

PEASANT GRIEVANCE AND INSURGENCY IN SIERRA LEONE: JUDICIAL SERFDOM AS A DRIVER OF CONFLICT

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ABSTRACT

Was the civil war in Sierra Leone (1991–2002) fought for diamonds, or was it a peasant insurgency motivated by agrarian grievances? The evidence on both sides is less than conclusive. This article scrutinizes the peasant insurgency argument via a more rigorous methodology. Hypotheses concerning intra-peasant tensions over marriage and farm labour are derived from an examination of the anthropological literature. These are tested using econometric tools, applied to data from a randomized survey of 2,239 households in 178 villages surrounding the Gola Forest in eastern and southern Sierra Leone, the cradle of the war. It is shown that a decade after the war ended peasant disputes over marriage continue to mark out an incipient class divide in isolated rural communities, as evidenced by cases presented in local courts and family moots. Disputes mainly involve a village elder suing a young man with weak social protection. Fines are exceptionally high, and mostly paid off in the form of coerced farm labour. It is argued that grievance over this long-standing form of labour exploitation fed insurgency, and contributed to the otherwise puzzlingly high levels of peasant-upon-peasant violence associated with the war in Sierra Leone.

THE CIVIL WAR IN SIERRA LEONE (1991–2002) has occasioned much academic dispute. To some, the insurgency of the Revolutionary United Front (RUF) is a typical instance of ‘new war’ fought with economic rather than political objectives.¹ The RUF was purely and simply a bandit

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1. See, for example, Ian Smillie, Lansana Gberie, and Ralph Hazleton, *The Heart of the Matter: Sierra Leone, diamonds and human security* (Partnership Africa-Canada, Ottawa, 2000).

organization motivated by pursuit of diamond wealth. To others, the conflict was an instance of peasant insurgency, as commonly encountered in backward agrarian societies.² Ranajit Guha has provided a richly detailed analysis of such insurgencies.³ He accounts for the political nature of looting, for example, by explaining the 'negative' mentality expressed in such actions as desire to turn the world of oppressive landlords, chiefs, and money lenders on its head; peasant insurgency reflects not pursuit of material gain but a rudimentary class consciousness, and the failure of national politics to embrace and shape it.

Testing either of these hypotheses in regard to the war in Sierra Leone is not far advanced. Some cross-country studies have implicated diamonds as a determinant of conflict, but the applicability of 'average effects' for specific countries (such as Sierra Leone) is an open question.⁴ A comprehensive conflict-mapping exercise for Sierra Leone uncovers remarkably little evidence to link rebel activities with mining in the first part of the war, a necessary connection if the country's alluvial diamond deposits are to be counted as drivers rather than sustainers of conflict.⁵ Some interview material has been offered as evidence to support the argument concerning agrarian backwardness,⁶ but testimony from ex-combatants is not always fully convincing.

In this article we aspire to advance the peasant insurgency side of the debate, but through use of a more rigorous methodology than hitherto attempted by supporters of this explanatory approach. Our research strategy is to derive hypotheses from anthropological accounts of agrarian institutions indicated in the literature as important sources of incipient

2. Paul Richards, 'To fight or to farm? Agrarian dimensions of the Mano River conflicts (Liberia and Sierra Leone)', *African Affairs* 106, 417 (2005), pp. 571–90. One study – Macartan Humphreys and Jeremy Weinstein, 'Who fights? The determinants of participation in civil war', *American Journal of Political Science* 52, 2 (2008), pp. 436–55 – finds quantitative support for both greed and grievance hypotheses in Sierra Leone.

3. Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Duke University Press, Durham, NC and London, 1999 [originally published 1983]).

4. Ola Olsson, 'Conflict diamonds', *Journal of Development Economics* 82, 2 (2007), pp. 267–86.

5. L. A. Smith, C. Gambette, and T. Longley, 'Conflict mapping in Sierra Leone: violations of international humanitarian law from 1991 to 2002' (Report, No Peace Without Justice project, preliminary edition for the opening of the Special Court for Sierra Leone courthouse, 10 March 2004). In this source, all but one of the early reports of diamond mining by militia factions are credited either to government forces or to international (Nigerian and Liberian) auxiliaries (see, for example, chapter for Pujehun District, pp. 484 and 497). Crucially, rebel RUF units entered the main Kono mining district from 5 June 1991 (and so had the chance to become involved in mining at an early stage) but are reported to have been concerned only with ideological and organizational activity (see chapter for Kono District, pp. 332–9). There is no dispute, however, that all factions became involved in diamond mining during the later stages of the war – in part, at least, to support their armed struggles.

6. For example, Richards, 'To fight or farm?'

peasant inter-generational or class conflict, and then to test these hypotheses quantitatively, using econometric methods. Our main data source is a large randomized survey undertaken in 2010 in which we recorded answers to questions about household organization, marriage patterns, farming activities, and everyday disputes, from 2,239 households in 178 villages around the Gola Forest in eastern and southern Sierra Leone. This region, bordering Liberia, was the initial focus of the war, and the only part of the country where the rebel RUF could claim any degree of voluntary support. We do not rely upon any data gathered in direct response to questions about causes of war, to avoid the problem of self-serving testimony.

The RUF first entered the country from Liberia at two points north and south of the Gola Forest, and subsequently entrenched itself in the Gola region. For a number of years the south-western arm of the Gola chain of reserved forests sheltered its headquarters camp (the Zogoda, in Koya Chiefdom, on hills overlooking the Moa River). There were foci of support for the RUF in Pujehun District (notably Soro Gbeima Chiefdom) and Kailahun District, lying to the south and north of the main forest belt respectively.

The RUF remained in control of large parts of Kailahun District to the end of the war in 2002. Its stated war aims were to overthrow a one-party regime, restore democracy, and introduce a populist (Libyan-inspired) style of government.⁷ If the peasant insurgency argument is to be sustained it is necessary to show that there were divisive agrarian issues – equivalent to the rack-renting and loan sharking described in Guha's classic account of peasant insurgency – affecting the region in which the RUF took root, and with which it could align.

Here we examine the case of rural marriage – and in particular disputes over 'woman damage' (adultery) – as a key divisive agrarian issue. The Mende phrase is *nyaha yia* (*nyaha* = woman, *njia/yia* = dispute or trouble). 'Woman trouble' would avoid the misunderstanding that the term refers to violence against women. But since the translation 'woman damage' is widely used in Sierra Leone we retain its use here. We show that the nub of the problem over 'woman damage' is agrarian labour mobilization. An underclass of young men becomes tied and indebted to larger farmers through inability to find legal marriage partners. Farm labour rates, not land rents, become the fulcrum of exploitation linking village elites and an underclass, and thus a factor plausibly predisposing exploited young male farm labourers towards insurgency.

7. Revolutionary United Front of Sierra Leone, *Footpaths to Democracy: Toward a new Sierra Leone* (RUF/SL, no stated place of publication, 1995).

An overview of the peasant marriage problem in rural Sierra Leone

A randomly sampled national survey of ex-combatants from the war in Sierra Leone found that the two peak years for recruitment into the RUF were 1991–2, and that more than 60 percent of fighters were from Eastern Province.⁸ This implies that a substantial number came from the Liberian border zone, where the movement first established itself. When asked about benefits of joining the movement only a handful mentioned the lure of diamonds. A surprisingly large number – nearly a quarter – stated that by joining the movement they had been able to find a husband or wife.⁹ Could difficulties over forming marriage partnerships have been a factor driving some young people into the arms of the RUF?

Marriage among peasant communities in rural eastern and southern Sierra Leone depends on bridewealth and bride-service payments. For a young man to find a spouse – with whom to farm independently and found a family – the assistance of an elder is generally required.¹⁰ This might be the mother's brother, from whom the young man can claim a daughter under the institution of the avunculate (literally 'uncle marriage' but often the marriage of cross-cousins). Little or no bridewealth will be demanded for such a marriage. The disadvantage is that the young man remains indefinitely obligated to his uncle. In former times an uncle could sell his nephew into slavery in repayment of debts.

