Chapter 10

Transnational and Local Models of Non-Refoulement

Youth and Women in the Moral Economy of Patronage in Postwar Liberia and Sierra Leone

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Introduction

Survival and self-protection often require an acute recognition of the sociopolitical structures creating suffering. This social fact is especially significant for people displaced during a war – that is, people displaced either within their country (IDPs) or outside the country (refugees).¹ War-affected groups face the challenges of rebuilding social lives when they return to exited communities, whether villages, towns and neighbourhoods or the national community as a whole. (E.g. a refugee might return to the national community but avoid her local community of origin because of the oppression of harsh patriarchy.) Returnees must confront the structural problems that led to the violent conditions precipitating their exit in the first place.

'Return' produces a critical sociopolitical moment for scrutinizing social injustices existing before, during and after a war – thereby creating a special postconflict 'public sphere' in Habermas's (1989 [1962], 1974) sense of citizen discourse and reasoning about political institutions and their consequences for socioeconomic inequality. Even as returnees face the constraints of an impoverished postwar social and economic infrastructure, hopeful possibilities arise for creating future institutions with greater fairness and opportunity. Alternatively, for the entrepreneurs of power and domination, the period of 'return' and the process of rebuilding the social fabric of a war-wracked country offer opportunities to reimpose the political privileges and economic monopoly of a governing elite of local and national 'big men'. Capturing international humanitarian resources for postconflict rehabilitation programmes, for example, is one core strategy for rebuilding patronage power and wealth (see Hoffman 2004 on the

effect of humanitarian aid on war strategies in the Liberian and Sierra Leone civil wars, and Fanthrope 2003 on postwar strategies; cf. Chambers 1979 for the effect of humanitarian aid on refugee strategies generally).

The logic of rebuilding 'big man' patronage structures can be described with a poignant phrase that Labonte (2011) used to summarize the social anxieties of returnees in the case of Sierra Leone, namely, the problem of 'elite capture' of post-conflict governance and wealth.³ The impoverishment of the postconflict political economy intensifies social dependency on and subordination to 'big man' institutional structures (including the reinforcing structures and ideologies of patriarchy and gerontocracy) and creates special incentives for 'big man' to build new pyramids of patron domination and client dependency in the new spaces of postconflict opportunity (on the theoretical logic of patronage pyramids see Martin 2009: Chap. 6). Christensen (2012), for example, in her study of patronage strategies in local postconflict government by former military commanders and their clients, concluded by offering the important generalization that postconflict state formation and governance in Sierra Leone largely involves 'the redirecting of militarized patrimonial networks for post-war politico-economic purposes' (Christensen 2012: 74–75; see also Christensen and Utas 2007 and Utas 2012: 19).

This essay thus begins with a specific social anxiety about elite capture that is expressed in the local moral perspective on 'non-refoulement' – the right of not returning – and articulated by those worried about their vulnerability to injustices stemming from the patronage capture of resources when they return to postconflict communities. To illustrate this anxiety, consider a song recorded on cassette by a young Liberian band that I heard on the streets of Monrovia in 2004, only a year after President Taylor had left for exile in Nigeria and during the beginning of the new interim government. The song poetically and musically critiqued the lived experience of the postconflict crisis of reasserted patronage power and privileges. A key phrase in it went 'the only thing that has changed is the silence of the guns' (to paraphrase what I heard). This referred to the end of the civil war in 2003 when two rebel groups were fighting President Charles Taylor, who himself had started the original, 'first' civil war in December 1989 against then President of Liberia Samuel Doe.

After the phrase, 'the only thing that has changed is the silence of the guns', the singer explains that big man politics hasn't changed: the big men still have the fancy cars, fancy houses and beautiful girlfriends. The big men referred to were members of the interim government – including former leaders of the rebel groups – who now were in positions of power. This song reflects a central theme in postconflict discourse, namely, the danger that big man patronage politics will be reproduced in the postconflict period of social reconstruction, repeating old institutional problems of inequality and the suffering they cause.

The relationship between social structure and suffering is captured in the idea of 'structural violence' (Farmer 2003), but the broader methodological principle

is that the structural properties complicit in social suffering, such as the institution of patronage, are mediated and identified in the cultural vocabulary of social discourse, including the language of protest songs. This principle derives from social theory's insistent task of trying to find 'a better way for the vocabulary of the actors to be heard loud and clear', to borrow Latour's (2005: 30) phrase. The analytical value of this 'vocabulary' in the study of social injustice rests on the ontological fact that morality and law are 'situated in a linguistically structured form of life' (Habermas 2003: 37).

Much of the cultural vocabulary of social injustice in postconflict Liberia and Sierra Leone focuses on failures in the moral economy of patronage reciprocity. These failures, in turn, are seen by victims as justifying choices whether or not to return to, or to exit, particular local or national communities. In international law, these choices are interpreted in terms of the right of non-refoulement – one's right not to be forced to return to a community one exited because of persecution. The argument here treats this international legal norm as a heuristic for thinking about local social injustices faced by postconflict returnees. Conversely, it also seeks to give ethnographic specificity to this international ideal by analysing a specific institutional form producing those injustices, namely, 'big man' patronage.

