



## **Assessing the Use of Indigenous Philosophy and Curriculum in Managing Passion Killings in Botswana**

**Moya Modise**

School of Social and Human Studies,  
Atlantic International University, Pioneer Plaza,  
900 Fort Street Mall 905, Honolulu, Hawaii 96813, USA

### **ABSTRACT**

Background is that Modise cited in Kistan (2010) wrote 'Passion killings have influenced curriculum management in Botswana because passion killings delay delivery of curriculum content by affecting management of curriculum resources such as time' (p.1). Rationale for using indigenous philosophy and curriculum in addressing passion killings is that indigenous philosophies provide education with cultural relevance making education more applicable and sustainable. This study evaluates the application of indigenous philosophy and curriculum, rooted in Botswana's traditional beliefs, in managing passion killings through the Botswana High Court of Law. It investigates whether the cultural stance of sentencing passion killers to death is reflected in judicial decisions. Qualitative research approach; purposive sampling to select the respondents who could best provide answers to the research objectives; qualitative analysis to synchronize and analyze data from the following various sources using triangulation under each research objective or theme: Qualitative interviews from Botswana school syllabuses and corresponding textbooks; ethnographic design participant in-depth immersion personal observations and experiences of the researcher; empirical research; Botswana Law reports; Botswana media newspapers; standards for curriculum evaluation; relevant theories and philosophies. Findings: Passion killings are increasing in Botswana. Botswana society lack fear due to the perception that presenting societal factors as extenuating circumstances during court hearings often shifts blame from the perpetrator, resulting in rare death sentences. Indigenous philosophy curriculum of sentencing passion killers to death to manage passion killings is rarely lived in Botswana due to 'using social practice that shy away from pointing at the passion killer as the person to be executed but rather pointing at societal factors as a phenomena to be executed'. Hatred from the passion killer+ lack of fear (created by shifting the blame from the passion killer to societal factors during court hearings) = passion killings. Passion killers initially harbor emotions of love but then turn to emotions of hate combined with a lack of fear, resulting in passion killings. Botswana school curriculum & Botswana judicial decisions should discard 'using social practice that shy away from pointing at the passion killer as the person to be executed but rather pointing at societal factors as a phenomena to be executed'. Significance of the study is that results obtained in work will help ensure that the cultural stance of sentencing passion killers to death is robustly reflected in judicial decisions.

**Keywords:** Indigenous Philosophy, Curriculum, Managing, Passion, Killings.

## INTRODUCTION

Indigenous philosophies are inherently tied to the local culture, traditions, and values, making education more relatable and meaningful to students (en.wikipedia.org). Modise (2004) cites Botswana Long Term Vision (1997, p.16) as follows: 'Botswana's special structure rests upon history and a culture and set of traditions, governing the behavior and obligations of people towards each other and the community as a whole. It is important that this culture built over a period of time, is strong enough to absorb and filter the influx of new ideas and patterns of behavior without losing its coherence.' Mmusi (2005, p.13) wrote 'The curriculum of a school is the formal and informal content and processes by which learners gain knowledge and understanding, and alter attitudes, appreciations, and values under the auspices of that school'. Alao (2006, p.341) highlighted that in Botswana, most common forms of homicides committed by love partners are locally referred to as "passion killings". According to the United Nations Development Programme in Botswana (2014, p.22), passion killings run deep through Botswana society, schools and family.

The discipline of Sociology of Education emphasizes the inter-relationships between education and other social institutions. What happens within the school influences what happens outside, and vice versa. This perspective is crucial for understanding the broader impact of passion killings on education. Exploring passion killing and its implications on the academic wellbeing of university students in Botswana and Namibia academia. edu2etd.uwc.ac.za 3mmegi. bw4hdl. handle.net

Passion killings have a significant impact on the management of human, material, and time resources within the curriculum in Botswana. These tragic events affect curriculum development, delivery, and the overall educational environment. Human Resources: The psychological trauma and instability caused by passion killings can lead to decreased concentration and academic performance among students, particularly women (Eze (2016). This trauma can also affect teachers and other educational staff, leading to a less effective learning environment. Material Resources: Instances like the one mentioned by Modongo (2017) highlight how legal and personal issues stemming from passion killings can disrupt the availability and management of educational materials. Time Resources: The time required to address the aftermath of such incidents, including counseling and legal proceedings, can detract from the time available for educational activities.

A 21 year old male passion killer said 'I was schooling at Mogoditshane village near Gaborone city, but was arraigned in The Botswana High Court Francistown which led to my failure to submit my textbooks" (Modongo 2017, p.10). We must not make an oversimplistic assumption that the only causal relationship with passion killings is the formal school curriculum-whereas other societal influences obviously come into play.

Rationale for using indigenous philosophy and curriculum in addressing passion killings is that indigenous philosophies provide education with cultural relevance making education more applicable and sustainable. Aim of this study is to examine the role of indigenous philosophy, ideology, and curriculum in managing passion killings in Botswana. Purpose of the study is to assess the extent to which indigenous philosophy and curriculum, rooted in Botswana's traditional beliefs and the practice of sentencing passion killers to death, are applied in the Botswana High Courts of Law.

## **Significance of the Study**

Ensure that the cultural stance of sentencing passion killers to death is robustly reflected in judicial decisions.

## **Problem Description**

### **Statement of the Issue:**

Passion killings are increasing in Botswana.

### **Motivation for the Study:**

The authorities in Botswana, specifically His Excellency President Festus Mogae, lamented during a security meeting that Botswana High Court Judges give lenient sentences to passion killers (KaboOarabileThapelo (undated). Kaelo, as cited in *The Monitor* (19 Feb 2018, p. 2), reports that a convicted male murderer was finally hanged following his dismissed appeal after killing his girlfriend and her three-year-old son. He was sentenced to 20 years in prison for the murder of his girlfriend after the court found extenuating circumstances but was given the death penalty for the murder of her son.

## **Research Objective**

Find out whether passion killings are increasing in Botswana, and why passion killers lack fear of committing these acts.

