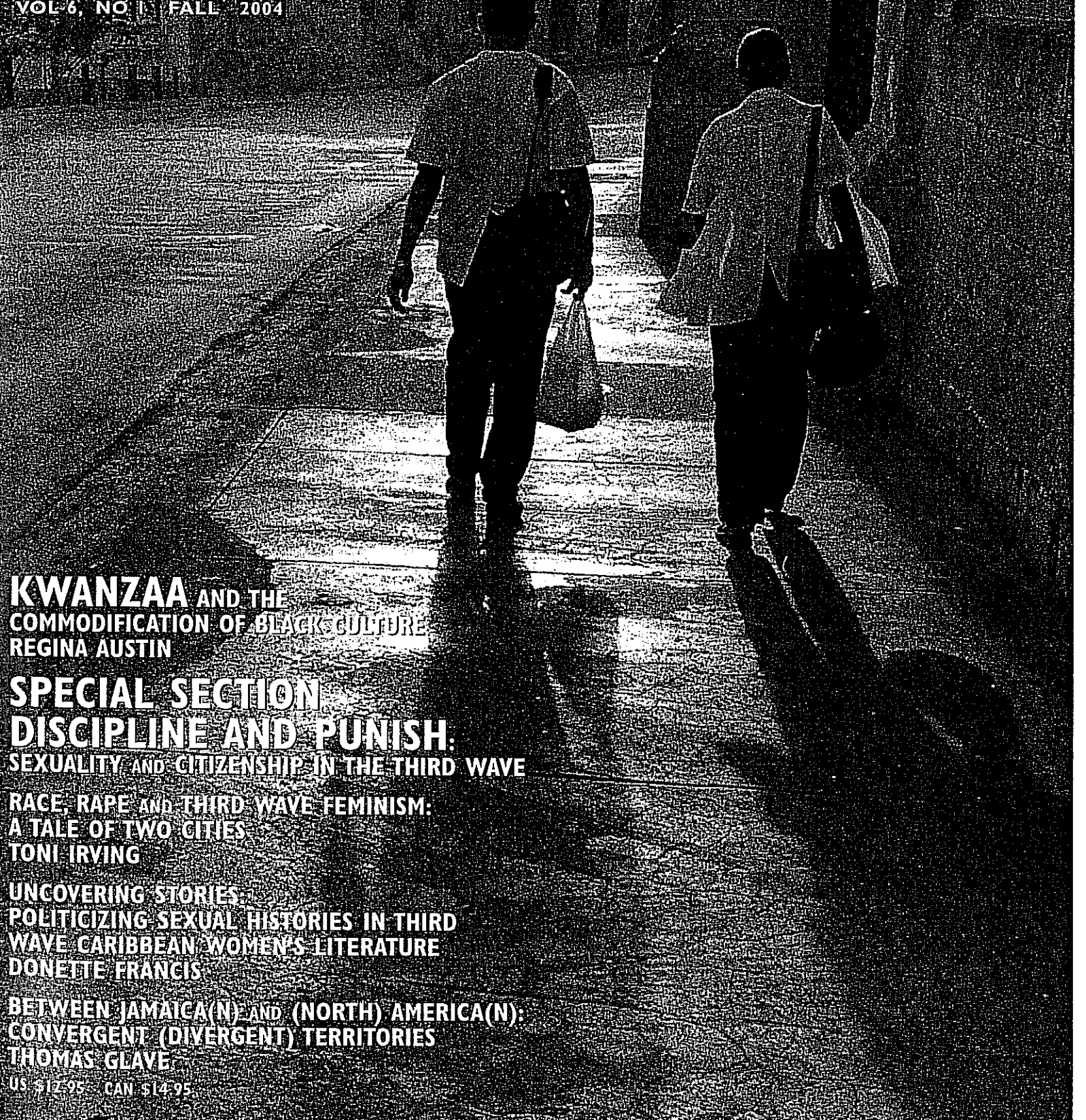


# THE RENAISSANCE FORUM

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**KWANZAA AND THE  
COMMODIFICATION OF BLACK CULTURE**  
REGINA AUSTIN

**SPECIAL SECTION  
DISCIPLINE AND PUNISH:  
SEXUALITY AND CITIZENSHIP IN THE THIRD WAVE**

**RACE, RAPE AND THIRD WAVE FEMINISM:  
A TALE OF TWO CITIES**  
TONI IRVING

**UNCOVERING STORIES:  
POLITICIZING SEXUAL HISTORIES IN THIRD  
WAVE CARIBBEAN WOMEN'S LITERATURE**  
DONETTE FRANCIS

**BETWEEN JAMAICA(N) AND (NORTH) AMERICA(N):  
CONVERGENT (DIVERGENT) TERRITORIES**  
THOMAS GLAVE

US \$12.95 CAN \$14.95



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# SUGAR DADDIES AND SEXUAL CITIZENSHIP IN UGANDA: RETHINKING THIRD WAVE FEMINISM

SHANTI A. PARIKH

*Global Connections, National Reform, and  
Local Realities: A Feminist Predicament*

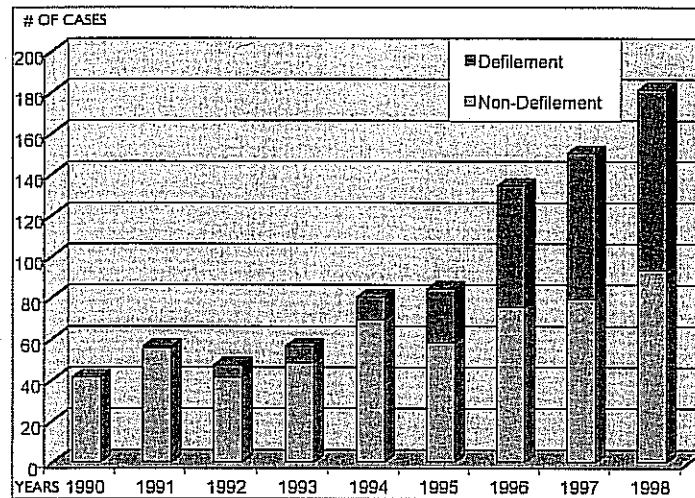
**D**uring the summer of 2002, while conducting follow-up fieldwork in a rural community in Uganda, I was asked to facilitate an evaluation workshop on the age of sexual consent law. Organized by the Save the Children Denmark (SCD) branch in Uganda's capital, Kampala, it was attended by ten participants—nine Ugandans and one Danish, eight females and two males—who worked on child sexual abuse with six different agencies. It had been slightly over a decade since women activists and children's rights advocates won the hard-fought battle to

increase the age of sexual consent for females from 14 to 18-years-old and to set the maximum punishment for defilement to death by hanging. According to Section 123 of Ugandan Penal Code (cap 106) as amended in 1990, a male of any age who has sexual intercourse with a female under legal age of 18-years-old, whether she consents or not, is guilty of defilement. While the reported number of sexual abuse cases had dramatically increased since the mass education campaign and training of judicial agents began in 1995, activists felt that little change in social attitude accompanied the increased reporting. Ethnographic research I had conducted on the topic also indicated that the change in atti-

tude had not occurred as expected and that local communities were using the law in ways that were neither foreseen nor intended by the law's advocates.

I became acquainted with SCD the previous year when a woman who worked at the headquarters in Denmark attended a lecture I delivered to NGOs and other researchers at the University of Copenhagen. In the talk I argued that the sharp increase in the number of reported defilement cases in the Iganga<sup>1</sup> District Chief Magistrate's Court, from zero in 1990 to 49 percent

of all criminal cases in 1998, serves as evidence that the defilement campaign and the mass media have had an effect in raising awareness within communities [see graph 1]. By the late 1990s, defilement charges comprised the greatest number of cases of the five criminal offenses, reported over and beyond murder, robbery, rape, and treason. The dramatic rise in the number of defilement cases accompanies an increase in the total number of capital cases reported to the District Court Magistrate, pointing to an overall greater trust in and knowledge about the formal judicial system. The effect of the awareness campaigns on local understandings of female sexual rights and male sexual privilege, however, is less clear from quantitative data. For instance, the fact that rape was the least-reported criminal offense and defilement the highest requires analysis of cultural understandings of how consent, acceptable non-consensual sexual acts, and sexual violation are linked to changing conceptions of female sexuality. Buttressing my talk with ethnographic data, I highlighted how adults in the com-



Graph 1. Criminal cases brought to the Iganga District Magistrate's Court, Defilement vs. Non-Defilement Cases, 1990-1998.

munity used the age of consent law to regulate relationships of young people instead of prosecuting those the women activists intended to address; the Defilement Law had allowed women activists to challenge male sexual privilege in a seemingly safe way by invoking the symbol of the innocent child. In such cases, women are not asking for their own rights, rather they call on men to stand by them to protect their innocent daughters, sisters, and nieces from preying men. However, there was frequent misappropriation of the law. Specifically, the average age of the accused male defiler in the Chief Magistrate's court registry was 21.5-years-old, while the targeted perpetrators included "sugar daddies," pedophiles, and families who arranged for child marriages.