Human Rights and Local Justice

Many scholars of this West African region have recognized the special political space of postconflict in Liberia and Sierra Leone as creating an intense interaction between human rights discourse and local moral idioms about injustice (e.g. Archibald and Richards 2002; Ferme and Hoffman 2004; Fanthrope 2005; Shaw 2005, 2010; Allie 2008; Boas and Hatloy 2008; Kelsall 2009; Sesay and Suma 2009; Anders 2012; Abramowitz and Moran 2012). This essay addresses similar questions, but in terms of a specific international legal norm: the right of non-refoulement, as well as the related right to exit a community. Having the 'right to exit' a community because of various forms of persecution is the reverse of 'non-refoulement,' the right not to be forcibly returned to communities where persecution continues to be a danger.

It is characteristic of human rights thinking (as well as the anthropological imagination) to manifest concern for those who are politically vulnerable to persecution: 'Human rights ... articulate the relationship between individuals and groups within a community and their relationship with others, particularly those with power and authority' (Clapham 2007: 161). A key difference, however, separates the transnational legal emphasis on crimes of individuals from local cultural assessments of unjust consequences of particular institutional and organizational forms. Kelsall makes a related point at the conclusion of his study of the war crimes tribunal of the Special Court for Sierra Leone: 'international law doctrines were unable properly to capture the nature of authority in Sierra Le-

one' (Kelsall 2009: 260). Victims of social injustices are often better sociologists than international lawyers whose gaze is typically narrowed by legal doctrine to a focus on individual misdeeds. A lawyer cannot indict in court, or imprison, an institution. The transnational legal lens of focusing on individual accountability thus limits outsiders' ability to 'see' institutional forms of local injustices relevant to the human rights of exiting and non-refoulement. Scott's (1998) metaphor of 'seeing' to represent a horizon of limited understanding arising from nation-state perspectives applies also to the transnational legal lens.

In refugee law and policy, there are often 'systematic reasons for ignorance' in the form of oversights and biases towards refugees, for political or other reasons (e.g., urban bias towards rural refugees) – creating 'what the eye does not see' by overlooking the social strategies, institutional constraints and lived experience of those coping with forced migration. (Chambers 1979: 382)⁶

Nevertheless, in response to unfair aspects of postconflict social life, shared moral and intellectual sympathies can emerge to create a special form of 'value generalization' – between transnational human rights and local cultural idioms – that represents a mutual focus on aspects of unfairness in particular sociopolitical contexts (see Joas 2013: Chap. 6 on the concept of value generalization in social theory, as formulated in the work of Max Weber and Talcott Parsons). This social fact creates the broader ethnographic challenge of examining social spheres of value generalization from the point of view of different social positions in a community, such as youth versus elders, or men versus women. This essay addresses that challenge.

Social Justice for Returnees: Transnational and Local Frames of 'Seeing'

Studies of the intersection of international human rights and local cultural beliefs often contrast 'rights discourse' of international law with other modalities of justice-making, such as reconciliation, communal sharing and mutual care, viewed as characteristic of local cultural practices (see Merry 2006: 133ff.). The analytical emphasis on the ethic of mutual care (and communal sharing) rather than human rights, however, can create a romanticized view of forms of social connectedness between individuals that overlooks the sober ethnographic fact that different forms of social connectedness may be the problem and source of social injustice (Kiss 1999). Moreover, this dichotomy can deflect attention from the manifold cross-cultural ethics of avoiding unfair treatment in various forms of social connectedness, for example, youth talking about the injustices of elders. A more encompassing theory of culture would underscore 'the ways local cultural

practices and beliefs interact with global legal principles and the importance of seeing these in context' (Merry 2006: 133; Goodale and Merry 2007; see also Clarke 2009 on the legal pluralism of micropractices of sociocultural differences in the discourse of rights and justice).

A good example of this interaction is the shared moral spirit manifest in the right to exit and right of non-refoulement. The 1948 Universal Declaration of Human Rights contains several articles that set out ideas related to the right to exit. Article 13 speaks directly of the right to leave your country, Article 14 identifies the right to find asylum from persecution by moving to another country, Article 15 defines the right to change your nationality and Article 18 speaks of the right to change your religion. This legal concept of 'exiting' has both spatial connotations, in the sense of the right to physically leave one's community, and what might be called existential connotations, in the sense of the right to differentiate yourself in some way from your community's cultural order of beliefs and values.

The right of 'non-refoulement' – the reverse of having a 'right to exit' – has a noteworthy legal history in human rights doctrine and refugee law. The right of refugees 'not to be forcibly returned to countries where they face persecution' on account of race, religion, nationality, social group membership, or political opinion was clarified in international legal conventions on refugees in 1933 and 1951, and further developed as fundamental international jurisprudence in additional legal instruments, such as the Convention against Torture adopted by the United Nations in 1984 and ratified in 1987 (e.g. Adelman and Barkan 2011; Weissbrodt and Hortreiter 1999; for some analyses of African cases, see Kuruk 1999 on Liberian refugees in Ghana, and Virmani 1999 on Uganda).

The legal principle of 'non-refoulement' is an ideal focal point for examining the local/global relationship as it pertains to the life of returnees to a postwar society. Consider, for example, that the legal vocabulary of non-refoulement derives etymologically from the French word 'refouler' ('to send back' or 'to turn away'), but it can also evoke connotations in the Anglo-Saxon language sense of 'foul', that is, as something rotten, unclean, corrupt or offensive to the senses. These English connotations are not justified etymologically, but they stimulate the thought experiment of asking what is socially noxious and unhealthy from the point of view of returnees. The next two sections suggest an answer in the structural form of big man patronage and its moral economy in the postwar politics of Liberia and Sierra Leone.