Investigate the implicit curriculum conveyed through judicial decisions within the Botswana school system.

Evaluate the implementation of indigenous curriculum approaches in addressing passion killings via the Botswana High Court of Law.

Determine the necessity of retaining or discarding the implicit curriculum derived from judicial decisions in Botswana's school curriculum.

## **MATERIALS AND METHODS USED IN THE RESEARCH**

Qualitative interviews from Botswana school syllabuses and corresponding textbooks:

The following “variables / ways of combating passion killings provided by the Botswana school curriculum” are not enough to avert passion killings because passion killings are continuing to increase despite their use: In their book written to complement the Botswana Junior Secondary School Social Studies subject, Gasha, and Ngongola (2009, p. 97) contributed the following ways of combating passion killings:

- Educate the Botswana society to encourage respect for women and girls.
- Train people in positions of authority such as teachers, medical officers, Botswana Police Service officers and the Botswana High Court Judges to deal with cases of gender-based violence seriously, punish offenders with suitably severe forms of punishment.
- The potential would be victims of passion killings should be encouraged to report cases of gender based violence to the Botswana Police Service and other relevant authorities and be persuaded not to withdraw cases reported to Botswana Police Service.
- Offer social counseling to potential perpetrators and victims of gender based violence.

- Community structures such as community leaders like chief/dikgosi, and political counselors should be used to change cultural norms, values, beliefs and attitudes about the relationship between men and women.
- Non-violent responses should be used to combat passion killings in Botswana include: negotiation, mediation, surrendering to avoid conflict, walking or running away, reporting the violence to adult members of the family, police or teachers if the victim is a student.
- The Botswana Police Service should prevent possible murder/passion killings from happening by arresting and detaining the probably would be perpetrators.

The Botswana Ministry of Education and Skills Development (October, 2013) Secondary School Moral Education syllabus has the following Specific Objectives: investigate reasons why lovers kill each other; investigate ways of curbing crimes related to sexual relationships (p.10-11). "Causes of domestic violence that may lead to passion killings are as follows: Being brought up in a violent home; the influence of mass media; peer influence; many people in society are poor and unemployed, some may resort to violence; the influence of drugs and alcohol; when people feel they are being treated unfairly and those in authority are not listening to their complaints" (Anderson, Letsholo, Malense, and Mokobi 2013, p.153). The preceding Moral Education subject students' core textbook that complements the above syllabus provides a list of societal factors as causes of passion killings, and do not direct the blame to the passion killer. Therefore, Botswana school curriculum provides a list of societal factors as causes of passion killings, shying away from pointing at the passion killer as a person to take responsibility of the passion killing he/she committed and the death penalty that go along with the responsibility.

Botswana indigenous philosophy-ideology and curriculum related to Social Studies Subject & Moral Education Subject: Abosi and KandjiiMuranjii (1988) reflect that traditional education was entirely practical training, which was intended to enable the individual to play useful role in society. Education varied from one tribe to another both in content and method as dictated by the nature of the environment. In relation to Botswana society, Schapera (1994) states that: "The vast majority rules of conduct however are inherent in the social system of the people. They occur simply as established usages and observances which have developed in the course of time and become accepted by people at large as more or less binding and obligatory as norms or correct standards of behavior. ... For example, forcible violation of a woman (rape or petelelo) was a serious offence and punishable with death; making children known to their relatives and teaching them the appropriate form of behavior towards such relatives; teaching children to refrain from such vices as stealing; children were not allowed to use tobacco" (p. 35).

Indigenous philosophy and curriculum being the Botswana public deep-rooted traditional belief and stance of sentencing passion killers to death to manage passion killings: The then Head of Department of Law at the University of Botswana, Nsereko (1991, p. 239) wrote that generally speaking, the majority of people in Botswana have an embedded and deep-rooted traditional belief that capital punishment is appropriate for murders or passion killers. This attitude was echoed or even reinforced by the third President of the Republic of Botswana in his British Broadcasting Corporation -BBC Hardtalk Interview with Tim Sebastian who asserted that the law and the people of the Republic of Botswana are in favor of the death penalty. In Ditshwanelo-The Botswana Centre for Human Rights (2007, p.18) a Botswana Member of

Parliament for Maun-Chobe area said in the year 2001: "we have gone around the country addressing meetings and consulted people and they have argued that it should stay" (Botswana Press Agency- Daily News (22 March 2001). According to Cohen and Parsons (1935, p.36), some Tswana indigenous values include: "children being carefully taught by their parents the difference between right and wrong conduct. More formal instruction of the same nature is given certain definite rule of behavior being firmly impressed upon the minds of the people concerned". Other Tswana indigenous values from Schapera (1994) include: right of parents to slightly beat any of their dependent children with a small wooden stick mainly on the buttocks as punishment for disobedience of orders, insolence, the use of bad language, leaving the homestead without permission. Punishment meted out to one for procuring illegal abortion or abortion is punishable with thrashing the girl and her boyfriend fairly severely (p.35). Mogapi (1985) held that Tswana indigenous values taught in bogwera indigenous schools include:

*Bana bane batlhomaganngwajalomongwe le mongwe a itse gore  
botlhebafapelegagagwebabagolwanekamatsalo. Se, se ne se dirwa gore...faba le  
kwagae, baseka bane bagogagoga, go saetsiweyomogolo le yommotlana (p. 16)*

A translation to this is as follows: In Botswana bogwera indigenous schools, children were made to line up in descending order according to age so that children learn who is older to them and accord them due respect. According to Cohen and Parsons (1935, p.36), some Tswana indigenous values include: "certain definite rule of behavior being firmly impressed upon the minds of the people concerned". In the preceding example, Tswana indigenous philosophy is applicable in the Moral Education Subject & Social Studies Subject. Each subject specialist must ensure that the relevant recipe of Tswana indigenous philosophy in the competencies and skills are exhibited as outcomes / competencies that students learn. The researcher in describing this Tswana indigenous type of curriculum as formal sees this curriculum as planned to address skills. Tswana indigenous philosophy seems to find support from Nsamenang (2011) who in their book titled "Handbook for African Educational Theories and Practices. A generative teacher Education curriculum: Human Development Resource Centre (HDRC)" suggests that "African scholars in general and philosophers in particular need not always take their cure from elsewhere but from their African roots" (p. 57).

