International Journal of Law in Context, 9,2 pp. 213–238 (2013) © Cambridge University Press 2013
doi:10.1017/S1744552313000062

Re-envisioning the local: spatiality, land and law in Botswana

Anne Griffiths*
School of Law, Edinburgh University

Abstract

Based on an ethnographic study located in Botswana, I move beyond conceptions of the local as physically or territorially grounded to one that examines how it is constituted through links between persons and land derived from life histories extended over several generations. This not only takes account of a specific site in which social relations are bounded and locally constituted but also of how perceptions of locality are discursively and historically constructed. Viewing land as both a tangible and intangible universe constructed through social relationships, I highlight ways in which individuals, as part of a 'local' community, find their life courses shaped by wider transnational and global processes, including law, that have an impact on their everyday lives. For some, this provides opportunities for upward mobility and future gains, while others find scope for action severely curtailed. In documenting these uneven, diverse effects of globalisation, what emerges are processes of 'internalisation' and 'relocalisation' of global conditions, allowing for the emergence of new identities, alliances and struggles for space and power within specific populations. Thus what exists in the here and now as a form of temporality is constantly remade, drawing on the past while fashioning new prospects for the future.

In recent decades attention has focused on transnational relations and transnational laws and the plural legal constellations that they embody.[1] These highlight complex constellations of relations that traverse national, regional and international domains in ebbs and flows, coming together to create spaces for action at different moments in time. They encompass a diverse range of actors, including transnational corporations, corporate executives, non-governmental organisations and religious movements, as well as refugees, asylum seekers and undocumented migrants whose existence is often precarious due to their illegal status in their host country. In these processes of circulation, what is 'local' and what is 'global' becomes open to question,[2] as these categories acquire more flexible dimensions that cannot simply be set apart from, or juxtaposed against, one

* Professor, Anthropology of Law. I am grateful to the Leverhulme Trust, UK, for their funding of this research project during 2009–2010. I would also like to thank the Government of Botswana and all those officials who made the research possible, along with all those who gave interviews, especially those who participated in the life histories. Special thanks must go to my research assistants Phidelia Dintwe, Phenyo Thebe, Kawina Power and Boinelo Baakile for all their hard work and commitment to the field research in 2009–2010. In addition, I would like to thank the Centre for the Study of Work and the Human Life Cycle in Global History, at Humboldt University, Berlin, where I was fortunate enough to have a senior research fellowship during 2011–2012 that enabled me to start analysing my field data. Finally, I would like to thank Daithi Mac Sithigh, a colleague at Edinburgh, Michael Freeman, the editor, and the two anonymous reviewers for their comments on the manuscript.

1 For some examples, see F. von Benda-Beckmann, K. von Benda-Beckmann and Griffiths (2005; 2009a; 2009b); Griffiths (2012c); Hellum, Ali and Griffiths (2011); Stewart (2011).

2 See Koh (2002, p. 328), who observes that as transnational law becomes a subject in its own right, so domestic and international spheres will become so integrated that 'we will no longer know whether to characterize certain concepts as quintessentially local or global in nature'.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

another, but come to be seen as sets of relations that connect and reconnect, or rupture, in a variety of ways in a number of different places.

In examining what these relationships entail, much emphasis has been placed on globalisation and the bigger picture that it represents,[3] yet what happens at a local level is equally important for deciphering how transnational forces and their impact are shaped by local actors in particular contexts. For in order to move away from a homogenising discourse on globalisation it is necessary to pursue an understanding of how 'external' interventions become endowed with diverse and localised sets of meaning and practices. Thus there is a move in studies on globalisation and law[4] to re-engage with the local and the particularities that it presents in order to promote a better understanding of what gives rise to the uneven and diverse effects of globalisation, along with the processes of 'internalisation' and 'relocalisation' of global conditions that may allow for the emergence of new identities, alliances and struggles for space and power within specific populations.

Studying the 'local' has long been a subject of anthropological inquiry. It has been subject to critique on the basis of its self-contained remit (both territorial and conceptual) that raises questions about its claims to knowledge and representation.[5] For the practice of ethnography based on fieldwork that represents 'the key method of social anthropology' (Moore, 1994, p. 1) has been taken to task, in some cases, for its lack of self-reflexivity (Stocking, 1992, pp. 12–59), or for removing selected parts of the social context from its social formation, leading to a form of cultural essentialism (Wilmsen, 1989).[6] This need not always be the case, and as Moore (1994, p. 2) has observed, 'the anthropologist cannot but be intensely and constantly conscious of the larger world that surrounds the field site'. My study re-envisages the local through an examination of the links between persons and land derived from family life histories extended over several generations. Based on an ethnographic study located in Botswana, it moves beyond a conception of the local as physically or territorially grounded to one that examines how it is constituted. Thus it not only takes account of a specific site in which social relations are bounded and locally constituted, but also incorporates how perceptions of what is local are discursively and historically constructed.

In connecting these domains I focus on land because it forms a crucial component of macro-perspectives that centre on national, international and transnational engagement with trade and commerce in the global market-place, both economically and symbolically, while also featuring at the heart of micro-processes connected to individuals', families' and households' wellbeing. Thus its local micro-dimensions engage with land as a broader, shifting landscape that is not confined by geographical space. For these reasons land currently features prominently on the international agencies' agendas for promoting states' economies (particularly in the south), as well as in discussions concerning empowerment of the poor and alleviation of poverty. In its 2008 Report, the Commission on the Legal Empowerment of the Poor[7] identified land as one of the four pillars of legal empowerment that not only addresses material deprivation but also powerlessness that stems from a lack of access to justice.

3 Dezelay and Garth (1995; 2002; 2010); Likosky (2002); McBarnet, Voiculescu and Campbell (2007).

4 F. von Benda-Beckmann, K. von Benda-Beckmann and Griffiths (2005, p. 19); Drummond (2006); Griffiths (2009a; 2009b); Griffiths and Kandel (2005; 2009; 2011).

5 See Clifford and Marcus (1986); Clifford (1988); Marcus and Fischer (1986).

6 Other critiques of cultural essentialism include Abu-Lughod (1998); Mani (1990); Mohanty (1981); Narayan (1997); Ong (1996).

7 Commission on Legal Empowerment of the Poor and the United Nations Development Programme (2008).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

In addressing these goals, land embodies a space that not only embraces a grounded, physical and territorial place, but also represents a more intangible universe, where space is viewed as a product that embodies social relationships (Lefebvre, 1991). These intersecting dimensions make it clear that space cannot be divorced from ideology or politics (Lefebvre, 1991) but creates a site for negotiation and contestation among the different social actors that lay claim to it. At a national level, the government of Botswana not only seeks to make land available for the development of foreign investment[8] but also seeks to take account of the changing attitudes to land to provide 'a prosperous, productive and innovative nation' in line with its Vision 2016 for Botswana. This document sets a framework for national policies, including its current draft policy on land (Government of Botswana, hereafter GoB, 2011).[9] Land forms part of this vision as it represents a crucial resource for families' and households' livelihoods and capital accumulation. It provides crops for a family's subsistence and, in cases of surplus, income from agriculture. It is also used to support livestock, especially cattle, for both poor, rural household subsistence and for wealthy elites who maintain cattle for prestige and commercial purposes. It underpins households and is also highly sought after to develop multi-residential plots for rent in high-density areas. In addition, it is central to the socio-politico-administrative structure of a Tswana polity (tribe) that is formed around the physical location of households, grouped into *dikgotla*[10] and wards on a tenurial basis, at the apex of which is the chief's ward *Kgosing*, where the chief's *kgotla* is located.

I address the connection between tangible and intangible conceptions of space through social practices and experiences derived from family life histories associated with Mosotho *kgotla* in the village of Molepolole. These life histories highlight the ways in which individuals, who form part of a 'local' community in terms of genealogical and spatial relationships, find their life courses shaped by wider geographic processes that have an impact on their everyday lives. In engaging with these life histories, micro- and macro-perspectives become interwoven in ways that render contemporary land tenure both 'out' of time and space. This is because what is happening in the present links back to the past and points forward to the future, in ways that undermine any notion of a unilinear development or concept of progress. Thus what exists in the here and now as a form of temporality (in both time and space) is constantly in the making, drawing on threads connected to the past while seeking to fashion new prospects for the future.

Law forms an important part of these processes because it not only 'serves to produce space yet in turn is shaped by a socio-spatial context' (Blomley, 1994, p. 51). It represents an arena in which the politics of space is enacted and negotiated. For in engaging with the complexity and uncertainty of social life 'legal agents – whether judges, legal theorists, administrative officers or ordinary people – represent and evaluate space in various ways' (p. xi). Taking account of this requires the legal representation of space to be seen 'as constituted by – and in turn – constitutive of – complex, normatively charged and often competing visions of social and political life under law' (p. xi). It is one that requires an understanding of the extent to which legal spaces are embedded in broader social and political claims.

In my study, the trajectories that emerge for individuals' and families' relationships with land, governance and law underline the differing dynamics that connective threads to the past embody, creating varying access to and control over it. This gives rise to social stratification. For

8 Through government organisations such as BEDIA (Botswana Export Development and Investment Authority).

9 Such policies include a National Conservation Strategy (GoB, 1990), a National Policy on Agricultural Development (GoB, 1991) and the National Master Plan for Arable Agriculture and Dairy Development (GoB, 2002a), aimed at diversifying the agricultural production base; the National Policy on Housing in Botswana (GoB, 2000) and Revised National Policy on Rural Development (2002b), aimed at poverty reduction in the country.

10 This is a plural form; the singular form is *kgotla*.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

genealogical histories underline the extent to which access to resources, such as land, derive from the accumulation of human and social, as well as economic, capital, that derive from familial networks. For some, this provides opportunities for upward mobility and future gains, while for others it limits their horizons and constrains their scope for action. Thus space is not conceived of as 'a natural medium that stands outside the way it is conceived' (Crang and Thrift, 2000, p. 3), nor can it be divorced from time for 'space without time is as improbable as time without space' (Crang and Thrift, 2000, p. 3). Such an approach leads to a recognition of the concept of 'space – time' or 'time – space' (May and Thrift, 2001) that encompasses the routines that structure everyday life and that underpin 'the idea that human practices and space-time routines were both mirror and mould of structures' (Hubbard, Kitchen, Bartley and Fuller, 2002, p. 160). For 'all behaviour is located in and constructed of space' (Low and Lawrence-Zúniga, 2003, p. 1) that is linked through time to human experience.

My data is based on field research in Botswana (2009–2010), funded by the Leverhulme Trust, that focused on a broader project involving women's access to and control over land. This research is ongoing[11] and draws on previous fieldwork (1981–1989),[12] archival material, court and land board records, participant observations, interviews with government departments and officials, NGO's and extended oral life histories of the Makokwe and Radipati family members. It is grounded in an ethnographic study that builds on field notes provided by anthropologist Issac Schapera from 1937, including life histories of these families. Oral accounts extended these histories for two generations into the nineteenth century and, along with my recent research, now covers five generations, documenting continuities and differences across a landscape of pre-colonial, colonial and post-colonial dimensions.

