



**THE MANAGEMENT OF DIVORCE CASES IN SOUTH AFRICA AND THEIR
EFFECTS ON MEN: A CASE STUDY OF NZHELELE AND THOHOYANDOU
MAGISTERIAL DISTRICTS IN VHEMBE DISTRICT MUNICIPALITY.**

by

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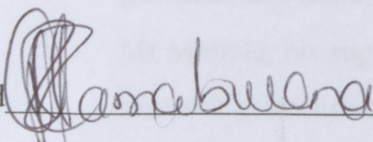
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DECLARATION

I, **RAMABULANA ROFHIWA MASHUDU**, hereby declare that this mini-dissertation for Master of Public Management at the University of Venda, hereby submitted by me is my own original work in design and execution. This work has not been copied or previously submitted for a degree at this or any other institution. All reference materials contained herein have been duly acknowledged.

Signed  Date 20/08/2013

ACKNOWLEDGEMENT

Throughout this research process, there are people who showed me their unfailing support and guidance, and to them I would like to express my gratitude.

- I extended a word of thanks to Prof Khwashaba my supervisor, his support, guidance and mentorship ensured the success of this study
- Mr Mahole, his support and patience in correcting and guiding me through this research is invaluable
- My Parents and Siblings who stood by me and were patient throughout the study.
- My colleagues and friends Phaswana T, Makhuvha ET, Madzivha M, Ligavha L, Mabunda A, Mashamaite L, Lukhwa LR, Mundalamo J, Takalani MG, Netshiongolwe and Nemukula
- Lastly I thank God for enabling me to complete this study

ABSTRACT

DEDICATION

I would like to dedicate this study to my parents, Mr Simon Godfrey Ramabulana and Mrs Thivhilaeli Florence Ramabulana who supported and encouraged me throughout the study.

The institution of marriage is regarded as one of the most important institutions in South Africa. There are different laws that are put in place to ensure that this institution is entered into in a right manner. These laws validate the existence of the institution of marriage. They guide how it is formed and also how it can be dissolved. Marriage symbolises the coming together of two people in a union that allows them to share each other's resources, strengthens and weakness. Companionship and dependence upon one another is often found within the institution of marriage.

When the institution of marriage is dissolved or when it breaks down and the spouses go their separate ways, this ending or dissolution of marriage is referred to as divorce. There are many causes of this and also challenges that come with divorce. This study investigated how the management of divorce cases affect men, financially, socially and economically. The study was conducted in Nzhelele and Thohoyandou in Vhembe District Limpopo Province.

The methodologies used in this study were mixed methodologies in that; the data collection processes that were followed were both qualitative and quantitative in nature. An interview schedule and a survey questionnaire were used to collect the data.

The findings of the study are that divorced men face emotional challenges that are a result of the feelings of anger, betrayal and hurt and the financial loses they suffer because of the divorce. Another finding is that men face financial hardships due to a loss of valuable assets and estate; they also face social challenges as a result of loss of custody of children and difficulties in co-parenting children between two households. Another finding is that the management of divorce cases does not favour men more and women instead of men get custody of minor children more.

The study recommends that that in divorce cases men's needs and challenges should be taken into consideration and should be awarded the same opportunity or an equal chance to can get the custody of minor children and also receive maintenance from their former spouse.

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1.2 BACKGROUND OF THE STUDY

Divorce is the final ending of a marital union, cancelling the legal duties and responsibilities of marriage and dissolving the bonds of matrimony between the parties unlike annulment, which declares the marriage null and void. Divorce laws vary considerably around the world, but in most countries it requires the issuing of a divorce order by the court in a legal process. The legal process of divorce may also involve issues of spousal support, child custody, child support, distribution of property, and division of debt. Where monogamy is law, divorce allows each former partner to marry another. The principal purpose of the legal divorce is to dissolve the marriage contract so that emotionally divorced spouses can conduct economically separate lives and be able to remarry (Lananta & Riedmann, 2006: 435).

According to Bezuidenhout (2005: 16) divorce should be viewed as the end result of a marriage relationship that reached the point which both partners came to the decision that they could not continue their life together as a married couple. A legal Divorce is

CHAPTER 1

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 INTRODUCTION

The institution of marriage is often seen as a union between two individuals who are brought together and it can either be a union between individuals who want to share their lives together. The death of a marriage is a prolonged emotional crisis. When a couple separates and eventually divorces each partner goes through another different upheaval. And at the very least their circumstances may change. Individuals deal with the divorce process differently and their coping strategies may differ.

Many books and articles have been written about women and divorce, children and divorce, but what about men and divorce? This study seeks to explore how the management of divorce cases in South Africa affect men, how men deal with divorce; emotional challenges, coping strategies, social impact that divorce has on their lives and relationship with their children.

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According to Bezuidenhout (2005:16) divorce should be viewed as the end result of a marriage relationship that reached the point which both partners came to the decision that they could not continue their life together as a married couple. A legal Divorce is

the dissolution of the marriage by the state through a court order terminating the marriage.

Men and women experience divorce differently. Previous research focused on how divorce affects women and children but less is written about. Men also suffer and they are faced with different challenges. Divorce involves a disruption of family life. It comes with different changes that the former spouses need to adjust to in their lives. Coping with such changes may be difficult and not just for women but for men also. A study of how it affects men is important as it will help in the management of divorce cases and how they affect men

1.3 STATEMENT OF THE PROBLEM

In South Africa, there are different legislations that guide how divorce is conducted. The Divorce Act, 1979 (Act 70 of 1979) seeks to protect the rights of the parties involved in the divorce process. It seeks to promote the rights of the involved parties by ensuring fair divorce process and coverage of the costs. Section (10) of the divorce Act indicates how the costs can be covered. The court can issue out an order which indicates how the parties can contribute towards the costs. Section (7) of the Divorce Act provides for the division of assets and maintenance of parties, this section seeks to achieve equitable distribution of the assets, depending on the type of marriage for example whether the parties were married in or out of community of property.

However there are problems or challenges that are associated with divorce. When two married people get divorced, they tend to lose the social status that is associated with marriage. Divorce brings about the possible loss of custody of children. During divorce, most especially in marriages where individuals are married in community of property, there is division of assets, and men are faced with the possibility of becoming homeless. Divorce processes are not always smooth, they can be lengthy and costly, and men tend to suffer financially because in cases where they do not have custody of their children, they have to maintain their children and if the former spouse remarries the man ends up supporting both his children, former spouse and her husband. The study seeks to investigate these.

1.4 AIM OF THE STUDY

The aim of the study was to investigate how the management of divorce cases affect men, emotionally, socially and financially and their relationship with their children.

1.5 SPECIFIC OBJECTIVES OF THE STUDY

The objectives of the study were as follows:

- To explore the emotional challenges of men when dealing with divorce
- To explore the relationship of divorced non-custodial fathers with their children
- To explore the financial hardships that men face due to divorce
- To Identify the coping strategies that men use in dealing with their divorce

1.6 RESEARCH QUESTIONS

The following were the questions for the study

- How do men often feel when going through divorce?
- What are the financial losses that men often suffer because of divorce?
- What impact does the decisions in custody cases affect men and their children?
- What are the ways that men use in dealing with divorce?

1.7 SIGNIFICANCE OF THE STUDY

When working with individuals who have experienced difficult situations in life, it is important to do so from a strengths perspective or approach. In order to do so professionals need to understand the experiences that those individuals have gone through and how they coped with the experience and the different coping strategies. This will assist in strengthening those qualities so that the individuals can best overcome future problems (Sheaffor & Horejsi, 2006). The findings of the study will contribute towards policy making and review with regards to how divorce cases are managed in South Africa, by the different challenges that men face due to decisions taken in divorce cases.

1.8 DELIMITATION OF THE STUDY

Delimitation of the study was as follows: the study will be conducted at Nzhelele and Thohoyandou in Vhembe district in Limpopo province. The population of this study will be; family advocates, magistrates, social workers, psychologists and men who have gone through the divorce process and had at least one child with their former spouse.

1.9 LIMITATIONS OF THE STUDY

The following were the possible limitations of the study namely; withdrawal of participants during the course of the study and sensitivity and financial constraints.

- **Sensitivity:** some participants were fearful to share sensitive information that was relevant to the study however this was addressed by building a good rapport with the participants, reassuring them on confidentiality and also on the fact that what is collected will remain anonymous.
- **Financial constraints:** the study required a lot of money for printing literature review materials, proof reading, and transport to conduct interviews and also for printing and binding the final thesis.

1.10 DEFINITION OF OPERATIONAL CONCEPTS

The following concepts have been defined for the purpose of the study:

- **Marriage**

According to Strong, De Vault and Cohen (2005:571) marriage refers to a legal recognized union between a man and a woman in which economic cooperation, legitimate sexual interaction and the rearing of children may take place. For the purpose of the study marriage will refer to a legal union between a man and a woman, who share a common place of dwelling, economic support.

- **Divorce**

According to Burgoyne, Ormrod & Richards (1987:40) divorce refers to the legal transition that marks the end or final stage in the breakdown of the marriage, its

formal dissolution and a legal rearrangement of the relationship between the spouses, particularly in relation to the children and property rights. For the purpose of this study, the concept divorce shall refer to a legal separation of a couple who was legally married. Divorced papers must have already gone through and the process of marriage breakdown is complete.

- **Child**

The Constitution of the Republic of South Africa, 1996 provides that a child is any person from below the age of 18 years.

1.12 ORGANIZATION OF THE STUDY

Chapter 1: Introduction and background of the study

The chapter focuses on the introduction and background of the study. It provides an introduction of the research topic problem statement, general and specific research objectives, research questions, delimitation of the study, limitations of the study, definition of concepts, significance of the study and brief literature review.

Chapter 2: Literature review

This chapter discusses what divorce is. It also outlines the legal framework on marriages and divorce in South Africa. It provides an account of previous research on divorce, what other authors have already written. It also includes a discussion on the following: the divorce process, factors that contribute to divorce, social, emotional and financial consequences of divorce on men, how divorce affects the relationship between divorced men and their children.

Chapter 3: Research methodology and Design

For every research conducted, the researcher needs to decide upon different aspects concerning how the study will be carried out. The researcher needs to outline the research methodology. This chapter gives a detailed account of the research methodology. It includes the following: research design, study area, population, sampling, data collection, research instrument and the nature of the study and data analysis.

Chapter 4: Data projection and Analysis

After having collected the data, by following what was outlined in the research methodology, the data has to be presented. This chapter is a representation of the data collected, interpretation of the data and data analysis.

This chapter gives an account of past research that has been done on divorce, it will include the following variables: what divorce is, the factors that contribute to divorce, how it

Chapter 5: Findings, Recommendations and Conclusion

This Chapter presents the findings of the study, recommendations and conclusions based on the study. It also discusses the legal framework on divorce, in the South African context.

2.2 LEGAL FRAMEWORK ON DIVORCE

When two people want to get married in South Africa, they have to do so under the laws and regulations designed to govern such. The laws under which a marriage and divorce may be contracted in South Africa are:

2.2.1 **The Marriage Act, 1961 (Act No 25 of 1961):** this act provides for the solemnisation of a civil or religious marriage between a man and a woman. Section 2-8 of the act set out who marriage officers are, those who are able to solemnise marriages. Section 12 of the act provides that a marriage officer may not solemnise unless both parties produce their identity documents or prescribed affidavits. Section 26 provides grounds under which marriages are prohibited such as that the people entering into marriage should be of a certain age and Section 27 indicates that proof that the parties involved are not minors may be requested.

