

Universal citizenship in the context of oppressed individuals and groups in Botswana

This essay will discuss the challenges Botswana has had in providing its oppressed population with full citizenship rights. My critique will relate how Botswana's minority groups have not benefited fully from the rights of citizenship due to the 'individual' and 'patriarchal' elements that define universal citizenship.

The modern political and academic definition of universal citizenship is the sense of inclusion and participation for everyone in public life and the democratic processes that will formulate a universal point of view (Pateman 1989; Young 1990). Young argued that "the assumed link between citizenship for everyone, on the one hand, and the two other senses of citizenship – having a common life with and being treated in the same way as the other citizens – on the other, is itself a problem (Young 1990:115). These definitions have gained a growing critique from oppressed groups who are concerned with the universality of citizenship being understood as the 'same' in the majority view, for their unique differences were the defining characteristics that viewed them as 'different' in the first account.

In many countries laws have provided full citizenship to all, however the societal structures and beliefs that embrace and are embedded in their civil societies hinder those who are oppressed from fully accessing their citizenship rights. The movement towards democracy in many Sub-Saharan countries provided those who had been marginalized with a sense of hope, a belief that winning full citizenship status - equal

political and civil rights would lead to their freedom and equality (Young 1990).

However time has shown full citizenship by law does not equate into full agency to those rights, “social movements of oppressed and excluded groups have recently asked why extension of equal citizenship rights has not led to social justice and equality” (Young 1990:114).

When looking to gain an understanding of what factors within a society limit the effectiveness of laws for full citizenship rights we can look to Young’s (1990:123) definition of oppression, this clearly establishes a framework for understanding the conditions which create and perpetuate inequalities: (1) the benefits of their work or energy go to others without those others reciprocally benefiting them (exploitation); (2) they are excluded from participation in major social activities, which in our society means primarily a workplace (marginalization); (3) they live and work under the authority of others and have little work autonomy and authority over others themselves (powerless); (4) as a group they are stereotyped at the same time that their experience and situation is invisible in the society in general and they have little opportunity and little audience for the expression of experience and perspective on social events (cultural imperialism); (5) group members suffer random violence and harassment motivated by group hatred or fear. These factors help to articulate the social and cultural influences that contribute to oppression and limit a society’s ability to have its citizens practice the laws defined by the Nation.

Many argued that the foundation of participatory democratic theory would need to change from the assumption of an undifferentiated humanity, too the assumption that

there are group difference and that some groups are actually or potentially oppressed or disadvantages (Young 1990:124). Young argued that the “inclusion and participation of everyone in public discussion and decision-making requires mechanisms for group representation, where differences in capacities, culture, values, and behavioral styles can be put forth without judgment or discrimination (Young 1990:115). The challenge with changing this idealist versus of democracy is in part historical, for over 2000 years our civil society and theories of contracts have been defined on a masculine experience, non-emotional, dispassionate and universal in values and norms, one may question if the unraveling of these patriarchal foundations is even possible (Pateman 1988). Feminists have argued that this historical framework of civil society which was defined as public and private spheres, where men and politics comprised the public and women and family defined the private has limited women’s ability to access full citizenships rights, especially those rights and policies relating to division of labour and political participation.

The debates over gaining full citizen rights has led many to believe that social and economic equality must be achieved before political equality can be instituted, while others argue that it takes both with a substantial change to the representation in the political spheres to promote policy changes. However, within both arguments those that are oppressed still have limited capabilities in accessing their full citizenship rights based on their inability to have a voice and their limited powers to influence or change the majority view in my opinion. A significant amount of literature highlights the underlining historical factors that define why there is oppression, however there

are few antidotes for how to change a legacy of structures cultural and institutional which influence and perpetuate inequalities.

Within the context of less developed countries many movements towards full citizenship rights has been rapid compared to the long historical progression of rights in Western political structures. The context of my argument is not the righteousness of either form; however my interest is in understanding how effective the rapid inclusion of rights for citizenship and discrimination are when a society's cultural and institutional structures have not been transformed in a simultaneous fashion. Rwanda and South Africa are two countries that have had a long historical fight for democracy and upon gaining that independence they provided some of the most progressive rights for equality in the world, however as time has progressed many are questioning if the rights have actually benefited those most oppressed.