### **Personal Observations and Experiences of the Researcher**

The researcher was born on 02-02-1970 and grew up in the Republic of Botswana. The researcher having worked in the General Duties Branch of the Botswana Police Service; Botswana Police College as an Academic Instructor; teacher cum lecturer in various institutions of the Botswana Ministry of Education interacted with various syllabuses and got immersed in participant observation that makes him to come up with a story to tell: The researcher had the opportunity to arrest and interview a passion killer; attend postmortem and autopsy process of various victims of passion killings. Botswana Police Service arrest passion killers but when passion killers arrive in a Court of Law, they quote Case Law being societal factors or extenuating circumstances such as jealousy-anger-intoxication and passion killers rarely receive death sentence.

Passion killers initially harbor an Emotion of love but then turn to harbor Emotions of jealousy and hate when the boyfriend or girlfriend no longer subscribe to the relationship.

The rarity of death sentence in cases of passion killings removes Fear and consequently removes deterrence which was supposed to be provided by Criminal law. Kolantsho Neo cited in 'The Midweek Sun News [guardiansun.co.bw](http://guardiansun.co.bw) (Wednesday January 15 2025, p.1 and 5). Hang Them Fast. 17 death row inmates await President Duma Boko's decision. Botswana decry delays in executing murderers' reports: Botswana Prison Services explains everything as several Botswana express impatience on deathrow inmates who have been waiting to be executed since (the year) 2021. They want the president to speed up deaths to send a message that brutality on others will not be tolerated....since 1966, 48 prisoners have been executed....Botswana are calling on president (of Botswana) to expedite execution, saying it is only through hanging offenders that potential offenders will realize the consequences of butchering people....they (Botswana) are not happy, hanging only one person per year, they say, is not enough. There is no law guiding the number of executions per year'.

Conventional ways of combating passion killings provided by the Botswana school curriculum have failed to avert the following trauma: Eze (2016, p. v) in her full doctoral thesis entitled "Exploring passion killings and its implications on the academic wellbeing of university students in Botswana and Namibia". The study employed qualitative research approach. The participants were purposefully selected. The samples were of six participants and the data was obtained through semi-structured face-to-face interviews. The study found that the victims are largely women; that passion killing causes psychological trauma leading to feelings of insecurity and instability which affects their learning and concentration.

'Causes of domestic violence that may lead to passion killings' in Botswana school curriculum; Nsereko (1991); State v Lathe, Botswana Criminal Trial No F2/ 1190 (1 March 1991 unreported in the Botswana Law Reports); Novak (2013); Shapi as cited in the Botswana Press Agency-Daily News (2017, p.25) reports a list of extenuating circumstances that serve the following purposes: unusual or extreme facts leading up to or attending the perpetration of the offence which although an offence has been perpetrated without legal justification or excuse, mitigate or reduce its gravity from the point of view of punishment or moral opprobrium / extenuating circumstances / factors reducing moral blameworthiness of the perpetrator/ societal factors blamed for passion killings removing culpability from the perpetrator / mitigating factors that lessen the punishment from capital punishment to imprisonment in the Republic of Botswana. Passion killers rarely receive death sentence: Bosaletswe as cited in Botswana Sunday Standard (2012, p.2) reported that the Botswana High Court of Appeal Judge, ..... lamented that passion crimes have commonly afforded murder convicts to receive lenient sentences in Botswana. Research by Kabo Oarabile Thapelo (undated) presented to the University of Botswana reports that: "during the Global Commission on Elections, Democracy and Security, Former President of the Republic of Botswana, Mogae stated that he was mostly saddened by the leniency by judges when handling such cases; that Honorable Judges were not giving stiff sentences to offenders who committed "hatred killings"; that we should not call them "passion killings" but rather call them "hatred killings" (Retrieved on 4th December 2022 from the: Research The number of passion killings among the - Free Critical Thinking For Students ([modernloveok.com](http://modernloveok.com))). The Botswana High Court City of Francistown sentenced a 31 year old man to just 10 years jail sentence after the sentencing judge had said: If we look at the level of culpability of the accused person in this case, it is slightly diminished by his sudden anger and jealousy occasioned by seeing his girlfriend naked in the presence of a man she had earlier

denied to be in love with. The absence of premeditation also doubles up as mitigating factor over the above role in extenuation” (The Botswana Gazette 2017, p.19).

Rasaka Laone cited in “The Weekend Post (Saturday 09-15 September 2023, p.3) Botswana has 14 men awaiting execution. Botswana retaining capital punishment despite pressure from EU. The Dibotelo report (The Presidential Commission of Inquiry into the Review of the Constitution of Botswana) indicates that capital punishment is popular” reports: according to statistics from Ditshwanelo, over 30 inmates have been hanged since 1966. This year (2023), the Court of Appeal (COA) has confirmed two men to hang by the neck until they die due to lack of extenuating in their cases.

