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Aspects of Divorce in Rhodesia

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High Court of Rhodesia, Salisbury.

INTRODUCTION

The subject matter of this article is intended not merely to furnish some factual information, but also to encourage and stimulate criticism, further research and study which will result in the adoption of appropriate measures by which to reduce the rate of divorce in Rhodesia. A knowledge, and understanding of the causes and incidence of divorce is considered essential for those who are concerned with the rate of divorce and the serious and undesirable economic and social consequences of divorce.

The problem of divorce has been considered by several bodies in England, notably the Group appointed by the Archbishop of Canterbury in January 1964¹, a Royal Commission on Marriage and Divorce under the chairmanship of Lord Morton,² and the Law Commission under Mr. Justice Scarman.³ Some of their recommendations have formed the subject of legislation. Measures intended to reduce the rate of divorce have also been introduced in other countries. Both in Australia (Matrimonial Causes Act, 1959, section 14), and in New Zealand (Matrimonial Proceedings Act, 1963, section 14), the Courts have been given the power to adjourn divorce proceedings to enable the possibility of reconciliation to be explored and to refer the parties to a conciliator.

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In this article, however, attention is not focused on the possible measures by which the rate of divorce can be reduced or on measures adopted in other countries which are intended to avoid or to diminish the economic and social problems which result from divorce. For, it seems more important, as a first step, to set out some of the facts relating to the problem before methods and measures by which to solve it can be usefully discussed or understood.

RHODESIAN LAW OF DIVORCE

Divorce

A decree of divorce can be granted by the General Division of the High Court of Rhodesia on the following grounds: adultery, malicious desertion, incurable insanity, imprisonment for a certain and defined period, and cruelty. The main grounds upon which divorces have been granted are adultery, desertion and cruelty.

Adultery

Adultery by one spouse entitles the other to obtain a decree of divorce. The circumstances under which adultery is committed are irrelevant so that a single act of adultery, or adultery committed while under the influence of alcohol or where a person has been induced to commit adultery under emotional stress, will give rise to an action for divorce. If one spouse deserts the other or refuses to cohabit with him, such con-

duct does not excuse adultery; in short, there can be no excuse for adultery. If, however, the innocent party knows that the other party committed adultery and yet forgives the commission of adultery, the right to claim divorce on the forgiven acts of adultery is lost by that condonation. It is also not possible to sue for divorce on the ground of adultery where there has been connivance at adultery, that is, one party is satisfied and willing that the other spouse should commit adultery and assists or encourages the commission of adultery.

Malicious Desertion

Malicious desertion is constituted by one of the spouses wrongfully or maliciously leaving the matrimonial home and staying away with the intention of not returning. If the party has just cause for leaving the other spouse, such as the commission of adultery or acts of cruelty by the other spouse, then the desertion is not wrongful or malicious (and will not give rise to a ground for divorce). But even where one spouse does not leave the joint home, he can still be guilty of malicious desertion as, for example, where he or she refuses without good reason to have sexual intercourse with the other spouse, or when he or she is guilty of constructive desertion, namely, where by his conduct he reveals an intention or decision to treat the marriage as at an end. This can consist of a great many modes of behaviour, including ordering the other spouse to leave the home, ceasing to support her or the children, treating her with contempt or showing no interest.

Period of Desertion

In terms of the Matrimonial Causes Act (Chapter 179) no court is entitled to grant a final decree of divorce on the grounds of malicious desertion unless at least three years have passed since the date of marriage and the defendant has maliciously deserted the plaintiff for an uninterrupted period of at least six months immediately preceding the date upon which a final decree is granted. In all cases for divorce based on malicious desertion, the court, if satisfied that a *prima facie* case against the defendant has been established, gives the defendant an opportunity to change his or her mind and return to the plaintiff. Therefore, the order made by the courts is to call upon the defendant to restore conjugal rights to plaintiff by a fixed date and, failing this, to show cause on a subsequent date why a final decree of divorce should not be granted. Therefore, while a final decree cannot be granted until at least three years have elapsed from the date of marriage or plaintiff

has been deserted for at least six continuous months, a plaintiff can commence an action for the restitution of conjugal rights before these periods have expired.

