

Reprinted from the "SOUTH AFRICAN JOURNAL OF SCIENCE,"  
Vol. XXIII, pp. 937-942, December, 1926.

---

SOME NOTES ON THE *BOGADI* SYSTEM OF THE  
BAHURUTSHE.

BY

G. P. LESTRADE, M.A.,

(Published by permission of the Native Affairs Department,  
Pretoria.)

---

Read 9 July, 1926.

---

The information here presented was collected from three sections of the Bahurutshe, at Linokana, Gopane and Motsoedi respectively, in the Moiloa Reserve, Marico District, Western Transvaal. Other sections of the tribe, which, according to tradition, is the senior tribe of Bechuana, are settled elsewhere in the Marico District, notably at Lekgophung (Vinkrivier) and Moshaneng (Witkleigat); in the Bechuanaland Protectorate (Kolobeng); in British Bechuanaland (the Batlware or Bagamotlhare); and it is stated also at Thaba 'Nchu in the Orange Free State. Of all the sections the Reserve branches are the greatest numerically, and, since they contain representatives of the several divisions into which the tribe has at various times split, and since they do not seem to have been under missionary or other tribally disintegrating influence to a larger extent than the others, they may be taken as representative of the tribe as a whole. Their statements of the law and custom of their forefathers will serve as a fairly accurate reflection of the practice of the old Bechuana. It may be further stated that actual comparison of the information gleaned from them with that available from the other sections reveals few, if any, discrepancies.

The manner in which the information was collected may be outlined. The primary object in view has been to obtain, as far as possible, *unanimous* statements about the nature of the ancient law, from old and well-informed men of importance in the tribe. For the strictly practical ends for which the investigation was conducted, it would have been of little use to obtain perhaps far greater detail and more interesting information from the purely research point of view from one or two informants, if the main body of the various *makgotla*, or tribal councils, were to dispute this information or reckon it of little value. Consequently, the investigation was conducted *coram publico*, with the various informants acting as a check on one another, substantiating, denying, augmenting, correcting, and, in some few cases, striking out as irrelevant, the information given by one of their number acting as chief spokesman for the day. It may, therefore, be claimed that no Mohurutshe whosoever

would deny that the accounts written down in this way are "the real law," being the considered opinion of the *lekgotla* in formal meeting assembled.

It may be as well to outline briefly some of the most essential features of the *bogadi* system. The word *bogadi* is applied to that complex of laws and customs by which, in a normal marriage among the Bahurutshe, a form of material wealth (nowadays confined to cattle, though accounts are given of hoes and even grain, in addition to small stock, having been utilised in the process) passes from the family of a man to the family of a woman, in consideration of that woman, and, in particular, her reproductive power, passing from her own family into that of the man. No marriage is legal without the passing (or the formal contract with a view to passing) of *bogadi* cattle. No children are the legitimate sons of their father unless that contract has been made, whether or not fulfilled, in respect of their mother. No man can claim, for any purposes, the children he has by any woman until he and his family, on his own behalf or on behalf of some other male relation whose representative he is, have contracted to pass, and under certain circumstances until they have actually passed, the said bride-price.

The steps in the arrangement of a marriage fall into three sets. The first is purely informal, though it will be seen that it is really the essential one. The respective fathers of the man and the woman must consult and come to an agreement concerning the terms of the marriage. Formerly, it is stated, the fathers had absolute and sole power over the marital fate of their sons and daughters, tempered, no doubt, to some extent by the influence of their wives, and perhaps even to some extent by the predilections of the pair most personally concerned. Nowadays, that power is less absolute, though there are still fairly young Bahurutshe who have been made to marry, against their will, girls whom previous to the nuptials they had not even seen.

During this informal consultation details are discussed of the number of the cattle to be passed, and the probable time of their passing, as well as the date of the marriage, though even in this informal way these matters are discussed with the utmost delicacy and diplomacy. In theory, there should be no bargaining at all about the number or the time relating to *bogadi* cattle, and such public haggling as takes place elsewhere is regarded by the Bahurutshe with contempt, though both families are out to get the best terms they can in the transaction.

The next step also is purely formal, yet constitutes the central point in the esteem of the Bahurutshe. It is called *patlo* or *go batla*, forms of the verb meaning "to seek." First, the men of the man's family go to visit the men of the woman's family at the *lekgotla* (council-place) of the latter. Spokesmen on both sides interchange ceremonial formulæ: "We have come to ask for a calabash of water. We have a little dog at home

who is very thirsty"—“ We have a little water, and we wish to be hospitable to you. But we are very poor indeed ”—“ We also are poor, but still we have a beast or perhaps even two beasts left.” This, or a similar set of phrases, constitutes a formal agreement for the transference of the woman, and a formal contract to pay *bogadi* cattle. On a subsequent day, all the women of the man's family visit the women of the girl's family, and a similar series of *pourparlers* takes place. It is in the course of this second visit that the girl undergoes perhaps the most critical examination of her appearance and behaviour.