The term "sugar daddy" has become a popular label in the media, everyday talk, and literature about the AIDS epidemic in Africa. The commonplace term refers to a wealthy middle-age man who provides gifts or money—especially, for school fees or hygiene products—to adolescent girls in

exchange for steady and reliable sexual favors. When this figure appears in the local papers, his image is marked with a large belly, a button-up colored shirt and tie, dress shoes, and often a lascivious smile. He is, in many ways, the symbol of modernizing Africa—promising yet contradictory, enterprising yet opportunistic. Pronounced gender inequity that underwrites the sugar daddy phenomenon has stimulated much international critique and fed into common Western notions of male African sexual licentiousness. On October 6, 2002, *The Washington Post* ran a story headlined: “The Sugar Daddies’ Kiss of Death.” The accompanying picture features a row of smiling, full-figured schoolgirls dressed the classic British-colonial influenced uniforms—a skirt that falls six inches below the knee, a white short sleeved cotton shirt, a neck-tie, and black shoes and white socks. The caption reads: “In sub-Saharan Africa, a generation of girls is at risk of being wiped out. Advances in AIDS awareness have been undermined by the unsafe sexual relationships between older men and younger women.”

Regardless of Western stereotypes, the discussion of sugar daddies occupies a central place in social commentary within Africa. Discussing the sugar daddy stereotype as it exists among the Chaga people who live around Kilimanjaro in Tanzania, Philip Setel writes:

The large gifts aided in the seduction of the young women by tempting her to accept a suitor much older than herself, and presumably one who was not sexually desirable. For his part, the man presum-

ably got access to a virginal school-girl who supposed pristine condition was a guarantee that he would not acquire HIV from her. Naturally, the concern was that the vulnerable schoolgirls would either become pregnant and/or infected with HIV by their partners.... It appears, however, that the social and legal sanctions against such men were so mild that few families pursued the matter if the ostensible father refused to honor his commitment.<sup>2</sup>

Similar to the Tanzania community in Setel’s study, neighborhoods in Uganda often have little power to punish such men. Because of their economic status and important role in communities as employers and patrons, these wealthy men represent the hope of many African communities; hence they remained safely outside public critique. Uganda women reformers, however, boldly made such men a main target of their public campaign, seeking to expose their hypocrisy—social do-gooders yet sexual predators—and bring public debate to a relationship of power that had been long beyond reproach. Through stories, reports on female MP speeches, and comic strips, the media has circulated this feminist attack on male sexual privilege throughout Uganda. It was the discrepancy between the widespread criticism of sugar daddies and local uses of the law to police youth sexuality that initially intrigued me and that fueled my talk in Copenhagen.

The Copenhagen conference led to series of e-mail exchanges between the Danish SCD employee in Copenhagen, the Ugandan deputy director of SCD in Kampala, and me in the United States. Our common interest in child sexual abuse, and our respect for Uganda’s impressive women activists who

spearheaded the 1990 legislation and 1995 mass campaign, eventually culminated in the 2002 Kampala workshop. In sharp contrast with the themes of increasing youth agency and challenges to parental authority that emerged while I conducted ethnographic research on the issue from 1996 to 2002 in Iganga District, much of the workshop conversation contained criticism about corrupt and apathetic state officials, and was framed by children's rights discourse as outlined by the United Nation's 1989 Convention on the Rights of the Child, which is itself based on universalist notions of individualism, rights, and personhood. What participants in the workshop identified as a problem emerging from lack of protection for children and extreme gender inequalities, residents of Bulubandi village viewed as emerging from a "world just getting confused," cultural dislocation, and young people's social independence from families. Whereas participants of the workshop regarded structural change as the answer to the unflagging problem of sexual abuse among girls, structural change was the problem for residents in Bulubandi, as it led to the blurring of boundaries between past and present, age groups, state, and family. In retrospect, what is striking about the discord between workshop participants and residents of Bulubandi is the way the nation-state and other catalysts of change become differently formulated in understandings of sexual propriety, gender, age, and sexual citizenship.

The 2002 workshop challenged me to critically reflect on my role as a black feminist scholar from a rich nation engaged in research

on female subordination in a poorer nation. The rich-nation/poor-nation relationship is no doubt embedded in a longer history of imperialism, exploitation, and more recent neo-liberal policies, and this further complicates how I thought about my role as a First World feminist of color. I was left with the question: How in a post-colonial, twenty-first century can First World feminist scholars bridge the

**In the process of debating age of consent and "protecting" girls, female sexuality becomes the battlefield on which various players struggle to redefine morality and regulate adolescent sexuality.**

historically pervasive divide between theory and practice on one hand, and Third World and First World feminists on the other hand? How can one simultaneously assist and critique social movements already underway in poorer nations while not falling into cultural imperialistic, ethnocentric, and ideological evangelical modes?

To address this, I propose an activist research agenda for feminist scholars engaged in theoretical enquiries with historically marginalized populations whether abroad, at home, or in transnational spaces. The struggle to balance scholarship with social activism has been a central dilemma in the professional lives of women social scientists (and women academics in general) since the first cohort entered graduate programs in the early twentieth century in the U.S. Yet despite attempts to bridge theory and practice by previous generations of feminist scholars, patriarchal structures of academia still give little weight to practical applica-

tions of our work. Thus, many scholar-activists often find limited space within academia to critically discuss research agendas that attempt to advance theoretical knowledge while simultaneously ameliorating problems associated with various forms of inequality. Concurrently, the increasing insularity within academia—partly brought on by postmodernism's self-reflexivity and linguistic turn to deconstruction—comes

can illuminate ways in which national intervention strategies get implicated, accessed, and reworked in daily life. Specifically, the unintended use of the Defilement Law points to an uneasy space in Uganda's changing sexual landscape that begs for greater historical and cultural analysis. In my examination of the age of consent law, I pay particular attention to the discursive production of the law and how it becomes deployed on the ground

**The guilt from being tied to colonial and neo-imperialist expansion projects has led some anthropologists to shy away from assisting with solutions to obvious inequalities and injustices throughout the world, including those within our own country. The reluctance among academic anthropologists to engage with policy and other interventions has been the source of discussion at professional conferences, yet public anthropology remains on the margins of the discipline.**

in ways that often reinforce rather than challenge the patriarchal structures that planners sought to transform. An analysis that works between national planners and local actors must appreciate the process through which information about a reform gets woven into public culture and the

precisely at the moment when the need for feminist activist research takes on a renewed significance and importance. As the gap widens between rich and poor nations, globalization brings along new forms of masked domination and rationalized exploitation. Hence, in a time when we are tempted to retreat into the safe corridors of the Academy, feminist scholars need to find new ways to make our work relevant to the everyday lives of people we study.

In this article I attempt to demonstrate how an engaged ethnography and a sliding analytic framework that moves from policy-making at the national level, to media representations, and to everyday encounters of rural residents,

discursive constitution it assumes. As scholars of post-colonial Africa have noted, mass-mediated technologies (such as radio, newspapers, T.V., cinema, videos, and the internet) are already central to the generation, circulation, and transformation of ideologies in Africa. Like other reform campaigns, the anti-defilement crusade relies heavily on the mass media and local cultural productions in shaping public opinions. Ethnographic methods that privilege everyday practices, narratives, and cultural productions allow us to investigate how mass-mediated messages become localized, re-packaged, and deployed by historically and socially situated agents. It becomes apparent that in the process of

debating age of consent and “protecting” girls, female sexuality becomes the battlefield on which various players struggle to redefine morality and regulate adolescent sexuality. Furthermore, the destabilization of forms of sexual citizenship that were historically determined by one’s relationship to the patriarchal center, leads to intense public scrutiny and local regulation, surveillance, and monitoring of the female body.

