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RE-READING AND CONTEXTUALISING MANU IX: 2, 3-2: A BOTSWANA WOMAN'S PERSPECTIVE

Elizabeth Pulane Motswapong

Background

After more than fifty years since Botswana gained independence (from 30 September 1966), one would expect Batswana women to be finally independent and living their dream. This is because the majority of them are educated and hold influential positions of responsibility across the country. However, this is far from being a reality because the majority of women continue to experience violence. Tswana law and customs continue to be a catalyst in gender-based violence in Botswana. Women continue to be victimised by the very people who should be protecting them. The sad part is that men feel justified in abusing women because they contend that culture allows them to do so. The way these women are treated can be compared to The Laws of Manu IX: 2, 3-2, hence, this chapter's reading of the text with Tswana lens. Manu IX: 2, 3-2 states, "Day and night woman must be kept in dependence by the males (of) their (families), and, if they attach themselves to sensual enjoyments, they must be kept under one's control. 3. "Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never fit for independence." The chapter argues that this is the harsh reality faced by many Batswana women in their day-to-day life. It is this lack of independence which has translated into violence on the part of men, because they feel justified to abuse women. In other words, most Batswana men have a sense of entitlement and ownership on Batswana women. It is the intent of this chapter to re-read Manu and contextualise it in Botswana with the hope to encourage society to take responsibility and stop hiding behind religion, especially African Traditional Religion and Hinduism respectively.

Introduction

Nyambura Njoroge has dedicated her personal and professional life to the struggle for gender justice. Central to her approach has been her conviction that religions are deeply patriarchal and that men have appropriated sacred texts to justify their oppression of women. The Circle of Concerned African Women Theologians (the Circle) has taken up the quest to examine the portrayal of women in religion. This has been achieved mainly through an analysis of African Traditional Religions, Christianity and, to a less extent, Islam. However, Africa is now home to numerous religions and religious ideologies.

This chapter contributes to the key theme of the Circle by focusing on the images of women in a selected sacred text in Hinduism, namely, the Laws of Manu. The chapter maintains that the images of women in this ancient text are relevant for understanding the struggles of women in contemporary Botswana. The chapter begins by outlining the context of the Laws of Manu. This is followed by sections that reflect on themes relevant to appreciating the status of women in contemporary Botswana in the context of the stipulations found in the Laws of Manu. The chapter concludes by calling upon the judiciary in Botswana to be more proactive in promoting the full rights and dignity of women, otherwise the disempowering images of women found in the ancient Laws of Manu will continue to be true in our own time.

The Laws of Manu: An Overview

Manusmriti, also known as the Laws of Manu, is the earliest work on Brahmanical dharma in Hinduism. It is the most important and authoritative Hindu Law Book (Dharmashastras) which served as a foundational work on Hindu jurisprudence in ancient Indian society. The Laws of Manu are seen as a projection of an ideal society and ideal human conduct which forms the basis of establishing not just an orderly society, but *rta* (cosmic order), as well. In order to promote these ideals and enforce divine will, the Laws of Manu propose numerous laws to govern human life and conduct as applicable to each individual according to her or his social class, duties and responsibilities. The purpose is to inculcate discipline,

while providing the basis for the rulers to enforce lawful conduct and observation of obligatory duties. These duties are carried out by individuals who have chosen for themselves the life of a householder or renouncer.

Although most people would argue that laws proposed by Manu to govern human conduct and society reflect conditions, needs and values of the times in which they were formulated; and are not relevant to present day value system, I am inclined to differ. I maintain that although some might view these laws as archaic, outdated and even primitive (Jayaram, nd), they are still relevant to understanding modern societies. The relevance may be multifaceted, but the one dimension that stands out is that Manu explains gender inequality as a natural condition of human existence. Similarly, Manu becomes relevant to contemporary Botswana for a number of reasons. The Laws “favour[s] a paternalistic society and family system, vesting the authority to regulate them with men, proposing rather a subordinate status and subservient role to women” (Jayaram, nd). Furthermore, they also “betray a clear lack of trust in the integrity and sexual choices of women, thereby suggesting that they should be guarded by men and never left alone in the presence of men outside their families” (Jayaram, nd).