Historical context – pre-colonial dimensions

The two family groups involve the descendants of two brothers, Makokwe and Radipati, who share a common male ancestor, Koosimile. He lived during the reign of Sechele I (c.1833–1892) when Tswana groups, such as the Kwena and Ngwato, transformed themselves from the small mobile units that existed in the mid eighteenth century into regional powers located in large settlements that characterise the central villages of Tswana merafe today (Okihiro, 1976, p. 13; Parsons, 1977, p. 115; Tlou, 1985, p. 32). Thus land formed a central feature of a settlement pattern that was based on agro-pastoral activities (Okihiro, 1981, p. 395); requiring families and households to move between three locations: the village, where they pursued their social and political life, the lands where they pursued their agricultural activities, and cattle posts, where they herded their livestock. While subject to transformation over time (Silitshena, 1978, pp. 149–57; 1982a; 1982b; Molenaar, 1980, p. 29; Gulbrandsen, 1980, p. 5), this form of social organisation provided the predominant context within which people managed their lives.

Dependent on labour for their agro-pastoral activities, Bakwena moved according to seasonal requirements between the village, lands and the cattle post. While activities and patterns varied according to a person's sex and social standing, for an ordinary Kwena household the patterns were typically as follows. A woman and her daughters would circulate on a regular basis between the village and the lands, engaged in domestic duties and agricultural tasks such as planting,

11 I am indebted to the Leverhulme Trust and to the government of Botswana and all those who participated in the research, especially my research assistants, Phidelia Dintwe, Phenhyo Churchill Thebe, Kawina Power and Boinelo Baakile.

12 This earlier research was based on women's experiences of the gendered world in which they have to negotiate their status, on which claims to property and resources in family life are based. For details see Griffiths (1997).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

reaping and scaring birds. While men and boys also circulated in this way, carrying out the heavier agricultural tasks such as ploughing, they also engaged in work at the cattle post which women were not permitted to carry out. It was generally young boys who were sent to herd cattle at some distance from the village. In contrast, young girls were able to spend much more time in the village, as they were only involved at the lands during the agricultural season.

In this environment, the need for labour and the ability to exploit resources extended beyond the boundaries of individual families and households to incorporate the whole society, which was bound together in a system of mutual if somewhat unequal exchange relationships. Women were an integral part of this collective endeavour, contributing in both their reproductive and productive capacities. Their position within the community, however, was one which was subordinated to men for a number of reasons which had to do with material and psychological inequality (Alverson, 1978; Kinsmen, 1983).

Gender operated in terms of the system of land tenure and property rights to situate men quite differently from women. This was because power to allocate and distribute land was vested initially in the *Kgosi* (chief), who assigned it to his male followers, who as ward heads and family elders supervised the process of distribution within a community. This community revolved around the construction of a *morafe* or polity. Its basic foundation was built up from *dikgotla* that are the assembly centres (both the physical location and body of members of a group of households presided over by a male headman or ward head). They are structured through a tightly organised hierarchy of progressively more inclusive administrative groupings referred to earlier, beginning with households and ending up with the chief's *kgotla*. Through this structure, headmen allocated lands to *kgotla* members, and fathers as household heads provided their sons with land when they wished to establish their own households, usually on marriage. Women acquired rights to work and use arable land, but these were mediated through their fathers or husbands who had control over the land.

When it came to transferring land, negotiations were conducted and concluded by men (albeit women might be consulted), and land passed from a father to his sons, who were responsible for maintaining the family group within a patrilineal system.

Added to the subordinating effects of land tenure were the different forms of ownership which were attached to the products of men's and women's labour associated with land. In a world which revolved round hunting and gathering and subsistence agriculture, the most important products in terms of men's labour were hides, gathered from the hunt and livestock. This was because they not only played an important role in subsistence production but were also important in local trade networks. Men maintained relatively exclusive control over these products, allowing them to accumulate property and acquire social standing over time.

While a woman could own livestock, her chances of acquiring them were limited compared with those of a man because she was excluded from inheriting her father's or her husband's cattle. A wealthy man might, however, earmark a beast or two for his daughters during his lifetime or on their marriage. A woman might also acquire cattle from the fruits of her own labour, for example, through barter in exchange for grain or wild fruits cultivated or gathered by her. These products, however, were highly perishable and almost exclusively used for consumption. A woman might inherit cattle from her mother, or today, even from her father, but the numbers involved are not likely to be substantial or on a par with her brothers' inheritance, given that a father's primary responsibility is to hand down cattle, particularly to his eldest son who replaces him as head of the family. Even where all these difficulties could be overcome, any cattle acquired by a woman fell within the control of her father, husband or sons – as taboos surrounding women's relationship with cattle exclude them from the domain of the cattle post.

Unlike men, women found themselves cast into largely communal forms of ownership which, Kinsmen (1983, p. 42) observes, 'locked them into a situation of dependence and lifelong

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

subordination'. The products which they controlled did not lend themselves easily to accumulation. The food which they gathered and cultivated was even more perishable than cattle, and, in any event, was usually consumed immediately. Grain which might be stored fell under the control of a woman's mother, who kept it with her own and distributed it on a communal basis according to family need (Schapera, 1943, p. 57). Such conditions constrained women and their economic powers to accumulate resources.

At another level, women faced discrimination through their exclusion from the political forums to which men had access through household affiliation and the *kgotla*. Although a woman's position as wife was key within a polygamous situation, she had no direct input into political negotiations surrounding the succession of men to authority. She could only influence events indirectly through male relatives. This is not to say that women were not powerful, but simply that they could not exercise their power in the same way as men. They could not speak openly in public forums such as the *kgotla*, but had to manipulate events behind the scenes. According to one commentator (Kinsmen, 1983, p. 49), 'by Bechuana education' women were taught to keep away from the public discussion of men: they were to mind their work, 'and leave the mahuku (words) to men alone'. Such exclusion from public life (except with regard to religious ceremonies) contributed to a world where women were not only dominated in material terms but also on a psychological level.[13]

The structures underpinning this form of social organisation were maintained through kinship and *mafisa* involving patron – client livestock management (Nangati, 1982). Under a *mafisa* arrangement, cattle are lent out in patronage to individuals who become clients under obligatory conditions which include mortgaging the clients' assets against the safety of the patron's property and interests. Such organisation represented an attempt at rationalising the incipient socioeconomic stratification in Tswana political structure to control the spectacular increase in numbers of people subject to the *kgosi* and their increase in productive potential through the *kgamelo* or 'milk jug system' (Parsons, 1977, p. 114). Through this system, the class ranking inherent in Tswana social structure was strengthened by giving local elites direct economic and administrative control over the lower classes in their sphere of assigned responsibility (Wilmsen, 1989, p. 99). Under these conditions, people were governed by *mekgwa le melao ya Setswana* (often glossed as 'Tswana law and custom') that bound them all together.

Within this context marriage played an important role, as it promoted alliances between individuals and groups which created the potential for political advancement and economic co-operation. Under these conditions, those who could afford to practised polygamy as a means of enhancing their access to status and resources.[14] Through kinship networks individuals could acquire rights to use land, to participate in reciprocal exchanges of labour and, through inheritance, to acquire cattle. This was facilitated through a political system that meshed with the ward structure, whose headmen were perpetuated on the basis of genealogical status and had power to allocate land. This resulted in a hierarchical set of social relations with the *kgosi* at the top with those kin regarded as royals, and with commoners and serfs at the bottom of the totem pole. These relations, however, were flexible, and it was possible for individuals to move up and down the social scale through manipulation of kinship genealogies and through the patronage of the *kgosi*, who acquired the ability to manipulate and balance the varying sectional interests within the polity. Nonetheless, as Ramsay (1991, p. 127) has noted, in this fluid mosaic of political

13 For an account of the transformations that have taken place in relation to women's access to resources that cannot be detailed here, see Griffiths (2011; 2012b).

14 See Griffiths (1997, pp. 43–48) for details.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

and economic change, the interest of the Sons of Kgabo (Sechele I's ancestors) lay 'in promoting and preserving the role of genealogy in defining access to power'.

Engaging with colonial overrule (1885–1966): transformations

In time, developments in the region, especially Boer incursion into what is now Botswana, pressurised Tswana chiefs into seeking the protection of the British through the creation of the British Protectorate of Bechuanaland in 1885. The British were initially reluctant to colonise the territory because it lacked resources, but they wished to protect their interests from the expansionist tendencies of the Germans in south-west Africa, the Portuguese on the east coast, and the Boers in the south, who were threatening to close off the British route between Cape Colony and the two British colonies in Central Africa. Under the Protectorate, the British opted for indirect rule, leaving the chiefs in peace to rule their communities, except where this interfered with British interests. This lasted until 1916.

Over time, however, the British began to dismantle this chiefly authority because it was perceived as being detrimental to their interests. They did this through a series of actions, including Proclamations. It is not possible to detail these here,[15] but among the most significant was the demise of the autocratic leadership of chiefs, which was replaced with 'native authorities' whose members were nominated by the Resident Commissioner.[16] Not only was the chief required to consult with those members, but accession to the chieftainship now required approval from the Resident Commissioner,[17] and their powers were further curtailed by the vesting of judicial powers in native courts, whose decisions could be contested by higher courts including the High Court, a colonial transplant from Europe.[18] At a fiscal level, the chiefs were deprived of power to levy taxes at will.[19] Although some chiefs challenged these provisions in the High Court, they lost the case when the judge ruled that the High Commissioner had to respect, but did not need to be bound by, native law and custom.

Responses to changes in governance structures

The Resident Commissioner's levying of taxes forced many men to seek paid employment beyond the Protectorate's borders, principally in the Union (now South Africa), giving the Protectorate the status of a labour reserve, as local opportunities for wage labour were limited. This had an impact on settlement patterns on land, that Schapera witnessed in the 1930s, and that I found evidence of in the 1980s (with some changes). This involved children and their mothers remaining in the village while their fathers worked on contracts at the South Africa (SA) mines. When old enough, boys would go to herd cattle while girls attended school in the village. The fathers remitted money home to pay taxes and to pay for substitute labour required for agricultural activities. When their sons were old enough, they went to the mines and their fathers retired, coming home to work at the lands and the cattle post. As a result, adult men spent much of their working lives as migrants, only returning home towards the end of their life-cycle. Some women also worked as migrants, but they were generally left to run the home base while their men were away. By the 1940s these developments led Schapera (1947, p. 12) to observe that 'wage-labour ... has become an indispensable source of income for the people, generally, and, since opportunities in the

15 For details, see Kalabamu and Morolong (2004, p. 20).

16 Under the Native Administration Proclamation (No. 74 of 1934).

17 For details, see Colclough and McCarthy (1980, p. 25).

18 Under the Native Courts Proclamation (No. 13 of 1941), as amended by No. 33 of 1943.

19 Under the Native Tax Proclamation of 1943 (as amended) and the Native Treasuries Proclamation (1938).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

Territory [now Botswana] are limited, the vast majority go to the Union [SA] where there is a far greater demand for their services'. This had repercussions for family members' and households' life-cycles. It led to marriage occurring much later in the life-cycle (Schapera, 1947, p. 173; Timaeus and Graham, 1989, p. 392; Griffiths, 1997) than in other parts of Africa (Bledsoe, 1990), if at all. The phenomenon of unmarried women with children that emerged continues today (Griffiths, 1997, pp. 201, 243).