### *Dueling Causes: Scholarship as Knowledge or Policy?*

Since the 1920s feminist social scientists have debated ways to use scholarship to advance knowledge and to promote social reform. The first generation of feminist scholars believed that positivist methods of social science based on truths and objective scientific method would provide reasons for gender inequalities and definitive ideas for social reform. Although they were committed to social reform for women, it certainly did not include all women. Women of color and poor women often fell outside their primary area of concern either because white elite sentiments about class and race influenced early feminists’ ideas or because they believed that social reforms would eventually trickle down to women on lower social rungs. Political and social movements that culminated in the U.S. in the middle of the twentieth century interacted in profound ways with academia, triggering a reinvention of paradigms and sets of questions. The rise of Black Studies in the 1960s and Women’s Studies in the 1970s challenged social scientists to reconsider the power relationship between researcher and

subject. This second generation of feminist scholars—coming of age within the politically charged and generationally divided atmosphere of the 1960s and 1970s—directly interrogated how capitalism, sexism, racism, and heterosexism shaped local situations as well as research inquiries and methods.

Within these wider shifts of feminist scholarship, black feminist scholarship has continually asserted that knowledge production is neither a neutral enterprise nor an exact science; rather, they recognized the power relationships embedded within research on domestic or foreign Others and the need for scholars to situate ourselves and our perspectives within this process. Given the impressive legacy of black feminists, third wave feminist scholars have an obligation to our ancestors, disciplines, communities, and ourselves to strengthen alliances and refine theoretical frameworks and tools of inquiry.

Post-colonial critiques of anthropology examined the discipline’s birth as intricately tied to strategies of European colonial expansion and domination, Western capitalist expansion, and the formation of current racial hierarchies.<sup>3</sup> Such critiques have led some anthropologists to withdraw from doing applied research in the non-European sites that historically typified the discipline. While many earlier anthropologists proclaimed themselves, and relatively speaking were, liberal advocates of the (black-, brown-, and yellow-skinned) colonized peoples they studied, the language of their ethnographies revealed underlying assumptions about native inferiority and further served as justification for exporting Western versions of progress and modernization.<sup>4</sup> In her forward to a

recent edited volume on Black feminist anthropology, Johnetta B. Coles, anthropologist and President Emerita of Spelman College, sums up the critique of ethnographic imperialism in three questions:

Why were virtually all of the folks studied poor people of color from non-Western cultures and virtually all of those doing the studying white, middle-class men from the United States and Europe? Why did the results of these studies end up in publications that not only were inaccessible to the people who had been studied but made little or no contribution to improving the conditions of their lives? And why was so much emphasis put on the need for objectivity?<sup>5</sup>

As anthropologists reflected on the discipline and more women and people of color entered graduate programs, greater attention was paid to methodology and representations of the Other. The guilt from being tied to colonial and neo-imperialist expansion projects has led some anthropologists to shy away from assisting with solutions to obvious inequalities and injustices throughout the world, including those within our own country. The reluctance among academic anthropologists to engage with policy and other interventions has been the source of discussion at professional conferences, yet public anthropology remains on the margins of the discipline.

Recent appreciation of the researchers' subjectivity, power relations in the research process, and multiple and shifting identities of the researcher/informant relationship has

brought much needed self-reflexivity, humility, and honesty into ethnographic writing and research methods. Self-reflexivity—although criticized for being non-committal, ego-centered, and too “postmodern”—has merged with discourses of alliance-building between so-called Third World and First World feminists to allow for an honest interrogation of the concept of global sisterhood. We can no longer claim to speak for the (oppressed) Other; rather, we need to actively participate in the creation of avenues of expression for people historically muted on the global stage. We cannot take for granted, however, that once the historically muted communities have a channel for public expression that they will allow for the expression of others. We are reminded by Irma McClaurin and other contributors of her recent edited volume, *Black Feminist Anthropology*, white feminists often neglect to acknowledge or cite the works, ideas, and participation of black anthropologists, even though they borrow heavily from our hallway commentaries and we otherwise actively participate in the creation of knowledge and theories that eventually appears in their thinking and writing.

Feminist scholar-activists agree that there is an urgency to reexamine the paradigms guiding our work. Not only has the gap widened between the rich and the poor, but today's global network has connected (and hence further empowered) those who dominate while simultaneously fragmenting subordinate, poor, and disenfranchised groups into seemingly disparate entities. In the modern world where access to rights, resources, and protection has shifted from

kinship and local patron/client ties to the nation-state and global networks, notions of citizenship (historically a male privilege) take on increasing importance and yet become difficult for some to obtain—mainly women and the poor. Those lacking full citizenship are further distanced from policy-making institutions and key outlets that produce and circulate knowledge globally and nationally. Technological, economic, scientific, governmental, and media advances have generated and perfected subtle forms of domination that cloak, naturalize, and systematize disparities, and which distance feminist scholars' role and responsibility in rectifying global suffering of women and the poor. Yet as the boundaries between academics and activism seem to widen and solidify, various forms of intervention (whether state, developmental, science, media, or policy) become the object of our rigorous analytic gaze and social critique, but not an integral part of our research process. In other words, as academics increasingly critique policy and intervention, the number of those involved with applying their work to policy and local empowerment appears to be in decline.

Feminist anthropologists and other social scientists conducting research within communities are ideally situated to not only agitate for, but also to critically examine interventions that promote social, economic, and structural change. By combining ethnographic methods that privilege local narratives and everyday practices with critical theory that examines historically produced

inequalities, we can call attention to fissures, contradictions, and unintended consequences of policy, programs, and other interventions intended to empower. Feminist ethnography can provide nuanced understandings of how policies and programs play themselves out locally by examining how these reformulated discourses are appropri-

**For women activists, raising and enforcing the age of consent law is an attempt to address persistent gender inequities by redefining them as a result of illegal sexual behavior with under-age girls.**

ated and deployed. This gendered and racial localization process of social reforms and policies warrants more systematic investigation, as does the "participatory" process through which contemporary development claims to operate.

Our feminist challenge is twofold. We can no longer simply claim to speak for the marginalized but we must disrupt structures, including academic ones, that have kept groups from speaking for themselves in national and global outlets. Second, in a period when indigenous knowledge and democratic participation are becoming the focus of international development theory and practice, we need to bring a critical lens to how policies, programs, and other interventions intended to protect and empower local populations—and women specifically—function in everyday practices. For example, how are policies appropriated and deployed locally in ways that reproduce and reify existing hierarchies

rather than challenge them? And what does this tell us about different priorities between women reformers and everyday women we seek to empower?

*Ethnographic Locations: Time, Place, and Changing Sexual Landscapes*

This article is based on three years of ethnographic field research, spanning from 1996 to 2002, in Iganga District and surrounding villages in eastern Uganda.<sup>6</sup> It is also informed by historical ethnographic records,<sup>7</sup> as well as

**The female body, because of its association with disease, reproduction, and sexual imagery, is continually targeted as a site for regulation by the state, local communities, and public health agencies. One of the greatest public controversies emerged in regard to the age at which a male can legally have sex with a female.**

interviews, conversations, and interaction I had with policy-makers, health officials, and representatives of the mass media based in Kampala, the nation's capital. Residents of Iganga area are predominately Lusoga-speakers and are primarily engaged in agricultural sectors. While the majority of residents live in villages outside the urban center, Iganga town serves as a key space for economic, social, and political exchanges. There is a constant circular flow of people, information, and goods between town and village, blurring the distinction between rural and urban. To meet cash needs, many rural households supplement their income with small cottage indus-

tries (such as brick-making or mat-weaving), wage labor, or market activities in Iganga town. Young people also venture daily to Iganga for schooling, socializing, and running errands for parents at the evening market. While Iganga town is important for economic and educational opportunities, it represents a source of great concern over youth sexuality. To youths, Iganga town offers a brief escape from supervising parents and an exciting place to connect with a larger world, imagined and real. To adults, Iganga town signifies a shift from family-based activities

to less familiar, civic-based identities, leading to a loss of seniors' control over the reproductive and sexual lives of junior clan members and kinsfolk.

