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In Uganda, as in many African countries, traditional authorities are important institutions that contribute to the provision of welfare services and settle disputes in rural communities. At times their voices take precedence over the district government, meaning that they are often at odds with local government institutions. This dissertation studies the relationship between government institutions and clan councils in Kisoro District, Uganda. It ethnographically explores how these institutions relate to, cooperate and compete with each other for sovereignty in the district. Traditional alcohol practices play a crucial role in distinguishing clan councils from 'the state'. The drinks are used in dispute settlement as a means of reconciliation and symbolise the way clan councils care for their communities. Government officials, however, distance themselves from these traditional practices, and call the clan councils primitive associations in an attempt to diminish their importance in local matters. Seen through the lens of traditional alcohol I demonstrate the tensions between clan councils and the Ugandan state surrounding questions of sovereign power. I display how clan councils and government institutions relate to each other and argue that they need one another to maintain their 'shared' positions of sovereign power in the district.

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“You see, courts do not settle disputes. If you bring a civil case to the magistrate court (...) would they in the end become friends?”

The community liaison officer I spoke to during my fieldwork period in Uganda pointed out an important difference between the courts and traditional forms of authority: whereas courts give judgements, traditional authorities try to harmonise their community. In Uganda, as in many African countries, traditional authorities are important institutions that contribute to the provision of welfare services and settle disputes in rural communities. They provide access to healthcare, monetary aid in the form of money lending services, and help to settle disputes in their localities. At times their voices take precedence over the district government, meaning that they are often at odds with local government institutions.

In this dissertation, I study the relationship between government institutions and clan councils. I ethnographically explore how people working for these institutions relate to, cooperate and compete with each other for sovereignty in the district. To address these issues, the main research question is: ‘How do understandings of sovereignty in Kisoro District, rural Uganda play out in the relationship between government institutions and clan institutions?’

The research is based on nine months of ethnographic fieldwork (2018-2019), during which I lived in the area, participated in and observed at various institutes, and conducted many interviews with people from the area. I show how popular ideas about ‘the state’ and ‘the clan’ gain meaning through everyday encounters between residents, government officials, and clan councillors, and how they greatly influence decision making practices at the local level. My data illustrates how traditional alcohol practices play a crucial role in distinguishing clan councils from the state. The drinks are used in dispute settlement as a means of reconciliation and symbolise the way clan councils care for their community. Government officials, however, distance themselves from these traditional practices, and call the clan councils ‘primitive associations’ in an attempt to diminish their importance in local matters. Seen through the lens of traditional alcohol I demonstrate the...
tensions between clan councils and the Ugandan state surrounding questions of sovereign power. I display how clan councils and government institutions relate to each other and argue that they need one another to maintain their ‘shared’ positions of sovereign power in the district.
Alcohol, Clan Councils and Colloquial Understandings of the State in Rural Uganda

Danse Anna Maria de Bondt
Alcohol, Clan Councils and Colloquial Understandings of the State in Rural Uganda

Proefschrift ter verkrijging van de graad van doctor aan Tilburg University op gezag van de rector magnificus, prof. dr. W.B.H.J. van de Donk, en University of Edinburgh op gezag van principal en vice chancellor prof. dr. P. Mathieson, in het openbaar te verdedigen ten overstaan van een door het college voor promoties aangewezen commissie in de Aula van Tilburg University op vrijdag 17 maart 2023 om 13.30 uur

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goingen te Den Haag.
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prof. dr. J.M. Ubink (Leiden University)

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For Thomas and Camiel
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Cheers!
### Abbreviations

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<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BBP</td>
<td>Beer Brewing Permit</td>
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<tr>
<td>CAO</td>
<td>Chief Administrative Officer</td>
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<td>CLO</td>
<td>Community Liaison Officer</td>
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<td>DHO</td>
<td>District Health Officer</td>
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<td>DPC</td>
<td>District Police Commissioner</td>
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<td>FDA</td>
<td>Food and Drug Act</td>
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<td>LC 0</td>
<td>Clan council</td>
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<td>LC 1</td>
<td>Village local government council</td>
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<td>LC 2</td>
<td>Parish local government council</td>
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<td>LC 3</td>
<td>Sub-county local government council</td>
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<td>LC 4</td>
<td>Municipality local government council</td>
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<td>LC 5</td>
<td>District local government council</td>
</tr>
<tr>
<td>OCCID</td>
<td>Officer in Charge of the Criminal Investigation Directorate</td>
</tr>
<tr>
<td>RSA</td>
<td>Resident State Attorney</td>
</tr>
<tr>
<td>URA</td>
<td>Uganda Revenue Authority</td>
</tr>
<tr>
<td>UNBS</td>
<td>Uganda National Bureau of Standards</td>
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<tr>
<td>UBOS</td>
<td>Uganda Bureau of Statistics</td>
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Glossary

*Abakuru b’emiryango* | Committee of respected elders
---|---
*Amakoma* | Red sorghum
*Amamera* | Sorghum mixed with water and ash
*Bushera* | Locally brewed low alcoholic sorghum beer
*Chang’aa* | Locally distilled liquor in Kenya
*Ekiika* | People from the same clan
*Enguli* | Locally distilled liquor
*Entutire* | Locally brewed sorghum beer fermented with honey
*Gomborora* | Sub-county
*Ibivuzo* | Residue of local beer
*Inkwano* | Bride price
*Kitu Kidogo* | ‘Little Something’, a bribe
*Matoke (Matooke)* | Cooking banana
*Moshi* | Locally distilled liquor in Tanzania
*Mukunga* | Village
*Muruka* | Parish
*Muramba* | Locally brewed sorghum beer
*Musemburo* | Yeast
*Musururu* | Locally brewed sorghum beer
*Ngozi* | Stretcher
*Rufumbira* | Language spoken by the Bafumbira people
*Rukiga* | Language spoken by the Bakiga people
*Saza* | County
*Sebataka* | Overarching council of clan chairpersons in a parish
*Tonto* | Locally brewed banana beer
*Urwagwa* | Locally brewed banana beer
*Umurygango* | Family in Rufumbira
*Waragi* | Distilled liquor
1 Introduction

But what I know, the government is the people, so the ekiika\(^1\) [clan council] is also the government. Now in the government of Uganda, they say that the ekiika is the LC 0. So from zero you go to LC 1 [local government council in the village]. So the starting point of the government is the ekiika [emphasis added].

(LC 0 board member (Edmund), village E, interview with author, February 12, 2019)

“The government is the people and the people are the government.” When talking to people about ‘the state’ in Kisoro District (a region in southwest Uganda), I heard this phrase on so many occasions that it almost felt like these two words meant the same thing. In Kisoro District, discussions about the government take place on every street corner, from early morning chats in small cafés while eating breakfast with neighbours, to making small talk with strangers on buses or in shared taxis, to heated discussions in bars where spirits such as waragi (locally distilled gin) and various types of beers are generously served. Discussions about the state seem to be enmeshed in all kinds of everyday conversation in Uganda. Not only do people have strong opinions about how others, especially those in higher governmental positions, could or should do better, but people from all walks of life also seem to be a part of – and actively participate in – the practice of governance. It is difficult to meet a person who, in addition to his or her work as a trader, teacher or farmer, is not also a chairperson or a member of a council, or who works as a secretary, vice-chair or some other role within one of the many governing bodies that proliferate in rural Uganda.

When I first arrived in Kisoro District to do research on how government officials and citizens deal with the trade in illegal alcohol, I soon found that the term ‘government’\(^2\) was much more complex than I had anticipated. The government, and those representing them, is an important part of everyone’s life. Even though the term government normally refers to specific government institutions, I would like to emphasise how this term is ambiguous in Kisoro District, which can lead to confusion. According to many people in Kisoro, the government is not only made up of

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\(^1\) Opinions differ on the spelling, with alternatives including echika, echiika, ekiga, ekiiga, ekika and ekiika. For the purposes of this thesis, ekiika will be used.

\(^2\) In this dissertation, when I refer to government I mean to point to the official structure of government institutions. Meanwhile, with the term governance I refer to both official and unofficial practices of governing and administration by various actors.
representatives of the government itself, but also the people involved in governance at the local level, regardless of whether they belong to the official structure of government institutions. Everyone is engaged in governance in one way or another, and people take the influence and practices of the government very seriously. The term governance, when looking at the everyday actions of people at the local level, seems all-encompassing but at the same time meaningless. The quote I started the introduction with highlights this, as Edmund, who is a board member of one of the clan councils in one of the villages in Kisoro District, explained to me how the government is inherently connected to the people. He insists that “we, the people are in fact the government”. This is a point that president Yoweri Museveni also often makes when pointing to the importance of decentralisation. After the civil war in 1986, Museveni vouched for a democratic government where, as he said himself during his inauguration ceremony in 1986, “The sovereign people must be the public, not the government.” (“Remembering Museveni’s Swearing-in Ceremonies” 2021).

At the time, the phrase “bringing the government to the people” was often used to refer to democracy and was strongly associated with notions of freedom of expression and participation in “popular sovereignty” in the village setting (Ottemoeller 1998, 104, 109). This notion of ‘village-level’ democracy was used as a building block for Museveni’s “no-party democracy” (Carbone 2005; Ottemoeller 1998, 110). Rather than a multiparty democracy, he proposed a single-party system on the basis that a multiparty system would create ethnic conflict, referring to the years of internal conflict under the previous presidents Amin and Obote. Museveni emphasised a policy of decentralisation, which has seen the creation of more than a hundred new districts since 1986. In addition, he introduced local government councils (the LC system), which were modelled on the resistance councils he created during the civil war, allowing the people themselves to have a say in governance and to restore “the power of the people” (Carbone 2005, 3). The LC system consists of a five-tier system, ranging from the local village council (LC 1), the local parish council (LC 2), the local sub-county council (LC 3), the local county council or municipal council (LC 4), and the local district council (LC 5). The idea behind this system is that political and administrative government tasks and services are close to the population, so people at the village level can already participate in local governance through the LC 1 (Titeca 2006, 48). Ideally, this ensures that the people are indeed (part of) the government.

In this light, Edmund explained to me how the clan councils should also be understood as the government, hence the nickname ‘LC 0’. They are, in his words, “the starting
point of the government”, by which he referred to the LC system of the local government. While contemporary African clan practices are often seen as ‘traditional’ and remnants of the past, in understanding governance in Kisoro District, I quickly discovered that clan councils play a significant role in the everyday workings of the state. These councils make use of similar bureaucratic governance techniques as government institutions in the district, through which they are able to claim legitimacy and credibility as authority figures in their communities. They make use of specific “symbolic languages of authority” through which they can influence what and who is understood as legitimate authority (Hansen and Stepputat 2001b, 8). In doing so, they can claim (partial) sovereignty in their locality. In a similar manner to the organisation of the LCs, the clan council to which Edmund belongs has their own executive council and subcommittees that are responsible for the delivery of a variety of public services. They use various practices, rituals and signs, including their own offices, monthly meetings, administrative books, and revenue system. In addition, they have their own tribunal court and use stamps to sign their documents, as well as to enforce their rules. To a certain extent, the duties of the LC 0 seem to overlap with those of the Ugandan state. As such, these clan councils are often at the centre of local power relationships, as they occupy an important position of authority in the area, and they thus substantially influence what governance looks like in practice. Governance in Kisoro District, it would seem, is not so straightforward to locate. It involves a wide variety of actors, including local government officials, but also those persons who are not officially part of the ‘state system’, but who cooperate with them or perform similar tasks, like the LC 0.

In recent years there appears to have been a renewed interest in traditional authorities among governments, development organisations and scholars in Africa, who acknowledge the influential and important position that these institutions have in local

---

3 Like many in the social sciences, I use an ethnographic approach to legitimacy that focuses on how people understand and accept the authority of regulatory structures and people on the basis of factual trust (Pardo and Prato 2019, 2, 6). I follow the work of Italo Pardo and Giuliana Prato and understand how legitimisation practices are essentially interactions between people. This means that what is understood as legitimate can change over time, alongside changing values, norms and moral expectations in a society (2019, 3). With their work, they emphasise that what people consider legitimate may not necessarily be ‘legal’, and vice versa (Pardo 2000). In this light, I approach authority as a form of power which needs to be legitimised in the eyes of the people involved. Therefore, legitimacy is based on the factual trust people have in authority figures and influenced by their personal relationship and experience with representatives of these institutions (Pardo and Prato 2019, 11).
communities (Baldwin 2016, 4; Kyed and Buur 2007; Tieleman and Uitermark 2019; Ubink 2007, 124; 2008, 5). In some countries they have become part of the more formal government apparatus and recognised as important local actors (such as in Ghana, South Africa and Mozambique) (Baldwin 2016, 4; Kyed and Buur 2007, 2; Ubink 2007, 125). In other places, traditional authorities have informally taken over important functions from ‘the state’ where the state appears to have failed. Likewise, traditional authorities could be seen as a threat, undermining the authority and leadership of the ‘official’ local government and police, which can in turn lead to tensions between groups of actors (Kyed and Buur 2007, 2; Ubink 2008, 16). In Kisoro District, the apparent interconnectedness between ‘the state’ and ‘the clan’ creates tensions between government institutions and clan councils. This is because both lay claim to sovereignty in communities, as each of them seeks to secure their own position and their own identity in relation to the other. In this light, government institutions emphasise that the clan councils are merely informal associations, while they are the official sovereign bodies in the area. The clan councils, meanwhile, draw on their roots as traditional authorities and emphasise their stable presence and genuine interest in caring for their clan community. They often present this care as contrasting with the lack of care and the absence through which the state in Uganda is often perceived. They do this in part by emphasising certain traditional practices. For example, many fines within clan councils in Kisoro District are paid in ‘traditional’ beer, or the monetary equivalent to a jerrycan of traditional beer. The beer, or the symbolism of alcohol in their system of fines, emphasises the importance of the clan councils in certain norms and values where the state falls short. For instance, sharing beer between different parties symbolises how clan councils try to resolve disputes between members and establish harmony within their communities. This is in contrast to the state, where the legal system makes judgements, but whose decisions are often not seen as a restoration of harmony between the parties involved.

The way government institutions and clan councils interact (and compete) with each other led me to wonder what effect the relationship between state and non-state actors has on the everyday working of sovereignty in rural Uganda. A focus on these actors provides an insight into the complexity of state-building and the polysemy of sovereignty at the local level. To address these issues, the main research question of this dissertation is:
How do understandings of sovereignty in Kisoro District, rural Uganda play out in the relationship between government institutions and clan institutions?

My dissertation is above all a study into the everyday workings of sovereignty in rural Uganda. I study how local considerations of the state, law and legitimate authority are given form through everyday practices, and in doing so affect the way claims on sovereignty are made by local government institutions and clan institutions. I take my opening line, ‘the government is the people’, seriously. Therefore, I focus on people, in such a way as to encompass not only those actors that are often associated with the state, such as public servants and elected political figures, but also other (non-state) actors whose interactions, relations and practices influence notions of sovereignty.

To some extent, the clan councils in Kisoro District function in a similar way to what Christian Lund has described as ‘twilight institutions’ (Lund 2006a; 2006b). These are institutions that are not necessarily linked to the state, but are concerned with the execution of public authority ‘de facto’ (Lund 2006a, 673, 676). In an attempt to make themselves credible, non-state institutions use the formal language of the state, and thus their practices help to form what is understood as the state, while in the process they also become seen as part of the state (Lund 2006b, 688). In a similar manner, the clan councils I study are not merely understood by their members as an alternative institution exercising public authority, but are often considered to be the state, since the duties of the government, but also their name, LC 0, become blurred. They become what Buur and Jensen call “zones of contestations” where state and non-state actors and their activities overlap and become difficult to distinguish (Buur and Jensen 2004, 145).

The term twilight institutions helps to understand “how public authority actually works” (Lund 2006a, 674), in the sense that it highlights the co-existence of multiple public authorities in a similar space (2006a, 694). This is useful to understand how clan councils closely relate to (and compete with) different government institutions in the district. However, by emphasising the existence of different institutions, the term detracts from how these institutions are inextricably linked through social interactions. The relationship between government institutions and clan councils is complex, as different members of these institutions participate in a complex set of overlapping relationships. For instance, the people who hold important positions within clan councils often fill multiple roles in both the public and private sectors as church members, business partners, and employees of government agencies. As a result, the
various functions and roles may intersect, as do the different (social and legal) norms and rules that arise from these different institutions. With this, I not only emphasise how different groups of actors together form public authority and thus blur what the state is, but I also explicitly call attention to the way personal relationships coalesce and have a major influence on the way in which different groups of actors are able to do their work. With my ethnography, I focus on the entanglement of different institutions and the way they co-constitute each other through everyday interactions (Alber and Thelen 2022). I focus on the way different persons, whether government officials or non-state actors, occupy different roles in relation to sovereignty and emphasise how they are embedded in complex webs of relationships. Simply put, I see the way people, whether they are state or non-state, relate to one another as being constitutive for how ideas about the state and sovereignty take shape in practice.

In this dissertation, I argue that popular ideas about the state and sovereignty are always emergent and embedded in social relationships, which attain meaning through practice. The ways in which government officials and clan councillors relate to each other defines how authority takes shape. The practices which give substance to these relationships are what I call semi-sovereign practices. I specifically call these practices semi-sovereign to point out the mutual cohesion and dependence on positions of shared sovereignty in Uganda. Sovereignty lies somewhere in the middle, in between relationships, and is therefore ‘semi’. Due to this, actors are engaged in constant negotiation with each other on the topic of who holds sovereignty in different contexts. Sovereignty thus emerges as polysemous, with multiple actors taking part in shaping the contours of what sovereignty comes to mean. Crucially, this plays out in a relational dynamic where actors who make a claim on sovereignty (partially) depend on each other to perform their governance functions. Further, these practices are sovereign because they refer to those governance practices that come into tension with the state regarding the exclusive right to authoritative power. I focus specifically on practices, to emphasise how sovereignty is tentative and has a processual character (Hansen and Stepputat 2001b). I approach sovereignty as performative in the sense that it takes shape in the day-to-day interactions between different (groups of) actors and institutions engaged in providing public services and governing behaviour. Furthermore, the way sovereignty is expressed is through specific practices that are inherently associated with dominant ideas of what sovereignty entails. One important way in which claims to positions of sovereignty are made is through practices associated with the state. Contemporary notions of sovereignty are inherently linked to the Westphalian state, which assumes the state to have a full monopoly on violence.
over a population in a specific territory (Kivland 2020, 17–18). Such an ideal, I have found, does not do justice to sovereignty in practice. Rather, the state is more accurately understood as an ideological construct, an edifice in which several actors, practices and interests are hidden. It is here, in the everyday interactions, that different actors perform sovereignty by using specific practices often associated with ‘the state’ (Hansen and Stepputat 2001b). The legal discourse is an important language through which different actors can claim a position of sovereignty as it refers to the state. Throughout the dissertation I argue that the use of legal language, including laws, jurisdiction and fines, places clan councils on an equal footing with ‘the state’ in claiming a position of sovereign power and using both physical and social threats to secure their position. Ideas and practices surrounding the state, law and sovereignty are thus inextricably connected. As such, their meaning must be analytically deconstructed to understand how sovereignty is established in everyday relationships and actions.

In the following section I discuss the theoretical concepts that are central to the thesis: ‘the state’ as a relational setting; law in the context of plurality; and sovereignty in practice. Here, a comprehensive explanation of the term ‘semi-sovereign practices’ will be given. Thereafter, I discuss the central role of alcohol in claiming positions of sovereignty in rural Uganda, which will serve as a lens throughout the dissertation. I will then elaborate on the main methodological and ethical considerations, as well as the fieldwork setting in which the research took place. Finally, I give a brief overview of the different chapters that will follow.

Studying ‘The State’ in Uganda

The real official secret, however, is the secret of the non-existence of the state.

Phillips Abrams (1988, 77)

Within academia, as well as in the broader public domain, people often tend to see the state as a governing entity that encompasses full authority over its subjects within a given territory, while the laws enforced within this territory are automatically assumed to be ‘state law’ (see for instance the work of Hans Kelsen 1997). Simultaneously, those who in any way influence the working of the state are ipso facto classified to be employed by the state. However, this notion of what the state is and how it works only reflects an ideal, and does not do justice to the messiness of everyday life through
which ideas and practices about ‘the state’ are given form (Sharma and Gupta 2006b, 6).

In recent years, anthropological research has shown that people who are not initially associated with the state may influence its image and functioning (see among others Anjaria 2011; Das and Poole 2004; Hansen and Stepputat 2001a; Sharma and Gupta 2006a; Thelen, Vettes, and von Benda-Beckmann 2018; Trouillot 2001). Inspired by the work of Phillip Abrams (1988) and Timothy Mitchell (1999), these scholars distinguish between the state as an idea and the state as a material entity whose actual practices, attributes and symbols are in symbiosis with this state image, as they mutually shape each other through the daily actions of people. The state, therefore, comes into existence in effect of everyday practices that are often associated with the state (Mitchell 1999). Thomas Hansen and Finn Stepputat, for instance, argue that the state is given form via “symbolic languages of authority” (2001b, 8). These are practices and performances that include the use of public legal discussions, techniques of representation via materials, signs and rituals, as well as an emphasis on a common history and territory. Such symbolic language, they argue, gives rise to the idea of the state.

Veena Das further argues how the state should not be understood as a “purely rational-bureaucratic organisation nor simply a fetish, but as a form of regulation that oscillates between a rational mode and magical mode of being.” (2004, 225). She notes how the state is a rational entity, present through various structures of rules and regulations in legal language as well as in the state institutions that implement them. At the same time, she calls the state magical, since the working of it is untransparent and the practices connected to it are linked to different contestations of power (2004, 226). Her case study on divorce deeds specifically exemplifies how community customs of the caste Panchayat of the Siglikars in India appeared valid (and official) when they wrote down their agreements on stamped court paper. In doing so, they borrowed from the rules and regulations of the state apparatus, using their language, which provided an ‘official air’ to their informal practices (Das and Poole 2004a, 23). This is where the magic happens: by performing bureaucratic practices, the Panchayat created their own legitimacy as an authority in the community. The effect is that what is formally legal and illegal blurs together, as does who represents the state and who does not. In this way, public servants may use the rules and regulations of the state in a different manner than one might expect. In a similar manner, I analyse how clan councils borrow certain symbolic languages of authority, through which they claim
their own position as a legitimate authority in their community, while simultaneously giving form to understandings of the state by claiming sovereignty through practice.

While the focus on the state has been given a great deal of attention across different contexts, predominantly in Latin America and Asia, less attention has been given to practices which form the state in East Africa ‘from below’. There are two exceptions where the state has been studied ethnographically in Uganda in recent years. The work of Ben Jones (2009) focuses on the way the state as authority appears to be absent from the lives of people in east Uganda. He notes how other institutions, such as churches and burial groups, have filled the governance gap and how they have taken over the provisioning of services to rural citizens. The work of Seth Curley (2011), meanwhile, engages with local level governance among the Bakiga in Kabale District, and focuses on the relationship between the LC 1 and local initiatives such as the clan councils, who are prominent in my own research.

Both works clarify how ‘the state’ as an ideological construct is given form through state-societal relations. Jones, for instance, emphasises how studies on development in Uganda often position the state as central to their analysis, but such a focus misses the fact that other institutions may have a more prominent role in governance and development issues (2009, 164). While this is insightful when trying to get a clearer picture of the way governance ‘actually works’, the state may still be ‘present’ by virtue of its absence. Curley emphasises how many of the people in Kabale District feel a similar ‘disinterest’ in the state, as observed by Jones (2011, 374). He argues that it is precisely because of their marginal experiences of the state as being absent, or negligent, that ‘the state’ as an idea comes to life. The state “continues to fascinate, excite, inspire and terrify people” (2011, 375), which manifests in the form of stories, rumour and hearsay. He also argues how local initiatives such as clan councils do not replace the state, but rather help to create what the state connotes. People treated these clan councils as representatives of the state precisely because they granted them

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4 In recent years there has been a growing interest in the state in Uganda, particularly in relation to questions concerning ‘good governance’, state failure, and corruption. From a more political science perspective, state and non-state interactions regarding the informal economy have come under scrutiny, see for instance the work of Kristof Titeca, Tom De Herdt, Rachel Flynn and Kate Meagher on hybrid governance, the informal sector and notions of legitimacy and illegality in Uganda (Meagher 2012; 2014; Titeca and Flynn 2014; Titeca and Herdt 2010). While their work contributes to understanding the state-citizen relationships, particularly with regards to socio-economic relations and informal trade, these studies tend to shed less light on processes of state making.
a position of legitimate authority, through which they established their own justice system parallel to the state (2011, 376).

Similar to Curley, I start from the premise that clan councils are pivotal for state-making practices in Kisoro District. However, where he emphasises how social relations give substance to the state in his analyses, my focus is on how, as well as being constitutive of state formation, these practices also simultaneously underlie the complexity of different social processes. Clan councils and their associated clan practices are not only part of how people experience the state. Rather, the clan, as ideological construct, also arises from the same web of relationships. It is within the relationships between people and the way they belong to different groups and/or institutions that certain social concepts take on meaning in people’s daily lives. Therefore, I do not merely ethnographically study everyday relationships, but rather view relations as central to my understanding of the state and sovereignty.

Such a relational approach to studying the state is both a methodological and a theoretical consideration, in the sense that it places the focus of the research on the way people interrelate, instead of zooming in on one group of people (Desmond 2014). Further, it analytically takes the research to the everyday life where the (material) practice and the imaginary of the state come together (Thelen, Vetters, and Von Benda-Beckmann 2018). By ethnographically analysing experiences of the state, one can unravel who is seen as a representative of the state, how they are supposed to work, and how they work in practice according to the people studied (2018, 9). Such a relational lens helps me to understand how people who are not immediately linked to the state could also have a profound influence on the idea of the state. This enables me to show how quasi-state actors, such as the private tax collectors discussed in chapter 3, or the clan councils discussed in chapter 4, also represent the state and influence its credibility.

A relational approach also takes into consideration the local context in which state and non-state actors are embedded. Tatiana Thelen, Larissa Vetters and Keebet von Benda-Beckmann refer to the so called ‘dilemma of the village headman’ proposed by Max Gluckman. Gluckman argues that government officials are confronted with a dilemma – they are embedded in local socio-economic webs of relations, but they also simultaneously represent and work for the state (Gluckman et al 1949, 93 in Thelen, Vetters, and Von Benda-Beckmann 2018, 8). Hence, government officials are entangled in webs of relations at the local level and must therefore deal with the (social) rules, norms and expectations of members of their community in addition to the official
norms of the state. It is within these personal relationships that people give meaning to the state.

While other legal and political anthropologists have preceded me in emphasising how both the state and non-state are shaped through social relations between government officials and citizens, until now the emphasis has mostly been on the state (see for instance Thelen, Vetters, and von Benda-Beckmann 2018). No matter how important this aspect of analysing the concept of the state may be, doing so neglects how the ‘non-state’, whatever that may be, is also given shape through similar encounters. In choosing to study the relationship between the state and the clans it is important to resist the temptation of reifying this seeming binary image of the state versus the non-state. I wish to emphasise upfront that I consider such a dichotomy fictitious. Such a binary opposition fails to do justice to the diversity of different regulations and legal forms under the heading of non-state. Rather, I am inspired by socio-legal and legal-anthropological discussions about the working of law, and view how the state and non-state take shape as ideological – and ambiguous – constructs.

My research adds to this debate by exploring how both the state and the clan are given form through practices of sovereignty. Throughout this dissertation, I will show that it is the efforts of a variety of persons associated with the state and non-state, in search of acknowledgement as a legitimate authority in their community, that constitute the state as well as the clan. Although initially the state and the clan appear as disparate groups, they must be understood as two sides of the same coin in the sense that they are inextricably linked and dependent upon similar (and sometimes the same) relationships and corresponding practices. To gain insight into how both the state and the clan are shaped in Kisoro District, it is important to ethnographically examine the interactions that shape these constructs.

The Question of ‘Law’

An important way in which both government institutions and clan councils in Kisoro District make claims to sovereignty is through the use of ‘the law’. British rule in the early 20th century introduced a state administrative system that disrupted the way power relations were expressed within clans. On paper, traditional governance was pushed aside to the private domain, while ‘law’ became predominantly linked to the Ugandan state. Although such a Westphalian legal conception does not do justice to the complexity of different rules, norms and values that arise from the different normative arrangements that rural people in Uganda have to deal with, it is important
to take this dominant conception of state law seriously. The way in which law is inherently connected to the official state not only influences the decisions people make concerning different rules, norms, and expectations, but also influences the way groups of actors organise themselves in relation to others in order to be taken seriously. For instance, both government institutions and clan councils make heavy use of legal discourse, through which they claim a legitimate position of power in the area. This calls into question what role law plays in how clan councils organise themselves, but also how people’s understanding of ‘the law’ influences the way clan councils are able to maintain a position of authority. In this section, I will not focus on the ideological question ‘What is law?’ from a legal-philosophical point of view. Rather, my goal is to understand how different actors take part in – or make use of – the various kinds of legal mechanisms that are available in the area, through which they try to claim a position of legitimate authority and power.

Major differences exist between what is and is not considered to be ‘law’ among legal and socio-legal scholars. While some (socio)legal scholars define law in terms of “public institutionalized enforcements of norms” and recognize different forms of law within what is legally permitted under state law (Tamanaha 2008, 393), others take a more ‘strong legal pluralism’ perspective and understand it as a “far more reaching and open-ended concept of law that does not necessarily depend on state recognition for its validity.” (A. M. O. Griffiths 2002, 291). Rather, law could be found in social relations as opposed to legal institutional frameworks and work through the “binding forces” of mutual obligation and interest (Malinowski 2015, 67 [1926]). However, this strong pluralistic approach towards law has been heavily critiqued by some, who argue that, as according to legal pluralism law could be ‘everywhere’, everything could be understood as law (Moore 1978, 220). Consequently, this approach deprives the term of its analytical use as “[w]here do we stop speaking of law and find ourselves simply describing social life?” (Merry 1988, 878).

In fear of getting lost in a never-ending search for a definition of law, some legal pluralists now try to avoid this route by focusing instead on how people understand law and the way law impacts their behaviour. Brian Tamanaha, for instance, argues that “Law is whatever we attach the label law to.” (1997, 128). With this approach he

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5 For an overview of the discussion on the question of law, see the work of prominent scholars such as Thomas Hobbes, Jeremy Bentham, John Austin, Hans Kelsen, Herbert L.A. Hart and Joseph Raz. The book chapter on legal pluralism by Margaret Davies is also useful to gain insight into the debate from both a legal positivist and social-legal point of view (Davies 2010).
emphasises the different ways that the concept of law can be interpreted and used while claiming a specific form of legitimate authority and power. In a more recent work, he also notes how “Law is a ‘folk concept’, that is, law is what people within social groups have come to see and label as ‘law’” (2008, 396). Although in this way Tamanaha does justice to both the meaning of people themselves and to the plurality of law in practice, his view of ‘law’ risks obscuring certain power relations surrounding the law in relation to claims on legitimate authority. By emphasising the existence of different legal orders in addition to state law, there is a risk of reducing the role of state law on an analytical level. While acknowledging how different governing mechanisms exist and affect the daily lives of many people in societies around the world, we should not take the power of the state lightly.

Like Tamanaha, how I use the term law is shaped by what people in the field see as ‘law’, while bearing in mind that state law plays an important role in the definition of law for people in Uganda. Among the people that I spoke with during my fieldwork, the term law was bound to the state, and while heated discussions could arise about the use of law in relation to clan rules, these were generally understood as law only when the clan council itself was seen under the heading of state. My approach to law from the perspective of people themselves helps to understand how ‘law’ is shaped by everyday interactions, in a similar way as ‘the state’ is shaped as an ideological construct. This ‘emic’ perspective allows me to do justice to the central role of the state in the exercise of sovereignty experienced by people in Kisoro District, while leaving space within the concept to be inclusive of other rules and norms and values if and when they are experienced as such.

Semi-Sovereign Practices

In Kisoro District, notions of the state, law and sovereignty seem to be inherently linked to, and indeed central within, discussions among people in clan communities when talking about which rules to uphold with regards to dispute settlement and public administration. Clan councils, local government councils, the municipal court and the police set different rules in governing their entity. Some of these rules overlap and have been made in dialogue between the different parties, while other rules conflict with one another. As a result, these different (groups of) actors may come into conflict with

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6 The term ‘emic’ refers to an insiders perspective and seeks to explain what people in a given culture mean with their use of terms, as certain definitions of terms may differ between one culture and another (Pelto and Pelto 1978, 54).
one another about whose authority, whose rules, and whose presence can be claimed as sovereign in the district.

Often in discussions on who has “the legitimate right to govern” the focus is placed on a form of legal sovereignty versus a de facto sovereignty, i.e. “the ability to kill, punish, and discipline with impunity wherever it is found and practiced, rather than sovereignty grounded in formal ideologies of rule and legality” (Hansen and Stepputat 2006, 296). The duality between de jure sovereignty and de facto sovereignty is not necessarily a division between an ‘ideal’ form of rule versus an ‘imperfect’ embodiment of this position because of specific political leaders or parties (2006, 301), but should be understood in a context of legal pluralism. With this I mean that, at least in Kisoro District, state authority is not the only form of public authority. Rather, a variety of practices by state and non-state actors shape the way sovereignty works in the everyday life (Comaroff and Comaroff 2006; Lund 2006a; 2011; Stepputat 2015; Tapscott 2017a, 267). While the Ugandan state may have the legitimacy to govern in name, in practice sovereignty is always in flux, ever evolving and constantly challenged through everyday encounters. In the words of Thomas Hansen and Finn Stepputat, sovereignty should be understood as a “tentative and always emergent form of authority grounded in violence that is performed and designed to generate loyalty, fear, and legitimacy from the neighborhood to the summit of the state” (2006, 297). Such a focus on de facto sovereignty helps us to understand how a variety of actors, ranging from clan councils in rural villages to local government councils, or even the magistrate and police in the district, are in constant dialogue with each other to negotiate how sovereignty in the district is practiced.

This emphasis on the plurality of sovereignty from an empirical perspective has been rather popular in recent years. Many contemporary anthropologists emphasise how sovereignty manifests in a diversity of ideological constructs, institutions and practices and thus transcends what is normally thought of as ‘the state’. For instance, Rachel Sieder (2011, 168) talks about ‘contesting sovereignties’ to emphasise the ‘kaleidoscope’ of different groups of actors that take part in (il)legal or semi-legal orders, while Lund (2011, 887) suggests using the term ‘fragmented sovereignty’ to highlight how different institutions compete with each other over authority in a particular area.7 Jean Comaroff and John Comaroff, meanwhile, refer to this phenomena as ‘partial sovereignties’ (2006, 35), which they use to refer to

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7 A term which was also coined by Nir Gazit, and later Diane Davis, to refer to the existence of multiple localised forms of power (Davis 2010, 400; Gazit 2009, 1).
“patchworks of partial, horizontal sovereignties” (2006, 41). With this term they illustrate how sovereignty in many ‘post colonies’ is not centralised around the state, but consists of several overlapping forms of sovereignty.

While Comaroff and Comaroff rightly emphasise how sovereignty works differently in different places, their focus on partial sovereignty as a patchwork of “woven tapestry” (2006, 35) suggests fixed positions of different actors as they are woven into a fabric in a fixed manner. However, the fact that sovereignty is contested does not mean that all actors hold an equal position of power, nor that such positions do not change. Rather, my research shows how, in line with Lund’s work, a range of competing institutional actors are continuously engaged in practices of sovereignty, where one actor may be more dominant than another (Lund 2011, 888). Lund points to the processual character of sovereignty and emphasises the way institutional actors and people shape “fragments of sovereignty” (2011, 886). Yet, such a notion of ‘fragmented’ sovereignty seems to suggest something whole which has been broken into several parts and thus become dysfunctional. However, this need not be the case. Not all sovereign practices are necessarily as fragmented as they seem. Therefore, sovereignty has to be approached as “always relational, incomplete, and partial” in the sense that it always emerges and is constantly created through social interactions (Stepputat 2015, 131).

Stepputat’s suggestion of “formations of sovereignty” illustrates how sovereignty is always in formation through the different spatial and temporal relations that people encounter in their everyday lives (2015, 132). He emphasises how sovereignty takes shape through dialogue and is constantly challenged by various claims, but he underemphasises the way these claims are inherently connected to one another. As we shall see, the different actors I describe may seem disparate, but they need each other to maintain their own claim on sovereignty. The government institutions and clan councils I study not only negotiate their positions of sovereignty, but also partially cooperate with each other, recognising each other and balancing their different interests, while at the same time they engage in boundary marking to distinguish themselves from each other.

Inspired by Moore’s idea of semi-autonomous social fields, I understand how multiple institutions operate in the same space, all of whom have the ability to create rules and impose them on their members, while the weight of these rules depends on the legitimacy of the rules of the other institutions that members feel a part of (1973, 720). Sometimes these claims coexist, sometimes they are co-opted, and at other moments they converge or conflict. This means that multiple claims to sovereignty can—and do
exist side by side. But what is key to understand is that they always play out in relation to one another. Moore explores the way people are embedded in all kinds of social fields, ranging from family relationships and societal clubs to business associations and (state) institutions, and argues how a variety of social rules, norms and expectations may influence whether people would comply with state law. However, while she emphasises how these different institutions are partly self-governing and autonomous, I wish to emphasise how they are simultaneously dependent and reliant on each other. Therefore, I propose to use the term semi-sovereign practices, because the emphasis on ‘semi’ accentuates how positions of sovereignty are not only transformative and always emerging, but, due to their relational dynamics, are also interdependent.

Furthermore, I use the term semi-sovereign practices, as opposed to semi-autonomous social fields, because of my focus on a specific type of authority at play. Moore deals with governance practices more broadly, including all kinds of social norms and values from a multitude of social fields. Her case study on the New York clothing industry, for instance, illustrates how informal rules and obligations may be more important than the official legal rules. In contrast, I stay away from the social rules and norms that can generally influence people’s decisions. Instead, I focus on those groups of actors who compete with government institutions in making specific decisions about people’s lives that can have major consequences. These groups make claims over life and death through the jurisdiction of ‘the law’ (Comaroff 2006, 35; Sieder, 2011, 163). In this dissertation, I use the term sovereignty rather than authority precisely because of the reference (and claim) that clan councils make to the use of the law, as well as a monopoly on violence, in which they compete with the state’s claim to sovereignty. Therefore, I approach sovereignty as a form of authority that is exercised through the use of and reference to ‘law’. For instance, the clan councils in Kisoro District not only resemble local government councils in organisational terms and make use of similar “symbolic languages of authority” (Hansen and Stepputat 2001, 8), but they also take over many of the local government’s tasks, such as aiding in dispute settlements and providing public services in their communities. Because of these practices, clan councils can be at various times understood as official, semi-official, or unofficial.

The term semi-sovereign practices highlights the ambiguous nature of de facto sovereignty. For some people in Kisoro District the clan councils are understood as sovereign, while for others they are not. For some they are merged with the state, for others they belong to the private sphere. This means that they can be seen differently
by different people at different times. A focus on semi-sovereignty leaves space for the blurry nature of the different sovereign practices used by various state and non-state actors, and highlights the way different institutions are embedded in similar webs of social relations, through which they are mutually interdependent for their existence.

Lastly, I call them *practices* because of my focus on the relational aspect in which these claims are made, and to emphasise the processual character in which power negotiations take place: never in the hands of the beholder, but always taking form and continually changing through interactions. Such a focus on the performative dimension of sovereignty helps to understand how sovereignty “denotes less a property of states than a repertoire of power” (Kivland 2020, 17).

The idea of semi-sovereign practices allows me to illustrate how clan councils in Kisoro District can participate in public authority through the way they mobilise the bureaucratic techniques and legal language usually associated with the state. In this dissertation, I explore how these clan councils occupy a special position of power because of their fluid identity as belonging to both the state and non-state. This is because they are embedded in the actual structures of the local government and act as the first entry point to accessing public services. The latter is an important feature, and one they attach great importance to by imposing severe fines on members not adhering to this order, as we shall see in chapter 6. At the same time, they consciously distance themselves from the state by calling themselves 'traditional', emphasising concern for the clan as a community. The way they mimic the local government councils gives them a certain aura of officialdom, but it is precisely their emphasis on their traditional roots that ensures they are seen as legitimate, credible, and sovereign, at least to an extent. How they try to maintain their position as an authority depends to a great extent on their relations with government institutions, as mutual dependence and partial recognition are necessary to safeguard their own position. As I have already mentioned, traditional practices are pivotal for maintaining the clan councils’ position of legitimate authority in the district. Of these practices, those associated with alcohol are very important. Alcohol is a means through which clan councils can distance themselves from the state and emphasise their shared identity and past. In the upcoming chapters, I use the role of alcohol as a lens to understand how government institutions and clan councils position themselves in relation to each other.
The Moral Dimensions of Alcohol

For them [the subcounty government council and above] they usually fine in money mostly, but for us [local government council in the village] you’ll have to choose. It’s either alcohol or money. As long as it is an equal payment of the same jerrican [with alcohol] that we fine.

LC 1 chairman, village E, interview with author, February 14, 2019

Historically in Uganda, as in many African countries, beer drinking practices have played an important role within the authority structures of clans. The embeddedness of alcohol in governing practices is still very vivid today in the way both clan councils and local government officials claim authority in the area and perform governing tasks. As the quote by the LC 1 chairman above displays, alcohol is used by various levels of the local government as a categorising mechanism that distinguishes government councils from each other. Hence, alcohol plays a pivotal role in bringing about ideological dichotomies between different governing institutions. The role of alcohol seems to be central in local government politics in Kisoro District and demands some elaboration, as it may not be the first thing that comes to mind when thinking about state practices.

Different groups of actors who engage with public authority – ranging from clan councils to the various local government councils in the local government – highlight the differences between themselves to emphasise a certain image or stigma, and to gain a specific degree of credibility among their members. These differences are emphasised through binary categories such as tradition versus modernity, rural versus urban, and primitive versus educated. While these binaries are highly criticised as analytical terms (Ferguson 2005), the use of these categories remains very popular in the everyday life of people in Uganda, particularly among the people with whom I interacted during my fieldwork. However, there seems to be uncertainty as to which traditional or modern practices represent good or bad ideals. As a result, there is constant discussion about which norms and values should be upheld and/or defended in the community.

Central to many of these discussions is the role of alcohol, which holds a valuable place within clan councils in Kisoro District, as well as its neighbouring districts. Whereas the monetary value of the product itself has changed over the years, from a rare and highly coveted alcoholic substance before British rule, to a drink for everyday use after the
introduction of industrial production, its symbolic value has remained more or less constant (chapter 2 will further discuss the changing role of alcohol in clan practices since 1900). Even today, alcohol is used as medium of exchange, as a fine system when clan members break a rule, to reconcile people and settle disputes, as a means to open discussions between different people, and as a form of courtesy; without the presence of traditional alcohol, one cannot start a serious conversation or settle any kind of social, economic or political issue. This is not just about beer in general, but specifically about locally brewed beers, which have been customarily brewed for generations.

As I will elaborate in more detail in chapter 4, these beers are considered to bring people together through social rituals, as well as being a means to settle disputes between different families. Likewise, the ingredients are often understood as healthy and nutritious, making it the drink of choice as a replacement for a meal. These benefits were frequently mentioned in defence of traditional drinks for consumption, as well as their purpose within the clan legal system during my fieldwork. Simultaneously, tensions exist regarding the role of alcohol in society in general. While traditional alcohol is seen as a proud tradition and praised for its important role in social cohesion within clan communities, in public debates in Uganda, alcohol is seen as one of the biggest problems currently gripping society.\(^8\) Many residents I spoke to expressed concern about the large number of problem drinkers in the district, especially regarding the so called crude waragi, an illegally produced local gin.\(^9\) They address both the moral and social concerns of alcohol, as it is often related to issues of domestic violence, as well as the health risks, since it is not uncommon for people to go blind or die from the amount of methanol in crude waragi.\(^10\)

The discussions concerning the role of alcohol in clan councils are clearly visible within clans, where a distinction is made between traditional beers and their positive

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\(^8\) The World Health Organisation (WHO), for instance, estimated that Ugandan people drink 23.7 litres of pure alcohol per person a year (World Health Organisation 2014), even calling Ugandans the biggest drinkers in the world in 2004 (World Health Organisation 2004).

