

## 1 Introduction

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This book is about crime or wrongdoing and its aftermath. More specifically, it is about what happens after rape in the Acholi subregion of northern Uganda.

The international discourse of responding to crime or wrongdoing emphasises ‘justice for victims’,<sup>1</sup> often expressed as a moral and sometimes legal obligation and usually paired with the need for punishment of the wrongdoer. A call for justice and punishment is very familiar in Acholi, which was at the centre of a long (1986–2006) and brutal war during which almost unimaginable violence and other wrongdoing occurred.

War, of course, is an especially conducive environment for rape, and rape was certainly part of the war in northern Uganda. But rape also occurs in many other contexts, perpetrated (mostly) by men of every socioeconomic class, in rural villages and the largest of cities, in the poorest of slums and wealthiest of exclusive neighbourhoods, and in every society and culture. And what happens after rape, even in societies with the most effective legal regimes and moral prohibitions, takes almost as wide a variety of forms as the act itself.

### **The story of two rapes**

The following account describes two rapes in Acholi, and what happened after. Both occurred during the northern Uganda war.

The first took place when a young woman left her home to visit an aunt in a neighbouring village, accompanied by a friend. They walked past a house where a government soldier was sitting outside. He threatened them at gunpoint, tied them, and raped them both. Her friend managed to escape and ran to her aunt’s home, who immediately reported to a nearby military outpost. The soldiers hurried to the home where the remaining girl was still being held and shot the rapist on the spot. The woman’s explanation of what had happened and her reaction

<sup>1</sup> ‘Justice’, ‘victim’, and ‘rape’ are contentious and much-debated terms and concepts that will be examined in more detail later.

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was succinct: ‘He was shot, and I was negative [had not been infected with HIV]. That was enough for me. He did something very dark; I was afraid that he might have killed me after raping me, so it [the shooting and killing of the rapist] was the right thing to do.’

The second rape involved a young woman being raped by her cousin. The woman returned home after it happened and told her stepmother, who probed her for details and then called the clan elders to decide what to do. The woman explained that the elders ruled that her cousin should buy a goat that would be used in a public cleansing ritual. This included sacrificing the goat and then both of them being smeared with fecal material from the goat’s intestines, after which the two were lectured on the perils of incest by one of the elders.<sup>2</sup> ‘It was a fitting punishment’, the woman said, ‘because he was a relative.’ She further explained: ‘It was the right punishment because that is what the elders decided. Also if it [the rape] is cleansed by the blood of the goat then it can never happen again.’ Importantly, the lecture from the elders assured her that she would not be re-victimised despite living in close proximity to her cousin. The goat’s blood, the elders had explained, is only potent to cleanse the polluting spirits once. She knew that her cousin’s behaviour would be inhibited by fear of certain contamination if he ever repeated the act of incest.

Clearly, the circumstances of the two rapes were different, so different response by the victim to what happened to the perpetrator of each is perhaps not surprising. But the extent of difference – death on one hand, paying for a goat, and going through a cleansing ritual on the other – was extreme. And yet in both instances, the woman felt the response was appropriate.

What is most striking about these two cases, however, is that the narrator of both is the same woman.

These responses tell us a great deal not just about this woman (whatever the complex mix of cultural, economic, and personal social influences affecting those responses), and also not just about rape and its aftermath in Acholi. Indeed, we learn something central about Acholi perceptions and practices concerning wrongdoing and justice in general, which in turn informs a central thesis of this book.

### **Social harmony**

Both rapes in the stories above took place in the woman’s early teenage years. In the rapes’ aftermath, one man was shot within minutes of raping her and the other was ritually cleansed (along with the woman). In both situations she felt that the responses to the rapes were appropriate. How

<sup>2</sup> Exogamy is the norm among Acholi clans, and sex between first cousins, as was this case, is a particularly grave transgression.

is this possible? I suggest that her responses to the rapes were less about the acts themselves and more about the web of social and cosmological relationships in which the acts occurred. This web of relationships, in which perceiving the summary execution of one rapist and the ritual cleansing and forgiveness of another is appropriate, is what I term ‘social harmony’.

