhappy procedures. Immediate attention should also be given to reforming the procedures surrounding divorce, so that women can no longer find themselves divorced without their knowledge, as well as to the introduction of legislation to protect the property rights of black women, similar to the Property Act of 1984 from which they have so unfortunately been excluded.

Legislative reforms and innovations of any kind unfortunately take time, but there is one final recommendation which I feel could, and definitely should, receive priority: i.e. the dissemination of information to women about their legal rights. Channels of communication, in the form of welfare organizations, church bodies and women's groups already exist, and there is no doubt that spreading awareness of legal matters is urgently needed.

Experience in the western world shows that, even under relatively optimum social conditions, there is no magic recipe for marital stability, and anthropologists, able to view this phenomenon in cross-cultural perspective, recognize that divorce is not necessarily detrimental to either individuals or society (e.g. Kanuri and Gonja societies, described by Cohen,1971 and E.Goody,1962 respectively), provided that alternative family structures such as extended kin units exist to meet the physical and psychic needs of family members. In South Africa the type of structural factors I have mentioned - poverty, lack of adequate housing, influx control - strike at the heart of family organization of any kind, to the detriment of the individual concerned and society itself. Structural reform is essential, not only to create the type of environment in which couples can attempt to realise their marital aspirations and expectations, but to protect them and their children when they fail.

FOOTNOTES

INTRODUCTION

1. S.A. Commission of Inquiry into the structure and functioning of the Courts, Volume 4, pages 49ff.

2. The Matrimonial Property Act No.88 of 1984.

3. Commenting, e.g. on Skinner's behaviourist theory, Hudson (1972:39) points out that 'Only more recently have I realised that the appeal to 'the facts' can also herald an altogether less wholesome enterprise: that of rendering 'scientific' or legitimate a view that is at heart ideological'. Although a psychologist, Skinner's work has had a certain amount of influence on American anthropology, especially through Homans.

4. This categorisation serves to protect the identity of informants, as well as locating them in the socio-economic structure. All names have, of course, been changed.

5. Standardised questions were asked during many of these interviews. The questions asked (which were also included in the questionnaire) are detailed in Appendix A

6. Since the focus of my own research was broader than these studies, I have dealt with similar issues in less depth than they have.

7. In my experience, a great deal about particular marriages can be learnt through the sort of in-depth interviewing used in joint counselling sessions, providing one is very careful in interpreting what is said, and allows for psychological defenses such as projection; I must once again stress that names, and any detail which might potentially identify FAMSA clients, have naturally been changed. Unfortunately, often only one spouse was seen, which limits, but does not entirely negate, the usefulness of the data.

8. Obtaining the sort of detailed, verbatim translations from the Zulu on tape recordings of weddings was no straightforward matter, and sometimes a few translations were made to ensure that nothing important had been omitted.

9. The case of a young professional man, whose wedding I was unable to attend because it was taking place in a rural area, provides an example. He was marrying an equally well-qualified woman, and indicated to me that much 'traditional' ritual would probably be omitted by people of their 'class'; however, his umkhongi (negotiator), with whom I had many detailed discussions, freely described how all the important 'traditional' ritual had been observed.

10. Material from other cases in which there was ongoing contact was also used; these five were selected because of the length of the contact period, and the amount of contact, including attendance at four of the five weddings.

A TOWNSHIP WEDDING

1. Since the members of the bridal party were not expected back at the Zuma home for some time (in actual fact they were gone for most of the afternoon) Linda and I left, and the rest of that day's activities were described by various participants, i.e. Betty, the bride, her father and mother and in-laws.

2. However, it seems that some of these are standard wedding songs. Translations were by Dora herself and a relative.

3. Vezi is the name of one of Mr Zuma's patrilineal ancestors, with whom 'shooting with cannons' is associated.

4. Mr Zuma's mother had herself made her umabo presentation only a year or two before Dora's wedding; she was at that stage already a widow.

5. Mr Zuma's father's brother.

CHAPTER 1

1. These essays were collected by Ms Anita Craig, Dept. of Psychology, University of Natal, in the course of her own research; high school pupils in black schools were asked to comment on the statement 'About half of all first babies are born to girls still at school', giving what they felt were contributory factors, and possible ways of remedying the situation.

