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Arbitrary States

*Social Control and Modern Authoritarianism
in Museveni's Uganda*

REBECCA TAPSCOTT

OXFORD
UNIVERSITY PRESS

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Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

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First Edition published in 2021

Impression: 1

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Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2021933370

ISBN 978–0–19–885647–4

DOI: 10.1093/oso/9780198856474.001.0001

Printed and bound by
CPI Group (UK) Ltd, Croydon, CR0 4YY

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To my parents

Acknowledgements

This book is a product of countless conversations, observations, exchanges of ideas, and encouragement that occurred over the better part of eight years. The book began as a PhD thesis, and the final manuscript owes a great deal to my supervisors. Alex de Waal, Dyan Mazurana, Jenny Aker, and Will Reno—each contributed substantially and uniquely to this project. Alex encouraged me to pursue interesting questions even when answers appeared elusive, and has continued to patiently and generously engage with and support this project through its many iterations. Dyan's attention to detail and thoughtful readings have critically developed and nuanced my work, in these pages and elsewhere. Jenny's support and enthusiasm have been indispensable; her dual commitment to scientific inquiry and compassion continue to inspire me. I owe a special thanks to Will, who offered detailed comments on multiple versions of this manuscript, often articulating key aspects of my argument more clearly and concisely than I had been able to do myself. Will encouraged me to be ambitious and adventurous in my thinking, and continually pointed me toward the broader theoretical implications of my findings.

The research would not have been possible without support of numerous donors. Fieldwork was supported by two research consortia—the Justice and Security Research Programme (JSRP, grant contract PO5729) and the Centre for Public Authority and International Development (CPAID, reference number ES/P008038/1)—both funded by the United Kingdom's Department for International Development. I received additional funding from the Gerda Henkel Foundation's Special Programme for Security, Society and the State. JSRP and CPAID also offered me access to a bright and accomplished community of researchers studying authority, justice, and security in eastern Africa and beyond. Particular gratitude is owed to Tim Allen, who showed great faith in my potential as a young scholar, encouraging me to push forward on this project. Tim also helped me secure research funding that allowed me to return to Uganda over several years, and introduced me to the vibrant research community at the Firoz Lalji Centre for Africa at the London School of Economics. I also received funds from the Morris Abrahams Foundation and the Fletcher School that allowed me to attend conferences and supported additional fieldwork costs.

Revisions on this manuscript took place at the Graduate Institute of International and Development Studies in Geneva, where I was hosted at the Albert Hirschman Centre on Democracy. The support of the Centre's team was indispensable. Thank you to Shalini Randeria for welcoming me to the Centre,

and to Christine Lutringer for fostering a friendly and collaborative working environment.

In Uganda, I was very lucky to meet and work with a diverse group of highly skilled researchers and scholars, each of whom brought their own perspectives and opinions to my project, and provided excellent company, valuable advice, moral and intellectual support, and encouragement in the field. I have opted not to include their names here out of what I hope is an abundance of caution for the possibility of a changing political environment. Most especially, I thank the many Ugandans who participated in this project. I hope they see their views reflected in these pages.

Many other scholars have engaged with my ideas over the past five years, encouraging me to look at my questions and data in new ways. I cannot possibly name them all—a few people who were particularly generous with their time and thoughts include Rita Abrahamsen, Henni Alava, Cathy Boone, Adam Branch, Pierre Englebert, Julian Hopwood, Mette Lind Kusk, Gabrielle Lynch, Anna Macdonald, Dipali Mukhopadhyay, Dennis Rodgers, Nancy Rydberg, Philipp Schulz, Nora Stel, and Koen Vlassenroot. Others have offered incisive comments on parts of the text, including Jean-François Bayart, Jonathan Fisher, Jonathan Goodhand, Samuel Hickey, Ben Jones, Matthew Kandel, Keith Krause, Milli Lake, Didier Péclard, Holly Porter, Sungmin Rho, and Aidan Russell.

I had opportunities to present this work and receive comments at the Conflict Research Group's 'Governance at the Edge of the State' summer school in 2014, Northwestern University's Program of African Studies Lecture Series in 2016, Uganda Elections Workshop hosted by Richard Vokes and Sam Wilkins in 2016, the Harvard-MIT-Tufts-Yale Political Violence Workshop in 2017, the Graduate Institute's Political Science Faculty Seminar in 2018, as well as numerous international conferences. The project further received valuable comments at two workshops that I co-organized on the politics of disorder—one at World Peace Foundation in 2017 and the other at the Democracy Centre in 2019. These workshops were generously funded by the World Peace Foundation, the Swiss National Science Foundation, and the Gerda Henkel Foundation.

I owe a huge thanks to Nic Cheeseman, who has continually engaged with my ideas and encouraged me to be ambitious and bold in my endeavours. With Ricardo Soares de Oliveira and Dominic Byatt, Nic shepherded this project through the publishing process, and for that I am extremely thankful to all of them. The book also benefited from the insightful and constructively critical comments of three anonymous reviewers.

Michelle Neiman and editors at Oxford University Press improved the prose with excellent editorial work. Parts of this book have appeared in journal articles: an early version of the argument appeared in an article in *Development and Change*; a version of the ethnographic vignette in Chapter 5 appears in an article

in *African Affairs*; and parts of Chapter 6 on crime preventers appear in an article in the *Journal of Eastern African Studies*.

Most of all, my gratitude goes to friends and family whose belief that I would complete this book allowed me to do so: my husband and colleague, Deval Desai, joined me at the early stages of this project. His unflagging engagement has added depth and nuance to every page of this book. My parents, Susan Weinstein and Stephen Tapscott, and my sister, Leah, have unwaveringly supported and encouraged my intellectual pursuits and aspirations. Finally, I thank the family that I have gained along the way—my son and my family-in-law—who have made my world bigger and my life fuller, and for whom I am immensely grateful.

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List of Abbreviations

ADF	Allied Democratic Forces
DPC	District Police Commissioner
DRC	Democratic Republic of the Congo
EPRDF	Ethiopian People's Revolutionary Democratic Front
FDC	Forum for Democratic Change
IGP	Inspector General of Police
ISO	Internal Security Organisation
LC	Local Council
LDU	local defence unit
LRA	Lord's Resistance Army
MP	member of parliament
NAADS	National Agricultural Advisory Services
NCPF	National Crime Preventers' Forum
NGO	non-governmental organization
NRA	National Resistance Army
NRM	National Resistance Movement
POMA	Public Order Management Act
RDC	Resident District Commissioner
RPF	Rwanda Patriotic Front
UPDF	Uganda People's Defence Force
US	United States
ZANU(PF)	Zimbabwe African National Union (Patriotic Front)

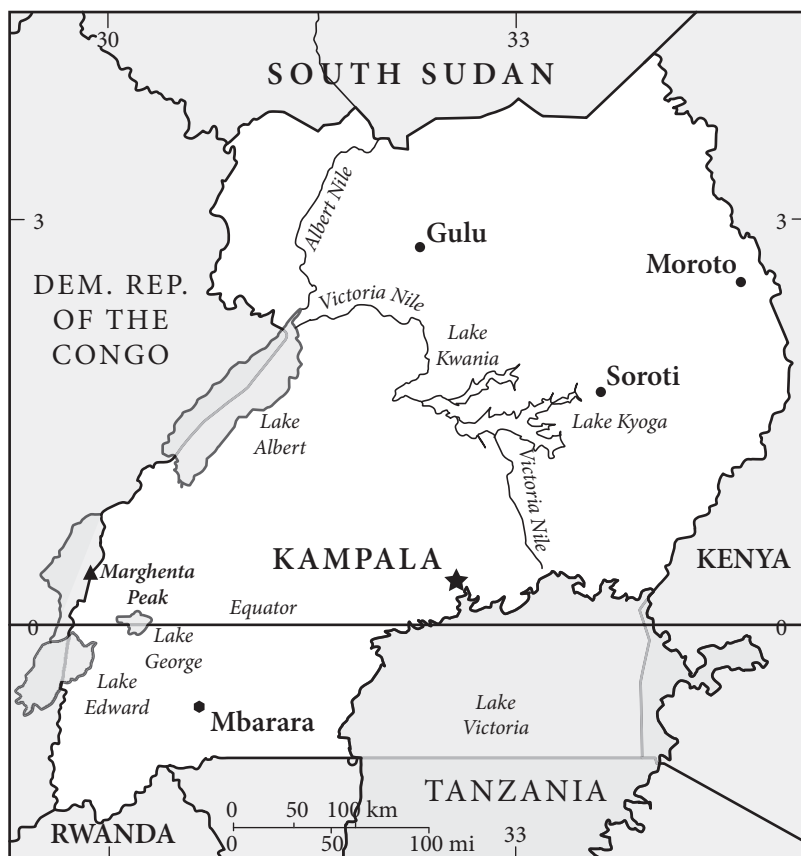


Fig. 0.1 Gulu, Mbarara, Moroto, and Soroti, Uganda

Source: Wikimedia Commons, modified by author

Violence, Governance, and Uncertainty

An Introduction to Citizens' Lived Experiences of the Ugandan State

Around midnight in June 2014, in a village in northern Uganda, an unarmed 37-year-old man was shot in the back as he fled from a police officer. He died hours before he was found, lying face down in a compound a few hundred metres from his home. That night, he had been guarding his community as part of a local vigilante group. A year previously, the village had experienced a surge in violent crime. The police and district-level authorities did not have the capacity to secure the village; instead, they had called on the community to form a vigilante group for their own protection. The vigilantes patrolled with rudimentary weapons, including machetes, sticks, and ropes to restrain suspects. They began to organize themselves, implementing code words and rules of conduct, enforcing a curfew, and collecting taxes from community members. But their work was controversial: they failed to catch criminals and were accused of drinking on the job as well as beating and extorting community members. The morning after the shooting, community members learned that a resident of the village had falsely reported to the police that the vigilantes were armed with guns and robbing passers-by. Community members speculated that the resident had lied to prompt the police to arrest the vigilantes, which would lift the curfew and its penalties. Instead, the police arrived and shot into the dark, killing one vigilante and maiming another.

William Odera, the brother of the deceased vigilante, sought justice.¹ He wanted retribution for his brother's death and compensation to support the slain man's children. He decided to open a police investigation into the murder. But when Odera went to the police, they replied that the shooting was caused by a miscommunication within the village and so he should resolve his complaint 'at home'. A government official sided with the police, arguing that the vigilantes were in fact armed robbers, and thus their demise was warranted. Odera expressed frustration—it is well known in Uganda that to solve such a problem 'at home'

¹ All names have been changed to protect the identity of respondents. Names of specific villages have been changed or generalized to reflect the municipality level or higher. Where necessary to protect the identity of the respondent, I have omitted interview locations or dates. Unless otherwise noted, respondents are male; with the caveat that I have also obscured the gender of respondents if it might reveal their identity (for example, in the cases of former government officials).

would require Odera's family to attack the family of the youth who had made the false report.

Instead, Odera gathered witness statements and took them to police headquarters, first in Gulu Town and later in Kampala. While facing the aftermath of arbitrary state violence and impunity, Odera did not disengage from the state. Instead, he turned to it for justice—even though the state's agents were responsible for the death of his brother. In response to his complaint, the state's institutions ground into action. Over the better part of a decade, Odera followed a lengthy bureaucratic procedure for internal investigations of police behaviour, holding out hope that it would deliver justice even while his efforts were met repeatedly with obstacles. A mutual friend reflected on Odera's actions:

Odera would not survive either choice [solving the matter at home or going to the criminal justice system]. If he had retaliated that very night, he would do it, fine—kill people, kill livestock, destroy property—to finish his own interests. But then the government would come in and say, 'We have the court of law, you should have brought it to us.' Odera, on the other hand, said, 'I cannot retaliate—let me take the right path of law... It is their job to protect and not destroy the community members.' Would the government really accept that? Never. The only possibility is to calm down Odera and at the end of the day they frustrate him: 'Your case file is lost, we don't know where it is.' They're just trying to confuse the case... So the man [who reported the vigilantes to the police] is a free man now, he doesn't have anything to answer, and Odera does not have any right to retaliate. It has been three years. The government is frustrating Odera time and again. (32-year-old male, phone interview, 5 March 2017)

Odera faced a predicament. He was caught between the exhortation to take the matter into his own hands, and the continued relevance of the 'right path of law'. He responded to this contradiction by submitting to government induced 'confusion'. He allowed himself to be 'calmed down' in response to the numerous obstacles that 'frustrated' his interests. The police held off Odera's claims not through intimidation or direct refusal to help him, but rather by engaging him in a lengthy bureaucratic process that kept him involved because it could plausibly deliver justice—especially compared to the available alternatives.

This case took place under the modern authoritarian regime in Museveni's Uganda. This authoritarian regime can be categorized as 'modern' in the sense that it governs in large part by law, rather than unrestrained violence and executive decrees. For instance, to allow Museveni to remain president for over 35 years, the constitutional provisions for presidential term limits, and later age limit, had to be removed. These changes were made not by fiat, but by acts of

parliament that were challenged and upheld in court.² On one hand, such an approach has benefits. In Museveni's Uganda, it has allowed the ruling regime to frame itself as a fledgling democracy, deserving of foreign aid and investment. On the other hand, it carries risks. Ordinary citizens can use the resultant civic spaces and democratic institutions—however limited—to organize and make claims on the regime. For example, Ugandans seeking to challenge Museveni have done so through civic protest, electoral campaigns, the press, the courts, and Parliament. Live opposition means that the regime is always engaged in a balancing act. As a result, these modern authoritarian regimes have been widely described as inherently unstable and prone to conflict. Scholars continue to debate how these regimes govern, given that they weaken their own institutions in pursuit of unchecked executive control (c.f. Levitsky and Way 2002; Schedler 2006; Scheppele 2018).

To contribute to this ongoing debate, this book identifies a new form of modern authoritarianism—arbitrary governance—that focuses more on weakening competition than on maximizing control. Such arbitrary states allow for pockets of civic organization and pathways for citizens to make claims on the state; however, they make these spaces fragile by intervening in them violently and unpredictably. Such interventions—in which state authorities assert their right to control a situation, activity, people, or territory—supersede or displace other authorities operating there. The effect is to make the role of local public authorities³ contingent and reconfigurable in relation to the regime. Arbitrary states can therefore paradoxically encourage non-state and local actors to use violence to control people, resources, and territory, while limiting the capacity of such actors to consolidate power. The state's ability to reinforce its interventions with overwhelming and unaccountable violence makes it difficult for citizens and local authorities to calculate and assess the risks of possible intervention, which causes them to self-police. I call this mode of governance *institutionalized arbitrariness*. It helps to explain how today's authoritarian rulers can project power even as their pursuit of an unchecked executive threatens their own institutional capacity. I use the terms institutionalized arbitrariness and arbitrary governance throughout this

² The extent to which these amendments were procedurally proper was challenged in Uganda's Constitutional Court; in the end, the amendment was upheld by a 4–3 vote. Opposition Members of Parliament (MPs) charged that 'the amendment is invalid because it was passed during parliamentary sessions marred by brawls and plain-clothes security operatives assaulting and dragging MPs out of the chamber. They also argue that Mr Museveni wants to be president for life and the amendment violates a basic democratic principle, that power belongs to the people. His allies say the amendment removes age discrimination, and was passed after widespread public consultation' (*BBC News* 2018). The process might be characterized as plausibly compliant with a procedural vision of the rule of law. See Chapter 3 for more details.

³ The term 'public authority' refers to actors who hold 'legitimate authority' and provide public goods, such as security and justice. The term focuses attention on practices of authority, viewing it as an 'emergent property, always in production'; as well as on the dynamics of competition, conflict, and contestation that contribute to its production (Hoffmann and Kirk 2013, 2, 6).

book, with institutionalized arbitrariness emphasizing the regime's governing strategy, and arbitrary governance emphasizing citizens' perceptions of that strategy.

Based on a study of the micro-dynamics of violence and governance in Uganda,⁴ such as the activities of vigilante groups like the one described in the first pages, this book makes three main contributions to studies of modern authoritarian rule. First, it identifies a new type of authoritarian regime that is more concerned with undermining threats to its authority than with monopolizing violence. In contrast to scholarship that sees governance as a quest for ever increasing control, institutionalized arbitrariness relies on unpredictable assertions and denials of authority that fragment and weaken civil society and local public authorities. Second, this book describes the mechanisms by which such regimes work, presenting them in a four-part framework. I use this framework to analyse how arbitrary governance shapes state-society relations by fracturing civil society, limiting the space for political claim making, and causing citizens to self-police. Third, the book uses sub-national variation in Uganda to probe key alternative explanations for citizens' perceptions of arbitrary governance, including conflict-affectedness and political relationship to the ruling regime. It finds that these alternative explanations do not account for arbitrary governance, and yields a typology of arbitrary governance that illustrates how the same factors in different combinations similarly fragment civil society and cause citizens to self-police. The remainder of this chapter draws on the case of Odera and his deceased brother to elaborate institutionalized arbitrariness in the context of new global trends in authoritarian rule. It then describes the research question and methodology, before previewing the book's major contributions and outlining its organization.

1. Arbitrary Governance and Social Control in Authoritarian States

In recent years, scholars of authoritarianism have noted a trend in which institutions designed to implement the rule of law and democratic governance have been hollowed out to facilitate the ruler's ability to exercise arbitrary power. They point to the rise of authoritarian and populist tendencies in countries like Hungary and Poland, Venezuela and Brazil, India and Myanmar, and the United States (US). Even as those who study authoritarianism grapple with how to analyse these

⁴ This study traces the local-level workings of state power to investigate who can use violence, how, and with what effect. Many scholars examine the micro-dynamics of violence to locate the sources of coercive power that underpin state authority and the state-society contract (e.g., Barkey 1994; Blok 1975; Kalyvas 2006; Volkov 2002). This book seeks to build on that tradition.

observations, scholars of sub-Saharan African politics have studied the disjunct between state institutions and executive power for decades. Both sets of scholars study regimes characterized by the ruler's use of arbitrary power, democratic-looking institutions, and resultant political unpredictability.

Since the wave of democratization on the African sub-continent in the 1990s, scholars of the post-colonial African state have increasingly noted that today's African rulers diverge in character from those of the early post-independence period. Rather than espousing pan-African and revolutionary ideologies, today's African statesmen adopt the rhetoric of democratic institutionalists, calling for universal suffrage, the rule of law, checks and balances, and transparency and accountability (Cheeseman 2015). At the same time scholarly depictions of the post-colonial African state as a shadow state (Reno 1995) governed by politics 'of disorder' (Chabal and Daloz 1999) or 'of the belly' (Bayart 1993) seem to retain relevance. They also bear an uncanny resemblance to some forms and operations of arbitrary power increasingly identified in the twenty-first century and framed as 'right wing' and 'populist' in the global North, from the US to Poland (Norris and Inglehart 2019; Scheppele 2018). These 'hybrid' regimes—neither democratic nor authoritarian—somehow balance democratic institutions and repressive tendencies to project power over their populations, without buckling under the pressure of it all. To help answer this puzzle, this book combines hundreds of interviews conducted in Museveni's Uganda with the rich literature on the post-colonial African state to understand how such authoritarian rulers project arbitrary power and how it plays out in the daily lives of ordinary citizens. It is grounded in and focused on scholarship theorizing the African state, while contributing to a broader debate about contemporary forms of authoritarianism.

This book identifies unpredictability as a key tool that helps today's authoritarians maintain a balance between democratic institutions and arbitrary power. These arbitrary states cultivate an institutional environment structured to accommodate numerous authorities with overlapping and contestable jurisdictional remits. The result is a governance landscape of fragmented and competing sources of power. To maintain its authority, the regime intervenes with overwhelming and unaccountable violence at unpredictable moments. In an environment so characterized by unpredictable state intervention, ordinary citizens cannot manage or ignore the possibility of state interference—but neither can they rely on it. Instead, state authority is unpredictably present and absent. Rather than eliminate civic organization, such an approach makes civic spaces fragile, undermines collective action, and destabilizes those who would seek to challenge the state, allowing the regime to remain the most powerful governing actor among many. This modern form of authoritarianism produces chaos and competition outside the ruling cadre. Nevertheless, arbitrary governance is able to accommodate—and even relies upon—stable bureaucratic institutions at a local level. These bureaucratic institutions are neither mere façades nor are they overrun by society. They often

work—sometimes even in an impersonal way—to deliver services and project state power. Functional bureaucracies distinguish this type of governance from both neopatrimonialism, in which weak state institutions are colonized by personalist rule, and also from traditional understandings of authoritarianism, which often assume that rulers will seek to eliminate institutions with autonomous function in order to maximize their control (Fukuyama 2013).

Institutionalized arbitrariness is a mode of governance through which the state produces a self-policing population that can be alternately demobilized and remobilized. Though citizens may seek to subvert, challenge, or engage the state on a daily basis, pervasive uncertainty dilutes their efforts. For instance, the vigilante group that Odera's brother joined sought to substitute for state police in their village, but their authority evaporated when the police intervened and shot at them. At the same time, the persistent possibility that state institutions will function as they ought means that even when citizens become disenchanted and suspicious, many continue to engage with the state's formal governance institutions. For example, for Odera, the government's lengthy and complex process kept him engaged, if also apprehensive, so that he remained ready to jump into action if the case showed signs of movement. The possibility that he would be arrested himself if he took the law into his own hands only made him more invested in the state's process. Institutionalized arbitrariness allows such regimes to project power, cultivating a citizenry that generally abides by the law, votes, and—more often than not—submits to state authority even when it lacks regular presence, consistent coercive control, or the regular ability to provide services. By illustrating the micro-dynamics of violent contestation between local actors and state authorities, the case of Odera and his brother draws our attention to the fundamental importance of disorganization and unpredictability as key tools of authoritarian governance—the core thesis advanced in this book.

The term 'institutionalized arbitrariness' highlights how the seemingly contradictory notions of 'institutionalization' and 'arbitrariness' can be combined to create *productive* tensions that enable the state to project authoritarian power over a population and a territory. 'Arbitrary' refers to a ruler's unchecked and unaccountable power, exercised in such a way that those affected cannot predict or understand how power is wielded and have no means of questioning or challenging it. It is thus necessary to look not just at how rulers exercise discretion in an arbitrary way, but also at the institutional apparatus through which power is exercised, and potentially restrained or tempered, as well as how these institutions shape citizens' expectations about how power might be used in the future (Krygier 2016, 203–4). Arbitrariness is institutionalized in that it has become a regular part of how such authoritarian regimes function. The resultant predictable unpredictability shapes the behaviour of ordinary citizens and offers important insights into modern authoritarianism.

When writing analytically about violence, it can be difficult to acknowledge its personal costs. The death of Odera's brother and its aftermath offer a small reminder of the long-term effects for friends and family, communities and clans, of what might otherwise seem to be merely an impersonal instantiation of state violence. This book does not aim to make a normative claim about what constitutes 'good' governance. However, the cases described herein illustrate questions of justice, morality, and dignity confronted by people living in modern authoritarian states. Though this book focuses primarily on physical and material aspects of security, it does so with the conviction that this has far-reaching and deep-seated social, cultural, and interpersonal implications.

2. Research Questions and Motivation

This study began as a comparative inquiry into vigilante governance in contexts of limited statehood.⁵ I originally planned to ask where vigilante groups exist and why, what form they take, and what determines group cohesion and longevity. This inquiry was based on the hypothesis that vigilante groups arise to fill a security and governance gap. My questions were intended to isolate the micro-dynamics of violence and governance and document grass-roots processes of the consolidation of power in the absence of the state. I believed that the functioning of vigilante groups would reveal the process by which violence is incrementally institutionalized at a local level and offer insights into the micro-processes of state formation. I expected that, unlike the aspiring rulers in Charles Tilly's model of European state formation, Uganda's twenty-first-century vigilantes would be savvy about state authority and how to use it to their advantage. As a result, I hypothesized that they would strategically adopt the symbols, rhetoric, and forms of a modern state to strengthen their position without making the presumed linear and sequential transition to a formal and bureaucratized institution (Hagmann and Péclard 2010; Lund 2006b). I anticipated that vigilantes would thus produce and enact bureaucratic institutional forms, while in practice relying on personalized relationships to conduct business. What I found was much more interesting.

I began my field research in northern Uganda in 2014. In this recently post-conflict environment, political order was fragmented and contested, offering opportunities for new forms of authority to emerge and consolidate control. Gulu Town—the main urban centre in northern Uganda, located approximately 100 kilometres from South Sudan—had been the epicentre of a brutal and violent

⁵ The concept of 'limited statehood' refers to countries with ineffective state institutions, that lack the capacity to implement central decisions and monopolize force, but that still are able to govern, for example relying on partnerships with private or non-state actors (Risse 2011).

conflict from 1986 to 2006, during which the Lord's Resistance Army (LRA) rebels fought Uganda's government, victimizing the civilian population. The conflict is often framed in ethnic terms, with the Acholi LRA rebels emerging to challenge the new regime of Yoweri Museveni, who had violently seized power in 1986, thereby displacing several decades of northern rule. Nearly ten years after the informal end of the LRA war, the conflict-affected northern region still faced the highest poverty rate in the country⁶ and had the lowest levels of infrastructure development, with limited access to markets and services (World Bank 2016). Northerners—and residents of Gulu in particular—opposed the ruling National Resistance Movement (NRM) regime on regional and ethnic grounds (Branch 2011). As a study location, Gulu offered a rich environment to observe entrepreneurial politics in the struggle to establish new public orders in the aftermath of war. In particular, local vigilante groups were common. Such groups have been shown to use violence to make governance claims at a local level. They would thus be a valuable lens to examine the dynamics I wished to study (see Abrahams 1987; Buur 2006; Pratten and Sen 2008). I reasoned that tensions between the centre and the periphery would actively be unfolding and thus ripe for observation and documentation.

During my first month in Uganda in February 2014, I conducted 18 interviews with 23 respondents using a combination of convenience and snowball sampling. I also discussed my research agenda with several scholars working in the area.⁷ My exploratory study showed that my original questions would be difficult to answer—and that those answers might reveal very little about governance and state authority. The vigilante groups active in the area were hard to categorize in terms of their history, form, function, use of violence, and even participants. For instance, asking when a group was founded elicited different answers from different respondents. Upon further investigation, I discovered that most groups had been formed and dissolved repeatedly; their membership and mandate shifted over time. Low-level crime and insecurity paired with a long history of civilian militias meant that, over many years, either a 'new' vigilante group was formed or an 'old' one was resurrected. The form of these groups, too, was fluid: such groups were 'non-state' in that their members received none of the benefits afforded to formal state employees, yet they reported to and received orders from local councillors.⁸ At times they received payment from informal systems of local

⁶ In 2013, the northern region had a poverty rate of 43.7 per cent, compared with 24.5 per cent in the eastern region, 8.7 per cent in the western region, and 4.7 per cent in the central region. The annual percentage reduction in the north was also the lowest of the four regions at 3.1 per cent (World Bank 2016, 5).

⁷ I owe many thanks to scholars including Tim Allen, Teddy Atim, Ronald Atkinson, Adam Branch, Julian Hopwood, Holly Porter, and Alex de Waal for early insights and encouragement in the field.

⁸ Local councillors, or LC1s, are most local administrative position in Uganda. The Local Council (LC) structure was established as a part of the NRM's early strategy to build grass-roots support across the country. Today, they have a tiered structure representing the village, parish, sub-county,

taxation. Further study revealed that numerous different actors, from locally elected authorities to the police and even sometimes the military, could call on these vigilantes for manpower. As volunteers, vigilantes often left for paid work; others were arrested or fell out of favour with the community and thus were banned from security activities.

It became apparent that any issue related to violence and the state—such as who can use violence to enforce laws, what level of violence is acceptable, and what activities merit punishment—encompassed multiple contradictory dimensions. Such contradictions frequently figure in ethnographies of vigilantes, gangs, self-help groups, militias, and the like. Scholars emphasize the twilight or boundary nature of such groups (Lund 2006b) and the fluidity of individual roles in the group and group roles in the community (Bøås and Dunn 2017; Göpfert 2012; Shah 2008). These observations pushed me to ask new questions oriented around the ‘how’ and ‘why’ of governance. Instead of trying to explain away the uncertainty and ambiguity that characterized security and governance in my field site, I opted to make it the focus of my research. *Why is the relationship between violence and governance ambiguous in northern Uganda? What does that tell us about how the Ugandan state governs ordinary citizens?* My endeavour became an inductive theory-building project on governance in authoritarian regimes.

Questions of ‘how’ and ‘why’ inevitably raise the question of intent—are these processes purposeful or merely incidental? Whether or not arbitrary governance is intentional is extremely difficult to ascertain. To do so decisively would require intimate knowledge of the thinking of authoritarian rulers and their associates, not just at the present moment, but throughout their rule. Such an inquiry is outside the scope of this book.⁹ Still, the preponderance of the evidence marshalled here suggests two conclusions. First, arbitrary governance shapes the behaviour of ordinary citizens, and is thus critical to the functioning of these regimes regardless of the ruler’s intentions. Second, as elaborated in Chapter 2 and Chapter 8, arbitrary governance is a shared characteristic of several authoritarian regimes

municipality, and district. They comprise a council of ten representatives, one of whom is the chairman. Today, the LC chairman functions as a kind of village-level leader. A full explanation of the local council system and its historic ties to the NRM state is provided in Chapter 3.

⁹ Answering the question of intent via a ‘smoking gun’ might be achievable through other methods, such as elite ethnography. In the case of Uganda, such a study would be challenging in the current political environment. However, even if possible, such approaches face methodological challenges, as what respondents recount can be shaped by current interests and concerns, and in politically charged environments can sometimes only be accessed by making allegiances with particular interlocutors, which may bias findings (Malejacq and Mukhopadhyay 2016). Instead, this study collected hundreds of in-depth interviews, not as records of the truth, but to identify experiential patterns in the views of respondents (Fernández-Kelly 2015, 14). It is thus a view from below, augmented with approximately a dozen elite interviews with former members of Museveni’s government to triangulate data and help interpret the validity of findings.

that manipulate the relationship between arbitrary power and the rule of law, despite their different political and historical trajectories.

The findings suggest institutional intent. It is not that individual authorities design their own actions to be unpredictable, but rather that the structure of the system produces uncertainty among different authorities. Unpredictability derives from uncertainty about which authority will be relevant and what rules she (or more likely he) will apply. One might then ask if arbitrary governance is the result of historically contingent factors that the state accepts and leverages, versus a mode of governance that it actively produces. I chart a middle course between these two interpretations. Arbitrary governance is indeed tied to historical factors, such as the post-colonial nature of the state, limited resources, and the global political aid economy since the Cold War. At the same time, the regime has regularly made choices that reinforce rather than counter unpredictability and arbitrariness—for example, pursuing institutional fragmentation, raising citizen militias, and relying on the security services to police the domestic population with excessive and unaccountable violence. Intent therefore is not a grand strategy, but rather is reflected in the structural design and maintenance of the system. These details are treated in Chapter 3 and Chapter 8, while questions of intent are taken up at the end of Chapter 2 and in Chapter 7.

3. Researching the Arbitrary State

Uganda—once characterized as an emerging democracy and lauded for its seemingly democratic reforms addressing fiscal policy, decentralization, and gender quotas—is now widely recognized as a ‘hybrid’ state, in which democratic institutions and practices are manipulated to further centralize authoritarian control (Tripp 2010). The hybrid state combines aspects of democracy and authoritarianism, with (almost) regular elections, (formal) separation of powers, and (mostly) free speech. Institutionalized arbitrariness emerges from a paradox that characterizes such states and that Uganda illustrates well: governing institutions are highly fragmented and relate to each other stochastically—even while citizens widely perceive the state as a coherent entity with significant regulatory control over violence.

Conceptualizing ‘the state’ based on empirical evidence in Uganda only highlights this paradox. The state is not monolithic; it consists of diverse actors, institutions, and practices, each with varying interests, that can act alternately in a public or private capacity. To respond to the definitional challenge associated with ‘the state’, some scholars focus on what the state does and how, rather than on a deductive notion of what it is (Bierschenk and de Sardan 2014; Mitchell 1991). My inquiry is similarly concerned with practices of governance, and specifically on the institutionalization of violence. At the same time, my research

revealed that rejecting the notion of state institutions in favour of practices of statehood would create its own challenges. In Uganda, citizens' conceptualization of the state shapes how they understand themselves as subjects. Their imaginary of the state encompasses the opaque workings of central power, citizens' belief in the existence and importance of these levers of power, and citizens' expectations that something akin to governing is happening in the Statehouse. Moreover, Uganda's ruling regime has worked hard to make government, state, and party synonymous. The image of 'the state' is fundamental to this story—the individuals, institutions, and ideas that comprise the state are typically closely tied to power. I therefore use the terms 'ruling regime' and 'state' in a limited sense to refer to those individuals who control Uganda's formal and public state institutions as citizens imagine them.

The majority of my research took place in and around Gulu Town in northern Uganda between 2014 and 2016. Gulu constituted a 'most-likely' case in which to observe unpredictable and arbitrary state intervention.¹⁰ Because residents of Gulu have been staunchly opposed to the NRM regime and the area is highly conflict-affected, it is likely that the state appears unreliable and unpredictably present, making it an ideal location to disentangle the mechanisms of institutionalized arbitrariness. Over 10 months of field research with Gulu as the primary site, I conducted 303 unstructured and semi-structured interviews with approximately as many respondents. From these, I developed a framework to analyse arbitrary governance, and in 2018, I returned to Uganda to apply that framework over six weeks and 76 interviews in three additional locations in Uganda. Interviews were on average an hour in length, although they varied based on the topic of conversation and practical considerations, ranging from the respondent's comfort level to inclement weather. For many interviews, I employed Ugandan researchers to help locate respondents and translate when necessary. I supplemented these interviews with informal conversations as well as observations of security trainings, political events, daily life, and dispute resolution in municipal or village-level courts and by local mediation. Overall, my interview respondents represent a broad cross-section of society, weighted towards those involved in informal and local security provision—that is, poor young men.

3.1 A Framework and Typology for Studying Arbitrary Governance

From my study of local security and the micro-dynamics of violence in Gulu, I developed a framework to analyse arbitrary governance. The framework,

¹⁰ 'Most-likely' or 'least-likely' cases are 'cases that ought, or ought not, to invalidate or confirm theories, if any cases can be expected to do so' (Eckstein 1992, 158).

elaborated in Chapter 2, is comprised of four oppositions that characterize state capacity: (1) the use of lawful versus exceptional violence; (2) the state's defined jurisdictional claim versus lack thereof; (3) state presence versus absence; and (4) state fragmentation versus consolidation. Existing scholarship often assumes that each of these oppositions has an internally stable or stabilizing relationship. Take the third opposition of state presence versus absence as an example: a given state might be present in some places and absent in others; or it might be partially present; or effectively absent (O'Donnell 1999). However, regimes that employ strategies of institutionalized arbitrariness manipulate these oppositions, unpredictably and repeatedly collapsing and reinstating them, such that the oppositions become unstable. In the same places and time periods, the state might alternately appear present or absent; partially present; and—less common but importantly—create doubt about the very meaning of any difference between state absence and presence.¹¹ Destabilizing these oppositions produces four 'factors' that together constitute institutionalized arbitrariness. Table 1.1 lists each opposition and the factor that is produced when the opposition is destabilized.

Combined, the destabilization of these oppositions produces an environment of seemingly arbitrary intervention that makes the government ever present in citizens' imaginations, despite its general material absence in terms of daily security provision or law enforcement. The resultant system promotes societal fragmentation and political demobilization.

The destabilization of these four oppositions is reflected in the experience of Odera and his brother. The case shows how the regime at times allows the exercise of overwhelming violence outside the law (as when the police shot the vigilantes in the dead of night), and at other times reasserts the claim of lawful violence (as when the government official defined the police shooting as a lawful response to criminal activity). The capacity to arbitrarily deploy extralegal violence limits citizens' abilities to reasonably ignore or manage interactions with the state. By

Table 1.1 The oppositions and factors of institutionalized arbitrariness

	Destabilized opposition	Factor in institutionalized arbitrariness
1	The use of lawful versus exceptional violence	Citizens' perceptions of the state's capacity for overwhelming and unaccountable violence
2	The state's defined jurisdictional claim versus lack thereof	Citizens' perceptions of a fluid state jurisdiction
3	State presence versus state absence	Citizens' perceptions of potential state presence
4	State fragmentation versus state consolidation	Citizens' experience of a coherent and consolidated state

¹¹ This may be difficult to imagine in the abstract, and is elaborated with numerous examples in Chapter 2, as well as Chapters 4–6.

unpredictably claiming and denying jurisdictional authority, state authorities destabilize citizen claim making and undermine other non-state authorities. In this case, the vigilante group was unable to consolidate its position in the community because the police’s violent intervention undercut the vigilantes’ mandate. In the aftermath of his brother’s death, Odera waited for years for the police to respond to his case, confident that the higher authorities knew about his situation and would eventually respond. The perception that the state *could* be present at any time and is informed about local problems makes government non-intervention appear to be as much a choice as intervention.

Much of the literature on state formation assumes that all states fundamentally seek to consolidate control over territory—and that claiming jurisdictional authority, increasing state presence, and regulating the use of violence are key to this process. In contrast, my analysis shows that it is actually by rendering jurisdictions, state presence, and uses of violence unstable and fluid that some modern authoritarian rulers are able to project power.

3.2 Alternative Explanations

To probe the validity of the four-factor framework that emerged inductively from my research in Gulu, I returned to Uganda in 2018 to examine alternative explanations for arbitrary governance. I selected three additional locations that varied on key alternative explanations for citizens’ perceptions of an arbitrary state: conflict-affectedness and relationship to the ruling regime (see Table 1.2).¹²

Conflict-affectedness could produce a perception of state arbitrariness through citizens’ memories of war and its violent unpredictability, as well as through the

Table 1.2 Case selection to probe alternative explanations for the perception of arbitrary state governance

	Highly conflict-affected	Less conflict-affected
Pro-opposition	<i>Most-likely case:</i> Gulu	<i>Mixed case:</i> Soroti
Pro-regime	<i>Mixed case:</i> Moroto	<i>Least-likely case:</i> Mbarara

¹² All four study locations are medium-sized towns with relatively developed infrastructure, including potable water, schools, hospitals, and security services such as the police. Each is also fairly homogenous in terms of ethnic identity, with only one case—Mbarara—where many respondents share the same ethnic identity as the president. In each location, I interviewed several respondents with non-majority ethnic identities and I also inquired specifically into the role that ethnicity plays in politics. Though it is clearly a foundational cleavage in Ugandan society and politics, ethnicity did not emerge as a salient factor in civilian perceptions of arbitrary governance.

Table 1.3 Varieties of institutionalized arbitrariness

	Highly conflict-affected	Less conflict-affected
Pro-opposition	Atomization	Contested assemblage
Pro-regime	Violence at scale	Discipline

social, economic, and political devastation that violent conflict often causes. Similarly, citizens' reported experiences of an arbitrary government could reflect *anti-government sentiment* and the challenges of embedding central state institutions in politically hostile locales. This would mean that arbitrariness is evidence of uneven implementation, not a governing strategy. Sub-national variation in conflict-affectedness and political support for the regime allowed me to probe whether arbitrary governance characterizes Uganda's ruling regime or is simply a locally held perception induced by a history of violent conflict or anti-government sentiment.

I found that though the implementation and effects of arbitrary governance varied depending on contextual factors, citizens experienced the state as arbitrary in all four places. Moreover, the same four factors were present, though they manifested in different ways. Exploring these variations produced a typology of institutionalized arbitrariness, summarized in Table 1.3 and detailed in Chapter 7. The typology helps explore how different legacies of conflict and varying levels of political support for the regime shape citizens' perceptions of arbitrary state power.

Each type of arbitrary governance causes citizens to self-police by destabilizing citizens' expectations of local authorities and the central state. Together, the findings suggest that governance through unpredictability is not merely a result of happenstance, the state's low capacity, or outside researchers' difficulty in understanding a society that is unfamiliar or illegible to them. Rather, institutionalized arbitrariness constitutes an approach to authoritarianism today—one that is based more on fragmenting alternatives to state power than on exercising iron-fisted control.

4. Organization of the Book

This book proceeds as follows: Chapter 2 elaborates institutionalized arbitrariness, drawing on a wide range of scholarly work to develop the framework and establish its external applicability. It highlights the contributions that institutionalized arbitrariness makes to the study of modern authoritarianism, as well as of state formation and consolidation. Chapter 3 traces the emergence of a system of arbitrary governance in Museveni's Uganda and describes the historical and

institutional factors that make it a modern authoritarian regime. The chapter illustrates how Museveni's regime is both personalist and institutionalized, and highlights key moments that have shaped citizens' perceptions of Museveni and his regime.

Chapters 4 to 6 individually explore three of the four factors of institutionalized arbitrariness and how each is produced: (1) the state's capacity for overwhelming and unaccountable violence, produced by a fluid relationship between exceptional and lawful violence; (2) a fluid state jurisdiction, produced by state authorities unpredictably claiming and denying their authority; and (3) potential state presence, produced by a fluid divide between state presence and absence. Together, the chapters underscore the fourth factor in institutionalized arbitrariness: a fragmented institutional environment co-existing with the perception of a coherent and consolidated state. Each chapter highlights the presence of multiple and competing authorities as well as the seemingly contradictory, yet commonly held perception that the ruling regime maintains at least marginal control over state and society across the country. Together, these four factors produce institutionalized arbitrariness, which focuses more on fragmenting alternatives to state power than on fully consolidating authority and violence.

Chapter 4 focuses on the Uganda Police Force as a lens to examine how the Ugandan state produces and sustains the perception among citizens that it has access to overwhelming violence. The chapter shows how the Ugandan state strategically links and delinks its governing institutions to overwhelming violence, making the deployment of violence unpredictable in both its intensity and accountability. The result is an ambiguous relationship between lawful and exceptional violence that keeps citizens fearful of the state, on one hand, and marginally engaged, on the other. Chapter 5 examines local vigilantes and the micro-dynamics of violence, focusing on the nature of the ambiguous space between state and society. It shows that this space is hostile to the putative authority of non-state entities, in large part due to the state's unpredictable jurisdictional claims. Chapter 6 addresses the question of state presence, tackling the puzzle of how a largely absent state can appear to citizens to be present. The chapter examines how Uganda's ruling regime manipulates the relationship between its presence and absence to keep citizens in an ambiguous position as potential agents and subjects of the state.

Chapter 7 uses sub-national variation to probe alternative explanations for arbitrary governance. Evidence from the cases shows that violent conflict and political leanings shape the ways in which institutionalized arbitrariness manifests, exaggerating certain components and attenuating others. Such differences result in 'varieties' of institutionalized arbitrariness that, taken together, bolster the book's argument that it is a distinct type of authoritarian rule. The resultant typology of four varieties of institutionalized arbitrariness, each corresponding to a different study location, illustrates some of the different outcomes produced by

changing combinations of state violence, fluid state jurisdiction, unpredictable state presence, and institutional fragmentation. Lastly, the chapter uses these variations to examine some limitations of the theory, including questions about the regime's intent and citizens' agency.

Chapter 8 returns to questions of external validity and the theoretical contributions of arbitrary governance. It probes the broader applicability of institutionalized arbitrariness by surveying three regimes that display similar characteristics to Uganda's NRM: the Ethiopian People's Revolutionary Democratic Front; the Rwandan Patriotic Front; and the Zimbabwe African National Union (Patriotic Front). Drawing on scholarship on these regimes, I find aspects of arbitrary governance in all three cases, though its precise manifestation is shaped by contextual factors, notably the strength and independence of state institutions. Next, I discuss the theoretical and empirical implications of arbitrary governance in today's world of increasingly transnational movements and fragmented sub-national power. The book concludes with a reflection on avenues for future research, including how international aid and improvements in surveillance technologies shape arbitrary governance, and the resultant dynamics between state and society in this type of modern authoritarian regime.

Arbitrary Governance and Modern Authoritarianism

How do modern authoritarian rulers project power? Scholars have noted that today's authoritarian rulers have added new tactics to their playbooks. In addition to coercion, patronage, and delegation, these rulers often adopt democratic institutions and use rule of law-compliant reforms to maintain control (c.f. Lührmann and Lindberg 2019; Schedler 2006; Scheppele 2018). For example, rulers might make legal reforms to censor the media, as Recep Tayyip Erdoğan did in Turkey; to selectively allocate parliamentary seats in order to marginalize political opposition, as Rafael Correa did in Ecuador; and to modify the electoral calendar in order to hamper political rivals, as Abdoulaye Wade did in Senegal (Bermeo 2016). In this book, I use the term 'modern authoritarian' to refer to regimes that use rule of law-compliant reforms to undermine checks on executive power.¹ I describe in more detail how this term relates to existing scholarship later in this chapter. Modern authoritarian regimes are characterized by a tension between authoritarian rule and democratic institutions. Though authoritarian rulers weaken democratic institutions, the continued presence of these institutions offers repeated opportunities for challenges from the political opposition. As a result, these regimes have been described as structurally unstable (Levitsky and Way 2002).

Over the past three decades, political science scholarship on modern authoritarian regimes has mushroomed (Ezrow 2018). However, it has rarely engaged with scholarship on post-colonial neopatrimonial states which grapple with many of the same phenomena. I engage these literatures with original field research to help explain how such seemingly unstable regimes are able to control their populace. Until now, scholars have generally attributed the success of modern authoritarian regimes to a careful balancing act between coercion and patronage on one hand and democratic institutions on the other (Geddes et al. 2018). In such systems, democratic institutions can allow rulers to assess and respond to public opinion (Gandhi 2008), to gain domestic or international legitimacy (Levitsky and

¹ Uganda's ruling regime has made every effort to elide government, state, and party, and thus when referring to the Ugandan case, I use the terms 'state' and 'ruling regime' interchangeably to describe an apparatus that encompasses the government, the ruling party, and the state's administrative institutions.

Way 2002), or to diffuse political opposition (Brownlee 2009). Scholarship on post-colonial and neopatrimonial states draws attention to the importance of indirect rule, where control relies on accommodating elites who bring with them the support of their constituents (Bayart 1993; Mamdani 1996; Van de Walle 2007).

I offer a third explanation. Instead of delegating authority, modern authoritarian regimes can stabilize control and project power *directly* into the lives of ordinary citizens through unpredictable assertions of authority that undermine the autonomy of those who would otherwise challenge it. As described in Chapter 1, this type of governance, which I call *institutionalized arbitrariness*, rests on an institutional arrangement that fosters competing low-level security and governance actors who, together, create a governing environment characterized by unpredictability for ordinary citizens and local authorities. This unpredictability pervades the public space, fragmenting civic organization and weakening alternatives to state authority.

Unpredictability is a motif of Museveni's Uganda. In my research, Ugandans broadly described the state as unpredictable and volatile, with effects they characterized as disorienting and depoliticizing. A common refrain among respondents across the country was that when it comes to the government, 'things have to be confusing'. Some argued that this was because the government sought to create a confused population that could not identify shared goals to act on politically. Other scholars of Uganda have noted similar phenomena, describing this state as using 'arbitrariness and unpredictability' to restrict media workers (Tripp 2004, 12); as creating 'seemingly deliberate confusion' around civil militias (Janmyr 2014, 212); as 'produc[ing] "security" and "insecurity" simultaneously in a constant aporetic relationship', and as fostering 'ambiguity or double-faced meaning of things' (Verma 2012, 57).² The Ugandan state has even been compared to 'the dry season rains—something occasional and potentially destructive' (B. Jones 2009, 3). Others have noted the president's 'tendency to keep things around him as disorganized as possible to avoid the formation of any ordered arrangement that might possibly be turned against his own, personal raw power' (Carbone 2008, 29). Despite the emphasis these scholars place on fragmentation, arbitrary and unpredictable state power, and resultant uncertainty, they stop short of examining these as components of a broader system of governance.

² Cecilie Lanken Verma approaches uncertainty in northern Uganda through the emic notion of *lakite*, or 'somehow'. She writes, '*Lakite* was a notion I only gradually came to notice, due to its modest translation into the adverb "somehow" in English, but, as it turned out, when used in Acholi in the form of an adjective, it carried a much profounder meaning as the expression of uncertainty, even to the extent of the extreme. *Lakite* indicated everything considered "tricky", often dangerous, and which would cease understanding. It was related to secrecy in the way that it was seen to contain something hidden, something not to be grasped, an ambiguity or double-faced meaning of things, expressed as the way in which the government or certain people would "show different faces all the time" or hide their true intentions "behind the face"' (2012, 10–11).

Analogous phenomena can be seen in authoritarian settings globally. The Chinese government, for example, has blocked online political organization not through censorship but by flooding social media platforms with random and seemingly innocuous messaging to create so much noise that no single message can gain traction (King et al. 2017). In Lebanon, Nora Stel has studied how the state manages refugee populations by keeping their status informal and limiting or ignoring authoritative knowledge about them—their numbers, encampment situation, and their representative structures—such that they cannot claim political rights (Stel 2020). And in American prisons, officials have been shown to intentionally disorient inmates to make them more manageable, for example by enforcing changing and often contradictory rules to make prisoners feel like they are in the twilight zone (Doolittle 2017).

Each of these strategies of unpredictable governance are contextually specific, relying on particular institutional and elite power arrangements. However, they share the principle of governing not by crushing opposition outright, but instead by destabilizing, fragmenting, and diluting it. This makes civic spaces fragile and splinters collective action such that, to ordinary citizens, the ruling regime appears to be the most coherent and strongest governing entity. Political unpredictability thus allows such regimes to project power directly to the grass roots, causing local authorities and ordinary citizens to self-police.

Institutionalized arbitrariness is distinct from other forms of authoritarianism in two key ways. First, it uses uncertainty to produce a plausible-enough perception that the regime has a stable hold on power, especially compared to other actors. Institutionalized arbitrariness makes other actors look weak or irrelevant. As a result, citizens see the ruling regime as the only viable option and view collective action as impractical or even futile. The regime can thereby outsource many governance and security responsibilities while limiting principal-agent problems associated with indirect rule. Second, like modern modes of authoritarianism that hollow out state institutions, or strategies like ‘coup proofing’ that seek to prevent coups by fragmenting potential loci of power, arbitrary governance explains how regimes sustain an incongruence between state institutions and the organization of violence. However, arbitrary states are distinct because they do not seek, *a priori*, to weaken state institutions. Instead, they can tolerate functional—and even relatively strong—state institutions by multiplying them and creating confusion among them.

This chapter develops the theoretical foundations of institutionalized arbitrariness as an explanation for how modern authoritarian regimes project power. It first offers a brief summary of the expectations set out in research on state formation and consolidation in order to identify what remains to be explained in modern authoritarian regimes. It then turns to scholarship on modern authoritarianism and neopatrimonialism. These fields of study, rarely put in conversation with one another, offer complementary views about how and why state

institutions are decoupled from enforcement power. Together, they provide new insight into the projection of arbitrary power in authoritarian states. The chapter then details how institutionalized arbitrariness contributes to these literatures. It elaborates a four-part framework to identify and analyse the functioning of arbitrary governance and gives examples of the four factors in a variety of contexts, in Africa and beyond. The chapter concludes with an examination and rebuttal of three alternative explanations for observed unpredictability in the relationship between citizens and the state: corruption (arbitrary governance is really just the product of the cumulative acts of self-interested individuals); illegibility (arbitrary governance is really just a hidden order); and happenstance (arbitrary governance is not intentional, and therefore not a mode of governance).

1. Arbitrary Power and State Formation

Today's dictators and authoritarians are far more sophisticated, savvy, and nimble than they once were . . . Modern authoritarians have successfully honed new techniques, methods, and formulas for preserving power, refashioning dictatorship for the modern age.

(Dobson 2012, 4–5)

Today's authoritarian rulers have adapted to survive democracy's advance. The resultant modern authoritarian regimes raise questions about what we thought we knew about state formation. These regimes do not follow a teleological process in which the struggle for control and resource extraction produces state institutions that regulate and restrain arbitrary power in pursuit of efficiency, as detailed by scholars like Charles Tilly and later adopted by new institutionalists, like Douglass North, John Wallis, and Barry Weingast. Instead, they simultaneously exhibit the institutional forms of modern democracies *and* an executive that wields arbitrary power with seemingly few *de facto* constraints. As noted by Nic Cheeseman and Jonathan Fisher:

Legally, authoritarian states usually subscribe to the separation of powers: the preeminence of the rule of law, and respect for freedom of expression and organization. In practice, though, they are characterized by over-mighty presidents who maintain excessive control over all branches of government, enforce the arbitrary suspension or uneven application of laws, and implement unpredictable crackdowns on perceived opponents—sometimes within the confines of the law, sometimes outside it. (Cheeseman and Fisher 2019, xxv)

This section elaborates how modern forms of authoritarianism contradict expectations described in widely accepted theories of state formation and consolidation.

It then addresses two stylized strands of research, each of which could be understood as critiquing the prevailing views on state formation: first, recent political science scholarship on modern authoritarian regimes, and second, a long-standing literature on the post-colonial neopatrimonial state, derived mainly from studies of African states.³

1.1 State Building and Consolidation: The Bias toward Identifying Political Order

State-building theories are broadly oriented around identifying political order. From Max Weber's treatises on the rational bureaucratic state to the seminal work by Charles Tilly and James Scott, much political science scholarship on the modern state focuses on how rulers strive to organize and institutionalize violence to maximize efficient resource extraction. These theories focus on formal governing institutions as technologies through which arbitrary power is contained, managed, and deployed in the modern state. Such theories therefore understand the rational bureaucratic state, in which governing institutions have a monopoly or near monopoly on the use of force, as a by-product of a synergistic relationship between ruler and subjects.

Analytically, this literature assumes the existence of institutional teleologies: from fragile to stable, personal to impersonal, and unpredictable to predictable (Tilly 1992). To the extent that it has a normative strain, this research sees institutionalization as a good that should be pursued in policy interventions (North et al. 2009). Such state formation theories have also informed studies of politically fragile and non-democratic states, which are presumed to have encountered obstacles to this ordering process despite the apparent efforts of political elites. Scholarship in this area examines barriers to state formation posed by the international order and juridical sovereignty (Jackson and Rosberg 1982); by international legal sovereignty and a derivative domestic authority (Englebert 2009); by post-colonial border drawing (Herbst 2014); by the enduring political and economic legacies of colonialism (Acemoglu et al. 2001; Acemoglu and Robinson 2012; Mamdani 1996; Nunn 2008; Young 1998); and by the historic and contemporary international economic order (Amsden 2003; Wade 2004), among other factors.

Studies of informal or non-state governing entities similarly emphasize political ordering processes—like those described in key theories of state formation—but they focus on processes that take place outside the state governing apparatus.

³ Much of the scholarship on neopatrimonialism focuses on African states; however, scholars have also applied neopatrimonialism beyond Africa to countries worldwide (for example, see Bach and Gazibo 2013).

These studies conceive of such non-state authorities and institutions in much the same way as do those that focus on state institutions as formal ‘rules of the game’ that regulate behaviour. Both presume that iterative processes of domination and submission by rational actors will eventually produce a *de facto* contract between authorities and their constituents (Bratton 2007; North 1990; Raeymaekers et al. 2008). A recent literature on rebel governance has extended these same lessons—applying the logic of political order making to the supposed disorder of rebel group operations—and in this way likening their approaches to those of statesmen (Arjona 2016; Arjona et al. 2015; Mampilly 2011; Mukhopadhyay 2014; Péclard and Mechoulam 2015).⁴ These and other studies fundamentally focus on political ordering and barriers to it, understanding unpredictability, contingency, and political disorder as remainders or noise that can be minimized by identifying the correct explanatory model.⁵ Instead, this book focuses on unpredictability and disorder as distinct approaches to governance that require further explanation.