Thus, changes in governance affecting political, administrative and social structures led to modification in the traditional land tenure system during the colonial period. Under the conditions outlined above, economic disparities between taxpayers (ordinary members of the tribe) and tax collectors, that is, chiefs and headmen, were exacerbated as the latter accumulated considerable numbers of cattle, as people sold or surrendered their beasts in lieu of cash payments. As the rich, chiefly elite, accumulated more and more cattle, they began to benefit from the veterinary services that were initially offered to European farmers. The services included disease control and perennial water supplies from boreholes. With time and 'promoted by market forces, boreholes began to be recognized as personal property in the 1930's, and moves towards the private ownership of adjacent grazing lands, a direct and logical extension, soon followed' (Good, 1992, p. 72). Chiefs and headmen with large herds of cattle benefited unduly from these trends. For these 'private' land rights gave rise to 'dual grazing land rights' because, while other members of the tribe could only access or graze within the vicinity of these water sources with the explicit permission of their owners, those constructing boreholes could graze their cattle in the rest of the communal land at will, as well as within the territory of their boreholes. Thus, although chiefs were disempowered at one level, at another they continued to perpetuate their economic and social standing through privileges that reinforced inequalities within the polity.

Family histories associated with Mosotho *kgotla* – diverging profiles

It is within this historical context that the life histories of Makokwe's and Radipati's descendants are situated. These histories underline how, for ordinary people, differential access to resources may lead to diverging life trajectories that enhance processes of social stratification and inequality. For, despite having the same father, Koosimile, their descendants have led very different lives. Koosimile (G.1) was a contemporary of Sechele I (c.1833–1892), and like him he engaged in polygamy. He had three wives. Makokwe (G,2) was born into the first house while his brother Radipati (G.2) was born into the third house. A founding ancestor of Mosotho *kgotla* in Molepolole, of which his sons were founding members in 1937, *kgotla* members recall (from interviews in 1984) that while he had cattle he was not rich, and when he died he had nothing to pass on. His sons had to make their own way and pursued different life courses.

Over the years Makokwe's family has engaged in subsistence agriculture, livestock and unskilled migrant labour. Earlier generations have had little formal education, and those that do have it to only a basic level. These characteristics, shared by other families in Botswana, associate them with what Parson (1981) has termed the 'peasantariat', who are increasingly distanced from elite cattle owners and higher-income wage earners. Even a better educated younger generation find it hard today to acquire secure, stable, well-paid employment. In contrast, Radipati's family, who have assiduously pursued education, have over time honed their skills, leading to professional employment and career development. Among the younger generation this was initially predominantly government based, but has now branched out to include more commercial and corporate activities. The younger generation of this family are associated with a growing urban elite, referred to by Cooper (1982) as the 'salariat'. They represent a growing middle class in Botswana that no longer engages in subsistence agriculture or insecure migrant labour.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

Makokwe's family group

Makokwe, whose life spanned the colonial era, was a polygamist like his father. In keeping with many men of his generation (G.2) he had no formal education. Unlike his younger brother Radipati, he preferred to live at the lands, where he supported his family through farming and cattle post activities and making *karosses* for trade, rather than engage in village affairs. Such activities provided returns at only a subsistence level, and when he died his descendants observed that he was a poor man. Like their father, his six sons in the third house never went to school. Instead, they followed the pattern established for young boys, assisting at the land and herding cattle at the cattle post. By this time, migrant labour had become incorporated into the life-cycle, and when they were old enough they shifted to working on contracts at the South African mines. This contract labour persisted for most of their adult lives, for longer periods than those documented for an average Motswana (Schapera, 1947, pp. 54–58). For example, Nkadigkang (G.3) was at the mines from 1938 to 1960, his brother Ntlogelang (G.3) from 1945 until 1980, and their brother Ramojaki (G.3) from 1957 to 1970. Their youngest brother, Aswa (G.3), went to the mines and never returned. He is representative of those Schapera (p. 62) refers to as becoming lost to the polity through migrant labour.

While engaged in migrant labour, Nkadigkang and his brothers maintained their lands and cattle base, combining these activities with migrant labour for their subsistence. For without the cash input from their employment they could not have pursued agriculture or built up holdings in livestock because there was little to inherit from their father Makokwe, apart from land, most of which came from maternal relatives. For the younger generations (G.4 and G.5), land has been acquired by some from the Land Board that has been allocating it since 1968.[20]

When Makokwe died, the chain (an item both monetarily and symbolically costly) for the span of oxen was shared between Morabane, Nkadigkang, Ntlogelang and Ramojaki. While they have built up resources through their own efforts – for example, Morabane acquired his own plough from a Mokgatla man in exchange for two sheep and a bag of sorghum – they have also benefited from pooling their labour and acting co-operatively across extended households. Thus Nkadigkang and Ntlogelang shared the same cattle post when they were younger, while Ramojaki and Morabane used to work together when younger, rotating their employment schedule at the mines with ploughing and herding cattle. However, they ceased to do this some time ago as these arrangements proved unsatisfactory.

When Makokwe's sons finished their employment at the mines they went home to live and reverted to working at the lands and cattle post like many of their contemporaries. Some, like Nkadigkang and Ntlogelang, took up temporary employment in Molepolole working as labourers or on building the road to nearby Letlhakeng before they took up farming again. As a result of formal employment, Makokwe's sons were at a stage where they were able to accumulate livestock. With their own children providing labour for herding or ploughing, and with money to hire such labour, there was less need for extended family co-operation, which fell into an abeyance that continues to this day. Ramojaki, who after he left the mines worked as a bore-hole mechanic for the Molepolole district council until retirement, also reverted to farming like his brothers. Sickness recently deprived him of 'a good lifestyle', and he laments the fact that in 2010 'only two of his children and grandchildren are keen to take care of livestock'. Out of his siblings, only he and his sister (the youngest of Makokwe's children) were alive in 2010.

Within this family group the gendered division of labour had an impact on women's power to control resources. For while their labour was an essential part of the family enterprise, it was generally of a domestic and agricultural nature that was not valued on a par with that of men,

20 For discussion of changes in land tenure post-Independence in 1966, see below.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

who provided essential cash remittances for households or who maintained control over cattle at the cattle post. Ramojaki's sister, Olebeng, has spent her life, like many of her cohort, engaged in agricultural and domestic activities that rendered her dependent on male networks for support, due to her lack of education and formal employment. She has been very fortunate because, unlike many males of their generation, her brothers have provided her with assistance throughout her adult life (Griffiths, 2007, pp. 150–51).

Makokwe's descendants exemplify Kerven's (1982, p. 545) observation that 'Tswana livelihoods are made within the minimal core of the family and the maximal universe of the southern African economy', where families depend on combining 'crops, cattle and wages' for their existence according to 'a family's class position and its stage of lifecycle'.

Education – males

Subsequent generations have experienced the same life trajectory outlined above with some modifications. The younger generation of boys have acquired some formal education. Out of the eight sons in G.4, two never attended school as they were working as herd boys, and one absconded from primary school. Another three completed form 2 secondary school (but two had poor results) and only one reached form 3. Among the ten daughters, six attended primary school, one finished form 2 and two completed secondary school. The two completing secondary school were the only ones among their siblings to do so. Two had to leave primary school because, in one case, the parents could not pay for her education, and in the other, the daughter had to care for her sick mother. Out of the twelve sons (G.5), ten have some secondary school education, with four completing it, while one never went and the other abandoned it.

Education – females

Out of the fifteen daughters (G.5), twelve had some level of secondary school education, with six completing it. The remaining three are still at primary school. Ntlogelang's daughter, Mmopi (G.4), has the children with the highest educational attainment. Her six children (three daughters and three sons) have all gone to secondary school, with four completing it. Mmopi herself, an unmarried woman, was unable to complete her education due to lack of money. The six children (two daughters and four sons) of Ramojaki's married daughter, Molly, have also all gone to secondary school, but only two finished. In the past, girls often left school early because of pregnancy. This was the case for 20 per cent of Makokwe's family in G.4. In the past, young women were obliged to leave school, but today they can complete their studies due to the implementation of human rights provisions regarding discrimination.[21]

Looking back on his life, Ranko (G.4), Nkadigkang's eldest son aged fifty-two, observes he 'has faced a lot of challenges' due 'to his lack of education' making it 'difficult to find more rewarding jobs'. This occurred because he had to support his family and younger siblings. He sees his children facing similar challenges, not because of a lack of education but 'due to the fact that they did not perform well'. Poor school performance has also been commented upon by other parents, like Ramojaki's daughter, Molly, who left school early when she started menstruating, fearing the ridicule of other students. This is a not uncommon problem (Stewart, 2007). However, investment in education today does not guarantee the enhanced employment opportunities it once did, given the high rates for youth unemployment in the country and the high numbers of unemployed university graduates.[22]

21 *Student Representative Council of Molepolole College of Education v. Attorney General*, Civil Appeal, No. 13 of 1994 [1995] (3) LRC, 447.

22 The government recognises that youth unemployment presents a challenge for the country; see Ministry of Finance and Development Planning (GoB, 2012, para. 34, p. 12). This is in a country where 35.6 per cent of the population was aged below fifteen in 2006, and where the percentage has dropped due to increased child and

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

Work/labour patterns for men: changes in the younger generation

Only two out of eight sons in G.4 have worked at the mines due to changes in SA employment policies. In G.5, this has meant that Sam has become a subsistence farmer, while Ramojaki's son, Timothy (37), works as a herd boy. Sam's brothers, Beloki (42) and Kgongwana (36), work at the Kgalagadi Breweries and at a grocery shop in Gaborone. Their cousin, Rammutla (43), had several jobs, working in a shop, a bar and in security in Gaborone, before being employed on construction in Jwaneng (a mining centre in Botswana). He now runs his own welding business in Molepolole, financed through a government grant.

There has been a shift from external to internal migration, but the work generally continues to be contract based, lacking stability. Morabane's daughter, Lebalang (G.4), has two sons in G.5, Ntume (26) and John (22), who work on construction at Jwaneng. Ranko's son, Tumelo (29), worked at a fitness centre before training as a driver and working for a bakery. Ntlogelang's daughter, Mmopi (51), has two sons, Onkarabile, who is a soldier, and Keabetswe, who works at a shop in Molepolole. Molly's son, Nonofu (34), trained as a motor mechanic and works in Gaborone. His brother Kabelo (28) worked in security, in manufacturing and is now at the Ministry of Finance. The remaining sons in G.5 are unemployed, living in their natal households or in urban areas with relatives.

Work/labour patterns for women

Women's work in G.3, as noted earlier, centred on domestic and agricultural activities and child rearing. Remittances from migrant labour enabled these women to buy cattle for ploughing, seeds for planting, and even to hire labour where family members were unavailable. These activities required a pooling of resources between households and among generations that does not feature today. Ranko observed that now 'every one fends for his [own] family', but acknowledges that the Makokwes as a whole do 'work closely together during times such as funeral and wedding ceremonies'. In part, this has come about through technological change. For, as Nakadikgang's widow explained, 'Nkadigkang and his siblings used to help each other plough their fields using their livestock but with the advent of the modern technology they too moved with the seasons as they resorted to the use of tractors' so that 'the spirit of brotherhood that hovered upon them died a natural death as they stopped helping each other', leaving every household 'scavenging for their own tractor owner to plough for them'. This is not currently a problem as the government, as part of its programme to make agriculture sustainable, provides free ploughing for up to five hectares a household, and free seeds for planting.