The court has a discretion to grant a final order of divorce without making the preliminary order for the restitution of conjugal rights if it is proved that defendant has already deserted the plaintiff for an uninterrupted period of at least three years immediately preceding the commencement of the action.

It is obvious from what has been said that the provisions of the Matrimonial Causes Act are designed to prevent divorces on grounds of desertion until certain periods elapse so as to give the parties an opportunity to become reconciled. Such a 'cooling off' or 'thinking over' period is not provided in actions of divorce based on adultery or cruelty.

Cruelty

A decree of divorce may be granted on the ground that defendant has during the subsistence of the marriage treated the plaintiff with such cruelty as makes the continuance of married life insupportable. A court may regard such habitual drunkenness or such mental cruelty as makes continuance of married life insupportable as cruelty (see sections 3(c) and 6(1) of the Act). The Act further provides in section 6(2) that a court shall not grant a divorce on the grounds of such cruelty unless it is satisfied that the plaintiff (that is, the person suing for divorce) is not to any appreciable extent to blame for the unlawful conduct of the defendant.

Upon careful reading of the legal requirements to constitute cruelty, it will be seen that it can cover a variety and multiplicity of types of behaviour and conduct. It is not any act which a spouse finds difficult to tolerate that will amount to cruelty. The test has to be whether such cruelty renders the continuance of married life insupportable. It is obvious that conduct which makes the continuance of married life insupportable for one spouse will not be considered in the same light by another married person; abusive language, personal habits, or even drink, will affect different persons in a different manner. An analysis of the number of cases based on cruelty and the nature of the allegations of cruelty will help to understand this ground of divorce.

Ancillary Matters

In actions for divorce, particularly where the wife is the plaintiff, she often claims maintenance for herself, custody (and at times also guardian-

ship) of the minor children of the marriage and maintenance for the children until they attain a certain age, usually eighteen, or become self-supporting. In contested divorce actions, the dispute often relates to custody and maintenance only because both parties are agreed that the marriage must be terminated. A defendant may counter-claim for a decree of divorce, but in such a case, where both parties seek a divorce, the only real question is usually who shall be granted the order. The husband may sue on grounds of cruelty and the wife, as defendant, will deny that she is guilty of cruelty and because she does not wish for a divorce, often for religious reasons, she will counter-claim for a separation and claim custody of the children and maintenance for herself and the children.

In practice, however, it can be safely estimated that three-quarters of contested divorce actions take place because the parties are unable to agree on who should have the custody of the children, or the amount of maintenance which should be awarded. In deciding who should have the custody of the children, the paramount consideration is the interests of the children, and the court has to consider who is better suited and who can take the better care of the children and provide them with the best attention. In the case of very young children, the court is most likely to award them to the mother where the circumstances justify such an order.

Very few divorces are contested, and the parties usually agree upon questions of custody and maintenance and enter into 'consent papers' or written agreements which are subject to approval by the court. The court, as the upper guardian of all

minors, will carefully scrutinize agreements relating to the welfare of the children. The court usually approves the arrangements made by the parties, but when it is considered desirable it will call for further evidence and the views of probation officers to determine whether the parties have reached an agreement which is the best possible for the care of the children. This, however, is not a frequent practice, and reliance is usually placed on the agreement of the parties as representing the best arrangement that it was possible to make.

As very few cases are contested — approximately one in every 150-200, the proportion varies a little from year to year — the study undertaken as to the incidence of divorce is not affected by the fact that a few cases are contested.