1.2 Modern Authoritarianism: Contending with State Institutions

Scholars have critiqued both the analytic and normative stances found in literature on state formation and consolidation. In addition to elaborating cases in which highly arbitrary, violent, or repressive systems have been institutionalized (Arjona et al. 2015), research has identified cases in which institutions have been *decoupled* from the deployment of arbitrary power—whether to mask such power or to facilitate it. As Larry Diamond notes, modern dictators have innovated in order to operate in the ambiguous space between authoritarianism and democracy by manipulating the division of powers, extolling democracy and human rights, and fostering civil liberties, even while restricting political organization and centralizing power such that their states ‘have the form of electoral democracy but fail to meet the substantive test, or do so only ambiguously’ (Diamond 2015, 166).

Today’s authoritarian rulers find power in cultivating an unsettled and dynamic relationship among institutional ‘types’ which allows for sometimes grafting rules from one institutional repertoire to another and, at other times, for preserving purely bureaucratic or patrimonial institutional environments. For example,

⁴ Earlier versions of such an argument examined how criminal organizations, such as the mafia or gangs, use similar strategies of ordering and organizing the populace under their control to maximize efficient and sustainable resource extraction (Bardhan 1997; Blok 1975; Venkatesh 2008).

⁵ In his study of the econometric modelling of conflict, Christopher Cramer notes that ‘uncertainty’ functions as a kind of ‘adhesive’ holding these models together. ‘Imprecision and inconsistency in the application of this variable... suggests that it is something of a residual used to patch up the holes in a model and stop it from collapsing’ (Cramer 2002, 1848).

leaders from Hungary and Russia to Ecuador and Venezuela have centralized executive control by making legal reforms that appear legitimate because they were copied from liberal democracies (Schepple 2018). However, by selectively adopting laws from diverse sources, such leaders cobble together an illiberal bricolage that effectively undermines checks and balances on arbitrary executive action (Krygier 2016). Such moves appear to be liberalizing, while having the effect of further concentrating power in the executive. For example, Viktor Orbán in Hungary and Erdoğan in Turkey adopted measures to expand the jurisdiction of their courts, effectively flooding the courts with minor cases and rendering them unable to function (Schepple 2018, 551). Another widespread strategy, justified in democratic terms as bringing government closer to the people, implements policies of decentralization in order to fragment the opposition and recentralize power under the ruling regime, as has been documented across Africa, in countries including Ethiopia, Kenya, Nigeria, Zimbabwe, Malawi, Senegal, and South Africa (Green 2008; Fessha and Kirkby 2008; Lewis 2014). Other scholars have studied how authoritarian rulers shape the electoral landscape—for example by using elections as a ‘safety valve for regulating societal discontent and confining the opposition’ (Brownlee 2009, 519) or by fostering the formation of tame political parties to channel political opposition and stabilize the regime (see March 2009 on Putin’s Russia).

These, and similar phenomena, have been diversely described as hybrid regimes (Diamond 2015), competitive authoritarian regimes (Levitsky and Way 2010), and electoral authoritarian regimes (Schedler 2013).⁶ The broad concern is to understand how states can simultaneously exhibit the characteristics of developed democracies (such as multiparty elections) and authoritarian regimes (such as restrictions on public expression), and to disentangle how these seemingly conflicting features interact to produce ‘in-between’ states (Van de Walle 2002). In such regimes, ‘elections and other “democratic” institutions are largely facades, yet they may provide some space for political opposition, independent media, and social organizations that do not seriously criticize or challenge the regime’ (Diamond 2015, 169). In such cases, democratic institutions are used to mask, or even legitimate, the reality of authoritarian domination. ‘In-between’ regimes make the political playing field itself uneven, so that the same democratic rules create unexpected and unfair results (Levitsky and Way 2002). As Aili Mari Tripp notes, these regimes ‘embody divergent impulses: they promote civil rights and political liberties, and yet they unpredictably curtail those same rights and liberties’ so that such states are neither truly democratic nor authoritarian (Tripp 2010, 1). Arbitrary power and political unpredictability are characteristic of such non-democracies.

⁶ See also review essays by Matthijs Bogaards (2009) and Yonatan Morse (2012).

Scholarship on hybrid governance and modern authoritarian regimes suggests that institutionalization is not normatively good in its own right. Instead, scholars turn our attention from formal state institutions to power and the real politics of its institutionalization. Much of this scholarship can be understood as describing situations in which arbitrary power and state institutions are paired and decoupled in new and unexpected ways that allow such regimes to appear to have the liberal institutions of a democratic state, while enabling the weakly fettered exercise of executive power. At the same time, scholars often focus on how unique combinations of state institutions and arbitrary power allow rulers to claim ever more control—a phenomenon I call the *productive work* of arbitrary power.

Institutionalized arbitrariness offers two contributions to scholarship on modern authoritarianism. First, it contributes to the literature on hybrid regimes by offering a *dynamic* model that sees the repeated pairing and decoupling of violence to state institutions as unpredictable, stochastic, and ongoing, and examines the governance effects of this process. It explores how *repeated processes* of alternately channelling arbitrary power through state institutions (such that it both enforces the rule of law and is subject to it) and decoupling it from them (such that it does neither) enables regimes to project power over local authorities and ordinary citizens. Such an approach understands political *disordering* as a discrete political phenomenon on a par with ordering—one that shapes the actions of authorities and the experience of citizens in such regimes. Second, along with assertions of arbitrary power, it shows that it is necessary to examine instances in which such rulers use new institutional arrangements to deny or withdraw their authority—what I call the *negative work* of modern authoritarianism. Simultaneously asserting and denying authority by combining productive and negative work dissolves background conditions for producing political meaning and creates political subjects governed by *uncertainty* about their position vis-à-vis the state.

1.3 Post-Colonial and Neopatrimonial States: A Hidden Political Order

While recent scholarship on authoritarianism—much of it based on cases from the global North—grapples with how to understand arbitrary power without assuming its necessary institutionalization, a second strand of literature on post-colonial and African states has been doing so for decades. This second strand of literature seeks to explain how and why formal state institutions often appear decoupled from arbitrary power. This literature emphasizes an empirical and historically conditioned disjuncture between state institutions and the organization of violence. Within the resulting gap, it argues that rulers exercise arbitrary

power that is constrained by the rules, norms, and expectations that arise from interpersonal social relations, which are identified as the real site of politics. Because of their personal nature, social relations can be difficult to uncover and may remain hidden from the view of outsiders. As a result, scholars have noted that these systems can be mistaken as chaotic or ungoverned, when in reality they rely on unique and context-specific governance arrangements among formal and informal actors and institutions. This literature therefore asks scholars to focus on potentially hidden background relations, institutions, and organizations to find political order (Chabal and Daloz 1999). In these studies, institutionalization itself cannot be judged as normatively good or bad—rather it is the content of these background social relations that must be evaluated on a case-by-case basis.

In this second strand of literature, scholars use terms such as ‘hybridity’ (Tripp 2010) and ‘multiplicity’ (Goodfellow and Lindemann 2013) to describe ‘boundary’ (Lund 2006) or ‘shadow’ (Reno 1995) institutions that characterize non-western arrangements among formal and informal governance institutions. Such scholarship captures a series of complex and messy relationships between unstable and unsustainable conceptual binaries, such as public and private organizations; formal institutions and informal associations; and state and non-state actors. It variously describes ways in which a state’s organization of violence does not match its governing institutions. These theories see patrimonial (informal) institutions as holding the real levers of power (Chabal and Daloz 1999), or see patrimonial and bureaucratic (formal) institutions as sharing them (Bach and Gazibo 2013; Cheeseman 2018a; Tripp 2010). Violence might be fragmented and dispersed, for example in ‘security assemblages’ (Abrahamsen and Williams 2010), or personalized, for instance behind powerful warlords (Reno 1998; 2011). In these explanations, state institutions are just one of many places where politics play out—and often one of relative insignificance.

Understanding state form as largely determined by colonial institutions, much of the literature on neopatrimonial African states sees decolonization as a moment of contradiction. This literature explains that colonialism destabilized and in some instances obliterated indigenous authorities, while decolonialization drove a wedge between governing institutions and governing authority. Newly independent African nations gained control over colonial governance institutions but lost the corresponding organization of violence needed to translate them into effective rule. Pierre Englebert summarizes the observation: ‘Leaders of historically non-legitimate, incongruent, or mismatched states are indeed faced with a peculiar challenge and are limited in the options available to them to address it... From colonialism, they inherited the instruments of statehood but not the power that came with it in colonial days’ (Englebert 2000, 11). As a result, some have proposed that the state’s institutional form required an underlying organization of violence (usually a Weberian monopoly on the legitimate use of force) that simply was not present in post-colonial African states. According to some, these

states became ‘vacuous and ineffectual . . . an empty shell’ (Chabal and Daloz 1999, 14). Weak state institutions fostered strongman rule or hybrid governance arrangements in which individuals coupled formal state institutions with private armies, militias, or gangs to extend control and maximize access to resources and rents. Some have categorized this as indirect rule by the metropole, where organized violence remains in the hands of an assemblage of powerful corporate interests, international institutions, and former colonial powers (Ferguson 2005; Mamdani 1996; Mbembe 2001). Others argue that state forms are more or less surface shell games alongside evolving forms of local violence which are the real sites of governance (Lombard 2013; Mukhopadhyay 2014; Reno 1998). For both sets of scholars, the ‘mismatch’ between state-like forms of governing institutions and privatized forms of violence is the fundamental pathology of post-colonial African states, making them vulnerable to fragility and failure.

This mismatch between governing forms and governing violence has also been used to explain fragmented, hybrid, multiple, or complex institutional environments. Such an explanation suggests that in the immediate post-colonial moment, elites continued to draw on and manipulate pre-existing ideas about authority and jurisdiction because they represented agreed-upon modes of exchange, in which private exchange was based on reciprocity and public exchange was based on bureaucracy. Scholars have argued that a combination of path-dependency, the advantage of incumbency, and resultant widespread opportunities for elite predation have rendered the post-colonial state impotent (Bayart 1993; Jackson and Rosberg 1982). This tradition has been taken by some to suggest that such states are characterized by weak or even dysfunctional formal political institutions that are entangled with informal and personalized institutions (critiqued by Cheeseman 2018a).

Even scholarship that nominally focuses on political disorder tends to find and reify some hidden order that is then used to explain the operations of power. In their work on the African state and the ‘political instrumentalization of disorder’, Patrick Chabal and Jean-Pascal Daloz describe a background political order based on socio-cultural relationships that—once revealed—makes sense of the seeming disorder of formal state institutions. They write: ‘[T]he disorder of which we speak is in fact a different “order”, the outcome of different rationalities and causalities. It appears as disorder only because most paradigms are based on a notion of a form of social, economic, and, therefore, political development which reflects the experience of Western societies’ (Chabal and Daloz 1999, 155). Chabal and Daloz note the possibility of the very argument developed in this book—that some elites benefit from the production and exploitation of what they call ‘political disorder’. However, they abandon the notion of disorder *tout court* in favour of understanding African governance in terms of a *hidden* order explained by the particularities of African culture.

In contrast, this book places an African case in conversation with existing literature on modern authoritarianism in order to develop a comparative frame for contemporary analyses of arbitrary power that avoids the othering of African politics. Unlike the ‘hidden order’ described by Chabal and Daloz, institutionalized arbitrariness recognizes that a state’s approach to governance can be unpredictable, and therefore indecipherable, for its citizens as well as for outsiders. Arbitrary governance is not limited to African states and does not rely on uniquely African political and social traditions. Internal illegibility is exactly what makes institutionalized arbitrariness an effective approach to projecting arbitrary power for any regime. Attributing political unpredictability to a hidden order assumes a stable and discernible relationship between patrimonial and bureaucratic institutions. This assumption overlooks evidence that rulers alternately and unpredictably reify and destabilize the imagined divisions among institutional orders. Ignoring such phenomena leads us to neglect a key tool of modern authoritarianism.

2. A New Category of Modern Authoritarianism: Institutionalized Arbitrariness

Rather than imagining governance as complex, networked, and navigable only by insiders, institutionalized arbitrariness describes a state that is illegible, unpredictable, and capricious for those inside as well as outside the system. Citizens—subject to the state’s constantly changing jurisdictional claims, the incalculable risk of overwhelming state violence, and the possibility but never certainty of state presence—come to view the state as coherent and authoritative, even while experiencing it as woefully fragmented and low capacity. The result is that state authority is ever present in citizens’ imaginations despite the state’s limited provision of traditionally recognized governance and security services, such as access to courts, presence of police, and collection of taxes.

Even as low-level non-state governing authorities carry out certain functions locally—for example, resolving disputes, organizing roadworks, and managing community vigilante activities—they lack sufficient political space to consolidate control over their own jurisdictions and constituencies. They thus continue to function as fragile and weakly institutionalized authorities, able neither to become autonomous from the state, nor to make claims on state authorities or the ruling regime. The unpredictable and dangerous Leviathan found in this type of modern authoritarian regime creates pervasive *uncertainty*, precluding relationships of accountability between citizens and public authorities—whether state or non-state.

When citizens cannot discern any pattern or regularity in how and when state actors claim or deny authority, and cannot understand what rubric they will use to

do so, they cannot establish shared expectations for state behaviour. Instead, citizens are left to navigate a system of authorities whose roles and responsibilities are constantly shifting and are thus difficult to predict. These dynamics have been described in diverse contexts. For example, in Guinea Bissau, Henrik Vigh describes how prolonged political turmoil forces citizens to replace their habits with flexible routines that can be constantly re-evaluated in light of the changing socio-political landscape, wherein players reconfigure their affiliations all the time (Vigh 2006). In Pakistan, Laurent Gayer describes how residents of Karachi see the city as ‘undecipherable’ and a ‘foreign land’ because of growing uncertainty around the threat of violence. He recounts how this unpredictability produces a general sense of malaise. ‘As every group in the city denies involvement in violent or illegal activities, the identity of the perpetrators and their rationales are anybody’s guess. This opacity sustains a form of “epistemological uncertainty”—a doubt about what one knows about one’s social relations and environment—that obfuscates norms and relationships’ (Gayer 2014, 248). The absence of shared expectations means that when a state authority uses his or her power to redefine responsibility, there is no meaningful ground upon which citizens can demand accountability. Thus, the state’s unpredictable and harsh interventions constitute an approach to governance that allows non-state entities to function at a low level, both in terms of authority and capacity, while the state retains its position as the most powerful actor.

Institutionalized arbitrariness diverges from indirect rule managed by local warlords. As described by William Reno in western Africa (1998) or Dipali Mukhopadhyay (2014) in Afghanistan, such indirect rule entails sub-national authorities consolidating resources and violence to govern a discrete geographic space. This is not possible when mandates are continually redefined or reconfigured. Institutionalized arbitrariness also differs from theories of neopatrimonialism, according to which citizens have personal relations with individual big men and unpredictability comes from the temperament and interests of this patron (Chabal and Daloz 1999; Erdmann and Engel 2007). Instead, in the cases examined here, unpredictability and arbitrary power have been institutionalized into the state, dissolving the efficacy of background social relations and undermining even hidden logics of governance. In this way, institutionalized arbitrariness destabilizes local authorities in relation to the central state. Such an environment fosters the projection of state power even while the state regularly outsources key governance tasks, including security and policing. While institutionalized arbitrariness helps explain a phenomenon similar to that of Scheppele’s ‘legalistic autocrats’, who use rule of law to centralize authoritarian control, it goes a step further, explaining the *mechanisms* by which arbitrary power is projected. This book counters a view of political ordering as the predominant governing strategy and stabilization as the prevailing logic of state form. It thus illustrates how political unpredictability and instability work together to produce a new state form—one that favours modern authoritarianism.

Governments that use unpredictability as a strategy of rule may distribute it differently—whether via differential treatment of sectors (the economy versus the security sector) or times (night time versus daytime, war versus peace), or by targeting certain groups of people (illegal immigrants or refugees; the poor; racial, religious, or ethnic minorities) or particular places (the inner city; the hinterlands; borderlands). In Uganda, unpredictable state intervention is particularly salient in the security and governance sectors, which themselves are defined by the use of violence, whether material or performative, through actions, speech, images, and symbols.

The unpredictability and potential violence of state intervention has two contradictory functions. First, given that state actors often do not intervene to resolve disputes for which they are nominally responsible, non-state actors frequently step in to manage local security and governance issues, using violence to police, judge, and discipline behaviour. Second, state actors' occasional and often violent interventions unpredictably undermine the nascent authority of these non-state actors. Such unpredictable interventions—whether in the form of arrest, detention, fines, or torture—constrain the ability of non-state actors to consolidate scalable alternatives to state power. In this view, hopes for the organic emergence of a state–society contract are aspirational at best. At worst, they can misdirect attention toward indicators of a social contract—like citizens' use of state services—that can exist even in the absence of citizens' ability to organize politically and make collective claims on the regime for representation or resources. In other countries, unpredictability might manifest in other sectors, such as commerce and trade, civil society, law, or culture; several examples are noted in the introduction and later in this chapter.

From the perspective of authoritarian rulers, one of the strengths of arbitrary governance is the damage it does to the social fabric. As Gayer shows in his study on violence in Karachi, unpredictability creates suspicion and mistrust, driving people into ever more localized and familiar enclaves (Gayer 2014). Mistrust helps explain why such an approach to governance is so effective at inhibiting collective action among citizens and local-level officials. However, citizens are not passive. In fact, entrepreneurial individuals continue to attempt to make claims on political authorities, as Odera's case in Chapter 1 illustrates. The following empirical chapters offer further illustrations of how individuals and groups use their agency to try to make such claims, and explore the ways in which mainly state authorities undermine these claims. For example, Chapter 4 examines a case in which participants in a spontaneous local protest demanded that police and state authorities take responsibility for a citizen who had died in police custody. In this case, the police violently suppressed the protesters and offered nothing to the family or the community. Chapter 5 addresses societal agency from a different angle. It considers how vigilantes are caught between 'the state', which asks them to uphold the law, and 'society', which asks them to uphold local normative orders. Finally,

Chapter 6 explores how individual agency is in some ways key to the regime's successful management of its flagship community policing programme called Crime Preventers, particularly in the months surrounding the 2016 elections. Crime Preventers accepted labour as unpaid militias for the regime because they believed it might help them achieve their personal aspirations. Thus, while citizens exercise agency to resist arbitrary governance, their individual and collective agency also contributes to its effectiveness.

Much of what occurs in Uganda's security and governance sectors resembles familiar modes of governance—patrimonialism, nepotism, kleptocracy, and bureaucracy, to name a few. However, while they remain present, the rationalities of these modes of governance are rendered unpredictable by the possibility that the state could redirect, subordinate, or override them at any moment. This unpredictability is not a by-product of disorganization, ineptitude, poverty, or other shortcomings stereotypically characteristic of 'fragile' or 'low-capacity' states—it is key to how some of today's modern authoritarian regimes project power.

2.1 Destabilizing Oppositions

Institutionalized arbitrariness results from reifying, mixing, and collapsing four oppositions that describe state authority: (1) the use of exceptional violence versus lawful violence; (2) the state's defined jurisdictional claim versus lack thereof; (3) state presence versus absence; and (4) state fragmentation versus state consolidation. Figure 2.1 depicts the different potential relationships between one of these oppositions: the state's use of exceptional violence versus lawful violence.

Each opposition can be *reified*, as depicted at the far right of Figure 2.1, where there is a clear distinction between lawful and exceptional violence. This might be the case in rule of law-abiding contexts. Regimes may use both lawful violence and exceptional violence, but there is a clear, recognizable difference between the two. For example, a regime might impose a state of exception during a natural disaster (Fassin and Vasquez 2005) or over refugee camps (Agamben 2000; Turner 2005). Though the regime employs exceptional violence, the boundaries of this time period or zone of exception are clearly demarcated.

Oppositions can also be fully *collapsed*, such that there is no meaningful difference between them—they are for all intents and purposes indistinguishable, as depicted at the far left of Figure 2.1. This would be the case in situations of classic despotism, where all power and law emanate from the sovereign. The sovereign is a despot not in the sense that he employs exceptional violence, but rather in the sense that he embodies the state and with it each of the four oppositions, such that there is no distinction between law versus exception and state presence versus absence; there is no concept of an impersonal jurisdictional claim, or a consolidated state (Foucault 2007).

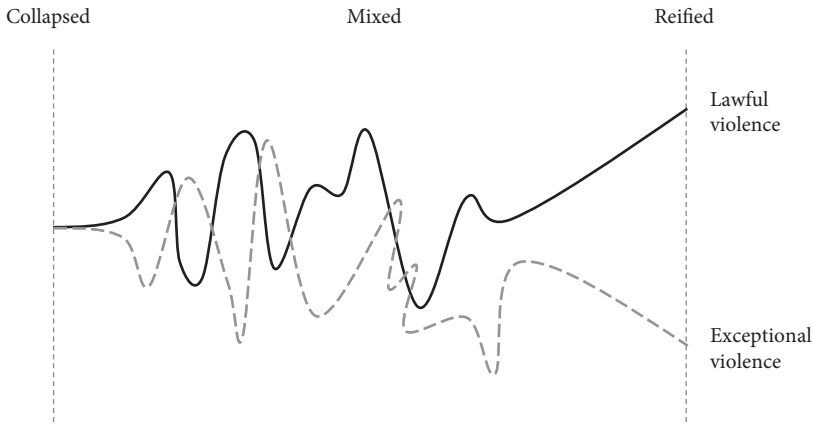


Fig. 2.1 Dynamic oppositions in institutionalized arbitrariness

Between these two extremes, the oppositions may be *mixed* and combined in new and innovative ways. Returning to the example of violence, scholars have shown how exceptional violence can be integrated into bureaucratic practices (Best 2017) or law can be used to regulate exceptional violence (Johns 2005). In such situations, the relationship between exceptional and lawful violence is complex, and though it may be difficult to tell the difference between them, it is still theoretically possible. Each opposition can be understood as distinct, and as such each can theoretically be stabilized or destabilized independently of the others. However, in practice the relative stability of any opposition is often complementary, co-producing, and overlapping with the others. Chapters 4, 5, and 6 provide detailed discussion and examples of these dynamics.

In regimes of institutionalized arbitrariness, I propose that state authority is characterized by stochastic and unpredictable movement within these four oppositions, such that it is unpredictable where along the continuum one will be at any given time. These oppositions are thus dynamic, characterized by constant change and movement. At times, the distinction between the oppositions is muddled (in *mixed* situations) and at other times it is clarified (in *reified* situations). This movement makes the oppositions unstable and fragile, so that local authorities and ordinary citizens cannot make good predictions about how (and indeed if) state authority will manifest from one moment to the next.

2.2 Four Factors of Institutionalized Arbitrariness

By fostering institutional environments that facilitate unpredictable movement between the extremes of these oppositions, rulers can create the conditions for institutionalized arbitrariness. I call these the four ‘factors’ of institutionalized

arbitrariness. These factors, which I identified inductively from my fieldwork in Uganda, are citizens' perceptions of: (1) the state's capacity for overwhelming and unaccountable violence; (2) a fluid state jurisdiction; (3) potential state presence; and (4) non-hierarchical and fragmented governing institutions. I describe them below.

Perception of overwhelming and unaccountable violence

Destabilizing the opposition between lawful and exceptional violence creates the perception that the state has access to overwhelming and unaccountable violence—that is, the capacity to suspend the law and use extra-legal violence to define states of exception (Schmitt 2005). Such sovereign violence is deployed with impunity and a will to govern. Where for Schmittians, sovereign violence is characterized by the power to define the exception, here I focus on the ability to *continually redefine* the exception. In this scenario, sovereign violence is not simply law constituting (Agamben 1998, 40), but rather it is used unpredictably, thereby making it difficult for anyone to assert when or how violence should be categorized as lawful or exceptional. These ambiguous acts are manifest both in civilian memories of state violence and in their current and ongoing experiences with state agencies. Institutionalized arbitrariness depends on citizens' beliefs that any place, act, person, or moment can potentially be made exceptional at any time, and thus be subject to violence that is overwhelming and unaccountable. Continually redefining the exception is essential to this mode of governance. The state's unpredictable interventions make threats meaningful; the possibility of exceptional violence makes them broadly pertinent.

Many states at times deploy exceptional violence unpredictably as a tool of governance. Joost Fontein describes arbitrary and extreme state violence in relation to a government policy to enforce city planning regulations in Harare, Zimbabwe. He writes about the 'disjuncture between official pronouncements about the need to "restore order"...and the contradictory experience of the apparently arbitrary application and often extreme, sometimes violent, execution of the operation...which for many seemed to operate outside the legitimate, bureaucratic "state"' (Fontein 2009, 371). Fontein explains that tension between the spectacle of arbitrary state power and the form of official appeals for bureaucratic planning produced 'unexpected suddenness and brutality...experienced regardless of whether its motives would ever be properly understood', thus resulting in an 'expression of sovereignty' that gave this approach governing power (Fontein 2009, 372–3). Atreyee Sen details the unpredictable use of violence in Calcutta prisons, arguing that '*both* prisoners and prison officials use sublime violence, with unpredictability and incalculable potency hidden in its multiple unforeseen strategies, to establish dominance over each other' (Sen 2018, 940). Sen shows how, in the prison, 'this fantasy and intimacy of total control over others, through an arbitrary exchange of cruelty and compassion...is not just an ironic

effect or a tactical miscalculation, but an intrinsic part of the functioning of the prison as a sovereign space' (Sen 2018, 930, internal citations omitted).

Also relevant are theoretical propositions about zones of exception in which the state uses exceptional violence in a contained spatio-juridical complex to discipline certain populations and to serve as a counterpoint to the lawful violence used elsewhere (Agamben 2005; Hagmann and Korf 2012). To some extent, all governing systems distribute lawful and exceptional violence, whether spatially, temporally, or among groups of people. However, for most scholars, exceptional violence is tied to a political order and thus can become regularized in some ways. It is a sort of known unknown that functions to govern people who are subjected to it, by reducing some to 'bare life' and saving others from that fate, and by reinforcing the perception of the state's sovereign power.

By contrast, I argue that a state can fray the division between exceptionality and normalcy such that zones of exception become both fluid and unpredictable, while retaining the ability to be meaningfully separated. The state *unpredictably* deploys exceptionality (the use of arbitrary violence to govern a matter), making any situation potentially exceptional in the minds of citizens and destabilizing existing governing logics. In Uganda, the state produces the perception of sovereign violence when it allows exceptional violence and lawful violence to bleed together, so that the distinction between them appears fluid sometimes and rigid at other times. Citizens living under this regime cannot predict whether they will find themselves in a state of normalcy or exception, as the state uses law and policy to justify deploying unaccountable and extreme violence. On one hand, normalcy and exception are made fluid by, for example, rumours of state-orchestrated disappearances, extrajudicial killing, or detention paired with legal rhetoric legitimating such violence. On the other hand, rigid boundaries between normalcy and exception are re-established when procedural justice is occasionally afforded to complainants and the accused, through the successes of human rights non-governmental organizations (NGOs), and more broadly through the proper functioning of law and order. These oscillations occur against the backdrop of a violent political history from colonial intervention to today, as well as violent insurrections and their suppression across the country. While there is significant spatial, temporal, and individual variation in exposure to and experiences of state violence, this shared history and the nation-wide implementation of these strategies produce a powerful public perception that a regime can deploy overwhelming and unaccountable force.

Fluid state jurisdiction

A second factor of institutionalized arbitrariness is the state's ability to destabilize and make fluid jurisdictional boundaries—'jurisdictions' being the things over which the state can and must have authority (in general terms, 'public' things) versus the things over which the state need not or should not have authority (in

general terms, ‘private’ things). Jurisdictional boundaries are socially constructed, and thus inherently dynamic, contested, negotiable, permeable, and, as a result, potentially fluid in every regime (Olsen 1983). However, as distinct from this general truth, a system of arbitrary governance requires citizens’ shared expectations of state jurisdiction to be weak enough that, if and when state actors arbitrarily redraw jurisdictional boundaries, this does not meet with entrenched collective resistance. In such a scenario, the state’s repeated and irregular redefinitions of jurisdictional boundaries, backed by violent force or threats thereof, renders state jurisdiction fluid. This fluidity further amplifies the regime’s ability to manipulate its right and responsibility to intervene in or to ignore situations. Moreover, by continually and irregularly redefining public and private spheres, the state renders its jurisdictional claims inconsistent, undermining the establishment of precedent. Though the division between public and private is fragile, the spheres retain their meaning such that the regime still can determine that a person, place, or event falls into the state’s public sphere and thus is subject to formal state law—or alternatively can relegate that person, place, or event to the private sphere, from which one cannot make claims on the state.

The complex and manipulable relationship between different jurisdictional spheres is less thoroughly treated in the scholarly literature than one might hope (Tapscott 2017a), but is nonetheless documented across many institutionally plural and fragmented environments. Aili Mari Tripp describes jurisdictional relationships in a detailed article on authority in Jinja District, Uganda, discussing ‘public and private spheres . . . nestled within other public and private spheres’. She explains that ‘it is impossible to draw hard and fast demarcations between the two spheres because embedded within every public and every private sphere are other public and private spheres’ (Tripp 2014, 38). The article describes how various authorities—which might be generally categorized as ‘public’ state representatives or ‘private’ traditional leaders—act on both public and private spaces. Tripp’s work shows how authorities seek to change their jurisdictional claims, at times asserting control over a new ‘public’ comprising a different or broader category of people, places, or things than they had claimed before. Keebet von Benda-Beckmann emphasizes the political implications of changing jurisdictional claims, focusing on the authorities charged with different jurisdictional ‘fora’ that appear in literature on forum shopping. She writes, ‘the forums involved use disputes for their own, mainly local political ends. These institutions and their individual functionaries usually have interests different from those of the parties, and they use the processing of disputes to pursue those interests . . . [these authorities try] to acquire and manipulate disputes from which they expect to gain political advantage, or to fend off disputes which they fear will threaten their interests’ (Benda-Beckmann 1981, 117). Alisha Holland identifies a similar practice of ‘forbearance’ in Latin America: this ‘intentional and revocable nonenforcement of law’ can be used to change distributional outcomes, in particular for political ends (Holland

2016, 232). Lauren Benton explains how colonial powers and the colonized used ‘jurisdictional politics’ in which actors sought to exploit the confusion and contradictions inherent in plural legal environments, producing a kind of ‘patterned’ fluidity that reinforced colonial authority (Benton 1999).

Under regimes that practise institutionalized arbitrariness, by contrast, jurisdictional claims remain unpredictably fluid and changeable, preventing subjects from developing reliable expectations about if or how the state might intervene. In Uganda, such fluidity is exemplified when state authorities at times outsource state power and at other times seize it back. For example, it is not uncommon for high-ranking government officials to condone extra-judicial violence sometimes, while punishing it at other times. In an interview, a district-level politician explained that security was particularly good in his area because he encouraged mob violence.

This festive season we didn’t lose any cattle. I think it is the first Christmas ever! We sensitised in security at the community level. ‘If you are caught, they should kill you!’ Thieves now run to other districts.

[How many of those meetings did you have?] We had several in every sub-county. The cattle thieves are known. We told them, ‘They should kill you.’

[Who should?] The mob justice! They [the criminals] fear it. [They think] ‘Now with the chairman’s support they [the mob] will finish us.’ And they have killed them! They killed one—no two! This person [thief] would come, kill your calf, just slaughter it and run off. They got him and they worked on him thoroughly [beat him to death]. (LC5 Chairman, 17 January 2018)

At the same time, police officers and citizens alike frequently note that only the police are allowed to handle violent crimes. Scholars have identified similarly fluid jurisdictional claims in other sectors in Uganda. For example, Anne Mette Kjær describes a ‘grey zone’ in Ugandan land law, via which the regime keeps implementation of legal reforms flexible enough to be open to interpretation and thus manipulation (Kjær 2017), while Thomas Goodfellow describes how Uganda’s ruling regime has opted not to regulate Kampala’s informal transportation sector so it can garner political support from unregistered motorcycle taxi drivers (Goodfellow 2015).

Thus, at times, public officials give civilians the authority to use violence to police and punish; at other times, officials mete out harsh punishments for those very same acts, framing them not as crime prevention, but instead as violations of the law. At other times still, this fluidity is replaced with clear assertions that law determines jurisdictional claims (for example, that all criminal violations can only be handled by the police). This is one example of how state authorities manipulate state jurisdiction, strategically claiming and denying authority, and thereby undermining citizens’ abilities to form expectations and make meaningful claims on the state.

Potential state presence

The third factor of institutionalized arbitrariness is citizens' perceptions of potential state presence—whether through rumour, perceived state surveillance, or unexpected appearances by state authorities. For arbitrary governance to work, citizens must believe the state *could* be present at any moment. Otherwise, if citizens or local leaders understand that the state is reliably absent, alternative sources of authority could consolidate power unencumbered. In Uganda, the state appears potentially present because the distinction between state and society is fluid and unstable. At times, citizens are framed as part of the state or even as embodying it so there is no difference between state and society. This is partially facilitated by the no-party legacy of the NRM regime, which labelled all Ugandans as part of the regime, and furthered by constitutional provisions that all Ugandans can be called upon to take up arms to defend the state. At other times, citizens are framed as outside the state. Most often, the line between state and society is blurred so that it is difficult to tell which is which. Because any citizen can be framed as the state, the state can potentially be anywhere.

The potentiality of state presence rests in part on a widespread perception of state surveillance. This perception then further reinforces citizens' belief that the state might be present. Information—or intelligence—is widely recognized as a key building block of governing power. James Scott, in his seminal work *Seeing Like a State* (1998), shows how making populations 'legible' to state institutions is constitutive of successful rule, allowing authorities to extract and redistribute resources and undermine meaningful threats effectively and efficiently. Other scholars have incorporated this insight into models of political control. Stathis Kalyvas, for example, describes a positive linear relationship between information and selective violence (Kalyvas 2006). The gathering of intelligence itself works to discipline populations. Under regimes of institutionalized arbitrariness, actual information gathering and analysis is less essential than its perception, which gives citizens the impression that the state is informed of their activities and potentially present. For example, in his work on conscripts in Eritrea, David Bozzini describes how check points induce 'the perception of the existence of a highly authoritarian police state that is effectively omniscient despite ... experiences of the low-tech surveillance' (Bozzini 2011, 94).

In Uganda, the ever present possibility of state surveillance makes citizens' perceptions of potential state presence particularly pronounced. Respondents describe a sprawling security apparatus, with secret operatives 'deep down' in the villages, working as the eyes and ears of the state, reporting directly to the president (Verma 2012, 87; Zeller 2013, 210). Still others refer to Uganda's village-level elected government officials as state informants (B. Jones 2009, 65, 85; also see Branch 2011, 69; Finnström 2008, 94–7; Mamdani 1995). This perception is reinforced by the history of LCs as organizations to 'secure efficient civilian

support' for the army during the NRM's Bush War (Tidemand 1994, 139). The regime has supplemented this system of human surveillance with investments in spyware: in September 2015, Privacy International published a series of documents confirming that the government purchased intrusion malware in 2011 to facilitate spying on opposition politicians, media, and establishment insiders in hotels, key government institutions, people's homes, and other meeting spaces, with the explicit goal of blackmailing targets (Privacy International 2015). Several politicians reported instances when they were followed and arrested; journalists described anonymous phone calls threatening them for covering certain stories, despite publishing without a by-line. At the same time, there are instances when it appears that the Ugandan state is absent or lacks intelligence—leaving open the possibility to organize autonomously from the state on one hand, and the need to do so on the other, but only at one's own risk. While it is extremely difficult to assess the actual extent and capacity of surveillance in Uganda, citizens' widespread perception of it is an important component of arbitrary governance.

Non-hierarchical and fragmented governing institutions

The final factor of institutionalized arbitrariness is a non-hierarchical and fragmented governance environment, in which actors have ill-defined, overlapping, or contested mandates. The existence of multiple and competing providers for any given service (security, justice, administration) means that, while each provider may consistently employ pre-determined 'rules of the game' (North 1990), their combined efforts lead to unpredictable outcomes. Moreover, actors have ill-defined mandates, allowing them to both claim and deny authority unpredictably, and the hierarchy among various security and administrative systems is unclear. Public authorities ranging from vigilantes to local councillors lack clearly defined mandates, as they are all subject to state actors' perpetually shifting jurisdictional claims. Thus, they must compete among themselves for limited resources, striving to define their own role and build legitimacy in the community, while constantly facing the active possibility that the central state will intervene in their nascent zone of authority.

Many scholars have noted the importance of institutional fragmentation—or fostering competition among potential opponents—as a strategy of governance. Sowing distrust among putative leaders to foreclose or undermine their cooperation with each other has long been a tactic of warfare and governance. This approach, if implemented successfully, can have the added benefit of reinforcing the power of the leader as the sole consolidated authority. As Karen Barkey explains in her seminal study of the Ottoman Empire,

Ottoman prebendal elites were unable to oppose the state seriously. Even though the state precipitated internal competition within their ranks and aggravated the conditions of their livelihood, because of their initial dependence and loyalty they

continued to search for solutions from within the state. Ottoman elites in the early seventeenth century did not look for solutions to the ills they experienced by rebelling against the state and challenging the structure of the state and society. If they rebelled, they did so to demand that they be incorporated into the state's privilege structure once again. This was true for both established elites of the provincial system and the newly recognized, strategically important bandit leaders. (Barkey 1994, 55–6)

Barkey explains that the Ottoman state, by creating divisions within elite groups, was able to become and remain the main source of power into which ambitious elites sought to be integrated. Literature on coup proofing draws on the same logic, arguing that leaders create multiple parallel institutions, particularly in areas of security and surveillance, in order to prevent any one agency from gaining a foothold on power. Milan Svolik documents how such practices were common in Baathist Iraq, al-Asad's Syria, Qaddafi's Libya, Nasser's Egypt, and Soviet Russia (Svolik 2012, 132).

Uganda's governance environment is, by all accounts, highly fragmented. Government administration is comprised of a number of layered systems and is fragmented both centrally and locally (Mwenda 2007). A 2017 government report noted massive fragmentation within government agencies as well as duplications of function; it offered the example of funding for agricultural inputs, which was reportedly spread among 17 ministries, departments, and agencies (ISO report 2017, 40, on file with author). Additionally, in Acholi, traditional or local authorities like clans, religious leaders, and *rwot kweri* or *rwot mo*⁷ represent alternative governance structures derived from historic legacies of local, national, and international orders. These overlapping systems inject unpredictability into the governance environment, as numerous authorities could potentially claim jurisdiction over a person, place, or event, thereby asserting different rules and rationalities to shape processes or outcomes.

Fragmentation is particularly evident in the security sector, as Chapter 4 elaborates. Andrew Mwenda, listing over a dozen formal security organizations including a host of non-statutory units, details a 'veritable alphabet soup' of security organizations that are intended to fragment the security sector and prevent coherence among armed men (Mwenda 2007, 32). Mwenda notes:

By instigating the emergence of many hostile informal factions in the military, and by promoting the proliferation of both formal and informal security outfits, Museveni has turned the strategy of fragmentation to his own purposes in this

⁷ *Rwot kweri* is often translated as 'chief of the hoe' and is a male leader of a farmer's group; *rwot mo* is an anointed chief of lineage in Acholi (Paine 2014). There are a variety of other *rwots* (or 'kings') in Acholi; however, these two kinds were the most commonly cited in my interviews.

sector of the state as well as in its more sedate organs . . . Moreover, [proliferating armed units] allow him to sap the power of the formal security organizations even as he boosts his capacity to use deniable force against his opponents without having to worry about official state sanction. (Mwenda 2007, 32–3)

At the same time, Uganda's legacy as a 'no-party state' (see Chapter 3) paints an image of all Ugandans as part of a cohesive national entity that supersedes these numerous divisions. Public opinion also supports the perception that the ruling regime is coherent and cohesive, with its leader Museveni holding ultimate power in the country.

3. Counterarguments

Several alternative explanations could account for what I have described as institutionalized arbitrariness. These fall into three categories: corruption, illegibility, and happenstance. Each counterargument can explain some aspects of the unpredictability that citizens experience in interactions with state authorities, but not all of them. In so far as these counterarguments occur, they are compatible with—and even contribute to—a strategy of arbitrary governance. I return to the question of intentionality in Chapter 7 and use the empirical evidence presented in the intervening chapters to assess its strength and plausibility.

3.1 It's Just Corruption

Corruption is a logical explanation for inconsistent and apparently unpredictable state intervention. As the use of public office for private gain, corruption can be systemic or individualized, grand or petty. Here, I address two understandings of corruption: systemic and individualized. Some have proposed that systemic corruption can be seen as a type of patrimonial authority. Scholars who focus on 'everyday corruption' note that it involves 'largely clandestine or concealed practices' that reflect a 'generalized informal functioning' of the state (or 'generalized dysfunction') guided 'by a series of tacit codes and practical norms' (Blundo and Olivier de Sardan 2013, 4–8). In this and other studies, corruption constitutes a hidden order that is difficult for outsiders to discern; it is connected to practices of neopatrimonialism that blur public and private interests (Gazibo 2013) and, in some cases, can result in greater efficiency (Bardhan 1997). Because these norms are unwritten, they must be socially negotiated and are thus arbitrary to a certain degree. This definition sees corruption as a different and illegible order, and thus is addressed as part of the next counterargument.

A second possible understanding of corruption—individualized corruption—is more *ad hoc*: individual ‘bad apples’ use their public office for private gain in ways that are potentially unpredictable for ordinary citizens. Individualized corruption can also introduce unpredictability into governing systems since it is unknown if, when, and how officials will solicit or accept corruption. For example, Louisa Lombard writes about how the ‘lack of supervision over governing actors, whether officially attached to the state organizational chart or not, has been understood as giving rise to a violence-bolstered form of corruption’ that makes roadblock encounters contingent, capricious, and unpredictable for travellers (Lombard 2013, 159).

Both systemic and individualized forms of corruption are common in Uganda. In 2016, Transparency International ranked Uganda 151 out of 176 countries on its corruption perceptions index; its ranking worsened annually between 2012 and 2018 (Transparency International 2018). The Uganda Police Force is particularly known for corruption, ranked as the ‘most bribery prone institution’ in East Africa two years running, with almost 50 per cent of respondents reporting paying a bribe during interactions with the police, and 55 per cent reporting that the bribe was necessary to receive services (Transparency International 2014). In my research, respondents—young and old, male and female, educated and lay—agreed that one could not get help from the police without paying for it. Additionally, local norms encourage facilitating security and governance actors with a small payment (often called ‘motivation’) for taking up (or colloquially, ‘wasting’) their time with a given matter. This corruption counterargument can also be extended to include other types of self-interested behaviour. For example, people acting to strengthen their own power base might not follow a predictable set of rules—instead, they assess each situation and claim or deny their authority as a reflection of their self-interest.

Individualized acts of corruption could partially explain uneven and inconsistent application of state authority.⁸ However, this counterargument is compatible with the notion of arbitrary governance for two reasons. First, this explanation focuses on individuals, thereby obscuring the structural effects of these corrupt acts. Even if corruption contributes to citizens’ perceptions of an arbitrary state, the reality remains that countless discrete interventions by state authorities, taken together, lack a discernible shared logic, and produce a continually shifting boundary that functions to destabilize and fragment alternative sources of authority and prevent new ones from emerging.

Second, one of the major impediments to tackling corruption is political will. Governments that demonstrate political will have shown a capacity to crack down

⁸ If all individuals exhibited the same corrupt tendencies (as in a culture of corruption), that should actually result in a predictable governance system for citizens. Such an argument, though substantively about corruption, is better addressed in Section 3.2.

on corruption, while those that do not show political will allow corruption to thrive (Brinkerhoff 2000). Under Museveni's rule, Uganda has instituted several reforms, including establishing an ombudsman (the inspector general of government) in 1988, creating an anti-corruption department, and adopting a 'zero tolerance on corruption' policy in 2006. Yet, it is commonly understood that corruption, particularly in the form of bribery, is an integral aspect of Uganda's police system. William Muhumuza (2016) argues that the NRM became less committed to fighting corruption when the country became multiparty. Moreover, he notes that in Uganda, 'corruption tends to be institutionalized and used as a tool to consolidate and retain political power' (2016, 65), suggesting that we should think about corruption systemically.⁹

3.2 It's Just (Il)legible

Many authors propose that what looks like chaos actually has an underlying order that is simply unfamiliar and illegible to western-trained academics, who too often consider foreign governing orders 'deviant' or 'failed'. They suggest that there is a logic at play that accounts for what I view as unpredictability—the reason it looks unpredictable is that the underlying logic is too complicated or hidden for an outsider to discern. Were this the case, abiding by the rules of the system ought to result in predictable rewards, and *breaking* the rules of the system ought to also result in predictable costs. However, evidence suggests otherwise—for instance, while the system in many ways looks like a neopatrimonial regime in its rules, it does not abide by the same logic when the rules are broken. For example, in Uganda, the police often fail to intervene in issues of security. In such cases, youth vigilantes may arrest suspects within the village and deliver them to the police post. At that time, exchanges often take place—bribes are paid, favours called in, deals cut, as might be expected in a neopatrimonial system. However, sometimes the police do intervene, arriving on the scene to arrest, detain, and bring charges against suspects. Citizens experience these interventions as arbitrary and unpredictable because they do not conform to the neopatrimonial rules of the game.

⁹ Muhumuza further notes that one way the government has undermined the efficiency of anti-corruption measures is through 'the duplication of mandates between anti-corruption institutions... For example, the IG [Inspectorate of Government], the CIID [Criminal Investigations and Intelligence Directorate] and the DPP [Directorate of Public Prosecutions] have all the same roles to investigate and prosecute corrupt public officials. Similarly the role of the District PAC [Public Accounts Committee] is duplicated and watered down by the existence of the Parliamentary LGPAC [Local Governments Public Accounts Committee], which has the same functions as that of the District PAC... [They] take actions which are sometimes contradictory and/or conflicting. This creates confusion, especially where the affected person is cleared by the District PAC but queried by the Parliamentary LGPAC. Such duplications waste resources and breed institutional conflict as regards the relationship and boundary of the mandates of the two committees' (2016, 70). In sum, as in the security sector, the government uses fragmentation and non-hierarchical arrangements to produce uncertainty.

A further clarification helps distil how arbitrary governance is different from theories of governing order that are couched in complexity. Arbitrary governance does not refer to an absence of governing 'logics'—or norms about how to determine rights and responsibilities—as might be found in a governance vacuum or a state of anarchy. Instead, arbitrary governance occurs in the presence of multiple governing orders that exist in an institutional environment structured to enable and benefit from their irregular relationships with one another. Co-existing logics are reminiscent of legally plural environments in which citizens forum--shop—only instead of being able to assess which forum is most likely to offer the best outcome, it is difficult to determine which authority will hear the case. Actors and entities unpredictably assert and deny their authority over both constituents and each other, such that ordinary citizens are moved among different fora unwillingly, or even rejected from them entirely (also see Benda-Beckmann 1981). For example, in one case I studied, a man sought compensation for property damage caused by mob violence. He went to the police, local elected officials, churches of different faiths, clan authorities, and even foreign researchers—all of whom denied jurisdictional authority over his case (also see Allen 2015). Any of these actors might have intervened, and each would have used a different logic to determine justice and reciprocity. Paired with the unpredictable possibility of state intervention, these governing logics lose their ability to foster a reliable relationship of accountability between authorities and their constituents. Thus, the existence of many competing logics under the umbrella of a more powerful state authority shapes citizens' perceptions of managed unpredictability, which functions as a mode of governance.

As further evidence that citizens find the governing environment illegible, I turn to my qualitative findings. In interviews, many ordinary civilians reported that they have difficulty navigating the state's governing system. Common refrains among my respondents included 'government things have to be complicated' or 'with government policy, nothing should be straightforward'. One district-level politician for the NRM ruling party explained that the NRM had infiltrated opposition parties: 'If you get three [members of an opposition party], one is NRM. He's just confusing them' (District-level politician, 17 September 2015). A participant in the Crime Preventers programme explained that he and other crime preventers understood their role as contributing to confusion among voters on election day:

When someone has come [to the polling station] and maybe you don't get his name, send him to another polling station—[tell him] 'you first go and check there in a good manner, don't be rude. Maybe your name is not here, because there is some mistake from the Headquarter. For us, we don't know. We are just guarding.' That one is going to make a lot of confusion. People will be very many.

You will be confused. They are going to stop [voting] at 4pm exactly. They will confuse you 'til four. And we [crime preventers] will say 'sorry, sorry, sorry, sorry'. (Crime preventer, Gulu, 9 February 2016)

These examples, and others which will be elaborated throughout the book, suggest that uncertainty and confusion are fundamental to citizens' experiences of the NRM state. If a logic of neopatrimonialism truly determined interactions, as many have suggested, ordinary citizens should not feel confused by state authorities. Alternative logics, including neopatrimonialism, may still determine individual experiences or even dictate most interactions with a given authority. However, institutionalized arbitrariness fundamentally alters the nature of neopatrimonialism, given that the state can unexpectedly overturn it, or any other logic, at any time.

3.3 It's Just Happenstance

The final counterargument asks if the regime's unpredictability really is strategic, or whether it is simply an historically contingent outcome of decades of governing in a weak or fragile state. According to this critique, even if citizens experience the state as arbitrary and unpredictable, this experience is at most an institutional effect rather than an intentional mode of governance. There are two related responses to this. The first is a limitation of claims—institutionalized arbitrariness does not suggest that local-level disorder is micro-targeted at individuals or communities, nor is it a grand strategy of the regime. Instead, it posits that unpredictability is the result of an institutional environment that the ruling regime has developed over decades of strategic decisions to foster multiple and competing authorities. The result produces disorder with governing power. Theories of coup proofing similarly emphasize a divide-and-rule strategy in which the regime creates parallel military structures and security agencies that serve as checks on each other such that no single faction can gain too much power (Rwengabo 2012). Civilian experiences of arbitrary governance might be understood as a necessary effect of such a thorough implementation of coup proofing. Thus, while the regime's primary goal might not be unpredictability, it is part and parcel of such an approach and serves to fragment civil society to the benefit of the ruling regime. Second, empirical evidence shows that citizens often perceive unpredictability as an intentional strategy of governance. Scholars have shown that citizens, seeking to interpret erratic enforcement of state policy or law, impute strategic intention to the state (Bozzini 2015; Fontein 2009).

Such perceptions were also the case in Uganda. In all four study locations, a wide cross-section of Ugandans adamantly expressed the belief that the ruling regime intentionally fostered local-level confusion. Many respondents argued that

the highest levels of state authority produce ambiguity for the purposes of controlling the population. One NRM politician explained:

I think all these [policies and interventions] are intentional—the government has political interest over these people here. But the extent to which this country is handling the issue of security, it makes everybody feel... [that the] government understands what it's doing. Museveni has convinced people that he's still in charge of security and he understands it all.

(District-level politician, Gulu, 17 September 2015)

A journalist working in Mbarara gave an elaborate description of how he perceives the system and its intentionality, citing the creation and maintenance of various institutions with unclear and overlapping mandates as evidence for his claims.

[*In your opinion, why are there so many fragmented and competing institutions in Uganda?*] They are meant to check on one another. They should work in unison. But in third world countries as you know, they don't allow systems to work... I think it is intended.

[*You said 'they' don't allow systems to work – who is they?*] It is intended by the leaders of these nations to do like that. It benefits them... [Leaders] will use all those available avenues to frustrate those who are not connected. It is tailored that way.

[*But how can you know that it is intentional?*] I want to again put it clear... [E]ven at the ministerial level, there is that confusion... There is a multiplicity of agencies that serve the same purpose... The multiplicity of things is meant to create confusion in the heads of the public. [For example,] the IGP [Inspector General of Police] is deployed [and told,] 'You stop Besigye [a key opposition candidate] from doing this [campaigning].' Before he reaches [the rally site] in Mbarara, the military is there to open the way for him. He's guarded by police with a lead car. It's total confusion. (Journalist, Mbarara, 19 January 2018)

Many elites and ordinary citizens believe that the government has the capacity to implement order should it so choose. These respondents broadly concurred that vagaries in policy and enforcement were intentional. A female lawyer working at an internationally funded human rights organization explained:

Nothing happens without the permission and approval of the government. The state does not do anything without planning, whether the resources are there or not... If the state can make IDs for everyone above 16, why can't they make IDs for crime preventers? Nothing is an act of God. [The government] sits down and plans everything. (Female lawyer, Gulu, 21 September 2015)

Respondents from various levels of the government, both in the ruling party and in opposition parties, suggest that the highest levels have intentionally developed a flexible system that allows the state to justify select and unpredictable presence. There may be no definitive evidence that the regime intentionally produces an environment of unpredictability to govern its populace; however, there is substantial circumstantial evidence that, at the very least, the ruling regime is aware of, desires, and sustains that outcome. The benefits for the ruling regime, elaborated in the following chapters, are multiple. They include outsourcing day-to-day security and governance tasks while limiting the risk that these nascent authorities will consolidate meaningful autonomous power; allowing for pockets of civic organization that make the regime appear more democratic than it actually is, while rendering them so fragile that they are inhospitable to opposition politics; limiting citizens' expectations for state accountability; and producing citizens and local-level officials who self-police. Thus, in response to those who are concerned that arbitrary governance misrecognizes what is actually no more than a 'weak' state struggling to survive, I would point out how the Ugandan state manages the complex and intricate balance between maintaining the appearance of fragility or weakness, while *at the same time* successfully projecting control over their territories and populace (see also Fisher 2014b on the paradox of states that appear both strong and fragile).

The book thus describes arbitrary governance as strategic. The ruling regime projects its power through alternate and unclear use of lawful versus exceptional violence, unpredictable assertions and denials of state jurisdiction, use of surveillance, and institutional fragmentation, which together produce arbitrary governance.

4. Conclusion

Against the backdrop of classic theories of state formation, which presume that rulership means institutionalizing arbitrary power and putting human affairs in order, scholars have come to see unpredictable phenomena as snags in the institutional fabric to be tugged smooth, or as mathematical remainders to be accounted for with a more accurate model. A theory of arbitrary governance instead takes uncertainty as its focus, describing how unpredictability is intrinsic to certain governing strategies. In such a system, the state is neither centralized nor decentralized, and rules neither directly nor indirectly. Instead, the regime maintains control of its populace primarily by fostering an institutional environment that injects multiple kinds of uncertainty into civilian interactions with state authorities. This uncertainty allows the state to legitimize inconsistent behaviour, specifically with regard to its (non-)intervention. Sometimes state authorities intervene, for example to determine the outcome of a disagreement; at other times, they decline to do so—by, for example, refusing to use state power to enforce an edict.

Institutionalized arbitrariness builds on the scholarship of the politics of disorder, unpredictability, and liminality found in studies of modern authoritarianism and the post-colonial African state. First, it shows that modern authoritarianism relies on dynamic processes of asserting and denying authority to govern subjects through unpredictability as much as through fear. Second, it shows how this process undermines other social orders, weakening alternative sources of authority. The four-part framework identifies the mechanisms by which arbitrary governance works—and reveals the processes by which unpredictability can be institutionalized to sustainably project authoritarian power. Rather than being the result of individual actions or systemic failures, arbitrary governance is institutionally produced and maintained.

Institutionalized arbitrariness describes a system in which fragmented and competing authorities and vague or contradictory rules about their jurisdictions and powers ensure that citizens can experience the state's (non-)interventions as arbitrary. Discrete authorities may act in accordance with a given set of norms and expectations, but because authorities can and do both claim and deny authority in various jurisdictions without accountability, the result is an overarching system in which one set of expectations can be superseded by another at a moment's notice. Despite the likelihood that no individual authority is strategically employing the principles of arbitrary behaviour, the system's structure fosters arbitrary outcomes. This strategy of unpredictable intervention prevents citizens from developing stable and enforceable expectations for security and governance actors, and, as a result, benefits the ruling regime in ways that it intentionally reinforces through formal and informal policy actions. The result is an efficient mode of governance wherein multiple and competing local authorities handle much of the day-to-day business of governance, while the state retains its position as the most powerful authority in the imaginations of its subjects.