“The emotional distress that the passion killer might have suffered as a result of all the facts and circumstances cannot, in view of the intentional murder carefully planned and executed be held to be extenuating circumstances” [Cannot remember the source]

Botswana society harbor an Emotion of lack of Fear to commit passion killings due hidden messages or hidden curriculum from Botswana High Court of Law & Botswana school curriculum & limited number of people executed for passion killings. Botswana society does Fear the current interventions of combating passion killings in place in Botswana. If they have fear to commit passion killings we would not be having documentary data showing increase of passion killings. Research Project in Counseling entitled “The number of passion killings among the family members” by Kabo Oarabile Thapelo (undated) presented to the University of Botswana reporting that: “The number of passion killings...have increased rapidly over the last decade to date...No day passes by without any report of passion killings in our great nation of Botswana” (Retrieved on 4th December 2022 from the: Research The number of passion killings among the - Free Critical Thinking For Students (modernloveok.com)

Bonang Mosolata cited in “Botswana Daily News Monday January 22, 2024 No. 011 page 5 Nt...pe fights second death penalty” who reports that “death row inmate.... has been diagnosed with unresolved anger and excessive jealousy.....A Senior Consultant at Jubilee Psychiatry Clinic in Botswana Dr. Paul Sidandi said this during a tense courtroom session on Thursday before Justice Barnabas Nyamadzabo as part of Nt...pe’s mitigation. Dr. Sidandi said...Nt...pe was harbouring anger and excessive jealousy...Dr Sidandi said when the ex-girlfriend terminated the relationship... was already angry that the girlfriend had not checked on him while in custody and accused her of having found another boyfriend’. President of the Republic of Botswana-Duma Boko (January 15, 2025 Mmegi online. President Advocate Duma Boko officially open the cabinet orientation workshop in Gaborone)-‘Even if we sometimes profess to love one another, we present danger to each other. We tend to think we not only own ourselves, but we own the other selves that we from time to time come into some union with so much that when that union fails, some of us seek to enforce this union by force violently.....because the self that remains trapped hostage of the egocentric predicament is unable to....appreciate its own limitations and realize that when a relationship is not working it is not an indictment on that self or any other self for that matter...that we can love and walk away’

### **Document Data from Botswana Law Reports**

Passion killers forward a list of extenuating circumstances – mitigating factors- “societal influences blamed for causing passion killings in Botswana” during court hearings and they

rarely receive death sentence: Documentary data in *Lekolwane v State* [1985] Botswana Law Report 245).

### **Sociological Perspective:**

Using the Self –Regulation Theory (SRT) to discard the so-called societal factors / extenuating circumstances / mitigating factors during the hearing of cases of passion killings:

Self –regulation theory (SRT) is a system of conscious, personal management that involves the process of guiding one's own thoughts, behaviours and feelings to reach goals. Four components of self-regulation described by Baumeister, Roy; Vohs, Kathleen; Tice, Dianne (2007) are:

- Standards: Of desirable behavior.
- Motivation: To meet standards.
- Monitoring: Of situations and thoughts that precede breaking standards.
- Willpower: Internal strength to control urges

Passion / emotion such as jealousy-anger-hate killing can be managed or controlled because they first take place in the mind before they are exhibited in the actual act of passion killings. What is being thought in the mind can be managed or controlled. People have a duty to manage what they think and not dwell on thoughts that make them drift into an impaired mental state. Jealousy is not turmoil- jealousy cannot not temporarily impair an individual's self-control and decision-making unless an individual fails their duty to manage or control their thoughts. Jealousy, anger, temporary insanity; spar of a moment; passion killer lost self-control, emotional outburst, heat of passion are not valid provocation because they are based on wrongful beliefs or actions known as The Blameworthiness Principle (i) passion killers kill their partners not because they love them but because they hate them (ii) passion killer is failing to manage or control his /her thoughts and consequently drift into an impaired mental state (iii) We tend to think we not only own ourselves, but we own the other selves that we from time to time come into some union with so much that when that union fails, some of us seek to enforce this union by force violently because the self that remains trapped hostage of the egocentric predicament is unable to appreciate its own limitations and realize that when a relationship is not working it is not an indictment on that self or any other self for that matter...that we can love and walk away. Using the Blameworthy Principle in Criminal Law to discard the so called societal factors / extenuating circumstances / mitigating factors during the hearing of cases of passion killings:

The heat of passion defense acknowledges that intense emotions can impact cognitive functioning. Research shows that extreme anger or fear can impair decision-making and impulse control, but the scientific basis remains complex and multifaceted.

### **Blameworthiness Principle:**

Legal scholar Jonathan Witmer-Rich proposes the blameworthiness principle to resolve conceptual puzzles related to the heat of passion.

- According to this principle, provocation is not adequate if the reason for extreme anger is due to a blameworthy belief or attribute of the defendant.



- A belief is considered blameworthy if it contradicts the fundamental values of the political community.
- The blameworthiness principle helps differentiate valid provocation claims from those based on wrongful beliefs or actions.

Referendum must inform us whether Batswana rate the following as reasonable provocation to warrant a person to kill another person or they rate it as blameworthy - contradicting their fundamental values?

Does it make sense to Batswana that a person kill another person for the following?

- A defendant kills their spouse, boyfriend, girlfriend upon discovering infidelity.

### **THEORETICAL BACKGROUND**

#### **Functionalism Theory (Functionalism vs. Dysfunction):**

Botswana society should hold a referendum to decide whether societal factors that shift blame from the passion killer, resulting in lighter punishments should be retained or discarded.

#### **Pragmatism Philosophy:**

The researcher asserts a pragmatic approach to manage passion killings by instilling fear in potential passion killers.

### **LITERATURE REVIEW**

The following existing research did not:

- Find out why passion killers lack fear of committing passion killings.
- Find out the informal and hidden curriculum that the Botswana High Court of Law / Botswana High Court Judges / Case Law "Judges decisions" provide for Botswana school curriculum and school going children on the management of passion killings in Botswana.
- Evaluate the implementation of indigenous curriculum approaches in addressing passion killings via the Botswana High Court of Law.
- Determine the necessity of retaining or discarding the implicit curriculum derived from judicial decisions in Botswana's school curriculum save for these three: (a) The passion killer killed their boyfriend or girlfriend in self-defense to immediate threat to his / her life or the life of another; (b) There was no intention to kill; (c) Mental illness:
- KaboOarabileThapelo (undated) Research in Counseling. The number of passion killings amongst the family members" presented to the University of Botswana, reports that: "The number of passion killings have increased rapidly over the last decade to date...no day passes without any report of passion killings in our great nation Botswana" (Retrieved on 4<sup>th</sup> December 2022 from the: Research The number of passion killings among the - Free Critical Thinking For Students (modernloveok.com).
- In his empirical research "Lack of mutual respect in relationship: The endangered partner. *Annals of the New York Academy of Sciences*, 1087 (1), 311-319", Alao (2006, p.341) highlighted that in Botswana, **most** common forms of homicides committed by love partners are locally referred to as "passion killings".
- Empirical study by Exner and Thurston (2009) entitled: "*Understanding "passion killings" in Botswana: An investigation of media framing*" reports that various

newspapers depict a narrative whereby societal influences are blamed for causing passion killings in Botswana.