Social harmony as used in this book refers to a widely shared and highly valued ideal in Acholi society. It denotes a state of ‘normal’ relations among the living and the dead, an idea of cosmological equilibrium, and social balance of power and moral order. As with any social or cultural ideal, it is open to differing interpretations, is not (or not always) accepted by all members of society, and is something that is strived for, even if impossible to fully achieve or maintain.

Social harmony is an ethnographic descriptor rooted in observations of Acholi daily life and crises rather than a specific verbal utterance. To help in grasping the repertoire of norms to which social harmony refers, a few Acholi ideas should be noted. Important among these is the idea of ‘good existence’. At the core, what a good existence means among Acholi is deeply social and cosmological rather than individual. It encompasses the Acholi concept of *piny maber*, or ‘good surroundings’ (which Finnström contrasts with *piny marac*, the ‘bad surroundings’ of the northern Uganda war),<sup>3</sup> and which Okot p’Bitek describes as ‘when things are normal, the society thriving, facing and overcoming crises’.<sup>4</sup>

Rather than focussing on the surroundings or ‘environment’, I want to emphasise ‘good relations’ as the interplay of social and cosmological forces that together make up what I am referring to as social harmony in Acholi, beginning with what is considered *kit mapore* – the ‘right or fitting way/behaviour’ to coexist with one another. Social harmony as employed here evokes a sense of an appropriate way of life, of Acholi propriety, and of the importance of *bed ki woro*, or ‘be[ing] with respect’, for both the living and the dead. These notions are enmeshed in what people refer to as *cik Acholi*, which can be roughly (if inadequately) translated as Acholi ‘law’, which many Acholi invoke – often on both sides of contested issues and arguments – to assert moral probity. *Cik Acholi* is better conceptualised, to my mind, not as ‘established precepts’ but as a loosely constructed repertoire of contested norms.<sup>5</sup>

Social harmony describes this field of local idioms and practices, rather than a translation of any single expression. As John Berger writes, ‘life outstrips our vocabulary.’<sup>6</sup> The word ‘harmony’ typically carries a normative connotation. Here, the term is normative in the restricted sense

<sup>3</sup> Finnström (2008), the main title of which is *Living with Bad Surroundings*.

<sup>4</sup> p’Bitek (1986: 27).

<sup>5</sup> Comaroff and Roberts (1981: 4).      <sup>6</sup> Jackson (1995: 5).

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that it refers to an ideal vision, one that is widely shared among the group of people in my field of study, but not in the sense of implying a universal good or prescription of how things ‘should’ be. This socially constructed vision of social harmony, I propose, provides a general consensus about how life together in Acholi should ‘ideally’ function, shaping – if not wholly determining – peoples’ conscious and unconscious choices.

But this raises the obvious question: whose social harmony? Whom does social harmony in Acholi privilege or benefit, and whom does it not (a question explored further in the next chapter)? Social harmony in Acholi is not always ‘just’ from a human rights perspective. Indeed, the Acholi concept of social harmony sometimes entails – or at least allows or ignores – both structural and physical violence, and is located within particular structures of kinship and norms that often subjugate women and girls. It is also an ideal that typically subordinates individual concerns, whether of males or females, to broader social considerations.

Thus, social harmony in Acholi should not be misunderstood to imply a universally held and coherent system of values and rules. Often, the articulation of Acholi values renders them as much more cohesive, universal, systematic, and ultimately uncontested than their expression in people’s everyday lives. In fact, at times deviation from the norms seems to be the norm – and yet in so doing, people reproduce the notions of what it is they are deviating from.