Institutionalized Arbitrariness in Uganda (1986–2016)

On 11 April 2011, Ugandans streamed onto the streets to protest hyperinflation of food and gas prices. Government security forces deployed pepper spray, tear gas, water cannons, and live ammunition to quell the unrest, until ‘Kampala and other urban areas looked like a war zone’ (Branch and Mampilly 2015, 131). Many trace the economic turmoil to the government’s political strategy to win the February elections, which had relied on pouring millions of dollars of ‘presidential donations’ into the economy to entice voter support. The infusion of funds had the undesired effect of depressing the value of the Ugandan shilling. Inflation rates hit 14 per cent by April, their highest in nearly a decade (Twinoburyo 2011). In May, when throngs of opposition supporters met their political leader, Kizza Besigye, many thought it might mark a turning point in Ugandan politics. But the moment fizzled—Besigye gave a speech, the protesters dispersed, and ‘political exhaustion’ took over (Branch and Mampilly 2015, 114). The government charged political activists with treason and sedition and imprisoned them for months without bail (Lukwago 2011). Food prices continued to rise, and inflation hit 30 per cent by October (Young 2011).

The 2011 protests, known as ‘Walk to Work’, illustrate a key challenge faced by today’s modern authoritarian regimes. At times, these regimes must mobilize their population collectively, for example, to vote; but they also need tools to demobilize their population, for example, to diffuse public protests against the regime. Uganda has often been described as a neopatrimonial state, employing repression and patrimonialism to manage its polity through its political elites. However, unlike neopatrimonial states which typically disengage from the populace and use intermediaries to manage dissent, the NRM has exercised direct control over protests and mass action, especially from the 2000s onwards. The result is not a hollow state propped up by foreign aid. Rather, the regime uses state institutions to engage both elites and ordinary Ugandans, penetrating society and producing political subjects that can be alternately mobilized and demobilized.

With a focus on the years between 1986 and 2016, this chapter explains institutional and historical factors that allowed Uganda’s NRM regime to permeate society and produce a population that largely polices itself, through what I have identified as institutionalized arbitrariness. Drawing on the insights of historical institutionalists such as Charles Tilly, it focuses on institutions as a

lens through which to identify how structure privileges some interests over others, generating distinct national trajectories (Hall and Taylor 1996, 937–8). I emphasize the importance of tracing institutional continuities and changes—especially through transitions in political power—while being careful not to simplify such moments into narratives of either pure rupture or revisionist continuity (Tilly 1984).

Three institutional trajectories of the Ugandan state help contextualize institutionalized arbitrariness. The first is the bifurcated nature of the state at independence, when colonial-era state institutions were split from the informal workings of post-colonial political power. This bifurcation produced structural foundations prone to political instability. The second trajectory concerns the double nature of the NRM regime as simultaneously a political and military movement. The third is the role of external aid in propping up and advancing this fragile system. Throughout, the chapter highlights the tensions between institutionalization and personalization that lay the groundwork for this type of modern authoritarian regime. It also places Museveni's Uganda in regional and global context in order to identify external factors that both reinforced the NRM and checked its power. It begins with a brief overview of this 30 plus-year history.

Political histories of Uganda frequently open in 1986—the year Museveni and his rebel outfit seized Kampala after five years of guerrilla warfare, and the same year when opposition to Museveni and his southern rule instigated insurgencies in the north, west, and east of the country. Of its 24 years as an independent country, Uganda had spent 14 of them under the ethnically polarizing leadership of Milton Obote from 1966 to 1971 and from 1980 to 1985, and eight more under the despotic rule of Idi Amin from 1971 to 1979. In 1986, Museveni captured a country torn by ethnic and regional antagonisms, with state institutions and an economy that had largely been gutted during Amin's rule. Museveni introduced democratic policy reforms that rejuvenated Uganda's national image and secured decades of support from foreign donors. However, his reforms also helped the regime remove checks on presidential power and militarize the country, such that the NRM is increasingly described as a hybrid regime, where democratic spaces have been shrinking over decades (Abrahamsen and Bareebe 2016; Khisa 2019; Tripp 2010).

Museveni's rule is characterized by a merging of party machinery, state institutions, and the military. The military has been the backbone of the regime, most obviously because the NRM came to power as a rebel outfit, but also because it has faced insurgencies across the country and used military force to quell them. The regime has used ongoing violent conflict to frame itself both as vulnerable to rebel movements (and thus in need of foreign humanitarian and military aid) and a strong ally of the West in its fight against terrorism (Fisher 2014b). The country's political economy is also militarized. Resource extraction and distribution often occur through the security sector. For example, military elites have ample

opportunity to profit (both legally and not) from war economies, while ordinary citizens can join state militias to access government patronage. Informal civilian militias, maintained during times of both war and relative peace, enhance the regime's ability to reach into rural and remote areas of the country through the security sector. These security structures are built into the fabric of local government and contribute to the melding of the state with the ruling regime and the military (Baker 2004; Oloka-Onyango 1990).

Over more than three decades, the NRM regime has developed a form of authoritarian rule dressed in the trappings of democracy. The centralization and legitimation of the regime occurred in the context of a post-colonial state, where political power resided in patrimonial networks, rather than colonial-era state institutions. Foreign injections of capital in the form of defence assistance and development aid bolstered this system, creating a state that has unpredictability and arbitrariness baked into its very governing structure. Rather than reflecting state weakness, arbitrary governance has become a key way in which the regime projects power across the country.

1. Centralizing Power in a Bifurcated State

When Museveni took power, he inherited a neopatrimonial and deeply personalized state apparatus on its knees from decades of elite power struggles. Museveni rose to the challenge, gradually consolidating and centralizing power. A few aspects of his approach stand out as key to his success: first, merging state institutions and the NRM party such that today they cannot be disentangled; second, embracing an ambitious programme of decentralization designed to fragment local political organization—effectively using *de jure* decentralization to *de facto* centralize power; and third, militarizing the economy to bring resources under the NRM's control. These processes have produced a hybrid regime that exhibits many institutional forms and practices associated with democracies, while at times allowing for the unfettered exercise of executive power.

1.1 The Legacies of Neopatrimonialism

Since Ugandan independence in 1962, every transition in central governing power has been contested, and almost all have been accompanied by violent and often ethnically inflected purges of the government, military, and business community. The country has long been marred by regional and ethnic divides. In the colonial era, the British used ethnicity to divide and rule: southerners, comprised of various Bantu ethnicities, were caricatured as bureaucrats and dominated political power

during colonization, while Nilotic northerners, and the Acholi in particular, were framed as inherently martial and comprised the majority of the colonial army.

The continued prominence of regional and ethnic tensions points to the underlying challenge of governing a country defined by a rift between state institutions and ‘real’ politics rooted in local political and social organization. The origins of this rift can be traced to decolonization when Ugandan elites took over from the British colonizers. According to political scientist Mahmood Mamdani, these Ugandan elites derived their political authority from informal cultural practices rather than the bureaucratic authority of the recently post-colonial state. This imbued the political sphere with ethnic divisions, producing a state that was deracialized, in that white Europeans had left, but not democratized, in that elites still wielded patrimonial power over the masses. Instead of using democratic institutions, rulers continued to rely on ethnic alliances and military force to control a fragmented country, resulting in neopatrimonial politics as a form of indirect rule called the ‘bifurcated state’ (Mamdani 1996).

Uganda’s post-colonial political settlement was fundamentally shaped by a failed power-sharing agreement between the King of Buganda—Uganda’s most powerful southern kingdom—and Milton Obote, a northerner who served in the colonial government and headed the Uganda People’s Congress political party. As soon as the British left Uganda in 1962, Obote began undermining this agreement by centralizing his control. His first step was to weaken the power of the king—or *Kabaka*. Obote stacked the civil service and armed forces with his co-ethnics to shift political power from the southern kingdoms to northern ethnic groups (Branch 2011, 53–6). In 1966, with his military surrounding Parliament, Obote forced through a new constitution that consolidated his executive power and abolished the southern kingdoms. Months later, Obote’s army—under the leadership of his army commander, Idi Amin—attacked the *Kabaka*’s palace, killed hundreds of his supporters, placed Buganda under martial law, and forced the young king into exile in London. Obote increasingly relied on the military to control Uganda, leveraging ethnic cleavages to divide and rule.

Despite these efforts, within five years Obote lost control of the military and the government. In 1971, Amin staged a coup backed by soldiers from his home region of West Nile. Amin’s subsequent eight-year military dictatorship was known for extreme violence against political opponents and the destruction of Uganda’s political and economic institutions, through blatant corruption, lawlessness, and violence. Amin murdered two-thirds of Obote’s army, targeting the Acholi in particular, and replaced them with soldiers from West Nile and mercenaries from South Sudan and the Democratic Republic of Congo (DRC; then Zaire) (Ravenhill 1974, 241; Kagoro 2015, 50). During my research, respondents who could remember Amin’s rule described it as a time of deep uncertainty and fear, when arbitrary violence and an undisciplined military prevailed. One man living in Mbarara narrated: ‘Even if we were young, you have to remember Amin’s era.

That's when I was in primary school, when life was so difficult. People were disappearing, there were no services, no salt, no sugar, no clothes. Everything had become so hopeless' (53-year-old male community member, Mbarara, 16 January 2018). Aili Mari Tripp describes Amin as an 'old-style personal dictator who ruled... with impunity... [and] eliminated potential dissent with such brutality and ruthlessness that [he] earned international notoriety' (Tripp 2010, 22). Tanzanian President Julius Nyerere refused to share a platform with Amin, declaring that doing so would be 'tantamount to giving a blessing to [Amin's] killings' (*Daily News* 1975, cited in Roberts 2014, 693). Amin expelled people of Israeli, British, and Asian origins from Uganda, scapegoating them for the country's economic problems. Property and businesses were confiscated, and citizens were arrested or forced to resettle on community farms. The spoils were redistributed to Amin's military officers and politicians, who used the newfound wealth to manage their constituents. Amin developed a programme to 'Keep Uganda Clean', which focused on demolishing slums in Uganda's urban centres and forcibly removing the poor and unemployed. The programme invoked a rhetoric of purification to whitewash the regime's atrocities, including the murder and disappearance of its perceived enemies. Historian Alicia Decker notes how, as the atrocities of the regime became increasingly apparent, so too did the obsession with cleaning the nation and eliminating any 'dirty' activities that might threaten the regime's stability (Decker 2010). But as economic collapse dried up sources of patronage, factions emerged in the military and Amin's rule became increasingly brittle.

In 1979, Tanzanian forces, along with Obote's exiled supporters, ousted Amin. A young Museveni was in their ranks. Not yet known on Uganda's national scene, Museveni had been preparing for politics from a young age, strategically aligning himself with powerful elites and acquiring relevant skills. After joining the University of Dar es Salaam in 1967, he formed a pan-Africanist student group, built networks in liberation movement circles, and travelled to North Korea to receive his first military training (Museveni 1997, 28–32). In 1970, after university, Museveni returned to Kampala and joined Obote's government as a research assistant in the Foreign Service. In his autobiography, Museveni explains that though he believed that Obote was 'intent on exercising dictatorial powers over the people of Uganda', he decided to work with Obote while waiting for the right moment to strike: 'We had understood Obote's schemes as early as 1966 and that is why we set out to break this monopoly by acquiring the necessary military skills. The appropriate time had not yet arrived, but it was drawing nearer' (Museveni 1997, 32). While biding his time, Museveni fought with Tanzanian forces against Amin and to reinstate Obote. Through these experiences, he gained military acumen over eight years.

When Obote's coalition overthrew Amin in 1979, Museveni made his move. He competed against Obote in the 1980 presidential election. As a newcomer to the political scene, Museveni received a mere 4 per cent of the vote. However, the

election was widely regarded as a sham, won through voter suppression and ballot box stuffing (Willis et al. 2017). Museveni took the resulting political turmoil over the contested election as an opportunity to launch what would be a five-year 'liberation struggle' from the Luwero Triangle north of Kampala. After a coup backed by the Acholi faction of the military in 1985 and the six month-long presidency of the Acholi General Tito Okello, Museveni's National Resistance Army (NRA) captured Kampala.

1.2 A 'No-Party' System that Merged State and Party

Museveni's NRM came to power proclaiming a new era of equality, democracy, and security. In his inauguration speech, Museveni promised a government for all Ugandans:

No one should think that what is happening today is a mere change of guard: it is a fundamental change in the politics of our country. In Africa, we have seen so many changes that change, as such, is nothing short of mere turmoil. We have had one group getting rid of another one, only for it to turn out to be worse than the group it displaced. Please do not count us in that group of people.

(President Yoweri Museveni, 1986 inauguration speech,
cited in Lindemann 2011, 387)

Museveni immediately began implementing political and economic reforms packaged as liberal and democratic initiatives. However, in practice, such reforms further centralized power and consolidated Museveni's control, undermining as much as possible other autonomous centres of authority, whether civil, economic, political, or traditional (Fisher 2014b; Freeland 2015; Makara et al. 2009).

Among these strategies was an early policy of 'no-party' democracy, in which the only mode of political organization would be Museveni's NRM. All Ugandans would *de facto* become part of the NRM, and political competition would be based on individual merit, not party affiliation. Museveni justified this reform using pseudo-Marxist language to argue that Uganda's 'peasant society' lacked a class basis for party competition. Party competition would only 'exacerbate clientelism in civil society and extend it to the countryside, thereby also activating and reorganizing democratic politics around interethnic tensions' (Mamdani 1996, 293). The no-party state effectively merged state institutions with the NRM; opposition to the party became synonymous with opposition to the state itself. Until 2003 there was no legal distinction between the state and the NRM as an organization, and until 2006 it was directly financed by the Ugandan state (Makara et al. 2009, 187). This gave the regime resources to co-opt both non-violent

and violent dissenters, incorporate rebel groups into Uganda's military, and offer pay-outs and sinecures to political opponents.

1.3 Local Councils as a New Source of Infrastructural Power

In order to unseat Obote, Museveni had waged a five-year insurgency, popularly known in Uganda as the Bush War. In addition to fighting Obote's troops, the Bush War entailed a protracted process of uprooting existing state structures in rural areas and instating new ones that would be friendly to the NRM. Most notably, Museveni's rebels established a system of local government councils. These local organizations, called 'Resistance Councils' until 1995 when they were renamed 'Local Councils' (LCs), continue to serve as the basis for decentralized government in Uganda today. During the Bush War, these councils offered a structure to support Museveni's rebel fighters. They delivered provisions, gathered local intelligence, and held captured ground. The councils also offered an alternative to much resented chiefly power in Luwero, garnering local support for the NRM and its army (Mamdani 1996, 208).

After taking power, the new NRM government implemented these councils across the country. To facilitate their spread, the regime made them the conduit for provisions, including sugar, salt, soap, and paraffin. To gain access to these scarce, centrally distributed goods, villages had to establish councils and accept their authority (Tidemand 1994, 96). In much of the north, the councils were initially viewed with suspicion as tools of the new southern government (Branch 2011, 64, 69). Nonetheless, after the NRM took Kampala, these councils were legally made the basis for Uganda's decentralized government structure. The ten-person councils would be elected by all adult residents and serve for terms of two years, and include councils at the village (LC1), parish (LC2), sub-county (LC3), municipality (LC4), and district levels (LC5) (E. Green 2008). The LC structure has been lauded internationally as 'one of the most far-reaching local government reform programs in the developing world' (Francis and James 2003, 325). This structure allowed the NRM to reach rural areas, surveil local populations, and distribute patronage.

From the beginning, the council system was characterized by a fundamental tension: though the NRM government granted its councils certain legislative powers and issued broad statements calling them 'the government', the NRM and Museveni also referred to the 'backwardness' of the people, thereby legitimizing the central state's direct interference in local affairs (Tidemand 1994, 164). For years, the councils functioned without formal legal power, and were tasked with broad responsibility for controlling crime and administering their areas. Rather than develop clear rules for the councils, the system was designed with numerous checks and balances to always appeal upward. At times, their design

reinforced ambiguities. For example, ‘the state grant[ed] the RCs [resistance councils] the right to monitor the bureaucracy but it require[d] in the same clause that in case of malpractices RCs report to higher organs of the same bureaucracy’ (Tidemand 1994, 32, citing Ddungu 1989). This created conflicts between councils and other public authorities such as magistrates, chiefs, and the police—some of whom had held power since colonial intervention or earlier—who proved reluctant to accept the authority of elected local politicians. The councils played various roles inconsistently: at times they helped citizens circumvent these other authorities; at other times, they acted as a check on them; and sometimes they were even subjected to those very authorities themselves (Tidemand 1994, 85–6). From the beginning, the LC system both consolidated and fragmented state authority, and exercised fluid jurisdictional claims.

These dynamics have been further entrenched over Museveni’s decades in power, with the maintenance and creation of numerous systems of authority. In addition to an elected council and district representative, each district has a Resident District Commissioner (RDC), replacing the colonial-era District Authority. RDCs are presidentially appointed, and tasked with security in the district, among other key functions. A system of internal security officers (ISOs) mirrors the LC structure, with an ISO at each level from the parish up to sub-county, district, and region. Like RDCs, ISOs are appointed by the central government. The police follow a similar tiered structure. These multiple and overlapping security organizations provide checks and balances so that none has the power to challenge the central state (Khisa 2013; Mwenda 2007). In practice, power dynamics between district-level actors—the RDC, LC5, police chief, and district-level ISO—vary by district, depending on the personalities, political connections, and popularity of the leaders.

1.4 Managing Democratic and Decentralized State Institutions

LCs are democratically elected, placing them outside the direct control of the NRM. However, the regime has counterbalanced LCs’ structural independence with other measures to safeguard their political loyalty. These include limiting the councils’ functions and resources, manipulating elections to ensure that LC positions are dominated by the NRM party, and—as discussed—developing parallel systems to check the power of the LC system. Decentralization encompasses the administrative, economic, judicial, and political spheres, while excluding matters of security, foreign affairs, and national projects, which remain highly centralized (Green 2008). Local governments are generally reliant on conditional grants from the central government (Lindemann 2011, 407).

Massive redistricting has further limited the power of the LC system and fragmented ethnic and regional political organization. From 1986 to 2019, the number of districts in Uganda more than quadrupled from 33 to 134 (Figure 3.1).

District creation helps the regime centralize power via several avenues. New districts create new political and administrative positions, many of which are doled out centrally as a part of the regime’s patronage system. In 2011, Lindemann estimated that there were more than 600,000 jobs created for local councillors and local civil servants as a result of decentralization (Lindemann 2011, 407). Another estimate placed the total number of political positions contested in 2016 at 1.7 million, five times the size of the civil service, including the military and approximately 4 per cent of the country’s population (Izama 2015). These numbers have surely continued to grow as district creation has continued apace. The NRM also devises new districts to fragment large, homogenous communities with internal administrative divisions, thereby limiting the formation of interest groups and the potential for coordination among them (Carbone 2008, 34). Redistricting has also decreased the relative power of district-level officials, many of whom sit in newly constructed district capitals with limited infrastructure and connectivity. They also represent much smaller constituencies today than 30 years ago.

The NRM is further enmeshed with local administration through semi-official and unofficial practices. For example, there is a widely held perception that even village-level local councillors are beholden to the central government. Elections for village-level LCs were not held between 2001 and 2018, nominally due to budget constraints. Local elections were stopped just before the official end of the

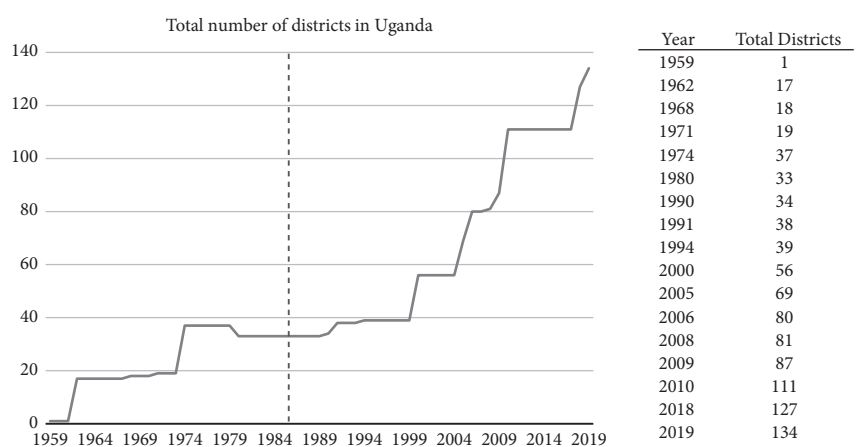


Fig. 3.1 District creation in Uganda (1959–2019)

Note: The vertical line denotes when the NRM took power in Uganda in 1986.

Source: Green 2010; Otile 2019

no-party system and the switch to multiparty elections—in other words, for nearly two decades, local councillors were holdovers from the no-party era, when they had been by default members of the NRM. Moreover, in the absence of elections, ‘political interference in council affairs by RDCs (district-level presidential appointees) across the country [was] common’, including unilateral decisions to replace ineffective council members in lieu of holding local elections (Lambright 2011, 26). When village-level council elections were held in 2018, they were marred by irregularities that suggest significant efforts to maintain NRM dominance in these positions.

In addition to building a weak yet resilient bureaucratic and administrative governing structure that provides a direct line of communication between the grassroots and the central state—and in this way, the president—the NRM has also gone to great lengths to undermine and fragment alternative bases of political, economic, or social power. In 1993, in a move to bolster political support from the Baganda people, Museveni lifted the ban on kingdoms. At the same time, he barred ‘cultural leaders’ from politics and began encouraging ethnic factions within the kingdom to declare independence from it (Reid 2017, xxv). Since then, violence has broken out between the military and cultural kingdoms on multiple occasions. In 2009, government security services blocked the *Kabaka* from travelling within the kingdom. Riots broke out in Kampala, with protesters burning a police station and looting businesses. The security services responded with force: Human Rights Watch reports that at least 40 civilians were killed (Human Rights Watch 2012). In 2014 and 2016, conflicts broke out between the Rwenzururu kingdom in western Uganda and the central government. Several hundred civilians were killed, and hundreds more were arrested, detained, and allegedly tortured at the hands of the security services (Human Rights Watch 2018). In northern Uganda, the traditional authority of the *Ker Kwaro Acholi* has taken a different tact—rather than challenging the regime, it has sought to frame itself as an ally of the government, serving as a conduit for national and foreign development and post-conflict peacebuilding projects.¹

2. Institutionalized Arbitrariness in a Hybrid Regime

By centralizing power in a bifurcated state and solidifying the regime’s control through coercion and incentives, Museveni and the NRM have produced a ‘hybrid’ regime, where autocracy prevails alongside democratic practices and

¹ Clare Paine notes that the NRM’s overall approach to traditional authorities has been a direct response to its contentious relationship with the Buganda kingdom. It is within this framework that the regime engaged with the *Ker Kwaro Acholi*, which she describes as a ‘commercialized’ institution that sought to ‘position itself advantageously should traditional authorities be incorporated into the state structure more formally, through regional tier or a federal system’ (Paine 2014, 198, 200).

institutions. In some instances, rule of law-compliant reforms have actually served to remove constraints on executive power. For example, in 2005, Uganda abandoned its no-party system to return to multipartyism, following the results of a national referendum proposed by Parliament. Though the move appeared to be democratizing, and followed all legal procedures, in practice it helped the NRM further consolidate power in two ways. First, it allowed the regime to mitigate its corrupt image by pushing out the worst offenders. Second, it helped the regime manage dissent by threatening critics with removal from the party (and its patronage machinery). The legislation was paired with the elimination of presidential term limits, so that when Uganda became multiparty it also opened the door to a president for life (Makara et al. 2009).

In 2018, a similar process took place, with the government seeking to both repeal the presidential age limit and extend parliamentary term limits. MPs were given generous sums to conduct nation-wide consultations, justifying—and lubricating—the passage of the bill in parliament. This contentious reform received critical media coverage. Opposition politicians appealed the bill to the judiciary on constitutional grounds. The judiciary upheld the removal of the presidential age limit, while denying the extension of term limits. Using legal reform rather than executive fiat created obstacles—in parliament, the media, and the judiciary—to the further centralization of presidential control. However, these obstacles also helped legitimate the regime both by creating the appearance of checks and balances and by allowing public criticism of the regime's policies. Such processes have helped create a veneer of legitimacy, allowing the regime to appear more democratic than it actually was over decades.

Beyond the structural advantages that redistricting has created for the NRM party, the cost of running for parliament, paired with elevated salaries for office holders, has meant that many MPs needed to be re-elected to avoid bankruptcy (Wilkins 2016). This has made them easily beholden to the regime. Intimidation has also been rife. Opposition leader Kizza Besigye has been regularly attacked and arrested while on the campaign trail. A former MP explained that the political opposition faces 'a mixture of tactics. There would be offers for bribery, positions, and then threats to my life' (former opposition MP, Kampala, 7 February 2018). The former MP recalled how the government deployed the military in her constituency during the 2016 elections:

Two days [before and after] nomination... the army was deployed permanently in my constituency. They lived there. The deputy commander of the forces also was permanently deployed there... we probably had more than 500 soldiers permanently resident there. That alone would not have been sufficient [to intimidate my supporters]. But they then meted out a lot of violence... the army really wreaked havoc in my constituency. They beat people, some people were killed. Army vehicles were moving in [my constituency] as if there was war.

Then they took charge of the [vote-counting] process. Even if they intimidated people, and beat and killed people, if they had left the EC [electoral commission] to manage the votes, they wouldn't have gotten me out . . . On polling day, the EC was responsible for distributing materials. But when it came to recovering materials, the army took over. So, the ballot boxes, the ballot papers, even the tally centre. All of it was surrounded [by the military]. And we had soldiers inside, pistol wielding people . . . My people could not manage it.

(Former Opposition MP, Kampala, 7 February 2018)

The regime has also employed technical and *ad hoc* interventions to influence elections. For example, opposition leader Norbert Mao was prevented from entering the 2016 parliamentary race because he was not registered to vote—mandatory re-registration had occurred when he was out of the country for medical care (Oyako 2015). In 2016, the government shut down mobile money transfers and social media, nominally to prevent public unrest, and further hampering the opposition's ability to communicate with, pay, and mobilize its polling agents (Khisa 2019).

Critical media coverage has been permitted in Uganda, but has taken place against a backdrop of intimidation and manipulation. Media workers have been charged with libel, sedition, and treason, miring them in costly and protracted legal battles. Journalists at times report receiving anonymous calls telling them not to investigate politically sensitive stories. The government has also implemented costly licensing and registration fees on radio stations, particularly those that reach rural populations, in practice excluding those who lack access to government patronage. The Anti-Terrorism Act of 2002 stipulates that radio stations can be closed if they host exiled political dissidents, and radio stations are required to air any content that the government deems in the national interest. In 2018, the government implemented a tax of 200 shillings per day for users to access social media applications (approximately 0.06 US dollars²), which many speculated was designed to restrict free speech and limit civic organization. Subscriptions to services including Facebook, WhatsApp, and Twitter declined by more than 2.5 million people in the three months after the tax was imposed (Ratcliffe and Okiror 2019).

Over the past two decades, the regime has also sought to stack the judiciary with 'cadre judges' who are friendly to the NRM's agenda (Khisa 2019). For example, in 2006 and 2011, Besigye challenged the presidential election results, and—with reports of tampering, bribery, and intimidation of judges—narrowly lost both

² Over the period of research, the exchange rate fluctuated from a high of approximately 2,500 Uganda shillings to 1 US dollar in February 2014 to a low of approximately 3,900 shillings to 1 US dollar in March 2020. For consistency, I use an exchange rate of 3,000 shillings to 1 US dollar throughout this book.

appeals. The government frequently frames political opponents as rebels, trying them for sedition or treason and draining their time and resources through protracted legal battles (also see Chapter 4).

Museveni has proven to be a savvy and expedient politician, leveraging international norms and rhetoric to further strengthen his position. For example, in 2003 Museveni referred Uganda's conflict with the LRA to the International Criminal Court, making it the Court's first case. Valerie Freeland notes that this was, 'a conflict within which it [the NRM government], too, committed large-scale human rights violations... By inviting external scrutiny and manipulating the investigative process, the Ugandan government received an internal seal of approval for practices the ICC would normally punish' (Freeland 2015, 293). Bringing in the ICC helped revive the reputation of Uganda's military internationally and discourage Sudan from aiding the LRA insurgents (Freeland 2015). From the elections to the legislature and the media to the justice system, the government has manipulated regulations and incentives to strengthen its position while narrowing the space for civic organization—all with the tacit support of foreign donors.

2.1 Militarization of State Patronage

Over three decades of rule, Museveni has militarized state and society, modifying patrimonial systems of distribution to further strengthen the regime's hold on the country. He has carefully maintained control over the military as an important element of coercive power and resource distribution. As Roger Tangri and Andrew Mwenda note, state security agencies have rarely been scrutinized:

Through lucrative deals involving massive overpayments, military procurement has provided the financial wherewithal needed to fund the NRM's political patronage system (such as raising money for the president's election campaign) as well as for high ranking army officers and government officials to be awarded personally for their loyalty to the incumbent regime.

(Tangri and Mwenda 2003, 551)

The NRM regime has long used its military network to collect and distribute resources. For example, in 1989 the state established a parastatal called the National Enterprises Corporation (NEC) with the stated goal of establishing an economically self-sufficient army (Owana 2014; Reuss 2020). NEC won various contracts with the government, including to fence and clean the airport, to fumigate government offices, and to construct metal huts for the Ministry of Finance, and engaged soldiers in activities as wide ranging as producing pharmaceuticals, textiles, and baked goods (Owana 2014).

Rebel activity in Uganda also presented significant opportunities to orient government spending around the military; the NRM took advantage of perceptions of instability and conflict to attract international assistance (Fisher 2014b). During the LRA conflict, foreign donors invested in Uganda's military to ensure delivery of humanitarian aid in a war zone. As Adam Branch explains, this provided the NRM government with an 'internationally-grounded humanitarian justification' to orient government spending toward counterinsurgency infrastructure (Branch 2009, 487). Individual officers also used the war as an opportunity to enrich themselves, which the government tacitly allowed (Mwenda 2010). Military officers profited by providing protection for aid agencies delivering supplies to the north, allying with business people to inflate the price of supplies, and fraudulently collecting the salaries of dead and missing troops (Branch 2009, 487; Mwenda 2010, 48). By 2003, this problem was so severe that an estimated one-third to two-thirds of military officers were actually 'ghost soldiers' (Mwenda 2010, 52).

Proxy wars—first with Sudan and later with the DRC—created new business opportunities. In the DRC, Ugandan military officers took control of informal trade routes, facilitating access to the DRC's resources. Some have argued that these 'military shadow networks' were closely linked to the inner circles of the NRM, and that the wealth extracted from the DRC was used to support the regime, financing the military and the state's patrimonial machinery (Vlassenroot et al. 2012). For example, Museveni's younger brother, Major General Caleb Akandwanaho—better known as Salim Saleh—was implicated in numerous scandals, including plundering the DRC's resources, purchasing 'junk' helicopters and defrauding the Ministry of Defence, mismanaging Uganda Airlines, and helping fraudulently to acquire Uganda Commercial Bank (Asimwe 2013, 135–6). Museveni has put his ethnic compatriots and family members in key positions, promoted soldiers based on loyalty, and informally shuffled officers to prevent them from developing a following (Carbone 2008, 44–7).

Museveni has also redirected government programmes to benefit the regime's militarized neopatrimonial system. This is well illustrated by the regime's approach to Uganda's massive agricultural extension service, called the National Agricultural Advisory Services (NAADS). Initially developed as a private-sector intervention, the programme received hundreds of millions of dollars from foreign donors between 2001 and 2015. By 2009, the NAADS had been transformed into a 'loan'-giving enterprise that, as one World Bank staffer recalled, distributed 'political pay-off[s] in terms of support for the ruling elite' (Kjær and Joughin 2012, 328). In 2014, Museveni transferred the management of NAADS to the military under his brother Saleh, in an initiative referred to as 'Operation Wealth Creation' (Atibuni 2015). Museveni argued that NAADS had been corrupt under civilian management³ and argued that employing veterans to implement

³ An external evaluation by Brookings suggests that although Museveni's assessment may have been accurate, it does not tell the whole story. While under civilian leadership, NAADS was used as a vehicle

the ‘new NAADS’ would simultaneously create jobs for soldiers ‘crying of poverty’ and bring discipline to the programme (Musisi 2014). However, most soldiers lack technical training in agriculture, which led to an assortment of new implementation challenges. Many now see the programme as a way to channel public resources to party stalwarts and the military. The regime has pursued similar strategies to incorporate other development programmes—for example, those targeting youth and women—into its patronage machinery (Titeca 2014).

3. Legitimizing Centralized Control through Wars and Threats of War

3.1 The NRM as a Bulwark against Chaos

Since its inception, the NRM regime has manipulated perceptions of insecurity and chaos to build legitimacy and popular support—at times at great cost to civilian life. Museveni’s Bush War is often described as a ‘protracted people’s war’, as defined by Mao Zedong. Museveni and his rebel army strategically established bases and popular support in remote areas, drawing enemy forces into the interior where they would be stretched thin and forced to resort to indiscriminate violence against civilians. Pauline Bernard writes:

Museveni’s writings made clear the strategy of the guerrilla: to push the regular army, by harassment, to reveal its real nature to the citizens. The corollary of this is that the struggle will certainly cause a massive number of civilian casualties, which will provoke the support of the masses. For him, the aim of such warfare was to defend neither territory nor population, but rather to engage the state in a paroxysm of violence and turn it over on the state. (Bernard 2017, 204)

The strategy worked: Obote responded to Museveni’s guerrilla war with a reign of ‘uncontrolled terror’ (Carbone 2008, 20). This ‘mass categorical violence’ was intended to ‘weaken the military power of the rebels and to impose heavy costs on the insurgents and their supporters’ (Straus 2015, 111). Compared with Obote’s abusive and unrestrained troops, Museveni’s rebel army appeared disciplined, helping it gain civilian support (Carbone 2008, 20). The NRM continued to capitalize on this narrative long after the end of its ‘people’s war’, building dozens of memorials displaying human remains as evidence of the barbarity of Obote’s army. These memorials have contributed to ‘scarecrow propaganda’ designed to bolster a narrative of the NRM regime as protector and peace bearer, even though its own tactics also contributed to the violence (Bernard 2017, 204).

for ‘well-to-do farmers’ to gain access to credit, rather than to increase yields. Thus, it is hardly surprising that it failed on the metrics that Museveni used to condemn it (Okoboi et al. 2013, 16).

In defending against numerous insurgencies that challenged the NRM's early legitimacy in the statehouse, the NRM regime extended its narrative as a force that could either provide stability and security through its presence, or withdraw and give way to violent chaos. Museveni's regime has faced opposition groups throughout the country, including the Allied Democratic Forces in the west, the West Nile Bank Front and the Uganda National Rescue Front in the northwest, and the Uganda People's Army in the east (Lindemann 2011, 388). The early years of NRM rule were consumed trying to contain these insurgencies and consolidate power.⁴ The longest running of these conflicts, and the most infamous, was with the LRA in the north.

3.2 Twenty Years of War: Combatting the Lord's Resistance Army and Pacifying the North

The government's conflict with the LRA ebbed and flowed over 20 years. Sudanese support for the LRA denied Museveni a quick win, and over time, it appeared that the war in the north also had political expediencies for the Museveni regime, attracting international aid and weakening the north as a site of political opposition (Fisher 2014b). Many Ugandans see the war through the lens of ethnically inflected regional tensions between northerners and southerners. In Kampala, Ugandans often blame the bellicose Acholi people who could not make peace among themselves; in Gulu—the epicentre of the conflict and the largest urban centre in the north—lay and educated alike recite a powerful narrative of abandonment and marginalization by Museveni and the NRM.

The LRA conflict began as Museveni's army, the NRA, won Kampala and pursued Acholi-dominated government forces as they fled north to regroup in Sudan (Doom and Vlassenroot 1999, 9–10). The NRA launched what Branch refers to as a 'counterinsurgency without an insurgency' (Branch 2011, 63), terrorizing, torturing, and disappearing those suspected of supporting Okello or Obote's regimes, and looting and destroying villages. In this way, Branch argues, the government catalysed the very resistance it had feared in the north.

After four years of fighting the LRA, the Ugandan government launched Operation North in 1991. Operation North imposed a media blackout, initiated massive screening operations to identify and torture rebel collaborators, and called for the arrest (or summary execution or disappearance) of anyone who opposed the government. During this period, the military—renamed from the NRA to the Ugandan People's Defence Force (UPDF) in 1995—meted out 'killings, torture,

⁴ The regime was generally successful. Although the Allied Democratic Forces and LRA still operate in neighbouring countries and have displaced hundreds of thousands of people (IRIN News 2010), other insurgencies have successfully been quelled.

looting, and rapes' that targeted family members and even entire villages of suspected rebels or rebel sympathizers (Branch 2011, 72). The government also implemented a policy of mass forced displacement to isolate the rebels, cut off civilians from lines of support, and render the population compliant (Lichtenheld 2019). By the mid-2000s, nearly everyone in the Acholi sub-region had been forcibly displaced to camps.

After the formation of the camps, the UPDF [formerly the NRA] announced that anyone found outside the camps would be considered a rebel and killed. While the government euphemistically calls the camps 'protected villages', they are more accurately identified as internment or concentration camps, given their origins in forced displacement and the continued government violence used to keep civilians from leaving. (Branch 2013, 480)

Residents of the camps were entirely dependent on humanitarian aid. Conditions were squalid, resulting in an estimated excess mortality rate of approximately 1,000 deaths per week (Branch 2013, 481). Moreover, the Ugandan military provided limited protection, offering the LRA rebels ample opportunities to loot food supplies and kidnap children to bolster their ranks. In response, the government recruited civilian militias, which were poorly trained and only marginally effective. Massive displacement undermined social cohesion in Acholi society, destroying livelihoods, reconfiguring gender relations, and uprooting everyday practices (Allen and Vlassenroot 2010; Branch 2013; Mergelsberg 2012).

In 1994, the government and the LRA entered peace negotiations, which collapsed when Museveni suddenly demanded that the rebels surrender unconditionally (Fisher 2014a). The LRA retreated to Sudan to regroup (de Waal 2004, 198). As the war continued, civilians remained caught between the government and the rebels, with each group demanding complete loyalty. The rebels employed new tactics designed to terrorize and catalyse fear, including amputating civilians' lips, limbs, and ears to punish those they believed had betrayed them to the regime.⁵ In particular, they sought to penalize those who joined the government's civilian militias. As the LRA's forces dwindled and civilian support deteriorated, the rebels relied increasingly on abduction as a mode of recruitment, targeting youth because they were easier to kidnap and indoctrinate.⁶ Abducted youth were

⁵ Joseph Kony, the leader of the LRA, is quoted as saying: 'If you pick up an arrow against us and we ended up cutting off the hand you used, who is to blame? You report us with your mouth, and we cut off your lips? Who is to blame? It is you! The Bible says that if your hand, eye or mouth is at fault, it should be cut off' (Lacey 2005).

⁶ The LRA targeted abductees by age, but otherwise appeared to have no specific criteria—abductions were found to be random according to indicators for wealth, education, and occupation (Annan et al. 2011, 885).

often forced to engage in extremely violent initiations, structured to ostracize them from their communities and prevent them from trying to return home.

By the time a comprehensive peace agreement had been reached in 2006, the north had been devastated. Homes and properties had been looted and destroyed, leaving residents impoverished; social practices such as marriage and burials had been suspended for years, destabilizing familial structures; an entire generation of youth had been brought up in camps, where they had received irregular and poor education; and civilians had experienced what Dolan describes as ‘social torture’, including physical and psychological harms that left some unable to return to ordinary life (Branch 2011; Dolan 2009; Finnström 2008; Porter 2017). In part due to these excessive and sensational acts of violence, and their aftermath, northern Uganda became a site of humanitarian intervention. Though the LRA’s leader, Joseph Kony, never signed the 2006 peace agreement, the conflict came to an informal end. Several years later, many of the organizations engaged in humanitarian aid and post-conflict reconstruction had moved on. Many displaced people found themselves dispossessed of their land, and Gulu faced a swelling population, ever higher levels of unemployment, and rising crime rates (Branch 2013).

Thus, in 1986, as Museveni’s rule began, the north entered two decades of civil conflict. The conflict wreaked havoc on the economic, political, and social fabric of communities in the north and east, decimating what had formerly been a centre of political power in the country. The violence of the LRA war reinforced civilian perceptions of the NRM as both aggressor and guardian—a narrative that continues to remind the public what can happen to ordinary people when big men fight.

3.3 Civilian Militias in War and Peace

Not only in the north, but also throughout the country, the NRM government and local communities experimented with various forms of citizen militias, both in response to specific conflicts and as a general strategy of local security provision. These militias include local defence units (often referred to as ‘LDUs’ and also used as a generic name for auxiliary forces), home guards, and ‘arrow’ brigades—so called because they were often poorly trained and poorly armed, relying on rudimentary weapons like bows and arrows—along with training programmes like *chaka mchaka* and crime preventers. During Museveni’s Bush War, the NRM set up LDUs across the country in conjunction with Resistance Councils to help solidify territorial control. LDUs played different roles across the country depending on the needs of Museveni’s NRA. During times of war, their roles could include combat, capturing deserters, recruiting for Museveni’s army, and holding territory (Rukooko 2005, 217). In times of peace, they helped gather intelligence, police, and even support development programmes. Starting as early as 1988,

LDUs were formed in the north to help combat rebel groups, particularly the LRA (Branch 2011, 69). In this way, LCs and LDUs became integral components of the state's military apparatus in its efforts to pacify the north.

In 1991, the NRA intensified recruitment of civilian forces as a part of its anti-insurgency campaign, Operation North. These militias were named for their region of origin: the Arrow Brigades in Teso, *Amuka* ('rhinoceros') in Lango, and the Elephant Brigade in Acholi (Branch 2011, 73). Rough estimates suggest there may have been as many as 30,000 auxiliary forces in northern Uganda during the conflict. Irregular wages paid by different ministries at different times make it difficult to verify how many existed or how much the initiatives cost the state. In 2008, the Minister of Defence called recruitment of civilian militias 'not so organized or easy', explaining that the government 'just called up people to fight' and did not keep records of their activities, or a registry of weapons distributed to them (Janmyr 2014, 212–13). Civilian militias were also accused of contributing to crime and violence as much as peace and security—a theme that continues to repeat itself with Uganda's auxiliary forces today.

These militias received little training. Though some civilians differentiated between the militias, others saw them as one and the same. One man who had served in the military and in LDUs explained:

The LDUs were more trained than the Home Guards. They [the LDUs] were trained by the military and strong-hearted. But the Home Guards were just recruited, given guns and monitored. They were fearful, because they didn't get enough training, and only knew how to shoot a gun. If you joined an LDU you were more likely to get incorporated into the military. They [the Home Guards] had a maroon colour uniform. The LDUs were light green, almost like a soldier. You get promoted like that, from a maroon uniform to light green. Many [LDUs] got integrated [into the UPDF]'. (Former LDU, Gulu, 30 September 2015)

Although most respondents affirm this loose hierarchy of irregular civilian militias, others describe arrow brigades, home guards, LDUs, and even non-wartime civilian militias, like crime preventers, as interchangeable pro-government militias. Maja Janmyr reflects that 'government authorities deliberately created a climate of confusion when it came to the management and supervision of these forces' (Janmyr 2014, 219).

Confusion was not limited to distinctions among different militia groups. The line between rebels and soldiers has also often been blurred. During the LRA war, government soldiers reportedly dressed as rebels to loot resources; at other times, LRA rebels worked guarding displaced persons' camps to get on the government payroll (Dolan 2009, 144–8). Government soldiers at times contributed to insecurity by harassing civilians, raping women, forcing people to conduct manual labour, and generally extorting and humiliating the population (Dolan 2009).

More generally, rebels have frequently been integrated into the military as part of post-conflict settlements.

During insurgencies, civilian militias were generally framed as self-defence initiatives that enabled the army to focus on active combat with rebel forces. In practice, civilian forces were also sent into active combat, at times in neighbouring countries (Janmyr 2014, 209–10). On various occasions during the LRA conflict, the military abandoned civilian militias at the moment of confrontation, leaving these poorly trained and poorly armed groups to defend themselves and their communities. Government officials who had spearheaded the formation of these civilian militias argued that it was now the people's responsibility to fight the remaining rebels; the NRA could 'relax' (Branch 2011, 73).

Though civilian militia members were often unpaid and received few direct benefits, many were later absorbed into the military, where they could expect a more regular salary, a uniform, and their own gun. Others continued to work informally on and off, as they were called up. Former members of such groups, even when inactive, constituted a pool of men ready to join the action if needed. One colonel explained that the government relied on these auxiliary forces because of financial constraints:

The president can raise any other force apart from regular force when he sees the situation dictates. Such a person is subject to military law. You can call them volunteers. [Home Guards] feed themselves at home. When they need to provide security at a zonal level, the terrain is different, there may not be local knowledge... That's when LDUs come in... They are supposed to provide zonal security and operate in larger areas. They get better and longer training. They are composed of ex-service men, people who had the know-how. [The government] did not have the budget to treat them as the army. But within the budgetary constraint, you can still provide security under those arrangements. Arrow, *Amuka*, Elephant... Those were names just to appreciate them.

(UPDF Colonel, Gulu, 29 September 2015)

Although participation was formally voluntary, many youth in northern Uganda faced political and economic pressure to join LDUs, including accusations of being rebel collaborators if they refused (Janmyr 2014, 211).

Militias also have been used for political ends. Groups such as the Kalangala Action Plan, the Kiboko Squad, and the Black Mambas have intimidated and harassed opposition politicians and their supporters during elections from 2001 on (Freedom House 2008; Immigration and Refugee Board of Canada 2003). One citizen described the work of the Kiboko Squad in Kampala: 'Plain clothed operatives armed with clubs, batons and canes descended... and unleashed terror beating up people indiscriminately... It was a pathetic spectre watching Dr Besigye get beaten in broad-day light by stick-wielding goons as the police stood

on watch' (Gyezaho 2010). The police have claimed no knowledge of these militias, despite being seen walking and talking with them in public places. These groups are also often subsumed under the same category as LDUs—indeed, the lines between these various militias are fuzzy at best.

3.4 The Government's Eyes and Ears: A Project of Human Surveillance

Across the board, respondents described a sprawling security apparatus, with secret operatives 'deep down' in the villages, serving as the eyes and ears of the state (also see Zeller 2013, 210). In addition to informal surveillance, there are also numerous branches of formal state intelligence, including ISOs, external security offices, and crime intelligence. The regime has also invested in some higher-tech surveillance tools to spy on political opponents, including politicians, media, and establishment insiders. An operation, code named *Fungua Macho*, meaning 'open your eyes' in Swahili, sought to surveil targets in real time and collect private information that could be used for blackmail (Privacy International 2015). Politicians recited instances when they were tracked, intercepted, and arrested; journalists described unidentified phone calls threatening them, even when they published anonymously.

Nonetheless, the regime's approaches to surveillance appear to be mainly low tech, relying on reports from ordinary citizens and *ad hoc* informants. Routine surveillance is oriented toward creating an environment of suspicion and fear that causes people to self-police, more so than gathering and synthesizing data to target deviant actors. An intelligence officer explained that plausible presence is key to the success of Uganda's approach to surveillance:

Even a senior intelligence officer will not tell you definitively where the security starts and where it ends, who a security personnel is and who a security personnel is not... in Uganda everybody can be a security operative if he so wishes. The structure only exists on paper, but in the field we have no [fixed] structure.

(Kagoro 2015, 163)

Many respondents expressed similar views, highlighting the fluidity and perceived omnipresence of the state's surveillance systems. Informal surveillance actors include those who participate in government programmes like crime preventers and *chaka mchaka*. These government cadres (programme graduates) help inform the regime about events in the most remote corners of the country (Verma 2012 and my own interviews). When asked whether secret operatives actually exist, one sub-county official exclaimed, 'Of course! They report to me!' He further elaborated:

There are many people involved in security—there are the soldiers, the GISO [Gombolola Internal Security Officer], the RDC [Resident District Commissioner], the police, the crime preventers, the CMI [Chieftaincy of Military Intelligence], the DISO [District Internal Security Officer]... so many organs in the security line. They might send me to come get to know you, see what you are doing. And you will talk to me, and then I report back. And they will send someone behind me to watch me and make sure I am also not going with you. And someone behind him... it's a chain all the way up to him. Up to the president. We might be talking now, and even at this moment he is hearing it in his office. (Sub-county elected official, Pader, 17 September 2015)

According to respondents, the government's project of human surveillance is purposefully *ad hoc* and poorly defined in order to avoid capture.

An LC5 chairman linked surveillance to legacies of civil war, essential to provide the government information on rebel movements. He said that today, operatives continue to inform the government—not on rebels, but instead on political opposition. Others view the local councillors themselves as state informers, framing LC chairmen as political operatives for the NRM. As Branch writes, 'The RCs [resistance councils] and the LDUs effectively localized the state down to the village level, and this diffuse security apparatus became, in the eyes of some, the tool of the state, the NRM, the NRA, and the south, all at once' (Branch 2011, 69). Others have described LCs as the regime's eyes and ears (B. Jones 2009, 65, 85; Finnström 2008, 94–7). Because local security initiatives typically report to the village-level LC as well as the police, they are often seen as an extension of this structure. In this way, the legacy of the NRM as a liberation movement continues to shape the regime's approach to security as part of a political agenda as much as a public service.

3.5 The Work of the West: Aiding Regime Resilience

Despite increasingly authoritarian tendencies, the Museveni regime has maintained strong ties to the international community. Foreign funding has regularly accounted for an estimated half of the state's budget,⁷ and under Museveni, Uganda has accrued as much as 20 billion US dollars in development assistance, an unknown amount of classified military aid, and 4 billion US dollars in debt relief (Epstein 2017). Museveni's ability to attract foreign investment is attributed not just to his promises to stabilize and democratize Uganda, but especially to his

⁷ Sjögren's estimate is between 40 and 50 per cent (Sjögren 2013, 7), while Fisher notes that between 1992 and 2005, donors financed between 50 and 60 per cent of Uganda's national budget (Fisher 2014b, 321).

early willingness to implement neoliberal economic reforms, such as structural adjustment and austerity measures. These interventions coincided with high rates of economic growth and Uganda was quickly dubbed a ‘donor darling’ (Green 2010, 86). As the international community became increasingly invested in Uganda as a development success in the heart of Africa, it turned a blind eye to the absence of reforms in the political sphere.

Over the years, Museveni and his allies have strategically framed and reframed Uganda as a site of intervention in response to changing donor interests in order to maximize aid flows. The regime has demonstrated its ability to make the most of a highly fragmented aid economy, with actors including United Nations agencies, bilateral donors, private philanthropic organizations, and religious groups offering grants for different and at times contradictory programmes. As political scientist Anders Sjögren notes, Museveni’s regime has, broadly speaking, been able to turn the many and sometimes competing interventions to its own ends. For example, by implementing neoliberal economic reforms, the regime elevated development NGOs while marginalizing unions and cooperatives. In this way, it fragmented alternative bases of economic and political power and helped consolidate the regime’s political base (Sjögren 2013, 242). Policies of privatization, also recommended by the International Monetary Fund, created new opportunities for political elites and allies of the NRM to acquire state-owned assets at favourable rates—both cementing loyalty to the regime and creating private wealth that could be ploughed back into the NRM’s political operations (Tangri and Mwenda 2008).

By the time donors began requesting civil society reforms in the mid-1990s, the regime was in a position to strategically engage civil society actors who were close to the NRM state (Sjögren 2013, 237). Stressing a division between development and politics, the regime shielded key issues and institutions from popular participation. In 2006 and 2016, the government passed laws to increase its ability to intervene in the NGO sector. The laws specify that any act deemed harmful to the state’s ‘security, interest, or the dignity of its people’ is punishable by fines and up to three years in prison, though they do not define what constitutes such an offence (Goitom 2016, internal citations omitted). Because the sector is generally loosely regulated, the reforms allow the NRM to selectively curtail NGO activities. Critics suggest that these new laws have a chilling effect, particularly on civil society organizations (Attiah 2015).

After the 9/11 terrorist attacks, the priorities of Uganda’s main donors—especially the US, which has accounted for between 20 and 30 per cent of Uganda’s official development assistance since 2008—shifted significantly to focus on regime stability and fighting the War on Terror. Political scientist Jonathan Fisher has documented how Uganda managed its international image to maximize development and military assistance during the post-9/11 years, narrating itself as simultaneously fragile and strong. On the one hand, the regime

regularly characterized itself as prone to instability from ongoing insurgencies on the peripheries of the country. On the other hand, it also framed itself as capable of rebuilding and putting aid dollars to good use. This seemingly contradictory approach facilitated the procurement of billions of dollars in international assistance, much of which has been used to strengthen the military, enrich elites, and bolster systems of patronage, while allowing the regime to avoid condemnation for its own transgressions (Fisher 2014b, 317).

Uganda made an easy military ally for the US. The regime waged a proxy war on Islamic Khartoum by offering safe haven to the rebel movement the Sudan People's Liberation Army throughout the 1990s. Uganda was one of the first countries to join US president George W. Bush's 'coalition of the willing' in the War on Terror (Schiffes 2003) and the first to join the African Union Mission in Somalia, to which it contributed more troops than any other member country. Ugandan officials 'emphasized that Somalia was the region's frontline in the US-led "global war on terrorism"' (Williams 2018, 175). These contributions in support of American interests secured military training, financing, and equipment, especially from the US, but also from the United Kingdom and France (Williams 2018, 175). Museveni began to frame not just rebel groups like LRA but also his political rivals as threats to the regime, calling them 'terrorists' and 'Arab fundamentalists' who sought to undermine regional security. He secured further military support from the US to catch and kill the LRA leader, Kony, who Museveni now alleged was linked to al-Qaeda (Fisher 2014a). This mission remained unachieved as of 2020, with Kony still at large. In addition to increased military aid, the cooperation between Uganda and the US offered clear political benefits for Museveni. Donors willingly overlooked Uganda's ballooning military budget, despite evidence that funds were being channelled into a project of regime maintenance.

While much of the aid to Uganda has been legitimately directed toward the regime's goals, significant funds have also been diverted to private pockets through illicit activities. For example, in 2005 and 2006, government ministers were implicated in a scam that siphoned off millions of dollars from the Global Fund to Fight Aids, Tuberculosis and Malaria and the Global Alliance for Vaccines and Immunization. After Uganda's 2006 elections, three of the implicated ministers were temporarily removed from their positions, only to be reappointed to new government positions. In 2011, the National Drug Authority reported over 100 'ghost' health centres that had been regularly 'receiving' medical supplies and equipment (Human Rights Watch 2013). In 2012, the Office of the Prime Minister was implicated in the embezzlement of 12.7 million US dollars that was designated to rebuild war-torn northern Uganda and the impoverished Karamoja region.

Corruption in the military—particularly in procurement—has also been rife, as elaborated earlier in this chapter. Because military budgets are classified, there has

been ample opportunity to hide pay-outs. Helen Epstein reports that a draft of a 2004 World Bank report found that Museveni diverted 23 per cent of all discretionary funding to classified military budgets—a detail that she writes was omitted from the final published report (Epstein 2017). Other ways in which money has been fraudulently redirected include loan forgiveness, ghost entities, manipulation of tax enforcement, and rigged legal suits against the government for pay-outs (Tangri and Mwenda 2008).

In addition to corruption and embezzlement that have helped the NRM consolidate an elite coalition, funds are also siphoned into the regime's militarized neopatrimonial political economy to trickle down to local communities. At election time, the regime has used gifts to mobilize the population to vote—such as generous donations to village savings and loan groups or grants for public works. It has also used promise of largess to demobilize segments of the population, for example, via the Crime Preventer programme, which offered small gifts and one-off payments to tens of thousands of young men to 'work' providing security on election day (see Chapter 6). Despite widespread corruption, those who embezzle are always at risk of select enforcement of anti-corruption laws, though prosecutions are almost exclusively made at a technocratic level.⁸ For example, in 2016, presidential candidate Amama Mbabazi faced smear campaigns for his role in the 2012 embezzlement scandal.