The father or other elders in a wealthier peasant family might help a young man seeking a marriage partner to make the higher payments required for a spouse from a family unconnected by the avunculate. A stranger (someone resident in the village but born outside the chiefdom) might turn to his patron (an established citizen) for help in finding a wife. In former times, a wealthy farmer might redistribute young women under his care as partners to his male slaves.¹¹

In addition to bridewealth payments, lengthy periods of bride service (work without pay on the farm of the father-in-law) may also be required. The existence of quite high rates of polygyny among wealthier village

8. Macartan Humphreys and Jeremy Weinstein, 'What the fighters say: a survey of ex-combatants in Sierra Leone, June–August 2003' (Report, CGSD Working Paper No. 20, Columbia University, New York, NY, 2004), p. 23.

9. *Ibid.*, p. 27.

10. In the ranked lineage societies of eastern Sierra Leone an 'elder' implies seniority in a ruling lineage, and not necessarily age. The Mende language has the term *numu wai* (big person). 'Big persons' can be female as well as male, and some Mende paramount chiefs are female. A female paramount chief will be a woman of especial ability. But she must also come from a ruling family (that is, a high-ranked lineage). In what follows the word 'elder' generally implies a male elder.

11. On the institution of slavery among the Mende see John Grace, 'Slavery and emancipation among the Mende in Sierra Leone' in Suzanne Miers and Igor Kopytoff (eds), *Slavery in Africa: Historical and anthropological perspectives* (University of Wisconsin Press, Madison, WI, 1977), pp. 415–31.

males leads to a shortage of younger unmarried women in the village, and marriage contracts are sometimes made for new-born girls. This in effect means that the man in question will not marry until he approaches middle age.

Young men and women commonly form liaisons outside these marriage rules. For a young man from a poor family (one with a former slave background, for example) unable to raise the necessary bridewealth, or for a recently arrived migrant stranger, taking a 'girl friend' is often the only option. Such alliances are sought by young women married to elderly and neglectful polygynists. Sometimes, as we shall see, the neglect is deliberate, since it enables the elder to bring the young man into his pool of loyal clients. In particular, it allows the elder to demand farm labour from his wife's young paramour. If such service is refused, he takes the young man to court and sues for 'woman damage'. The fines are generally steep. Often, the young man cannot pay, and will work off his fine by labouring for the offended party, as a kind of retrospective bride service. This puts into context the finding that significant numbers of RUF cadres found the movement a source of marriage partners. It allowed them to break free from a restrictive customary institution.

The remainder of this article further characterizes the marriage institution just described, asks about the frequency and continuing importance of 'woman damage' cases, both across the country and in the region from which the war sprang, and assesses statistically significant associations between 'woman damage' disputes and farm labour demands, to test the hypothesis that it is, in fact, an institution enmeshed in labour coercion.¹² The relevance of the study is that, in addition to suggesting the plausibility of an argument linking conflicts between poorer and wealthier male peasants over 'woman damage' to recruitment to the RUF, it also shows that woman damage disputes remain of current significance in the area from which the war originated. This throws light on debates about both causes of the war and post-war reconstruction policy in Sierra Leone.

Since approximately 2000, neo-traditional policy has favoured the reinstatement of the pre-war system of rural governance based on paramount chieftaincy and local courts, as devised under British colonialism for purposes of indirect rule. This neo-traditional policy was closely linked to a

12. The connection between 'woman damage' and enslavement goes back several centuries. Fr. Manuel Alvares, writing c. 1615, states that among the Sapes (the inhabitants of Sierra Leone and its vicinity) 'adulterers are punished with death or enslavement' (unpublished manuscript, 'Ethiopia Minor and a geographical account of the Province of Sierra Leone', in the provisional translation of Paul Hair, 1990), Chapter 3. Thomas Winterbottom, writing about courts at Sierra Leone in the 1790s, states that 'woman palaver or adultery' is one of the kinds of 'cases in which life or liberty of the accused are endangered', adding that 'slavery is the usual punishment'. See *An Account of the Native Africans in the Neighbourhood of Sierra Leone*, Volume 1 (C. Whittingham, London, 1803).

controversial counter-insurgency strategy of strengthening 'indigenous' civil defence.¹³ Since the war, attempts have been made to reform chieftaincy institutions from within. Some local courts now boast posters advising villagers to keep their marriage disputes within the family, and court clerks state that they try and discourage suits for 'woman damage'. Our data show that it is indeed the case that most 'woman damage' cases are settled at the informal level, by family moots, but that fines levied at this level are still substantial. Taken with our other main finding, which establishes a link between 'woman damage' and farm labour exploitation, this suggests that the agrarian marriage institution continues to bear down heavily on rural young men without strong social support. The local market for agrarian labour is far from free, and while this situation prevails a risk that serfdom will feed peasant revolt remains.

'Woman damage' and local justice

According to legal ideas among the Mende people, the tort of 'woman damage' arises when it is established that the accused has formed a sexual liaison without meeting the requirements for having such a relationship (such as by paying bridewealth, performing bride service, or entering into some kind of clientship agreement with the plaintiff). Accessories can also be included in the charge. A pioneer analysis of 'woman damage' was provided by Kenneth Crosby, a missionary working among the Mende from 1929.¹⁴ Crosby roots 'woman damage' in polygamy (polygyny), which he states 'is a social system, and is intimately bound up with the subject of property and labour, and the difference in status among men and women'.¹⁵

Characterizing different forms of rural Mende marriage, as he encountered them in the 1930s, Crosby draws attention, first, to the incidence of cross-cousin (avunculate) marriage, which he associates with matrilineal residence and monogamy, as a secure form of relationship for partners from non-elite backgrounds, involving little or no bridewealth but a sustained commitment to provide work on the mother's brother's farm.

13. The British High Commissioner to Sierra Leone, Peter Penfold, saw himself as an architect of the paramount chief restoration policy (according to his statement to a meeting on post-war reconstruction in Sierra Leone, held at the UK Foreign Office in 2001, attended by Paul Richards). Mr Penfold was also privy to meetings to arrange private security assistance to civil defence forces in Sierra Leone in 1997. See Sir Thomas Legg and Sir Robin Ibbs, 'Report of the Sierra Leone Arms Investigation: Return to an address of the Honourable the House of Commons dated 27 July 1998' (Stationery Office, London, 1998).

14. Konrad Tuchscherer, 'Kenneth Hubert Crosby (1904–1998): pioneer scholar of the Mende language', *Journal of African Cultural Studies* 11, 2 (1998), pp. 217–20.

15. Kenneth Hubert Crosby, 'Polygamy in Mende country', *Africa* 10, 3 (1937), pp. 249–64, p. 249.

Second, he turns to the marriages of the Mende rural elite – those involving men from high-ranked lineages. In a survey of 20 small towns and villages in eastern Sierra Leone, Crosby found that 51 percent of all married men had two or more wives. In all, 842 men were married to 1,973 women. Only 82 women of marriageable age were unmarried, but there were 673 unmarried men of marriageable age in the sample. The upshot is that many commoner men of marriageable age had no reproductive partner, and found female ‘friends’ where they could, especially among the large number of unsupervised wives of high-ranking chiefs.¹⁶

Crosby points to the strong link between marriage and upland rice farming (the main mode of subsistence among the Mende). Rice farming is based on a gender partnership.¹⁷ Men fell and clear trees and plant; women plant, tend and weed the farm, and process the crop. Both genders are involved in the harvest. The upshot is that one man with several or many wives has enough labour to tend a farm, but perhaps not enough to prepare it. ‘The chief difficulty (Crosby writes) is in getting the necessary young men It is, however, only a theoretical difficulty. The usual way is to neglect one’s wives and employ their ‘friends’.’ He then describes a ‘woman damage’ case:

Aruna had a wife Jeneba, with whom a young man had been co-habiting for years. This young man arranged to go away ... but on the eve of his departure he was taken to court on a charge of adultery with Jeneba. As he had nothing with which to pay, he had to stay where he was. In other words he had become a serf.¹⁸

Crosby perhaps used the term ‘serf’ (unusual in a country which never knew feudalism) because of local sensitivity surrounding the (then) recent emancipation of slaves (in 1928). We adopt Crosby’s term in this article, since it clearly distinguishes our topic – coerced and unwaged farm labour – from slavery as a system in which persons are bought and sold.