Contestation and negotiation over normative schemes have long been central concerns in Africanist anthropology.<sup>7</sup> This work investigates and analyses social harmony in Acholi in this light, as a collection of values, concepts, and practices that are neither unchanging nor uncontested. Sixty years ago, Max Gluckman, in ‘The Peace in the Feud’, argued that contestation and conflict in society are normal and, at least within certain bounds, compatible with ‘stability’.<sup>8</sup> In normal social relations there is contestation between persons, loyalties, ideals, customs, and gender norms. For instance, he notes that in systems where continued allegiance to kin is emphasised, spouses are often in conflict. ‘The result is that conflicts in one set of relationships, over a wider range of society or through a longer period of time, lead to the reestablishment of social cohesion.’<sup>9</sup> Recognising that contestation is central to social life, he still described the highly inequitable divisions and oppositions within South Africa with terms such as ‘social cohesion’ and ‘ideological consensus’ rooted in a deep interdependence of interests between subordinate and hegemonic social dynamics.<sup>10</sup> My use of ‘harmony’ does not elide contestation or conflict; indeed, enduring social contest and the word harmony are

<sup>7</sup> Colson (1953), Gluckman (1955, 1971), Turner (1957), Comaroff and Roberts (1981), Hutchinson (1996).

<sup>8</sup> Gluckman (1955). <sup>9</sup> Gluckman (1955: 2).

<sup>10</sup> Gluckman (1971: 127, 134).

experientially resonant among Acholi. Acholi (and other population groups) have an idea of relations having an optimal temperature range; relationships are problematic or even dangerous when they reach the upper limit or boiling point, necessitating ‘cooling’.<sup>11</sup>

This raises the analytic (and methodological) question of what ‘normal’ means, how the abnormal is understood, and how local power dynamics shape the permeable parameters that define the boundaries between the two. Since the 1950s there has been a shift in emphasis particularly in legal anthropology from structure and institution to process and interaction. Though it has been developed in more recent anthropological work, the approach’s origins are generally traced to Malinowski’s *Crime and Custom in Savage Society* (1926), where he described the mechanisms that maintained order in the Trobriand Islands focussing on the ‘function’ rather than the ‘form’ of law – that is, the modes of social control. The shift has enduring implications for where one looks to comprehend logics that animate ‘justice’ processes, or, for our purposes here, the understandings of wrongdoing and responses to it. As Comaroff and Roberts write, ‘behavior is constrained primarily by the intrinsic properties of social relations – obligations, expectations, and reciprocities – and by the exigencies of interaction. It is therefore in social processes, not institutions, that the analysis of order is ultimately to be grounded.’<sup>12</sup> ‘Social harmony’ is a shorthand for the insights gained from observing these ‘intrinsic properties’ of Acholi social relations.

Yet language is inherently limited and the complexity of human experience defies the concepts we employ in our attempts to understand and describe it. As Michael Jackson writes in *At Home in the World*, ‘concepts plunder but never exhaust the wealth of experience. Life cannot be pressed into the service of language. Concepts represent experience at the cost of leaving a lot unsaid.’<sup>13</sup> This is certainly true with the concept of ‘social harmony’. As with any term or phrase we use to describe a particular realm of human experience, it is inadequate. But it is also useful. What I want to capture in the use of ‘social harmony’ is a window into Acholi lifeworlds that sheds light on the existential, cosmological, and profoundly social essence of ‘good existence’, *bed ma ber* in Acholi. I offer the concept cautiously: the indelible ink of a bound book freezes something which is by nature unbounded, unfinished, and constantly evolving. Social harmony and good existence are lived rather than articulated. Acholi ideas of proper social order are best understood in light of the multiple life experiences presented in the chapters which follow – thus relying inductively on their description and interpretation rather than on

<sup>11</sup> Abrahams (1972) discusses the importance of ‘cooling’ in relation to *jok* twins and the possible symbolism of ash in ritual.

<sup>12</sup> Comaroff and Roberts (1981: 12). <sup>13</sup> Jackson (1995: 5).

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taxonomic definitions. These give insight into the constantly evolving body of widely shared values and beliefs to which the concept of ‘social harmony’ draws attention.

Gender provides particularly sensitive insights into social values, and this book focusses on the dynamics of love, relationships, sex, sexual violence, and what happens afterwards. Social harmony, as a concept and description, emerges through the experiences of my informants as a value-laden equilibrium that is sought, constantly negotiated, and regularly transgressed. But the paths to remedy are well-known and regularly traversed.