Let it be made clear that Manu does not regard women as necessary evil, but as a prime factor in a man’s life. Although she might be viewed as inferior to man in every respect, a woman is as much a part of the creator as a man is. In order to imitate creation, He (creator) divided himself into two parts, one being male or female. It follows that the Creator sees a woman as a significant component of man, in the manner that man is a significant part of a woman and together they make a whole. Hence, Manu appreciates the role of women in the family and domestic matters, and urges men to treat them with honour and respect and not let them suffer. However, it is interesting to note that at times Manu poses double standards where he praises women to the highest level by recommending that they be revered and kept happy by the householder in order that the family may thrive. In the same breath, he denigrates them to the lowest point of Hindu society where “a woman should never execute the important tasks of her family independently (*svantantra*) whether she is a young girl, a woman or an old lady,” (Buhler 2004: xxxii), but must be subject to male authority. It is this categorisation that ultimately concretised the severe repression of women.

Manu General views on Women

Before addressing the Manu IX, 2, 3-2 text, a general overview of Manu and women is given. During the time of the Vedas (Hindu sacred texts), it appears that “women occupied the same position as men” (Andal 2002:20). However, even then “the birth of a girl was less appreciated than that of a boy” (Patil & Patil 1996:111). Despite the inequalities in terms of preferences, women could still reach high standards of learning and culture, for example, some of the Vedic poets were women. In addition, women held property rights, participated in social and religious rituals, while some held powerful positions. The paradigm shift becomes apparent during the time of Manu where for the first-time women lost their esteemed status and forfeited their rights to wealth and personal property, including their own bodies. Since Manu postulates the father as the real guardian and protector of the daughter as long as she is not married, his duty is to arrange for her marriage to the deserving groom at the right age, otherwise he is viewed with suspicion and contempt. Furthermore, virginity and chastity are associated with dignity, honour and reputation of the maidens in Hindu society. By protecting the daughter, the father is safeguarding her chastity and honour, not just of her as an individual, but also of the whole family.

In the eighteenth century dharmic text, *Tryambaka's Stridharma Paddhati*, for example, the duties of a wife to her husband are outlined in detail, including how he is to be treated by her as a *deva* (god), as well as his expectations of her (Leslie 1989: v). It is the expectation that a wife has to obey and honour her husband and never do anything that might displease him, whether he is alive or dead. She should, as a faithful wife, worship her husband as a *Deva*, even if he is virtue-less, seeks pleasure elsewhere and has no good qualities (Buhler 2004). The reason for such devotion is the happiness that she receives from him in this world and the next and for this devoted service she assumes her exaltation in heaven. Her *stridharma* (woman's duty) is to produce children, because, “begetting children is the greatest obligation of a woman” (Buhler 2004: xi). In other words, her foremost duty is to become a mother, preferably one who produces sons. Motherhood is extolled, thus, “. . . the mother is to be revered a thousand times more than a father, yet his laws place women socially on a level with the lowest of all groups in Aryan society, the Sudra” (Das & Quayson 1932: 27-28).

Under Manu, women are required not to seek independence; hence, in her youth, as a married woman she should be under the control of her father and husband respectively, and must not seek separation from him. In doing so she saves both the families from dishonour “for a woman is a replica of honour” (Buhler 2004: xii). It is worth noting that, Manu takes away women’s independence, liberty and freedom by laying down a general principle that nothing must be done independently by her. Social freedom was eradicated, and a woman was restricted to the household of her husband where she became his property, thus, reducing her to a shadow of her former self. Consequently, “a woman became a liability and when her husband died became a burden to his family” (Andal 2002: 23). The woman has to continue to keep her dignity intact despite the harsh realities she faced because a “characterless woman not only loses her own honour but also for her family as well” (Buhler 2004: xii).