Among the eight women in G.3 who married Makokwe's sons, only one, Odirile, who is Ramojaki's wife, has ever been formally employed, and then only temporarily on a drought relief programme in 1984. Within G.4, however, women have tried to expand their options for income-generating activities. Ntlogelang's daughters, Koketso and Mmopi, worked briefly as a domestic help and a shop assistant when they were younger. Ramojaki's daughter, Akohang (47), also worked from time to time as a cook or a cleaner when not at the lands, and is currently working as a housekeeper. Lebalang (50) has never been employed, but as the only child she inherited her parents' yard, which she rents for an income. Like their male siblings, these women's work when it arises is basic, low paid and generally insecure. Some of the fifteen daughters in G.5 have made a transition to more stable employment, like Ranko's daughter, Mpho (32), who, after finishing a

infant mortality due to HIV/AIDS and to lower fertility due to the use of contraceptives (GoB NDP, 10, para. 2.14, p. 19). Graduate unemployment features as a subject in newspaper headlines; see *Botswana Gazette* online ‹http://www.gazettebw.com›, Tuesday, 20 January 2009, where the headline was 'Graduates Settle for Lesser Jobs' or Mmegionline, where the headline on 18 October 2011 was 'Graduate Unemployment Passes, 3,000 threshold' (28(155)).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

short course at the Kweneng Rural Development Association, was able to get work at the Immigration Department. Similarly, Ntlogelang's daughter, Banyana (38), who was the only one to complete secondary school in her family, found employment at the Ministry of Finance. Others, however, have been struggling. They have not managed to find work in the informal sector that provides work for many women in Botswana – for example, selling air time for mobile phone companies – with the exception of Mpho's sister, Maleboga (25), who despite doing poorly at school has found work in this sector. As a result, those who remain unemployed stay at home or with relatives, like their brothers.

This situation puts pressure on land, as adults who would normally be absent continue to live at home with their siblings, along with their own and their siblings' children. In the past, marriage provided an impetus for establishing new households. Although a couple might live for some time with their spouse's family, they were expected to create their own household over time. Makokwe's sons did this, acquiring land through their father's maternal relatives enabling them to establish new households in Lekgwapheng at the other end of the village from Mosotho *kgotla*.[23] However, the postponement of marriage due to prolonged labour migration meant that many unmarried women with children remained in their natal household, extending its life-cycle and its generational composition.

A feature of colonial life, this pattern has continued into the post-Independence period (Kocken and Uhlenbeck, 1980, p. 53; Molenaar, 1980, p. 12; Griffiths, 1988, p. 295; Gulbrandsen, 1980, pp. 29–30; 1986). With an extended household life-cycle incorporating unmarried women and their children, fission in households occurred at a much later stage in individuals' lives. The devolutionary nature of a household involves fission (Griffiths, 1997, p. 43), as children of the household become adults. In the past, this fission was associated with marriage, when children were expected to establish their own households. Ideally, this involved patrilocal residence, with women settling where their husbands established households for them. In theory, married daughters eventually moved to their husband's family, while sons built homesteads for their wives as close as possible to their natal household. So the collective interests of household members diverged, notably where brothers establish their own households, creating potential rivalry over their father's property and over their position in the political hierarchy as headmen of their *kgotla* or ward. However, under the conditions outlined above, many women, due to lack of resources, found their ability to found their own households postponed to a later stage in their life-cycle compared with that of men. With later fission, the process of creating new households through families, that regenerated political structures in a pre-colonial form, became more drawn out. Under these conditions, household members became vulnerable as changes in labour affected their families and settlement patterns.

Transformations in marriage

Marriage rates among the older generation in Makokwe's family (G.2 and G.3) were among the highest of the members of Mosotho *kgotla*, in many cases to a relative (Griffiths, 1997, pp. 81–85). These marriages fit the pattern set out for 'commoners' rather than 'royals' (pp. 41–44), who needed to draw on a broader range of partners to maximise their potential for enhancing their status and access to resources. While politically prominent royals tended to marry close kin, commoners tended to activate links among a more diffuse set of relationships.[24] For the older generation, marriage provided alliances that enhanced relationships for co-operative endeavours

23 This was due to lack of space for building new households in the *kgotla*.

24 These included father's father's brother's son's son's daughter, and father's father's father's brother's son's son.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

and the pooling of resources that were central to their lives and livelihoods at that time, creating a conduit for resources which were recycled from generation to generation.[25]

However, over time, marriage became displaced for reasons already referred to above. Its postponement until a later stage in an individual's life-cycle was accompanied by a decline in polygny (Schapera, 1950, p. 145; Schapera and Roberts, 1975, p. 266; Kuper, 1970, p. 473; Comaroff and Roberts, 1977), which was brought about by a combination of different factors, including the absence of eligible marriage partners of appropriate age, the shrinking resources which were available to service marital obligations within an extended family network, and the influence of Christian missionaries.[26] In these circumstances, Kuper (1987, p. 138) observes that elites ceased to practice polygyny because it no longer represented the best means of acquiring power and resources, which could be accumulated through other, namely capitalist, means. According to Comaroff and Roberts (1977), Tswana families responded to these developments by accommodating earlier marriage practices within a reformulated framework. This was one where, instead of polygny, the pattern became such that only one of several relationships entered into contemporaneously or serially acquired the status of marriage. Through these developments, increased numbers of adults remained attached to their natal household, especially unmarried women with children, establishing the context within which procreative relationship and marriage are negotiated today.

Thus marriage featured as one of a number of relationships. In the Makokwe family, all Makokwe's sons married, but his youngest daughter, Olebeng, did not marry until late in life. In G.4 of nineteen children (twelve females, seven males) ranging in ages from thirty-three to fifty-three, twelve are married (seven females, five males). The marriages were customary but also registered. No *bogadi* (bridewealth) was paid. Where marriage occurs it often comes after child bearing. For example, Lebalang (50) had children with two partners, before marrying her third partner at the age of twenty-eight. This is not unusual. She fits the profile presented by Comaroff and Roberts (1977) of parties practising serial monogamy as a replacement for polygamy, testing out the benefits before settling down. Other women her age, however, have had children in several relationships, none of which amounted to marriage (Griffiths, 1997, pp. 241–44).

In G.5, only one, Mpho (32), out of twenty-one adults (thirteen females and ten males) aged twenty to thirty-four, is married, but seven have children (four females, aged 33 (×2), 28 and 25, and three males aged 34, 30 and 29). Some have several children with different fathers. Ompatile (33), who is unmarried, had her first child when she was twenty, her second when she was twenty-five and her third at twnety-nine. Similarly, Molly's unmarried daughter Onkgopotse (25) had her first daughter when she was eighteen, her second daughter at twenty-two, and is currently expecting her third child. Some males also have children. Tumelo (29) has children, although he is not married, as do Molly's sons, Nonofu (34) and Mokganedi (30). Mokgwandei's two daughters (9 and 6) live with their grandmother Molly.

Dealing with land: contemporary dilemmas

Where there are successive generations living in the same household, this can lead to overcrowding that may result in disputes. Since the introduction of the Tribal Land Act in 1968,[27] after independence in 1966, chiefs and headmen no longer have formal power to allocate customary

25 For example, Makokwe's eldest son, Motlotlegi, in the first house, acquired land from his wife's family on their marriage, which was then passed on to their eldest daughter when she married.

26 For details, see Griffiths (1997, pp. 22–27).

27 TLA (Cap. 32.03).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

land. Tribal land affects around 70 per cent of land in Botswana.[28] The Act promoted substantial changes to the dominant Tswana tribal systems of land tenure, which had been left intact after the proclamation of the tribal reserves during the colonial era (Ng'ong'ola, 1997, p. 14). It established Land Boards for specified 'tribal areas' and handed over powers previously vested under customary law in relation to the allocation, use and cancellation of land rights previously exercised by chiefs and their representatives, to Land Boards (under s.13), whose members are appointed from a variety of sources.[29] However, headmen and chiefs are often called in to deal with family disputes involving land, especially those that touch on succession (Griffiths, 2012b). Bakwena customary law assigns the residential yard to the youngest son, with the mother's arable field going to a daughter. But families may reach a different arrangement by consensus.

In public meetings in 2010, headmen from Molepolole acknowledged that overcrowding causes problems. Ntloolengwae ward attributed these problems to 'daughters [who] have children out of marriage ... as parents we have to support these children ... because we can't chase them away'. In the case of younger siblings chasing away other siblings, headmen usually 'advise them that all children as family members are equal [in rights]', and that if they are uncomfortable with this they 'should look for their own plot to stay' by applying to the Land Board. Residential plots acquired under a customary land certificate in terms of the 1968 Act have the advantage of being allocated free of charge. Substantial costs, however, may be incurred in connecting to services such as water and electricity. While there is no shortage of land in Botswana as a whole, round the capital and its catchment area extending to Molepolole there is acute pressure on land, as that is where a third of Botswana's 1.9 million people live. Amending the Tribal Land Act in 1993 to permit all citizens to apply to Land Boards anywhere in the country, regardless of tribal affiliation, has exacerbated the situation. Waiting lists of 149,500 people for plots in the peri-urban area adjacent to the capital, and of 37,354 for those in Molepolole, existed in 2010. The government acknowledges that one of its major challenges is to accommodate the fact that the economy is no longer agricultural,[30] and that the majority of Batswana are now classed as urban dwellers.[31]

Not all those who are on waiting lists are without land, as many people put their names down on several lists, taking advantage of any allocations that become available. While tribal land cannot be sold as it vests in the Land Board 'for the benefit of citizens of Botswana', it can be transferred, and developments on it can be 'sold' to the transferee. Thus, the selling on of developments on residential plots that have been allocated for free can yield substantial sums of money, particularly where these are in a peri-urban or urban area. This has led to a market in land that has fostered speculation and illegal dealings, activities that have been the subject of public inquiries and commissions,[32] as well as

28 Other forms of land tenure include state and freehold land that are regulated by statutes such as the State Land Act (Cap. 32.01), the Town and Country Planning Act (Cap. 32.09) and the Land Control Act (Cap. 32.11).

29 For greater detail on tribal land and how Land Boards operate, see Morolong and Ng'ong'ola (2007) and Griffiths (2011; 2012a).

30 While the Report of the Presidential Commission on Land Tenure in 1983 noted that the economy of Botswana was still largely agricultural (GoB, 1983, para. 1.06, p. 3), by 2002 there was a recognition that this was no longer the case, according to the Botswana National Land Policy, Issues Report (Revised), Vol. 1 (GoB, 2002c, para. 1.01, p. 1). Indeed, it has been observed that 'agriculture which was the largest sector in the 1960s contributed only 2 percent of GDP in 2005/06' (Botswana Country Report, 2007).