One important reality that impacts the pursuit of social harmony is that, in many ways, Acholi has been – and remains – on the periphery of Uganda, geographically and otherwise located far from the centres of central government administration and political and economic power. On this periphery, neither justice nor social harmony is safeguarded by an efficient judicial system possessing moral authority. In Acholi, therefore, the pursuit of social harmony (and, secondarily, justice) can be manifested at one extreme as mob violence, organised revenge, collective killing, or summary execution. In other cases, responses focus on cleansing parties and/or locations involved in norm transgressions, or on a concept of forgiveness with similarities to (and often merged with) Christian theological notions. Cleansing and/or forgiveness, however, does not necessarily preclude punishment. Punishment might be considered well deserved – and thus it may be meted out – but this is typically a secondary goal pursued only if it can be achieved without significantly disrupting social harmony.

### **Rape, wrongdoing, and justice**

This northern Ugandan case study investigates the interplay between justice and notions of rape in the Acholi subregion at the intersection of local, national, and international perceptions and practices concerning rape and its aftermath. It focusses on Acholi women from two villages in northern Uganda and the moral community within which they are embedded, offering interpretations of what happens after rape in order to reflect on responses to wrongdoing more generally.

The analysis that follows speaks to two broad areas of concern among scholars and practitioners: (1) crime or wrongdoing and justice, particularly in periods of post-conflict reconstruction; and (2) sexual violence and rape, including but not limited to rape in the context of war. This book provides a detailed portrait of the point where these fields intersect in the context of late-twentieth and early twenty-first-century Acholi in northern Uganda.

The phenomena of wrongdoing/crime and justice have been explored for centuries as human beings grapple with how to respond to the terrible things that we do to each other, as well as how to understand the meaning(s) of justice, theoretical approaches to it, and normative arguments about what it should be.

In the aftermath of war, such questions become even more poignant as those involved with the problems of restoring conflict-shattered societies are desperate for ideas about how to set about beginning a new and less violent chapter. In such moments of transition from a time of war to peace, or from authoritarian rule to one of greater democracy – sometimes labelled ‘transitional justice’ – conventional assumptions about the rule of law are often suspended, exceptions and exceptional measures are considered, and (as in the case of Uganda) technical external donor-driven processes can sometimes move justice processes further away from those most affected.<sup>14</sup>

The second major topic of the book is sexual violence and rape, especially in the context of war. How do we understand and explain rape, and the relationship between conflict and sexual violence? The experiences of my informants defy neat categorisations, and suggest instead that they might better be understood in terms of two different fields of complex human experience. The first is violence directed against women in general – before, during, and after conflict – including cultural and social understandings of gender and ‘normal’ gender relationships between men and women. The second is related to how rape is typically defined along a continuum of levels of force or coercion involved in sexual experiences, which includes attempting to understand exactly what is meant by rape, what explains it, and where the line between acceptable and illicit sex is drawn.

These two areas of enquiry, of course, can only be understood in contexts and through lived experiences. For the present study, the most immediate of these contexts are the northern Uganda war, displacement in Acholi caused by the war, and return since, all of which greatly affect the dynamics examined. It is impossible to know the precise extent of the impact, including how many of the rapes considered in this study would have taken place without the ravages of war. But it is important to note that the majority of cases of sexual violence and responses to this violence that are examined in this book took place during or in the immediate aftermath of war, often in a space created between formal institutions of justice lacking in moral authority and local solutions that were weakened or warped yet remain a prominent part of people’s daily lives. The following section sets the stage for an exploration of

<sup>14</sup> Macdonald (2014).

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underappreciated aspects of Acholi lived reality in the context of the northern Uganda war.

### The northern Uganda war and Acholi realities

The violence that has taken place in northern Uganda since 1986 defies simplistic explanations. It is a challenge to provide a brief history that also conveys a distinctly complex reality. In preparation for this attempt, I asked some Acholi friends what they thought were the really important things that people should know in order to understand their lives. Their answers, unexpectedly, did not include mention of war, violence, or displacement. Instead they emphasised four things: ‘First, the way we live. Second, what we eat. Third, how we marry. And last, what makes us Acholi: the story of Labongo and Gipir’ (the central origin myth of the Acholi). This brief aphorism provides an insightful microcosm of the important orderings of Acholi life, and much of what follows in the subsequent chapters elaborates this. But even to grasp these orderings, some understanding of the war and its disruptive effects is needed.

