

NAVIGATING WOMANHOOD IN CONTEMPORARY BOTSWANA

Stephanie S. Starling

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Note

- 1 I have used a pseudonym here on request to protect Tumi's anonymity.

‘That’s how it is here. Men do what they want’: Women in Botswana

–Joy

Joy, a confident, smartly dressed woman in her mid-thirties, asks if I have a boyfriend as she trims my hair at her salon in Gaborone, Botswana. ‘No’, I say, ‘I’m quite new around here, I don’t know many people.’ ‘Good’, she replies, ‘men here have many mistresses. They will give you diseases.’ I ask Joy if she has a boyfriend. She tells me yes, she does, and yes, he is unfaithful to her. ‘Does that bother you?’ I inquire. Joy shrugs and says quietly, ‘that’s how it is here. Men do what they want.’

Joy’s disappointed resignation stuck with me in the days after we spoke, not because her attitude was remarkable but because it was not. Her words epitomized the narrative I had heard repeatedly since I began living in the country – that women endure great disadvantage at the hands of a gender order that favours men, a fact oft acknowledged and lamented by women who nonetheless feel largely disempowered to challenge it. This story felt all too familiar, and I wanted to learn more about the culturally specific manifestation of gendered dynamics in the country I had newly made my home. I decided to ask the women around me about their lives to help me understand what it means to be a woman in Botswana. To this end, I interviewed thirty diverse Botswana women in the south-eastern region.¹ Their stories are the foundation of this book.

Women’s role and status

Women in Botswana have historically been perceived as subservient and dependent, subject to male control over their labour, bodies, finances and

behaviour (Schapera, 1938).² Upon marriage a woman's guardianship was transferred from her father to her husband, and she became her husband's *motlhanka*, meaning 'servant' (Schapera, 1938). Women were responsible for growing and harvesting crops, bearing many children, childcare and homemaking, care of old or sick community members, fulfilling their husbands' sexual needs, and numerous other practical and emotional duties (Schapera, 1938). Despite this weight of responsibility, a woman had little influence and was 'in all respects subservient to [the man's] will' (Schapera, 1938: 151).

While changes in lifestyle and employment patterns have resulted in increased autonomy for many women, they 'continue to negotiate their gender identities against a background of internalized cultural values' (Mookodi, 2004: 127). The socialization of women and girls as inferior is so deeply rooted that recognizing it can be difficult and addressing it even more so (Datta, 2004; Kinsman, 1983). The high value placed on custom disguises the realities of gender discrimination – cultural attitudes have limited the effectiveness of legislative and policy reforms aimed at reducing gender inequality (Government of Botswana, 2000), and the view of women as *motlhanka* persists (Phaladze and Tlou, 2006). My previous research on perceptions of abortion in Botswana provided insight into prevailing ideas about women's rights. An interviewee for that project, Michelle, shared: 'There are some discussions on the radio, the TV, they usually have these discussions. About why women's rights and whatever, it's just making women bigger than they should be. That's what they say. Bigger than they should be, and they're just trying to make women into men' (Smith, 2013: 170).

Today, the picture of women's role and status is complex. Botswana gained independence from the United Kingdom in 1966. It has since remained politically stable with a functional multi-party democracy and has flourished economically, being termed an 'economic miracle' by the World Bank (2010: viii). The discovery of mineral deposits and the careful management of these resources transformed Botswana from one of the world's poorest countries to an upper middle-income nation with a consistently high economic growth rate (Denbow and Thebe, 2006). The administration has reinvested its wealth to the benefit of many of its citizens, with improved education, health, sanitation and infrastructure across the country. The government of Botswana has shown commitment to achieving gender parity at the official level through a litany

of instruments and commitments, including: the formation of the Women's Affairs Division and its later upgrade to the Women's Affairs Department, subsequently the Gender Affairs Department; the Policy on Women in Development; the National Gender Programme Framework; the Vision 2016 programme; the Platform for Action following the 1995 Beijing World Conference on Women; the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the South African Development Community (SADC) Declaration on Gender and Development; the Constitution; the National Policy on Gender and Development; the National Gender-Based Violence Strategy 2015–2020; Botswana Vision 2036; the National Commission and a host of reforms to address gender discrimination in the law (Datta, 2004; Government of Botswana, 1995; UN Women, n.d.).

