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“They Arrested Me for Loving a Schoolgirl”: Ethnography, HIV, and A Feminist Assessment of the Age of Consent Law as a Gender-based Structural Intervention in Uganda

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Abstract

In 1990 women’s rights activists in Uganda successfully lobbied to amend the Defilement Law, raising the age of sexual consent for adolescent females from fourteen to eighteen years old and increasing the maximum sentence to death by hanging. The amendment can be considered a macro-level intervention designed to address the social and health inequalities affecting young women and girls, particularly their disproportionately high rate of HIV as compared to their male counterparts. While the intention of the law and aggressive campaign was to prosecute “sugar daddies” and “pedophiles,” the average age of men charged with defilement was twenty-one years old and many were believe to be “boyfriends” in consensual sexual liaisons with the alleged victims. This article uses court records, case studies, and longitudinal ethnographic data gathered in central-eastern Uganda to examine the impact of the age of consent law at national and local levels, and specifically what the disjunctures between national intentions and local uses reveal about conflicting views about the sexual privilege and rights. I argue that existing class, gender, and age hierarchies have shaped how the Defilement Law has been applied locally, such that despite the stated aim of “protecting” young women, the law reinstates patriarchal privilege (especially against men of lower social class) while simultaneously increasing the regulation of adolescent female sexuality and undermining their autonomy. This paper demonstrates how ethnography and gender theory—which emphasizes the intersectionality of gender, age, and class in the (re)production of inequalities—can be used to examine consequences of macro-level interventions in ways that may be undetected in conventional public health evaluation techniques but that are crucial for designing and modifying effective interventions.

Keywords

East Africa; gender; sexuality; HIV; macro-level structural intervention; evaluation; law; Uganda

INTRODUCTION

In 1990 women’s rights activists in Uganda successfully fought a legislative and media battle to amend the age of consent law (called the Defilement Law). The amendment made it illegal for a man to have sexual intercourse with a female under the age of eighteen years old

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(formerly fourteen years old) whether she consents or not, reclassified the violation as a capital offense, and increased the maximum sentence to death by hanging (section 123 of Ugandan Penal Code, cap 106). The amendment was intended to address the social and health inequalities affecting young women and girls, inequalities that the law's advocates felt were the result of lack of sexual protection for young women. Of particular concern was the disproportionately high rate of HIV among adolescent girls as compared to their male counterparts (5:1) and an alarming rate of out-of-wedlock pregnancies (Kamali et. al., 2000). By increasing and aggressively enforcing the Defilement Law, advocates of the law were promoting a structural intervention as a way of improving the wider context that shaped adolescent girls' sexual risk. Their aim was to prosecute and deter "sugar daddies," a widely used term to refer to older men who lure adolescent girls into sexual liaisons by offering them money or other goods in exchange for sex (see Kelly et. al., 2003; Obbo, 1995).

To an extent the structural intervention was a success; reported cases of defilement dramatically increased throughout the country. In the fieldsite where research for this article was conducted, defilement cases filed with the Chief Magistrate rose from zero of the forty total capital offenses in 1990 to seventy-two percent (or, 94 cases) of the 131 capital offenses in 2001 (Figure 1). While awareness and use of the law significantly increased, it failed to prosecute the intended targets. Specifically, whereas the defilement campaign was designed to prosecute "sugar daddies" and "pedophiles," the average age of men charged was twenty-one-years-old, and many were believed to be "boyfriends" in consensual sexual liaisons with the alleged victims. This unintended and unforeseen use of the law points to competing concerns between national policy makers and local residents about intergenerational liaisons, class, and gender.

This article uses court records and ethnographic data gathered in central-eastern Uganda between 1996 and 2006 to examine debates, meanings, and the impact of the age of consent law at national and local levels. Evidence indicates that as a structural intervention the defilement campaign had its intended effect of altering the wider social context of risk. In addition to dramatically increasing the number of reported cases, the campaigns reframed conversations about the sexuality of adolescent girls in a way that brought more clearly into public discourse the idea that "sexual abuse" of girls, and not their own immorality, contributes to their negative social and health outcomes. As further evidence of its success, although a correlation cannot be conclusively drawn, there was a dramatic decline in the HIV rate of adolescent girls between 1990 and 1997 (Kamali et. al. 2000).

As I argue in this article, however, this same ethnographic data show that existing class, gender, and age hierarchies have shaped the way the law has been applied locally in many ways that were unexpected and unintended by the law's designers, such that the law safeguards or reinstates patriarchal privilege (especially against men of lower class and status) while simultaneously increasing the regulation of the sexuality of female adolescents and undermining their sexual autonomy. The main purpose of this paper is to demonstrate how ethnography and gender theory—one which emphasizes the intersectionality of gender, age, and class in the (re)production of inequalities (Connell, 1987)—can be used to critically examine consequences of macro-level structural interventions in ways that may be undetected in conventional public health evaluation techniques.

BACKGROUND

Sub-Saharan Africa is home to seventy-five percent of global HIV cases and almost sixty percent of those cases are women (UNAIDS, 2009). Researchers have long emphasized that a woman's increased vulnerability lies outside of individual-level factors that assume a person has autonomy to decide and act on her choices, and instead argue that HIV risk is

shaped by wider (or, distal) factors and social determinants such as gender and economic inequalities, violence, reproductive desires and obligations, war, migration, and the like (Gupta, Weiss, & Whelan, 1996; Farmer, Connors, & Simmons, 1996; Schoepf, 1992). This structural risk is exacerbated by the fact that biologically women are twice as likely as men to become infected with HIV through unprotected heterosexual intercourse, a rate even higher for adolescent girls given the thinner epithelial lining of their vagina and cervix (Myer et. al., 2003). Not surprisingly, traditional behavioral interventions that focus on modifying people's behaviors—including the well-known ABC (abstinence, be faithful, and condom use) approach—have had limited long-term impact on curbing the rate of infection among women. Given this reality, calls have been made to develop macro-level structural interventions aimed at reducing gender and social inequalities that shape women's increased risk for HIV infection (Parker, Easton, & Klein, 2000; UNAIDS, 2010).