2.2.2 **The Recognition of Customary Marriages Act, 1998 (Act No 120 of 1998):** this act provides for the registration of marriages under African customary law. Some communities' customary law allows for polygamous marriages, and these are recognised subject to certain conditions. Section 2 of the act provides valid customary law and existing at the commencement of this Act is for all purposes recognised as a marriage. Section 3 of the act provides for the requirements for validating of customary marriages, such as that the marriage should be negotiated and entered into or celebrated in accordance with customary law.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter gives an account of past research that has been done on divorce, it will the following variables: what divorce is, the factors that contribute to divorce, how it affects men, emotionally, socially, economically, the relationship that divorced fathers have with their children, the legal framework on divorce, in the South African context.

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2.2.3 The Civil Union Act, 2006 (Act No 17 of 2006): this act provides for the solemnisation of a civil or religious marriage or a civil partnership between two people regardless of gender. The legal consequences of a marriage under the Civil Union Act are the same as those of a marriage under the Marriage Act.

2.2.4 The Divorce Act, 1976 (Act 70 of 1979)

The Divorce Act, 1979 (Act 70 of 1979) guides how divorce is conducted in South Africa. It seeks to ensure that the rights of the parties involved are promoted and protected. It provides for how one can lodge a divorce, how the costs will be covered. It seeks to ensure fair divorce process. Section (7) provides for the division of assets and maintenance of parties, this section seeks to achieve equitable distribution of the assets, depending on the type of marriage for example whether the parties were married in or out of community of property. This act also provides for the following grounds of divorce:

A marriage may be dissolved by a court by a decree of divorce and the only grounds on which such a decree may be granted in terms of the South African Divorce Act are

- the irretrievable break-down of the marriage as indicated in section 4;
- the mental illness or the continuous unconsciousness of a party in the marriage as indicated in section 5 of the Act.

2.2.4.1 Irretrievable break-down of marriage as ground of divorce

The irretrievable break-down is a state of marriage whereby the possibility of reconciliation between partners is impossible. The irretrievable break-down may be considered as a ground for divorce. However before the court can issue a decree of divorce, it must first establish and be satisfied that the marriage relationship between the parties to the marriage has reached such a state of disintegration and that there is no reasonable possibility of the restoration of a normal marriage relationship between them.

Section 4 (2) of The Divorce Act, 1979 (Act 70 of 1979) indicates three conditions which may be considered as evidence of the irretrievable breakdown of marriage, these are conditions are:

- 2.2.4.2
- The parties have not lived together as husband and wife for a continuous period of at least one year immediately prior to the date of the institution of the divorce action. This however does not mean as it previously was the case that the parties involved in the divorce have to be living in separate buildings. There must be a reasonable explanation on why the parties are still sharing the same residential facilities (The Divorce Act, 1979 (Act 70 of 1979)).
 - The Defendant has committed adultery and that the Plaintiff finds it irreconcilable with a continued marriage relationship. In some cases it is not just the defendant but both parties who are involved in adulterous relationships and this may lead to the irretrievable breakdown of a marriage (The Divorce Act, 1979 (Act 70 of 1979)).
 - The Defendant has in terms of a sentence of a Court been declared a habitual criminal and is undergoing imprisonment as a result of such sentence.

In terms of section 4(3) of The Divorce Act, 1979 (Act 70 of 1979) the Court still has discretion not to grant a divorce order but postpone the proceedings or even dismiss the claim if it appears to the Court that there is a reasonable possibility that the parties may become reconciled through marriage counselling, treatment or reflection. The Court may refer the parties involved in the divorce process for counselling or treatment it sees fit. If after such measures have been undertaken and there is still no possibility of a restoration of a normal marriage relationship the Court may grant a divorce order.

A customary marriage may be dissolved only on account of an irretrievable breakdown in the marriage and only if the High, Family or Divorce Court is satisfied that the marriage relationship between the parties has reached such a state of disintegration that there is no reasonable prospect of the restoration of a normal marriage relationship between them The Divorce Act, 1979 (Act 70 of 1979).

2.2.4.2 Mental illness or continuous unconsciousness as grounds of divorce:

A court may grant a decree of divorce on the ground of the mental illness of the defendant if it is satisfied that the defendant, in terms of the Mental Health Act 18 of 1973; has been admitted as a patient to an institution in terms of a reception order; is being detained as a State patient at an institution or other place specified by the Minister of Correctional Services; or is being detained as a mentally ill convicted prisoner at an institution (The Divorce Act, 1979 (Act 70 of 1979)).

A divorce order may also be granted on this ground if such defendant has also for a continuous period of at least two years prior to the filing of the divorce action, not been discharged unconditionally as such a patient, state patient or mentally ill prisoner; and the court has heard evidence of at least two psychiatrists, of whom one shall have been appointed by the court, that the defendant is mentally ill and that there is no reasonable prospect that he will recover (The Divorce Act, 1979 (Act 70 of 1979)).

A court may grant a decree of divorce on the ground that the defendant is in a state of continuous unconsciousness, if it is satisfied that the defendant's unconsciousness has lasted for a continuous period of at least six months before the filing of the divorce; and after having heard the evidence of at least two medical practitioners, of whom one shall be a neurologist or a neurosurgeon appointed by the court, that there is no reasonable prospect that the defendant will regain consciousness (The Divorce Act, 1979 (Act 70 of 1979)).

The court may appoint a legal practitioner to represent the defendant at proceedings under this section and order the plaintiff to pay the costs of such representation. The court may make any order it may deem fit with regard to the furnishing of security by the plaintiff in respect of any patrimonial benefits to which the defendant may be entitled by reason of the dissolution of the marriage (The Divorce Act, 1979 (Act 70 of 1979)).

2.3 DIVORCE CASES IN NZHELELE AND THOHoyANDOU: AN EMPIRICAL EVIDENCE

Divorce takes place in different areas, throughout South Africa. It is on the increase mostly amongst African people and decreasing amongst white people. Divorce cases are also found within the study area of this research, which is Nzhelele and Thohoyandou in Vhembe District. The study area is located in Limpopo province, the available statistics indicate that 9699 divorces were recorded for the years 2001-2010 and in Vhembe district they were 1050 (Statistics South Africa, 2011: 15).

Nzhelele and Thohoyandou areas are highly cultural areas and gender based roles are highly predominant. Men are not expected to express their feelings. This leads to stereotypes around how men are affected by divorce and how they deal with divorce. Such is also reflected in divorce cases processes, where by it is often women who seek counselling from social workers and psychologists. Out of a 100 divorce cases 80% of those who seek counselling are women and 20% men. And because of this some men may go to extreme measures such as killing of spouses in divorce cases. An example of this is the case involving a police inspector in Makhado who is accused of brutally killing his estranged wife. It was reported that at the time the wife was killed their divorce was about to be finalized (Muthambi, 2008: 1).

Women within the study area seem to be able to deal with their divorces publicly and in effective ways than men. There are campaigns which aim at helping women deal with their divorces and none on how men are affected and deal with their divorces. An example of this is the event which was held on the 7th of December 2012 at Makhado Show grounds in which women from around the Makhado and Thohoyandou gathered and there were different speakers who had gone through divorce themselves encouraging them on dealing with divorce (Zoutnet, 2012: 3).

Within the study area we find divorced men and also many professionals who deal with divorce and also child custody cases. In the year 2012 the divorce cases in which there were minor children, were 452 in Vhembe district (Statistics South Africa, 2011: 20). The evidence that is available is that in divorce cases where minor children are involved, child custody battles are almost unavoidable and this poses challenges. One such challenge is within Vhembe district, there is only one visiting family advocate and this causes delays in finalization of custody cases.

In divorce cases that involve minor children what is happening is that out of the 452 cases, in 95% of the cases, the custody of the children is granted to the mothers and not the fathers. The view that is held is that the mothers are able to provide the best care to minor children. Even though there are men who are willing and have the means to take care of the minor children, they are not awarded custody of the children.

In divorce cases where custody is given to the mother of the children, the fathers are expected to pay maintenance to the former spouse even if he or she remarries. What is happening within the study area is that only a few fathers 2% who have custody of the children are given maintenance by the former spouse. An example is a case in Nzhelele where a divorced man was given custody of two minor children and does not receive maintenance from the former spouse. Since he is employed as a teacher he cannot apply for the child support grant as his income is above the means test and he is left with the burden of ensuring that the children's needs are met.

With regards to the division of valuable assets in Nzhelele and Thohoyandou, the assets are divided between the spouses and if there are minor children involved their share is entrusted to the parent who has custody and in majority of the cases 95% it is the women who have the custody of children, therefore men tend to lose out financially and also lose their assets. For an example in one divorce case the house the couple owned through marriage was given to the children but since the children were in the custody of their mother they lived in the house with their mother, at the end of it all it is the men who suffer more.

The available evidence of divorce cases within the study area shows that the decisions which are taken in divorce cases tend to favour women more and divorced men tend to lose, financially also lose the valuable assets that they have worked for their whole lives and in some instances, when they got married they had already accumulated those assets, and losing them at a late stage in one's life causes frustrations and stress and may end in a way where the divorced man kills his spouse.

2.4 THE DIVORCE TRENDS IN SOUTH AFRICA (2001–2010)

The data on divorces reported in this statistical release only covers data from 12 courts based exclusively on divorces from civil marriages, what follows is a table that depicts the divorce trends in South Africa.

Table 2.1 Number of divorces by population group and way of solemnisation of the marriage in 2010

Population group	Total	Religious	Civil	Unspecified
Total	22936	11063	9387	2486
Black African	8169	2489	5118	562
Coloured	3189	2038	912	239
Indian/Asian	1294	355	722	217
White	6995	4974	1206	815
Mixed	31	9	18	4
Unspecified	3258	1198	1411	649

(Statistics South Africa, 2010:19).

This table shows that in 2010, data on 22 936 divorces from civil marriages were processed, indicating a drop of 7 827 or 25,4% from the 30 763 cases processed in 2009. Generally, the total numbers of divorces show a fluctuating trend over the ten-year period. The table also provides divorce data for the period 2001–2010 classified, by year the divorce was granted and by population group (Statistics South Africa, 2011:5).

Table 2.2 Number and percentage distribution of children involved in divorces in 2010

Population group	Total number of children involved	percentage
Total	20383	100.0
African	7719	37,9
Coloured	3529	17,3
Indian/Asian	1113	5,5
White	5633	27,6
Mixed	17	0,1
Unspecified	2372	11,6

(Statistics South Africa, 2011:19).

The distribution of couples divorcing by population group shows that the highest proportion of divorces between 2001 and 2007 came from the white population group followed by the black African population group. In 2001, 43,2% of the divorcees were from the white population group whereas 23,1% came from the African black group. However, from 2008 to 2010, the pattern changed. The black African population exhibited the highest proportion of divorces followed by the white population group. Thus 35,6% of the 2010 divorcees came from the African black population group and 30,5% from the white group. The proportions of the coloured and the Indian/Asian groups were quite variable during the ten year period (Statistics South Africa, 2011: 4).