Assisted by non-governmental organizations (NGOs), the government has achieved some important successes for gender parity. These include equality of access to education, slightly better employment opportunities for women, women's increased political participation and improvements in some aspects of women's healthcare (Bauer, 2011). However, the impact of these developments is uneven, and many women continue to face discrimination and harmful gender norms. Botswana scores 63.8 in the World Bank's 2022 Women, Business and the Law Index, in which a score of 100 indicates gender equality in all areas measured. Botswana's score is well below the world average of 76.5, ranking in the bottom 40 of 178 economies evaluated (World Bank, 2022a). To contextualize the research discussed here, below I give a brief overview of women's status in the law, their access to education and employment, gendered aspects of poverty and key issues in women's health.

Women in the law

Botswana operates a dual legal system in which common law and customary law co-exist. Customary law is a tribal system with variations between tribal groups. It is unwritten and evolves over time, though it is subject to legislative regulation. Common law of the Roman-Dutch tradition describes all other law in the country. The Customary Law Act dictates that customary laws that do not comply with common law are not enforceable, and both

systems must comply with the Constitution which prohibits discrimination on grounds of sex (Gender Links, 2022). However, constitutional protection against discrimination is limited – there are numerous areas of law that are exempted, including ‘adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law’, exemptions that have significant detrimental impact on women. As such, ‘equality is formal but not substantive’ (Gender Links, 2022). Additionally, Botswana’s Constitution does not provide explicitly for women’s rights, nor is there provision for protecting women’s rights under dual legal systems (Gender Links, 2022).

Though all women formally have access to common law, in practice they more often resort to customary law, particularly for personal disputes; rural women in particular are typically unaware of their rights in common law, geographic restraints prevent them from accessing the common courts and the cost of common law services is prohibitive (Enge, 1985). The NGO *Ditshwanelo* offers paralegal support to people who are marginalized and disempowered in addition to legal education and activism, but like all NGOs its resources are limited. In early 2013 a South African company set up Botswana’s first legal aid facility, which offers legal insurance from P100³ (£6.63) per month (LegalWise, 2022). While this is an important step in making common law more accessible for Botswana women, the lowest monthly cost is still prohibitively high against minimum wages. Personal preference and accessibility issues therefore result in an over-reliance on customary law to rule over family and community disputes. Based on patriarchal values, customary law treats women as minors (Patel, 2013).

The tension between customary and common law was demonstrated in a landmark case, in which a reformist common law judge assisted four sisters in overturning an inheritance ruling set by the customary court. The government challenged the movement of the case into the common law courts, claiming that Botswana was a traditional country that valued its customary legal system (Patel, 2013). However, the court dismissed the government’s concerns, declaring that ‘any customary law or rule which discriminates in any case against a woman unfairly solely on the basis of her gender would not be in accordance with humanity, morality or natural justice’ (Laing, 2012). This ruling was widely received as a positive step in the direction of challenging the discriminatory nature of customary law. Since 2012, the government has

been in talks with traditional leaders to discuss how to ensure the protection of women's rights under customary law, and a number of gender committees have been established to this end (The Borgen Project, 2020).

