

Interpretation of the Marriage Code

Tasks of the ANC(SA) Marriage Code

- (1) Revolutionary morality:- These are norms or acceptable standards of behaviour within our revolutionary Movement which are derived from or based on the broad policy and strategy of the ANC, the tenet of which is the creation of a new society in a non-racial, democratic South Africa.
- (2) Voluntary marital union of man and woman:- This is the voluntary consent of a man and a woman to marry, i.e. the persons to marry must be male and female that such persons must agree to marry without force or serious threats of violence.
  - On sentiments of mutual love:- This is based on inherent attraction between man and woman for a lasting companionship.
  - Free from materialistic considerations:- This is a broad statement to encompass overt exploitation of one party by the other e.g. marrying for financial gain or other material consideration, And also marrying for other extraneous considerations e.g. sham marriages (of convenience) i.e. misrepresentation of the true purpose of such a union.
  - Marriage to be based on friendship:- and respect for all family members and society. Marriage should not be contrary to the acceptable norms of the ANC community.
- (3) The family upbringing of children:- should not be contrary to the broad teachings of the ANC but should be commensurate with the teachings of our liberation Movement, which is the supreme guardian of the child. The children, therefore, have a right to all facilities provided for them by the ANC e.g.
  - A right to education formal and non-formal i.e. exposure to ANC children's programmes further exemplified by Masupatsela.
  - A right to good health
  - A right to maintainance e.g. money provided for children's food should be used for such purpose and children should be clothed.

\* Note: By implication para. 3 to be read with para 4, where children are concerned, should be read to mean that any impediment to a happy childhood is forbidden. Examples of such impediments are as follows:

  - (i) deprivation of the above mentioned rights,
  - (ii) all known forms of child abuse.

This interpretation, therefore, provides that the Movement through the right organ can intervene to protect the interest of the child.
- (4) The protection of the mothers and children:- That ordinarily mothers and their children shall be entitled to medical and welfare care. That at the time of gestation and nursing the mother shall be entitled to a leave from work.
- (5) The fostering of a sense of responsibility towards the family:- The reciprocal duty of support between the spouses. The joint duty to support their ~~off-~~spn



(6) The elimination of harmful customs:- This is the elimination of customary / tribal practices that are contrary to revolutionary morality; e.g. suppression of one party by the other, constant assaults and brutality in any form.

Contracting a marriage

With the approval of the ANC, the marriage shall be registered in the country where it is contrived. An application to marry shall be lodged with the responsible organ of the Movement.

Capacity to marry:- Only persons who have attained the acceptable age to marry shall contract a marriage; Save with leave from the Movement. Marriages contrary to\* public policy shall not be recognised.

\* Personal rights:- The parties to the marriage shall jointly resolve family matters as stipulated in the Marriage Code; Save that the ANC as guardian of all its members and their off-spring shall have the right to advise where necessary.

Property rights:- Marriage is out of community of property; Save where the parties otherwise agree.