Patrimonial Patronage in Civil War

Patrimonial politics formed the prewar conditions contributing to the violent conflict in Liberia and Sierra Leone. This political structure was not a sufficient cause of the civil war, but it did provide insurgency leaders with ideological jus-

tification (e.g. the idea of fighting against a corrupt government) and motivate some participants. Meanwhile, the actual day-to-day logic of the violence, in its microdimensions of patrimonial aggrandizement, had more to do with the social control of civilians and territorial resources than with overturning a corrupt, patrimonial government. The civil war was a site where different patrimonial regimes – the government and rebel insurgencies, as well as factionalized rebel groups – battled for this territorial and social control.

The 'crisis of the patrimonial state' is a canonical argument in the literature on causal mechanisms leading to the civil wars in Liberia and Sierra Leone. Some fundamental texts in this scholarly literature (explicitly or implicitly confirming this political pattern) include, to cite just a few from a voluminous list, Abdullah (2004), Bolton (2012), Coulter (2009), Denov (2010), Duyvesteyn (2005), Ellis (1999), Ferme (2001), Gberie (2005), Hoffman (2011), Keen (2005), Kelsall (2009), Jackson (2004), Moran (2006), Murphy (2003), Peters (2011), Pham (2004, 2006), Reno (1995, 1998) and Richards (1996 and 2005a) and Utas (2005a, 2005b, 2012); also see McGovern (2011) on the interrelated civil war in Côte d'Ivoire. The locus classicus for conceptualizing key institutional features of this political form is Weber's (1978: Chap. 12) analytical model of patrimonialism (see Murphy 2010 for an application of this model to Upper Guinea Coast political and economic history, and Murphy 2003 for its application to the rebel regimes). The discretionary, autocratic power of big men in the patrimonial logic of governance is often generalized as a causal mechanism in the logic of the 'failed' or 'weak' state syndrome (see Williams 2011: Chap. 3 on 'neopatrimonialism' in African conflicts).9

The broad idea of patrimonial political system can be constructed with ethnographic specificity by imagining a pyramid of nested, dyadic patron/client relations emerging from political strategizing in various social contexts of severe dependency, inequality, economic need and power aggrandizement. In addition, the term 'patrimonial patronage' – patronage in governance structures at different territorial levels (nation, chiefdom, town, village, etc.) – can be used to differentiate practices of 'social patronage' in nongovernmental domains of society, that is, families, households and the variety of social groups in civil society generally (youth gangs, trade unions, etc.). Patronage and clientelism as concrete practices are best conceptualized as sociopolitical strategies (Piattoni 2001), a conception that in turn justifies a method of attending to the language used to evaluate the effectiveness and success – and the morality (fairness or unfairness) – of those strategies in particular social and political contexts.

Ethnographic Sketch

Postwar Liberia and Sierra Leone provide two powerful cases of institutional change and continuity of patrimonial structures resulting from civil war and its

aftermath. The second civil war in Liberia, locally called 'World War II', began in 1999 and opposed two rebel groups – Liberians United for Reconciliation and Democracy, and the Movement for Democracy in Liberia - against the government of Charles Taylor, who in December 1989 had started the first civil war, or 'World War I', with his National Patriotic Front of Liberia insurgency. Taylor became president in 1997 but was exiled to Nigeria in August 2003. His departure came to symbolize the end of both civil wars and later the war crimes and crimes against humanity that characterized the civil wars in Liberia and Sierra Leone. His election in 1997 – contested under the threat of war restarting if he was not elected - and his government rule until his departure in 2003 exemplified the logic of 'elite capture' of national economic resources and political power characteristic of patrimonial systems.

In March 2003 Taylor was indicted by the UN-backed Special Court for Sierra Leone for war crimes and crimes against humanity. 11 In April 2012 in a trial held in The Hague, he was convicted on eleven counts of war crimes and crimes against humanity, including crimes that had gender and age dimensions such as rape, sexual slavery and use of child soldiers. In May 2012, he was sentenced to fifty years in prison. The civil war in Sierra Leone (declared officially over in 2002) had been started in March 1991, with the support of Charles Taylor, by Foday Sankoh, leader of the Revolutionary United Front (RUF). He died in 2003 before he could be brought to trial by the same Special Court for Sierra Leone, which indicted him on seventeen counts of war crimes and crimes against humanity.

The rebel regimes of both Taylor and Sankoh exemplified the structural vulnerabilities characteristic of 'warlord' patrimonial organizations, such as coercive means of discretionary authority enabling immunity from traditional moral constraints, a system of authority that was fractionalized (and factionalized) by competition among 'big man' warlords, and so forth. The rebel-group domination imposed on captured territories and civilian populations replicated the prewar patrimonial logic and ideology of social control, though with the addition of more extreme coercive means for controlling labour and monopolizing economic resources. The harsh use of subjects for forced labour in these warlord political regimes contributed to the war's immense devastation of local and national infrastructures, and to extensive violence against civilians. Using the words of one young ex-combatant (from a Sierra Leone civil defence force), most civilians, aware of the RUF rebels' predations on civilian lives and property, eventually viewed them as 'just armed bandits' and 'thieves', despite their lofty-sounding revolutionary ideology (quoted in Peters and Richards 1998: 200).