"Town life," one elder commented, "is ruining our young people. They no longer listen to us." In elders' narratives, as well as in literature on Africa, "town life" represents a departure from

the ideal past. In this ideal past, girls wed soon after menarche to prevent pregnancy in their father's home and to help raise bridewealth for their brothers, while boys established households and organized families nearby and with the assistance of their fathers and uncles. Exogamous marriage arrangements were made between a girl's father and an eligible suitor. In many ways, as an ideal pattern this still holds. The greatest deviations lie in the steps preceding marriage, specifically the emergence of individualistic courtship, and in the delay in formal solemnization of marriage resulting from difficulties in raising money for an increasingly

commercialized engagement ceremony and the expected cash-based wedding gifts, which have virtually replaced bridewealth among Basoga. Older people acknowledge that this ideal has been changing for a long time, but most are unsure what its replacement should be.

Anxiety surrounding young people's sexuality is exacerbated by the rapid proliferation of public discourses on sexuality. Since Uganda's 1986 government-initiated mass HIV/AIDS prevention campaigns, discussions of youth sexuality have become a highly visible and integral part of the public sphere. This rapid spread of public sex talk coincided with Uganda's emergence from twenty years of internal unrest and collapse of public infrastructures, and the country's re-entry into global development and economic networks. Accompanying the internationally-funded HIV/AIDS and other sexual health campaigns are legislative reforms surrounding gender equity issues; of these the revised 1990 Defilement Law represents a major gender legislation reform.

### *The Colonial Era and the Defilement Law*

In the early 1900s under British colonial rule, the Defilement Law became part of Uganda's national legislation and the age of sexual consent for females was set at 14-years-old. Like other colonial laws, this one borrowed heavily from British legal codes that emerged from prevailing Victorian sensibilities and internal social and class conflicts in an attempt to impose a new moral order by regulating sexual affairs. I have found no evidence in archives, ethnographic records, or

elders' narratives of the Defilement Law being used in local courts in Iganga District established under the 1941 Native Courts Ordinance, partly because male African court administrators, acting as brokers of colonial law, believed that sexual offenses against young females were appropriately settled out-of-court between involved families. Furthermore, unlike cases of adultery and divorce, which reportedly lead to acts of violence between competing men, there was no clear mandate by colonial officials or African court adjudicators to make defilement a priority. Whereas circumventing colonial law could be seen as African resistance, it is doubtful that the widespread disregard for the law could be considered as such particularly since other sexuality laws were often employed to advance claims.

According to Subcounty Court records, from the 1920s to the 1950s slightly over fifty percent of cases brought against another person involved sexuality disputes, specifically male grievances surrounding bridewealth, divorce, adultery, and husbands suing fathers-in-law for harboring their disgruntled daughters.<sup>5</sup> These cases revolved tightly around females' sexuality, not violations against individual women, but rather violations of another man's rights to a woman's sexuality. In other historical sources as well as elders' narratives, it was not uncommon for females, especially from poorer families, to be married off by parents whether permanently or temporarily before the age of fourteen. Although from the historical record it is difficult to determine how age of consent violations were handled, it is apparent that notions of child sexual abuse have shifted with the increasing pub-

licity surrounding the law. In a Foucauldian sense, the newly disseminated defilement discourse has reshaped the way people perceive, discuss, and understand sexual relations between young females and older males.

*Feminist Legal Challenge to  
Male Sexual Prerogative*

In the late 1980s, the age of consent was raised from fourteen to eighteen-years-old, owing partly to the "pro-women" regime of President Yoweri Museveni and the statute that required a minimum of at least one female Member of Parliament per district. The revised defilement legislation reiterated that violations of the standing age of consent laws are considered criminal offenses against the state and are to be adjudicated only by the high courts, not by families, local courts, or even the district courts.<sup>9</sup> At the time of its passing, though, the law was neither strictly enforced nor widely publicized. Locally and nationally, Ugandans were burdened with the tasks of rebuilding their lives and country after twenty years of internal strife and with the challenges posed by the emergence of the AIDS epidemic. In addition, it was rumored that many of the male court officials, judges, and police were deeply ambivalent about the new age of consent and the assumptions on which it was based—specifically, that males were predators and females were prey, that sexual maturity was tied to chronological age rather than social and physical factors, and that Western models would solve Africans' problems.

In 1995, the culmination of three events at the international, national, and local levels

galvanized women activists into pushing for stricter enforcement of the Defilement Law. At the international level, women activists attended the 1995 Fourth World Conference on Women in Beijing where violence against women, including sexual violence, was identified as one of the twelve obstacles to women's development. Participants discussed how to reduce gender violence through national laws, training programs, research, women's participation in the legal process, and action against forced prostitution and sex trafficking. In addition to arming participants with human rights frameworks, the conference allowed Ugandan women to network with potential funding agencies and place their agendas within those of the donors.

At the national level, women were finalizing the draft of the Children's Bill and parliamentary sub-committee debates had begun on the rights of, responsibilities for, and definition of a child. Women reformers borrowed the international framework and language of human and children's rights, and argued that communities and families were not doing enough to protect children, especially girls. To say that Ugandan women activists borrowed international frameworks does not imply that women reformers blindly adopted Western feminist discourses nor that Ugandan feminists always agree with Western feminists. Rather, I posit that international legal discourse and frameworks provide powerful tools through which African women activists promote and garner support for their gender agendas. With the backing of the international human rights organizations, women activist agencies and other subordinated groups are able to launch powerful

rebuttals against cultural arguments made by opponents who have a vested interest in the status quo. Furthermore, for women activists, these international frameworks provided analytic tools for understanding an emerging set of studies on gender and sexual relationships conducted by various organizations in Uganda.

Research on gender inequities fell into three broad areas. First, HIV/AIDS studies highlighted girls' vulnerability and revealed that young females were disproportionately infected compared to their male counterparts. The ratio most frequently quoted in the media, in local speeches, and in health reports was: "Girls are three to six times more likely to be infected with HIV than boys among the age group 15-19." As common wisdom holds that older men prey on young girls because they are less likely to be infected than older women, public health campaigns encouraged young girls to avoid temptations from older men who tried to seduce them with money. A commonly seen poster from the early 1990s depicts a nicely dressed man offering money to a schoolgirl. Showing friends dragging the girl away from the enticing man, the poster reads: "Support your friends: Help them remain AIDS free" [see figure 1].

The second group of studies reported a high rate of out-of-wedlock pregnancies and child maintenance claims by single mothers.

According to a 1994 UNICEF study, 67 percent of all Ugandan women have had at least one pregnancy before the age of eighteen. Women's legal organizations, such as Ugandan Women's Lawyers Association

(FIDA) and the Ministry of Gender, reported that many single mothers were not receiving financial or emotional support from the babies' fathers, putting an extra burden on the young mother and her natal family or ostracizing young women from support networks. The data that I compiled in the Iganga Probate Office revealed that child maintenance disputes were the most frequently filed cases, accounting for 32 percent of 880 cases in 1997. In a rural study produced in the same year from a pilot legal assistance

program established by the Ministry of Gender and Community Development, it was reported that requests for child maintenance comprised the largest category of cases (27 percent of the 1,553 cases) handled by a primarily rural field office from 1992 to 1995. An urban study by FIDA reported a dramatically higher burden of such cases, with 66 percent of their 6,423 clients in 1996 seeking assistance with child maintenance from negligent fathers. This higher percentage of child maintenance cases in urban sites reflects the ease with which men in urban centers can escape their responsibilities, women's ability to obtain knowledge



Figure 1. An HIV/AIDS poster encouraging school girls to resist economic temptations of sugar daddies. Source: Child and Adolescent Health Program, Ministry of Health, Uganda.

about dispute-settling mechanisms, and the effect of mobility on the fluid nature of urban sexual liaisons. In more rural areas, however, it is likely that a woman goes to a legal aid clinic only after unsuccessful attempts to settle her case through family arbitration.