Research locating health risks at the structural level has been criticized for being too difficult to translate into health policies and for being “removed from any discussions of specific interventions” (Blankenship et. al., 2006:60). Critical medical anthropology—with its appreciation of the interaction between risk and systematic social and economic inequalities, or “structural violence”—has been particularly hard hit by this criticism both within and outside the discipline (ibid). The tools and frameworks most commonly used in developing public health interventions work at identifying and targeting factors at the individual-level (e.g., changing an individual's attitudes, knowledge, and skills) and the environmental- or community-levels (e.g., increasing condom availability, acceptability, and access) for they can be easily isolated and measured. However, disciplines such as anthropology and increasingly the socio-ecological approach in public health insist that if distal or macro-level factors are ignored bad health will not disappear but will simply be relegated to the more marginalized, oppressed, and disenfranchised, creating “diseases of the poor” (Farmer et. al. 2006:1690; Link & Phelan 1995, Blankenship, 2000).

Advocating for macro-level structural interventions has called attention to the limits of conventional impact measures or program evaluations. The randomized controlled trial, the “gold standard” for public health research, is virtually impossible to conduct on macro-level structural interventions; presumably everyone in the community should come in contact with the intervention and hence there is no control group, and the impact on health outcomes may be indirect or too prospective to adequately quantify or correlate (Bonell et. al. 2006). However, without the ability to evaluate the impact of structural interventions, it becomes difficult to advocate for, modify, replicate, and convince donors for additional programs. As we enter into the thirtieth year of the global HIV pandemic, it is evident that controlling its spread and preventing it from becoming a disease of women and other disenfranchised groups must involve modifying the social conditions that produce gendered HIV risk and, hence, the need for alternative ways to analyze the impact of macro-level structural interventions designed to target distal factors.

Uganda is a fitting site for such research because the country is widely known as the HIV success story in Africa, having reduced its national adult HIV prevalence rate from 19% in the early 1990s to 5.4% in 2007 (UNAIDS, 2008). There is much debate as to the main reasons for the impressive decline; however, most observers agree that if there were not significant structural changes in Uganda beginning in the mid-1980s with political stability and continuing throughout the 1990s with aggressive social reforms (including gender rights campaigns), the reduction in HIV would not have been as dramatic and sustained. Along with others, I argue that the decrease in HIV rate among adolescent girls during this period is precisely because structural changes allowed for risk reduction practices. While there is general recognition that planned gender-based structural interventions have contributed to Uganda's decline in HIV, there are no studies that critically assess their impact on local

understandings of sexuality and geographies of risk. This project addresses this gap by moving beyond what has been criticized as reductionistic tendencies of traditional evaluation towards a nuanced analysis of how a structural intervention is refracted through and shaped by local power dynamics to produce results that might be unforeseen or directly counter to the advocates' initial aims.

METHODS

This study is a "project ethnography" in that it reveals "how interventions enter into existing life worlds and both shape and are shaped by them" (Evans & Lambert, 2008:469). Project ethnographies recognize that interventions are far from neutral but rather are ideologically-loaded social arenas in which competing and "intersecting ideologies, relationships, interests, and resources" play themselves out in both the policy-making process and in the on-the-ground implementation (ibid). Hence, in designing this study I employed a dialectical framework that moved between analysis of the macro-level intervention planning and critical ethnographic investigations of everyday experiences with the law.

At the policy level, I interviewed fifteen public health officials, researchers, and women's and children's rights advocates who were instrumental in designing, lobbying for, or promoting the revised law. I also conducted a discourse analysis of newspaper editorials and articles on the law in order to assess how the law was represented and debated publicly. Finally, I was invited to participate in three workshops organized by children's rights agencies that were intended to collect, discuss, and disseminate information on the law and develop implementation strategies. When analyzing data from the national and policy levels, I paid attention to commonly occurring themes used by various groups and performed a content analysis within each thematic category, noting the discursive frames and cultural logics invoked and how the notion of "protecting" the girl child shifted as public debates unfolded.

At the local level, data were collected through longitudinal ethnographic research from 1996 to 2006 in Iganga in central-eastern Uganda. Longitudinal research allowed me to assess both shorter- and longer-term impacts of the age of consent campaigns on adolescent female sexuality, particularly as it relates to shifting and intertwined notions of gender and rights. My research assistants, all native speakers of the local language (Lusoga), and I used a mixed method approach that combined case studies, analyses of court records, and ethnographic fieldwork. We utilized a case study approach to obtain in-depth information on nine defilement cases in Iganga, and gathered information on roughly thirty additional cases. Not all of these additional cases went to court for a variety of reasons, but residents had classified the cases as defilement because they took place between an older man and an adolescent or young girl. The nine in-depth case studies were selected because of my access to the accused men. I interviewed each accused man about his sexual relationship with the alleged victim, his knowledge and interpretation of the law, his life history, and the legal case itself, and in four cases I interviewed the alleged female victim. This was not possible in the other five cases because the young woman had relocated or because it seemed unethical to ask for her identity. The additional thirty cases were selected because they were either widely discussed in Iganga or the law enforcement at the time believed each to be a typical case. For these cases, we were unable to interview the parties directly involved and instead gathered information and interpretations of the cases from residents, law enforcement, and court officials. I analyzed interview data on local cases by first exploring common themes *within* each case, and then comparing information *across* cases, paying attention to the demographic characteristics of the two involved parties in order to understand how cultural logic was developed or contested.