31 See Botswana National Land Policy, Issues Report (Revised), Vol. I (GoB, 2002c, para. 1.01, p. 1).

32 See, for example, the Commission of Inquiry set up in 1980 that produced its *Report of the Commission of Inquiry into Nkgwaketse Development Area Ranches and Government Decision on the Recommendations of the Commission* (GoB, 1981); see also the *Report of the Presidential Commission of Enquiry into Land Problems in Mogoditshane and other Peri-Urban Villages* (GoB, 1992).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

court cases,[33] over the years, as the government acknowledges the fact that land has acquired a capital value that has led to its commoditisation through the sale of developments on it.[34]

It is currently very difficult to establish who on a waiting list has already acquired residential land. Although a computerised land registration system to map land tenure throughout the country is being developed, under LAPCAS,[35] it will not be operational for a number of years. In the meantime the subject of land continues to inflame public passions as is evident from regular correspondence in the daily newspapers. In order to promote more equitable distribution, the government, in its long overdue draft national policy on land tenure,[36] proposes restricting applicants to a maximum of two free residential plots, one at his or her home village and another 'elsewhere in Botswana'.[37] There will, however, be no restriction where parties are prepared to pay for tribal land that has already been allocated to be transferred to them.[38]

Under these conditions, parents express concern over their children's future. Ranko (Nkadigkang's son), aged fifty-two in 2010, worries because 'it is not an easy thing for children to acquire plots within the area as it used to be'. In his view it would be much better if land could be allocated according to one's place of origin, that is, according to tribal affiliation.[39] While the government of Botswana has opened up land all over the country for allocation to citizens, in keeping with its vision for national development, local people and their headmen feel strongly that the land in their area should be preserved for their use, especially around Molepolole, whose location near to the capital and close to the railway line with South Africa has led to a great influx of 'outsiders' applying for land there.[40]

Another concerned parent is Mmopi (Ntlogelang's unmarried daughter), aged fifty-one in 2010. She is one of the female heads of household that feature so prominently in the literature on poverty in

33 *Kweneng Land Board (KLB) v. Matlho and Another* [1992] BLR 292; *KLB v. Mpofu and Another* [2005] 1 BLR 3; *KLB v. Selaki [and Sekgome]* [2004] 1BLR 154(HC); *KLB v. Molefhe and Another* [2005] 2 BLR 155; *KLB v. Murima* (08) (CA) CACLB-034-07.

34 Government of Botswana (GoB, 2002; 2003). See also the Draft National Land Policy of 2011, that refers to a land values market and capitalisation of land (GoB, 2011, para. 4.1, p. 20).

35 This stands for Improvement of Land Administration Procedures Capacity and Systems. This is a joint programme that the government of Botswana is undertaking with support from the Swedish government. Earlier attempts at computerised national systems for State Land Tenure (SLIMS) and for Customary Land Tenure (TLIMS) do not appear to have had much success. Kweneng Land Board, where I carried out my research, had experienced two unsuccessful attempts to computerise their records by 2010.

36 The draft policy is aspirational in nature and seeks to protect disadvantaged groups, such as widows and orphans, youth, people with disabilities and remoter area dwellers, along with making land available for foreign and domestic investment (GoB, 2011, pp. 13–15). However, it is exceptionally vague in its outline, leaving the details which are crucial to policy implementation to be formulated elsewhere.

37 Draft National Land Policy (GoB, 2011, para. 2.1.2, p. 8).

38 There has been debate about whether such 'sales' should be permitted. While some Land Board members are in favour of this, others are not. One government official who has worked for a long time on land issues, and who was interviewed in 2012 (and wishes to remain anonymous), considered this approach to be unacceptable because it 'helps to perpetuate inequality'. This is because those with resources will benefit at the expense of those without. Attitudes vary according to differing views of what development entails and how it might best be achieved.

39 In June 2012 it lead to the Batlokwa chief walking out of a meeting with Land Board officials as he and his headmen were of the view that tribal land in their area should be reserved for allocation to tribal members, or at least, that they should be given priority over other applicants. The situation is critical in Tlokweng district because its location next to the capital and on the border with South Africa has led to a situation where there is little land left to allocate.

40 This phenomenon has implications for the exercise of chiefly authority and tribal administration, given that ward members may no longer be affiliated with the Kwena polity.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

Botswana.[41] Unable to pursue her education because her parents did not have the money to pay for her secondary school, she is more fortunate than many others in her position, because she is employed at the LHS hospital in the village, where she has worked since 1988. She lives at home in a residential plot acquired from the Land Board with four out of her five unmarried children. Although she has faced hardship in raising her children without support from their father, a problem that many women in Botswana experience, she believes that her children are presented with different but equally pressing problems (compared with her generation) because 'the youth of this generation are facing a very big challenge of finding both residential and plough fields plots due to the land shortage that has affected most of the big villages in Botswana'. In addition they face another 'major challenge [that] is the lack of employment'.[42]

Radipati's family group

Neither employment nor land pose problems for Radipati's younger descendants, who have benefited from the labour of the older generation that has enabled them to have an upwardly mobile profile.

Like his brother Makokwe, Radipati (G.2) does not seem to have inherited anything of significance from his father, Koosimile. He was, however, involved in *kgotla* affairs and was known as a great orator, which enhanced his public status. Although born into the third house, he regarded himself as being more senior in status to Makokwe, given his mother's connections to the Kwena ruling family that led to him being adopted as 'a kind of nephew' to *Kgosi* Kgari Sechele II (1911–1918), which resulted in his receiving an education, which was unusual among men of his generation. A church member, he did not practise polygny, but married Mhudi when his first wife died. They had three daughters, Goitsemang (G.3), Salalenna (G.3) and Olebogeng (G.3), and three sons, David (G.3), Pelonomi (G.3) and Moses (G.3). On Radipti's death, all his family inherited was the household family property and some cattle from a *mafisa* arrangement. It appears any property that was left was inherited by Daniel, his son by his first wife. Goitsemang observed, 'we did everything ourselves. My mother sold two oxen to get money to hire someone to plough. She also sold corn and beans, whatever was produced from the lands.' Through their labour and the sale of some cattle, Mhudi was able to continue educating her children. Cooper (1982, p. 18) has noted that having cattle to sell was crucial to a family's ability to finance education.

Unusually for that time, all Radipati's sons acquired an education. His two sons, David (67 in 2010) and Moses (55 in 2010), also acquired university degrees outside the country, in law and agriculture, because they could not study in Botswana at that time. This enabled them to follow a different career path from most of their contemporaries. David set up his own business, a bar/bottle store and disco, before moving to Bophuthatswana to work as a law lecturer. In 1989 he came back to Molepolole to work as a lawyer. He pursues an entrepreneurial lifestyle, taking an active interest in local and national politics. In 2010, his nephew Bongi reported that he had taken up farming on fields that he acquired through inheritance, along with a cattle post. Moses,

41 See GoB-NDP6 (p. 21), GoB-NDP7 (p. 9) and GoB-NDP10 (para. 4.61, p. 45), which recognises 'people living in female-headed households are more likely to be poorer compared with those in male-headed households'. Van Keleveren *et al.* observe that by '2002–03, 30% of the population lived below a national poverty line' (2009, p. 8). Of these, 'nearly two out of three poor were rural and most of them were women', leading them to conclude that 'in may ways female-headed households prove to be vulnerable, in rural but also in urban areas' (2009, p. 8).

42 The government of Botswana recognises that this is a big challenge; see Ministry of Finance and Development Planning (GoB, 2012, para. 34, p. 12); see also GoB-NDP10 (para. 2.14, p. 19), noting that according to the GoB Demographic Survey of 2006, 66 per cent of those aged fifteen to nineteen were unemployed, along with 55 per cent of those aged twenty to twenty-four. In their presentation to the 64th Session of the United Nations General Assembly on 6 October 2009, Botswana Youth Delegates Bogolo Kenewendo and Yolisa Modise observed that 'Youth unemployment is a big challenge in Botswana'. They also observed that 'Poverty also remains a problem especially in rural areas, affecting particularly women, youth and the elderly'.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

however, went straight into government employment as an agricultural officer, and continues to work in the Ministry of Agriculture. David had two children as an unmarried man before marrying Shelley, with whom he had a son. They divorced years ago, but his son, who obtained a degree in design engineering and works in SA, visits regularly. Pelonomi (60 in 2010), however, did poorly at school, so the kind of options open to his brothers were not open to him. He worked for a time at the mines, coming back to employment in Molepolole as a hospital orderly. He is fortunate, because he has been in consistent employment and could live and work at home. At sixty he retired and lives in a residential plot that he acquired from the Land Board in Goo-Thato ward. He had a child as an unmarried man, before marrying and having three children who are all adults now and work in Molepolole.

Radipati's daughters are also unusual. They have all been formally employed for most of their lives, and that has given them a degree of independence, making them less dependent on male networks for support. Goitsemang (72), the eldest daughter, recalls that her mother's contemporaries were very surprised by her mother's attitude: 'many people asked her why she spent money from ploughing on education when tomorrow you may have nothing and your children may do nothing for you.' As a result of education Goitsemang was able to train as a nurse and work in SA, 'because there were no jobs in Botswana before Independence'. While there as an unmarried woman she had a daughter who died. She left nursing in 1969 to return home to help look after her sick sister Salalenna. She then found employment in Gaborone with a construction company during the construction boom taking place in post-Independence Botswana. She lived with Salalenna, who was back working as a maid in Gaborone. Goitsemang was promoted by the company from store worker to wages clerk to personnel officer, a position she held until leaving in 1984 to look after her mother in Molepolole. By this time she had two plots of land in Gaborone. One of them was acquired thorough the company. It provided accommodation for her daughter Eva and her husband in 1989, when Eva was working as a teacher. The other was acquired through the Self Help Housing Association (SHHA), and was and continues to be rented out. When back in Botswana she had two more daughters, Eva and Patricia, but never married. While she still lives in Mosotho *kgotla* with her sisters Salalenna and Olebogeng, she often stays with her daughter Patricia, who acquired a residential plot from the Land Board at the other end of the village. Her other daughter, Eva, also has a plot there next door to her sister.

Goitsemang is in a privileged position that derives from her acquisition of assets through employment that also enabled her to promote her youngest sister, Olebogeng, by nominating her to take over her job when she was transferred to Morupula Colliery, where the company were putting up houses for Anglo-American in 1972. Olebogeng worked there until the company was taken over in 1989. As a result, she was also able to acquire a SHAA plot that she rents out.

Salalenna (71) worked as a maid for a police officer in Molepolole, and moved with his family when he went to work in the Tuli block. She then worked for a European family in Gaborone. Due to ill health she stopped working permanently in 1984, returning home to live. Olebogeng (66) worked as a teacher when she left school, before going to Gaborone to work in the job Goitsemang acquired for her. She, like her sisters, remains unmarried with three sons, Bongi (42), Dell (31) and Bonengi (20).