2. The peer group still appears to exercise some control in rural areas (see Sibiya, 1981,129)

3. Mchunu v Masondo (Case 52/80)

4. The name given this beast may vary according to the geographical area concerned; Vilakazi (1962:55/6) terms it simply the tenth ilobolo beast, whereas Sibiya (1981:150) uses the name Mvimba.

5. This is the same case as is referred to in Preston-Whyte (forthcoming).

6. This obsession with virginity is not confined to black men: From informal discussions with white teenage boys in high schools in Durban it seems that many have ideals about their future wives being virgins; in fact, one Standard IX boy suggested that one of the reasons for engaging in pre-marital sex was 'to find a virgin while the going was good'.

7. There is a saying 'Do you have a white goat?' if a relative pleads love for one.

8. The following ceremony was described by one informant as being performed to break off the kinship connection:(another informant said she had heard of such a ritual) A goat is slaughtered, and the prospective partners sit, one either side of a hole which has been made in a hut wall (i.e. one on the inside, the other on the outside.). Both chew a piece of meat from the slaughtered beast, until their teeth meet, when they spit the meat out. The meat should come from a certain part of the beast, but only the elders knew which part. I was unable to obtain confirmation from other sources as to whether the ritual described is the one for breaking off relationship.

9. See Chapter 8 in connection with the sororate

10. This question, as were the following ones, was put to 34 informants (Professionals: 7 male, 9 female; White collar; 5 male, 2 female; Unskilled: 10 female; semi-skilled: 1 male). With regard to Religion, only 2 male and 1 female white collar, and 2 female domestics, said they considered it important.

11. 3 professionals (2 male, 1 female), 1 white collar (male) and 2 unskilled (female) said ethnicity was important

12. 7 professionals (1 male, 6 female), 4 white collar (3 male and 1 female) and 8 domestics felt that the educational level of the other partner was not important.

13. van Rooyen (1984:10) states that amongst black workers in professional, semi-professional and technical categories, 65% are women. Another source ('Many black women doing white men's jobs, says lecturer', 'Daily News', 17 October,1984) cites black women as comprising 68,6% of black professionals in 1981.

14. 3 professionals (2 male, 1 female), one white collar (male) and 1 semi-skilled (male) said urban-rural differences were important.

15. 3 professionals (one male, 3 female), 1 white collar (male) and 2 unskilled (female) claimed age was not important; all other informants said it was.

16. Some informants pointed out that status in terms of class (socio-economic) standing was becoming more important than than conferred by marriage.

CHAPTER 2

1. Informants who were questioned gave definitions of the umndeni which corresponded to what anthropologists understand by this concept (e.g. Gluckman, 1950).

2. I did not enquire whether this choice was made in preference to malume, or whether the latter was not available and would have been chosen if he had been.

3. The case of Goba v Ndhlovu (1978)

4. According to some informants, imvuma is also the name of a goat killed by the groom's family marking acceptance of the bride and notifying their ancestors of the new family member.

5. An indlakudla goat is also killed for the bride at the groom's home to enable her to eat there.

6. See Krige (1936:131). Vilakazi (1962:65) mentions that the goat killed at this time may also be termed imvuma

CHAPTER 3

1. iLobolo is the noun, ukulobola the verb.

2. This question was unstructured, in the sense that there was no list of alternative responses from which to choose the reasons why ilobolo was or was not favoured. 38 of the respondents were interviewed alone, and 34 in groups (i.e. 2 or more).

3. When explaining to one prominent woman why I had been unable to visit her (because my husband was on holiday), I was told that my husband had no say over what I did for he had not paid any ilobolo for me!

4. Only the actual responses have been included (i.e. in a group of 4, if one person mentioned a reason, and the others agreed or did not say anything, only one response has been listed). Numbers of responses are as follows:- It is a custom (8); It shows the value of a wife (8); It shows responsibility on the part of the husband (7); It unites the families (5); It is paid as compensation/appreciation (5); It is part of doing things properly (3); It shows seriousness (3).

5. Mathewson's sample, like mine (or Brandel's) is not truly 'representative' in a statistical sense.

6. It seems that it is not compulsory for ilobolo to be entered in cases of civil marriages; in the customary union register, e.g. a space is provided for details.

7. Reader (1966:215) notes that only 'marginal' Christians participated in ilobolo transactions involving live beasts during the time of his research.