- According to the United Nations Development Programme in Botswana (2014, p.22), passion killings run deep through Botswana society, schools and family.
- Eze (2016, p. v) in her full doctoral thesis entitled “Exploring passion killings and its implications on the academic wellbeing of university students in Botswana and Namibia”. The study employed qualitative research approach. The participants were purposefully selected. The samples were of six participants and the data was obtained through semi-structured face-to-face interviews. The study found that the victims are largely women; that passion killing causes psychological trauma leading to feelings of insecurity and instability which affects their learning and concentration.

## **RESULTS & DISCUSSION**

This section interprets the results, discussing their implications, limitations, and how they fit into the broader field including in the context of research questions and objectives. Find out whether passion killings are increasing in Botswana, and why passion killers lack fear of committing these acts. Investigate the implicit curriculum conveyed through judicial decisions within the Botswana school system. Evaluate the implementation of indigenous curriculum approaches in addressing passion killings via the Botswana High Court of Law.

### **Principal Argument / Thesis / Findings**

The study hypothesized that: Passion killings are increasing in Botswana. Botswana society lack fear due to the perception that presenting societal factors as extenuating circumstances during court hearings often shifts blame from the perpetrator, resulting in rare death sentences. The rarity of death sentences removes the deterrent effect that criminal law is supposed to provide.

Indigenous philosophy curriculum of sentencing passion killers to death to manage passion killings is rarely lived in Botswana due to ‘using social practice that shy away from pointing at the passion killer as the person to be executed but rather pointing at societal factors as a phenomena to be executed’.

Hatred from the passion killer + lack of fear (created by shifting the blame from the passion killer to societal factors during court hearings’) = passion killings.

Passion killers initially harbor emotions of love but then turn to emotions of hate combined with a lack of fear, resulting in passion killings.

### **Validation of Principal Argument**

The thesis is validated by principles being a set / group of rules or laws derived from observation and they explain an established relationship between two or more factors about a phenomena while a theory is based on a set / group of scientifically tested principles that explain phenomena. A repeated pattern occurred when events in this study were paired – qualifying them to assume the status of scientifically tested principles.

### **1. Extenuating Circumstances Blamed for Causing Passion Killings in Botswana:**

Passion killers often forward a list of extenuating circumstances—mitigating factors—during court hearings. These societal influences are blamed for causing passion killings in Botswana.

Documentary data in cases such as *Lekolwane v State* [1985] Botswana Law Report 245, and *State v Lathe*, Botswana Criminal Trial No F2/1190 (1 March 1991, unreported in the Botswana Law Reports), as well as reports by Nsereko (1991), Novak (2013), and Shapi (2017), illustrate how these factors are presented in court.

These extenuating circumstances serve to:

- Highlight unusual or extreme facts leading up to or attending the perpetration of the offense.
- Mitigate or reduce the gravity of the offense from the point of view of punishment or moral opprobrium.
- Reduce the moral blameworthiness of the perpetrator.
- Shift blame from the perpetrator to societal factors, thereby removing culpability.
- Lessen the punishment from capital punishment to imprisonment. The rarity of death sentences removes the deterrent effect that criminal law is supposed to provide.

## **2. Increase of Passion Killings is a Sign of Lack of Fear to Commit Passion Killings:**

Since 1966, over 30 inmates have been hanged in Botswana, but those executed for passion killings are far fewer, as the total includes other types of homicides. According to OnneileSetlalekgosi Ramasilo (The Midweek Sun News, August 14, 2024), statistics from the Botswana Police Service indicate that between 2003 and 2012, 747 people were murdered by individuals who claimed to love them (Ramasilo. The Midweek Sun News, August 14, 2024). Applying epistemological philosophy - rational source of knowledge, it can be inferred that approximately 3500 people have been killed by passion killers since 1966 in Botswana.

## **3. Cognitive Appraisal Theory of Emotion**

The passion killer has an opportunity to either choose “fight-or-flight response” but passion killers choose the “fight-response” upon appraising the “lack of fear-hidden curriculum” provided to school going children and the Botswana society by Botswana High Court of Law & Botswana school curriculum who are not aggressively reminding potential passion killers the consequences of harbouring an Emotion of lack of Fear to commit passion killings.

Physiological Theories of Emotion suggest that responses within the body are responsible for emotions=physiological arousal. (James-Lange Theory of Emotion)

Neurological Theories of Emotion propose that activity within the brain leads to emotional responses=expressive behaviors (The Cannon-Bard Theory of Emotion)

Cognitive Theories of Emotion argues that thoughts and other mental activity play an essential role in forming emotions (Cognitive Appraisal Theory / Lazarus theory of emotion). According to appraisal theories of emotion, thinking must occur first before experiencing emotion such as jealousy, love; hate; anger; fear and many more other emotions. The cognitive appraisal theory asserts that your brain first appraises a situation, and the resulting response is an emotion=conscious experience and then there is a choice of “fight-or-flight response” (David G. Myers, cited in Cherry (Updated on May 07, 2022) Retrieved on 5th December 2022 from: <https://www.verywellmind.com/theories-of-emotion-2795717#:~:text=The%20James-Lange%20Theory%20of%20Emotion>).

The passion killer has an opportunity to either choose “fight-or-flight response” but passion killers choose the “fight-response” upon appraising the situation in their mind that some passion killers had escaped death penalty upon raising anger and jealousy as mitigating factors in a court of law; these passion killers lack an Emotion of Fear.