4. Uganda's Fragile and Resilient Infrastructural Power

This brief history of Museveni's Uganda depicts a regime that has striven to consolidate control over a bifurcated state, torn by cycles of political violence that themselves are undergirded by ethnicized and regionalized tensions. Museveni has pursued a strategy of regime survival guided by strategic pragmatism. Over the past three decades, Museveni and his NRM have artfully merged party and state. This state-party hybrid has been militarized and operates alongside numerous competing authorities with poorly defined and often overlapping mandates. The creation of multiple and parallel security and governance structures has made it difficult to attribute authority or responsibility to any individual or institution. Civilian security actors have continued to operate at the boundary between state and society, carrying the burden of local security without the attendant benefits accorded to formal state security actors. These processes have been funded, both directly and indirectly, by massive amounts of foreign aid, enabling the Ugandan state to use incentives and coercion in equal measure.

⁸ In 2013, Human Rights Watch reported that in Uganda only one minister was ever convicted of a corruption-related offence and this was overturned on appeal (Human Rights Watch 2013).

This environment has produced confusion: it is difficult to decipher who is working for whom, and the stakes of any given action are unclear. Moreover, the NRM regime is understood as both a bulwark against the political, economic, and social crises of the past, and an actor with the potential to create its own chaos, as illustrated by numerous well-documented and well-publicized instances of arbitrary, unrestrained, and unaccountable state violence, both during wartime and relative peace. During my research, even in the north of the country, there was a popular narrative that the NRM brought peace and stability to Uganda. It appears that Museveni arrived at this fragile form of governance through decades of tactical decisions that fragmented alternative loci of power to ensure the maintenance of his regime. This approach to governance has surprisingly resiliencies. An image of the regime as capricious and powerful reaches into even remote and rural locales, causing citizens to uphold and reinforce the power of the NRM even in its absence.

Violence, Sovereignty, and the Uganda Police Force

In 2014, the Uganda Police Force celebrated its centennial under the banner 'From Colonial Policing to Community Policing'. Kale Kayihura, then the inspector general of police (IGP), declared: 'There are visible achievements, and more, recently transformation of the Police institution, and policing as a system, away from the repressive type of police introduced by the colonial regime to a pro-people, accountable, disciplined institution, with modern capabilities to deal with modern day crime and security threats' (Okuda 2014). A newspaper article covering the event went on to note:

The celebrations come at the peak of bitter criticism of police's record; the Force celebrates with bruises on their public image with reports by human rights watchdogs and Inspectorate of Government pinning the institution for wanton corruption and gross human rights violation... The police has also come under attack for the brutality meted out especially on citizens with dissenting political views. (Okuda 2014)

Particularly under the leadership of Kayihura, who headed the police from 2005 to 2018, the Uganda Police Force became increasingly militarized and politicized. Kayihura had fought alongside Museveni to overthrow the Obote regime in the 1980s, and was sometimes referred to as Museveni's 'blue-eyed boy' (Kagoro 2015, 172). Under his tenure, the police oversaw the roll-out and implementation of the Crime Preventer programme, shepherded political candidates from rally to rally, and dispersed opposition political gatherings with roadblocks, tear gas, and ammunition.

Yet the story of the Uganda Police is not a black-and-white narrative of predation, corruption, and violence. In a survey conducted in the Acholi sub-region of northern Uganda in 2015, 86.5 per cent of respondents reported that police were present in their community, while 76 per cent of those said that police sometimes or always provided the security that their household needed.¹ Those who reported experiencing a violent crime also said they reported to the police

¹ Author's analysis of the Secure Livelihoods Research Consortium 2015 Uganda survey.

more than any other public authority. These numbers may not instil overwhelming confidence, especially when compared to measures of trust in other authorities such as the LC1, traditional authorities, and vigilante groups. However, they indicate a complex story—one in which the police simultaneously represent corruption and power, malpractice and access to justice.

This chapter focuses on the Uganda Police and its role in how Uganda's NRM regime destabilizes and restabilizes the distinction between lawful and exceptional violence. This produces citizens' perceptions that the state has capacity to deploy unaccountable and overwhelming violence—the first factor of institutionalized arbitrariness. Sometimes the distinction between lawful and exceptional violence is defined and pronounced. When it is, some citizens experience due process and the rule of law, while others might be subject to acts of exceptional violence like disappearance, torture, and arbitrary detention. At other times, the regime threatens to collapse the distinction between lawful and exceptional violence. For example, the regime frequently raises the spectre of civil war, intimating the immanent return of violent conflict and the creation of anarchy in which anyone could claim authority to use violence. Additionally, the distinction between those who have authority to use violence and those who do not is sometimes erased by invocations of constitutional provisions that require all able-bodied citizens to undergo military training and comprise a reserve force prepared to defend the nation. More often, lawful and exceptional violence are mixed together in novel and unpredictable ways, such that citizens are unsure which one they are experiencing. This occurs, for instance, when the regime uses law to veil the use of overwhelming and unaccountable force.

Political theory recognizes the state's capacity for exceptional violence as foundational to governance and state formation. I use the term exceptional violence to refer to violence that can suspend the legal order in a certain place, at a certain time, or for certain people (Agamben 1998; Schmitt 2005). This is akin to what Sharon Hutchinson terms 'governing violence'—or 'the demonstrated power to kill with impunity [and] to declare such acts void of all social, moral, and spiritual consequences for their perpetrators' (Hutchinson 1998, 58). In a state of exception, the sovereign can use violence with impunity, unrestrained by law, and without moral consequence. It is from this place of exception that legal order can be established, distinguishing lawful violence (which enforces the legal order) from exceptional violence (which suspends the legal order). The state's capacity for exceptional violence anchors ordinary political life and social order.

The concept of exception has been used to explain the role of violence in liminal spaces, such as refugee camps (Agamben 2000; Turner 2005), prisons (Sen 2018), checkpoints (Tawil-Souri 2011), and borders (R. Jones 2009), or at abnormal times, such as during natural disasters (Fassin and Vasquez 2005) or times defined by new security threats (Scheppele 2004). Others have noted amalgams of exceptional and lawful violence. Fleur Johns examines how exceptional acts of violence

at Guantanamo Bay detention camp are actually highly regulated practices occurring in well-defined legal spaces; rather than being radically separated from law, they are enmeshed in administrative rules and procedure (Johns 2005). Exceptionality can also become the norm. Tobias Hagmann and Benedikt Korf show that Ethiopia's Ogaden border region has been governed as an exceptional space since at least imperial rule, where law is conflated with lawlessness (Hagmann and Korf 2012). In her study of the 2008 US financial crisis, Jacqueline Best describes how exceptionalism is integrated into bureaucratic practices in political economy, showing that radical suspension of the law is not restricted to liminal or securitized spaces (Best 2017). As these collective works illustrate, lawful and exceptional violence can be combined in various complex arrangements to govern diverse aspects of life.

Policing often combines lawful and exceptional violence, frequently reflecting historical inheritance. For instance, colonial police in sub-Saharan Africa were established not to protect native populations, but to control them—and they were often given complete discretion to do so (Oloka-Onyango 1990). Similarly, in Latin America, many police were tasked with suppressing organized labour to keep wages low to preserve domestic and foreign business interests (Macaulay 2012, 167). Latin American police forces were heavily militarized with support from foreign donors, particularly the US, in a bid to police narcotics, further facilitating unaccountable and lethal policing practices. Across many African states, contemporary police forces remain accountable to the executive—not civil society—continuing the legacy of colonial policing practices (Hills 2007).

Much like in other cases, in Uganda the colonial police enforced laws with criminal and quasi-military sanctions, often employing direct and unfettered violence. The police continued this trajectory after independence, serving as a tool of societal repression and often going beyond their formally conferred mandate (Oloka-Onyango 1990). In its early days, the NRM sought to professionalize the police, accepting assistance from foreign donors as diverse as the United Kingdom, Egypt, and North Korea (Musiime 2012). In the 1990s, the United Kingdom's Department for International Development spent 4 million pounds to restore the capacity of the Uganda police after Amin's rule (Raleigh et al. 1998). Many projects sought to 'modernize' police training, introducing concepts like community policing, human rights, and gender into curricula (Munanura 2007, 79). Between 2007 and 2013, the Dutch embassy contributed half a million euros to fight police corruption (Wagner et al. 2019), and organizations including Irish Aid and the United Nations High Commissioner for Refugees donated equipment and sponsored human rights training (Arim 2005; Irish Aid 2013). Despite domestic and international efforts to professionalize Uganda's police force, the NRM—like its predecessors—soon reverted to a politicized security apparatus.

The regime's continued reliance on the police to repress dissent has been shown to undermine public support for the police. For instance, Travis Curtice's research

has found that when the Uganda police deploy extra-legal violence it creates fear among the public (Curtice 2019b). My work shows how, when the police combine extra-legal and legal violence in inconsistent and irregular ways, it causes citizens to self-police in particular in terms of political mobilization and claim-making, thereby contributing to the regime's hold on power.

The Uganda Police Force offers a rich case for examining how dynamism in the imagined opposition between lawful and exceptional violence contributes to arbitrary governance. Instances of exceptional violence remind citizens of the chaos that the state could unleash—or allow others to unleash if it suddenly withdrew—as well as the lawful violence that state institutions deploy to discipline citizens as modern subjects. The regime's liberation narrative frames political opposition and rebel groups alike as existential threats to the state, invoking a state of exception. At the same time, this narrative is used to warn citizens of the state's fragility and proximity to civil war, thereby threatening the collapse of a meaningful division between lawful and exceptional violence. As a result, the possibility of unaccountable state violence infuses interactions with state authorities, particularly in matters of security and governance. This threat supports a commonly held perception that the regime has the capacity to create and eliminate extra-legal spaces, and to intervene in or ignore localized violent conflict. This strategy of arbitrary and unpredictable deployment of overwhelming violence—as both sword and shield—means that even a regime that is unable to fully police its territory can project its power over time and space.

The remainder of this chapter looks at the relationship between violence and the state in Uganda, showing how the regime's liberation narrative, militarization, and fragmentation contribute to destabilizing the distinction between lawful and exceptional violence. It then examines a violent confrontation between the police and community in a town in northern Uganda, and uses this to further analyse how fluidity in the opposition between lawful and exceptional violence contributes to arbitrary governance.

1. Politics, Violence, and the State

Three decades after Museveni and his rebel army marched into Kampala to seize power, the NRM continues to invoke its origins as a vanguardist liberation movement in order to legitimate its rule. During the Bush War, which would eventually bring Museveni to power, the NRM's military wing claimed to free Ugandans from the tyranny of past regimes. To do so, it initiated and perpetuated a war that itself claimed the lives of hundreds of thousands of civilians. Museveni's rebels were also accused of committing their own acts of violence against civilians, and some alleged that they adopted the guise of their opponents to do so (Dolan 2009; also see Chapter 3). The liberation narrative, combined with ongoing conflict

and militarization, continues to foreground the violent capacity of the NRM and frame its security services as simultaneously a source of safety and danger.

After taking power, the NRM continued to fight rebel groups that it has narrated as threatening the very existence of the state. In northern Uganda, the conflict between the LRA and Museveni's NRM regime allowed the government to repeatedly demonstrate its capacity to both protect citizens from violence and expose them to it. Internationally, the regime leveraged the conflict to gain favour and paint itself as a bulwark against what Museveni once called 'Satan's Resistance Army' (Finnström 2010, 74). In the northeast of the country, the government's forcible disarmament campaign of the Karamojong still looms large in civilian imaginations, with men young and old recalling torture at the hands of government soldiers. In the west, the government has long fought the Allied Democratic Forces (ADF), which it has framed as 'a terrorist group that poses an existential threat to the country'. This framing has enabled the regime to 'rationalize arrests and acts of torture, to assign blame for unsolved murders and to slander opposition politicians' (Titeca and Fahey 2016, 1194–5).

NRM elites have intimated that a transition in power would return the country to civil war. For example, during electoral campaigns the NRM has regularly published photographs of war memorials that feature the skulls of some of the estimated 300,000 Ugandans killed by the Obote regime in the 1980s, when it was fighting Museveni and his rebel outfit (Bernard 2017). In 2016, an NRM official defended the advertisements in response to public outcry: 'The use of these war skulls should not scare anybody since it is a historical fact. We are only reminding the country that poor choice in the coming election can take the country back to war' (Wandera and Kolyangha 2016). The campaign advertisement, as well as the NRM official's response, historicizes civilian experiences of state violence, emphasizes the government's capacity to both prevent and perpetrate violence, and highlights the integral role of the security forces in maintaining order. Using a similar logic, the regime frequently frames members of the opposition as terrorists, rebels, or traitors—categories of people against whom excessive violence is warranted, and whose aims fundamentally threaten the very existence of the state.

My respondents widely shared the view that military might is necessary to maintain power and hold the country together. A young man, who had served as a military contractor with Americans in Iraq, elaborated this viewpoint:

To lead Ugandans, you must be a soldier. People are traumatised. They need a military to defend the government and maintain order... Obama was an ex-soldier. Obote—he wasn't a soldier. How can you control someone who can control you?... It is important to have ambition and be focused—if you're too relaxed, then I can now be the president. In order to control the whole nation, it is not easy. It is not easy to punish law-breakers.

(Young man, Anaka, 24 September 2015)

The narrative connecting militarism with power was so strong for this young man that he was confident that Barack Obama must have had this qualification to be president of the US. The NRM encourages such assessments, warning Ugandans that if Museveni is forced from power conflict ‘could easily re-unfold’ (Kagoro 2015, 94). One man, in his mid-40s, explained his support for the NRM:

I joined the NRM a long time ago... In 1987, people were dying a lot. Many people were dragged to Luzira [Prison]... They took me and many people very far into the bush, but I didn’t die. I became mentally disturbed due to being hit on the head. I stayed long without help from the government. So I say, let this government not be changed while we’re still alive. When Amin was chased, so many people were killed—if you came from Madi [in West Nile], then they just killed you. It’s retaliation. I don’t want anything [to change in government] until I die. I don’t want my child to pay for my funeral.

(Male community member, Gulu, 28 September 2015)

The respondent recounts how historically, chaos and war have accompanied transitions in state power. These are fundamentally constitutional moments, when the settlement between lawful and exceptional violence is renegotiated. Another respondent, a senior member of the police force, explained:

[Museveni has] taken 30 years, [we] know what the backbone [of the state] is... If another group got another chance [to rule the country], it would also exterminate another group. It’s as dangerous as an earthquake. It could crack. They are using strong glue—the forces—the military and the police. That is what keeps it glued together. Every dog would bite.

(Senior member of police force, Soroti, 29 January 2018)

One district-level politician further reflected that this violent political history has permeated the imaginations of Ugandans:

Museveni in his own ways of doing things—the time he has been around, the war he fought in this country and so on... he has infiltrated the minds of the people here such that you cannot start a system which will avoid him completely for now. (District-level politician, Gulu, 17 September 2015)

According to Afrobarometer’s 2015 survey, almost 40 per cent of respondents in the north agreed or strongly agreed that there should be no constitutional limit on how long the president should serve—nearly as high as the 42 per cent in western Uganda where Museveni is from.² This level of acceptance for the regime is high in

² In comparison, about 20 per cent in the central region, 16 per cent in Kampala, and 25 per cent in the east agreed or strongly agreed with the proposition.

a region known as anti-NRM. These numbers tentatively support the view that prolonged violent conflict during and after regime transition have pacified the population.

1.1 Amplifying Violent Potential through the Militarization of State and Society

Uganda's police force must be understood in relation to the security sector more broadly, especially because of their interlocking and overlapping mandates. The military and the police have been described as 'functionally fused' due to rotating personnel, shared training, and overlapping mandates (Kagoro 2015, 171). Over nearly two decades, Museveni appointed soldiers to head the police force, notably General Kale Kayihura, who served from 2005 until 2018. Kayihura joined Museveni's Bush War in 1982 and was widely seen as Museveni's right-hand man. A political analyst in Kampala explained that while Kayihura led the police, it was difficult to know whether policy decisions came from Kayihura or Museveni because the line between them was 'too thin' (Political analyst, Kampala, 11 March 2015).

During his tenure, Kayihura transformed the police into a political tool for the NRM regime. A veteran police officer described how Kayihura recruited party loyalists to the Police Force who he quickly promoted through the ranks. At the same time, he divided the command structure to create competing units so no one could become too powerful:

When the IGP [inspector general of police Kayihura] came, he was so supportive of the government... [at that time] the voting in the barracks was not good [for the NRM]. He started transforming it. He has created all those directorates and departments for his own interests. That's where he can put his boys. There can even be counter groups to other traditional departments. He started transforming it, one, by massive recruitment of officers... And then after massively recruiting them, bringing them up and putting them in the command structure. And then now splitting the departments to have specific departments which are for regime sustenance. You know? Very strong! You come out for a demonstration, they are there! They want you from court, they are there. With an AK-47 and no uniform. (Veteran police officer, 29 January 2018)

The veteran police officer noted that Kayihura's police were used to suppress the public, at demonstrations and in court. They were heavily armed even while wearing civilian clothes, highlighting that when they acted outside of their mandate as police, it was difficult to hold them accountable. He went on to explain that many of Uganda's police admire the military and see it as a mark of pride to be mistaken for a soldier:

In Uganda, it is very prestigious [for a police officer] to be mistaken to be a soldier. [When community members say] ‘That policeman seems to be a soldier’, it is pride! The young generation likes it. They don’t want to be honourable civil police officers. Officers shoot to kill—we [police] kill, but it should be the last resort. But for them [the new generation], they want it.

(Veteran police officer, 29 January 2018)

An NGO employee based in Gulu asserted that it is often impossible to tell the difference between police officers and soldiers since they don each other’s uniforms interchangeably. The fact that ordinary citizens are at times integrated into elite units—and that officers at times wear civilian dress—further perpetuates confusion. Members of both institutions also receive similar military training (Kagoro 2015, 170–82).

Militarization extends to society, further blurring lines about who can deploy state violence and under what circumstances, while foregrounding the state’s coercive resources. For example, the stated aim of Uganda’s flagship military training programme for civilians—*chaka mchaka*—is to ‘demystify the gun’. Verma explains how this reinforced public perceptions of the state’s monopoly on the use of armed force:

the gun was ‘demystified’ and ‘democratized’ in language, but in practice it was definitely still not for everybody to use, just as its alleged mystery might not be equally mysterious to all . . . [G]un in hand (and with *us*), you may be ‘inside’, you may be safe from fear. A move towards the right end of the gun barrel so as to not remain ‘target’. (Verma 2012, 117)

In 1996, the interim electoral commission suspended *chaka mchaka* in response to international concerns that the programme was a tool for indoctrinating the public to support the NRM. However, Museveni later reinstated the programme as a part of a strategy to ‘consolidate stability’ in Uganda. *Chaka mchaka* took on an ‘increasingly compulsory character’ and was used to help mobilize support for the NRM before the 2001 elections, particularly in the southern and western parts of the country (Verma 2012, 63–4). In 2007, after members of parliament went on a five-day retreat where they donned fatigues and participated in drills, a law to make military training compulsory for all able-bodied civilians was proposed (The Monitor 2007).³ In a context where citizens can be mobilized as militia to protect the state against threats—and any political

³ The retreat was held at the National Leadership Institute Kyankwanzi. In 2012, Museveni ordered that the Institute be turned into a directorate under the State House, reportedly reasoning that, ‘given the central role of Kyankwanzi in inculcating values of patriotism and nationalism in the country, it was prudent that the institute be taken to his office’. The move sparked debate about whether the taxpayer-supported institute was being co-opted by the NRM (Mugerwa 2012).

challenge can be justified as such—military training takes on a particularly powerful role in shaping citizens’ perceptions of their identity in relation to the state (also see Chapter 6).

Political power in Uganda is fused with militarism, something Kagoro has called a ‘warriorised field of power’ (2015, 123).⁴ In my interviews, opposition politicians spoke positively about military training for civilians and politicians, explaining that it instils discipline and order in society. Government spokespeople also suggested in general terms that *chaka mchaka* training and the more recent Crime Preventer programme would make civilians more employable, giving them access to government jobs (Verma 2012, 5; Kagoro 2015, 203). Such promises further contribute to the symbolic and material value of militarism. Today, the perceived link between the military, the regime, and the state is strong enough that even wearing military boots signals allegiance to the NRM and links to state power.

1.2 ‘The Multiplicity of Things’ and the Creation of ‘Total Confusion’

Under Museveni’s rule, the security sector has become increasingly fragmented and complex, in large part through the formation of new units and sub-units within the Uganda Police Force, as well as the creation of parallel and auxiliary forces, that are assigned overlapping and contradictory mandates.⁵ Moses Khisa (2013) notes the many parallel security agencies—by his count, 14 different security agencies and 13 discrete auxiliary forces. These do not include the Police Field Force, an elite unit within the police force intended to ‘enhance the overall defence capabilities of Uganda’ (Statehouse of Uganda 2014) or the Crime Preventer programme, which was initially a community policing initiative and later brought under the ambit of the military as a reserve force (Kasasira 2018; Statehouse of Uganda 2016).

In practice, many groups have similar roles and responsibilities, and their personnel are frequently reshuffled. Many have commented that there is little if

⁴ By ‘warriorized’, Kagoro means that Ugandans are ‘accustomed to military figures in politics and to military means as a medium to political power...there seems to be a deeply entrenched shared perception that attaches a high sociopolitical value to the military...[and] the military and its associated ethos such as uniform, gun, rank, training, and participation in war appear to have become a source of symbolic capital’ (Kagoro 2015, 123). Militarization is a key dimension of how the ruling regime controls material and symbolic access to violence.

⁵ This is also the case in non-security-related sectors. A report derived from an ISO-funded investigation, which was leaked to the public in December 2017, identified significant areas of duplicated or overlapping functions among ministries and agencies within the government. *The Daily Monitor* cited agricultural inputs as an example, noting that the National Agricultural Advisory Services, National Agricultural Research Organisation, Uganda Coffee Development Authority, Ministry of Agriculture, National Forestry Authority, Uganda Prisons, KCCA, Kyambogo University, State House, Ministry of Education, Uganda Police, and Office of the Prime Minister were all supplying agricultural inputs or materials (Kahungu 2017).

any meaningful difference among various security actors. One local politician who worked closely with the community policing programme in Gulu explained, 'The government has brought all these [auxiliary forces] to confuse the community. Sometimes these people [e.g. crime preventers, police, civilian militias] work in parallel. You don't understand who is who' (Local politician, Gulu, 16 September 2015). Another retired cabinet member explained:

It is there in the system to undermine people. Let me tell you: our president doesn't trust anybody. When we were ministers in the cabinet, we would have parallel ministers. There is minister of justice—boys inside there responsible for each aspect—each area or field. So, because of lack of trust [by Museveni], you have to have different people here and there, here and there. It is all to undermine people. Our government is not about people, it's about sustainability in power . . . There are multiple centres of power. The military is fighting with police. There is no central authority. (Retired cabinet member, Kampala, 9 February 2018)

Many of my respondents expressed the view that fragmentation is intended to prevent any one actor or institution from gaining too much power. Multiplication of duties means that no individual is indispensable. A former government commissioner explained:

I think that's why government has survived for long. You create different units which bring in different information and so on, so you don't have all your power in one unit. If that one unit collapses then you are finished. If you have different systems then you can play them off each other—that one is telling you that, the other [is telling you] another thing.

(Former government commissioner, Mbarara, 18 January 2018)

Kayihura exemplified this strategy in his work as IGP. The *Observer* newspaper reported that 'If he fell out with a particular director . . . Kayihura would create a parallel department . . . Kayihura's almost weekly reshuffles and deployments of officers also injected a heavy dose of confusion in the force' (Mukasa 2018). The complexity of these networks makes it difficult for ordinary citizens to know who is who and who is responsible for what. Moreover, different units inform on one another, as well as on the population, creating widespread suspicion that weakens social and political relations.

Further confusion arises when one branch of government supersedes another. For example, in 2005, a paramilitary force dubbed the 'Black Mambas' waited outside the High Court in Kampala to detain 14 members of the political opposition who had just received bail (Ross 2005). In response, the head of the high court, Judge James Ogoola, said, 'The court witnessed the most naked and grotesque violation of the twin doctrines of the rule of law and the independence

of the judiciary' (Vasagar 2005). The identity of the men—who wore black T-shirts—was unclear. While the army claimed they were part of the anti-terrorism unit, the same men were reportedly seen the following day at court wearing police uniforms (Ross 2005). While it appears that significant acts of violence conducted in public view must be backed by the regime, the mixing of military and civilian symbols creates doubt. When such operatives wear police uniforms and use legal doctrine to justify their activities, it shows that the regime can also stretch the law to disguise exceptional violence. When dressed in civilian attire, such operatives demonstrate the regime's ability to deny its responsibility, and also foster the perception that anyone could be a part of these operations.

1.3 Ambiguity between Lawful and Exceptional Violence

Police violence often exceeds the law; however, the regime has also used the law to justify its interventions. In 2013, the government passed the Public Order Management Act (POMA), which prohibits gatherings without notifying the police at least three but no more than 15 days beforehand. Before, during, and after the 2016 elections, the police used POMA to justify the violent dispersal of events organized by opposition political parties, as well as the arrest and detention of participants. Political candidates are also required by law to travel with a police convoy, nominally for their own protection. Heavy-handed responses are both common and plausibly legal in such scenarios.⁶ The police often use live or rubber bullets to disperse riots, protests, or crowds. In 2017–18, the Uganda Police Force budgeted 44 billion shillings for purchasing tear gas out of an annual budget of 505 billion shillings (Tajuba 2017).

These laws are frequently enforced against Museveni's political opponents. Museveni's long-time rival, Kizza Besigye, has been charged with treason and rape; he has been tear-gassed, beaten, and held under house arrest. When former prime minister and long-time NRM loyalist Amama Mbabazi challenged Museveni in 2016 presidential elections, he became the focus of the police. Moses Khisa explains that when

Mbabazi was due to address a series of consultative meetings on 10 July, there was massive police and military deployment. There were reports of intimidation and threats against those involved in organizing the meetings and owners of booked meeting-venues, including hotels. For example, the manager of Mbale

⁶ POMA notes that the duty of the police includes 'preserving law and order' giving the open-ended provision for police to 'disperse defiant or unruly crowds or individuals at a public meeting in order to prevent violence, restore order and preserve the peace' (Public Order Management Act 2013, Part III, 9(1)(f)).

Resort Hotel, Isaiah Weboya, told the Daily Monitor newspaper that 'he would not host Mr. Mbabazi because he feared for both his own security and that of his job'. (Khisia 2016, 737)

Mbabazi was detained and charged with 'disobeying lawful orders' and warned that because his party (at that time, still the NRM) had not endorsed him, his consultations would be 'deemed illegal meetings'. Supporters were allegedly harassed and arrested across the country; Mbabazi's financial assets were reportedly frozen and his potential funders in the business community were intimidated (Khisia 2016, 737–8).

Kayihura's removal from the police force also exemplifies how the regime alternately uses law and exception to govern. During my fieldwork in January and February 2018, respondents across Uganda widely agreed that Kayihura was the second most powerful person in the country after the president. However, on 4 March 2018, Museveni dismissed Kayihura.⁷ Shortly thereafter, the former IGP was arrested, and in 2019, the US government placed sanctions on Kayihura for 'serious human rights abuses and corruption' (The Independent 2019). Though Kayihura had run the police force for over a decade, his firing and replacement with his deputy met little resistance. Protests in his home district of Kisoro were shut down under the banner of POMA, a policy that Kayihura himself had reportedly devised (Muhereza 2018). The district RDC defended the use of POMA, saying: 'Police were right to foil the planned demonstrations in Kisoro Town because the organisers did not seek permission as required by the law. People should keep calm as government sorts out Kayihura's issues. Any person holding any illegal assembly, meeting or demonstration shall be arrested and charged' (Muhereza 2018). Crime Preventers, a programme often viewed as Kayihura's pet project, was declared an auxiliary force of the UPDF (Kasasira 2018). Rumours circulated that Kayihura would be tried in military court for unsolved assassinations, as well as violence previously attributed to the ADF rebel group and criminality in the police force. Opposition political leader Kizza Besigye tweeted in response to Kayihura's arrest: 'When you allow to be a tool and prove to be a good one, you'll be used most, wear out fast, have no more use and be disposed of' (Waswa 2018). Kisoro's district chairman noted that much of the intimidation and coercion that the police carried out under Kayihura's tenure directly benefited Museveni's regime:

The NRM government should instead be rewarding Gen Kayihura because he protected it from the Walk-to-Work demonstrations that had threatened it,

⁷ Kayihura's removal followed accusations of police inefficiency, and several national scandals that implicated Kayihura and his allies in the police with the activities of paramilitary groups in Kampala and the covert repatriation of Rwandan refugees (Mufumba 2020).

especially in Kampala. In October last year, President Museveni thanked Gen Kayihura for his exemplary leadership and few months later, dropped him from the job of IGP. Now he is being detained and embarrassed. (Muhereza 2018)

Kisoro's district secretary for health echoed this: 'He could have done wrong while executing his duties as IGP as he protected the government but it is a shame that the very system he was serving and protecting is the one that is now embarrassing him' (Muhereza 2018). From the perspective of the public, the police are subject to similarly shifting rules, harsh sanctions, and intrigue. Even powerful men such as Mbabazi and Kayihura could not prevent their own tools of manipulation and oppression from being turned against them. Using arbitrary power under the guise of legal procedure, and doing so to elites as well as to ordinary citizens, makes it difficult to challenge punishments and to determine the extent to which the system is personalized. The rules thus remain constantly open to change and, at the same time, can be ruthlessly applied and enforced.

1.4 Spectacular and Unexplained Acts of Violence

The unexpected demise of elites, including suspected assassinations of high-ranking government officials, are framed in popular discourse as examples of the state's capacity to reach citizens anywhere and to kill with impunity. For example, in 2012 Cerinah Nebanda, a woman MP, died unexpectedly at the age of 24 after repeatedly critiquing the NRM government and the president himself (Epstein 2014a). In 2015, General Aronda Nyakairima died on an overnight flight from South Korea to Dubai and was rumoured to have opposed a secret plan, dubbed the 'Muhoozi Project', to instate Museveni's son as his successor (Butagira and Tumwine 2015). Another general, David Sejusa (also known as Tinyefuza), who played an instrumental role fighting for the government in the LRA conflict, fled to the United Kingdom in 2013, allegedly because he had learned of his planned assassination as a part of the Muhoozi Project. Helen Epstein interviewed Sejusa and other Ugandan elites and reported:

More than a dozen of Museveni's critics had perished in mysterious car crashes or after sudden unexplained illnesses in recent years. They included senior army officers whom he suspected of plotting a coup, opposition party agents, and an attorney general who was trying to block Museveni's campaign to eliminate presidential term limits. In Kampala, terrified MPs told me that they avoided driving after dark and establishing routines like going to a certain bar after work. In restaurants, they ate only from buffets, and never ordered from the kitchen.

(Epstein 2014b)

District- and national-level politicians whom I interviewed expressed similar fears. Widely discussed was the case of the assistant IGP, Felix Kaweesi, who was gunned down in 2017 in broad daylight outside his Kampala home. Many speculated that his murder was an inside job because of its brazen nature, the weapons used, and infighting in the police force and among various branches of security. Along with photos of the president and the IGP, I sometimes saw Kaweesi's picture hanging in police offices. I asked a veteran police officer why he had put up Kaweesi's photo. He said that Kaweesi had risen quickly through the ranks, reflecting a shift in the Ugandan police toward tribalism and politicization, and went on to discuss the nature of power in the Uganda Police Force.

[What does it make you think of when you see Kaweesi's photo hanging in your office?] What makes him rise, what makes him die like that? What makes him so powerful? . . . Competence is got through training. I felt he rose so fast, he took it for granted that since the bosses admired him, he was competent. He was bathing in that, basking in that love and favour, and that illusion that your high rank means you are so strong and so big. An assassin takes the best to intimidate the rest. (Veteran police officer, 29 January 2018)

The police officer notes that Kaweesi's authority came from his connections and that, for many, his murder was interpreted as a reminder of the secret webs of power in the police force and the government. The obvious reality that the regime's access to violence dwarfs that of other actors causes citizens to self-police and make conservative calculations about challenging the regime. As a local authority in Mbarara explained:

Ordinarily, the political elites should provide leadership to the masses in terms of what society can aspire to, what they should be involved in on the ground. But . . . the political elite has been silenced so they don't provide necessary political leadership. Even when they are called upon to participate [in political processes], it is only in support of what Museveni wants . . .

[Does this impact ordinary people?] I'll cite you an example—if so-and-so [an important person] is afraid of doing this, who am I? What can I do? Even if they were to say the right thing or act the right way, there is no cover of justice. If I do the right thing, and am arrested, seeking justice will be a nightmare. The [government's] ears, as I mentioned earlier on, are from the person next to you, whose political inclination you don't know what it is now or what it will be tomorrow. You play safe by saying nothing and doing nothing about it.

(Religious leader, Mbarara, 15 January 2018)

These examples show how fear of exceptional violence, both reflected in and exacerbated by rumours, permeates the political environment. Unexpected and

unsolved deaths have two sides. On one hand, citizens broadly imagine that the regime has approved or directed them, and they attribute sovereign violence and a will to kill with impunity to state leadership. On the other hand, the possibility that these murders are perpetrated by high-level gangs or anti-state interests further justifies the regime's aggressive stance on criminals, rebels, and other non-state violent actors.

While violence against elites shapes citizens' imaginations of the regime and offers evidence that the state can act with unaccountable force even against the rich and powerful, there are also many instances in which ordinary citizens experience state violence directly. Action is rarely taken against state actors who permit or instigate violence against citizens. When state actors are held accountable, their punishment is rarely as extreme as the dismissal of Kayihura—rather, errant officials are more often reprimanded and reposted to remote areas of the country as a form of punishment. The following case study examines the coercive power of the police in the context of political jockeying between a democratically elected district chairman (LC5) and a presidentially appointed RDC. The police arrested a young man, reportedly for property damage, and refused to release him unless his family paid a substantial bribe. His subsequent death in police custody highlights the coercive nature of his arrest and detention. The case reveals the complex dynamics between the involved authorities and how their comparative access to state violence foregrounds their different sources of power.

2. Death in Pader: Police Coercion and Public (Dis)order

The events in question began in Pader Town in northern Uganda on 1 June 2015. Around 8:30 pm in the town centre, a 21-year-old male market vendor lost control of a vehicle and crashed into a house. The vehicle and building were damaged, but the market vendor appeared unscathed. The proprietor of the vehicle called the police, who impounded the truck and arrested the market vendor who had been driving it. Although the proprietor retrieved his vehicle the following day, the driver remained in custody. Reportedly, the district police commissioner (DPC) had demanded 300,000 shillings (100 US dollars) for the driver's release, which his family viewed as a bribe and refused to pay. The detained driver began to complain persistently of pain, becoming belligerent in his cell, but the police refused to let him go to the hospital. The driver's family expressed concern that he may have sustained internal injuries from the accident. He died in his cell in the early hours the following morning.

Rather than announcing the driver's death, the police allegedly took the corpse to the nearby health post and demanded that the nurse on duty produce a falsified post-mortem report saying the man had died there. The nurse refused to take responsibility for the man's demise, arguing that a post-mortem could not be

written at a health post. The police left the corpse there and returned to the police station. As news of the death spread, community members began to gather at the health post. Led by the chairwoman of the market vendors' association, the community members decided to report the case to the chairman LC5, their elected district representative, to ask what could be done for the family of the deceased. The chairwoman explained, 'We had wanted the police to cover the cost of burying this boy, feeding at the funeral, and other costs that might occur. That is what we were after' (Pader, 20 October 2015).

Arriving at district headquarters, the community members found the LC5 meeting with the RDC and the DPC. The chairwoman raised the first question, 'LC5, we have not come here to cause grudge. We have not come to claim for anything, but we just want a simple explanation. From where did this boy die?'

The LC5 deferred to the DPC and the RDC, who reiterated the claim that the man had died at the health post. The chairwoman described how the exchange escalated:

What really annoyed us was that the RDC...[responded] with a lot of vulgar language... 'You people of Pader, you are killing yourselves, because you do not want people from other districts or other parts of the country to come in and work in Pader...' Then he picked his book and he left.

(Pader, 20 October 2015)

The RDC's suggestion that the people of Pader were 'killing themselves' was interpreted by many to harken back to the conflict. The statement recalls an oft-cited comment that Museveni purportedly made in the early years of the war:

In [Museveni's] first address to Acholi elders in a gathering at the Acholi Inn, a hotel in Gulu, in 1986, a number of the participants report him as saying in reference to the Acholi people, 'We will put them in a calabash like *nsenene* (grasshoppers) and let them bite themselves to death. In this way we will rid Uganda of *gasiya* (nuisance) once and for all.' He is reported also to have made similar such statements referring to the Acholi as grasshoppers in addresses at Kaunda Grounds in Gulu in 1987 and 1988. (Whitmore 2010, 22)

Anthropologist Sverker Finnström notes that people 'frequently referred to this statement' when lamenting the government's abdication of responsibility for the LRA conflict (Finnström 2008, 106). The RDC's statement was interpreted as an allusion to past experiences of state violence and the ability of the state to create insecurity with impunity.

The LC5 accompanied the enraged community members back to the health centre and called for the RDC to join them to 'solve the matter amicably'

(Chairwoman of the market vendors' association, Pader, 20 October 2015). The chairwoman described the scene at the health centre:

The body was laid down. The RDC was on one side near the feet, LC5 was on the other side. The leaders of the market stood just beside. The DPC was between the RDC and the chairman LC5. The very language the RDC used from the district council, he again mentioned the very word ['the people of Pader are killing themselves because you don't want help from outsiders']. That is what really triggered... the LC5 to come and hold the RDC by the shirt. The RDC was now trying to take off his coat [to] fight... After that, people were really very annoyed. They had big stones, and they had wanted to hit the RDC with them, because of the chaos he caused. He was being protected through the orders from above. The police were deployed with tear gas, each and every thing.

(Market vendor, Pader, 20 October, 2015)

In Uganda, failure to properly bury a deceased person or to pay the requisite compensation to the aggrieved can result in long-term spiritual harm.⁸ Although no one specifically mentioned these fears, several respondents commented on the physical altercation between the RDC and the LC5. It is taboo to fight near a corpse—let alone over it. Those who described the event physically recoiled in the retelling.⁹

Reportedly, after the confrontation, the police surrounded the RDC to protect him from the community members as he left the health centre. The LC5, along with the community, decided to carry the body in a gurney back to the police station, less than 500 meters away (see Figure 4.1). A local community member who witnessed the protest explained that the community members believed that if the body was left at the police station, the police would have to take responsibility for the youth's death. He recalled around 200 community members facing as many as 20 police officers wearing full riot gear (Community member, Pader, 20 October 2015). Upon leaving the health post, the protesters discovered they were isolated on the road—behind them, the health centre had locked its gates to prevent the police from returning the body; in front, the police, armed with tear gas and guns, advanced. A journalist described the scene:

[Shockingly], when the angry residents and leaders move[d] a few meters away they found police had block[ed the] way, armed with tear gas canisters, rubber and live bullets in AK-47, and they [deployed] tear gas, [and] rubber

⁸ Acholi culture stipulates that the dead are present and interact with people in their daily lives, rewarding and punishing people to settle past scores (Hopwood 2011).

⁹ Sophie Seebach, in her study of death and burials in northern Uganda, also documents a story in which a spirit rejects a sacrifice because those who were to sacrifice the goat argued on their way to the grave site (Seebach 2016, 254–6).



Fig. 4.1 Residents carry the deceased from the health post toward the police station

Source: Photo courtesy of Owot Robert

bullets forcing people [to] flee away including district chairman leaving the deceased body on street. (Journalist, unpublished news report, on file with author)

The RDC presented a different narrative of the day's events, reflecting that 'sometimes there are role conflicts [between the LC5 and the RDC]. You might step on someone's toe and get into serious problems.' He explained that the police used 'minimum force' to restrain the population when they tried to bring the body back to the police station.

Community members recalled that the police retrieved the body from where it was abandoned on the road and drove it to the health post in the nearby town of Pajule. Although the police reportedly promised to provide material for the funeral, including a coffin, transportation, and refreshments, the family maintains that they never did. Instead, the market vendors' association in conjunction with the community and family members raised money for the funeral locally. The deceased was eventually laid to rest in his ancestral home.

Despite the presence of a journalist from a mainstream newspaper and multiple radio journalists, media coverage of the event was limited. Only one story aired on the local radio and none appeared in print. One print journalist explained that his editor rejected the story on the grounds that he had posted about it on social media. The editor told him that this contravened the newspaper's policies. The

journalist speculated that his editor and fellow journalists may have strategically avoided the story:

Sometimes if such a story happens [journalists] say ‘ah ah, something which involves security’—they fear. Today you may do a story, but after it is published, you may not know what is going to happen tomorrow next... Today you are in a crowd, but when you are followed you are alone.

(Journalist, Pader, 20 October 2015)

Similarly, the radio station journalists hesitated to discuss the story with me, explaining that this issue was ‘very sensitive’.

A community member in Pader reflected that the LC5 chairman could have helped the aggrieved family more if he had reported the situation to the regional police commander or called in an independent doctor to conduct the post-mortem. Instead, he said, the LC5 took advantage of ‘people who do not know the law’ to stage himself front and centre as the people’s defender. When asked about why the RDC and the LC5 handled the matter so differently, he noted their differing sources of authority: ‘I’ve been thinking, because the RDC has been appointed by the government. So, he comes to protect the side of police because they are workmates. They are all on the government side. The LC5 is the political wing, elected by the people’ (Community member, Pader, 20 October 2015). Another young man reflected that the proximity of the LC5 and the RDC to the executive and the security services was more important than their political party in determining their choices.

I feel they are all NRM, NRM, fine... [But] the LC5 is elected. The RDC is appointed by the president of the Republic of Uganda. The RDC has much more power than LC5... It’s maybe 55 per cent, 45 per cent. As I told you before, the RDC was appointed by the president to make security in the district. So, he is the one who is in charge, and the police officer is also a security organ. So he’s protecting the security organ rather than someone who was elected.

(32-year-old male, Pader, 21 October 2015)

In an environment where state, party, and the state’s security institutions are deeply intertwined, the police’s capacity for force shapes how ordinary citizens imagine political power. More so than political party affiliation, access to the president—and even more particularly, to state violence—determine relative power.

Though a police investigation into the case was nominally opened, no conclusion was made public. Nearly one year later, the chairman LC5 noted that he had not followed up on the case as he had been busy with other things, in particular his own campaign for MP. During an interview, two crime preventers reflected on the

events. Their responses demonstrate the complex and contradictory views held by members of the community:

[How do you feel about the conflict that happened here between the police and the community when that boy from the market died in police cell?]

Crime preventer 1: The grievances between community members and police were so high. The crime preventers could not really do anything or protect the situation, so the police came in to handle the situation.

[I feel that the police] should sensitise the community [and explain to them that] if they rally they will have these circumstances. Those who led the demonstrations should have been arrested to make an example toward the rest of the leaders who might organise for a demonstration. To me, I feel the government should have sensitised the community in an organised manner so people would understand.

Crime preventer 2: For me, I really feel annoyed . . . Such kind of leaders, where they are not uniting the community or [where they are] doing things anyhow to the community, they [the DPC and the RDC] should have been punished . . . I feel concerned humanitarily [when my brothers are being tortured].

The crime preventers' comments illustrate the community perception that the police, under the guidance of the RDC, intervened with excessive violence and without sufficient justification. The first crime preventer suggested that the police should have explained to the community that if they protested, the police would have to use force. He further said the police should have limited their coercive power to arrest and detain the leaders of the protest rather than attacking the entire community. The second crime preventer expressed his view that the police had used excessive violence, and that the DPC and RDC should have been punished, presumably by the higher authorities. Because the RDC reports directly to the president, and the DPC to the regional police commissioner, this implies that the crime preventers believed that the highest powers in the country were responsible for resolving this local-level conflict.

The case offers a stark illustration of how state violence underpins the relationship between state and society. While contests over authority and responsibility are pervasive among public authorities of all stripes, state actors maintain the ability to deploy overwhelming violence to enforce their claims. The ability to do so varies even among government authorities, with those who are more closely associated with the president and state security organs wielding greater access to potentially unaccountable violence than those who have more tentative links to regime elites. The capacity to deploy overwhelming force in defence of shifting jurisdictional claims makes it difficult for citizens to manage or ignore the possibility of state intervention. The ability of state actors to frame these violent acts as alternately lawful or exceptional makes them difficult for citizens to

contest. As a result, the possibility of intervention can function to govern citizens even in the absence of a regular state presence.

3. Blurring the Boundary between Lawful and Exceptional Violence

The case depicts the daily coercive power of the police in a community, and offers a window into the police force's ability to suddenly deploy significant and unaccountable violence against the population. The police donned riot gear and, armed with tear gas and rubber bullets, forcibly dispersed the population as they approached the police station. Although several journalists attempted to report on the story, it made few ripples in Ugandan media. District authorities supported a closed investigation and declined to assist the family of the deceased. Some of these acts were lawful—when the police responded to a complaint by making an arrest, when the RDC described the violence as 'minimum force', and later when an investigation was opened into the events. Others appeared exceptional—when the police attempted to use their coercive power to place the driver's death at the health centre, when they used tear gas and rubber bullets to disperse the community, and when they eventually abandoned the body at Pajule.

Similarly complex dynamics emerged in other confrontations between citizens and state security forces. For example, a crime preventer told me about a confrontation that took place in another town in northern Uganda, where the police and military were deployed to evict the population so the government could sell the land to a private investor (also see Abonga et al. 2019). The crime preventer explained that the defence forces had been given a clear set of instructions for how to deal with uncooperative locals:

[My aunt, a principal nursing officer in the division] said that the soldiers sent to Apaa had one standing order, first gun fired up in the air, then down to the ground, then find the leader and hit to kill. People were shot, others were not buried here but taken to different districts and their bodies have not been found. Police connived with army to give it a nice cover up that they were just missing persons. (Crime preventer, Gulu, 25 November 2015)

A journalist elaborated on the allegations against the police, expressing scepticism about the rumoured murders but emphasizing the excessive use of force on the part of the police:

There were allegations that people were shot at [with live bullets], tear gas, etc... I found out that over 21 people were injured seriously—some of them claim they had gun wounds. Many people reportedly slept in the bush because in the centre there

was deployment. They blocked roads coming in and going out, and I heard they weren't even letting sick people be transported out. After that chaos, people say, three days of chaos, shooting, beating, tear-gassing... [When we went there]... the demarcation was done yesterday. There was nothing to stop now.

(Journalist, Gulu, 20 November 2015)

In Uganda, potential state violence grounds the state–society relationship, creating fear and uncertainty amongst the population. Pader, like many other parts of Uganda, experienced violent conflict following the NRM's take-over. A police officer working in Pader commented:

This is a war-torn area. People are tired of running, and they know what made them run [the conflict between the LRA and the NRM's army]. They are eager to have security. Without it, you cannot stay in your home. The taste of war has at least taught them something. (Police officer, Pader, 19 October 2015)

The officer's reflections emphasize that the legacy of war continues to shape citizens' views of the ruling regime. Having materially experienced violent conflict and its ramifications, citizens value security when it is provided by a regime that itself is unpredictable and capricious.

The violent capacity and militarization of the police in this relatively remote and rural town also gives a sense of the extent to which the regime has extended control across Uganda. In 2014, the population of Pader Town was estimated at 14,000 people; the main road remained unpaved. Though the police are under-resourced and understaffed according to international benchmarks, they have demonstrated capacity to intervene quickly and violently to enforce the presence of the state, even in an otherwise sleepy town. Unpredictability and a fluid division between lawful and exceptional violence magnify the effects of police intervention, fostering the widely held public perception that the regime has the capacity for overwhelming and unaccountable violence.

3.1 Fluid State Jurisdiction, Potential State Presence, and Institutional Fragmentation

The Pader case shows how the factors of arbitrary governance are intertwined: unaccountable violence reinforces changing jurisdictional claims; potential state presence causes citizens to fear its violence; and the overall events create the image of a powerful and consolidated state when the facts of the case appear to highlight discord within a fragmented system.

Both the productive and negative work of arbitrary power are visible in changing jurisdictional claims. For instance, the police initially *claimed* authority

over the traffic accident and the detention of the driver. Their claim was reinforced when the DPC reportedly demanded a 300,000 shilling payment, and again when he denied the driver access to medical care during his detention. After the driver died, the police *denied* their jurisdictional authority, seeking to place it instead under the jurisdiction of the health post. The nurse at the health post refused to write a post-mortem, though she could not prevent the police from leaving the corpse to imply that the body now fell under the jurisdiction of the health post. The community tried to make the police assume responsibility for the death, first seeking redress through a public meeting and, when that failed, going so far as to face down armed police officers. However, the police, with the RDC, quickly resorted to violence to deny responsibility for the dead driver. They further passed authority off to the health sector when they delivered the corpse to the health post in Pajule. Other authorities involved in the case—the LC5, the RDC, and the DPC—also grappled over jurisdictional claims. The LC5 claimed to represent the community and, in his fight with the RDC, seemed to assert that he had the authority to determine how the case should be handled. The RDC denied the LC5's claim and—backed by the police—was able to simply ignore it.

The mess of competing and contradictory jurisdictional remits created a landscape in which it was difficult for citizens to ascertain which authority, if any, would meaningfully take responsibility for the driver's demise and burial. Rather than making a tactical choice to seek redress in the most favourable forum, community members approached numerous authorities, meeting dead-ends at each. Shifting jurisdictional claims continually changed the rules of the game. While the police initially asserted their authority over the accident—telling concerned parties that they should come to the police with any concerns about this case—they later denied that it fell under their remit. A fragmented governance environment amplified confusion. Citizens attempting to make claims on state authorities were diverted and left uncertain about whom they should address or how. When all authorities denied responsibility, the community members and family of the deceased had little recourse.

The case illustrates the potential presence of the state in two ways. First, the police's quick and armed appearance to quell a local protest is a material manifestation of the potential for state presence. Second, several respondents—especially journalists covering the events—noted the possibility of surveillance and intimidation. The newspaper article was rejected on the grounds that the story had also been posted on Facebook; an explanation that the journalist found unconvincing and interpreted as a justification to suppress his reporting. In his comment 'when you are followed, you are alone', the journalist emphasized personalized and targeted aspects of regime intimidation that infiltrate everyday life, even long after the event in question. Even while such stories are suppressed, there is widespread public recognition that the police regularly use overwhelming violence against citizens. Such experiences are simultaneously exceptional and yet

so common and widespread as to be almost unremarkable. They thus become important landmarks, shaping the terrain of everyday life even while they fade into the background.

4. Conclusion

The perception of the state's capacity for overwhelming and unaccountable violence allows the regime to project its power into the everyday life of local authorities and ordinary citizens. The Ugandan state produces and manipulates the imagined opposition between lawful and exceptional violence. State violence can extend beyond the state's institutions in moments that appear exceptional—for instance, when security forces tear-gas, beat, or shoot at demonstrators, or when they arbitrarily detain journalists and members of the political opposition. The state can also retract, leaving authorities who previously had access to state violence unable to enforce their jurisdictional claims. At other times, the regime uses violence in accordance with the law, sometimes in high-profile cases, for example when the police used Kayihura's own POMA to disperse his supporters after his arrest. These dynamics occur against the backdrop of the regime's liberation narrative and warnings that the state could easily return to civil war, thereby threatening the collapse of any distinction between lawful and exceptional violence. Keeping lawful and exceptional violence separate in some moments maintains their power as distinct governing tactics; melding them in other moments makes citizens uncertain about what kind of authority is being exercised and whether they have avenues for recourse. The possibility of the rule of law and due process keeps ordinary citizens and local authorities at least minimally engaged with a governing system that regularly manipulates, marginalizes, and exploits them.¹⁰

The institution of the Ugandan police offers a lens through which to observe the continually changing relationship between lawful and exceptional violence. The police at times use violence within the purview of the law, following due process and protecting those in its custody. At other times they deploy overwhelming and even lethal violence against the population, whether as uniformed police officers suppressing public gatherings with tear gas and bullets or in cooperation with plain-clothes militias who arbitrarily detain political opponents. One senior member of the police force, who was eight years old when the NRM came to

¹⁰ Compared to ordinary citizens, elites may find these movements more predictable, thanks to their proximity to central state power and access to resources that allow them greater control over everyday life. However, in many cases the risks to elites are also higher, as illustrated by targeted assassinations and reinforced by popular rumours.

power, explained how police—even those in the highest positions—become implicated in this system:

I'm 37-years-old—I would have wished to see a different president, but me as a security officer, my hands are tied. My role is to improve security. My goal is to make things better, one day at a time. If I can do that, then I will have done something good... If one institution doesn't perform, we [the police] are forced to step in. We won't allow the country to appear that it is stateless.

(Senior police officer, 5 November 2015)

In a country where state, party, and security institutions are deeply intertwined, the police are often seen as an extension of the ruling regime, implementing both lawful and exceptional violence.

Iterative and unpredictable acts of violence, as citizens experience them through personal and lived encounters, highlight the threat of state intervention. As Nic Cheeseman notes when discussing the politics of fear in Zimbabwe, the ruling party and its candidates use past violence to threaten the population and instil fear: 'This is known locally as "shaking the matchbox". Once you have burned down someone's house, you don't need to do it again; showing them a matchbox is enough' (Cheeseman 2018b). Linda Green has described how the possibility of violent intervention translates into 'a chronic state of fear' that 'destabilizes social relations by driving a wedge of distrust within families, between neighbours, among friends. Fear divides communities through suspicion and apprehension not only of strangers but of each other' (Green 1994, 227). Fear is an important component of governance, smoothing out episodic acts of state violence into a daily lived reality that materially weakens civic organization.

By producing, undermining, and manipulating the imagined opposition between exceptional and lawful violence, Uganda's ruling regime is able to foster the perception among citizens that it wields unaccountable and overwhelming violence. This first factor of institutionalized arbitrariness solves a small part of the puzzle of how modern authoritarian regimes project power. The following chapters illustrate that the perception of the state's sovereign violence interacts with other factors of institutionalized arbitrariness, including the state's shifting jurisdictional claims and unpredictable presence and absence, to produce an image of the state as powerful and ever present.

Claiming Jurisdiction

Local Vigilantes and the Struggle to Consolidate Power

On 25 February 2014, a few hours before dawn, a local vigilante group patrolled the dusty streets outside Gulu Town in northern Uganda. It had been a busy night: they had broken up an after-hours dance party, beating the palms and emptying the pockets of the attendees, and then they had caned a girl and her brothers in the family compound for the girl's indecent dress. The vigilantes were escorting a suspected thief to a nearby police post when they stopped a man driving an NGO vehicle. Someone threw a rock through the windshield; the driver reported being roughed up and robbed. The next day, four members of the security group, as well as a sub-county politician who was instrumental in its creation, were arrested.

A week earlier, the village leader had discussed the group in a community meeting,

I would like to say clearly that these boys of ours have made us proud because they do their patrol right from here to [the neighbouring villages] ... To me if I'm to compare the good and bad of these boys then I would give them on the good aspect 80 per cent. (LC1 chairman, Gulu, 1 March 2014)¹

Other community members reported sleeping more easily at night owing to the patrol. A friend confided to me: 'People are glad that there is a security group—stealing was a big problem before—but they are not happy with some of the behaviour' (38-year-old female community member, Gulu, 27 February 2014).