Another major indicator of the devastation and disruption of a civil war is the large-scale movement of refugees and internally displaced people, which creates one of the key analytical problems - and humanitarian challenges - for understanding postconflict societies: namely, the need to understand the sociopolitical practices of trying to rehabilitate community life and rebuild physical infrastructures of war-torn villages and towns, and the need to reconcile excombatants, both male and female, with their families and communities. ¹² Nevertheless, many displaced persons, especially youth and women, have been unwilling to return to their original communities and customary ways of life. Their hesitancy reflects a social and existential crisis of 'institutional doubt' about post-conflict politics (to borrow a term from Habermas 1973: 15).

Analytical Puzzle: The Moral Economy of Patrimonial Patronage

In the political economy of the prewar, civil war and postwar periods in Liberia and Sierra Leone, reciprocal obligations were often defined by a normative order regulating dependency relations with big man patrons within a patrimonial political system. Typically, this cultural order of politics codifies obligations of exchange in which patrons provide economic aid and political protection while clients and subjects provide labour, political loyalty and economic tribute. These obligations and expectations constitute a moral economy of patronage.

The idea of a 'moral economy' - namely, a moral code regulating economic transactions between those with authority and their economic dependents - is most often associated with the work of E.P. Thompson (1971; see also Scott 1976 and Davis 1973; for application to African history, see Austin's 1993 analysis of the moral economy of witchcraft). Thompson's use of the term 'moral economy of the poor' in his historical analysis of food riots in eighteenth-century Britain follows Marx's preoccupation with the critique of and resistance to the injustices of capitalism. This concept seems to turn Weber on his head by focusing on the legitimate use of violence by the poor and less powerful, rather than on the legitimacy of the monopoly of violence by the powerful in a political community. But the idea actually overlaps with Weber's theoretical emphasis on the cultural order of meaning and morality as constitutive of economic transactions (and of legitimate violence). The relationship between morality and economic transactions is clear in Weber's theory of patrimonialism: the traditional moral order places a "customary" limitation on economic exploitation, and breaches in this customary moral order through 'excessive demands - transcending tradition could shake their [subjects'] loyalty, which had a merely traditional basis' (Weber (1978: 1010).

A morality of reciprocity between the powerful and the less powerful characterizes local theories of justice documented in the classic ethnographies of African law (e.g. Bohannan 1957; Gluckman 1955). Also characteristic of such systems, however, is the potential for transforming reciprocity into harsh extraction when the traditional, customary moral code becomes only a weak constraint on the aggrandizement of personalistic, autocratic power. This structural vulnerability was a central principle in Weber's argument about the relationship between morality

and power in patrimonial systems – a principle often confirmed by cross-cultural cases of big man systems, for instance, Sahlins's (1963: 293) classic argument about Melanesian big men, who often substitute 'extraction for reciprocity'. The excesses of big man extraction are often represented in the Upper Guinea Coast region by the trope of 'eating' (Bolton 2012) and the related trope of a 'big belly' (see Shepler 2011 for the case of Sierra Leone; for a generalization of this trope in understanding African politics, see Bayart 1993). In addition, the kinship tropes of reciprocity provide a moral language for critiquing the failures of big man patronage (Murphy, in press).

Patrimonialism as a political system exhibits a fundamental structural tension between the morality of reciprocity and the abuses by power-holders making excessive demands on subjects. Reciprocity in what might be called 'benign' patrimonialism tempers the logic of domination and dependency because a moral code specifies 'the subjects' claim to reciprocity, and this claim "naturally" acquires social recognition as custom' (Weber 1978: 1010). Hence 'the master too "owes" something to the subject ... according to custom and his own self-interest' – that is, the patrimonial ruler's moral obligations include 'external protection', 'help in case of need', 'humane treatment' and 'particularly a "customary" limitation of economic exploitation' (Weber 1978: 1010). Such obligations and customary limitations constitute the normative elements of a moral economy of patrimonialism.

Moral Economy and the Language of Injustices

The moral economy of patrimonial patronage provides a local vocabulary for subordinates to critique the injustices of power-holders in terms of a cultural principle of 'justice as fairness' in asymmetrical social relations. ¹⁴ This principle is a core idea in philosophical reflections on justice, most notably in the influential formulation of John Rawls (1971). 'Justice as fairness', in his formulation, means that social and economic inequalities are acceptable if they satisfy two conditions: first, equality of opportunity to acquire social positions and political offices; and second, use of positions and offices to the greatest benefit of the least advantaged members of society (see Sen 2009: 59ff., for an exegesis and critique of Rawls).

This philosophical formulation helps clarify the moral economy of obligations in patrimonial patronage. Consider, for example, that the first condition of equality of opportunity is not met because patrimonial patronage is, by definition, a form of elite capture of political and economic resources. True, this institution can be seen ideally to meet the second condition when big man authority is used to fairly redistribute resources to the community. The morality of redistribution, however, is highly vulnerable to political strategies of selectively channelling resources to build up a cadre of followers and clients in order to shore up autocratic power through big man patronage — to the detriment of

the majority in a community. Accumulation of power and privileges via these strategies in the patronage network of patrimonialism leads to the social injustice of impoverishment and political marginalization among the 'least advantaged members of society'.