My assistants and I assembled case data from the court registry and files, documenting the number of reported cases per year, the ages of the alleged assailant and victim, and, when available, the outcome of the case. Because of inconsistencies and missing data in the registries (particularly outcome of cases and age of victim), a limitation of this study is that I was unable to ascertain much from the empirical court data other than the average age of accused men and number of reported cases per year. We also employed participant observation techniques, the hallmark of ethnographic research, which enabled triangulation of what people said in our interviews about gender and sexuality, everyday gendered interactions, and conversations about gender and sexual liaisons. My understanding of historical changes is constructed from over one hundred life histories and interviews with residents that I have collected over the years and the 1950s research of anthropologist, Lloyd Fallers (1965, 1969).

The National Council of Science and Technology in Uganda approved the study, and I was affiliated with the Makerere Institute for Social Research in Kampala during research. In Iganga, I received approval from the Resident District Commissioner, the District Director of Health Services, the Chief Magistrate, the Police Chief, and the Local Councils of the respective villages. Participants were informed of the study aims and gave verbal consent. Formal interviews were tape-recorded; identifying characteristics were removed to protect the identity of persons involved; and all names used in this article are pseudonyms.

FINDINGS

Gender-based Structural Interventions: A Threat to Male-Privilege?

Interviews and media analysis from the national level reveal that unfolding debates surrounding the Defilement Law were shaped not only by the widespread concern about gendered health and social disparities, but also by growing anxiety over what was perceived as aggressive attempts by women reformers and international donor agencies who were collaborating to undermine male authority. When the defilement bill was initially presented in Parliament, general perception in Uganda was that the women's rights movement, which challenged the social order, found a friendly ally with and was gaining strength under the new and socially liberal regime of President Yoweri Museveni (Tripp, 2000). The bill was initially trivialized or ignored by vocal male legislators, as they saw the proposed amendment (as well as other gender-related legislation) as unnecessary distractions from the economic and political problems that the country faced after having emerged from twenty-five years of civil war and conflict.

Two main oppositional arguments emerged in Parliament that would foreshadow local responses to increasing the age of consent. One dealt with the appropriate age at which a female could consent to sexual liaisons, the assumption being that in some situations men should have sexual access to a young woman, through marriage or other legitimate route, regardless of her chronological age. Feminist legal scholar Sylvia Tamale observed frequent mockery and contempt among legislators: "[d]uring the debate on the children's bill...a Muslim MP [Member of Parliament] stood up and said, 'Increasing the age of majority to eighteen years is unrealistic and unscientific; the prophet Mohammed married Aisha when she was nine years old.' Loud laughter ensued" (Tamale, 1999:122). The second opposition framed the law as an encroachment of the government into culturally-specific and private matters that were best understood and handled at the community level, an argument that garnered much support in the ethnically and religiously diverse country-side.

These and other oppositional arguments received much attention in the media, creating initial suspicion around the intent of the bill's advocates. What was conceived by the law's advocates as an attempt to *protect* girls was woven by critics into a campaign *against* men

and their rights. Miria Matembe, an outspoken Member of Parliament, became a favorite target of critics who claimed that she was on a crusade to destroy men and their *willing* multiple and intergenerational consensual lovers (figure 2). Newspaper articles such as “Women Demand Castration for Men over Sex Abuse” famously quoted her saying, “[m]en are in possession of a potentially dangerous instrument which should be cut off unless it is properly used” (Muhangi, 1991:5). A satirical cartoon featuring a meek man approaching a “Castration Center” appeared a few days after the Matembe story, visually reinforcing the opposition’s idea that the campaign was an unnecessarily barbaric act of social terror against men. Directly below the cartoon was a separate editorial about the seductive strategies of adolescent girls entitled “Opinion: School girls provoke,” shifting blame to adolescent girls and rendering men innocent and defenseless against the young provocateurs (Opinion, 1991). The emasculating Castration Center cartoon together with the editorial about the seductive ways of schoolgirls provide examples of the daily images and discourses that reinforced the public perception that the defilement campaign was a misdirected war against men waged by radical feminists. The polarized gender debate in the legislature and the media would eventually play itself out at the local level, as discussed later.

Facing much public opposition, advocates eventually aligned their campaign with the global children’s rights movements, strategically infusing their efforts with new international legitimacy, discursive framing techniques, and importantly, financial and technical resources to launch an aggressive grassroots campaign. By shifting the central issue away from the “prosecution” of men to the “protection” of innocent girl-children, the law’s advocates found widespread and less controversial appeal among citizens concerned about Uganda’s future. Feminist scholars use the term “maternalism” to describe the strategy of invoking the needs of the girl-child as an entry into the broader sphere of women’s rights, and have argued that pursuing children’s rights is a less threatening way to challenge the patriarchal social order (Gordon, 1995). By positioning females under the age of consent within the protected status of children, advocates attempted to rally both men and women in the call to protect underage girls from their own ruin.

In sum, the Defilement Law extended the period of “childhood” for girls, thereby offering them legal and state protection from sexual liaisons with older men, forced child marriages, and other sexual relations. Although the proposed amendment sought to protect girls under the age of eighteen with the aim of reducing the high HIV and teen pregnancy rates among adolescent females, what drew much public anxiety was the law’s underlying goal of punishing men for what many saw as a masculine right—sexual access to younger females. Male policy makers and the general public initially saw the law as too radical primarily because it challenged the historical (and therefore “natural”) gender social order that granted sexual privilege to men.