\(^9\) It is estimated that around 89 percent of the alcohol consumed comes from the unregulated market and is produced informally (Uganda Youth Development Link 2008; World Health Organisation 2014).

\(^10\) While locally concerns with alcohol are high and alcohol-related issues appear frequently in the news internationally, the issue seemed not to be high on the agenda of national politicians (Kalema et al. 2015; WHO 2005). Attempts have been made by the Ugandan parliament to improve alcohol regulation, the newest being a ban on kaveeras, small plastic sachets of alcohol (June 2019), but at the time of writing the heavily discussed and proposed Alcohol Drinks Control Bill 2016 has not been passed (Monitor 2021). Simultaneously, since the ban on kaveeras, Ugandan newspapers mention how there has been an increased demand for illegally distilled crude waragi (Katungulu 2021; Kiiza 2021).
association and use in rituals and ceremonies, versus distilled spirits such as crude waragi, which are related to the individual consumption of alcohol, alcohol addiction, and bad habits.

The moral discussion surrounding alcohol is an important way for clan councils and government institutions to differentiate themselves from others. Clan councils are part of a constant game in which they manoeuvre around the good-bad discussion concerning alcohol in order to maintain their own identity and authority as a ‘clan’, as they must strike a balance between the value they place on alcohol against its generally negative image. However, the dynamics surrounding this discussion are complicated by how the higher government councils in Kisoro District (LC 3 and above) view alcohol and also trivialise the use of alcohol in clans. Many of the people occupying higher positions in government councils come from outside the district and are not used to these practices. Often, they distrust these local drinks, simultaneously diminishing the clan organizations as merely small associations with trivial practices (see a further discussion on this in chapter 6).

Dismissing clans and their activities as trivial and bucolic minimises the important governance position that clans occupy in everyday life. The use of alcohol within the legal system of clans is also frequently presented as an example to demonstrate the short-sightedness of rural people. While many clan members emphasise the importance of coming together when promoting the importance of alcohol in dispute settlements, its use is seen by many of the senior officials as one of the reasons that socio-economic problems are perpetuated. Such voices argue that clan councils promote a short-term solution to a problem, while not investing in a long-term solution by instating a monetary penalty system and saving it as an investment for the community. I would like to emphasise that this binary distinction between urban ‘higher positioned and/or educated’ state officials and rural citizens is not as black and white as I am suggesting here. In practice, different perspectives intertwine with regards to alcohol, its regulation, and what is morally appropriate behaviour. For instance, the LC 5 chairman, the highest chairperson in the district, expressed his concern about the alcohol problem in the area, while also advocating the consumption of traditional beers as a better alternative to other forms of alcohol: “Musururu – at least that one is food, it is porridge, that is what we were encouraging that now if you feel if you want to feel high, take the porridge because it will be even building you” (LC 5 chairman Kisoro District, interview with author, July 4, 2018). That said, I want to
emphasise the distinction here as it is used by many people as an argument for or against different practices and forms of regulation in the area.

Alcohol as a Lens to Study Semi-Sovereign Practices

In light of the ambiguity and complexity that notions of alcohol have in Kisoro District, I want to emphasise how the moral dynamics of alcohol resonate. Alcohol functions as a sounding board for what is acceptable behaviour in reference to practices of governance and idealised notions of the state. This then plays out not only between state and non-state, as we have seen, but also in the relationships between different layers of the state. Within the district government, officers of various ranks blame each other for the persistent alcohol problems in the area. Meanwhile, lower-ranking government officials are suspected of being too close to local people and their alcohol-loving customs, and the senior ranks are suspected of meddling in corrupt relations, engaging in corrupt relationships with the illegal alcohol industry. In both forms of mutual accusations and rumours, the tensions regarding the morality of alcohol in Kisoro society are visible and offer an important entry into state making, as they expose how claim making practices and performances of sovereignty take place in the district (see also chapters 4, 5 and 6). At the same time, these tensions surrounding alcohol and its place in practices of governance raise questions on a conceptual level, namely: what exactly is ‘the state’, who represents it, what they represent, and more importantly, whether this concept really covers what it stands for.

The blurriness between what ‘the state’ and ‘the clan’ connote is what makes alcohol so compelling as a means to look at these issues, as it can be mobilised as a lens to examine the complexity of the state as an ideological construct and as a practice. The lens of alcohol shows how notions of the state are emergent and performative, and come about through relationships in practice. This not only shows the stratification, fragility, and sensitivity with which the state as a concept is created – after all, its formation is a continuous game in which several parties participate, either directly or indirectly. It also shows how dominant and important moral discussions about alcohol are in Kisoro District. They influence not only the manner of governance in practice, but also how the state and the clan are formed in the eyes of their members.

Alcohol does not play the leading role in portraying these concepts, but it does represent the broader underlying social phenomena that are central within Kisoro District. This moral discussion about the position of alcohol is not new. As I will discuss in chapter 2, law making associated with alcohol has always been intertwined with
questions of modernity, hygiene, tradition, and civilisation. Ever since the first references to alcohol in colonial history, this has been one of the primary preoccupations. This association is found in legislation (chapter 3), as well as in formal and informal relationships and within the bureaucracy itself (chapters 4, 5 and 6). Alcohol thus offers a way to explore the tensions that are navigated by different people at different locations of the state in rural Uganda. Each chapter of this dissertation shows a different aspect of how people who occupy different positions in relation to alcohol navigate this complexity.

Fieldwork and Methodology

To study how residents of Kisoro District perceive, partake in, and interact with ‘the state’ and ‘the clan’, I conducted nine months of ethnographic fieldwork, from April to October 2018, and January to March 2019, in Kisoro District, Uganda. In addition, I build on an earlier fieldwork period between August 2014 to January 2015, during which I studied state-citizen relations and informal alcohol trade in the same district.

Within anthropology, the use of ethnography has several meanings. The term encompasses a multitude of methods, within which the interpretation of ethnography can differ depending on the researcher (Hammersley and Atkinson 2007; O’Reilly 2012). In a broad sense, the ethnographic method stands for immersion in the daily life of a certain group of people for a certain period of time, to ‘be there’ with a watchful eye as social complexity unfolds. Common methods that are associated with this are participant observation11 as well as all kinds of conversations, ranging from informal chats to formal interviews to grasp the more personal views of people about social life (Hammersley and Atkinson 2007, 3; O’Reilly 2012, 3).

My research, which focuses on understanding and interpreting people’s ideas and actions about what the state is, what the clan is, and how both relate to law, governance, and legitimate authority, lends itself well to ethnographic methods. This approach is helpful for unravelling the deeper meanings that people give to certain

11 I follow the work of Kathleen and Billie DeWalt and understand how participant observation is “a way to collect data in naturalistic settings by ethnographers who observe and/or take part in the common activities of the people being studied.” (DeWalt and DeWalt 2011, 2). This connotes taking part in all kinds of activities and gaining an understanding of people’s way of life through participating in, observing, and asking questions about the way things happen.
institutions, people, or practices. Also, it aids me in explaining the motivations of people behind their actions in a more formal or legal sphere.

More specifically, in research focused on the working of law in practice, ethnography offers an opportunity to understand the context behind the motives for either choosing formal law in resolving disputes or resorting to alternative means. Anne Griffiths, for instance, studying family disputes settlement, access to law and land tenure in Botswana, notes how “the context in which ordinary negotiations among family members can lead to voluntary agreements being reached over property that may differ from those reached according to formal legal norms and the projected legal standards that may have very little to do with reality” (2015, 222). In a similar way, ethnography offers me the tools to understand the complex landscape of legal, normative, and social rules that people in Kisoro District face when making ordinary decisions in everyday life. This not only reveals what is often invisible during legal research (in particularly, dispute settlements which are not decided by formal law), but also provides insight into the decision-making processes of people when making these choices.

The research process

The people you meet during fieldwork, with whom you talk, laugh and cry, are inextricably linked to the research and determine to a large extent what the research will look like. They are not merely objects of study, but subjects as well as agents in the study itself. They are subjects in the sense that their personal views and understandings of the world are central to the study itself. Rather than finding a purportedly objective truth, ethnography is concerned with hermeneutics and the way that people’s interpretations frame their lives (Hammett, Twyman, and Graham 2015, 164). Interlocutors are agents in the sense that it is not only their perspectives which are caught by the researcher; rather, they are the ones that set the course to the research and have a great deal of influence on the ultimate research design. Karen O’Reilly calls ethnography ‘a practice’, since the research design evolves throughout the fieldwork (2012, 11). She emphasises the ‘iterative-inductive’ nature of ethnography, since the various stages of the research process, ranging from data collection to analysis and the writing itself, are inherently connected (2012, 30). Building on these insights, I understand how my research project is partly informed by my own positionality, as well as influenced by a literature study and the actual writing of a research proposal. At the same time, I am conscious of the fact that a research project is a living process.
in which constant reflexivity during fieldwork gives space to ‘the field’ to shape the research.

When I started my PhD research in early 2017, I was interested in the alcohol problem in Uganda. I proposed to study how and why both public servants and citizens participated in – or tolerated – the unregulated alcohol trade in Uganda. To study this, I wanted to find out what ‘the law’ meant for citizens and public servants, how they perceived ‘the state’, and how they viewed these alcoholic drinks. Initially, my focus was specifically on the trade of illegal alcohol itself and the people connected to these practices. Thus, I focused on the ‘practical norms’ that exist and provide explanations for the differences between law and policies on paper versus how these laws and policies are performed in everyday life (Olivier de Sardan 2015; Twijnstra, Hilhorst, and Titeca 2014). Gradually, during my fieldwork, I noticed that alcohol was not just a product to discuss issues of legality and legitimacy. Rather, alcohol is an essential part of governance itself, because of its important role in clan councils and ideological constructions of ‘the state’. Therefore, the lens of alcohol in my research changed from merely exemplifying accounts of legitimacy towards the central place that alcohol occupies in understanding power dynamics and practices of sovereignty in Kisoro District.

*Kisoro District and its People*

Most of the fieldwork has been carried out in the Kisoro District, though occasionally fieldtrips have been made to other districts, including Kasese, Kenjojo and Jinja, as well as the capital Kampala. Kisoro District first appeared as an interesting location for my research because of its proximity to the borders of both Rwanda and the Democratic Republic of Congo (DRC), and the widespread cross border trade in illegal types of alcohol. Although the border as a physical location has become less important in this research, as the focus of this research is on people’s experiences and practices concerning the state and clans in Uganda, the presence of the border, as a reminder of the margins of the state (Das and Poole 2004a), is an important point of reference for many people to refer to the state and the distance that many of them feel from the state.

Kisoro District is located in the far southwest of the country, bordering Rwanda and the DRC. It is a 10 hour’s drive by car from Kampala, approximately 500 km. The district comprises three counties, 14 sub-counties, 37 parishes and more than 500 villages. Most of the people in the district live in the southern Bufumbira County, with Kisoro
Municipality (often referred to as Kisoro Town) as the district capital. During my fieldwork, I stayed in the town of Kisoro, where I lived on the property of a wealthy and highly respected family. The head of the household is a retired bishop who studied at Berkeley and for a long time taught at the university in the adjacent district. He is well known in the area, and he and his wife have not only welcomed me into their home both during this fieldwork period as well as in 2014, but they have also introduced me to the various (state and non-state) institutions and actors involved in governance. What is more, their respected name ensured that I could safely move through the different groups of actors in the district during my fieldwork period.

Kisoro itself is a small town (18,000 inhabitants). It has three main streets, with various eateries, a few small supermarkets, copy shops, hotels and two entertainment venues. On the main road are several government agencies such as the town hall, police station, and a little further down, the district building and magistrate court. The area is well known for its tourist attractions – visiting the silverback gorillas is chief among these – but outside the tourist season it is rather quiet in the town, except for Mondays and Thursdays when it is bustling with activity due to the weekly market. The majority of people in the district are engaged in agriculture (approximately 91.4%) (n.d., 21, 27), and come from all over the district to sell their produce on these days and get a taste of the ‘big city’. I chose to stay in Kisoro Town because several government institutions are located here, and meet actively. In addition, I focused on three sub-counties within the district. I chose these sub-counties because of the specific location and nature of activities that take place in the area. One of them is important because of the large supply and demand of local alcohol, which is not only interesting for people themselves as a source of income, but is also an important source of tax for the local government. The other two sub-counties I chose because of their distance to the centre of the district, as well as the important role that clan councils have in this area. One village (which I refer to as village E) in particular sparked my interest, and I spent considerable time there, learning more about the ways people experience and take part in a clan council.

Kisoro District is home to both Bafumbira and Bakiga people as well as a relatively small minority of Batwa people. The majority of inhabitants identify as Bafumbira, however in the north and east of the district a significant number of people identify as Bakiga. Although the Bakiga and Bafumbira people in Kisoro District distance themselves from

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12 Village E is a fictitious name for one of the rural villages in Kisoro District where I have done my fieldwork.
each other, what they have in common is that their clan councils are organised in a similar way. Both forms of clan councils are colloquially referred to as LC 0. In both these clan councils, locally brewed beer also plays an equally important role for practices of sovereign power.

My research focuses on government institutions and clan councils. By government institutions I mean those institutions formally involved in public authority. Specifically, I have directed my attention to the local government at different levels (from village to district), the magistrate court, and the district liaison unit of the police. In terms of clan councils, I mean both *umuryango* (Bafumbira people) and *ekiika ngozi* (Bakiga people). In chapters 4 and 6 I focus on the ekiika ngozi clan councils, which I have been fortunate enough to attend on several occasions throughout my fieldwork.

Alongside the government and clan councils, I conducted research among people involved in alcohol practices, ranging from those involved in the production process, such as the men and women (often farmers) who brew these drinks at home, to local traders, shop owners and the consumers at the end of the chain. I was specifically interested in people who produced drinks that were considered ‘local’, such as *umwenge* or *tonto* (banana beer or wine), *bushera* (low to non-alcoholic sorghum beer), *musururu* or *muramba* (alcoholic sorghum beer), and *waragi* (distilled ‘gin’ made from sugar cane, molasses or banana beer).

In addition to the clan councils, churches have an important governance role and cannot be ignored when understanding governance in rural Uganda (Jones 2005). Not only do they play an important role in socio-economically supporting their members and prescribing certain norms and values, but they are also relevant when it comes to their influence on the moral discussions surrounding alcohol (Jones 2009, 159). While I recognise the importance of churches in discussions about alcohol, they are not the focus of my research for practical reasons. Simply put, it would have made the research population too large to build sufficient rapport over the duration of the project. In addition, I wanted to specifically focus on those groups that participate in practices of sovereignty. The church, although a highly important legitimate authority in the area, is not understood by the people in the area as a sovereign power, and pays less attention to the tensions around state formation that I can visualise so clearly through the clan councils.
Methods

My main research methods were participant observation and different types of interview techniques. A large part of my fieldwork took place at institutions and organisations associated with the state apparatus. For a time, I attended one of the divisions of Kisoro Municipality, where I was treated as one of the interns in learning the ropes and participating in tasks. Often on Mondays and Thursdays I would walk with the ‘town agents’, public servants tasked with all kinds of administrative tasks in their division. I joined them in their daily routines, collecting a variety of taxes and license fees. I also walked with private tax collectors who were often hired by sub-councils to collect the daily tax on market products, as well as on ‘locally’ produced alcohol; the Beer Brewing Permit (BBP).

Later in my research, I was able to observe several mediation sessions among the Community Liaison Office (CLO) of the District Police, as well as hearings at the Magistrate Court, alongside my time spent with members of the clan councils. I was able to combine these different activities due to the regularity of the fixed days. The work at the Central Division took place every weekday, while disputes were settled every Thursday afternoon at the District Police. The clan council, meanwhile, often worked on Fridays and Saturdays, making it easy to participate in all these activities without missing important insights or moments. Participant observation as a method was particularly useful for understanding how different bureaucratic offices relate to each other. Such an ‘insight’ on bureaucracies, as Thomas Bierschenk and Jean-Pierre Oliver de Sardan call it, helps to understand not only the relationships between public servants and citizens, but also the internal dynamics between different public services (Bierschenk et al. 2019, 244). This was particularly helpful for understanding the power relationships between the police, the local government councils, and the clan councils, which I discuss in chapters 5 and 6. By attending various activities, including awareness or ‘sensitisation’ workshops by the police, it became clear how positions of (semi) sovereignty are in constant tension, specifically whereby the performances and preservation of certain images are important for the police in order to maintain their position of sovereignty. Of course, these findings were complemented by various other fieldwork methods to verify the ‘picture’ I was given, i.e., triangulation of research methods.

There are a variety of interview techniques that I have used, most notably semi-structured interviews, focus groups, and informal interviews. When using semi-
structured interviews, I made use of pre-prepared topic and questionnaires, which helped me to steer the interview in a certain direction. This also gave me space to deviate from the topic where necessary. Over 60 semi-structured interviews have been gathered, in which events from previous participatory observations were discussed and additional explanations were requested about certain actions. I conducted these interviews with policemen, public prosecutors, and judges, as well as senior officers working for the Ugandan Revenue Authority (URA), the Uganda Bureau of Statistics (UBOS), and the Ministry of Trade. I also conducted interviews with members occupying high positions in the Kisoro District Government (the district chairperson, the chief administrative officer, and his deputy) as well as a variety of (senior) officers working at the district, magistrate and subcounty level. The interviewees included revenue officers, accountants, health officers, treasurers, clerks, and administrative chiefs. Furthermore, I was able to conduct semi-structured interviews, focus groups as well as more informal interviews with different members of the village councils (LC 1), as well as a substantial number of interviews with board members of clan councils (LC 0) and people related to alcohol practices. The majority of interviews were recorded. Permission to record the interview, as well as consent for the interview, were given prior. I was also granted permission to access the magistrate court archives; however, those archives were in quite bad shape, making it difficult to gain relevant information, especially since many of the court cases, specifically those involving alcohol, happened during the sixties, and files were only stored for several years.

Being in the Field

The conversations and interviews were conducted in English, Rufumbira or Rukiga, the two main Bantu languages spoken in the district. The interviews with public servants occupying higher positions were all conducted in English. The interviews conducted with local village councils, clan councils and residents were conducted in Rufumbira or Rukiga. For these interviews, I was assisted by one of my research assistants. Throughout the course of my fieldwork I worked with three research assistants, who I came to know via a snowball method. The first was Gad, a young man in his twenties who had just finished a diploma in journalism and lived nearby a good friend of mine. He assisted me during the first months of fieldwork (April-August 2018), though he moved to Kampala in August 2018. He was followed by Simon, also a young man in his early twenties who had just finished his bachelor’s in business-management, and would start his postgraduate degree in January 2019. Between January and March
2019, I was assisted by Martin, who was in his late twenties and had just finished his bachelor’s in law.

Of course, working with a research assistant influences the data you collect on several levels. For one, the meaning behind certain words can get lost in translation simply because one works with different languages and levels of language proficiency. I tried to take this into account by asking my assistant, when transcribing the interview, to not only write down my English question, but also to write down how he translated the question into Rufumbira, so as to note differences in word choice. I also asked them to do this with the answers. In this way, small changes came to light that sometimes provided clarity as to why my interlocutor did not understand a question, or gave a different answer than I had expected.

Working with three different assistants also has both advantages and disadvantages. First, it takes time to get used to each other’s way of working. At the same time, the different experiences allowed me to get to know different forms of collaboration. Where Gad often tended to want to conduct the interview himself, because of his journalistic interest, Simon was more focused on the correct way of translating, meaning I often received extra explanations when a word in Rufumbira could have multiple meanings in English. Martin, on the other hand, perhaps because of his legal knowledge, as well as his own family ties – several of his aunts and uncles are chairpersons of a clan council or a subcommittee in a clan council – provided excellent comparison material during the discussions we had after an interview. This form of reflection not only led to interesting discussions with my assistant about what an interlocutor had said and to what extent he believed it was relevant, but also gave a lot of depth through the experiences and ideas on the topic from my assistant’s perspective.

Lastly, I chose to work specifically with a male translator because of the topic of study, as ideas about politics and alcohol are considered ‘male’ topics of conversation in the area. Since I am a woman, I wanted to make sure that the interview settings were not further unbalanced in terms of gender. One possible concern was that certain topics would not be discussed with a female interpreter, and my hopes were that an assistant of the opposite sex could help to provide access to topics that would otherwise be considered inappropriate to discuss with women alone (DeWalt and DeWalt 2011, 99, 102). While I do not wish to suggest that women play no part in governance or discussions about these topics (I encountered several women in senior positions in the district, or who participated in politics), most people involved in politics or governance...
were men. I have tried to keep my own identity as gender neutral by presenting myself as an outsider and emphasising my status as a foreigner.

The role of the researcher

Doing ethnographic fieldwork means recognising yourself as a researcher and research tool. This makes the research a personal experience by nature, and therefore subjectively layered (DeWalt and DeWalt 2011, 20), something that needs to be carefully considered. The idea behind ethnographic fieldwork is that studying knowledge prior to research ensures that the research is pre-driven by certain assumptions. This involves a certain oxymoron. On the one hand, the researcher is expected to enter the field with an open mind so that the data from the field leads to theory formation (an inductive approach); on the other hand, they naturally have certain prior knowledge and assumptions due to their own background (Bentzon et al. 1998, 178–79). I have tried to reflect on my own background and personality as much as possible by discussing my research with a wide group of people, ranging from farmers, traders, and women’s groups, to respected clan members and people occupying all kinds of positions within the government. Furthermore, constantly reflecting on my thought process with my research assistant (certainly with Martin during the later stage of my research) and with James, one of my key interlocutors and also a friend, has enabled me to distinguish between my own ideas and the ideas of others. The theme of what ‘law’ is and what ‘the state’ denotes has certainly played a role here. While I initially went along fairly quickly with the ideas from the legal-anthropological literature that law is what people understand it to be (Tamanaha 2008), my lengthy period in the field has ensured that what one sees as law is not so much a fixed understanding among a group of people, but rather has a variety of meanings among a variety of people. In fact, I found, the meanings that a person can attach to these concepts may vary in different situations and in different contexts.

Data Storage and Analysis

Throughout the fieldwork, I have placed considerable thought into the way I needed to protect my research population and how I could and should use their data, for which I have been given ethical approval from both Tilburg University in the Netherlands and Makerere University in Uganda. For one, I used an open research approach in which research participants were informed about the research, the possible risks, and I gained their permission for the use of data prior to the study. More so, I made sure they gave consent for both interviews as well as participant observation to prevent any
form of covert research (DeWalt 2011, 42), and frequently during the research I asked them how they felt about their participation. I also ensured the research participants were protected by using pseudonyms, as well as removing the names of villages, parishes, and sub-counties so as to ensure the safety of those participants working with alcohol or who were a part of clan councils. Of course, some of my interlocutors occupy certain positions for which it is quite difficult to ensure their anonymity. On a case-to-case basis, I carefully considered the impact of my research on their position, and I explained these issues to those involved. Regarding data storage, as an extra layer of security to ensure the safety of my interlocutors in case I lost (one of) my notebooks, I used pseudonyms in my notes. Furthermore, the raw data is anonymously archived in TiU Dataverse, a data repository at Tilburg University with restricted access, ensuring the safety of my interlocutors. Lastly, as mentioned earlier, qualitative research is an iterative and continuous process, and thus the process of analysis and research has been intertwined (Boeije 2010, 14; O’Reilly 2012, 30). Throughout the fieldwork and writing process, I used an inductive qualitative coding method, coding and analysing the data using ATLAS.ti in terms of groups of people as well as understandings of concepts such as alcohol, traditional practices, the clans, the state, and law in relation to understandings of authority and the role of alcohol in different governing institutions.

Summary of Chapters

In the next chapter I provide a historical overview of alcohol in Uganda. I discuss the role brewed beer had in social, economic, and political relations among the people living in Kisoro District between 1900 and 1960. Thereafter, I demonstrate how the new modes of governance introduced by European colonisers, as well as the introduction of taxation, money, and spirits (among other things) brought considerable changes to existing power relations in everyday life. The introduction of cheap distilled alcohol made it relatively easy for young men to obtain alcohol. This disrupted the way clan elders could maintain their position of authority through their control over alcohol. The popularity of distilled alcohol among young people also raised concerns among British officials, who introduced strict rules on spirits and banned alcohol from the official domain, while permitting the production and consumption of home brewed alcohols. In doing so, they allowed beer to continue to play a role in how local leaders informally run their communities, which continues to shape notions of legitimate authority and power today.
In chapter 3, I ethnographically represent some of the processes by which the meanings and practices of home brewed alcohol affect local legislative practices in Kisoro District, in particular taxation. Data from the field shows how home brewed alcohols are taxed differently throughout the district, with some drinks being taxed in one sub-county, but neglected in another, and vice versa. Specifically, I emphasise that what qualifies as a taxable alcoholic product depends on local perceptions of what ‘native’ alcohol is as well as negotiations between private tax collectors and residents about the meaning of alcohol. I argue that private tax collectors occupy an important yet ambiguous position between the state and society, as their status as ‘not-quite bureaucrats’ enables them to manoeuvre between the rules and norms set by official government institutions, as well as those set by the (clan) community. Their embeddedness in the community is crucial for them to be able to collect these local taxes for the district government. Likewise, the way they balance the different (social) expectations of their friends, family and acquaintances negatively shapes the relationship between the state and the community, as rumours of corruption, nepotism and state neglect are prominent in discussions about local tax collection.

In chapter 4, I focus on the relationship between traditional alcohol, clan practices and bureaucracy. While clan practices are often seen as a remnant of tradition, I show how clan structures mirror certain features and criteria that a modern institution is imagined to need in contemporary southwestern Uganda. In doing so, they blur the boundaries between where the clan ends and the state begins. They give form to the state as an idea and in practice, while simultaneously their practices blur the institutional boundaries of the state. Alcohol provides an interesting lens to explore these clan practices, as its role in these clan communities has become contested. Home-brewed beers are understood as a proud tradition, yet they are also referred to as backward, not befitting the ‘modern’ world of today. I demonstrate how the Bakiga people give meaning and substance to terms like tradition, modernity, and development through discussions on the place of alcohol in their locality. I use these examples to show how the local articulations of these concepts affects clan practices at the local level. Discussions surrounding alcohol thus become a productive space where ideas of legitimacy, sovereignty, ‘the state’ and ‘the clan’ are shaped.

In chapter 5, I ethnographically display how the language of law is symbolically used as a source of sovereignty. Through the case study of a sensitisation workshop organized by the police, I demonstrate how the performances of the police to claim sovereignty are contested and negotiated by actors that may or may not belong to what we can
call the state. With this case study, I show how the sensitisation workshops are not merely an educational project, but also a means for the police to portray their own image as powerful law enforcers, as well as an opportunity to establish a good working relationship with the local government councils at the village level (LC 1). I also explain how the police transfers part of the legitimacy of the state to the LC 1s by acknowledging their official identity, which refers to the law. Here, the symbolic power of the law is used by the police to instigate a form of semi-sovereignty for village councils, while trying to maintain their own image as a sovereign power in the area.

In chapter 6 I ethnographically explore the ways people navigate (in)formal systems for dispute settlement at the village level in Kisoro. These systems range from clan councils and local government councils to police mediation and magistrate courts in the district. In this chapter I demonstrate how these different governing entities set overlapping as well as conflicting rules for their members. Therefore, in navigating these different fields, breaking a rule is often inevitable. I specifically examine the ways people cope with such rule breaking situations and show how people do not have equal means at their disposal to pursue their goals, but rather are subjected to existing power dynamics and inequalities. On the basis of a dispute between a young married woman and her in-laws, I show how tensions arise between the clan council and the police when different (legal) rules come into conflict and argue how such “boundary marking practices” (Das and Poole 2004a) are formative for how sovereignty is understood and takes form in everyday life in rural Uganda.

In the concluding chapter I bring the different puzzle pieces together and answer the general research question. I demonstrate how alcohol is part of the moral field used by various government institutions as well as clan councils to claim a position of sovereignty in the district. At the same time, through the lens of alcohol and the case of clan councils, I show what semi-sovereign practices look like in reality, what impact this has on residents, and how they deal with it.
2 A Historical Overview of Beer in Kisoro

Introduction

As in many African countries, in Uganda alcohol and politics have been inextricably linked throughout history. Home brewing and the sharing of beer occupied important roles in governing social, political and economic life in families and (clan) communities (Ambler 1991; Bryceson 2002; Gwako 2017; Kafuko and Bukuluki 2008; Ngologoza 1998; Robbins and Pollnac 1969; De Smedt 2009; Willis 2002). Beer was, and still is, key to social interaction and governance. Through beer drinking, negotiations took place, marriages were transacted, politics were discussed, and disputes settled.

Colonial interference heavily disrupted such governance mechanisms in the late 19th century, introducing new modes for regulation that distanced alcohol from the legal and political domain. The role of alcohol in African society and culture did not correspond with the proper forms of conduct that were associated with civilisation and modernity adhered to by the British colonisers. Rather, it was considered a concern for disorderly and violent behaviour, detaching Africans from self-control and ‘common sense’ (Willis 2001, 58). Strict rules were set to regulate alcohol consumption among the ‘native’ people, prohibiting the production, trade and consumption of distilled spirits (General Act of Brussels 1890, 157–58). However, as we shall see, regardless of the British efforts to change alcohol practices in Uganda, many contemporary social relationships in rural areas are still based on these practices ‘from the past’, mixing locally brewed alcohol with the politics of today.13

In this chapter I provide a historical overview of the role of alcohol in clan communities, specifically in southwest Uganda between 1900 and 1960, to show how alcohol played a critical role in determining public authority during this period. While I study contemporary social processes of governance, the echoes of this historical trajectory of alcohol can be recognised in the contemporary discourse of alcohol in Kisoro District. This is not an attempt to reconstruct a picture of social, economic, and political life prior to colonialism in Uganda in general, as I am well aware of the difficulties of

13 For a more in-depth history of alcohol practices in relation to power in the 19th and 20th century in East Africa, see the work of Justin Willis (Willis 2002).
constructing such an image. Rather, the chapter provides a basic understanding of the role of alcohol in social, economic and political life in the area that is now known as Kisoro District, which sets the scene for the rest of the thesis. Looking into the production and consumption of beer in this area at the beginning of the 20th century helps to portray the ambiguous status of alcohol in contemporary political life, governance, and authority practices.

Whereas previously only the elders had access to – and control over – alcohol, these new developments shifted the balance of power within communities. During this time, distilled alcohol became accessible to the majority of people, upsetting longstanding structures of governance within the community. The relationship between alcohol and power led to concerns that alcohol caused public drunkenness and idle behaviour. British colonisers feared that alcohol would act as a catalyst through which state authority might be challenged. Bans on distilled alcohol were introduced at the beginning of the 20th century, as alcohol was increasingly targeted as a dangerous substance in the colony. While these concerns are clearly discernible in the legal documents from this time, the interference of the state in matters related to alcohol ended at a certain level of government, as they left local forms of governance in the hands of native administrators who allowed certain beer practices to continue as they were ‘customary’. Understanding the role of alcohol is crucial because alcohol acts as an important vehicle for notions of sovereignty in Uganda. Changing notions of alcohol between 1900 and 1960 are central to how the dividing line between government and clan institutions was solidified. These moral discussions concerning the role of alcohol are reflected in the way sovereignty is currently interpreted by various actors in Kisoro District, and therefore cannot be understood without knowledge of this historical background.

Beer, Power, and Politics around 1900

Musururu [sorghum beer] has been part of the culture since this community was made. So it dates. It is the first drink that the community has ever had in their history.

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14 For a more general political and economic historical account of Uganda, see the work of Richard Reid (2017), who provides an important overview of how Uganda was formed as a nation, or the work of Jan Jelmert Jorgensen (1981), who gives a detailed description of the disruptive economic changes brought about by the British colonial state and the struggles of Ugandans during the regimes of Obote and Idi Amin to gain access to the international market.
Entering any of the many villages in Kisoro District, one undoubtedly finds people drinking some form of locally brewed beer in one of the many popular local bars. As early as 7 o’clock in the morning, you will find men and women drinking *musururu* or some other type of sorghum beer to fill their stomach, quench their thirst, and give them the energy to work in the fields until midday while enduring the cold and rainy weather for which the mountainous area is famous. These drinks are understood as a healthy, nutritious food and are popular among people of all ages within the rural parts of the district. *Musururu* originates from the area, and its importance is still visible in daily routines as many of the daily activities and rituals are associated with beer, for one reason or another. While many people drink it daily as a food source, sorghum beer is also associated with various rules of conduct that people should keep in mind when socialising. I was frequently given a cup of *bushera*, a low or non-alcoholic type of sorghum beer, whenever I entered someone’s home. This is seen as a proper way to invite a guest into a home after their travels, to quench their thirst and hunger. Likewise, huge drums filled with bushera and *musururu* stood in the middle of the courtyard at marriages or give-away ceremonies and copious amounts were served and consumed at these events.

Gerhard, a man in his sixties, who I have been working with closely at one of the divisions of Kisoro Municipality, told to me how he would never approve a marriage for his daughter without ‘the boy bringing a gift of beer’. Although he assured me things have changed and youngsters nowadays may marry someone outside of their clan, the act of presenting beer is still very important, and a failure to do so means that someone shows little respect for their future family in law and lacks good manners (Gerhard, interview with author, September 13, 2018). Whereas the monetary value of the product itself has changed over the years, from a rare and highly valuable alcoholic substance to a drink for everyday use, some of its symbolic value has remained more or less constant. This section will look at two types of beer originally

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15 The alcohol content in bushera is debatable – some say it is non-alcoholic, while others warned me about a bitter taste or low percentage of alcohol. This also has to do with the different hours of fermentation used by people; some ferment it for less than 24 hours, while others ferment it for 48 hours or longer.

16 A give away ceremony is a traditional clan ceremony where a male official asks for a woman’s hand in front of her family members and clan members. Up until today, these ceremonies are widely practiced and understood as joyful events where were both sides of the family meet one another.
from the area, their production processes, and the attached drinking rules and customs, as well as their influence on socio-economic and socio-political relationships.

**Beer brewing in Kisoro District**

A closer look into the history of Kisoro District shows the significance of beer in social and political life. The area is most famous for their sorghum beer, of which two versions exist: a high alcohol beer (3 to 9%) called *(o)muramba, musururu or enturire*, and a low alcohol beer (less than 1%) known as *(o)bushera.* In Kisoro beer was traditionally brewed by women, and this is predominantly still the case today. The beer is made from red sorghum (*amakoma*), which is mixed with water and ash from burned banana leaves. The mixture is left to soak for three days, which changes the colour of the sorghum to black (*amamera*). The black sorghum is then dried on straw mats for four to five days. After removing leaves and twigs, the women grind the sorghum. Originally this was done by hand and would cost a lot of time, but nowadays most people have access to a grain mill which speeds up the process. After grinding, the sorghum flour is placed in an iron drum with boiling water for several hours. Then, depending on whether one is making *musururu* or *bushera*, a cup of yeast (*umusemburo*) or honey is added to increase the alcohol percentage or accelerate the fermentation process. At the end of the day the beer is poured from the drum into another (plastic) drum for 24 hours to ferment before being ready for sale the next day. The drink is thick, a little sour in taste, and mushy, with small pieces of sorghum still inside. The low alcohol version is sweeter; it is often understood to be non-alcoholic, and is popular among women and children.

In the northern part of Kisoro District, making banana beer is very popular. The drink is known in the area as *urwagwa* (in Rufumbira language), but is more commonly known in Uganda as *tonto* (in Luganda language). Banana beer is made by stomping different types of ripe sweet yellow bananas in a wooden canoe under foot. I have been told that this is usually a mixture of the cooking banana (*matoke*), widely used as

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17 These alcohol percentages are estimates and are very difficult to determine. Some types of musururu have only 3% alcohol, while other types, to which honey and yeast have been added, can contain up to 9% alcohol after a longer fermentation period.

18 In general, the production of alcohol is done by women and seen as ‘women’s work’; however, part of the banana beer process is done by men: the squashing of bananas. The historian Justin Willis notes how, besides an existing fear of the contamination of these drinks with menstruation blood that exists in Uganda, men have typically occupied a dominant position in many of the trade networks, and their part in the banana beer process is merely one of these (Willis 2002, 29).
a source of food, as well as different types of ripe (sweet) bananas (inkashi or makashi, and small ones called musa). These sweet bananas are often not used for direct consumption, but solely for the brewing of beer. Grass is added to ensure the banana juice separates from the pulp. The juice is then poured into a pit or barrel and mixed 50/50 with water. About three bunches of bananas are needed to make one jerrycan of beer. Usually, several jerrycans are made at once. A small bucket with ground sorghum is added before the pit is covered with banana leaves, to ensure that no air enters during the fermentation process. A straw is left protruding from the pit that is used to taste the drink in the days that follow, to see when it is ready to consume. Depending on the amount of alcohol people want, the drink will stay in the pit for one or more days before it is ready to be drunk or sold.
('Black sorghum', photos by author, May 29, 2018)
(‘A woman brewing *musururu*, photo by author, May 29, 2018)
'Men squeezing bananas', photo by author, May 18, 2018)
('Fresh banana juice' and 'man squeezing bananas', photos by author, May 18, 2018)
The norms of our society have evolved. Those old golden days where modernisation had not come, it were men who were supposed to drink this alcohol and they could drink it in a given situation and given occasion. Women were only allowed to take these remains, this substance they call *ibivuzo* and they would share it behind, not in the sitting room.

LC 5 chairman Kisoro District, interview with author, July 4, 2018

Prior to the arrival of British colonisers around 1900, the Bakiga people lived in the mountainous areas of what is nowadays known as southwestern Uganda. The area is difficult to reach, and the people living there kept to themselves. The Bakiga lived in small patriarchal family based clan groups, where maintaining kinship relationships was highly important (Edel 1957). A few households, usually brothers with the same father or grandfather, would form a lineage and be regarded as close family. Several of these family lineages would form a clan, and together with other clans, would form part of the Bakiga ethnic group. The size of these clans could differ widely. While the term clan is ambiguous in its meaning and usage across Africa, it is often used to mean larger groups of kin across rural settlements. For the Bakiga people, the meaning of ‘a’ clan is a relatively small community, often used to describe the close households that reside under the rule of the same head of the family.

Every household tried to brew alcohol from time to time. The shelf life of this type of beer is relatively short – it must be consumed within four days. As a result, these drinks were not part of long-distance trade networks, but rather close families, neighbours and friends would rotate beer brewing activities and share the yield together. During such events, they would discuss the ins and outs of everyday village life – (economic) concerns for the future were debated, problems within families and clans were discussed, and elders were consulted for guidance. Therefore, the sharing of beer was not merely a social gathering, but was also politically charged, since it was a means to open discussions and negotiations.

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19 The Bakiga people, Bafumbira people, and the Bahororo people all lived in southwestern Uganda, what used to be called Kigezi District. For the purposes of this chapter, the focus will primarily be on the Bakiga people.

20 I would like to emphasise that in describing the way these people lived, it is not my intention to portray ‘precolonial’ life as idyllic. This would not do justice to the complexity of social relationships and life in general.
The brewing of beer also consumes considerable resources, which means that most families were unable to supply beer on a weekly basis. This meant that alcoholic beverages revealed a man’s wealth and position in the community, since only rich men could afford to spend their products and time on the production and consumption of beer (Ambler 1991, 167). This was presumably also one of the reasons why men desired several wives, since women were usually the ones making the beer (Motoyoshi 1978, 91). In this subsection, I zoom in on the importance of beer gatherings for clan elders to acquire a form of social esteem, and thereby establish a form of public authority over their clan community.

These beer gatherings were subjected to many social rules. For starters, a strict gender division was enforced, which separated women from men, politics, and alcohol. According to my interlocutors, in the past women would usually sit together in one room on straw mats. Here they would prepare the meals for their husbands. Meanwhile the men would remain in the dining room drinking, eating and chatting. Informal rules applied to those invited for drinks. The most important one was to receive a drinking invitation. A man passing by would be welcome to join, although it was socially impolite to invite yourself if you were not formally invited or already part of the beer-sharing arrangement. Usually, membership was limited to a fixed group of people; one’s close neighbours, nearby friends and/or one’s relatives. Anthropologist May Edel did extensive ethnographic fieldwork in the area in the 1930s. She explains that if such an ‘uninvited’ guest entered, he would get a seat and a drink, but usually the members of the group would receive their ‘share’ of the beer before him to make sure they all received their part of the drinking arrangement (Edel 1957, 87–88). Her observations of beer sharing activities among the Bakiga people also show how the sharing of beer does not simply mean sharing everything with everyone, but rather how each person at a beer party claims his portion of the drink. This demonstrates how certain expectations and obligations are associated with accepting the gift of beer. This is also affirmed by the historian Benoni Turyahikayo-Rugyema, who explains that if a man in the Bakiga society joined ceremonies or beer parties, he would drink the beer he received from others, and therefore was expected to return the gesture and brew himself on a later occasion; otherwise, he would be expelled from future drinking gatherings (1976a, 289). Therefore, while seen as gifts, these exchanges should not be seen as voluntary as they are given with the expectation of receiving something in return, and as such were very important to the social fabric of local communities.
Marcel Mauss famously studied the idea of the gift as a contradiction: it presumes a selfless act, and yet the act itself is by nature influenced by economic self-interest and social obligations (2002, 4). He argues how an economic transaction, simple as it may be, not only encompasses the wealth of that particular good, but that the act itself is part of a much more complex system of services and counter services (2002, 7). Hence, there are strings attached to the gift as an object, both in the act of giving and accepting a gift. Seen in this light, beer acts as a medium of exchange, while at the same time acting as a vessel through which ideas, interests, favours and futures are imagined and given shape through social relationships. Robert Carlson, writing on the symbolic mediating role of banana beer among the Haya in northwest Tanzania, understands the gift of beer as a means to establish and maintain relationships between different people (1990, 306).

Carlson follows the work of van Baal, who calls the gift a “messages to the donee”, through which appreciation, value and/or respect are given to the recipient (Van Baal 1976, 167 in Carlson 1990, 306–7). Banana beer, Carlson argues, connects the physical world with the world of spirits. Its offering maintains the goodwill of the ancestors through which interactions and circumstances are governed (1990, 307). In doing so, he understands that the beer functions as a symbolic mediator, an object through which relationships between the physical and non-physical world are established and maintained, and as a means through which power is given (and negotiated) to objects, spirits, and people. Michael Dietler and Ingrid Herbich also point to the symbolic meanings attached to drinking practices, calling them a window through which various kinds of social relations can be studied (2006, 396). Through their study on drinking practices among the Luo in Kenya, they show how both the material form of the drink (what it’s made from and what it looks like) as well as the varied ways to drink it “symbolically mark distinctions both in the relationships and identity (social status and categories) of those engaged in drinking and in the nature of drinking events.” (2006, 403).

Likewise in Kisoro District, beer played a significant role in establishing and maintaining relationships within clan communities, as well as social order, around 1900. The drinking rules – who drinks what, how much, when, and where – reveal the means through which social control and positions of authority were constructed in society. Thus, to be a member of such a beer party not only provides someone access to economic resources, it also means that this person is respected and accepted to have a certain status: predominantly a male above a certain age with certain responsibilities.
and control over properties, goods, and people. Therefore, membership of such beer parties gave social esteem, and a man’s status in the community was manifested in the amount of beer parties he gave, the order of drinking, and the amount of beer he received at a beer party. The sharing and trading of beer thus not only played an important role in economic transactions, but also demonstrated important socio-political relationships within clan communities.

The next three subsections will focus on certain aspects of the socio-economic, socio-political and socio-governing role of beer in everyday life. Although I have divided them into three different sections here, the parts should be regarded as interrelated, as social, economic and political relations and interests are inextricably linked. This is one of the reasons why social relations are central to the descriptions given in the empirical chapters.