STATISTICS OF DIVORCE IN RHODESIA

In studying these figures, the reader must bear in mind that the population of Rhodesia increased or altered through immigration and emigration over the last ten years, as it did before that. A great number of those who are divorced in any one year were married in other countries; and an analysis of divorces granted during the period revealed that out of 600 divorces about 250 couples were married outside Rhodesia. Accordingly, a great many of those who are divorced were married outside Rhodesia and an unknown number of those married in Rhodesia left the country. The statistics relating to divorces and marriages must be read in the light of the population changes, and are therefore not as true a reflection of the divorce rate when compared with countries whose population is composed

Table 1
MARITAL STATUS BY SEX AND AGE GROUPS
European Males

<i>Age Group in Years</i>	<i>Never Married</i>	<i>Married</i>	<i>Widowed</i>	<i>Divorced</i>	<i>Separated</i>	<i>Total</i>
Under 15	33 581	—	—	—	—	33 606
15-19	10 568	40	—	—	—	10 608
20-24	6 719	2 114	1	32	29	8 902
25-29	2 272	5 507	4	134	74	7 992
30-34	861	5 989	21	138	70	7 079
35-39	628	6 712	21	172	82	7 616
40-44	563	7 104	40	227	86	8 021
45-49	450	7 556	96	221	112	8 436
50-54	283	6 076	107	203	89	6 759
55-59	276	5 264	161	178	72	5 953
60-64	217	3 755	208	124	58	4 365
65-69	108	1 984	209	66	40	2 410
70 and Over	130	1 874	622	66	44	2 740
Not Stated	181	94	4	7	2	304
TOTAL	56 837	54 069	1 494	1 568	758	114 791

largely of persons born there; where comparatively few leave and fewer settle from outside.

Nevertheless, the available figures provide useful information concerning this subject.

European Females

Age Group in Years	Never Married	Married	Widowed	Divorced	Separated	Total
Under 15	32 174	—	—	—	—	32 197
15-19	9 279	632	2	4	9	9 929
20-24	3 477	4 930	13	111	60	8 593
25-29	957	6 385	37	179	100	7 651
30-34	487	6 141	48	193	86	6 955
35-39	393	6 771	80	218	87	7 550
40-44	323	6 914	199	279	117	7 834
45-49	340	6 871	366	297	147	8 021
50-54	337	5 297	650	254	103	6 641
55-59	339	4 151	908	274	91	5 765
60-64	337	2 754	1 230	196	71	4 592
65-69	214	1 238	1 224	107	41	2 824
70 and Over	282	960	3 302	107	46	4 702
Not Stated	69	124	40	6	2	251
TOTAL	49 008	53 169	8 089	2 225	960	113 505

Source: RHODESIA 1971 1969 Population Census (Interim Report). Vol. 1, Salisbury, Central Statistical Office, Table 9; cases of unspecified marital status are included.

Table II

DIVORCE IN RHODESIA

	Grounds					Plaintiff	
	Total	Adultery	Cruelty	Desertion	Miscellaneous	Wife	Husband
1951	248						
1952	264						
1954	314	22	106	186	2	171	143
1957	328	31	105	190	2	182	146
1958	377	30	114	233		188	189
1961	422	54	181	187		243	179
1962	377	27	167	183		230	147
1963	430	26	177	227	1	259	171
1964	397	43	180	174		239	158
1965	401	36	170	194	1	256	145
1966	462	54	202	205		303	149
1967	487	54	238	195	1	314	173
1968	527	39	267	221		337	190
1969	538	38	267	232	1	366	172

Table III*

RATE OF DIVORCE COMPARED WITH RATE OF MARRIAGE IN RHODESIA

	1964	1965	1966	1967	1968	1969
Total Number of Marriages	2 046	1 876	2 136	2 183	2 203	2 451
Total Number of Divorces	397	401	452	487	527	538

*Although, for reasons that are not relevant to this study, a few African divorces and marriages are included in the above figures, they only constitute an insignificant number and can be disregarded. The vast majority of African marriages are governed by customary laws or registered in terms of special regulations applicable only to Africans. A study of marriage and divorce among Africans would have to be a separate exercise. Marriage and divorces for Coloured and Asian couples are included but also constitute a very small number. It can therefore be estimated that at least 98 per cent of all the above figures relate to Europeans, with whom this investigation is concerned.

DURATION OF MARRIAGES

The duration of marriage, that is, the period during which a marriage subsisted before it was dissolved, was analysed in order to determine whether divorce results in the earlier period of marriage or with equal frequency throughout the duration of a marriage. The basis of what follows is an analysis of the 600 cases of divorce heard between January 1968 and April 1969. The results were tested by checking records of divorces during the period from 1960 to 1968, and it was found that no significant differences existed. The 600 cases analysed were divorces granted mainly on the grounds of cruelty, adultery and desertion. The approximate proportion of each was about 300 cases of cruelty, 250 of desertion and 50 on the grounds of adultery.