In Uganda, local security or vigilante groups are trivial, in the sense that they are part of the everyday, and they are also significant, in the sense that they are essential to maintaining basic standards of security and order. These organizations attempt to assert their jurisdictional claims at a local level. They thus offer a useful lens through which to examine institutional fragmentation, contestation over the use of violence, and political disordering that are key to the governing strategy of the Ugandan state. In particular, vigilante groups can help researchers understand

¹ The chairman of the local council at the village level works as a schoolteacher during the day. He later reduced their grade to 70 per cent.

how the state's shifting jurisdictional claims destabilize the opposition between public and private, hollowing out the institutional form of these local organizations and rendering them fragile and precarious governance actors.

Vigilante groups are widespread in Uganda, though names for them vary. The Acholi people of northern Uganda often refer to them as 'the young people who keep security', 'peace keepers' (*ogwa kuc*), 'youth vigilantes', or simply as 'youth' (*bulo*). These terms are consistent with those used in other areas of eastern Africa. In Tanzania, local security groups are called *Busalama*, literally 'person of peace'; in eastern Uganda, *Banalukoosi* means 'the people of peace, order and respect' (Abrahams 1998). Sometimes in Uganda, local vigilantes are also lumped in with more formal government programmes such as 'Crime Preventers' or 'Local Defence Units'. Unlike other security personnel in Uganda, they work mainly in the communities where they live and report to local authorities instead of—or in addition to—the police, military, or other state governance actors. In a survey conducted in the Acholi and Langi sub-regions of northern Uganda, nearly 88 per cent of respondents reported that such youth 'peacekeepers' were present in their communities.²

Such groups take many forms. While some resemble loosely knit groups of youth carrying out *ad hoc* acts of corporal punishment and mob violence, others are made up of selectively identified community members who receive formal training and are organized into security units that work with the local government and state security services. While they vary significantly in their access to and use of violence, some level of coercive capacity underpins their utility as security providers in the community. As Bruce Baker notes, 'The NRM government has never insisted that policing must be a state monopoly. Instead, it has sought security partners who will work *within the law and under its supervision*' (Baker 2005, 30, italics added). Somewhat counterintuitively, rather than asserting a monopoly over the use of force, the Ugandan state outsources violent enforcement to civilians. The NRM regime has consistently employed this strategy across the country, particularly in times of conflict, when the state has turned to more militarized groups like Home Guards and LDUs (see Chapter 3), as well as in times of peace, when it has turned to vigilantes, community police, and more recently, crime preventers (see Chapter 6). These initiatives have reportedly been devised, approved, and—in the case of the Crime Preventer programme—overseen by the highest authorities in the country, including the IGP and President Museveni himself. In the context of a conflict-affected and politically divided country like Uganda, such an approach points to a paradox: how can the Ugandan state allow—and even encourage—young men to violently police their communities and yet prevent them from evolving into public authorities in their own right?

² Author's analysis of the Secure Livelihoods Research Consortium 2015 survey.

Existing scholarship reinforces this puzzle. The literature suggests that outsourcing violence to non-state actors comes with significant trade-offs, not least the likelihood that violent actors, given time and space, will use their coercive capacity to organize and institutionalize jurisdictional claims, becoming loci of power autonomous from the state. As Mancur Olson argues, criminal organizations are parasitic, and thus have a vested interest in the welfare of their host population. As a result, they often become protection rackets, monopolizing control over crime in order to offer paid protection from themselves as well as other would-be criminals. The ‘stationary bandit’ becomes a sort of governor, engaging in relentless tax theft rather than occasional plunder, and thus protecting and even nourishing the population in pursuit of prosperity (Olson 2000; also see Tilly 1992). Robert Bates applies a similar logic to African countries to explain state failure, arguing that changes in global trade patterns created conditions that made the relative rewards of elite predation comparatively favourable to income generated from public revenue. As a result, African states ‘fell apart’ as rulers—or ‘specialists in violence’—created insecurity to profit off of civilians (Bates 2008). Others have highlighted how adopting the symbols, rhetoric, or institutional arrangements of the state can confer governing authority, thereby facilitating sustainable extraction (Lund 2006a; Stel 2016). These scholarly traditions suggest that, all else equal, local non-state violent actors threaten state control, as their attempts to maximize long-term extraction naturally cause them to transform from bandits, vigilantes, and gangs into governing authorities who attempt to exercise jurisdictional claims over people, space, and time. Thus, state actors should see vigilantes as a threat to the state’s monopoly over the legitimate use of force and seek to eliminate, regulate, or tame them.

In other scenarios, the state has little choice but to work with such actors because of limited capacity or geographic reach. Anton Blok’s 1974 book on the Sicilian mafia is a classic illustration of this interdependence between state and non-state violent actors, rife with collusion, cohabitation, and contiguity. Blok describes the mafia as a kind of violent broker thriving in the interstices of peasant life and society, both withstanding the state’s governmental apparatus and relying on ‘covert and pragmatic relationships’ with state authorities to solidify local control (Blok 1975, 6). Others have described such complex networks as a ‘killing consensus’ (G. D. Willis 2015) or ‘security assemblage’ (Abrahamsen and Williams 2010). David Pratten draws on Michel de Certeau’s concept of ‘tactics’ to describe how vigilante groups in Nigeria act in the ‘absence of power . . . play[ing] on and within a terrain imposed upon them’ by the state (Pratten 2006, 710). For Pratten, tactics allow vigilantes to find a niche for themselves in space and time. While variously emphasizing violence or the absence thereof, these scholars attempt to explain how networked violent actors create a complex but stable governance landscape.

Unlike these scenarios in which violent entrepreneurs consolidate and thrive, in Uganda arbitrary governance keeps jurisdictional claims unstable by

unpredictably and inconsistently asserting and denying state authority over people, issues, places, and times. State actors can reinforce jurisdictional boundaries through both asserting and denying their control. For instance, *productive work*, found in assertions of state power, occur when police tell ordinary citizens that violent crimes can only be handled by the police. *Negative work* occurs when police deny authority, for example, when a police officer refers a complaint back to local leaders ‘at home’, because he determines it does not rise to the level of the police. Other times, the very idea of discrete jurisdictions is collapsed—all citizens are considered part of the NRM regime, and in this way, there is no meaningful way to be ‘outside’ the state’s jurisdiction. Frequently, the distinction is made complex and fluid, as individual actors at times act as state authorities and at other times as private actors. The resultant fluidity in state jurisdiction—the second factor in institutionalized arbitrariness—precludes the emergence of a stable ‘consensus’ or ‘assemblage’ in which actors consolidate complementary control over discrete jurisdictions. Instead, the status quo in Uganda is more aptly described as ‘confused’ and ‘contentious’ (Alava 2017; Goodfellow 2014), helping the state to maintain control over multiple, competing local violent actors and limiting the emergence of local authorities with sources of power autonomous from the regime.

Scholars examining vigilantes and informal security in other contexts describe similar phenomena: groups remain precarious and fluid, changing over time. Suzette Heald (2006) examines how Tanzania’s vigilantes were simultaneously authorized and penalized due to the divergent interests of different branches of government, with various state authorities treating vigilantes in contradictory ways. Other authors discuss contexts in which state security agents—for example, police or soldiers—sometimes act as private security guards or vigilantes. Thus, a single person’s actions can sometimes carry the authority of the state and not at other times (Debos 2011; Göpfert 2012). Pratten (2006; 2008) elaborates how Nigeria’s vigilantes move between roles as enforcers of state law and as lawless actors, alternately employing forms of legality and illegality in order to insert themselves into political and economic niches in the state and open spaces for themselves to govern. In these roles, they produce notions of justice and law that are ‘ambiguous, dynamic, and very powerful’ (2008, 64–5). The works of these authors emphasize that uncertainty shapes how vigilante groups interact with the community, and whether they constitute constructive or corrosive forces in society (Meagher 2012).

This chapter studies local vigilantes to reveal the micro-dynamics of ongoing struggles to consolidate authority. It shows how—in an environment of coercion, perceived government surveillance, and institutional fragmentation—the state’s shifting jurisdictional claims foster many low-level authorities, none of which can meaningfully consolidate power. The chapter begins with descriptive findings on the form and function of such security initiatives, with a focus on northern

Uganda. In contrast to Blok's account of the fertile ground for exploitation in Sicily, the findings show that the interstices between the Ugandan state and society are inhospitable to those seeking to consolidate autonomous governing power. To use Pratten's language, the Ugandan state shapes the space for tactical action by consolidating and dissipating over space and time, in this way unpredictably opening and collapsing niches that other nascent authorities, including vigilantes, might seek to occupy. The chapter then offers a detailed case study of one vigilante group, highlighting the strategies they used to claim control over their community and constituents, as well as how unpredictable and violent state intervention thwarted their ability to do so meaningfully. The chapter analyses this evidence to show how arbitrary governance allows Uganda's ruling regime to maintain its position as the most important authority in an environment of multiple and competing violent actors.

1. Fragility in the Interstices of State and Society

Broadly speaking, existing literature supposes an observable relationship between a governing authority's form and function that emerges as the authority institutionalizes and lays claim to a given jurisdiction. This assumption is based on the premise that governance actors tend toward an ideal type that maximizes resource extraction and minimizes associated costs. However, in practice there can be a mismatch between form and function. Despite adopting objects and symbols of authority, such as ID cards, professional titles, and by-laws, Uganda's vigilante groups maintain only a tenuous claim to authority. As often as community members praise vigilantes, they criticize them, using the terms 'crime preventer' and 'crime promoter' almost interchangeably. This section examines vigilante groups in their local communities to show how such groups' institutional form is disconnected from their function. The chapter argues that this results from the Ugandan state's unpredictable assertions and denials of its jurisdictional authority.

Vigilantes sit in an uncomfortable position between the Ugandan state and local communities. When crime is high, government authorities—like the RDC or the DPC—often call on communities to organize local youth into a vigilante group. With the guidance of the local council chairman (LC1), the vigilantes are tasked with managing crime on a daily basis and liaising with the police when they need assistance. However, the role for vigilantes is poorly defined. They are prohibited from taking the law into their own hands, yet they are formed with the mandate to police their communities. State authorities and community members often ask them, implicitly or explicitly, to go beyond these duties and act as judge, jury, and executioner. Operating in this grey area, their activities can be framed as licit or illicit. Although vigilante groups are framed as local responses to

local problems—at times deemed ‘too local’ to merit the attention of higher authorities—the government retains the right to intervene in their activities, frequently arresting vigilantes for overstepping their mandate. At other times, state authorities allow vigilante groups to operate unfettered. As one sub-county administrator said, ‘The government of Uganda leaves space for such things [vigilante groups] to exist’ (Sub-county authority, Lira, 4 November 2014).

Such groups take a variety of forms, from quasi-criminal organizations that extract communal resources for private gain to more bureaucratic bodies that intervene in a range of governance issues and enforce community rules. Some vigilante groups have formal procedures for detention, trial, and judgment. Others mobilize in seemingly spontaneous acts that resemble mob justice; in my interviews, some respondents compared such acts to ‘natural disasters’ in their degree of unpredictability. Some groups oscillate between differing modes, becoming more active and organized when their services are needed and lapsing when the security situation improves.

Respondents in Gulu often described contemporary security groups as a response to insecurities resulting from the regime’s conflict with the LRA and forced displacement to internally displaced persons’ camps. One government security officer explained:

When we moved from the camp back home, there were a lot of challenges regarding security. When people were in camp, some youth never had time to attain education. The majority of those youth became jobless; many were sitting redundant, doing no work. They need a lot of things in life: phones, go for this disco, some even smoke and drink, running girls up and down. Movement on *boda boda* [motorcycle taxi] . . . Even going to saloon [for haircuts], playing cards, those things need money. But where do you get the money from? Many don’t go through proper channels. So they became security problems. Of course, there should be an answer to it. The answer is the youth group, the Crime Preventers, and the rest of it. (Internal security officer, Gulu, 18 November 2014)

The loss of moral order due to camp life and the subsequent need to police wrongdoers stands out in this account. Many people also emphasized that social norms were weakened after the war, creating particular challenges. One 63-year-old woman reflected: ‘[During the war] cultural practices went into limbo. It [cultural practice] was the only way we, the elders had to discipline the children . . . the children do not listen to us the elders. If they did, some of the situation [crime and moral decay] would have been contained by today’ (63-year-old woman, Gulu, 11 November 2014). Another respondent, a 28-year-old male, explained that their group was formed in part to manage insecurity after the conflict: ‘In the community, we had people of all different kinds. Near the barracks there were prostitutes looking for money, soldiers who were murdered when people hit them on the

head with bottles... The LC1 said, "What can we do?" (28-year-old male vigilante, Gulu, 27 February 2014). These comments highlight the perceived need to manage, discipline, and control behaviour to establish a good living environment. Holly Porter (2017) has described this as 'social harmony', while Sverker Finnström (2008) writes about *piny maber* or 'good surroundings'. Both concur that for Acholi, peace and security are communal, requiring the protection of a hierarchal, patriarchal, and gerontocratic society in which spiritual order is paramount.

Despite the narrative of vigilantes as a response to post-war social chaos, such groups existed long before the war and displacement. Some dated the origins of vigilante groups to the NRM's Resistance Councils and their associated LDUs; others to the earlier reign of Obote II and the system of *mayumba kumi* in which every 'ten households' constituted a self-policing cell (see also B. Jones 2009, 78–9). Framing local vigilantes as a part of post-conflict reconstruction emphasizes their role in reinstating correct social orders that existed 'before' and shows how communities tie the groups' activities to local values. Such informal and local approaches to security are often regressive, reinforcing conservative orders rather than progressive or liberal norms (Allen 1997; Little and Sheffield 1983).

These vigilante groups often establish rules for their own internal functioning as well as formal positions with designated roles, although titles may be idiosyncratic. A two-man security team of an LC1 in Lira District consisted of a 'corporal' and a 'brigadier', another group in Gulu had a 'whip master',³ and many more have a president, vice-president, secretary, and treasurer. Positions are often determined internally, and by formal vote, after members have been selected. One group elaborated the unwritten rules for their work:

- Show maximum respect to the community and the Office [of the LC1].
- No theft.
- No overdrinking.
- No bribery.
- No gambling.
- No smoking.

While in practice vigilantes frequently disobey such rules, their content reflects the view that vigilantes' authority rests on moral conduct. Many communities seek to recruit the most upstanding and virtuous youth in the village. However, some take

³ The 'whip master' was formally tasked with caning suspects. The group created the position based on the logic that designating one individual to do so would help regulate the use of violence. However, the position was vacant at the time of my interview. Its occupant had been removed from the group after being accused of incest.

the opposite approach and intentionally select wrong-doers whom they hope to reform and persuade to report other criminals.

We selected those who are very stubborn—those who smoke—because they know who is doing bad things. An example was a boy who was arrested—those who were in the group turned him in. He was selling marijuana. The boy denied his involvement. But the policeman was smelling it, and then he saw it on top of the latrine. They then took the boy to the police. Later, he was released. He is still continuing that [security] work up until now.

(LC1 chairman, Gulu, 17 October 2014)

Incorporating criminals into vigilante groups can serve contradictory purposes, both allowing communities to keep a close watch on problem-causers while at times providing them with new opportunities to commit crimes.

Vigilante groups often enforce village-level by-laws. These by-laws, whether written or unwritten, are usually made by the local council and approved at a community meeting. Common by-laws stipulate that women should not engage in sex work, that children should attend school and be prohibited from entering dance halls, and that witchcraft and wizardry, as well as fighting and theft, are unlawful. By-laws also impose social regulations, such as limiting hours for selling alcohol or banning drugs and gambling. Some also specify punishments, such as a specific fine or number of cane strokes depending on the infraction and the offender.⁴ An LC1 narrated from memory a set of rules that reflected a desired social order:

[The by-laws] included community roads—if you don't show up to dig, then we take a chicken from your house, sell it, and share the proceeds among those who did the work. Also, you must pay 5,000 shillings if you don't send your children to school; there is no walking after 10pm until morning; no playing music loudly; no unnecessary fighting of housewives; and no over-drinking or shouting. Also, under my leadership, I decided everyone must have one full garden for cassava, because that is our staple food. There is no playing of cards, and no sitting around in the morning drinking [alcohol]. (LC1 chairman, Lira, 7 November 2014)

By-laws are supposed to be approved at the sub-county level, where they can be checked for accordance with Uganda's Constitution and be stamped by the LC3. In practice, by-laws are often not formally recorded and can be difficult to access.⁵

⁴ Some by-laws give more lenient corporal punishment to the young, the elderly, and the infirm.

⁵ In several cases when I requested to see a community's local by-laws, respondents either informed me that they were unwritten, or showed me a book of minutes from the local council with a haphazard and annotated handwritten list of by-laws. It seems unlikely that the specifics of these rules are known

A major focus for vigilantes—not only in Gulu, but also in my other research sites—was deterring theft of livestock. One community member narrated the activities of the vigilante group in his area.

I can remember in October 2013 around 11:00 in the night when the security group arrested three people moving with herds of cattle towards Gulu Town. When the security group asked the people for a permission letter from their area of origin, they couldn't produce it... [t]he security group detained the cattle and told the people to come for the animals the following day. The three people reported [in the morning], but the real owner of the cattle was already informed so when he came he was ordered to wait for the [others]. As the three people reached the LC1, the security group and the few community members were there. It was ruled that the three people were thieves and they were forwarded to the police. I don't know what transpired from there.

(Community member, Gulu, 31 October 2014)

This vignette reflects many that I heard in the course of my research, with vigilantes conducting night patrols, detaining stolen property, and helping adjudicate cases the following morning. It further reveals that vigilantes function as both security and governance actors—investigation, arrest, detention, charge, hearing, judgment, sentencing, and punishment often blend together.

Central state officials and locals alike often expect communities to handle problems at a village level. Common examples include petty theft, fighting, and witchcraft. A lawyer explained: 'You know, there are also those events you can handle on your own, not everything has to be forwarded to the police. You can provide instant justice, immediately. Especially for juveniles, because they are never treated by the police' (Lawyer, Gulu, 1 March 2014). Negotiating the discrepancies between community norms and state policies is a difficult element of local security work, and part of what makes vigilantes' positions so fragile. For example, in Gulu, the punishments for repeated acts of witchcraft are either exile from the community or mob violence. The same local punishments are standard for repeated acts of theft.⁶ However, mob violence is illegal in Uganda. Similarly, though witchcraft is outlawed under the Witchcraft Act of 1957, a constitutional petition in 1997 specified that offenders cannot be banished from their communities (New Vision 2011). Vigilantes are thus often expected to enforce local orders that have no basis in law. These instances illustrate the difficult position

throughout the community. Their relative informality indicates some flexibility in their application, as well as the fact that they reflect common norms.

⁶ Also see Suzette Heald's research (1986) on how Gisu of eastern Uganda understood witchcraft and theft as similarly deviant.

vigilantes inhabit between state and society, lacking sufficient power to impose their will on either.

1.1 The Limits of Violent Entrepreneurship under an Arbitrary State

While vigilantes use force to bolster their authority and extract resources from the community, they are unable to regularize these practices because state actors frequently detain, fine, and arrest them. These interventions undermine vigilantes' authority, fragmenting their organization and depleting their resource base. Thus, though vigilante groups continually try to consolidate power and extract resources, they do not mature into the kind of protection racket that Olson described. A closer look at the interplay between violence and resource extraction highlights the limits of violent entrepreneurship under an arbitrary state.

Vigilante groups enforce local by-laws by detaining and punishing those deemed suspects or criminals. Often, they conduct this work at night when criminals are believed to be most active. Various respondents described how vigilantes would require male 'suspects' to remove their shirt and shoes and sit by the side of the road. While some groups marched suspects to the nearest police post for detention, others locked them in a hut overnight, or detained them at the home of the LC1, who would determine their guilt or innocence in the morning. Still others required detainees to patrol with the group until morning, when they would take them to the LC1's home for judgment. Those who were detained often did not have a proper coat or shoes, and thus spent an uncomfortable night walking around in the dark as a captive. In this way, detention could serve as its own type of punishment. Many explained that judgment was better done 'in the light' and in front of the community to protect the vigilantes from suspicion of wrong-doing. Although the legality of detaining a fellow civilian is questionable, one local authority explained:

In some places farther away, the groups do sometimes detain people—but in a way this is good for the police too. How can the police go 50km in one night? So as long as they are delivered in the morning, it is a favour to the police as well.

(Community policing forum chairman, Gulu, 6 October 2014)

Because vigilantes are unpaid, respondents noted, they were difficult to motivate and often turned to theft themselves, leading to high turnover in group membership. One secretary in a vigilante group explained: 'Most members are not very happy because there is no [financial] motivation. To keep them in the group, I tell them, "If you leave, who will do security? You never know, you might be promoted, and become someone different"' (Vigilante, Gulu, 14 October

2014). Some communities attempted to address this situation by collecting donations, usually between 500 and 1,000 shillings per month per household (0.17 to 0.33 US dollars). However, collections were rarely sustained. I only came across one such effort that reportedly lasted more than several collection cycles; often vigilantes recalled with resentment their community's unfulfilled promises to support them. One vigilante explained another challenge of receiving contributions from community members, and their group's solution:

We don't accept [money] from the community [anymore]. We [found that] people who contributed also made mistakes—so when we would come to arrest them, they would start abusing us, saying that 'What are you doing trying to arrest me when I am supporting you?' This happened about four times. Instead, we get appreciation from people who are taken before the LC—there is a 5,000-shilling tax, and we save it. We use the savings as a ROSCA [rotating savings and credit association], with a 10 per cent interest rate. The loan must be returned within a month. This is good, because before, our wives were complaining, saying, 'You're not being paid, why don't you stay home?' But the wives can use the money for small loans and make some income.

(28-year-old male vigilante, Gulu, 10 October 2014)

In many cases, the complainant is expected to pay a small fee to the vigilantes and local authorities who intervened in the case, typically ranging from 2,000 to 3,000 shillings—or 0.67 to 1 US dollars. This 'appreciation' can be used to buy phone credit or hire a motorcycle taxi to transport a suspect to the police. Although community members are frequently unwilling to provide for the groups themselves, they also lament the lack of support and propose other possible funding sources, including NGOs, government training programmes, and donations from as-yet-unidentified western patrons.

Vigilantes frequently find themselves on the wrong side of the law. In a survey of 41 vigilantes conducted in Gulu Town, 65 per cent reported that they had been arrested at least once, almost always for excessive use of violence. Many vigilantes find this disheartening, as they were arrested for the very activity they were recruited to perform. One former security group member explained that since his arrest, he no longer wanted to work in informal security 'because when a problem comes, you'll have to face it alone. I came into bad things from that thing before, so I'd rather not do it. The Women Councillor Five and the LC3 came to try to convince me to join [crime preventers], and I refused' (Former male vigilante, Gulu, 15 September 2015). The very act of extracting resources—a principle aspect of consolidating governing power—threatens to place vigilantes in a criminal category.

The police and military at times patrol with vigilantes. In this role, vigilantes bolster the police force's numbers, help state security actors identify wrong-doers,

and locate ‘blackspots’ where they reside. Vigilantes explained that conducting night patrols with police gave them access to firearms—a step up from their typical sticks, batons, and ropes (see Figure 5.1). A few groups reportedly carried bow and arrows or machetes. One vigilante explained: ‘There is no order that crime preventers should hold a gun. Even handcuffs, it could take many years before you handle that thing. When you do the night patrol, there will be a police officer with a firearm on the vehicle’ (Vigilante, Gulu, 7 February 2016). Weapons are protected as tools of state security actors. Access to them must be earned through demonstrations of loyalty, association with state security, or back channels.

Vigilantes expressed apprehension about run-ins with wrong-doers who might be armed. One LC1 colourfully described the risks that the group in his village faced:

[T]he [two] night[s] when the police were patrolling with the group, there were a number of people going by on motorcycles who would not stop [for the roadblock]—they almost knocked the police. If people going by don’t even fear the police with guns, what chance do we have against them? At that time, I told



Fig. 5.1 Two batons used during night patrols; the one on the right is broken from beating a suspect

Source: Photo by Rebecca Tapscott, Gulu, 2015

the youths not to patrol anymore . . . A person who comes from far away to kill without a gun might be having something different or be a trained person. They might have different kinds of weapons like a 'spring knife'. What would the government do? You'll just die alone. (LC1 chairman, Gulu, 8 October 2014)

Patrolling *with* the police has the added benefit of not getting arrested or hassled *by* the police: many security group members explained that without identification cards or other credentials they were at risk of being categorized as wrong-doers. To avoid this problem, one group made its own laminated identification cards, while others carried letters from the LC1. Such tactics resemble those documented in other studies, where vigilante groups make claims to authority by adopting the symbols, rhetoric, and institutional forms of public authority, such as uniforms, ID cards, rules of procedure, or formal titles (Lund 2006a). State actors' ability to reframe the role and jurisdiction of security group members at a moment's notice suggests an additional explanation for local vigilantes' efforts to collect material symbols of authority: uniforms and ID cards offer hard evidence of their remit that cannot be denied as easily as verbal agreements.

Vigilantes therefore play a variety of roles, inhabiting an ambiguous space between the central government and local communities. However, unlike Olson's thriving gangs and Blok's mafia, these groups remain precarious. While they adopt common approaches to institutionalizing local control, the regime stymies these efforts in several ways. The groups' access to violence is marginal compared to that of state actors, and thus they are unable to reliably extract resources from the state or society. Moreover, their tenuous claim to authority over a community is made fragile as state authorities grant and rescind it repeatedly and unpredictably. Finally, their ability to organize is compromised by membership that constantly fluctuates due to poor pay, bad working conditions, and unpredictable state intervention. The following section offers a case study of one such vigilante group in Gulu Town to further develop these themes.

2. Crime Preventer or Crime Promoter? Committing Grievous Harm in Pakure

Vigilante groups in Uganda virtually all experience tensions with other governing authorities, most notably state authorities. The details of these processes help illuminate how the state's arrhythmic assertions and denials of jurisdictional authority undermine nascent public authorities. One such case—which occurred in a peri-urban village that I call 'Pakure' in Gulu Municipality—illustrates both the efforts of vigilante groups to consolidate authority and how fluid jurisdictional claims rendered these efforts futile. The case also demonstrates how pervasive and potentially lethal violence, both by state authorities and in the absence of them,

raises the stakes of vigilantes' actions and inactions. As a key outcome of these dynamics, the state looms large in the imagination of ordinary citizens.

The vigilante group in Pakure was formed in October 2013 to address what members of the community describe as an upswing in crime when civilians returned to their homes from internally displaced persons' camps around 2008. The origins of the group were disputed, with several respondents, including community members, the LC1, and the RDC claiming credit for initiating the group as a means to fight crime. All respondents described high demand for security services and low supply, emphasizing that the police were unreliable because they were under-resourced, understaffed, and corrupt. Police had been relatively absent from the north during the LRA conflict and had only recently begun to re-establish their presence. The RDC held a meeting with this village and neighbouring ones to address the insecurity. One LC1 chairman who was in attendance recalled:

The RDC came to [our] village and said, 'I know you can protect yourselves by yourselves. Local people know the bad boys and the good among themselves. If the community can accept it, I would ask for 10 boys to volunteer [to form a security group].' The RDC then could give authority for the patrol and to enforce the by-laws. (LC1 chairman, village neighbouring Pakure, 4 March 2014)

Another security group member described the meeting more colourfully: 'The RDC said, 'Just kill two or three thieves and then it will be calm. It will give them [the criminals] fear.' It was that night that we started formally with the approval of the RDC' (Vigilante, village neighbouring Pakure, 14 February 2014). The LC1 nominated 10 young men to form the group; the community approved them at a village security meeting. The vigilantes worked under the guidance of a local politician who was a councillor on the LC3 committee. The LC1 and LC3 councillors explained that they selected young men of good moral character who were known to the community. The youth themselves linked their mandate to community values.

we started the process of community wellbeing in this village of ours and it was the community that had put trust in me who is talking right now. We have come with an idea that we as youths of this village should give a helping hand to the community of the village as we work according to the by-laws that we have written down.

(Chairman of local security group at a community meeting,
Pakure, 15 February 2014)

They began to patrol at night, sometimes with the police and sometimes independently, enforcing village by-laws. A local political leader reported that these

by-laws were approved by the sub-county and reviewed by lawyers for accordance with the Ugandan Constitution. The vigilantes reportedly used code words to protect the confidentiality of their operations and keep secrets within the group:

[During this time, how many times would you conduct night patrols per night?]

This was kept confidential. It was within the members themselves. For better security and confidentiality, their communications were encrypted with passwords. This was to keep the group alert at all times. There was also hierarchy during the patrol; no one worked independently.

(Local politician, Gulu, 10 November 2014)

The vigilantes were eager to collect symbols of authority. They set up formalized positions, including president, vice-president, secretary, and ‘whip-master’, an individual who was tasked with doling out corporal punishment. The group requested funding for boots, rain jackets, and the like from district and local authorities; however, they had no uniforms or material form of identification. According to those in attendance, when the RDC announced his support for the security group’s work at the community meeting in November 2013, he also promised training; however, it was delayed due to a lack of funds. The absence of uniforms, training, and formal authorization was a sore point with the LC1, who described waiting on unfulfilled promises.

The local leader guiding the group also emphasized security as a necessary component of economic development, highlighting the relationship between violence and poverty. He offered an example of the group’s early work:

the truth is that in any community ... [if] everything is destroyed, there will be no development. For example, maybe you pile your timbers to make a roof, whereby you find that the timbers are being stolen. Like these whites came here [referring to an American family who moved into the community] ... For us, we welcomed them, because we saw that they will change [develop] our community. But shortly after they joined us, their solar panel was stolen.

(Local politician, Gulu, 10 November 2014)

In a later interview, he added that he and the vigilantes were able to repossess the solar panels by using their knowledge of the ‘members of the community and their activities ... [to] engage the suspects I knew; and just within a few hours they started revealing what they knew’ (Local politician, Gulu, 3 February 2016).

Although community members generally concurred that it was a good idea to start a security group, there were also complaints about the group’s activities. Within a few months of commencing operation, the group was implicated in an act of mob violence in which a local thief was killed. Some saw this as an initiation: a way of communicating the group’s power, access to violence, and impunity. The

group also beat women who wore revealing clothing and confiscated *waragi* (local brew) from drunkards and sellers operating without licenses. The group faced numerous accusations of wrong-doing, including harassment, theft, and corruption. Below are a series of complaints posed during a public community meeting in February 2014:

I would like to talk on an issue that concerns a report I received from one of the boys . . . who was beaten by some of the security boys from this village. He has a fractured arm, which happened if not yesterday then the day before. I advise the security organ from the village that they should look for another house whereby they can detain a wrong-doer for a few hours. In the morning, they will see what to do. Not everyone who moves at night is a wrong-doer.

(Community member 1 at village security meeting,
Pakure, 15 February 2014)

Another community member complained that vigilantes were using their positions to carry out personal vendettas.

I stand firm to say that beating people doesn't solve any problem because you might cause a permanent injury to someone and later you stand to be blamed . . . More so, it could be that the security personnel could have had quarrels with someone. Security should not take advantage of being in control of the night. On meeting the enemy, he might want to take revenge.

(Community member 2 at village security meeting,
Pakure, 15 February 2014)

This quote concludes with meaningful ambiguity: whether it is the vigilante or his enemy who 'might want to take revenge' on the other, the speaker cautioned that one malicious act can spawn further violence. Another community member presented tentative evidence that the group lacked local legitimacy:

The money that is contributed from about 600 households [to support the group's work] should have been about 600,000 shillings, but the money contributed is only about 100,000 shillings. Therefore, there is something wrong somewhere and somehow. It could be that the community members are looking at something wrong that they can't talk about, so they resort by not paying the money.

(Community member 3 at village security meeting, Pakure, 15 February 2014)

The LC3 councillor who worked closely with the group estimated they had made at least 80 'arrests' in relation to various crimes during this period (Local leader, Pakure, 10 November 2014). Around the same time, on 7 February 2014, the police spokesperson for Aswa Region, which includes

Pakure, wrote a memo to all the LC3 councillors asking them to sensitize communities on the Uganda Police Force's community policing programmes. The letter explains:

The UPF [Uganda Police Force] is now a pro-active force unlike those days where you would find police officers waiting for cases to be brought to them. Now it's the opposite we are so much engaged in community policing where we talk to the public, sensitize and let them know that fighting crimes is a collective responsibility, it should not be left to police alone since wrong doers live/stay within our communities hence we should make them aware that their involvement into crime reductions is one way of weeding out such people such that peace harmony and security prevails in your division.

(Letter from Aswa regional police spokesperson to LC3 chairman dated 7 February 2014; on file with author)

The letter urges action on the part of community members and also requests citizens 'to move with the Police during...sensitization programs'. However, it does not note any limits on this collective responsibility, thereby leaving ambiguous the extent to which citizens are encouraged to take law enforcement into their own hands.

Vigilante groups sometimes engage in local politicking though their role is ambiguous as different actors seek to leverage them, whether to increase their local popularity or to intimidate voters. One local politician explained that the vigilante group in his community was preventing political hopefuls from competing, while at the same time trying to gain popularity with the community for being tough on crime:

[They are] telling people, 'We are protecting you. So you have to hurry behind us. It is so-and-so who is not with us—who is frustrating the effort we have brought [to keep security].' They incite people against leaders. In the meantime, they want to achieve their goal of 2016.

(Community member and local politician, Pakure,
18 September 2014)

For their part, the vigilantes accused their detractors of being wrong-doers who were threatened by the tightening of security. The same local politician also recounted that the vigilante group's instigator—the LC3 councillor who was, at that time, a member of the opposition—intended to join the NRM. The respondent suggested that the councillor hoped to gain political support from the RDC, which would help him to intimidate the local community into electing him: 'The RDC is being used. The councillors, those who have ambition to stand in 2016, they want to use the state organ to intimidate people' (Community member and

local politician, Pakure, 18 September 2014). The respondent's comments reflect a link between political power and access to violence—community members also reported that the vigilantes invoked the RDC's go-ahead to justify corporal punishment, thus linking their work and mandate to authority granted by the president's office.

Political party affiliation also enters into the dynamics of vigilante groups, though at times in unexpected ways. For example, a respondent recalled a situation in which he sought to report local vigilantes to the police for assaulting community members. 'They [the vigilantes] were quarrelling that I might be bought. [They said that] maybe [I had been hired] to attack opposition. But I said, there is nothing political in that thing' (Community member, Pakure, 25 November 2014). The respondent argued that the vigilantes made the spurious claim that they were being persecuted as members of the opposition, as a way to delegitimize him and his accusations. As another example, the LC3 councillor who worked with the security group explained in an interview that he had initially joined the opposition

Because at that time, it was very difficult to win politics in the ruling party. You can shout, you can pour money... no one will listen. That's why I went to that camp. Just to pass. When I was in [opposition], I voted for the president anyway—I did not even vote for my party head. Because it was difficult to say, 'I'm NRM.' (LC3 councillor, Pakure, 11 November 2014)

He was later prevented from standing as an opposition candidate because of his support for the president, and thus he opted to change political parties. Two years later, shortly before the 2016 general election, he reflected,

Parties cannot make any change... The power they [the government] give to parties is too little. Some presidential candidates have not even come here [to the north] because it is the government to give the car and the money and the police escort [for them to travel]. If the police tell you, 'You're not going there,' you have no choice... [political affiliation] is like a school uniform. It doesn't matter which stream you are in, you all wear the same uniform and take the same exam.

(LC3 councillor, Pakure, 3 February 2016)

The councillor's comments show how the government's control over resources and violence causes citizens to fall into line. Party affiliation is thus often a strategic calculation.

Shortly after the community security meeting, the police arrested and detained four vigilantes, including the group's chairman and secretary, on counts of malicious damage and grievous harm. Accounts of the group's violence are graphic. One victim described being pinned down by at least two vigilantes and

beaten with chains until he could not walk the 20 meters to his house. A resident of the village explained that he witnessed vigilantes detaining and beating a man; he continued to watch so that he could report the act if the man died. One complainant reported violent intimidation, death threats, and the looting of his workplace; as a result, he decided to leave Gulu. A journalist commented:

[T]he group in [Pakure] has turned from being a security group more to being organised criminals. If they arrest someone they don't know, they are supposed to hold them or ask them questions or turn them over to the police. Now, instead, they are actually doing the work of the police, deciding on the punishment, fining, and beating. (Journalist, Gulu, 29 February 2014)

In defence of the vigilantes, the LC1 noted their lack of training and the government's deferred responsibilities, stating: 'In my view, the RDC started the programme without a plan. The group needs training and identification, like raincoats with reflectors... Not giving training or support is like making these boys commit suicide—they did not know the law, which is why they are in prison now' (LC1 chairman, Pakure, 4 March 2014). In this case and similar ones, complainants and government authorities described vigilantes as crossing the line between acceptable and excessive use of force. They gave varying explanations—perhaps the group members were acting out of greed, or for political or personal ends. The vigilantes maintain that they were trying to prevent crime:

You know this programme has obstructed [the complainants] from stealing, over-drinking, smoking opiums, or beating or raping young people on the way... What I think, those who reported those cases... want us to be there in prison. They want us to suffer and to let them continue with what they were doing.

(Former member of security group, Pakure, 30 November 2014)

Others claimed that the accusations against the group were politically motivated, arguing that those who opposed the group wanted to undermine a successful community programme so the LC3 councillor could not claim credit for improving local welfare and security.

Despite their protestations, the four vigilantes were arrested, charged, and held for one month on remand. The LC3 councillor who had been directing them fled the area, only to return six months later after two of the three charges had been dismissed. The accused group members paid their own bail of nearly 500 US dollars each. Several community members went to the RDC to argue in favour of the vigilantes, to no avail. Otherwise, the accused were left to manage detention and arrest on their own. The LC1 responded by distancing himself from the group:

In the process of executing their duties as the security group, they went astray and they had to face the law as individuals. The by-law is very clear on the roles of the security group . . . All along they did this without the knowledge of the LC1 of the area. The police, who should have been the better guide for them, sometimes also took them to other areas above their jurisdiction . . . The arrest of these people reduced the morale and trust of the community members.

(LC1 chairman, Pakure, 11 November 2014)

According to a 28-year-old male community member who had multiple altercations with the group, the RDC also disowned them:

[T]he RDC himself was called and he denied it and said that he didn't know that group. Some people called him, even those radio stations and the big people in the district, even the LC5 called the RDC . . . The RDC had to deny it. There was no proof even to show that he was working with them. But he was working with them. There was no evidence, like an ID he had given them, and so on.

(Community member, Pakure, 25 November 2014)

It was rumoured that the officer in charge at the nearby police post had told the group to work independently of the police on numerous occasions. He was reportedly transferred around this time.

In September 2014, one charge against the group was referred back to the community to be resolved by the LC1. The LC1 failed to mobilize the relevant parties and, as a result, arbitration was unsuccessful. By October 2015, the two other charges had been dismissed due to the absence of the state prosecutor and complainants in court. According to former members of the security group, a newly appointed RDC subsequently returned to the village to encourage the youth to join the government's Crime Preventer programme. One of the accused vigilantes elaborated that the RDC had summoned them to her office where she apologized for their arrest and detention and invited them to join the Crime Preventer training. Several community members explained that while the security group used to have problems, they had become 'more organised'. Indeed, anecdotally, the punishments that other group members administered became less severe after the arrest.

The vigilantes who had been arrested declined Crime Preventer training and stopped patrolling. The LC3 chairman who had led the group lost his political position due to absenteeism and did not run in the 2016 elections. Other security groups continued to work in the community, for instance, carrying out corporal punishment on behalf of the LC1. Additionally, residents of Pakure continued to work with security groups in neighbouring villages, and the government recruited crime preventers in the area.

This case is reminiscent of the fate of many security groups I encountered during my research. Such groups are formed in an *ad hoc* manner to address an

immediate security need, typically with the explicit blessing of district-level authorities. Their daily management takes the form of irregular relationships with and oversight by local politicians, community members, and police officers. But, whenever their activities come to the attention of authorities outside the village, local authorities disavow them. These vigilante groups both contribute to a fragmented and unpredictable security and governance environment, and themselves are subject to it. As such, they offer a small window into the functioning of arbitrary governance in Uganda, and how it occurs through ongoing struggles for control between national and local actors.

3. Arbitrary Governance and the Fragmentation of Local Authority

The Pakure case illuminates several aspects of arbitrary governance, in particular highlighting how the state's changing jurisdictional claims undermine security groups in their efforts to consolidate local authority. The case illustrates the LC3 councillor's attempt to organize violence under his control with the stated desire of building political support. His comments and those of community members suggest that, much like the criminal gangs in Olson's story, the LC3 councillor sought to use his access to violence to get constituents to 'hurry' behind him. However, these efforts were unsuccessful. State actors intervened to arrest and detain the vigilantes, thus halting the group's consolidation of power. Because the arrest and its aftermath mostly occurred in a liminal space where legal processes and sanction were threatened but never actually applied, it left little scope for the vigilantes and the LC3 councillor to strategize a response. Instead, the state's arbitrary and violent intervention in an environment of institutional fragmentation undercut the group's nascent authority. This case thus offers insight into how state authorities change their jurisdictional claims over space, time, and people, and further how this limits the ability of other actors to consolidate power autonomously from the state.

3.1 Shifting Jurisdictional Claims: Creating and Collapsing the Interstices

This case highlights multiple authorities' shifting jurisdictional claims. In particular, state actors variously redefined jurisdictional claims over both space and subject matter. For instance, sometimes the village was defined as outside the purview of the state, divesting state authorities of responsibility for village goings-on. At other times, the village was defined as under state jurisdiction, giving state authorities the right and responsibility to intervene and regulate behaviour. For

example, in the first village security meeting, the RDC reportedly instructed the local authorities to form a security group and ‘kill two or three thieves’, thereby explicitly giving the group authority to use violence to police their community and implicitly defining the community as outside the state’s jurisdiction. But later the police arrested and charged security group members with assault and destruction of property, thereby reasserting state authority over the village. Then the magistrates’ court returned the case to the community, again redefining issues of assault and property damage as local problems better solved at home.⁷ For their part, the security group also tried to manipulate jurisdictional claims to their advantage. The group asserted its authority to implement by-laws including a curfew, fines, and corporal punishment. At the same time, vigilantes used the police as an outside jurisdiction where they could leave suspects at the end of a night of patrolling, thereby divesting themselves of further responsibility.

Local security actors—including vigilantes, police, local administrators, and politicians—recognize the fluidity of jurisdictional claims. Payments to the police can be understood alternately as appreciation or as a bribe; IDs can be legitimate because they were granted by a local authority or counterfeit because they were not mandated by the central state; lynching a thief is a reasonable way to deter future crime as well as the most serious criminal offence. The police have authority over a given jurisdiction in a formalized, documented, and stable way; vigilantes in an informal, undocumented, and fluid way. Thus, government-issued IDs, uniforms, and certificates not only bolster claims to authority, but also help stabilize a vigilante group’s jurisdiction. In this case, the group’s best efforts to claim authority over a given jurisdiction through the adoption of symbolic and material representations of the state were still insufficient in the face of the government’s superior access to violence.

Respondents in my study were clearly aware of how authorities change the rules of the game, noting that they were obliged to support state security personnel when called, while recognizing that no government official or police officer would formally recognize groups they could not monitor or control. Indeed, some government officials framed security groups as local responses to local problems, efforts so informal that they did not merit the attention of a researcher such as myself (Community development officer, Lira, 5 November 2014). In this way, sub-county and district officials also construct the local as outside state jurisdiction. Their disavowals place vigilante groups in a precarious situation. Vigilante groups are established under the aegis of the government to handle the village domain. In this capacity, they strive to gather threads of authority in a delimited space (the village). But then, at uncertain times, state authorities such as the police

⁷ Some types of crimes are more likely to be considered local concerns than others. For example, in northern Uganda, Holly Porter writes about how sexual crimes are typically addressed *gang gang* or ‘down home’ by relatives like respected elders or kinship-based authorities (Porter 2015, 309–34).

intervene, making the village a public space subject to state sanction. Vigilantes are arrested, humiliated, and receive burdensome fines, thereby stripping them of whatever authority they may have accrued.

In an environment where the state unpredictably asserts and denies its authority, thus destabilizing jurisdictional remits, claim making on the state or other authorities becomes increasingly arduous. Such authorities can simply shift the terrain to justify ignoring the claim, or to legitimate intervention on behalf of either the complainant or the accused. There is an ever present possibility that the government can redefine its jurisdiction at any point in time—often with costly ramifications.

3.2 Unpredictable Authority in a Fragmented and Competing Governance Environment

Throughout the Pakure case, numerous authorities exercised control over aspects of the vigilantes' behaviour. Perhaps most notable was the LC3 councillor, who took responsibility for the group, gave directives, and patrolled with them. However, the LC1 also promoted the group, developing by-laws for them to enforce and championing their work until they were arrested. Community members attempted to use their local security meeting as a forum to exercise control over the group, illustrating the potential disciplining role of 'the community'. The police exercised their authority both when they patrolled with the security group and when they later arrested group members. The magistrates' court intervened when cases were opened against group members. The RDC was also a key source of authority; he gave local leaders permission to form the group and served as a justificatory reference point for the group's actions. But the next RDC implemented a different set of rules for local security groups, thereby introducing another dimension of unpredictability into this institutionally fragmented environment. Executive changes in appointed positions can occur at any time and bring with them unpredictable changes in policy and programme implementation. Even the office of the president was invoked as a pertinent authority when the group attempted to claim the right to intervene in their community. The relevance of an array of actors—from local to national and including centrally appointed and elected officials as well as community members—reflects a fragmented governance environment.

Institutional fragmentation has two relevant consequences. First, each different authority and its institutional settings use different rules, thereby contributing to uncertainty. For example, the community evaluated the security group based on local moral orders. The LC3 councillor employed a personalized logic based on consolidating political power. The court, which managed the accusations against the vigilantes, applied legal processes which meant the cases were never heard due

to absent witnesses and insufficient evidence. Though the accused had to attend court an estimated 10 times to avoid being held in contempt and returned to detention, the court never formally resolved their cases. Moreover, the complaints, complainants, and accused were shifted among these different authorities. For example, the complainants in this case appealed to the police to rein in the security group, thereby shifting the vigilantes from the jurisdiction of the LC3 councillor to that of the police and the magistrates' court. Later, when the court sent the case back to the community, it placed the group back under local jurisdiction. The community sought to put the vigilantes under the jurisdiction of the RDC, though the RDC denied authority over the matter. Because each system employs a different set of rules, being passed among them further deterred the vigilantes' ability to anticipate what rules would be relevant, thereby preventing them from strategic negotiations that could have protected their nascent authority.

Second, institutional fragmentation can indicate successful governance, rather than its failure. Many studies on institutional plurality—or 'multiplicity' (Goodfellow and Lindemann 2013)—understand the presence of competing institutions as part of a transitional period in which externally implemented formal state authority clashes with previously existing local authorities. However, my study suggests that the existence of many competing, low-level authorities could be a sustainable and desired outcome for a regime because, under the overarching authority of the state, no other actor is able to gain meaningful control over any jurisdiction. This might be visualized as a kind of umbrella that protects and even encourages a complex, contradictory, and competitive environment where countless low-level authorities can thrive. A fluid state jurisdiction allows the regime to outsource many of the day-to-day tasks of security and governance provision without ceding authority to autonomous agents.

3.3 A Violent State and the Imposition of High Stakes

State actors' unpredictable assertions and denials of jurisdictional authority are meaningful because they are backed by coercive force. For example, in the Pakure case, the police were able to arrest, detain, and extract large fines from security group members because they could threaten arbitrary detention without options for recourse. The case also illustrates how state actors allow exceptional violence and lawful violence to meld. The police arrested the vigilantes lawfully, based on community member complaints that led to charges of grievous harm and malicious damage to property. However, the vigilantes experienced the justice system as pre-trial detention and repeatedly set and delayed court dates. The cases against them were never heard. The exercise of state power occurred largely through processual rules rather than the substantive application of law. The process left open the space for local security groups to exist, while failing to set future

precedent for what are or are not acceptable activities for local vigilantes. At the same time, state actors reinforced the regime's power through the threat of arbitrary and unaccountable violence in the form of potentially ongoing detention.

Detention in Uganda is no light matter. Numerous respondents described imprisonment—whether in a police cell or in prison—in stark terms. A long-time friend of mine recounted his own arrest as a moment when he became materially aware of the state's power to overturn his entire life and subject him to physical discomfort, stress (in particular related to losing his job and letting friends and family down), and humiliation. Another respondent, a minibuss driver in Lira, compared arrest to falling ill: 'It's like going to the hospital, you can't say it will never happen. One day you fall sick and you just go... Even when you're a good person and did nothing wrong. You just pray hard that it doesn't happen to you' (Minibus driver, Lira, 8 November 2014). In other cases, arrest and imprisonment can involve physical harm. They are almost always financially costly, as police officers extract bribes, demand fines, and confiscate valuable personal belongings, such as cell phones. The possibility of violent state intervention looms behind interactions with state authorities, particularly in matters of security and governance.

Furthermore, state violence against one security group shapes the actions of other vigilantes. An LC3 chairman discussed a different case in which the police intervened and shot several vigilantes, explaining that other local security actors heard about this event and responded by self-policing and keeping a low profile:

District security, the RDC, went to that place and told them to form groups to protect themselves. I know she won't accept [that she said this], but that is what is on the ground. Youths started patrolling [to defend the community against the killers]. When you are defending against killers, you must carry something for defence, so they were moving with *pangas*, bow and arrow, etc. Someone tipped the police that 'these people are robbing', so the police went there and shot them.

... The police and government blame those people and end it like that, trying to scare them. The state decided to get a common position at the expense of the community.

[Does that raise issues with the groups in your areas—what if this happened in our place?] Yes, certainly! They said, 'What if this happened in our place? We have no appointment letter.' They will be disowned if there is a problem. This annoyed me so much. These people were mandated by the office of the RDC to be vigilant to protect their area.

[Why don't you provide them with a letter, then?] I did not provide them with a letter because if something goes wrong, I would be liable—it would be as if I was responsible for everything they do. (LC3 chairman, Gulu, 27 October 2014)

The LC3 chairman's comments illustrate the difficult situation facing vigilantes. On one hand, they are tasked with providing security in a given jurisdiction (typically their community), and on the other hand, this authority can be denied at a moment's notice. Because the state has a preponderance over the use of force, vigilantes can neither manage nor ignore the possibility of state interventions. Instead, if they take up the work, vigilantes are faced with the constant possibility that state actors will intervene violently with potentially life-changing consequences.

State actors were further perceived as having the capacity to offer protection. For example, the community needed the RDC's go-ahead to form the security group in the first place. Without the state's permission to police locally, the group's ability to fight insecurity would have been limited. The community members who petitioned the RDC on behalf of the security group also testified to the state's perceived capacity to protect. In this way, the state resembles the protection racket Blok describes, though its *modus vivendi* is less about sustained resource extraction and more about forcibly outsourcing responsibility. The government's capacity both to prevent and perpetrate violence is key to this dynamic.

4. Conclusion

Local security groups in Uganda share many characteristics with vigilantes, bandits, and gangs in other historic and geographic contexts. Yet unlike the violent entrepreneurs described by Olson and Blok, local security groups in Uganda remain fragile in form and function, precarious in their authority, and local in their reach. This chapter has demonstrated both how and why jurisdictional fluidity helps produce and maintain fragility and precarity, as well as how this dynamic allows the regime to project arbitrary power in local communities. The chapter has shown how, in northern Uganda, vigilante groups have long attempted to consolidate power locally, using violence to police their communities, implement local laws, and extract resources, whether in the form of local taxation or extortion. In tandem with their efforts to consolidate control, local security groups adopt various symbols of authority, like ID cards, boots, and raincoats, as well as procedural formalities like internal group rules and community by-laws that govern their activities. However, their efforts have been repeatedly stymied. Such groups operate in an inhospitable environment between state and society, where the state's unpredictable assertions and denials of governing authority ensure that they remain precarious, unable either to consolidate access to violence and resources or to safely occupy a niche in the state. In turn, their limited access to violence prevents such groups from regularly extracting resources, resulting in high turnover rates as vigilantes seek employment opportunities with higher pay, greater respect and job security, and less risk of incarceration or injury. The experience of vigilantes in northern Uganda is much like

that of those in other areas of the country, who similarly operate in a grey area between the licit and illicit. Indeed, the NRM regime has consistently cultivated informal policing arrangements defined by this ambiguous position, in times of both war and peace.

Fostering the existence of vigilante groups while ensuring that they remain precarious contributes to arbitrary governance. Ordinary citizens have many local security and governance actors to go to when they experience wrong-doing or conflict, but few, if any, of them have the unchallenged authority needed to reliably resolve local issues. As a result, the arbitrary power of the state remains palpable in local communities through the active possibility of its presence or its absence. When deployed, state power reshapes the landscape of local governance in unpredictable ways. Such fluid state jurisdiction helps explain how the ruling regime can maintain its superior position in a country beset by countless competing local authorities, even while outsourcing violent enforcement to them. This phenomenon highlights two findings. First, state actors deliberately, unpredictably, and often suddenly withdraw from governance over certain matters without prescribing an alternative authority to deal with the claim. Second, these unpredictable assertions and withdrawals of authority are backed by meaningful threats of superior and unaccountable force—and as a result, they limit the ability of other actors to organize and consolidate power.

The fluidity of state jurisdictional claims obfuscates which authorities and institutions are responsible for any given infraction. For example, it is not unusual for a police officer to send a complainant home, explaining that the matter would be better handled by a local authority or within the family. Cases deflected in this way range from petty theft to rape and murder. Another police officer might refer the complainant to a traditional leader; still another to his own superior, the officer in charge. Jurisdictional uncertainty destabilizes and fragments civilian claims on the state and undermines local state and non-state authorities. One sub-county official explained that officials at various levels and in various sectors unpredictably shift their jurisdictional claims:

Security, development, education, health... We are ever exploited, though we love our work... Institutions are not doing the way they are supposed to do. Institutions are not independent. Sometimes, you find a few people influencing. This [authority] cannot [take an action], because he is waiting for [approval from] the other. Whenever I am doing my work, someone intervenes. I can fear to do it [my work] because there are other authorities who go beyond even this book [of local government guidelines] that guides me.

(LC3, Mbarara, 19 January 2018)

If those who have superior access to material and symbolic power can continually redefine their responsibilities and use their access to violence and resources to

enforce various jurisdictional claims or disavowals, there is little the average citizen or local leader can do to challenge them. Such limitations extend to elites, including opposition leaders or NRM politicians who fall out of favour with the regime. Moreover, if assertions and denials of authority are irregular, citizens cannot easily organize around a given set of expectations. The state's fluid jurisdictional claims thereby limit organized resistance.

This account of jurisdictional fluidity as the second factor in institutionalized arbitrariness leads to some useful insights. First, for citizens to make meaningful claims on the state, there must be a socially accepted understanding of what falls under the state's jurisdiction, giving the state not just legitimacy to intervene in those issues, but also a *responsibility* to do so. This common understanding is needed to enable citizens to make claims on the state. Second, as things currently stand, if local and non-state entities have any claims to authority, these are fragile, since they could potentially be side-lined or upended by state actors. Thus, unpredictable and violent state interventions fragment and undermine the authority of local groups seeking to consolidate autonomous power, rendering the interstices between state and society a dangerous and inhospitable place for political entrepreneurs.

6

Whither the State?