Beer as medium of exchange

While monetary currency only came into the area after 1908 with the arrival of the British, trade networks and markets nonetheless flourished before their arrival (Turyahikayo-Rugyema 1976a, 286). Salt, iron, shells, and later beads, bracelets, and other ornaments were seen as valuable commodities connecting markets and trade networks throughout East Africa. Such markets were also present in the Bakiga society, but due to the mountainous terrain and the distance from trade networks near the sea, most exchanges took place over short distances and were accompanied by the expectation of reciprocal obligations for the recipient (1976a, 288). Here livestock, food and beer were the main products used as a medium for economic exchange. For instance, beer was used as interest for fulfilling contracts or duties. When someone borrowed land or livestock, beer was given to the patron each brewing session until he repaid his contract (Motoyoshi 1978, 97).

Beer was also used in exchange for one-day labour, something my interlocutors emphasised as an important means to attract workers, especially in ‘the old days’. Soichiro Shiraishi, who conducted fieldwork in eastern Uganda, explains how beer parties in the 1960s had two principal functions. First, they were a means to pay workers for a day’s work within a short-term agreement. Second, they established long-term expectations of obligations, as the exchange of beer parties ensures the distribution of labour between different households in the community over longer periods of time (Shiraishi 2006, 41). Likewise, Ivan Karp, who conducted extensive fieldwork among the Iteso in eastern Uganda and northern Kenya, points out the
imbalance between the relatively small workload of such one-day labour exchanges and the high costs of making beer. He suggests that beer should not be viewed simply as an item for exchange, but that beer parties act as a “vehicle through which cooperation is achieved” (Ivan Karp 1980, 88). In this way, these beer gatherings should be understood as part of a complex system of reciprocal exchange between different clan families, through which economic as well as political stability is established within the clan as a whole.

The picture Karp portrays is a very harmonious and idealised picture of the socio-economic relationships that people take part in: people exchanging labour in exchange for beer, and vice versa. While beer parties are a means for people to build and maintain stability, this does not mean such relationships are in equilibrium. Rather, the act of a beer party must be seen as a process of various performances, and includes several social acts. Such performances range from a beer party announcement (when to announce it, what other beer parties are happening at the same time, who to invite), the brewing of beer (which of the wives’ brews when, how much, whose beer tastes better), to the gathering and consumption of beer (who drinks first, how much is given, who speaks). The way each of these acts is organised and carried out reveals the different roles people have within their communities. The rules surrounding alcohol therefore largely symbolise the boundaries around positions of power and social order. This makes alcohol production and consumption an important means, especially for young people, to challenge existing power structures. Thus, while the exchange of beer is a way to build relationships, as Karp rightly points out, it is also a way to challenge them.

In the past decades, beer parties have become less popular. Shiraishi relates the decline of beer parties in eastern Uganda to the rise of Pentecostalism and Islam, which have brought different attitudes towards the consumption of alcohol, as well as alternative themes such as meat parties or milk parties in place of beer (Shiraishi 2006, 41–42). Likewise, the increasing role of money has changed the location of socialising and beer drinking to clubs and bars, where people now go to buy drinks without the expectation of mutual obligations (2006, 42). Nonetheless, remnants of these practices are still visible in the area today. James, one of my close interlocutors, whose family lives in the Rukiga mountainous area of Kisoro District, told me his mother still makes use of this practice when in need of labour. He explained how he, his brother, and his sister would normally help during the weeding season, but since they are all studying and/or working outside the district, their mother relies on other relatives, friends and
neighbours to help her during the harvest season. She used to give them beer in exchange for helping out; nowadays she no longer brews the beer herself, but buys it in the shop in a nearby village. Other people also told me that beer parties are still used, but money is more common to pay for labour these days, also because the prices for sorghum have gone up and it is cheaper to pay in shillings than beer.

*The politics of a wedding*

The most important thing is that alcohol back then was a drink that could make us meet. Because if you didn’t have alcohol traditionally, then you could not meet and talk about anything.

Elder John, focus group interview with author, February 16, 2019

In this subsection I emphasise the important role of beer in wedding rituals. I understand how “[b]eer drinking is a social mechanism for indicating that situations are special” (Ivan Karp 1980, 90). Beer can be understood as a form of social capital, which, when flowing freely, acknowledges someone’s wealth, prestige and position within the community (Dietler and Herbich 2006, 404). Weddings are one of the alcohol rituals where the symbolic meaning of beer materialises and reflects several distinctions in relationships, identity and expectations of the roles ascribed to people’s social, economic and political status. As John mentions in the quote above, it is also a means for communication. John was one of the elders I spoke to during my fieldwork and he told me that wedding negotiations in particular take up a lot of time and involve a lot of beer. Finding the right match is a long and carefully thought-out process. The match not only connects individual lives, it also bonds two families and their economic and political futures. On a practical level, there are concerns about the abilities of the woman to sustain her future family with food, while for the man concerns are raised regarding his abilities to govern his family correctly. On a broader level, marriage is a way to build political alliances between two heads of families. Here, alcohol here helps to maintain the relationships between these families, as it is through the practice of beer consumption that communication between families is maintained. In this way, beer is not only seen as a way to respect one another or begin communication between different individuals, it is also a means to keep communicating. This is something John emphasises further when he tells me:

So that alcohol is the one that will tell you that your sister went to this family [to marry]. And then it is the same alcohol that will make your in-laws to come tell you that your sister is not behaving well, she has this problem. That is the
John mentions how it is not only alcohol that helps to start communication between different parties, but also that alcohol aids in the discussion of problems. It is a way to maintain relationships. This is especially visible when looking at marriages. Marriage, Peter Atekyereza notes, is a process aimed at safeguarding a family’s values to ensure cohesion within the community. A good match ensures stability within families, the avoidance of incest, and enhancing socio-economic ties and food security (2007, 13).

He explains how a wedding ceremony is not a one-day celebration, but a lengthy process in which thoughtful considerations are made regarding both families’ wellbeing, wealth, and survival. For the latter, a girl’s ability to carry out domestic chores and her potential to cultivate farmland were highly important. According to my interlocutors, this process of marriage could take more than a year. This is also something Atekyereza observed — weddings were often contemplated during beer parties, where friends and relatives would discuss a proper match for someone’s son (2007, 4). With the help of a third person, information is gathered about the bride-to-be’s family, their clan origin, and wealth, before the father of the groom-to-be would consider proposing a match to the father of the bride-to-be. Once the potential bride’s father accepts the invitation, the father of the groom-to-be would come to his home at a set date with a pot of home brewed beer. Both sides would arrange a spokesperson to help them arrange the marriage and settle the bride’s price (inkwano). The bride’s price binds two families together, giving the man legitimate rights to a woman, her productivity, and acknowledgement of offspring (Tumwine 2015, 20).

When the bride’s price was set, the father of the bride-to-be would also brew beer and send it to the home of the father of the groom-to-be as a sign they were ready to welcome the family of the groom-to-be to pay the bride’s price. The family of the groom-to-be would then come to the home of the family of the bride-to-be, where the bride’s price was paid (in livestock); beer would be shared, women would sing and cry (ululating), and people would dance. The end of the ceremony would be indicated by the mother of the bride-to-be, at which point she would bring alcohol in a special calabash (agashingura cumu) (Tumwine 2015, 20). Fredrick Tumwine writes how between the arrangement of the bride’s price and the wedding ceremony (gushyingira) itself, several beer rituals would take place, where the family of the groom would bring pots of beer to the home of the father of the bride-to-be, as well as to their uncles,
brothers and grandmother before the wedding finally took place, to remind them of the agreement (Tumwine 2015, 20).

After the grandmother had received the alcohol, the day of the wedding would start. Richard, one of the elders I discussed traditional practices with, explains how early in the morning of the wedding, the young men from the family of the groom would bring beer to the home of the family of the bride, to ease the pain of the impending departure of their family member. The pot of beer would be covered with banana leaves, indicating a sign of respect as well as their wish to welcome the girl into her new family-to-be. Even today, the tying of a leaf is important and shows someone’s intentions to seek a woman. Without the leaf tied to the pot, the beer could indicate any kind of gesture, from paying respect to elders to paying respect to the family of a deceased before a burial (Richard, interview with author, September 17, 21, 2018).

One interesting part of the wedding process, from choosing and arranging the bride’s price to the wedding itself, is that the bride and the groom do not play a central role, although they are the topic of conversation. The whole process is not about these two individuals, but rather about connecting two families and maintaining relationships between different authority figures. Choosing a bride-to-be and the associated family alliances is therefore politically charged, as the heads of families could meet with each other through family alliances.

Within this process, beer was a means to open discussions between the two families. Without beer, no negotiation would take place. Beer was also a sign of building relationships between two different families. Even today, the role of ‘traditional’ alcohol is important in this process. While wedding practices have changed over the decades among the Bakiga people – for instance, nowadays it is more common to fall in love and choose one’s own partner – asking for approval is still important. Negotiations about the bride’s price, while seen as a formality, are still part of the wedding process, even if nowadays the groom-to-be and his younger male relatives join the negotiations. During this moment, the brewing of local beer is still seen as a must and a sign of proper conduct. If the groom-to-be were to arrive at the home of the father of his beloved with bottled beer instead of local brew, he would be sent home (Gerhard, interview with author, September 13, 2018). The traditional brewed beer in this case symbolises the boy’s shared cultural background and knowledge, and shows his respect for parental authority and shared values. This brings me to the final topic I would like to discuss in relation to beer practices that were customary around 1900: the issue of power and juridical decision making.
Next to the social, political, and economic value of beer, the drink also had a powerful function in governing everyday life and maintaining social cohesion. For instance, beer served as a mediator through which social rules, manners and proper conduct were established. Furthermore, beer symbolises authority and power, which in the case of East Africa is inherently linked to someone’s age and gender (Willis 2002: 10). In this subsection, I focus on the different rules and norms concerning alcohol for men and women, and explain how practices surrounding alcohol were indicative of the way public authority and power relations take shape in Kisoro District. To do so, I follow Willis, who understands alcohol as a symbol associated with notions of power. He identifies power as being culturally constructed, and writes: “control over people and things is the product of people’s understanding of power; that is, it casts power not as a relationship, but as a cultural construct, which is in itself the subject of contest.” (2002: 11). He places the focus not on the way people construct notions of power through interaction in a Foucauldian sense, instead viewing it the other way around: the understandings of power that people have form the focus of attention and thus influence how they behave. Therefore, assumptions of power are (re)produced through patterns of behaviour, through common day rituals, practices, narratives and so on.21

Understanding the way people perceive power in people, objects and abilities clarifies how power is vested in alcohol and the associated alcohol-based rituals in Kisoro District. Here, drinking practices come into play, as it is through alcohol that power and authority are vested. The rules surrounding alcohol reveal the ideal forms of behaviour and proper forms of conduct that people admire. Around 1900, alcohol was understood as a male activity and reserved solely for the elders in society; women and young men were thus excluded from taking part in these drinking rituals. Both gender and age are important classifications that mark someone’s social status in clan communities, in the sense that both men and women experience different treatment by their clan members throughout their lives.

21 This does not mean that Willis understands power as static. Rather, he notes how conceptions of power change over time and are influenced by people depending on their position in society. He further emphasises the importance of specific practices or events, which may have more importance, and therefore more influence, on people’s conceptions of authority and power (Willis 2002, 13).

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**Beer, power and social cohesion**

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Understanding the way people perceive power in people, objects and abilities clarifies how power is vested in alcohol and the associated alcohol-based rituals in Kisoro District. Here, drinking practices come into play, as it is through alcohol that power and authority are vested. The rules surrounding alcohol reveal the ideal forms of behaviour and proper forms of conduct that people admire. Around 1900, alcohol was understood as a male activity and reserved solely for the elders in society; women and young men were thus excluded from taking part in these drinking rituals. Both gender and age are important classifications that mark someone’s social status in clan communities, in the sense that both men and women experience different treatment by their clan members throughout their lives.

21 This does not mean that Willis understands power as static. Rather, he notes how conceptions of power change over time and are influenced by people depending on their position in society. He further emphasises the importance of specific practices or events, which may have more importance, and therefore more influence, on people’s conceptions of authority and power (Willis 2002, 13).
In terms of alcohol and women, strict rules exist on who was allowed to drink, what, when, and how much. While young men would obtain a position of power and join the elders over time, women were not allowed to participate in drinking. Although my interlocutors do emphasise that this did not mean they did not drink at all, they were dependent on the goodwill of their husbands as to whether they were given alcohol or not, or they were given the leftovers, that which the men themselves did not drink (LC 3 councilmember, representative of women, interview with author, September 15, 2018). Likewise, Dietler and Herbich explain how Luo women in Kenya were excluded from the consumption of beer to emphasise their subservient status (2006, 403). These practices related to beer demonstrate the status of women within the family. For example, among the Luo, informal rules applied to the order of brewing among co-wives, where the first wife was the first to brew beer for ceremonies or events. Her rank and position were shown through the order of brewing within the household (2006, 404).

For men, the rules and customs on drinking practices were very different. Drinking alcohol was seen as a demonstration of adulthood, and therefore young men were kept from drinking until they had reached a mature age (Ambler 1991, 166; Kafuko and Bukuluki 2008). Alcohol was further linked to good manners and respect for one’s parents and the elderly. Karp, for instance, noted how senior men among the Iteso were not expected to work at the beer parties of their children, but enjoyed the beer for free due to their senior position (Ivan Karp 1980, 89). Among the Bakiga people, in Kisoro district, unmarried men were not allowed to sit at beer parties; those helping to fetch the firewood and water would be given some beer, but often this was given when the party was over (Ngologoza 1998, 33). Only after marriage, and the establishment of one’s own home, would a man be mature enough to be allowed at beer parties – although he needed his father’s approval to get married, receive property and build his own home. Once again, this indicated the powerful position ascribed to elderly men. When married, a man and his wife would brew beer, and his father would introduce him at the beer party and tell them that his son, ‘their son’ of the clan, had reached adulthood (1998, 34). Hence, it was through aging and good conduct that a man would establish entrance into alcohol practices, and with it acceptance as a member and shareholder of authority. Note how this ‘rite of passage’ is not solely between the father and son, as the son is seen as the son of the entire group. After marriage, age was still used as a guideline for authority and perceived wisdom. The older one was, the wiser he was perceived to be. This had its resonance in drinking rules, as the elders or heads of the family would usually be given beer first, and given more. Giving beer
to the elders of society was a sign to receive their goodwill, and demonstrates the power relationships within society, with elderly men at the top.

The drinking restrictions on women and young men serve to mark social categories and demonstrate the way these communities were organised, but they also show how personal and group identity are given form through age, gender, family, and lineage, and how these shift over time (Dietler, 2006, 235). Drinking constructs a communal identity between drinking buddies, but also creates boundaries between them and others (2006, 236). In a similar manner, the anthropologist Mary Douglas writes how drinking is a social act that is practiced in a specific recognised social context (2003, 4). She argues that alcohol is important as it shows how social life is structured, since alcohol imposes explicit social rules on behaviour. Simultaneously, she notes how alcohol helps to construct an ideal world, as it is through drinking practices that people construct their identity and the boundaries between inclusion and exclusion are made (2003, 8). These boundaries are certainly not static, as can be seen with the young men who constantly try to break the alcohol rules set by the elders. Hence, a fear exists among the elders in society that these boundaries may be crossed, and their positions of authority challenged. Here, alcohol plays in two directions: although social relationships are idealised and identities established through drinking practices, there nonetheless exists the fear that the consumption of alcohol changes people, including their speech and behaviour, and thereby challenges existing modes of power (Willis 2002, 13–14).

Shaping Modernity: Alcohol Crisis and The State in Uganda 1900-1960

John: [Back then] there were no girls allowed in bars, no young child allowed in a bar, except for big people [grown-ups].

Steven: But now these days it’s only the young who are in bars actually when the old people have already gone to bed. It is vice versa.

Elders, focus group interviews with author, February 16, 2019

Prior to the arrival of Europeans in the area, alcohol was enmeshed within political life. The quality, and especially the quantity of beer was central to political participation as via beer one was able to organise social events. In doing so, some men could buy a ticket to the political stage. Arguably, one needed access to beer to take part in decision making in clan communities. The arrival of the Europeans brought considerable changes to the established drinking practices of clan communities in
Uganda, as well as in its neighbouring countries. Specifically, the introduction of the practice of distilling by British explorers in the 1860s in Sudan ensured a widespread increase in the consumption of distilled alcohol, or ‘Nubian gin’, throughout East Africa (De Smedt 2009; Willis 2000). These distilled liquors played an important role during the start of colonialism, as they were often used as a gift to African chiefs in exchange for territory, workers, or slaves (De Smedt 2009; Pan 1975). Likewise, rapid changes in transport networks helped to create easy access to ingredients and tools such as processed sugar and cane mills which ensured that alcohol, especially distilled liquors, became easily accessible to the younger population (Ambler 1991, 169).

The remainder of this chapter will be devoted to discussing the changing role of alcohol brought by colonialism, and its effect on existing social relationships in what is now called Kisoro District. The arrival of the colonial powers brought a shift in local level governance as the centrality of clan councils was replaced by a central state system. The additional administrative changes made during these decades are important, as due to professionalisation and bureaucratisation, the role of alcohol in dispute settlement and everyday governance lost its central place in the official governing bodies. This can also be seen in the colonial legislation, as laws limiting alcohol production and consumption, specifically targeting distilled spirits, were enforced from 1919 onwards. Alcohol, it seems, was increasingly marginalised by colonial authorities as a dangerous substance. Due to its political overtone, alcohol was not only a concern for idle behaviour, but was feared to act as a catalyst through which state authority might be challenged.

The arrival of Europeans and Colonial Rule in Kisoro District

In 1908 the first Europeans arrived in the area. During the first years following their arrival, confusion arose as to whose territory it would become, with the Germans occupying what is nowadays understood as Tanzania, the Belgians in the Democratic Republic of Congo, and the British in Uganda, all of whom were interested in the ‘Kisoro District’. In 1912 borders were established, and the area now known as Kisoro District was named a British territory, becoming part of what was called Kigezi District under the Uganda Protectorate (Turyahikayo-Rugyema 1976b, 111). As with the rest of East Africa, British colonisers wanted to establish a hierarchical administrative system through the introduction of local councils, appointing local officers who would then govern their specific area of responsibility (Peterson 2012, 253). They wanted to ensure a peaceful transition and rule by appointing local leaders to become chiefs in the
administrative system. It has been said that during that time, the British acting political
officer in the area, captain Reid E. Critchley, organised a meeting with local clan leaders
and suggested that several clan leaders would rule as chiefs in their established areas
(Ngologoza 1998, 61–63; Turyahikayo-Rugyema 1976b, 114). However, the British
officials had not considered the way people were politically organised in the area. As
mentioned earlier, the Bakiga people residing in the mountainous parts of the area
lived in small, patriarchal, family-based clan communities. Each family was responsible
for their own course of events. No central government system existed; rather, each
head of a family was responsible for his own family line (Edel 1957). In the proposition
of British officials, several different clans would congregate under the rule of one clan
leader. This would mean that one elder would rule over several clan families who were
outside his own bloodline. The clan leaders of the Bakiga people did not agree to the
position offered by captain Critchley. They explained to him how they could not rule
over anyone else’s family but their own, as was the custom in their communities. This
eventually led to the appointment of Baganda people, from the neighbouring Buganda
kingdom, to rule in the area as administrative chiefs, invoking a great deal of unrest
and rebellion (Ngabirano 2022, 168; Ngologoza 1998, 61–63; Turyahikayo-Rugyema
1976b, 114).

With the appointment of Baganda agents as chiefs in the area, a new central
administrative system was implemented, transforming the established leadership
positions of elders within the family into a complex hierarchical division of councils
overseeing multiple clans. Kigezi District was divided into five counties (sazas):
Bufumbira, Kinkizi, Ndorwa, Rukiga and Ruzhumbura (Carswell 2003, 526). Rukiga in
particular was inhabited by the Bakiga people. Each saza was then divided into sub-
counties (gombororas), parishes (murukas), and villages (mukungus). Each lower-level
chief worked under the direct supervision of the saza chief. Their job ranged from
administrative tasks such as tax collection, to dispute settlements in courts, to enacting
agriculture policies (Carswell 2003, 526). The way they administratively governed
human behaviour was very different from how this worked in clan communities.
Previously, reciprocal relationships were at the core of economic interactions; now,
new forms of value exchange took hold through the introduction of taxation and
monetisation of society (Tuck 2006, 221).

The use of indirect rule through African leaders or local elites in this area was no exception, and was
used in many other parts of Uganda by the then British colonists (see for instance Mamdani 1996;
Peterson 2013; Reid 2017).
The introduction of the newly minted East African rupee changed not only economic relationships, it also affected various social and political relations. Michael Tuck notes how, among other things, bridal dowries and negotiations between families were heavily affected in Uganda, as money partly took over the role of beer and goods. He further argues that political relations also changed, as cash payments and new forms of ownership transformed personal relationships into bureaucratic (2006, 223, 233). Arguably the same could be said for alcohol. Whereas within clan communities, beer took a central role in establishing different power positions and social status between family members, now positions of authority were hierarchal, determined by income and rank. Of course, these changes did not go as smoothly or gradually as British officials had hoped. Power struggles and constant claims for legitimate authority ensured that alcohol was still used by many rural residents as a form of (political) identity construction.

Furthermore, alcohol's role in public life was also influenced by British officials, who viewed alcohol as a dangerous substance that could threaten the legitimacy of the colonial state. While British officials feared alcohol as a threat to their authority, other processes may also have triggered tensions. The appointment of Baganda agents in Kigezi led to years of conflict between the Bakiga people and the Baganda chiefs, and likewise with the East African protectorate. It is said that during that time, the Bakiga people suffered heavily as a ‘system of extortion’ was created through which Baganda chiefs misused their administrative positions for personal gain (Ngabirano 2022; Turyahikayo-Rugyema 1976b, 120,124). The way that the Baganda chiefs treated the Bakiga people created an environment of resistance and unrest, as can be seen from their refusal to pay taxes. In 1915 the poll tax was introduced in Kigezi, but as cash did not previously exist prior to this, and many in the area lacked money as well as an understanding of the tax system, people were unable or unwilling to pay (Turyahikayo-Rugyema 1976b, 124).

The Baganda agents, who were more familiar with the alcohol practices of the Bakiga people, did understand the way power and authority were established and negotiated at the local level. They claimed positions of authority by demanding a portion of the alcohol that people brewed. This confiscation can be seen as a way to compete for power within local communities, since the first pots of beer were usually reserved for those persons which were respected in the clan. In this way, they appropriated for themselves a position of authority that was normally assigned to the elders. Paul Ngologoza, for instance, one of the first 'local' inhabitants of Kigezi District who served
as chief during colonial times and ultimately became the first Secretary General of Kigezi District, wrote in his personal memoir how the Baganda people who were appointed administrative chiefs in the area by the British colonizers would ask for the first two pots of beer from someone brewing in his area. When someone failed to do this, he risked all his beer being confiscated and himself convicted. This was not a tax asked by the British, he explained, but rather an ignorance of the taxation system among the Bakiga people and a misuse by the ruling Baganda chiefs of the situation (Ngologoza 1998, 64).

In sum, the British replaced clan jurisdiction with their own legal jurisdiction, and in doing so, relegated alcohol to the private sphere – at least on paper. Legal sanctions were no longer measured through payments in beer, and disputes were not solved by sharing such beer between the two parties involved. Rather, fines were measured in money, taxes were introduced, and punishment was given through a system of imprisonment. However, as the case of the Baganda chiefs already shows, in everyday life alcohol kept its importance in establishing positions of authority and power.

Ban on Spirits and Colonial Control

At the end of the 19th century, concerns rose among British colonial officials that the rise in alcohol consumption among native Africans would create a rise in idle and public drunken behaviour, and feared the impact alcohol could have on’ Africans rationality, protest movements, and rebellion (Ambler 1991, 170–73). It is thus not surprising that a ban was introduced on spirituous liquors, as the colonial powers feared the moral and material consequences that these drinking practices would have on native people in 1890 (General Act of Brussels 1890, 157–58). Chapter VI of the General Act of Brussels on Measures to Restrict the Traffic in Spirituous Liquors, for instance, states how concerns for the moral and material consequences of distilled liquor abuse by the native population led to the ban in all colonies within the East African region. Through this act, each ruling power could determine the extent of the limitation of the prohibition of alcohol, which ensured that in some areas, such as in Kenya, ruling officials allowed the consumption of alcohol for chiefs and headmen during ceremonies, while restricting alcohol consumption below the age of thirty. In reality, little changed in the alcohol practices of people as the laws that were imposed by colonial powers were not enforced thoroughly by the local African chiefs responsible for their implementation in the area (Ambler 1991, 170). Ultimately, in 1919, the St. Germain Convention restricted the importation of spirits from Europe into East Africa,
and by 1920 all British territories in East Africa prohibited the sale of distilled liquors to native Africans, as it was believed that these drinks were intoxicating and dangerous for African people (Willis 2001, 55). The fact that Africans had been accustomed to consuming locally produced beverages for generations was not addressed. Indeed, alcohol itself did not seem to be the problem since traditional beers were tolerated throughout this period. Willis therefore suggests that the ban on distilled alcohol was more of a cultural (and racial) differentiation between the Europeans and the ‘locals’ (Willis 2001, 60). This is also visible in the way the different types of alcohol were regulated. Whereas distilled spirits were illegal for native people, home brewed beers were allowed, and even seen as a convenient way to collect tax. Different applications for a liquor license from the 1950s show that a license was not required for so called ‘native beers’, but each time someone brewed it they were required to pay 1 rupee to the muluka chief (village level chief) in exchange for a receipt.\(^{23}\)

It seems that the way alcohol was regulated in the East African Protectorate touches upon racial undertones, by which the ‘civilised’ colonial powers were able to drink European beverages while the ‘inferior’ colonial subjects could not handle such European drinks. The fact that native Africans were not allowed to drink distilled beverages had much to do with the way Europeans envisioned the path to African development. Many Europeans considered Africans to be at the start of their journey to modernisation, and they feared that Africans were not yet ready handle a ‘modern’ drink like European distilled liquor (Willis 2001, 56). They were referred to as ‘children’ who needed protection from the dangers of alcohol (De Smedt 2009; Willis 2002). Likewise, the language that was used during that time in administrative letters reflects the underlying, and sometimes overt, moral tone that these discussions could take. The provincial commissioner, on a tour through the country, wrote on the 3rd of December 1909 how the inhabitants of Bukedi District, in the East of the country, are ‘mostly savages’ and how court systems were mostly working through native customs: “the fees are paid in kind and are regarded by the people as a gift to the chief for hearing the case”; this was opposed to how the British administrators understood them, namely as a form of fine.\(^{24}\)

\(^{23}\) Letter from the District Commissioner in Busoga District, to omw. Oponde s/o Agunda, P.O Manwenda, 20 September 1956; letter from District Commissioner Busoga District to Mr. Laurenti Oyenga Asika, P.O. Mbulamuti, 18 January 1956.

\(^{24}\) An opinion piece by a Ugandan citizen in the newspaper The Ugandan Herald, on the 2nd of April 1949, shows how the public debate was changing: “In my opinion many of the Africans in Uganda
Willis also notes how the rules and norms on beer within African society were acknowledged by British administrators. Although torn by their concerns for the ‘old’ superstitions and beliefs attached to beer drinking practices, the British administrators understood the importance of these so-called native beers for elders to maintain social order in their respective communities. The relationship that elders had with home brewed beers regulated young men’s alcohol consumption (2002, 96). Without discussing it in-depth, Willis touches upon a powerful tension at the core of everyday governance in the area. The home brewed beers were downgraded by the colonial powers to be old superstitions, beliefs and customs, something not worthy of their attention; they knew these practices were difficult to ban as they were embedded within everyday life. Through such practices the elders were able to maintain a certain order, which helped them keep young men in line. Simultaneously, the increase in cheaply available waragi made it possible for the younger parts of society to buy these desirable drinks, whereas brewed beers were less accessible to them since the elders acted as gatekeepers to such drinking events. Similar to the relationship of power and palm wine in Ghana (Akyeampong 1996), or between liquor and youth rebellion in South Africa (Crush and Ambler 1992), in Uganda challenges to authority were made through alcohol drinking practices. The introduction of distilled spirits therefore opened a new power realm that enabled new players to enter. This was reflected in the high demand for waragi among young men. Likewise, a growing group of businesswomen emerged who saw the opportunity to produce and sell home distilled gin. Both groups caused uncertainty among the existing players, as prevailing social rules and norms for behaviour were questioned and positions of authority within communities were challenged. Arguably, it could be said that the colonial powers were not just concerned for ‘the native innocent minds’, but feared that alcohol would act as a catalyst through which the colonial state would be undermined, since authority was claimed through competition over alcohol practices.

Conclusion

In this chapter I provide a basic understanding of the role of alcohol in social, economic, and political life in what is now known as Kisoro District, southwest Uganda. The production and consumption of bushera, musururu and urgwagwa were central to the

[Note on the word 'native':]

rightly do not like the use of the word ‘native’. The Concise Oxford Dictionary third Edition gives the meaning of the word native as: “one born, or whose parents are domiciled, in a place, member of non-European or uncivilised race... This may well be the cause of resentment in the non-European world to the use of the word ‘native’.”
power dynamics within clan communities in 1900. Beer was (and partly still is) an object over which authority and positions of power were negotiated and claimed in clan communities.

Alcohol is an important way to initiate and maintain communication between parties. The various different events of a wedding have shown this well, where it is not so much the bridal couple who take centre stage, but rather the importance of bringing together and maintaining relations between different clan communities. In addition, events such as beer gatherings are important moments when positions of authority within clan communities are negotiated and determined. For instance, the number of times a person can organise a beer gathering, how often a person can participate in beer gatherings, the order in which people are allowed to drink, as well as the amount that a person is allowed to drink, all determine the position that a person occupies within the clan.

The arrival of British colonial officials in 1908 heavily disrupted such governance practices, introducing a central administrative system that side-lined alcohol and relegated it to the private domain. The long relationship between alcohol, power and authority meant it was a vessel through which ideas, interests, favours, and futures were imagined and given shape through social relationships that changed over space and time. The ambiguity of its meanings was reflected in the racial and moral discourse at the beginning of the 20th century, as concerns were raised over the innocent minds of the native population. Likewise, it was feared that it would act as catalyst for idle behaviour through which state authority might be challenged. Simultaneously, the trade in distilled spirits was seen as a lucrative business for Ugandan men and women to make a business, and for the Ugandan government to become subsistent upon.

In this chapter, I have shown how, due to the administrative state practices between 1900-1960, alcohol lost its central place in ‘official’ governing bodies. At the same time, the break between alcohol, legitimate authority and governance is not as clear-cut as British administrators made it seem on paper. While several bans on distilled alcohol were introduced during that time, home brewed beers remained important in everyday forms of local governance, albeit outside the ‘official’ state structure as native administrators allowed certain ‘traditional’ beer practices to continue.
('Waragi distillery', photos by author, 1 October 2018)
3 Alcohol Ambivalences, Tax Tendering and the State

Introduction

Uganda, like many other African countries, has a long tradition of producing alcohol in the form of beer and wine. As I discussed in-depth in chapter 2, prior to the arrival of the British colonisers around 1900, homebrewed drinks occupied an important role in governing the everyday life of clan communities. Reciprocal exchanges of beer, in the form of gifts or beer parties, were essential in maintaining economic stability. Beer parties were also a means to distribute labour input within the community, which created mutual labour obligations, and in doing so established long-term relationships between families and clans (Edel 1957; Karp 1980; Shiraishi 2006). Beer also served as a medium for settling disputes within families and between clans, as a benchmark for issuing fines, and occupied a vital role during feasts and rituals, such as the start of the harvesting, the initiation of a child, marriage arrangements, and the honouring of ancestors (Ambler 1991; Bryceson 2002; Gwako 2017; Kafuko and Bukuluki 2008; Ngologoza 1998; Robbins and Pollnac 1969; De Smedt 2009; Willis 2002). The relative scarcity of beer during that period, due to the production time involved, highlights the value of alcohol for such ceremonies within clan communities.

The arrival of British colonisers brought considerable changes to the established role of alcohol in clan communities. The introduction of new technologies and products expanded the meaning and function that alcohol had, moving from purely beer production and consumption in the home, with a more ceremonial role and an importance for maintaining relationships, to production for the market. Different types of alcohol were also understood as markers of modernity and civilisation, especially by the British colonisers. What people chose to consume – whether local brewed beer, bottled beers, or distilled spirits – highlighted the differences in race, class and

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25 An earlier version of this chapter has been published: ‘Alcohol ambivalences and the law: tax tendering and “native liquor” in rural Uganda’, The Journal of Legal Pluralism and Unofficial Law, 52:1 (2020), 46-64. In the article, I discuss the concept of semi-autonomous social fields and the way private tax collectors deal with norms and values from different semi-autonomous social fields. However, I leave this chapter more in the service of an argument about sovereignty, as the specific groups I look at more broadly in the dissertation focus more on public authority and power, rather than forms of authority in general.
education and distinguished British colonisers from the “native people” (Willis 2001, 56). This was reflected in the alcohol legislation in Africa in the early 20th century, which prohibited the production and consumption of distilled spirits among the local population, fearing drunkenness would give rise to idle behaviour, protest movements, and rebellion (Ambler 1991, 170–73).

The production and consumption of so-called native liquors, the locally produced beers and wine that had been customarily consumed within these communities, were exempt from legislative restrictions on alcohol. According to Willis, this suggests that the ban on alcohol was more of a cultural differentiation between the European colonisers and native people, as opposed to a fear of alcohol itself (Willis 2001, 60). Regardless, the differentiation between European alcohols and native liquor marked the beginning of a classification of a ‘special’ kind of alcohol which continues to be distinct in Ugandan legislation today. Alcohol laws in Uganda not only emphasise the racial undertones of the colonial discourse about modernity and civilization, but also have an effect on the way alcohol legislation and policy is given form in practice. In this chapter, I examine what the classification of native liquor means in terms of everyday practice by looking into alcohol taxation in Kisoro District, southwestern Uganda. I argue that the ambivalence within Uganda’s alcohol legislation leaves room for government officials, private tax collectors and taxpayers to define their own meanings of native liquor, and as such, negotiate which alcoholic drinks are taxable under which categorisation. These negotiations are important as they define not only how alcohol laws and regulation play out in the domain of the Ugandan state, but also how other everyday rules and norms affect the way that alcohol is regulated.

On the topic of law and governance in Africa, two schools of thought structure the debate. From a legal perspective, discussions on the effectiveness of (state) legislation and the difference between ‘law in the books’ and ‘law in action’ have been widely acknowledged and discussed in socio-legal theory since the seventies. These scholars

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26 The General Act of Brussels, _Slave Trade and Importation into Africa of Firearms, Ammunition, and Spirituous Liquors_, (Brussels, July 2, 1890).

27 See the Liquor Act (1960).

28 In this chapter I use the term ‘native liquor’ as described in the Liquor Act of 1960 to refer to the home brewed alcoholic drinks which people consider ‘local brew’. By this I mean the alcoholic products that are produced ‘locally’ within people’s homes, sold at local markets, consumed in local bars or at home with friends and family. These drinks do not have the Uganda National Bureau of Standards (UNBS) certificate, guaranteeing the quality and safety of the product and do not need to pay tax to the Uganda Revenue Authority.
criticise the positivist perspective of state law and emphasise the working of different legal and normative orders that co-exist and compete in the same space and time (J. Griffiths 1979; 2003; Merry 1988; Moore 1978; Tamanaha 2008). Additionally, voices arose from law and development scholars who critically challenged the importance and central role of ‘modern state law’, based on western legal ideas and institutions as building blocks for development, pointing to the existence of various non-state forms of governance.\textsuperscript{29} Likewise, in social and political sciences the state apparatus and forms of (good) governance and development in Africa have been critically challenged for their dominant use of western based models for state legislation. Such scholars emphasise the existence of other governance mechanisms (Das and Poole 2004a), hybrid forms of governance (Boege et al. 2008), twilight institutions (Lund 2006b), and the importance of unofficial norms and rules, or ‘practical norms’. These studies offer an explanation of the gap between the official norms that civil servants adhere to and their everyday practices (de Herdt and Olivier de Sardan 2015, 3; Olivier de Sardan 2015). De Herdt and Olivier de Sardan (2015) specifically criticise the division between the ideal and the reality of governance, arguing that the hybridity of state and non-state institutions is the “normal state of affairs” (de Herdt and Olivier de Sardan 2015, 9).

Both schools of thought study the workings of different forms of governance mechanisms in everyday life in Africa, and are thus relevant to my inquiry. For instance, the concept of practical norms is useful to study the ‘informal’ or ‘tacit’ norms that civil servants encounter in their work and which govern their everyday routines besides the official norms of their institution or the social norms that are dominant in the community (Olivier de Sardan 2015, 26). The practical norm approach is helpful to researchers when emphasising the tacit or implicit rules and norms of a specific government institution, or understanding why civil servants in a specific workspace act the way they do and how, in doing so, they make and unmake the state (2015, 5).\textsuperscript{30} However, this narrows the analysis down to the categorisation of state official norms, social norms, and the practical norms in a state-centred setting. Such a view risks establishing a dichotomy when thinking about rules and laws with ‘state’ or ‘official’

\textsuperscript{29} See for instance the work by David Trubek and Marc Galanter on reflections on the crisis in law and development studies in the United States (1974).

\textsuperscript{30} See for instance the research of Kristof Titeca and Tom de Herdt on cross-border trade regulations in north-western Uganda. They reveal how informal trade is not chaotic or unsystematic, as is often thought, but regulated by a combination of official and practical norms (Titeca and Herdt 2010).
rules and norms on the one hand and ‘non-state’ or ‘unofficial’ rules and norms on the other.

To break the dichotomy, Sally Falk Moore’s concept of a semi-autonomous social field (SASF) is useful. As discussed in chapter 1, she suggests the existence of various social fields with various degrees of autonomy, which may generate rules but can also come in conflict with the rules of others (Moore 1973, 720). Her research primarily aims to understand the ways people comply with state-made legal rules by studying the internal rules and norms of different SASFs. However, the concept is not limited to the state, as it can be applied to all social fields that have rule-making and governing abilities. While her work is often misunderstood as focusing on state law and the existence of different legal orders, Moore does not explicitly refer to law alone. Rather, she emphasises the existence of different rule making and rule enforcing mechanisms in society, including norms, ideas, rules and practices (Tamanaha 2008, 394). In doing so she steers away from the philosophical question ‘What is law?’ which dominates discussions in legal pluralism. Instead, she highlights the way that different SASFs (whether state or non-state) are intermingled and instead directs attention towards the complex set of relationships that people feel a part of while trying to make decisions in daily life. In doing so, the concept of SASF transcends the state-non-state dichotomy.

The concept of the semi-autonomous social field is specifically helpful to me because of its relational approach: it looks at people, whether civil servants or civilians, the power relationships they have, and the way they navigate around laws, non-legal rules and norms that form the operative “rules of the game” of a specific social setting (1973, 743). This allows me to grasp how the working of various rules, norms, and interpretations of the trade in alcohol arise from different government institutions, clan communities, trade associations, and other social groups to which people feel part of. Making use of Moore’s conceptualisation of semi-autonomous social fields helps me to unravel the practical norms within the field of alcohol taxation practices in Kisoro District within a broader social matrix.

This chapter will therefore specifically focus on private tax collectors who collect tax on ‘native liquor’ in Kisoro District. These private tax collectors are an interesting case study because their job provides them with an ambiguous status as ‘not-quite bureaucrats’; they are hired by the government as subcontractors and are therefore both businessmen working for the government, while also having the authority to enforce tax collection with the help of the local government and the police. Moreover,
these tax collectors are born in the area, raised with similar cultural norms, and often embedded in the same hierarchies of village-level administrative and customary organisation as their neighbours, friends and relatives from whom they are expected to collect taxes. As such, they are part of – and encounter – several SASFs while doing their job. As an example, the tax collectors I worked with in Kisoro District need to follow the national guidelines for taxation on markets, but encounter pressure from the local government at the district level as well as at the sub-county level where they work. Additionally, they are embedded in complex networks of personal, familial and clan ties which significantly shape the way alcohol is perceived within a specific area and how alcohol taxation is collected. For instance, Emanuel, one of the tax collectors I worked with, is simultaneously a local government village chairperson, part of a traders’ association, as well as an active member of the Catholic church. These different fields of relationships uphold different internal rules and norms that partly overlap but are in tension with one another, which consequently affects the way these tax collectors navigate and negotiate the rules and norms of these different institutions.

Their position as not-quite-bureaucrats enables them to manoeuvre between different SASFs, but simultaneously puts them in a difficult position between the district government and the community. They are part of the community, which comprises the expectations of community members regarding the payment of taxes, including the expectation of being exempt from the tax; however, at the same time they represent the district government, and thus how they behave influences the image of the state. Therefore, I argue in this chapter that the way private tax collectors work greatly impacts the legitimacy and credibility of the state in the district. Their behaviour is crucial to how government institutions are seen and are thus able to maintain their position as sovereign in rural communities.

Alcohol Legislation

The legal status of home-produced alcohol depends on the kind of alcohol, and the licensing regime to which it belongs. The different policies regarding alcohol are stated in the Liquor Act from 1960 and the Enguli (Manufacture and Licensing) Act from 1966. These acts make a distinction between three forms of liquor, with the first being the excisable liquors which are either manufactured domestically or imported. The second type is the so-called native liquors, which are made at home. Finally there is waragi,
which is a home-distilled ‘gin’. While both native liquor and waragi are produced in the home, a distinction is made between fermentation and distilling.

Allow me to briefly elaborate on both acts and the definitions of these different alcohols. The Enguli (Manufacture and Licensing) Act is specifically focused on waragi. Waragi is either made from sugar, molasses or bananas and is often referred to as gin. Enguli is the raw distilled form of waragi, which has an alcohol percentage between 38% and 70% and is often sold illegally in yellow jerry cans across the country. The production of legal waragi requires an exclusive license, which prescribes the maximum quantity of waragi per month that one may have in their possession for a certain period of time prior to offering it to a specific collecting centre for further distillation by one of the formally recognised brands to make it ‘safe’ for the general population to drink.31 Besides this license, waragi also needs to have a Ugandan National Bureau of Standards (UNBS) certificate that guarantees the safety of the drink ("Uganda National Bureau Of Standards” n.d.). Any form of distillation without the UNBS certification and the right licenses is considered illegal under Ugandan law.

In contrast to waragi, whose production and consumption is widespread and mostly illegal (i.e. without the UNBS certification or licenses), the Ugandan government considers all home-brewed alcoholic drinks a ‘native custom’ that are allowed to be legally produced, sold and consumed according to the Liquor Act of 1960.32 This act governs both “excisable liquor”, meaning the manufactured alcoholic drinks on which an excise duty is imposed,33 as well as “non-excisable liquor”, meaning native liquor.34 The latter is specifically defined as:

Those intoxicating drinks which are prepared or manufactured in accordance with native custom otherwise than by distillation and are known as omwenge, pombe, kangara, muna, marissa, amarwa, kwete, duma and nule, or any other intoxicating drink so prepared or manufactured.35

In contrast to waragi or excisable liquor, native liquor is not held to the same health requirements and does not require UNBS certification, as these drinks are not meant

31 Enguli (Manufacture and Licensing) Act 1966 (Act) s 1 – 2, 7.
33 Liquor is defined in the Liquor Act 1960 (Act) s 1 (l)(m) to include: “any spirits (including refined spirits), wine, ale, beer, porter, cider, perry, hop beer or any drink containing more than 2 percent by weight of absolute alcohol, but does not include enguli or native liquor”.
34 Liquor Act 1960 (Act) s 1.
35 Liquor Act 1960 (Act) s 1 (p).
for the formal market or produced for manufacturing (‘Uganda Standards Catalogue As of 30 June 2015’). Every Ugandan citizen is allowed to brew native liquor. However, a license which falls under the responsibility of the district government is needed. While both the Liquor Act and the Local Government Act state that the district government is responsible for the regulation of traditional or native liquor, no further policy guidelines are made on paper with regards to the regulation of these alcohols. In practice, this means that rules for native liquor vary according to the district.³⁶

It is worthwhile to stop and clarify the three classifications of alcohol. First, waragi, home distilled gin, is either legal or illegal, depending on whether it is licensed under the Enguli (Manufacturing and Licensing) Act. Second, there are the legal liquors or beers licensed and taxed under the Liquor Act. Third, there are the native liquors, the home brewed alcohols that are in line with local customs and fall under the responsibility of the district government. In terms of native liquor and its definition, no further instruction exists regarding the way these drinks should be produced or what is meant by a native custom, except for specifying non-distilled drinks. The definition of native liquor in the Liquor Act does provide some examples of native alcohol. Therefore, it leaves the definition of a native custom, and thus the category of native liquor, open to interpretation. This lack of clarity blurs the lines between legal and illegal alcohol production. The question of when alcohol should fall within the native liquor category leaves room for alcohol producers to manoeuvre. This makes the work of government officials involved with alcohol legislation challenging, as ideas about what constitutes alcohol and what is considered a ‘traditional drink’ are open to interpretation and discussion. In turn, these different attitudes towards the meaning of alcohol and traditional practices affect the way tax is collected on these products at the local level.