Education and employment among the younger generation

Goitsemang's daughters, Eva and Patricia (G.4), have had an education that enabled them to find employment. Eva worked as a primary school teacher in Gaborone, where she had a son Kago. She then had a daughter, Abigail, and subsequently married the father, who is related to her as a cousin. Her husband works for a government parastatal in surveys and lands in Gaborone, and in 1989 they were living in the plot Goitsemang built there. In 2010, Eva was back in Molepolole, having left her job as a teacher. She and her family live in Magokotswane ward, a long way from

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

Mosotho *kgotla*, in a plot they acquired from the Land Board. Her son, Kago (G.5), is now in his mid twenties and went to South Africa to do a degree in business studies which he did not complete. He returned and is doing a long-distance course. He worked for a time with his aunt, Patricia, at Tribal Administration, before turning to transportation, running a combi/cab business. Abigail, who is in her early twenties, has just completed a degree in business at the University of Botswana (UB), and the youngest child, Keitumetse, a boy in his teens, is waiting to go to university, having completed secondary school.

Eva's sister Patricia left school to work as a court clerk in 1980. After 1984, she completed a one-year diploma in local government administration at IDM attached to UB, and was promoted so that she is now a senior member of Tribal Administration. She is not married but she has a daughter (G.5) who is studying for a business degree at the UB. Patricia has also acquired land from the Land Board and, as noted earlier, is living next door to Eva in Magokotswane ward, where their uncle, Moses, also has a residential plot.

Salalenna's two daughters have also done well. Maleboga (50) worked for a while as a primary teacher in Molepolole. She now lives in Gaborone, where she is working as an executive for Barclays Bank. She married and has a girl, Ledopo (G.5), and a boy, Leatile, who both go to primary school there. The family are living in a surveys and lands plot that they bought. This plot forms part of a housing scheme that is aimed at a middle-class clientele, being more expensive than plots acquired from SHHA. Her younger, unmarried, and childless sister, Goabone, also works in Gaborone as a teacher, and has a house acquired through the Botswana Housing Corporation.

Olebogeng's son, Bongi (42), is highly educated. Like his uncle David he did a law degree but at UB and then completed a LLM at the University of Witwatersrand in South Africa in 1994. After working in private practice, he went to Columbia in 1999 to study for a doctorate. He left after acquiring an LLM and spent a year at Harvard as a visiting researcher. He returned to Botswana and was appointed a law lecturer at UB in 1997. From there he became a legal advisor to the Office of the President in 2007, where he was working in 2010. In 2011, he had moved to the Attorney General's Office. He is married to Adelaide and has three children, all girls, aged eighteen, seven and four. The eldest child was in her second year of a business degree at UB in 2010. The other two are at a private primary school in Gaborone. Bongi and Adelaide bought a residential plot in Phakhalane, an expensive suburb of Gaborone,[43] before leaving for the US in 1999. Since 2002 they have been living there. Adelaide has acquired plots for all their daughters, taking advantage of the amended Tribal Land Act that no longer links allocation to tribal affiliation. Two plots are outside Kweneng District, in Ramotswa and Mmankgodi. The third is in Molepolole. They also have land about ten kilometres from Letlhkeng, gateway to the Central Kalahari Game Reserve (where tourism is actively being promoted). It is a field but they 'have not done anything with it [yet]'.

Time, space and place: geographies of power and inequality

The life histories of Makokwe's and Radipati's family descendants viewed through a time-centred lens of historical dimensions (traversing pre-colonial, colonial and post-colonial eras) highlights the ways in which land embodies multifaceted spaces. These spaces serve not only as 'a means of production but also as a means of control and hence of domination, of power' (Lefebvre, 1991, p. 26). For, as Lefebvre has observed, space cannot be divorced from ideology or politics. My study brings time and space together in its presentation of access to and control over land in ways that highlight a variety of zones. These are composed of superimposed and intersecting spaces, that not only reflect internal and external orientations but that carry with them diverging claims to legitimacy

43 This is on state land that had to be purchased.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

and political and economic authority. They encompass what Lefebvre (1991, p. 33) refers to as 'spatial practice', that highlights lived-in space, and 'representations of space' that reflect state-centred conceptions and ordering of space, as well as 'representational spaces' that reflect the ways in which space is perceived from citizens' perspectives.

My study of land highlights the ways in which these dimensions of space shape the lives that citizens of Botswana may lead. It documents the conditions under which 'lived-in' space may develop and be experienced over time, through the genealogies and networks associated with Makokwe's and Radipati's desendants, who present different trajectories for their utilisation of land. These clearly demonstrate how parties' capacities to engage with land depend on the resource base on which individuals and families can draw. For the Makokwes, this is limited in scope, consigning them to a lower position within a socially stratified society. While they continue to engage in subsistence agriculture and the cultivation of livestock, particularly where the men have reached a later stage in the life-cycle, this is not on the collective scale that it once was, leading to more nucleated family units with more limited access to forms of support (Grifiths, 2011). The problems that this may create are exemplified by Makokwe's youngest son, Ramojaki, who in an interview in 2010 bemoaned the fact that he was experiencing difficulty in carrying out his subsistence activities because only two grandchildren out of his children and grandchildren are willing to help him care for his livestock.

Engaging in this type of farming has always rendered families vulnerable because the returns on their investment are unpredictable due to diseases affecting animals, climatic constraints including drought, and poor soils that produce very variable results. The year 2011–2012 has been officially recognised as a drought year, involving the government in setting aside 165 million Pula for drought relief and food safety-net measures.[44] Such an environment has had a devastating impact on livelihoods over the years.[45] While government subsidies exist to assist with farming at this level, through providing free seeds and free ploughing for up to five hectares, the Makokwes find themselves constrained in making the shift from what was previously a largely agrarian society to one where land-based activities no longer provide the dominant source of income for most of the population. Indeed, the Second Common Country Assessment for Botswana, Final Report, United Nations System in Botswana observes 'the chronic weakness of agriculture as a source of income' (2007, p. 8), noting that 'there was no evidence that poverty-focused agricultural support schemes such as ALDEP (Arable Land Development Programme) and ARAP (Accelerated Rainfed Arable Programme) had ever succeeded in raising anybody out of poverty, and … were unlikely ever to do so' due to 'problems of diminishing agricultural income and activity related to, and compounded by, environmental degradation' (p. 8).

Poor educational attainment (compared with little schooling in the past) has limited their employment opportunities at a time when jobs for those with a tertiary education are hard to come by. Numbers of the younger generation have no formal employment (both female and male), and where they are employed this continues to represent forms of work that are intermittent or piecemeal in nature. The income generated does not appear to be sufficient to enable them to invest in more commercial ventures, such as raising crops for sale to large chains, such as the South African company, Pick N' Pay, developing an agri-business, or extending the production of livestock to sell cattle to the European Union. Such activities are in keeping with

44 See Mmegionline, 'Botswana Hit by Drought', 1 August, 2012 (29(112)).

45 See, for example, the rinderpest epidemic of 1896 (Wilmsen, 1989, pp. 124–25) and the Proceedings of the Symposium on Drought in Botswana (Botswana Society, 1978). There is a recognition of the need 'to maintain macroeconomic stability in an economy that is prone to large, unanticipated fluctuations in earnings from mining, as well as shocks such as such as droughts' (African Economic Outlook, 2007, *Botswana*, p. 139).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

the government's drive towards development of 'globally competitive enterprises that produce goods and services that comply with local and international standards', creating an 'entrepreneurship culture'.[46] It is not just that the Makokwes lack the resources for investment. They also lack the knowledge base or accumulated expertise to support these enterprises. Only Nkadigkang's son, Rammutla, runs his own welding business from home, and he finds being self-employed a struggle. Similarly, Morabane's only child, Lebalang, is engaged in a commercial venture renting out her parents' house, but other members of her generation do not appear to be able to do this as they form part of large families whose children and grandchildren continue to live in the natal household. These conditions not only render it unavailable for rent or other uses but also create pressure on living space.

Overcrowding creates tensions among family members, leading to conflict and causing disputes that headmen are regularly called upon to adjudicate (Griffiths, 2011). In these cases, they often seek to resolve the situation by encouraging family members to apply to the Land Board for land to establish a new household. Yet establishing such a household requires resources, not least to pay for services such as water and electricity that do not accompany the free plot of customary land that is allocated. Failure to develop such a plot within a certain period of time from its allocation (five years in Kweneng in 2010) leads to repossession by the Land Board, thereby dispossessing those who have failed to meet the target.

Such considerations do not apply to Radipati's descendants, who have encountered more opportunities for expanding and developing their control over land. They have clearly benefited from their education and are proactive in pursuit of employment and investment activities. This has enabled them to move away from the life-world associated with the peasantariat pursued by Makokwe's children. Thus Radipati's daughters were educated at a time when many women of their generation received little or no education. It also resulted in two of their younger brothers completing tertiary education at universities outside Botswana in law and agriculture. As a result, the women were able to acquire paid employment, with the eldest daughter, Goitsemang, using her connections to get employment for her sister Olebogeng. This enabled them both to apply for land in Gaborone under the SHHA scheme. These properties were then used at various times to accommodate other family members, especially from the younger generation, who came to the capital to work or pursue higher education. Employment among this group, G.4, tended to be government based, in fields like teaching, Tribal Administration or the Office of the President, or in more commercial sectors such as banking.

A number of children in this generation have pursued tertiary education, which among children in G.5 tends to be concentrated in the area of business studies. Subsistence agricultural activities do not really form part of this family group's endeavours, although Radipati's son Moses has made use of his expertise in agriculture, enhanced by his working as an agricultural officer and in the Ministry of Agriculture, to develop his cattle post and extend his agricultural activities while benefiting from full-time employment. For those in government or public service a retirement pension is available from the age of forty-five, which some individuals use to invest in a business of their own, becoming self-employed and more commercially self-sufficient at a later stage in their life-cycle. Members of this family group, such as Bongi, have fields which can be rented out rather than farmed by them, so that their overall profile is one of a more upwardly mobile social group associated with the salariat, who have the resources, knowledge and contacts to pursue more entrepreneurial projects beyond the scope of the Makokwes.

While individuals' capacities vary, as, for example, in the case of Radipati's son Pelonomi, who did not attain the same degree of education or employment as his siblings, other family members'

46 Ministry of Finance and Development Planning (GoB, 2012, para. 28, p. 10).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

accumulation of substantial resources places him in a stronger position than he might have been without these connections. The converse also applies. Banyana, one of Makokwe's descendants, managed to complete secondary school, acquiring employment in the Ministry of Finance. She is unusual among her cohort, but given her family circumstances she will find it harder to become more upwardly mobile compared with the position that she might have been in if she had the kind of connections associated with the Radipati family.

It is apparent that individuals' access to resources shifts as certain relations alter and reconfigure in tune with individual, household and family cycles across space and time. Thus, individual agency needs to be viewed in the context of broader networks, which, as the life histories demonstrate, are not simply the product of random forces at work, but are shaped by the kind of resources on which families have been able to draw and on which they have focused their attention over generations. As a consequence of the conditions under which the life trajectories of the descendants of Makokwe and Radipati have developed as citizens of Botswana, they have different experiences of and capacities to engage with land that shape their views on representational spaces.