In addition to safe-guarding a woman’s honour, a husband should guard her in order to be sure that she conceives from him only, because “children are the greatest obligation of women” (Buhler 2004: xii). It is feared that because of their ‘adulterous nature,’ and regardless of their beauty or age women can give themselves to any man. Women are seen as possessing passion for men and with their ‘unstable temper and natural heartlessness,’ it will be easy for them to become dislodged with their husband. Notwithstanding, sex is not inherently sinful but can be legitimately explored and expressed within the correct caste specific boundaries. However, “sexuality beyond rational control, that is outside of caste restrictions and pollution controls, was an anathema to the orthodox Brahman for it threatened his ritual purity and threatened the stability of society and family” (Flood 2004:65).

Basically, Manu does not recommend that a widow should die with her husband. However, he expects her to live a life of self-negation after the death of her husband. She must not even mention the name of another man after her husband has died. Until death, let her be patient through her suffering while exercising self-control and chastity and striving to fulfil that most excellent duty which is prescribed for wives who have one husband only. By violating her duty towards her husband, a wife is disgraced in the world (Buhler 2004). Manu is explicitly against the marriage of widows. Widowhood was considered “extremely unfortunate, not only for the widow but for her family and society at large” (Gupta 1976:60). The text further stipulates that a second husband is never declared for a virtuous woman - *sati*. It is in her interest to remain unmarried and go to

heaven. In addition, widows were considered worthless; many were forced to live a life of torture, tonsure and deprivation. Those who decided to remarry or failed to live a chaste lonely life were shunned by society and were believed to have no place in heaven.

Having reviewed the status of women in the Laws of Manu, the following section focuses on the status of women in contemporary Botswana.

The Status of Women in Contemporary Botswana

As already indicated earlier, Manu required a woman not to seek independence; hence, she should be under control of the males in her life. She should be under her father in her youth, husband in her married life and sons as a widow and must not seek separation from them. In doing so, she saves both the families from dishonour. In the same way, women in contemporary Botswana have been subjected to the same laws stipulated by Manu's blueprint. They are seen as "loose cannons" that need constant monitoring. The expectation is that a woman should safeguard her body lest she dishonour her husband, her marital and even her natal family. As a result, the acceptance of a man in the society is largely dependent on the behaviour of women within the family or in the eyes of the community. Therefore:

A woman becomes dishonoured when she behaves like a man, enjoying her sexual freedom because a man's honour is tied most closely to the reputation of women in his family, that is his mother, sister, wife, wives and daughters but not his own (Pitt-Rivers 1965: 42).

It follows that instances of breach or any suspected violation of sexual codes by women is mainly viewed as a potent assault on men's honour and the honour of the family. Basically, honour here becomes somewhat skewed. Why should it be the woman's responsibility to uphold honour for both the marital and natal families when the husband is not expected to return the favour? Does the man's honour not count in this case? The same goes for mutual fidelity, can one really say there is mutual fidelity in Botswana marriages or relationships? Given the predicament faced by women in contemporary Botswana, the question is, is there such a thing as mutual fidelity or it is just a figment of our imagination? This becomes very relevant to this discussion.

Mutual Fidelity – What Mutual fidelity? – A Figment of our Imagination?

Although Manu advocates for mutual fidelity till death, which he considers a religious duty for the husband and wife, in contemporary Botswana there is no such thing as mutual fidelity between married couples. In Botswana marriage becomes a stage where gender roles are underlined and reinforced. This is where a man is allowed to do as he pleases because he is a man and only the woman is expected to be the faithful one who keeps the flame burning in the household. Hence, in marriage, older women counsel the newlywed. In most settings there will be a few uncompromising words of advice from elderly women ranging from deserting friends, especially unmarried ones, to being a good mother and a good wife. However, the most common word of advice remains the cognisance that marriage is a challenge and calls for endurance on the part of the woman. It is not uncommon to hear the older women telling the new bride “*nyalo e tlhaola basadi mo banyaneng,*” (trans. marriage samples real women from girls). It is during this gruelling counselling session that the new bride will be made aware that “*monna ga abotswe go re o kae*” (trans. a husband is never asked his whereabouts) because “*monna ke poo ga a agelwe lesaka*” (trans. a man is a bull and cannot be confined to a kraal). The expectation is that a woman should exercise patience and endurance with the understanding that “*monna ke selepe o a adimanwa*” (trans. a man is like an axe that can be shared). The wife is further reminded not to neglect her duties as a ‘good wife’. She is firmly told:

Daughter you must carry water for your husband. Beware, that at all times, he is the owner of the house and must be obeyed. Do not mind if he stops now and then and talks to other ladies. Let him feel free to come and go as he likes. Be a good Wife! Be a good wife! (Huma 1996: 96).

While the poor bride undergoes this gruelling counselling, the groom does not. His counselling is very brief and to the point, he is simply told, “Today you are a man, see to it that your wife and children have food and shelter. They should never sleep hungry. Make sure they are protected” (Dube 2011: 219). It is often taken for granted that men know how to be good husbands and counselling is deemed unnecessary in most cases. When looking at the treatment of the bride and the groom during marriage counselling, it is obvious from the onset of marriage that there is no mutual fidelity between husband and wife. In fact, it is the woman who

has to be truthful to her husband, but the husband is not bound by anything to remain faithful to his wife. As a result, fidelity becomes one sided and skewed since only the woman is expected to be faithful. Despite all that, the woman is still expected to produce children for her beloved husband.

***Mosadi tlhatswa lesire* – lit trans. “Woman Wash your Wedding Gown!” – Woman have Children!**

Manu makes it very clear that a woman’s duty is to produce children, hence she should always keep her face smiling and radiant with beauty, in order to attract her husband. In the contemporary Botswana context, marriage and having children are considered the most fundamental events affecting an individual’s status and rights within the community. The family household of husband, wife and children forms the basic building block of Tswana society. Therefore, as soon as the marriage is solemnised the expectation is that the woman will “wash her wedding gown”- (*O tla tlhatswa lesire*) that is, she will fall pregnant. But with so much freedom granted to husbands during the counselling session by elderly women, married women face the danger of being infected with HIV by the very husbands who they were told to set free. The problem is that at the end of the day, these promiscuous husbands always come back to their wives. Married women have been hit hard by HIV in many parts of the world, including Botswana.

This is sad because marriage, which is supposed to be a safety net, is not as protective as for men or for women as previously thought. As argued above, it is particularly precarious for women. Furthermore, condom use within marriage is infrequent, and rates of extramarital partners are higher among men than women in Africa. Botswana is no exception. As Marita Barrassa, one of the women profiled in *The Silent Partner, HIV in Marriage* tells us, “. . . As a woman I cannot tell my husband to use a condom; that’s just the way I cannot tell my husband not to have sex” (Coen 2008:1). It is because of these defined relationships that women have little or no say in matters such as sexual choice. With pressure mounting on the woman’s ability to produce an heir and the husband’s freedom in matters of his sexual explorations, the woman is faced with a dilemma between either insisting on the use of condoms (which is deemed out of the question) or abstaining from sex. However, because

she desires to fall pregnant in most instances the woman ends up having unprotected sex. Since married women are not in a position to insist on safe sex and if the husband works away from home, they are vulnerable to any infection that he may have picked up from casual sex relations (Preece 2001). When a woman decides to execute her utmost duty, as defined by society, she might find herself having to deal with being infected with HIV in her own home, in their own bed, from her own husband. It is because of this predicament that many married women find themselves in a twisted noose instead of a safety nest - which is what marriage should be. This is the contradictory nature of dominant discourses which, on the one hand, define men as decision makers, but on the other hand, unfairly blame women for the spread of HIV.