Laws surrounding citizenship have long been a source of inequality between women and men in Botswana. Women's citizenship has largely been recognized only in relation to men, usually their husbands or fathers. Widows were thus made stateless, with potentially catastrophic effects on their economic security (Gender Links, 2022). Legal reforms have sought to widen the scope of citizenship requirements. Unity Dow's landmark challenge to the legality of the 1984 Citizenship Act ensured that the children of a Motswana woman married to a foreign man were eligible for Botswana citizenship (Dow, 2010). More recently in 2022, the High Court of Botswana found that the prohibition of dual citizenship in the Citizenship Act was unconstitutional, following a challenge led by Sithabile Mathe and her family (Citizenship Rights in Africa Initiative, 2022). Despite these significant reforms much progress is required to secure gender equality in citizenship; the Constitution retains discriminatory clauses, such as those related to the citizenship requirements to become President of Botswana (Gender Links, 2022).

Botswana's Constitution does not provide for nor does it preclude women's participation in political decision making, and there are no national quotas for women representatives. Some political parties have internal quotas though these are not met (Gender Links, 2022). Just 11 per cent of members of parliament (MPs) in Botswana are women, and 19 per cent of councillors, a low proportion compared with its neighbours: women constitute 47 per cent of MPs in South Africa,⁴ 44 per cent in Namibia and 15 per cent in Zambia, with a global average of 26 per cent (World Bank, 2022). In 2009 CEDAW recommended that the nation take specific action to address gender inequality in political leadership.

Gender-based violence (GBV) is recognized as a major concern by the Government of Botswana, the United Nations and numerous researchers and NGOs, with 67 per cent of women having experienced some form of gender violence in their lifetime, more than double the global average (UNFPA Botswana, n.d.). Though data are yet to be finalized, it is known that the COVID-19 pandemic has caused a surge in incidence of GBV (The Borgen Project, 2020). The 2008 Domestic Violence Act prohibited intimate partner

violence (IPV), a subset of GBV, and made provisions for shelter for abused women. However, it is largely considered ineffective in preventing or prosecuting IPV (Ogundipe, 2018).

Barati, an advocate for sex workers who I interviewed for an earlier study in Botswana, shared her experience of the act's effectiveness: '[It is] a very good act that protects women from being beaten by boyfriends, husbands and so on and so forth, but Batswana don't use it, women don't use it. Why? Because it's not disseminated, you know. We [women] still think the law is something that we don't have access to' (Smith, 2013: 170). Customary courts provide an alternative source of legal protection from IPV – cases will typically be reported by the victim's family, and the perpetrator, if found guilty, will be corporeally punished. It is thought unlikely that this system provides any real protection from IPV (Ogundipe, 2018). Bartlett (1994: 2542) notes that 'a gap between a law's reach and the aspirations of those who seek to use it to accomplish substantial societal reform is a common enough phenomenon.' This observation resonates in the Botswana context, where a lag between legislative reform and social change is evident.

A combination of law and cultural practice disadvantages women in matters of marriage and family life, including forced marriage, inheritance, ownership and division of property and assets, and responsibility for children (Gender Links, 2022). Customary law dictates that a man pays *marebana*, a one-off seduction payment, if he impregnates a woman but does not marry her. The payment is negligible, and it is easy for a man to avoid paying it (Brown, 1983). The Affiliation Proceedings Act of 1970 exists to help women secure regular maintenance payments throughout the child's life, but it is seldom used, and payments are not enough to cover the basic needs of a child (Datta, 2011). Bureaucratic delays often mean that women have difficulty getting a court ruling for child maintenance, and enforcing the ruling is problematic when fathers have left the area or refuse to acknowledge paternity. Some women resist taking legal action for fear that the father will use a traditional doctor to place a death curse on the child to avoid maintenance payments (Mooko, 2005).

The 2009 Children's Act requires both parents' names to be included on a child's birth certificate to reduce paternal avoidance of financial responsibility,

but its effectiveness is limited, particularly for women who do not wish to state the identity of their child's biological father or do not know it (Mookodi, 2008), or when the pregnancy was a result of rape or incest. The Employment (Amendment) Act of 2010 created new protections for pregnant and post-partum women in formal employment, including a period of maternity leave at a minimum of 50 per cent salary and permission to breastfeed at work for thirty minutes twice a day. However, a woman is only entitled to one maternity leave regardless of the number of children she has (Legal Information Institute, n.d.).