The final step takes place immediately before the consummation of the marriage, and, indeed, is essential to it. This is the handing over of the *serufu* animal (which it is stated may be either a beast or a sheep, but never a goat) to the parents of the girl by the man and a senior male relation, who accompanies him to the house of the girl's people. This animal, like the *bogadi* cattle themselves, once paid over is never under any circumstances whatsoever returned to the man's family.

Interesting features may be mentioned concerning the number and time of payment of *bogadi* cattle. Though an agreement of some sort is reached at the time of the informal negotiations between the two fathers concerning the actual number of cattle to be passed, no number is prescribed by custom. The actual number will depend both on the rank and desirability of the girl about to be married, and on the rank and affluence of the man's family. There is a taboo regarding the numbers seven and nine. This is part of a more widespread taboo. It is believed, *inter alia*, that if seven or nine men go together on a hunting party, a raid, or an expedition in war, the seventh or ninth is likely to come to some harm, and that if seven or nine bulls are castrated together, the seventh or ninth will be sure to die.

Two universal stipulations are that (a) the number of cattle should not be less than two (this is because of the way in which the cattle will have to be apportioned) and (b) that whatever the number is, they must all be paid over together. There is no payment in instalments, as is practised elsewhere. This is subject to the one exception that, if one of the number intended to be included by the family paying *bogadi* cattle is still a suckling calf (as a matter of fact, few of the *bogadi* beasts are generally much more), that family may pay the other beasts over then and there, and mention that there is the calf still to come, stating its colour, shape of horns or other distinguishing marks for identification purposes.

In theory, the time of payment of *bogadi* cattle is regulated by the convenience of the paying party alone, subject to the proviso that a child should not see its mother's *bogadi* cattle come in, that is, that they must be paid over before the birth of the woman's first child. This rule is, however, kept in a rather lax manner, and often *boadi* goes unpaid for years. In practice, it would appear that the most common time for the passing

of *bogadi* is when the eldest of the children is due to enter the initiation school. Even there, exceptional cases occur, for though a child for whose mother *bogadi* has not been contracted for has no status for the purposes of the *boqvera* or *boyale* "schools," that status may be conferred even upon the child of a seduced woman, by the ceremony of *go apesa lomipi* or hanging the fat of the entrails of a specially slaughtered beast round the neck of the child. This is one only of the ways in which this ceremony is applied. Formerly, it was used only in the case of children of seduced women, as indicated above (*dilelebeledi*), or in cases where the contracting party had demonstrably been too poor to pay over the *bogadi* cattle at the proper time, or at a time of national disaster, such as the scourge of the Matabele, when no one in the tribe had a sufficient number of cattle to redeem *bogadi* pledges. Later the principle was extended to cases not so obvious, and, to-day, the practice at Motsoedi is only strictly maintained in the case of the royal house. Commoners enter the schools without the fulfilment of *bogadi* pledges for their mothers, and without the *go apesa lomipi* ceremony.

The question of the collection and ultimate disposal of the *bogadi* cattle is the one which presents the greatest disagreement among the informants. All agree that the three persons responsible for the collection of *bogadi* cattle are the man himself, the man's father or his representative (such as the father's eldest brother) and the man's maternal uncle. Of these, the father and the maternal uncle can be legally forced to pay shares in the *bogadi*, a minimum of one beast each, and the man, if he wishes to marry at all, also. Other persons are however, mentioned who are stated to have greater or less obligations to pay part of the *bogadi*, as other persons on the side of the woman's family are mentioned who are said to have a greater or smaller claim in the apportionment of the cattle which takes place. In the apportionment of *bogadi* by the woman's family, the maternal uncle first is entitled to at least one beast, even if as in the rarest of cases, the whole *bogadi* consist of that one beast only. The remainder of the cattle, after the various demands to which the father of the woman may yield have been satisfied, goes to the father in trust, however, for the particular brother with whom the woman has been coupled by her father. This brother will inherit these cattle after his father's death, and it will be easily seen that they are to form the nucleus of a *bogadi* for that brother. It is among the BooMayane at Motsoedi that the greatest variant of this custom is found, in that the maternal uncle of the woman is entitled to the whole of the *bogadi* cattle absolutely, except for the last daughter of his sister. If the sister has only one daughter, he is entitled to the *bogadi* for her, even though that means that the family of the man who has paid *bogadi* for the girl's mother has no return in *bogadi* for any of the offspring.