Their life histories clearly demonstrate how individuals, who form part of a 'local' community in terms of genealogical and spatial relationships, find their life courses shaped by wider geographic processes that have an impact on their everyday lives. For individuals', families' and households' capacities to engage with land not only depend on particular kinds of social networks to promote their interests, but also on the state administration and regulation of land that impacts upon local populations, connecting them to the wider realms of policy-making derived from regional, international and global arenas. As a result, Botswana has long been dependent on first SA and then Europe as markets for its cattle, as well as on global market prices for diamonds that have underpinned its economic prosperity to date.[47] Similarly, Batswana – women as well as men – have sought markets for their labour on SA farms, mines and urban centres since the mid nineteenth century; in the twenty-first century the search has intensified. All of these markets have been subject to the vicissitudes of fluctuating world demand and of wars (Parson, 1981; Parsons, 1977; Wilmsen, 1989, pp. 105–29).

The government of Botswana (NDP 7, pp. xxi, 95, 145) itself acknowledges the ways in which the country's development is inextricably tied to decisions, processes and events that take place at a regional and international level beyond its national borders. Indeed, in its most recent development plan it notes how the government signed the Millennium Declaration in 2000, agreeing to pursue the millennium development goals that overlap considerably with the goals of the government's Vision 2016.[48] Publication of this plan was postponed beyond its normal six-year cycle, so that government ministries could recalculate their forecasts for growth and development in the light of 'the effects of the just ended global financial and economic crisis'.[49] The life histories of women and men sketched above – dominated by migration to work, absentee labour, dependence on cash remittances, single-parent households, unstable relationships – give mute testimony to these inextricable ties beyond the village. They give voice to the lived realties that shape individuals' life courses. Thus the global becomes intertwined with the local in a multiplicity of contexts that situate individuals in different ways and with varying consequences. These intersections reveal a complex world where the accumulation of human and social, as well as economic, capital provide upward mobility for some while constraining others in ways that

47 See Second Common Country Assessment for Botswana, Final Report (2007, p. 5); African Economic Outlook (2007, *Botswana*, p. 137). Note concern over the need for economic diversification, given 'the declining per capita earnings from diamonds and slow growth of non-mining exports of goods' (Ministry of Finance and Development Planning (GoB, 2012, para. 8, p. 4).

48 GoB-NDP10 (para. 2.6–2.8, p. 16).

49 Ministry of Finance and Development Planning (GoB 2012, para. 2, p .2).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

perpetuate social stratification and inequality. Understanding the dimensions of what these processes and experiences entail is crucial, if abstract policy formulations (including legal regulation) at the national and international level are to move beyond mere rhetoric and expressions of goodwill, to create more effective and concrete programmes for citizens dealing with land administration and poverty reduction. For Botswana, this will require very careful scrutiny and a much more specific, detailed analysis of how to achieve the 'need for justice and equity in accessing land' while striking a balance between the country's 'economic and social needs' that currently lies at the heart of its draft national land policy.[50]

References

ABU-LUGHOD, Lila (1998) 'Introduction: Feminist Longings and Postcolonial Conditions', in Lila Abu-Lughod (ed.), *Remaking Women: Feminism and Modernity in the Middle East*. Princeton, NJ: Princeton University Press, 3–32.

ALVERSON, Hoyt (1978) *Mind in the Heart Of Darkness: Value and Self-Identity among the Tswana of Southern Africa*. New Haven, CT: Yale University Press.

BENDA-BECKMANN, Franz von, BENDA-BECKMANN, Keebet von and GRIFFITHS, Anne (eds) (2005) *Mobile People, Mobile Law: Expanding Legal Relations in a Contracting World*. Aldershot and Burlington, VJ: Ashgate Publishing.

BENDA-BECKMANN, Franz von, BENDA-BECKMANN, Keebet von and GRIFFITHS, Anne (2009a) *The Power of Law in a Transnational World: Anthropological Enquires*. New York and Oxford: Berghahn Books.

BENDA-BECKMANN, Franz von, BENDA-BECKMANN, Keebet von and GRIFFITHS, Anne (2009b) *Spatializing Law: An Anthropological Geography of Law in Society*. Aldershot and Burlington, VJ: Ashgate Publishing.

BLEDSOE, Caroline (1990) 'Transformations in Sub-Saharan African Marriage and Fertility', *Annals of the American Academy of Political and Social Sciences*, 501(1): 115–25.

BLOMLEY, Nicholas K. (1994) *Law, Space and the Geographies of Power*. New York: Guilford.

BOTSWANA, GOVERNMENT OF (GOB) (1981) *Report of the Commission of Inquiry into Nkgwaketse Development Area Ranches and Government Decision on the Recommendations of the Commission*. Gaborone: Gaborone Printer.

BOTSWANA, GOVERNMENT OF (GOB) (1983) *Report of the Presidential Commission on Land Tenure*. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (1985) *National Development Plan 1985–1990 (NDP6)*. Ministry of Finance and Development Planning, Central Statistics Office. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (1990) *National Conservation Strategy*. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (1991) *National Policy on Agricultural Development*. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (1991) *National Development Plan 1991–1997 (NDP7)*. Ministry of Finance and Development Planning, Central Statistics Office. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (1992) *1991 Report of the Presidential Commission of Enquiry into Land Problems in Mogoditshane and Other Peri-Urban Villages*. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (1992) *Land Problems in Mogoditshane and Other Peri-Urban Villages*. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2000) *National Policy on Housing in Botswana*. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2002a) *National Master Plan for Arable Agriculture and Dairy Development*. Gaborone: Government Printer.

50 Draft National Land Policy (GoB, 2011, para. 2.1.1, p. 8).

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

BOTSWANA, GOVERNMENT OF (GOB) (2002b) *Revised National Policy on Rural Development*. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2002c) *Botswana National Land Policy, Issues Report (Revised) Volume 1*. Ministry of Lands and Housing Department of Lands. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2003) *Review of Botswana National Land Policy. Final Report. Volume 1*. National Resources Services (Pty) Ltd and in association with LANDflow Solutions (Pty) Ltd. Ministry of Lands and Housing, Department of Land. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2003) *Ministry of Lands and Housing*, Mathuba, B. M., Botswana Land Policy. Unpublished paper presented at an International Workshop on Land Policies in Southern Africa, Berlin, Germany, 26–27 May 2003.

BOTSWANA, GOVERNMENT OF (GOB) (2003) *National Development Plan 2003/04–2008/09 (NDP9)*. Ministry of Finance and Development Planning, Central Statistics Office. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2009) *Long Term Vision for Botswana. Vision 2016, Botswana Performance Report. A Report on the progress being achieved against the Vision 2016 goals*. Vision Council. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2009) Presentation to the 64th Session of the United Nations General Assembly on the 6 October, Botswana Youth Delegates, Bogolo Kenewendo and Yolise Modise.

BOTSWANA, GOVERNMENT OF (GOB) (2010) *National Development Plan 2010–2016 (NDP10)*. Ministry of Finance and Development Planning, Central Statistics Office. Gaborone: Government Printer.

BOTSWANA, GOVERNMENT OF (GOB) (2011) *Draft National Land Policy*, Ministry of Lands and Housing, Gaborone: Government Printing and Publishing Services.

BOTSWANA, GOVERNMENT OF (GOB) (2012) *Keynote Policy Paper for Mid-Term Review of NDP 10*. Ministry of Finance and Development Planning. Gaborone: Government Printer.

BOTSWANA COUNTRY REPORT (2007) African Economic Outlook, OECD, p.138: available at ‹http://www.oecd.org.dev/emra/385641744.pdf› (last accessed 10 May 2013).

BOTSWANA GAZETTE ONLINE (2009), Tuesday, 20 January, 'Unemployment, a Big Challenge to Botswana: Graduates Settle for Lesser Jobs'.

BOTSWANA SOCIETY (1978) Proceedings of the *Symposium on Drought in Botswana*, National Museum Gaborone 5–8 June, Madalon T. Hinchey (ed.). New Hampshire, NH: the Botswana Society in collaboration with Clark University Press.

CLIFFORD, James (1988) *The Predicament of Culture: Twentieth Century Ethnography, Literature, and Arts*. Cambridge, MA: Harvard University Press.

CLIFFORD, James and MARCUS, George (eds) (1986) *Writing Culture*. Berkeley, CA: University of California Press.

COLCLOUGH, Christopher and MCCARTHY, Stephen (1980) *The Political Economy of Botswana: A Study of Growth and Distribution*. Oxford: Oxford University Press.

COMAROFF, John L. and ROBERTS, Simon A. (1977) 'Marriage and Extra-marital Sexuality: The Dialetics of Legal Change among the Kgatla', *Journal of African Law* 21: 97–123.

COMMISSION ON LEGAL EMPOWERMENT OF THE POOR (2008) *Making the Law Work for Everyone*, Vol. 1 Report of the Commission on Legal Empowerment of the Poor, UNDP (United Nations Development Programme): available at ‹http://www.unrol.org/files/Making_the_Law_Work_for_Everyone.pdf› (last accessed 20 Mat 2013).

COOPER, David M. (1982) *An Overview of the Botswana Class Structure and Its Articulation with the Rural Mode of Production: Insights from Selebi-Pikwe* (dated 1980). Cape Town: Centre for African Studies, University of Cape Town.

CRANG, Mike and THRIFT, Nigel (2000) *Thinking Space*. London and New York: Routledge.

DEZELAY, Yves and GARTH, Bryant (1995) 'Merchants of Law as Moral Entrepreneurs: Constructing International Justice from the Competition for Transnational Business Disputes', *Law & Society Review* 29(1): 27–64.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

DEZELAY, Yves and GARTH, Bryant (2002) *Global Prescriptions: The Production, Exportation and Importation of a New Legal Orthodoxy*. Ann Arbor, MI: University of Michigan Press.

DEZELAY, Yves and GARTH, Bryant (2010) 'Marketing and Selling Transnational 'Judges' and Global 'Experts' Building the Credibility of (Quasi) Judicial Regulation', *Socio-Economic Review* 8(1): 113–30.

DRUMMOND, Susan G. (2006) *Mapping Marriage Law in Spanish Gitano Communities*. Vancouver and Toronto: UBC Press.

GOOD, Kenneth (1992) 'Interpreting the Exceptionality of Botswana', *Journal of Modern African Studies* 30(1): 69–95.

GRIFFITHS, Anne (1988) 'Support among Bakwena', in F. von Benda-Beckmann, K. von Benda-Beckmann, E. Casion, F. Hirtz, G. R. Woodman and H. F. Zacher (eds), *Between Kinship and the State*. Dordrecht: Foris Publications, 289–316.

GRIFFITHS, Anne (1997) *In the Shadow of Marriage: Gender and Justice in an African Community*. Chicago, IL: University of Chicago Press.

GRIFFITHS, Anne (2007) 'Making Gender Visible in Law: Kwena Women's Access to Power and Resources', in A. Hellum, J. Stewart, S. S. Ali and A. Tsanga (eds), *Human Rights, Plural Legalities and Gendered Realities: Paths are Made by Walking*. Harare: Weaver Press, 139–63.

GRIFFITHS, Anne (2009a) 'Anthropological Perspectives on Legal Pluralism and Governance in a Transnational World', in M. Freeman and D. Napier (eds), *Law and Anthropology* (Current Legal Issues Vol. 12). Oxford: Oxford University Press, 164–86.

GRIFFITHS, Anne (2009b) 'Law, Space and Place: Reframing Comparative Law and Legal Anthropology', *Law & Social Inquiry* 34(2): 495–507.