The total number of 600 was analysed together, in the first place, to determine the period that elapsed before the marriages were dissolved, irrespective of the grounds upon which divorce was granted. The results are set out by giving percentages, which make it also easier to appreciate the comparisons which they reveal.

Table IV

DURATION OF MARRIAGES ENDING IN DIVORCE

<i>Duration in Years</i>	<i>Percentage of Total</i>	<i>Cumulative Percentage</i>
1 or less	2,8	2,8
2	8,4	11,2
3	9,0	20,2
4	10,0	30,2
5	5,6	35,8
6	5,6	41,4
7	5,0	46,4
8	4,6	51,0
9	3,2	54,2
10	5,6	59,8
11-15	17,2	77,0
16-20	11,0	88,0
21-30	10,6	
31 and Over	1,6	

Thus, a little over one-third (36 per cent) of all marriages which ended in divorce subsisted for five years or less. Within ten years of marriage 60 per cent were divorced, and 77 per cent were divorced within fifteen years. So that three-quarters of the marriages ending in divorce were dissolved within fifteen years.

It is true, for what comfort it may bring, that after fifteen years of marriage the chances of divorce greatly diminish. The conclusion that can be drawn, and which is perhaps not a surprising one, is that the longer a marriage has lasted the less chance exists of it terminating in divorce.

Nevertheless, proof of what some may consider to be a self-evident truth is a relevant fact to the problem. It will be observed that during the second year, third year and fourth year of marriage the rate of divorce is particularly high, as compared with that of the years immediately following: 27,4 per cent of all the marriages which ended in divorce only subsisted for two, three or four years.

CHOICE OF GROUND OF DIVORCE

Before dealing with the duration of marriages dissolved on particular grounds it is necessary to consider the 'choice' of a ground of divorce. The main grounds of divorce are cruelty, desertion and adultery. Often plaintiffs decide to commence divorce proceedings on more than one ground, in the alternative, as for example, on the grounds of cruelty, but in the alternative they allege malicious desertion and seek an order calling upon a defendant to restore conjugal rights and failing compliance therewith, then a decree of divorce. In practice it is rare — about one case in every 2 000 — that a defendant offers to restore conjugal rights or, in other words, to return; and this is a significant fact when the prospects of reconciliation *after* the commencement of divorce proceedings are considered.

Similarly, an action may be based on adultery but with a claim in the alternative for restitution of conjugal rights, that is to say, on the grounds of desertion. In order to avoid the stigma attached to adultery, a defendant often agrees not to contest the claim based on desertion and a divorce is therefore sought on the grounds of desertion. This also often occurs where a divorce is claimed on the grounds of cruelty. The defendant does not want to admit allegations such as excessive sexual demands, habitual consumption of excessive quantities of drink, or that he assaults his wife or any other act of cruelty. In order to avoid a contested trial on the grounds of cruelty, he agrees not to contest a claim based on desertion.

There are also cases in which the parties appreciate that one is guilty of conduct which renders the continuance of married life insupportable, however unintentional; as for example, the husband may not be able to abstain from heavy drinking or control his behaviour towards his wife while under the influence thereof; or the husband may consider that he is unable to resist the temptation or opportunity of an affair with another woman. He knows and regrets that his conduct causes his wife unhappiness but is unable,

or considers himself unable, to abstain from behaving in the manner that causes her distress. In such circumstances also the parties often agree to terminate the marriage on the grounds of desertion in order to avoid 'washing dirty linen in public' generally, or for the sake of the children of the marriage, who are to be kept in ignorance of the conduct of their father so as not to diminish their respect for him, or to be adversely influenced morally by such an example. The result is again an action based on desertion where grounds of cruelty exist and in some cases and for the same reason where evidence of adultery may also be available.