2.5 THE DIVORCE PROCESS

The institution of marriage in South Africa is seen as one of the most important institution; however its disintegration is becoming common. However it is important to distinguish divorce from other forms of separation. “First it must be noted that family break up is not the same as family breakdown. In family break up, the members cease to share the same place of domicile; they may each go their separate ways and may even cut all ties they have together. In family breakdown families cease to function as a unit and relationship as husband cease to work” (Steel & Kidd, 2001:176).

According to Bezuidenhout (2004:16) divorce should be viewed as the end result of a marriage relationship that reached the point which both partners came to the decision that they could not continue their life together as a married couple. A legal Divorce is the dissolution of the marriage by the state through a court order terminating the marriage.

Divorce (or the dissolution of marriage) is the final termination of a marital union, cancelling the legal duties and responsibilities of marriage and dissolving the bonds of matrimony between the parties (unlike annulment, which declares the marriage null and void). Divorce laws vary considerably around the world, but in most countries it requires the sanction of a court or other authority in a legal process. The legal process of divorce may also involve issues of alimony (spousal support), child custody, child support, distribution of property, and division of debt. Where monogamy is law, divorce allows each former partner to marry another; where polygyny is legal but

polyandry is not, divorce allows the woman to marry another. The principal purpose of the legal divorce is to dissolve the marriage contract so that emotionally divorced spouses can conduct economically separate lives and be to remarry (Lamanna & Riedmann, 2006; 485).

Because the status of being married officially comes to an end on the day when a divorce decree or order is issued, divorce is often thought of as a single event however this is not true. Divorce is a process that takes place over a period of time. It begins a long time before and may continue long after the date of legal dissolution.

In order to understand divorce it is important to consider four distinct relationships between a married man and a married woman that must be transformed. In spousal divorce the intimacy-sexual, psychological and social and economic relationships between husband and wife must be brought to an end (Maccoby, Mnookina, Depner, & Peters, 1992: 19). What follows is a discussion of these relationships.

2.5.1 The spousal divorce

The spousal divorce is concerned with ending the intimate relationship between husband and wife, apart from money issues and the relationship with their children. It involves a process of disengagement or separation which begins a long time before the application for divorce is made and may not end until long after the divorce order has been issued. Because it involves the failure of a marriage, the spousal divorce always involves a great emotional distress and leave wounds which take up time to heal (Maccoby, Mnookina, Depner, & Peters, 1992: 19).

The decision to separate is often an anguishing one, about which one or both may feel deep ambivalence. The period surrounding the separation often marks a crisis in which very strong emotions may arise. For some, the process of dissolution creates a huge sense of loss and failure. During this time spouses may often blame each other for the failure of their marriage. Grief and longing are often felt as the relationship is brought to an end (Maccoby, Mnookina, Depner, & Peters, 1992: 19).

The two spouses separating do not necessarily go through the process of disengagement and psychological recovery at the same rate. For one spouse the act of physical separation may be preceded by a gradual emotional separation but this movement towards separation is rarely a mutual effort. It often begins when one of

the spouses decides that the marital distress or dissatisfaction is not likely to disappear or change. The decision to end the marriage is rarely a collaborative one in which both spouses share equally. More characteristically one spouse has a greater desire for the marriage to end and often they experience different emotions (Maccoby, Mnookina, Depner, & Peters, 1992: 20).

In situations where the husband and wife are adjusting differently to the divorce process, it can cause serious difficulties for the way the parents make arrangements with regards to the children. In cases where one spouse is not ready to disengage in the marriage, he or she may make use of the children in order to keep the other spouse within the marriage or to even prolong the divorce process. During this process of spousal divorce the emotional pain and hurt or turmoil may disrupt the decision making process (Maccoby, Mnookina, Depner, & Peters, 1992: 20).

2.5.2 Economic Divorce

When divorce takes place it results in the creation of two households in a place of one household. It requires the reorganization of the family. For divorcing spouses, having separate households poses different challenges and one of those is economic challenges for them. This is due to the fact that maintaining one household is difficult enough and having two households' increases on the economic burden that is carried by the spouses (Maccoby, Mnookina, Depner, & Peters, 1992: 21).

2.5.3 The Parental Divorce

While parents are dealing with the distress of the spousal divorce and the relentless pressures of the economic divorce, they must also redefine their parental roles and responsibilities. Divorcing couples need to modify their old patterns and this is the difficult part. Separating spousal roles from parental roles is not an easy matter (Maccoby, Mnookina, Depner, & Peters, 1992: 22).

2.5.4 The Legal divorce

To divorcing parents and their children, family law is inescapable. The legal system affects when a divorce may occur, and how it must be procured. It may influence the consequences of divorce as well; it may also exert a powerful influence on the allocation of parental responsibilities and on the terms of the parental and economic

divorce. It addresses the following issues; how the couple's property and stock of existing wealth is divided, what on-going claims should each spouse have on the future earnings of the other and the claims that a child should have on the earnings or wealth of his or her parents and the division of the custody of the child. All this depends on the case presented. For an example in cases where the divorcing couple is able to reach a decision regarding the above mentioned matters, the law will play a very little part in the process (Maccoby, Mnookina, Depner, & Peters, 1992: 23).

2.6 APPROACHES TO DIVORCE

There are different approaches to divorce that are used in South Africa and throughout the world namely; no fault divorce, at-fault divorce, uncontested divorce, collaborative divorce and mediated divorce.

2.6.1 No-fault divorce

In this kind of divorce systems, the courts do not require any proof of fault committed by either party. The barest of assertions suffice. For example, in South Africa where an irretrievable breakdown of marriage is considered as a ground of divorce, no proof of or evidence of this is required at all, the mere assertion that the marriage has broken down will satisfy the judicial officer. The Courts will not investigate the facts an assertion by one party is often enough even if the other party vehemently says no. The application can be made by either party or by both parties jointly (Steel, & Kidd, 2001: 10).

2.6.2 At-fault divorce

Countries that permitted divorce before the late 1960s, used to require evidence of a fault committed by the defendant in divorce cases. This was practised by many countries and it is still practised. This type of system or divorce requires that in order for divorce to can take place, one party in the marriage relationship must be at fault. The Court needs to be furnished with adequate proof of the fault that has been committed by the defendant. In these situations the Courts do not issue a divorce decree before having adequate proof that the fault has been committed by the defendant (Steel, & Kidd, 2001: 10).

Fault-based divorces can be contested, but they can be very expensive and may lead to divorce cases being dragged on for longer periods. Comparative rectitude is a doctrine used to determine which spouse is more at fault when both spouses are guilty of breaches (Steel, & Kidd, 2001: 10).

2.6.3 Uncontested divorce

Uncontested divorce refers to a divorce situation whereby both parties are able to agree first of all on the grounds for divorce and on matters such as, the division of assets, finances and custody of children and support matters. When the parties can agree and present the court with a fair and equitable agreement, approval of the divorce is almost guaranteed. If the two parties cannot come to an agreement, they may ask the court to decide how to split property and deal with the custody of their children. Where the issues are not complex and the parties are cooperative, a settlement often can be directly negotiated between them and they only go to court to legalise the divorce. This type of divorce process is often inexpensive as it is finalised quickly (Steel, & Kidd, 2001: 10).

2.6.4 Collaborative divorce

Collaborative divorce is a method for divorcing parties are able to come together and negotiate the terms of their divorce outside the Court. In this type of divorce process the divorcing parties, engage in a discussion and come to an agreed solution. During the process they may seek the assistance of professionals such as, attorneys who are trained in this type of divorce process. Since this negotiation involves a deciding on the division of assets and finances they may also get an assistance of neutral financial specialist. The parties are empowered to make their own decisions based on their own needs and interests, but with complete information and full professional support (Steel, & Kidd, 2001: 10).

There are set legalities around this type of divorce process that must be adhered to, they are the following; once the collaborative divorce starts, the attorneys and financial specialists that provided assistance are not allowed to represent the parties in a contested legal proceeding. This type of divorce can be said to be less expensive than any other form of divorce. It also has another benefit that; the experience of working collaboratively tends to improve communication between the parties. This is

2.7.1 important in cases were co-parenting if possible after the divorce process has ended. In the course of the collaboration, should the parties not reach any agreements, any documents or information exchanged during the collaborative process cannot be used in court except by agreement between the parties. The parties involved in the collaboration process are allowed the amount of time that they need to reach an agreement. Some may take longer to reach an agreement and some it may take only a few sessions (Steel, & Kidd, 2001: 10).

2.6.5 Mediated divorce

2.7.2 In divorce cases where the other party was at fault and depending on the fault that was committed, divorcing couples may find it hard to sit and communicate by themselves without fighting. In order to be able to reach amicable or acceptable agreement for both of them, the intervention of mediators is needed. Mediators facilitate the communication; provide information and suggestions to help resolve differences. At the end of the mediation process, the separating parties have typically developed a tailored divorce agreement that can be submitted to the court. Divorce mediators may be attorneys who have experience in divorce cases, or they may be professional mediators who are not attorneys, but who have training specifically in the area of family court matters. Divorce mediation can be significantly less costly, both financially and emotionally, than litigation (Steel, & Kidd, 2001: 10).

2.7 THE CAUSES OF DIVORCE

Individuals who think of divorce normally seek freedom from marital oppression from their spouses, freedom from restrictions they often experience within their marriage or after one partner has discovered hidden intolerable information about his or her partner that was supposed to be discussed before they could decide to marry.

It is said that there is no smoke without fire behind it. This also applies when one or both partners decide to end their marriage. There are factors leading to divorce and one might experience one or more factors before he or she could decide to divorce. Bezuidenhout (2004: 18) outlined some of the factors which are briefly discussed below.

2.7.1 Excessive and habitual drinking

Excessive and habitual drinking may cause divorce or lead to the disintegration of marriage most especially if it causes financial problems for the family. When the family fails to accomplish its collective goals because the income of the family is supporting the drinking habit of one party, it may put strains on the marriage relationship and also if it results in acts of violence, such as physical and emotional abuse towards one's spouse or children. The spouse who is being abused may seek divorce as a way of getting out of the hostile environment (Amato, 2003: 604).

2.7.2 Incompatibility

Religious, familial or sexual incompatibility or dissatisfaction may cause marriage partners to drift apart and eventually result in divorce. Divorce tends to be more likely in marriages where the spouses do not belong to the same religion. This causes tension, for an example when it comes to the rearing of children in a faith where one partner does not belong, and also in cases where there is a performance of different tasks such as paying tithes and giving (Bezuidenhout, 2004: 19).

2.7.3 Relations with in laws

When two people get married, their union unite extended family members. Both husband and wife are expected to form relations with new families and such relations can cause form a support base for the new family and in some cases they may cause tensions in marriages if the husband and wife do not get along with their in-laws. Emotional attachment is generally stronger between mother and child than between father and child. Thus a mother in law may be a greater source of tension than a father in law for both marital partners (Bezuidenhout, 2004: 19). Tensions tends to escalate when conflict is caused by the in-laws' interference with the day-to-day running of the household or with the child care or rearing practices. Over time this may eventually lead to marital breakdown and divorce (Amato, 2003: 604).

2.7.4 Marital Roles

The success or failure of a marriage is also determined by the each party's view or perception of his or her role in marriage. The roles that people play during their own marriages take on the form of the roles in which they were socialised. The nature of

their role performance may generate tensions in their own lives and their family's life. The greater the difference between the expectations and the perceived behaviour, the greater the possibility of separation and eventual divorce (Bezuidenhout, 2004: 20).