Like other macro-level interventions designed to address social inequalities, the aggressive promotion of the law challenged the existing gender hierarchy and hence the very foundation upon which people in positions of power rest. Likewise, although the term *empowerment* is often used when promoting rights-based laws and often implies increasing a person’s ability to make decisions and act, in reality it translates into a radical transformation in power relations, particularly since the ultimate aim is for marginalized people to have a greater ability to “participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives” (quoted in Narayan, 2002: 14). Hence, both empowerment and macro-level structural interventions also have profound effects on those who currently benefit from forms of inequality. The perception that empowering young women ultimately means radically challenging men’s sexual rights was at the heart of the heated public debates surrounding the Defilement Law, a perception that was shared locally in Iganga.

Iganga and the Breakdown of Traditional Notions of Sexual Consent

Iganga town is the rapidly growing administrative and commercial center for Iganga District and lies about 120 kilometers to the northeast of the capital of Kampala along the Trans-Africa highway. The district has an estimated HIV prevalence rate of 6.1%, which is consistent with the national rate, and like in other urban areas, prevalence is higher in Iganga town than in rural areas. Approximately 60% of Iganga's population is young people below 25 years and 50% of these youth become sexually active by the age of 17 (Iganga District Local Government, 2008). The district also reports one of the highest fertility rates of Uganda with 6.8 children per woman (ibid, 2008), all of which play important roles in local uses of the law.

The Bantu-speaking Basoga are the predominant ethnic group in Iganga. Historically they were subsistence farmers and many eventually participated in small scale cash-cropping when introduced by the British colonial government. To meet the needs of an increasingly monetized economy, today most households supplement subsistence and small-scale commercial farming with a combination of low-profit activities such as shop keeping, manual labor, driving bicycles or motorcycle taxis, trade, or repair work. Young people are often unemployed or engaged in temporary or seasonal work in the informal economy. Access to income has not kept pace with the availability of and desire for luxury and consumer goods and services, creating tensions between parents and children, increasing stratification among households, and forming a motivation for the sex-for-money (or, transactional sex) phenomenon between sugar daddies and young women.

Cultural logic for the patterned unintended use of the Defilement Law can be partly located in the exogamous marriage system (Fallers 1965, 1969). As with other patrilineal groups in sub-Saharan Africa, a father has rights over his daughter's productive and reproductive labor until access to both is officially transferred to her husband through the negotiation and exchange of bridewealth (Radcliffe-Brown & Forde, 1950; Fortes 1962). The traditional engagement ceremony (called the "Introduction") during which bridewealth is established and exchanged remains an important symbolic process through which a man and by extension, his kin, obtain legitimate access to a young woman's reproductive capacities and productive labor. As explored later, sexual liaisons with a young woman without consent of her father is considered theft, a crime committed by one man against another man's property. The delay and declining frequency of the Introduction ceremony and the exchange of bridewealth have been the source of local anxiety, and many residents point to the increased sexual agency of young women and the weakening of fathers' rights as the main reasons for this breakdown, forming an important backdrop to understanding local applications of the defilement law.

Local (Ab)uses of the Defilement Law

Conflicts over Extending Childhood and Broadening Notions of Sexual Abuse

—When I began research in 1996, the Defilement Law was virtually common knowledge in Iganga. Posters with captions such as "Protect Your Friends" that depicted adolescent schoolgirls being preyed upon by older men were regular features around town (Figure 3). Given its relatively recent insertion into public discourse, it was remarkable how easily the law and the notion of sexual violation fit into local moral discourse, especially since older men's sexual advances towards younger women were a historical reality.

While Iganga residents were generally aware that the law expanded childhood to eighteen years old, they held complex views about exactly *which* adolescent girls were in need of or even worth protecting. Historically, the transition from child to adult depended less on a girl's chronological age and more on biological, economic, and social characteristics such as

her physical body, reproductive history, family status, and educational and career prospects. An adolescent girl who reproduces or is pregnant may be expected to take on adult responsibilities and duties, while the community may confer an extended protected childhood to a schoolgirl from a middle-class family. Taking into account the ways in which class and gender intersect with the politics of sexual maturation, a girl from a poor family not attending school may be perceived as transitioning out of childhood sooner than a school-going girl from a middle-class family. Innocence and state protection that accompanies the category of child are more accessible to adolescent girls who represent the future upper classes of society. Their poorer and depraved counterparts, on the other hand, are perceived as sexually knowing or, as elders say, “spoiled” because they are assumed either to have engaged in sexual liaisons or to have knowledge about sex. Furthermore, in public discourse poorer girls are portrayed as burdens to society because they reproduce the underclass and threaten middle-class families because of their pursuit of sexual liaisons with older, married men. The defilement campaign was intended to extend the legal category of youth for *all* young females regardless of a girl’s class, age, and whether or not she had reproduced or was pregnant.

In addition to extending the category of childhood for girls, the law also intended to broaden the range of punishable male sexual pursuits to not only include acts that were historically considered socially unacceptable such as sexual liaisons with girls from wealthier families. The law also sought to bring into legal and social scrutiny, liaisons that had not previously been considered reprehensible, specifically “sugar daddy” relationships between older men and adolescent girls from often (though not always) poorer families. While there were increasingly vocal opinions, especially among older women, that sugar daddy liaisons were socially damaging to girls and society in general, court records throughout Uganda show that such cases remained virtually absent from legal registries. Specifically, the average age of accused man was 21.5 years old. I argue that this absence of older men is partly pragmatic in that most defilement cases were filed and handled by fathers, while women expressed the most opposition to “sugar daddy” relationships. Ethnographic analysis, however, allows us to understand deeper cultural reasons and meanings behind this absence.