Surveillance, Crime Preventers, and Potential State Presence

Despite the apparent weakness of the Ugandan state, as measured by indicators like water and sanitation, control of corruption, and government effectiveness, the possibility of state presence is felt across the country.¹ Even in remote and rural Uganda, where the state has been dismissed as absent, its interventions have been likened to the ‘dry season rains . . . occasional and potentially destructive’ (B. Jones 2009, 3). In my research, ‘the state’ was made real and potentially present neither by brick-and-mortar initiatives nor by seeking to extend and regularize its control. Instead, its potential presence emanated from a fluid distinction between state and society. State actors sometimes hold that there is no difference between state and society, considering the state as embodied in Ugandan citizens. They thus transfer responsibility for state performance to citizens, committing citizens to police their own neighbours and transmit intelligence to higher authorities. The state exists wherever citizens are present. Other times, state authorities uphold the division between state and society, drawing a bright line between the two entities. Citizens are outside of the state, and thus subject to state surveillance and discipline as members of society. More often, authorities place populations and individuals in a liminal space between state and society, with the possibility of determining their status at any future time, thereby keeping their rights and responsibilities in flux. These scenarios reflect a fluid opposition between state presence and absence, whereby at times the state is clearly present or absent, at times it is hard to tell, and at times there is no meaningful way for the state to be absent, as it is embodied in ordinary citizens.

Key to this form of state presence was the widely shared conviction that government spies are omnipresent. As one sub-county official explained:

[People say that the government has eyes and ears everywhere in Uganda—is it true?]
Yeah, that one is very true. Actually, everybody is like an informer of the other. It’s just too much now. You will not know who is who, who is taking the information where . . . There are so many spies, even in police, those intelligences . . . you may

¹ In 2008, a Brookings report ranked Uganda as the 27th weakest state out of 141 countries in the developing world (Rice and Patrick 2008).

think sometimes they work together with the army. That's why security in Uganda is so tight. Everybody is a spy. They have also been using women—you will not know who is who in Uganda [*laughs*].

(Sub-county official, Moroto, 19 February 2018)

The perception that government informants are everywhere both comes from instability in the opposition between state presence and absence, and further destabilizes it. Ugandans widely report government informants 'deep down in the village', and conclude that one can never know to whom one is speaking. The added possibility that a person may act as an informant in the future creates further uncertainty and fear of betrayal. Countless unofficial informants report to isolated, fragmented, and obscured chains of authority, which are commonly thought to reach the Statehouse. Given that citizens believe the regime is informed and has the capacity to intervene, non-intervention appears to be as much a choice as intervention. In this way, potential state presence—the third factor of institutionalized arbitrariness—transforms the regime's overwhelming capacity for violence from an episodic reality to an omnipresent imaginary that governs citizens' daily lives.

The perception of possible state presence can be achieved in diverse ways. Joel Migdal—who famously described contemporary states in the global South as 'weak' and overrun by society—argued that the state and its capacity can only be understood through 'the *process* of interaction . . . with those whose actual behaviour they are vying to control or influence' (Migdal 2001, 23). Timothy Mitchell emphasizes that the state's boundaries are drawn and maintained through internal interactions between people acting as members of the state or society. The boundary is made to appear external and authoritative as a 'distinctive technique of the modern political order' (Mitchell 1991, 78). The state must therefore be understood not as a structure 'but as the powerful, metaphysical *effect* of practices that make such structures appear to exist' (Mitchell 1991, 94, *emphasis added*). The presence of the state, then, is not simply about its manifestation. It is also about the production of its limits. That is, citizens' sense of state presence is produced by divisions that actors draw and reify between state and society. Building on these insights, my research shows how drawing and redrawing these divisions destabilizes the imaged opposition between state presence and absence, creating the perception that the regime could potentially be present at any time.

Uganda's NRM regime has consistently adopted programmes and policies that rely on and reinforce the fluidity and complexity between state and society. This chapter focuses on one such programme: Uganda's Crime Preventers, nominally a community policing initiative that recruited tens of thousands of underemployed youth shortly before the 2016 presidential elections. These crime preventers would be the regime's 'eyes and ears' and 'help with the elections'. Paired with unofficial status, this created the impression—and perhaps the reality—that crime preventers could be anywhere and everywhere, working as government cadres and

reporting to the regime. The programme dramatically expanded the state's surveillance apparatus and quite literally embedded it in local communities. And yet, unpaid and often disowned by the regime, crime preventers also remained at times meaningfully distinct from the regime, reliant on their families and neighbours to survive. A veteran police officer described the programme as a 'parallel group' designed to spy on the police, a 'sort of political force which works for the benefit of' the regime, who are 'used to boost numbers during campaign rallies... Buses of them. Those are artificial crowds. The floating population' (Veteran police officer, Soroti, 29 January 2018). Having been identified as willing volunteers, they were on standby for the regime, ready to engage in *ad hoc* work of a wide-ranging nature and able to be disowned at any time.

This programme interchangeably cast crime preventers as members of society and members of the state security apparatus. Sometimes, government officials declared that crime preventers were no more than concerned citizens volunteering information to state security services. Other times, officials declared that all Ugandans should be called 'crime preventers' simply because they are citizens. The latter framing collapsed the imagined distinction between state presence and absence, placing the burden of responsibility for crime prevention on citizens. Finally, government officials sometimes claimed that crime preventers were granted special access to and knowledge of the state, and thus were subject to particular rules restricting their rights to talk to the press, to discuss politics, and to protest government initiatives. Though they were volunteers and civilians, they were threatened with martial law if they disobeyed these orders. These continual reframings produce a fluid opposition between state presence and absence that regularly recalibrates the political playing field to favour those already in power. A focus on crime preventers further helps reveal how Uganda's NRM approaches controlling its massive youth population, which in 2020 constituted approximately 80 per cent of the population.² Uganda's Crime Preventers programme therefore reveals a balancing act in which the regime distributes just enough resources to just enough citizens to produce a convincing enough image of state presence.

1. Producing Crime Preventers as Ambiguous Actors

While media frequently framed crime preventers as a political militia, state actors ultimately formed and maintained the programme by alternately and interchangeably deploying multiple justifications for their existence. Contradictory

² In 2014, an estimated 75 per cent of Ugandans were below 30 years of age (Uganda Bureau of Statistics 2016). Born after the regime took power, Uganda's youth are less enamoured of the regime's liberation narrative; moreover, an estimated 64 to 83 per cent of them are unemployed (Reuss and Titeca 2017, 2354).

narratives made crime preventers difficult to discern—both for society and for crime preventers themselves. Many youths joined the programme because they believed the 2016 elections would return the regime to power, and that supporting this result would give them access to regime patronage. Their calculation seemed conservative—for decades, the NRM has controlled distribution of resources and economic opportunities. At the same time, one of the regime’s basic justifications for the Crime Preventer programme was the regime’s limited capacity and need for volunteers to help keep peace during the potentially tumultuous electoral period. This paradox—of a state that controls distribution of economic, political, and social opportunities and also needs to recruit uneducated, impoverished youth to ensure its continuation—reflects a dilemma. The regime needed to gain support from youth, but it also needed to prevent youth from organizing politically and demanding benefits, jobs, or more representation. The following section illustrates how crime preventers were produced as ambiguously state and non-state actors, with two important effects. First, their activities further cultivated the state’s potential presence at large; and second, the ambiguity of their role prevented crime preventers from threatening the regime in their own right.

1.1 An Opportunistic Repurposing: From Community Police to Political Tool

Like many of Uganda’s informal militias, crime preventers operate awkwardly between state and society, taking on responsibilities associated with formal state security providers while reaping few of the benefits. Authorities often justify such ambiguity through references to the UPDF Act of 2005 and the Constitution, which together provide for all able-bodied Ugandans to undergo state-provided military training and for trained civilians to serve as auxiliary forces.³ In 2018, an army spokesman explained that anyone can join the Reserve Forces; he encouraged his interlocutor, a newspaper reporter, to join, noting that reserve forces support the nation in diverse activities when needed, and not just in times of war (Bagala 2018a). Similarly, many state authorities framed crime preventers equally as state agents and civilians. As ambiguous actors, crime preventers were particularly effective at intimidating ordinary citizens without requiring access to power that would allow them to make effective claims on the regime.

³ Section 6(1)(c) of the UPDF Act 2005 states that the sources of the Reserve Forces shall include ‘auxiliary forces, state security organisations and such other citizens of Uganda as have undergone military training under Article 17(2) of the Constitution’. That article states: ‘It is the duty of all able-bodied citizens to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so; and the State shall ensure that facilities are available for such training.’

According to Bruce Baker, the first crime prevention panels in Uganda were established as early as 1993 to bolster policing capacity at a local level.⁴ The programme reportedly trained tens of thousands of participants in:

[T]he nature of community policing and crime prevention; the differences between criminal and civil cases; the importance of preserving evidence at the scene of a crime; the institution of criminal proceedings; the LC judicial structure and the cases that they should and should not handle; summons and warrants; road safety; community service; bomb threats; sexual offences; human rights; constitutional rights; domestic violence; laws as they relate to children; marriage and divorce; and mob justice. (Baker 2005, 30)

While the programme Baker described had no apparent political role, this had changed by 2011, when crime preventers were recruited to help provide security for the presidential elections. The programme was nominally voluntary; participants formally received no payment. In some locations, recruits received three months of training and were provided with uniforms and batons and instructed to patrol public spaces. Some were accused of intimidating and beating members of the political opposition. One former crime preventer explained his role as similar to that of a polling assistant:

We also helped a lot with the voting—escorting the votes. We would take the presiding officer with the ballot box up to the polling station. We would make sure the votes aren't stolen by opening the box before voting started to show everyone it was empty. Then we would make sure people vote only once by marking their finger with ink when they leave the polling station. Then we would take the ballots up to the sub-county and they would be counted from there.

(Former crime preventer, Lira, 7 November 2014)

Some of those who helped with the 2011 elections reported receiving a one-time payment of 300,000 shillings (100 US dollars) and additional training to be hired as special police constables, or police officers on contract. Reportedly, some crime preventers were able to climb the ranks and become fully incorporated into the police force, while others were retrenched, often without notice or explanation.

Broadly speaking, Ugandans described the Crime Preventer programme as little different from other government programmes including *mayumba kumi* ('ten houses'), *chaka mchaka* (military training for civilians), LDUs, and other militias, such as home guards and arrow boys, established in response to specific security

⁴ A Ugandan journalist dates the Crime Preventer programme's first 'pass out'—or completion of initial training—to 1994 (Bagala 2015).

threats. An official working for the ISO⁵ told me in late 2014 that all local vigilantes had been transformed into crime preventers. Although such a transformation was not universally recognized—nor presumably implemented—his statement reflects the reality that many were unclear on the specifics of the Crime Preventer programme, viewing differences among informal security arrangements as purely semantic.

Part of this confusion can be explained by an organizational shift that occurred in 2014. The then IGP Kale Kayihura, in what appeared to be an opportunistic move, organized and trained young elites, and gave them the helm of what had formally been a local community policing initiative. This group of young elites—mainly university students in Kampala, coalesced in January 2014, when they requested self-defence training from the police to prevent on-campus crimes. The students reported that Kayihura ‘picked interest’ and supported their cause, training 700 students at the Police Training School at Kabalye (Bagala 2015).⁶ By layering a formal, top-down institutional design on top of the Crime Preventer programme’s original localized structure, the regime was able to quickly construct a national programme with name recognition, local legitimacy, and grass-roots connections.

The elite students took on leadership roles in the formal structure, named the National Crime Preventers Forum (NCPF), and maintained close relationships with the president and then-IGP Kayihura. Rumours circulated that the top leadership of the NCPF were the IGP’s son and daughter.⁷ Photographs posted on Facebook in 2015 pictured the top leadership of the NCPF with Museveni and Kayihura at Museveni’s private home (on file with author). In the months before the election, the top leadership of Crime Preventers publicly acknowledged their own support for the president and the NRM, explaining that Kayihura and Museveni were patrons of the programme (NCPF leadership, Gulu, 4 February 2016).⁸ When I visited the NCPF offices in Kampala in December 2015, it appeared they were in the midst of moving in. New laptop computers were stacked on a table in the lobby, and posters of Museveni’s face, inscribed with ‘The Father of Our Country’, adorned the walls.

⁵ The ISO is the country’s national counterintelligence agency.

⁶ Although a press release noted, ‘The public is also invited at any stage to come and witness these programs at the Police Training School to help appreciate its value to all’ (Enanga 2014), I did not find this to be the case. When I visited the Training School, I was turned away because I did not have a letter from the office of the IGP.

⁷ In my interviews, this rumour was both denied and affirmed by people with first-hand knowledge of the IGP’s family. While lower-level crime preventers unanimously believed the rumour, higher-level crime preventers denied it and said it was merely a reflection of the close relationship between the IGP and these ‘brilliant’ young leaders.

⁸ One respondent, a leader in the NCPF, claimed that crime preventers were non-partisan, while also explaining, ‘We are mostly being facilitated by the sitting government. We cannot do work without them’ (NCPF leadership, Gulu, 4 February 2016).

The NCPF adopted an institutional structure that paralleled that of the police, with coordinators at the village, parish, sub-county, district, and sub-regional levels. The extent to which the NCPF coordinated with the Uganda Police Force remained unclear. Crime Preventer coordinators—or ‘commanders’, as they were sometimes called—explained that they frequently received instructions from the NCPF headquarters, which only sometimes appeared to have been shared with local police. Between 2014 and 2016, the number of citizens trained as crime preventers surged, and by November 2015, the government claimed to have recruited 30 citizen volunteers in each of Uganda’s 56,000 villages for an estimated total of 1.5 million (Gaffey 2016; Uganda Police Force 2015). This would have constituted nearly 4 per cent of the country’s population. Many argue that these numbers were inflated to intimidate the political opposition; however, more accurate tallies are difficult to come by since Crime Preventer coordinators dutifully filled village rosters with the 30 required names—whether or not those listed committed to participate actively. Crime preventers were often trained by police or former military officers and asked to support the work of the police.

Structurally, the role and identity of crime preventers was ambiguous. Crime preventers were interchangeably accountable to various masters: they were formally and institutionally accountable to the NCPF; informally accountable to central government authorities, such as the president and the then IGP; and personally and socially accountable to the communities where they lived and worked. This ambiguity extended the programme’s foundational contradiction: on one hand, state representatives emphasized the state’s potential absence, its fragility, its need for additional capacity, and its inability to finance crime preventers; and on the other, many participants decided to join the programme based on their belief that they would be rewarded (with a job or payment) when the government was successful in the 2016 elections.⁹

1.2 Training Crime Preventers: Political Education and Military Spectacle

Training for crime preventers not only inculcated obedience and subservience to the ruling regime, but also repeatedly revealed to recruits the military and economic strength behind the NRM complex. Localized training, typically run by active or retired police officers, taught crime preventers about state law as well as the achievements of the NRM regime. Although training sessions were

⁹ The idea of the Ugandan government as both strong and weak has also been observed in the area of national security, notably by Jonathan Fisher in his study of the Uganda’s manipulation of its status as a ‘fragile’ state (Fisher 2014b).

generally modelled on other police and military training, there were no formal instructions for what should be taught or how, leaving each individual trainer to determine his own curriculum. Training at village and sub-county levels emphasized marching (Figure 6.1), but also included other military drills and culture, such as songs, Swahili commands, and saluting, as well as *ad hoc* lessons in patriotism and law enforcement. Some crime preventers mentioned tough punishments for being late or failing to take training seriously. However, because crime preventers worked on a voluntary basis, commanders could not be too harsh lest they quit. Training was often held in public places, such as sport fields or sub-county headquarters, where passers-by could observe them marching in formation. These performances of militarism distinguished crime preventers from ordinary citizens in their communities. In some cases, crime preventers reported that they were increasingly estranged from their communities, where people saw them as spies and government informants.

The regime bolstered crime preventers' loyalty through direct efforts at indoctrination. One LC1 chairman, who was himself a long-time supporter of the NRM, explained his views on party indoctrination through *chaka mchaka*, a military training course designed for civilians.

In the cadre course, they teach what they call patriotism. They have a lecture given by experienced politicians. They start way back with the history of Uganda, before colonisation. They talk of the good and the bad things that the



Fig. 6.1 Crime preventers at pass-out ceremony with President Museveni presiding

government does and then you are given the freedom to discuss... Then you try to compare the past and the present... It's like a debate. The government in power will always praise itself more. They explain that before [the NRM was] there, things were like this or that, but now, we have UPE [universal primary education], USE [universal secondary education], better security, roads, and so on. During the lectures, they are also very tricky. The lecturer will tell you the good things. Then there will be another one to tell the bad things. That's when you'll hear a lot of questions. Then you will know who to focus on and how to convince them. That's how you can learn how to really support the party. I think that the crime preventers are also getting these lessons.

(LC1 chairman, Gulu, 9 February 2016)

Patriotism and nationalism are common elements in Uganda's military training. For example, in *chaka mchaka*, 'political education' or 'ideology' was a key part of the training. Recruits were urged to become 'transformation agents' of Uganda by participating 'active[ly] in economic and productive development and... act... as the instigators and promoters of government programs in their communities' (Verma 2012, 104). Patriotism became entwined with self-interest. The LC1 explained, 'The training on patriotism is a way of giving recruits the wisdom of the good of the government and how to convince people that the government in power is the best' (LC1 chairman, Gulu, 9 February 2016). Respondents were convinced that, on the whole, the indoctrination successfully convinces recruits that the government is responsible for the good developments they observe in society. Sessions on 'patriotism' and 'nationalism' were regularly included in the curriculum at the Police Training School at Kabalye, where many recruits went for more advanced training.

National-level training further reinforced crime preventers' perceptions of a personal relationship with the ruling regime. At such training, much of which was reportedly held at the Police Training School at Kabalye, crime preventers learned that their role was to support the state and protect the peace—for example by disbanding protests. In Uganda, where state, government, and party are synonymous, it was difficult for even the most thoughtful participants to distinguish activities that were partisan from those that served the public interest. Simply being incorporated into an institution affiliated with the police was sufficient to win the rhetorical support of many crime preventers, even though material rewards were minimal for most. One member of the NCPF explained that this was because crime preventers felt the NRM regime was 'the only one looking out for them' (NCPF leadership, Gulu, 4 February 2016). Many respondents commented that the armed forces always vote for their 'boss', Museveni, and several alleged that the military has been responsible for voting fraud in the past. Militarization also contributes to support for Museveni. One regional police commissioner explained:

We teach [crime preventers] discipline—for example, when I say, ‘Stand easy’, you don’t ask ‘Why?’; when I say ‘Turn right’ you don’t ask, ‘Why?’ And we teach them rudimentary military skills, especially parade. You know us security people like parade. And how to greet and pay compliments to authorities. Basically, respect for the forces.

(Regional police commissioner, Kampala, 6 November 2015)

Crime preventers are taught to respect command hierarchy, do as they are told, and ask questions later, if at all. The training also built a relationship between the state and recruits, as one crime preventer explained:

With the force, once you join, they tell you that the first priority is to keep secrets and be disciplined. With the force, it is command. That is the most important thing. When the government gives you that knowledge, they will never leave you. You cannot leave the army, because they have given you all the government secrets. (Crime preventer, Gulu, 2 February 2016)

High-ranking government officials, including the IGP and the president, attended these retreats personally to meet the trainees and bestow gifts.

1.3 Motivating Crime Preventers: Batons and Bikes

Though the regime promised to reward crime preventers, the distribution of these goods was often opaque and unpredictable. Recruits were asked to show that their loyalty was unwavering by sticking with the programme despite numerous disappointments, broken promises, and wasted time.¹⁰ Even then, only some participants were rewarded with promotions, payments, or praise. These rewards were used both to cultivate personal ties between crime preventers and the ruling regime, and to create examples that could be held up to motivate other crime preventers. For instance, crime preventers who were eventually integrated into the police became narrative lore. More concretely, in 2015, crime preventers at the sub-county and district levels were given motorcycles, nominally to facilitate their movements and intelligence gathering. However, many crime preventers used them for their personal travel or to start a motorcycle taxi business.

¹⁰ For example, respondents in Gulu told me that on numerous occasions they were asked to travel to Kampala, they believed to participate in training. Crime preventers travelled from various districts to the Central Police Station in Gulu Town. Upon arrival, they were told to go back home and return at a later time, then asked to wait for hours on end with no food, water, or shelter. On one occasion, limited transportation meant that many who came were sent home with nothing. Those who remained were bussed to political rallies for the NRM in Kampala.

One crime preventer explained that the motorcycles were framed as a gift to reward crime preventers for all the unpaid work they had done to support the regime:

The time of election [in 2011] we went to police school in Kabalye ... We worked day and night. Day and night! They can pick you even around 3am, moving, patrolling. We worked, I said, 'It's ok.' Until the time of elections, [then] they gave us motorcycles. [It was on] 24 December 2015.

[*Like a Christmas present?*] Yeah. As a gift from the president for my work. We moved with those motorcycles. We were very sharp in getting information ... You know if the president gives you a gift that is a gift—it is yours.

(Former crime preventer, Soroti, 31 January 2018)

The comments of this crime preventer highlight that though these motorcycles were publicly justified as an investment in the programme, within the programme they were recognized as patronage.

Promises made to crime preventers often relied on the regime's survival: police promised crime preventers that they would get their reward after 'the big man' won re-election; payment for the special police constables would occur after the election results were announced. If Museveni was defeated, crime preventers expected to return home empty-handed. They were thus implicated in the regime's success both professionally and personally. The IGP and the ruling regime reinforced this narrative, suggesting in rallies and public speeches that crime preventers should be prepared to fight for the government if the peace was disturbed (*The Insider* 2016). Rumours of armed crime preventers making arrests in Gulu and other districts were circulated constantly in the months before the 2016 elections. In response to such rumours, citizens assumed that crime preventers would be instrumental in enforcing the president's electoral success, whether with veiled or overt violence.

Crime preventers were regularly tasked with activities that demonstrated their allegiance to the regime and distanced them from their communities—without decreasing their dependence on those communities. In this way, they became agents of regime-led projects of social control, carrying out a type of intimate and personal governance that is distinct from neopatrimonialism. For example, crime preventers were often tasked with arresting gamblers. Gambling is an illegal but popular pastime. One crime preventer lamented that he no longer felt safe in his community because of the work he did for the police.

Even my friends, they don't like me [anymore] because they say for us [crime preventers] we are capturing people, gamblers. Whether I am doing it or not, they say I am the commander, I am instructing them [the crime preventers] to go and do the work. I am not happy every day. The work which I've entered in is not

good at all. My life is not safe...I have [moved] from the place where I used to sit always because when I go there they are just saying 'ah, this one is not a good guy'. (Crime preventer, Gulu, 3 February 2016)

Many community members and elites such as lawyers, NGO workers, and politicians described crime preventers as uneducated ex-rebels and criminals—youth who have no option but to be used as tools of the ruling regime. At best, such assessments were sympathetic, but more frequently they were dismissive. Despite such denigration, many crime preventers decided to stick with the programme, reasoning that they had already committed to it and their friends and families would understand their choice as a potential pathway to a future livelihood.

Those who refused to follow commands faced retribution or replacement, as one commander explained: 'If you say you don't like [the command]—immediately, I have to replace you. Because an order is an order. But not by force. Not even putting that person in too much pressure. Saying, "You just go out." I have replaced them but not reported them' (Crime preventer, Gulu, 3 February 2016). Dismissing crime preventers seems innocent enough; however, many had made significant sacrifices in terms of time and personal relationships hoping that their dedication would eventually yield a reward.

The relentless demands of the programme culled crime preventers, and conditioned them to have high hopes and low expectations. Those who were not desperate, patient, or committed dropped out over months of broken promises. The occasional distribution of gifts and select promotions created examples that leadership could point to when seeking to motivate crime preventers. These hopes, in turn, encouraged competition among recruits, which helped balance the camaraderie developed in training such that recruits' strongest commitments were to the regime, not to each other. Thus, crime preventers remained fragmented, protecting the state from an organized interest group of young men that could otherwise have demanded representation or remuneration.

2. Ambiguous Activities, Uncertain Identities: Fostering Potential State Presence across the Country

During the 2016 elections, crime preventers took on an ambiguous role as at once ordinary citizens and, simultaneously, state agents. The following examples describe how crime preventers were used to bolster attendance at rallies, to police the elections, and to spread rumours about electoral interference. Their activities contributed to the perception that the state might be present anywhere at any time.

2.1 Demonstration at Karuma Bridge

During the 2016 election, crime preventers were called upon to attend rallies, protests, and demonstrations, producing the appearance of a ground-swell of support for government initiatives, programmes, and candidates. The programme served as a network through which those in need of crowds could recruit bodies in numbers. Because of the ambiguity surrounding the programme, the government was able to brand participants either as crime preventers or as ordinary citizens, often selecting *post hoc* the identity best suited to its publicity needs.

In 2015, regime insider Amama Mbabazi joined the presidential race to challenge Museveni. Mbabazi had formerly been Museveni's prime minister and a founding member of the NRM. Many initially saw him as a formidable opponent to Museveni, someone who knew the regime's strategies and could use them to unseat the president, or at the very least peel off some of his support. It was thus a surprise when, on 10 July 2015, an MP for the opposition—the honourable Odonga Otto representing Aruu county in northern Uganda—organized a protest against Mbabazi. The protest was planned to meet Mbabazi's convoy at Karuma Bridge over the Victoria Nile river. The location was strategic both symbolically and practically: the bridge divides Uganda's northern region from the south, and it provides a choke point that cannot be bypassed. The protest photographed well (Figure 6.2): over 400 youth mobilized, publicizing the message that Mbabazi had stolen 1.4 billion shillings from the Peace, Recovery, and Development Plan, a programme designed to rebuild northern Uganda after the LRA conflict (Ocungi and Okaba 2015). Local and national news media covered the demonstration; however, there was no confrontation as Mbabazi had delayed his trip to northern Uganda, reportedly for unrelated reasons (Etukuri and Semakula 2015).

The following day, crime preventers from Gulu complained that they had been 'tricked' into joining the rally. They said that police officers had notified them that there would be a three-month training at the Police Training School at Kabalye, and those who wished to attend should report immediately to the Central Police Station in Gulu and board the transportation provided. Instead, the crime preventers were driven 65 kilometres from Gulu and told to disembark and don T-shirts with a red 'x' through Mbabazi's initials (JPAM) and the slogan 'Why buy a Benz of 600 million with PRDP [Peace, Recovery, and Development Plan] money?' They were then instructed to join the other protesters in marching the remaining 10 kilometres to Karuma Bridge. The day after the protest, some of the crime preventers were disgruntled at having been misinformed about the purpose of their travel, coerced to march in the heat without water or food, abandoned with no means to return to Gulu Town, and paid nothing for their time. These crime preventers brought their complaints to the district and regional police



Fig. 6.2 Protesters walking toward Karuma Bridge; some carry MP Odonga Otto (centre)

commanders, who reportedly responded that they themselves had been similarly misinformed.

Because the Crime Preventer programme had a loose and undefined mandate, politicians were able to mobilize them for overtly political activities and then claim that the crime preventers were acting of their own volition. In turn, the crime preventers were willing to obey orders even when there was significant evidence to suggest that they were being manipulated. For example, several crime preventers reported that they were first put on a lorry that was in such bad shape they doubted it would be able to make the trip to Kabalye. Then, when they were given the T-shirts, they donned them without asking questions, despite not knowing what 'JPAM' (Mbabazi's initials) meant. They continued to follow the orders to descend from the bus, join the rally, and march to Karuma Bridge. They only challenged these orders in retrospect, when it became clear that they had gotten a raw deal. The police rejected the crime preventers' rights to make claims.

A variety of evidence suggests that the police who informed the crime preventers about the sham training did, in fact, know that they were really being taken to the demonstration. One retired police officer reflected that someone in the police force must have given permission: 'Because you can't come from nowhere and pick someone who I'm looking after [as a member of the police force], and take [him] away' (Retired police officer, Gulu, 16 October 2015).

Others speculate that the police offered the services of crime preventers to please the NRM party leadership, whether directly commanded to do so or not, because ‘That is how you get promoted—do something to please the president’ (Locally elected politician, Gulu, 21 September 2015). One crime preventer who facilitated training explained that he suspected foul play and initially refused to go:

I refused to go to Karuma—the CID [criminal investigations director] came to talk to me, and said to me ‘Let me take these people, and then I’ll provide transport for you to come back.’ The police knew that if I did not go the others also would not. [In this way] I was forced to go to Karuma.

(Crime preventer, Gulu, 29 September 2015)

One district-level politician further asserted that there was evidence that the NRM paid the organizing MP, Otto, to stir up resentment against Mbabazi in northern Uganda (District-level politician, Gulu, 19 February 2016).

[After Mbabazi announced his candidacy] the Movement got in touch with some individuals in the opposition in northern Uganda—one is honourable Odonga Otto. Otto was given money [by the NRM] . . . Where did he get money to hire six buses from, trucks for carrying people? He took over 400 youth. He fed them. He gave them over 20,000 [shillings] each to return on. Where does he get over four million to spend? . . . The people he took were crime preventers. The police lied to crime preventers that they were taken for further training in Masindi. They [the crime preventers] went on radio; they were very bitter . . . The most disturbing part is, how do the police mobilise such people, don’t tell them the truth and allow a political leader to use them in a wrong way?

(Elected official, Gulu, 25 September 2015)

He posited that this was why Otto—an opposition politician—meddled in internal NRM party politics, despite facing discipline from his own party for doing so (*The Insider* 2015). The protest was thus a political manoeuvre in which crime preventers were collateral damage, instrumentalized by the NRM and Otto for their own ends.

The crime preventers continued to seek redress: they threatened to march to Gulu’s Central Police Station in protest, but were told that if they did, they would be tear-gassed. Instead, the crime preventers went to journalists from the major newspapers, who ran a number of articles with headlines including ‘We were tricked to join anti-Mbabazi demo—Crime Preventers’ (Otto 2015), and ‘Gulu Crime Preventers hoodwinked into joining anti-Mbabazi demos’ (Ocungi 2015). They also went to a human rights NGO, which advised them to go to the Department of Labour to complain about unpaid work. Reflecting on this

recommendation, another crime preventer said: 'But they are not government employees, so they were left hanging.'

The police, who had previously been unresponsive, contacted the complainants and threatened them with jail time for going to the press. When asked why crime preventers are not allowed to talk to the press, the police public relations officer for the region explained that it was for their own protection: 'It's risky [to talk to the media]! If you report on your friend who has committed a crime, what will stop him from doing something bad on you? So, it's like you're an intelligence officer and you need to be protected' (Police public relations officer, Gulu, 23 November 2015).

Seven months after the protest, in February 2016, one crime preventer declined the opportunity to become a constable because he feared retribution for having spoken to the press about the Karuma Bridge demonstration. Although the press coverage of the protest noted 40 disgruntled crime preventers, my interviews suggest that, in fact, crime preventers were bussed from various districts in northern Uganda, including Pader and Nwoya. Others may not have complained because they were satisfied with the amount they were paid (reportedly between 5,000 and 20,000 shillings, the equivalent of 1.67 to 6.67 US dollars). Or perhaps they realized the potentially high costs of publicizing their situation, as alluded to by the police public relations officer.

Crime preventers were used for rallies on other occasions, either to control crowds or to increase attendance. For example, on the day of the president's nomination, buses full of youth dressed in yellow—the colour of the NRM party—filled the streets of Kampala, whooping and yelling. One crime preventer explained:

We went to Kololo for the president's nomination. We went as supporters, and we all put yellow [the colour of the NRM party]. The DPC said the president wants to talk to the crime preventers. I thought, 'The president needs to tell us something important.' They provided transport from and to. [We were told] those who went will get 500,000 shillings each. Then we were told to stand for the rally and listen to the speech. He was for nomination. They told us, 'you should be happy, you will be paid for it. Sing, dance and wave—you're 500,000 [shillings] is coming'. (Crime preventer, Gulu, 20 November 2015)

This strategy, although blatant, creates the appearance of massive support. Because there is no transparency about who is there to get paid and who genuinely supports the candidate—often there may be no substantive difference—the play appears to be effective at bolstering a candidate's popularity and augmenting the perception that there is widespread public support for the regime.

2.2 Special Police Constables and the 2016 Elections

One of the few publicly stated rationales for recruiting crime preventers, aside from combatting crime in a general sense, was to help ensure peace during the 2016 presidential elections. This included the prevention of violent protests, management of election rallies, and keeping order at polling stations. A few weeks before the elections, the police reportedly recruited 36,000 police constables (Kato 2016), many of them drawn from the crime preventers. The widespread presence of crime preventers at polling stations bolstered the perception of state presence at the very moment when the regime's continued survival required electoral support. Training and short-term employment also gave the crime preventers a taste of how they might access the state's patronage after the election, helping ensure their loyalty at this key moment.

Although the selection process was not transparent, crime preventers believed that they were recommended for work at polling stations by sub-county crime preventer coordinators and selected based on the loyalty and commitment they had shown to the programme over the preceding months. Reportedly, in Gulu District, nearly one-fifth of recruits were dropped without explanation after initial selection; this appears to have occurred in other districts as well. According to police officials in Masaka District in the Central Region, some were cut because they failed interviews and others because they were physically weak or did not have the minimum educational requirements (Ssenkabirwa and Kisekka 2016). In Gulu, one crime preventer speculated that those dropped did not make it through security checks, which were conducted in Kampala after the recruits submitted their fingerprints. Another guessed that cuts had been made because of the government's limited resources.

Those who were selected participated in a one-week residential training in Gulu Town. A significant part of the training focused on disciplining the new recruits. One recent recruit explained to me some of the tactics used to teach the recruits discipline and respect for authority:

Say you are sitting with a colleague after hours. An instructor comes and looks at you. 'Get up, come. Go back. Come. I told you to come. Go back and sit. Come!' He's seeing how you are responding. It will be put in your notes, you're someone who can follow command, which is needed in the force.

There's a lot of lies in training. They call them 'sweet nothings'. They even brought a very big fat cow. They say, 'Today, it's for you guys.' They took it behind the kitchen and hid the cow. Guys were happy... Guys started washing their dishes, looking for pepper... When it came to lunch time, the whistle was blown, and everyone started fighting to get into line. They dish beans and *posho* [a staple food]. So when you come and you get you are expected to say 'thank

you'. When you don't say 'thank you' [that's indiscipline]. In the force, you are not supposed to initiate anyone to support you... There's no riot in the force. [If there is a problem] go alone and say, 'please, this was not good'. So, you can also be handled alone.

(Newly recruited special police constable, Gulu, 13 February 2016)

In addition to instructions on their duties, crime preventers were trained on the institutional organization of the police force, including their role as special police constables. They were also provided with a list of activities prohibited on election day and another list of 'uniform rules'. The duties of the special police constables included:

1. Know we are the special police constables, not election constables [who are tasked with managing the voting process].
2. Support the police in patrol during night and day.
3. Manage violence and enforce the law.
4. Be ready to do duties of emergency in case of a bad situation arising.
5. We should be ready to work with the army security agency, including prisons, army, and intelligence agents.
6. Discipline: we should not put on [political] party shirts, or flash any [party] slogan. Anyone who does that will be charged with the Police Act.¹¹ That person will be sent to prison.

The uniform rules focused on how special police constables should present themselves as part of the force, rather than as crime preventers. Special police constables are told that they must not be partisan; however, this is difficult in a context where the regime and state are functionally fused. A few days before the election, I asked one recent recruit what he would do if he observed violations on polling day. He explained:

As a polling constable, there are certain limits—my hands are tied. If anything happens, I have to note it down. So when you [the victim of injustice] go to your candidate to make a complaint and they call me, then I can give the information in court. Or, if I cannot go to court [because of my own security] I can give the report [to someone else to deliver]. With the government having a longer arm, people want to be on the safe side.¹² I'll take note. I'm not going to court to be on the safe side. (Special police constable, Gulu, 19 February 2016)

¹¹ The Police Act specifies that any 'member of a security organisation placed under the command of the inspector general for the performance of police duties' is subject to the police disciplinary code of conduct ('The Police Act' 1994, pts. VI, Section 44).

¹² This saying is akin to the phrase 'the long arms of the law' (Tapscott 2017b).

The respondent felt that he could help improve the system through participation, although he feared that making public statements in court about voter intimidation, fraud, or other irregularities might put his own safety at risk. He also explained that although special police constables were clearly instructed to keep partisan attitudes to themselves,

At the end of the day, all the big people will come [to the training]. What they do is say you have to vote wisely if you don't want to go back to the bush or back to the IDP [internally displaced people] camps. Of course, what they mean is to vote for Museveni. It influences a lot of guys, but not all.

(Special police constable, Gulu, 19 February 2016)

Other researchers have noted that such security training programmes are infused with pro-government propaganda. For example, a 2016 Human Rights Watch report cited a Crime Preventer training programme that stated 'Every good thing you are seeing around is as a result of good NRM governance' (Human Rights Watch 2016).

On election day, special police constables were often indistinguishable from long-serving police officers, though some were identifiable by their ill-fitting or incomplete uniforms. I identified one special police constable by his boots, which were pink and lined with faux fur rather than the black military boots that most police officers wear. Outside the tallying station, a colleague whispered in my ear that the officers with white lapels were crime preventers. The degree to which they blended in, however, reflects a comment that a female employee at a human rights NGO made to me:

When the [special police constables] came back from six months of training they were uniformed and you could not tell who was who . . . When circumstances call for it, they just change the uniforms around . . . Unless someone tells me who is behind the uniform, we can't know.

(Human rights NGO employee, Gulu, 29 September 2015)

The crime preventers who worked as special police constables were told they would be paid 11,000 shillings (3.67 US dollars) each day for 14 days of work, starting with the presidential elections on 18 February 2016. Reportedly, the police asked some crime preventers to return their uniforms before paying them, which resulted in riots quelled only when the police 'explained to them the police procedures and they [the crime preventers] understood our position and their response to our order is now good' (Bagala 2016).

Thus, young men who became crime preventers were introduced to the NRM system, however cursorily, through a process of training and the hope of future employment. The Crime Preventer programme served the regime's need to bolster

its perceived security capacity in the eyes of citizens, without substantially increasing costs or training youth to the extent that they themselves could threaten the regime. The programme had the added benefit of regularly exposing crime preventers to the NRM's military and economic strength, cultivating their belief that the regime has access to wealth and sovereign violence that these young men, if they played their cards right, could potentially benefit from.

2.3 Rumours and Suspicious Activities

The many rumours circulating around the Crime Preventer programme helped create uncertainty about whether or not crime preventers were agents of the NRM. For example, in December 2015, crime preventers were reportedly deployed across the country to check the voter registration list. This deployment and Mbabazi's call for an investigation into it were reported in various newspapers (Mugume 2015; Musinguzi 2015; NTV 2015; Segawa 2015; Sserunjogi 2015). Several crime preventers and civilians explained to me that crime preventer coordinators for each village were given the voter registration list and asked to verify it door to door, checking off individuals who were correctly registered, marking deceased 'D', and those who had moved 'DR'.

Crime preventers expressed conflicting interpretations of this activity. Some argued that the information would be used to bias the election in favour of the NRM. One crime preventer said that they were supposed to remove known members of the opposition from the registry. Others suggested that checking the list would intimidate voters; still others that the deceased would be made to vote for the NRM. Another crime preventer pointed out that this task put him in a difficult position: 'Should I do anything stupid with [the voter registration list], it will backfire on me. [The community members] know me from my childhood. It's very risky to do anything' (Crime preventer, Gulu, 4 February 2016). Others insisted that the exercise was intended to make the list more accurate or prevent the opposition from rigging the election. A police officer in Gulu Central Police Station explained:

The voter registrar of the Electoral Commission is the EC's responsibility. Each presidential candidate is given the voter registration to cross check if it's okay. He can use any method. The crime preventers are members of the community... Some presidential candidate [might have] decided to use them to check [if the voters are existing or dead] because they [crime preventers] are many... This helps you know the number of people who are registered. The ones who are alive, you can know the number, and then you can know if the number of votes given is

more or less. When they add the votes up, it should be slightly less than the overall list. This helps them to know there was no rigging.

(Police officer, Gulu, 13 February 2016)

Others denied knowledge of this activity, despite reports in the media, and by community members and crime preventers.

Reportedly, each village coordinator was paid 5,000 shillings (1.67 US dollars) to verify the list, while sub-county coordinators were paid 150,000 shillings (50 US dollars). One sub-county coordinator explained that although the village coordinators were supposed to do the work, he was responsible for completing the task:

I leave it with village coordinator. If it becomes difficult for them, I fill it. Me as a commander, I have to do the work to make sure the form is full. If they [the Crime Preventer leadership] say, go and plant for me the maize, I cannot say, 'I'm tired.' I have to finish the work... For them they know [which community members are alive, dead, or have moved]. If they don't know, you have to ask someone who knows, so that he helps you to mark those people. But secretly. When people know [what we are doing], that is another problem again. That is why they are talking on us every day.

(Crime preventer, Gulu, 3 February 2016)

Despite the hundreds of individuals involved in checking the list across the country, the purpose of the exercise remains obscured. A leader from the NCPF said he did not know what happened with the revised lists, but implied that they made their way all the way to the Office of the President. 'I don't know what [the president] did with it [the updated voter registration list]. I don't know where they took them. We came back to do our work' (NCPF member, Gulu, 4 February 2016). Respondents—including journalists, crime preventers, and politicians both in and out of power—generally seemed unconcerned about this activity. Upon further questioning, I interpreted this indifference as rooted in their belief that the entire system was fixed. Thus, they saw little value—and lots of risk—in investigating the minutiae of how.

These rumours show how crime preventers were cast in an uncertain light: they were agents of the NRM and at the same time ordinary citizens simply pursuing a potential livelihood. Their activities in the community brought this ambiguity to the doorsteps of ordinary Ugandans. Together, the three examples illustrate how crime preventers were leveraged for political ends throughout their recruitment, training, and deployment. Both the police and politicians continually redefined crime preventers' relationship to the regime, sometimes framing them as agents of the state and sometimes as citizen volunteers.

3. Analysis: Whither the State?

There is a saying in northern Uganda, *gamente c'inge bor*—which translates as ‘the government has a long hand (or forearm)’. The saying is akin to the English phrase, ‘the long arm of the law’. In an interview, a community member explained:

You see, the government starts with me and you who are seated right here provided we talk what is consistent with what the government has laid down in the laws . . . The strength of the government depends on us who are here at the grass roots. Without us there is no government.

(50-year-old male community member, Gulu, 5 March 2015)

In this telling, the state is not only omnipresent, but actually embodied in Ugandan citizens. The regime’s ability to collapse the state–society division and to create the perception that all Ugandans are part of the state can be traced, at least in part, to Uganda’s history as a no-party state. Many scholars note that Uganda’s no-party system was akin to a one-party state. But the emphasis on *all* Ugandans being part of the Movement—and a big tent approach to politics that nominally encouraged meritocratic competition and even critique and reform—helped fuse the NRM to the Ugandan state and citizenry (Carbone 2008). In my interviews, many Ugandans linked contemporary political turmoil to the return to multiparty politics. One LC councillor elaborated on this perceived fusion between citizens and the state:

Nowadays we are all part and parcel of government . . . whether central or local government. Whenever there is something going on wrong, we at the grass root leadership try our best to report to the responsible authority [so they can] respond and rescue the situation. It has become easier [now] that we do not have to move very long distance to report cases of crime since there nearby police post. The state has consolidated its authority up to the grass roots.

(LC1 Chairman, Gulu, 5 March 2015)

In his view, the Ugandan state is ‘consolidated . . . up’ to the local level in part because of an historically embedded notion that citizens *are* the state, but also that they are *subject to* the state. The co-existence of these notions allows the regime to regularly reframe the identity of citizens, and concomitantly their rights and responsibilities, thereby keeping the state–society boundary fluid and unconsolidated. This fluid boundary makes it appear that the state could be present at any time, embodied in ordinary citizens.

The use of the Crime Preventer programme was opportunistic: the ruling regime repurposed an existing community policing programme to extend the

party's patronage system and earn the support of tens of thousands of unemployed and desperate youth. The regime kept rules about crime preventers vague, allowing sufficient space for powerful politicians to manipulate the programme for political ends. The regime and the police used a combination of promises and threats to keep recruits in a precarious situation; as a result, crime preventers allied themselves with the regime, not with each other. Crime preventers could not reliably predict whether state authorities would act in their personal or formal capacity. Importantly, decisions by state authorities—whether personal or formal—were backed by the dual threats of exclusion from the regime's system of resource distribution and of symbolic and material coercion, such as arrest and detention. The resultant unpredictability undermined the ability of citizens to act strategically or hold state actors accountable. Aspects of this system reflect theories of neopatrimonialism. But the Crime Preventer programme also demonstrates how internalized obedience to an abstract idea of state power is an immediate force in individuals' everyday lives. Patron–client ties can exist in this system, but they are contingent and uncertain, framed by the idea of the state's power.

The Crime Preventer programme was able to mobilize and organize unemployed and underemployed young men, while in the main keeping them competing with one another rather than coordinating to make claims on the regime. Those who became crime preventers were generally very poor; their families needed food, shelter, and education. As young men, it was their designated social role to provide (Dolan 2011; Tapscott 2018). Those who complained about the terms of work were made into examples—excluded from the programme or even threatened. They were thus thrust outside the NRM's patrimonial structure, potentially losing access to resources in both the short and long term. One crime preventer coordinator explained his conundrum:

The opposition doesn't care about us. We need the money of the government because we are the jobless people. [The government] say[s] they care about us, but [I think] what we're doing is not good. But we went [to be crime preventers] because of the money.

[*What do you think about that?*] Their point is not bad. But when you support [the government], there is nothing we shall gain from them. Their word is always very sweet like that. But there is nothing to gain. You have to pray to God to help you... but not these politicians. They're all the same. Whether they send them there, they will talk like they will give you something. But when they go for parliament, you will see them after five years.

(Crime preventer, Gulu, 18 November 2015)

Local communities intensified these dynamics, viewing crime preventers as unemployed, uneducated former rebels who were using the title and access that

came with being a 'crime preventer' to become 'crime promoters'. In this way, they wrote off crime preventers and ignored many of their activities, estranging crime preventers from their communities and making them even more precarious.

4. Conclusion

By examining the experience of young men recruited into the Crime Preventer programme, this chapter has shown both how they contributed to the governing strategy of institutionalized arbitrariness and how they were governed by it. While the implementation of the programme was disorganized and contradictory, its governance effects were in some ways neat. Because authorities sometimes narrated crime preventers as integral to the regime, their presence offered ordinary citizens evidence of state presence. Ordinary people saw crime preventers training in public spaces, standing to attention for ceremonial 'pass outs' that marked the successful completion of their initial training, apprehending suspects in their communities, and guarding detainees at local police stations. Their participation in rallies and demonstrations swelled crowds, physically demonstrating support for the regime. Their recruitment in even the most remote villages revived the perception of the state's grass-roots surveillance capacity; their review of the voter registration list seemingly brought the state's eyes and ears to the doorsteps of citizens across the country. At the same time, state authorities also disowned crime preventers and categorized them as ordinary citizens. Crime preventers had no uniform, no appointment paper, and no identification. They were unpaid and disrespected. Their training was on offer to all Ugandans; they were doing their duty as citizens. In such situations, powerless to pull strings or make claims on state authorities, their experiences revealed and reinforced a stark division between individuals inside the NRM tent and those left at the door.

By keeping the role of crime preventers ambiguous, the NRM regime also transformed crime preventers from an apparently innocuous community policing intervention into a tool to efficiently and effectively extend existing systems of resource distribution to a potentially troublesome segment of the population—underemployed, marginalized youth who might otherwise have joined the opposition. Overall, the Crime Preventer programme appears to have helped the regime win votes and placate Ugandans during what might otherwise have been a contentious and potentially violent election cycle. Although quite distinct from the practice of encouraging local security initiatives, the Crime Preventer programme worked on much the same logic. By keeping the purpose of the programme fluid and undefined, the regime maximized its benefits while limiting its responsibility for crime preventers' activities and needs.

If the state is informed about everything and has the capacity to intervene, then its lack of action appears to be as deliberate as its actions. This casts the

appearance of state intention even in its absence. The perception of potential state presence causes citizens to self-police, constantly trying to calculate the risks and rewards of their actions. The relationship between state and society is constitutive of any governing strategy. In democratic polities, a robust and secure civic space theoretically allows citizens to make certain claims on the government—for example, for better schools, lower taxes, or human rights protections. Instead, in Uganda, the blurred and dynamic relationship between state and society creates a possibility of state presence—one that is real enough to impose meaningful threats, and at the same time, fleeting and difficult to pin down.

Varieties of Arbitrary Governance

In the previous pages, I identified and described a new type of modern authoritarian rule based on an inductive analysis of local security in northern Uganda. This regime type uses institutionalized arbitrariness—creating and maintaining political unpredictability—to project power. In this chapter, I expand my study to three more locations in Uganda to assess the validity of arbitrary governance as a regime type. The probe includes three parts. First, I examine citizens' perceptions of state governance and find that citizens perceive arbitrary governance across the research sites. The perception of arbitrary governance is not unique to Gulu or northern Uganda. Second, I deductively apply my four-part framework of institutionalized arbitrariness to the additional study locations. The framework, described in Chapter 2 and elaborated in Chapters 4 through 6, allows me to identify different types of arbitrary governance. Third, I return to questions of intentionality and societal agency, using findings from the additional research sites and the book as a whole, to identify some limitations of arbitrary governance as an explanatory framework.

The three additional research sites, Mbarara, Moroto, and Soroti, are located in the west, northeast, and east of Uganda, respectively (see Figure 0.1). These sites vary on level of conflict-affectedness and political support for the ruling regime, two factors that could also account for perceptions of arbitrary governance. If citizens in these alternative sites do not perceive the state as arbitrary, it would suggest that perceptions of arbitrariness in Gulu are the product of local contextual factors in a weakly consolidated state—not evidence of a distinct regime type. However, my research found that people across Uganda perceive the regime as arbitrary, and that they self-police in response. Neither conflict affectedness nor political leanings were necessary nor sufficient to explain perceptions of arbitrary governance. Findings from these three additional sites both bolsters and nuances the argument advanced in the earlier pages of this book.

Consider the two government strongholds—Mbarara, Museveni's home district is one of the most peaceful and wealthy areas of the country; and Moroto, a district on the northeast border, long destabilized by government-sponsored disarmament campaigns and internal cattle raiding among pastoralist indigenous groups. In contrast to Gulu, both of these areas support the ruling regime but they have had very different experiences of violent conflict. While citizens viewed the ruling NRM regime as arbitrary in both locales, the data collected there also revealed important variations. In Mbarara, citizens expressed a heightened awareness of

state surveillance and reported fear of speaking openly, even in their own homes. In contrast, respondents in Moroto described the central state as distant, its direct authority largely circumscribed to military and police units. Respondents in Moroto also depicted a more immediate experience of overwhelming state violence, describing torture by government soldiers during forcible disarmament campaigns in 2006. These examples reflect how the regime's efforts to project power vary in implementation, producing different manifestations of arbitrary governance across the country.

In each location, I studied local security arrangements to understand the micro-dynamics of violence. I surveyed how ordinary people perceive state power, as well as whether and how this shapes their everyday lives. I employed semi-structured interviews designed to probe the four factors of institutionalized arbitrariness, identified inductively in Gulu. In each study location, I interviewed approximately 20 respondents including members of informal security arrangements, police officers, village- and sub-county-level elected officials, and members of civil society including activists, elders, and religious authorities. I spent approximately two weeks in each research site and triangulated my findings with scholarly literature and newspaper articles.

This chapter makes three interventions. First, it shows that citizens who live in areas with different histories, economies, politics, and societies—but all under the same NRM regime—perceive and experience the government as an arbitrary regime. Second, the chapter describes varieties of arbitrary governance. Each variety *disorders* society and *undermines* relationships among ordinary citizens and local authorities. However, each variety manifests arbitrary governance differently, as each area is shaped by interactions among historically and contextually contingent factors, chiefly local experiences of state violence by different regimes and antipathy to (or affinity with) the ruling regime. Thus, the regime—using the same ingredients in different quantities and qualities—produces arbitrary governance of different flavours. Third, the chapter explores some limitations of institutionalized arbitrariness by re-examining questions of intentionality and societal agency using all four sub-national cases and additional interviews with elites, including former NRM stalwarts, high-ranking government officials, and members of the military. The evidence shows that citizens perceive and experience arbitrary governance in their daily lives, that arbitrary governance can be understood as the result of a structure that the NRM regime has produced with the goal of fragmenting and weakening civil society and local authorities, and that institutionalized arbitrariness is an understudied tool of modern authoritarianism.

The chapter is organized in four sections. Section 1 discusses case selection and how each added study location tests the scope of arbitrary governance. Section 2 turns to the empirical findings, describing varieties of arbitrary governance in Mbarara, Moroto, and Soroti, and offers a typology of arbitrary governance. Together, Sections 1 and 2 show that arbitrary governance characterizes the

Ugandan regime and illustrates how to use institutionalized arbitrariness as an analytic framework. Section 3 summarizes the new varieties of arbitrary governance identified in the probe. Finally, Section 4 turns to synthetic insights about intentionality and societal agency, drawing on all four cases and additional interviews with elites.

1. Case Selection and Alternative Explanations for the Perception of an Arbitrary State

Conflict-affectedness and relationship to the ruling regime are two potentially persuasive alternative explanations for citizens' perceptions of an arbitrary state. *Conflict-affectedness*—or the extent to which a location has experienced sustained armed violence and loss of civilian life, particularly at the hands of the regime—should amplify citizens' perceptions of the regime's ability to deploy arbitrary and unaccountable violence, whether to protect or harm the civilian population. Violent conflict is generally understood as a disruption of political order. When multiple armed actors contest power, everyday life becomes uncertain and unpredictable (Debos 2011; Hagmann and Korf 2012; Vigh 2009). As researchers have described in studies of Gulu, violent conflict leaves a legacy of exceptionality inscribed on the land and people, both directly, through citizens' memories of war and its unpredictability, and indirectly, through the effects of social, economic, and political upheaval.¹ If perceptions of arbitrary governance were limited to conflict-affected locales, that would suggest such perceptions reflect the aftermath of violent conflict, and that arbitrariness characterizes as an interim period until the state (re)consolidates its full authority, rather than constituting a distinct type of governance.

To explore whether conflict-affectedness explains local perceptions of an arbitrary state, I selected Moroto, an area in addition to Gulu that experienced insecurity and violent conflict between 1986 and 2016, and two areas that have been comparatively peaceful and stable (see Figure 7.1 "Total fatalities per year by case"). Gulu was the epicentre of the conflict between the LRA and the Government of Uganda from 1986 to 2006, and the NRM government has long intervened violently in the activities of pastoralists in the northeast Karamoja region, where the urban centre Moroto has been a hub of humanitarian aid. In

¹ The scars of violent conflict and their legacy in northern Uganda have been widely documented, including in relation to land (Hopwood 2015), love (Porter 2017), cosmology (Victor 2018), social order (Finnström 2008), political power (Branch 2011), and gender relations (Dolan 2009; Schulz 2018). While these scholars examine how ordinary Acholi people navigated an exceptional time and its fall-out, I instead propose here that war is only one way in which the regime blurs the line between exceptional and lawful violence, and it is also one of four components that produce perceptions of state arbitrariness.

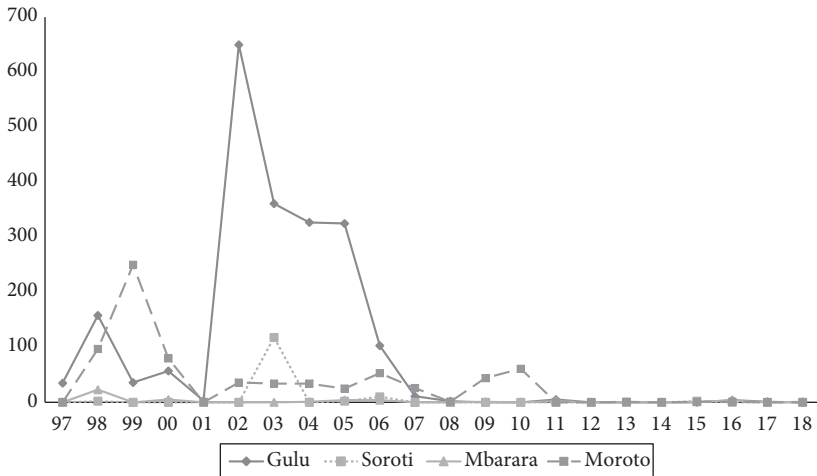


Fig. 7.1 Total fatalities per year by district

Note: This figure shows fatalities beginning in 1997 reflecting the availability of armed conflict location and event data. The dynamics of the preceding decade were similar to the years pictured in the chart, with Gulu experiencing significant loss of civilian life as the epicentre of the conflict between the LRA and the NRM regime, Moroto experiencing violence as part of ongoing cattle raiding and low-level conflict, and Soroti and Mbarara being comparatively peaceful. Further details and exceptions are elaborated in each case study

Source: Armed conflict location and event data

contrast, both Soroti and Mbarara experienced comparative peace and stability between 1986 and 2016, though the figure reflects an exception in Soroti—armed conflict between the LRA and the UPDF (along with the locally recruited militia known as ‘Arrow Boys’), mostly isolated to 2003.