Historically, asset ownership appears to have been distributed between men and women in a complimentary, if unequal system whereby men owned land and women owned crops and structures on land. Kalabamu (2005: 8) argues that these 'customary practices have, however, been unable to accommodate the new order of social, economic, political, demographic, and above all, gender relationships. The pot could not contain the pressure and started cracking'. Attempts to adapt to emerging norms in the context of prevailing customary attitudes led to a lack of clarity around asset rights, which still largely exclude or disadvantage women. For example, the largest share of an inherited estate is usually directed to the eldest son, or in the absence of a male heir, to the father, brother or another male relative.

Though a series of reforms have made it increasingly possible for women to own land, cattle, property and other assets, land ownership and inheritance administration continues to treat women as minors. Government policies typically include no specific protections for women. While recent reforms are somewhat progressive in theory, in practice they 'ignore historically constructed power differences between men and women' and have been ineffective to date (Kalabamu, 2005). However, a promising 2020 amendment to the 2015 Land Policy gave married women whose husbands owned land the right to ownership of their own land. Previously, married women could only own land if their husbands did not, even if their husbands were deceased. The 2020 amendment could be beneficial for women like Tshegofatso Mokibelo, a widow who was denied an application to purchase a residential plot because her late husband had previously owned land, which was claimed by his family after his death (The Borgen Project, 2020).

Education, employment and poverty

The colonial administration neglected education for Batswana; the only available schools were those few established by missionaries and locals, and just 100 people had ever completed secondary school by independence in 1966 (Siphambe, 2000). The government has since made extensive gains in education for both girls and boys. Primary education was made free for all in 1978, and school fees were abolished for secondary schools in 1989 (Siphambe, 2000). At 15.4 per cent of total government expenditure, public spending on education exceeds the 14.1 per cent global average. There are over 1000 schools in Botswana, and a gross primary enrolment ratio of 103 per cent. The gender parity index (GPI) for gross primary enrolment sits at 0.98, which indicates gender equality at the level of enrolment (World Bank, 2022).

However, quality is an ongoing problem for public schools around the country, particularly at the primary level where only 9 per cent of teachers have an undergraduate degree in education, and 0.5 per cent have a postgraduate degree in education (Modimakwane et al., 2015). UNICEF (2020) figures show that around one-third of Batswana children do not have basic literacy skills after four or five years of primary education. One-third of children fail their primary examination, and two-thirds fail their junior certificate. A study of 2500 primary school students conducted in 2017 reported that over 85 per cent were unable to divide and half could not read a simple story, though girls were significantly ahead of boys in both measures (Pansiri and Tsayang, 2017). Quality of teaching and learning practices has been identified as an area for improvement as part of Botswana's *Education for All* programme. While there is room for improvement, access to education in Botswana is exceptional by regional standards. Sub-Saharan Africa experiences the highest out-of-school rates in the world at 61 per cent for girls and 55 per cent for boys (UNESCO, 2016), yet Botswana's lower-secondary completion rate has been higher than the world average for both girls and boys since around 1990, at 94 per cent and 92 per cent, respectively (World Bank, 2022).

Migration for work has shaped much of Botswana's modern history and has affected women in numerous ways. The subsistence agriculture practised by the majority of Batswana has long been unreliable as a result of poor soil conditions and low rainfall, creating the need to migrate for work – first to

the mines of South Africa and Zimbabwe, and later to Botswana's own mining sites and emerging urban centres (Motzafi-Haller, 2002). Seventy per cent of Botswana's population were living in urban areas in 2019, up from 17 per cent in 1980 (World Bank, 2022). Women who migrate to urban centres often continue to support their rural families financially, sending money home and returning often to provide hands-on care for relatives.