**4. Passion killers** initially harbor emotions of love but then turn to emotions of hate combined with a lack of fear, resulting in passion killings: BonangMosolatate cited in “Botswana Daily News Monday January 22, 2024 No. 011 page 5 Nt..pe fights second death penalty” who reports that “death row inmate....has been diagnosed with unresolved anger and excessive jealousy.....A Senior Consultant at Jubilee Psychiatry Clinic in Botswana Dr. Paul Sidandi said this during a tense courtroom session on Thursday before Justice Barnabas Nyamadzabo as part of Nt..pe’s mitigation. Dr. Sidandi said...Nt..pe was harbouring anger and excessive jealousy...DrSidandi said when the ex-girlfriend terminated the relationship; ..... was already angry that the girlfriend had not checked on him while in custody and accused her of having found another boyfriend’.

Determine the necessity of retaining or discarding the implicit curriculum derived from judicial decisions in Botswana’s school curriculum. Save for these three: (a) The passion killer killed their boyfriend or girlfriend in self-defense to immediate threat to his / her life or the life of another; (b) There was no intention to kill; (c) Mental illness:

Botswana school curriculum & Botswana judicial decisions should discard ‘using social practice that shy away from pointing at the passion killer as the person to be executed but rather pointing at societal factors as a phenomena to be executed.

Justifying the Discarding of Extenuating Circumstances ‘social practice’ in Passion Killing Cases:

1. During the use of Botswana case law extenuating circumstances-factors removing culpability from the perpetrator-mitigating factors, there has not been a decline of incidence of passion killings in Botswana.
2. Botswana society should discontinue the use of Case law ‘judges’ decision’ used in court because they are societal factors which Botswana school curriculum, empirical studies inform us that these are factors used to shift the blame from the passion killer.
3. Deterrence:
  - Argument: Removing extenuating circumstances can serve as a stronger deterrent against passion killings. Knowing that severe consequences will follow regardless of emotional state or intoxication may discourage potential offenders.
  - Impact: This can lead to a reduction in passion killings as individuals may think twice before acting violently.
4. Justice for Victims:
  - Argument: Accepting extenuating circumstances can be seen as minimizing the severity of the crime and the suffering of the victims and their families. Discarding these factors ensures that justice is served more equitably.
  - Impact: This approach can provide a sense of closure and justice to the victims’ families, reinforcing the seriousness of the crime.
5. Consistency in Legal Outcomes:

- Argument: Removing subjective factors like anger or jealousy from legal considerations can lead to more consistent and predictable legal outcomes. This can enhance public trust in the judicial system.
  - Impact: A more consistent legal framework can improve the perception of fairness and justice in society.
6. Public Safety:
- Argument: By not accepting extenuating circumstances, the legal system sends a clear message that violent behavior, regardless of the emotional state, is unacceptable. This can contribute to a safer society.
  - Impact: This can lead to a cultural shift where violence is less tolerated and more actively prevented.
7. Blameworthiness Principle: Passion killers kill their victims based on wrongful beliefs, attribute of the defendant, actions known as blameworthy belief. Extenuating circumstances fall under the Blameworthiness Principle save for these three: (a) The passion killer killed their boyfriend or girlfriend in self-defense to immediate threat to his / her life or the life of another; (b) There was no intention to kill; (c) Mental illness. Justification below:
8. Cognitive Appraisal Theory of Emotions: Mind over Emotion: - According to Cognitive Appraisal Theory of Emotions, emotions such as love, jealousy, anger, hate, and fear originate in the mind before manifesting in actions. Therefore, these emotions can be managed or controlled.
9. Self-Regulatory Theory: Duty to Manage Thoughts: - Individuals have a duty to manage their thoughts and not dwell on those thoughts that lead to impaired mental states and violent actions. Jealousy, for instance, does not inherently impair self-control unless one fails to manage their thoughts.
10. Boko cited in (Mmegi online. January 15, 2025. President Advocate Duma Boko officially open the Cabinet orientation workshop in Gaborone) asserted 'Even if we sometimes profess to love one another, we present danger to each other. We tend to think we not only own ourselves, but we own the other selves that we from time to time come into some union with so much that when that union fails, some of us seek to enforce this union by force violently.....because the self that remains trapped hostage of the egocentric predicament is unable to....appreciate its own limitations and realize that when a relationship is not working it is not an indictment on that self or any other self for that matter...that we can love and walk away'

## CONCLUSION

This section summarizes the key research findings and their significance and suggests future research directions, potential directions for future use.

Passion killings are increasing in Botswana. Botswana society lack fear due to the perception that presenting societal factors as extenuating circumstances during court hearings often shifts blame from the perpetrator, resulting in rare death sentences. The rarity of death sentences removes the deterrent effect that criminal law is supposed to provide.

Indigenous philosophy curriculum of sentencing passion killers to death to manage passion killings is rarely lived in Botswana due to 'using social practice that shy away from pointing at

the passion killer as the person to be executed but rather pointing at societal factors as a phenomena to be executed’.

Hatred from the passion killer + lack of fear (created by shifting the blame from the passion killer to societal factors during court hearings’) + limited number of people executed for passion killings = passion killings.

Passion killers initially harbor emotions of love but then turn to emotions of hate combined with a lack of fear, resulting in passion killings.

Boko cited in (Mmegi online. January 15, 2025. President Advocate Duma Boko officially open the Cabinet orientation workshop in Gaborone) asserted ‘Even if we sometimes profess to love one another, we present danger to each other. We tend to think we not only own ourselves, but we own the other selves that we from time to time come into some union with so much that when that union fails, some of us seek to enforce this union by force violently.....because the self that remains trapped hostage of the egocentric predicament is unable to....appreciate its own limitations and realize that when a relationship is not working it is not an indictment on that self or any other self for that matter...that we can love and walk away’. Botswana High Court of Law & Botswana school curriculum should stop ‘using social practice that shy away from pointing at the passion killers as the person to be executed but rather pointing at societal factors as a phenomena to be executed’.