Crosby’s account is consistent with later ethnographic literature for the forest region of eastern Sierra Leone and north-western Liberia. For the Mende, Kenneth Little states that ‘Polygyny represents a form of capital investment By deliberately allowing their wives to attract young men, some husbands are able to turn the misdemeanour [‘woman damage’] to a profitable account.’¹⁹ Writing about the Kpelle, a group culturally and linguistically related to the Mende living to the east of the Gola Forest in

16. Crosby adds that some chiefs had up to 300 wives (but these chiefs were not part of his sample).

17. Paul Richards, *Coping with Hunger: Hazard and experiment in an African rice-farming system* (Allen and Unwin, London, 1986), p. 68; Mariane Ferme, *The Underneath of Things: Violence, history and the everyday in Sierra Leone* (University of California Press, Berkeley, CA, 2001), pp. 43–7.

18. Crosby, ‘Polygamy’, p. 254.

19. Kenneth Little, *The Mende of Sierra Leone: A West African people in transition* (Routledge, London, 1951), p. 142.

Liberia, Caroline Bledsoe states that 'the most important way in which elders lure and hold on to young men is by the careful accumulation and deployment of young women'.²⁰ Like Crosby and Little, she is explicit about a 'honey trap' element: [elders] 'use rights in young women not only to reproduce and to gain labour for supporting their immediate families, but also to lure young men into ties of debt and obligation'.²¹

Below, in Table 2, we present specific data on the frequency of cases, showing that 'woman damage' remains one of the most important classes of action before local courts in the Gola region, but first we want to comment on the current relevance of Crosby's claim that cases were particularly associated with meeting labour demands on upland rice farms.

Among the Mende, the upland rice farm remains the focus for household food security. Swamp rice farming has been resisted by Mende farmers for many years.²² Most households in the Gola region engage in some swamp production, but it is generally seen as a supplement not a replacement for the household upland rice farm. This is because dryland rice is liked better, and upland farms also produce a large range of inter-crops. But it is also because upland farming is a household project, involving a division of labour between men and women and adults and children that reinforces notions of familial social cohesion.²³ A village household without an upland farm is seen as somehow not fully constituted.²⁴ In this sense, the upland farm not only produces food but also has social significance in reproducing the (conservative) agrarian values of a ranked lineage society.

It is this conservative nexus that is particularly significant to our analysis, since this is where we feel there may be a clue to the causes of the war. The RUF proclaimed the slogan 'No more master, no more slave'.²⁵ This specifically targeted unpaid labour, not poor rural wages. Below, we look particularly closely at evidence that 'woman damage' is connected with the unpaid labour requirements of subsistence rice farming, and upland rice farming in particular, rather than other areas of agrarian production, such as plantation crops, where labour is rewarded in cash.²⁶

20. Caroline Bledsoe, *Women and Marriage in Kpelle Society* (Stanford University Press, Stanford, CA, 1980), p. 55.

21. *Ibid.* p. 48.

22. Richards, *Coping with Hunger*, chapters 1 and 2.

23. On the household division of labour as a basis for social cohesion see Emile Durkheim, *The Division of Labor in Society*, trans. G. Simpson (Free Press, New York, NY, 1964 [1893]).

24. Richards, *Coping with Hunger*, Chapter 4.

25. Richards, 'To fight or to farm?', p. 582.

26. It is relevant to ask why young men do not escape this traditional net by planting tree crops or making swamp rice farms. The answer is that some do, but generally only those with strong rights of land access (that is, those belonging to the main land-owning lineages).

Local courts and informal dispute resolution

Now we turn to the courts in which cases of ‘woman damage’ are judged. Local courts, created by the colonial regime as institutions of indirect rule, were retained as the basis for rural justice after the end of the colonial period. Local courts administer customary law. A main documentary source of customary law remains a national survey undertaken by a District Commissioner, James Fenton, published in 1927 (revised 1948).²⁷ Cases divide into civil and criminal. Civil cases mainly concern disputes over land, debt, and ‘woman damage’. Criminal cases concern theft, affray, defiance of the authority of a chief, and breaking local bye-laws. Bye-laws are proposed by chiefdom councils, scrutinized by the local courts officer for each province, and presented to parliament for endorsement. Table 1 lists the current bye-laws for one Gola Forest chiefdom (Malema).²⁸

Local court premises are found in every chiefdom headquarters town, and in section towns in larger chiefdoms. Courts typically meet for several days each month, depending on case load. Court chairmen preside over sittings, assisted by assessors. Chairmen are a type of lay magistrate, knowledgeable in local custom and history. They are

Table 1. Typical bye-laws (as enacted by Malema Chiefdom)

1	Refusing to answer the chief's call
2	No fighting
3	No use of abusive language
4	No theft
5	Failing to do communal work
6	No sex with other man's wife
7	Children are not allowed to appear in court
8	Impregnating female child under 18 years
9	Breach of contract – defaulting [to] refund money and food for work
10	No killing of bush cow, crocodile
11	Refusal to do general cleaning – last Saturday of each month
12	No sexual intercourse in the bush
13	No raping
14	All power saw owners must have licence

Source: From local court records, Courts Survey, 2010.

27. James Stephenson Fenton, *Outline of Native Law in Sierra Leone* (Government Printer, Freetown, 1948).

28. It is worth noting that four out of 14 of these bye-laws concern sexual misconduct. More serious cases (murder, for example) are handed over to the state police and thereafter to the district magistrate's court, to be tried under national criminal law.

appointed by central government.²⁹ Sentences are enforced by court officers, known as chiefdom police. The first line of appeal from a local court is to the local courts officer (a trained lawyer) of the provincial administration. Local court decisions in conflict with national law can be struck down by this officer. Appeals from customary cases are considered by a special panel of customary law experts in the court of appeal in Freetown.

Local courts are not the only sources of local justice in rural Sierra Leone. To gain an idea about disputes settled informally outside the ambit of local courts we asked panels of village informants to estimate the number and type of disputes affecting people in their village over the past decade, in relation to those reaching court. From these estimates it became apparent that local courts handle only a small proportion of local disputes, and that we needed to modify our methodology to embrace informal dispute resolution as well.

There is often a preference by disputants to have their case heard informally by the paramount chief or some lesser chief (most commonly, a village chief). These informal hearings have no official status but belong to the sphere of alternative dispute resolution (ADR). The family moot is one such means.³⁰ Arbitration by moot is popular because it often works out cheaper: formal court fees are avoided, though fines are still paid.

Formal court proceedings are sometimes favoured by plaintiffs, despite costs, when there is significant doubt about the willingness of the parties to settle. A defendant found guilty in an informal setting is often more likely to succeed in 'begging' a reduction in the punishment. In a local court the defendant unable to pay the fine or reach an out-of-court agreement faces a period in the lock-up attached to the court (in the 'dark room', as it was graphically described to us by one court clerk) until a patron or relative steps in to cover the fine.

A second, more drastic option, to deal with steep fines imposed both by local courts and ADR is to abscond. However, becoming a fugitive from justice is a far from cost-free solution, since all 'strangers' (Mende: *hota*, a person living outside their chiefdom of birth) need to find a patron and protector (Mende: *hota kɛɛ*, literally 'stranger father') in any location to which they move. This patron is responsible to the village and chiefdom authorities for the good behaviour of the guest, and where it is suspected that the new arrival is 'on the run' the patron will attach

29. Historically, local courts belonged to paramount chiefs. Subsequent reforms handed the chairmanship to persons appointed by government. This supposedly was to check abuses by high-handed chiefs, but opened local courts to political manipulation from the centre.

