

S. 253  
7/13

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DISSOLUTION OF MARRIAGE.  
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Divorce. A man cannot separate with his wife without their appearing first before their parents. Before they divorce each other, they take the matter to their parents. If a man complains against his wife, he must take his complaint to his wife's parents before taking to his own parents. He explains to them how disobedient the woman is and how much trouble she is giving him. The parents of the woman will question her in the presence of her husband. If the husband speaks the truth, or exaggerates, the wife will contradict that part of his statement which is not true. If the wife does not contradict her husband, they will tell the husband to forgive her and they will also warn the woman that if she continues to give her husband trouble, he will divorce her. If the woman keeps on, the husband will now tell his parents that his wife is not behaving properly, he has watched her actions on many occasions, and there is no change. "I have spoken until I am tired now". The parents of the man will then ask his wife whether her husband is telling the truth or not. The man's parents will tell him to be patient and to keep on talking to his wife, perhaps she may chastise herself. If the wife continues to give trouble and does not mend her ways, the man will then tell his parents that his patience is exhausted and that he does not want his wife any more, he is tired of her. The husband's parents will call the wife's parents and tell them about the complaint of the man. After explaining it, they will ask the man the nature of the trouble his wife is giving him, what she has done to annoy him. The man will explain how his wife is giving him trouble. When he has explained his wife's disobedience, they will ask the wife whether all that has been said by her husband is true. When

P.M.

they have heard the wife's explanation, the parents will meet in private and discuss the matter until they find out whether or not the children should separate. If they agree that they should not separate, they will give the children the reasons why they should not separate; they will point out that to separate would give us a bad reputation and that the people would laugh at us and say that our family is not one from which a woman could be asked for marriage. Nothing comes right out of it. They will stress these points to the husband and his wife. They will blame the wife's actions if she does not pay attention to what he husband tells her. They tell her further that if your husband brings such a statement here again, he will desert you. We shall give judgment in his favour that he should divorce you.

If the parents disagree in the discussion, the matter will be referred to the 'kgotla' of their headman. That is to say that the matter must be heard by many people. The parents of the man will come and explain the misunderstanding between the husband and his wife. After their statement, they will then question the woman and after her explanation, they will ask the parents of the woman whether the man has made a report about this matter or not, if he has, what steps they took. After that, they will ask the parents how the matter was dealt with at the 'kgotla' of their section. They will ask the reason why it was brought to the kgotla. After hearing how they dealt with the matter, this kgotla is still going to try to avoid the separation of these children. They will show them reasons why it is not good for people to divorce each other, and that it gives them a bad reputation and that the people will laugh at them. If the parents of both agree that they should not separate, they do not do so. The kgotla will show them reasons. The father of the woman will be punished by being fined a sheep. That means he is shown the guilt of his child. He has gathered the people together and

PM.

made them to leave their jobs on account of her disobedience. This sheep is eaten at the 'kgotla' by the people who were discussing this matter as well as those who went to listen. If the parents of the man or the parents of the girl do not accept the decision of the 'kgotla', the matter passes on to the kgotla of the chief. When the matter is at the chief's kgotla, the chief asks the parents of the man the nature of the report made to them by him, and after that he will ask the man for an explanation and then he will ask the woman if the statement of her husband and that of his parents is correct. After this, the parents of the woman will be questioned whether any report was made to them by the man regarding his wife. After they have all been questioned, the headman is asked what he had to say when he heard the matter, and when he has stated what he had been told about the matter, the chief will also show the children reasons why it is bad for them to divorce. The man will decide whether he is divorcing his wife and the wife whether she is divorcing her husband. If they agree to forgive one another, they will do so before the chief. If they do not forgive each other, they will divorce before the chief. When they divorce, the question of what they possess is investigated, the children, kaffir corn, cattle and other things except the wife's clothes. All are given to the husband. The woman's father is fined a beast for his disobedient child. The beast is eaten at the kgotla.