To understand alcohol taxation practices in Kisoro District, it is necessary to briefly elaborate on alcohol taxation policies in Uganda in general. In Uganda, alcohol taxation is regulated by the Ugandan Revenue Authority (URA) and the district government. To be able to produce or trade in alcohol, several steps must be taken. First, one needs to have a trading license, which is a general business license provided by the district council.

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³⁶ The Liquor Act 1960, s32 states that native liquor: “shall be regulated in a district by such laws as may be made for the purpose by the administration under and in accordance with the Local Governments Act”. The Local Government Act 1997, s4 (7)16 thereupon states that the services and functions delegated by a district council (LC5) to lower local government councils include the provision of “the regulation of traditional liquor as defined in the Liquor Act.”.
government that enables a person to sell goods and services.\(^{37}\) The license fee depends on the size of the shop, for which guidelines are provided by the district government. Second, a producer needs to pay income tax, which is collected by the URA.\(^{38}\) Third, there is taxation of the alcohol itself. These taxes are not paid by the manufacturers or producers, but target the end consumer: the value added tax (VAT) and the Local Excise Duty. Both taxes are collected by the URA. The VAT is 18% and is charged on all manufactured drinks within Uganda, as well as on all imported drinks. The Local Excise Duty, meanwhile, is imposed on ‘luxury’ products such as tobacco, alcohol and social media, as a means for the government to collect a tax revenue and discourage people from using certain products which are considered harmful (Uganda Issues Tax Amendment Bills for 2018; Excise Duty (Amendment) Act 2017). The rate of the Local Excise Duty depends on the materials used for production as well as on the type of product itself, ranging from 30% on domestic manufactured beers to 60% for domestic manufactured spirits (KPMG 2018). Besides these taxes, manufacturers also pay for the UNBS certificate which costs 350,000UGX a year, and another 100,000 up to 300,000 UGX for testing, depending on the alcoholic product being manufactured (“Uganda National Bureau Of Standards” n.d.).

Native liquors are excluded from these taxes and certifications; they do not need to pay the trading license, VAT or Local Excise Duty and do not require a UNBS certificate.\(^{39}\) Rather, their regulation depends on the policies that are created by the district government in each district, and these may differ per district. The costs to produce for the formal market are high in comparison to the licenses or permits one needs to have for native liquor, making it more attractive for producers to maintain a business in native liquor than excisable liquor. Also, producing native liquor is attractive because the ambivalence of alcohol legislation creates a grey area in which the taxation of alcohol can be negotiated. One of the URA officers at the regional head office in Kabale District, who specialises in tax sensitisation and dispute settlement, explained to me the challenges that government officials encounter when taxing alcoholic drinks:

\(^{37}\) Trading (Licencing) Act, 1969.


\(^{39}\) At the time of writing this chapter, the Excise Duty (Amendment) Bill has been proposed, which would take effect from 1 July 2022. This bill introduces duty rates on locally produced beverages, specifically 12% or 150UGX per litre on non-alcoholic fermented locally produced drinks, and 30% or 550UGX per litre on alcoholic fermented locally produced drinks. See the Income Tax (Amendment) Bill, 2022.
We have a body mandated to certify products which are for consumption purposes [the UNBS]. These local brews that are made locally, like that murambwa [a highly alcoholic sorghum beer] or bushera [a low alcohol sorghum beer]. We do not tax those because they are not packaged properly. We assume that they are consumed locally. We don’t give them a certificate of compliance to trade on the market. You actually sell it to your friends. (URA domestic tax officer, interview with author, July 17, 2018).

He emphasised the difference between production for the market and production for home consumption, justifying why the URA did not tax these drinks. However, he was also aware of the large share of ‘local brew’ on the market and the troubles this creates for the URA. He told me:

We have not tackled those local drinks yet. Different regions have different kinds of brew, which are locally made. The processes they pass through, you can also call it manufacturing. (...) If he had developed such an industry, he has manufactured. However, this is done locally because he has not put any ingredients that prolongs its life or preserves it. This type of alcohol, especially these local brews, people are in small ‘manufactories’, which we don’t call manufacturing, we call it locally made material. They actually compete against the manufacturing drinks. So probably there is a grey area. (URA domestic tax officer, interview with author, July 17, 2018).

The officer describes the fine line between small scale production of local drinks for home consumption, which is allowed under the Liquor Act, and the commodification of those products. The Liquor Act was written at a time when it was customary to brew alcohol at home to share with family and friends, which the URA officer emphasises in his initial explanation of what defines a native liquor. This alcohol was often given in gratitude to neighbours and friends for their aid during the harvest season. Businessmen strategically make use of the ‘grey area’ that the URA officer mentions, which allows them to compete with the formal market of manufactured bottled drinks and blurs the distinction between what is considered a product for home consumption and when something becomes a market good.

In the following section, I will zoom in on the taxation of these home-made alcoholic drinks in Kisoro District to show how the ambiguity of alcohol legislation affects tax collection policy. I will show how the lack of clarity for native liquor, as defined in the Liquor Act, translates in various ways at the local level as government officials, tax
collectors and taxpayers have various (conflicting) understandings of what native liquor means and how tax should be collected.

Alcohol Taxation in Kisoro District

In Kisoro District, the taxation of native liquor led to the so-called Beer Brewing Permit (BBP). This permit is unique to Kisoro District and is understood as a ‘tax’ that must be paid on local beers. However, there are different understandings of the BBP among the local government officials in Kisoro District. The Chief Administrative Officer (CAO), the highest official at the district government, told me that the BBP is for people selling local drinks at markets or in local pubs, and specifically targets people who wish to earn some income through this type of sale (CAO Kisoro District, interview with author, January 30, 2019). However, the treasurer of the central division in the municipality explained that the permit is not supposed to be a license but “a tax they pay every time they brew.” (treasurer, informal conversation with author, July 23, 2018). As such, he notes how the tax is paid by those producing local drinks rather than those selling it. The senior accountant in charge of domestic revenue in Kisoro Municipality agrees. He explained that the tax is collected during the production process, targeting the brewers with a fixed tax of 2000 UGX (approximately 0.54 US dollar at time of writing) for every brewing session (senior accountant, Kisoro Municipality, informal conversation with author, June 19, 2018).

Among the local government employees, there are not only inconsistencies concerning who should pay the tax, but also on the amount of tax that should be paid. For instance, the health inspector of Kisoro Municipality explained that all traditional alcoholic drinks from the area fall under the category of ‘local brew’ and are taxed by the local government via the BBP. He explained there are no health risks caused by drinking these beverages, because of the natural ingredients used – therefore, the UNBS certificate is not necessary. According to him, this includes the locally distilled banana waragi. He does not see any health risks involved in drinking this ‘local’ waragi because, he argues, no preservatives or additives are added to it, as opposed to the waragi which is packed into plastic sachets or bottled (health inspector Kisoro Municipality, interview with author, June 25, 2018).

The Kisoro District LC 5 chairperson disagrees, however, arguing that it was only when ‘modernity’ came that banana beer was taken into factories and further distilled into waragi. He understands the distillation of this local waragi not as a traditional practice, but as a modern trade which has been introduced and become popular with the arrival
of factories and machines. He further sees it as a danger to public health and states that the District Government in Kisoro does not tolerate the production of local or crude waragi. At the same time, he acknowledges the difficulties of stopping people from producing it, since the drink is popular among youth and both production and consumption are difficult to monitor in rural areas (LC 5 chairman Kisoro District, interview with author, July 4, 2018).

While the LC 5 chairperson states there is a ‘zero tolerance’ policy with regard to the production of local waragi in the area, the CAO simply notes that all local produced drinks which are sold are taxed via the BBP, including the local waragi (CAO Kisoro District, interview with author, January 30, 2019). His answer contrasts with his assistant, who told me that they, as the district government, can license “those local beers that are produced around here (...) but for us as district, we are not supposed to issue somebody a license for that crude waragi”. However, he is also aware of the ambiguity in which the trade and taxation of these drinks operates, as he also mentions: “You know that crude waragi, it has a special position, I think because of its nature. The nature of that thing.” (assistant CAO Kisoro District, interview with author, July 8, 2018).

As the LC 5 chairperson neatly summarised earlier; there are drinks which are ‘modern’, which he defined as those produced in factories and meant for the market, and drinks which are ‘traditional’, which are associated with health and hygiene. Whereas most waragi is believed to come from other districts (either illegally distilled sugarcane waragi or manufactured and bottled waragi), the nature of this ‘crude waragi’, the assistant CAO mentions, is ambiguous. It is made from banana beer, which not only connotes certain traditions in some of the sub-counties, but is also understood to be healthy because of the natural ingredients and the fact that no preservatives or chemicals are added. When banana beer is further distilled into waragi, many people still understand this version of waragi to be better and healthier than the manufactured spirits or waragi, and – perhaps more importantly – it is made locally. While we should avoid reifying the traditional-modern dichotomy sketched above, it is worth noting the distinction as it gives meaning to the way alcohol is understood, and subsequently, as the case of waragi demonstrates, how it is taxed.

To summarise, the inconsistencies in the explanations by various local government officials in charge of the BBP show how there are no clear guidelines regarding the implementation of tax collection. They highlight the absence of a clear definition of ‘native liquor’ in the Liquor Act, as well as the lack of tools that both the Liquor Act and
Local Government Act provide for regulating these particular drinks. For some, the BBP is meant for *locally produced* drinks, be it bushera, musururu, tonto or waragi, while for others it means specifically locally produced drinks that are in line with traditional customs, therefore *excluding waragi*. Others still emphasise how waragi is part of the traditional culture and therefore *should* be included in the BBP. The officers give a range of considerations while contemplating what native liquor is, how it ought to be classified, and how it is taxed, demonstrating how they interpret the Liquor Act. This gives them space to make sense of the definition of native liquor as it fits within their preconceived ideas; furthermore, given the ambiguity both in law and in practice, savvy businessmen can strategically employ these blurred classifications to their benefit.

The tension between enforcing alcohol legislation and collecting revenue is something that is acknowledged by the Resident State Attorney, who explained to me the difficulties in prohibiting illegal waragi, since its production and trade provides people a business:

> Uganda has encouraged people to do business, to generate money for taxes. So, it is always difficult for the government to tell those villagers to get back in line with the law, where they are basically stopping someone who is giving them the local revenue. (RSA Kisoro District, interview with author, July 16, 2018).

This is also reflected in the way private tax collectors are monitored, as they are mostly left alone while doing their work. The District Council Accountant, working below the CAO and overseeing revenue collection in the district, told me that ‘prompt visits’ are carried out to monitor and assess tax collection. However, these visits are not fixed, but rather depend on the time and willingness of the district revenue officers to go into the field. He also explained that he would compare the reports on revenue from each sub-county and visit those who performed badly. So long as the tax collector brings in the required percentage of revenue every three months, no visits are made. His reasoning was as follows:

> If I am compiling my report and I see this is a poor performing revenue source, then I have to go there and check and ask why they are performing badly in a certain area. Because I cannot go into a sub-county where I find they are supposed to be at 50% [quarterly revenue], why should I go there when I know that other people are lacking behind like 35%? So, I don’t go to the area at 50%, but I go to the area which is at 35%. (Kisoro District council accountant, interview with author, January 15, 2019).
Therefore, the performance of tax collectors is mainly assessed on the revenue they collect, while the means they use to collect this tax are often unclear. While local government officials are certainly interested in the revenue that is collected, the inconsistencies concerning what the BBP, is as well as the relative lack of monitoring, both show a kind of disinterest in the collection process. Specifically, it shows a lack of interest in one of the broader ‘moral’ aims of taxation policy: fairness and uniformity of taxation. This disinterestedness results in various strategies which tax collectors use to collect revenue. For instance, they can negotiate what products are being taxed and employ people to help them, without notifying the district government. Consequently, the BBP meets some practical challenges, as who is collecting taxes, what is being taxed, how often, and who is being targeted (producers, traders, shop/bar owners, or buyers) becomes less transparent. This discredits the underlying idea of tax collection, as day-to-day taxation practices lead to concerns among people about the use of tax money, fair taxation, and corruption. The following sections deal with these questions and examine the gap between taxation policy and practice by looking into the situations of tax collectors, their strategies, and the challenges they face.
(‘Women selling urgwagwa’, photo by author, February 2, 2019)
('Urgwagwa buyer driving to the market’, photo by author, 19 January, 2019)
Tax Tendering

So how does this system of tax tendering work? Every financial year, the local government creates vacancies for the position of private tax collector for one of the ‘daily fees’ available in various sub-counties of the district. These are the fees that are charged on market products, or other fees on short-term products or services. Different people can compete for the same vacancy and usually the person with the highest bid (for tax they will collect) gets the job. Tendering is a highly competitive business. It is normally practiced by wealthy and established men who can pay the fixed amount that is agreed upon by the district government. One of the tax collectors, Emmanuel, who holds a tendering contract for market fees and for the BBP, explains to me that he has been working together with a friend in the business for 15 years. Both would have a different tendering job in their name, or the name of their children, and they would share the work and profits. Each quarter, the agreed amount of money has to be paid to the government up front. He tells me they pay nine million UGX per quarterly for the market fees and six million UGX for the BBP in their subcounty. “You have to pay that money. Whether you earn or not. If you decide to tender, you have to pay.” (Emmanuel, tax collector BBP, interview with author, January 31, 2019).

Emmanuel stresses the importance of paying this money to the district government several times. This is currently a source of tension for him, as he recently encountered problems with the people at the market who were not willing to pay the market fees and he fears he and his business partner will not be able to gather sufficient money to pay the agreed amount of revenue to the district government next quarter. This is the downside of the work, as failure to achieve the intended amounts risks losing the credibility of the district government to do the work, and prevents them from obtaining the contract in the following year.

Such financial stress makes the job of tax collector less attractive, particularly in areas where few of the products are produced or sold. The local council chief of one of the sub-counties near Kisoro town told me they have not had a BBP tax collector for several years now as there is no one willing to do the job. Every year they advertise the vacancy, but less and less people are brewing in the subcounty, making the profits of that particular area low. Since the work is difficult and affects your relationship with the people from the area, no one seems to think it is worth it (LC 3 chief, interview with

40 Although the position is open to everyone, I only encountered more established, wealthy males in the role.
author, January 8, 2019). This is something which Bosco, a private tax collector working in one of the eastern sub-counties in the district, also emphasises. Bosco is not as well established as Emmanuel. Bosco is a man in his late thirties, and beside his work as a tax collector, he owns a small local bar, selling sodas, bottled beers and tonto. He lives with his family in the back of his bar. The income he earns as a private tax collector is low, he tells me, and he has trouble providing for the basic services for his family. Bosco has been the BBP tax collector for several years now, though he complained that less people are brewing nowadays in his sub-county due to high sorghum prices and the popularity of crude waragi, which is cheap and widely available.

Working as a tax collector is often considered a hassle. This mostly concerns the position of these collectors within the community – they must be strict, demanding that people pay their tax and threatening them with enforcement by the government when necessary, but they must also maintain a good working relationship with the community to ensure that tax collection runs smoothly. This is not only to the benefit of receiving revenue and earning an income, but also because they need to maintain their own relationships with people in the area as they are part of the same community.

Their embeddedness within the community is one of the reasons why they can levy taxes on products that are otherwise difficult to tax. Their unique knowledge of the setting, the people in the area, and the everyday events enables them to decide when someone can pay taxes, where to find them, and how to approach them. For instance, Bosco works specifically on Sundays, because that is “when people are always saying they are a bit financial stable”. Most people spend their Sundays drinking in local bars, which for Bosco is reason to pass by these bars late on a Sunday afternoon, when bar owners have earned sufficient money to pay the tax. He collects the BBP from the brewers of sorghum beers, and since the brewers are often the same people who sell it in their bars, he can easily identify them (Bosco, tax collector BBP, interview with author, September 9, 2018).

David, a tax collector in a western sub-county, has a different strategy: he mainly collects money from the buyers of banana beer and local waragi. In his sub-county, jerrycans of banana beer are a popular market good which are sold on Saturday mornings around 7 am. David does not see the need to spend the entire day at the market, since most of the people selling tonto would have sold their beer in the early morning, therefore, he would often leave the market around noon to spend time with
Both Bosco and David have specific, strategic times when they collect the BBP. However, in doing so they neglect the people who sell, brew, or buy these local alcohols at different times or on different days. This in turn provides for a situation where people can easily avoid paying the BBP if they avoid the working hours of the tax collector. Therefore, no strict enforcement of revenue collection is in place, meaning that paying tax is not an established fact but depends on the time and place. This type of irregularity creates an extra layer of confusion for the tax collection system, and leads people to consider if they need to pay the BBP. This becomes clear in one of the encounters Bosco had with a young bar owner who refused to pay the BBP, when collecting taxes on September 16, 2018:

Bosco: Fine. Give me a date so I can come pick up the money by then.

Woman: But I don’t have it.

Bosco: I will come back on Monday.

Woman: But I cannot give you money.

Bosco: If it is hard for you to pay, I can tell the [sub-county] chief it is difficult to pay for you.

Woman: Please, I don’t have it, things are complicated. Why do you want me to pay this tax? Please.

Bosco: These are things put in place by the government, they are not by my own making.

Woman: Why are you collecting these taxes?

Bosco: I am just working for the government. I am not the one deciding.

The interaction between Bosco and the woman shows several things. For one, it shows how Bosco offers leniency by giving her extra time to gather the money. He also uses a veiled threat, as he proposes to ‘tell the chief’ that she is not paying. Here Bosco strategically makes use of the authorities and their legal framework to coerce compliance. At the same time, he aims to affect the way people see him, namely as an authority who decides who needs to pay. This is especially visible in his answer, as he
tries to frame his position as ‘merely’ an executive role, not the one in charge. By distinguishing himself from the government, he tries to distance himself and his role as tax collector from the general feeling of unfairness and injustice that is associated with paying this tax by the young bar owner.

While being part of the same community has some advantages for tax collectors, they also need to uphold the same social rules and norms that exist within the community, as their relationships with the people around them also make them dependent on the same ‘system’. This can take many forms, like turning a blind eye to someone’s tax evasion or extending payment deadlines. It also means being ‘practical’, as local government officials often call it. For instance, they cannot demand money if people simply do not have money to give. Therefore, tax collectors need to adapt and understand the everyday struggles that people encounter. As Bosco explains to me:

When you find that he is in demand for money, and he is financially unstable, you let him be and proceed with the ones from only that week. (Bosco, tax collector BBP, interview with author, September 16, 2018).

Bosco is not only aware of when people do not have money, he also knows to balance asking for tax when it is rainy season, when school fees need to be paid, as well as who has children and who does not. Because he is a member of the community, not to mention a father himself, he is aware of the struggles people have in getting together the school fees. Also, as a bar owner, he knows the struggles that people deal with, feels compassion towards their situation and acknowledges the importance of maintaining social relationships. He also knows when people are lying about having kids, needing to pay school fees, or when people are struggling after illness or a death in the family. In such cases, he assesses the situation and ‘spares’ them. As he explains during the same interview:

At times, when you approach someone and you find that their business is not going smoothly, and that person explains to you the situation, so what do you do? You try to take that person slowly. Even we ourselves don’t earn much you see.

This complexity of the informal rules concerning when people should or should not pay taxes shows how the field of tax tendering has its own rules and norms that interfere with the rules of the state, but it also shows how tax collectors can make use of the rules of the state. In practice, tax tenderers need to strike a balance between keeping their relationships in the community intact, while also collecting (unpopular) taxes. This
balance between following the official rules and procedures of tax collection, and bending these rules for ethical, moral and practical reasons, is what Olivier de Sardan and De Herdt refer to as practical norms, namely alternative rules and norms that are created to make things work in practice (2015, 10).

Borrowing from Moore (1973) I see these practical norms of alcohol taxation practices in Kisoro District as a small SASF. In doing so, I place these practical norms in a more complex setting where the social and the official comprise several sub-fields, each with their own internal rules and norms to which members feel bound. Alcohol taxation practices not only come in contact with the state as an external SASF, but are also present in a larger social setting where different SASFs interfere and affect the way that alcohol taxation practices function. This last point requires some explanation.

Alcohol taxation practices can be understood as an SASF for several reasons. First, they have rule-making capacities and a means to induce or coerce compliance (1973, 719). The alcohol brewers, traders and tax collectors have their own internal rules, customs, and norms regarding how, when and where the taxation of local brews is conducted. These are visible when looking at, for instance, the informal rules to either extend the tax, decrease the amount of tax, or to look the other way. For the alcohol brewers and traders, having a good relationship with the collectors is important to ensure that favours can be asked for in times of need. In return for looking the other way, tax collectors can ensure smooth cooperation and that people are more open to paying them when they can. It also enables collectors to lean on people in case they find themselves in a difficult position. Moore calls these relationships ‘fictive friendships’, referring to the voluntary or moral obligations which take on the form of voluntary acts of friendship, while the maintenance of these relationships is a necessary means for both actors involved to stay in the game (1973, 727). Hence the internal rules and norms of these social fields of alcohol taxation are not explicit or easily visible to the an observer, and nor are they legally enforceable, but rather “depend for their enforcement on the values of the relationship itself” (1973, 727). While these rules may be invisible to an outsider, they are implicit to those within this group, who understand the consequences of not conforming to these rules.

I would also emphasise that this field is vulnerable to external rules from other SASFs, as this social field of alcohol taxation practices has to be assessed in the context of a larger social matrix (1973, 721). This means that alcohol brewers, traders and tax collectors must consider the different SASFs they belong to and make well-considered choices concerning which rules or norms are the most important. These other SASFs
could be their neighbourhood or their clan, but one could also think of the church community, the burial society they are member of, or their business association, if they own a bar or shop as Bosco does.

The larger social matrix surrounding alcohol taxation in Kisoro District is noticeable when looking into the differences of types of alcohol that are taxed. For instance, the different understandings that the government officials in the district have of which alcoholic drinks fall under the BBP may stem from a lack of care, disinterest, or a strategic use of gaps in legislation, but could also originate from the local notions of tradition and alcohol that exist in different sub-counties in the district. This is also visible in the way that tax collectors collect tax. Bosco, for instance, explained how the BBP is aimed at the brewers of sorghum beer (bushera and muramba) and banana beer (tonto). When asked about the locally made waragi (distilled gin), he specifically told me that this did not fall under the BBP:

No, waragi they don’t include. You see, every person operating a business must have a license. But these three [bushera, musururu, tonto], they made an exception at the sub-county level. They are not included in the trading license.

(Bosco, tax collector BBP, interview with author, September 16, 2018).

According to Bosco, the trading licence targets specific products including waragi, whereas home brewed beers are left out. David later told me that the local government only collects the BBP on alcoholic drinks made from bananas, such as tonto and banana waragi, while excluding the locally brewed beers made from sorghum or millet like bushera or muramba. He explained that drinks such as tonto and waragi are market goods, destined to be sold for consumption either directly to consumers or to bar owners who would sell it in neighbouring villages or towns. This is in contrast to sorghum beers, which were drunk by people themselves and therefore were exempted from paying tax.

When I asked David about the bars selling sorghum beers in the village we were in, he became confused. He thought for a second, then replied that they should only tax the drinks going out of town, thus targeting the buyers who came from other places rather than the local consumers and producers (David, BBP tax collector, informal conversation with author, September 29, 2018). Simon, a tax collector of the sub-county neighbouring David’s, noted that he targets the producers of all home-brewed and distilled alcoholic drinks in the sub-county. He referred to the Local Government
Act, explaining that it dictates taxing both bushera, tonto and waragi (Simon, tax collector BBP, interview with author, January 23, 2019).

The different approaches towards tax collection that these collectors use do not arise from differences in official legislation in Uganda, but instead come from different overlapping normative systems, which lead to different ways of interpreting alcohol legislation. These normative systems have different interpretations of what constitutes alcohol, and therefore affects which drinks are targeted. The different views on traditional alcohol within these sub-counties are reflected in the way the BBP works in practice. For instance, in the sub-county where David collects taxes, only alcohol made of bananas has been understood as a traditional practice, leaving out other brews such as bushera or muramba. For this reason, people living in David’s sub-county do not understand bushera and muramba to be inzoga, the Rufumbira word referencing traditional alcohol. In the sub-county where Bosco collects taxes, sorghum beers have been understood as traditional drinks. Here when people speak of inzoga, they refer principally to muramba or bushera, as opposed to drinks made from bananas, like tonto. Waragi is also understood as a foreign drink that was introduced in the last 40 years or so. This creates a reality where in some sub-counties certain drinks fall under the BBP, while in other sub-counties they do not, and other drinks are taxed instead.

Consequently, there is some ambiguity surrounding the tax, as it is not clear which products are being taxed and who is required to pay. Bosco, for instance, often finds himself in discussion with bar owners who do not want to pay the BBP on bushera (low alcoholic sorghum beer), as many people do not consider the drink alcoholic. People can also make use of this ‘grey area’. The BBP collector Simon complained to me, when I came across him at a local market near the border while he was on his way to collect the BBP on February 2, 2019, how most of the producers of tonto leave his sub-county very early on Saturday morning to sell their drinks in the neighbouring sub-county, where David targets the buyers of alcohol, as opposed to the brewers.

What becomes evident is that there is room for interpretation in Uganda’s alcohol laws. The use of terminology and the way to define alcohol, as ‘native’ versus ‘all other alcohols’, affects how alcohol is seen and categorised by the Liquor Act, and as such influences which form of tax it is subjected to. Since district governments are allowed to set their own policies on native liquor under the Local Government Act, it is no surprise that this has led to different approaches to native liquor in different districts. However, as the above differences in approaches between David, Bosco and Simon display, the ambiguity surrounding native liquor not only leads to different policies
between districts, but also causes confusion within the district about which drinks should or should not be taxed. Where differences between districts logically arise from legislation, the inconsistency of policy within a district is remarkable. The variety of interpretations and implementations within sub-counties in Kisoro District creates confusion, and leads to tensions between taxpayers, tax collectors and the district government. Furthermore, these different approaches to tax create a grey area, within which people manoeuvre to further their own ends, as was the case with the tonto producers in Simon’s sub-county. Hence, what is considered a taxable product is not a direct decision by the district government, but rather the outcome of the various different actors that are involved in the brewing, trading and taxation business of alcohol in Kisoro District.

The embeddedness of tax collectors within their community also makes them particularly good at the work they do, since they are uniquely situated within the same webs of social relations. They are thus well aware of the ins and outs of the norms and informal regulations in their communities. They know what moments are strategically best to collect taxes, who to approach, and what to ask. Simultaneously, they have difficulty maintaining these ‘fictive friendships’ (Moore 1973), as they are equally embedded in these relationships and may need to lean on one of them for a favour in the near future. This makes it difficult to balance their private life and work life, and confronts them with the ‘dilemma of the village headman’, as they are entangled in webs of relationships at the local level, while simultaneously representing the state (Gluckman 1949). While on some occasions they distinguish themselves from the government, on others they remind people of the threat of violence that is so prominently linked to the state. This was the case, for instance, when Bosco threatened one of the brewers to tell the subcounty chief that she was unwilling to pay the tax. It is specifically through the relations between private tax collectors and taxpayers that ‘the state’ is given form. This has to do with the fact that while they are a friend, neighbour, or family member to the taxpayer, they are also seen as representatives of the local government. The way they work, by being generous with some but not others and leaving room for negotiation, creates a space for different interpretations of and appreciation for the local government, and thus more broadly the state (Mitchell 1999; Thelen, Vettes, and Von Benda-Beckmann 2018, 9).
Conclusion

Alcohol in Uganda, as in many other African countries, is an important part of people’s everyday lives. However, the central role of alcohol in maintaining and governing social relationships contrasts with the Ugandan state’s legislative framework governing alcohol. In this chapter, I have examined Uganda’s alcohol legislation. I zoomed in specifically on the differentiation between home brewed beers, home distilled waragi, and manufactured liquors and beer. I have shown how the vagueness of the definition of native liquor within the Liquor Act translates to the local level where government officials, tax collectors and taxpayers must deal with its ambivalence. I argue that tensions arise between different rules, norms and customs regarding the classification of native liquor as different actors give substance to the meaning of native liquor, and as such negotiate which alcoholic drinks are taxable under which categorisation. Consequently, this shows how the social arrangements of everyday life affect the way alcohol legislation takes form and how, to put it in Moore’s words: “The law (...) is only one of a number of factors that affects the decisions people make, the actions they take and the relationships they have.” (Moore 1973, 743). By taking the taxation of alcohol in Uganda as my point of departure, I have shown how alcohol regulations are intrinsically connected to – and affected by – the various rules, norms and customs that emerge from the different social fields that people feel a part of.

The gap between state legislation on paper and in practice has been a focus of attention for many scholars studying law, governance, and the state. In this sense, my observations are thus not new. The different governance mechanisms working outside the framework of the state have been widely acknowledged in the African context. This chapter contributes to these discussions by focusing on tax collectors and the way they navigate and negotiate different rules, norms and values that exist within the same space. Building on Moore’s concept of the semi-autonomous social field, I understand alcohol tax practices in Kisoro District as a small social field whose internal rules and norms interact – and sometimes conflict – with other fields. Examining the different social relationships as different SASFs allows me to unravel how government officials, tax collectors and taxpayers are not only confronted with the different norms and rules that stem from official (state) rules and those of their social surroundings, but also how these rules and norms are subdivided into smaller social fields.

The tax collectors are an interesting case study in this regard, because they occupy an ambiguous and multidimensional position in local level administrative organisations.
They are what I call ‘not-quite bureaucrats’, as they are simultaneously businessmen buying tendered contracts, working for the government, making discretionary decisions about who is to be taxed and on what, but they are also able to call upon the police when people refuse. Their embeddedness within and membership to the community constrains them in their actions, as they must carefully manoeuvre the different rules and norms so as to not damage their social capital with friends, family and colleagues, while also maintaining their position as a legitimate representative of the state. Due to their status and role as not-quite bureaucrats, they encounter tensions from various sides, including the expectations of the community, the expectations of the government, and their own aspirations when they began this work. The constant balance required to keep all the various parties satisfied means that they also regularly fail to meet the expectations of all involved. For example, they are seen as corrupt by the local government because of their close relationship with the people in the area. They are also seen as corrupt by the people they have to tax because of the differences in how they operate in different sub-counties, as well as how they show – or don’t show – leniency to taxpayers. The way they deal with taxpayers shapes the image of local government. Hence, their status and role as quasi-bureaucrats affects the way the state is imagined and to what extent the state is seen as a legitimate sovereign in the area.
4 Clan Councils, Bureaucratization and the Role of Alcohol

(...) Ocol says he is a modern man, 
A progressive and civilized man. 
He says he has read extensively and widely 
And he can no longer live with a thing like me 
Who cannot distinguish between good and bad, 
He says I am just a village woman, 
I am of the old type, 
And no longer attractive. 
Ocol is no longer in love with the old type. 
He is in love with a modern girl; 
The name of the beautiful one 
Is Clementine. (...) 

Okot p'Bitek, “My Husband’s Tongue is Bitter” from “Songs of Owino” 1972

Introduction

In this chapter I ethnographically engage with the clan customs of the Bakiga people living in one of the mountainous villages in the north-eastern part of Kisoro District. While clan practices are often seen as a remnant of tradition, I show how the organisational clan structure in this village mirrors certain features and criteria that a modern institution is imagined to need in contemporary Uganda. As previously mentioned in chapter 1, the contemporary institutional framework of clan councils has become increasingly formalised and resembles that of the officially recognised local government councils (LCs) of the Ugandan state. Similar to the LC structure, many of the clan councils I worked with have their own executive committee, with a chairperson, a vice-chairperson, and secretary, as well as their own administrative
bookkeeping, tribunal court, and revenue system. Originally these organisations were known as umuryango groups, meaning family in Rufumbira, or ekiika, meaning people from the same clan or family in Rukiga. However, they are commonly referred to as ‘LC 0’ in the district. This is a reference to the LC system that governs public life in the district. This system of administrative government ranges from the local village council (LC 1), the lowest level of administrative governance in the district, to the local district council (LC 5) operating at the district level. In a way, these clan councils are seen by the people in the area as the lowest level of this system of local government; they are ‘the start of the government’, as many people have explained to me, even though they do not have any ‘official’ authority on paper.

In this chapter I argue how, by making use of “symbolic languages of authority”, the LC 0 claims part of the sovereignty that is often linked to practices commonly associated with government bureaucracy and the state (Hansen and Stepputat 2001b, 8). As such, they are not only understood as an assembly of village elders deriving their authority from traditional practices, but also derive part of their powers of authority from their imagined – and performed – position as a government actor. In so doing, the practices that the LC 0 engages in blur the line of where the clan ends and the state begins. In effect, these clan councils give form to the state both as idea and in practice (Thelen, Vetter, and Von Benda-Beckmann 2018), while simultaneously their practices blur the institutional boundaries of the state (Das 2004). Consequently, clan councils can claim a semi-sovereign position in the area, in that they are competing with ‘the state’ in governing their entity.

Alcohol provides an interesting case study to explore these practices, as its role in clan communities is contested. On the one hand, home-brewed beers represent the values and norms upheld in the past. These are understood as a proud tradition that is linked to clan practices, and the drinks form part of many ceremonies, functions and rituals. For instance, in clan communities the exchange of brewed beer serves as a means to maintain social and economic relationships, which are used as a form of social control (as the rules concerning alcohol guide proper behaviour), and they are used as fines when members of a clan break the rules. Concomitantly, alcohol is understood as a medium for arbitration, since through the sharing of alcohol, quarrels are solved and relationships are (re)established within clan groups. On the other hand, these beer practices are at times referred to as ‘unhygienic’, ‘primitive’ and ‘savage’, not befitting the ‘modern’ world of today. The place of alcohol within clan councils has come under scrutiny, especially by younger generations, who increasingly question the role of
alcohol in dispute settlement in their localities. Alcohol thus becomes a contested issue through which narratives of tradition and modernity play out.

To clarify, I do not wish to analyse and define ‘modernity’ as an analytical term, as its binary opposition to ‘primitive’ or ‘tradition’ has been rightly criticised (Ferguson 2005, 167). Rather, I use modernity as an emic term, by which people in Kisoro District conceptualise and give meaning to their relationships and the world around them. One of the reasons I have to acknowledge this binary is because of its popularity in daily speech, specifically among the people with whom I did fieldwork. The language of tradition, modernity and progress is not only used by people, whatever their understanding of these concepts might be, but these concepts may also influence people in their behaviour. Therefore, the impact of such concepts in everyday life must be acknowledged, while simultaneously held up to analytical scrutiny.

In this chapter I demonstrate how the Bakiga people of village E in the north-eastern part of Kisoro District give meaning and substance to terms like tradition, modernity, and development via discussions about the place of alcohol in their locality. I use these discussions to show how articulations of these concepts have become a productive space where ideas of – and practices surrounding – legitimacy, public authority, ‘the state’ and modernity take shape. I will first elaborate on the different tensions that exist concerning alcohol and proper (drinking) behaviour. Specifically, I focus on the way that ‘traditional’ alcohol norms and customs are imagined by members of such a clan group and describe how changing drinking practices are morally evaluated by them through articulations of tradition and modernity. Thereafter, I explore the way their clan group has changed over the years to increasingly perform functions similar to those of the local government councils of the Ugandan state. In the final parts of this chapter, I unravel different discussions on the role of alcohol within clan groups. My field data shows how these discussions run side by side with an increase in bureaucratic practices, through which people envision a future for themselves and their community.

The Moral Dimension of Alcohol

The commercialisation of alcohol in the last century brought about a change to the moral connotations of alcohol in East Africa (see for instance: Ambler 1991; Akyeampong 1996; Bryceson 2002; de Smedt 2009; Willis 2000; 2002). Prior to the arrival of the Europeans, alcohol in Uganda was a scarce resource that opened access to the political domain. Participating in – and providing for – beer drinking gatherings
represented a man’s position of authority and power in his locality. Access to these alcohols was often heavily controlled by (often elderly) men in positions of authority, as I have explored in more detail in chapter 2.

The beginning of the 20th century ushered in a period of colonial domination which brought about changes to the ways alcohol was regulated, including agreements on licences and revenues (for a closer look, see the alcohol legislation discussed in chapter 3). Under these regulations and restrictions, alcohol practices moved from the official domain, understood as ‘the state’, into the private sphere, which was considered the family or ‘the clan’. The commercialisation of alcoholic drinks created opportunities for the wider population to access different, industrially produced, alcoholic drinks. Who was allowed to drink, when, where, and how much was no longer decided by the elders in clan communities, as anyone who earned money was able to buy a drink. Nowadays, men and women of all ages can buy bottled beer, wine, liquor, home brewed beers, sachets of liquor (kaveeras), or illegal distilled spirits such as the popular and widely available waragi. These changes heavily disrupted existing power relationships, developing into what has been called a moral drinking crisis in the last few decades, as fears of widespread drunkenness and concerns for disorderly behaviour have increased (Willis 2002, 3, 241).

Many people I spoke to shared their concerns about excessive alcohol consumption among young men and women in the district. Drinking practices have become related to losing social esteem among family and friends. Men are blamed for wasting their money on alcohol rather than providing for their family by paying for medicine, groceries, and school fees. According to the police officers working for the internal crime department of Kisoro District, alcohol was the main cause of problems in the district:

Police officer 1: Waragi, that one causes a lot of problems here.

Police officer 2: It is the main cause for domestic violence in this area. Waragi, the drink of troubles.

Police officer 1: It is true. So many men they are addicted to drinking that stuff. You only need a little bit, and you can become wasted. (police officers, participant observation by author, September 14, 2018).

Simultaneously, notions of strength and aggression are also linked to alcohol consumption. Domestic violence is often considered a problem that is associated with
its consumption, as the police officers noted. Whereas men are often forgiven for their drinking behaviour, women are not expected to consume alcohol in public and are looked down upon for such behaviour (Wolff et al. 2006). In general, there is a fear that when women drink like men, they are susceptible to sexual seduction, since they do not have ‘the strength’ that men have to be in control of their own bodies:

Men can take. We can respect it, because men are strong, but women are not strong. When women are taking waragi, other women even laugh. (Robert, elderly man, focus group interview with author, February 10, 2019).

If you are a respectable lady, you should not go to the bars. You’re not supposed to be going to the local bars and then you drink these strong ones. The strong ones, you’re likely to mess up. So it implies that if you go, take some light ones so that you don’t get drunk and mess up. (Richard, elderly man, interview with author, September 17, 2018).

Both Rouven and Richard, two respected elderly men I spoke with, emphasise the stigmatising notions of gender in relation to respect. Wolff et al. (2006) researched alcohol consumption and sexual behaviour in southwest Uganda and stress the importance of understanding the social context of drinking, as local meanings attached to drinking practices differ widely across places. Their data show how drinking alcohol among women is commonly associated with improper sexual openness, prostitution, and the risk of losing their dignity and social esteem (Wolff et al. 2006, 1280). My interlocutors had similar responses on the topic, explaining how drunk women would ‘fall down by the roadside’ and be unable to resist any man passing by:

If they see a lady falling... [silent for a moment] sorry I can’t even say the word lady the moment you fall down [he laughs]. You lose your dignity and respect. (…) If you drink beer that will make you fall down, that will make you come and quarrel every time, you lose respect. (…) it is worse for a woman. Because a woman is supposed to be home in the evening. She is supposed to cook for the family. Now how will you cook when you’re drunk? (Richard, elderly man, interview with author, September 17, 2018).

Traditionally women were not allowed to consume alcohol at all, and in the 21st century women in Uganda are also supposed to behave as dutiful wives and daughters, whose presumed duties are taking care of the family and managing the household. Drinking alcohol does not fit the image of propriety and dignity that a woman in Uganda should represent. But it is not only her own social esteem that is at stake. One
of my interlocutors, who works as a clerk in the clan council in village E, affirmed to me how the actions of the women in his village affect the status of the community as a whole:

Clerk: When a woman drinks too much, she can be raped by these thugs, and when she is married, then she loses a name. That’s why we concentrate on women.

Author: What do you mean?

Clerk: She can lose [her] dignity.

Author: Dignity?

Clerk: Like respect. So we don’t want women to over drink. And when they over drink you find her lying on the way like this [unconscious]. She will not be ashamed, we are the people to be ashamed.

Author: Even when she is not your family member?

Clerk: Yes. This place is called [village E]. People of [village E]. Women over drink, they just sleep on the road overnight. We shall be asked, are you from [village E]? How are your women behaving? You see. You will be ashamed. Our place is very bad. You find women sleeping on the way. You find even thugs even sleeping with them. Just forcing them to sleep with them. When she is drunk, she will never know what happened. That’s why we are strict with their behaviours. We don’t want that. (LC 0 tribunal court committee clerk, village E, interview with author, February 18, 2019).

The clerk points at an important social aspect of women drinking: When women drink, it is not only their own dignity they risk, it is the dignity of their family and community as a whole. What will people think of them when it becomes known that their women do not behave in a dignified and proper manner? What does their behaviour say about the kind of people in her community and the values they uphold? His concerns are a direct reflection of the tensions that are at play these days: men and women breaking with the traditional ways. While ideal drinking behaviour for women assumes they solely drink under their husband’s watchful eye or in the private space of their home, many of the people I spoke to told me how nowadays both men and women drink throughout the day, provoking discussions on proper behaviour and the bad manners of the younger generation:
And then traditionally, before, women were not supposed to take alcohol. (...) They were not allowed to take alcohol publicly. But nowadays you find a woman has spent the whole day in a bar with men (...) Now. Let me tell you. Currently like men, some men and women do believe if they take alcohol they’ll not fear to do anything, any harm. (...) Those who sell themselves to every man, to every woman, they believe that once I take it I’ll be active. [she laughs] I’ll be sex, sex wise I’ll be cute. That’s their belief to some of them. (LC 3 councilmember, representative of women, interview with author, September 15, 2018).

Definitely it started with men drinking but it seems the new development in alcohol is that females have also come on board in this business. You know women were culturally restricted but now with modernity and affirmative action on women’s rights and other things, women have also started abusing their own rights by taking alcohol. (LC 5 chairman Kisoro District, interview with author, July 4, 2018).

The words of the LC 5 chairman quoted here emphasise how his understanding of modernity does not necessarily consider ideas of individualism and developments on women’s rights as a good thing. He shows how new modes of thinking directly contrast with social expectations of proper behaviour and brings about what he considers new risks and tensions. This increasing tendency of women to drink alcohol is at odds with the proper values of women and what they represent in their village, as the concerns of the tribunal court clerk also point towards. Many of the people with whom I spoke blamed the availability of cheap distilled waragi for the rise in alcohol consumption among young men and women in the district. They disapprove of alcohol consumption, especially among women, and blame alcohol for people in the community not behaving appropriately. In particular, the widely available cheap plastic sachets with spirits were blamed for the excessive amount of public drunkenness:

People start to drink more and more waragi. But that drink is not good. It is not traditional. (...) you cannot drink it on functions, but people they do. They take it in their pocket, and drink it. But the people will not have it around, the ones organising it. So yesterday, there was a funeral across the street. You can see it, because now the place is covered with those kaveeras. (Paula, interview with author, September 20, 2018).