30. James Gibbs, 'The Kpelle moot: a therapeutic model for the informal settlement of disputes', *Africa* 33, 1 (1963), pp. 1-11.

tougher conditions, such as more help in farming, as the price of protection. A number of ex-combatants have testified that they first became vulnerable to militia recruitment after having absconded from local court cases.³¹

Measuring 'woman damage': data and statistical strategy

Our study draws on court-level data and randomized household data collected in 178 Mende-speaking villages around the Gola Forest. We use these data to find out about patterns and classes of cases appearing before local courts and in ADR. Local courts ceased to function in the war and many records were lost in the chaos. Court personnel (and sometimes court buildings) were targeted by the rebel RUF, because the movement had its own system of justice, based on the populist precepts of the Green Book of Colonel Gaddafi.³² Local courts administering customary law were revived with assistance from the British aid programme after the war, and began to function from September 2001. After regime change resulting from the 2007 presidential and parliamentary elections most, if not all, court chairmen were replaced. Court clerks – the chiefdom civil servants who run the administration of justice, and who are often highly knowledgeable about custom – have also since been rotated. As a result, many court records may have been returned to the provincial secretariat, or still remain in the possession of departing chairmen loyal to the previous regime, and are currently inaccessible.³³

This posed a problem for our study, as one of our working methods was to go through case books with the court clerk explaining each case and its context. Therefore we sought additional sources of information. This included asking village panels about sources of conflicts, and patterns of resolution, including recourse to ADR, and surveying household heads about their experiences with the judicial system – formal and informal.

Our analysis is thus based on village and household survey data, as well as on two complementary if rather limited sets of court records. We tried to collect characteristics of all cases brought to court in nine chiefdoms bordering and adjacent to the Gola Forest for the periods covered by

31. Richards, 'To fight or to farm?', pp. 577–80.

32. Smith *et al.*, 'Conflict mapping'.

33. In 2006 one of us (Paul Richards) commissioned a preliminary survey of post-war records from three local courts (Kakuwa, Valunia, and Dama chiefdoms) for the period 2001–6. See Jean-Pierre Chauveau and Paul Richards, 'West African insurgencies in comparative perspective: Côte d'Ivoire and Sierra Leone compared', *Journal of Agrarian Change* 8, 4 (2008), pp. 515–52. Seemingly, much of the source material for this survey is now no longer available in the courts themselves.

extant records. These data cover all cases we could retrieve for the period 2000–10, but there were only a few cases available before 2004. These data form a monthly panel by which we can analyse variation in ‘woman damage’ cases through time. In addition, we used court data from a survey commissioned by the World Bank in 2006–7.³⁴ This survey extended the range of our analysis to 26 chiefdoms across Sierra Leone (albeit for a smaller timeframe), allowing us to probe spatial variation in ‘woman damage’ for a sample of 363 cases. These spatial data confirmed that ‘woman damage’ cases are especially numerous in the Gola Forest region.

Turning to our village and household data, we implemented our survey (2,239 households, 178 villages) in seven chiefdoms around the forest during the first half of 2010. We asked questions about local disputes and modes of dispute settlement over the 2000–10 period, and collected data on 3,202 cases for that period. We also organized focus groups and asked village stakeholders (typically including the town chief and deputy chief [speaker]) to list the most important conflicts in the village during the same period. In addition we use land use data from a chiefdom survey carried out in 2009.³⁵

The data provide a typology of the civil and criminal cases recorded at the court, village, and household level.³⁶ The most frequent types of civil cases handled in local courts are those over business transactions (typically disputes over trade in agricultural produce – 41 percent of all cases). ‘Woman damage’ cases (29 percent) are second in importance, and bad debts (24 percent) third. These data constitute a national picture, as represented by 26 chiefdoms in the amalgamated data set. For the household and village survey data sets covering the Gola Forest region we document that ‘woman damage’ cases are the most important form of local conflict (28 percent of all cases), followed by land and debt cases.³⁷

The predominance of the village (informal) level in the settling of certain disputes should be stressed. These data also show the level of arbitration of all cases in our household survey. The type of dispute matters. While the great majority of land cases are settled informally, a large

34. This study, the Local Courts Record Analysis Survey in Sierra Leone 2007, was carried out by Braima Koroma of Njala University, under the Justice Sector Development Program (World Bank). For further information see <<http://www.britishcouncil.org/jsdp.htm>> (6 April 2011).

35. Unpublished survey carried out for the Ministry of Agriculture and Food Security of the government of Sierra Leone, in cooperation with the Food and Agriculture Organization of the United Nations, 2009.

36. The raw data collected are summarized in four tables placed in an appendix at the end of the article. Key aspects of these data are discussed here and also presented graphically in Figure 1, while the relationships are tested and described in the sections which follow.

37. Abusive language to an elder (cf. ‘sauce palaver’, Winterbottom, *An Account*, p. 128) and breaking bye-laws are the most important criminal cases.

proportion of business cases are brought to court (hence the discrepancies in percentages across columns). Overall, however, the vast majority of these cases are settled in the village, mediated by family members, elders, and village chiefs, and only 4 percent of all cases were settled in the chiefdom local court. From our data it appears that the village chief is a key actor in local arbitration (settling 40 percent of all cases, and 45 percent of all 'woman damage' cases). It is important to stress that 'woman damage' rises in importance as we drop from the formal level of local courts to the ADR level. This is not a phenomenon limited to a few high profile cases at the chiefdom level, but is a basic element in the fabric of local conflict found throughout the villages of the Gola Forest region.

Part of the settlement includes levying fines. Our data suggest there is substantial variation in fines. In local courts, a part of the fine is paid to the court itself, on average Le20,000 (*c.* US\$5), though this varies from zero to Le355,000 (*c.* US\$89). Fines to plaintiffs reflect the seriousness of the offence, and can reach up to Le721,000 (*c.* US\$180). The (unweighted) average level of fine for all offences is Le86,000 (*c.* US\$22). People found guilty of 'woman damage' pay an average fine of Le120,000 (*c.* US\$30), 40 percent higher than the average for all offences, and a steep sum given that average non-skilled earnings in rural Sierra Leone amount to about US\$1.25 per day. At the village level, 'woman damage' fines also seem to vary with respect to the social relationship between the accuser and the accused. Strangers within the village (Mende: *hota*) pay more than citizens (Mende: *tah*), and the highest rates are paid by accused persons from outside the village.³⁸

There is both regional and seasonal variation in 'woman damage' cases. 'Woman damage' cases take up the largest share of the case load in Kailahun and Pujehun districts. These are the districts bordering Liberia, north and south of the Gola Forest, from where the war was launched, and where up to half the rural population in some chiefdoms had slave status at emancipation in 1928.³⁹ Figure 1 thus summarizes the case load of courts by month, revealing a clear seasonal pattern – 'woman damage' accusations are predominant in the December/January period and then again in July. These spikes in 'women damage' cases coincide with the months in which demand for (male) labour on upland rice farms peaks. During January–March, male labour is in peak demand for brushing and

38. Some accusations also involve members of the same family group. This requires further work, since it is broadly our hypothesis that 'woman damage' cases will involve plaintiffs with higher social status and defendants with lower. But it is worth noting that variation in social status occurs at an intra- as well as inter-lineage level. It is conventional not to mention slave origins or client status, so underclass elements may simply appear 'members of the family' to the outsider.

