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After rape: Comparing civilian and combatant perpetrated crime in northern Uganda

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SYNOPSIS

This article explores responses to rape in northern Uganda. The continuum of violence that women experience, before, during and after war is well noted, yet how this relates to exceptional approaches of transitional justice is underexplored. Based on three years of participant observation and in-depth interviews with a random sample of 187 women from two Acholi villages, this article focuses on a comparison between rapes perpetrated by combatants and civilians, both of which followed abductions that were intended to result in "marriage." The comparison illustrates how experiences of rape do not fit neatly into "war" and "ordinary" categories, and rather suggests that a more useful way of conceptualizing women"s experiences comes from understanding how particular circumstances of rape shape the social harm she suffers. It shows how experiences of rape and the harm it causes are predicated on understandings of wrongdoing related to challenges posed to social harmony.

Introduction

This study considers rape and what happens afterwards in two Acholi villages. It includes those perpetrated by combatants and civilians, during war as well as in peacetime. The various responses to rape perpetrated by both, I argue, are illustrative of responses to crime or wrongdoing more generally.

The international discourse of responding to crime or wrongdoing emphasizes "justice for victims," often expressed as a moral and sometimes legal obligation usually paired with the need for punishment of the wrongdoer. Such a call for justice and punishment is familiar in Acholi, which was at the center of a long (1986–2006) and brutal war where almost unimaginable violence and other wrongdoing occurred. Towards the end of this conflict, in 2005, top leadership of the notorious Lord's Resistance Army, or the LRA, were the targets of the first public arrest warrants issued by the International Criminal Court. Northern Uganda was thrust to the heart of international justice debates, yet very little was known about Acholi notions of crime and wrongdoing and appropriate responses to them.

Deeper understanding comes from appreciating the social and cultural context in which notions of justice are formed and understood, rather than looking at crimes of war as divorced from the rest of lived reality. Reflecting on the experiences of women in this study who had been raped by civilians and those raped by combatants, it is clear that their conceptions of crime, accountability and appropriate ways to redress wrongdoing are intricately related, and are closely linked to notions of moral community and how to restore social harmony — whether the violence was socio-political or not.

Many scholars have noted the continuum of violence that women experience, before, during and after war (Cockburn, 2004; Nordstrom, 1997a, 1997b, 1999). Boesten's work in Peru (2010), where the military systematically perpetrated rapes against Andean women, shows how conflict-related rape built on and reproduced pre-existing race, class and gender relationships. Chris Coulter has depicted ways that prevailing notions of gender affected experiences of young women and girls in northern Sierra Leone while they were among the rebels and when they returned home (Coulter, 2006). In his insightful book on northern Uganda, Sverker Finnström touches on the

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issue of rape (Finnström, 2008: 191, 180–183). Discussing the work of Turshen he writes that in order to sustain insurgencies in Africa, "rebels often live off the land. For this to be possible, the effort to control women's productive labor – as porters, farmers, cooks, cleaners, launderers, tailors, and sex workers – becomes an asset transfer in civil war" (Turshen, 2001: 78–96). While this is certainly true of war, it may equally be true in peace. The power of men in an agrarian society is sustained by their ability to live off the land and therefore to control women's productive labor. As Nordstrom writes, there is a strong link between the treatment of women in war and peace (Nordstrom, 1997a, 1997b). What people accept in peace helps shape what they will tolerate in war.

Others have complicated the notion of rape as a weapon of war. Erin Baines has emphasized the political nature of rape in the context of forced marriage in the LRA and how abducted girls became politicized within the group. The practice of combatants in the northern Uganda war, and in others, to force women or girls into marriage has political instrumentality. This should not be glossed over, as it is one way to incentivize fighters and insure loyalty (Blattman & Annan, 2010), and, as Baines argues, is a way of imagining a "new Acholi" nation (Baines, 2014). But this practice is also sexual. In the present study, women who had been abducted into the LRA distinguished between encounters in "the bush" which seemed to be more about sex, and those that were about punishment. Baaz and Stern in their research on why soldiers rape in the Democratic Republic of Congo (DRC), found a related distinction in the way that sexual violence was characterized – either as "lust" rapes tied to the male libido, or "evil" rapes driven by anger or rage and intended to shame and debase. And while the former were reprehensible they were morally more tolerable than the latter (Baaz & Stern, 2009). Cynthia Enloe outlines three different types of militarized rape in the context of war. Two of these are related to the idea of rape as a weapon of war – national security rape and systemic mass rape. The third is "recreational rape" (Enloe, 2000: 111,123, 132).