Within customary marriages the wife is traditionally assigned specific social status with certain rights and obligations. In South Africa the Recognition of Customary Marriages Act (no 120 of 1998) has elevated the status of women to that of men and this is causing a change in roles that men and women play in the family. As great as it may sound it is also a reason for many divorce cases throughout the country (Bezuidenhout, 2004: 20).

2.7.5 Reciprocal emotional dialogues

Marriage is associated with intimacy, reciprocal emotional dialogues. When people get married it is because amongst other things they seek these and when they cease to be, it may create problems for the couple. They may feel they are no longer compatible or they are not suited for each other and may eventually lead to one party or both parties seeking for them outside the marriage, which in turn may cause further problems within the marriage and eventually lead to a breakdown of the marriage and the divorce (Bezuidenhout, 2004: 20).

2.7.6 Economic tension and high expectations

Increased economic pressures, which may arise from unemployment, retrenchment, loss of pension fund, may place and added strain on some married relationships. Both the stress of living with inadequate finances and the failure to meet expectations for economic or educational attainment seem to contribute to marital instability. This is often the case as well where partners enter into the institution of marriage with very high expectation, when those high expectations are not met; they are most likely to seek divorce (Wolfers, 2007: 28).

2.7.7 Women's participation in the Labour force

Women's participation in the labour force can also affect the quality of marital relationships. When the wife's participation in the labour force conflicts with the traditional roles of the husband as the breadwinner and the wife as the homemaker this is likely to cause tension and conflict. The situation is aggravated when the

wife's employment requires her to be away from home for periods of time, thus making it necessary for the husband to reorganise his work schedule and even take on the role of homemaker. Even though in today's economy women are required to work in order to supplement the income of their husbands, the failure to balance this may put a strain on their marriages and may lead to disintegration of the marriage. The stress of employment brought home to the marriage may increase marital tension and unhappiness. Unhappy husbands may be more likely to divorce if their wives are employed and able to be financially independent (Strong, Devault & Cohen, 2008:361).

2.7.8 Extramarital attachments

Marriage is seen as a union between two people and faithfulness to each other is often an expectation by both partner, and when one partner starts having extramarital affairs it may cause tensions within a marriage. This is one of the main causes of divorce as extramarital affairs are often viewed as unacceptable. This can either be done by one or both of the marriage partners (Amato, 2003: 604).

2.7.9 Violence within marriages

One factor that may lead to the disintegration of marriage is violence within the marriage. Violence may include wife or husband battering or abuse, destructive behaviour especially involving the other partner's belongings and insults such as name calling. Actions such as these occurring over a long period of time may lead to divorce as the abused partner may seek freedom from the abuse. He or she may see the divorce as the only reasonable way to protect him or herself from abuse (Bezuidenhout, 2004: 21).

2.7.10 Changes in Divorce laws

It is argued that the changes in the laws on divorce has contributed in the increase in divorce rates. Before the late 1960s it was very difficult for couples to can get divorce. The statutes of that era made it very difficult for couples to can get a divorce. It is said that the changes or amendments of divorce has made divorce easier to get (Steel & Kidd, 2001:177).

2.7.11 The privatisation of the nuclear family

The isolation of the nuclear family and its geographical separation from the extended family may mean that when pressure and anxiety hit a marriage, there is less support available and as a result married couples are less able to work through their differences and they are most likely to get divorce. Even though living with or close to extended family has its own challenges and pressures on marriages, it can be a form of support when married couples are faced with challenges, couples can benefit more from the advice and experiences of extended family (Steel & Kidd, 2001:177).

2.7.12 Changing family functions and structures

Many of the protective, religious, educational, and recreational functions of the family have largely been taken by outside agencies, family members may now look to the police, the church or synagogue, the school, and commercial recreational facilities rather than to each other for fulfilling these needs. The result is that although meeting emotional needs remains a primary function of the family, fewer reasons exist to keep the family together. This contributes highly to divorce (Strong, Devault & Cohen, 2008:355).

Other reasons such as the rise of birth control pill, women's control over their own fertility, sharp changes in wage structures, rise in inequality and partial closing of the gender wage gap and also changes in home technologies that affect home production as are cited by men as the causes of divorce (Wolfers, 2007: 27).

2.8 THE CONSEQUENCES OF DIVORCE ON MEN

Very often when the marriage ends partners often go through an emotional experience right before the divorce process rather than afterwards, when the divorce is actually finalized. This depends mostly on the circumstances that led to the disintegration of the marriage.

It might sound easy when talking about divorce but both men and women may face hardships as a result of divorce. Much previous research focused on women and children, and little research has been done on how it affects men. Men also suffer because of divorce. According to Bezuidenhout (2004:16) divorce process is usually associated with severe disruption of marital and family relationships and escalating

tension and conflict and this is reflected through violent or abusive behaviour on the part of one or both the married partners. The worse part of it is when partner tries to gain custody over the child or children. Divorce is often an emotional and financial disaster but it may have different effects on men and women, this section will focus on the effects or consequences that it has on men.

2.8.1 Emotional effects of divorce on men

Divorce offers both opportunities and anxieties, it can be liberating since it allows individuals to chart new directions in their lives, but it can equally be a source of personal disruption, tension and even psychological damage (Steel & Kidd, 2001:177).

Men are often seen as the protective citadel of families, the protector of the family. The price men pay for being a protective citadel are that it becomes risky to admit to having vulnerable emotions such as fear and sadness. The following emotions are not permitted to the 'strong men' fear, depression, a sense of failure, grief, and longing for something irrevocably, lost misery and loneliness. Divorce can prove all of these feelings and even more. Men in their fear to be seen as weak, bottle this emotions and thus not allowing themselves to deal with them. Men tend to choose to cut themselves from their true feelings. They often deny or minimize the significance of what has just happened to them, for the sake of conforming to the societal norm (Abulafia, 1990:15).

Besides feeling angry and bitter, the divorced may experience feelings of despair in reference to three basic changes in their lives: termination of a major source of intimacy, disruption of their daily routine and awareness of anew status-divorced person. Going through divorce can also lead to feelings of failure or defeat most especially if the other partner initiated the divorce. Divorce shatters daily routine of an individual and emphasizes ones aloneness (Strong, Devault & Cohen, 2008:361).

Arndell as cited in (Strong, Devault & Cohen, 2008:361) indicate that "women fare better emotionally after separation and divorce than men. He explains that women are more likely than men to have a stronger network of supportive relationships but also a profit from divorce by developing a new sense of self-esteem and confidence, since they are thrust into a more independent role. On the other hand men are more likely to have been dependent on their wives for domestic and emotional support and to have a

weaker external emotional support. As a result, divorced men are more likely than divorced women to date more partners sooner and to become remarried more quickly”.

A divorced man’s anger, grief and loneliness may be aggravated by the traditional male gender role, which discourages them from sharing their pain with other men or any other person. After divorce men as compared to women have lower levels of support from any group.

2.8.2 Social impact that divorce has on men

When two people enter into a marriage, their lives patterns change, often than not their lives are centred on their partners and children. When divorce comes some of those patterns adopted may need to change. Adjustment in the sphere of social relationships can take a long time. Having been used to the routine of home life, the husband must adjust to living on his own, going out on his own and arranging all his affairs (Bezuidenhout, 2004: 25).

Divorce does not only change life patterns but it may change the view that a men holds about marriage and family, this is often affected by the factors that led to the divorce. Divorce can attack a man’s very deepest assumptions about who he is, his maleness and what makes him valuable (Mantle, 1996:15).

2.8.3 Economic hardships on men as a result of divorce

Upon divorce an economic divorce in which they become distinct economic units, each with its own property, income, control of expenditures and responsibility for taxes, debts. Even though most research indicates that the economic position of a woman declines after divorce, some men win and some loose financially. There are several reasons for this namely; when two people are married, they often become economically interdependent, when the salary of one spouse is no longer there, they may find it difficult to continue as prior the divorce and thus they loose economically (Lamanna & Riedmann, 2006; 477).

One other reason is child support, in most divorce cases where minor children are concerned, the custody is often given to the mother; fathers are required by the law to pay maintenance for the children, if the man remarries he may find it difficult to pay

maintenance. If the woman remarries, the man not only supports his children but his former wife and current partner of the former spouse. Some fathers even though they do not have custody of their children, support their children, in more ways than just money, for example, taking care of the children. Non-custodial fathers often retain the financial obligations of fatherhood while experiencing a few of its joys. Custodial fathers, like custodial mothers are under financial stress (Nempomyasany & Garfinkel, 2010: 345). An example of this is the case of a high profile American Actor who lost 400 million dollars in divorce settlement and was hit with child support order of a quarter of million dollars and he has to pay half of his future residuals of his films to his former spouse (allyouneedislists, 2007:1).

2.8.4 The relationship of divorced men and their children

In cases where there is minor children involved after the divorce has been finalized, the custody of children is often granted to the mother, When both parents seek custody, the odds of father custody are only slightly higher, when the children are older and in cases where the eldest children are male. Fatherhood can bring about a side of a man's nature that otherwise often gets little chance of expression. A man's relationship with his children is life enhancing for both parent and child. In cases where mothers disapproves of the father's relationship with his children, may make attempts to alienate fathers from their children, the bond or relationship between father and child can be destroyed., this may lead to fathers without custody to feel a sense of loss (Mooney, Knox & Schacht, 2007:165).

Many divorced fathers around the country live in different places or households from their children, "they wake up in apartments or homes while their children are waking up in another place" These are the fathers who do not have custody of their children" they only get to see their children may be over the weekend or as stipulated by the courts. The pain of being separated from their children is enormous (Summer, 2013:1).

Fathers without custody of their children are often viewed as to be uncaring; however, it is because of the sense of loss that comes from not having custody. This sense of loss may result in frustration for the father and this may lead the father to increasingly grow apart from his children. In instances where the mother has custody and moves far away from the father, or the father moves to a place far from the mother, it may

2.9.1 create barriers to the relationship between, fathers and their children. Some fathers find it difficult to parent their children between, two families (Mooney, Knox & Schacht, 2007: 165).

2.9.2 Divorced men miss their families and children, in some ways divorced noncustodial fathers have more radical readjustments to make in their lifestyles than do custodial mothers. When losing both a spouse and children, it opens a way for loneliness in a man's life. Many divorced men feel shut out and lost because women seem to have a monopoly on emotional nurturance and may also have a stronger influence on children (Lamanna & Riedmann, 2006; 508).

2.9.3 Fathers who do not have custody of their children may feel less competent and satisfied than fathers who are still married and live with their children. Most divorced fathers who are separated from their children feel a sense of loss and believe that the courts have little interest in protecting their relationships with their children (Strong, Devault & Cohen, 2008: 361).

2.9 COPING STRATEGIES THAT MEN USE TO DEAL WITH DIVORCE

All the way from the time when men are children, society provides them with a stereotypical message as to what they should be like. For an example be rugged, act tough, don't cry, and don't show your weaknesses or emotions. This may have worked in the past. Unfortunately today, this is a self-defeating approach and many of emotional issues come from it (Avdoian, 2009: 1).

2.9.4 Because men we are inherently less equipped to deal with their emotions, they often find themselves confused or trapped as a result of a serious event such as a divorce. And unlike women, they are unable to easily confide in their friends, making the process even more difficult. There are different strategies that men use in dealing with divorce however some of them are not always positive, they are self-destructive (Avdoian, 2009: 1). What follows is a discussion first of the negative then the positive ways divorced men can use to deal with divorce.