Furthermore, there is also the background of normative behaviours where traditional beliefs and taboos are used to perpetuate a gendered distribution of blame and responsibility towards undesirable outcomes of sexual relations. Some examples of such taboos are manifested in perceptions about female bodies. On the one hand it is understood that giving birth cleanses the womb and this understanding contributes to the prevalence of teenage pregnancy. On the other hand, blood and semen are seen as pollutants meeting in female bodies so that the spread of HIV is often attributed to women. These issues “can be explained by identifying conceptions of gender as socially constructed and reproduced over time through relations of power and enacted in behaviours, attitudes and beliefs that have become so internalized that they now are simply common sense” (Preece 2001: 224).

The life of a widow: a life of self-negation

Widows do not fare any better, just as Manu stipulated, they are expected to live a life of self-negation and self-control. Therefore, they are always under constant scrutiny by relatives of their deceased husband, by their own families and the community as a whole. Until death, Manu dictates that a widow has to portray qualities of patience, of hardships, self-control, and chastity and strive (to fulfil) that most excellent duty which (is prescribed) for wives who have one husband only. If for some reason a wife is found to be in violation of her duties towards her husband, she is viewed as a disgrace and a *pariah*. Likewise, in Botswana it is normal that widows undergo rituals to cleanse themselves from the blood of their deceased

husbands. Depending on which part of the country the woman is married, the widow will be adorned with colours of mourning. For example, she is expected to wear either a black or blue dress for the whole year as a sign of mourning for her deceased husband. In addition, she is to become less attractive or even warn men to stay away from her because the belief is that any man who has sexual intercourse with her before the cleansing ritual will fall ill. However, a widower can only go up to six months of mourning or even less and he is not expected to abstain or have self-control, except out of his goodwill towards his late wife.

Disempowered Man, Victimised Woman

Adultery is regarded as a female crime, and as Mookodi (2000: 12) states, “there are defined power relations within consensual relationships and ... women occupy subordinate positions in relation to their consensual partners”. When a man comes to the realisation that he has lost grip over what he regards as his entitlement to “his” woman’s body, the body he is so used to wielding power and control over, as well as possessing, he ultimately resorts to gender-based violence. A number of emotions come into play, for instance, there is the feeling of disempowerment and dispossession. Once a man feels dispossessed and disempowered, the woman becomes the victim. In Botswana, gender-based violence mainly manifests in two forms, that is, marital rape and femicide or “passion killings” (as media in Botswana prefer to call it).

The abuse of women is rampant in Botswana. A study conducted by the United Nations Country Team (UNCT) report titled “Botswana Millennium Development Goals Status Report 2010” vindicates the concerns of the Botswana Police that violence against women in the country is rife. According to the report, rape, murder and battering were some of the biggest gender issues that the country had to address in order to meet Goal Three of the MDGs (later to become Sustainable Development Goals, SDGs) which call for the promotion of gender equality and women empowerment. The report further adds that violence against women in Botswana is mostly domestic, with perpetrators being consensual partners, members of women’s families and close acquaintances. Furthermore, the abuse is linked to men’s economic and social control of women. The problem is often not captured in records due to lack of reporting by the abused who normally is economically dependent on the perpetrator, while stigma

and family pressure can also be the resultant force (Botswana Millennium Development Goals Status Report 2010).

In 2008, the Botswana Parliament passed the Domestic Violence Act to protect abused persons. Unfortunately, the Act does not address marital rape. This is the major challenge that would make Botswana fail to achieve gender equality and women empowerment. The Domestic Violence Act recommends that marital rape needs to be recognised by Botswana Law because there have been instances where a partner living with HIV has infected his or her partner. Having said that, there is still lack of data on monitoring and analysing gender issues because the Botswana Government has refused to sign the SADC Gender Protocol. This has become a drawback when considering the remarkable milestones that have been covered so far and yet, this crucial issue cannot be ignored. Marital rape is and remains one of the most contentious issues in the negotiations on the SADC Gender Protocol.