8. However, fathers may want compensation for missed schooling, as Mr Zuma had done.

9. This case was related to me by the young man's employers; a minister confirmed that he had come across similar cases.

10. It is not clear why the Defendant did not at least try to reduce the figure by referring to the provisions of the Natal Code, i.e. R10,00 per beast if there is a dispute.

11. Two cases were described to me. In the first, the husband, having been unable to afford all the ilobolo asked for had been let off by his father-in-law. However, many years later, at his death (and some of his children were adult), the wife's father had spoken at his funeral, and had remarked that he had been a good man apart from the fact that he had never paid all the ilobolo. In the second case, my informant's grandmother had died in 1962, in her late 70's, and her husband the following year. In 1967 the grandmother's brother's son had gone to my informant's paternal uncle to ask for the remaining beast to be paid, which had been done.

CHAPTER 3 contd.

12. This question, i.e. why was ilobolo paid, was also unstructured; many, but not all, of the respondents who answered the question about whether or not they valued ilobolo and why also answered this question, but responses have been kept distinct. 83 persons were present in group and individual interviews when this question was discussed, but only the actual responses given have been listed (some persons giving more than one reason):- It is a custom (16); It brings the two families together (15); It is paid as compensation etc. (12); It shows man's responsibility (10); It is connected with doing things properly (8).

13. Two clients who consulted a marriage counsellor also linked the husbands' not having paid ilobolo himself to his lack of responsibility in marriage.

14. During the years 1979 - 1982 only one case was brought to my attention when perusing Commissioner's Court files, that of Gabela v Mbatha, which I described on p.282.

15. He would not, of course, be entitled to ilobolo for his daughter.

16. Some informants verbalised about the need to marry in order to be a 'full' man or woman.

CHAPTER 4

1. The English, who further modified South African common law during their government of the country introduced secular control over marriage only in 1753 with the passing of Lord Hardwicke's Act (Weyrauth,1980:269).

2. This figure is not an official statistic, but was extracted by me from the customary unions register.

3. Black women are excluded from the Property Act.

4. According to Kotze,1983:164) Kwa Zulu Legislative Assembly has passed legislation to place the status of customary union partners on the same basis as that of statutory marriages for this purpose.

5. I am grateful to Professor Bekker, University of Zululand, for drawing my attention to this anomoly.

6. The 'Daily News', 5 August,1980 carried an article titled 'Women to resist marriage blessing', quoting negative comments from various community-oriented women about customary unions.

7. The whole question of extra-marital affairs is dealt with more fully in Chapter 7.

8. Leviratic and sororatic unions, which follow on the death of a partner to an existing union, are discussed in Chapter 8.

9. During the 1950's there existed in Cato Manor a community of men who stayed together in a place known as esemnyameni (place of darkness, and who contracted homosexual unions, men playing the part of female brides in expensive bridal outfits, and dressing as women (e.g. in negligees) when not at work during the day (Mr Stephen Selby and Mrs Yengwa, personal

CHAPTER 4 contd.

10. A typical example of the resulting inconsistencies can be seen in the question of the emancipation of black women, which is required by the Natal Code if a woman is to free herself of the status of perpetual legal minor. It has been pointed out (e.g. Bekker,1975:397) that, in terms of Sec.11(3) of the Black Administration Act, black women in Natal do not need emancipation in order to enter into civil contracts such as the lease of a house. However, in actual practice, even Government bodies continue to demand emancipation as a prerequisite for single/widowed/divorced women's obtaining accommodation of their own.

11. As Roberts points out (1979:193), ethnocentric definitions do not preclude good fieldwork, for both Evans-Pritchard and Bohannan, both of whom adopt 'narrow' definitions, stress the need for a 'folk' perspective, which they provide in their own ethnographies.

12. Examples of cases brought to the Appeal Court in which the validity of the union was an issue include Dhlamini v. Mcunu (R37,1930), Ngema v. Ndhlela (R5,1939); Cele & Cele v. Radebe (R30,1939); Mbuyisa v. Ntombela (R69,1939) (Prentice-Hall Law Reports,1930,1939)

CHAPTER 5

1. Some clarification of the term 'religious' is called for, since it is used at times in contemporary social science in an 'inclusivist' sense, i.e. to include ideologies of a secular nature ('Beliefs and Religion';5-28). For present purposes, an 'exclusivist' definition is adopted, meaning that a relationship with the supernatural is sine qua non. Although not strictly speaking 'religious' certain secular activities which are an integral accompaniment to the ritual events are of necessity included, in particular the feasting or, in modern parlance, the reception.