The responsibility of assisting family members who are geographically dispersed is difficult to manage and causes significant stress for many women (Akinsola and Popovich, 2002). Living outside of customary restrictions on their social interactions, women urban migrants are vulnerable to casual, exploitative relationships that often lead to single motherhood (Mookodi, 2004).⁵ Men living in cities have relative freedom from community 'oversight' (Solway, 2016), and as such are often harder to extract child maintenance payments from. The women who remained in rural settlements during Botswana's period of rapid urbanization became increasingly susceptible to poverty as a result of weakening kinship ties (Brown, 1983). Agriculture is historically 'women's work', and most rural women still grow crops today. While women can apply for a land grant, they often lack the resources needed to utilize the land (FAO Gender and Land Rights Database, n.d.); the poverty-reduction effect of the grant scheme is thus limited.

Women's opportunities for employment tend to be low-paid and restricted to the retail, administration, education and domestic sectors; most women in Botswana who earn wages are domestic workers (Phaladze and Tlou, 2006). There is no national minimum wage but rather a series of minimum wages according to sector. The minimum wage for the retail and domestic service sectors, where most women are employed, is set well below a reasonable living wage at P6.31 (£0.42) per hour and P1084 (£72.00) per month, respectively (Government of Botswana, 2021). Women suffer disproportionately from unemployment at 22.6 per cent compared with 19.5 per cent of men in 2020 (World Bank, 2022). Many women are still economically dependent on their partners or male relatives, though such support is unreliable (Mookodi, 2004). The number of people living on less than \$1.90 a day has decreased nationally, from 33 per cent in 1993 to 15 per cent in 2015 (World Bank, 2022). However, most of Botswana's poor live in female-headed households (FHHs) (Lekobane, 2015).

As a result of migration patterns, disease, decrease in desire for marriage and other factors, the family structure in Botswana is changing (Dintwat, 2010; Suggs, 1987), with resulting increases in women's exposure to poverty. Polygyny has been unusual in Botswana since independence. Enge (1985) suggests that this might not be in women's interest. Men having several 'mistresses' is culturally acceptable, yet the decline of polygyny has resulted in fewer women achieving the status and economic security of marriage. As such, FHHs are the norm, with 48 per cent of all households being headed by unmarried women (UN, 2019). Evidence of a link between FHHs and poverty had been discovered globally (Lekobane, 2015); and women are exposed to numerous gendered factors that increase their risk of poverty, such as sexual and domestic abuse, caring responsibilities and pregnancy (The Borgen Project, 2019).

Women's health

Botswana spends 6.1 per cent of its GDP on healthcare, slightly above the 5.11 per cent average for the sub-Saharan African region (World Bank, 2022). Healthcare is administered through a decentralized network of clinics and hospitals, some of which are mobile. Health services are largely free to citizens though some require a nominal fee. The family planning programme is incorporated into maternal and child health services (World Bank, 2010), giving women whose husbands do not want them to access family planning the opportunity to see a nurse under the auspices of maternal or child health during or after their pregnancy. The high take-up of these services suggests that they are effective in reducing the numbers of unwanted pregnancies, and the service has been deemed the best in Africa (World Bank, 2010). The Central Statistics Office of Botswana claims that childbirth has become safer for women, with 99.8 per cent of live births taking place in a healthcare facility in 2017 (Statistics Botswana, 2021).

HIV prevalence in Botswana remains among the highest in the world at 21 per cent in 2022 (UNAIDS, 2022), though rates have been steadily declining from a peak of 26.3 per cent in 2000 (World Bank, 2022). Only Eswatini and Lesotho have higher infection rates, at 26.8 per cent and 21.1 per cent,

respectively, against a world average of 0.7 per cent (World Bank, 2022). Sixty-four per cent of people infected with HIV in Botswana are women; in 2018, young females aged fifteen to twenty-four were twice as likely to be infected than their male counterparts, and girls aged ten to nineteen are three times as likely to be infected than boys the same age (UNICEF, n.d.). Botswana's HIV/AIDS programmes are widely commended. Anti-retroviral medication is free and accessible and HIV testing is routine in clinical settings. Condoms are available at no cost at clinics around the country, and condom usage is reported at 64 per cent, though this is declining in younger cohorts (Central Statistics Office, 2018; UNICEF, n.d.). There is almost 100 per cent awareness of HIV but detailed knowledge is low (UNICEF, n.d.).