“Sugar Daddies” and the Reinstatement of Father’s Compensation

(Omutango)—Defilement cases involving Musa, a wealthy businessman admired for rising from a modest background, demonstrate how women’s activists and residents are at odds over *who* is being “violated”—the girl or her parents—when men have “unauthorized” sexual liaisons with adolescent girls. I met Musa shortly after the youngest of his four wives, Aisha, had posted a 2.5 million shillings (about \$1,400) bail for him to be released from jail on his most recent sexual liaison with a schoolgirl. Most of Musa’s liaisons with schoolgirls, including the one that began his relationship with Aisha, were not officially reported to law enforcement, however this particular incident was. There were conflicting rumors about why this particular case was reported to the police, ranging from a vendetta against Musa to female law enforcement officers pressuring their male colleagues to support the investigation.

Residents pointed to cases involving wealthier men such as Musa’s to demonstrate how some parents might forego formal legal procedures in exchange for their own material gain. In attempting to account for this tendency, residents mentioned the widespread corruption among local law enforcement and the ability of middle-class men to meet the financial demands of the girls’ parents. As a court official commented: “It’s hard to charge that one... The man is a source of income for the parents.” Given the prevalence of poverty and high rates of unemployment, the patron-client ties upon which this dynamic revolves remain crucial to the lives of many Iganga residents. Jeopardizing such ties could mean risking future economic or social benefits from a local “big-man” or alienating oneself from

neighbors. Importantly, when parents get involved, economic gain is transferred from the young girl involved with the sex-for-money relationship to her parents who use the threat of the Defilement Law to secure a financial reward for themselves.

This economic rationalization, however, fails to take into account an important cultural dimension of sugar daddy/schoolgirl liaisons in Uganda. While these liaisons are a continual source of frustration for some residents and women's and children's rights activists, they comprise two powerful signs of modernity—the wealthy older male and the promising young schoolgirl. The pairing also has deep historical roots, for elite landholding men were historically given access to the daughters of commoners—through marriage or temporary domestic servitude—in return for debt forgiveness, continual favors, or access to social and economic networks. The sugar daddy/schoolgirl pairing can be understood as a modern, repackaged version of a historically occurring social relationship, the contentious main difference being that economic gain has shifted from the father to the daughter.

Our ethnographic data show that (the threat of) the Defilement Law has offered a way for fathers to reinstate their rights regarding who has sexual access to their daughters. Specifically if a father was not involved in the arrangement of his daughter's sexual liaison, according to cultural convention, he historically had two options: he could either sue for her return or claim *omutango* (compensation) for unauthorized sexual access. Within the context of the declining role of the father in sexual liaisons, the Defilement Law has become a state-sponsored way to initiate the historical process of obtaining *omutango* from sexual partners of daughters. As the case of Musa as well as other cases of wealthy men we encountered demonstrates, such men have the economic resources and reputational incentive to pay *omutango*, the social capital to evade the law, and the social leverage to transform their transgressions from possible scandals into public silences.

Regulating Daughters and Disciplining (Poor) Boyfriends: The Problematics of Consent and Obwenzi (*Promiscuity*)—While wealthy men such as Musa evade legal (but not necessarily economic) consequences, younger and poorer men are disproportionately charged precisely because of their limited access to social and economic capital. Take, for instance, the case of Yahaya. I met the shy manual laborer in 2002 soon after he finished serving a thirty-two month sentence for defilement. With his eyes cast downward, Yahaya began recounting his story to me: “They arrested me for loving a schoolgirl.” At the time of his arrest, Yahaya was twenty years old and Lydia (his alleged victim) was sixteen, a relatively insignificant age difference in Iganga. Their relationship had lasted thirteen months before Lydia started showing signs of pregnancy, enraging her protective father. A week before Lydia's father filed charges against him, Yahaya had given Lydia's mother 65,000 shillings (about \$35) to help with Lydia's medical expenses. The pregnancy combined with the meager financial assistance insulted Lydia's father sent him into further rage and to the police department to file charges.

During the police interrogation, Yahaya admitted to impregnating Lydia and explained that he was willing to provide additional child support once he secured a higher paying job. His admission of fathering the child provided adequate evidence to charge him with defilement. Yahaya's meager child support offer granted Lydia's father sympathy from the police for it was assumed that he would be responsible for supporting the child and his daughter. The case sped easily through the justice system and Yahaya was sent to state prison.

Yahaya's case exemplifies how a man's class determines culpability, and how the triple helix of class, age, and criminality gets reproduced and strengthened through systematic use of the Defilement Law. I suggest that Yahaya's sentence might not have been as harsh had he not been part of the group of visibly underemployed young men, and had the girl not

been pregnant or perceived as part of the future educated middle-class. Throughout the interviews I conducted on the case, Yahaya's poor socio-economic status and lack of upward mobility were consistently contrasted to Lydia's future potential and upwardly mobile status, which were established through repeated invocation of her schoolgirl status and the prestigious name of her school. The narratives surrounding this case and others like it drew attention to the crossing of class-lines and particularly to the girl (unwisely) selecting a partner from a lower class. What was "defiled" was her father's economic status and rights over his daughter's sexuality, and not necessarily her sexual purity. She was being regulated for contributing to her own sexual ruin by getting pregnant by a poor man; Yahaya was disciplined for pursuing a relationship with a girl from a higher status.

