

Book Review

Puseletso Kidd, K. Makgekgenene, A. Molokomme, L.L. Molamu, I.S. Malila, G.N. Lesetedi, K. Dingake, and K. Mokongwa, *Botswana Families & Women's Rights in a Changing Environment*. Gaborone: The Women and Law in Southern Africa Research Trust, 1997. 119 pp. ISBN 99912-929-0X

Dorcas B. Molefe

Molepolole College of Education

Botswana is one of the six countries in the southern African region that forms the Women and Law in Southern Africa Research Trust (WLSA). The five others are: Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe.

In this study a WLSA research team sets out to investigate how negative an impact have laws, societal rules, practices and attitudes on lives of women—with a view to understanding the issues and promoting women's rights (Kidd et al., 1997).

Studies in all six WLSA countries on *Maintenance Laws and Practices* (1990-91) and *Inheritance Laws and Practices* (1992-93) have had one common finding relevant to all the nations. This is the immense power and control that families have over their female members. Also, where individuals compete for the same resources, the definition of family varies, giving some people the status of family members for some purposes, but not for others—and all too often women were the victims.

This research project was called 'Families and Women's Rights in a Changing Environment in Botswana' and was carried out between 1994 and 1997. It focused on 'the rights of women to access and control resources' (Kidd et al., 1997:1). It was conveniently divided in three phases. First, a preliminary study of existing family forms—to understand family formations and constitutions, relations between members, and women's role. (The findings of this show the existence of a plurality of family forms in Botswana, which extend, contract and shift according to situations.) The second phase, covered women's access and control over resources, comparing men's and women's rights in the various family forms. The third phase, reconceptualized 'the meaning of women's rights in the Botswana context' (Kidd et al, 1997:3). In addition there was some enquiry into the decision-making powers of informants relating to the production, reproduction and use of resources—observing the constraints faced by women.

Having established the existence of a diversity of family forms, the study adopted a framework of legal pluralism with a gender focus. This helped the WLSA researchers to understand women's real life experiences, their perceptions of family, as well as their strategies for dealing with crises. Data collection techniques included case studies (with questions about material and

emotional support, decision-making and reproduction), interviews with officers whose work relates to family issues, and focus group discussions.

Studies of laws and customs lend themselves to cultural studies, and a qualitative approach enriched with case studies is appropriate. The study reveals how women are continually disadvantaged through policies, practices and laws—which hamper their economic prosperity and make them dependent on men. The study shows how important it is to understand the impact of the ideologies of patriarchy and capitalism on women's lives.

WLSA recognises that the diverse family forms are not new to Botswana. The research of Schapera at Rampedi, in Mochudi, as cited in Kidd et al., (1997), showed the existence of a variety of family forms back in 1934-35: basic nuclear family, single parentfamily, families with children from various marriages, and three generation families—all differing in structure and size. Schapera's studies have been an invaluable source of information on traditional practices and customs.

Despite diverse family forms, the state—through its policies and laws—ignores family forms that are not male-headed and based on formal marriage. Female-headed households have increased from 45% of the total in 1981 to 47% in 1991, and women heads are still not recognised by the Botswana legal system. The Affiliation Proceedings Act and customary laws prove to be irrelevant.

This research has shown that the definition of 'family' has extended beyond typical relations of blood and intermarriage to include neighbours and friends—in their roles of providing emotional support and conflict resolution. Profiles of five family forms are presented: those based on marriage, *de facto* female headed families, *de jure* female headed families, families of siblings, families of co-habitants.

Tangible resources in the Botswana context used as dependent variables in the WLSA research were land, housing, cattle and money; while intangible resources were divided into employment, education and health, interactions and social relationships. These resources (with the exception of 'interactions and social relationships') were seen by WLSA as measures and indicators of how much women had rights as people.

One chapter in *Botswana Families & Women's Rights in a Changing Environment* reviews the laws applicable to access to and control of resources in Botswana, and discusses access to and control of state and tribal land. Traditional Tswana society allocated land to male heads. Under the modern Land Act, Gulbrandssen (1984)—cited in Kidd et al. (1997)—observed that male applicants for land had no difficulties obtaining it, but females were rejected unless it was evident that they would never marry. Mathuba (1997) adds that, despite the 'gender neutral' Tribal Land Act, in practice there was great imbalance in land allocation.

Far fewer women than men have acquired state land, though both have equal legal capacity to do so. Women have also lost because of their lack of legal resources. Husbands have the right to sell land without the wife's consent; so after divorce many women are left empty handed.

Mathuba and Molokomme—both cited in Kidd et al., (1997)—have shown that there is a serious gap between seemingly 'gender-neutral' policies on paper and their implementation. The male-biased ideologies of patriarchy and traditionalism and to some extent capitalism continue to predominate even in situations which are not by legal design intended to favour males. The land board in Masunga insisted a married woman needs her husband's written consent before she can be allocated land; while the husband needed none. The Deeds Registry Act is a good example of how laws about property ownership favour men. Women married under customary law and those married in "community of property" have no control over family property.