### **POLICY RECOMMENDATIONS**

#### **Evidence-Based Practice & Evidence-Based Policy**

- Involve local scholars and community leaders in policy-making processes.
- Work with legal experts and policymakers to draft and implement the necessary legal reforms, ensuring that they are in line with both national and international human rights standards.... without losing Botswana indigenous Human rights Law for passion killings:-Kolantsho Neo (2025) reports: ‘Botswana Prison Services explains everything as several Batswana express impatience on deathrow inmates who have been waiting to be executed. They want the president to speed up deaths to send a message that brutality on others will not be tolerated.... Batswana are calling on president (of Botswana) to expedite execution, saying it is only through hanging offenders that potential offenders will realize the consequences of butchering people’.
- Policy makers to preserve relevant indigenous laws. Frimpong (1991, p.18) wrote ‘People have become detached and alienated from their traditional background. Whether a lawyer, a politician or a soldier the type of education an elite receives whether at home or abroad separates him from the rest of the community’.

### **POTENTIAL DIRECTION FOR FUTURE RESEARCH**

#### **Theoretical Research**

- Conduct research based on theories derived from the current study.
- Test hypotheses about the relationship between cultural practices, legal consequences, and the incidence of passion killings.
- Replication Studies:
- Replicate the current research using different methods and procedures to validate the findings.

## ACKNOWLEDGEMENTS

This section acknowledges individuals or organizations that supported this study:

I would like to express our deepest gratitude to the following individuals and organizations for their invaluable support and contributions to this study:

- Botswana society: advocate for sentencing passion killers to death.
- Gasha and Ngongola (2009): Emphasize the need for training and severe punishment for offenders.
- Nsamenang (2011): Advocate for solutions rooted in African cultural contexts.
- Mmusi (2005): Recommend full involvement of teachers in curriculum development to address local issues effectively.
- YouTube: Type 'Assessing indigenous philosophy and curriculum on the management of passion killings in Botswana' by Moya Modise Thesis Defense 5th December, 2022 and watch the original video and transcript of the Doctoral thesis.
- Microsoft AI Powered Copilot: After Thesis Defense, the researcher requested Microsoft AI Powered Copilot to put these original objectives into simple language: (i) Find out what informal and hidden curriculum do the Botswana high Court of law / Botswana High Court Judges / Botswana Case Law 'Judges' decisions' provide for Botswana school curriculum and school going children on the management of passion killings in Botswana. (ii) Find out whether Botswana society should discard all other Botswana Case Law extenuating circumstances shifting the blame from the passion killer to societal factors during hearing on passion killings save for these three: (a) The passion killer killed their boyfriend or girlfriend in self-defense to immediate threat to his / her life or the life of another; (b) There was no intention to kill; (c) Mental illness. Put the original thesis into a compressive, upgraded, improved, internationally recognized, formatted document.

## References

- Abosi, C. O & Murangi, A. K. (1996). *Education in Botswana: A reading Text*. Gaborone: Macmillan.
- Alao, 'Lack of mutual respect in relationship: The endangered partner,' *annals of the New York academy of Sciences*, 2006. 1087 (1), 311-319.
- Anderson, V., Letsholo, S., Malense, C., and Mokobi, U. (2013). *Moral education*. Gaborone: Diamond Educational Publishers.
- Assessor's Name and Institution: Professor G. Kistan, University of Zululand (20-August-2010). External Examiner's Report. Assessment of Doctor's Thesis. Student: Moya Modise. Subject Discipline: Education: Tittle of Thesis: The impact of passion killings on curriculum management in Botswana. Promotors: Professor MW Lumadi; Professor A. Oduaran.
- Baumeister, Roy; Vohs, Kathleen; Tice, Dianne (2007). "The Strength Model of Self-Control". *Current Directions in Psychological Science*. 16 (6): 351-355. CiteSeerX 10.1.1.603.9802. doi:10.1111/j.1467-8721.2007.00534.x. S2CID 7414142.
- Bell, J. (1999). *Doing your research project: A guide for first time researchers in education*. Open University Press: Philadelphia.
- BonangMosolatate (2024) Botswana Daily News Monday January 22, 2024 No. 011 page 5
- Botswana Ministry of Education and Skills Development, Secondary School Moral Education syllabus, October 2013. Anderson, Letsholo, Malense, and Mokobi, *Moral Education subject students' core textbook*, 2013.
- Botswana Long Term Vission, (1997). Gaborone: Botswana Government Printers.
- Botswana Press Agency-Daily News (2017, p.25),