The sexual economy underlying the liaison offers another interpretation of this case. Both Yahaya and Lydia agree that their relationship began with a gift exchange but their stories diverge when discussing who initiated the transaction, pointing to their mutual acknowledgment of the moral uncertainties surrounding shifting sexual economies void of kin involvement. According to Yahaya: "In the [initial] conversation, she asked me for some money. I told her she should come to my home for the money...I gave her the money and she went." Lydia's version of the money exchange was slightly different. As she explains, "Yahaya said he wanted to become friends with me and I asked him what will he do for me...I said my parents would begin asking questions [if he bought me gifts], so he agreed to give me money instead." While Yahaya was found guilty of defilement, according to our data, young women as opposed to men are often seen as more blameworthy in transactional sex liaisons. Residents' perceptions of the ways in which young women use their sexuality for material gain have left many people ambivalent about defilement cases involving adolescent girls, particularly when the maximum sentence is death. Many older residents feel that increased adolescent female sexual agency and their desire for modern goods have led them to actively pursue men. In the words of one elder, "Our girls have gotten out of hand. They give themselves away so cheaply." However, given Lydia's pregnancy and her suitor's lack of ability to support the child or mother, Yahaya was seen as useless to the father and hence was punished for transgressing class lines.

According to residents, youth sexual relations defy notions of parental authority and are classified under the general term *obwenzi* (sexual transgression or "promiscuity"). Like other social categories, the meaning of *obwenzi* has shifted over time. During colonial rule, British local administrators and Basoga elders used *obwenzi* to describe situations in which wives withdrew their reproductive and productive labor on their husbands' farms by running away, leading to a decline in agricultural production and hence colonial profits (Fallers 1969). Today *obwenzi* is frequently invoked to explain how the spread of HIV is fueled by the widespread practice of sex-for-money liaisons, unregulated youth sexual liaisons, and the general breakdown of the traditional marital process, as discussed above. Whereas in the past *obwenzi* as a moral critique referred to adult sexual behaviors, it has become associated with sexual behaviors of young or unmarried people, particularly the sexuality of adolescent and young women.

The case of Yahaya and Lydia demonstrates that the age of consent in Iganga is often less about *age* (as it was in the initial legislative debate) than it is about *consent*. Importantly, the consent of the girl is less the issue, but rather the consent of the *parents*, most likely the father or another paternal kin. As in the case of Yahaya and Lydia, it is a girl taking control of her sexuality and her suitor's failure to obtain the consent of the parents—regardless of the age of the girl and whether or not she consents—that are considered the violations. Unlike cases of "sugar daddies" where the tension is over who will reap the economic benefits from sexual liaisons with wealthier men, cases involving two younger people are more commonly talked about in terms of resolving generational tensions. The Defilement

Law in such cases is used not only to punish young suitors who have transgressed generational lines of respect among men but also to regulate the sexuality of delinquent daughters who defy parental control.

Competing Notions of Consent and Blame—The notion of consent becomes complicated when considered with the related concept of blame. The case of a fourteen-year old girl who engaged in sexual relations with a teenage shop attendant in town illuminates how notions of consent and blame are intricately woven. As part of the girl's evening chores, her parents regularly sent her to town to purchase goods and food. A young shop attendant would offer the unescorted girl free items and eventually invited her to his room located behind the shop. One day after returning from town, the mother noticed that "The girl's way of walking has changed," and inquired about the change. The daughter evaded the topic of sexual intercourse by asserting that she had a boil between her legs. The mother took the girl to the doctor who diagnosed her with a sexually transmitted infection. After much pressuring from her mother, the girl revealed that she had been having sexual intercourse with the teenage shop attendant. The girl's parents confronted the young man and his parents and explained that they were willing to forgive the boy in exchange for a fine of 300,000 shillings (about \$170). When the young man's mother could not produce the amount, the girl's parents became incensed. According to my interview with the father, they explained to the shop attendant: "We have been kind enough to you. What kind of person are you? You have destroyed our girl and you are not being considerate." The girl's parents reported the case to the police, resulting in the boy's arrest and conviction.

Interviews with the father and grandmother of the girl reveal conflicting notions of responsibility and culpability. According to the grandmother, both the girl and her parents were to blame for the girl's sexual activity. The grandmother noted that the girl "did not know what she was sent to town for because she was often not given enough money for the requested goods." The old woman further implicated the parents by stating, "You always hear over the radio to stop sending children out at night to buy things." However, as she explained, the girls' parents did not heed the warning, sending their daughter to the evening market unattended and without proper instruction on "how to handle herself." To the old woman and others in Iganga, strict supervision and surveillance of adolescent daughters is the responsibility of parents. Hence, in addition to the generational tensions between parents and daughters that we have seen in the two previous defilement cases, this case illustrates a multi-generational dynamic of blame occurring in Uganda in which adults claim youth are morally corrupt while elders argue that adults (or parents) are responsible for moral failures of young people.

Yet in other cases, adolescent girls are blamed for succumbing to the temptations offered by men as the young women seek to fulfill their desires for luxuries and modern lifestyles. While young pre-pubescent girls are assumed to be naïve and sexually unknowing, pubescent adolescent girls are thought to possess the mental capacity and self-discipline to recognize and resist temptation. As some residents express, it is adolescent girls' insatiable quest for money that leads them into relationships with sugar daddies. In another case, a father found his fifteen-year-old daughter having intercourse with a teacher who had come to the house to tutor her. The father threatened the teacher with court action, but decided against it after finding out that prior to this incident his daughter was not a virgin. The disappointed father explained, "I have nothing to do because the girl was not found a virgin." The daughter's virginity became the test for whether she was worthy of state protection. These cases show how the idea of age-based consent alone, as stated in the Defilement Law, often does not reconcile with cultural notions of individual agency, or the ability of a person to pursue her desire or rebuke that which she does not want.