A series of political changes, military intrigue, and armed rebellions followed Idi Amin’s overthrow in Uganda in 1979. Political loyalty and violent reprisal tended to follow regional lines. Since President Museveni and the National Resistance Army/Movement (NRA/M) took power after a five-year guerrilla war in 1986, most of the country has been increasingly secure and economically stable. However, almost immediately after coming to power, the new NRM government launched a military campaign to stamp out expected opposition in the north, the home region of all previous rulers in post-colonial Uganda. It had the opposite effect, fuelling grievances and sparking a number of armed rebellions. The most enduring and devastating of these armed rebellions has been that waged by the Lord’s Resistance Army (LRA). LRA violence coupled with the government’s policies and response have entrenched regional, social, economic, and political divisions.

The conflict raged for years with relatively little international attention. The consequences of the war are manifold, one of the most devastating of which was the massive displacement of the vast majority of the Acholi population into squalid, disease-ridden internally displaced persons’ camps.<sup>15</sup> At the peak of conflict it was estimated that a million or more Acholi had been displaced (many forcibly).<sup>16</sup> The conditions were appalling. There were devastating fires in the dry season, flooding

<sup>15</sup> WHO (2005a), Acholi Religious Leaders Peace Initiative (ARLPI) (2001: 7).

<sup>16</sup> Numbers of the displaced varied, but UNOCHA (2007) estimated the internally displaced in Acholi that year, following the end of overt violence the year before, at nearly a million – over 90 per cent of the population – with another three-quarters of a million displaced in bordering areas of Lango, Teso, and Madi as well.

in the wet season, a near total lack of protection from LRA violence, and shocking crude mortality rates.<sup>17</sup> All of this prompted some to call the policy of ‘protected villages’ genocide.<sup>18</sup> Although most observers were either less extreme in their views or perhaps questioned the usefulness of applying the genocide label, the fact that so many thousands of people suffered for decades in conditions that far surpassed emergency thresholds generated extensive comment and frequent criticism.<sup>19</sup> In 2004 the situation prompted Jan Egeland, the UN’s chief humanitarian officer, to call the situation ‘the biggest neglected humanitarian emergency in the world’.<sup>20</sup> Chris Dolan described the policies of the Ugandan government in general during the war, and the policy of forced encampment in particular, as constituting ‘social torture’.<sup>21</sup>

Two features of the conflict that have received much scholarly and popular attention are the abduction by the LRA of thousands of young people and the phenomenon of ‘night-commuting’, young people leaving their homes, or more often the camps, to sleep wherever they could in the relative security of towns.<sup>22</sup> Many other camp residents spent hundreds of nights hiding in fields or the bushes attempting to avoid death or capture, primary school students risked death or abduction on walks to or from school, and the abundant and often rich land north of the Nile was left abandoned while displaced people waited on handouts from the World Food Program.

In July 2005 the International Criminal Court (ICC) issued its first public warrants, targeting five of the top LRA commanders and thrusting Uganda into the centre of justice debates. One year later, in July 2006, peace talks officially began in Juba between the LRA and the Government of Uganda, mediated by the South Sudanese. As part of the negotiations, an agreement was eventually reached between the two delegations on

<sup>17</sup> See, for example, Accorsi et al. (2005) and the report by Human Rights Focus (HURIFO) (2002). A UN report likewise estimated an average of over 1,000 excess deaths per week (2005a: ii).

<sup>18</sup> Obote (1990), Otunnu (2005, 2006), Whitmore (2010).

<sup>19</sup> Weeks (2002), Mukwana and Ridderbos (2008).

<sup>20</sup> Egeland’s comments have been reported widely – see, for example, *The Guardian* (UK), ‘Northern Uganda “world’s biggest neglected crisis”’ (22 October 2004).