The second condition of 'justice as fairness' is also violated in patrimonial politics, especially when resources and wealth in people are coercively created through monopolies of military power (as in rebel insurgencies controlling people and territory). For most people, the consequence of this type of political system is destitution and suffering. Moreover, building up a personalistic, discretionary authority with immense military power leads to a characteristic crisis of patrimonial politics - which Weber (1978: 1055) typifies in the image of 'centrifugal forces' of instability and conflict inherent in this political form (see Murphy 2010 on the centrifugal forces in the political and economic history of the Upper Guinea Coast). The moral economy, in other words, breaks down under the pressure of changes in the political economy that enable the monopoly of political and economic resources, notably through increased use of coercive resources for social control, for example government repression or rebel insurgency control of captured territories. The next section outlines the breakdown and failure of the moral economy of patronage – in the form of both patrimonial patronage of governance and the social patronage of everyday life outside government institutions - in the postconflict lives of youth and women.

Social Crisis and Malaise

The crisis of the neopatrimonial state is also a 'crisis of youth', a phrase often used in African political discourse as well as academic discourse in African studies. In the title of Peters' (2011) book on the Sierra Leone civil war, the phrase evokes the social dependency and marginalization of youth as intensified under the political and economic instabilities of the big man system. As Hoffman (2011: 8) notes, global media captured this crisis of youth with evocative captions like 'Sierra Leone Is No Place To Be Young' and references to war-torn Sierra Leone such as calling the country a 'teenage wasteland'. Similarly, the plight of women in the civil war would justify the analogous caption 'Sierra Leone Is No Place To Be Female'. This media language can be translated into the theoretical language of patrimonial patronage. Neopatrimonialism is also a 'crisis of women'. Women are especially vulnerable, in different structural ways, to the excesses of a big man political system that justifies forms of female subordination and servitude (and even, during the civil war, sexual slavery). Girls, moreover, have different socioeconomic trajectories for rebuilding lives – and face different structural constraints – than boys in postconflict communities, as many studies of Liberia and Sierra Leone have emphasized (e.g. Utas 2005b; Coulter 2009; Denov 2010; Moran 2010; Shepler 2014; Van Gog 2008). 15 In general, the central theme in

these studies is the emergence of a new cultural and political space for youth and women to negotiate, redefine and rework prewar social identities and relations (e.g. Richards 2005b; Coulter 2009; Knörr 2010; Shepler 2010; Hoffman 2011; Peters 2011).¹⁶

Youth and women, however, confront a general social 'malaise' pervading the realignment of social relations during conflict and postconflict (see Macek 2009 for the case of civil war and postconflict in Bosnia). In postconflict Liberia and Sierra Leone, anomie – like creative agency – is typically structured by the social conditions of subordination and marginalization within reproduced patronage structures and practices (see Braithewaite et al. 2010 on the social dynamics of anomie in postconflict reconciliation in Indonesia). In the case of Sierra Leone, Denov (2010: 86), for example, emphasizes that the disruption inherent in civil war entails a dismantling of relationships within local communities, resulting in a profound loss of confidence in one's self and social world (Denov 2010: 86). Coulter (2009: 251), who studied female ex-combatants and 'bush wives' of rebel commanders in Sierra Leone, argues in terms of gender and generational relations that men and women as well as parents and children 'no longer really know what to expect from one another'. Knörr (2010: 226) underscores this social malaise in the special urban context of Krio identity processes in Sierra Leone: the violence of the civil war 'has caused deep feeling of suspicion and distrust concerning one's own people and institutions'. Shepler (2014) points to broader theoretical implications about the cultural constructions of childhood and children's rights by focusing her ethnographic analyses on youth agency in the postconflict Sierra Leonean context of structural change and challenge. And Abramowitz (2014) delineates the trauma of war as an intersection of the social and the psychological and explores the effects of this mental health nexus on Liberian postconflict individual and collective healing (see also Murphy 2015 on the sociopolitical complexities of 'community reconciliation' as a modality of psychological healing).

Many young people and women did not want to return to their villages and communities because they feared subordination under prewar customary forms of authority. Youth worry about gerontocratic processes controlling their labour and services. Women worry about patriarchal power subjugating them. Both worry about the charismatic authority of big men and their personalistic, discretionary power to subjugate and marginalize. Both articulate a kind of 'legitimation crisis' surrounding big man patronage in postconflict sociality. As Menzel (in press) shows for postconflict Sierra Leone, this crisis is manifest in the tension between complicity (out of necessity) in the patron/client logic, and criticism of this logic as producing barriers to societal and individual betterment. Similar structural tensions between big man patronage and clientalist dependency shape the reproduction of discursive critique in postconflict diasporic communities (see Steinberg 2011 on resettled Liberians in New York City).

Youth

In impoverished postconflict conditions, youth are especially dependent on patronage assistance because families and kin groups lack the resources to provide adequately for their children's future and the government fails to provide basic social services. Denov and Buccitelli (2013) analyse several important forms of social dependency in the case of postconflict Sierra Leone, for example relations with an older male who acts as a fictive older brother, or relations with an older woman who acts as a fictive older sister (respectively called 'bra' and 'sisi' in Sierra Leonean Krio). This exchange relation requires that young men or women provide services, for instance performing domestic chores or helping with marketing. In addition, peer groups and gangs provide cross-cutting support, serving to protect youth against mistreatment by a patron; however, they also add another form of dependency to the postconflict social structure that needs to be navigated (Denov and Buccitelli 2013). Newell's (2012) detailed analysis of youth navigating the moral economy of patron/client relations in the gangs of Abidjan, Côte d'Ivoire, exemplifies the reliance on patronage structures in marginal social spaces lacking government control and services.