2.9.1 The killing of spouses

Divorce results in a loss of valuable assets, and for men a loss of minor children in custody cases. In a sense of despair when divorced men try to deal with the amount of loss they are about to suffer they may resort to the killing of the spouse, instead of waiting for the law to take its course (Avdoian, 2009: 3).

2.9.2 Abusing substances and having affairs

As a way of dealing with stress, the pain and other feelings that come with the divorce process another way that men turn to is using substances. Using substances may provide temporary relief from the stress they encounter because of divorce. Divorced men may also seek temporary relief through engaging in a string of affairs (Avdoian, 2009: 3).

2.9.3 Communication

When men are faced with emotional challenges, it is often not easy for them to can share how they feel. Instead of opening up to others they tend to shut down and withdraw themselves from others. Even if shutting down feels more natural to them, it's important to allow themselves to open up. Share their feelings with others takes practice, in the beginning it is often found that they are not completely comfortable, however, communicating will give you an immense emotional release (Avdoian, 2009: 1).

2.9.4 Grieving

Grieving is healthy. Grieving is a necessary process for healing. There are grieving stages that must be experience before one is released from the pain. This is an unavoidable process. One can either deal with it willingly on in their own terms or painfully or drawn out, while dealing with it subconsciously. Clearly, it's to one's advantage to deal with it directly. One needs to look at grieving as a cleansing process. Consult with someone knowledgeable, or read up on the stages of grieving (Avdoian, 2009: 1).

2.9.5 Forgiving

It can be difficult, but forgiving plays a giant role in the healing process. No matter how hurt a person may be, in order to move on one has to find forgiveness in their heart. Without it, one will remain caught in the past. In order for forgiveness to be effective, it needs to be genuinely felt in the heart. It may or may not need to be communicated, depending on one's personal circumstances. Mentally practice sending forgiveness and goodwill to everyone involved (Avdoian, 2009: 1).

2.9.6 Moving on

To can cope with divorce men can view divorce as their new beginning. This is the time in their lives that's rich with new possibilities. They must allow themselves to receive them. The divorce creates a vacuum in one's life. Given the opportunity, this vacuum can fill up with beautiful new beginnings. One need to work on detaching yourself from the negative emotions and thoughts of the past, Remain positive and place one's mind set on starting to rebuild one's life (Avdoian, 2009: 1).

2.9.7 Communicate openly with their children

Children are sometimes viewed as one of the casualties of divorce, but that certainly doesn't need to be the case. To ease the stress of the break-up on children and spouses, they need to talk openly with them. Reassure them that they are not responsible for the divorce and that in no way does the split-up mean there will be less support provided to them. Having a close relationship with their children helps men in coping with divorce (Avdoian, 2009: 1).

2.11 CONCLUSION

Divorce is the final ending or dissolution of marriage. As discussed in the study, by the time divorce cases reach the courts, the marriages have already ended. The divorce order is just legality. Throughout the divorce process the involved spouses experience different challenges due to the different cause of the divorce and the decisions that are made by the courts and also factors such as financial hardships. Even though past research focused mainly on women and children, some existing research shows how men are affected by divorce processes.

This chapter discussed the different challenges that men face. Men also suffer from divorce process, one challenge is a loss of child custody. It is often mistaken that men do not thrive on the relationships they have with their children and thus they are not affected when not granted custody of their children however men are not granted custody of their children they tend to experience feeling such as the ones that women experience. The management of divorce cases may contribute to the many challenges that men face throughout the divorce process. The needs of men need to also be incorporated in the decision making processes.

3.2 STUDY AREA

The participants in the study were coming from Vhembe district, Thohoyandou and Nzhelele, in Limpopo province. These areas constitute of both rural and urban areas which accommodate the working class, affluent business persons, and the unemployed.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

Research Methodology is the most important phase of the research process as it gives guidance to how the study will be conducted; it focuses on the planning, structuring and carrying out of the research. It focuses on the process of how the research will be conducted (Bynard & Hanekom, 1997:28). Research methodology includes the following information about the study: the study area, population, sampling, data collection and data analysis. The researcher will use a mixed methodology in that, an interview schedule and survey questionnaire will be used to collect data.

The research was both qualitative and quantitative in nature. “qualitative research is research where the researcher attempts to gain a first-hand holistic understanding of a phenomena of interest by means of a flexible strategy of problem formulation and data collection, shaped as the investigation proceeds, methods such as participant observation and unstructured interviewing are used to acquire an in depth knowledge of how the persons involved construct their social world” (De Vos 2004:74). This research sought to investigate how man experience divorce. The research process sought to see the world, to understand the topic from the point of view of the participants, through their own spoken words.

According to De Vos (2004:94) quantitative data collection methods are centred on the quantification of relationships between variables. Quantitative research instruments establish relationship between measured variable. Measurement, numerical data and statistics are the main substance of quantitative instruments. By using both quantitative and qualitative data collection methods the researcher was able to get the advantages of both approaches and overcome their limitations.

3.2 STUDY AREA

The participants in the study were coming from Vhembe district, Thohoyandou and Nzhelele, in Limpopo province. These areas constitute of both rural and urban areas which accommodate the working class, affluent business persons, and the unemployed.

3.3 POPULATION

One of the many things that a researcher needs to do in research is to identify a population and this simply refers to a set of subjects that the researcher is interested in studying, in other words the researcher needs to identify a pool of possible participants, that he or she can select the participants of the study from (Gravetter & Fornazo, 2006: 142). According to Bless, Higson-Smith and Kagee (2006:186) a population refers to the complete set of events, people or things to which the researcher findings are to be applied. The population of this study was men who have been divorced once and had children in their marriage, family advocates, magistrates, social workers and psychologists. The total population is 158 people.

3.4 SAMPLING METHOD AND SIZE

The population of the study is large and the researcher could not interview them all, therefore participants from the population will have to be selected and the process of selecting participants is called sampling. According to Bless, Higson-Smith and Kagee (2006: 185) a sample is a set of individuals selected from a population. Sampling refers to the process of selecting the specific individuals who are to become respondents of the study. The participants of the study constituted of men who have been divorced once and had children in their marriage, family advocates, magistrates, social workers and psychologists.

i) Sampling Method

The researcher used non-probability sampling and its subtype purposive sampling, because the researcher had judged the respondents to be having information that is relevant to the study. According to De Vos (2005:202) this type of sampling depends entirely on the judgement of the researcher in that a sample is composed of elements that contain the most characteristics, representative or typical attributes of the population. When selecting magistrates who participated in the study, the researcher focused mainly on the ones who are involved in children courts and child custody and visitation rights cases, because they have more experience and knowledge on the topic at hand.

When selecting Psychologists that participated in the study the researcher looked for those who are involved in counselling and assessment and not psychiatrists and clinical psychologists. When selecting divorced men, the researcher looked for those whose divorce has been legalised and have only been divorced one and have children in their marriages. When selecting social workers to participate in the study, the research selected the criteria used was that the social worker must be a community social worker, who is engaged in generic social work rather than focus areas because they are the ones who come into contact with clients, and the social worker must have at least two years' experience in generic social work.

ii) Sample Size

The sample consisted of 01 family advocate, 31 social workers, 08 magistrates, 04 psychologists, 15 divorced men.

Table 3.1 Sample size

Respondents	Population	Frequency
Family Advocate	01	01
Social workers	75	31
Magistrates	14	08
Psychologists	08	04
Divorced men	60	15
Total	158	59

3.5 DATA COLLECTION

Data collection refers to the process of gathering information that is relevant to the study from participants. In qualitative research there are different types of data collection methods that can be used namely, participant observation and interviewing participants (De Vos 2005:276).

After having selected a data collection method that one will use in order to collect data, the researcher needs to select and develop the research instrument that one will use in order to gather information. According to De Vos (2005: 296) “a questionnaire written to guide interviews is called an interview schedule or guide. This provides the researcher with a set of predetermined questions that might be used as appropriate instrument to engage the participant and designate the narrative terrain”.

For the purpose of this study, a semi structured interview schedule was used in order to gain a detailed picture and information about the views and experiences of the participants with regards to the topic at hand. An interview schedule was semi structured in that it was not rigid but flexible. The researcher had personal or face to face interviews with six participants and a transcript of the interview was compiled. A structured questionnaire was also used as research instruments, it included a set of questions that were derived from the objectives and their aim was to answer the main question of the study. The researcher distributed the questionnaires to the participants and collected them after three days.

3.7 DATA ANALYSIS

For the qualitative part of the study the following data analysis process was done:

- **Planning for the recording of the data:** during this part the researcher decided that data will recorded in a form of written transcripts. The researcher wrote down the responses that the participants were giving during the entire interviewing process.
- **Managing or organizing the data:** this part of the data analysis process required the researcher to organize the data, it involved checking whether the notes were complete, typing and organizing any written notes.
- **Reading and writing memos:** here the researcher read the data several times, getting into what the interview was all about.
- **Generating categories, themes and patterns:** after having read the collected data, the researcher, made a note of the regularities that appear, identified any themes, recurring ideas that appeared.

- **Interpreting the data:** after having identified the different themes and recurring ideas the researcher moved on interpreting the responses that were given.
- **Testing the emergent understandings:** the researcher engaged in a process of evaluating the plausibility of the understandings.
- **Searching for alternative understanding:** after having made keywords the researcher engaged in critical thinking, challenging the patterns that appear and research for different explanations.
- **Writing the report:** after going through the above mentioned steps the researcher compiled a report of findings.

For the Quantitative data analysis the following will be done:

In order to analyse the data that was collected using the structured questionnaire, the Statistical Package of Social Science program was used. SPSS is a windows based program that shares many features with other window based software. With this program the screen is dominated by a grid and it is where one finds the variable and units which are numbered according to the number of participants in the study, variables are the columns (Muijis, 2004:85).

3.8. ETHICAL CONSIDERATIONS

In social research it is important to protect the participants from any harm that may arise, be it emotional, physical or psychological. The study adhered to the following ethical issues:

3.8.1 Voluntary participation: in social research the individuals who are participants in the study are often required to reveal personal information and they need to do this out of their own free will. The participants were not forced, all the information they received was out of their own free will. The researcher explained this in the beginning of the study (Babbie and Mouton 2007: 521).

3.8.2 Anonymity and confidentiality: In this study when participants were interviewed their names were not recorded in the data collection instruments. Their names do not appear anywhere in the study.

3.8.3 Informed consent: For this study the participants were told all information about the study so that they could make an informed decision about whether to take part in it or not.

3.9 CONCLUSION

This chapter gave a detailed account of how the study was conducted. It indicated that the study was both qualitative and quantitative in nature as it used a mixed methodology. The study followed a mixed methodology because an interview schedule and a survey questionnaire were used. This chapter also gave an account of the study area where the study was conducted, population from which the participants were selected from, the sampling process followed in order to select the, data collection process and data analysis. The ethical considerations that were considered throughout the study were outlined

4.2.1 Section A: Biographical details of respondents

In this section the researcher presents the biographical information of the respondents in this study. The information is presented in graphical and tabular form and followed by a synthesis of the findings.

Table 4.1 Age of respondents.