GRIFFITHS, Anne (2011) 'The Gendered Dynamics of Land Tenure in Botswana', *Journal of Legal Pluralism and Unofficial Law* (Special Issue on International Development Interventions) 63: 231–62.

GRIFFITHS, Anne (2012a) 'The Changing Dynamics of Customary Land Tenure: Women's Access to and Control over Land in Botswana', *Acta Juridica* 11: 65–96.

GRIFFITHS, Anne (2012b) 'Managing Expectations; Negotiating Succession under Plural Legal Orders in Botswana', in M. Maclean and J. Eekelaar (eds), *Managing Family Justice in Diverse Societies*. Oxford and Portland, OR: Hart Publishing, 221–46.

GRIFFITHS, Anne (2012c) 'Pursuing Legal Pluralism: The Power of Paradigms in a Global World', *Journal of Legal Pluralism and Unofficial Law* 64: 173–202.

GRIFFITHS, Anne and KANDEL, Randy F. (2005) 'Localising the Global: Rights of Participation in the Scottish Children's Hearings System', in F. von Benda-Beckmann, K. von Benda-Beckmann and A. Griffiths (eds), *Mobile People, Mobile Law: Expanding legal Relations in a Contracting World*. Aldershot and Burlington, VJ: Ashgate Publishing, 482–514.

GRIFFITHS, Anne and KANDEL, Randy F. (2009) 'The Myth of the Transparent Table: Reconstructing Space and Legal Interventions in Scottish Children's Hearings', in F. von Benda-Beckmann, K. von Benda-Beckmann and A. Griffiths (eds), *Spatializing Law: An Anthropological Geography of Law in Society*. Aldershot and Burlington, VJ: Ashgate Publishing, 157–75.

GRIFFITHS, Anne and KANDEL, Randy F. (2011) 'Local Responses to National and Transnational Law: A View from the Scottish Children's Hearings System', in A. Hellum, S. S. Ali and A. Griffiths (eds), *From Transnational Relations to Transnational Laws: Northern European Laws at the Crossroads*. Aldershot and Burlington, VJ: Ashgate Publishing, 189–207.

GULBRANDSEN, Ornulf (1980) *Agro-Pastoral Production and Communal Land Use*. Gaborone: Government Printer.

GULBRANDSEN, Ornulf (1986) 'To Marry-or Not to Marry', *Ethnos* 51: 7–28.

HELLUM, Anne, ALI, Shaheen S. and GRIFFITHS, Anne (eds) (2011) *From Transnational Relations to Transnational Laws: Northern European Laws at the Crossroads*. Aldershot and Burlington, VJ: Ashgate Publishing.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

HUBBARD, Phil, KITCHIN, Rob, BARTLEY, Brendan and FULLER, Duncan (2002) *Thinking Geographically: Space, Theory and Contemporary Human Geography*. London and New York: Continuum.

KALABAMU, Faustin and MOROLONG, Siamsang (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Greater Gaborone, Botswana*. Working Paper 3 for project on Informal Land Delivery Processes in African Cities (a Department for International Development Project). International Development Department, University of Birmingham and Department of Architecture and Town Planning and Department of Law, University of Botswana: University of Birmingham.

KERVEN, Carol (1982) 'The Effects of Migration on Agricultural Production', in *Migration in Botswana: Patterns, Causes and Consequences*. Final Report of the National Migration Study 3. Gaborone: Government Printer, 526–622.

KINSMEN, M. (1983) '"Beasts of Burden": The Subordination of Southern Tswana Women, ca. 1800–1840', *Journal of Southern African Studies* 10(1): 39–54.

KOCKEN, E. M and UHLENBECK, G. C. (1980) *Tlokweng, A Village Near Town* (ICA Publication no. 39). Leiden: Leiden University, Institute of Cultural and Social Studies.

KOH, H. H. (2002) 'Opening Remarks: Transnational Legal Processes Illuminated', in M. Likosky (ed.), *Transnational Legal Processes: Globalization and Power Disparities*. London: Butterworths, 327–32.

KUPER, Adam (1970) 'The Kgalagari and the Jural Consequences of Marriage', *Man* n.s. 5: 466–82.

KUPER, Adam (1987) 'The Transformation of Marriage in Southern Africa', in A. Kuper (ed.), *South Africa and the Anthropologist*. London: Routledge and Kegan Paul, 134–47.

LEFEBVRE, Henri (1991) *The Production of Space*. Oxford: Blackwell.

LIKOSKY, M. (ed.) (2002) *Transnational Legal Processes: Globalization and Power Disparities*. London: Butterworths.

LOW, Setha M. and LAWRENCE-ZÚNIGA, Denise (eds) (2003) *The Anthropology of Space and Place: Locating Culture*. Oxford and Berlin. Blackwell Publishing and Carlton.

MANI, L. (1990) 'Multiple Mediations: Feminist Scholarship in the Age of Multinational Reception', *Feminist Review* 35: 24–41.

MARCUS, George and FISCHER, M. (eds) (1986) *Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences*. Chicago, IL: University of Chicago Press.

MAY, Jon and THRIFT, Nigel (2001) *Timespace: Geographies of Temporality*. London and New York: Routledge.

MCBARNET, Doreen, VOICULESCU, A. and CAMPBELL, Thomas (2007) The *New Corporate Accountability: Corporate Social Responsibility and Law*. Cambridge and New York: Cambridge University Press.

MMEGIONLINE (2011) 'Graduate Unemployment Passes 3,000 Threshold', 28(155) 18 October 2011.

MOHANTY, Satya P. (1981) '"Us and Them": On the Philosophical Bases of Political Criticism', *New Formations* 8: 55–80.

MOLENAAR, Marja (1980) 'Social Change within a Traditional Pattern: A Case Study of a Tswana Ward'. Unpublished MA thesis, University of Leiden.

MOORE, Sally Falk (1994) *Anthropology and Africa: Changing Perspectives on a Changing Scene*. Charlottesville and London: University of Virginia Press.

MOROLONG, Siamisung Thoki and NG'ONG'OLA, Clement (2007) 'Revisiting the Notion of Tribal Land', in C. M. Fombad (ed.), *Essays on the Law of Botswana*. Cape Town: Juta Law, 142–75.

NANGATI, Fanuel (1982) 'Early Capitalist Penetration: The Impact of Precolonial Trade in Kweneng (1840–1876)', in R. Hitchcock and M. Smith (eds), *Settlement in Botswana*. Marshalltown: Heinemann, 140–47.

NARAYAN, K. (1997) 'How Native is the "Native" Anthropologist?', in Louise Lamphere, H. Ragone and P. Zavella (eds), *Situated Lives: Gender and Culture in Everyday Life*. New York and London: Routledge, 23–41.

NG'ONG'OLA, Clement (1997) 'Land Rights for Marginalized Ethnic Groups in Botswana, with Special Reference to Basarwa', *Journal of African Law* 41: 1–26.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press

OKIHIRO, Gary Y. (1976) 'Hunters, Herders, Cultivators and Traders: Interaction and Change in the Kgalagadi, Nineteenth Century'. Unpublished PhD dissertation, University of California, Los Angeles.

OKIHIRO, Gary Y. (1981) 'Population Change among the Kwena of Botswana', in C. Fyfe and D. McMaster (eds), *Proceedings of a Seminar Held at the Centre of African Studies, Edinburgh University 24 and 25 April 1981*. Edinburgh: Centre of African Studies, 385–99.

ONG, Aihwa (1996) 'Anthropology, China and Modernities: The Geopolitics of Cultural Knowledge', in H. L. Moore (ed.), *The Future of Anthropological Knowledge*. London and New York: Routledge, 60–92.

PARSON, J. (1981) 'Cattle, Class, and State in Rural Botswana'. *Journal of Southern African Studies* 7: 236–55.

PARSONS, Neil (1977) 'The Economic History of Khama's Country in Botswana, 1844–1930', in N. Parsons and R. Palmer (eds), *The Roots of Rural Poverty in Central and Southern Africa*. Berkeley and Los Angeles: University of California Press, 113–43.

RAMSAY, Jeff (1991) 'The Rise and Fall of the Bakwena Dynasty of South Central Botswana', Unpublished PhD dissertation, Boston University.

SCHAPERA, Issac (1943) *Native Land Tenure in the Bechuanaland Protectorate*. Alice: Lovedale Press.

SCHAPERA, Issac (1947) *Migrant Labour and Tribal Life: A Study of the Conditions of the Bechuanaland Protectorate*. London: Oxford University Press.

SCHAPERA, Issac (1950) 'Kinship and Marriage among the Tswana', in A. R. Radcliffe-Brown and D. Forde (eds), *African Systems of Kinship and Marriage*. London: Oxford University Press for the International African Institute, 140–65.

SCHAPERA, Issac and ROBERTS, Simon A. (1975) 'Rampedi Revisited: Another Look at a Kgatla Ward', *Africa* 45(1): 258–79.

SILITSHENA, R. M. K. (1978) 'Notes on Some Characteristics of Population That Has Migrated Permanently to the Lands in the Kweneng District', *Botswana Notes and Records* 10: 149–57.

SILITSHENA, R. M. K. (1982a) 'Population Movements and Settlement Patterns in Contemporary Botswana', in R. Hitchcock and M. Smith (eds), *Settlement in Botswana*. Marshalltown: Heinemann, 31–43.

SILITSHENA, R. M. K. (1982b) 'Migration and Permanent Settlement at the Lands Areas', in R. Hitchcock and M. Smith (eds), *Settlement in Botswana*. Marshalltown: Heinemann, 220–31.

STEWART, Ann (2011) *Gender, Law and Justice in a Global Market*. Cambridge and New York: Cambridge University Press.

STEWART, Julie (2007) 'I Can't Go to School Today', in A. Hellum, J. Stewart, S. S. Ali and A. Tsanga (eds), *Human Rights, Plural Legalities and Gendered Realities: Paths are Made by Walking*. Harare: Weaver Press, 291–315.

STOCKING, George W. (1992) *The Ethnographer's Magic and Other Essays in the History of Anthropology*. Madison, WI: University of Wisconsin Press.

TIMAEUS, Ian and GRAHAM, Wendy (1989) 'Labour Circulation, Marriage and Fertility in Southern Africa', in R. Lesthaeghe (ed.), *Reproduction and Social Organization in Sub-Saharan Africa*. Berkeley: University of California Press, 365–400.

TLOU, Thomas (1985) *A History of Ngamiland, 1750–1906*. Madison, WI: University of Wisconsin Press.

UNITED NATIONS (2007) 'Second Common Country Assessment For Botswana, Final Report. United Nations System in Botswana, December 2007.

VAN KELEVEREN, Maarten, TUDENS, Kea, HUGHIE WILLIAMS, Melanie and MARTIN, Naria R. (2009) *An Overview of Women's Work and Employment in Botswana* (Working Paper 09–81). Amsterdam: Amsterdam Institute for Advanced Labour Studies, University of Amsterdam.

WILMSEN, Edwin N. (1989) *Land Filled with Flies: A Political Economy of the Kalahari*. Chicago, IL and London: University of Chicago Press.

https://doi.org/10.1017/S1744552313000062 Published online by Cambridge University Press