Paula, a 40-year-old woman selling kitenge fabric in front of her home as well as brewing musururu on the side, who I have come to know quite well during my fieldwork period, pointed at the building opposite of her home, across a muddy
unpaved road. The yard in front of the house was filled with plastic sachets which were once filled with alcohol. Stories of alcohol related problems are common in the area, and many people I spoke to blamed waragi:

Obviously we have other challenges, such as, we have quarrels and most of the quarrels are caused by excessive drinking, so somewhere we just try to identify the challenges in the village. (...) We could even find females in the bar at 8:00 a.m. (LC 0 chairman, village E, interview with author, February 1, 2019).

It [waragi] is bad because it is actually killing people and it is distorting people. So like today children are taking waragi and they end up not going to school. They forget about school. You find someone acting like a mad person because of waragi. (LC 0 chairman, village C, interview with author, February 13, 2019).

While many of the people I spoke to specifically blamed waragi for the alcohol related problems in the district, alcohol in general seemed to be linked to bad manners and misconduct. This development is not something new; rather, the consumption of alcohol has been strongly criticised by many actors and institutions outside the private sphere. Not only did the colonial era bring about a ban on alcoholic drinks from the political stage, but many of the alcohol practices were also banned from public lives as racial undertones discouraged ‘natives’ from consuming alcoholic drinks (Ambler 1991; Willis 2001; 2002). The anthropologist Shiraishi, studying beer practices in East Uganda, observed how the use of beer to maintain relationships, such as the organisation of beer parties, has decreased extensively in recent decades as alternative value systems came about, including the role of money, but also the influence of Pentecostalism and Islam (see chapter 2) (Shiraishi 2006, 41–42). Even though members of evangelical churches or Muslims often replace beer drinking rituals with soda, food (Shiraishi 2006, 41–42; Willis 2002, 262) or a handshake, traditional beer customs still hold an important place in many of the customs and practices of people living in the district.41

41 It is important to mention that churches also have a substantial influence on the moral discussions of alcohol. Similar to local government councils, clan councils, and non-governmental organisations, churches deliver many of the basic services and ‘economic development’ in rural areas and are important political players at the local level (Jones 2005). Church membership is an important way for people to access certain (financial) means and maintain relationships with influential figures, as church members are part of many other institutions and councils in the district. Upholding the norms and values the church represents is important for many of their members to maintain access to these networks and resources. Many of the women in rural areas in Kisoro District ban alcohol from their everyday routines, at least in public, since the use of alcohol among women is often linked to the extent
Here a distinction is made between home brewed beers and commercialised alcoholic drinks such as bottled beers or sachets of waragi:

For us we’ve never fined sodas. For us we fine our local brew that we plant. We can’t fine beer and soda because that’s not part of us. I have never seen people fine with beer or sodas. Never in my life. (LC 0 chairman, village C, interview with author, February 13, 2019).

People often romanticised the benefits associated with traditional beers, such as its nutritional value, easy availability, and assumed hygienic qualities.\(^{42}\) I frequently observed men and women drinking cups of home brewed beer in the morning in the rural villages. Around 9 am on February 18, 2019, one of the mornings I was walking around in village E, one of the men sitting in a bar full of men and women drinking some type of sorghum beer explained why these local beers were drunk in the early morning:

People drink this [home brewed beer] as breakfast and for drinking. To still their thirst. Like coffee, it is both. But after this [cup], you will not find people here in bars, the streets will be empty.\(^{43}\)

The customer quoted here assured me that people would go and work after their drink. In doing so, he gave importance to the idea that people do not drink these ‘local beers’ to become drunk, but rather because they are a cheap and nutritious way to fill their stomachs and give them the energy to work on their land. I heard such reassurances frequently. People often made the effort to distinguish between alcoholic consumption and home brewed beers, and to defend their customs to outsiders like me or people working and living in the more urban areas.

\(^{42}\) There are varying assumptions on the hygienic quality of bushera and other home brewed beers (Lyumugabe et al. 2012).

\(^{43}\) I observed that the cups of beer in the morning were often not filled with non-alcoholic bushera or the alcoholic version, muramba, but rather the drink umqombothi, imported from South-Africa, which has recently become popular. Muramba and musururu, while originally from the area, have become expensive due to high sorghum prices. Umqombothi, whose main ingredient is maize, has become a cheap alternative.
At the same time, it is not uncommon to see men walking around in the early morning with a bottle of Eagle Extra Lager in their hand in one of the many rural bars. Likewise, in Kisoro Town bottled beers such as Nile, Club or Tusker Malt are popular drinks, especially among the educated. My research assistant Martin explained to me how he personally preferred the locally brewed drinks as opposed to bottled beers because of the transparency of the production process. He knew exactly what ingredients were used, what the production process looked like, which wasn’t the case when it came to bottled drinks. He tells me:

I have seen them make it, even my auntie, she used to make it. They are boiling the water, to use for the musururu, for a very long time. And then they also boil the sorghum for a very long time. There is nothing that can be wrong with that drink. Also, before they use those drums, they make sure to clean them every time. Even so, I think they are even healthier than those bottled beers, because it is only water and sorghum. There is no sugar added, no preservations, no gas. It is very natural.

His answer surprised me, because earlier on we had spoken of how many people, including more elderly people like his uncle, prefer to drink bottled beers nowadays:
Author: But still, for instance, on the bus you told me that your uncle nowadays does not drink it, these local brews, but prefers to drink bottled beers now with his friends.

Martin: No, I told you he still drinks them, but at home.

Author: Yes, I remember, but why is it that he does not drink them in public? Is he ashamed?

Martin: No, he likes musururu very much. Many people like musururu. It is especially regarded to quench people’s thirst. Many people drink it during the day, maybe that is a reason why people nowadays drink those bottled beers. Most people work during the days [as opposed to before] and do not want to drink alcohol during work time, but if you go to a bar in the evening, you see that there is no musururu anymore to be sold. So, people buy bottled ones. Also, another reason might be because people fear to be poisoned. My uncle for instance, when he wants to drink musururu, he will drink it at home. He can ask me for instance to buy for 3000 UGX a small jerrycan of musururu. Then no one knows who is the one who can drink it. It can be me, him, my auntie. So that they will not poison it. Another reason might be, that one I told you already, is that they don’t want the poor people to follow them to heat for them.

Author: What do you mean?

Martin: I mean, they don’t want to pay for others, and if you go to those bars, people think you have money, they will ask you ‘buy for me a musururu’.

Author: Can you say ‘no’ to people, if they ask for it?

Martin: If you say ‘no’, what image are you showing? You are seen as greedy. Because you don’t want to give, even a single cup of musururu to share. And it is part of custom to share. So, you would become the talk of the day. (Martin, informal conversation with author, February 8, 2019).

Martin’s answer exemplifies that alcohol preferences are more complicated than they initially seem. While his initial answer focuses on the health benefits of local brews, his later explanation shows how he also identifies the drink with notions of social esteem and wealth, as well as the peer pressure that people experience when entering a bar. Martin points at the tensions surrounding values, of a sense of community versus individualism. Going to a bar means you need to share your riches with the brothers
and sisters from your clan. Especially since musururu is not expensive, so a cup should be shared. One is seen as greedy when one refuses to ‘help out’ a brother or sister in need. Likewise, these relations may be important at later moments and need to be dealt with delicately. Because of these relations, people often find themselves needing to balance these demands (for money) from their neighbours, friends and kin with their personal aim and aspirations, for which they also need money. This is something that Makezi, an LC 1 chairman and broker who I became very close with, explained to me:

Let us go to a friend of mine. He is marketing director of this waragi called [x]. He asked for my help, because you know, I am an experienced businessman in waragi. I will help him for free, because sometimes you need to help each other, in order to keep good relations. (...) Sometimes you do not ask for money, so that another day, when you are in need of something, he will be there for you. (Makezi, informal conversation with author, May 24, 2018).

A second point that my assistant Martin makes when explaining his uncle’s musururu preference concerns money and appearances. The cost of a cup of musururu is not high – for 2000 UGX (equivalent to less than 0,50 euro), you will receive half a litre. For many people on a low income, such a cup of sorghum beer would not only provide them with an alcoholic beverage, but also with the nutrition and calories needed during the day. At the same time, the fact that it is ‘a poor man’s drink’ ensures that people do not necessarily want to be associated with such brews. Rather, to be seen as a serious businessman, one should be able to buy the expensive beers in one of the higher-end bars in town. Such beer preferences are, of course, far removed from the fact that within Kisoro District great value is attached to traditional beer in rituals such as wedding ceremonies or ‘give always’ ceremonies. This is also something one of my close interlocutors James noticed when I talked to him about this:

[Y]ou will always find these local brews in small bars that can be accessible by any ordinary person. This makes them fit for both poor and rich people. You will notice that while in such a bar where there are bottled and local brews, the poor are taking only local brews, while the richer are taking bottled ones. You will conclude that bottled brews are mostly used by those whose income is improved. I have actually realised that almost everyone in a bar would want a bottle of beer but they are limited by the amount in [their] pockets. Even on parties like marriage parties the quantity and quality of beer depends on the financial position of the owner of the party. Those who are poor sometimes opt to waragi sold in Jerrycans and other local brews. There are rare instances where rich people take traditional local brews, [for instance during] traditional
functions. One would not be wrong to conclude that [the] majority [of the] people who are mostly seen taking traditional brews are poor. (James, WhatsApp direct message to author, April 14, 2021).

From my discussions with Martin and James, it seems that the differences between home brewed beers and commercial beers represent someone’s social and economic position in society. Commercial beers represent aspirations for the future. Drinking a Nile, Club or Tusker Malt shows someone’s success in business; it not only sends the message that someone is well off, but also the kind of people he or she wants to associate with.

Using the bottled beers on parties is actually one way of showing off. (…) Traditionally, local beers are respected, that is why it must surface at a party. But because now people want to expose [their wealth] at the party, bottled beers take a lead. (James, WhatsApp direct message to author, April 14, 2021).

Likewise, wanting to drink a cup of musururu not only says something about the amount of money you wish to pay for a drink; it also means you venture into different types of bars, with different kinds of people. Drinking a bottled beer means you are most likely in a bar where they have several plastic tables and chairs, they sell different kind of sodas, beers, liquors and even (sweet) red wine, and you have the option to drink them cold – at least, if the electricity is working. Musururu is not sold in most of the upper-class bars in town. Rather, you need to go to the side streets or outskirts of Kisoro Town. These small bars are often in dilapidated buildings. Here, customers have less choices for consumption. Some local bars only sell the local brews, while others sell a mixture of sodas, Eagle Extra Lager, and kaveeras (plastic sachets of spirits). Such bars often have several wooden benches for people to sit and chat. The most famous area in Kisoro Town where such local bars are popular is ‘old town’. Here, several small shacks of houses are side by side, just behind the old market, where the biggest weekly market in Kisoro Town is held. The place is known for its local bars where one can enjoy traditional drinks such as banana or sorghum beer; simultaneously, the area has a reputation for being filled with beggars, thieves and drunkards. The municipal guard, who would accompany me and the town agents when collecting licences fees from local bars, laughed at me when I asked him whether he would come here for a drink and told me: “Me? I prefer not to be here (…) this place is for bayayi [thieves].” (Municipal guard, participant observation by author, July 23, 2018).
Linked to this bad reputation, local brews are often seen as drinks for unsophisticated or uncivilised people. Such differences in taste, and what they represent, is especially visible in urban areas, where the rural areas are often referred to as ‘lagging behind’ in their customs and ways of living:

Mostly, because you know in the community of ours, you find [the] majority of them are still primitive, they’re not educated, and they’re still primitive. (LC 3 chairperson, representative of women, interview with author, September 15, 2018).

[M]any people they make it at home [waragi], they make it far away from here, in the bush, or they even make it in their own homes, in their bedrooms. How can I reach them? I cannot go there to the bush, I cannot reach those places. They are far away. And even if I could, they would hide their stuff and say they did not make any of that waragi. (senior accountant Kisoro Municipality, informal conversation with author, June 19, 2018).

People in rural areas are often looked down upon as being ‘underdeveloped’ and ‘uneducated’. 86.7% of people above the age 15 living in rural areas in Kisoro District have not completed secondary school, according to the housing census in 2014 by the Ugandan National Bureau of Statistics (UBOS n.d.). Although we should not assume these numbers are entirely accurate, I noticed how such statistics are increasingly taken seriously and used by people to classify themselves and others in terms of good or bad. Here, ‘modernity’ unfolds as a means of classification where one’s level of education as well as place of living represents the degree of their ‘civility’, belittling people when they fail to meet the more contemporary expectations. In a similar manner, the clan councils are often referred to by urban residents and government officials as something small and unofficial, orchestrated by ‘rural villagers’, as if their practices mean little:

[The] Court does not recognise that LC 0. It is just an association. Not even registered. These ones are not even registered. You get it? It’s just a group of friendships. Sometimes not even in writing! (LC 3 chief, sub-county Y, interview with author, February 13, 2019).

The stigmas surrounding education levels and the ‘uncivilised’ customs of rural people is at odds with how the clan tries to present itself. Home brewed beer stands as an example of how people were underdeveloped in comparison to urban areas, at least from the perspective of people in town. At the same time, the division between local
brew and commercial beers is also a way for people to negotiate and claim their clan identity.

You know nowadays, young people don’t know. They even don’t speak the language. They move to Kampala, and speak English with each other, and when they come back, they don’t even know how to greet their grandmother. They cannot even talk with her anymore. (treasurer, informal conversation with author, September 6, 2018).

The local brews, as opposed to the commercialised alcoholic drinks, relate to proper rules of conduct. They are given to someone as a token of respect, meant to bring people together or to calm local disputes:

The reason we fine [punish by fining] alcohol is because it brings us back together. So if you are marrying you take alcohol. If you are going to wed, its alcohol. If anything like a social gathering, its alcohol. So it’s the only drink that brings us together. So you cannot fine anything else [but alcohol]. (LC 0 chairman, village C, interview with author, February 13, 2019).

According to our culture bushera is the best and when you go to visit somebody and somebody gives you bushera and the other one gives soda, the one who gave you bushera will be better than the one who gave the soda, because obviously according to our culture you should just give a visitor the local bushera. (...) And most of them, they say bushera but meaning alcohol. Because when you try to give them bushera they say no, we do not want soft drinks. Because the Bakiga used to take this kind of muramba [sorghum beer]. (LC 0 chairman, village E, interview with author, February 1, 2019).

During my time in Uganda, I frequently received bushera when visiting friends or acquaintances. The mother of James assured me she wanted to make sure I was well fed and rested after my travels. James also mentioned that this was a way of showing appreciation for someone’s travels. Whereas local beers are seen as a way of socialising and caring for others, related to traditional norms and rules, commercial beers, although a symbol of prestige and fortune, are not viewed the same from a cultural standpoint. They are related to the problems of alcohol: public drunkenness, feelings of disrespect to elders and family values, and idle behaviour (for instance spending

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44 As I already discussed in chapter 2, the alcohol content of bushera is debated. Many of the people I spoke to understand bushera to be non-alcoholic, while others told me it is low alcohol. The fermentation process that is used ensures that the drink contains a low percentage of alcohol (<1%).
money on alcohol and prostitution) and a lack of responsibilities (such as paying school fees and raising children). James’s mother would not give a bottled beer as appreciation for my travels, since giving ‘alcohol’ to a woman would be seen as disrespectful; likewise, commercial beers are not considered to be nutritious like the locally brewed sorghum beers.

Different meanings concerning alcohol’s role in society are at play here. On the one hand, alcohol, in the form of commercial drinks, relates to new forms of social relationships that raise concern about community values, solidarity, and care, as is the case with waragi. These ‘new’ alcohol practices clash with past norms and values, as notions of community sharing versus selfishness and individualism are at odds. These tensions do not simply come from changes in alcohol preferences; rather, drinking preferences represent different forms of social interaction. Alcohol, in this regard, is seen as a dangerous substance. This also becomes clear from the discussion on women and drinking. On the other hand, the beer practices in clan groups are strongly connected to nostalgic idealisations of rural life. They act as reminders of better times, when ‘the youth’ were respectful of their elders and upheld the rules and norms of the clan.

Above, I discussed the moral discussions that exist around alcohol and proper (drinking) behaviour. Alcohol practices came under scrutiny as changing drinking practices diverged from traditional alcohol norms and customs. Tensions regarding health, family values and responsibilities in relation to alcohol create new discussions about how people should behave in relation to alcohol, as well as how they imagine themselves – and others. Alcohol therefore represents different versions of tradition and modernity. The complexity of alcohol permeates the political life of clan groups. This ensures that alcohol’s place in their locality is increasingly up for debate. As I have mentioned several times, alcohol is embedded within clan practices and used within the administrative and juridical system of councils. The moral tensions described above regarding the place alcohol should have in society are felt in today’s perceptions and discussions of clan councils. Whereas alcohol used to be an integral part of governance practices, now the role of alcohol is no longer as clear-cut. While these traditional beer practices distinguish clan councils from other (governmental) institutions, they no longer represent the respectable image they had in the past.

In the next section, I will focus on clan councils in Kisoro District and explore how clan communities have changed over the years. I argue how, similar to the changes in alcohol practices described above, clan councils have made changes to their
appearance to keep up with the changing notions of what legitimate local sovereignty should look like. Moreover, I argue that the tensions surrounding alcohol are also visible in the way clan councils are organised. Alcohol is an important way for clan councils to distance themselves from the state and to protect their legitimacy as a clan. However, the moral discussions surrounding alcohol create tensions about its use within the clan council and their way of governing. Although I have already extensively described clan practices related to alcohol in chapter 2, in the next section I will briefly discuss how clan councils acted administratively and how this has changed over the decades. The focus here is mainly on the more bureaucratic, organisational aspects that have not been discussed previously. Thereafter, I will elaborate on the tensions that new forms of governance have regarding the moral dimension of alcohol.

Clans and Governance in Kisoro District

While contemporary African clan practices are often seen as ‘traditional’, they have changed considerably in Uganda since the arrival of the British colonisers and the introduction of state institutions. Curley, having conducted ethnographic research on state practices in Kabale District, a neighbouring district to Kisoro District, notes how clan communities have embraced the bureaucratic techniques they work with in a similar fashion as the local councils from the government of Uganda (2011, 3). Likewise, Jones, who studies the state in East Uganda, understands the formation of local government institutions as being laid “on top of what has gone before”. By this, he means that the introduction of British state institutions did not replace existing institutions but added to them, forming a ‘bricolage’ of existing arrangements (2009, 26). He understands the current clan practices, together with institutions such as churches and schools, as new governing mechanisms which did not exist before, reshaping ‘traditional’ or ‘customary’ practices from the past (2009, 134). In a sense, these processes have both transformed clan practices into complex institutions that are subjected to bureaucratic governing mechanisms, as well as revising the formal government institutions to adjust to local customs and norms.

Changes in clan practices like these are also visible in Kisoro District. In fact, they play a major part in governing social life at the village level. Prior to the arrival of the British in the area in the early 20th century, the clan structure of the Bakiga people was understood as a non-centralised society without clear leadership roles governing the area (Edel 1957, 112; Turyahikayo-Rugyema 1976b, 113–14). Around 1900, the Bakiga administration was based on the collaboration of abakuru b’emiryango, a group of
respected elderly men, often the heads of their lineage. They lived without a central government, with each head of the family responsible for the affairs of his home. Each lineage consisted of several homes run by the head of the family, usually the oldest male. He would live together with his wives, his married sons, and their wives. Each wife had her own hut where she and her children lived. The husband would rotate and sleep in the huts of his wives (Edel 1957, 8–9). The head of the household would settle disputes within his family household and establish rules to govern their daily lives. Dispute settlements were resolved between the individuals or groups within the same clan that were directly involved in the conflict. No one else was allowed to intervene. Only when disputes could not be settled within the family household, or when conflicts arose between different lineages or clans, would the head of the lineage call for the abakuru b’emiryango to hear the case (Ngologoza 1998, 20–21, 31). The decisions of these hearings were not binding; however, elderly men were highly respected and public opinion would influence the relationship between the group and both conflicting parties.

Nowadays, clan structures consist of complex organisational divisions of sub-committees, with an overarching regulatory parish level clan council overseeing the various clan councils within the area. As such, they more and more mirror the LC system of the Ugandan government.

In the literature on lineage groups in Uganda, today’s clan groups and the associated social obligations are often referred to as burial societies. Such burial groups are mainly known as an informal way to arrange insurance for burial costs. Depending on the community or village, these groups differ greatly in complexity. They exist in the form of small-scale insurance schemes in one village, where members raise a monthly amount for the costs of funerals or loans for those in need, for instance when someone in the family falls ill. In other villages they might be well-organised governing institutions. In such cases they settle legal disputes, arrange marriage negotiations, promote education, health and hygiene, and ensure the maintenance of roads and public spaces (Curley 2011; Jones 2009). In Kisoro District the history of burial groups developed differently from the eastern parts of Uganda. Clan councils did not come into existence as a response to colonial administration, such as in the case of Jones’ fieldwork among the Teso, where clans came into existence only after colonialism (2009, 34), but existed prior to colonial times in the form of clan-based extended family groups (Turyahikayo-Rugyema 1976b, 113–14). This is something many of the clan councillors I spoke to also emphasised:
[The] LC 0 has been in place for a long time. For about since our grandfathers were still living, they had the LC 0 system. And the way it works, once it disciplines a person who has misbehaved in the community, that person must accept the punishment that the LC 0 gives that person who has misbehaved to another person. (LC 0 chairman village F, interview with author, February 10, 2019).

However, like Jones observations, considerable changes have occurred over the past decades due to colonial interventions. Nowadays these groups take over many responsibilities of the Ugandan state, for which the name burial group would not suffice. Although occasionally people in the area do refer to them as burial groups, they are better known as the LC 0 since they are organised in a similar hierarchical way as the government councils. The various sub-committees within a clan council work below the executive council, while the clan councils themselves fall under the responsibility of an overarching regulatory council called sebataka, sometimes referred to as ‘seven clans’, which exists on a parish level. The sebataka is formed by each chairperson of every clan council in the area. They may come together to discuss issues which are either of interest to all the clan councils in the wider area or to solve disputes that are too complex to solve in the clan council itself. In a way, the clan councils are seen by the people in the area as the lowest level of the local government. While they are not acknowledged by the government as such, they form an integral part of the juridical system that is used in the area.

One question that arises from this is why these clan groups have changed so much in the form of solidarity and community spirit. What makes bureaucracy so attractive? For one, bureaucracy, at least the ideal in a Weberian sense, comes with the promise of reliability.\textsuperscript{45} Whereas before, clan decisions were based on the rules of the head of the clan, nowadays clans are run by the promise of equality and democracy: every member’s opinion is valued. This makes the clan council and clan rules less authoritarian than its past ancestor and ensures, in theory, that everyone feels represented in the decisions taken about the future of their village.

\textsuperscript{45} Of course, there are caveats to be made regarding the promise of reliability and order. See for instance the work of Mathur, who sheds light on these tensions with her ethnography on the seemingly mundane practices of local government officers in India, showing that these officers have to deal with the fact that the state, and thereby the bureaucratic system, is not as readable and clear as it claims to be (Mathur 2016).
Furthermore, the formal structures of bureaucracy lure people with the promise of an equal process. Within the clan council, this can be seen from the hours spent discussing which rules should be in place, the amount of a penalty, or an exception for breaking a rule and its fairness to others. Especially important are the written rules, which give a certain form of legitimacy to the rules in place and provide certainty and reliability for the people involved: the rules are fixed, and it is clear what people can expect when they break them. However, while the Ugandan government makes similar promises, the clan council differs in reliability; people see them as trustworthy and reliable, as opposed to formal institutions like the police. The clan council looks into each situation on a case-by-case basis, with individual circumstances taken into consideration, and the members of a clan council are all actively engaged in the decisions that are made within it. They are the preferred choice when it comes to dispute settlement when compared to the police or the local government councils, who are seen as corrupt and unreliable, as the outcome of decisions is dependent on negotiations, relationships and bribes.

In the next part, I elaborate on the way that one of the clan councils in village E operates. I then move on to discuss different perspectives of members of this clan group on the role of alcohol within their organisation. I show how these narratives surrounding alcohol connect to different ideas of the future that people aspire to have for themselves and their clan. In these discussions, alcohol becomes contested as it represents different ideas on tradition, modernity and development.

The ‘LC 0’

In the north-eastern part of Kisoro District, many people take part in what they call ekiika ngozi groups [clan stretcher groups]. The word ngozi translates to ‘stretcher’, which refers to the aid you give to your fellow members when someone is ill or deceased. The word ekiika relates to the people from the same clan or family. James, a law student, one of my key interlocutors, and a resident of village E, explained to me how the word stretcher was added to the name because of the changing population in the area. It used to be solely people from the same clan who were part of these groups, but due to migration flows, non-clan members also migrated to the area; when settled in the community, they were also allowed to become part of the ekiika ngozi group.

In the village where James and his family live, two clan groups exist. Both work in a similar manner and have roughly the same number of members; the people are divided into the two different groups depending on the family they come from. I have attended
at least one of the monthly meetings of both groups, and several monthly meetings of
the group James and his family belong to, as well as making several weekly visits to
learn about the different sub-councils and members. This clan council consists of a
chairperson, a vice-chairperson, a secretary for finance (commonly referred to as a
treasurer), a secretary for security (commonly known as a defence, who is in charge of
keeping order during meetings and making sure everyone attends), a general
secretary, and a vice secretary. Besides the executive committee, seven sub-
committees exist:

- a burial committee
- a tribunal court committee
- a land committee
- a construction committee
- a health committee
- a committee for women’s affairs
- a committee for education

Besides the detailed distribution of committees, the ekiika ngozi group also have their
own meeting room, a storage room, administrative books, receipt books, and stamps
with which they sign their letters. A monthly meeting takes place every first Saturday
of the month in which membership, finance, disputes, and community development
plans are discussed. These meetings are carried out in a strict and orderly manner,
following a point-by-point agenda indicated on a blackboard. The way the meeting is
ritualised through the order of prayers, attendance checks, and membership fees that
are kept in administration books, gives the meeting a sense of ‘officialness’.

Every member is obliged to participate in the monthly meetings, unless they have an
acceptable reason to be elsewhere. Such reasons could be illness, a burial, or a specific
work appointment for which someone needs to be out of town. Permission to miss a
meeting must be asked in advance from the chairperson and a fine of 500UGX (roughly
0,12 euro) is given when a member misses a meeting without prior notice. There are
specific rules on how to contribute for people working and living in Kampala who
cannot physically participate in the community, but are still members of the clan.

Compliance with the rules is strictly monitored, with the risk of heavy fines and removal
from the group if they break these rules. James explained to me that membership is
mandatory: every man eighteen years or above has to take part in the ekiika ngozi,
unless he is still in school. Women are a part of the ekiika ngozi group via their parents;
when married, they move into the clan of their husbands, through which they become members of the same clan council. There are strict rules applied to membership, which were created collectively by the members, and the fines were discussed and agreed upon during monthly meetings. This is the same for all decisions that are made, as they are all voted on by the group. In the first monthly meeting of 2019, on January the 12th, the fines were set as follows. When someone did not immediately become part of the group after being married and living in the same village, the entry fee for becoming a member would double. When someone did not immediately pay the fee or had a good reason why he or she could not pay the fee, the fee would again double, and membership would be denied until payment. The tribunal court clerk, who I spoke with on several occasions about the rules of the clan, explained this as follows:

Formerly, it depends. When they see, even these days, when you refuse to do something, and there is something to do for ekiika, you are entitled to do that work, instead of giving a fine. Let’s say we have houses for biika [plural for ekiika]. Then that house needs to be repaired. They will make you go and repair that house from this part to this part (...) if the offence you have made is very bad. Let’s say we want to carry a certain patient on the stretcher and you refuse to go there. You will be given a fine. Why are you refusing to go there. When you become sick, who will also help to carry you. So they have to give you a fine. You have to make sure you cooperate with ekiika. You cooperate with everybody who comes from your ekiika. Even when there is ekiika neighbouring you, and you are not in that ekiika. You can also help. When they are carrying a patient, you can also help to carry. There is no fine and when you refuse to go there, nobody will fine you. But you have to go there because of mercy. People might also become merciful when you are sick. (LC 0 tribunal court committee clerk, village E, interview with author, February 18, 2019).

Being a member of such a group is immensely important for most people. They arrange transport when someone is ill during the night, help to arrange burials, and provide agricultural tools that can be used collectively. These benefits are often crucial for many villagers in the area, as most do not have the means or money to arrange such necessities on their own. The clan council functions as a social safety net, helping people with monetary and practical aid in case of an illness, a burial, a wedding, or other matters. Recently, they set up a huge water storage tank to provide their members with clean drinking water in times of drought (July-August). They also keep the roads passable (which is often necessary during the rainy seasons). In addition, they have a policy on street pollution, noise nuisance (for example on Sunday
mornings), and loitering youth. For example, they ensure that truant children are dealt with or their parents are fined when their children are not in school. Besides these financial and practical benefits, being excluded from membership also creates social and economic problems. In the words of James:

That means that they will not help you if you are in need. You see, when you are living in a village, and you have an accident at night, it is very difficult to arrange transport and go to the hospital. With this kind of cases, the ekiika will help you. But when you are not part of the ekiika, they will not. So you are like an outsider. (...) That is not a good thing. Because people will see you as a bad person. (James, informal conversation with author, June 23, 2018).

As James mentions, when you are not part of the clan, you become an outsider. Not only because you will not be aided in times of need, but also because members of the clan council are not allowed to socialise with ‘outcasts’. For example, they are not invited to social events like weddings or name days, and people are advised not to buy from their shop or bar. While people could still ask for an exception in case it is a wedding of someone’s close family member, approval still needs to be asked from clan members.

The social obligations of clan councils greatly affect people’s daily routine. They listen and give support on days when a dispute is being settled, they mourn the whole night in front of the house of a deceased clan member, they help to arrange a funeral and participate in name days, weddings and other ceremonies. While initially this may be seen as solidarity behaviour to take care of one another, a closer look at the clan councils reveals that these social gatherings are not voluntary but obligatory, backed by heavy fines when one is unable to take part. James explained to me how every member is supposed to refrain from working on the day of a burial and the day when someone dies, otherwise they are fined. He explained that this was a matter of respect:

Because it is seen as disrespect. When someone dies, he or she has to be honoured, everyone has to mourn. When someone goes into the gardens to dig, it is seen as if they are not concerned about losing a friend or relative. And up here, almost everyone is a friend of relative. (James, participant observation by author, January 12, 2019).

In doing so, people miss out on their work routine for half a week. These obligations are not only mandatory for the members of these ekiika ngozi groups who live a rural life, but also for members who have moved away from their village and occupy
important positions in urban areas or work for the government. I frequently missed out on government officials during office hours in Kisoro Town, either because they were away for a burial or had another social obligation to the clan council. A wealthier and well-established government official working for the municipal council told me he did not mind such consequences, as he did not have the time to go to the obligatory meetings and attend all the necessary events. However, he was the exception, representing those who have enough money to cover their own financial risks and/or have their own means of transport in case of emergencies (municipal clerk, informal conversation with author, February 19, 2019). Most people, however, do not have this luxury and need to comply with the social obligations that come with membership.

The fact that many government officials who come from the area do take the rules of the clan into account indicates the importance of clan councils in people’s lives. This is true for rural people, for whom the financial and practical benefit of clan support is crucial for survival. But it is also true on a more relational level, as government officials also need to take into account the rules of clan councils. The position of clan councils as authorities in these communities is thus substantial. The authority that they are able to exert on their constituents, both in terms of punitive measures and moral authority, is telling for the way sovereignty emerges in practice. Because of this influential position, clan councils play a central role in governing public life at the everyday level and are often considered more important than the government councils. As such they have an important role as semi-sovereign authorities in the community. Formal government institutions play an important role in people’s lives, including obtaining an ID card, accessing education, paying taxes, and so on. At the same time, not all government rules are followed. Sometimes, the rules of clan councils are more important, depending on who you ask and what the event is about. Sovereignty thus takes shape in the relations between people and institutions.

**Blurring the Government**

The place of the clan council within the government system has been heavily discussed in village E. The various governance tasks that the clan has taken on, in addition to being similar in organisational system to the local councils and that the fact that they often collaborate with both the LC 1 and the police, makes it difficult for many residents to distinguish between the ‘state’ and ‘non-state’ institutions. This is reflected in the discussions that the clan members have within the clans themselves.
During one of the council meetings in February 2019, a discussion arose regarding the position of the clan council within the government. One of the members, an elderly man, was renting a house to a few ‘foreigners’ – men from Rwanda who were staying in the area for work, a practice which was quite common in the area near the border. Concerns were raised by the fact that they were foreigners, and people did not know who they were and if they could be trusted. Another issue was the fact they were not members of the clan council. Who would be responsible for taking care of them if there was an accident? A heated discussion developed, in which it was debated whether the elderly man should have come to the ekiika ngozi to let them know he was renting to foreigners. The man explained he had already gone to the chairman of the LC 1 to inform him about the renters, so why should he have to go to the LC 0 as well? This angered some of the other members during the meeting, and people started shouting. Robert, the executive chairperson, hushed those present, stood up from his chair, and spoke with a loud and clear voice: “Because we are the start of the government.” Before Robert was able to say anything else, the old man intervened and said the clan council was in fact not the government. People started shouting again, the chairman hushed people quiet again, and said: “But do we not also have a stamp, are we not the LC 0? We are the start of the government.” With these words he ended the discussion and started with another point on the agenda. Although the older man was not punished for his negligence, as no fine was handed out, the chairman made it clear that such things should be reported to the ekiika ngozi.

Although there is clearly disagreement, the older man does see a difference between the LC 1 and the LC 0. Not everyone agrees with the elderly man, given the apparent controversy during the discussion. The chairman was clearest: the government starts with us, something which many of the clan members agreed upon. Here, Robert appeals to the clan council’s position as part of the state by focusing on the name LC 0 and the stamp they use to sign documents, just like the LCs. The clan council’s vague identity as part of the state allows the clan to occupy a certain position of public authority. This means that they are not only seen as ‘the state’, but also occupy a certain position of sovereignty, as by making their claim to be part of the state, they place themselves above the ‘official’ local government institutions when it comes to administrative policy in the village. It is the LC 0, not the LC 1, where housing issues and housing permits are initially discussed. This is telling for the way sovereignty works in practice – not as some indivisible ‘thing’ one can have, but rather as positions that take shape in discussions between people and through performances. It is therefore
relational in the sense that it is through interactions between people that ideas about the government, the state, and sovereignty take shape.

The confusion about the place of clan councils within the government system is not only apparent within this clan community, but is also reflected in many of the conversations I had with government officials. One of the senior police officers I interviewed told me he had to deal with many of the more severe criminal violations in rural areas, and therefore often had to deal with clan councils. He said that:

They termed it like that because they are also here specifically for security for the clans, for them they are not yet recognised by the government, so they decided to name it LC 0; it is LC, but it is not recognised. That’s how it came up, but they are restricted by the communities. That’s how they give them the name zero, cause there was already a LC 1, which is part of the government, so they couldn’t also create another government in the government you see.

(OCCID, interview with author, February 14, 2019).

The senior police officer clearly emphasises that ‘they’, rural villagers, called the clan councils LC 0 because they perceive themselves to be part of the government. With this emphasis, he highlights how he does not share this perspective and thus makes a distinction between the community, ‘them’, and the government, ‘us’. At the same time, his explanation shows that he recognises the sovereign position of the clan groups when he tells me that they could not create another government, and for that reason aligned the name with that of the local government. In doing so, he recognises how the clan groups are indistinguishable from the government, with a small sidenote: he does emphasise that this position of sovereign power is limited to the boundaries of their own communities. The municipal clerk I talked to, who was organising workshops about dispute settlement for the LC 1, LC 2 and LC 3 during that time, was a bit more cautious about the place of the clan within the government. When I asked him whether he would also give the training on dispute settlements meant for local councils to the LC 0, he answered:

Well you see, LC 0 is not recognised by the government. They are not part of us. They are free to act as they want, as long as they are within the law, but we have nothing to do with them. Of course they help us, they solve many of those local issues. If they would all bring them to the police, of course they cannot manage. But they are not part of us. If we would train them, it means we recognise them. We cannot. (municipal clerk, informal conversation with author, February 19, 2019).
The clerk is clearly stumbling on the point of recognition. Similar to the senior police officer, he values the LC 0 and acknowledges that they are a significant help to the overburdened government institutions; however, he also creates clear boundaries between what they do, namely settling disputes and assisting the police, and who they are; very clearly not the government. This is an interesting tension surrounding the workings of sovereignty in practice. Although he initially clarifies that the clan is not the government, he does acknowledge that they are the sovereign power in the area as he admits to relying extensively on the LC 0 to settle local disputes. In a way, he acknowledges that these trainings would be very helpful to the LC 0s because of their contributions to dispute resolution in the region. At the same time, this is impossible to realize because doing so would transgress established notions of the state/non-state dichotomy.

While ‘official’ government officials are thus careful to distinguish between clan and state, members of clan groups are more eager to demonstrate their sovereign role within the district. For example, Robert is not the only one who thinks that the LC 0 is part of the local government. The LC 0 chairman of village C agrees, and told me:

> Actually it’s the beginning point of the work of the government, so we are actually the government as well. Because if you look [at] it, we do act as a government because if people have quarrels over proof of boundaries and then we solve it, actually that is the work that is supposed to be done by the government, state courts. But we do that work. And anyway they send cases back to us sometimes. Even sometimes the case is before the judge, the judges sometimes sends back the cases to us. (LC 0 chairman village C, interview with author, February 13, 2019).

He not only emphasises the place of the LC 0 within the local government, but also how the clan council fits within the web of cooperation between different state agencies, including the magistrate court in the district. This clearly shows how, according to him, judges also recognise the semi-sovereign position of the LC 0. By sending certain cases back to the LC 0, for whatever reason, they signal to residents that the official court system works together with clan councils, and that both play a role in dispute settlement in the area.

However, not everyone shares his opinion. For example, when I asked an LC 0 chairman and two LC 0 council members from village H why these clan councils were called ‘LC 0’, the secretary of the LC 0 told me that “It is a starting point. So, it is 0, from there
you go to LC 1, LC 2 etc.”. However, when I asked him whether he thought the LC 0 was part of the government, he went silent. After a minute or so he explained:

It is not recognised by the government. The government knows it is there, because they are very important. It is not recognised, but it is very important, because they solve a lot of issues. They [the government] know and they use the information. The LC 0 is faster, they know more than the LC 1. (elderly man in village F, focus group interview with author, February 10, 2019).

His observation is agreed upon by an elderly man who was sitting next to us and joined our conversation: “It is not part [of the government], because it is not recognised. It is working voluntarily.” The LC 0 chairman of the village went even further during an earlier interview I had with him that same morning:

The LC 0 is not government, because it is not elected. The way it is elected is not constitutional. Whereas the LC 1 for example, the local government leadership is elected constitutionally (LC 0 chairman village F, interview with author, February 10, 2019).

While he acknowledges the important role of the LC 0 in conflict resolution, as well as the cooperation that the LC 0 has with LC 1, 2 and 3, he emphasises that the rules within the LC 0 have a different origin. Like the elderly man from the focus group discussion, he makes a distinction between the local government, which he sees as obligatory, and the voluntary LC. In the case of the clan council, the rules were ‘made’ by the community themselves as opposed to ‘written’ in the constitution. In a sense, they sided more with the opinion of the senior police officer and the municipal clerk, who insist on the distinction between official and unofficial. They make a distinction between sovereignty de jure and sovereignty de facto. At the same time as acknowledging how the clan councils are important actors when it comes to dispute resolution, they also emphasise how they are not formally recognised as such.

What makes the discussion surrounding this placement of the LC 0 within the local government even more interesting is my assistant’s opinion. Following the interview and focus interview that we conducted in village H, Martin and I discussed the conversation we just had. This is something he did not always feel like doing after a long day at work, emphasising his urge to explain things to me properly, which he felt were wrong. The reason why the LC 0 chairman and secretary had a different view of the LC 0, according to Martin, was because the LC 0 was ‘not really’ LC 0; at least not as he knew them, and thus they could not be compared in a similar way:
Martin: So, when these people were talking today they were talking about *ambulance* groups. I think they were not talking about the LC 0, about clan councils, I think they were talking about groups specifically created for helping people when they are ill or for a burial. Those meant specifically for taking care of people.

Author: Maybe, but the chairman said it was specifically a LC 0 group derived from a clan.

Martin: Yes, I remember, I think they do derive from a clan, but they are not the same as where my family is part of. They also did not have so many rules, like mine has. That surprised me. The only rules they had were on how much food they needed for a burial or when someone was ill. There were no rules on fining people. He was focusing more on helping the sick, he was not focusing much on how alcohol worked. They were not focusing on the issues of the clan. I think his interest was to sell a good picture to you.

Martin makes a distinction here between clan councils on one side, and self-help groups or so-called ambulance groups on the other, a term which I heard more often in this specific sub-county when referring to the LC 0 in this part of the district. Whereas the clan councils *do* take up a position of authority in the area, competing directly with (other) state agencies for sovereignty, these ambulance groups were more focused on provisioning care. They helped the community, without interference or competition with the state, or so Martin believed.

This was also visible in the way the clan council members of village H understood the place of the LC 0 regarding the state, namely as a voluntary association within the community with their own rules, separate from the rules and laws of the state. The emphasis on 'voluntary' emphasises this even more, because where they see the LC 0 as voluntary, the clan councils in the other parts of the district see themselves as mandatory, as without membership one is considered an ‘outsider’, seen as a ‘bad person’, and banned from social life. In doing so, Martin does not seem to focus so much on the distinction between formal recognition of the clan councils and their role in practice, but sees a difference between the various ways that clan councils operate in the district. He emphasises his belief that the clan councils in this area do not work in the same way as the clan councils in the part of the district he comes from. While the clan councils in the east of the district do play an important administrative role as LC 0, here clan councils seem to have a smaller role, as purely voluntary ‘self-help’ groups. To Martin, the question of what the role of the clan is from a formal point of
view is not the main criterion; rather, he looks at the different ways in which the clan councils operate in the district and give shape to sovereignty in practice. For him, having laws and fines are essential aspects of claiming the legitimate position of LC 0, while the mere provisioning of social works is not. Hence, he makes a distinction between associations that engage with more general forms of governance and those institutions that make use of ‘the law’ and are directly engaged in settling ‘legal’ disputes.

The different ways that clan councils operate, as well as the differing ideas that exist about what the LC 0 is and where they belong, emphasise that such images of the clan and the state are ambiguous and always emergent. The different perspectives that I visualised each offer their own picture of who is part of the government, and who is not. Each of these perspectives has its own interests to represent and defend. This is also apparent from the way 'officials' emphasise the difference between the government and the clan versus the way in which, for example, some of the LC 0 chairmen emphasise the role and position of authority of clan councils.

In this section, I have tried to paint a picture of how the clan council in village E works. I have displayed how these councils resemble the LC system to such an extent that they are considered indistinguishable by some. Although clan councils gain legitimacy through their relationship with the state, they also try to safeguard their own position as a clan. It is precisely the fact that the clan councils can move between identifying with the state and ‘traditional’ clan authority that makes people appreciate their role within the community.

The symbolism of alcohol in resolving conflicts, and as a means of payment for fines imposed, plays an important role in the way clan councils can create and maintain their position as a legitimate authority in their community. However, as the first part of this chapter revealed, tensions exist around the role of alcohol in the community. Its relation to power and authority, which has been so intrinsically connected throughout pre-colonial times, has increasingly come under scrutiny. In the next section, I will discuss these tensions, showing the role of alcohol in clan councils by elaborating on the tribunal court committee of the clan council. I discuss different perspectives on the role of alcohol within the clan to illustrate how alcohol has become morally problematic due to changing perspectives and evaluations of alcohol. These tensions are all the more important because alcohol is the unique selling point for the clan, which allows them to adopt a different stance from ‘the state’, and to rely on the ‘good’ and ‘traditional’ norms and values of the clan to gain a position of legitimate authority.
At the same time, alcohol is problematic as they attempt to compete with the new image that ‘official’ organisations have as organised, bureaucratic, and dismissive of alcohol in public life.
(‘Clan council meeting in village E’, photo by author, January 12, 2019)

(‘Court ye chiika [name village] ngozi group’, photo by author, February 22, 2019)
Alcohol: the Janus Faced Dilemma in (Clan) Governance

Alcohol is situated as an important distinguishing factor between the clan and the state. In many of the villages I visited, the presence of specifically ‘traditional’ beer is an important and often proud part of their cultural heritage. As a LC 1 chairman in one of the villages in the west of the district put it: “[It’s] the cultural fine.” [emphasis added] (LC 1 chairman village H, interview with author, January 24, 2019).