2. However, the Catholic church itself appears to distinguish between the purely 'religious' and the 'legal' (in terms of Canon Law) aspects, for although the presence of a minister is not necessary to confer the sacrament, which the couple confer on each other, his presence is required for the recognition of a marriage in the eyes of the church.

3. Many of the customary unions would include 'Christian' in terms of separatist church, unions, for the majority of ministers of these churches are not officially constituted marriage officers.

4. According to Sibiya (1981:241), amongst the Mkhwanazi it was traditionally the slaughter of the goat which prepared the bride ritually for her departure, and the killing of the inkomo yokuncama, or inkomo yokucola which occurred afterwards, was without any ritual significance.

5. Krige (1936:294) describes the umhlwehlwe as 'the network of adipose tissue covering the viscera and forming part of the peritoneum'. If kept, pieces may be cut from it and burnt with imphepho when sacrificing to the ancestors; if a child is sick, for example, it would be swung back and forth over the fire on which these substances were being burnt.

CHAPTER 5 contd.

6. The rules regulating the division of meat are complex, and may vary from one geographical area to another.

7. At all the weddings observed, and upon which descriptions are based, ceremonies had taken place in the morning, presumably to allow the rest of the day, and usually the weekend, free for the reception at the bride's home, the 'photo taking, umabo presentation etc; all these events may even occur on the same day.

8. Services were attending in the following churches:- Anglican, Lutheran, Methodist, Roman Catholic and United Congregational Churches.

9. 'Good News Bible', p.291.

10. If the bride is illegitimate her mother's brother officiates.

11. Actual speeches made at weddings (translated)

12. At the wedding at which over forty persons received umabo the father and mother of the groom actually received a bed and mattress as well as the usual cansi and blanket etc.

13. Gloria's itemised expenditure reads as follows: Zulu beer - R10; 8 beer - R7,60; 18 Coke - R9,50; 2 Mayonnaise - R2,90; 2 peaches (tins) - R1,40; 2 Beetroot (jars) R1,68; 4 jellies R0,60; 2 Cooking oil R2,40; 1 box tomatoes R3,40; 2 cabbages R0,70; 2 doz bananas R1,60; oranges and apples R1,00; 1 bag potatoes R1,50; 10 kilogram rice R8,90; 2 chicken R7,00; Beef R10,00; Wedding cake R45,00; Cakes R10,45; Wedding dress (hire) R35,00; laundry R10,00; 2 pair gloves R6,58; 1 paid men's gloves R1,59; 2 flowers R1,18; 3 flowers R2,79; 1 handflower R5,99; 1 veil R3,00; 1 kneeflower (garter) R2,45; Car (hire) R30,00.

14. Any more than the 'meaning' of confetti, old shoes etc. are part of white 'conscious models' about marriage.

15. Although, reading her own symbolism into the cake, one woman had deliberately chosen a round, rather than a square, cake, for her daughter, because a round one had no end, and a square cake with corners might bring tiffs.

16. I am not aware of any connection between the bride's cutting the cake and her virginity in western marriage ritual; however, a non-black guest at one black wedding I attended commented that the bride should not have been cutting the cake because she was not a virgin.

17. Apart from Separatist churches, such as described in connection with the Shembe wedding - although some informants maintained that stomach piercing is still carried out, in country areas, by Christians; it may also be done covertly in urban areas.

18. This animal should ideally be slaughtered at puberty; it is connected with the girl's future fertility.

19. Ngubane mentions that it is slaughtered by the negotiator, the groom's mother's brother; at Dora's wedding, it was the umkhongi who was expected to slaughter the beast.

CHAPTER 5 contd.

20. See Chapter 4.

21. This particular question, i.e. what actually constitutes a 'proper' marriage is extremely difficult to put to a cross-section (in terms of education and command of English) of informants without fluency in the vernacular.

22. For example, a class of high school girls expressed strong feelings that personal committment was more important than legalisation ceremonies, pointing out to me the ease of divorce.