39. Grace, 'Slavery and emancipation'.

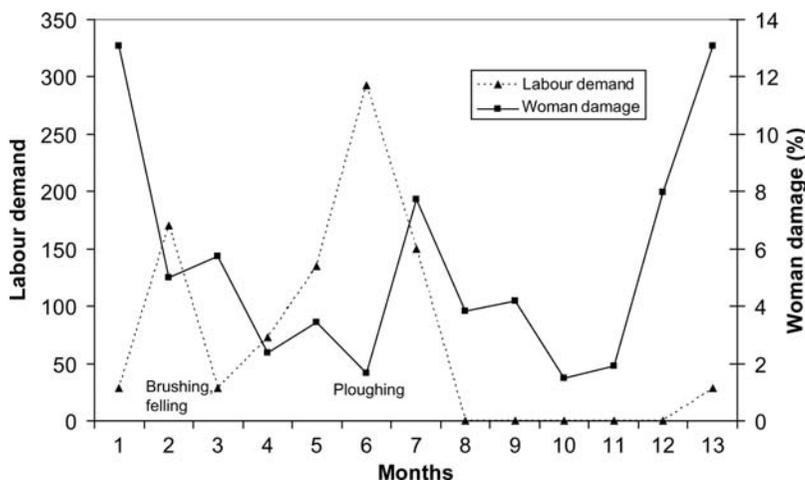


Figure 1. The number of ‘woman damage’ cases and upland farm labour demand for brushing and ‘ploughing’.

felling of new upland farms. Male labour demand for rice ‘ploughing’ (that is, planting) peaks in June–July.⁴⁰

To test our main hypothesis about the association between ‘woman damage’ allegations and demand for labour, we use our chiefdom, village, and individual level data, as summarized in Table 2, and adopt a two-pronged identification strategy, testing for the spatial and time relationship between demand for agricultural labour and woman damage cases. That is, we analyse: (1) the pattern of ‘woman damage’ convictions over space, and see if more people are convicted in regions where demand for cheap farm labour is greatest, and (2) the pattern of ‘woman damage’ cases over time, and see whether this pattern matches demand for male labour in agriculture, as dictated by the agricultural calendar.

We then examine the relationships between these data. The core of our empirical strategy consists of two types of model.⁴¹ First, we estimate the impact of labour demand on ‘woman damage’ cases, using cross-section

40. The data on peaks in labour demand rest on detailed work undertaken on 98 upland rice farms in the Mende-speaking village of Mogbuama in central Sierra Leone in 1983 (Richards, *Coping with Hunger*, Chapter 4). It is an obvious weakness of the present study that we have no figures for current farm labour inputs for villages in the Gola region, and hope to remedy this in future work. Mogbuama has a lot of low-lying moisture retentive soil, and the ‘ploughing’ peak is 2–3 weeks earlier than on the free-draining soils of the relatively hilly Gola Forest region. This perhaps explains why the peak for ‘woman damage’ (Figure 1) appears to lag the ploughing labour peak by a week or two.

41. See Appendix for full details.

Table 2. Descriptive characteristics

<i>Variable</i>	<i>Obs.</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min.</i>	<i>Max.</i>
<i>Panel A Chiefdom level</i>					
Relative number of woman damage to total court cases	26	0.35	0.32	0	1
Upland area farmed >30% of total chiefdom farm land	27	0.48	0.51	0	1
Cash crop area farmed >30% of total chiefdom farm land	27	0.41	0.50	0	1
<i>Panel B Village level</i>					
Number of woman damage cases	161	0.52	0.33	0	1
Upland area farmed to total farm land	146	0.39	0.20	0	0.83
Plantation area farmed to total farm land	146	0.39	0.28	0	1
Swamp area farmed to total farm land	146	0.23	0.18	0	1
Village population 2010	174	386.84	488.36	10	3000
Males to land ratio	163	0.55	1.01	0	8.57
High prices in 2009	165	0.63	0.48	0	1
Fraction polygamous households	145	0.22	0.16	0	1
<i>Panel C Individual level</i>					
Accuser of woman damage	346				
Accused of woman damage	555				
Respondent is male	901	0.48	0.50	0	1
Respondent age	901	22.69	18.91	0	118
Respondent age 2	901	872.43	1300.93	0	13924
Respondent is literate	901	0.33	0.47	0	1
Upland farmed (acres)	901	2.01	2.56	0	25
Plantation farmed (acres)	901	7.38	8.61	0	282
Swamp farmed (acres)	901	0.99	1.34	0	10
Respondent is married	901	0.14	0.34	0	1
Number of wives	901	0.18	0.50	0	6
Non-agricultural income (log)	901	12.12	1.42	0.69	21.42
Number of conflicts in household	901	1.29	1.36	0	8

Sources: Courts Survey 2010; World Bank Courts Survey 2007; MAFFS/FAO Chiefdom Survey 2009; Village Survey 2010; Household Survey 2010.

data collected in 26 chiefdom courts and in 178 villages. The latter sample includes both court data and information on informal dispute settlement. Second, we use panel data on court cases in the nine chiefdoms. Monthly data are available for the period 2004–10, and we aim to explore whether there is a correlation between ‘woman damage’ cases and demand for upland agricultural labour (as dictated by the agricultural calendar). We pool data for the period 2004–10 and sort them by month

Table 3. 'Woman damage' across chiefdoms and time (court data)

<i>Dependent variable</i>	(1) <i>Percentage woman damage cases</i>	(1) <i>Percentage woman damage cases</i>	(2) <i>Percentage woman damage cases</i>
	OLS	Tobit	Tobit
Upland area farmed >30% of total chiefdom	0.419** (0.188)	.	0.827* (0.429)
Cash crop area farmed >30% of total chiefdom	0.113 (0.252)		-0.117 (0.630)
Next month's labour demand		0.209* (0.124)	0.241* (0.139)
District Fixed Effects (FE)	Yes	Yes	Yes
Constant	-0.0426 (0.227)	-0.241** (0.105)	-0.580 (0.643)
<i>N</i>	26	200	200

Standard errors in parentheses: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

(our regression results are unaffected if we include annual dummies to pick up year effects).

Finally, and as an extra analysis for robustness, we also probe the characteristics of 'woman damage' accusers and accused, to explore whether these characteristics match anthropological evidence about local grievances discussed above.

Empirical results

Our data show a considerable amount of variation in agricultural production and polygyny, labour demand, and 'woman damage'. In this section we investigate the pattern of 'woman damage' cases across space and time.

'Woman damage' in local courts

Table 3 summarizes our results⁴² for our two sets of court data. Across all columns we control for district fixed effects, which capture all relevant variables that are invariant across communities in the same district. Column 1 is a simple ordinary least squares (OLS) model based on the cross-chiefdom data (for 23 chiefdoms) provided by the World Bank.

42. By estimating equations 1 and 2 detailed in the technical notes in the Appendix.

Columns 2 and 3 present outcomes of monthly panel models, based on the data collected in nine courts. The difference between columns 2 and 3 is that in the latter model we include both a dummy for upland farming, as well as a measure of the next month's labour demand.

The results support the hypothesis that 'woman damage' is associated with demand for male labour. The frequency of 'woman damage' cases systematically varies with the amount of upland farm land cultivated in a chiefdom (columns 1 and 3, for evidence on 26 and 9 chiefdoms, respectively) as well as with the seasonal demand for labour (columns 2 and 3) – chiefdoms with more than 30 percent of their farm area used for upland farming have significantly more 'woman damage' cases and, similarly, the number of 'woman damage' cases in months preceding peak labour demand is higher than in other months. Interestingly, our data suggest a sort of 'threshold effect'. That is, a minimum area of upland farm land is necessary for a positive correlation between 'woman damage' and upland farming to eventuate – simply inserting a continuous variable indicating the percentage of upland farming yields a positive coefficient, but one that is not significantly different from zero. We find that our result is rather robust to varying the level of this upland farm land threshold (to 20 percent or 40 percent of farm land per chiefdom, for example).

In general it requires a leap of faith to jump from correlations to causal inference. Our assumption that demand for labour translates into more 'woman damage' cases might be countered with the view that a supply of cheap labour (via the judicial system, from commutation of fines) is used, opportunistically, to enlarge the area of upland farming.⁴³ In other words, causality might actually run in the opposite direction to the one we here suppose. However, this seems unlikely, since the double-peaked pattern of seasonal labour demand on upland rice farms is exogenous to the workings of the judicial system. Conceivably, a riotous Christmas might lead to a large spike in adultery cases, paid for by work opportunities in the brushing season that immediately follows, but it would be hard to explain why there was a similar spike of 'woman damage' accusations in the planting season, at a time of year when food, energy, and leisure opportunities are in notoriously short supply for both men and women. The fact that the spikes in 'woman damage' cases track a *double* peak in demand for the labour of young men on upland rice farms seems to help confirm the hypothesis that labour demand is the driver of the fluctuation in court activity.