The third set of reports showed that, contrary to prevailing beliefs, child marriages and forced child prostitution were increasing in some parts of Uganda, especially in impoverished and war-torn areas. According to a UNICEF study in 1994, 47 percent of girls aged fifteen to nineteen were married or cohabiting compared to 8 percent of their male counterparts. Some of these girls, the reports indicated, had been orphaned by AIDS and became concubines—in impoverished areas, fathers were occasionally reported to lend or “sell” their young daughters to pay off debts or to trade for farming inputs. Other girls, according to a UNICEF-sponsored study, were prisoners of war in northern Uganda where they became sex-slaves to the Lord’s Resistance Army.

For women activists, raising and enforcing the age of consent law is an attempt to address persistent gender inequities by redefining them as a result of illegal sexual behavior with under-age girls. This strategy of women fighting for the rights of children before their own is often referred to by feminist scholars as “maternalism,” and invocation of a maternalist strategy can be particularly useful in legislatures with “highly patriarchal” nature. In her analysis of gender dynamics in the Ugandan parliament, political scientist Sylvia Tamale observes that male legislators repeatedly

used sexist remarks as a “means of keeping women in their subordinate positions.” For instance, a female MP explained:

When you stand up to make a contribution, you hear remarks from behind: “Look at her bum!”... Oh yeah, believe me.... “Ah this one is too beautiful to be here, she should be home taking care of her man.”<sup>10</sup>

Tamale argues, “What makes sex an extremely insidious tool for oppressing women is that in its commonest form it is often interpreted as normal, complimentary, and even flattering to victims. Sexual acts are associated with the personal, and rarely do the victims perceive them as political.”<sup>11</sup> In response, many women MPs “adopted passive methods of dealing with [sexual harassment]” and felt uncomfortable discussing that which they encountered. In the context of potential harassment from male colleagues in the legislature, the maternalist strategy of focusing on the Defilement Law addresses male sexual dominance without directly confronting the actions of their male colleagues.

The idea of a female having consent over her own sexuality, thus having full sexual citizenship, remains preposterous to local and national conservatives in Uganda, and Ugandan women reformers’ public crusade to raise the age of consent and to strictly enforce the Defilement Law was a legal challenge to the long-standing idea of male sexual prerogatives and female sexual submission. A female’s sexuality is not seen as hers to give away, rather it is overseen by either a male relative (most likely her father) or her husband. Historically, male sexual prerogative

has been an integral part of the male sexual dominance found throughout Uganda, and as referenced above, the question is often not whether a male violated a female, but which man's rights he violated vis-à-vis sex with a woman in that man's "charge."

Women's and children's rights advocates hoped to alter the way communities and the country perceive the female body and men's power over it, and their initial goals were to be achieved by constructing and then contesting the stories of male seduction and subjugation of girls who have not yet come of age. By focusing on the age of consent law, they intended to highlight the gross injustice of assuming sexual will of a girl within a relationship of unequal power, and despite resistance and opposition from male MPs and the media, women reformers put the age of consent issue on the priority list of the judicial system and local communities. Their efforts paid off with the widespread publicity surrounding the harshest sentence for a defilement case, a ruling that simultaneously revealed the link between power, class, and criminality.

### *Interstices of Power: Class, Sexuality, and Criminality*

On September 15, 1998, a historic sentence dominated the daily news in Uganda: "Defiler Breaks Record, Gets 21 Years in Jail." The story in a daily newspaper, *The Monitor*, read:

A High Court Judge has sentenced a man who defiled a 16-year-old girl to a record 21 years in prison, the harshest for the offense in Uganda's history... The accused, Daniel Bikanga, 20 grabbed

his victim (names withheld) on her way from the well in 1995, dragged her into his house, locked her up there and proceeded to force her into sex several times.... Justice Oboola decried the accused's behavior which he said desecrated the young girl's virginity and human dignity.<sup>12</sup>

Commenting on the harsh sentence, the judge publicly announced: "The depth to which this animal of a man sank must be commensurate with...his sentence.... This macho man must be tamed and turned into a decent law-abiding member of society." The historic sentence, the judge's words, and the defilement narrative appeared in Uganda's vernacular and English newspapers, and were all discussed during radio broadcasts from the capital heard in local markets and transportation parks, quickly working their way into debates in local sites of knowledge production such as male card games, kitchens, marketplaces, and evening drinking spots.

Key aspects of the story seemed quite normal to many people in Bulubandi and the rest of Uganda, bringing an odd twist to the harsh sentence. Sexual relations between a male and female who is four years his junior represents the social convention; in fact, four years is much less than the average fifteen years difference in marriages. Although premarital abstinence is strongly advocated in public health campaigns, religious teachings, and local ideals, it is not uncommon for a sixteen-year-old girl to be sexually active. Finally, the reported crime took place in a neighbor's house, which fits neatly into local tales that describe a girl sneaking to her lover's house while tending to chores around the village or of a neighbor luring a nubile young female

into his house and convincing her to have sex.

Since the basic scaffolding of the story comprises taken-for-granted aspects of society, the public's acceptance of the historic ruling hinged on three details in the widely repeated story. First, class and criminality are conflated as the characters are constructed along socially recognized (even if imagined) class distinctions, with the twenty-year-old offender being depicted as a "peasant man" and the sixteen-year-old female as an innocent "little school girl." The image of a lecherous peasant man dressed in tattered clothes polluting the innocence of a well-groomed schoolgirl fed into popular political discourse that worries about Uganda's dark past threatening the nation's arrival into modernity. Further, this double helix of economic class and criminality is promulgated through community-awareness campaigns, which portray poor males—unable to obtain sexual access to females by historically legitimate means such as exchanging bridewealth with her father and male kin—taking sexual partners by force [see figure 2]. Conversely, the schoolgirl's loss of her virginity in this particular act is not only an assumption but is necessary for public acceptance of this act being classified as "defilement."

Second, Daniel Bikanga allegedly had a history of sexual transgression against the girl's family. The article reported that "the accused had previously impregnated the victim's elder sister and dumped her unceremoniously, without marrying her let alone paying for the baby's upkeep," a scenario with which parents around Uganda could empathize. Third, media coverage about the case invoked gendered notions of modernity



Figure 2. Cover of sexuality education pamphlet depicting the commonly perceived relationship among class, gender, and sexual abuse. Source: pamphlet *Talking with our Children about Sex and Growing up*, Uganda Ministry of Gender and Community Development and UNICEF.

and hygiene by highlighting the man's refusal to allow the girl to bathe and use the toilet during the four-day assault. In this context, the girl's body was subject to colonization not through the violence of abduction and restraint, but rather through the assailant's denying the victim access to modern (and gendered) notions of hygiene. Consistent with public ambivalence about male violence against women, this denial of suitable hygiene for the victim overshadowed Bikanga's acts of physical violence, a fact that was further emphasized by the judge's statement "The depth to which this animal of a man sank." Clearly, the act represented more than a sexual assault on a female body. These three social transgressions—violations of class distinctions, past sexual breaches against the family, and violations of proper female hygiene—represent a blurring of boundaries that draw attention to the interwoven notions of class, gender, and criminality.

While people around Uganda debated whether the punishment fit the act, women reformers and children's rights advocates rejoiced over the historic 21-year sentence. Having fought their battles in Parliament, the judicial system, the media, and in local communities, this ruling signified a major victory. Miria Matembe, a Member of Parliament and a controversial, outspoken women's rights advocate, was quoted in a daily newspaper as saying of the presiding judge: "I hope he is a father of daughters." The harsh sentence was what women activists needed in order to publicly emphasize the seriousness of sex crimes against girls, and although left unsaid, male violence against women in general.

But their excitement was tempered because the type of case did not fully match their version of sexual violations to be prosecuted under the law—specifically, sugar daddies, men of power, pedophiles, and initiators of child marriages. How, they wonder, did the intended perpetrators (most often over the age of 35) often slip from under the law while the average of age of males charged was 21.5? Why did youth relationships comprise a disproportionate amount of the cases brought to Chief Magistrate Courts? To answer these questions, I examine how the media representations of debates surrounding the age of consent.