CHAPTER 6

1. The question of the ambiguity surrounding the question of when the bride should move to her new home is discussed in Chapter 5.

2. Although some informants claimed to eat meat 'secretly' before indlakudla had been killed.

3. Other factors promoting tension are the lack of a clear-cut authority structure as in the patriarchal home of the past if there is no senior male head, and contemporary fluidity surrounding the definitions of male and female roles, which factors will be discussed in more detail in the following chapter.

4. Population of Kwa Mashu in 1977 was given as 145 000, but estimated then to be 25% higher (Race Relations Survey,1977:418) and that of Umlazi,in 1973, as 250 000 (Maasdorp and Humphreys,1975).

5. 'The Daily News', 1 September, 1983.

6. 'The Daily News', 14 November, 1984.

7. Defined in terms of Sec.29 of yhe Act.

8. The Appeal Court ruled that Mrs Khomani was entitled to live in an Urban Area in terms of Sec.10(1)(c) of the Black (Urban Areas) Consolidation Act. (Survey of Race Relations,1980:304)

9. Minutes of the Community Council meeting, Mr Dube personal communication.

10. The proviso about available accommodation now applies to the granting of such rights in the first place, according to reports on the Minister's comments following on the Rikhoto judgment (see Survey of Race Relations, 1981:231 and 'The Rikhoto Judgment', 'Sunday Tribune', 5 June, 1983)

11. When recruiting workers for the Durban area preference is given to persons from the areas Umzinto to Tugela, and the chances of persons outside those areas of returning to Durban would be bleak indeed, particularly if they were citizens of independent homelands.

12. A man must be married to apply for a house. Unmarried, divorced or widowed women may rent or purchase houses in their own names subject, in areas which do not fall within Kwa Zulu, to the provisions of the Natal Code.

CHAPTER 6 contd.

13. Mr Bourquin, Chief Director, Port Natal Administration Board, quoted in Survey of Race Relations,1977:394.

14. Although social workers dealing with other 'racial' groups (whites, coloured) link incest to overcrowded conditions, it is impossible to assess whether it is in fact more prevalent under these conditions because social workers generally have more dealings with persons in lower socio-economic groups who tend to live under these circumstances than with persons with more living space.

15. The superintendent at Glebe, Mr Brown, advised that an architect was being consulted with a view to 'upgrading' the accommodation for visiting wives.

16. One church worker described the food eaten by women in rural areas as being undercooked to save on firewood and water, and mentioned meeting women and children who 'drink water and sleep' if there is no food.

17. See, e.g. newspaper report 'Winter's tale with familiar scenario', 'Southern Cross', 5 June,1983.

CHAPTER 7

1. By this term I mean what has been described by anthropologists as 'African' marriage (e.g. Radcliffe-Brown,1950; Phillips and Morris, 1971), which is characterised by its involving two families rather than two individuals, polygamy, payment of goods/services etc. Berglund uses the term 'fertility-oriented' (1975) to characterise this type of marriage. As an 'ideal type' it is distinctly different to 'modern' marriage, with its stress on individuality, partnership, monogamy etc.

2. As Yorburg (1973:60) notes, close relationships within the wider extended kin group generally discourage a love relationship between husband and wife. Vilakazi, e.g. (1962:27) notes the case of a woman who was loved by her husband being accused of witchcraft.

3. Although it does seem that some emphasis on companionship was occurring earlier amongst the upper stratum, e.g. Stone (1974:187) mentions the growth of Puritanism in the 17th century as putting more stress on this aspect.

4. 'Communication' has become the catchword of contemporary interpersonal relationships, and in South Africa church-based movements of an American origin, such as 'Marriage Encounter', which promote improved communication between partners, have become relatively popular amongst whites, but appear to attract only a small number of followers amongst blacks, some of whom consider that it makes men 'soft'.

5. Particularly during the last 15 years, since the famous 'Masters and Johnson' investigation into sexual functioning, sexual 'problems' have achieved a great deal of prominence in the popular press, and have provided good business for the publishers of sex manuals, and the burgeoning population of 'sex therapists' (or 'sexologists')

CHAPTER 7 contd.

6. It is customary not to buy any clothes for the baby until after the birth.

7. Initially after their marriage William had hidden Bongi's contraceptive pills, wanting her to bear a child as soon as possible.