The continuum of violence in the Acholi context as it relates to rape is more complicated than simple links between pre-war, war-time and post-war rape. As will be elaborated below, the circumstances under which women experience crime or wrongdoing, including rape, affect greatly the perceptions of those experiences and what would constitute just responses. Rape is a problematic category imbued with legal meaning yet with varying social interpretations. Despite its ambiguity, most legal definitions of rape, broadly speaking, include fundamental aspects of forced or coercive sexual intercourse.[1] Yet, social understandings of what constitutes illicit sex and how it should be responded to often differ, though they may overlap. As will be argued, a crucially important notion shaping these perceptions is the importance of social harmony. Social harmony as used here refers to a highly valued ideal in Acholi society. It denotes a state of normal relations among the living and the dead, linked to an idea of cosmological equilibrium and a social balance of power and moral order (Porter, 2012).

The reflections offered below are based on three years of participant observation focused on the aftermath of sexual violence. At the beginning of this time, I interviewed 187 women, drawn from a random sample in two villages. Just over 40% (76) of the women interviewed shared having been raped, some multiple times and by different people, bringing the number of situations of rape they experienced to 94.[2] These figures represent the more legal understanding of rape as sexual intercourse that was without consent or took place in circumstances that were coercive. These women described their experiences as unambiguously forced, and in all but a few situations (characterized by deceit, drugs or exceedingly coercive environments) as physically violent.[3] These 76 women were interviewed in greater depth and key informants were drawn from this group.[4] Among Acholi, I have found, that the primary moral imperative in the wake of wrongdoing is not punishment of the perpetrator or individual victim's rights but the restoration of social harmony. A close look at women's experiences of civilian and combatant rape, and what happened after, in the context of the northern Uganda war is illustrative of the emphasis on the social, rather than individual suffering.[5]

This article focuses on a particular comparison: rapes by combatants compared with rapes by civilians, both of which follow abductions intended to result in "marriage." With respect to combatants, one of the most widely known practices of the LRA has been the abduction of children and youth. For many young women and girls abducted by the LRA, their abduction was followed by "forced marriage," where the girl or young woman was given to a man within the group to act as his "wife" (Amnesty International, 1997; Blattman & Annan, 2010; Human Rights Watch, 1997, 2003a, 2003b). Members of the LRA perpetrated thirteen of the 94 incidences of rape reported in this study. Six of these were in the context of a forced marriage.[6]

The practice of combatants capturing and abducting women or girls with the intention to make them wives within the group that captured them is not, of course, solely an LRA tactic (Kelly, 2000). Indeed, it seems to have been a feature of raiding and warfare for as long as these have existed. In Acholi, this can be clearly seen during the late 1800s, as part of raids by Arabic-speaking ivory and slave traders (called *Kutoria* by Acholis), along with co-opted Acholis (Atkinson, 2010: 267–68).[7]

Nor is such a practice in more recent Acholi history limited to combatants. In this study, out of 94 incidents of rape reported, ten involved being captured, abducted, and then raped by a civilian who intended to make the girl or woman his wife. Such "marriage by capture" in Acholi has a history that extends back in time before the war, though this is not often discussed or acknowledged today (p'Bitek, 1964). The prevalence of women in the present study who report this experience (over 5% of the sample from the two project villages) suggests that it remains one of the ways in which "beginning a home" takes place. The first task of this article, then, will be to examine the differing responses in Acholi to: (i) women who were abducted, raped and coerced into "forced marriage" by the LRA, and (ii) women who faced similar circumstances of abduction with intent to marry, but at the hands of civilians (Fig. 1).

Each incident of rape examined in the pages below – and the responses to them – includes unique circumstances that muddy the neat categories in the chart below. And many of these unique aspects will be noted. But the differing responses in each category for comparison, as will be seen, also share crucially important features that provide further insight into general Acholi notions of crime or wrongdoing and their aftermath. The evidence points to the fundamental importance