Cosmological and Communal Wellbeing in the JSRP's Research on Justice Provision

In this blog, Tom Kirk and Holly Porter explore the JSRP's work on how local understandings of justice are often embedded in notions of cosmological and communal wellbeing. Furthermore, they argue that practitioners that do not ground their interventions in these understandings risk creating a gap between their own normative assertions about what justice ought to achieve, and how justice is understood and practised by ordinary people.

The JSRP has focussed on places – including parts of the DRC, South Sudan, CAR and northern Uganda – where the state is weak or physically absent, and low levels of violence or conflict affect everyday life. It has sought to uncover how security and justice is often provided by local and international actors working beyond, in-between, and in collaboration with the state. And it has argued that outsiders wishing to intervene or run developmental initiatives in such places must first understand how this happens.

Within the fragile and conflict affected places that the JSRP has worked, it has become apparent that justice provision is often as much about 'order making' or the establishment of public authorities, as it is about dispute resolution or responses to perceived wrongs. Indeed, as discussed in this blog (forthcoming), as justice institutions atrophy, break-down or adapt to new realities, including conflict and its aftermath, opportunities are created for some groups to claim political and economic power, whilst others may find themselves marginalised.

Yet, as the JSRP's work attests, even in extreme circumstances ordinary people retain normative understandings of justice and its practice that can reveal what is important to them. Whilst far from static, these understandings can be as simple as who should be ultimately responsible for the dispensation of justice, to as complex as the need to maintain social harmony or to address cosmological concerns.

For example, O'Byrne's study of the cosmological dimensions of (in)security in Pajok, South Sudan, shows how local understandings of *jok* (naturally occurring spirits) have changed since the introduction of Christianity to the region in the 1920s. A dominant theme is that ordinary people not only experience security and justice in multiple socially and spiritually determined ways but that, in responding to fortune or misfortune, they adopt a diverse array of cosmologically oriented strategies. To make this argument, the author argues for acknowledging the Acholi's spirit world, which includes gods, demons, devils and ancestors, as 'real' in as much as it has everyday 'social consequences'.

This approach allows O'Byrne to explore the significant flexibility in local understandings of the cosmological world's relationship to justice, with newer beliefs often giving way to older traditions in times of strife even though most people would describe themselves as Christian. It also reveals how these changes create new societal fissures that provide opportunities for public authorities to define Pajok's 'insiders and outsiders'. This is argued to have very real consequences for community members who can find themselves ostracised or subject to violence for falling on either side of a popular or politically useful divide.

Allen's work in Acholiland, Northern Uganda also seeks to understand how the formation of shared communal identities – and, by extension, insider and outsider groups – are tied to local understandings of justice and the cosmological order. To do so, he develops the notion 'moral popularism', defined as the 'explicit linking of notions of good and bad with assertions by individuals that they articulate the will or the best interests of the people'. Although such appeals

can often be benign responses to 'moral panics' created by rapid social changes, Allen's study focuses on instances when they violently exclude or justify violence against particular groups or perceived threats.

To illustrate, Allen uses the case of Uganda's 'Mr Red'. Accused of a string of murders, child sacrifice and vampirism over the course of 2014-15, Mr Red's supposed culpability was instrumentalized by representatives of the church and local politicians. They used it to engineer a moral panic over the real, yet unsolved, murders, which allowed them to orchestrate an 'appropriate' response and, thereby, author the boundaries of the local community. As a result, Mr Red suffered a loss of property, narrowly avoided lynching and remains something of an ostracised figure despite the lack of evidence against him. Allen situates this case within a broader trend among African authorities to use popular understandings of justice and cosmological order to create moral panics that allow them to subvert or set aside state justice systems.

Porter's studies (here and here) of Acholi responses to rape also document how ordinary people's trust in such state institutions are limited due to cosmological and communal needs. In particular, they show how their priorities in the wake of wrongdoing are often less about perpetrators being punished and victims receiving redress, and more about the restoration of 'social harmony'. Indeed, Porter suggests that even sexual violence remains connected to 'social harmony', which is defined as 'a state of normal relations among the living and the dead, linked to an idea of cosmological equilibrium and a social balance of power and moral order'. This encapsulates a concern with both the unseen cosmological world, and the very 'real' and impactful considerations of local power structures and claims to public authority found within the JSRP's other studies. Nonetheless, Porter's work points to the possibility that local efforts to maintain social harmony often are, both physically and structurally, violent.

Despite the nuanced pictures given by these studies, the JSRP's literature reviews (here and here) suggest that locally grounded understandings of justice are often overlooked by development practitioners. Furthermore, its own studies of community mediation initiatives in Sri Lanka and Nepal by Stein, Valters, and Ramani and Valters show how the country's practitioner community often derive their understanding of social harmony from donors' normative understandings, rather than from local notions. When discussing their programme's rationales, this is leads some practitioners to connect the idea of social harmony with 'peace-making' and inter-community conflict resolution. As the authors argue, this may be a leap too far and risks attributing unproven outcomes to their interventions. More problematic still, it may be creating something of an empirical blind-spot that leads practitioners to overlook their own roles in the institutionalisation of harmful group identities or gender inequalities.

These findings suggest that in some cases there may be a gap between practitioners' normative assertions about what justice interventions ought to achieve, and how justice is understood and practised by ordinary people. It is arguable that however well-intentioned interventions should address these gaps by taking account of how – often fluid – local understandings of justice play a central role in people's senses of cosmological and communal wellbeing.

Tom Kirk is the JSRP's Online Editor and a PHD candidate at the London School of Economics and Political Science. Holly Porter is the lead researcher for northern Uganda for the JSRP. Her research focuses on gender, sexual violence, social healing and local notions of justice, particularly on women's experiences after rape in northern Uganda, where she has worked since 2005. She holds a PhD in International Development from the LSE.

_____

Note: This article gives the views of the authors, and not the position of the Justice and Security Research Programme, nor of the London School of Economics or of Palladium International Development.

September 16th, 2016 | Aid, Asia Foundation, Craig Valters, Evidence, Featured, Gender based violence, Holly Porter, Justice, Tim Allen, Tom Kirk, Uganda | 0 Comments