### *Constructions of Female Innocence and Depravity in Ugandan Media*

Content analysis of print media stories and their rhetorical strategies reveals a great public debate and awareness surrounding issues of sexual offenses and changing notions of sexu-

ality and sexual access. Yet while newspapers increasingly highlight gender inequities and actively print articles about legal and social programs for women, these stories tend to be relegated to the Gender Sections of newspapers, and within General News sections there remains a patriarchal bias in the ways events are covered, and whether they are covered at all. This imbalance in media coverage was prevalent during the 1990 and 1995 Parliamentary debates surrounding the issue of increasing the age of consent. While attacks on male sexual privilege made by female MPs readily hit the media circuit, the more problematic and cynical remarks made by male MPs went unreported. Tamale writes about male bantering during the 1995 parliamentary debates about children's rights:

During the debate on the children's bill I observed male parliamentarians turning a serious debate on children's issues into loud banter.... On the question of female mutilation, another male MP responded to a female member's submission on the evils of the practice of clitoridectomy: "Stitching women is not new; chastity belts existed in medieval Europe where women were locked by their husbands and unlocked before use." Again, loud banter ensued.... Another male MP defending female genital mutilation argued that the growth of keloids in the private parts of some young girls was "not caused by the circumcision but was a direct result of the sensitivity of women's skin." More loud laughter.<sup>13</sup>

This blatant ambivalence and sexist commentary never made their way to mainstream media outlets and hence did not inform Ugandan public opinion about Parliament's

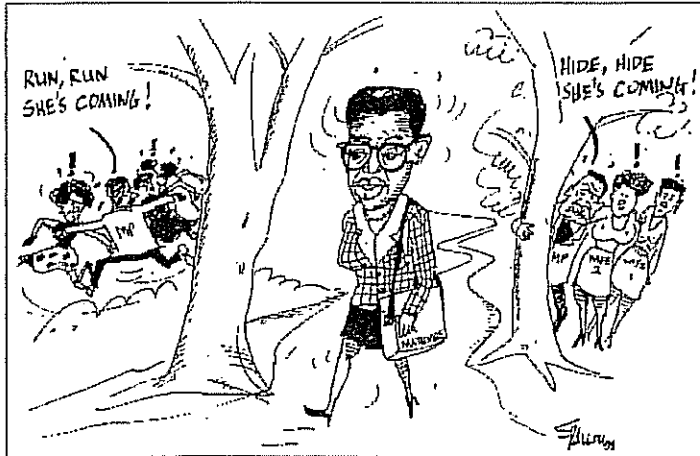


Figure 3. A satirical cartoon depicting male "MPs and their outside wives hiding from Miria Matembe's determination to reform male sexual privilege and curtail women's sexual freedom. [Source: The Monitor newspaper, Kampala. Sept 29, 1998.]

degree of sincerity over women's and children's rights issues. While newspapers failed to report statements by male leaders, and that trivializing of women's rights, during this same period they continually ran stories revealing a wide anxiety about women's challenges to male sexual privilege. During a legislative session on domestic relations, MP Miria Matembe criticized male MPs who had younger mistresses (or, "outside wives" as referred to by Matembe and the popular press) and did not support their many children. A satirical cartoon from a daily newspaper portrayed two MPs and their multiple outside wives hiding from a serious and determined Matembe, depicting her as an enemy not only to men but also to women who enjoy their sexual freedom and choice [see figure 3]. In this image, differences in female sexuality are conveyed through their dress, with a "queer" Matembe wearing a modified man-like suit and the "feminine" outside wives in feminine waist-cinching breast- and nipple-exposing outfits. The Matemba cartoon and headlines

such as "MP Wants Mobs to Kill Rapists" and "Shoot Corrupt to End Defilement, Female MP Demands" both construct and augment popular conceptions of women activists as man-hating harpies. Such rhetorical framing transforms the anti-defilement campaign into a war against men instead of a campaign to protect girls, as women activists are portrayed as emotional and irrational, and their claims portrayed as absurd.

The female body, because of its association with disease, reproduction, and sexual imagery, is continually targeted as a site for regulation by the state, local communities, and public health agencies. One of the greatest public controversies emerged in regard to the age at which a male can legally have sex with a female. Proponents of the raised age of consent maintained that eighteen was not only good for the girl but also for a nation in which AIDS and out-of-wedlock pregnancy ran rampant. Vocal opponents of increasing the age of consent to eighteen were males whose arguments were based on assumptions that a woman's sexual role was to please men and to reproduce society. Tamale observed this comment during the age of consent debate in parliament:

A Muslim MP stood up and said, "Increasing the age of minority to eighteen years is unrealistic and unscientific; the prophet Mohammed married Aisha when she was nine years old." Loud laughter ensued.<sup>14</sup>

Though the MP's comment was partially for the amusement of those who shared his

view, he adds cultural currency to his argument through the invocation of religion, history, and custom. This stands in stark contrast to the invocation of humanity, packaged as human rights, from which proponents of the age of consent draw their strength.

Custom and nature are two main rhetorical strategies employed by age of consent opponents, and they are both constructed as timeless, interdependent, and unchangeable. In a newspaper response to a previous commentary entitled "Defilement: Why are Men Silent?" the author applies the nature/custom argument in order to explain why men are so "baffled" about the increase in defilement cases that they are rendered speechless. The author writes:

It all goes back to our traditional communities where defilement was not an issue, and a man could marry any female as long as she had "ripened." A girl who had just developed breasts, and who could still be 12 years old, was considered ripe for marriage.<sup>15</sup>

The author equates female sexual development to fruits of nature that are picked and eaten at the discretion and for the pleasure of men, with budding breasts indicating a female's sexual ripeness. In an opinion piece, another commentator uses the same logic and states, "Sex is first a biological question, then a social question.... No woman or man has the right to arrogate herself/himself the powers to decide whether girls are ripe for sex or not. That is a natural or God ordained matter."<sup>16</sup> Nature and biology, as constructed by this writer, are God-made and prevail over human-made laws, but not all girls are sexually avail-

able when their breasts begin to show. As one observer commented, this nature logic is used if a girl has "nothing else to do" rather than attend school or work. A letter to the editor reinforces the notion of female utility within the male sexual privilege equation, asking "What will a girl who is under eighteen do if she does not get married?" Likewise, the writer suggests, poorer females engage in intercourse or become sexually available at an earlier age than their wealthier counterparts.

Other opponents of raising the age of consent take issue with women activists' characterizations of girls as innocent victims and males as predatory seducers. One commentator writes, "The law is overwhelmingly biased against the menfolk. First of all, it [assumes that] only boys and men are the aggressors who initiate sex acts against the wishes of an 'innocent' and 'passive' girl or woman. According to the law, women or girls never initiate sex."<sup>17</sup> Twisting what I would call the "nature logic" in a different way, proponents of this argument state that females have sexual desires and that it would be unfair to restrict their pursuit of satisfaction. Another advocate of this view states that female sexual desire sometimes gets men in trouble with the Defilement Law, writing "Some men who have been accused of defilement have, in fact, been victims of seduction by young girls."<sup>18</sup>

Another strategy employed by those opposed to raising the legal age of consent is to attack the motives of women activists, playing on the idea of jealousy among females, especially between younger females and their older sisters. Adding the notion of sexual competition to the argument, one male observer writes:

My view is that older women are facing competition from the girls. There is a prevalent fear among women over 30 that younger women take most of the men from them. The older women are trying, therefore, to fight this competition by increasingly raising the age of consent. It is all a ploy by old women to make themselves marketable.<sup>19</sup>

According to the author of this editorial, women activists' interests are not purely selfless, but also strategic—women reformers are not men-haters but men-seekers. Their strategy of reducing the pool of sexually available females is, according to the writer, as transparent as “the see-through-dresses some of them wear.”

Women activists' initial narratives of girls' innocence and men's seduction were challenged by a variety of arguments linking female sexual availability and depravity to nature, custom, and history. Other critics of the revised Defilement Law took issue with the way in which the law ignored girls' sexual desires, but bantering in Parliament and in the media revealed men's responses to challenges launched against their sexual privilege. Upon legislative passage of the raised age, many MPs assumed that limited resources in the judicial system and the tremendous backlog of criminal cases would be obstacles to enforcement. In the meantime, however, women activists allied themselves with powerful donors and designed training and legal programs to educate and counsel communities within the judicial system. Analysis of local use of the law reveals how men of power manage to evade the law, while young lovers of adolescent females, often lacking the economic

resources and technical-know-how, operate under constant threat of prosecution.