In this regard, I frequently heard talk about fining people in both alcohol and money. For instance, near the border with the DRC, one of the LC 0 chairmen told me they fine with both money and urgwagwa (banana beer). The money is meant for the treasury and used for the group as a whole. The beer, meanwhile, is shared among the members and seen as a way to bring people together and discuss issues: “We still have our culture here that when somebody is being fined, what he has to bring to the men to sit and discuss his issues, his problems. They must discuss them when they are drinking urgwagwa. It is still [the] culture here.” [emphasis added] (LC 0 chairman village F, interview with author, February 10, 2019). As has been noted in chapter 2, beer is a way of starting a conversation and thus resolving disputes. It is both a way of paying respect to those individuals who take the time to listen, a way of starting the meeting and, when the two parties both share a drink, a way of indicating that their dispute has been resolved. Although money has made its appearance within the clan group, alcohol still has an important place. He assured me that: “Madam Danse, you have to pay both. You don’t give only alcohol or only money. You have to pay both, so that when the men are discussing your issues, they are able to drink the urgwagwa.”

Alcohol, people emphasise, still plays an important role within dispute settlement practices for clan councils. At the same time, these practices are slowly changing. Where previously only locally brewed beer was used as a penalty system or to resolve conflicts, alcohol-free alternatives are now also possible in some of the clan councils. The use of money also indicates how the goal of resolving the conflict has (partly) changed. Where previously reconciliation was central to conflict resolution and alcohol was also served as a tribute to those who have invested time and effort in resolving the conflict, now it is the whole community that is central, and the importance of development is emphasised. Therefore, the fines in the form of money are intended to help the community as a whole.

Until about 10 years ago, payment in beer was the norm in village E. However, with the arrival of Robert, the current executive chairman, things changed. He wanted to make
sure their village would develop, and emphasis was placed on saving money to benefit projects in the village, as opposed to consuming beer. He asked me, ironically, “Maybe you made or you committed an offence because of alcohol, then we also say you bring alcohol again, so there is no difference?” He went on to explain:

Most of them, they say bushera but mean alcohol, because when you try to give them bushera they say ‘no, we don’t want soft drinks’, because the Bakiga [ethnic group] used to take this muramba [highly alcoholic sorghum beer]. And when you try to give them muramba, at the end of the meeting they will have to call [the clan council to come] again. More people will quarrel, next to the other group which had quarrelled. So we tried to dodge that kind of [use of alcohol].

Robert explained to me how reconciliation nowadays takes the form of a handshake to indicate a dispute has been settled, and people pay a fine in terms of the money equivalent to a jerrycan of beer. According to him, this has to do with the changing aspirations and ideals people have for themselves and for their (clan) community:

The local people used to get fined in terms of alcohol because they had a lot of bananas around, they had a lot of sorghum, so they were used to these local beers. So when somebody would commit an offence, they could say we have fined you. But they could fine in terms of much alcohol. That bring a drum of alcohol and whatever. But for us here now, because of the changing world we prefer just fine in terms of cash not alcohol because we are not... [silence] ...should I say that people should enjoy alcohol all the time? [emphasis added] (LC 0 chairman, village E, interview with author, February 1, 2019).

With this explanation he emphasises that certain practices from the past are no longer seen as good behaviour. He asks, rhetorically: should everyone be drinking alcohol all day long? This question connects to the popular discussion that is currently taking place within the district concerning the high number of alcoholics. At the same time, he implicitly also refers to another reason for the change from alcohol to money: the scarcity of raw materials like bananas and sorghum. This reason was also given by the secretary of the tribunal court, who told me how the symbolic value of beer has changed: “Because they know that people nowadays have money. You may hardly see somebody having sorghum for making alcohol, but money, he has.” (LC 0 tribunal court committee clerk, village E, interview with author, February 18, 2019).
Due to changing market prices and the growing popularity of producing for the world market, many sorghum fields have given way to coffee and tea plantations. These changes in agriculture have meant that sorghum has become increasingly scarce, often making it more difficult for people to have bushera at their disposal. Similar observations were made by the anthropologist Shiraishi in the east of Uganda, where the exchange of labour via the celebration of beer parties has transformed into hiring labour in exchange for money. This has changed the position of alcohol in society, with money taking a more prominent role (Shiraishi 2006). However, these ideas are also contradicted by some clan councils that I have encountered, where a lack of money meant that they could not pay the fine in cash, but rather in beer: “For us we don’t fine money because we don’t think everyone earns. It is only in courts where I think they fine money, in clan meetings we only fine the alcohol.” (LC 0 chairman, village C, interview with author, February 13, 2019). In a district where the majority of farmers are subsistence farmers, not everyone has sufficient money at their disposal to pay fines. That being said, many of the clan councils do use money as well.

While Robert gives a good explanation of why money made its appearance in village E, not everyone agrees with him. People find different reasons for why the system of fines has changed from alcohol to money. Edmund, the chairman of the sub-committee of construction in the clan council that was introduced in chapter 1, explains how it has become difficult to pay in beer because of the increase of members to the group, making it difficult to share a small fine with all the people. He explains how the fine is still symbolised as beer, because:

The reason that we ask that money for a jerrycan, is because they can prepare a jerrycan, but it is difficult to share [that jerrycan] with the whole [group]. You pay that money, but we wait for some other income, so that we can share [it] with the whole group. (LC 0 board member (Edmund), village E, interview with author, February 12, 2019).

He assures me that people still drink beer at the end, but this would happen at a later moment, when sufficient money had been collected to share the drinks with all members. This is something I have seen for myself during a clan council meeting at the beginning of January 2019. During this meeting, last year’s finances were discussed and it appeared that some money had been saved. Contrary to Robert’s suggestion to save this money for a communal investment, the majority of members wanted to share it for a drink, which in the spirit of democracy was done after the meeting, and several jerrycans of bushera, as well as a few crates of soda, were brought in.
The tribunal court clerk of the clan council also explained how alcohol or money was used at different moments. Within the tribunal court committee, the fine is still used in the form of bushera. However, the court fees that are paid in advance are saved up and used for other things, whether paying the cost of new agricultural tools, helping the renovations of their office, or by all the members at the end of the year in the form of drinks. This is something James agreed upon when I asked him about it, explaining how many of the administrative rules have written fines, such as failing to pay the membership fee or being absent from a meeting without good reason. Yet for settling disputes between smaller parties, the fine must be paid in drinks itself. He joked how, when doing communal work like helping to renovate the roads, someone who neglects to help can be asked to pay a jerrycan bushera as a fine, which would immediately quench the thirst of those working.

From the various conversations I have had with only the clan council members in village E and with the members of other clan councils, it appears that many of these groups attach importance to alcohol, whether in symbolic or material form. However, except for settling disputes, the use of money has replaced the actual alcohol and raises the question of why alcohol is still used symbolically.

When I asked people about the symbolic use of alcohol in clan councils, it seemed as if many had not given much thought to why alcohol is consumed, whether physically or symbolically. At the same time, the importance of using it was considered important by many – after all, it was part of ‘their culture’. By referring to their own clan culture, an important distinction is made between the clan councils and the state. Even though many clan members place the clan councils on a similar footing as the ‘official’ government institutions or ‘the state’, the same state was often highly criticised for its absence, its focus on punishment rather than reconciliation, and its self-serving corruption and selfishness, particularly from the side of public servants. In the words of Robert:

> The problem to why we do not deal with police, I am sorry we Africans we are corrupt. (...) For us we as Bataka [from the same clan or community], we call you, we find out who is in the mistake. We try to council you. But for the police, they don’t do that. And after swallowing that kind of money they will trick you and re-send you back [to the clan council to solve the issue]. (LC 0 chairman, village E, interview with author, February 1, 2019).
In contrast to the selfishness of the police and the courts, in which the loss of money played an important role, the clan was often seen as representing the interests of the clan community and the people. As Robert explained during the same interview:

Money is fining. But when you just call the elders, and they just sit down, they will tell you that here you made a mistake and you also made a mistake here. Then they try to bring you together again. That’s the work of the ekiika.

[emphasis added]

The focus on alcohol is still important, at least symbolically, since it connotes care and signals the clan as different from the government. It emphasises the division between ‘us’, as caring for ‘our’ people, and ‘them’, as state agencies which are merely interested in their own pockets while neglecting the people living on ‘the margins’ of the state. Alcohol is therefore an important means of distinguishing between the clan and the state. It is through moral discussions about the place of alcohol in society that ideas about which norms and values are important are discussed. The use of alcohol, if only in name, symbolises the clan’s separation from the state and emphasises how they represent the interests of the community.

Conclusion

In this chapter I have argued how the clan has a different goal when compared to ‘the state’: that of caring for their members and bringing about harmony in the community. Alcohol is a way to emphasise their differences to government institutions. Rather than asking to pay a fine in money, they settle disputes by sharing a glass of bushera. Simultaneously, the role of alcohol seems to have changed, as money has replaced the function of alcohol in several places within the clan. While traditional beers still apply to settle minor disputes, the general fine within the clan is in the form of Ugandan shillings. With this money, the clan can do other things than just bringing people together. Ideas about improving well-being and bringing new developments and facilities to the community are central to this.

At the same time, these ideas of development and ‘modernity’ within the clan community are accompanied by tensions around alcohol itself. For instance, Robert, the chairman of the clan council in village E, would like to see disputes settled with a handshake and not with alcohol. He is not the only one concerned about alcohol problems in the district, or even Uganda as a whole. As I also highlighted at the beginning of this chapter, the meanings that exist surrounding alcohol have changed.
in the past decades. The changing social relationships surrounding the consumption of ‘commercial’ or ‘bottled drinks’ raises concerns about community values, solidarity and care that are at the core of the clan values. Alcohol has come to be understood as a dangerous substance, not merely because of the dangers of alcohol addiction, but also connected to fears of changing family values. As I mentioned earlier, these tensions do not simply come from changes in alcohol preferences; rather, drinking preferences represent different forms of social interaction, not only in relation to proper (gender) behaviour, but in the clan as a whole.

Alcohol thus emerges as an open-ended moral dilemma within the clan councils I worked with. On the one hand, the role of alcohol is central to establishing their identity and positioning themselves as a credible and legitimate authority in the community. It is a means to practice and give meaning to understandings of sovereignty. On the other hand, alcohol also represents the contemporary problems in society where alcohol consumption, especially among young people, negatively affects the values and norms that the clan wants to uphold.
5 ‘The State’ at Odds: Claiming Sovereignty and the Symbolic Power of the Law

Introduction

We had these issues, long time, that the police used to hear everything. Man quarrelling with his wife? He calls the DPC [district police commissioner]. A man failing to pay school fees? OCCID [officer in charge of the criminal investigation directorate]. But now, with the LC 1, they are the lower level administration. (DPC, participant observation by author, September 11, 2018).

In this chapter I ethnographically analyse two different groups of actors that are both, in name, part of the state system: the police and the local government councils at the village level (LC 1). I look at how the two relate to one another in terms of power, legitimacy, and sovereignty by carefully taking apart the performances by police officers at a sensitisation workshop that the police organised in September 2018 to educate the LC 1 chairpersons on their role and responsibilities in the sub-county. In doing so, I show how the state is not a “clearly bounded institution” that sets the rules for other actors to behave accordingly (Sharma and Gupta 2006a, 8); rather, I show how relations between government officials and their colleagues, neighbours, friends and family determine how the state’s image is created and put into practice. The sensitisation workshop shows how the police deal with complex power relations which transcend institutions that represent the state on paper, and lays bare the performances of the police to claim (and maintain) a position of sovereignty.

By examining how the police and LC 1 profile themselves as actors who also claim sovereignty, I show how the clan councils, police and local authorities relate to each other and how they try to manoeuvre within these relations. The way in which these different actors depend on each other at the local level is essential to how sovereignty is expressed in practice. Their mutual dependence and partial recognition is necessary to secure their own position and ensures that they never truly obtain sovereignty. Rather, they must be understood as semi-sovereign and shaped in constant relation to each other. By focusing on the police and lower-level local government councils in this chapter, I explore how these groups also participate in and shape sovereignty in practice. The police are an interesting group. They represent the physical force of the state; as such, they are the embodiment of the monopoly on violence, through which they maintain their ‘formal’ position as sovereign in the area. At the same time, their
ability to enforce the law is limited. They are not always able to deal with the challenges they encounter on a day-to-day basis. They also have to deal with a plurality of security agents in the area (Diphoorn 2016; Loader 2000; Pratten 2017). While they can be assisted by auxiliary troops from within or outside the district in case of an immediate threat to the Ugandan state (for instance internal riots or military treats from the DRC or Rwanda), for most everyday problems, they do not have the physical force to back them up. Rather, they must deal with the uncertainties arising from material shortcomings such as a lack of personnel, tools, and vehicles. These material shortcomings are one of the reasons that the police must build and maintain a good working relationship with the local governing bodies. However, their efforts to establish a good working relationship is challenged by the fact that they also struggle with the negative image the police force have in Uganda in general, as rumours of corruption, nepotism, and misuse of power are widespread. They must carefully consider their position as an authority and negotiate what Olly Owen calls "public order as a balancing act" (2017, 154). Here, Owen refers to the way police officers have to balance not only the image of the police, but also their own individual status, considering their social relationships and the associated risks that their decisions may have for their (future) career.

In his study on corruption in Malawi, Gerhard Anders observes how the actions of individual government officials are not always in line with their own rules and policies for various reasons, ranging from self-interest, social pressures, or care for others in their immediate social circle (2009). The interactions between the official rules and the social norms and rules of one’s surroundings blurs the boundaries of what corruption means and how the state should work. Anders shows how ambivalent perceptions of practices of corruption exist and that often police officers need to manoeuvre various, sometimes conflicting rules, (social) norms, requests and expectations (2009, 119, 122). These relations and associated practices give form to the state in practice and shape perceptions about how it is imagined to work (Thelen, Vettes, and Von Benda-Beckmann 2018). Similar to the approach by Thelen et al., this chapter takes a relational approach to state law and focuses on the practices of police officers to show how their performances and symbolic use of ‘the’ law in relation to the LC 1 shape how the state and its authority are imagined.46 They note that often in anthropological

46 ‘The’ law is in brackets here to emphasise the way that law is conceptualised as a coherent entity with clear boundaries and connections to the state and its population in a given territory. I wish to underline how I do not understand law as solely belonging to the state, rather I perceive law as
discussions on the state, the focus is placed on the experiences people have with state representatives and the meanings people attach to the state. While these experiences are important to analyse how the image of the state is given shape, it neglects what happens between actors and how such interactions shape the state in image and in practice (Thelen et al. 2018 6-7).

In Uganda, the lack of resources and manpower, as well as the lack of trust in the police, makes it difficult for police officers to fulfil all of their responsibilities. Contrary to the image that the police try to maintain in Kisoro District – that of powerful law enforcers – they need the support of the clan councils (LC 0) as well as the LC 1 and LC 2 to ensure each dispute is settled and law and order is maintained. Thus, while in principal the police claim sovereignty in the district and criminal cases are supposed to be brought to court, in practice most of the disputes are settled by clan councils or at the level of the LC 1. In the words of James, who worked as an intern at the magistrate court during my time in the field: “If they did not do so, the magistrate court does not know how to handle it. They cannot manage.” (James, informal conversation with author, July 7, 2018). This was also acknowledged by the OCCID when I asked him about the benefits of the LC 0:

The benefits. One, you get 500 cases today, tomorrow 200 cases, when you try to follow one, you meet with others, pending. So for them [LC 0], they handle the cases and conclude with them. When it is in need of reconciliation, they reconcile and close the file from there. So you find that people are living in harmony, not like ‘I am having a case at the police’. Those ‘small small’ cases, if they can be concluded at the local level, it assists us so much. (OCCID, interview with author, February 14, 2019).

Here, a paradox emerges: In order to ensure their own position as sovereign in the area, the police need to defer part of their responsibilities to village-level organisations who are not officially tasked with them; nor, for that matter, are they part of the official government apparatus. This makes their position delicate. On the one hand, the police represent the power of the state through which they are required to claim full encompassing all kinds of practices that relate to dispute settlement. See for instance the work of De Sousa Santos, who uses the concept ‘juridical organ’ by H. Kantorowicz to encompass all kinds of dispute settlers, including but not limited to state judges, chiefdoms, magicians, priests, church courts, gang leaders and so on (De Sousa Santos 1977; 2002, 100–101). Such a broad concept helps to understand the various normative perspectives that public servants and residents have on dispute settlement. That said, for the purposes of this chapter, ‘the’ law is referred to as state law.
sovereignty in the area in name of the state. Hence, they cannot recognise the sovereignty of clan councils nor authorise the lower level councils to settle criminal cases. On the other hand, they also need the lower level councils and clan councils, whose inclusion by their very existence threatens their sovereignty. This creates a tricky situation whereby the police must strike a balance between giving the clan space to take over some sovereign power, while at the same time making sure they do not break any boundaries that they seem to approve of. This is a concern shared by the OCCID. In addition to the advantages that the LC 0 brings, it also clearly indicates the challenges:

As I told you, [with] every good thing there is a disadvantage of it. Much as they are assisting us, some of them, they want to work out of the tradition, they want to handle those cases, you find they are advising people not to bring cases to the police, criminal cases. A few of them. (OCCID, interview with author, February 14, 2019).

The LC 1s have an interesting position in the midst of this all; officially, they are part of the state as the lowest level of the local government; however, these councils do not get sufficient means or education to be able to properly carry out their responsibilities, nor are they formally tasked with all of these responsibilities. Here, tensions exist. While the LC1 is seen by many as the building blocks of society by maintaining the peace and stability in the villages across the district, they are also often blamed for deviating from the rules, bribery, nepotism, and taking responsibilities that they do not have jurisdiction over, such as dealing with criminal cases. This is not just something that the police accuse them of, but a commonly heard complaint about the LC 1 (e.g. Watchdog 2020). From the perspective of the police, the actions of LC 1 chairpersons are understood, considering their lack of education. Here, similar to Veena Das’ observations of the police in India, they critique the general level of education for contaminating their institution, as opposed to the state itself (Das 2004, 248). When viewed in this light, the state as an idea is not to blame, but rather the people working for it.

The quote from the District Police Commissioner (DPC) at the beginning of this chapter reveals in part the underlying tensions surrounding power and sovereignty between the police and the lower-level government councils. The DPC jokingly explained to his audience, mostly LC 1 chairpersons, how disputes and problems of ‘little concern’ are brought to him as head of the police or to other senior officers. His words emphasise the different positions and responsibilities they have, and in doing so he touches upon
a hierarchical power difference. ‘The people’ evidently do not know where to go, unnecessarily bothering officials like himself with trivial matters. The LC 1, he emphasises, is the lower-level administration that should deal with small disputes and thus provides the solution to the plenitude of disputes that he and his colleagues at the police face. While the LC 1s are presented as a solution to an existing problem, these councils are not new – they were introduced after the civil war ended in 1986. His words therefore leave a silent suggestion that the previous government councils have not done their jobs properly. This reveals a glimpse of the problematic relationship between the two, as ideas about responsibilities, performances, and legitimacy differ between one another.

In this chapter I demonstrate how the language of law is symbolically employed by the police department in Kisoro as a source of sovereignty. In doing so, their behaviour helps to shape the way the state works and is imagined in this part of Uganda (see for instance Hansen and Stepputat 2001a; Sharma and Gupta 2006a; Trouillot 2001). I build on the work of Das, who argues that the illegibility of the state is used to establish its legitimacy: “The whole realm of acceptable excuses creates the realm of the civil, in which the very illegibility of the state to its citizens becomes the mode of establishing its legitimacy.” (2004, 248). She argues how the everyday efforts by people – be they state agents, community members, or citizens – to claim sovereignty are the sites where the state is given form.

These different efforts – from performing state practices to blaming the uneducated other – are what gives substance to ideas about what the state is and how it should act. Through the case study of a sensitisation workshop by the police, I demonstrate how sovereignty is contested and negotiated by various groups and actors who may or may not belong to what we would commonly call the state. In this light, the sensitisation workshop is not just an education project, but also a way for the police to portray their own image as powerful law enforcers, as well as an opportunity to establish a working relationship – and hierarchy - with the LC 1 chairpersons.47 Hence, in the words of Pratten, “What is legal, legitimate and right needs to be rehearsed, to be practiced, to be performed in the face of the precarity.” (2017, 195). The sensitisation workshop shows how (semi-) sovereignty is not straightforward but in fact

47 In this chapter, I will use the word chairperson to refer to the chairman or chairwoman of a local council group in general. That said, I should note that the majority of chairpersons are men. When I refer to a specific chairperson in my ethnography, I will use the word chairman or chairwoman to indicate his or her gender.
precarious, as relationships between different groups constantly influence the way these groups see and recognise each other as well as how they are perceived by people in the area. Ritual performances and bureaucratic ceremonies by the police are key to providing an ideal image of themselves as a legitimate organisation (2017, 196). In this chapter, I show how the police transfer part of the legitimacy of the state to the LC 1 by acknowledging their official identity, which refers back to the law. The LC 1 is given this official authority, although it exists under the watchful eye of the police – or so the police claim. Consequently, they indirectly approve of the LC 1 settling small disputes, making them important gatekeepers to the law.

The way the police relate to the LC 1 shows how ideas of sovereignty not only take place between state and non-state actors, but also how different government institutions take different positions towards each other. At the same time, these institutions are embedded in the same local context, where they are subjected to similar social webs of relationships. What sovereignty is and how it is maintained cannot so much be attributed to government institutions as a whole, but must be understood as something that creates tensions between these institutions. The relationship between the police and the LC 1 shows how positions of semi-sovereignty are also claimed within the state apparatus.

The Sensitisation Workshop

The DPC’s speech aimed at the LC 1 and LC 2 chairpersons present at the sensitisation workshop exemplifies the efforts of the police department to claim a position of ‘legitimate’ sovereignty. The meeting took place on 11 September 2018, two months after the LC 1 and LC 2 elections, and was organised to educate the newly chosen chairpersons on their responsibilities. The LC 1 and LC 2 councils are seen as the lowest level of the administrative government structure. They are referred to by their position in the administrative hierarchy, which ranges from the lowest council in the village (LC 1) to the district council (LC 5). Similar to the clan councils (see chapter 4), all the local government councils have their own chairperson, chosen by the people, who then select an executive committee to take part in settling disputes and administrative tasks in the area. From the parish level onwards each council also employs a council chief. All council chiefs are employed and thus paid by the district government. The council chairpersons on a sub-county level and above also receive a salary, as well as additional allowances when attending meetings, trainings, or sensitisation meetings. This is contrary to the LC 1 and LC 2 chairpersons who, rather than a salary, receive a flat wage.
of 120,000 UGX a year (roughly 27 euro). This small amount often gives rise to heated discussions. As one of the LC 1 chairpersons told me “Only 10,000 UGX each month. Can you pay the school fees from that? No. Can you pay your food from that to survive? No. You cannot even travel from A to B with that. No, we don’t get paid.” (LC 1 chairman village B, interview with author, September 2, 2018).

The token wage is by no means representative of the work they do, resulting in chairpersons who often misuse their position, asking for a *kitu kidogo*[^48] a ‘little something’ in Kiswahili, for the work they do or for a stamp needed on a form.[^49] For many people I spoke to, the LC 1 and LC 2 elections in July 2018 exemplified this lack of care from ‘the state’. The elections for the LC 1 and LC 2 position have only recently been re-established, as they had previously been abandoned entirely for almost two decades; 2018 saw the first elections since 2001. While newspapers mention that roughly 6.2 billion Ugandan shillings were spent on the LC1 elections (Parliament Watch 2018; Watchdog 2020), many people complained how it was not clear what this money was spent on – especially since the format of the elections was not by ballot voting, but by lining up behind a candidate. ‘How much money did this format cost? What was the money spent on?’ some of my interlocutors asked me cynically. The LC 1 elections, which were held on the 10th July, 2018, sparked an overwhelming wave of criticism on social media, as well as from many international organisations. A lawsuit was filed by the Citizens Coalition for Electoral Democracy (CCEDU), who claimed the format could not guarantee free and fair elections, but the case was still pending when the elections were held (Daily Monitor 2018a).

Roughly 60,800 chairpersons were elected in 135 districts in Uganda that day. They are faced with scarce resources and funds, yet are tasked with all sorts of administrative tasks in the village, as well as maintaining law and order in their respective areas (Watchdog 2020). Their role as government representative, while receiving little aid from the government to perform their work, resulted in an ambiguous relationship between the LC 1 and LC 2 chairpersons and the so called ‘higher’ ranking LCs and state institutions when it comes to following rules and decision making. At the same time, in theory at least, they are all colleagues representing the state; however, they are not valued in the same way. This is reflected in their daily actions. For instance, during the everyday encounters between the police and the LC 1, they often find themselves on opposing sides. While part of the same state structure, many LC 1 chairpersons do not

[^48]: *Kitu kidogo* is popular ‘slang’ in Uganda to refer to all kinds of bribery.

[^49]: Such ideas on small bribes are widespread in Uganda.
necessarily conform to official procedures. Rather, they balance their own position within the village with the needs of their fellow neighbours, friends, and family members as well as the demands of police officers and other local government officials.

At some point, it seems that a decision was made by the district government to improve their relationship with the lower-level government councils, as sensitisation workshops were organised by various departments to train the newly elected LC 1 and LC 2 chairpersons in their tasks and responsibilities. Next to the police department, the municipality clerk told me that he was asked to organise workshops for LC 1 and LC 2 chairpersons to explain the judicial system, although he was still waiting to receive the funds to initiate these. The workshop organised by the police was scheduled for 11am in one of the sub-county headquarters of Kisoro District, just a 20 minute drive away from Kisoro Town. On the road, a journalist from Muhabura FM, a local radio station, was picked up by the police car to report on how the meeting went, ensuring that the presence of the police department would be known to the wider public in the district. Most people in the district do not own a television and the two radio stations in town, Muhabura FM and Kisoro FM, are convenient ways to share ideas, open discussions, and spread news in the district.

We arrived at the subcounty headquarters at noon, an hour after the workshop was supposed to start. None of the LC 1 chairmen were there. The DPC asked the LC 3 chairman of the sub-county to call the LC 1 and LC 2 chairpersons, so the meeting could start. After another half hour, several LC 1 chairmen and one LC 1 chairwoman had arrived and were seated on several rows of wooden benches in the centre of the main room. In front of these benches was a desk with three chairs behind it. On the right side of the room, next to a window, was another bench where the other police officers, the journalist and I were asked to sit. All the officers were dressed in full regalia; their khaki or blue uniforms, together with their emblems, heavy black work boots, and gear was in sharp contrast to the clothes of their audience. The clothes of the LC 1 and LC 2 chairpersons plainly revealed the poverty they lived in; their old and faded suits, often with holes in them, muddy rainboots, and worn cowboy hats had seen better days. Many of them were middle-aged or older.

As with so many of the official meetings I attended in Uganda, the workshop followed a specific scheme of presentations and rituals. The subcounty chairman began the meeting with the national anthem, for which everyone was asked to stand. The anthem was followed by prayers, after which everyone was requested to sit down again. Next followed a word of welcome by the subcounty chairman, who introduced the officers
who would speak today and gave everyone the floor to introduce themselves. Each person stated their name, title and from which village they came. During the meeting, a registry book from the police was passed around for each person to sign. These bureaucratic rituals gave the workshop an official appearance. From the 19 sub-counties, 14 chairpersons were present and one vice-chairman. One of the two parish chairpersons was also present. Surprisingly, an LC 0 chairman was also present at the meeting. None of the police officers or the LC 3 chairman paid attention to him, or the fact he was representing the LC 0 at a meeting organised for lower-level government officials. This is telling, because it was an official ‘sensitisation meeting’ for the local government. Acknowledging, or at least tolerating, the presence of the LC 0 representative next to the chairmen of LC 1 and LC 2 speaks of the position of the clan councils when it comes to governance in the area.

Like many of the official institutions, the meeting was in English, although the Community Liaison Officer (CLO) translated what the other officers were saying into Ruchika, the language spoken in this part of Uganda. The DPC started by apologising to the chairpersons for their delay. “We were supposed to be here at 11am sharp, we apologise for not keeping time, but there were some issues to attend before.” His words, while polite, were also strategically placed: their own delay masked the fact that none of the LC 1 and LC 2 chairpersons were on time for the meeting. Simultaneously, through their own delay, he was able to emphasise their own importance, as apparently they had more important issues to attend to. He was able to emphasise, without words, the lesser importance of this meeting and of the LC 1 and LC 2 chairpersons. In doing so, the DPC maintained their appearance as a powerful authority in the district, hiding the tensions that lay beneath their precarious relationship – including the fact that the people themselves had also arrived quite late.

After a brief pause, the DPC spoke again:

I would like to celebrate the chairmen parish upon your positions, since this is the new office. I also like to congratulate the LC 1 chairmen for the elections. By this time you have been in offices, you have been tasked the responsibility of all the burdens of the community and you are supposed to care for them. This is the purpose of the meeting; to talk about this with the LC 1, LC 2 and the chiefs. There are those who have been here before, who have the knowledge. But there are also people who are new and need to learn how to deal with this.
He paused for a moment, before saying jokingly and in a very calm tone, using a lot of silence between each sentence: “We had these issues, long time, that the police used to hear everything. Man quarrelling with his wife? He calls the DPC. A man failing to pay school fees? OCCID. But now, with the LC 1; they are the lower-level administration.” He pauses again to look at the crowd, while the CLO translate his sentences. The words he uses are chosen carefully. The two examples he jokingly gave had brought some laughter in the room. People seemed to agree with him, keenly aware of how the police are overrun by the number of small complaints, which are not seen as the responsibility of such ‘high ranked’ officers.

The DPC continued with his speech, saying: “Have you received the stamp? That instrument of power? In other places the former officer did not want to give it. I call this your office. This stamp is your office.” He looked at the room again, waited for the CLO to translate his words before continuing.

But of course, when I say you are the president of the village, there is one thing that we must not forget: that Uganda is a country with a constitution. That we must not forget the laws. You are the president, but the law must guide you. Don’t sit down and think because you are the president, that you can do whatever you want. That also counts for me. I am a police officer, well, I also need to follow the law. Otherwise there may be consequences.

The DPC’s speech hides a complex set of meanings. His word choice, his body language, and the way he acts show that he carefully considers that he wants himself and the police to be perceived as powerful and in control during the workshop. On a material level, the clothing of the police, including the emblems on their chest signifying their
rank and the guns they carry, are an impressive sight. The DPC’s smartphones (he has several), which were constantly ringing, demonstrated his importance, as the conversations he had were often put on hold to answer a phone call. Alongside this materiality of the police presence (through uniforms, signs and practices) are the bureaucratic performances and rituals that are used by the police to symbolically speak to the imagination of the sovereignty of the state (Hansen and Stepputat 2001a). The structured course of the workshop, from the order of the anthem being sung, the prayers recited, and who was allowed to speak, to the order of speakers, and various administrative tasks such as signing the administrative list, all contributed to making the workshop an ‘official’ event.

Besides the performances and speeches that the police use to demonstrate the state’s authority, they also make use of a “legal language”, through which they acquire their legitimate sovereign position in the district (Hansen and Stepputat 2001a, 8). In their explanation of the languages of the state, Hansen and Stepputat leave the way these languages work open for exploration. Here, Boaventura De Sousa Santos’ notion of ‘topoi’ is helpful. These are rhetorical argumentative discourses through which ‘the law’ is enacted through persuasion and language in legal reasoning (De Sousa Santos 1977, 14). Norms, De Sousa Santos argues, cannot be defined in certainty but are by virtue uncertain and unpredictable. It is through the art of argumentation, ‘inventive art’, that a person can be convinced of a ‘truth’. Therefore, practices of persuasion through language, such as the use of speech and jargon, as well as the use of non-language features such as silences and body language, may establish a common understanding or acceptable agreement on a topic.

In a similar manner, the DPC’s speech and his actions create an aura of officialdom around himself, the police, and the LC 1. He does this in various ways. The first is by arriving late; the relationship between time and the state signifies someone’s (or something’s) importance. De Sousa Santos calls this silence a ‘scarce resource’ whose usage is linked to positionalities of power (1977, 32–33). He suggests that silence is not only an absence of words, but rather its usages gives a certain meaning to relationships. The police’s late arrival, for instance, together with the DPC’s apology, gives the idea that they had more important things to do and therefore chose to use their time differently. This gives the impression that the LC 1 meeting is of lesser importance. Silence can also substantively influence how one is seen. For instance, the silences during the DPC’s speech kept everyone hanging on his words, while making them wait for his explanation, which also reflects his position of power in relation to
that of his listeners. This is something that both the DPC, as well as the OCCID and CLO, utilise to great effect.

Next to the use of silences, the language used says a lot about the type and purpose of the meeting. The fact that this meeting was in English, a language that most of the LC 1 chairpersons do not speak, was at odds with the aim of the workshop: training the LC 1 chairpersons. At the same time, English is used as the official language by the state and in all official meetings. While holding the meeting in English makes it difficult for all participants to engage, speaking the official language does serve to provide an air of officialdom, as it is associated with the workings of the state. The same goes for certain jargon or modes of praise. The DPC places a lot of emphasis on the important positions of power that the LC 1 chairpersons occupy. They are the ones who will run their localities as lower level authorities. The word ‘president’ in particular praises their new rank in the village. The stamp that he mentioned further underscores their new position of power; it is they who decides who receives a stamp on their documents. This stamp can greatly influence people’s opportunities in life, since the stamp of an LC 1 chairperson is necessary to obtain documents such as identity cards, school cards, and recommendation letters, among other things (Daily Monitor 2018b). Recommendation letters are particularly coveted, as they are usually necessary to start a business project in the area. Furthermore, the LC 1 chairperson often acts as a witness in court cases, ensuring that most villagers want to be in their good graces. This was something the CLO, who was also given the opportunity to speak during the workshop, also emphasised, saying: “Most responsibilities are in the hand of the LC 1, for signing, with the stamps. Who decides if you are Congolese or Ugandan? You cannot stamp identity cards and decide. Are you God? Think of the law.”

Both the CLO and DPC mentioned the law and constitution, using them as a threat that they should behave according to it. They remind them of the constitutional framework to which they, as representatives of the state, are now bound. They use it as a warning, to remind them that nobody is above the law, while at the same time showing the important position that LC 1 chairpersons have: their stamp makes a document legally valid. In this sense, the stamp is not just about access to justice, it is about access to the state and its bureaucratic system. The CLO notes the powerful position that the LC 1 chairpersons occupy, since they act as gatekeepers of the law, and while no one is allowed to misuse their position, the fact is that some LC 1 chairpersons can ‘act like God’ without it being noticed. The DPC’s concerns about the abuse of their new position are therefore not surprising, especially since the presence of the police within
each subcounty is very limited: only three police officers work at this sub-county headquarters. This means that there is little supervision over the work of the LC 1 chairpersons in the villages.

At the same time, the stamp makes the precarious position of those LC 1 and LC 2 chairpersons painfully clear. The stamp not only signifies their position of power – in a material sense, it is quite literally their ‘office’. It is their identification as a public servant. LC 1 and LC 2 chairpersons do not have the resources to rent or build an office. Therefore, whenever they need to solve a dispute or someone needs to see the LC 1, this happens either in their own home or outside on the grass, park or near a road. This is in contrast to the clan councils described in chapter 4, who not only have their own stamps, but also an office to work from. To a certain extent, here you see the blurring together of the LC 1 and LC 0. Both operate at the village level, and both deal with similar problems within their communities. The LC 0, like the LC 1, operate under a similar name, a similar council structure, have a stamp, and often work with government councils and the police. For instance, many of the LC 1s will only investigate a case after it has been seen by the LC 0. Likewise, with minor cases, the police may ask people to solve their issues through the LC 0, instead of going to them. The practices and bureaucratic actions of the LC 0, in combination with their relation to the LC 1 and the police, creates an aura of officialdom around them, as the use of legal language and bureaucratic performances by the LC 0 provides them with an official aura. This means that their actions are seen as being approved by the state, although it must be emphasised once again that they do not have the same relation to the state, nor to state law, as the LC 1. The LC 0, because they are not part of the state, are not bound to the same policies and regulations as the LC 1. To a certain extent, they make use of the legitimacy of the law, but they do not have the authority of the state to do so. This is an interesting observation given the tensions surrounding claims to ‘legitimate’ sovereignty. While the LC 1 is part of the state system, the LC 0 is not, at least not on paper. Their claim to a semi-sovereign position in the district is therefore a direct attack on the sovereign position of the state.

Lastly, when glorifying the newly elected LC 1 and LC 2 chairpersons as presidents, the DPC not only underscores their new position of power, through which he is undoubtedly trying to boost their self-esteem. He also tries to build a good working relationship with them by appearing approachable, affirming they do not need to fear him and by referring to himself as merely ‘a police officer’. At the same time, he shows how each high-ranking officer still needs to uphold the rules and norms within the
government by deliberately pointing to his own place within the hierarchy, as he insists that he is not allowed to speak before the LC 3 chairperson. Through this example, he emphasises that no one is above the law, reminding them of the importance of rule-following behaviour and hierarchal structure. He seems to suggest: you are the president of your village, but know your place. Here, a core reason for the workshop becomes clear because it deals with the question of what responsibilities each of them have within the state structure, and where in the system one stands.

The aim of the police, to claim authority and give order to the division of tasks, also becomes clear throughout the rest of the workshop, which was mainly concerned with the hierarchy of authority and the order of procedures they need to follow. The DPC specifically emphasised the idea that LC 1 chairpersons are the first point of contact for citizens, and how they are the ones who must either solve a problem, refer it to the police when it involves a criminal case, or pass it to the LC 2 chairperson when it is about a civil dispute. The LC 1 chairpersons, he stressed, were not to go to the LC 3 chairperson for any problems: “You are supposed to come and squeeze the chairman LC 2. He [the chairman LC 2] is supposed to go and squeeze the LC 3, who can go and report it to the LC 5, who can forward it to the responsible ministry.” He specifically used the word ‘squeeze’ in reference to the LC 3 chairman, who had earlier complained about LC 1 chairpersons bothering him about the poor road conditions due to the rainy season. They were not following the right protocol, much to the dismay of the LC 3 chairman. Here again, tensions become visible between the higher government officials and those working for the lower-level government.

This scene shows the difficult position that the DPC and his fellow police officers occupy in trying to maintain good working relationships with the LC 1 and LC 2 chairpersons. It also shows the troubles they encounter when establishing a position as trustworthy and legitimate authority figures and trying to set up official structures through which law and order are pursued. While their presence in the moment itself looks impressive, when they leave with their police car to return to Kisoro town, the sub-county is left with three police officers at the sub-county headquarters. Their powerful presence is gone, and law and order is mostly dependent on the LC 1 and LC 2 chairpersons and their respective committees. The example the CLO gave about misusing their stamp reflects the concerns that the police department has about the misuse of the LC 1 chairperson’s position. While they are often referred to as uneducated, in a sense the LC 1s are simultaneously the judge and executioner. They wield great influence over the lives of many villagers by arbitrating disputes, stamping identification documents,
and providing access to the bureaucratic state, while acting from a position of power that is often out of sight of the police.

In summary, the police, while claiming a position of sovereignty in the district, cannot live up to their image. They are aware of their precarious situation in terms of resources, materials, and agents, and therefore need the support of the LC 1 and LC 2 (as well as that of the clan councils; see chapter 6). The police, aware that sovereignty is something that is contested, made use of this sensitisation workshop to impress their image on the LC 1 and LC 2, tasking them to deal with certain local criminal cases in an ‘official’ manner. In doing so, they strategically maintain their self-image as powerful state agents, while also ensuring that everyday issues are dealt with through other channels. The next question is, how do they do this?

Division of Tasks: Who is in Charge?

The remaining part of the workshop was focused on dispute settlements and lawsuits, and the OCCID was now given room to speak. He started with the basic work division, saying: “With criminal cases you have to report to the police immediately.” He said this to clearly remind (or persuade) the LC 1 and LC 2 chairpersons that the police department is exclusively responsible for dealing with criminal matters. At the same time, the police department is very much aware of the difficult task of maintaining their position in practice. For one, the police do not have the resources, agents or trust of the people living in rural areas to be informed of all criminal acts committed in the district – they depend on citizens and the LC 1 and LC 2 chairpersons to inform them of those acts. Furthermore, people living in these villages often do not trust the police. They commonly mention how the police are not interested in solving disputes or helping the community. Rather, they are primarily interested in the contents of their own pockets. Many people complained about corruption, nepotism, and selfish government officers. Partly, this image has to do with a shortage of materials, resources, or assets. The OCCID that I introduced earlier on explained how they struggled with the large number of cases and lack the assistance to adequately deal with them.

Most people also acknowledge the problems associated with the lack of resources that the police are dealing with. The number of police cars (two for the entire district) is especially indicative of the shortages, and commonly given as example by the people with whom I spoke. Misuse of their position also needs to be acknowledged, however, as one of the ranking civil servants who works at the municipality assured me: “The
police, they can ask for a lot of money. There is a lot of corruption at the police.” I asked him if this was something people feared, to which he reassured me: “Ah no [laughs] this one is not just a fear, it is true. The police is corrupt here. That is why people sometimes try to solve criminal cases themselves.” (municipal clerk, interview, informal conversation with author, February 19, 2019). The image of the police officers as selfish and not caring about citizens contrasts with the image of the clan councils. As I have discussed in chapter 4, the LC 0 represent a sense of community and caring for each other. While disputes settled in court are decided for a case involving winners and losers, dispute settlement among the LC 0 is intended to reconcile the two fighting parties. Their approach is popular among local residents, which means people do not always involve the police in their quarrels.

Here, the police find themselves in a dilemma – they do not have full control over the area. Rather, their sovereignty is contested by other groups and institutions in the area. Some of these are part of the government, such as the LC 1 and LC 2, while others not, like the clan councils. Not every LC 0 or LC 1 chairperson refers criminal cases to the police. Sometimes, people do not want to go to the police, out of fear of the costs and bribes that are involved. Also, the LC 0 or LC 1 chairpersons may wish to avoid going to the police in order to solve the case themselves, thus earning money and/or enhancing their own leadership position in the village. This is something the OCCID also confirmed during several conversations. He tells me how: “There are some people who don’t come to the police, who fear to report cases, defilement, rape, someone has been raped and she fears (...)” (OCCID, interview with author, July 4, 2018) and how “Unfortunately, few of them, you find them with those criminal, capital cases, but he insists on handling them.” (OCCID, interview with author, February 14, 2019). Here, the OCCID was referring to the work of both the LC 0 and LC 1. He acknowledges how the police struggle to maintain law and order due to the difficulty of ensuring that their own lower-level government officials follow the rules. This is in addition to the problems they encounter with the LC 0s, which also resolve criminal conflicts themselves, as opposed to bringing them to the police. At the same time, the police, overloaded with small criminal cases, are not eager to take on more work. The LC 0, LC 1 and LC 2 solving small cases not only helps the police to maintain stability in the area; their work is a necessity. In this sense, the way he differentiates between ‘assault cases’ and ‘capital cases’ is understandable. ‘Capital cases’, the OCCID emphasises, are not supposed to be handled by the LC 1 or LC 2, but need to be referred to the police and dealt with at the level of the judge, namely the high court. ‘Small’ criminal cases, meanwhile, do not need to be brought to the police:
Why do they call them capital offenses? These are the cases which you will be sentenced [to] life, imprisonment or death. Those cases are handled by the level of the judge. High court.