8. Since the research was geared towards a broad overview of those cultural and sociological variables which affect marriage I did not collect the sort of quantative data necessary for the type of micro-level analysis of roles in marriage undertaken by anthropologists such as Oppong and van der Vliet, whose focus of research was far narrower than mine. Oppong, e.g. through obtaining information about exactly how often husbands had performed different types of chores (question 9, p.164) was able to construct a 'chore participation score'

9. Theoretically, men who are partners to a customary union may, in terms of the Natal Code, claim their wives' earnings (see Chapter 4)

10. Here again I lack quantative data to assess the extent of 'openness', as referring to different networks of husband and wife, and 'closure', which refers to overlapping networks, of conjugal roles (Bott,1957).

11. This question is taken from Komarovsky,1967.

12. Smoking, drinking, wearing bright make-up and slacks is frowned on for women generally, but more so if the woman is married. William, e.g. found it acceptable for his unmarried sister to wear slacks, but Bongi would definitely not be permitted to do so.

13. These problems were verbalised in a variety of settings, without any attempts to elicit this type of information having been made; i.e. my emphasis does not stem from a social work perspective.

14. As in white marriages a variety of marital problems are experienced by blacks, ranging from those which are predominantly 'psychological', such as personality disorders, to those which are predominantly 'sociological' such as separation, poverty etc. How couples define problems is obviously relative to their expectations of marriage.

15. This fact is attested to by individual women and men, not only by social workers, marriage counsellors and court officials.

16. See, e.g. 'Drink is ruining black families', 'Daily News', 2 July,1982.
17. As when used to help overcome feelings of inadequacy by,e.g.passive husbands.
18. See, e.g. the debate between Robert Ardrey and Konrad Lorenz, on the one hand, and the contributors to the volume 'Man and Aggression' (Montagu,ed.1968) This volume contains some summaries of anthropological evidence about societies with low levels of violence.

19. Unlike the author I do not consider this study, or others of a similar nature, 'representative'.

20. Obviously personalities are important, for I have also encountered cases where a man's reaction to being deceived by his wife is more passive (and women certainly do sometimes deceive their husbands). However, the norm remains.

21. White clients in marriage counselling fairly regularly cited 'irrational' explanations for their problems, especially in referring to influences of an astrological nature.

22. Informants were often guarded in their responses on this topic, and probably in the majority of cases did not know the actual names of medicines, how they worked etc., for they would normally consult a specialist (e.g. a herbalist) on such matters.

23. Another version, circulating several years ago, had involved a black woman and an Indian man, and this particular rumour had spread at a time when there had been competition between Indian and black taxi operators.

CHAPTER 8

1. The primary source of information was Fr Langlois, a member of the local Marriage Tribunal.

2. 'Daily News' 11 November 1983 and other reports in that newspaper.

3. There is at present draft legislation aimed at making divorce more difficult to obtain ('Daily News', 7 June, 1984)

4. Of the 25 men and women of different backgrounds asked about their personal attitudes towards divorce, all agreed that it was a bad thing, to be avoided at all costs if possible. All except one felt, however, that it was sometimes inevitable, and the one man who was against it altogether felt that one should 'carry one's bedding no matter how heavy'.

5. These attitudes contrast to those of many whites, who prefer to keep their own families of procreation out of their marital problems. Clients at FAMSA would sometimes explain that they had come to the agency because they wanted an 'objective' view, which their families would not be able to give.

6. This same lawyer went so far as to allege collusion having occurred between magistrates and husbands' lawyers in this matter.

7. The Transkeian government has recently removed divorcee's rights to maintenance, and the Prime Minister is quoted as saying that 'Maintenance payments were "only for Westerners.....We prefer the lobola system, which gives a woman all the security she needs"...' ('Sunday Tribune', 11 September, 1983).

8. I must stress that this number is not an official statistic; I asked the clerk of the court if I might peruse all records of dissolutions for that period, and was handed that number of cases, plus two others which did not end in dissolution.

9. Mr Viljoen, personal communication.

10. This information was made available to me by the Department of Co-operation and Development in Pietermaritzburg at the beginning of research in 1980.

11. Data obtained from the Department of Statistics.

12. In the case of statutory divorce, 'irretrivable breakdown' is considered to have occurred if a year has elapsed since the

CHAPTER 8 contd.