<sup>21</sup> Dolan (2009). For other important overviews of the war, see Finnström (2008), Atkinson (2010a) Lamwaka (2016), and Branch (2011).

<sup>22</sup> For analysis on child soldiers see Drumbl (2012) and Dunson (2008). The numbers of estimated abducted children/people have been diverse depending on the method and criteria applied to ‘abduction’. Sometimes only those who were abducted and then held for two weeks were counted; others were counted if they were held over six months. By 2005, nearly 27,000 children and adults had passed through reception centres for formerly abducted people – see Allen and Schomerus (2005: 40). This number, however, does not consider those who were dead or missing, those still in the LRA, or those who returned but never passed through a reception centre. A Berkeley-Tulane survey (2006) estimated that as of April that year, the LRA had abducted between 24,000 and 38,000 children and between 28,000 and 37,000 adults. See also Pham et al. (2007).

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accountability and reconciliation, commonly referred to as ‘Agenda Item Three’, although it left outstanding the critical issue of the fate of those wanted by the ICC. By April 2008, the negotiating teams reached a final peace agreement. However, LRA leader Joseph Kony twice failed to sign it when scheduled – first in April, then in November of the same year.<sup>23</sup> Consequently, neither did President Museveni, and although the government affirmed its commitment to uphold its side of the agreement there has been limited follow-through over the years since.<sup>24</sup>

The agreements which were reached comprised some impressively comprehensive components, which if fully implemented would have gone a long way towards addressing grievances shared by many northern Ugandans. The absence of signatures on the agreement created an atmosphere of uncertainty and frustration. This affected families’ decisions about whether to leave the camps and move back (or at least closer) to their customary land, and for some years after, most people chose to keep at least one foot in a main or satellite camp.<sup>25</sup> However, by 2010 it was estimated that the vast majority of those displaced at the height of conflict had returned to their areas of origin or re-settled elsewhere.

In December 2008, the Ugandan army – with US planning, logistical, and financial support, and mostly token military cooperation from the Democratic Republic of Congo (DRC), Central African Republic (CAR), and South Sudanese – launched a botched military operation against the LRA, then mostly located in the DRC. The initiative, called Operation Lightning Thunder, failed to achieve its stated objectives to destroy the LRA military capabilities or capture or kill their leaders. Instead, a resurgence of LRA attacks against civilians ensued, displacing

<sup>23</sup> The Final Peace Agreement (as a series of separate documents) can be accessed at Beyond Juba, <[http://www.beyondjuba.org/BJP1/peace\\_agreements.php](http://www.beyondjuba.org/BJP1/peace_agreements.php)> (accessed 1 August 2016). For discussions of the peace talks, see Atkinson (2010a), Schomerus (2012).

<sup>24</sup> Many Acholi have interpreted the government’s failure to fulfil many of its commitments made in Juba as yet more evidence of President Museveni’s untrustworthiness. For example, in February 2013 the Acholi Parliamentary Group held a widely publicised community meeting in a crowded Pece Stadium in Gulu to discuss a proposal to create a new country, ‘the Nile Republic’, out of the territory north of Karuma. The main driving factor behind this patently unrealistic idea was the limited implementation for years of a highly touted Peace Recovery and Development Plan (PRDP) for war-affected areas (and, more recently, the embezzlement of vast sums from the plan). Nothing had materialised from this at the time of writing, but the anger and continued feeling of grievance were palpable. For a report on the PRDP, see Refugee Law Project (2008b), ‘Is the PRDP politics as usual?’. <<http://www.refugeelawproject.org>> (accessed 1 August 2016), where the PRDP document itself can also be found. For an official report documenting massive fraud and diversion of PRDP funds, see the Auditor General’s report, Muwanga (2012).

<sup>25</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA) (2007: 2). How voluntary or forced the return of internally displaced persons (IDPs) was is debatable – see ‘IDP camps close in December’, *New Vision* (30 October 2006); ‘IDPs given until 31 December to leave the camps’, *Daily Monitor* (31 October 2006).