### *Competing Discourses of Female Sexuality in Everyday Life*

During my research in Iganga, I heard conflicting comments about the Defilement Law. Many people thought that the harshness of the death penalty would discourage people from reporting sex crimes committed by neighbors and other familiar people, while others thought the harsh sentences were appropriate. In general, women were pleased about increased access to legal recourse against men's sexual assaults and privileges over the female body, although many remained uncertain about the boundaries between acceptable male aggression and unacceptable sexual violation. Others disagreed over the age at which a girl should be sexually available to males and whether she has rights over her sexuality before she weds. Some suspected that the law would be misused, while others spoke of possible police extortion due to the public's uncertainty of the law. For others, violations of sexual impropriety were best handled locally where arbitrators knew the histories of the involved families and the cultural landscape, and where the guardian of the girl would receive compensation for the crime. Similar to the narratives of women activists and elite men, most people in Iganga maintain that (poor) pedophiles are driven by sickness and such behavior is socially unacceptable and punishable,<sup>20</sup> although incidents involving adolescent girls appear less straightforward. For residents of Iganga, female adolescent sexual-

ity is more complex than narratives of innocence and counter-narratives of "fruits of nature." Narratives include daughters who rebel against parents, men in positions of authority who lure girls, and abandoned pregnant teenagers.

Violations of consent are frequently understood within the broader notions of *obwenzi*, or sexual impropriety. The social meaning of *obwenzi* has shifted historically. In historical research with elders, the cases of *obwenzi* before the 1960s generally referred to a man sleeping with a married woman, and the offense was considered to have been committed against her husband as the "owner" of the woman.

**Age of consent, in effect, protects children from their own parents. This state intrusion on once private affairs can undermine parental authority: because parents no longer receive compensation from the offender, many parents choose to settle out of court, and local police or other legal officials may initiate the settlement in hopes of receiving a kickback.**

This definition of *obwenzi* was partly shaped by the native courts appropriation of the colonial adultery law, which secured a husband's rights over his wife's sexuality, but during the 1960s, *obwenzi* expanded to describe the perceived loosening of sexual mores that occurred during Uganda's post-independence euphoria and citizens' migration to urban centers in search of better opportunities. Within this expanded use, people in rural areas commonly invoked the term *obwenzi* to mean women who engaged

in alleged prostitution, and men in illicit love affairs. In the 1970s, *obwenzi* described unmarried or free women who engaged in long-distance trading and were suspected of being sexually liberated, economically and socially unattached to a particular man. Today, *obwenzi* is frequently used to mean the exchange of sex for luxury material goods such as makeup, trousers, and beauty products, or cohabitation without the consent of parents. More often, it is perceived as unconstrained sexual behavior, low morals, and promiscuity particularly among unmarried people and women; married men generally often have a wider sexual license. According to elders, *obwenzi* is what has caused the rampant spread of AIDS and out-of-wedlock pregnancies.

For parents in Bulubandi there is a difference between delinquent daughters who engage in *obwenzi* and innocent daughters who are violated by being seduced by men of power. The new Defilement Law attempts to condense all sex offenses involv-

ing an underage girl into one category as well as to protect girls from enticing men and from social sanctions by their family and community. Locally, the law of consent is used for a broader purpose: to regulate delinquent daughters, protect innocent girls, and flush out serial sex offenders.

The Defilement Law has provided parents a tool for regulating their daughter's sexual relationships by giving them leverage over her. When a case against a daughter's lover is brought to an arbitration venue, the counselor

may advise the complainant about the Defilement Law, and the case may be registered and handled as an age of consent violation. Since the law stipulates that any male (regardless of his age) who has intercourse with an underage girl has committed a crime, some cases are brought against boys under the age of eighteen. Often after pleadings from their daughter, the parents will drop the charge or settle out of court. From the perspective of parents, then, it is better in this situation to encourage the couple to get married, get an out-of-court settlement, or arrange for child support, than to have the young man in jail where he cannot assist financially. Parents can use the Defilement Law to manipulate the direction of a relationship or control a delinquent daughter, but the actual outcome is unpredictable and may not be to their liking. While it provides a reworked way of expressing and resolving deep generational conflicts over girls' sexuality and more generally their autonomy, this idea of regulating delinquent daughters does not necessarily conform to the initial image constructed by women activists of a law intended to protect innocent girls.

In addition to regulating relationships of young people, other notable unintended consequences have emerged. One consequence is that the girl is subject to double violation, becoming the object of two sexual gazes. First she is violated during the actual sex act (assuming that the act occurs in a relationship of unequal power), and then again in the multiple public tellings of the defilement story. Many defilement stories have vivid details of how the man lured the girl, took off her panties, and had sex with her, and the victim's alleged statements are transformed into lewd

images by the media and local talk. In one case a defiler was discovered when a seven-year-old girl was reported to have told her parents that their neighbor "had a very big penis."<sup>21</sup> Furthermore, evidence from the post-defilement medical exam and the police report become public news and an integral part of the defilement narrative, findings that in instance, in the following examples:

The doctor found the victim's hymen had been ruptured and there was fresh blood and semen in her vagina<sup>22</sup> and,

When she woke up, her private parts were bleeding and aching terribly. Her knickers in one of the corners of the room had been torn to shreds and it was soaked in blood. Her chest was bare as the buttons on her blouse had all been plucked off.<sup>23</sup>

the girl's body, not the act of the man, is the object under scrutiny.

Feminist scholars have equated rape trials with pornography, arguing that both reduce everything to intimate details of the sex act performed on the female body. While conducting the medical exam, and during the legal process in general, the girl is repeatedly asked about her sexual history. Her body is probed and examined in order to gather evidence against the offender as well as about her. Sue Lees examines rape trials in Britain and uses the term "judicial rape" to describe how the complainant is treated in the legal process. She explains:

In rape trials as in pornography, the female body is publicly portrayed and debated. It is her body, not his, that is put on trial. Her body secretions and

underclothing are scrutinized.... She is objectified in similar fashion to her objectification in rape itself.<sup>24</sup>

In Uganda, the chairperson of FIDA attacked the way in which girls are interrogated during the legal process: "A girl lays bare her sexual history. 'When did you begin sex?' 'With whom?' 'Why?'"<sup>25</sup> While a girl's body becomes the center of the trial, her emotional state is not attended to in any formal manner. There are no counseling centers for girls who have been sexually abused; they carry the trauma and stigma of sexual abuse with them.

Another unintended consequence of increased enforcement of the Defilement Law is the shift in power from the family to the state. Before, the girl's family could have great power in determining the punishment, usually a financial compensation from the offender. Under the newly clarified legal procedures, defilement is handled as a criminal offense—an offense against the state—and the girl's parents are not compensated for the violation as in the past. Therefore, what some local people initially perceived as a reinstatement of parents' authority over their daughters in fact gives the state ultimate authority and compensation. The case of child marriages illuminates this shift of authority from the parents to the state, as the age of consent law disrupts the old public/private divide by bringing the private into the public. Age of consent, in effect, protects children from their own parents. This state intrusion on once private affairs can undermine parental authority: because parents no longer receive compensation from the offender, many parents choose to settle out of court, and local police or other legal officials may initiate the settlement in

hopes of receiving a kickback. In other cases, the offender offers a bribe directly to the police in exchange for freedom. In one instance, the victim's parents had to pay money before their daughter could be released. Due to a consequent distrust of police, some communities punishing defilers themselves, and in at least one case they flogged a suspected defiler to death.

### *Rethinking Sexual Citizenship in an Age of Consent*

Reflecting back to the defilement evaluation workshop I described at the outset, the markedly divergent understanding of consent, sexual access, and rights between national and local players leads to very different ways of conceptualizing and dealing with sexual abuse of girls. For national reformers, the problem lies in histories of male sexual privilege and ideas of female sexual availability. In this conceptualization, girls are constructed as innocent victims without agency, men as preying lechers without morals. For adults in Iganga the problem is the increased individual and sexual autonomy of young people—particularly girls—and the weakening of male clansmen's control over their female kin. The appropriate or available solution, therefore, is to discipline delinquent daughters by curtailing their involvement with young lovers or extracting money from their wealthier sexual suitors. The Defilement Law provides a reworked way of expressing deep generational conflicts over youth autonomy as young people today draw their sexual identity less from historically crucial kinship ties and more from civic, educational, occupational, and religious

ties. Hence, rather than merely viewing the anti-defilement crusade as a political movement, it must be seen as a cultural and discursive project in which notions of female sexual propriety, generational hierarchies, and forms of citizenship are crucial.