43. Patrons or relatives sometimes help the accused by what is known as 'buying the case' (covering the fine). Some then recoup their losses by accepting help on their farms in lieu of repayment of loans.

'Woman damage' at village level

We now turn to the household and survey data, and examine the correlation between 'woman damage' and various village characteristics. The dependent variable across all models is the percentage of households in the village accused of at least one case of 'woman damage'.⁴⁴ Across all specifications we control for chiefdom fixed effects (Gaura, Koya, et cetera), capturing invariant variables across communities within the same chiefdom.

Our estimation results corroborate our earlier findings. As above, 'woman damage' cases are more prevalent in villages with a greater percentage of upland rice farmland – specifically, a 10 percent increase in the share of upland farmland results in a 3.4 percent increase in 'woman damage' cases. The same is not true for swamp land, where a crop tends to be owned individually, where labour peaks fall differently, and where farming activities are less implicated in forging household cohesion and reproduction of family groups (see above). In addition, we find that 'woman damage' cases are more frequent in small villages; these are typically remote places, at the forest frontier, where male labour demand for farm brushing and (especially) felling is greatest. These are also villages where total 'free' labour supply is very limited, sometimes to the point where there is no labour market at all in peak seasons.⁴⁵ All labour is tied up by own land work or contracted via membership in peer-managed rotational labour teams, and elders resort to the judicial system to break into this 'locked-down' labour source.⁴⁶ Pursuing action for 'woman damage' is in effect a means for an elder to force a young man to abandon work on his own farm or give up his turn in a pre-contracted labour group.⁴⁷

Interestingly, and also consistent with our hypothesis, we find that large yields on upland rice farms are associated with more frequent 'woman damage' cases, perhaps because the extra labour thereby secured ensures more timely brushing and planting in relation to irregularly advancing rains. Lack of timely burning or planting is a major factor in poor yields.⁴⁸ 'Woman damage' cases are also more common in areas where male labour is more scarce and in areas where higher levels of polygyny

44. Because of multi-collinearity we cannot include all village variables simultaneously (for example, there is a mechanical, negative association between the percentage of farmland, plantation land, and swamp land).

45. Compare Richards, *Coping with Hunger*, pp. 70–4.

46. *Ibid.*, Chapter 5.

47. In future work we plan to follow payment of fines in kind from 'woman damage' cases to see if they lead directly back to farms.

48. Richards, *Coping with Hunger*, Chapter 4.

Table 4. Explaining the incidence of 'woman damage' (village data)

	(1)	(2)	(3)	(4)	(5)
<i>Dependent variable: percentage of households with at least one woman damage case 2007–10</i>					
Percentage upland farmland	0.342** (0.152)			0.430** (0.167)	0.334** (0.152)
Percentage plantation land		-0.276** (0.118)			
Percentage swamp farmland			0.146 (0.175)		
Village population				-0.000234** (0.0000900)	
Fraction polygamous households				0.204* (0.124)	
Males to land ratio					-0.0567* (0.0311)
Very high yields in 2009					0.108* (0.0631)
Gaura	0.217** (0.104)	0.260** (0.104)	0.257** (0.108)	0.290 (0.409)	0.285** (0.109)
Koya	0.131 (0.113)	0.186 (0.115)	0.159 (0.120)	0.156 (0.114)	0.162 (0.117)
Makpele	0.0711 (0.101)	0.0896 (0.0992)	0.126 (0.100)	0.0324 (0.105)	0.121 (0.104)
Malema	0.0976 (0.0950)	0.155 (0.0984)	0.124 (0.103)	0.0963 (0.0946)	0.194* (0.103)
Nomo	-0.0168 (0.114)	0.0214 (0.112)	0.0357 (0.116)	-0.0425 (0.114)	0.0748 (0.121)
Tunkia	0.0222 (0.118)	0.0683 (0.119)	0.0525 (0.123)	-0.0104 (0.118)	0.0462 (0.131)
Constant	0.323*** (0.0891)	0.524*** (0.0789)	0.391*** (0.0955)	0.186 (0.153)	0.110 (0.148)
<i>N</i>	130	130	130	111	115
<i>Adj. R</i> ²	0.037	0.040	0.002	0.077	0.115

Standard errors in parentheses: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

occur (as proxied by the percentage of households with more than one wife).

Finally, an important negative result is presented in column (2) of Table 4. There are fewer cases for 'woman damage' where there is a greater percentage of plantation land. Plantations require regular maintenance, including brushing in the early dry season. There is much coffee

and cocoa plantation land around the Gola Forest – abandoned and overgrown in the war – that is now being renovated with great difficulty, due to labour shortage. Lack of significant positive association between ‘woman damage’ and plantations would be enough to refute the idea that ‘woman damage’ is a correlate of agrarian labour shortage in general. All the specific associations are, in fact, between ‘woman damage’ and household upland rice plantations. The woman’s dereliction is a threat to the household group – and specifically to the large polygynous household group. Conversely, trapping her paramour to work as a temporary son-in-law strengthens the large polygynous household. The issue, as Crosby rightly surmised, is the inequality implied between those men who can and cannot command large polygynous households. However, a *negative* correlation between ‘woman damage’ and area devoted to cash-crop plantations, as in Table 4, might say something new – that traditional sanctions become less important when the cash nexus intervenes.

‘Woman damage’ at individual level

Our final set of evidence derives from the household survey data, which allow us to identify the characteristics of both ‘woman damage’ accusers and the individuals accused. The anthropological data (from Crosby, Little, and Bledsoe) imply that the accusers will be older, wealthier, polygynously married men, and that the accused will be younger, poorer, and perhaps unmarried men. Our sample contains information about 349 accusers and 555 accused individuals. We estimate a series of (logit) models to see which individual variables differentiate between the two groups. Our main results hold up when we include village fixed effects, controlling for (unobserved) village-level variables.

Interestingly, while both accusers and accused appear rather similar across a few dimensions (income, marital status, and number of conflicts in the households), there are crucial differences between the two groups consistent with our overall hypothesis. First, while the upland farm area enters positively for accusers (implying large demand for male labour), this is not the case in the models identifying the accused. Indeed, in the models for the accused (columns 3 and 4), upland farm area enters negatively. The smaller their upland farm the more likely they are to be accused.⁴⁹ This finding seemingly underscores the fragile and marginal position of these individuals in local society. This is consistent with the observation that the literacy variable enters with opposite signs for the

49. Chauveau and Richards, ‘West African insurgencies’, note that only 4 percent of men accused in their sample of woman damage cases from three courts in central and eastern Sierra Leone were acquitted. Marginality is apparent in the fact that (on these figures) to be accused is to be guilty.

Table 5. Profile of 'woman damage' accuser and accused (individual data)

	(1) <i>Accuser</i> <i>Logit</i>	(2) <i>Accuser</i> <i>Logit</i>	(3) <i>Accused</i> <i>Logit</i>	(4) <i>Accused</i> <i>Logit</i>
Age at accusation	0.0260*** (0.00701)	0.0375*** (0.00938)	-0.0192*** (0.00678)	-0.0277*** (0.00907)
Respondent is literate	0.0965 (0.175)	0.231 (0.236)	-0.204 (0.171)	-0.296 (0.230)
Upland farmed (acres)	0.0739* (0.0393)	0.113** (0.0526)	-0.0769** (0.0391)	-0.138** (0.0536)
Plantation farmed (acres)	-0.0129 (0.0113)	-0.00865 (0.0115)	0.0150 (0.0116)	0.0131 (0.0132)
Swamp farmed (acres)	0.141* (0.0825)	0.142 (0.113)	-0.123 (0.0811)	-0.104 (0.113)
Number of wives	0.277* (0.167)	0.534** (0.217)	-0.306* (0.168)	-0.651*** (0.219)
Non-agriculture income (Log)	0.104 (0.0641)	0.110 (0.0851)	-0.0777 (0.0623)	-0.0677 (0.0840)
Number of conflicts household is involved in	0.0693 (0.0623)	0.0160 (0.0832)	-0.0373 (0.0613)	0.0113 (0.0825)
Village Fixed Effects	No	Yes	No	Yes
Constant	-3.324*** (0.854)	-3.766** (1.651)	2.475*** (0.822)	1.614 (1.643)
<i>N</i>	641	556	643	551
Adj. <i>R</i> ²	0.06	0.17	0.05	0.16

Standard errors in parentheses: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

accusers and accused, suggesting that those unable to read or write are more likely to be charged with 'woman damage' accusations (even if this difference is not significant at conventional levels).