As previously stated, *bogadi* cattle are never returned to the family of the man once they have been paid over. But circumstances may arise when that family may still, before the cattle have been paid, have the choice of keeping to the original contract and receiving the benefits thereof, or waiving those benefits in consideration of not being forced to keep the contract: more important still, of not keeping the contract at all, when the other party has failed to fulfil the whole or any great part of the contract made. Thus, if a woman remains childless, *bogadi* need not be paid. If a woman dies childless, the same applies, and, in both cases, *bogadi* will only be paid if some other female relation of the woman, of the same age-grade, can be found to substitute for the childless or dead woman, with the consent of all parties concerned. Again, if for any good and sufficient reason a man divorces his wife, should there be no children he cannot be made to pay *bogadi* for her. If there are children, he has the choice of paying *bogadi* and keeping his children (the minors will stay with their mother until they attain majority, when they will pass to their father), or waiving his right to the children and paying nothing in respect of *bogadi*. Also, should a man die childless by his wife, and no arrangement can be made for the raising up of seed to him by that woman, his family is not liable to pay *bogadi*. Again, in connection with the *scantlo* custom, where a woman previously married may leave her husband to become the wife of her deceased sister's husband, *bogadi* is not payable in respect of the woman who leaves her husband, if she has had no children by him. If she has borne him even one child, *bogadi* must be paid, and once paid, whether there are children or not, it is even in this case never returned.

The customs of the levirate and the sororate, hinted at above, as well as the *scantlo* custom, which is such an extreme degree of the latter, illustrate in their relation to *bogadi* the real nature of that institution. In paying *bogadi* for a woman, a family buys her reproductive power. If through premature death, barrenness, or for some other cause not her husband's fault, she fails to fulfil her essential function of bearing children, the husband's family need not pay *bogadi* for her. But, if *bogadi* has already been paid, or if the husband's family signify their intention of paying it, then her family must find a substitute for her, either her own blood-sister or a near female relation of the same age-grade to bear children to the man. Again, if the husband's family, through his death or impotence, or some other reason not the woman's fault, is deprived of the advantage of the woman's child-bearing, it has the right to refuse to pay the *bogadi*, according to a large number of the informants; though the general opinion seems to be that it would be infamous to exercise that right. Alternatively, it has the right to substitute for the original husband any male relation of the same age-grade, or of collateral lines immediately above it

(paternal uncle) to enter the hut of the woman and to raise up seed to the man. In this connection, it may be noted that, with the doubtful exception of the paternal uncle above-mentioned, only a junior can raise up seed to a senior, and if a senior "brother" were to take over the wife of a junior, as sometimes happens, the children he begets by the woman would be, not the children of his brother, as in the other case, but his own children, would inherit from him, and not from his brother, and would rank in seniority above any other children that the woman might previously have had by the younger brother, or might subsequently have by another man junior to that brother and appointed to raise up seed for him. The paternal uncle can, however, apparently raise up seed for his nephew, as was done by Mokgatla, who entered the hut of Tsadi, betrothed wife of Menoe II, and begot Lentsoe and Gopane.

By the custom of the sororate, the situation, therefore, may conceivably sometimes arise where a family may receive only one *bogadi* or, in extreme instances, no *bogadi* at all, for two daughters. The opposite case occurs where the same woman is twice married, and to men belonging to different families—naturally with the consent of all parties concerned. In this case, the family of the second husband has to pay a second *bogadi* for the same woman, and this is not recoverable by the family of her first husband if she has borne children to him. But, of course, these children belong to the first family.

There appears to be some difference of opinion concerning the status of the child of a seduced woman, and, in particular, whether the fine of five head of cattle which the seducer is forced to pay gives him the right to the child. On the whole, however, the greater weight of opinion seems to lie behind those who maintain that the man is not entitled to the woman or her children by him unless he has paid *scrufu*, and contracted to pay *bogadi*, the fine then forming part of the latter, which, in these cases, is often fairly high, the only check on the transaction being the smaller *bogadi* the girl would obtain if the seducer refused to marry her and a husband had to be obtained for her afterwards.

It may be emphasised here that there seems to be but small distinction made in Sechuana law between seduction of a virgin and of a married woman. In the former case, the fine goes to the girl's father, in the latter to the woman's husband. But whereas in the former case the seducer can marry the girl in the ordinary way as described above, in the latter he cannot do so, and has to forfeit the fine; except if he should choose to commit the still greater offence of *go llosa*, that is, to take the woman away from her husband entirely, and forfeit all his cattle to the last head.

Collection no: A1655

Collection: HUNT, Donald Papers

**PUBLISHER:**

*Publisher:-* Historical Papers, The Library, University of the Witwatersrand

*Location:-* Johannesburg

©2013

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.