Out of the blue sky….? Gender based violence and murder revisited.

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<div align="center">**A Sketch**</div>

Namibia is swept up in an unprecedented wave of gender based murder. We seem at a loss of how to react effectively to this phenomenon. Individual responses like "bury them alive", "this carnage has to stop…immediately", "reintroduce the death penalty" reflect a high degree of helplessness. It is important to note however, that the incidence of gender based murder is perceived as something which is a more recent phenomenon, something which was not there two, three generations back. This is a contention which is extremely difficult to prove for a number of reasons which cannot be explicated here. But it is a contention which provides leverage with those who profess it, because it allows us to bring society back into the equation. It implies (a) that the root cause of the problem is not situated at individual level, (b) that the problem has been in the making for a long time, a problem which did not fall out of the blue sky, and (c) that it is intertwined with the continuous evolution of our social structure. If this is so, punishment as a means of specific and general deterrence will not to help much. The instrumental effect of punitive action as a deterrence is small, and for the symbolic meaning of increased public censure to become functionally integrated in the mind/self of members of society, of actual or potential criminal actors, in other words to take effect at individual level, with a measurable effect at aggregate level (incidence), it needs to be systematically backed up in and throughout the social. Punishment as deterrence satisfies our need for action, but like in most other instances of raising punitivity levels (e.g. Stock Theft Act), the effects are barely measurable, and action becomes activism.

Before we can, once we have regained a sober state of mind, embark on a thorough analysis of the prevailing and continuously emerging social structure, it is necessary to spend a thought on why should this phenomenon be seen as a social problem?

In principle there are only two factors contributing to individual social action: those factors are the individual in terms of his/her biological make-up on the one hand, and the social environment on the other hand. Social environment and biological basis interact from the moment of human conception. In detail, there are immense genetic variances between one individual and another. If we discount a parametric analysis, each of us has a different genetic fingerprint. Each of us begins however with a clean slate in the sense that in the very beginning there is no social imprint on it yet. If, what is purely hypothetical, the social environment would be the same for everybody, differences in social behaviour from one person to another would have to be accounted for purely on the basis of this genetic variance.

Taking the Namibian population in its entirety, it is more than just a hunch claiming that in essence the genetic pool has not changed much over, say, the last century. Then, as a group Namibian men and women have remained essentially the same, and what has been perceived as an unprecedented phenomenon is triggered at individual level by the interaction between the actor and his/her social environment which in turn is not the same as it was then and there. Hence, if we do not want to take recourse to ideological or spiritual/religious concepts like "free will" or "the devil's work", and if we want to search for a scientific answer, we have to look for cues in our present social structure. The above itself comes with a number of assumptions, and has to be read with a lot of caveats. But non-partisan entities of social scientists will be able to relate to it and support the call for policy responses based on sociological explanations of these recent happenings.

Having argued that much does not mean answers are somewhere nearby. But it is highly plausible that addressing other pillars of the social structure than those represented by the criminal law and deterrence theory would yield eventually better outcomes. Disentangling in detail the mechanics of complex systems social structures also are, requires more space than available here. Yet, some broad lines of argument can be put forth with the aim to spur research (in the absence of systematic data collections they are however based on rather weak empirical evidence).

The current wave of gender based violence evolved as a result of prevailing (though in the meantime distorted) patriarchal cultural norms, in the context of the ongoing encounter between tradition and modernity, and widespread anomie.

Although acknowledging that women slowly break the ancient grip of patriarchal control, Fox (2002) referred to "an enduring patriarchal culture" running through all levels of Namibian institutions and cultures, which has only partially been mollified by government policies since independence. Self-determination, and for that matter sexual self-determination, of women is constitutionally protected. Yet, there is a clear discrepancy between the entitlements derived from the general law and the actual degree of freedom of women to refuse sex, even in pre-marital relationships, whereas the absence of that freedom mirrors the male sense of entitlement vis-à-vis the opposite gender, which emanates from persistent authority structures and patriarchal cultural norms and a commensurate notion of masculinity. The tensions which arise from situations where women assert their liberty in relation to males, who jealously guard their diminishing patriarchal authority, may well be behind rising levels of domestic violence, including rape and murder. But these tensions arise at a time when social relations, in particular at the intersections of tradition and modernity, may be perceived as anomic. Anomie according to Durkheim refers to a breakdown of social norms and it is a condition where norms no longer control the activities of members in society in a clear cut way, and as a consequence individuals have difficulties to find their place in society. Whereas social

change has not just begun with Independence, it paced up dramatically following Independence. This alone, to speak with Durkheim, should explain a good portion of – also gender based – crime.