Marital Rape: A Husband's Sexual Privilege or a Dehumanising, Unjust and Criminal Act?

Women rights activists and human rights organisations and hundreds, if not thousands of women in Botswana, want marital rape classified as a crime. They are calling on parliament to lead the way ahead of the courts and criminalise marital rape in Botswana. Marital immunity implies that rape within a marriage is not recognised by the court, based on the premise that it is impossible for a husband to rape his wife, because it is tolerated and accepted as a husband's prerogative. However, the laws should be revisited because:

Marital rape violates the woman's right to bodily integrity, self-determination, freedom and the harm is not alleviated or assuaged by the fact that marriage exists between the parties or that the harm occurred in the comfort of the marriage bed (Kala 2015: 1).

Therefore, one cannot have a situation where the right of one party is protected over the other, just because he is a man. Marriage is not just about sex and where violence is used, it is unlawful. This explains why Botswana women are decrying their silent participation and are saying enough is enough. However, they are not shocked at this patriarchal attitude, where for some people "a woman is like a teddy bear that will do as she is told –

inside the bedroom and outside. People like this are an impediment to marital rape ever being recognised as domestic violence” (Kala 2015: 1). According to the Domestic Violence Act of 2008, women can now prosecute a husband’s rape in a civil lawsuit. However, rape cannot be tried as a criminal lawsuit and is not recognised as a criminal offence despite the constitution of Botswana providing in Section 3, for the protection of all persons in Botswana regardless of sex. Botswana further ratified CEDAW (Convention on the Elimination of All forms of Discrimination Against Women) in 1996. For instance, Article 1 of CEDAW provides for the removal of any discrimination against women on the basis of sex, irrespective of their marital status. In addition, Article 2 of the African Charter on Human and People’s Rights provides for non-discrimination on the basis of sex. In July 2003, the African Union adopted a protocol on the Rights of Women in Africa, a supplementary protocol to the African Charter on Human and Peoples’ Rights. It calls for an end to all forms of violence against women, including sexual violence and recognises that the protection from sexual violence is inherent to the right to dignity. Laws on rape which do not take these factors into consideration and take away the recognition of free consent from women continue to be in violation of these fundamental human rights standards.

The question that comes to mind is whether the court’s view on marital rape is in line with Botswana Laws governing rape. Section 141 of the Penal Code does not identify marital rape. What is needed is for the legislature to be courageous and pass a law that clearly outlaws marital exemption. This is the only time when law will educate Botswana society that “marital rape is not a husband’s sexual privilege but a dehumanising, unjust and criminal act” (Madibana 2013:1).

Despite all the debates and exemptions surrounding marital rape, there is particularly one case which can be viewed as a test case on marital rape and can be seen as a major breakthrough in Botswana. On the 2nd of December 2010, Magistrate Thabo Malambane issued an order interdicting a man from physically, verbally, sexually and emotionally abusing his wife of six years. This followed an urgent application restraining the man from going to his wife’s workplace and causing misconduct intended to embarrass and humiliate her. In her affidavit in terms of Section 7, Sub Section two of Domestic Violence Act of 2008, the mother of three girls aged nine, seven and five said trouble started after she became pregnant in 2006. She decided to go for HIV testing with the husband, she tested negative, and

he tested positive. Following this turn of events, her husband's behaviour changed dramatically. She claims:

He started demanding to have unprotected sexual intercourse with me and I tried to make him understand that this was not a good idea, further that we have been advised by doctors that we should at all times use protection as this was crucial for our own health and wellbeing (Madibana 2013: 1).