In Rwanda where women's representation is now leading the world with 48.8 % of government, feminists are questioning if women are able to effectively exert power independently of their male majority leadership. When Rwanda's women MP's drafted a policy to expand women's ownership and inheritance rights for land they were faced with significant political pressures from the male ruling party to modify and limit the scope of the policy, which resulted in a land policy reform act that was male engendered. Furthermore when South African women were contributing to the development of their interim Constitution a significant debate occurred over if Customary Law preceded The Bill of Rights (Albertyn 1994). South Africa's majority male-ruled committee's inability to put a trump clause over equality and culture

further defined the difficulty women have in changing these historical power relationships even when faced with democracy and universal citizenship.

Pateman argued that the historical power relationships that limit oppressed groups is beyond colonialism in scope, she believes it is a direct outcome of the social contract which was based on a fraternal pact that constituted civil society as a patriarchal or masculine order (Pateman 1989). Pateman further argued that if women are to be seen as full citizens it is “necessary to deconstruct and reassemble our understanding of the body politic, this extends from the dismantling of the patriarchal separation of private and public, to a transformation of our individuality and sexual identities as feminine and masculine beings” (Pateman 1989:52). Feminist have agreed that the traditional patriarchy of the fathers has been transformed into a fraternal modern patriarchy of civil society; however the ability to develop a modern political theory that incorporates both the feminine and masculine individuality into political and civil life is the challenge. Furthermore I would argue that in the Western developed world the transformation of patriarchy of the father has been established, however in many less developed countries the role of the father as patriarchal is still a dominant custom.

Pateman further argued that it is not only the patriarchal foundations of the social contract that limits freedoms it also is a condition of the sexual contract which is the subjection of women (Pateman 1989). Pateman described the original pact as a sexual as well as a social contract which establishes men’s political right over women and also sexual in the sense of establishing orderly access by men to women’s bodies. This historical subjection of women as property has developed into a legacy of male

dominance over women's bodies and rights. Within the Africa context the evidence of such beliefs of dominance over women's bodies and rights are witnessed in the Marriage Act Policies that define women as the property and allows the man rights to sex. This subjection of women policies are further perpetuated in the tribal Customary Law practices found in many African Countries. Pateman argues that unless this legacy of subjection of women as bodies for sex and seen as a male-right is restructured, women will never gain full citizenship rights.

Botswana

Botswana is a small landlocked country located in Southern Africa, since their independence in 1966 they have had the fastest growing economy in the world (World Bank, 2006). Botswana's Government took the dominate role in managing and implementing development and investments for providing its citizens with access to basic needs such as; health, education, water, sanitation, and infrastructures (roads, phones, etc.). The government's expenditures account for over half of the countries gross domestic product (GDP) and approximately 70% of the countries national revenues come from state owned property and 70% of exports are attributed to diamonds (Andrew, 2005). The government led by the Botswana Democratic Party (BDP) has utilized the profits of diamonds to improve its citizens well being, President Fetus Mogae stated in an 2006 interview "they are supporting education, health care, clean water and orphans, people know that when they are buying diamonds, they are helping Africa fight poverty and disease" (Carter, 2006:1-2).

Botswana has aggressively pursued gender issues in their political strategies and ideals, starting in 1998 two years prior to the MDG, they targeted gender equality in their comprehensive government strategy called Vision 2016 “Towards Prosperity for All” (BMDGR, 2004). The Women’s Affairs Department in the Ministry of Labor and Home Affairs was established in 1992, which has the responsibility for promoting and protecting women’s rights and welfare, in 2006 they provided over \$ 216,000 US dollars to NGO’s for promoting and defending gender related issues in Botswana (USBRHR, 2006). During the 2004 elections women produced over 57% of the vote and took the following seats: 7 of 61 in Parliament; 5 of 20 in the Cabinet; 3 of 13 Justices in High Court; and 3 of 15 in the House of Chiefs, the overall representation of women decreased from the 1999 elections, however the level of senior executive positions increased (EISA, 2004). In 2003 Botswana was recognized as the world leader in gender equality by the UNDP, in 2006 they dropped to a 34th place ranking behind South Africa and Tanzania (Mmegi, 2006).