When a woman divorces her husband, she must state her reasons for doing so. She must say if her husband is not providing for her, if he is beating her severely and if he is assuming control over the things he has no right to control. The woman must state these reasons before the chief's 'kgotla'. It is then that she can be allowed to divorce her husband. What they possess will all be given to her with the exception of his clothes. The man will also be fined a beast at the kgotla. The woman also if she divorces will have reasons pointed out to her that it is not a good thing to divorce her husband, that they

PM.

will be laughed at by the people and that they will have a bad reputation. She must be patient even if she is suffering. She should not lose her temper quickly. The people do not divorce very frequently because they are afraid of this point. If a man divorces his wife everything is awarded to the husband and she gets nothing. That is why it is difficult for them to press for a divorce. Even if a man wishes to divorce his wife he finds it impossible. The same applies to the woman. Sometimes the man divorces a woman by way of going away from her, or by staying with other men. Sometimes the husband sees his wife with a new born child not knowing who the father of the child is. Then again a woman fails to perform her household duties through laziness, not bothering herself about the presence of her husband or other-wise, doing as she pleases, not worrying whether the husband gets things with utmost difficulty. The husband speaks until he is tired. You find her house in a state of disorder where no one has a space to set one's foot; clothes hanging about in the front room. Bowls and pots being all over the place in the 'lapa, dogs, fowls and pigs being masters of the situation. The walls of the 'lapa' falling down; the 'lapa' in a bad state, everything in a horrible condition, making one unpleasant and afraid of eating the food offered there. These things displease a husband and cause him to desert his wife against his will. It is the wife's actions which cause him to desert her even if he did not intend doing so. That is to say the actions and manners of his wife do not attract him. If a man leaves his wife in this manner he takes the cattle only, he leaves the house/<sup>and</sup> the children with his wife. If a woman drives the children away, it is only then that a husband may take them away. In such circumstances, no court case is heard, neither husband nor wife is taken to the kgotla. No one can make a lazy person to be active unless he is born like that.

PM.

Moseroa and Modise. Modise married a woman by the name of Moseroa the child of Ranama and Sejeng. After their marriage, they lived together for one year. They were blessed with a son and Modise then went away to work for Europeans. Three months after Modise had gone, their child died. The father never came home to console his wife. He remained in the European towns for three years without coming home. The wife afterwards began to complain about her husband's failure to come home, she thought that it might have been better if he were dead. Her parents-in-law persuaded her to persevere but in the end she was married by another man with whom she had two children. Modise stayed away for seven years and came home in the eighth year. When he arrived, news went round that where he had been, he had already married another woman. On his return home, he separated with the woman he had been living with while he was away from home. On his arrival at home, he began to look for his wife Moseroa, the woman for whom he paid 'lobola' cattle. His parents told him that Moseroa was already married to another man, she had given up hope of his return. Modise said, "How can she give up hope of my return when I am alive and not dead?" He told them that he wanted her back. Two days later Modise sent his paternal uncle to go and tell Moseroa that her husband wanted her back. Moseroa refused to return. Modise's uncle came and told Modise that his wife refused to return saying that he had left her for a very long time. Modise told his parents what the reply he had received from Moseroa was. His parents called his paternal uncles, his father's sisters and the younger sisters of his mother together and told them that Modise wanted his wife back. They agreed with Modise and said, "This woman was married by 'lobola' cattle, it does not mean that if a man went away to work and stayed away from home for a long time, that entitles his wife to do what she likes, if he is still alive, it does not matter how long he remains away. His wife must wait for him, she has no right to act as she pleases".

PM.

Modise's maternal uncle and aunt (his mother's younger sister) were sent to the parents of Moseroa to find out about her. On their arrival there, they delivered their message. Moseroa's parents, after hearing the news said, "The woman is yours, we gave her away to you in marriage, she is not with us; when her husband deserted her, she was also not with us, she was with you at your home. We as parents of the woman, are blameless and we have even nothing to do with her. She is your wife, you married her and it is finished. What do you want from us. Furthermore, we do not know if that woman is remarried, you never told us that she has bound herself with another man." They went back to those who had sent them and they repeated the words of the woman's parents. When they had heard all this, they referred the matter to Modise, and said that the girl's parents are not lying, the fault lies with us, we made no report to them when your wife started to make acquaintances with the man with whom she is living now. They then said, "It is necessary to make a case against the man who took away the woman now." So Modise's maternal uncle was sent to him to inform him that he was required to appear at the 'kgoro' of Modise's people the following morning. The following day, this man whose name was Rakhudu, went to the 'kgotla'. When he arrived they were already waiting for him. Modise's uncle told him about the message he had been sent to deliver to him. He called him by his name and said, "Rakhudu, Rakhudu". Rakhudu answered and said, "I am here father". "Rakhudu you are at fault, this woman whom you have married, who gave her away to you in marriage?" Rakhudu said that he had married her on his own. Rakhudu was asked if he did not know that the woman was married and had a husband. Rakhudu said, "When I spoke to the woman, she said to me, "It is a long time since my husband went away to work among the Europeans, I have nothing to do with him any more". He asked him further, "When you took this woman out of her house, how did you take her out, when I her parent am her, knowing nothing? Don't you think that you are to blame for entering another man's house in his absence? Rakhudu admitted his guilt in that he

PM.