Second, we find that accusers tend to be older than the accused. This is consistent with the gerontocracy assumption behind our hypothesis. Third, we find that men with multiple wives are more likely to be accusers. This result is consistent with the 'honey trap' perspective offered by Crosby, Little, and Bledsoe, in which polygamously married men use their wives as bait to gain access to cheap labour from fellow villagers. However, and somewhat unexpectedly, we observe that marital status enters significantly and with a positive sign for both accusers and those

accused. This would indicate that the ‘honey trap’ at times captures some married men as well as marginal unmarried youth.⁵⁰

Discussion and conclusion: peasant grievance feeds conflict?

Our data show that ‘woman damage’ remains a major component of social conflict at all levels of the rural social system in the Gola region. Furthermore, we have shown that the hypothesis – originally propounded by Crosby – linking ‘woman damage’ to high rates of polygyny and labour demand on household upland rice farms receives substantial statistical support from analysis of both recent court data and information derived from a large random sample of rural households. Findings concerning social asymmetry between accuser and accused in ‘woman damage’ cases are consistent with the claim that elders control the labour and reproductive opportunities of cadets. Our study thus backs up claims of agrarian grievances reported by some ex-combatants, and also supports anthropological models of class-based social reproduction in ranked lineage society.⁵¹

We should point out, however, that the mechanism of agrarian inequality is specific to polygyny and upland rice farming (that is, to an agrarian subsistence-oriented mode of production). We find no evidence that ‘woman damage’ is a more general mechanism for agricultural labour exploitation. Indeed, our findings of no significant relationship between ‘woman damage’ and swamp rice cultivation, and of a negative relationship between ‘woman damage’ cases and plantation size (as a proxy for labour demands in cash crop production), underline the specificity of this type of exploitation. This might in turn be taken to support a conclusion that grievances formed through ‘woman damage’ accusations will eventually be mitigated via broader participation in crop markets.

If this is the best eventual treatment, it is nevertheless worth noting a difference between post-war strategy in Liberia and Sierra Leone. In Liberia, the government has moved to reform customary law, and it is no longer legal to pursue ‘woman damage’ cases.⁵² In Sierra Leone, customary institutions have been rebuilt with donor assistance, and appetite to sue for ‘woman damage’ remains high, especially in the Gola Forest

50. Although an elder fishing for labour expects to land mainly unmarried men, we presume he does not mind if the catch is bigger. It is the fine, or labour in lieu, that interests him.

51. Richards, ‘To fight or to farm’; Georges Dupre and Pierre-Philippe Rey, ‘Reflections on a theory of the history of exchange’, *Economy and Society* 2, 2 (1973), pp. 131–63.

52. See Republic of Liberia, *Act to Govern the Devolution of Estates and Establish the Rights of Inheritance for Spouses of Both Statutory and Customary Marriages*, House of Representatives, 7 October 2003 (Ministry of Foreign Affairs, Interim Government of National Unity, Republic of Liberia, Monrovia).

region, where the subsistence-oriented farm economy continues to make young farm labourers into serfs.

This returns us to the two basic models of explanation mentioned at the outset of this article – greed-not-grievance and peasant insurgency. All insurgencies require a material resource base, so proponents of the greed-not-grievance hypothesis need to show that they are not just measuring the tendency for insurgency and resources to be correlated (that, in effect, war necessitates greed). In treating violence as an expressive means, the peasant insurgency model follows a different line of causal reasoning. Here, it is hypothesized that the recurrent marginalization and humiliation of exploited fractions of backward agrarian society repeatedly erupts into a violence that seeks – either physically or symbolically – to challenge and invert an oppressive social order.

In Ranajit Guha's work the model is tested (qualitatively) by the accumulation of what he terms (echoing Durkheim) the elementary [or generalizable] aspects of more than one hundred documented peasant insurgencies in South Asia.⁵³ Struggle over land and rent is a major focus. There is much less historical material on African agrarian uprisings, but enough is known to attest that these focus on reversing the privileges of those who monopolize labour rather than land. In other words, in a land-abundant forest region, such as Sierra Leone, the tendency has been for peasant insurrection to assume the form of the slave revolt.⁵⁴ What our analysis in this article does is to establish that agrarian grievances over labour exploitation in the Liberian borderlands of Sierra Leone were, and remain, real. It requires a further step in the argument to link these grievances to the actual circumstances of the recent Sierra Leone insurgency. This gives us the topic for a brief concluding discussion.

What is needed is a better, more explicit model of how a mechanism of peasant-upon-peasant conflict might have been engaged in the social-political circumstances of the Sierra Leone insurgency in the 1990s. Is there evidence that the intake into the RUF was significantly agrarian in background, and is it plausible to suppose that the leadership of the RUF responded to issues of peasant injustice?

Humphreys and Weinstein offer important information on the make-up of the RUF. Farmers comprised the second largest occupational group (about one in five of all recruits). The largest occupational group (42 percent) comprised school pupils.⁵⁵ At first sight, this might suggest

53. Guha, 'Elementary aspects of peasant insurgency'.

54. For a late eighteenth-century instance in Sierra Leone, see Bruce Mouser, 'Rebellion, marronage, and *jihad* strategies of resistance to slavery on the Sierra Leone coast, c. 1783–1796', *Journal of African History* 48, 1 (2007), pp. 27–44.

55. Humphreys and Weinstein, 'What the fighters say', p. 27.

privilege, rather than exploitation, until attention is paid to timing and context.

Peak years for recruitment into the RUF were at the outset (1991–2). It follows that many of the schools raided by rebels for recruits were to be found in the isolated, forested borderland region. These were, in fact, among the most run-down and neglected in the country.⁵⁶ Larger land holders in the area were often short of household labour on farms because their own children had been sent to better schools in town. In the hope of accessing educational basics poorer families in the outlying (former slave) villages frequently fostered their offspring with these larger land holders, for whom the children did farm and household work while also attending school.⁵⁷ The arduousness of Mende child fosterage is well documented.⁵⁸ If we add together exploited farmers and ill-treated school children, this contributes to the RUF a sizeable intake of aggrieved rural young people potentially spoiling to overturn the existing village order. It would not be hard to see why the movement might have then shifted from marching on the capital towards peasant rampage.

On the responsiveness of the RUF leadership to the concerns of its peasant intake we have until recently lacked any direct information. That the movement undertook a major agrarian ‘turn’ after the failure of its early campaign (1991–2) is for the first time apparent from recent work with former cadres by Krijn Peters.⁵⁹ Peters makes it clear that this development in part reflected necessity (the movement needed to feed itself), but was also to a significant degree a result of internal ideological realignment around issues of peasant oppression. The intake of a number of ‘organic intellectuals’ associated with the rural teacher training college at Bunumbu seems to have been an important factor in this shift of focus.⁶⁰

It also seems reasonable to infer that as the original Libyan-inspired student element in the RUF dropped away, and the intake of disgruntled village youths increased, Foday Sankoh – now the movement’s undisputed leader – adapted his style to the needs and concerns of new peasant followers. From Guha’s analysis it is clear that leaders of Indian peasant insurgencies were often charismatic figures who communicated with their

56. Paul Richards, *Fighting for the Rain Forest: War, youth and resources in Sierra Leone* (James Currey, Oxford, 1996).