Respondent	Frequency	Percentage
21 - 30 years	23	43,4%
31 - 40 years	20	37,7%
41 - 50 years	10	18,9%
51 years and older	0	0,0%
TOTAL	53	100%

Table 4.1 shows the age of the respondents. Most of the respondents in the study were aged between 21-30 years (43,4%), 20 (37,7%) of the respondents were between the ages of 31- 40 and 10 (18,9%) of the respondent were between the ages of 41-50.

DATA ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

The previous chapter outlined the research methodology that was used when conducting the study. It was indicated that the study was a mixed methodology because the research instruments used were both qualitative and quantitative in nature. A questionnaire schedule and interview schedule were used to collect data. The questionnaires that were distributed were 53 and were all received back from the respondents. The interview schedules targeted 6 older respondents as many of them have extensive knowledge and experience in dealing with divorce cases. The selection was purposive. All 6 targeted respondents were interviewed. This chapter gives an analysis and interpretation of the data that was collected using both instruments.

4.2 QUESTIONNAIRE SCHEDULE

4.2.1 Section A: Biographical details of respondents

In this section the researcher presents the biographical information of the respondents in this study. The information is presented in graphical and tabular form and followed by a synthesis of the findings.

Table 4.1 Age of respondents.

Response	Frequencies	Percentage
21 - 30 years	23	43,4%
31 - 40 years	20	37,7%
41 - 50 years	10	18,9%
51 years and older	0	0,0%
TOTAL	53	100%

Table 4.1 shows the age of the respondents. Most of the respondents in the study were aged between 21-30 years (43,4%). 20 (37,7%) of the respondents were between the ages of 31- 40 and 10 (18,9%) of the respondent were between the ages of 41-50.

There were no respondents who are 51 and above. It can be concluded that in the study there was a fair representation of the population per age group.

Table 4.2 Gender of respondents.

Response	Frequencies	Percentage
Male	27	50,9%
Female	26	49.1%
TOTAL	53	100%

Table 4.2 presents the biographical information of respondents in terms of gender. Of the 53 respondents who took part in the study 27 (50,9%) were male and 26 (49,1%) were female. It can be concluded that there were more male respondents than female respondents. The small difference indicates that there has been a relatively better representation of the population in terms of gender.

Table 4.3 Marital status.

Response	Frequencies	Percentage
Single	15	28,3%
Married	22	41.5%
Divorce	14	26,4%
Widowed	2	3.8%
TOTAL	53	100%

Table 4.3 shows that most of the respondents who took part in the study in terms of marital status are married 22(41,5%). 15 (28,3%) are single and 14 (26.4%) of the respondents are divorced It can be concluded that the study managed to reach the participants who formed an integral part of the research and they are divorced men. A small percentage of the respondents at 2 (3.8%) are widowed.

Table 4.4 Occupation status.

Response	Frequencies	Percentage
Employed	44	83,0%
Unemployed	9	16,9%
TOTAL	53	100%

Table 4.4 shows the biographical information of the study in terms of occupational status. It shows that most of the respondents who took part in the study 44 (83,0 %) are employed and a small percentage of the respondents 9 (16,9 %) are unemployed. It was planned for this study that most of the participants would be professional who are involved in divorce cases in their work process. It can be concluded that the professional that were part of respondents are still practicing and thus they are up to date.

4.2.2 Section B: Emotional Challenges

In this sub-section, data is analysed using graphical statistics which is further divided into four themes which arose from the survey questionnaire respondents.

Table 4.5 Divorce men often experience feelings of betrayal and anger throughout the divorce process.

Response	Frequencies	Percentage
Agree	25	47,1%
Strongly agree	24	45,3%
Neutral	02	3,8%
Disagree	02	3,8%
Strongly disagree	0	0,0%
TOTAL	53	100%

Twenty Four (45,3%) of the participants strongly agree that divorced men experience feeling of betrayal and anger throughout the divorce process, while 25 (47, 1) Agree, 2 (3.8) are neutral and another 2 (3.8 %) disagree that divorced men do not experience any feelings of anger and betrayal. There are no respondents who strongly

disagree. The figures indicate that  the divorced men experience feelings of betrayal and anger.

Table 4.6 Divorced men deal with emotions they suffer due to divorce process by openly expressing what they are going through others.

Response	Frequencies	Percentage
Agree	11	20,8%
Strongly agree	05	9,4%
Neutral	05	9,4%
Disagree	20	37,7%
Strongly disagree	12	22,6%
TOTAL	53	100%

Most respondents at 20 (37,7%) disagree that Divorced men deal with emotions they suffer due to divorce process by openly expressing what they are going through others, while 12 (22,6 %) disagree. 11 (20, 8%) agree that when another ay that divorced men use to deal with the feelings that they suffer due to the divorce process is by openly expressing them to others. Five (9.4%) strongly agree and another 5 (9.4) are not sure on whether divorced men deal with their feeling by expressing them openly to others. These figures indicate that divorced men do not deal with the emotions they suffer due to the divorce process by openly expressing them to others.

Table 4.7 The traditional gender role of men does not affect how divorced men express their feelings during the divorce process.

Response	Frequencies	Percentage
Agree	16	30,2%
Strongly agree	06	11,2%
Neutral	09	16,9%
Disagree	14	26,4%
Strongly disagree	08	15,1%
TOTAL	53	100%

Sixteen (30,2%) of the respondents who participated in the study agree that the traditional gender role of men in society does not affect how divorced men express their feelings during the divorce process, while 6 (11,2%) strongly agree. 9 (16, 9%) are not sure on how the gender role of men in society affects how they express their feelings during the divorce process. 14 (26, 4%) Disagree that it does not affect how men express their feelings and 08 (15, 1%) strongly disagree that the gender role of men affects how divorced men express their feeling during the divorce process. These statistics indicate that the gender role, the expectation of society on men does not affect how divorced men express their feelings throughout the divorce process.

Table 4.8 Divorced men suffer from emotional strain due to financial hardships experienced through the divorced process.

Response	Frequencies	Percentage
Agree	15	28,3%
Strongly agree	26	49,1%
Neutral	4	7,5%
Disagree	7	13,2%
Strongly disagree	1	1,9%
TOTAL	53	100%

Most respondents at 26 (49,1 %) strongly agree that divorced men suffer from emotional strain due to the financial hardships experienced throughout the divorce process while 15 (28,3 %) agree to that as well. 4 (7,5%) disagree that the financial hardships that men face during the divorce process cause them emotional strain and 1 (1,9%) strongly disagree. However 4 (7,5%) are unsure on that men suffer from emotional strain due to the financial hardships they experience throughout the divorce process. These statistics indicate divorced men also suffer from emotional strain due to the financial hardships they experience throughout the divorce process.

4.2.3 Section C: Financial hardship for divorced men

Table 4.9 Divorced men suffer from financial hardship because of loss of estate and loss of valuable assets.

Response	Frequencies	Percentage
Agree	18	33.9%
Strongly agree	33	62.3%
Neutral	2	3.8%
Disagree	0	0,0%
Strongly disagree	0	0,0%
TOTAL	53	100%

Most respondents who participated in this study at 33 (62.3%) strongly agree that men suffer from financial hardships because of loss of estate and valuable assets, while 18 (33.9%) agree that due to a loss of estate and valuable assets men suffer from financial hardship and only a few respondents at 2 (3.8%) are unsure. These figures indicate that due to a loss of estate and valuable assets divorced men suffer from financial hardships.

Table 4.10 Divorced men find it difficult to pay maintenance because they are denied access to their children by former spouse.

Response	Frequencies	Percentage
Agree	30	56,6%
Strongly agree	14	26,4%
Neutral	4	7,5%
Disagree	5	9,4%
Strongly disagree	0	0,0%
TOTAL	53	100%

This table indicates that 30 (56,6 %) of the respondents agree that divorced men find it difficult to pay maintenance because they are denied access to their children by their former spouse, and 14 (26, %) agree. A very small percentage of the respondents at 5

(9,4 %) disagree that being denied access to children makes it difficult for men to pay maintenance while 4 (7, 5%) are unsure. This figures show that the denial of access to children by former spouses makes it difficult for divorced men to pay maintenance for their children.

Table 4.11 Custodian fathers receive maintenance from former spouse.

Response	Frequencies	Percentage
Agree	8	15,1%
Strongly agree	0	0,0%
Neutral	10	18,9%
Disagree	26	49,1%
Strongly disagree	9	16,9%
TOTAL	53	100%

With regards to custodian fathers receiving maintenance receiving from former spouse 8 (15,1 %) agree that divorced fathers with custody of their children receive maintenance to former spouses, while 10 (18,9%) are unsure. 26 (49,1%) disagree that divorced custodial fathers 9 (16,9%) strongly disagree that custodial fathers receive maintenance from former spouses. These statistics indicate that in most cases custodial fathers do not receive any maintenance from the mothers of the children.

Table 4.12 Divorced men receive financial support from external sources.

Response	Frequencies	Percentage
Agree	7	13,2%
Strongly agree	0	0,0%
Neutral	9	16,9%
Disagree	30	56,6%
Strongly disagree	7	13,2%
TOTAL	53	100%

4.2.4 Seven (13, 2%) of the respondents who participated in the study agree that divorced men receive financial support from external sources while none of them strongly agree to this. Nine (16,9 %) are unsure that there is any financial support received by divorced men from external sources. Most of the respondents at 30 (56, 6 %) disagree and 7 (13, 2%) strongly disagree that there is any financial assistance that divorced men receive from external sources. These figures indicate that divorced men do not get a lot of financial assistance from other sources.

Table 4.13 Divorced men do not face any psychological damage due to divorce.

Response	Frequencies	Percentage
Agree	5	9,4%
Strongly agree	2	3,8%
Neutral	6	11,3%
Disagree	23	43,4%
Strongly disagree	17	32,1%
TOTAL	53	100%

Five (9.4 %) of the respondents in the study agree that divorced men do not face any psychological damage due to divorce while 2 (3,8 %) strongly agree and 6 (11,3%) of the respondents are neutral or unsure that divorced men face any psychological damage due to divorce. Most of the respondents at 23 (43,4%) disagree and 17 (32,1 %) strongly disagree that divorced men do not face any psychological damage. These figures indicate that divorced men do face psychological damage due to divorce.

4.2.4 Section D: Relationship strains faced by divorced non-custodian fathers.

Table 4.14 Divorced men do not face social challenges with regards to adjustment in the sphere of social relationship during and after the divorce.

Response	Frequencies	Percentage
Agree	10	18,7%
Strongly agree	02	3,8%
Neutral	03	5,7%
Disagree	30	56,6%
Strongly disagree	08	15,1%
TOTAL	53	100%

Ten (18,7%) respondents agree and 02 (3,8%) strongly agree that divorced men do not face social challenges with regards to adjustment in the sphere of social relationship during and after the divorce process, while 03 (5,7%) are neutral. Most respondents in the study at 30 (56,6%) disagree and 08 (15,1%) strongly disagree that when it comes to readjusting to the sphere of social relationships men do not face any challenges. These statistics show that during and after divorce divorced men face social challenges with regards to adjustment in the sphere of social relationships.

Table 4.15 Divorced men view family life as a place of certainty and freedom.

