

Different Types of Marriages in South Africa: Diversity or Discrimination?

Summary

South Africa is a diverse nation, with many different cultures and religions. One of the results of this diversity is that there are different types of marriages found in South Africa, only some of them are recognized as being legal marriages. This paper will explore whether the different types of marriages found in South Africa are only as a result of this diversity or whether having different types of marriages is discriminatory. This will be accomplished by firstly mentioning the types of marriages found in South Africa, namely civil law marriage (in terms of the Marriage Act 25 of 1961); civil marriages and civil unions/partnerships (in terms of the Civil Union Act 17 of 2006); customary marriages (in terms of the Recognition of Customary Marriages Act 120 of 1998), as well as religious marriages (Islamic and Hindu Marriages). Secondly, this paper will explore the differences between the types of marriages in South Africa. Thirdly, the relevant sections of the South African Constitution will be looked at and the question of whether there is a right to a family in South Africa will be examined. Lastly, the South African Law Reform Commission Issue Paper 35 will be mentioned and the question and a number of questions will be raised regarding the proposed “single marriage statute”.

Dr. A.Boniface
University of Johannesburg
2019