Accordingly, in many actions for divorce based on desertion the plaintiff could have obtained a divorce either on the grounds of cruelty or, adultery, or on both. This must be borne in mind in considering the incidence of cruelty, adultery or desertion. But these considerations do not affect the analysis of the nature of the cruelty alleged by parties; it only means that many more persons could claim a divorce on the grounds of cruelty or adultery than those who in fact do. Adultery is often difficult to prove, and the wife may therefore base her claim on cruelty or desertion. It must be emphasised that these claims are neither collusive, fraudulent nor fictitious. For example, where a husband has been behaving in a manner which amounts to cruelty, it will usually justify his wife leaving him, and his conduct amounts to constructive desertion. On occasions, such a husband not only behaves in a manner justifying a decree of divorce on the grounds of cruelty but in the course of his behaviour he actually leaves his wife once or twice. In other words, a spouse may have two or three genuine, and lawful grounds upon which to seek a decree of divorce, but the selection of the ground upon which she claims divorce may be influenced by a desire not to face a contested trial, or by the effect of any particular ground upon the children, family associations, or the husband's employment.

Dependence on Husband after Divorce

It is perhaps desirable to emphasise that a wife often appreciates that if she were to make known her husband's drinking habits or moral turpitude, it could result in his loss of employment or in his prospects of promotion being impeded. She does not want to effect his employment either out of a sense of kindness but more often because even after divorce she, and particularly the children, will continue to depend upon him for

maintenance and support. These considerations result in actions based on desertion and not on existing grounds of cruelty or adultery.

A claim for divorce on the grounds of desertion generally requires proof of desertion only and not of the motives of conduct which caused desertion. The evidence usually consists of allegations that the parties were happy for a certain period, after which the defendant lost affection for the plaintiff or became 'cool' towards her, and on a particular date left the matrimonial home and has since failed, refused or neglected to return. To emphasise the point, letters are at times produced in which the defendant was called upon 'to restore conjugal rights to his wife', and either evidence of a failure to reply or a written or even verbal refusal to do so. Only on a few occasions is there mention of drink or another woman or of any other reflection on defendant's conduct from a moral or derogatory point of view. The evidence of desertion by itself does not often reflect adversely on either party. It may give rise to speculation but it does not provide the facts.

The simple procedure followed in a case based on desertion is in itself a reason why many a plaintiff chooses it as the ground upon which to terminate the marriage. The proceedings are also shorter because the 'story' is shorter than one based on cruelty or even adultery. A plaintiff is spared the embarrassment of standing in court and telling an audience of strangers, how her husband treated her, and in the first instance she also avoids having to tell her legal advisers matters of an intimate nature. It is in the light of these observations concerning the choice of a ground upon which divorce is claimed, that the following facts and statistics have to be considered:

Table V
DURATION OF MARRIAGES DISSOLVED ON
GROUNDS OF CRUELTY

<i>Duration in Years</i>	<i>Percentage of Total</i>
1 or less	7.4
2	9.2
3	9.4
4	8.0
5	4.0
6	5.0
7	6.0
8	4.0
9	4.0
10	3.0
11-15	15.0
16-20	12.0
21-30	10.0
31 and Over	2.0

In analysing the 600 cases in this connection, the results were again checked by random samples of divorces granted on grounds of cruelty from 1960 to 1968, and no significant differences were found. From these figures it can be determined that of all marriages dissolved on grounds of cruelty 39 per cent were dissolved within five years of marriage, 61 per cent within ten years of marriage, 76 per cent within fifteen years of marriage and 87 per cent within twenty years of marriage.

Table VI

DURATION OF MARRIAGES DISSOLVED ON
 GROUNDS OF DESERTION*

<i>Duration in Years</i>	<i>Percentage of Total</i>
1 or less	2,5
2	5,5
3	7,5
4	9,0
5	6,0
6	9,0
7	4,5
8	5,5
9	3,5
10	6,0
11-15	19,5
16-20	8,5
21 and Over	12,5

The comparison of the duration of marriages dissolved on different grounds will be considered and analysed later, but again it may be useful to mention at this stage that of all the marriages which were dissolved on the grounds of desertion 30 per cent of such marriages lasted up to five years, 59 per cent lasted up to ten years, 78 per cent lasted up to fifteen years and 89 per cent were dissolved within twenty years of marriage.