57. In addition, Humphreys and Weinstein note (‘What the fighters say’, p. 24) that a third of all ex-combatants were orphans, and that ‘controlling for age, lower ranked combatants were especially likely to be drawn from cohorts that had lost their mothers before the conflict started’. Loss of a parent increases the chances of being fostered.

58. Caroline Bledsoe, ‘No success without struggle – social mobility and hardship for foster children in Sierra Leone’, *Man* (NS) 25, 1 (1990), pp. 70–88.

59. Krijn Peters, *War and the Crisis of Youth in Sierra Leone* (The International African Library No. 41, Cambridge University Press, Cambridge and London, 2011).

60. Paul Richards, ‘War and peace in Sierra Leone’, *The Fletcher Forum of World Affairs* 25, 2 (2001), pp. 41–50.

movements through quasi-religious means. Sankoh was of this type – saintly to his followers and given to occult and prophetic utterance.

Thus, if the RUF war began as a revolt of young intellectuals, it soon took on the features of a classic peasant revolt, aimed not at conquering the commanding heights of the state but at smashing and overturning an agrarian world in which landholders had over-taxed young labourers, thus explaining the horrific intensity of the violence visited upon rural communities the RUF had originally set out to redeem. This, in broad outline, is the kind of explanatory vehicle into which we envisage fitting the mechanism of judicial oppression demonstrated in this article.

Appendix: Data and details about statistical approach

Table A1. Types of cases

	<i>Court data</i>		<i>Village data</i>		<i>Household data</i>	
	<i>Freq.</i>	<i>Percent</i>	<i>Freq.</i>	<i>Percent</i>	<i>Freq.</i>	<i>Percent</i>
<i>Panel A Civil cases</i>						
Land	8	2.20%	68	16.79%	676	21.11%
Woman damage	105	28.93%	117	28.89%	895	27.95%
Debt money/Credit	88	24.24%	36	8.89%	566	17.68%
Business transactions (i.e., debt in kind)	148	40.77%	49	12.10%	144	4.50%
Religion					49	1.53%
Witchcraft					79	2.47%
Labour			49	12.10%	363	11.34%
Alcohol					44	1.37%
Bush fire					99	3.09%
Gambling					41	1.28%
Theft	14	3.86%	76	18.77%	215	6.71%
Other			10	2.47%	31	0.97%
TOTAL	363	100%	395	100%	3202	100%
<i>Panel B Criminal cases</i>						
Abusive language / slander	99	32.46%	Na		1028	44.52%
Breaking bylaw (not doing community work, disobeying chief, failure to pay tax, ...)	94	30.82%	Na		1086	47.03%
Damage to property	11	3.61%	Na			

Continued

Table A1. Continued

	<i>Court data</i>		<i>Village data</i>		<i>Household data</i>	
	<i>Freq.</i>	<i>Percent</i>	<i>Freq.</i>	<i>Percent</i>	<i>Freq.</i>	<i>Percent</i>
Physical abuse	45	14.75%	Na		136	5.89%
Contempt of court	11	3.61%	Na			
Other, specify	45	14.75%	Na		59	2.56%
TOTAL	305	100%	Na		2309	100%

Note: Criminal cases not covered in village survey.

Sources: Courts Survey 2010; World Bank Courts Survey 2007; Village Survey 2010; Household Survey 2010.

Table A2. Level of arbitration: civil cases

	<i>All cases</i>		<i>Woman damage cases</i>	
	<i>Freq.</i>	<i>Percent</i>	<i>Freq.</i>	<i>Percent</i>
1. Amongst ourselves	483	15.37%	90	10.19%
2. Family elders	526	16.74%	124	14.04%
3. Village elders	311	9.90%	106	12.00%
4. Religious leader	42	1.34%	7	0.79%
5. Village/town chief	1254	39.91%	397	44.96%
6. Section chief	248	7.89%	78	8.83%
7. Paramount chief	110	3.50%	30	3.40%
8. Chiefdom court	118	3.76%	44	4.98%
9. Magistrate court	22	0.70%	4	0.45%
10. Other, specify	28	0.89%	3	0.34%
TOTAL	3142	100%	883	100%

Sources: Village Survey 2010; Household Survey 2010.

Table A3. Fines (in Leones)

<i>Variable</i>	<i>Obs.</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min.</i>	<i>Max.</i>
<i>Panel A Court data</i>					
All civil cases					
– paid to court	382	19582.46	27924.4	0	355000
– paid to plaintiff	338	86248.52	110489.7	0	721000
Woman damage cases					
– paid to court	78	19198.72	15108.98	2.000	100000

Continued

Table A3. Continued

<i>Variable</i>	<i>Obs.</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min.</i>	<i>Max.</i>
– paid to plaintiff	60	120066.7	101097.1	5.000	560000
<i>Panel B Household data</i>					
All civil cases	2603	52545.56	109210.1	0	2000000
All civil cases (fine > 0 Le)	1822	75069.2	123896.5	15	2000000
All woman damage cases	797	62272.42	106085.5	0	1000000
<i>Woman damage case with</i>					
– Household member	58	39034.48	96710.27	0	600.000
– Extended family member	102	68049.41	149127.6	0	1000000
– Same village (not stranger)	379	59612.14	93432.8	0	1000000
– Stranger in same village	123	62536.59	91176.11	0	400000
– Other village, same section	91	81626.37	117455.3	0	600000
– Other section, same chiefdom	18	36666.67	29555.53	0	100000
– Other chiefdom	14	69862.5	91954.52	75	300000

Sources: Courts Survey 2010; Household Survey 2010 (exchange rate at the time of survey c. Le 3500/\$US 1.00).

Table A4. Cases by district

<i>District</i>	<i>All cases</i>		<i>Woman damage cases</i>		
	<i>Freq.</i>	<i>Percent</i>	<i>Freq.</i>	<i>Percent</i>	<i>As a percentage of all cases in district</i>
Kailahun	85	14.2%	16	16%	19%
Kenema	190	31.8%	26	26%	14%
Koinadugu	29	4.9%	2	2%	7%
Pujehun	264	44.2%	52	52%	20%
Tonkolili	29	4.9%	4	4%	14%
TOTAL	597	100%	100	100%	100%

Sources: Courts Survey 2010; World Bank Courts Survey 2007.

Technical specification of our identification strategy

As indicated in the main text, we have estimated a series of models. First, we use a cross-section sample of data from 26 chiefdoms for the period 2006–7 and regress the number of ‘woman damage’ cases on our proxy for the demand for agricultural labour:

$$WD_i = \alpha_i + \beta_1 RFA_i + \beta_2 C_i + \varepsilon_i, \quad (1)$$

where WD_i is the relative number of ‘woman damage’ cases to total cases for court i ($i = 1, \dots, 26$), RFA_i is the percentage upland farmland to total

farmed land in the court area, C_i is a vector of chiefdom controls, and ε_i is a random error term.

Second, we estimate a simple panel model for the nine chiefdoms for which we have monthly data (period 2004–10), and zoom in on the agricultural calendar:

$$WD_{it} = \alpha_i + \beta_0 L_{t+1} + \beta_1 RFA_i + \beta_2 C_i + \varepsilon_{it}, \quad (2)$$

where WD_{it} now refers to the relative number of ‘woman damage’ cases to total civil cases in chiefdom i ($i = 1, \dots, 9$) in month t ($t = 1, \dots, 12$). We pool data for the period 2004–10 and sort them by month (the results are unaffected if we include annual dummies to pick up year effects). In (2), L_{t+1} is (next month’s) agricultural labour demand in month $t + 1$, to capture the idea that large landowners anticipate next month’s labour demand and seek to secure access to labour. For details on our measure of labour demand, refer to explanatory footnote 40.

Third, we re-estimate equation (1) for our sample of 178 villages, and analyse how the total number of ‘woman damage’ cases (handled in court or otherwise) varies with key village, household and individual characteristics.