DISCUSSION

In this article, I have shown how ethnographic analysis can provide a nuanced understanding of how the design and implementation of a macro-level structural intervention intended to ameliorate gendered health disparities are shaped by and shape gendered power relations and social anxieties in ways that may be unexpected by planners. Specifically, within the context of economic uncertainty and anxiety about HIV and teen pregnancy in Uganda, the Defilement Law became a platform through which conflicts about the changing nature of youth sexuality and perceived threats to historical male privilege were elaborated and debated. Despite well intentioned efforts to *protect* girls from sugar daddies, our evidence reveals that through patterned use of the law, legal reformers and community residents bolstered patriarchal control over the female body while simultaneously protecting parental (mainly fathers') rights over the daughter's sexuality. Defilement became a state-backed intervention that allowed fathers to claim traditional economic compensation for unauthorized access to their daughters. Ironically, while our data show that fathers frequently use the Defilement Law to reinstate their weakened authority, since defilement is a criminal offense against the state, pursuing legal action ultimately serves to distance fathers from jurisdiction and compensation as cases move through the judicial system (Hodgson, 1996).

The same conception of the female body as property of a male guardian actually facilitated widespread public acceptance of the Defilement Law in Uganda because, as historian Michelle Oberman (2001:802) argues for the U.S. case, the notion of age of consent is a reflection of the long-standing assumption that "virginity was so highly prized that a man who took a girl's virginity without her father's permission was considered to have committed a theft against the father." Critical legal studies of age of consent laws in the U.S. and northern Europe focus primarily on intra-family dynamics among parents and daughters (Cocca 2002; Hollenberg 1999; Odem 1995; Olsen 1984; Robertson 2002), emphasizing how the law has been used to control daughters who were seen as bringing public shame to their family either through pre-marital pregnancy or behaviors that were seen as unbecoming of respectable women.

The twin themes of protection and patriarchal control over adolescent females are important in understanding unintended consequences of the Defilement Law; however, a partial analysis of hierarchies of respect among men is equally important in sub-Saharan Africa. There is a simultaneous struggle of rights being played out between senior and junior (often poorer) men, in which older men through charging or threatening to charge daughter's boyfriends with defilement, usurp the sexual autonomy of younger men while reinforcing older forms of male hierarchy. Hence, another key finding of this study is that when applied locally, the Defilement Law has become a powerful tool for reinstating and sustaining age and class hierarchies among men. Thus, this tension between men is another form of social tension created by the law in addition to three explored in this article. First, the law is phrased in terms of protecting the girl-child regardless of other aspects of her identity. But in actuality, class and perceived future potential are fundamental to the way that innocence, consent, and youthful sexuality are defined in any particular instance. Second, policy-makers and parents are at odds regarding which economic category of men pose as a threat to girls, highlighting how the universalist discourses about children's rights are in conflict with or complicated by class-based agendas. Finally, the discrepancies also highlight competing ideas about the role of structural change in the HIV epidemic. Whereas advocates of the Defilement Law regard structural intervention as the *answer* to combating young women's disproportionately high rate of HIV, Iganga residents overwhelmingly view social changes in sexuality as the *source* of the problem that led to HIV in the first place.

I am not arguing against the use of macro-level structural interventions in combating gendered disparities in health, for like others I see them as necessary given the distal factors that underlie poor health outcomes. I argue that structural changes, including laws and aggressive gender equality and children's rights campaigns during the 1990s, contributed to the decline in HIV rate among adolescent girls between 1990 and 1997. While the rate for adolescent girls experienced the most significant decline of any age/sex group in Uganda, women between the ages of 30-49 (or those most likely married or ever married) experienced the greatest increase in HIV infection (MOH 2006). One explanation could be the maturing of the epidemic (e.g., the adolescent girls are now adult women living with HIV) or it could reflect a trend seen around the world—structural factors such as migration and gender inequality combined with social factors such as married women's obligations and desires to reproduce conflicting with HIV preventative strategies (see Hirsch et. al 2009).

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References

- Blankenship K, Bray S, Merson M. Structural interventions in public health. *AIDS*. 2000; 14(Suppl 1):S11–S21. [PubMed: 10981470]
- Blankenship KM, Friedman SR, et al. Structural interventions: Concepts, challenges and opportunities for research. *Journal of Urban Health-Bulletin of the New York Academy of Medicine*. 2006; 83(1): 59–72. [PubMed: 16736355]
- Bonell C, Hargreaves J, Strange V, Pronyk P, Porter P. Should structural interventions be evaluated using RCTs? The case of HIV prevention. *Social Science & Medicine*. 2006; 63(5):1135–1142. [PubMed: 16697512]
- Cocca C. The politics of statutory rape laws: Adoption and reinvention of morality policy in the states, 1971-1999. *Polity*. 2002; 35(1):51–72.
- Connell, R. *Gender and power: society, the person, and sexual politics*. Stanford University Press; Stanford, Calif.: 1987.
- Evans C, Lambert H. Implementing community interventions for HIV prevention: Insights from project ethnography. *Social Science & Medicine*. 2008; 66(2):467–478. [PubMed: 17920740]
- Fallers, L. *Bantu bureaucracy: A century of political evolution among the Basoga of Uganda*. University of Chicago Press; Chicago: 1965.
- Fallers, L. *Law without precedent: Legal ideas in action in the courts of colonial Busoga*. University of Chicago Press; Chicago: 1969.
- Farmer, P.; Connors, M.; Simmons, J. *Women, poverty and AIDS: Sex, drugs and structural violence*. Common Courage Press; Monroe: 1996.
- Farmer P, Nizeye B, Stulac S, Keshavjee S. Structural violence and clinical medicine. *PLoS Med*. Oct. 2006 3(10):e449. [PubMed: 17076568]
- Fortes, M. *Marriage in tribal societies*. Cambridge University Press; London: 1962.
- Gordon, L. Putting children first: Women, maternalism, and welfare in the early twentieth century. In: Kerber, L.; Kessler-Harris, A.; Sklar, K., editors. *U.S. History as women's history: New feminist essays*. University of North Carolina; Chapel Hill: 1995. p. 63-86.
- Gupta, G.; Weiss, E.; Whelan, D. *Women and AIDS: building a new HIV prevention strategy*. In: Mann, JM.; Tarantola, DJM., editors. *AIDS in the world II global dimensions, social roots and responses*. Oxford; New York: 1996.