- Cherry, K. (Updated on May 07, 2022). The 6 Major Theories of Emotion. Amy Morin, LCSWPrint. Retrieved on 5th December 2022 from: <https://www.verywellmind.com/theories-of-emotion-2795717#:~:text=The%20James-Lange%20Theory%20of%20Emotion>
- Cohen and Parsons, J.D. (1937). (Eds). Politics and society in Botswana Volume 2: Department of Government and Administration. University of Botswana, Lesotho and Swaziland.
- Ditshwanelo-Botswana Centre for Human Rights, (2007). The death penalty in Botswana hasty and secretive hangings: International fact finding mission. International Federation for Human rights. Gaborone: Ditshwanelo-The Botswana Centre for Human Rights.
- Exner, Deinera and Thurston, Wilfreda E., "Understanding 'Passion Killings' in Botswana: An Investigation of Media Framing," Journal of International Women's Studies, 2009. Volume 10 (Issue 4) Article 1, 1-16 online. Retrieved July 2017 from <http://www/research.chgate.net/.../233946365->
- Eze, (2016). "Exploring passion killings and its implications on the academic wellbeing of university students in Botswana and Namibia". Full thesis submitted in full fulfillment of the Degree of Doctor of Philosophy at the University of the Western Cape.
- Fimpong, K. (1977). Qua-Vedas Ghana? Colonial Criminal Law or Ghanaian Criminal Law?. Unpublished JSD Thesis: Yale Law School.
- Gasha, G., and Ngongola, N. (2009). Social Studies. Gaborone: Diamond educational publishers.
- KaboOarabileThapelo, "Research in Counseling: The number of passion killings amongst the family members," University of Botswana.
- Kolantsho Neo 'The Midweek Sun News [guardiansun.co.bw](http://guardiansun.co.bw) (Wednesday January 15 2025, p.1 and 5). Hang Them Fast. 17 death row inmates await President Duma Boko's decision. Batswana decry delays in executing murderers'
- Lekolwane v State [1985] Botswana Law Report 245)
- Ministry of Education, (1996). Three year junior secondary syllabus-Social Studies. Gaborone, Botswana: Curriculum development Unit.
- Modongo, W. (August 11 2017). Murder suspect pleads for bail: The Botswana Guardian August 11 2017. Retrieved on 24th August 2017 from the [www.botswana.guardian.co.bw](http://www.botswana.guardian.co.bw)
- Mmegi, (2009). Passion killings claim 82 women, seven males. Retrieved on 9th July 2017 from the [www.mmegi.bw/index.php?sid=9&dir=2009/December/Thursadt 10/](http://www.mmegi.bw/index.php?sid=9&dir=2009/December/Thursadt%2010/)
- Mmusi, T. (2005). The extent of primary school teacher involvement in curriculum development: a case study of the South and South Central educational Regions of Southern Botswana. Unpublished doctoral thesis: Northwest University.
- Modise, M. (2004, unpublished). Assessing the extent to which Tswana indigenous values manifest themselves amongst the Botswana society. Thesis submitted in partial fulfillment of the requirements of Master of education degree. University of Botswana: Unpublished.
- Mogapi, K. (1985). Ngwaoya Setswana. Gaborone, Botswana: Gaborone printing works.
- Mosarwana v State [1985] Botswana Law Reports (BLR) 258.
- Merrriam, S. B. (1998). Qualitative research and case study applications in education. San Francisco: Jossey Bass.
- Novak, A. (1993). United Nations Covenant of Civil and Political Rights and Freedoms of the Individual, in Kehl am Rhein 1993, p. 105
- Novak, A. (April 23 2009). "Guilty of murder with extenuating circumstances: transparency and the mandatory death penalty in Botswana", Boston University. Retrieved on 9th July 2017 from [www.bu.edu/law/journals-archive/international/volume27n1/documents/novak.pdf](http://www.bu.edu/law/journals-archive/international/volume27n1/documents/novak.pdf)
- Novak, A. (2013). The global decline of the mandatory death penalty: Constitutional jurisprudence and legislative reforms in Africa, Asia and the Caribbean. USA: Routledge.



Nsamenang (2011) *Handbook for African Educational Theories and Practices*. A generative teacher Education curriculum: Human Development Resource Centre (HDRC)

Nsereko, D. D. N. (Winter 1991). *Extenuating circumstances in capital offences in Botswana*. Department of Law. University of Botswana.

Nsereko, D.D. N. (1 March 1991). *Capital offences in Botswana*, p244-260

Parsons Q. N. (1984), *Education and development in pre-colonial and colonial Botswana to 1965*. Gaborone: Macmillan

Pavlov, E. ( ) Classical conditioning is learning through association. Retrieved on 4th December 2022 from: Pavlov classical conditioning theory - Search (bing.com)

R v Jogee [2016] UKSC 8 Retrieved on 4th December 2022 from: R v Jogee - Wikipedia  
[https://en.wikipedia.org/wiki/R\\_v\\_Jogee](https://en.wikipedia.org/wiki/R_v_Jogee) <https://www.lawteacher.net/cases/r-v-jogee.php>

Schapera, I., and Merwe, D.F. (1945). *Notes on the tribal groupings, history and custom of the Bakgalagadi; Communications from the School of African studies-New Series no 13* September 1945: University of Cape-town.

Schapera, I. (1936). *The contributions of western civilization to modern Kxatla culture: Communications from the School of African studies- Series no 1*(Read April 15, 1936): University of Cape-town.

Schapera, I. (1936). *A handbook of Tswana law and custom compiled for the Bechuanaland Protectorate Administration*. Muster. Hamburg.

Second Optional Protocol to the International Covenant on Civil and political Rights aiming at the Abolition of the Death Penalty, 1989, 13

State v Lathe, Botswana Criminal Trial No F2/ 1190 (1 March 1991 unreported in the Botswana Law Reports)

Setlalekgosi, O. (2017). Young missing woman found dead and buried: *The Voice* Friday July 21, 2017. V1006.

State v Ntesang, Court of Appeal, 30 January 1995, [1995] 2 LRC 338

Thapelo, K. O. (undated) Research project in Counseling presented to the University of Botswana. Retrieved on 4th December 2022 from the: Research The number of passion killings among the - Free Critical Thinking For Students (modernloveok.com)

The Times, London, (19/02/2001)

The Republic of Botswana National Commission on Education, (1977). *Education for Kagisano: Report of the national Commission on Education*. Gaborone: Botswana.

The Republic of Botswana, (2013). *Human Rights Report*. Gaborone. Department of State. Retrieved on 9th July 2013 from the <http://www.state.gov/documents/organization/220296.pdf>.

The Botswana Guardian (August 11 2017). Man sentenced to 10 years for lover's death. [www.botswana-guardian.co.bw](http://www.botswana-guardian.co.bw)

The Monitor (Monday 16 April 2018). Deceased half-naked woman found in Ledumadumane. Vol 19 No13.

The Botswana Ministry of Education and Skills Development (October 2013). *Three-Year Junior Secondary Syllabus: Moral Education Subject*. (Revised Edition). Curriculum Development and Evaluation Department.

United Nation Development Programme in Botswana, (2014). *National Action Plan to end violence against women and children*. Gaborone: SADC. Retrieved on 9th July 2017 from the [www.bw.undp.org/content...Botswana/.../GBV%20Indicators%20Botswana%20report.p](http://www.bw.undp.org/content...Botswana/.../GBV%20Indicators%20Botswana%20report.p)

The Sunday Standard, (06 August 2012). Man sentenced to 17 years for killing girlfriend.

Zuga, K. F. (1994). *Implementation technology education: A review and synthesis of the research literature*. Columbus, OH: Centre on Education and Training for Employment.