[Silent for a moment.]

We have other cases which are not capital. Threatening violence. Saying you are going to kill or harm you. Assault also, fighting, where you cause harm to others. These assault cases, the LCs can handle. They can listen to both sides and when they cannot resolve, they can go to the police.

[Silent for a moment.]

Then there is domestic violence. With domestic violence, where a wife and a husband quarrel, these can be listened to by the LCs court. Where they fail, they can refer them to us. Domestic violence that involves where the husband fails to provide to the family, it causes fights. Sometimes you find the man wants to sell land, but the woman refuses. In Uganda law, a man selling the land, the wife must sign on the agreement. In such cases, where there is violence, we can use the offices of CAO, the head of the public service in the district, or RDC or you can send it to the police so that they harmonise. If they fail, we send them to court direct. So that the court visit the locus, visit the place.

[Silent for a moment.]

House break[ -ins]. When they break in, it was discussed? [When it was brought to the LC] Harmonise. But when he breaks in again? Those cases should be directed to the police.

[Silent for a moment.]

Communal work. For instance creating a road from A to B, but in the middle you need to accept to allow the way. You can negotiate, but if he refuses, one person cannot stop to decide to halt development. You can take him to court and the judge will decide. LC 1, LC 2, LC 3, RDC.

[Silent for a moment.]

So now civil cases. Civil cases they don’t have criminal elements. In such cases you can go direct to court of law, without going to the police.
This division of responsibilities that the OCCID sketches shows how he tries to balance competing claims for jurisdiction between the police and the lower-level government councils by relinquishing a portion of their responsibilities to the LCs. He does this in a contradictory way, however. At first, he urges the LC 1 chairpersons to report all criminal cases to the police immediately. By doing so, he reminds them of the fact that the police are the ones who deal with criminal cases: they hold this monopoly. A little while later, he distinguishes between capital cases and assault cases, telling the LC 1 chairpersons they do have the jurisdiction to deal with criminal assault cases. The same goes for domestic violence and break-ins. The examples he gives are the extreme ends of the spectrum of criminal acts, ranging from murder or assault cases on the one side, to a quarrel between a husband and wife on the other. This leaves a great number of cases in between. Where do they belong, and who is authorised to deal with them? With few words, the LC 1 chairpersons are given the responsibility of determining which cases are to be sent to the police and which they can resolve independently. The police, in the words of Rebecca Tapscott, partly “reject” their own authority in order to disperse their responsibilities (2017b, 2). In doing so, the police indirectly approve the LC 1 to settle criminal disputes, even though they are not allowed to do so by law. This again makes the LC 1 chairpersons important gatekeepers to the state, and at the same time gives the LC 0 an even greater position of power, as they are often the first point of contact for people when it comes to conflicts. Although they are seen by many of the officials as small associations with only authority over their own ‘small’ community, they are the ones who decide whether someone should be referred to the LC 1 or the police, and they do this without much interference. This also became clear during the conversation I had with one of the LC 0 chairmen:

Author: Does it happen as well that you are trying to solve a case, but that the police, LC 1 or the courts taps in and says that no, we should be the one handling this case?

LC 0 chairman: That doesn’t happen, because how [would] they know? They only know if someone has reported to them. Maybe if someone shed blood and they come to know, maybe someone reports, that’s when the police can come in, but it has never happened. It’s only the police that writes a letter that this one should go for tests in the hospital to get evidence, but for us we cannot [write those letters to the hospital] and those usually are [severe] cases where people go and report there. (LC 0 chairman village C, interview with author, February 13, 2019).
Although he clearly states that there are limits to their position of power, for example in a case of a conflict that requires research in a hospital, he states just as clearly that as LC 0, they are given the space to govern their community as they wish.

The question remains of where to draw the line. While there may not be time to discuss each type of case, or explain exactly where the boundaries between jurisdictions begin and end (I do envy the ability of the police officer to explain their juridical system in a two-hour workshop), the OCCID’s explanation about criminal cases provides a threshold, a grey zone that many of the LC 1 and LC 0 chairpersons can use. This threshold provides breathing room for the police, as the LC 1 can step in to settle these disputes. It also provides the police with the opportunity to defend their position when they are criticised, as they can argue that the LC 1 stepped out of their jurisdiction, since they are not allowed to deal with criminal cases. Simultaneously, this grey zone relieves them of their burden to deal with each and every case, since they now share them with the LC 1 and LC 2.

The contradictory explanations and (deliberate?) vagueness they use to explain which responsibilities fall under whose jurisdiction makes it difficult to understand precisely what the police, or in a broad sense the state, asks – and permits. Such illegibility creates room for the police officers and the LC 1 and LC 2 chairpersons, as well as other actors, to manoeuvre (Das 2004). It enables the police to maintain their position as the sovereign power in name, while simultaneously ‘turning a blind eye’ to all the criminal disputes that should not have been handled by the LC 1 and LC 2. At the same time, this vagueness is necessary, since these criminal cases are not supposed to be dealt with by anyone other than the police or the magistrate court. By keeping the purview of their authority vague, they are not breaking their own rules. Likewise, this grey area enables the LC 1 and LC 2 to claim jurisdiction within their entities in the name of the state, even though they were not supposed to. Their actions, as effects, establish how ‘the state’ works in practice as well as impacting the image it holds. Furthermore, the way the police, the LC 1 and LC 2, and the clan councils work together, but also depend on each other, shows how they each hold a position of semi-sovereignty. Rather than a form of ‘partial sovereignty’ or contentious positions of sovereignty, they are intrinsically linked to and rely upon each other for their own position as trustworthy authorities in the area.
Conclusion

This chapter ethnographically analysed how the police attempt to maintain good working relationships with the lower-level government councils in Kisoro District. I argue that the concept of law is used by the police to claim and acknowledge positions of sovereignty in this sub-county. Due to their reliance on the practices of the LC 1, LC 2 and the clan councils, they purposely create a grey zone in which other actors can manoeuvre in relation to – but not necessarily be bound by – the law. By using a sensitisation workshop organised by the police as case study, I unravelled some of the tensions surrounding who decides who should handle the criminal cases that exist between different actors working inside (and outside) the state in relation to their different semi-sovereign positions. These tensions are not only felt by different police officers, but also by the different local government officials working for the LC 1, LC 2 and the clan councils. I observed that the sensitisation workshop was not only organised to educate the newly elected chairpersons on their responsibilities, but was also a means for the police to establish and maintain their own position as sovereign in this specific sub-county. They did so through a well-considered performance and choice of words when explaining the responsibilities and space within which the LC 1 and LC 2 must resolve conflicts and deal with issues in their specific villages or parishes.

The peculiar relation between the police, LC 1, and LC 2, as well as the LC 0, shows how different groups of actors claim ‘legitimate’ sovereignty in the area and how their positions take shape in relation to each other. The police are an interesting group to study, since they claim, at least in name, to be the most important representatives of state sovereignty in the district. However, in everyday practice, they struggle with a lack of staff, material, and resources as well as a poor image that is saturated with rumours of corruption, nepotism, and the misuse of power. In everyday life, the police are dependent on the work of the LC 1 and LC 2, as well as the LC 0, who help them to maintain stability. Paradoxically, these efforts signal that the police do not hold full sovereignty in the area.

The second point I made is about the illegibility of the state, in terms of the vagueness that surrounds the LC 1’s jurisdiction to decide on criminal cases and their powerful position to determine which case should be referred to the police or not. This lack of transparency creates a grey zone which benefits all of them, to a certain extent. For one, the police remove themselves from any responsibility for the actions of the LC 1 by emphasising how the constitution is what guides the LCs. They also emphasised on
several occasions that criminal cases should be brought to the police immediately, even though they simultaneously urge LC 1 chairpersons to settle small criminal cases themselves. This makes it difficult for the chairpersons to understand precisely what ‘the police’ or ‘the state’ wants. The illegibility of the rules and regulations of the state provides a platform where individual actors (public servants as well as citizens) can negotiate over authority and power (Das 2004). The legal language is used by the police to ensure their own position of sovereignty within a social environment where multiple rules and norms affect people’s behaviour. At the same time, the LC 1, and likewise the LC 0, can also make use of this grey zone by taking advantage of the illegibility of the state. The fact that there is little supervision of the police makes them relatively free to act according to their own motives, and provides them with an important position of power. After all, this grey zone affords them great influence over whether residents are able to access certain channels of justice.

In this chapter I have mainly discussed the tensions surrounding the semi-sovereign position of the police in relation to the LC 1 and the clan councils. In the next chapter, I look at the different (groups of) actors that participate in semi-sovereign practices and shed light on how this creates or removes space for people living in the area who need to navigate these different forms of sovereignty. By looking specifically at the case of a woman breaking one of the clan’s rules, I emphasise the different positions of inequality and power that people face. I also show how the various ‘options’ for dispute resolution are not always as simple as they seem.

Introduction

In this chapter I ethnographically explore the ways people navigate different (in)formal systems for dispute settlement at the village level in Kisoro District. These systems range from informal clan councils to local government councils in the village (LC 1), parish (LC 2), and subcounty (LC 3), as well as the district police department and magistrate courts.\(^{50}\) Following the work of Moore (1973), I understand how people take part in different kinds of governing mechanisms. Such mechanisms include informal associations for savings and lending between neighbouring women in a village and trade associations between shop owners. Others are more ‘formal’, for instance local government councils in the villages, parishes, sub-counties, and the municipality or a department of the district police. Each of these groups has different levels of autonomy (and authority) over which they enforce and maintain the rules and norms of their members. What is more, different groups set overlapping and conflicting rules for their members. This means that in practice, breaking a rule is often inevitable while navigating the multiple co-existing – and conflicting – laws, rules and norms.

In this chapter I look at how clan councils and government institutions establish and enforce rules, and what tensions arise when a rule is broken. In the first part of the chapter, I explore how people deal with such rule-breaking situations and how the decisions they take impact them in the future. I posit that people do not have equal means at their disposal to pursue their goals, but rather are subjected to power dynamics and inequalities. Inspired by Sherry Ortner’s work on power and agency, I understand how people are “always involved in, and can never act outside, the multiplicity of social relations in which they are enmeshed.” (2006, 130). One’s position in society, such as one’s age, gender, ethnicity, and clan ties all create expectations and possibilities that one needs to meet. They also provide different opportunities and room for manoeuvring for each person. Likewise, one’s network of family, friends,

\(^{50}\) The different groups that deal with dispute settlement transcend the list of institutions I have referenced here. For instance, think of the many religious institutions that deal with various kinds of disputes among their members. For the sake of clarity of argument in this chapter, I focus only on the clan councils and the police.
neighbours, and colleagues, may affect the means and services through which people are able to pursue their goals. Such social relations are dependent on one’s own abilities to engage in social relations, but they are also shaped and constrained by the role of culture\(^\text{51}\) (Ortner 2006).

In the second part of the chapter, I explore what such rule-breaking practices say about the workings of semi-sovereign practices and the way ‘legitimate’ sovereignty and power are negotiated. Here I am specifically interested in the ‘boundary-marking’ practices through which positions of sovereignty are upheld (Das and Poole 2004b). Inherent to the way ‘the law’ and ‘the state’ are imagined are what Das and Poole refer to as ‘boundaries’ of inclusion and exclusion, between the official and unofficial, between the state and non-state, which emerge through state practices (Das and Poole 2004b, 7). What is understood as legitimate, they show, is inherently connected to state practices. As I have outlined in chapter 1, we should keep in mind that what people understand to be the state comes into existence in effect of everyday practices between different state and non-state actors (Mitchell 1999). This means not only that ‘the state’ is created through a variety of practices and that it must be performed, but also that governance in practice is determined by multiple actors. Hence, a variety of actors are able to use “symbolic languages of authority” connected to ‘the state’ to uphold a position of sovereignty in the area (Hansen and Steputat 2001b, 8).

The usages of legal language, through speeches, letters, and the performance of rituals, establishes an aura of ‘official’ legitimacy. Such usage of ‘topoi’ (from topos (s), meaning place or common place), exemplifies how different modes of legal reasoning exist through which people are able to enact ‘the law’ (De Sousa Santos 1977, 14). Thus in daily practice, different legal systems co-exist parallel to that of the state, yet make use of similar practices of legality as the state (De Sousa Santos 1977, 5). As the case study on the Panchayat of the Siglikars caste in India by Das vividly exemplifies, it is through the usages of written (legal) language and stamped court papers that this group of elders is able to create an ‘official air’ to their informal practices (Das 2004; Das and Poole 2004b, 23). Simultaneously, it is through these practices and relations between state and non-state actors that state and non-state institutions blur and seem to fade into each other (Buur and Jensen 2004; Lund 2006b; 2006a).

\(^{51}\) I follow Ortner and understand culture as transcending the classic notion of culture as both enabling and constraining people to understand, observe and imagine the world around them. Rather, the way culture enables and constrains people’s way of interpreting the world is shaped by specific regimes of power in specific histories of time (2006, 14-15).
In this chapter, I make a similar observation in reference to the way clan councils in Kisoro District gain part of their legitimacy through their status as ‘LC 0’, and in doing so shape understandings of sovereignty in the district. The LC 0 makes use of legal language, symbols and rituals, such as the monthly gatherings, their membership uniforms, written administration, and the ‘official’ clan stamp, as I explained in detail in chapter 4. However, while acknowledging the important role of state practices in providing them a certain aura of legitimacy, part of this legitimacy is not derived from their practice of identifying as state or the similarities between legal usage, but rather because of their status as non-state. I suggest that certain groups, including specific castes in India, religious groups, neighbourhood associations, or in my case the clan councils in south-west Uganda, partly derive their legitimacy from legal or state languages, but partly from their position as ‘something else’. This is because, to an extent, clan councils are popular in Kisoro District due to the fact they are not the state. The efforts they make to uphold traditional practices such as alcohol help clan councillors draw attention to ‘the community’ and ‘the clan’ and thereby position themselves vis-a-vis the state. At this point, I should emphasise that the practices related to sovereignty concern not just how the state comes to be or the way non-state institutions make use of the legitimacy of the state, but also say something about the way various semi-sovereign entities engage in so called ‘boundary-marking practices’ (Das and Poole 2004b). For instance, the use of certain customs that are specifically detached from the state, such as the use of beer in clan councils, is a way for clan councils to mark their differences and distance themselves from the state.

In this chapter I describe a case study where the rules are challenged and tensions arise between the clan council in village E and the police, analysing a dispute that was handled during one of the clan meetings I attended. The case is that of a woman who broke one of the rules of her clan by going to the police. I analyse the reasons for her actions and why her fellow clan members disapproved of them. Her case illustrates the fact that she is embedded within a web of social power relations and how she must deal with – and manoeuvre around – the different rules set by the clan council as well as the police. Her position as a woman and ‘an outsider of the clan’ by blood, exemplifies how positions of inequality and power dynamics within social relationships influence her ability to mobilise her agency. In using her case, I wish to emphasise how she must carefully balance the different tensions surrounding the semi-sovereign positions of the clan and the police, and how engaging with her agency does not necessarily equate to a win-win situation. Rather, I argue how breaking the wrong rules may in fact have severe consequences.
At the same time, her case traces the boundaries at stake surrounding what is acceptable rule-following or rule-breaking behaviour and what is not. It shows how people may bend the rules, or even break them in certain situations, as well as that tensions can arise as boundaries between different semi-sovereign groups are at odds and ideas about sovereignty need to be defended. Here different actors may try to convince each other of their position of authority in the area. These ‘boundary marking practices’ – where groups of actors engage in various performances to legitimise their actions – are spaces where the state comes into being, as was explored in chapter 5. Simultaneously, these are places where other, semi-sovereign entities take form.

On Women, Kinship and Agency

The case of Fiona brings us to village E, where the majority of people are members of one of the two clan councils in the village. As already discussed in chapter 4, these clan councils play an important role in the daily structures and decision-making practices at the village level. Many of the people living in the area view the clan councils as the first (unofficial) government council that settles disputes in the area, and their work is tacitly approved by the police and government councils in the area. They have thus taken on many of the responsibilities and social services where the government falls short. Of importance for this case is the fact that they have their own tribunal court, through which disputes are settled and crimes are solved. Most of the disputes are related to alcohol, often involving quarrels in bars which ended up with people beating each other or threatening to kill one another.

Besides bar fights, other cases are usually about land disputes, for instance about a person cultivating on someone’s land without consent, disagreement on the boundaries of plots of land, or cases about illegal trespassing, among others. Because of the work they do they have become a crucial actor through which rural people are able to make a living and gain access to necessary social services and a semblance of justice. While clan councils are often understood or dismissed as ‘small associations’ or ‘informal gatherings’ by government officials, for their members the rules of these clan councils are often more important than those of the local government, since the services they provide are crucial for most people to survive. As I already elaborated on in chapter 4, if they break a rule or fail to pay a fine, members may risk being expelled from the group, with the associated risk of losing all the benefits of being a member. Next to the financial and healthcare advantages of membership, being thrown out of a group also has socio-economic consequences since it means that members are no any
longer allowed to socialise with you. This includes practices such as buying at your shop or attending your wedding. Therefore, the risks of losing membership are severe and their rules are taken with caution to not risk losing their membership of the group.

With this in mind, I present one of the discussions that took place during a meeting of one of the clan councils in village E. Like most of the clan councils, they meet every first Saturday of the month to discuss the goings-on within their group and any issues at hand. Such meetings usually take several hours, as a lot of time is devoted to attendance registration and the payment of monthly membership fees. Similar to the preciseness with which the registration process is carried out, the rest of these meetings are given a similar kind of devotion. In this clan council, great emphasis is placed on democratic decision making, ensuring lengthy discussions among members, as each person that wants to contribute is given space to do so.

The meeting of July 7, 2018 started around 10 a.m. in the morning. Slowly, one by one, people entered the room. The chairman, vice-chairman, secretary, and treasurer were sitting at the front. Each of these men were sitting on a chair and shared a wooden desk in front of them. The other people were slowly gathering and took their place on wooden benches which were arranged as two wide rows, separated from each other by a small aisle. On the left side of the room the men were seated, with women on the right. It took around two and a half hours to register everyone before they were able to discuss the activities and issues that were at stake. During this process, each person was asked to confirm their presence and walk to the front of the room to pay the monthly fee, explain their absence from a previous meeting, or pay a pending fee or fine. At the same time the secretary and treasurer were bent over the registration book and finance book, writing down names, dates, and numbers.

Several cases were discussed, ranging from an agreement on hygiene fines when lacking a toilet, bathroom, or kitchen in your home, to agreeing on new money lending agreements and settling the case of a theft of a phone. It was around 3 p.m., 5 hours into the meeting, when the chairman mentioned a case concerning a woman, Fiona, breaking one of the rules of the clan. The case is interesting as her actions – and the subsequent responses – lay bare the tensions between the police and the clan council regarding questions of legitimacy and authority. At the same time, Fiona’s case illustrates her enmeshment within a complex web of social relationships, as well as her motivations for breaking a rule of her clan by choosing one set of semi-sovereign practices over another.
Robert, the clan council chairman I introduced in chapter 4, brought up the issue by saying how one of the women went to the police before going to the ekiika, and reproachfully explained to the audience:

You have to go to the ekiika first, before you go to the police with a matter, that is the rule. This woman, she went to the police and a family got arrested before the ekiika were able to handle the case. This is disrespecting the jurisdiction of ekiika, making the ekiika tribunal [court] meaningless.

Fiona was sitting in the back of the room, on the right side of the aisle. When she noticed that the chairman was talking about her, she stood up and left the building. Her disappearance sparked a conversation between two members, one saying how registration should be done at the end of the meeting, instead of before, to make sure people do not leave during the meeting. A third man shushed them down saying how this was not the issue at stake, rather “we have to focus on the fact that the woman was going to the police.” Fiona, standing just outside the door, re-entered building, while the chairman, looking for a way to get everyone’s attention back, gratefully picked up on what the third man just said, and spoke with a loud voice: “We have to understand that the ekiika do not get any recognition as a group when one would go directly to the police.”

Fiona, eager to explain her side of the story, now took the floor and explained she was in a dispute with her family-in-law, who were also part of the same clan council and were threatening to kill her. This was why she went to the police, she explained. She argued that her case was a criminal case and therefore had to be handled by the police. However, she received a lot of responses from the other people in the room, one of them shouting that she must pay a fine of at least 10 jerrycans of local beer for breaking the rule. Another man told her that it was a mistake that she did not report it to the ekiika, insisting how her dispute with her family was not the issue, but rather that her approach to the situation was wrong: she broke the rule of the ekiika by going straight to the police. The woman disagreed with him, saying: “But I did report it to the ekiika, to the chairperson of women affairs”. All heads turned to look at a woman sitting on the right side of the aisle somewhere in the middle of the room. The woman in question was of middle age and, like most of the women in the room, wore a kitenge (colourful fabric cotton which is common in the area to wear as a dress or skirt). The woman stood up, looked at the chairman and said: “She did say it to me, but I met her on the street when she was already on her way to the police. That is why she did not intend to say it to the ekiika.” [emphasis added]. After hearing this, the chairman firmly said:
“The fine is 1 jerrycan of the local bushera in the form of 20,000 UGX at the next meeting.” With these words the chairman decided for the clan council in general and ended the case. Fiona stammered that she could not pay that amount but people were already starting to stand and leave the building, ignoring her complaints. She loudly stated that she did not intend to pay the fine while walking away, seeming upset.

The fine she has to pay is a general fine given for many minor infractions. Although the fine may seem small (roughly 5 euros), it is a large sum in addition to the living costs that people, especially parents with children who go to school, must deal with in Kisoro District. As I mentioned earlier on, the rules of the group are strict and when they fail to pay the fine, members risk being thrown out of the group, and in the process losing all the social and economic benefits of being a member. This in fact occurred with Fiona, who was still not welcome in the group when I returned to Uganda in 2019. Edmund, the chairman of the construction committee within the same clan council in village E, told me during an interview: “We are waiting for her to come, but likewise today she is not a member of the council because she is not sitting with us. (…) When she gets ill then it’s difficult for us to help her. She needs to first come and solve the other problem before we go there.” (LC 0 board member (Edmund), village E, interview with author, February 12, 2019).

Two questions arise from this episode: first, why did Fiona go to the police if she knew she risked being fined for breaking this rule, or even removed from the group? Second, why is the clan council so strict in upholding these fines? In the next part, I will first elaborate on Fiona’s position in the clan. Her story brings agency back into perspective and demonstrates how such practices of agency must be studied in light of the context in which people are embedded, as well as the power relations that she takes part in. The last part of the chapter will focus on the second question and zoom in on the tensions that arise between the clan council and the police, exploring why such rule-following behaviour is important for their existence.

Positions of Inequality and Power Dimensions

What were Fiona’s reasons to take her dispute to the police instead of the clan? Unfortunately, I was not able to speak to her in person as my fieldwork period came to an end before I had the opportunity. However, her preference, the police, is one that many (young) married women make in the area. According to one of the senior investigating officers working for the Kisoro Police, some women go to the police instead of the LC 0 because they feel the members of the LC 0 “are friends to their
husbands or the accused person, so she feels that even if she runs there, she may not get justice or she will not be assisted. [That is why] they end up coming to the police.” (OCCID, interview with author, February 14, 2019).

It must be emphasised that women marry into their husband’s clan. Therefore, when having trouble with her husband or in-laws, the clan council that settles the case is often comprised of her husband’s male family members and his male friends. This is something I heard frequently. During a focus group interview with elders discussing traditional beer practices, one of them told me:

And the other thing is that, because women come from other families, they have not been part of this umuryango [clan council], they think if they report to the umuryango, the umuryango will mostly bend to the side of the man and not to their side. So they jump that line and then they go the other way. (Fred, elderly man, focus group interview with author, February 16, 2019).

One of the LC 0 chairman also mentioned how such blood relations are the reason why women do not participate as chairpersons in clan councils, even though they could be chosen:

So the societal clan is for men, because they are born within. A woman comes from somewhere. You marry her from somewhere and she comes in. So how can she head [lead] the clan, yet she is not from the clan. (LC 0 chairman village C, interview with author, February 13, 2019).

Others also blamed the different social expectations on men and women regarding leisure time and domestic tasks. One of the social activities of men is to sit in one of the many local bars and drink a beer with their friends while talking about the issues and events at stake in the clan. Women, on the other hand, are not supposed to be drinking or socialising in bars. Rather, as I highlighted in chapter 4; “a woman is supposed to be home in the evening. She is supposed to cook for the family. Now how will you cook when you’re drunk?” (Richard, interview with author, September 17, 21, 2018). Such social expectations also influence the web of relationships women can be part of, as women are often not able to befriend people who occupy important positions in the clan councils. This is something of a catch-22, since being present in bars says something about the kind of woman they are (one who behaves badly) and would affect their social standing, which would in turn make them ineligible as clan leaders. This means that by acting like a ‘good woman’, she finds herself unable to
maintain similar relationships with clan chairpersons as her male family-in-laws, who can pass time in bars.

That is true, because a woman, married maybe 10 km away, and when they come to the LC 0, purely they are strangers. They are not related, they come in as wives. So it may apply, although sometimes it doesn’t, because if it is an objective person then he would be honouring the rights of this wife, even if she is a stranger. Imagine someone’s daughter from very far, comes to the village? Now sometimes it works the other way around, that they are treated fairly, delicately. Because they know that if they are treated badly they would go home to their respected place. So it works both sides. (…) But it still happens that if the chairperson sits with the husband in the bar, they certainly treat them like that, that is true. (municipal clerk, interview with author, February 20, 2019).

So the LC 0, you find that most of their members are men and they have that direct relationship with the husband. You find that culturally a woman is not supposed to sit in bars after 8 p.m., but these LC 0s [LC 0 chairpersons] are there with the husbands of these women. There is that connection of being together all the time, so there is that lack of communication between the women and the LC 0s. So when the husband goes home and threatens her, even if she goes there [to the LC 0], she doesn’t have their trust. (OCCID, interview with author, July 4, 2018).

What becomes clear from these different statements is that one of the reasons women may choose to file a report to the police instead of going to the ‘tribunal court’ available at their clan is out of fear they will not be treated equally by the ekiika. The worry that women feel because of how their husbands are embedded in clan relationships is something I have heard many times. The municipal clerk explained how people frequently fear a lack of partiality, not only within the clan councils, but also in the lower-level local government councils (LC 1 and LC 2):

Then, impartiality and having interest in… [he is silent for a moment]. There are a lot of times when judgements are not based on the witnesses or evidence, but they are based on relationships, he is my friend, we drink together, he married my daughter. So being impartial is one big challenge. That is why people are appealing and appealing. Then people have no trust in those courts [LCs] because of that reason. Because sometimes the chairperson, he thinks he will not handle your case fairly. That is why some of them are reluctant to even bring their case to the LC 1. Even civil cases. You find them where? At the police.
Yet, most of these civil cases are supposed to be handled at the village level. Issues like ‘he borrowed my money and he has not paid’ and the money we are talking about is 20,000 UGX [5 euro], that is very civil and should be handled at family level [clan council]. If it fails it should go to LC 1, but you find people coming to the police. Something that is way above considered to be consulted by the police. So, the challenges are many, certainly. But I would say those are some of the challenges. Ignorance of the law, impartiality, lack of trust. (municipal clerk, interview with author, February 20, 2019).

The senior investigating officer that I mentioned earlier told me that many women come to the police to report their husbands or in-laws. For minor issues, the police would ask them if they had been to the LC 0 before coming to them. If not, they would advise them to first go through these channels to solve their issues. One important distinction is that the police would always give them a letter, in which they ask for a report on how the case was settled. This letter, and especially the request for a report, is important for women as the report secures a more ‘neutral’ and ‘fair’ handling of the case.

While I cannot say with certainty that this was Fiona’s motivation for choosing to go to the police, her dispute within the clan still serves as an example of the complex power dynamics and inequalities that exist in rural villages. In her case, the members of the clan council have strong family connections, as each person in this village belongs to the same patriarchal clan. Although this clan council has a women’s representative as well as a separate women’s council alongside the main clan council, this women’s council is specifically there to solve disputes between women. The tribunal court committee itself, similar to the executive committee, mostly consists of male members, except for the vice-chairperson of the tribunal court committee. Therefore, the chances are high that whoever looks at Fiona’s dispute with her in-laws would be either related to her husband or brother in-law or their friends. Her mother-in-law, having been in this clan for quite some time, most likely has close relationships within the women’s council group. This is in opposition to Fiona who, being relatively young and new to the area, may not have similar relationships that she can benefit from, and therefore may be concerned about gaining a fair trial at the clan council, as opposed to taking her dispute to the police. At the same time, other women may have had similar experiences, and therefore might even have empathy for her. This remains guesswork, however. In the end, she made the choice between breaking a rule of the clan and risking her membership, or risking a trial where the people who hear the case may not be in her favour, or even be biased. At the same time, by going to the police,
she has ensured that a third ‘neutral’ party observes how the dispute is settled at the clan court, since they require a report of how the case has been settled. The voice of the police is important, since they uphold the jurisdiction of the state, at least on paper, and if the clan does not give a fair trial, they are able to intervene. Their presence, albeit at a distance, may change the way her dispute is settled. By going to the police, Fiona ensures that her case is on the police’s radar, even if this puts her in a difficult position with the clan council.

Fiona’s dilemma shows how making a choice between the rules of the clan council and those of the police is not as simple as it seems, but rather a difficult choice that can have many negative consequences. Legal pluralism carries with it the positive implication that having multiple legal and/or normative systems in the same area benefits people, as they have the ability to choose between different sets of rules. In the developing context, it is often seen as beneficial, as informal justice systems provide alternatives for where the state ‘fails’ (Anying and Gausset 2017, 355; Barrera 2015; Corradi 2011, 2). While Anying and Gausset argue that women in northern Uganda can strategically ‘shop’ across different legal and normative orders by playing “different cards in different systems” (2017, 368), the benefits of ‘forum shopping’ should not be overestimated (2017, 355, 369). People occupy different social, economic and cultural positions within their communities and move in different networks of social relationships, so the choices they make between different legal systems can also have different implications (Corradi 2011, 4). As such, choosing between multiple options is not necessarily a positive experience. Fiona’s decision to go to the police instead of the clan may ensure a less biased outcome, but it also put her in a difficult position within her clan and has most certainly impacted her clan relationships in the near future. Furthermore, I wish to emphasize how people experience different (unequal) positions of power as they have different resources, established connections, or morally acceptable excuses for their behaviour at the time (Ortner 2006). Fiona’s case in particular emphasizes the different positions that men and women have within these webs of social relationships, and thus how they can position themselves in relation to others as well as what they want to achieve. As Ortner argues, these different positionalities have to do with culture, in the sense that our aspirations and goals are often culturally constituted by expectations on how to behave.

Ortner (1996; 2006) uses the example of the Grimm fairy tales to illustrate how the agency of the main characters are gendered and culturally constructed. Whereas male
characters were focused on achieving agency, becoming brave and defeating dragons, the agency of female characters was dismantled, in the sense that their characters involved a rite of passage whereby they changed from rebellious and active girls into subordinate grown up women, worthy of marrying a prince. More so, women with agency are often portrayed as wicked or evil, and are punished (1996, 9–10; 2006, 140–42). In a similar manner, I see how the gender roles in Kisoro District lead to very different social expectations of how to behave and what tasks to perform. As a consequence, even though people know one another as they are connected through their clan council, their husbands, or their neighbours, women are often not able to spend their time in similar places (such as bars) as men. Therefore, they establish different kinds of relationships with clan council members than their male counterparts. These different positionalities influence the ways people experience power, inequality, and competition among the people they interact with on a daily basis.

At the same time, Fiona’s case shows something else. Her situation not only sheds light on the power dynamics that clan members face when interacting with state and non-state institutions, as well as the consequences these choices can have, but also clearly shows the tensions between different sovereign powers and how these actors deal with them. While at first glance, the rule that she broke – ‘going to the police instead of the clan’ – seems like a minor offence, her act provoked a large reaction from the chairperson and clan members. To an important extent, this is because her act provokes questions on the authority of the clan and their sovereignty over the community. Her case illustrates the motive(s) for breaking a rule, but also touches upon the questions of who may break a rule, in what situation, and what effects rule-breaking has on established relationships. By going to the police, a barrier becomes visible between the police and the clan council as tensions arise around the question of sovereign power. In the next section, I will explore how breaking a rule can be seen as a ‘boundary marking practice’ and discuss why the clan’s reaction was so extreme.

Legitimacy and Boundary Marking Practices

The last part of this chapter is devoted to the chapter’s second question: Why is the clan council in village E so strict in upholding these fines? This question is important, because Robert, the chairman, consistently voiced his concerns about the clan’s survival – this seemed to worry him a lot – and because his concerns about the clan’s role in governance practices in their community offer a means to unravel the tensions
between the police and the clan council in determining their position of power and authority. It was in this light that he emphasised the importance of this rule, the importance of demanding respect, and how failing to obey the rules of the clan would mean the clan would lose its significance. After all, what role would they have in relation to the police, the courts, or the government councils if people went to the police with their disputes? Let me repeat his explanation of the issue one more time:

You have to go to the ekiika first, before you go to the police with a matter, that is the rule. This woman, she went to the police and a family got arrested before the ekiika were able to handle the case. This is disrespecting the jurisdiction of ekiika, making the ekiika tribunal meaningless.

The chairman’s words delve into the question of legitimacy, sovereignty, and specifically the tension that exists between the clan council and government institutions regarding their role in settling disputes in the area. Later, during an interview, I asked Robert what he meant with his words. He agreed that it was about legitimacy, and told me:

Sometimes when it is a simple case, we are the very people to just recommend. Because when you go to the police and they also bring you back with something like an order that ‘you do this then after that one you inform us’. So you may find that you are degrading the ekiika. (LC 0 chairman, village E, interview with author, February 1, 2019).

He specifically refers to the police letter that asks them to solve the dispute, as well as to inform the police of how the matter is solved. Such questions stir up tensions, since this type of cooperation usually involves a hierarchical power component between the police and clan. Instead of being on an equal footing, they are now being asked by the police to sort things out, exposing a tension as to who has overall power. Here ‘boundary marking practices’ are at play, similar to those described by Das and Poole (2004, 7). Whereas Das and Poole focus on the legitimacy of the state, in the case of Fiona, these boundary marking practices are focused on the clan. In this case, the chairman enforces forms of violence in an effort to legitimize and protect the jurisdiction of the clan. To a certain extent, the emphasis that Robert places on the meaning of their own justice system shows how he places the rules of the clan on a similar level as the police (or even above them), contrary to what the police suggest. But at the same time, his words show the fragile line between being necessary and pretending to be necessary. Are they really as important as they seem, or are they trying to convince their members of their importance in the village?
Boundary marking practices are also at play here, as different groups of actors try to maintain their position as legitimately sovereign in local disputes. Both the clan councillors and the members of the police try to convince each other that their rules and legislation are important. As discussed in chapter 5, the police symbolically make use of the law to portray themselves as powerful law enforcers. Likewise, by being vague about the actual implementation of the law and the different roles the government and clan have, they radiate legitimate authority onto village councils, and partly onto clan councils, while maintaining their own image as the legitimate sovereign in the area. In a similar manner, clan councils make use of bureaucratic practices, mirroring the government councils in form and content. In doing so, they blur where the state begins and the clan ends.

In chapter 4, I explored how clan practices give form to the state, while in effect their practices also blur the institutional boundaries of the state. There, I showed how clan councils, or LC Os, have changed over the years in seeking to remain relevant to their communities. I delved into questions of sovereignty and explored the ways that clan councils not only strive to act like the government in their efforts to bureaucratize, but also how they try to distance themselves from the state so as not to risk becoming ‘meaningless’. In this chapter, I want to illustrate how the practices surrounding sovereignty are not one-sided, but relational. It is not only the clan councils that ensure they are seen as official authority figures through their appearances – the police also have an important role in this. By partly shifting minor disputes back to the LC 0, while at the same time demanding mandatory reporting from clan councils, they recognize the work of the LC 0 and thus contribute to the legitimization of their authority. Both actors are therefore inherently intertwined and contribute to what (semi) sovereignty looks like in practice.

Although clan councils have an important role in dispute settlement at the local level, both the police and the LC 0 proclaim a different version of the role of the clan in maintaining law and order, as different forms of reasoning and examples are given to explain the place of clan councils in legal jurisdiction in the area. The police, local government employees, and villagers I spoke with praised the work of clan councils and their importance in maintaining law and order in the district, although the words they used to do so were very different. For instance, the senior investigating officer explained how the clan councils aided them with the volume of minor cases in the area:

[Y]ou get 500 cases today, tomorrow 200 cases, when you try to follow one, you meet with others, pending. So for them [LC 0], they handle the cases and
conclude with them. When it is in need of reconciliation, they reconcile and close the file from there. So you find that people are living in harmony, not like ‘I am having a case at the police’. Those ‘small small’ cases, if they can be concluded at the local level, it assists us so much. (OCCID, interview with author, February 14, 2019).

The officer argues how court costs, different aims (reconciliation versus fines), and a better understanding of local situations and relations make the LC 0 a better fit to solve minor disputes within the community, as opposed to the police or local government councils. In a similar manner, the LC 3 subcounty chief explained to me how:

They are not a legal entity, but in terms of government, the constitution allows us, there is what is called freedom of association, you know that? People are free to associate as long as they want. These are people residing in the same locality, and probably with the same relationships. But the issue is that people who are moving around close to each other, they form like an association. I can call it an association, but not registered. (...) You get it? It’s just a group of friendships. Sometimes not even in writing! (LC 3 chief sub-county Y, interview with author, February 13, 2019).

He dismissed the clan councils as informal associations, and that their members, just as in other business groups or friendships, are free to do as they like as long as it is within the boundaries of state law. In doing so, he removes these clan councils from the legal sphere and places them in the private sphere. He further explained to me:

When you are in an argument with somebody, before you go to LC 1, you can actually proceed to these LC 0, because they are your colleagues and first discuss it. Because originally you are not angry, but in the service of or something not good on your side. How about you go to the LC 0, to the one who is offending you, and you say, your member is doing something, and it is not making me happy, it is something not good. So, if that person can come on board, and he can say ‘but you misunderstood me, please’ ‘ok sorry’ – at that point, it is not considered a case. (LC 3 chief, sub-county Y, interview with author, February 13, 2019).

The LC 3 chief is not alone in decreasing the value of the clan’s work in dispute settlements to minor family issues. The chief administrative officer (CAO), who oversees all public services and administration in the district, even alleges he had never heard of the LC 0 before, and when I asked again, assured me that:
Well, I have seen it here, but majorly, it is about people organizing themselves, into burial associations, so if someone loses a relative, or loses somebody, the people come together to help. (...) It’s just [an] initiative of the communities locally to see how they can manage themselves. (CAO, interview with author, January 30, 2019).

With such explanations, the police and other officials occupying higher government position assured me that they only refer cases to the LC 0 when it involves small issues and they see no reason to handle the disputes themselves. Presumably, the police do not need to intervene in minor family disputes where only forms of mediation are necessary; rather, they deal with criminal cases. Cases such as Fiona’s are common and often not substantiated, or complaints are withdrawn. The underlying fears are therefore not always believed by the police, but are seen more as a ‘strategy’ by women when they want to cool their husbands’ tempers or to scold them. In this light, the letter from the police to the LC 0 asking them to resolve the dispute internally, along with the report on how it was resolved, are ‘only’ for administrative reasons and to clarify what ultimately happened. In this way, they also have on paper whether the conflict has been resolved, and if so, how. Furthermore, they have something to fall back on if a conflict ends violently.

The clan councils, on the other hand, use very different arguments to reason why the police refer cases to them. They see this letter and the report that the police wants as proof of their important role in the dispute settlement. While the police and the courts are present in the area, the clan councils are the organisations that truly handle disputes in the area. One of the LC 0 chairpersons I interviewed proudly explained to me how it was the clan council that solved the majority of cases. It is they, he emphasised, who are the backbone of the legal framework in the area:

And also the cases of women, [wives] who want to leave their homes, their husbands and they are alleging that maybe they fought. So the first question that they ask is, have the people from the ground heard about your case. If they find out that it was not heard by the LC 0, they send them back. So they send her back and they tell her, you first go and solve it from the ground. (...) The only cases they retain, are cases where people fight and they have wounds and they shed blood. But others which are simpler, they usually send them back. But even, for example, the only thing they require us to do in cases [where] a wife had gone without us talking about, is that they require a letter from us, so we acknowledge that we solved the problem and we make a copy to the court and then it ends there. And usually we solve these cases and they don’t go back
for them in courts. (LC 0 chairman, village C, interview with author, February 13, 2019).

Here, the LC 0 chairman emphasises how the letter and report not only symbolise their importance for law and order, but also show how good their working relationship is with the police. This is seen as proof of the police recognising their legitimate position as an authority in the community. The same LC 0 chairman also emphasised their importance and cooperation with state institutions, as he told me during the same interview:

[T]hey don’t want to have cases, even the easier ones. They want us to solve these issues, but if it fails with us that’s when it goes there. But then it goes level by level. From us to seven clans [sebataka], from seven clans to LC 1 to LC 2, LC 3 may be even LC 5 up to the courts. Even when it reaches [the courts] and they are solving these issues they pass through us, they call us, especially me [the chairman]. They call me to go and testify. They ask me how things went. So I say, this one was supposed to compensate this one, that’s how we agreed, but he refused. So they rely on us so much.

The point the LC 0 chairman makes – that the police are working with them and thus ‘recognising’ them – is one take on the story, albeit one which police officers or other government officials might not share. He underlines the important role of the LC 0 and emphasises their competence in dealing with the specific disputes for which the police rely on them. This emphasis is necessary, since their legitimacy is not written on paper, as is the case with the police. Rather, clan councils have to be involved on a daily basis with acquiring and maintaining their sovereign position in this area. Their insistence on handling such disputes, along with their strict rules for members, thus help them to mark their territory.

Different Perspectives on Similar Events

These perspectives show how different parties make use of the ambiguity surrounding the correct procedures for resolving conflicts. This is due to the lack of clarity surrounding the legal options available to people. For example, it may be clear on paper that one can go to the LC 1, LC 2, LC 3, or the magistrate court for civil cases and to the police for criminal cases, but in practice this becomes more complicated because the police do not solve all (minor) problems in the district. Instead, they have shifted many of their responsibilities to the LC 1 and the LC 0, as I focused on in more detail in chapter 5. This complex interdependence of responsibilities makes it difficult for
people to know where to go in practice. On the one hand, the possibility of ‘forum shopping’ (Von Benda-Beckmann 1981) has advantages for the various groups of actors involved. For example, a person who does not trust the LC 0 or LC 1 chairman will go to the police with a civil case or minor dispute to avoid partiality, even though this is not the right procedure. For the police, the lack of clarity surrounding dispute settlements means that they can hand over parts of the workload to the LC 0 and LC 1, also because they have no manpower or resources themselves. The clan councils use their relation to the police and the court, as well as the fact that the police refer cases back to them, to emphasise their sovereign position regarding legal matters in their communities.

On the other hand, while one person or group may experience advantages from this system, this may not be the case for others. This is evident in the way the police in the area are portrayed by the clan councils. Whereas the clan councils portray themselves as reliable actors – after all, they are cheap and able to mediate the conflict in a short period of time – the police and the courts are portrayed as less reliable. Waiting times are considerably longer, the costs are much higher, and they may ultimately refer a dispute back to the clan. The fact that the police as well as the magistrate and LC courts return cases to them is something that the clan councils see as a shortcoming of the police and judiciary, while portraying themselves as a stable group that takes such (minor) problems seriously. In this way, the letter and report asked for by the police can be seen as an example of the lack of care and uncertainty with which the police deal with local disputes. This is one of the reasons why Robert explained to me why he wants people to come to them, as opposed to the police:

The problem to why we do not deal with the police, I am sorry we Africans we are corrupt. When you quarrel with your relatives and go to the police, the police will have to ask or make inquiries how many goods or how many cows you have at your home. So, they try to impose a lot of money to the relative. And you are not given that kind of money, you are given a portion of it and the other big portion will go to whom? To the police. And that is a loss for nothing. But for us we as the Bataka [name of clan], we call you, we find out who [has made] the mistake, we try to counsel you. But for police they don’t do that. And after swallowing that kind of money they will trick you and send you back to go to the community leaders, to solve the what? The matter. And they say that after solving, you just come and report again what will have come out. So that’s double work. So, you go there [the police], then you pay money and after paying money you come here, then when you are claiming, you say ‘I paid this
kind of money’ [to the police] and we say, ‘you see your relatives just selling goats and selling land’ [to pay the police as well]. So that is a loss. That is the reason why we discourage. (LC 0 chairman, village E, interview with author, February 1, 2019).