Within the broader shifts from kinship to civic association, the change in age of consent has reconfigured the meaning and access to sexual citizenship. No longer is citizenship primarily determined by clan membership and patriarchal lines, but rather by membership to the nation-state in which the idiom of patriarchy has enlivened new forms and technologies of suppression. The Defilement Law has inadvertently strengthened male control over younger female bodies, reinforcing sex/gender hierarchies. The law that intends to protect girls from male dominance derives its strength from the fact that the girl's father is seen as having been violated and is thus justified in pressing charges. The young female, therefore, has no legal rights over her sexuality, and consequently, the law unintentionally bolsters sexual privilege among older males who can provide economic compensation for violating a father's rights over his daughter's sexuality. The intricate relationship between class and criminality works to distinguish which males have greater sexual rights in much the same way that historical access to the accumulation of wives, cattle, and other property operates. The emergence of the capital economy and recent (property- and human-) rights legislation has transformed the historical property nexus and have left the female body in a precarious position. Unwed women, regardless of their economic status, who exhibit some sexual autonomy become

marked in local talk as prostitutes, free women, or dangerous to the moral economy.

I have attempted to illustrate how third wave feminist scholars engaged in ethnographic research are ideally situated to develop critiques that tease out the connections among global processes, national reform, and local realities. Examination of the dialectical relationships between these multiple political levels and the discursive representations of sexuality can be used to bolster, not overshadow, reform movements already underway by women in Third World nations, while critical scholarly analysis performed together with women reformers can point to weaknesses in policies and unintended effects of interventions designed to protect women. Important analytic and practical lessons can be discerned from the Uganda experience. First, Ugandan women reformers have been recognized internationally for their courageous efforts to directly challenge patriarchal structures and other structures of tradition that suppress females. Their "projects of modernity," as Lila Abu-Lughod<sup>26</sup> has called such efforts, however, are themselves imbued with certain ideological notions about gender, class, and age that usher in new technologies of discipline that might replace patriarchy with yet other forms of regulation, control, and surveillance. Second, the struggle over rights to the young female body is articulated nationally through Uganda's mass media and the female body becomes subject to multiple gazes and competing claims. Uganda's relatively free and liberal media (particularly print and radio) play a crucial role in disseminating information about social reform and policies. Sexual scandals and abuse stories are

favorite topics for most radio shows as Uganda's burgeoning marketplace for sexual information meets their audience's desire to queer taboos by bringing sex public. Such stories contain constructions of gender, class, and respectability that complicate national reformers' image of the female victim and male pariah. Mass-mediated ideologies merge with local understandings of sexual propriety to create new ways that rural residents conceptualize sexual relationships. Amidst shifting contours of acceptable sexual liaisons, defilement emerges as a modernist rhetorical and practical weapon for local residents to regulate the sexuality of neighbors during this time of increased anxiety about sexual and reproductive health, HIV/AIDS, and teenage pregnancy. Access to the law or to evading the law reveals new forms of sexual citizenship vis-à-vis the nation-state.

So we are left with the question: have efforts of national reformers and activists effectively improved conditions for young females? Emphatically, yes. Not just for females, but for all Ugandans. On a tangible side, HIV rates have declined remarkably, from as high as 28% in the mid-1990s to about 5% of the adult population in 2002.<sup>27</sup> More girls are in secondary school today than in the majority of sub-Saharan African countries. Compared to their mothers, girls more often express desire to delay marriage and sexual intercourse and focus on being financially independent. Perhaps more important, however, are the often-overlooked processes that have facilitated this change— notably, the creation of a public space in Uganda to debate issues that once remained unspoken. What were once acts that went

without specification are now referenced by commonly recognized discourses. These readily available discourses allow for open discussion and social critique from the village level to parliament. It is public naming of once unnamed acts of sexual violation that have made women's activists efforts so successful. Those omnipresent yet unspeakable sexual offenses are now politically defined.

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*The Crusader*, October, 18, 1997.

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## NOTES

1. Iganga District is located in Eastern Uganda along the TransAfrica Highway and is a predominantly Lusoga-speaking region. The material upon which this article is based comes from three years of ethnographic research conducted between 1996 to 2002 in Iganga town, a relatively small administrative and trading center for Iganga District, bordering villages.

2. Philip Setel, *Plague of Paradoxes: AIDS, Culture, and Demography in Northern Tanzania*. Chicago: University of Chicago Press, 1999: 117-118.

3. On anthropology and colonial expansion, see for example, Talal Asad, *Anthropology & the colonial encounter*, ed. Asad. New York: Humanities Press, 1973; Mina Caulfield Davis, "Culture and Imperialism: Proposing a New Dialectic," in *Reinventing Anthropology*, ed. Dell Hymes. New York: Vintage Press, 1974. On anthropology and race, see Lee Baker, *From Savage to Negro: Anthropology and the Construction of Race, 1896-1954*. Berkeley: University of California Press, 1998.

4. For a critique of earlier Western ethnographic and travel representations of non-European peoples, see James Clifford, *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art*. Cambridge: Harvard University, 1988.

5. Johnetta B. Coles, "Preface" to *Black Feminist Anthropology: Theory, Politics, Praxis, and Poetic*, edited by Irma McClaurin. New Brunswick: Rutgers University Press, 2001.

6. Shanti Parikh, *Desire, romance, and regulation: Adolescent sexuality in Uganda's time of AIDS* (PhD. Dissertation, Yale University, 2001).

7. See especially Lloyd Fallers, *Law without Precedent: Legal Ideas in Action in the Courts of Colonial Busoga*.

Chicago: University of Chicago Press, 1969. Also see Lloyd Fallers. *Bantu Bureaucracy: A Century of Political*

*Evolution among the Basoga of Uganda*. Chicago: University of Chicago Press, 1965.

8. See Fallers 1969: 87-96.

9. Most defilement cases are first reported to the either the police or a local council court. The girl is supposed to get a medical exam to provide "evidence" of the crime. The accused is apprehended and questioned, then is taken to the district court for an official transfer to the Basoga High Court in Jinja. The ideal procedures are not necessarily followed, and many do not make it to the high court. When I began collecting data from the district and high courts, there were cases from 1990 that were unresolved or did not have a judgement. It was difficult for the court clerks and me to surmise from the records if an accused was being held or was released. Since many defilement cases in Iganga are first registered with the district court, the data presented in this chapter is from that level.

10. Sylvia Tamale, *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*. Boulder: Westview Press, 1999: 133.

11. Ibid: 132

12. *The Monitor* [Kampala, Uganda], September 15, 1998.

13. Tamale: 122.

14. Ibid: 122.

15. *The Monitor*, October 4, 1999.

16. *The Monitor*, March 27, 1999.

17. *The Monitor*, August 24, 1998.

18. *The Monitor*, March 27, 1999.

19. *The Monitor*, March 27, 1999.

20. A major exception to this belief involves the practice of the Baganda king having sexual intercourse with a prepubescent girl before his wedding. During the highly publicized engagement of the king in 1999, the practice and the gender, age, and sex ideologies on which it is based became the target of much public debate. Some argued for preserving the custom; others demanded that it was antiquated and oppressive to women.

22. *The Crusader*, October, 18, 1997.

23. *The Monitor*, September, 26, 1998.

24. Sue Lees. *Ruling Passions: Sexual Violence, Reputation, and the Law*. Philadelphia: Buckingham, 1997: 78.

25. *The Monitor*, September 17, 1999.

26. Lila Abu-Lughod. "Introduction: Feminist Longings and Postcolonial Conditions." In Abu-Lughod (ed) *Remaking Women: Feminism and Modernity in the Middle East*. 1998: 3-5.

27. UNAIDS/WHO Epidemiological Fact Sheet on Uganda. 2002.