253

had entered another man's house and that had even taken away his wife. When they had found Rakhudu guilty, they passed judgment on him for three head of cattle and that the woman would be taken away from him. When the woman was called upon to return home, she refused and said, she did not love her first husband Modise any more for he had played a fool of her. They said to Modise, "Your wife refuses to return to you, see for yourself now. You have stayed away from home for a long time till your companions took your wife away". Modise also said, "If my wife refuses, I have nothing to say, she may go with that husband of hers to where she likes, I will find another woman and marry her." Modise and Moseroa separated in that way. The cattle which Rakhudu was made to pay were given to Modise in order that he should give up hope of the return of his wife. They slaughtered the third one so that they could also drink the broth. Modise returned to the European towns to look for work so that when he had earned sufficiently enough, he could find a woman to marry. But his family found fault with him and said that he was a worthless person, who gave the family a bad reputation by marrying all over the place,

Kubu Ditoane.

Ntladi and Motsei: A certain man whose name was Ntladi, married a woman by the name of Motsei. This he did on his own and against the will of his parents. Ntladi just said that he loved her. His parents told him that the Motsei family were people who were very fond of fighting, and they were bad people and unpopular with others. Ntladi did not take the advice of his parents. Afterwards, his parents allowed him to marry Motsei. After he married Motsei, he removed his abode from them and went to live with his parents-in-law. One day while he was staying with them, they assaulted him so severely that he even got ill. When he recovered, he went back to his parents and told them that his people-in-law assaulted him to such an extent that he was laid up. He now wanted to separate with their child. If he continued to live with her, they would one day kill him. His parents said we told you that that family is of bad repute, and they said that they had nothing to do

PM

K32/13

with it, it was a matter of his own concern if he wanted to divorce, he could do so. They told him further that he should not refer the matter to them because he fulfilled his wish, he had told them that he wanted to marry Motsei. Ntladi went to relate this matter to his paternal uncle, that it was his wish to divorce Motsei because his parents were very fond of fighting and they had assaulted him to such an extent that he became ill. His uncle told him to inform his father before divorcing Motsei. Ntladi told his uncle that he had already told his father who said that he was not in the least concerned. His uncle went with Ntladi to his father and told him about the matter. His elder brother the father of Ntladi said, "I have nothing to do with this matter, I told Ntladi that the Haseroka family were bad people but he nevertheless acted as he wished. As far as I am concerned, Ntladi can see his own way out. Our fathers say, "When a child cries for soup, it is given soup." There it is now it has turned to eat him. Let him burn, he will then realise that to act on his own after having warned by me is not right. Ntladi's paternal uncle pleaded on his behalf but in vain. His father refused point blank. His paternal uncle gave up hope. Afterwards Ntladi's paternal uncle went away with Ntladi to Ntladi's parents-in-law. On their arrival there, the parents of Motsei got angry against Ntladi's uncle and they told him that he was the person who spoiled Ntladi and that he was the cause of the misunderstanding between them and Ntladi as he taught him laws which did not agree with theirs. Ntladi also got very angry and when they tried to catch him in order to beat him, he ran away and went to the European towns for good leaving his uncle in the lurch. The cattle as well as other property were lost to him. His uncle tried by all means but was unsuccessful. Eventually he went away. But he blamed his elder brother and said although the child had acted according to his own will, he should however have fought his case. By saying so, he made his elder brother very angry so that they were never on good terms again. His elder brother said, "Since you came from there with him and you ran away, why did you do so, you should have fought it out, then we would understand you as you are

PM.

talking now. Let those cattle be forfeited, that is nothing they have been thrown away by a disobedient son in spite of my warning him that he should not go there, he would find a bitter pill and he said that he would go. There he is now, he has run away and the cattle have been lost. Ntladi will suffer during his lifetime for not listening to what I told him. Our fathers say, "a child who won't listen will learn by bitter experience." There he is my brother, he has fallen into difficulties. When he extricates himself, he does not even look back to see what a bad thing he did. He does not even regret but he runs away without even thinking it over.