Here, his concerns about corruption, disinterest, and lack of care for his people become apparent. The police are not interested in solving disputes or helping the community. Rather, they are interested in filling their own pockets, he assured me. The answer the chairman gave is also telling for the different understandings people have of the role of the state and of public officials. He explains how the police are not interested in solving a case, but that their way of working involves a lot of time, money, and double the work, especially for the people involved in the case. This is not the case with the clan councils, who care for the members of their community and therefore reconcile disputes instead of resorting to fines. This shows how ideas of the wellbeing of the population and a sense of community and care are understood differently and given content by the people on the receiving end of government services.

There is a moral argument beneath the chairman’s words above, as he argues how the police and clan have different intentions for the community. He wonders whether the police have the best intentions for the community, or whether they are merely doing their jobs, or even thinking solely of their own profits. This is in contrast with the clan councils, which focus on bringing people together.

(... we have the rule that if someone takes his issues out of the ekiika he’s punished. So we do that one so that they can continue being united. So we want to first understand what is among the people before they go to court. (LC 0 board member (Edmund), village E, interview with author, February 12, 2019).

Or, in the words of Robert:

Maybe with the ekiika, the ekiika just deals with the family, maybe you may find it is a conflict between a husband and the wife. So that one they call the elders they tell them their problems then they try to counsel. Mostly, we deal with counselling by the way. They [the committee] try to counsel. And when it goes well, then that’s okay, and when it goes worse than we refer that one [LC 1 and further to court]. (...) So they try to bring together the breaking family. (LC 0 chairman, village E, interview with author, February 1, 2019).

The above quote clearly highlights the importance of bringing people together, emphasising how the clan specifically focuses on counselling people and nurturing
harmony within the community. Central to their efforts is the community as a whole. Such differences between the clan and ‘the state’ are also considered by the police officers themselves; the CLO, for instance, explained to me how this was the difference between courts and clans:

You see, courts do not settle disputes. If you bring a civil case to the magistrate court, for instance about neighbours fighting over land, and the judge decides one is guilty, and needs to pay to the other, would they in the end become friends? No, they will have a grudge with each other for the rest of their lives. Is that beneficial for those families or for the community? No. That is why sometimes the court is not the best [option]. (CLO, informal conversation with author, February 20, 2019).

This quote clearly shows the differences between how the courts are seen and how the clan is seen (and portrayed). Hence, the fact that clan councils are so popular in this area is partly because they are not the state. Their identity is inherently connected to the values and norms that are seen as important within the community. They adhere to practices that are seen as traditional, such as the symbolism of alcohol, uniquely positioning themselves as a legitimate authority within the district, with a more or less sovereign position when it comes to legal matters in their communities.

Conclusion

In this chapter, I have shown how unequal positions and power dynamics influence the ways that individual actors are able to navigate different semi-sovereign groups that settle disputes within rural communities in Kisoro District. With the case of Fiona, a member of one of the clan councils in the area, I have shown how the clan and the police set overlapping and contradicting rules for their members, and that breaking one of those rules can lead to tensions. In navigating these different rules and norms, Fiona finds herself caught in a dilemma where the choices she faced were not in her favour. In Kisoro District, clan councils take it upon themselves to solve many of the minor disputes that take place in the district. The clan council, responsible for hearing such disputes, are often closely aligned with the husband and the woman’s in-laws, since they marry into the clan. As a result, women may fear their case will not be handled in a fair manner. This is a position in which many young women find themselves. Fiona dealt with this conundrum by breaking a rule of the clan and going straight to the police, who asked the clan to report back how the dispute was resolved. While this may mean that her dispute was settled in a more neutral manner within the
council, by involving the police she ignored the clan’s jurisdiction, with the result that she was eventually thrown out of the group. Fiona’s dispute with the clan council shows how her actions are placed within a broader web of power relationships, and how her actions must be understood in light of the culturally constructed expectations that exist for men and women in the area. This gives Fiona’s decision to break a clan rule a broader perspective, and helps to understand how ‘legal pluralism’, or the opportunity to choose between different legal and or normative systems, may not be as positive as it seems. Rather, decisions may have different outcomes for each person depending on their position in the community and their space to manoeuvre.

Second, I have looked at the effects of rule-breaking behaviour and explored why Fiona’s actions were unacceptable according to her clan council. Her actions, insignificant as they may seem, opened up a discussion on ‘legitimate’ sovereignty between clan councils and the police as tensions arose between them. Here it becomes apparent how these different groups of actors make different claims on similar issues. Their different reasoning, as well as the different ways they portray themselves, show how these groups of actors portray themselves, and in doing so take part in boundary marking practices through which they try to secure a position of sovereignty in the area. This is a delicate balancing act whereby all parties need one another to maintain their tentative position of sovereignty, while they simultaneously compete to uphold their unique position of sovereignty. This was visible, for instance, in the different ways that the senior investigating officer for the police and the LC 0 chairpersons explained why the police ask the clan to report back to them when dealing with a dispute.

Clan councils not only use the legitimacy of the state to create an aura of officialdom, they also consciously and clearly distinguish themselves from the state in the way they settle disputes: namely, their focus on harmony and their interest in the community. They do, in fact, rely on the legitimacy of state practices by partially mimicking the local government councils. However, at the same time, they emphasise the lack of trust on the part of the police, while painting a unique picture of themselves as a legitimate and trustworthy institution whose performances are recognised by government institutions. Furthermore, clan councils portray themselves as being different from the state, with different interests in mind, namely those of the clan and the community. It is in the interactions between the clan councils, the government councils, and the police, among others, that legitimacy is given to the clan councils, but also to the police. This ‘game’, in which several groups of actors need and encounter each other, shapes
the interpretation of sovereignty in practice. This results in a relational dynamic that takes place between the various claimants for sovereignty in the community.
7 Conclusion

Many anthropological studies of the state focus on how it is shaped through relations between citizens and government officials (see among others Das and Poole 2004a; Sharma and Gupta 2006a; Hansen and Stepputat 2001a; Krohn-Hansen and Nustad 2005; Thelen, Vetters, and Von Benda-Beckmann 2018). These scholars note that practices and representations intrinsically linked to the idea of ‘the state’ do not necessarily arise from government officials alone. Rather, the interactions between state and non-state actors shape in effect what people understand to be ‘the state’ (Mitchell 1999).

In this dissertation I have emphasised that the state takes shape in the interactions between state and non-state actors in Kisoro District, Uganda. Moreover, I have argued that in the process, not only does ‘the state’ take shape, but also various kinds of ideological constructs that are grouped under the denominator ‘non-state’. A focus on these other actors is important because it provides insight into the complexity of state-building and emphasises how sovereignty is more complex in everyday life: it consists of a multi-layering of different rules, norms and expectations that are appropriated and performed by various actors and take shape in relation to one another. These take place in reference to, and as an extension of, ideas about ‘the state’.

In my research, I focused on the relationship between clan councils, local government councils, and the police, as they engage with each other on a daily basis. Residents can turn to the local government councils or the police in the case of disputes, but in general they go to the clan councils, who have a strong presence in Kisoro District. These clan councils have no formal position in the government hierarchy, but are nonetheless a key institution at the local level. Within every village in the district, there

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52 For the purpose of this thesis, I use this dichotomy to emphasize the important position of the clan councils in these relations. While I use the division between the state and the non-state to indicate the differences between government institutions and clan councils on a more analytical level, I am not suggesting that they both take shape in symmetry of each other. Such a dichotomy is rather problematic because it places a diversity of different regulations and legal forms under the same denominator of non-state.

53 The local government is present in Uganda through the local government system (LC system). It operates through a five-tier council system at the village level, parish level, sub-council level in rural areas, as well as at the council and district level in the more urban areas of districts.
are one or more clan councils that most people belong to. These clan councils are formed in the same way as the LCs, with similar functions, tasks, and methods of organization. This means that they are often known as ‘LC 0’, and are seen as ‘the starting point of the government’, even though they do not have any ‘official’ authority on paper.

Throughout this dissertation, I have explained how clan councils occupy an ambiguous position in relation to sovereignty, as they are sometimes seen as part of the state, sometimes as semi-state, and sometimes as non-state. In their efforts to legitimise their own position as a legitimate authority in their communities, they use bureaucratic techniques similar to those employed by government institutions. Paradoxically, this not only lends credibility to the clan councils as authority figures in their community, but also makes them resemble official government institutions. This partly puts pressure on their own identity as clan councils because it blurs the distinction between the clan and the state (Lund 2006b). The seeming interconnectedness between the state and the clan creates tensions over their claim to sovereignty, as both sides seek to circumscribe their sovereign position. I have argued how traditional alcohol practices play a crucial role in distinguishing clan councils from the state, and thereby establishing their own identity as a legitimate authority in the area.

To address these tensions between different actors regarding authority and power, this dissertation has addressed how understandings of sovereignty in rural Uganda play out in the relationship between government and clan institutions. I used a relational approach to studying sovereignty and learned that the social embedding of people within complex webs of relationships is central to how those people give meaning to the state and the clan. By ethnographically analysing experiences of the state, the clan, law and sovereignty, I unravelled who is seen as a legitimate authority figure in the district, what moments they are seen as such, and how these notions come about. The ethnographic method was particularly valuable because it helped to clarify that who is seen as government representative and which rules are seen as ‘law’ are both highly ambiguous in Kisoro District.

In my research I used the term semi-sovereign practices to show how clan councillors engage in a variety of authoritative practices in the area, which are associated with sovereignty, or more specifically the state. I view sovereignty as relational, meaning it arises from interactions between people and is therefore provisional and continuously performed (Hansen and Stepputat 2006; Kivland 2020; Stepputat 2015). Semi-
sovereign practices thus point to the interactions between different state and non-state actors and how they relate to and depend upon each other to maintain their dominant position. While they need each other's recognition to legitimise themselves, they must also distinguish themselves from one another in order to be seen by the community as legitimate authority figures. I focus specifically on the practices of sovereignty because it allows me to emphasise how sovereignty is relational, ‘semi’, and continuously emergent. Although the use of the concept of sovereignty is not often interpreted in this way, certainly not from a legal perspective, the idea of semi-sovereign practices gives me space to examine these practices on their own terms, without making concessions for their complexity.

In this dissertation I have used alcohol as a lens for studying semi-sovereign practices because its ambiguous status in the decision-making practices of the clan councils provokes discussions on sovereignty, the state, and the clan. In the first empirical chapters (chapters 2, 3 and 4) I focused on why alcohol was (and still is) such a crucial topic of discussion when it comes to the credibility and legitimacy of the different groups of actors involved in authority in Kisoro District. In the later empirical chapters (4, 5 and 6), I explained why government institutions and clan councils in Kisoro District at times insist on the connection between each other, while at other times they emphasise the distinction between each other. In sum, I argued that attitudes towards alcohol are an important part of determining what constitutes ‘the’ state and which practices and institutions do not belong to the state in Kisoro District.

Alcohol originally played an important role within clan families in Kisoro District as both the possession and consumption of it were important ways to establish positions of authority, maintain political, social and economic relations, and settle disputes. As explained in chapter 2, beer practices were a way to reaffirm and challenge the status quo. Beer played a pivotal role in defining sovereignty as claims of legitimate authority were made through the control of alcohol. Brewing, and thus owning the means to make beer, was a way of displaying one’s wealth and a means of gaining access to the political table. As such, alcohol was central to determining the boundaries around positions of power and authority in these clan communities. Cheap distilled alcohol shook this foundation and disrupted the ability of elders to maintain their authoritarian position through controlling alcohol, as young men were able to buy it with relative ease. Simultaneously, the popularity of distilled alcohol among young people created fears among British administrators of rebellion against their authority, while sparking a moral (and racial) debate about the health hazards of alcohol consumption for
‘native’ people, accompanied by strict laws on distilled alcohol. At the same time, the so called ‘native liquors’ or local brews were left unregulated, and continued to play an important role within local communities.

The moral discussions on the role of alcohol in governance reflects the way sovereignty is currently interpreted by various actors in Kisoro District, and shows that attitudes towards alcohol are still an important point of reference around which local notions of sovereignty solidify. Beer symbolises the clan values and norms that clan councillors can use to distance themselves from the state, and thus symbolises the way the clan brings people together. In chapter 4, I zoomed in on the moral discussion about alcohol that takes place among residents of Kisoro District. Concerns about mental and physical well-being and domestic violence, as well as the way socio-economic responsibilities and decisions about how money is spent within a household, are central to the discussion about whether or not to consume alcohol. The dangers of alcohol are not only linked to individual (health) concerns, but also reflect on social norms and values that are threatened by its consumption. The changes in the demand and consumption of ‘commercial’ alcohol that have been going on throughout the last century raise concerns about the loss of community values and solidarity.

The concerns about alcohol are also reflected in the discussions I had with members of the clan council in village E regarding the central role of alcohol within their governance system. As with many other clan councils I encountered in Kisoro District, in village E’s clan council beer was not used in liquid form as a fine; rather, fines were paid in money while its symbolic value was expressed in beer. Only when it came to minor disputes was actual beer used to reconcile the different parties. Various reasons were given as to why money was paid on some occasions instead of alcohol. Some members emphasised the increase in membership or the scarcity of sorghum, while others highlighted their desire to improve their village by responsibly saving money and investing in specific developments, such as water tanks and the improvement of their roads.

Although there are different opinions about paying fines in the form of money or alcohol, the symbolism remains central. The emphasis on the *symbolic* use of beer is a way for clan councillors to highlight their shared cultural and social norms and values. The symbol of beer signals to their members what they stand for as a clan community, as well as what norms and values they find important. It is a way for the clan to distinguish itself from government institutions. The state is often accused of being
negligent towards rural people, with rumours of corruption, nepotism and absence often circulating. By contrast, clan councils are often promoted as representing the interests of clan communities. The sharing of beer is a way to bring people together and heal conflicts. Beer created the possibility for people to come together, a means to respect the elders who would then listen to the dispute, and a way to start the conversation. Through the sharing of beer, disputes are solved and people in the community would find their peace to live together. This is in contrast to the ‘official’ courts, where rather than trying to bring the different parties together, the judge decides who is right or wrong and both parties end up with costs and a lasting conflicted relationship.

Alcohol practices are an important way to show how the state and the clan distinguish themselves from each other. It symbolises the interests they have at heart, denoting the difference between punishing individuals through the courts versus ensuring and maintaining harmony in the community through clan councils. Alcohol is thus an important means to negotiate ideas of care in relation to legitimate authority. Distinguishing between the clan and the state is important for both government and clan institutions to safeguard their own position of power, and to maintain a position of sovereignty in this area. Whereas the clan councils emphasise their connection to traditional alcohol, the opposite is true for the state. Government officials denounce the alcohol used within clan councils and emphasise its negative sides, stigmatising traditional beer practices as the rural traditions of uneducated people in order to downplay the authority of clan councils and highlight their own role as responsible government. At the same time, I showed how tensions surrounding the use of beer within clan councils exist in light of the moral debate surrounding the dangers of alcohol, and argued how the way beer is used within clan councils is changing and leads to difficult discussions between members about the place of alcohol in their community. Thus, while alcohol used to take the form of alcoholic drinks, today more and more clan councils use a (partially) monetary fine system, although the symbol of alcohol remains persistent.

Similar to the LC 0, who use alcohol to establish their credibility and legitimacy as sovereign in the area, government institutions also find themselves in an uncertain and problematic situation where their position as a public authority is not as straightforward as it may seem. In chapter 3, for instance, I explored how private tax collectors deal with the legacy of colonial alcohol legislation which differentiates between the distilled alcohols and alcoholic beverages produced for the ‘formal’
market versus ‘traditional’ alcoholic beverages. The latter was characterised as ‘native liquor’, and was deemed a tradition among the population to be brewed and consumed ‘at home’. Due to the variety of ethnic groups in Uganda, which types of drinks belong to the native liquor category is highly diverse and varies among different people and locations. Private tax collectors hired by the Kisoro District Council experience difficulties in collecting the Beer Brewing Permit (BBP), as disagreements arise between tax collectors and those liable to pay taxes about which drinks fall under the classification of ‘native liquor’. These tax collectors occupy an interesting position among these different legal and normative fields because of their ambiguous status as ‘not-quite-bureaucrats’. They see themselves as businessmen, because they buy an annual procurement contract from the district government to collect the BBP. At the same time, they could also be seen by residents as civil servants working for the district, using extra discretion to make decisions about who should pay tax and what products should be taxed, and they have the support of the district police if people do not comply. Their embeddedness within and membership to the community itself constrains them in their actions as they have to carefully consider the pros and cons of collecting taxes from their friends, family, and acquaintances.

The position of tax collectors as not-quite-bureaucrats means that they stand between the district government and the clan community. Negotiations between taxpayers and these tax collectors in the sub-counties raise questions about who is entitled to collect tax and what is considered a taxable good. The role of not-quite-bureaucrats is central to understanding how the district government and the community relate to issues of public authority and the state. In practice, the district government is dependent on people who are embedded in the community. People’s networks are necessary to get a grip on tax collection. At the same time, it is precisely the way in which tax collectors operate that influences how ‘the state’ is experienced, whereby notions of (lack of) care, fairness and corruption shape the relationship between the state and the community. Therefore, these tax collectors personify the tensions between the state and the community concerning questions of (legitimate) sovereignty in the area, as their performance as tax collectors greatly impacts the way the district government is experienced in everyday life.

In Chapter 5, I discussed the precarious position of the police who, because of their bad reputation, struggle to maintain their relationship with the local population, and thus in practice struggle to uphold a legitimate position of authority in the communities. I outlined the complex relationship between the police and the local...
government councils at the village level (LC 1), and, to a certain extent, the clan councils as well. On paper, the police maintain a monopoly on legitimate violence in the district; however, the daily routines of police work show how a lack of officers and resources, together with widespread rumours of corruption, abuse of power, and favouritism complicates their work. They thus heavily depend on the LC 1 as well as the clan councils to maintain order and security in the area. These community institutions have taken over many of the tasks and responsibilities of the police in their villages. The dependence of the police on these councils puts them at odds on issues of sovereignty, as to a large extent it is not the police but the councils who have the authority to make decisions about access to certain legal forms. This creates a difficult situation where the police must strike a balance: they must give the LC 1 and clan councils a certain degree of space to take over some of their responsibilities and share a position of authority, i.e., recognise their importance as authority figures in the area, but they must also make sure they do not cross any boundaries and uphold the idea that they, the police, are still the main sovereign body.

Regardless of the tense relationship between the police and the LC 1 and the clan councils, it is important for the police to maintain their relationship with these councils. On the one hand, the police try to portray themselves as an important power through certain performances. For example, the sensitisation workshop I described shows how small nuances, such as dressing a certain way and being late to a meeting, help the police to draw attention to themselves as powerful law enforcers. On the other hand, the police also try to emphasise their shared relationship with the state and the different hierarchical order in which they operate. In doing so, they underline how the actions of the LC 1 result from the consent of the police, emphasising how the police enable them to do this as a higher power within the state. At the same time, the emphasis that the various police officers placed during the workshop on the importance of the law and the prohibition of abuses of power shows how fragile their relationship is in practice. The LC 1 chairmen occupy important positions of power due to the importance of the stamp they have, through which people in villages gain access to the bureaucratic system of the Ugandan government, with little control or interference from other government institutions like the police. While the police have a nominal monopoly on the use of force, in practice other actors may play a more important role in controlling their daily lives. Some of them are part of the government, such as the LC 1 and LC 2, while others, such as the clan councils, are not.
The LC 1s in particular occupy an interesting position within the state as, being the lowest level of the local government, they are officially part of the state, while simultaneously they are seen as being embedded in community life. They are deemed incapable of properly carrying out their responsibilities but also feared for their powerful position as gatekeepers to the state and its bureaucratic system for many rural residents. Likewise, the clan councils also have an important role in everyday forms of governance. Although not officially recognised as such, they are in close contact with both the LC 1 and the police when dealing with disputes. This close cooperation, as well as their ‘official’ way of working (see chapter 4), ensures that they too are in a grey area where it is unclear if they are part of the state and whether they have a legitimate claim to sovereignty in their communities.

The way that the police are at odds with the LC 1 and clan councils over who ultimately gets to make decisions about criminal offenses shows how different actors negotiate with each other concerning claims on sovereignty. These different groups of actors try to claim a position of sovereignty through interactions with each other, such as the sensitisation workshop mentioned earlier. However, it is through their interactions with citizens themselves that the boundaries between inclusion and exclusion, between the state and the clan, between law and non-law, between ‘us’ and ‘them’ take shape (Das and Poole 2004b, 7). Hence, the everyday interactions that the police, the LC 1 and the clan councils have with members of their community are essential moments when ideas about the state, local government and the clan solidify. What is important to understand is that these ideas take shape in the relationship between the different actors who are vying for authority. Through everyday acts such as paying taxes in the market to private tax collectors, the state is understood in a certain way and contrasted with how other institutions operate and/or are present in the area.

Fiona’s case in chapter 6 shows how the clan council in village E and the police deal with the tensions surrounding their positions of power and authority. Based on her dispute with the clan council, I showed how sovereignty takes shape in the relations that the clan members have with the clan council and the police. Fiona was a member of a clan council in village E, who was judged quite severely by the clan council over how she had handled a dispute with her in-laws. Interestingly, the dispute itself did not seem to be a concern for the clan council; rather, it was the fact that she had broken an important rule. By going straight to the police, she disregarded the authority of the clan council, whose rule was at odds with that of the police. The strict enforcement of this rule within the clan is because it is precisely this rule that symbolises which actor
ultimately makes the decision about how conflicts are resolved. For the clan, this is an important way to ensure their sovereignty position as, in the words of the chairperson, when clan members do not turn to the clan: “This is disrespecting the jurisdiction of ekiika, making the ekiika tribunal meaningless.”

Because Fiona went to the police, the clan council entered into a tense relationship with the police. Instead of being on an equal footing, they were now being asked by the police to sort things out, creating tension over who had overall jurisdiction to decide on such cases. This shows how practices surrounding semi-sovereignty are not only expressed between different sovereign actors, but are centred around the people belonging to these groups. Hence, it is specifically in the relationship between clan councils, local government institutions and citizens themselves that sovereignty takes shape. The credibility and legitimacy of both the clan and the police is shaped by the way they present themselves, how people see them, and whether people are convinced of their legitimate position as sovereigns in the area. In addition, a constant tension is visible between the two, whereby the performance of rituals, symbols and practices linked to ideas of sovereignty are propagated, as described in chapters 4 and 5.

These performances are often aimed at performing bureaucratic practices, which emphasise the idea of something ‘official’, such as ‘the state’. It is easy to discern the similarities between the clan councils and the local government councils, given their call sign (‘LC 0’), their use of stamps, the way their council is formed, and how the assemblies are structured. In chapters 4 and 6 I explained how part of the legitimacy of the LC 0 is derived from the way they perform the bureaucratic practices of the state, thereby creating ambiguity among residents about whether the clan belongs to the state. However, in both chapters I also showed that the clan councils are so popular in this area precisely because they are not the state. Their identity is inherently connected to the clan values and norms that are seen as important within their community. They adhere to practices seen as traditional, such as the symbolism of alcohol. In doing so, they uniquely position themselves as trustworthy and legitimate authorities within the district whose actions are recognised by other government institutions with whom they closely cooperate, while also emphasising the ways in which they differ. Moreover, clan councils make careful use of the ambiguity surrounding their position and, depending on the moment, emphasise either their connection to ‘the state’ or their distance from it in order to strengthen their own position.
A Relational Approach to Sovereignty

To return to the question with which I started this dissertation, I have argued how sovereignty takes shape in Kisoro District through relationships between government institutions and clan councils, as well as how each of them interrelate with residents. The way clan councils and the state interrelate must be understood in light of the historical and cultural context of Kisoro District, since the use of beer in this specific area is so inherently connected to ‘customary’ forms of public authority. In this sense, the moral discussions on alcohol are pivotal in claiming sovereignty, as both official government institutions and the clan councils differentiate themselves from one another via narratives on alcohol, through which they emphasise their norms, values and hopes for the community.

This is neither a study of the problem of alcohol consumption in Uganda nor a critique of alcohol legislation, which is a discussion that has dominated public debate in Uganda for several years. My dissertation therefore does not contribute to solving the problems with alcohol in Uganda. Instead, it invites researchers to understand the complexity of ‘the state’ from the variety of webs of relationships that exist between different groups of actors and residents. In addition, throughout my research the lens of alcohol has emphasised the importance of understanding the local context to comprehend how the state and sovereignty take shape. The clans and the state are often portrayed as separate institutions, but my research shows how the two are inextricably linked. These conclusions are not only interesting to understand the state-citizen relationship in Kisoro District or rural Uganda, but might also be utilised in studies of the state and sovereignty in general.

Traditional authorities in Africa are increasingly seen and recognised by governments, international organisations and scholars as important institutions that contribute to the provision of welfare services in local communities (Baldwin 2016, 4; Kyed and Buur 2007; Tieleman and Uitermark 2019; Ubink 2007, 124; 2008, 5). At the same time, their position of power can also be perceived as a threat by local governments. Government institutions depend on traditional authorities for access to the communities they aim to govern, which can undermine the position of authority claimed by official government institutions (Kyed and Buur 2007, 2; Ubink 2008, 16). Such tensions are very much visible between local government institutions and clan councils in Kisoro District. While officially the local government institutions do not acknowledge the clan councils in the area as actors that wield a degree of sovereignty, instead referring to
them as mere ‘informal associations’, in everyday relationships they must certainly deal with their authority. In their everyday work local government institutions depend on the clan councils to provide public services and settle legal disputes in the community. As such, to many residents of Kisoro District, clan councils are the first point of contact for legal matters. They provide a gateway for many citizens to access government agencies such as the police when they need to manoeuvre within the clan community. Their role as gatekeepers is essential for citizens, as well as ‘the state’, to interact with each other.

While the work of traditional authorities is being recognised in more and more African states (as the work of Kate Baldwin, Helene Kyed and Lars Buur, and Janine Ubink rightly emphasises), my research in Kisoro District demonstrates how this recognition can be highly ambiguous. While clan councils are not officially recognised by government institutions, in practice they make extensive use of them. Furthermore, the way they relate to clan councils and incorporate them within their interactions with residents means that in everyday life, they do cooperate and recognise the semi-sovereign position of clan councils when it comes to dispute settlements, among other things. This becomes apparent, for example, when the police or courts ask residents if they have gone to the clan councils to resolve their dispute before reporting to them. Furthermore, the reports that clan councils are requested to write by the police when settling a dispute are also a good example of how the police and clan councils do work together, and can be seen as a sign of recognition of each other’s work. At the same time, they also keep each other at a distance and criticise each other’s work, making their relationship highly complex. In this dissertation, I have argued that the way in which government institutions and clan councils interact is essential to how they can safeguard their own position in reference to the law and as important authority figures in the area. Both government institutions and clan councils must carefully balance these relationships with each other and must position themselves as both peers and opposites.

The way in which different groups of actors relate to each other has an influence on several levels. Similar to the work of Curley (2011), I have emphasised how local initiatives such as the clan councils take on important positions of authority in reference to ‘the law’ where government institutions seem to have fallen short. Curley notes how such local initiatives are constitutive for the way people understand the state. I follow the work of Mitchell (1999), who analyses the way in which everyday interactions in effect create the state on an analytical level. In doing so, he argues how
such local actors should be understood as representatives of the state itself (2011, 375-376). Following on from these ideas, I have shown how clan councils indeed make use of similar bureaucratic performances and legal language as government institutions through which they are able to deliver public services to their communities and help to construct how the state takes shape.

At the same time, my research focused less on how the state as an ideological construct is formed in Uganda, but rather on how studying the interactions between government institutions and clan councils illustrates the way “public authority actually works” (Lund 2006a, 674). More specifically, I have looked at practices of authority in reference to state law, which I call semi-sovereign practices. As such, while Curley emphasised how initiatives such as the clan councils are constitutive of the state, I have shown how it is not only the state but also the ‘non-state’ that is shaped through these relations. In doing so, I not only wished to emphasise how, in addition to the state, other ideological constructions also take shape, but also raise awareness of the embeddedness of different groups of actors in similar webs of relationships, all of whom refer to the law for their claim to sovereignty.

My dissertation highlights how it is impossible to study the state within this area without also considering the clan. Throughout this dissertation I have shown how the clan and the state, as well as a variety of other social fields (such as the private tax collectors in chapter 3) emerge as two sides of the same coin. This means that while they may present themselves as seemingly independent, they must be understood as closely related. In fact, they are interdependent for their own existence, and lean on each other in claiming a form of credibility and legitimacy. For instance, as I showed in chapter 5, the position of the police hinges upon the clan councils as well as the LC 1 and LC 2 in solving the numerous disputes in the area. They must carefully maintain their relationship with the clan councils, as well as the LC 1 and LC 2, to ensure that crimes are solved in the district, while preserving their name as the police and their monopoly position on violence, at least in name. For their part, the clan councils are dependent on their ‘known’ relationship with the police (as well as the LCs and the courts) and how they are structured to be seen as an ‘official’ governing entity. As I demonstrated in chapter 6, it is thanks to instruments such as their stamp and their communication with the police through ‘official’ reports that they are able to show they are cooperating with the police, or the courts, who thereby recognise them as institutions with which they share responsibilities and decisions over life and death. Paradoxically, both the police and the clan seem to be discrediting their own position.
through these practices. The police, through their reliance on the clan councils, share their own position as a credible sovereign actor in the area; meanwhile, the clan councils, because of their use of bureaucratic techniques and legal language, seem to fade into the state and lose their own identity.

Within this dissertation I have specifically argued for a relational approach to best capture the functioning of sovereignty in practice. I have followed Stepputat’s work to understand how sovereignty is formed in relationships, in part due to different participating competing groups, and is thus always in formation (2015, 131). I have illustrated how government officials and clan councillors are embedded in similar webs of relationships which are pivotal to the way they make decisions and conduct their work. Therefore, they are not solely entangled in similar relations, but rather in order to do their work these different institutions must be understood as mutually interdependent and co-constitutive of how they work. As such, I have argued how these groups of actors not only compete with each other for a position of semi-sovereignty, but are also inherently linked to their claims as legal authorities in the area.

In sum, my dissertation has argued that the state must be understood in context, and that ethnographic research is an important means to gain a better understanding of how sovereignty operates. A relational approach to sovereignty also leads to an understanding of the complexity surrounding questions of access to the state and to justice, which is much more complex in practice, and is permeated by different power dynamics in which people must manoeuvre more than would first appear on paper. My research has thus showed the importance of understanding the context in which different actors interact. Such a relational approach is not only useful for the case of Uganda, but also essential to understanding how sovereignty takes shape in practice and to grasp which frameworks are important for actors to assert their claim on sovereignty.
Summary

In this dissertation I ethnographically study the everyday practices of sovereignty in rural Uganda through a relational approach. I focus on the relationship between clan councils, local government councils, and the police in Kisoro District, southwest Uganda, and explore how these institutions relate to each other while engaging with dispute settlements at the local level. To address the tensions between different actors regarding legitimate authority, power and the state, this dissertation answers the question of how understandings of sovereignty in rural Uganda play out in the relationship between government institutions and clan councils. The research is based on nine months of ethnographic fieldwork between April 2018 and March 2019. In addition, I was able to build on earlier fieldwork on a similar topic in the same area between August 2014 and January 2015.

In everyday life, practices and imaginations that intrinsically connect to ‘the state’ are not necessarily connected to those actors or institutions representing it, nor do these ‘official’ government institutions necessarily help to create or maintain the state’s positive image. On the contrary, on occasion their presence can be felt as the state’s ‘absence’ when encounters with government actors and/or institutions do not meet people's expectations. Such encounters leave room for perceptions concerning how the state does not care about the people who live far from the ‘centre’, i.e. Kampala. Rather than understanding the state as being absent from everyday life in rural Uganda (Jones 2009), I treat these “margins of the state” as central to its formation (Das and Poole 2004a). It is here, as a result of the interactions between different state and non-state actors, that shapes what people understand to be ‘the state’ as an ideological construct (Mitchell 1999). Moreover, in this dissertation I argue how these encounters not only shape the state, but also form what people understand to not be the state, i.e. they help to shape what people in rural Uganda understand as the clan councils, giving them credibility as legitimate authority figures in their community.

The practices by which different actors attempt to assume a position of public authority are what I call ‘semi-sovereign practices’. Sovereignty is often attributed to the state as a form of sovereign authority, to which it has an exclusive right. This dominant and conventional image of Westphalian state sovereignty creates the idea that there can only be one authoritarian figure with a monopoly on violence to control a specific group of people in a given area, i.e. the state. Legal and political anthropologists have questioned this fixed relationship between sovereignty and the
state. What the state is and how it takes shape as an ‘idea’ is instead created in everyday practices (Hansen and Stepputat 2001a; Sharma and Gupta 2006a; Trouillot 2001). This requires us to move away from the dominant view that sovereignty can only be attributed to the state, and towards a view where a variety of practices from a variety of actors determine the way sovereignty works in everyday life. It is important to emphasise here that I do not approach sovereignty from a legal conventional perspective (de jure), but rather understand how sovereignty takes shape in practice and therefore is experienced and performed by people themselves (de facto). Sovereignty should be understood as relational, arising from interactions and practices between people, and is therefore provisional and constantly in the making. Such a performative take on sovereignty helps to understand how different actors relate to, interact with, and give form to public authority and power in everyday life.

In this dissertation I argue that in Kisoro District, the clan councils have an important role in state-making practices. In their efforts to maintain a position as semi-sovereigns in their communities, they use bureaucratic techniques similar to those employed by government institutions. They take on this role through the delivery of public services such as the provision of agricultural tools and food in the case of shortages, and the maintenance of roads in their village, as well as by providing order and security. They have strict rules of conduct about how people should behave in public places and what rules they should follow indoors. Through such rules, they make a claim to a form of sovereign authority that is different to the more general forms of authority that are found in the area within other institutions, such as for example within church communities, money lending associations, or trading associations. Clan councils distinguish themselves from other forms of authority through their usage of “languages of the state” (Hansen and Stepputat 2001b). They claim a form of sovereignty in the area by using legal language and documents, but also via the use of (tangible and intangible) symbolism and practices, such as the use of a stamp (Das 2004; De Sousa Santos 1977; 2002). By mimicking government councils, they achieve a form of credibility and legitimacy as an ‘official’ authority in the area, in the sense that discussions arise between residents about which rules belong to ‘the law’, and which groups belong to ‘the state’. Hence, while these techniques provide them with an ‘official’ aura, they resemble official government institutions to such an extent that the distinction between clan and state blurs.

Traditional alcohol practices play an important role in claiming self-identity and their sovereign position as a clan, due to the role that alcohol historically plays in governance
practices in everyday life within clan communities. For centuries, beer was used as a way of claiming a position of authority and power in clan communities and formed a part of many ceremonies and functions, including as a means to settle disputes or fine an offender for breaking a rule. Today, the use of beer in clan councils is still important, symbolising clan values and norms and setting them apart from ‘the state’. At the same time, ideas about alcohol have changed over the years and moral discussions about the place of alcohol in the clan are widespread. Concerns about mental health, losing certain manners, and dealing responsibly with money are central to discussions about the use of alcohol within clan law. This discussion is not only central within clan councils, but is also used by government institutions when claiming their own sovereignty. Clan councils are criticised because of their use of alcohol within their community. Put bluntly, government agencies have disposed of alcohol within their system, while clan councils emphasise the alcohol’s important role in their way of governing. It is through discussions surrounding the role of alcohol that positions of legitimate authority and power are defended.

Ultimately, the way in which government institutions and clan councils are in conflict concerning ideas of sovereignty is not as straightforward as it may appear. In this dissertation I highlight how government officials and clan councillors are part of complex webs of relationships, and how they depend on each other to obtain and maintain their authority positions. Simultaneously, their mutual dependence also causes them to discredit themselves as legitimate sovereign actors. With this I argue that the way in which different actors interact with each other is central to how sovereignty takes shape in practice. At the same time, their actions contribute to the way the state, the clan and sovereignty are viewed. The context in which these different actors relate to each other is crucial to understand sovereignty in practice, as well as the way in which the state-citizen relationship is shaped.

In chapter 1, I sketch an overview of the main themes of the dissertation and conceptualise the main theoretical issues at stake. In the following chapter, I provide a historical overview of alcohol and governance in south-west Uganda from 1900-1960. I describe how beer brewing and consumption were indicative of a man’s status in the community and pivotal for claims on public authority. The introduction of cheap distilled alcohol and money at the beginning of the 20th century disrupted the elders’ control over alcohol, invoking concerns among elders, as well as British administrators, of disruptive behaviour. Strict bans on distilled alcohol were introduced by British authorities under the guise of health and care for the ‘natives’, while leaving the locally
brewed beers, through which clan elders were still able to govern their locality. The moral debate surrounding the use of alcohol, as well as the type of alcohol, is still central to discussions of sovereignty, clan councils and the state today.

In chapter 3, I examine the way alcohol legislation, introduced by British administrators, is understood and used in different parts of Kisoro District. I show how the definition of ‘native liquor’, leaves room for people to define which drinks are considered ‘traditional’ and therefore pay a lower rate of tax, and which should be taxed under the more ‘general’ alcohol legislation. I show how private tax collectors deal with the different norms and values surrounding traditional alcohol. By working differently in different sub-counties to do justice to people's differing ideas of what native liquor is, they add to the confusion and ambiguity of what exactly this tax entails and which products require it. This creates unrest about what exactly this tax entails and whether the private tax collectors are doing their job properly. I argue that their actions contribute to how the district government and the state in general are viewed.

In chapter 4, I explore the moral discussions that take place among residents of Kisoro District. I demonstrate how different notions of alcohol create tensions in how clan councils govern their locality. While alcohol plays an important part in clan ceremonies and rituals, concerns about public drunkenness, domestic violence, and riotous behaviour among young people raise questions regarding the role that alcohol should have in clan councils. This is a tricky issue, given that alcohol is an important way for clan councils to differentiate themselves from ‘the state’. Although they largely rely on their identity as ‘LC 0’ and emphasise their relationship with the state, they gain a lot of support as legitimate authority figures due to the fact that they are not the state. Hence, the symbolism of alcohol plays an important role in maintaining their identity as a clan authority, while simultaneously this symbol has come under scrutiny.

In chapter 5, I focus on the complex relationship between the police, the LC 1, and to a certain extent the LC 0. Here, I outline the challenges the police face in maintaining law and order in the district and how they must balance and share their position as semi-sovereigns with the village government councils and clan councils in the communities. I emphasise the importance of appearances and maintaining relationships with others to uphold their formal position as sovereign in the area. Simultaneously, these practices are constitutive for the way they partially share sovereignty in practice.
In chapter 6 I discuss the relationship between the police and a clan council in one of the villages in Kisoro District. I show how relationships can be tense between the clan council and the police and how both groups of actors deal with this. In addition, I argue that enforcing certain rules is important for the clan council to uphold their position as a legitimate authority in the community. It is through the actions and performances of these different actors that the boundaries of what constitutes the state and the clan are defined, and how ideas concerning legitimacy, the state, and semi-sovereignty take shape.

In the conclusion I reflect on the central role of alcohol in discussions about sovereignty in Kisoro District. Alcohol is a way for both government institutions and clan councils to differentiate themselves from one another and make claims on sovereignty in the area. In addition, I emphasise how both government institutions and clan councils are embedded in similar webs of relationships and depend on each other to obtain their position as authorities. As such, a focus on the relationships between different groups of actors, as well as the context in which they relate to each other, is essential to understand the mechanisms of everyday practices of sovereignty and the state.
List of Formal Interviews

2. BBP tax collector in subcounty W (Bosco), interview with author, Kisoro District, September 9, 2018.
4. BBP tax collector in subcounty Y (Simon), interview with author, Kisoro District, January 10, 2019.
5. BBP tax collector in subcounty Y (Simon), interview with author, Kisoro District, January 23, 2019.
17. Dealer, waragi, interview with author, Kyenjojo District, August 1, 2018.
18. Dealer, waragi (Makenzi), interview (life history) with author, Kyenjojo – Kisoro District, August 2, 2018.
22. Elder (Aaron), interview with author, Kisoro District, September 13, 2018.
29. LC 0 chairman, village E, interview with author, Kisoro District, February 1, 2019.
30. LC 0 board member (Edmund), village E, interview with author, February 12, 2019.
31. LC 0 tribunal court committee clerk, village E, interview with author, Kisoro District, February 18, 2019.
32. LC 0 tribunal court committee chairperson, village E, interview with author, February 22, 2019.
33. LC 0 chairman, village C, interview with author, Kisoro District, February 13, 2019.
34. LC 0 chairman, village F, interview with author, Kisoro District, February 10, 2019.
35. LC 0 chairman, secretary, village F, focus group interview with author, Kisoro District, February 10, 2019.
36. LC 0 chairperson for women issues, village C, Kisoro District, February 17, 2019.
37. LC 1 chairman, village B, interview with author, Kisoro District, September 2, 2018.
38. LC 1 chairman, village E, interview with author, Kisoro District, February 14, 2019.
40. LC 3 chief subcounty X, interview with author, Kisoro District, January 8, 2019.
41. LC 3 chief subcounty Y, interview with author, Kisoro District, January 8, 2019.
42. LC 3 chief subcounty Y, interview with author, Kisoro District, February 13, 2019.
43. LC 3 chief subcounty Z, interview with author, Kisoro District, January 14, 2019.
44. LC 3 councilmember, representative of women, interview with author, Kisoro District, September 15, 2018.
45. LC 5 chairman Kisoro District, interview with author, Kisoro District, July 4, 2018.
46. Manager certificates at UBNS, interview with author, Kampala, August 8, 2018.
47. Municipal clerk, interview with author, Kisoro District, February 20, 2019.
49. OCCID, interview with author, Kisoro District, February 14, 2019.
51. Policy writer (alcohol) at UNBS, interview with author, Kampala, August 8, 2018.
52. RSA Kisoro District, interview with author, Kisoro District, July 16, 2018.
53. Senior accountant, Kisoro Municipal Council (revenue), interview with author, Kisoro District, June 27, 2018.
54. Senior lawyer at Tax Appeal Tribunal, interview with author, Kampala, August 9, 2018.
55. Senior officer at Ministry of Trade, interview with author, Kampala, October 3, 2018.
56. Senior programme manager at Uganda Youth Development Link (UYDEL), interview with author, Kampala, August 7, 2018.
57. Senior programme manager at UYDEL, interview with author, Kampala, February 25, 2019.
59. URA domestic tax officer, interview with author, Kabale District, July 17, 2018.
60. Urgwagwa trader and bar owner in Kisoro Town, old market, interview with author, Kisoro District, February 1, 2019.
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In Uganda, as in many African countries, traditional authorities are important institutions that contribute to the provision of welfare services and settle disputes in rural communities. At times their voices take precedence over the district government, meaning that they are often at odds with local government institutions.

This dissertation studies the relationship between government institutions and clan councils in Kisoro District, Uganda. It ethnographically explores how these institutions relate to, cooperate and compete with each other for sovereignty in the district. Traditional alcohol practices play a crucial role in distinguishing clan councils from ‘the state’. The drinks are used in dispute settlement as a means of reconciliation and symbolise the way clan councils care for their communities. Government officials, however, distance themselves from these traditional practices, and call the clan councils primitive associations in an attempt to diminish their importance in local matters. Seen through the lens of traditional alcohol I demonstrate the tensions between clan councils and the Ugandan state surrounding questions of sovereign power. I display how clan councils and government institutions relate to each other and argue that they need one another to maintain their ‘shared’ positions of sovereign power in the district.