The fictive kin ties of 'bra' and 'sisi' represent a form of 'social patronage' operating outside governmental political patronage but follow a similar logic of employing resources of wealth and authority to incorporate the labour and loyalty of clients and dependents. Social patrons are, in a sense, 'small' big men and women. In an impoverished postconflict country, even limited power and wealth can be sufficient resources for their holder to act as a 'social patron'. And the labour pool of potential dependents is extensive. Poor youth have little choice but to secure the protection and economic assistance of a patron.

Despite dire dependency, youth recognize unfairness in this patronage relationship and can very clearly articulate the difference between a good and an evil patron, according to a moral economy of patronage. While youth are expected to render services, obedience and money (e.g. from market trade), harsh Dickensian patrons are common, as this youth describes:

My former bra was very wicked.... He would kick me and slap me and beat me in public. People would try to intervene, but he would yell at them to go away. He would say: 'Don't get involved, he is my borbor [boy]!' (Denov and Buccitelli 2013: 11–12; see also Denov, Doucet and Kamara 2012)

Thus social patrons and powerful political patrons alike are evaluated by the same moral economy of reciprocity that accepts social subordination when there is fairness in the asymmetrical exchanges between patron and client.

In some major towns, another notable example of social patronage strategies in the postconflict political economy is the motorbike trade unions made up

primarily of ex-combatants (e.g. Peters 2007 and 2011). The postconflict narrative of the motorbike trade includes episodes of big men using their patronage power to treat ex-combatants as little more than serfs who are dependent upon patronage resources to gain access to a motorbike and a share in the business. Denov documents in ethnographic detail the harsh forms of social dependency in the patronage logic operating within this particular economic space. In one case of economic patronage, the 'boss' (patron) who owns the motorbike that an ex-combatant rides and uses to make his living treats the client harshly if he does not bring in enough money, as the ex-combatant explains:

My present trouble is that I don't have a bike of my own and am just making money for someone else [my boss].... My boss owns the bike. He can ask me to leave at any time because there is really no guarantee in the relationship.... Sometimes when I'm unable to raise 25,000 Leones from the bike, he abuses me verbally and insults me.... He threatens that he will take the bike from me, as if our relationship is just tied around the bike.... All he cares about is the money.... He is arrogant and disrespectful. (Denov 2011: 200–1.

Besides criticism of the 'bad' social patrons of everyday life, a second discursive type of critique arises when youth question their subordination under patrimonial authority in governance structures, and the various secular and religious forms of patriarchy and gerontocracy legitimating those structures. Peters' studies (2005, 2007, 2010, 2011) are especially rich in documentation of Sierra Leonean ex-combatants' critique of youth subordination under the patrimonial authority of chiefs and elders (see also Richards 1996; Fithen and Richards 2005). The group discussions documented by Archibald and Richards (2002) also provide extensive data on the discourse about the injustices of patrimonial practices, such as chiefs and elders co-opting postconflict humanitarian assistance. As one villager lamented: 'Through injustice we have turned our young people to rebels' (Archibald and Richards 2002: 346; see also Utas 2005b). Such discourses 'confirm the salience of local debate about a "generation gap"... and both youth and elders' groups 'refer to young people quitting the village and becoming "footloose", due to heavy fines' imposed on youth by chiefs and elders (Archibald and Richards 2002: 346). Explicit comments about this generation gap clearly identify chiefs' and elders' abuse of patrimonial authority. According to one elders' group, 'the heavy fines levied by chiefs on youths have led to many leaving the villages' (Archibald and Richards 2002: 346). And one youth group observes that 'Chiefs victimize youth by imposing heavy and unjust fines', and 'criminal summonses make youths run from the village, resulting in disunity and grievance' (Archibald and Richards 2002: 347). Extractions of youth labour, debt servitude and ritual subservience produce what some analysts have called 'judicial

serfdom' (Mokuwa et al. 2011; see also Peters 2010) – a key institutional feature of harsh forms of patrimonialism and a danger youth try to avoid in postconflict social reconstruction. In the unique postconflict public sphere of institutional re-evaluations, youth become 'iconoclasts' of big man patronage (see Højbjerg 2007 and Sarró 2009 on the iconoclastic structural tendencies shaped by social turmoil and crises in the Upper Guinea Coast region).

Women

Women's special challenge to patrimonial authority and its patriarchal legitimacy - at both family and community levels - in the aftermath of war is a significant feature of postconflict discourse about injustice. Many studies, notably Coulter (2009) and Denov (2010), document this structural tension and the extensive discourse of women's criticism of the oppression and rejection they find in patriarchal households and communities as they try to reconcile with communities after having spent time with rebel groups as abducted 'bush wives' or girl soldiers. But subordination to patriarchal household and community regimes is only part of the ethnographic story of women's lives in wartime and postconflict Liberia and Sierra Leone. As Moran (2010: 267) has emphasized for Liberia, 'women had also held visible, highly authoritative positions in both rural and urban contexts' before the war. And during the war, as Moran's recent research on men who did not fight in the Liberian civil war demonstrates, women exercised power in subtle ways, such as when senior women took on the role of 'either sending younger male kin to war or refusing them permission to join the armed factions' (Moran 2010: 268). Exclusive focus on 'the discourse of prewar patriarchy' can obscure the 'authority of mothers, grandmothers, and aunts to deploy young men's labor to defense or other tasks' during the war (ibid.: 268). The complexity of power and authority in female roles in traditional Liberian societies, Moran (ibid.: 262) argues, is often neglected in postconflict reform projects, which 'continue to be grounded in static, oversimplified, or locally inappropriate notions of gender'. The explanatory idiom of 'patriarchy' can essentialize and overlook the multifaceted dimensions of struggle and challenge that women face in a weak postconflict political economy (e.g. ibid.: 267–68).