13. I must stress again that I am not concerned with personality factors, and partners falling in love with other men/women *per se*.

14. Strictly speaking, of course, from a 'folk' perspective no new 'marriage' takes place according to indigenous culture.

15. If the marriage is a polygamous one the rules for inheritance of sons of different 'houses' are set down in the Codes. A son may also be excluded by Will, with good reason.

16. See Simons, 1968 and the court cases cited in Chapter 4, footnote 12, p.160.

APPENDIX A

Format of interview guide/questionnaire

Identifying particulars

Name.....

Where were you born; if born in the country how long have you been in town, and where do you consider your home?.....

Cultural group (e.g. Zulu, Xhosa etc) .....

Age .....

Education.....Occupation .....

Religion, and whether practising or not.....

Children, if any; number and age.....

Marital state and, if married, whether church/court/customary union .....

Was ilobolo paid? .....

- - - - - -

1. iLOBOLO: Do you think it is a good thing/not a good thing, and why? .....
   .....Why is/was ilobolo paid? .....
2. MARRIAGE RULES: Which people (into which clans) are you not permitted to marry, and why not? .....What do you know about izithakazelo?...
   .....
3. CHOICE OF PARTNER: Should your husband/wife be
   same religion (important/not important) .....
   same cultural group " " .....
   more educated/less educated/same education.....
   older/younger than you (important/not important).....
   town/country background " " .....
   Would you marry a man/woman of whom your parents did not approve?.....
4. TYPE OF MARRIAGE: What do you think about a man having more than one wife?
   .....Which is better, and why: A church or court wedding, or umshado ipolisa? ..... Would you enter into an ngena union; do you know anyone who has done so? .....

What is the most important part of the marriage ceremony (e.g. the church ceremony, the vows, informing the ancestors,etc?).....

5. RESIDENCE: Is it important to live with the husband's family after marriage? .....

6. QUALITIES HUSBAND/WIFE: Describe a good husband.....Describe a good wife.....

May a wife (i) smoke.....drink.....wear slacks.....wear make up.....leave her head uncovered.....Work.....

7. ROLES: Should a husband and wife have some shared social activities?..... .....Who should make important decisions in the home? .....

Is it O.K. for a husband to help his wife around the home? .....

Who should handle the family finances? .....

8. ATTITUDES TO MARRIAGE: How does marriage change a man's/woman's life?.... .....Is marriage a good thing, and why .....Why do people marry?.....

9. DIVORCE: What do you think about divorce? .....

What do you think are the main problems in black marriage?.....

APPENDIX B

Table 1: Ages of men at marriage in Durban magesterial district, 1980/1

Age groups	1980 Number	1980 percentages	1981 Number	1981 percentages
15 - 19	-	-	-	-
20 - 24	52	8,35	27	7,26
25 - 29	171	27,45	108	29,03
30 - 34	144	23,11	98	26,34
35 - 39	86	13,81	54	14,52
40 - 44	66	10,59	28	7,52
45 - 49	42	6,74	21	5,65
50 - 54	26	4,17	18	4,84
55 - 59	16	2,57	11	2,96
60 - 64	9	1,45	4	1,08
65 - 69	8	1,28	1	0,27
70 - 74	1	0,16	1	0,27*
75 - 79	2	0,32	-	-
80 - 85	-	-	1	0,26*
	623	100,00	372	100,00

* Discrepancy due to not having used third decimal place

APPENDIX B

Table of Ages of women at marriage in Durban magesterial district,1980/1

	1980		1981	
Age groups	Number	percentages	Number	percentages
15 - 19	13	2,09	8	2,15
20 - 24	167	26,81	74	19,89
25 - 29	185	29,70	133	35,75
30 - 34	120	19,26	73	19,62
35 - 39	54	8,67	37	9,95
40 - 44	39	6,26	27	7,26
45 - 49	25	4,01	12	3,23
50 - 54	9	1,44	6	1,61
55 - 59	6	0,96	1	0,27
60 - 64	4	0,64	1	0,27
65 - 69	1	0,16	-	-
70 - 74	-	-	-	-
75 - 79	-	-	-	-
80 - 84	-	-	-	-
	623	100,00	372	100,00

REFERENCES IN TEXT

Newspapers quoted

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