Traditionally, cattle were passed from father to son. Women got some degree of access to cattle ownership through a system where each child had a beast earmarked for them at birth—a practice found among both Bangwaketse and Bangwato (Roberts and Schapera cited in Kidd et al.).

A 1991 study on 'Women and Cattle', also cited in Kidd et al., confirms that most cattle are owned by males. The Ministry of Agriculture Livestock and Crop Survey had found more female-headed households owned no cattle than male-headed households. Kayira showed that fewer women were engaged in cash employment than men, but in self-employment they were equal in proportion, and there were more unemployed women than unemployed men. (The latter might be attributed to relatives levels of educational achievement.)

There are slightly more females than males in Botswana: by 1988 estimate 692 396 females and 634 400 males in a total population of 1 326 796. Girls do indeed start school in higher numbers than boys, but the girls drop out in greater numbers before and during secondary education, mainly due to pregnancy (Duncan, 1985). Strict re-admission policies and procedures after pregnancy have been a severe hindrance to girls' education.

In my opinion, *Botswana Families & Women's Rights in a Changing Environment* focuses too much on traditions and influences from the past. Yet neither the study itself, nor the literature it refers to, discusses polygyny and how women were affected by it in matters such as inheritance.

The study fails presents women too much as a homogeneous group—other than in the diversity of family forms. There is little recognition of factors of social class, and how problems such as teenage pregnancy, access to resources including education, and the nature of unemployment, are different for different socio-economic groups.

Research was carried out in seven locations in Botswana, in seven different districts. That was good, but there should have been acknowledgement of the different subcultures in the districts, and of the differences between urban and urban women, with in-depth studies of different cultural or ethnic groups of women. In-depth studies of an ethnographic type are desperately needed in communities to enrich the findings of this study.

Botswana Families & Women's Rights in a Changing Environment has insufficient coverage on the 'changing environment'. More intensive review of the literature on contemporary issues in Botswana, and on gender research,

would have helped. The literature review is disappointingly thin on 'access to education' (one paragraph!), on 'access to health', and 'access to employment' (three and four paragraphs, respectively). It is also disappointing on access and control of land and cattle.

The study could have benefited from a review of literature on women and education—taking into account the findings of Duncan (1985), Kann et al. (1986), Kann and Mugabe (1988), Nyati-Ramahobo, et al. (1992a) and Nyati-Ramahobo and Mmolai (1992b). The work by Kann and Mugabe points out how disruption of female education affects their future employment opportunities, and results in the low status of women and makes women's dependency on others. The conventional view—see Williams, Shashane and Larson, as cited in Kidd et al.—attributes this to teenage pregnancies caused by adult men. But the system of identifying boys in school responsible for pregnancies is not efficient.

These are some of the issues that WLSA should look into in future, so that they can come up with intervention strategies on policies and laws. One project that they might look at is the Diphlane Project and the school for pregnancy dropouts in Mahalapye—a commendable effort at solving the much vaunted problem. It is a problem that not only affects female teenagers: it also affects all their female family members, who take on the responsibility of looking after the baby and its teenage mother. As for the young mother, the responsibility of supporting her baby the other immediate needs limit her long-term career options. Often the babies are brought up in rural areas, where there are limited job opportunities. This results in the mothers taking low income jobs, perpetuating dependence on men and low socio-economic status, susceptible to abuse and disease.

Ingstad and Saugestad, cited by Kann and Mugabe (1988), made a study of unmarried women in Molepolole. They found that very few with children born outside marriage received any support from the fathers. Hence a large part of single women's resources goes towards maintenance of children, while the fathers of their children often get off scot-free. The fathers are enabled by the non-implementation of 'support and maintenance policies' to cast off their responsibility, giving them much more chance of becoming materially and economically viable than the mothers.

Molokomme has also noted inconsistencies between Ministry of Health policy guidelines and the practice of the law. The Ministry of Health does not require parental consent for contraception being given to people under the age of twenty, but the Common law does.

Men occupy most of the better paying jobs, and two of the biggest employers—the Botswana Defence Force and the mines—actively discriminate against women's employment. Women are largely restricted to domestic and cleaning employment, while men have much more chance of getting jobs as involved as drivers and machine operators in transport and works. Differences in income are inherent in these divisions.

Kidd and her fellow authors observe that implementation of the UN Declaration of Human Rights of 1948 can actually exclude women. The struggle for women's rights is full of contradictions. Refusing married women

legal capacity to effect business transactions, to procure land, or to be in control of family property, is a refusal to acknowledge the full human rights of women.

Botswana Families & Women's Rights in a Changing Environment has lessons for educationists, policy makers and implementors, and practitioners of many kinds. Its innovative use of qualitative methodology makes it important not only to feminists but also to ethnographers, anthropologists, sociologists and other researchers. Despite its shortcomings, it is an informative and useful guide to understanding issues of gender in Botswana.

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