Political relationship to the regime is another key alternative explanation for citizens’ perceptions of arbitrary and unpredictable state governance. Arbitrary governance in places where citizens oppose the regime could be attributed to two factors: first, the ruling regime’s decision to use more aggressive and destructive interventions to punish its opponents in opposition areas; and second, the difficulty of implementing central state authority in hostile locales, such that governance efforts might result in more uneven—and thus less predictable—state presence and effectiveness. In the first circumstance, arbitrariness would not characterize the regime as such, but rather would be one of many tactics it uses to govern specific locales. In the latter circumstance, arbitrariness would not constitute a governing strategy, but rather result from uneven implementation. In the stronghold cases, one would expect the opposite: the regime might allow greater social, political, and economic organization among those it views as its supporters, and state institutions should be able to penetrate more effectively and evenly, thereby producing more predictable governance outcomes. I vary my cases

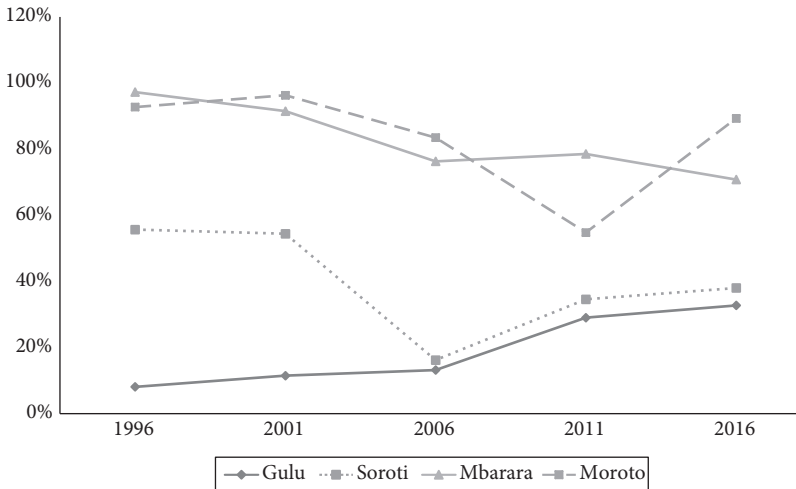


Fig. 7.2 Vote share for President Museveni by district

Source: Uganda Electoral Commission

to probe this alternative explanation, adding a second case, Soroti, to that of Gulu that generally supports opposition candidates and two locations, Mbarara and Moroto, that have voted reliably for the NRM. A high level of voter support for Museveni (pictured in Figure 7.2) indicates that the regime does not face major political challenges from the area.

To ensure comparability across the cases, I selected regional capitals, all of which are small to medium-sized towns with relatively developed infrastructure, including potable water, schools, hospitals, and security services such as the police. Each is also fairly ethnically homogenous. To examine the importance of ethnicity, I asked respondents how they think ethnicity shapes local and national politics. I also interviewed respondents of different ethnic identities to probe the extent to which ethnic ties might account for variation. Though ethnicity is clearly a foundational cleavage in Ugandan society and politics, it did not emerge as a salient factor in civilian perceptions of arbitrary governance.²

The four study locations place conflict-affectedness in relation to political support for the regime to create a two-by-two typology in which each possible combination is represented. The result is one case where both alternative explanations are present (Gulu), and thus a place where arbitrary governance should be most pronounced and easiest to observe; a case where neither alternative

² Though ethnicity did not emerge as a factor that makes citizens view the state as arbitrary or not, it is certainly important politically and in security provision. For instance, Travis Curtice has documented that, all else equal, Ugandans would prefer to report crimes to police officers who share their same ethnicity (Curtice 2019a).

explanation is present (Mbarara), and thus arbitrary governance should be least pronounced and least observable; and two mixed cases (Soroti and Moroto).

For each case, I conduct two types of analysis. First, I use the cases to probe whether citizens actually perceive the regime as arbitrary. If perceptions of arbitrary governance were caused by conflict, one would anticipate seeing it in Gulu and Moroto and much less so in Mbarara and Soroti. If, on the other hand, perceptions of arbitrariness are due to antipathy toward the regime, one would anticipate seeing it in Gulu and Soroti, and much less so Moroto and Mbarara (see Table 7.1). My research shows that the citizens in all four regions perceive the regime as arbitrary and therefore suggests that institutionalized arbitrariness constitutes a particular regime type, rather than simply characterizing localized perceptions of the regime.

Second, I use the cases to operationalize my analytic framework for institutionalized arbitrariness, producing descriptions of arbitrary governance in each location. Table 7.2 summarizes the four oppositions that I have used to describe state capacity, and the effects when they are unstable as in the case of arbitrary governance (the middle column) and stable as in the case of predictable governance (the right column). Each of the four factors contributes a different element to arbitrary governance. They can be more or less fluid. The more fluid they are, the more difficult it is for citizens to establish reliable expectations about what authorities might do, thereby undermining their ability to organize and make claims.

As discussed in Chapter 2, all four oppositions must be destabilized and fluid to produce institutionalized arbitrariness. Comparing the additional cases gives a sense of how arbitrary governance manifests differently given variation in levels of conflict-affectedness and relationships to the ruling regime. They also offer additional evidence that the Ugandan government under the NRM and Museveni has built an unpredictable system of governance that allows it to project power across the country.

The four-part framework for institutionalized arbitrariness generates hypotheses for each opposition. Citizens' perceptions of the state's capacity for overwhelming and unaccountable violence are produced by fear both of state violence and state withdrawal, which can leave a region unprotected from rebels or other

Table 7.1 Case selection to probe alternative explanations for the perception of arbitrary state governance

	Highly conflict-affected	Less conflict-affected
Pro-opposition	<i>Most-likely case:</i> Gulu	<i>Mixed case:</i> Soroti
Pro-regime	<i>Mixed case:</i> Moroto	<i>Least-likely case:</i> Mbarara

Table 7.2 The four oppositions describing state capacity and their contribution to arbitrary governance

<i>Dynamic opposition</i>	<i>Arbitrary Governance</i> ←————→ <i>Predictable Governance</i>	
	<i>Effect on citizens' perception of the regime when unstable</i>	<i>Effect on citizens' perception of the regime when stable</i>
<i>Lawful versus exceptional violence</i>	Fear of the possibility of exceptional state violence	Confidence that law and legal procedure with regard to use of state violence will be properly implemented; ability to calculate likely risks and rewards of encountering the state
<i>State claims versus denials of jurisdictional authority</i>	Uncertainty about which authority will intervene and what rules will be applied	Confidence about which authority has jurisdiction over any given matter; ability to forum shop
<i>State presence versus absence</i>	Belief that state inaction is as intentional as state action	Confidence that inaction by the state means it is absent, and an ability to establish new forms of authority in its absence
<i>State fragmentation versus consolidation</i>	Uncertainty about who is part of the regime, and fear of being excluded	Confidence of one's relationship to the regime, allowing strategic engagement with state authorities

Table 7.3 Hypothesized values for four factors of institutionalized arbitrariness

	Highly conflict-affected	Less conflict-affected
Pro-opposition	<i>Gulu</i> Exceptional/lawful violence: <i>very fluid</i> , citizens fear targeted state violence and that the state will withdraw protection	<i>Soroti</i> Exceptional/lawful violence: <i>fluid</i> , citizens fear targeted state violence
	Jurisdictional authority: <i>highly fluid</i>	Jurisdictional authority: <i>fairly fluid</i>
	State presence/absence: surveillance is limited and covert	State presence/absence: surveillance is limited but not hidden
	Institutional fragmentation: <i>high</i>	Institutional fragmentation: <i>low</i>
Pro-regime	<i>Moroto</i> Exceptional/lawful violence: <i>fluid</i> , citizens fear that the state will withdraw protection	<i>Mbarara</i> Exceptional/lawful violence: <i>somewhat stable</i> , citizens do not fear this regime, but fear instead its removal
	Jurisdictional authority: <i>fairly fluid</i>	Jurisdictional authority: <i>least fluid</i>
	State presence/absence: surveillance is <i>very</i> limited but not hidden	State presence/absence: surveillance is prevalent and overt
	Institutional fragmentation: <i>high</i>	Institutional fragmentation: <i>low</i>

violent actors. Fear of being targeted by state violence is thus likely to be heightened in regions that oppose the regime (Gulu and Soroti), while fear that the regime will withdraw protection is likely heightened by conflict-affectedness (Gulu and Moroto). Both conflict-affectedness and antipathy toward the regime should make jurisdictional authority more fluid, such that it is most fluid in the most likely case (Gulu) and least fluid in the least likely case (Mbarara). Perceptions of state presence will be shaped by the regime's demand for surveillance (which should be highest in opposition areas) and the risks of providing surveillance (which should be highest in conflict-affected regions). Finally, conflict-affectedness is likely to increase local institutional fragmentation. These hypotheses are summarized in Table 7.3.

Below, I present the empirical findings from each of the additional sites, concluding with a summary of the types of arbitrary governance revealed in the probe.

2. Empirical Findings: Varieties of Arbitrary Governance

2.1 Mbarara: Discipline

If any place in Uganda should disprove the notion that the NRM regime uses political unpredictability to govern, it would be Mbarara. The region retains strong links to the central government and is the homeland of Museveni's

Banyankole ethnic group. It is wealthier than northern and eastern regions of the country, and has benefited from several decades of peace and development (World Bank 2016). The region last experienced violent conflict before the NRM came to power in 1986 (Tankink 2007; Roberts 2014). Descriptions of the violence and its aftermath resonate with those of other conflicts experienced across Uganda, though importantly, residents of Mbarara experienced war perpetrated by northerners—Amin from West Nile and Obote from Lango.

Over the 30-plus years of Museveni's rule, one might anticipate the consolidation of power—whether under the regime or the state—and the emergence of a relationship of mutual recognition and obligation between citizens and that entity. Through such a process, local authorities would establish jurisdictional claims. Government resources would flow through the same brokers consistently, and the region would thereby come to resemble a patronage model. Lacking exposure to state violence, citizens would have little reason to fear the state, seeing it as a potential provider and protector rather than a menacing foe. Finally, because Mbarara is a regime stronghold, the government should have a comparatively low need for local intelligence—citizens would communicate willingly with the regime and generally support its longevity. If these alternative explanations hold, Mbarara should look like a patronage system rather than one of institutionalized arbitrariness.

Evidence instead reveals an environment that, though unique from other parts of the country in important ways, shares key elements of arbitrary governance. Broadly speaking, citizens in Mbarara viewed the state more generously than citizens in other areas of the country. Many respondents described it as a benevolent force doing its best in the face of significant restraints. The state's unpredictability was interpreted less often as a manipulative and destructive tool of governance, but rather as a benign inconvenience. Respondents often described the state as low capacity—an agent altruistically attempting to consolidate power and provide services, but stymied by material or practical constraints. Some explained that the government produced 'confusion' by promising one thing and delivering something entirely different (and sub-par). In addition to noting that fragmentation was likely a result of a divide-and-rule strategy, respondents also attributed it and the resultant experience of political unpredictability to patronage and government efforts to continually create jobs. At the same time, they argued that the government and Museveni himself were aware of the consequences—the creation of non-viable districts, waste produced by multiple and overlapping institutions, and low levels of accountability for state and non-state authorities. One former government commissioner explained:

[Is it possible that the government intentionally produces confusion and uncertainty to govern people?] People don't know what is going to happen, so they

cannot plan something against the government. To me, I think you might be correct, the unpredictability of the system makes it survive longer. Because you cannot easily predict so you cannot easily plan against it. It is an old war tactic. If you cannot know exactly what the other side is planning and doing you cannot easily attack. (Former government commissioner, Mbarara, 18 January 2018)

What emerges is a picture both of fragmentation and destabilization, paired with opportunistic brokers who manipulate the system for personal gain. Inevitably this produces unpredictable outcomes, not unlike Jean-François Bayart's circulation of elites, in which the changing relationships among elites and their pursuit of personal gain create uncertainty (Bayart 1993).

Like in other field sites, respondents described state violence as manifest through its potential to both harm and protect. However, in Mbarara, respondents focused especially on the legal aspects of harm, for example, manipulation of law and legal categorization on questions ranging from taxation to terrorism. A former religious leader explained:

If they come and pick you up, they can put any accusations against you. But the popular one these days is treason. You may be innocent, but they throw this at you. By the time you disentangle yourself from that, you have lost so much, it may be difficult to rebuild. Or simply imprisonment for a while. Or even taking you to prison without taking you to court. Three to five months down the road, you've been kept away, incommunicado. Later you are released, and even not taken to court... you've lost so much. People are afraid of that kind of thing... People don't want to take [those risks].

(Former religious leader, Mbarara, 15 January 2018)

The respondent described how the regime can manipulate the police and the judiciary to try citizens on trumped-up charges and occupy them with court appearances or jail time. He also noted how the government can suspend legal order and simply detain citizens with no explanation and no notice for months at a time. Such detention is costly—people who are detained have no way to communicate their status, and thus often lose the trust of friends and employers who don't know why they have disappeared or fear the potential costs of associating with someone on the regime's blacklist. Respondents in the business community explained that the government also arbitrarily changes rules about wealth and property, for example by 'slapping heavy taxes on businesses' or covertly engaging thugs to destroy property.

Respondents saw the regime as having meaningful control over the use of force. For example, a Forum for Democratic Change (FDC) party organizer in Mbarara explained that if opposition political parties tried to recruit their own security or youth wings it would result in detention and possibly death:

[*Why doesn't FDC get their own Crime Preventer group?*] Once you recruit these vigilantes, they [the government] are going to name them as a terrorist... Those guys, NRM members, they'll say, 'Oh, FDC are recruiting rebels!' Then eventually they will arrest our people. Or they can kill them. You remember what happened in Kasese—they killed so many people.³ During a demonstration when Besigye was there they killed someone in Rukungiri.⁴ Even in Kampala! So that is the reason we can't recruit vigilantes. They are very important, we know they are helpful, but you can't recruit those guys and survive.

(FDC organizer, Mbarara, 19 January 2018)

The respondent referenced other instances of unaccountable and overwhelming state violence in Kampala, Kasese, and Rukungiri and as evidence for his claims.

In terms of protection, emphasis fell on the regime's capacity to protect the area from the fall-out of future regime change. This view is historically grounded in the regional and ethnic violence that accompanied the rise of Amin, Obote II, and Museveni. For example, a resident of Mbarara recalled how Museveni recruited his father to fight against Amin in 1979, and the subsequent years of political turmoil:

I learned how to use an AK-47 when I was about six-years [old]. That's how all of us were militarised. I grew up knowing Obote would not stay in power... After 1979, [Obote] went in elections. There were sham elections, they were not as fair as the elections of today. My father was killed before we had stabilised properly in 1987. I stayed the child of the revolution... I remember, much as I was young.

(47-year-old man, Mbarara, 17 January 2018)

The Museveni regime has leveraged memories like these to legitimate southern rule and instigate fear that history will repeat itself if power again changes hands (Bernard 2017). Many respondents also referred to the violence in northern Uganda, noting that the north remains mired in poverty compared to other parts of the country, and attributing this to northern opposition to the regime.

As in other regions of Uganda, state actors in Mbarara assert and deny their jurisdictional authority, and express contradictory expectations about what rules ought to be applied. A stark example is vigilante violence, which is illegal in Uganda. During the weeks I stayed in Mbarara in January 2018, one of the

³ Referring to government-backed violence that occurred in Kasese in November 2016, when the Uganda police and military reportedly killed over 100 people, including 15 children. The attack followed long-standing tensions and sporadic violence between the government and the Rwenzururu kingdom (Human Rights Watch 2018).

⁴ Rukungiri is the birthplace of major opposition leader Kizza Besigye, and has been the site of numerous protests that have been violently shut down by the police. See, e.g. *The Daily Monitor* 2011; Lule 2017.

national newspapers, *The Daily Monitor*, ran three different news items about vigilante violence in Lira, Jinja, and Wakiso. In each, government authorities counselled citizens to report criminal issues to the police rather than take violence into their own hands, lest they be arrested (*The Daily Monitor*, 18–22 January 2018, on file with author). However, in my interviews, elected government officials at the district and sub-county levels condoned such violence as an effective deterrent to other would-be criminals. One LC3 chairman noted the grey area for those who act as vigilantes, describing his personal experiences from his younger days. He explained that when some members of his vigilante group were arrested for assault, the very authorities who recruited them to become vigilantes denied knowing about their activities. He recalled the contradictory expectations placed on vigilantes: they were expected to use violence to police the community and deter criminals. At times, government authorities even verbally encouraged them to kill wrong-doers to send a clear message. But if they ‘overbeat’ they would suffer costly repercussions of court proceedings and responsibility for the recovery of their victims. A badly injured suspect could easily cause the vigilantes more personal difficulty than a dead suspect. The chairman’s reflections illustrate that those working in informal security are caught between the prohibition against beating and the informal—and uncertain—authorization to lynch.

As in the rest of the country, fluid state jurisdiction is exacerbated by numerous institutions with unclear and overlapping mandates. A community member explained that this duplication is a key source of government confusion:

[Something people often have said to me is that government policies are confusing for ordinary people. Do you think this is true?] Yeah, because the problem is we don’t have institutions. Institutions like the civil service, parliament, judiciary, are fused up. If the problem is health, where do you go? Do you go to the ministry of health, department of health, the statehouse, the police—where they have ambulances and standby doctors to help? I think the confusion is structural. No institutions are very clear. You don’t know where the police starts and ends, where security starts and ends, how powerful a district commissioner is, the role of chairman and an RDC.

(53-year-old male community member, Mbarara, 16 January 2018)

Many respondents echoed his view, saying that it is difficult to know who holds real power in any given scenario. Officials at all levels, from village and district chairmen to those who had served in central state ministries, said they felt their mandates were unclear and that this left them vulnerable to challenges from other authorities.

Despite the relative peace in Mbarara, the institutional environment is still fragmented, with significant ambiguity about the relationship among different security actors, especially informal militias or vigilante groups. Though many

respondents reported that LDUs had been disbanded in Mbarara in the early 2000s, I met and interviewed a 44-year-old man who identified himself as an active LDU. Probing suggested that the programme had not been formally closed, but rather that the government ceased recruiting LDUs in favour of recruiting for other initiatives like Crime Preventers. One respondent, who self-identified as a government informant, linked the phase-out of LDUs to national politics, explaining that Uganda's transition to a multiparty system in 2005 necessitated shifting local security provision from the jurisdiction of the LC1 (a position which now theoretically could be held by a member of the political opposition) to the police (Government informant, Mbarara, 15 January 2018).

A journalist elaborated that, as in the rest of the country, Mbarara has seen many local security programmes that repackage existing interventions, contributing to institutional fragmentation:

[In the] early '90s, the government started recruiting and training some youth from the university... in ideas of governance. In the '90s, they put that campaign out to the local leaders. They first trained—was it LDUs?—yes. LDUs. Then the second batch was renamed into cadres. The third batch was LDF [local defence forces]... Then... they trained another batch of youth—those LDFs were elevated to SPCs [special police commissioners]. They were integrated into police, given uniforms and assigned some duties. Most of those things were done during election periods to manage electioneering. Up to now, some are still working, others have been discharged. Of recent, 2015 to '16, they now changed the name to crime preventers... Up to date, we still have crime preventers, working and replacing the old regimes of LDU, LDF.

(Journalist, Mbarara, 19 January 2018)

Respondents widely shared the sentiment that informal security providers are all government militias, differing only in name. An LC1 chairman expressed the view that institutional fragmentation is a part of the regime's governing strategy, likening it to a father using tricks to manage his children. He explained, 'And the smarter your children are the more difficulty you will have. And Ugandans are very clever!' (LC1 chairman, Mbarara, 22 January 2018).

A former government commissioner called institutional fragmentation a regime survival strategy, in which 'different units... bring in different information... so you don't have all your power in one unit... you can play them off each other'. He elaborated on how the burden of this fragmented system falls on the 'ordinary' person, who must negotiate a complex and shifting governance environment.

As an ordinary person, to get by, you have to mould yourself to the authorities around you. You must read the moods of the various powers. There are those

who are pushing [you] around because they want money; they don't mind what is going to happen [to you]. [But] even in their position they have to be careful of the other one who is in charge, [so that] they don't conflict.

(Former ministry commissioner, Mbarara, 18 January 2018)

The phrase 'read[ing] the moods of the various powers' highlights how a system that fosters parallel authorities creates space for the agency—and thus arbitrariness—of each individual authority. The resulting jungle of potential opportunities and pitfalls requires citizens to 'mould' themselves to the authorities around them, producing a kind of malleable and responsive subjectivity. Knowing that the state is the most important of these authorities subordinates sub-national and non-state authorities, as well as ordinary citizens, to the regime. A young man explained:

Looking at many things where the government is involved, it appears that the government has a hidden agenda. Because they don't want to reveal [anything] to anybody, they do things in such a way that you don't ask many questions. Even if you wanted to ask many questions, what do you ask about and what do you leave? They create an atmosphere of a confused population so there is no focus whatsoever so they can continue with their agenda. And the population is in such a confused state, and nothing is straight-forward and it works for them [the ruling regime]. (30-year-old male driver, Mbarara, 15 January 2018)

Creating 'an atmosphere of a confused population' that cannot find a shared focus undermines collective action and claim making on state authorities. Other respondents cited this fragmented institutional environment as evidence that the regime purposefully produces unpredictability to govern, calling it a strategy of divide and rule.

Perceptions of state surveillance were more pronounced in Mbarara than in the other three study locations, perhaps unsurprisingly. Museveni maintains direct personal connections in the area, and visits frequently. Because Mbarara is a regime stronghold, one might also expect little stigma to be attached to sharing information with NRM authorities. Respondents unanimously expressed the view that government surveillance was present in known and unknown ways. One former religious leader explained that in Mbarara, you can never know who you are talking to—and moreover, people are apt to change their allegiances for money or power. He elaborated:

People have come to the point where they think there are ears all over the place... Even when you are talking to someone you are not sure if this person is not already bribed, or whether he will not be bribed to change his mind. So, it becomes very tricky to choose who to talk to, so at any moment you can be

betrayed for your own words. So, people are not free to talk. Even sometimes my wife cautions me, 'Why are you talking like that, what if there was someone at the door listening in?' Sometimes you have a meeting—thinking that you've selected people very carefully—only to have [state] security [agents] descend on the meeting. (Former religious leader, Mbarara, 15 January 2018)

Even in the most private spaces—one's home—ordinary citizens are disciplined to police their speech. Respondents agreed that the perception of surveillance limited people's willingness to discuss their political opinions openly, especially opinions critical of the regime. This anxiety about surveillance extends even to those who are seemingly inside the government fold. For example, during an interview with a self-proclaimed government informant, I was instructed that at dusk, I should move away from the window. My respondent feared that a passer-by might see my white face in the window and make a report to the higher authorities.

While many respondents viewed the government's surveillance system as omnipresent, some articulated its limitations. For example, a former organizer for the FDC party reflected:

I think it is true in the spying system. But it may not be so advanced. Because we've had [*laughs*] our leader of opposition leaving this country without being caught, without knowledge. [*Turning to a friend*] You remember when Besigye escaped from this country? [*Turning back to me*] I think the eyes and ears of this government are there but maybe not so much advanced.

(Former FDC organiser, Mbarara, 19 January 2018)

The respondent describes the surveillance state as a poorly oiled machine, reflecting what David Bozzini has described as 'low-tech surveillance'. In systems of low-tech surveillance, rumours are combined with occasional harsh punishments to create a credible-enough perception that there might be a functional system. Stathis Kalyvas has noted that in contexts of state surveillance and targeted violence, it is easier for the regime to sow doubt and fragment communities than it is for society to build trust.⁵ These doubts underscore the tension between perceived state presence (reflected in the perception of surveillance) and its potential absence (found in the nagging possibility, or even probability, of its incompetence or deficiency). As in other places in Uganda, the destabilization of this opposition makes it difficult for citizens to strategize their engagement with the state.

⁵ Kalyvas writes, 'When uncertain about the victims' innocence or guilt but somewhat persuaded about the organisation's credibility, most people tend to infer guilt and alter their behavior accordingly', offering examples from Algeria, Vietnam, Sri Lanka, and Colombia (Kalyvas 2006, 191).

Though governance in Mbarara is more legible to civilians than in other areas of the country, it is still characterized by the four factors of institutionalized arbitrariness, producing uncertainty that disciplines the population. The regime's actions blur the line between lawful and exceptional violence, using unpredictable categorization to determine some citizens enemies of the state, stripped of their rights, and others as criminals, afforded due process even if that process is instrumentalized to bankrupt the defendant. At the same time, citizens' perceptions of the regime's capacity for violence are based more on observing the experiences of other parts of the country and a historical record of state violence than on their own lived experiences under the NRM regime. Networks clearly matter, but at the same time, many people—from well-educated elites to ordinary citizens—do not know how best to navigate this environment. Instead they are constantly trying to 'mould' themselves to authorities and negotiate a fluid and unpredictable system.

2.2 Moroto: Violence at Scale

Karamoja is often described as Uganda's lawless frontier, still eluding central government control. The area has experienced significant and ongoing conflict due to intercommunal cattle raiding and central government efforts to pacify the region. Though cattle raiding has long been central to life in Karamoja, it became increasingly deadly in the early 1980s, when guns widely replaced spears and other low-tech weapons (Mirzeler and Young 2000). The Ugandan government has launched at least nine disarmament campaigns since 1945, including in 2001 and 2006 (Stites and Abakwai 2010, 11). Despite the tensions resulting from forced disarmament and the low level of development and central state presence, Karamoja has regularly delivered upwards of 90 per cent of its vote to the NRM. Whether this reflects a genuine commitment to the NRM as a political party or apathy about the central state in Kampala, there is little in the way of political competition originating from this region.

The Karamojong people are frequently described as a conglomeration of numerous ethnic groups, with shifting alliances and without a coherent political identity (Stites and Abakwai 2010, 6–7).⁶ Traditionally, they have combined agriculture and pastoral livelihoods depending on the region and local climate; today some also engage in mining (Stites and Abakwai 2010, 7). The Karamojong have historically narrated themselves as 'warriors' and, across the rest of Uganda,

⁶ The 'Karamojong people' include the Jie (inhabiting the central part of the region), the Dodoth (inhabiting the northern part), and the Karimojong (inhabiting the southern part). The Karimojong are further divided into the Matheniko, Bokora, and Pian. Minority groups include Tepeth, Ik, and Nyangia, while the Pokot inhabit the Uganda-Kenya borderlands (Stites and Abakwai 2010).

they are still stereotyped as fierce and uncivilized people who rarely wear clothes and who easily revert to violence (Mirzeler and Young 2000).⁷ Mustafa Mirzeler and Crawford Young note that ‘The mode of state reproduction which defined the nature of the African colonial state could not fully operate in Karamoja. An armed and mobile pastoral population could not be readily subjected to an organized administration, nor serve as a labour pool for coerced service elsewhere’ (Mirzeler and Young 2000, 412 internal citations omitted). It simply was not profitable for Kampala to dominate Karamoja. Instead, the government has long treated the region as a buffer zone, subjecting it to sporadic and often violent intervention. One therefore might anticipate that governance in this region would resemble indirect rule, in which the regime might delegate authority to loyal (enough) counterparts. However, in practice, the regime’s approach to governing Karamoja is more complex and unpredictable.

Over the past several decades, the NRM regime has increased its efforts to consolidate control over Karamoja, waging disarmament campaigns, implementing programmes of sedentarization, and introducing state law enforcement as a primary means of addressing criminal violations. Elizabeth Stites and Darlington Akabwai note that disarmament in Karamoja has had perhaps unintended, but not unanticipated consequences, including:

increased insecurity for communities; stripping of essential and productive assets; the erosion of traditional mechanisms to cope with vulnerability and food insecurity; shifts in gender-based labour roles, responsibilities and identities; transfer of animal management responsibilities; and the collapse of the dual settlement and migratory systems central to the success of pastoral and agro-pastoral livelihoods. (Stites and Abakwai 2010, 11)

Nonetheless, traditional authorities and clan structures remain strong compared to those in other regions of the country.

Particularly during forced disarmament, the NRM regime deployed substantial violence in Karamoja, described as torture and human rights abuses (Human Rights Watch 2007). One crime preventer recalled his personal experience of forced disarmament:

[The government] brought the soldiers to attack us from the *kraal* [an enclosure for cattle] ... and removed our guns. Also—beating. [Also,] they tied our hands like this [*moves his hands behind his back*]. Something again happened, because

⁷ For example, youth were traditionally disciplined through a practice of *ameto*, where the offender is tied to a tree and beaten by his age-mates.

when they tie the hands and legs, they tell you to look at the sun. No closing the eyes! That was the bad thing again.

(Crime preventer, Moroto, 17 February 2018)

Abuses also included arbitrary detentions, a practice of ‘castration’ that involved ‘twisting the testicles over a small stick’, and beatings (Stites and Abakwai 2010, 13). Despite these abuses, respondents noted certain benefits of disarmament: when it was completed fully, they reasoned that the absence of lethal weapons made cattle raiding less violent. However, in many cases, incomplete and irregular disarmament exacerbated violence and raiding, as newly disarmed communities became easy marks for others who were still armed. Though these experiences sowed distrust of the state among citizens, new vulnerabilities also forced allegiance to the state (Stites and Abakwai 2010, 14). Respondents described how many young men reacted to state-run disarmament campaigns by joining state-initiated militias, such as LDUs or ASTU (the anti-stock theft unit). In these state-backed militias, the men were re-armed—often, government authorities would redistribute the very weapons they had confiscated from their new recruits only weeks earlier. This delivered a clear message that anyone who wanted to be armed would have to pledge and enact loyalty to the government. At the same time, citizens’ ability to recoup their weapons shortly after being forcibly disarmed illustrates a mode of civilian agency.

The benefits and harms of disarmament that Karamojong report highlight a complex dynamic in which the government appears to stand outside the moral order of the Karamojong, violently enforcing its will while also policing communal violence with some measure of success. As an LC1 chairman explained

[*Why do people in Karamoja support the NRM?*] Why we are also still making Mzee [Museveni] to go on chair, it is because since he came to power, he brought peace here in Karamoja. The first thing he brought in Karamoja, why people are very happy, disarmament of this gun. If it was not removed you would not even get me as chairman here. He has taken away the gun, everyone has peace. That’s why we would like him to stay and die there on that chair of his. If Mzee goes away from the chair, here—Karamoja—will suffer.

(LC1 chairman, Moroto, 18 February 2018)

An elder explained that he perceived disarmament as a mode of weakening Karamojong resistance to the central state and facilitating resource extraction:

We’re beginning to see. The gun has gone. For what reason? Even among ourselves we knew it was not useful anymore. But we’re seeing there is another danger. I think these guns were removed from us for a purpose. We have seen now our land is going... Our minerals are going... the corridors where we used

to graze our cows, they are now gone. Places where we used to take our traditional shrines of ours are gone...As much the gun is gone, we are left vulnerable for anything to happen. That's our worry.

(Elder, Moroto, 20 February 2018)

Even while the regime organizes material extraction from this region, it appeared more distant than in other parts of Uganda. Indeed, local government in Karamoja has been described as 'phantasmal' with limited authority (Mirzeler and Young 2000, 424). At the same time, respondents articulated recent memories of physical torture at the hands of government soldiers during disarmament campaigns, as well as a keen awareness of the state's ability to disarm the population and leave them at the mercy of other armed cattle raiders whether in Uganda or neighbouring Kenya and South Sudan. In this way, the state has made its violent capacity known in Moroto, both as a potential instigator of violence and as a protector.

In Moroto, non-state authorities appear to consolidate jurisdictional authority more successfully than do those in Gulu, Mbarara, or Soroti. However, the process is not without conflict and contestation, contributing to what Mirzeler and Young have called 'a stable form of disorder' (Mirzeler and Young 2000, 426). For instance, although the state does not formally recognize elders' authority to address issues of criminal justice, it also rarely challenges it. In their study of public authority in Karamoja, Julian Hopwood and his co-authors report 'no instance of where elders had been challenged or sanctioned by the state for overstepping their authority', even though elders' justice relies on violence to discipline (Hopwood et al. 2018, S150). My fieldwork revealed that the relationship between elders and state authorities is far from settled. For example, some saw ongoing efforts to empower women and youths as a way of eroding the authority of Karamojong elders, thereby making the authority structure more easily penetrable by the central state:

That's degeneration of the culture—[the government tries to] put us [the elders] as equals [with youth and women]. Maybe for human rights. They are just putting us down...Even the colonists didn't do that. They used to respect our culture...But for us, the government is trying to do something where they can easily penetrate the society...Penetration of society could be easier through women, or through the youth. The elders are bit tough—they still hold the roots.

(Elder, Moroto, 20 February 2018)

Though such programmes may be well intentioned, the elder's comments reflect an ongoing process of realignment and fragmentation, in which existing sites of authority are being reshaped in the mould of the state. Injecting pluralism into traditional institutions is a way of fragmenting them while leaving them in place.

The jurisdictional authority of elders also faces direct challenges. For example, the police address criminal violations differently from elders. Traditionally, in the case of murder, the family of the perpetrator must compensate the victim's family, but according to an elder, this can cause problems with the police.

We [the elders] are almost disarmed in a way, because of the law...If they could combine [traditional and state laws] and say, 'What is the traditional way of punishment? These are your laws, these are ours of police, can we meet together...?' We want [wrong-doers] to bring peace by paying something. That's what we need as the Karamojong—but the police say no. This causes friction between the elders and the government. (Elder, Moroto, 20 February 2018)

The regional police commissioner—himself from Karamoja—reflected on these tensions as evidence that the basic fundamentals of state authority had yet to be established in Karamoja:

The people down there want a person who is killed to be compensated rather than punishing the offender. We have to go to them and say, 'This offender has not offended you but the state. The person who has killed has offended the state and the state should handle the matter.' The issue of compensation should not arise, it is court [to punish the perpetrator]. You cannot have two at a go: compensation of the dead person and the person in prison. You cannot punish twice. (Regional police commissioner, Moroto, 19 February 2018)

Ordinary citizens saw arrest and detention as a type of disappearance from society that does little to right a wrong and lacks moral or ethical value. This corresponds with Mirzeler and Young's analysis of how the militarization of the region affected elders' authority:

The power of guns, however, has no such [spiritual] connection [like traditional weapons]. As a result, the Jie and Karimojong elders consider the war waged with AK-47s to be profane, lacking the spiritual sanction of customary forms. Thus the norms which regulated and limited such conflict no longer apply, and disorder is far more menacing. (Mirzeler and Young 2000, 409)

This analysis is reminiscent of Sharon Hutchinson's work on the amorality of state violence in South Sudan, which was perceived as an outside force that could intervene with impunity (Hutchinson 1998).

Perhaps because of the remoteness of Karamoja and its diffuse population, the government has relied heavily on irregular forces in this area, forming and maintaining local initiatives to help manage conflict. One man working for a

local development initiative explained that in addition to the basic government structures that function across Uganda, Karamoja is home to the anti-stock theft unit, rapid response units, LDUs, peace committees, community working groups, and a district justice committee (40-year-old man, Moroto, 16 February 2018). Some of these committees reflect the significant NGO presence in Karamoja, which often supports the formation of new initiatives as development interventions. Though there are youth vigilantes in Karamoja, they appear to be less common than in other areas of the country, perhaps because they are seen as benign or even impotent in this highly militarized environment.

LDUs in Karamoja are more militarized than in the rest of the country: they are issued guns, live in the barracks, deploy with the military, and are paid salaries for their work. The fact that they are armed, unlike informal security personnel in other parts of Uganda, may have helped them secure and maintain such material benefits. Moreover, because they are tasked with preventing cattle raiding, they have direct access to high-value rents. Following disarmament in 2006, many of these groups were demobilized or integrated into the military. However, this has not protected LDUs from being arrested or detained by state authorities. In a group interview with seven LDUs, four reported that they had been previously arrested, for actions ranging from losing their government-issued gun to fighting. Informal security providers in Moroto thus appear to face high levels of uncertainty in their positions, much like those in other parts of the country.

Respondents perceived crime preventers, even more than LDUs, as precarious due to their poorly defined mandate and lack of pay. As in other locations, respondents reported that crime preventers often overstepped their role. One LC1 chairman explained that in his village, crime preventers enforced a blanket 4 p.m. curfew on market day, rather than adopting a targeted approach to regulate drunkenness and gender-based violence as they had been asked to do. They were reported to the police, and the LC1 concluded that 'Instead of preventing crime they are the ones causing crime within the village' (LC1 chairman, Moroto, 16 February 2018). The chairman also noted that the crime preventers were scattered and 'somehow invisible', suggesting that though they lacked power in comparison to peace committees and other informal security actors who are more 'rooted' in the community, they still constituted potentially present agents of the state. He reflected that the trouble for crime preventers, even more so than for LDUs and peace committees, was that 'they have not seen their role. It's not clear' (LC1 chairman, Moroto, 16 February 2018).

In this highly fragmented institutional environment, one authority can easily bypass another. Local government officials, in particular, are sandwiched between society on one hand and the state on the other, as the relationship between crime preventers and local authorities shows. In an interview with an LC1 chairman, a

local opinion leader, and a UPDF veteran, the LC1 chairman disparaged the crime preventers for bypassing him, thereby undermining his authority:

For me, I also dislike the way the crime preventers are working... For them they carry a person to police directly, before interrogating them. The work of the crime preventers was to come and meet me as a chairman. I'm the boss. I know what is happening. They should come to me and say, 'So-and-So has done this.' Then I can bring him to the round table. It is good to ask the other one also. Maybe the one who remains behind, he is wrong. Then we can counsel them and see what the way forward is. (LC1 chairman, Moroto, 18 February 2018)

The local opinion leader added:

I don't know why they give them pickies [motorcycles] when we are the ones who are working. Any case can occur. I'm supposed to rush to the peace committee or the police... but I don't have transport. You find the crime preventers have run there... without informing the local leaders... These crime preventers, we don't know their work, but they say they are working... That's a difference [between them and LDUs]. They are put as CIDs [Criminal Investigation Department]—they just come and see what the community is doing [and report].

(Opinion leader, Moroto, 18 February 2018)

The chairman and opinion leader were particularly concerned that crime preventers received benefits from the government, reported directly to the police, and did not consult with local leaders, thereby challenging their authority.

Despite the low level of development and the comparative strength of certain non-state authorities like elders and LDUs, civilians perceive the state as potentially present and overseeing their daily lives. As in other areas of Uganda, several respondents expressed their view that the government had spies everywhere. An employee of a local government initiative elaborated:

We have auxiliary branches of security agencies. There are those that are constitutionally recognised, but there are sub-structures of informing. They are very complex... You cannot understand... You move within your shadow and yourself. Those complex situations...! You can have a division commander here operating as a security person, but for me [an ordinary person]... I may have a hotline of statehouse. And I'm reporting what he's doing on the street or elsewhere to statehouse, which effects his job. That complex network is a bit complicated to understand. And yet we have the [formal] security intelligence system. We have ESO [External Security Organisation], ISO at national level, regional security internally, district security, then sub-county GISO [Gombolola Internal Security Organisation], PISO [Parish Internal Security Organisation],

then we even believe it has gone up to family—household. You may have a FISO [family internal security organization]. A wife investigating on the husband and husband on the wife. That complex structure. You don't know where the story goes. (40-year-old employee of local development initiative, Moroto, 16 February 2018)

A female crime preventer explained that government surveillance was used both to combat insecurity, for example by tracking down terrorists and foreigners, and also to marginalize members of the opposition, for example, by denying employment opportunities to them and their family members (Female crime preventer, Moroto, 16 February 2018). However, respondents generally spoke freely about the regime both with me and each other, demonstrating that, though they felt state presence, they were not fearful of it. Many linked state presence to services, in addition to the kind of deep state surveillance that their counterparts described in Gulu, Mbarara, and even Soroti.

The result is a type of governance that is less atomizing but still demobilizing, which I describe as *violence at scale*. Instead of dividing citizens, the regime uses broad-based, group-level violence to isolate the region from the rest of the country, while further leveraging ethnic and regional divisions by which Karamojong already see themselves as distinct from much of the rest of Uganda. While local authorities, including elders and clan authorities, have clear notions of their jurisdictional claims, their authority is undermined—or at the very least, reshaped in relation to the state—when the state wages violent campaigns against society as a whole. State violence is comparatively organized and deployed according to public policies, though these policies are ever changing, as illustrated by oscillating campaigns of armament and disarmament over the decades.⁸ State intervention appears both as a potential threat but also as a potential enforcer of political order. State acts of violence at scale allow for local-level order to prevail in the absence of the state, but shape citizens' subjectivities in relation to the possibility of violent state intervention.

2.3 Soroti: Contested Assemblage

Soroti is the largest urban centre in the Teso region in eastern Uganda. Since Museveni took power, the town has remained a site of political grievance, with low support for the NRM in both national and local elections. The region and town have experienced some armed conflict over the past several decades, though

⁸ See also changing policies related to food aid as described by Hopwood et al. (2018).

comparatively less than Gulu and Moroto.⁹ When the NRM first took power, locals supported a homegrown rebel outfit, the Uganda People's Army, to fight the NRM (Brett 1995, 146; Kandel 2014, 24). However, by 1993 the NRM had defeated the insurgency and incorporated many of the rebels into the national military. The area has also suffered from decades of cattle raiding led by the Karamojong. Matthew Kandel notes that 'virtually all' residents of Teso believed that the NRM contributed to and supported cattle raiding in order to destabilize the region (Kandel 2014, 26).

In 2003, the LRA made a brief appearance in Soroti, spurring the formation of 'Arrow Boy' militias. These militias, staffed by local civilians who had formerly fought the NRM as rebels, were described as 'a rag-tag bunch of angry young vigilantes with AK47s' (IRIN News 2003). Armed by the national army, the Arrow Boys were seen as integral to protecting Teso from the LRA. A UPDF soldier recalled:

For us here in Teso, we had the Arrow Boys. These are the civilian population who came to help the government forces to counter attack the rebel forces... [because] they didn't have enough manpower... There was even a time that they ran short of guns, so many were willing to join. They really joined up and also helped a lot. They did much work. They knew the location and the locality. They knew who was a member of that village or what. They caused a big impact here. After that insurgency when they drove off the LRA, some are still in the national army. Others they [the NRM government] gave some small package to go back and settle [at home]. (UPDF soldier, Soroti, 1 February 2018)

This period of conflict displaced an estimated 130,000 people in what was then Soroti district (Soroti district has subsequently been split into multiple new districts) (Kandel 2014, 28). While these instances of armed violence, property destruction, and displacement were significant, they were more sporadic and less lethal than in the north and northeast of the country.

Given Soroti's comparative stability and generally pro-opposition leanings, certain predictions follow. One would expect its citizens to be less fearful of the government and for governance arrangements to be more organized and consolidated than in Moroto and Gulu. As a result, citizens would have a clearer idea of which authority should be able to help them in different scenarios. However, as in Gulu, one would also expect fluid and changeable claims to central state jurisdiction, as the regime at times intervenes to govern this opposition area and at other

⁹ Soroti has experienced periodic violence, including state violence during the early years of the NRM's rule, cattle raiding by the Karamojong in the 1980s and 1990s, and a brief period of conflict when the LRA invaded and was pushed back largely by local militias in 2003. The northern parts of Teso experienced more protracted armed conflict in relation to cattle raiding by the Karamojong between 1979 and the mid-2000s.

times recedes. The central government would thus remain in the background of daily governing arrangements. This combination of a state apparatus running parallel to plural public authorities would create regular opportunities for citizens to bypass local public authorities. As a result, public authorities would be weakened and undermined, even while remaining relatively coherent. Further, as an opposition region with limited conflict-affectedness, one would expect both high risks and high rewards for informants, resulting in limited and covert surveillance.

To some extent, my research supports these predictions. Arbitrary governance in Soroti appears to be driven less by mistrust and fear, and more by a system that allows the unpredictable and sudden collapse of local authority in the service of the central state. Governance in Soroti resembles a *contested assemblage* of authorities, structured by the state's capacity for violent intervention and enforcement. It thus shares dimensions of unpredictability and arbitrariness, more due to one governing authority superseding another than to authorities denying their power or simply being too fragmented to function effectively.

In Soroti, civilians asserted that the regime maintains superior access to violence that can, but often does not, protect the civilian population. Instances of armed conflict between the government and locals were largely isolated to the early years of the regime's rule. Subsequent violence has taken the form of policing, as well as protection from external threats or lack thereof. For example, in the late 1980s the NRM disbanded local militias, and then failed to defend civilians from the LRA and Karamojong cattle raiders. Disarming local militias allowed the Karamojong raiders to plunder cattle across the region, a loss that impoverished the region and is still felt by residents today. As in other areas of the country, the gun is key to local imaginations of state authority. Several crime preventers explained: 'We [crime preventers] only use guns for parade—we can sign out one for parade. They don't allow us to use it yet, because we were not given uniforms. You carry gun when you put on uniform. When you are a civilian it's not allowed' (Former crime preventer coordinator, Soroti, 29 January 2018).

Another crime preventer elaborated that the government taught crime preventers, and LDUs before them, how to use firearms. However, without access to guns, this training does little more than make them aware of their vulnerability to other armed actors.

[Do government trainings to use guns make you more secure?] Not even, no, no. You have learned the gun, but you don't have it. You are not secure. If thieves come to realise it is you [who helped arrest them], after when they are released from prison, they can come and take you. Though you know the gun, what can you do? (Crime preventer, Soroti, 3 February 2018)

Verma, in her study of the NRM's *chaka mchaka* programme, similarly finds that government policies and programmes are designed to produce the perception that

the ruling regime controls access to firearms. In Soroti, respondents explained that under rare conditions, crime preventers could be armed. At the same time, they expressed fear of gun-related violence: a crime preventer said that they dare not report police corruption to higher-ups because ‘they will shoot you’ (Former crime preventer coordinator, Soroti, 31 January 2018).

Several former crime preventers described personal experiences of state coercion, recounting how they were ousted from their leadership positions. They recalled that in late 2017, they were called to the Central Police Station in Soroti, where they went frequently for work. They reported that upon arrival, they were forcibly detained until they produced the government-issued motorcycles that they had received in December 2015. They were indignant because they had believed these motorcycles were personal rewards from the president, gifted to them for their hard work. One of the former crime preventers explained:

They called us like to come to a meeting... This man from the National [Crime Preventer] Forum came. They went to talk with the district [crime preventer] coordinator and the DPC. They made us stand in the line, they asked, ‘Where is your motorcycle?’ They called the Field Force Unit [an elite government police unit] around them. We said, ‘Are we criminal now?’ ... [They said,] ‘If you don’t have the motorcycle... [we will detain you]. If the motorcycle comes [to the Central Police Station], you come out.’ The DPC then detained seven of us, two FDC and five NRM. One person stayed detained inside [the police cell] for five days until the motorcycle came.

(Former crime preventer coordinator, Soroti, 31 January 2018)

Those involved explained that they were detained as part of an internal dispute within the Crime Preventer programme because their superiors were dissatisfied with their performance. Rather than using rules internal to the Crime Preventer programme to discipline or remove disobedient crime preventers, the higher-ups leveraged the coercive power of the police to arrest them and forcibly repossess gifted motorcycles. The respondent notes that even those supporting the NRM were detained—even though they had believed that their loyalty to the regime would offer protection at a local level, it did not. Those who had been detained responded with formal written complaints addressed to the president and the IGP, requesting monetary compensation and re-appointment to their original positions. These actions belied a belief in the procedural integrity of the system—that they could lodge their complaint through formal written channels—as well as a belief that these higher authorities would step in to enforce previously understood rules of the game.

Respondents in Soroti described state actors exercising fluid jurisdictional claims. For instance, an LC3 chairman discussed the ambiguous and contradictory status of LDUs and other civilian militias, who are sometimes considered part of

the state and other times placed outside the state's jurisdiction. He added that, in his opinion, this approach to LDUs is an intentional governance strategy to 'manage the thinking and behaviour of the people' and keep them invested in the regime's longevity:

[But why does the government make promises they cannot keep [to pay LDUs or integrate them into the military]?] They have carelessly spoken like that for purposes of appeasing them. But these people are not entitled to any pay, not putting uniform, no such work plan... I know our president has always boasted that those are reserve forces, but by name. He just does not want them to feel like they have been set aside. Even those who retire from the army, he occasionally boasts that they are reserve forces. Even himself! He sometimes puts on uniform. That's politics. The science of managing the thinking and behaviour of the people. You are kept like you are part of the system and you are hopeful, and therefore at the end of the day you will have no reason to fight and begin demanding for your rights, even when you see that you are not getting them. But because of such comments coming from the president or a local leader, you tone down and feel that there is no need for you to cause disorder or disrupt the way things are done. It's just meant to appease the people.

(LC3 chairman, Soroti, 1 February 2018)

The LC3 chairman reflects on how jurisdictional fluidity can simultaneously demobilize and engage citizens, keeping them 'hopeful' and 'like part of the system'.

Like other areas of Uganda, Soroti has a fragmented institutional environment with multiple competing and overlapping authorities. Although local authorities appear to have a comparatively clear idea of what they are supposed to do, they are sometimes overruled. A journalist explained that institutional fragmentation is a defining characteristic of Uganda's governance system. He argued that the regime formed numerous institutions to provide services to ordinary people, but a lack of political will allowed corruption to subvert these efforts. He explained that confusion resulting from overlapping institutions benefits those in power at the expense of common people.

All these institutions have been created to cause confusion. There are policies that are supposed to be followed, but when it comes to implementation there is high level of corruption in all sectors, whether from LC1 all the way to the RDC's office. The community is now confused. This kind of confusion of a lot of—all these institutions—all the same but handling things differently. If you have not gone to school to know that the mistake is here, you will be the one to lose. So a common man in the village will always end up losing.

(Journalist, Soroti, 4 February 2018)

An LC3 chairman further elaborated how this process helps bolster the power of the ruling regime:

[I've noticed there are many different and overlapping governance systems. In your opinion, why is it like this in Uganda?] [Nods] 'It's unfortunate. You are right. Actually, those structures, even when they are there the way they are, enforcement and the way they relate... It is because government was very ambitious to assert its authority and to control each and every thing. The government went—I can say the president went ahead—to create so many of these hoping that is the only way he can touch everybody. So much so that it works in their favour so that they can stay longer. It was done in good faith thinking... [that] it can be helpful... [but it creates] confusion. It is confusion and okay—I don't know how long they [the regime] will survive under that confusion, whether they will sustain it.

(LC3 chairman, Soroti, 1 February 2018)

Respondents widely shared such perspectives; many described institutional fragmentation as a strategy of divide and rule, intended to fragment power.

One crime preventer explained how fluid jurisdiction and institutional fragmentation create an environment with little accountability, where it is difficult for citizens to make claims on any authority:

Like the [violence in] Kasese¹⁰... everyone knows about it! He [Museveni] is the one [who commanded it]. Even the Brigadier himself said, 'I was commanded by the president', but after that, he denied [it again]. He still protected the commander [so] that he [could do] his right job... Whenever anything happens on the ground—everybody like the police, army, they will just tell you, 'I am commanded', but when you follow that command, you will get maybe IGP, but even IGP is commanded by another person. It is just a command. Now, when you need a job, there is no way you refuse command. When you fail, you'll be in trouble. Most of the people are innocent, because they need a job. They protect their job by hearing the command [and obfuscating its origin].

(Crime Preventer, Soroti, 3 February 2018)

He noted that though it is commonly accepted that commands come from the highest authority (i.e. the president) there is rarely evidence for this. Obfuscation and denials introduce uncertainty as to who is really responsible, thereby making it difficult to hold anyone accountable.

¹⁰ Referring to government-backed violence that occurred in Kasese in November 2016 (Human Rights Watch 2018), see note 4.

Respondents in Soroti also discussed surveillance, with several respondents expressing concern that I was a spy, whether for the US or the Ugandan government. One journalist interjected mid-interview:

Are you aware, even me now with you here, I could be arrested anytime? The government is so particular. They can come here [and ask] ‘Why are you talking to a foreigner?’ Something like that. They may dig deep. That’s why I was asking, ‘Who are you? How does an American come here to look for local security in Uganda?’. (Journalist, Soroti, 4 February 2018)

Noting that he ‘could be arrested anytime’, the respondent highlighted the potential presence of the state. Nonetheless, respondents were generally less suspicious and more open, in particular about their political beliefs, than those I had interviewed in Gulu. The greatest suspicion was expressed by an NRM-affiliated elected official, who suspected me of spying not for the Ugandan government, but for a foreign entity. These respondents perceived the possibility of surveillance, but unlike in other areas, expressed as great a concern about foreign intelligence operations as from their own government.

Respondents in Soroti described a type of unpredictable state intervention similar to those depicted in other parts of the country. However, they expressed less fear of the ruling regime and—in some cases—a perception of greater proximity and trust than was expressed in either Gulu or Moroto. For instance, the crime preventers who appealed directly to the IGP and the president made evident their belief that the highest authorities in the country would be concerned with their personal plight, and overrule the mid-tier authorities who had excluded them from the programme without following proper procedural channels.¹¹ Local authorities in Soroti appear comparatively more organized and consolidated than in the other field sites, and unpredictability seems to emanate more from the possibility of violent state intervention than competition among low-level authorities.

3. Varieties of Arbitrary Governance

Each type of arbitrary governance causes citizens to self-police, though the end is achieved through different combinations of the key mechanisms (as depicted in Table 7.3). These findings help further develop nuances and complexities of arbitrary governance and explain how, in each scenario, arbitrary

¹¹ The crime preventers had explained that they were arrested because the higher-ups were unable to oust them through elections, the route through which local crime preventers in Soroti originally gained their positions.

Table 7.4 Types of arbitrary governance

	Highly conflict-affected	Less conflict-affected
Pro-opposition Pro-regime	Atomization Violence at scale	Contested assemblage Discipline

governance works through slightly different channels to fragment civic organization and limit claim making. The results can be summarized as four types of arbitrary governance, listed in Table 7.4. These types reflect particular manifestations of the key factors, and thus may not apply directly to other contexts outside of Uganda. Instead, this typology shows how the framework of institutionalized arbitrariness can be operationalized to analyse arbitrary governance across diverse contexts.

3.1 Atomization (Gulu)

Atomization uses direct, material, and unpredictable violent intervention against the individual’s body. Different authorities may have formally discrete jurisdictions. However, these jurisdictions are regularly and continually destabilized as other public authorities unpredictably and repeatedly redefine their own jurisdictional claims. In such a context, it is difficult for citizens to develop expectations about the role and responsibility of different authorities, resulting in atomized members of society. These isolated subjects are physically vulnerable to state violence and are therefore actively disciplined through direct interventions. Unpredictability is regularized and impersonal in its implementation.