There is however another dimension of anomie, which amplifies the before mentioned tensions, and which has been put forth by Merton (1938; 1997), who with reference to the already then much more 'advanced' US-society wrote:

> "(T)he theory of anomie and opportunity structure (…) holds that rates of various types of deviant behavior (not only crime) are high in a society where, as with the American dream, the culture places a high premium on economic success and upward mobility for all its members, although in brute social fact large numbers of people located in the lower reaches of the social structure have severely limited access to legitimate resources for achieving those culturally induced or reinforced goals."

It is the underlying mechanism which is of interest here, that is, the discrepancy between institutionalized means and cultural goals. And such a discrepancy appears to persist, if not to grow wider, in today's Namibian society (see: Sherbourne, 2010, 61ff.; Namibian Statistical Agency, 2012). The main political goal of the liberation struggle was the self-determination of the Namibian people. However, after national independence in 1990, the establishment of a democratic society, buttressed by extensive human rights guaranties (Horn and Boesl, 2008) and the enhancement of the regulatory framework for a strong market economy, added another dimension, the desire for enjoyment of the amenities of an advanced capitalist consumerist economy. It is not only the second media revolution, the internet, which may have accelerated this process. Surely, by now via social and other media, readily available on any modern media device, like smart phone, the tablet, etc., the suggestion for a new social self, modelled against the requirements of a globalised economy, are transported into the most remote areas. But even earlier, the Namibian government gave the Namibian society the blueprint of a developmental vision, which wills that by 2030 the Namibian economy will be fully developed with the true *insigniae* of the knowledge economy (Government of Namibia, 2004). Typical for a transitional society, the social space is impregnated with two, at least partially incompatible, value horizons, which overlap or intersect even within one and the same person. An indication that the above value addition has taken its grip on the Namibian society is the ever increasing urbanisation, which is fuelled by a constant stream of rural urban migration (Namibian Statistical Agency, 2013, Winterfeldt, 2002). At the same time however, in particular those persons who move unprepared away from the traditional lifestyle in a communal setting, lack the (institutional) means to participate and to enact the aspired self with the consequence of widespread social exclusion (Mufune, 2002: 179ff.).

Today, women seek the economic opportunities of employment and income previously the preserve of men. To the extent that they do so successfully, or even where they only overtly aspire to it, they assert their emancipation from men as equals, challenge notions of masculinity, and with it the stereotypical portrait of the man as provider. In this sense, in particular men affected by social exclusion see themselves structurally exposed to two seemingly insurmountable challenges. The first challenge is to come to terms with newly imposed imperatives to adjust their notions of masculinity so as to be at par with actual aspirations to and normatively protected gender equality/parity. The second challenge is to deal with the discrepancy between limited access to resources and novel cultural goals (the demons of modernity; supra).

Within the remits of the extant interpretation of constitutional guarantees, a change in the ownership of the means of production with the aim of closing the gap between access to resources and achievement of cultural goals is unattainable. More promising, because normatively not inadmissible, should be attempts to tackle the first challenge. This requires a serious quest for deeply analytical solutions, based on open discussions of (all) gendered behaviour which symbolically or actually allude to and represent power differentials between men and women, recognising the importance of but importantly also questioning the merits of prevailing cultural systems.

Whereas such analysis extends over a large array of social action, including expressions of the self which are deemed to be benign and not suspected to contribute to existing skewed gender relations, this could be a painful exercise – for men and women alike….

Epilogue:

A sociological approach provides theoretically the best method to reduce the prevalence of gender based crimes committed by male actors. Social structural interventions are however hard to find, and those hailed as remedies and implemented in the past produced rather mixed results (Walsh, 2010, Biology and Criminology, p. 292). Generally speaking, the off-side of environmental/structural interventions is that they affect all members of society, irrespective whether they are prone to exhibit the incriminated behaviour or not. The huge majority of men does not commit gender based violence. It is presumably a very small proportion of male actors only who commit such crimes. From that perspective individual interventions might be preferred, because they would spare society to substantially change institutional rules, significant symbols/frames of reference. To be more precise, interventions at individual level of male actors prone to exhibit gender based violence, would not require women to abstain from e.g. wearing high heels, red nails or going 'half-naked' (sleeveless shirts, hot pants, etc.) in public. And in fact, most of us would assert that those acts of behaviour

have nothing to do with gender based violence. Partially this is so, because it is extremely difficult to abstain from behaviour which is so very much cultured! But while it may be true that only very few men become extremely violent against women, it may be also true that even in relationships with non-violent men almost all women experience a lack of gender balance. Humans act on situational cues in their environment, and significant symbols form part of the opportunity structure any time. To the extent that the behavioural examples (supra) allude to an existing gendered world with a power differential between men and women, they take part in the social production of reality, which in the seminal words of Berger and Luckmann (The social construction of reality, p. 66) operates by way of "externalisation, objectivation and again internalisation." To recommend women to wear the Burka (IS), or men to wear robes, dresses etc. (France), is not the envisaged end point of the discussion. But from where we are now to the extreme on that continuum is a far way, and somewhere in between there may be useful mid-point. The issue is starting the discourse.