Response	Frequencies	Percentage
Agree	19	35,8%
Strongly agree	6	11,2%
Neutral	16	30,2%
Disagree	12	22,6%
Strongly disagree	0	0,0%
TOTAL	53	100%

This table shows that most of the respondents at 19 (35,8%) agree that after the divorce men still view family life as a place of certainty and freedom while 6 (11,2%) strongly agree that and 16 (30,2%) are unsure that after having gone through divorce

family life can still be viewed as a place of freedom. A very small percentage of the respondents at 12 (22,6 %) Disagree that after having gone through divorce men still view family life as a place of certainty and freedom. These statistics indicate that divorced men may still see it as possible to get certainty and freedom from family life.

Table 4.16 Divorced men face relationship changes at the end of their marriages such as loss of child custody.

Response	Frequencies	Percentage
Agree	20	37,7%
Strongly agree	27	50,9%
Neutral	3	5,7%
Disagree	3	5,7%
Strongly disagree	0	0,0%
TOTAL	53	100%

This table indicates that 20 (37,7 %) of the respondents in the study agree that one of relationships changes that divorced men face is loss of child custody, while most of the respondents strongly agree and 3 (5,7%) are unsure. A small percentage at 3 (5,7%) disagree that child custody is not one of the relationship changes that divorced men face. The figures indicate that due to a loss of child custody when a marriage ends divorced men do not only loose the relationship that they had with the spouse but they also loose the relationship with their children.

Table 4.17 The management of divorce cases in South Africa favours men more.

Response	Frequencies	Percentage
Agree	3	5,7%
Strongly agree	0	0,0%
Neutral	0	0,0%
Disagree	17	32,1%
Strongly disagree	33	62,2%
TOTAL	53	100%

With regards to whether the management of divorce cases in South Africa favours men more 3 (5,7 %) of the respondents agree and 0 (0.0%) strongly agree and are unsure while 17 (32,1%) of the respondents disagree and 33 (62,2 %) strongly disagree that the management of divorce cases in South Africa favours men more than women. These figures show that the decisions and the management of divorce cases do not favour men more as compared to women.

Table 4.18 In divorce cases the fathers often get the custody of minor children.

Response	Frequencies	Percentage
Agree	2	3,7%
Strongly agree	0	0,0%
Neutral	3	5.7%
Disagree	14	26,4%
Strongly disagree	34	64,2%
TOTAL	53	100%

A small percentage of the respondents at 2 (3.7%) agree that in divorce cases that involve minor children the fathers often get the custody of these children. Only 3 (5.7%) of the respondents are unsure that in divorce cases the fathers get the custody of minor children. Fourteen (26,4 %) disagree and 34 (64, 2%) of the respondents which constitute a majority of the respondents strongly disagree that fathers in divorce cases get the custody of minor children. These figures indicate that in divorce cases it is not the fathers who often get the custody of minor children.

Table 4.19 The decision in divorce cases strengthens the bond between fathers and their children.

Response	Frequencies	Percentage
Agree	9	16,9%
Strongly agree	2	3,8%
Neutral	1	1,9%
Disagree	19	35,9%
Strongly disagree	22	41,5%
TOTAL	53	100%

This table indicates that 9 (16,9%) of the respondents in the study agree that the decisions taken in divorce cases strengthens the bond between fathers and their children while 2 (3,8%) strongly disagree and 1 (1,9%) are unsure whether the decisions that are taken in divorce cases strengthen the bond between fathers and their children. Most of the respondents in the study at 22 (41,5 %) strongly disagree and 19 (35,9%) disagree that the bond of fathers and their children is strengthened by the decisions that are taken in divorce cases. These figures indicate that the decisions taken in divorce cases do not strengthen the bond between children and their non-custodian fathers.

Table 4.20 The strenuous relationship of non-custodian fathers and their Children is caused by difficulties in parenting children.

Response	Frequencies	Percentage
Agree	18	33,9%
Strongly agree	15	28,3%
Neutral	10	18,9%
Disagree	09	16,9%
Strongly disagree	01	1,9%
TOTAL	53	100%

Most of the respondents in the study at 18 (33, 9%) agree and 15 (28,3 %) strongly agree that the strenuous relationship between no-custodian fathers and their children is caused by difficulties in co-parenting children with former spouses. Ten (19, 9%) are unsure that difficulties in co-parenting children between former spouses puts a strain on relationships between fathers and their children. A small percentage of the respondents at 9 (16, 9 %) disagree and 01 (1.9) % strongly disagree that the strenuous relationship between non-custodial fathers and their children is strained by difficulties in co-parenting children. These figures show the strain between divorced fathers and their children is as a result of the difficulties in co-parenting children between two households created as a result of divorce.

4.2.5 Section E: Coping strategies of divorce men

Table 4.21 Divorced men cope with divorce by seeking support from extended families.

Response	Frequencies	Percentage
Agree	21	39,6%
Strongly agree	06	11,3%
Neutral	11	20,8%
Disagree	13	24,5%
Strongly disagree	02	3,8%
TOTAL	53	100%

This table indicates that a large number of the respondents at 21 (39,6 %) agree and 6 (11,3%) strongly agree that when dealing with divorce, men seek the support from extended families as a means of coping with the divorce. It also shows that 11 (20,8 %) are unsure that men do seek support from extended families as a coping mechanism while 13 (24,5 %) of the respondents in the study disagree and 02 (3,8%) strongly disagree that men seek support from extended families as a way of dealing with divorce. All these figures indicate that one way of coping with divorce that men use is seeking support from extended families.

Table 4.22 Divorced men receive financial, social, emotional and psycho-social Support from families.

Response	Frequencies	Percentage
Agree	26	49,1%
Strongly agree	07	13,2%
Neutral	08	15,1%
Disagree	11	20,7%
Strongly disagree	01	1,9%
TOTAL	53	100%

Most respondents at 26 (49, 1) agree and 7 (13, 2%) strongly agree that divorced men receive financial, social and psychosocial support from families while 11 (15,1%) are unsure that divorce men get these types of support from their families. Eleven (20, 7%) Disagree and 01 (1, 9%) strongly disagree that divorced men get the financial, social and emotional support they seek from families. These statistics indicate that when dealing with divorce men do get the financial, social, emotional and psychosocial support from extended family members.

4.3 QUALITATIVE DATA ANALYSIS

During the data collection phase the researcher interviewed six respondents and recorded the data that they provided with regards to the topic at hand. The researcher analysed the data, the following can be presented:

4.3.1 Section A: details of respondents interviewed

In this section the researcher presents the biographical information of the respondents in this study. The information is presented in graphical and tabular form and followed by a synthesis of the findings.

Table 4.23 personal particulars of respondents interviewed

	4.23 Age	4.24 Gender	4.23 Marital status	4.24 Occupational status
A	51 and above	Male	Married	Employed
B	40-50	Female	Married	Employed
C	51 and above	Male	Married	Employed
D	51 and above	Female	Married	Employed
E	51 and above	Female	Divorced	Employed
F	51 and above	Female	Widowed	Employed

Table 4.23 shows the biographical details of the respondents in the qualitative survey it indicates that five of the respondents were 51 and above, one respondent is aged between 40-50 years. It also shows that four of the respondents were female and two were male. It also shows that under marital status four of the respondents' indicated that they were married and one divorced and one is widowed. It also shows that all the respondents are employed.

Table 4.24 The management of divorce cases

4.27 How do men often feel when going through divorce?	4.28 What are the financial losses that men often suffer because of divorce?	4.29 What impact does the decisions in custody cases affect men and their children?	4.30 What are the ways that men use in dealing with divorce?
A Divorced men tend to feel betrayed and depending on the circumstances around the divorce men tend to feel angry	Usually men are breadwinners in the family and accumulate a lot of valuable assets and if married in community of property the assets are divided and they stand a chance at losing more	Since in our country the custody is often awarded to the mother, the relationships between fathers and children often gets strained	Depending on how much they stand to lose, some men tend to choose to kill than lose their hard earn assets
B Some of the feelings that are mostly experienced are anger and bitterness	Sometimes men lose the assets they have accumulated over the years and in most cases they are expected to pay for the legal fees and they tend to lose out a lot	Since most fathers are not awarded custody of minor children and the spouses who get the custody may make it difficult for fathers to visit their children fathers relationships often deteriorate	In our society men are not often allowed to openly express how they feel so one way of dealing with divorce is withdrawing and keeping their feelings to themselves
C Men often experience feelings such as anger, betrayal and also frustrations	Men often lose custody of children in divorce cases and are expected to pay maintenance for the children and they lose a lot of finances	Gaining access children who live with a spouse who is remarried is often challenging divorced fathers often lose the relationships they had with their children	Some men take to drinking and engaging in having a string of affairs as a way of dealing with divorce
D Depending on the reasons leading to divorce, anger and despair on where to start is often common	Maintaining children who are living with a spouse who has remarried is often expensive and they often lose their house	In South Africa our law in child custody favours mothers over fathers and fathers who often have a genuine interest in raising their children lose custody and difficulties in co-parenting put a strain in the relationships between fathers and their children	In dealing with divorce, it often depends on what a person stands to lose and also the circumstances around the divorce. Seek counselling from professionals.
E Betrayal and sense of helplessness with	In most marriages the men are the ones who work and in divorce cases their assets are divided with the spouse, and they also have to pay maintenance as custody decisions favour women more	The decisions in custody cases affect fathers and their children in that father are not awarded the same opportunity as mothers to can get the custody of their children. Mothers often get the custody and it weakens the bond between their children and their non-custodian fathers	Engaging in recreational activities, surrounding one-self with friends and some engage in destructive behaviours such as using substances.
F Some men experience feelings of failure for having failed to keep their families together	Men in divorce cases often lose valuable assets such as houses, cars and are also expected to maintain children who do not stay with them they lose a lot financially	The decisions taken in divorce cases often leads to the deterioration of father and children's relationships	If men stand to lose a lot, some may choose it is better to can kill their partner and themselves. Some seek support of friend and families.

4.27 How do men often feel when going through divorce?

The feelings that men experience through-out the divorce process are influenced by many factors such as the causes of the divorce and a person stands to loose. Some of the feeling that men experience include anger, feelings of betrayal, frustration, hurt and despair about the future.

4.28 What are the financial losses that men often suffer because of divorce?

All respondents in the study agreed that men often suffer financial losses such as loss of valuable assets. Men in families are often breadwinners, they are often the ones who work and accumulate the wealth and valuable assets of the family. In divorce cases where spouses are married in community of property the assets and money have to be divided between the spouses and the children. Since in cases where minor children are involved the mothers often get custody, when the estate is divided women often get more as they are the ones who often live with the children. Men also suffer financially as they are expected to pay maintenance for the children and since the mothers can remarry, the money tends to not only support the children only but the mother and her new spouse.

4.29 What impact does the decisions in custody cases affect men and their children?

The respondents in the study share an agreement that in South Africa child custody laws work in the favour of women than men. In divorce cases women tend to get the custody of children and this weakens the bond between fathers and their children. Co-parenting between divorced spouses is not without difficulties and this puts a strain in the relationship of children and their non-custodial fathers.

4.30 What are the ways that men use in dealing with divorce?

Of the respondents in the study two mentioned that in dealing with divorce men at times may choose to kill their spouses, this is often dependent of how much they have invested in the marriage and stand to loose. Two other participants indicated that sometimes men tend to engage in destructive behaviours such as abusing substances and also having a string of affair. Two participants also indicated that seeking support from families and seeking professional help is one of the ways that men use in dealing with divorce.