Separation due to death. If a person is separated from the other by death be it a man or a woman, it is his or her obligation to mourn one for the other. He or she must remain in his or her house for a month doing nothing. His or her relatives should help him or her in the work of the house or home. Before the period of a month has ended, he or she should not go about in the village and amongst other people. After a month's time, the man or woman and children should have their hair shaved with a razor. After shaving, the man or woman takes "mogoga" (medicine) after it has been pounded and mixed with water and he or she washes him/herself with it in order to cleanse him/herself and to remove the dirt of death so that the world should not go against him/her. When he/she has washed him/herself with the "mogoga" he/she is now at liberty to mingle with the people, to go about in the village and out in the veld. Before going out he/she takes the "mogoga" with which he/she washed, goes along sprinkling it on the foot paths in the village. When he/she has done that, his/her time for staying in one place has expired, he/she can go about with the people and mix with them. He/she must observe three to four years mourning. Everything will then be over, and if he/she likes, he or she can marry. He or she is not allowed to marry in a year's time only. It must be longer. If a man loses his wife by death, and his wife has a younger sister, it is she who is married by the man so that she should come and look after the children of her elder  
PM.

sister. No 'bogadi' is paid for her. If the deceased wife has no sister, then the man may marry any other woman. If he wants any other woman, then he should say "bo boi". If the husband of a woman dies, she is married by the elder or younger brother of the husband. If they don't wish to, they will not marry her. They just leave her to the children of their elder or younger brother. They will provide for her so that she lacks nothing. If someone else wants to marry her, one who is not related to her, they have nothing to say, but he asks her from them. As he has the 'bogadi' to them. If a man has lost his wife through death, if his wife's sister is offered (sent) to him, there is no refusal. It is the same as if the wife's parents who remain, if they are not related to the one that of the deceased wife, they do not take their child, if their child was separated, they do not try to get her. But if they realized that she has been well treated, if there is one they can offer to enter into the house of the husband of her deceased sister, they do so without delay. They realize that her sister's children might suffer and therefore she must go to look after them and provide for them. They should not be anxious, they just know that they have their mother's younger sister. If a married woman loses her husband through death, she just remains at the place where she is married. If her husband has no children, she remains to marry her, she just remains there. If she has children, she will stay, she is the child of that house. She has cattle and some 'idool' and these cattle are for her. If she has no children, she catches a cow for her. If she cannot go back to her home to gain, she stays permanently. If she has no children, she stays there. If she has children, 'bogadi' is paid for her, but it is not paid by one of the elder brothers of her husband, or his cousin, no 'bogadi' is paid. It means that the one who marries her is taking care of the children.

o his elder brother or cousin. If this woman is married by the younger or elder brother of her husband, she remains in her house. If she is married by a strange man, it is then that she leaves this house if the man does not want to live in it, no one prevents the man from living in it if he wishes to do so. If he wishes to live in it, he does so, if the woman has had children with her husband before he died, the children who will be born later, by younger brothers will have their cattle kept separately. even if she is married by the elder brother of her husband, the first children are still the elder brothers of those who will be born later, their cattle do not mix. This woman, although married by the elder brother of her husband, she is his wife and the wife of his elder brother, the very man who has married her now. The younger wife only knows that she is married by her elder brother and that the reason for it is the care of his younger brother so that they should not feel that they are orphans. If this woman is not married and she gets children from other men, that is not considered as adultery. It simply means that her husband is dead and there is no one to marry her. These children too, are juniors to the first children. They have no cattle, because they have no father. But when they have grown up, they will be provided for by their elder brothers by helping them with marketing calves for them so that they may also live because in fact they are the children of their mother.

If a woman has lost her husband through death, she does not return to the home of her parents; she remains at the place where she is married, the home of her parents-in-law. She goes away from there when she gets married to other people. It is then that they can take her away to their home because they will have paid 'bogadi' for her. But if she has children, those children do not go away with her, only the little ones can go so that they may not feel

destitute. When they are grown up, they return to the home of their grandfather, where the cattle of their father are kept. The man who has married their mother, has no control over these children. Sometimes a beast is milked to provide milk for these children, it will be returned when they have grown up. They will also return to the home of their grandfather.

Radithobolo Majadubudu.

W.G.S.