In Botswana women are considered equal citizens to men and the constitution and law prohibits government from discriminating on the basis of ethnicity, race, nationality, creed, sex, or social status and these are predominately endorsed by government; however it should be noted that the laws do not prohibit discrimination by private persons or entities which has resulted in cultural and societal discrimination against women, minority groups, and people with disabilities, which weakens the governments position (BMDGR, 2004, EISA, 2005).

Botswana's Constitution may not discriminate against persons for citizenship however they do define the Tswana Nation within their Constitution as minor and major classification. The government still utilizes the historical colonisation classification system for tribe's which recognizes eight principle ethnic groups as part of the Tswana nation, and all remaining groups are classified as minor groups (Matemba, 2005; Sokhulu, 2004; Moloma, 2004). This classification system is further emphasised in National Governments House of Chiefs, which a group that consists of 8 merafe chiefs (major ethnic groups) and 4 elected sub chiefs (minor group) (Matemba, 2005). These cultural factors appear to create an environment that hinders the ability of minorities groups to act on as full citizens in relationship to equality rights. As Young (1990) argued this defining classification of groups discriminates the minor groups from being equal to the majority groups that control the government and civil society. The recent battle over the eviction of the San Tribe was defined as a fight of a minor tribe who had different needs, desires, and beliefs then the major tribes who valued education, healthcare and economics. The San Tribe believed that as full citizens they should have the right to choose how they would like to live and after a two year court battle, the High Court of Botswana ruled that indeed the Government of Botswana had illegally removed the minority tribe and violated their rights as citizens of Botswana.

It has been argued that Botswana must remove this classification system if the country's goal is to provide equal rights and citizenship to all groups. The classification further defines a division within the societal culture which is already

challenged by cultural norms and practices that limit equality for women and marginalized groups.

The other significant area that has challenged Botswana's access to full citizenship is its endorsement of Customary Law over Civil Law. It wasn't until 2004, 38 years since independence that Botswana's government took one of its most aggressive stances towards promoting gender equality when it endorsed and passed the law which abolished the marital powers of husbands ensuring that spouses have equal rights in the marriage, the Marriage Act had previously allowed husbands the rights to sell cattle and houses without their wives consent (Botswana Daily News, 2005). Furthermore, the Marital Act abolished the common law rule that defined how the husband acquires power over the person and property of his wife (Matemba, 2005:11)

However, In April 2005, the country saw a reversal in its movement towards universal citizenship and rights towards equality, when the Customary Court Amendment Bill was approved by parliament over turning the previous Act which ruled women's corporal punishment as illegal, with the support of women chief's the government passed the Act allowing chiefs to now sentence both men and women up to the age of 50 years to corporal punishment ranging from 4 to 6 strokes (Mmegi, 2005). Further more under customary law it is still common in rural practice for men to have the right to "chastise" their wives, which continues to be allowed and accepted by government (USBRHR, 2006).

The last significant area that is currently challenging Botswana's citizenship rights is the subjection of women and its impact on rape. With the countries HIV/AIDS crisis creating an environment of high alcohol abuse and a fatalist view towards life, the resulting outcome has been an increase in violence against women. The occurrences of rape are not only happening outside of marriage, however there is a growing number of cases of rape within marriage, which in a major point of concern for the government of Botswana. To date Botswana recognizes only rape outside of marriage as a crime, thus the historical subjection of women under the Martial Act is still allowed in practice, which defines women as a sexual right of Marriage.

In conclusion, the case of Botswana allows one to see how the definition of Universal Citizenships limiting scope of individual in nature can greatly influence and impact countries that have large diversity's within race, religion, and tribal cultures if group considerations are not addressed or openly considered. Furthermore in the case of less developing countries where societal structures are patriarchal in nature and have not been transformed the ability to influence equality and full rights to citizenship seems limited not by law but by societal customs and practices which continue to discriminate against oppressed groups.

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