The analytical goal is not to discard the concept of patriarchy but to clearly specify how the ideology of patriarchy operates as a legitimating mechanism of authority in concrete practices within different social structures and political economies of gender relations, such as when a successful woman becomes a kind of patriarch or big man (cf. Enloe 2005). Women's postconflict discourse about the patriarchal justification for their harsh servitude and suffering during the civil war, for example, involves a larger discursive critique of big man (i.e. warlord) organizational structures of war making that used women for forced labour and sexual services.

Research by Archibald and Richard (2002) extensively documents women's critique of patriarchal and gerontocratic authority in postconflict communities (see also Ferme 2001). Regarding the village distribution of humanitarian aid, for instance, women complain that chiefs and elders monopolize the benefits of postwar development, preventing fair distribution. In one chiefdom discussion, 'the women's group complained that women were marginalized and that "customary law keeps women at the bottom of the social ladder" and "the chiefs grab everything that should be women's" (Archibald and Richards 2002: 348). In this patrimonial logic, law as well as politics become the personal property of chiefs.

Some of the loudest and clearest voices against big man patronage in post-conflict Liberia and Sierra Leone have come from women's organizations. For example, Leymah Gbowee, whose organization, the Liberian Women's Initiative, helped end the Liberian civil war in 2003, gained recognition worldwide when she won the 2011 Nobel Peace Prize for her heroic work for peace and women's rights (Gbowee 2011). Similarly, in postconflict Sierra Leone women's organizations were constructed with a 'broader vision of gender equality and the transformation of prevailing patriarchal power' (Maclure and Denov 2009: 619; see also Denov 2008). One of the unintended consequences of the civil wars in Liberia and Sierra Leone was the proliferation of women's groups organizing to challenge, in light of their experience of the wars, the gender norms (and norms of youth subordination) legitimating the patronage institutions reinstituted in postconflict society.

Conclusion and Theoretical Implications

Both international human rights efforts and local critique are often driven by outrage at the injustices of abusive power. Outrage is also the driving force behind much social theoretical work. A canonical example is Marx's analysis of the abuse of workers in capitalist institutions. Marx offered a diagnosis of a structural failure to provide workers with a just reward for the products of their labour, as well as a critique of failures in the distributive justice of allocating resources according to individual needs (Sen 2009: x). In intellectual history his work is emblematic of the integration of rigorous social theory and empathy for social justice.

Outrage, however, is not the privilege of an intellectual elite enlightened with penetrating perceptions of social injustice – a common idea in Marxist political thought. Rather, a broader moral (and social) theory of justice can be constructed on the human capability (in all its different cultural modes of language and expression) to perceive and reason about social injustices (e.g. Sen 2009). This premise encourages methodological attention to the everyday language and critique of unfairness in social life, including special attention to the perceptions of those most vulnerable to the suffering caused by that unfairness. 'In a process

of enlightenment, there are only participants' (Habermas 1994: 101). The social theorist or philosopher or international lawyer is only one participant offering insights enriched by dialogue with those who live the experience of social injustice.

Meanwhile, the outsider's gaze can be limited by 'not seeing' forms of repressive political authority (whether national or subnational) that limit the possibilities of public debate and dissent and create a mask of consensus despite widespread, though muted, dissent and dissension (Murphy 1990). The consequence is that local social critique – its scope and penetration of institutional patterns of injustice – is overlooked. One methodological key to avoiding this oversight is to find 'a better way for the vocabulary of the actors to be heard loud and clear' (Latour 2005: 30). In the case of social injustice, the challenge is to find a better way to broadcast the vocabulary of those most vulnerable to the unjust consequences of institutional practices.

The methodology of 'listening' – with a particular theoretical focus – transforms the large questions of postconflict social justice into more detailed questions about everyday social practices and the everyday language of rebuilding broken and unjust worlds (see Das and Kleinman 2001 on the everyday lived experience of collective violence, social suffering and social recovery). More broadly, this methodological assumption is foundational in building a theory of justice, as Amarta Sen shows in his reflections on the idea of justice:

We could have been creatures incapable of sympathy, unmoved by the pain and humiliation of others, uncaring of freedom, and – no less significant – unable to reason, argue, disagree and concur. The strong presence of these features in human lives does not tell us a great deal about what particular theory should be chosen, but it does indicate that the general pursuit of justice might be hard to eradicate in human society, even though we can go about that pursuit in different ways. (Sen 2009: 414–15)

Reasoning and debating about injustices is an important part of what it means to be a human being. For anthropologists, the 'strong presence of these features in human lives' does not tell us what aspects of institutional and organizational structures produce unjust consequences, but it does encourage a methodological orientation to people's local discourse and reasoning about the sociopolitical structures leading to those unjust consequences.

Despite the variety of ideological justifications for causing human suffering, both the genealogy of human rights and the moral presumption of human dignity and individual worth within that genealogy (a kind of secular 'sacralization' of the person) are shaped historically by the human and social response to 'negative, distressing, traumatizing experiences of our own and others' suffering' (Joas 2013: 6). The idea of a secular 'sacralization' of the individual, which also

has roots in Durkheim's theory of the growth of individuation through modernization (see Giddens 1972), can be refined to capture the specific negative and traumatic experiences (and injustices) affecting particular social types of persons, such as women or youth.