3.2 Contested Assemblage (Soroti)

In a contested assemblage, the second form of arbitrary governance, different actors, broadly speaking, have their own generally accepted jurisdictions, though these are often destabilized through competing claims, personalized interests, forum shopping, or a host of other obscured explanations. This approach to arbitrary governance in part resembles a security assemblage, in which the jurisdictional claims of numerous actors create a low-level equilibria (Abrahamsen and Williams 2010). However, in a *contested* assemblage, actors in the assemblage regularly challenge and undermine each other, creating significant uncertainty and making the state appear arbitrary. Violence recedes into the background of this mode of arbitrary governance, as it is comparatively institutionalized in the authority of each discrete actor in the assemblage.

3.3 Violence at Scale (Moroto)

Violence at scale, the third form of arbitrary governance, uses unpredictable acts of broad-based and group-level violence to destabilize jurisdictional claims and to discipline subjects. While local authorities have clear notions of their own jurisdictional claims, their claims are destabilized during violent campaigns against society as a whole. State violence is comparatively organized and deployed according to public policies, though these policies are ever changing. State violence appears both as a potential threat but also as a potential enforcer of political order. Acts of violence at scale allow for local-level order to prevail in the absence of the state, but shape citizens' subjectivities in relation to the possibility of violent state intervention.

3.4 Discipline (Mbarara)

In discipline, the fourth variety of arbitrary governance, the four oppositions of institutionalized arbitrariness are comparatively more stable but, combined, are still sufficiently fluid to produce an unpredictable and high-stakes relationship between citizens and the regime. Citizens' perceptions of state violence, and their view of the regime as a source of protection, are largely shaped by second-hand accounts of violence from other areas of the country. Because citizens have close ties to and direct communication with elites in the government, they perceive the ruling regime as well informed on local matters. Even small decisions seem potentially high-stakes, because anything could be recategorized as an infraction and punished. Because the regime makes arrests and sanctions ordinary citizens based on inconsistent rules, citizens' expectations for the use of violence remain unstable and cause them to self-police.

4. Limitations and Implications

Each variety of arbitrary governance requires the unpredictable use of state authority and violence to fragment local organization and forestall the formation of reliable expectations that citizens might use to make claims on (state) authorities. Such an environment keeps claim making fluid, always open to redefinition—and continually creates opportunities for those with more power to retilt the playing field, overall to the advantage of the ruling cadre. Recognition of arbitrary governance, in all its forms, helps explain how a regime lacking regular presence across its territory can still maintain power across an ethnically and regionally divided country.

Sub-national variation in arbitrary governance further offers insights about questions of intentionality as well as several limitations of institutionalized

arbitrariness as an explanatory framework. Rather than reflecting a system in which arbitrariness is based purely on personalized rule, the fact that arbitrariness is institutionalized suggests a governing *structure* that fosters uncertainty, liminality, and political disorder. Was this structure intentionally designed to produce unpredictability? Or does a weak and fragmented system just happen to produce unpredictability, as many have theorized about fragile states (Acemoglu and Robinson 2012; North et al. 2009)?

Though it may be impossible to conclusively determine that the state's leaders intentionally institutionalize arbitrariness, there are several elements to suggest that, at the very least, the regime is aware of its unpredictability and sustains it to maintain power. First, arbitrary governance is present across the country—showing that it is not fully explained by conflict-affectedness or political relationship to the ruling regime. Second, a preponderance of circumstantial evidence suggests that arbitrary governance is used to destabilize elites and undermine their ability to catalyse support from their constituencies, necessarily fragmenting local-level organization in the process. Finally, the regime continues to sustain division and competition in the security and governance sectors, despite the known high costs.

Several respondents, particularly elites who had formerly served in the regime and worked with Museveni personally, articulated arbitrary governance as a necessary product of 'big-tent' patrimonialism. This view sees the regime as benevolent but trapped in a governing style that requires continually expanding the patrimonial network to include an ever growing constituency. Fragmentation helps divvy up resource streams to reach ever wider and more diverse coteries. However, as has been illustrated, the system is not merely fragmented; it is also organized to foster competition and cross-agency espionage. Such a 'divide-and-rule' strategy aims not merely to distribute goods, but also to undermine trust within constituencies.

Other respondents argued that the regime seeks to undermine elites—such as military officers, government ministers, businessmen, and religious and cultural leaders—and that local fragmentation is merely a side effect. In this view, what I have described as arbitrary governance might be akin to what Bayart has described as interlocking dynamics of divergence and reciprocal assimilation that incorporate African elites into a dominant but fragmented ruling class, 'defined, above all, as the sum of individual strategies' (Bayart 1993, 178, citing A. Morice). However, if elites are weakened by fragmenting their bases of power, then fragmenting elites and fragmenting local organization are linked. Though local fragmentation may not have been the regime's initial goal, it has clear benefits for the ruling regime and has become integral to the regime's success. As a former NRM government minister reflected:

What I know is that it is in the interest of government for people to remain poor and disorganised so that they can be ruled and bought all the time. So that they

may feel helpless and hopeless. They may owe everything to the government. That is what I believe . . . Things are made on purpose, like divide and rule, so that people are divided, not united. Because when you unite them—united we stand. I think the evidence is the fact that they continue creating small, unviable administrative areas. It's evidence of divide and rule. The ethnicity is very glaring, and nepotism is also a principle of divide and rule. And then, the poverty thing.

(Former NRM government minister, Kampala, 9 February 2018)

It is simply not possible to undermine the emergence of potential political competitors by weakening their claims to local authority and undermining their base without also disorganizing the citizens who comprise their base—these are two sides of a single coin.

Some elites saw what I have described as a strategy of disorder as one of fear. A formerly high-ranking NRM official and member of the security services who had become an opposition leader reflected:

[F]or the regime to say, 'Let's create so many units [to cause confusion among the population]' . . . I am not so sure that they [the elites of the NRM regime] are even that sophisticated to have been thinking in that sense or that way. I am not so sure. I think their main contention was to create fear and then the people will police themselves, because fear undermines people's confidence and undermines their capability to organise themselves. I think that's what informed the actions that they've been carrying out.

(Former high-ranking NRM official, Kampala, 26 January 2018)

Fear is woven into arbitrary governance. And yet, the effects of this regime among ordinary citizens do not appear to be first and foremost a product of internalized fear. Unlike the subjects described by Linda Green (1994) or Lisa Wedeen (1999), whose self-policing takes the form of silence or performative support for traditionally authoritarian regimes, this system is able to accommodate a comparatively critical and agitative population. Some Ugandans do speak critically of the NRM government in public fora, join street protests, and declare their support for the opposition. As the same respondent went on to explain, fostering divisions and suspicion is also essential to this governing strategy:

You hear people expressing themselves in conferences, workshops, on radios. But when it reaches a point of them getting organised . . . ! Even if they are agitated, but they remain as individuals, they do not get organised and become cohesive to a point where if they put their demands there is organisation behind those demands. Even if you get one or two individuals, they [the government] will crush that. If you are from the outside you think this might be a democratic country. If they [the government] see a form of organisation behind expression

of grievance, that's what they fear most. They know any organised force will impact on whatever they intend to fight against. That's why they spend a lot of time creating divisions and suspicion.

(Former high-ranking NRM official, Kampala, 26 January 2018)

The respondent notes that there are spaces and times in which citizens can express discontent and criticize the regime. But the regime ensures that these spaces are fragile and potentially fleeting, both by 'creating divisions and suspicion' and—should that fail—using violence to 'crush' organized opposition. The resultant picture reflects an unpredictable political environment, in which risks are extremely difficult to calculate, thereby dampening organized collective action while leaving open fragile spaces for dissent.

Finally, the highest levels of government continue to produce and sustain fragmentation despite its high cost, suggesting that fragmentation or its effects are valued. In 2017, an internal government report on the excess cost of duplicative government ministries and agencies was leaked to the press. Museveni has repeatedly called on parliament to streamline government agencies, for example in September 2018, with the cabinet reporting that such merging would save the government 1 trillion shillings per year (approximately 333 million US dollars per year) (Bagala 2018b). When asked if the government would implement reforms, a former opposition MP said she thought it was unlikely, reflecting: 'The centre does not want efficiency. The centre uses these fragments to achieve the political survival aspect of it' (Former opposition MP, Kampala, 7 February 2018). A journalist in Mbarara noted that though the president has lamented such inefficiencies, he continues to support them:

Even the president oftentimes has been quoted as talking of these agencies' duplicating roles. But what has he done? Instead they have kept on increasing. When you look at the districts, he says the districts are not viable, but he continues dividing them into small, small units for the purposes of creating new positions. But they also know that they are not viable. I mean, he's the CEO [chief executive officer]. How do you complain of an agency duplicating roles and you cannot do anything about it? That's my question. If you went into the details and look at the executives of these agencies and where they come from, then you would know that it's a scheme.

(Journalist, Mbarara, 16 January 2018)

The former MP attributed fragmentation, and its resultant inefficiencies and confusion, to a regime maintenance strategy:

But President Museveni, at least to those who have studied him, likes to—as the people here locally say—be the only bull in the crawl. He would love to see an ISO

that is fighting the police and the police fighting the ISO so that none of them becomes a strong power centre.

(Former opposition MP, Kampala, 7 February 2018)

Reflecting further on whether arbitrary governance is an intentional strategy, a former government minister argued that the extreme impoverishment of Ugandans under Museveni's sustained and relatively peaceful rule is evidence of intention:

So for me, I came to learn later that there was a deliberate policy—not written anywhere—to impoverish Ugandans, to make them poor, vulnerable, and desperate. To create a class of vulnerable, extremely poor, desperate people, who put their hands [out], 'Please help us, help us.' Any little thing can help. In all the previous governments, I'd never seen that—where people are turned into beggars. (Former government minister, Kampala, 9 February 2018)

When further pressed, the respondent pointed to a preponderance of circumstantial evidence, offering the recent example of how the regime used legally compliant means to remove the presidential age limit.

We know very well that the reason they removed the age limit is because they want him to stay in power, and even later on create a dynasty of them to stay. Now, can I give you concrete evidence on that? Which evidence can I give you? And yet I know it is true. Until he contests and I see that's why he was doing it. And they even raise it, 'It is not for him,' and yet it is.

(Former government minister, Kampala, 9 February 2018)

The respondent noted that these observations fell short of hard evidence, but argued that this ambiguity only amplified the effectiveness of such an approach.

A former member of the NRM regime who held top posts in security and administration explained:

He [Museveni] likes that confusion. That confusion helps him to gage society and what is happening in the various sectors of the government in the state. He is always on the top of it.

[*But how can you know it is intentional?*] I am a political scientist just like you. You just observe and see how events unfold . . . Over time, observation . . . yes, and how he uses—like, he will not take the official line of the director of CID [Criminal Investigation Department]. He will rely more on these other groups, whatever he wants. So certainly, you observe as a political analyst that this is one tactic of his survival. Not everything is written, not everything is said.

(Former member of NRM regime, Kampala, 7 February 2018)

These former top members of the NRM regime, who had worked closely with Museveni over decades, similarly described Museveni as strategic and manipulative, using a ruling style that cultivates division, fragmentation, and suspicion. They differed in the extent to which they saw this as a purposeful attempt to weaken civil society, but agreed that disorganizing elites was a clear goal. When pressed for evidence, they returned to the over 30 years of governing decisions that they argued reveal clear patterns of behaviour and governing priorities.

Like these elites, respondents across my field sites described the regime and its governing style as unpredictable, supporting the notion that arbitrariness is an element of central governance rather than a legacy of conflict or a reflection of antagonism between the civilian population and the ruling regime. Central government policies significantly contribute to institutional fragmentation; thus, it is perhaps intuitive that it is common across Uganda. However, the three additional factors of institutionalized arbitrariness were also present, to varying degrees, in all four study locations. By fostering ambiguity between exceptional and lawful violence, destabilizing jurisdictional authority, and creating uncertainty about the state's presence and absence, the regime has institutionalized arbitrariness. The result is a productive unpredictability. Despite the fragmented and seemingly tenuous nature of the regime, ordinary citizens also perceive it as cohesive and powerful. They interpret the regime's absences and inconsistencies as intentional, rather than as evidence of fragility or weakness.

Such variation in arbitrary governance is also helpful to identify sites of resistance and limitations to what might otherwise appear to be a totalizing and all-encompassing explanation for regime control. The variation illustrated in these cases shows how unpredictability, distributed differently, might cause opposition to take particular forms. For example, in conflict-affected Gulu and Moroto, crime preventers attempted to make claims on state authorities by gathering in large numbers at the district's Central Police Station, reflecting the fragmented and unpredictable nature of state institutions. In contrast, crime preventers in Soroti wrote personal requests to the president and the IGP, attempting to use the bureaucratic system to claim payments and promotions, reflecting their perception of comparatively stable jurisdictional claims.

Another wrinkle in this picture of state domination is how citizens manipulate practices of state violence, for instance, when Karamojong responded to disarmament campaigns by joining government militias to retrieve their weapons. Arbitrary governance does not imply that any forms of protest or opposition are impossible, nor that citizens cannot seek to manipulate a fluid and changing governance environment for their own benefit. Instead, it explains certain limits of collective action in Uganda, and how the regime has managed to project authoritarian control and co-exist with surprisingly effective state institutions that at times impose checks and balances. Citizens simply have fewer options

for organizing and making political claims, and the spaces within which they can do so—while present—are fragile (also see Abonga et al. 2019).

This chapter offers a systematic way to think about the politics of unpredictability, its production, and some of its implications for civil society and collective action. Neither conflict-affectedness nor opposition to the ruling regime fully accounts for citizens' experiences of arbitrary governance; instead, arbitrariness is part of the regime's approach to governance. The strongest version of this argument sees the ruling regime as intentionally and consciously institutionalizing arbitrary governance as a long-term end goal in itself. This extreme scenario appears unlikely; however, a softer version seems hard to disregard. Such an argument sees the government's divide-and-rule tactics as necessarily producing ambiguity in the relationship between citizens and state actors. This ambiguity serves the interests of the regime by fragmenting citizen claim making. The ruling regime is aware of both the ambiguity and its effects, such that unpredictability has become integral to its success.

Arbitrary Governance in Africa and Beyond

This book began with the story of William Odera and his brother. The narrative chronicled how an unaccountable act of state violence took the life of Odera's brother, and described Odera's subsequent unfulfilled pursuit of justice. The case demonstrates how unpredictable, violent state interventions, like those of the police, can keep nascent public authorities, such as local vigilante groups, fragile and fragmented. It also illustrates how the state outsources day-to-day security and justice duties—responsibilities that go to the core of the state's authority and legitimacy—without meaningfully devolving power. Odera's experience further shows how arbitrary governance in the security sector can have spill-over effects that shape the lives and political identities of ordinary citizens. Odera's experience is, of course, idiosyncratic. But in the context of this book, it offers a window into how arbitrary regimes integrate unpredictability into the structure of the state, and how institutionalized arbitrariness translates into the lived realities of ordinary citizens who are simultaneously bound and abandoned by the state.

Arbitrary governance, as described in this book, recognizes the capricious and patrimonial nature of personalized rule while recentring the relationship between state violence and the state-building project. It helps explain how, across a country like Uganda, vigilante groups and other local public authorities police their communities, try criminals, mete out punishments, and collect revenue via taxes or fee-for-service models—yet are largely unable to cement their own authority. Instead, unpredictable state interventions and refusals to intervene render vigilantes and other local authorities fragile and fluid, causing them to occupy a 'twilight' space between the state and society (Lund 2006b). This story is not just one of local-level competition in a complex or plural governing arrangement. Close inspection reveals that the authority of nascent actors is largely determined by the governing landscape produced by the most powerful violent actors. While in theory the most powerful actor need not be the state, in practice the state's juridical claims to authority and access to military power mean that it almost always is. Arbitrary governance thus reveals and helps explain contemporary state-building projects in contexts that might otherwise be mischaracterized as fragile, weak, or (neo)patrimonial.

This book has studied Museveni's Uganda to offer insights into new forms of authoritarianism observed around the world. Chapters 1 and 2 drew from diverse

cases of authoritarian rule to build the theoretical framework for arbitrary governance. This final chapter returns to questions of external validity and theoretical utility in two sections. Section 1 discusses arbitrary governance in a global context before applying it to regimes in three African countries where scholars have observed similar phenomena: Ethiopia, Rwanda, and Zimbabwe. I find that arbitrary governance characterizes all three regimes, but its precise manifestation is shaped by particularities of the state apparatus, notably the strength and independence of state institutions. This makes sense, because arbitrary governance explains how regimes can combine arbitrary power with state institutions to sustainably project control over people, resources, and territory. Though arbitrary states shape their own institutions over time, the historical strength and independence of those institutions also shape how arbitrary governance manifests. Section 2 summarizes the key contributions of arbitrary governance to the study of state formation and governance, including how it furthers studies of modern authoritarianism, neopatrimonialism, and public authority.

1. Arbitrary Governance beyond Uganda

Political disorder has been documented worldwide; its temporal and spatial distribution always shapes governance, whether it is internal or external to strategies of control. For example, Laurent Gayer describes an ‘ordered disorder’ in Karachi, which he views as the social form of ‘a city subjected to the violent confrontation of competing aspirants to sovereign power’ (Gayer 2014, 12–13). Gayer’s ordered disorder is characterized by institutional fragmentation due to ethnicized political parties; the ruling party’s use of violence characterized by both the potential to run out of control and to restore order at short notice; and repeated state intervention. Reflecting dynamics similar to those I have described in this book, Gayer argues that ordered disorder rests on ‘[t]he inability of any actor to totally dominate and establish a monopoly of violence *and* the ability of . . . [the ruling party] to introduce a disequilibrium in interdependencies, which makes it less dependent on others than others towards it’ (Gayer 2014, 13). Similarly, Sarah Chayes recounts how, in Ben Ali’s Tunisia, the regime injected uncertainty into people’s lives via the financial sector by routinely granting tax waivers and sometimes revoking them retroactively. The threat of potential prosecution was used to silence political dissent (Chayes 2015).

The modes of governance described herein also bear some resemblance to literature that describes pockets of unpredictable rule in developed nations where democracy is ‘backsliding’ in the face of rising populism (Norris and Inglehart 2019). Such pockets of rule can occur both at very local and individual levels and at the national or international policy level. For instance, in American foreign policy, US President Donald Trump’s policies have been characterized as

following a ‘doctrine of unpredictability’ to gain leverage for negotiation abroad, sending contradictory messages to allies and enemies alike (Fuchs 2017). Also in the US, instances of police arbitrarily deploying overwhelming and unaccountable violence against African American citizens are well known, and include shootings of unarmed citizens at routine traffic stops (Carbado 2017). Unpredictability also characterizes certain domestic policies in the US: Immigration and Customs Enforcement appears to apply regulations unpredictably and arbitrarily (Ryo 2019). In these pockets of rule, arbitrary intervention is spatially and temporally distributed to discipline certain populations (the poor, racial minorities, and immigrants), while allowing other parts of society to mobilize and participate in civic organization. On the surface, these phenomena share characteristics with the type of arbitrary governance that I have described. While I make no claim to the external validity of arbitrary governance at this level, I propose that developed countries are not exempt from these new and evolving strategies of authoritarian rule.

The situations of some countries, however, are more apparently proximate to the mode of governance described in this book, and can be productively understood through the four-part framework of institutionalized arbitrariness. Here, I look at three regimes that have all been described as arbitrary: Ethiopia under the Ethiopian People’s Revolutionary Democratic Front (EPRDF); Rwanda under the Rwandan Patriotic Front (RPF); and Zimbabwe under the Zimbabwe African National Union (Patriotic Front) or ZANU(PF). These three regimes share important similarities that facilitate comparison. Along with the NRM in Uganda, they all share histories as ‘liberation’ movements,¹ in which strong and disciplined party movements took over historically strong states (especially as contrasted with the post-colonial contexts of many other African countries). They thus have faced similar governance challenges, and have often worked from the same general toolbox to overcome them (Fisher 2020). These cases therefore allow me to thicken my description of arbitrary governance. Examining these regimes through the lens of institutionalized arbitrariness draws attention to how they work with and against the post-colonial state apparatus to project power.

Though these states have many important historical and structural similarities, they also vary in key ways that allow me to further probe the validity of institutionalized arbitrariness. The regimes in these states have taken different—and historically contingent—institutional approaches to managing ethnic and regional interests across territories and populations of vastly different sizes.² These

¹ Here, I use ‘liberation’ to refer to the ideology and narratives of these movements, not as a normative assessment of their goals or achievements (see also Fisher 2020, 20–4).

² Ethiopia is nearly 40 times the size of Rwanda, with a population density one-fifth as large. The World Bank estimated population density in each country as follows: Zimbabwe with 37 people per square kilometre; Ethiopia, 109 citizens per square kilometre; Uganda, 213; and 498 in Rwanda (World Bank 2018). Different population densities may change the state’s ability to reach ordinary citizens, and the relative costs of doing so (Herbst 2014). The presence of arbitrary governance in these different

variations continue to shape how arbitrary governance works today. For example, Ethiopia adopted an ethnic federal system which explicitly incorporates ethnic representation in the national government. By contrast, the regimes in Uganda, Rwanda, and Zimbabwe have sought to sublimate ethnicity to regime-oriented nationalisms. Moreover, these states have different capacities for surveillance and data analysis. While Uganda and Zimbabwe rely primarily, though not exclusively, on 'low-tech' surveillance, Ethiopia and Rwanda have demonstrated greater competence at high-tech surveillance and data analysis, which allows them to target repression more accurately and contributes to the general public's perception of each regime as pervasive.

These cases are helpful to juxtapose to Uganda not only because of their institutional and historical commonalities, but also because of their differences in the organization of surveillance and violence. For example, though the Zimbabwean state is arbitrary and unpredictable, it also has an extremely fragmented state apparatus, such that the image of a consolidated state is more fleeting than in the Ethiopian, Rwandan, and Ugandan cases. The ZANU(PF) regime has struggled to maintain its fragile hold on power. In contrast, Rwanda is an increasingly consolidated state, where the regime maintains tight control over political activities. Arbitrary governance can thus be found in states of varying sizes and populations, with different ethnic settlements and institutional capacities. These cases illustrate the utility of institutionalized arbitrariness for analysing modern strategies of authoritarianism, while also pointing to its limitations.

1.1 Ethiopia's EPRDF Regime

The EPRDF held power in Ethiopia from 1991 until 2019. The EPRDF—a coalition of four political parties—grew from a regional armed group, the Tigray People's Liberation Front. It seized the country after 17 years of insurgency against the *Derg*, the Marxist-Leninist military junta that had ruled Ethiopia since 1974. Over its nearly three decades in power, the EPRDF was characterized by various relationships between party, state, and society.³ After coming to power, the new

contexts suggests that it is useful to project power across both densely and more sparsely populated territories.

³ Sarah Vaughan (2011) helpfully documents four phases: first, in the 1980s during its fight against the *Derg*, the Tigray People's Liberation Front united party, state, and society under a Leninist vanguard. Second, when it came to power in 1991, the regime formally divided party and state structures. These parallel systems led to a split within the party, leading to the third phase (2001–5), the ascendancy of Meles Zenawi. Meles implemented bureaucratic decentralization in the name of the developmental state, weakening party structures. Vaughan posits that this made new space for competition in the 2005 elections. In the fourth phase, from 2005, the ruling party rebuilt itself as distinct from the state, in part to dominate the space for political contestation after the 2005 election revealed support for opposition parties, particularly in urban centres, that the regime was unwilling to tolerate. In 2012, Meles died, and in 2019 the EPRDF was dissolved (see note 5).

ruling coalition established the party as formally independent from the state, eventually leading to an internal split that allowed Meles Zenawi to emerge as a central political figure in 2001. During this post-2001 period, Meles subsumed the party under his vision of a developmental state, further bolstering links between the centre and the grass roots through renewed decentralization, ‘capacity-building’ initiatives that advanced ‘political education’, and programmes for rural and economic development (Vaughan 2011).

In service of its nation-building project, Ethiopia’s EPRDF has been described as using surveillance and unpredictable violence to disrupt political organization and cause ordinary citizens to self-police, both in its urban capital and in more remote rural areas. Marco di Nunzio argues that, in its capital city, Addis Ababa, the regime’s power was founded on ‘the ability to *remake and remark* the “red line”’ (Di Nunzio 2014, 430, emphasis added). This ‘red line’ separated political actions that would be punished from those that would not; uncertainty about where the red line would be drawn inhibited political organization and caused citizens to self-police. The EPRDF has also been described as using strategic exception and memories of overwhelming state violence to govern its peripheries. For example, Tobias Hagmann and Benedikt Korf (2012) demonstrate how successive regimes have conflated law and lawlessness in border regions to generate a perpetual state of exception. This approach appears to have been built up over the years, as the EPRDF sought first to systematically mobilize the grass roots and then to use overwhelming and unaccountable violence to suppress the remaining opposition. While Ethiopia under the EPRDF shares important similarities with Uganda under the NRM, the EPRDF’s early decision to integrate ethnicity into its governing structure has produced a particular kind of institutional fragmentation that has left clearly defined fault lines for potential political organization.

The EPRDF espoused a three-pronged nation-building philosophy. Ethnic federalism established Ethiopia as a collective of ethnically defined states; revolutionary democracy stressed a direct link between the leadership and the masses; and the developmental state—key to Meles’s post-2001 agenda—reframed democracy around developmentalism rather than representation (Gagliardone 2014; also see Fisher 2020, 221). These ideals were reflected in government policies, such as Ethiopia’s early adoption and adaptation of internet communication technologies including *Woredanet* and *Schoolnet*. Intranet-like systems allowed party elites to extend government services and communicate directly with ordinary people. For example, through *Schoolnet* the regime provided pre-recorded lessons, including curricula on EPRDF’s founding principles. These same systems were also used to deliver political education to teachers and other government officials (Gagliardone 2014). To respect principles of equality mandated by ethnic federalism, these technologies were implemented country-wide; the military installed generators in remote locales that were otherwise off-grid, giving the EPRDF direct lines of communication with the grass roots.

The EPRDF was relatively successful in developing links to ordinary people. However, the regime still faced political opposition, the full extent of which became clear during Ethiopia's 2005 elections. The elections revealed that the political opposition had gained a foothold, particularly in Addis and other urban centres.⁴ The regime announced victory while vote counting was still under way and forcibly suppressed the resulting demonstrations. The state's security organs, led by party loyalists, played a crucial role in 'defending public order as defined by the ruling power against opposition supporters'—which Hagmann and Abbink have likened to the time of the *Derg* and the Imperial government (Hagmann and Abbink 2011, 585). In addition to the threat of coercion, the EPRDF regime sought to limit civil society by implementing restrictive legislation such as the Anti-Terrorism Proclamation and the Charities and Societies Proclamation. The government carried out 're-ideologisation campaigns', formally called 'capacity-building seminars', which were supported by donor basket funding. The regime also employed alarmist language to convince the public that 'without the EPRDF in power, Ethiopia would turn to chaos' (Tronvoll 2010, 124).⁵ The Ethiopian state used such tactics to extend control across the country, monopolize political representation and the public sphere, and 'capture virtually all public institutions in Ethiopia' (Hagmann and Abbink 2011, 585). As a result, citizens fell into line, publicly enacting support for the regime. The EPRDF left little space for citizens to be apathetic, instead framing politics as a high-stakes battle between the revolutionary democracy of the EPRDF and its opponents (Di Nunzio 2014; Tronvoll 2010; Vaughan 2011).

Ethiopia under the EPRDF exhibits characteristics of arbitrary governance—relying on surveillance, the unpredictable deployment of violence, and fluid jurisdictional claims to produce the perception of a pervasive and powerful state apparatus. However, the nature of its institutional fragmentation highlights an important distinction. In the Ethiopian case, rather than subverting ethnic divisions, the state incorporated them into its structure through ethnic federalism. This move has fostered ethnicity as a structural organizing principle and a basis for political mobilization, conflict, and claim making, for example around employment, voting, and access to land (Abbink 2011). Ethiopia thus retains a built-in structure for ethnically organized politics that the regime did not fully control, and instead managed via suppression and concessions. In contrast, in Rwanda and Uganda, ethnicity has been suppressed and fragmented in favour of a unitary

⁴ In the 2005 elections, the two main opposition parties made great gains, winning the seats in virtually all urban areas, for a total of 174 parliamentary seats as compared with the 12 held previously (Abbink 2006).

⁵ After the death of Meles in 2012, and the appointment of Prime Minister Abiy Ahmed in 2018, the EPRDF was dissolved and replaced by the new Prosperity Party, framed as a 'rebranding' to polish the EPRDF's 'tarnished image' (Yibeltal 2019). Abiy has suggested that political appointments should be based on merit rather than ethnic identity, though how the new party will achieve this remains to be seen as of this writing (also see Fisher and Gebrewahd 2019).

nationalism—‘Rwandicity’ in Rwanda and the Movement in Uganda—that limits political organization along ethnic lines.

1.2 Rwanda’s RPF Regime

Rwanda under the RPF has been described as a regime that governs through ‘productive liminality’, using surveillance and unpredictable violence to discipline its population at an individual level (Beresford et al. 2018). As such, scholars have argued that the country is better understood, not as in transition to a known regime type, but rather as inhabiting and exploiting ‘the ambiguous spaces betwixt and between authoritarianism and democracy’ (Beresford et al. 2018, 1233). The military is at the centre of Rwanda’s politics and development, with former military leadership making up the economic and political elite. The regime and the state apparatus are highly intertwined (Jowell 2014).

The state’s ability to reach deep into the countryside is multicausal. In part, it stems from the years immediately after the 1994 genocide, when the new government took over an intricate administrative structure that had been weakened but not destroyed by the conflict. The RPF has further developed a complex grass-roots system of intelligence gathering and resource distribution that links the central state apparatus to individual households and Rwandans, blurring the lines between the ruling party and the state (Purdeková 2011, 480). Bert Ingelaere has documented a plethora of authority figures and an ‘elevated awareness of [state] authority throughout society’ (Ingelaere 2014, 220), which he suggests results from a significant degree of state reach. The RPF has also used public memorialization of the genocide, including graphic displays of corpses and reinternment, to shock the public and to justify ‘any actions’ needed to maintain security, much like how the NRM regime has used commemoration of casualties of its Bush War to bolster its legitimacy (Longman 2017, 5). The effects of these tactics may be further amplified because Rwanda is a small and very densely populated country. This system produces an ‘omnipresence of central power, not only at the local level but also in the consciousness of Rwandans’ (Ingelaere 2014, 220). A massive public administration has the additional effect of keeping ordinary people busy with a variety of often duplicative or irrelevant activities in order to prevent any opening for opposition efforts (Purdeková 2011, 483).

As in the Ethiopian case, scholars have argued that there is no middle ground for civil society in Rwanda—instead, opposition to the regime is framed as an existential threat to the state itself. ‘[S]ecurity forces harass, arrest, and even kill those who threaten to destabilise RPF control’ (Beresford et al. 2018, 1242). The RPF targets not only political opponents and journalists, but also ordinary people. This targeting has been described as increasingly random (Beresford et al. 2018, 1243). Susan Thomson and Rosemary Nagy write about ‘a climate of fear and

insecurity in [ordinary citizens'] everyday lives' in a context where the state firmly holds political power (Thomson and Nagy 2011, 13). In the post-genocide years, as a part of truth and reconciliation processes, Thomson and Nagy document arbitrary sanctions placed on ordinary citizens. For example, those on trial in *gacaca* courts—which were established to try those who had committed crimes during the genocide—might admit to perpetrating crimes in the hope of receiving a reduced sentence, only to be sent to prison for life for not telling 'the whole truth'. Participants in *gacaca*, while expected to play a part, could nonetheless be punished for speaking out of turn. Those who gave testimony as survivors but did not play their role by forgiving perpetrators could lose access to community services including health care (Thomson and Nagy 2011, 26).

Like Uganda's NRM, the RPF has used arbitrary violence and surveillance to govern citizens at an individual level, fragmenting civil society and familial networks in favour of the regime as family (Purdeková 2011, 482). Through a more sophisticated technical ability to surveil and process intelligence data, the Rwandan state can target potential opposition more effectively than the NRM, but it still deploys rules and punishments unpredictably. Thus, while similar to the Ugandan case, Rwanda's RPF may enact a more hardened and durable form of arbitrary governance, reinforced by citizens' perceptions of its surveillance techniques as accurate and effective.

1.3 Zimbabwe's ZANU(PF) Regime

The case of Zimbabwe under the ZANU(PF) exhibits many key characteristics of arbitrary governance. However, the pervasive fragmentation of the state, and military's key role in stabilizing the regime, means that the image of a consolidated state is elusive at times. As elaborated by Jocelyn Alexander, studies on Zimbabwe focus

on the political productivity of disorder and uncertainty and explore the burgeoning networks of power beyond, within and on the margins of bureaucratic state institutions... These studies alert us to the complexities of modes of governance that combine the violent, technical and narrative, and that invoke different registers (arbitrary; bureaucratic) at one and the same time.

(Alexander 2013, 808–9)

Personalizing state institutions and 'blurring lines between state and party as well as public and private' allowed the regime to exercise and retain power (Alexander 2013, 808). This arbitrariness is well illustrated in the work of Joost Fontein, who examines the Zimbabwean government's use of unpredictable violence through a study of a large-scale campaign to remove illegal housing and commercial buildings. Colloquially called *tsunami*, Operation Murambatsvina/Restore Order began

in 2005 and resulted in massive displacement across the country. Fontein notes the tensions between two competing narratives: the government's story of reasserting order and cleaning up urban spaces, and international NGOs' account of how the government rejected lawful violence in favour of a 'demonstration of "state power" deployed on a whim' (Fontein 2009, 372). Fontein argues:

it is precisely in the ambiguity and uncertainty generated by this tension, between the spectacle of [the regime's] ability to deploy 'state power' as it chooses (that is, arbitrarily), and the resonances of official appeals to the reassertion of formal, bureaucratic planning and 'governance', that the political advantages of this operation for the ruling party become apparent. (Fontein 2009, 372)

Uncertainty about when the police and state officials would arrive and the severity of intervention they might inflict even led residents to dismantle their own homes in anticipation of the *tsunami*. Moreover, competing narratives resulted in a barrage of conflicting rumours, which in turn contributed to uncertainty about the actual purpose of the campaign. Fontein writes:

Like the father who beats his child, the brute force of the operation was 'arbitrary' not so much because it did or did not conform to the plethora of different logics and motivations ascribed by diverging rumours—there were too many contradictory explanations circulating for such an argument to work. Rather, it was 'arbitrary' exactly because its unexpected suddenness and brutality was experienced regardless of whether its motives would ever be properly understood.

(Fontein 2009, 372)

Thus, Fontein argues, Operation Restore Order was experienced as the ultimate expression of sovereignty. Fontein's analysis shows how Zimbabwe's ruling regime used unpredictable and potentially harsh intervention to induce the population to self-discipline, such that ordinary citizens sought to anticipate state actors' intentions and deliver the desired results before violent enforcement could take place.

However, next to the regimes in Ethiopia, Rwanda, and Uganda, state institutions in Zimbabwe appear comparatively weak and the regime depends heavily on the support of the military. Though the Zimbabwean state was comparatively consolidated at independence in 1980, the ruling party—ZANU(PF)—worked to undermine this state, centralizing power under the executive and establishing a *de facto* one-party state. Decentralization, implemented in the context of structural adjustment and austerity, weakened the local state apparatus. ZANU(PF) then established *ad hoc* bodies and procedures to circumvent the local state, further marginalizing it, strengthening the party, and perpetuating centralized control (McGregor 2002, 12).

While weakening the state's bureaucratic apparatus, the military has taken on an increasingly central role, such that some now describe the military as 'the core element of the state-party-military alliance that constitutes the regime' (Moyo 2016, 351). The military dominates Zimbabwe's political economy, with retired and active military officers holding positions in electoral bodies, parliament, the judiciary, the bureaucracy, and state enterprises and parastatals (Moyo 2016). Electoral violence led by state security forces has factored into Zimbabwe's elections since independence, taking on a particularly central role post-2002 (Cheeseman and Tendi 2010; Dorman 2005). The role of the military in national politics was particularly acute in 2017, when a 'military-assisted transition' replaced President Robert Mugabe with his former vice president, Emmerson Mnangagwa. Civilians reported 'subtle violence' in the 2018 elections, resulting from rumours that the regime would use biometric data and surveillance to track votes, combined with reminders of the wave of intense violence following a strong turnout for the opposition in the 2008 elections (Beardsworth et al. 2019, 587). The military's support is key to the party's continued hold on power. Though citizens experience the state as arbitrary—because of its unpredictable use of violence, changing jurisdictional claims, and (low-tech) surveillance—the state apparatus itself is comparatively weak and contested, threatening the image of a consolidated state.

* * *

The cases of Ethiopia, Rwanda, and Zimbabwe in many ways resemble what I have described as institutionalized arbitrariness in Uganda. In Ethiopia, the regime pursued a model of a direct 'coalition with the people' (Vaughan 2011, 634) and 'fear of reprisal' has limited collective action (Di Nunzio 2014, 429). In Rwanda, 'Suspicion, distrust . . . fear and the resultant decreased dissent all assure that the state is better able to gather and disperse, to stage and broadcast, to extract resources and attempt its desired transformations' (Purdeková 2011, 494). In Zimbabwe, citizens feel abandoned and tired, cynical, and incredulous when it comes to their engagements with the state (Chigudu 2019). These regimes are characterized by fluidity between law and lawlessness and by the state's ability to constantly redefine its jurisdiction, using threats and violence to enforce changing edicts (Beresford et al. 2018; Di Nunzio 2014; Fontein 2009; Hagmann and Korf 2012). Scholars further show how ordinary citizens attempt to negotiate the resulting systems of uncertainty: they try to rationalize the state's unpredictable interventions and non-interventions, they become frightened and disorganized, and—in many cases—they self-police. In the cases of Ethiopia, Rwanda, Uganda, and urban Zimbabwe, citizens do some of the state's work in its absence and contribute to the production of its authority.

The variations in how these regimes use surveillance, violence, institutional fragmentation, and unpredictable intervention can help disentangle why arbitrary

governance works differently in each case. Aspects of Zimbabwe under the ZANU (PF) reflect a fragile state, lacking a pronounced state-building agenda. While Zimbabwe exhibits certain characteristics of arbitrary governance—such as blurring the lines between exceptional and lawful violence and keeping the state's jurisdictional claims fluid—the state is highly contested and fragmented. Instead of occupying state institutions, ZANU(PF) has sought to undermine them, treating state institutions outside the military as potential obstacles to be overcome rather than tools to co-opt. The military remains powerful and somewhat autonomous from the regime: though it has supported ZANU(PF), it remains a potential alternative locus of power that must be appeased.

Ethiopia under the EPRDF had comparatively strong state apparatus and surveillance capabilities. At the same time, the federal state integrated ethnic fault lines into the public sphere. Ethnic tensions thus remained relatively easy to mobilize, potentially threatening future state cohesion. Finally, the regime in Rwanda seems to have hardened into a more durable authoritarianism, thanks to a comparatively effective surveillance apparatus sustained by both low- and high-tech tools. As elites gain confidence in the regime's ability to dominate citizens' political lives, political operations may become increasingly predictable. These comparisons also put Uganda's NRM into perspective as a less durable regime than those of the EPRDF in Ethiopia and RPF in Rwanda. The authority of the NRM has been closely linked to the identity of Museveni, making it difficult to disentangle the regime's authority from the personal authority of the president. However, it is nonetheless apparent that the NRM itself has come to occupy the state's institutions, aligning the regime's interests with a strengthening of the state.

Arbitrary governance also reveals variation in terms of temporal and geographic distributions of unpredictability. For example, in the Ethiopian case, di Nunzio's 'red line' appears in relation to time-bound elections, while in Zimbabwe, the regime's arbitrary interventions were most pronounced within the geographic confines of the urban capital, where it had greater capacity. Such variations may depend on the regime's capacity and strategic interests. These variations, like those found within Uganda, underscore the utility of applying the framework of institutionalized arbitrariness across different contexts, and further highlights different varieties of arbitrary governance.

2. Conclusion: Arbitrary States and Social Control

In their 1984 study of personal rule in sub-Saharan post-colonial African states, Robert Jackson and Carl Rosberg juxtapose the ruler's arbitrariness with the institutionalized rule of bureaucratic states. They argue that in sub-Saharan Africa, formal political institutions are abstract: leaders are not bound by them and citizens do not abide by them. Instead, people act in accordance with personal

obligations to family, friends, allies, clansmen, and tribesmen. In this view, the arbitrary nature of African states can be attributed to colonial intervention, when the domestic bases of sovereign power—whether founded in coercion or compliance—were left distinct and disconnected from the newly implemented colonial state.⁶ This understanding of African states as personalist has influenced thinking on patrimonial and neopatrimonial rule, and emphasized elite capture of weak or hollow state institutions. Jackson and Rosberg offer several metaphors for this kind of personal rule, one of which is navigation. In Jackson and Rosberg's telling, a ruler's duty is to guide the government toward some (typically developmental) goal but also to keep it 'afloat, steady, and on an even keel' (Jackson and Rosberg 1984, 428). The authors argue that in sub-Saharan African countries, rulers are not steering. Instead, they are trying to keep afloat 'in a political world of great uncertainty and often turbulence' (Jackson and Rosberg 1984, 429). Rulers are merely surviving, unable to control where their ship is headed or to progress in any particular direction.

In contrast to this analysis, a theory of arbitrary governance sees political disorder as institutionalized in order to achieve regime stability and project authoritarian power. Regimes characterized by institutionalized arbitrariness are embarking on state-building projects that seek to control individual political action. Rather than simply staying afloat, these rulers are progressively developing resilient systems of rule to dominate society and project control across territory. This type of regime disrupts collective action to stave off two of the main challenges that modern authoritarian regimes face: insurgency (which relies on the organization of rebels) and electoral defeat (which relies on the organization of voters). To achieve this, such regimes fragment but do not necessarily destroy alternative sites of power. The regime sits like an umbrella over a host of other competing public authorities. The explanatory value of institutionalized arbitrariness does not derive from the unpredictable behaviour of any given authority—although it recognizes that individuals may behave erratically. Instead, its value is in showing how regimes can destabilize public spaces so that it is unclear which authority will exercise control over a given space, time, event, or individual. As a result, it becomes difficult to predict which rules will be applied in any given situation.

Four factors produce institutionalized arbitrariness: (1) the perception of overwhelming and unaccountable violence; (2) fluid state jurisdiction; (3) potential state presence; and (4) non-hierarchical and fragmented governing institutions. These factors emerge from four oppositions that are stochastically collapsed and reinstated to produce political uncertainty: (1) the use of lawful versus exceptional

⁶ Jackson and Rosberg attribute the weakness of post-colonial African states to legacies of colonial governance and indirect rule, paired with the arbitrary nature of states' borders, which were drawn without consideration of pre-existing political or social organizations (Jackson and Rosberg 1984, 437).

violence; (2) the state's defined jurisdictional claim versus lack thereof; (3) state presence versus absence; and (4) state fragmentation versus state consolidation. Elements of these oppositions appear in scholarship on state formation and consolidation, as discussed in Chapter 2. However, much of this literature assumes that these oppositions gradually and progressively stabilize. Punctuated equilibria and crisis junctures might change the relationship between the poles of each opposition, but not the underlying notion that they have a stabilizing tendency. This assumption is based on belief in two broadly accepted, mutually reinforcing processes. First, public authorities steadily solidify their jurisdictional claims to match their relative control over violence; and second, citizens develop expectations for the behaviour of public authorities based on repeated interactions (cf Tilly 1992).

In contrast, institutionalized arbitrariness reflects a situation in which the four oppositions remain unstable, their poles sometimes being reinforced as rigidly distinct, and at other times being collapsed. Unpredictable state interventions in local affairs maintain this instability by blocking the two processes identified above. First, such interventions stop the process whereby a public authority's jurisdictional claims come to match its relative control over violence. Instead, when the state unpredictably intervenes and deploys overwhelming force, the concerned public authority must contend with state violence in addition to whichever other local authorities it competes with on a daily basis. In these moments, public authorities' comparative control of violence is reconfigured and their jurisdictional claims are reshaped in response to the state. Second, such state interventions prevent citizens from developing expectations for the behaviour of public authorities because jurisdictional claims remain fluid. It is thus unclear what authority will apply which rules at what time. The degree of instability in each factor may of course vary, as illustrated in Chapter 7 and earlier in this chapter—but, importantly, in systems of institutionalized arbitrariness, all four remain unstable. The power of arbitrary governance is found in these instabilities, and the productive tensions they produce.

Institutionalized arbitrariness reflects a state-building project that is not about establishing a bureaucratic and impersonal state apparatus, but instead about projecting the regime's power across territory and seeking to embed the regime not just in the state but also in society. By institutionalizing arbitrariness, the regime can maintain itself as the most important public authority, structuring other actors' horizons of possibility and landscape for manoeuvring. Arbitrary governance relies on arrhythmic assertions and denials of the regime's authority via the state apparatus. These destabilize other putative authorities and render them fragile, allowing the regime to create an environment favourable to its survival without requiring it to either fully incorporate or eliminate alternative sites of power. The sustained presence of multiple public authorities, in what is often described as a plural governance arrangement, means that the regime can

outsource day-to-day services—including the security, justice, and governance tasks associated with the very soul of the state—without sacrificing control.

2.1 Theoretical Contributions

Institutionalized arbitrariness contributes to literatures on state formation, statecraft, and governance. Theories on the formation and consolidation of modern bureaucratic states rest on a basic scenario: an iterative contest for resources over a large geographical area, between those who control violence and the ‘rest’, creates the state as a (by)product—a bureaucratic behemoth used to manage issues like taxation and services (Tilly 1992). When studying non-western cases, scholars frequently home in on obstacles that derailed this teleology, including the international political environment (Jackson and Rosberg 1982), or the demands of global markets (Amsden 2003; Bates 2008; Wade 2004); and domestic hurdles, resulting for instance from legacies of the slave trade (Nunn 2008), colonial border drawing (Herbst 2014), and colonial state institutions (Acemoglu and Robinson 2012; Mamdani 1996).

For these scholars, state formation is fundamentally a process of vesting violence in the state’s institutions. As a result, the state’s jurisdiction, and the distinction between lawful and exceptional violence, become stabilized (see also North et al. 2009). Where states take a different form, these scholars argue that—whatever the reason—the state has been unable to institutionalize violence. In the case of patrimonial regimes, for example, access to resources is determined using a personalized rather than institutionalized logic.

By contrast, institutionalized arbitrariness suggests that states can sustain a form of modern authoritarianism in which the divisions between public and private spheres, and lawful and exceptional violence, remain fluid—and yet the state has successfully institutionalized violence. The case of Uganda shows that governance does not require the state to have a stable jurisdiction. In fact, when paired with sufficient access to violence, fluid and changeable jurisdictional claims can facilitate the state’s control of society.

Institutionalized arbitrariness also contributes to literature on statecraft and governance. This scholarship focuses on certain arrangements of rule—for example, direct or indirect, and centralized or decentralized. Institutionalized arbitrariness provides a new way to understand a mode of governance is neither direct nor indirect, centralized nor decentralized. Unlike in models of direct rule, the regime does not attempt to monopolize control over violence. Arbitrary governance thus offers an alternative to rational-choice models such as that offered by Stathis Kalyvas, which links territorial control and information to the decisions of individuals to collaborate, collude, or resist the ruler (Kalyvas 2006). Institutionalized arbitrariness instead describes how a state that is relatively

deficient in conventional measures of control is able to mobilize an ideational aspect of power to dominate individuals. The regime does not eliminate alternative sources of power. Instead, it intervenes in society stochastically, continually and constantly destabilizing this complex institutional environment. As a result, alternative authorities are rendered fragile, their claims to power continually thrown off-balance by the changing institutional landscape.

Unlike in models of indirect rule, institutionalized arbitrariness allows the ruling regime to foreclose the emergence of alternative authorities that might govern autonomously. Regimes of institutionalized arbitrariness seek to engage every citizen, using the party as its state-building vehicle. Arbitrary governance thus averts challenges to central state power associated with principal-agent problems, and bolsters the comparative power of the regime. Handicapping alternative authorities also contributes to a fragile state–society relationship, limiting the ability of citizens to organize and make collective claims on the state. Society is instead fragmented and atomized, such that claim making occurs more or less on an individual basis. Regimes that employ institutionalized arbitrariness occupy an unstable position between direct and decentralized rule, maintaining just enough consolidated control to retain power, without expending the resources typically associated with direct rule. Institutionalized arbitrariness allows just enough hearing of grievances, just enough threat of state violence, and just enough destabilization of expectations to prevent political or social organization needed to challenge the central state. In turn, this maintains the regime's position as the most powerful of public authorities.

Institutionalized arbitrariness yields insights for our understanding of modern authoritarian rule. The possibility of an exceedingly burdensome cost—be it time, money, or physical injury—makes civilians ever aware of the possibility that the state will intervene. And yet state interventions are haphazard, non-uniform, and unpredictable. In Uganda, people, their organization, and their activities can be defined *post hoc* as illegal or illegitimate by invoking broad and undefined rules, such as those against 'being idle', 'corrupt', or 'disrespectful'. Continually redefining these boundaries enables a mode of governance in which state actors can shape civilian attempts to claim legitimacy or call for accountability to suit their own interests. As a mode of governance, institutionalized arbitrariness is relatively inexpensive—it limits public claims without requiring a concomitant increase in the state's human or technical capacity. Moreover, it helps explain why there is a weak state–society compact. It is unrealistic to ask civilians to 'hold the state accountable' (Orvis 2001, 28) under conditions of potential violence, and unstable and constantly changing jurisdictional claims. Harsh and seemingly arbitrary interventions function as a low-cost mode of governance for the regime, fragmenting resistance without requiring ongoing physical presence in outlying territories.

My findings also contribute to an understanding of neopatrimonialism. In a conventional reading of neopatrimonialism, representatives of the state and

ordinary citizens are mutually engaged in ways that challenge the western ideal of a state–society contract. Nonetheless, neopatrimonialism retains a clear institutionalization of violence that allows for the mixing of public and private spheres. While such systems may appear unpredictable and disorderly from the outside, they are internally legible. Rather than *disorderly* or unpredictable, they might better be described as *differently* ordered (as critiqued in Tapscott 2017b). However, as I have argued, focusing on this different order still fails to account for the possibility that disorder and arbitrary violence might not just be the means, but also the ends, of governing. In other words, the state might use disorder and arbitrary violence to achieve domination. In contrast, institutionalized arbitrariness contends that citizens do not experience interactions with state agents as part of an increasingly predictable and voluntary exchange. Instead, ‘the state’ can be *unpredictably* present and absent, at times intervening in matters and disputes to determine an outcome, at other times abjuring responsibility and refusing to enforce decisions. The state’s stochastic assertions and withdrawals, backed by threat of force, continually redefine the state’s role—whether and when it has the responsibility and authority to intervene.

Finally, the findings set forth in this book contribute to scholarship on public authority, which seeks to reframe studies of governance away from a state/non-state dichotomy and instead focus on how authority is produced in the day to day (Raeymaekers et al. 2008). My findings show that the state can shape the space within which other public authorities operate. In such contexts, the state’s potential interventions, backed by threat of meaningful force, render public authorities fragile. Fragmenting and undermining entrepreneurial public authorities is a low-cost way for the ruling regime to retain its power as the most important of authorities even in a complex, plural institutional environment.

2.2 Implications and Extensions

The implications of arbitrary governance are significant. First, the findings suggest that some ‘fragile’ states may be stronger than they appear. Arbitrary states succeed at governance far more efficiently than a traditional welfare state in terms of return on investment. Second, institutional multiplicity cannot be interpreted independently of the state, but rather must be understood in relation to the state’s capacity for violence. While ordinary citizens may compete for resources and power in a plural institutional environment, their battleground is structured by a larger power game between the ruling regime and the polity at large.

These findings define new questions. Promising directions for future research include comparative analyses of how unpredictability contributes to governance strategies in other regimes in order to pinpoint how uncertainty and disorder are distributed over time, space, and people. Relatedly, learning how people resist

unpredictability would offer critical insights for questions about the ‘the art of not being governed’ which suggest that illegibility allows citizens to evade taxes and other costly interactions with the state (Scott 2009). The study could similarly be expanded to examine how uncertainty affects people in the higher echelons of such regimes, relating this question to, for example, Alex de Waal’s ‘political marketplace’ where loyalties are bought and sold to the highest bidder and rulers run the country like a firm (de Waal 2015). Examining how these theories relate in practice may illuminate new approaches to authoritarian rule.

Another key question is how international assistance shapes arbitrary governance. This book notes some avenues through which foreign aid, in particular military and development assistance, enables arbitrary governance (see Chapter 3). Further exploration of the role of private security companies and the securitization of global governance could provide important insights into how arbitrary governance works today and how it may work in the future—in particular as global conglomerates increasingly impinge on national sovereignty, and the state becomes increasingly deterritorialized and denationalized (Abrahamsen and Williams 2010; Sassen 1996; 2000). Such a study could help situate arbitrary governance in an age of globalization—whether as a strategy derived from the nation-state that modern authoritarians use to cling to power, or as a natural result of the marginalization of the state in favour of global and networked modes of extraction and governance.

The ‘data revolution’ and advances in technology offer other fertile topics for research with potentially substantial insights into the future of arbitrary governance. Technological changes stand to fundamentally reconfigure the relationship between citizen and state, client and patron. New technologies are reshaping the political playing field in numerous areas, from electoral manipulation to surveillance and population management. Scholars have shown how digital technologies can impact election results—directly, for example through computer hacking to adjust the vote count (Amoah 2019), and indirectly, for example by drawing attention away from more traditional strategies of safeguarding elections and creating new opportunities for corruption and election rigging (Cheeseman et al. 2018). Governments have also exercised their ability to shut down the internet during elections or social unrest, limiting the political opposition’s ability to organize and mobilize constituents and to document regime malfeasance (Khisa 2019).

Relatedly, improved technology offers incumbents new ways to surveil their populace. Scholars have documented how African countries are developing expansive databases on their citizenry that gather electronic bio-data from numerous sources, collecting a person’s name, national ID number, address, photograph, and fingerprints, and merging this information with health and other personal records. Such bio-data is now required to register for and use a SIM card across African countries, allowing governments to trace mobile data, call records, and

communications content to specific individuals. These practices have been documented in Ethiopia, Nigeria, South Africa, Kenya, Zimbabwe, Zambia, Malawi, and Uganda. A host of foreign countries including Korea in Uganda; China in Zambia, Ethiopia, and Zimbabwe; and Israel in Nigeria have aided African states in procuring and deploying these technologies (Donovan and Martin 2014). Such technologies facilitate surveillance and in some cases have been shown to correspond with more targeted repression (Gohdes 2020). Technology will shape the relationship between citizens and the state, likely creating more direct and personal connections between ruler and ruled even in the absence of material intervention. As regimes like Uganda's NRM continue to adopt and implement new technologies, what I have described as institutionalized arbitrariness may consolidate to more closely resemble the Ethiopian or Rwandan regimes, where surveillance allows for increasingly targeted repression and an ever increasing perception of state presence.

Arbitrary governance shows how unpredictability can be embedded in institutionalized systems of rule, producing a type of modern authoritarianism that survives by destabilizing alternatives to its rule and projecting the possibility of its intervention in the daily lives of ordinary citizens. Contrary to many of the scholarly assumptions on state formation and consolidation, Uganda under the NRM shows that contemporary regimes can produce an unfamiliar match between violence and governing institutions that facilitates the efficient extension and maintenance of control across territory. Violence and institutional form are linked in an unstable and constantly reconfigurable way; they can be opportunistically decoupled and recoupled according to a wider strategy of rule. An increasingly fluid and labile relationship between violence and institutions may reflect worldwide shifts in governance, by which democratic institutions are increasingly weakened and usurped by hybrid forms of authority that manipulate the relationship between the rule of law and arbitrary violence. Such strategies bode ill for many goals of international development and global security, as rulers retool democratic institutions to serve authoritarian ends.

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