Table VII

DURATION OF MARRIAGES DISSOLVED ON
 GROUNDS OF ADULTERY

<i>Duration in Years</i>	<i>Percentage of Total</i>
1 or less	6,0
2	6,0
3	18,0
4	2,0
5	6,0
6	2,0
7	4,0
8	8,0
9	2,0
10	6,0
11	8,0
12-15	12,0
16-20	14,0
21-30	4,0

These figures show that 38 per cent of all marriages dissolved on grounds of adultery lasted up to five years; 60 per cent up to ten years, 94 per cent up to fifteen years and 98 per cent were dissolved within twenty years of marriage.

COMPARISONS

The statistics of the duration of marriages terminated on the three main grounds reveal differences in the duration of marriages dissolved on grounds of cruelty or desertion when the figures relating to the duration of marriages for any particular period and, in particular, up to ten years, are compared.

Of all the marriages dissolved on grounds of cruelty after one, two and three years of marriage, the percentages are 7,4; 9,2; and 9,4 respectively, compared with 2,5; 5,5; and 7,5 of all marriages dissolved on grounds of desertion after the first, second and third years of marriage.

One of the main differences is capable of explanation by reference to the provisions of the Matrimonial Causes Act. As has been mentioned, it is not possible at law to grant a final decree of divorce on the grounds of desertion until and unless the marriage has subsisted for three years. Accordingly, if a spouse is deserted after six months from the date of marriage, she will be granted a restitution order but no final order until the expiration of three years from the date of marriage. For obvious reasons a plaintiff is often reluctant to wait that length of time before obtaining a decree of divorce. He or she may wish to remarry, or not retard the chances of remarriage; or generally there is a wish to terminate legally a marriage which is considered to have broken up and terminated as a matter of fact. Therefore, such spouses will rely on cruelty or

*It has been pointed out that the Court is not entitled to grant a final decree of divorce on the grounds of desertion until three years have elapsed from the date of marriage. For the purpose of analysis, however, the period of the duration of marriages which terminated on the grounds of desertion has been based on the date upon which an order for restitution of conjugal rights was granted. Although at law such marriages terminate only upon the granting of a final decree of divorce, it is considered more realistic to treat the date upon which a restitution order was granted as more correctly indicating the factual duration of marriage for the purpose of this study.

adultery if such grounds exist. They have not the same opportunity or inducements of choosing between alternative grounds such as cruelty or desertion, or adultery or desertion, which is available to spouses who have been married for over three years.

Table VIII
COMPARISON OF DURATION OF MARRIAGES
ENDING IN DIVORCE

Cumulative percentages

<i>Duration in Years</i>	<i>Cruelty</i>	<i>Desertion</i>	<i>Adultery</i>
1 or less	7.4	2.5	6.0
2	16.6	8.0	12.0
3	26.0	15.5	30.0
4	34.0	27.5	32.0
5	39.0	30.5	38.0
10	61.0	59.0	60.0
15	76.0	78.5	94.0
20	87.5	89.0	98.0

It will be observed that a larger proportion of marriages are dissolved within the first five years on grounds of cruelty than on the grounds of desertion. Until five years have elapsed from the date of marriage the number of divorces granted on the grounds of cruelty substantially exceeds the proportion of all divorces granted on the grounds of desertion. Parties who seek divorce after the expiration of five years from the date of their marriage, as for example within ten or fifteen years, rely more on the grounds of desertion than on the grounds of cruelty.

It has already been pointed out that because it is not possible to obtain a final decree of divorce on the ground of desertion until a marriage has subsisted for at least three years is probably the main reason why more plaintiffs seek a divorce on the grounds of cruelty in the earlier period of marriage. Another reason is that considerations which influence a woman not to seek divorce on grounds of cruelty, such as her dependence on him for maintenance after divorce, the influence of the grounds of divorce on children are not present in the early years, and where they exist, the over-riding consideration is the reluctance to wait for a final order and the desire for finality.