4.4 CONCLUSION

This chapter gave a presentation; an analysis and interpretation of the data that was collected on the how the management of divorce cases in South Africa affect men. The data obtained indicate that divorced men face different challenges. They face financial hardships, emotional and psychological challenges. It also indicates that the decisions in divorce cases favour women more than men, and often these decisions have a negative impact on the relationship of non-custodian fathers and their children. The chapter that follows presents a discussion of the finding, recommendation for courts and professional who deal with divorce cases and also for further research.

The respondents who participated in the study by completing the questionnaire were 53 as it was targeted. And those who answered the verbal interview were six. The findings from the data analysed are the following:

5.2.1 Emotional challenges

When men go through divorce, they experience different emotional challenges and some of these challenges are due to how divorce is managed in South Africa and financial hardships that come with the divorce. In divorce cases men tend to lose out financially, the assets that they accumulate over the years is often divided between the spouses and children and they also have to pay maintenance, all these may cause financial hardships which lead to emotional challenges.

Divorced men tend to experience feelings of anger, betrayal and despair during and after the divorce. Even though divorced men experience such feelings, they are unable to openly express them due to the views that the society has on men. The culture in society teaches that men are supposed to be strong and showing emotions of hurt and pain is to show weakness and thus the gender role of men in society affects how they express their feelings. Instead of openly expressing them which may pose emotional challenges as the findings of the study shows, men find it difficult to share with other what they are going. What needs to be done is that professionals who work with divorced men need to create a safe environment where men can be able to express and deal with their emotions.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The main goal of the study was to investigate the management of divorce cases and their effects on men. The study employed both qualitative and quantitative research designs. A quantitative questionnaire and an interview schedule were used to gather data. The collected data was then analysed and interpreted. This chapter will present the findings of the study, conclusions and recommendation.

5.2 FINDINGS

The respondents who participated in the study by completing the questionnaire were 53 as it was targeted. And those who answered the verbal interview were six. The findings from the data analysed are the following:

5.2.1 Emotional challenges

When men go through divorce, they experience different emotional challenges and some of these challenges are due to how divorce is managed in South Africa and financial hardships that come with the divorce. In divorce cases men tend to lose out financially, the assets that they accumulate over the years is often divided between the spouses and children and they also have to pay maintenance, all these may cause financial hardships which lead to emotional challenges.

Divorced men tend to experience feelings of anger, betrayal and despair during and after the divorce. Even though divorced men experience such feelings, they are unable to openly express them due to the views that the society has on men. The culture in society teaches that men are supposed to be strong and showing emotions of hurt and pain is to show weakness and thus the gender role of men in society affects how they express their feelings. Instead of openly expressing them which may pose emotional challenges as the findings of the study shows, men find it difficult to share with others what they are going through. What needs to be done is that professionals who work with divorced men need to create a safe environment where men can be able to express and deal with their emotions.

5.2.3 Financial Hardships

In South Africa, divorced men suffer financial hardships such as loss of property and valuable assets; because the estate that is accumulated in the marriage, depending on the marriage contract signed it is divided between the spouses and also the children. Since men do not often get the custody of minor children in divorce cases, they are also ordered by the courts to pay maintenance to the former spouses and if the spouse remarries, they do not end up only maintaining the children but also the mother and her new spouse. And in those cases where they receive the custody for minor children, most of divorced men do not get maintenance from the mother of the children.

Divorced men find it difficult to pay maintenance of the children, because at times they denied access to their children and visitation is made difficult by the spouse who has custody. Another factor that makes it difficult for fathers to maintain and causes financial challenges is that even though they are willing to maintain their children at times the maintenance money they pay is misused.

5.2.3 Social challenges

The majority of the respondents in the study confirmed that the management of divorce cases in South Africa does not favour men more as compared to women. This is seen in issues such as the custody of minor children in a divorce cases. The decision in divorce cases often grant women a more chance of getting the custody of children as compared to men. Even though some fathers are genuinely willing to have the custody of children, the laws in the country put them at a disadvantage.

Not granting divorced men the same opportunities to have custody of the minor children ends up weakening the bond between divorced men and their children. Co-parenting children between two households which were created because of the divorce is not easy, it is challenging and this further puts a strain in the relationships between children and their non-custodian fathers. When divorce takes place it brings to end different relationships which were formed because of the marriage, one such relationship is that between fathers and their children. Divorced men are faced with the challenge of forming new relations and adjusting to a life on their own and thus they face social challenges in this regard.

5.2.4 Coping strategies

Divorce comes with different challenges and there has to be ways that can be used to deal with such challenges. In dealing with divorce, men tend to use different coping strategies. The respondents of the study confirmed that in order to deal with divorce, men may seek the support of extended family members and engage in recreational activities. The respondents also confirmed that when dealing with divorce, men do at times get financial, social, emotional and psycho-social support from families. Other men when having weighed the amount of the loss they are going to suffer due to the divorce, it is too large they resort to killing their spouses as a way of dealing with the divorce. Engaging in a string of affairs and abusing substances as a way of escaping the effects of divorce are also common ways that divorced men use to deal with divorce.

5.3 CONCLUSIONS

The study investigated how the management of divorce cases affects men, emotionally, financially and socially. The objectives of the study were to explore the emotional challenges that men face, how divorce affect the relationship between non-custodial fathers and their children, explore the financial hardships that men face, and the coping strategies that divorced men use to deal with divorce.

A review of existing literature was done to gather the available literature on the main objective of the study was done. The literature review covered the legal framework in South Africa under which marriages and divorces are conducted. The causes of divorce were also reviewed. The literature review that was done showed that men do suffer emotionally due to divorce as it alters one's life in a major way; it also revealed that men suffer financially as they lose their estate and valuable assets. The review of literature also revealed that the management of divorce cases lead to men losing not only the relationship with their spouses but also with their minor children. The literature review also showed the different coping strategies that men use, both negative and positive.

The research process was both qualitative and quantitative. The research adopted a mixed methodology whereby qualitative and quantitative research instruments were used. A survey questionnaire and interview schedule was used. A sample of 59

participants was selected from a population of 158; they were purposefully selected as they possessed information that was relevant to the study. All the targeted respondents were reached. The data was analysed and interpreted and findings of the study were presented.

From the findings of the study the following can be concluded. Sloppy decisions about children in divorce cases tend to strain relationships with their fathers. Loss of property in divorce threatens the social security and stability of men. Due to financial hardships caused by divorce, men tend to have physical and mental health problems

5.4 RECOMMENDATIONS

The following are the recommendations that are made based on the findings of the study:

From the study it was gathered that due to the decisions that are taken in divorce cases, men go through different challenges, such as emotional, financial, social challenges. It is therefore recommended that the Courts and professionals who work with divorce cases should take into consideration such challenges when making their assessments and decisions in divorce cases.

It was also gathered that the management of divorce cases in South Africa does not favour men more. It is recommended that in divorce cases men's needs and challenges should be taken into consideration and should be awarded the same opportunity or an equal chance to can get the custody of minor children and also receive maintenance from their former spouse.

It is also recommended that more research should be done in the field of how divorce affects men because most of the available literature is on how divorce affects women and children and little research has been done on how men are affected by divorce and the decisions in divorce cases.

5.5 RECOMMENDATIONS FOR FUTURE STUDY

The study investigated how the management of divorce cases affect men, socially, emotionally and economically. During the research process the researcher realised that another area was not explored with regards to how divorce affects men. It is recommended that future study should research how life course variables, with emphasis on factors such as age at marriage and duration of marriage affect how men deal or cope with divorce.

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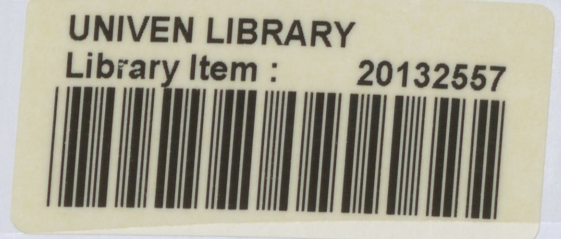
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APPENDIX A

SURVEY QUESTIONNAIRE

P. O.BOX 1729

THE MANAGEMENT OF DIVORCE CASES IN SOUTH AFRICA AND THEIR EFFECTS ON MEN

MAKHADO

0920

I RAMABULANA ROFHIWA MASHUDU OF STUDENT NO: 11614759, am a student at the University of Venda. I am writing a mini dissertation in partial fulfilment of the requirements for the degree Master of Public Management.

The research topic is: **THE MANAGEMENT OF DIVORCE CASES IN SOUTH AFRICA AND HOW THEY AFFECT MEN.**

May you please provide me with information that is related to the study. It is assured that the information gathered will only be used for the purposes of the study. And under no circumstances will the identity of participants be revealed.

The findings of the study will benefit legislation and policy makers in developing policies that will guide the divorce processes in South Africa and professionals such as social workers, family advocates and psychologist in their assessments and counselling processes when working with divorce cases.

Ramabulana

28/05/2013

SIGNATURE

DATE

1.3 Marital status

Respondent	
Single	
Married	
Divorced	
Widowed	

SURVEY QUESTIONNAIRE

**THE MANAGEMENT OF DIVORCE CASES IN SOUTH AFRICA
AND THEIR EFFECTS ON MEN**

Instructions

Read the instructions carefully before you answer any questions.

The questions will be multiple choices.

Answer all questions.

Use a cross X when you answer the question on a box.

Section A: PERSONAL PARTICULARS

1.1 Age of Respondent

Respondents	
21-30	
31-40	
41-50	
51 and above	

1.2 Gender

Respondent	
Male	
Female	

1.3 Marital status

Respondent	
Single	
Married	
Divorced	
Widowed	

1.4 Occupation status

Respondent	
Employed	
Unemployed	

Section B: Emotional challenges

Divorced men often experience feelings betrayal and anger throughout the divorce process.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men deal with emotions they suffer due to the divorce process by openly expressing what they are going through to others.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

The traditional gender role of men does not affect how divorced men express their feelings during the divorce process.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men suffer from emotional strain due financial hardships experienced through the divorced process.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Section C: Financial hardships for divorced men

Divorced men suffer from financial hardship because of loss of estate and loss of valuable assets.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men find it difficult to pay maintenance because they are denied access to their children by former spouse.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Custodial fathers receive maintenance from former spouse.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men receive financial support from external sources all the time.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men do not face any psychological damage due to the divorce process.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Section D: Relationship strains faced by divorced non-custodial fathers

Divorced men do not face social challenges with regards to adjustment in the sphere of social relationship during and after the divorce process.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men view family life as a place of certainty and freedom.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men face relationship changes at the end of their marriages such as loss of child custody.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

The management of divorce cases in South Africa favours men more.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

In Divorce Cases the fathers often get the custody of minor children.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

The decisions in divorce cases strengthens the bond between fathers and their children.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

The strenuous relationship of non-custodial fathers and their children is caused by difficulties in parenting children.

INTERVIEW QUESTIONS

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Section E: Coping Strategies of divorced men

Divorce men cope with divorce by seeking support from extended families.

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

Divorced men receive the financial, social, emotional and Psycho-social support from families

Agree	
Strongly Agree	
Neutral	
Disagree	
Strongly Disagree	

APPENDIX C

INTERVIEW QUESTIONS

- 1.5 How do men often feel when going through divorce?
- 1.6 What are the financial losses that men often suffer because of divorce?
- 1.7 What impact does the decisions in custody cases affect men and their children?
- 1.8 What are the ways that men use in dealing with divorce?