Finally, the goal of examining those experiences in the study of social justice derives from two important principles of method and social theory: first, theorists of justice 'must begin from a concrete understanding of the lives of those about whom they theorize' (Kiss 1999: 6); and second, 'exploited and marginalized people may be equally poor, but their differences in social position and experience must be taken into account in attempts to diagnose and remedy the injustice of their condition' (Kiss 1999: 9). This essay has attempted to understand such differences by taking into account the structural vulnerabilities of youth and women when they return to postconflict communities, their language of injustice in reaction to reinstituted forms of big man patronage, and the relation of their moral language to the heuristic model of the international legal norm of non-refoulement.

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Notes

- 1. On the legal relationship between the categories of internally displaced persons and refugees, see Lee (1996). In addition, a residual category of displacement include the 'self-settled' (i.e. those who solve their displacement problems without the formal organizational help of a refugee organization or refugee camp). I want to thank my colleague Akbar Virmani, who is also a refugee scholar, for introducing me to this third type of displaced persons. For the Upper Guinea Coast region, Ray's (in press) research on Casamance refugees in the Gambia has clarified the sociopolitical logic of host/stranger relations that shape self-settlement processes.
- 2. The analytical category of 'big man' as well as the term for this institutional state of affairs, 'bigmanity' (see Utas 2012) glosses the meaning of various key cultural idioms of personalistic authority used in the languages of the Upper Guinea Coast. Such terminological conventions illustrate a core methodological principle: namely, social scientific concepts are often constructed, implicitly or explicitly, with the data of local cultural idioms used to talk about and represent social reality.
- 3. The phrase 'big man patronage', as used in this essay, implies sociological variation in institutional forms of patronage (Martin 2009: 216ff.).
- 4. The terms 'international' and 'transnational' as well as 'global' are used interchangeably in this essay to designate a legal normative order (and political economy) beyond the nation-state (and subnational communities). In addition, 'postwar' and 'postconflict' are used synonymously here.
- 5. Legal approaches to individual culpability and anthropological approaches to institutional structures sometimes intersect. For example, understanding the structure of command and control in military organizations helps international lawyers to identify the culpability of leaders in cases of war crimes and crimes against humanity (e.g. see Hagan 2003: Chap. 6 on the legal importance of identifying 'command responsibility' in the Foca rape trial for war crimes in Bosnia).
- 6. I thank my colleague, Akbar Virmani, for this reference in refugee studies.
- 7. The term 'local' is often used to distinguish sociopolitical levels within a system of contrasting scales of community, such as the village, town or chiefdom as distinguished from the wider scale of the nation-state or colonial state or international system. In cultural theory, the term has been used to define a perspective of meaning and interpretation within different circumscribed domains of community (e.g. Geertz 1983). The 'local' in

- this sense becomes a standpoint associated with particular structural spaces within a social system. Using the summary definition of Shaw and Wardorf (2010: 6), it is 'a standpoint based on a particular locality but not bounded by it'. Logically, international legal doctrine is 'local' in this perspectival approach to codes of meaning in society.
- 8. In postconflict discourse about women's rights, for example, common rhetorical assumptions can limit social understanding - the 'seeing' - of the complexity of women's social experience and needs by essentializing womanhood as war victim, peacemaker, or community builder (see critique by Schroven 2011).
- 9. See Pitcher, Moran and Johnston (2009) for a penetrating critique of the misuse of this concept in African studies; see also Eisenstadt (1973) for further clarification on the difference between traditional patrimonialism and modern neopatrimonialism.
- 10. On youth gangs as patrimonial organizations, see Collins (2011).
- 11. In adjudicating war crimes and crimes against humanity, a basic structural tension persists between international criminal justice and national amnesty laws. See R. Murphy (2006) for the jurisprudential and political dynamics of this tension in Uganda's case against the Lord's Resistance Army.
- 12. The Liberian civil war caused half the population of approximately 3 million to flee their homes. Most became internally displaced while approximately 700,000 became refugees in neighbouring countries.
- 13. Sahlins's (1963) argument about the politics of Melanesian big men matches the analytical principles in Weber's model of patrimonialism.
- 14. Violations of the moral economy of patronage are constituted as social realities by the victims' construal of the meaning of 'unfair' social action in patron-client relations – i.e., interpreting social actions as signs of injustice (for the language and logic of reflexivity in Peircean semiotic theory, see Agha 2007, Lucy 1993, and Silverstein 1993). In this communicative logic, in other words, there is a metapragmatics of social injustice.
- 15. I thank Mariane Ferme for reminding me during discussions at the 2010 Upper Guinea Coast conference in Halle, Germany to underscore the structural differences of gender, which her own work does so insightfully. Another caveat about youth positionality should be mentioned: 'youth' is a sociopolitical, and semiotic, construction of shifting meanings, and not a rigid chronological category - a man of 40 years can be a 'youth' because of certain attributes of socioeconomic inadequacies (e.g. Durham 2004).
- 16. The analytical ideas of 'navigation', 'strategies' and 'tactics' are central themes in contemporary studies of youth agency and social structure in Africa, e.g., Christensen, Utas and Vigh (2006), Cole and Durham (2008), Denov (2011), Honwana and De Boeck (2005) and Vigh (2006).
- 17. This is a key term in Habermas's (1973) theory of communicative practice in political change.

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