CHILDREN OF DIVORCED COUPLES

Of all the couples who were divorced, 85 per cent had children. Of these, 40 per cent had one child, 30 per cent two children and 30 per cent three children or more; three couples had an only adopted child. In the 600 cases between January 1968 and April 1969, there were 850 minor children under the age of 21 of those

marriages. A study of the position during the preceding five years reveals that approximately 700 minor children are born of marriages which are dissolved in any one year.

MARRIED WOMEN IN EMPLOYMENT

Forty per cent of all women who get divorced worked during the marriage and in particular they were all employed at the time of the divorce proceedings; and 68 per cent of them were mothers of minor children.

Such figures may seem to confirm a common suspicion that a woman's employment is a factor which contributes to or causes the break up of a marriage. As usual, however, it is not safe to generalize. There are marriages whose success or subsistence depends on the very fact that the wife does work. Her contribution to the family income enables the couple to live in reasonable comfort so as to avoid stresses and strains caused by financial difficulties or the lack of essential items. In some families the wife's earnings are used to purchase a house, to save, to provide a child with a university education. Her employment may even have 'fringe benefits' in that the wife acquires greater self confidence, appreciates her husband's problems with sympathy and advice, and generally keeps her interested and interesting; and for these reasons she is a more balanced and better adjusted companion.

There are of course examples of women who by having to work, or merely by being in employment out of choice, adopt an attitude and act in a manner which contributes to marital unhappiness: she may constantly remind her husband of their dependence upon her earnings, or spend her own income on unnecessary luxuries when the money should more beneficially be spent on essential household requirements; or she may neglect her usual domestic duties, her children and her husband. There are other obvious examples of this type of woman whose employment is the cause of marital stress and strain.

The point does emerge that a woman, particularly one who has the care of minor children, can by her attitude contribute to unhappiness which can result in divorce. It is therefore a subject which has to be considered in deciding upon the measures that can be taken to avoid divorce by eliminating the causes of friction in the home. In many cases Marriage Guidance Counsellors are able to assist such couples to see the problem in the perspective and to remove the undesirable consequences resulting from the wife being in

employment. This is relevant to the subject whether there should be compulsory efforts to effect a reconciliation before matrimonial proceedings are commenced.

According to statistical information revealed by the 1969 census in Rhodesia, 36 per cent of all married women in Rhodesia are in employment. It is interesting to note that the number in part-time employment (by which is meant those who work for less than 20 hours a week) is very small. Out of 34 206 European women in employment, referred to in technical language, as 'economically active females', only 2.1 per cent were in part-time employment in the sense in which it is defined above. Thus, while 36 per cent of all married women are in employment, 40 per cent of all women who get divorced are in employment; the fact that the wife works, therefore, is probably a factor which contributes to divorce but it does not appear to be very significant.

It has not been possible to ascertain what proportion of the 36 per cent of the married women who are in employment are the mothers of minor children. It will have been observed that of the 40 per cent of all these women who were divorced who were in employment, 68 per cent of them had minor children. This is obviously a subject which requires further investigation to determine whether or not employment in the case of a woman who has no minor children is less often a contributory factor to divorce than in the case of women who are in employment and also have the responsibility for young children.

CONCLUSION

This brief survey has dealt with some aspects of the duration of marriage and grounds of divorce, but other important questions remained unanswered:

- (a) What effect does the age at date of marriage have on the divorce rate? In other words are persons who marry at a young age (and at what age is one too young?), more likely to find that their marriage will end in divorce?
- (b) Are divorced persons who remarry more likely or less likely to divorce again compared with persons who marry for the first time? This is an important aspect because it appears that in nineteen per cent of all divorces one or both parties have been divorced before.
- (c) Does the fact that parties engaged in pre-marital sexual intercourse with each other before marriage adversely affect the rate of divorce?
- (d) What is the nature and incidence of particular allegations of cruelty such as drink, assaults, infidelity or money?
- (e) Is it 'too easy' to get a divorce so that stricter divorce law may reduce the rate of divorce?

These aspects are equally relevant to an understanding of the causes of divorce which is essential in order to determine what can be done to reduce the rate of divorce.

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