- Hirsch, J.; Wardlow, H.; Smith, D.; Phinney, H.; Parikh, S.; Nathanson, C. *The Secret: Love, Marriage, and HIV Risk*. Vanderbilt University Press; Nashville: 2009.
- Hodgson D. "My daughter...belongs to the government now": Marriage, Maasai and the Tanzanian State. *Canadian Journal of African Studies*. 1996; 30(1):107–123.
- Hollenberg E. The criminalization of teenage sex: Statutory rape and the politics of teenage motherhood. *Stanford Law and Policy Review*. 1999; 10:267–287.
- Iganga District Local Government. Five year orphans and other vulnerable children strategic plan, 2008/2009—2012/2013. 2008.
- Kamali A, Carpenter L, Whitworth J, Pool R, Ruberantwari A, Ojwiya A. Seven-year trends in HIV-1 infection rates, and changes in sexual behavior, among adults in rural Uganda. *AIDS*. 2000; 14(4): 427–434. [PubMed: 10770546]
- Kelly R, Gray R, Sewankambo N, Serwadda D, Wabwire-Mangen F, Lutalo T, Wawer M. Age differences in sexual partners and risk of HIV-1 infection in rural Uganda. *Journal of Acquired Immune Deficiency Syndromes*. 2003; 32(4):446–451. [PubMed: 12640205]
- Link B, Phelan J. Social conditions as fundamental causes of disease. *Journal of Health and Social Behavior*. 1995:80–94. (extra issue). [PubMed: 7560851]
- MOH [Ministry of Health, Uganda]. Uganda HIV/AIDS Sero-behavioural Survey 2004-2005. Ministry of Health; Calverton, Maryland, USA: 2006.
- Muhangi, J. The New Vision. Uganda; Kampala: Dec 18. 1991 Women demand castration for men over sex abuse. 1991
- Myer L, Kuhn L, Stein ZA, Wright TC Jr, Denny L. Intravaginal practices, bacterial vaginosis, and women's susceptibility to HIV infection: epidemiological evidence and biological mechanisms. *Lancet Infectious Disease*. 2003; 5(12):786–794.
- Narayan, D. Empowerment and poverty reduction: A Sourcebook. World Bank Publications; 2002.
- Obbo, C. Gender, age and class: discourses on HIV transmission and control in Uganda. In: Brummelhuis, H.; Herdt, G., editors. *Culture and sexual risk: Anthropological perspectives on AIDS*. Routledge Press; New York: 1995. p. 78-95.
- Oberman M. Girls in the master's house: Of protection, patriarchy and the potential for using the master's tools to reconfigure statutory rape law. *DePaul Law Review*. 2001; 50:799–826.
- Odem, M. Delinquent daughters: Protecting and policing adolescent female sexuality in the United States, 1885-1920. The University of North Carolina Press; Chapel Hill, NC: 1995.
- Olsen F. Statutory rape: A feminist critique of rights analysis. *Texas Law Review*. 1984; 63:387–432.
- The New Vision Newspaper. Kampala: Dec 21. 1991 Opinion: School Girls Provoke; p. 6
- Parker R, Easton D, Klein C. Structural barriers and facilitators in HIV prevention: A review of international research. *AIDS*. 2000; 14(Suppl 1):S22–S32. [PubMed: 10981471]
- Radcliffe-Brown, A.; Forde, D. *African systems of kinship and marriage*. Oxford University Press; London: 1950.
- Robertson S. Age of consent law and the making of modern childhood in New York City, 1886-1921. *Journal of Social History*. 2002; 35(4):781–798.
- Tamale, S. *When hens begin to crow: Gender and parliamentary politics in Uganda*. Westview Press; Boulder, CO: 1999.
- Tamale S. How old is old enough? Defilement Law and the age of consent in Uganda. *East African Journal of Peace & Human Rights*. 2001; 7(1):82–101.
- Tripp, AM. *Women & politics in Uganda*. University of Wisconsin Press; Madison: 2000.
- Schoepf, BG. Women at risk: case studies from Zaire. In: Herdt, G.; Lindenbaum, S., editors. *In the time of AIDS: Social analysis, theory and method*. Sage; London: 1992. p. 259-286.
- UNAIDS. Report on the global AIDS epidemic. Geneva: 2009.
- UNAIDS. Epidemiological Fact Sheet: Uganda. Geneva: 2008.
- UNAIDS. Agenda for accelerated country action for women, girls, gender equality and HIV operational plan for the UNAIDS action framework: Addressing women, girls, gender equality and HIV. Geneva: 2010.

Figure 1.

Cases registered with the Iganga Chief Magistrate, 1990-2002. *Overall cases declined in 1999 because the court's jurisdiction was reduced when district boundaries were redrawn.

Figure 2. Cartoon in a popular newspaper depicting Members of Parliament (MPs) hiding their multiple “wives” from the feminist wrath of Maria Matembe, who is continually portrayed in the media as anti-male and attacking male sexual privilege.

Figure 3.

An HIV/AIDS poster showing a sugar daddy enticing a schoolgirl with money. Source: Child and Adolescent Health Program, Ministry of Health, Uganda.