Consistently high infection rates for young women in Botswana despite strong healthcare and preventative programmes have been attributed to early first age of intercourse, gender-based violence, limited negotiating power with sexual partners, forced marriage and condom refusal by men (Akinsola and Popovich, 2002; Langen, 2007; UNICEF, n.d.; Urdang, 2006). Not only are women at higher risk of contracting the virus, but the responsibility of care for those dying from AIDS tends to fall on women too; the time, labour and resources required for the care of the sick are a heavy burden falling disproportionately on women, who are customarily defined as caregivers (Urdang, 2006).

Teenage pregnancy is a serious issue. UNICEF's *All In* initiative has identified teen pregnancy as one of eight priority issues in the country (UNICEF, 2015), and Botswana's Minister of Education and Skills Development, Pelonomi Venson-Moitoi, has expressed concern that 'adolescent pregnancy brings detrimental social and economic consequences for the girl, her family, her community and the nation at large'. Botswana's adolescent fertility rate is relatively low for sub-Saharan Africa at 45.4 live births per 1000 women aged fifteen to nineteen against a regional average of 101 (World Bank, 2022). However, it remains high on a global scale. For example, rates in the United Kingdom and the United States are 12.6 and 19 live births per 1000 women aged fifteen to nineteen, respectively (World Bank, 2022). Contraceptive prevalence is estimated at 67.4 per cent of women aged twelve to forty-nine (CIA, 2022). Yet, young girls are often reluctant to access clinics where contraception is provided for fear of being stigmatized by service providers

(Meekers et al., 2001). In response to this concern the Botswana Family Welfare Association (BOFWA) has set up youth-friendly clinics, however, there are only five of these across the country.

Maternal mortality has decreased from 326 deaths per 100,000 live births in 1990 to 166 per 100,000 in 2019 (USAID, 2015; UN, 2021), but remains unacceptably high for an upper-middle income country. Botswana's Millennium Development Goal (MDG) target of 89 deaths per 100,000 live births by 2015 was not reached, and it is unlikely that the new target of 71 deaths per 100,000 by 2025 will be achieved (UN, 2021). The most common causes of maternal death in the country are haemorrhage, hypertension and complications of abortion, most of which are preventable. Unreliable supply chains, shortage of transport and inaccessible roads all contribute to failure to deliver life-saving care (UN, 2021). Abortion is effectively illegal. The 1991 Penal Code (Amendment) Bill liberalized abortion laws to include the possibility of termination if the pregnancy is a result of rape or incest, if pregnancy endangers the mother's life or if the child would be born with a severe disability. In reality, bureaucratic delays and negative attitudes of healthcare providers prevent the bill from being helpful to women (Mogwe, 1992; Ngwako and Banke-Thomas, 2020). Unsafe abortion procedures are carried out regularly, with devastating health effects.

In the following chapters I explore the implications of women's role and status in contemporary south-eastern Botswana for the lives of Batswana women. My focus is on the construction of womanhood as illustrated through the accounts of thirty women who shared their views and experiences with me. I examine the requirements a woman must meet to achieve full 'womanhood' status in her community. I investigate the costs of womanhood – the burden of expectation placed upon women and the challenges they face in navigating a male-dominated world. Finally, I consider how life has changed for women over time, and how they accommodate and manage the presence of competing value systems in a rapidly changing social and economic environment.

Notes

- 1 The term 'Batswana' is the plural for people from Botswana, and is constructed from the prefix *ba*, meaning 'people of', and 'Tswana', the Bantu-speaking ethnic