For the wife, this was the beginning of a turbulent relationship. The abuse came in all forms and despite her resistance to his risky sexual demands, he proceeded to force himself on her on many occasions since he learnt of their status. With the Botswana law still maintaining that a husband can never rape his wife, incidents like these will continue to traumatise women because men know that the law is on their side. As long as adultery continues to be a female crime only, "women will continue to have little or no say in matters such as sexual behaviour. It is this lack of control over matters in relation to sex which result in abuse, violence or forced sex in or outside of consensual relationships" (Preece 2001: 224). Until the Government of Botswana takes the initiative to address the issue of marital rape, women will continue to suffer unimaginable atrocities in the comfort of their beds, by the very person whom they love and had trusted with their own lives. But then, how many women are going to be infected by their husbands and even lose their lives before the government of Botswana realises that marital rape is rape and not a man's privilege but a dehumanising criminal and unjust act which reduces a woman to nothing but mere chattel?

Femicide: 'Passion Killings' or Killings caused by hatred

The second thorny issue in Botswana is femicide or passion killings. According to Ushe, "gender violence is frequently excused and tolerated in some societies where women are assigned inferior roles, subordinate to the males who are heads of the families" (Ushe 2015:107). Botswana is no exception and femicides (murders of females) have taken their toll. Women continue to lose their lives at the very hands of the people they love and trust the most, that is, their intimate partners. These femicides happen when men are told that the relationship is over, then "they resort to violence because they think their authority has been undermined" (Letlhogile 2006:1). In the majority of cases, women are often beaten and punished while some are even killed in the name of love, hence 'passion

killings'. Just as the former President Mogae rightly pointed out, "there is no passion in these heinous crimes because knives are used to slay women" (Bosaletswe 2013:1). The judicial system is also failing the women in Botswana because of the way they handle these cases. The conviction that is usually imposed on a culprit who has committed femicide has been to serve only 10 years imprisonment or less and before long he is already walking the streets and courting yet another woman - another potential victim.

These murders have been attributed to a number of reasons. These murders can be attributed to power on the male side where males want to exert their power, hence it becomes gender-based violence. The problem is also a moral and socialisation issue, because the moment people think of taking someone else's life, it means that respect for the other person has ceased to exist. There are and will be diverse perspectives debated as to what these killings are and what brings them into the community. Many terms will be used to address and even name them, that is, passion killings or hatred killings, the fact of the matter is "these are simply murders, brutal acts carried out by jealous lovers seeking revenge for being jilted by ladies" (Letlogile 2006:1) and as and when they happen, a life is lost, namely, that of an innocent woman. Men act the way they do because they feel they are not in control of "their" women anymore. Consequently, they feel disempowered and dispossessed and resort to killing.

Conclusion

Having looked at Manu's treatment of women, it would not be far-fetched to conclude that Manu IX, 2,3 is relevant to contemporary Botswana. A number of reasons can be attested to that effect. For instance, in contemporary Botswana, just like in Manu, men have ownership of and entitlement over women; be it on girls, married women and widows. It is when this entitlement and ownership of women's bodies is threatened and eroded that males resort to violence in the form of marital rape and femicide. This gender violence and sexual abuse occurs in families, is meted out by the women's intimate partners and society in general. This violence is committed against women and has great impact on women's social status. As a result, a woman feels distressed and wretched because not even the judicial system guarantees her any protection, especially from her tyrannical partner. Let it be reiterated that gender-based violence and sexual

abuse in contemporary Botswana manifest in three major forms: physical violence, sexual abuse and psychological violence. These forms of violence cut across racial, cultural, religious and even educational backgrounds. Therefore, education does not exempt a woman in Botswana today from abuse, because all women have been victims one way or the other. Even after over fifty years of independence, women in Botswana are still experiencing abuse and subjugation from their intimate partners. The Botswana laws and customs further worsen the plight of women because they validate a man's roving eye simply because he is a man. Furthermore, the Botswana legal system, by refusing to proscribe marital rape, is giving men the platform to carry on their abuse of women. Until and unless the Botswana laws are amended, many women will continue to find themselves at the crossroads. Consequently, Botswana family law becomes a catalyst to women being considered as inferior and non-existent in matters pertaining to their bodies. This leads to them being viewed as objects and properties of men, thus, making Manu XI, 2.3 very relevant to contemporary Botswana women and the abuse they face on a daily basis.

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