

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES

THE NUER AS REFUGEES
A STUDY ON SOCIAL ADAPTATION

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MAY 1997

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SCHOOL OF GRADUATE STUDIES

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**THE NUER AS REFUGEES:
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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
DEGREE OF MASTER OF ARTS IN SOCIAL ANTHROPOLOGY

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College of Social Sciences
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By

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MAY 1997

Addis Ababa University
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A Study on Social Adaptation

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LIST OF TABLES

1. Distribution of clans and ethnic groups in Pinyudo refugee camp in September 1996
2. Distribution of clans and ethnic groups in Pinyudo refugee camp in March 1997

LIST OF PHOTOGRAPHS

1. We are now kal
2. Nuer refugees as carpenters
3. Cattle Dance
4. One year after childbirth
 - 4.1. Fertility ritual
5. Clan elders and youngsters before a court trial
6. Judges negotiating bridewealth with symbolising cattle sticks (ciet)
7. Self-initiated refugee school
8. News from the homeland

LIST OF MAPS

1. Approximate territories of principal ethnic groups in the Upper Nile Region (ca. 1983)
2. Principal town centres of the Upper Nile Region (ca. since 1965)
3. Pinyudo refugee camp
4. Gambela region

LIST OF FIGURES

1.	Marriage transfer with Pinyudo and border cattle	4
2.	Feud circulation between Gaajok and Gaajak	1
3.	Trade relations between refugees and locals before the Thurpam incident	12
4.	Trade relations between refugees and locals after the Thurpam incident	12

DEDICATION

To all the Nuer refugees, divided
along the Kenyan and Ethiopian borders:
May you return safely to your homeland
and re-start living by your own buom
where peace will have a meaning again.

CONTENTS

Acknowledgements	
LIST OF TABLES	
LIST OF PHOTOGRAPHS	
LIST OF MAPS	
LIST OF INDIGENOUS TERMS	
LIST OF ACRONYMS	
ABSTRACT	
PREFACE	

CHAPTER ONE

INTRODUCTION

1. Literature Review
2. Statement of the Problem
3. Methodology
4. Fieldwork experience

CHAPTER TWO

THE PHYSICAL SETTING

1. Discription of the study area
 - 1.1. Itang
 - 1.2. Pinyudo
 - 1.3. Gambela town
2. Structure and Administration of the Settlement
3. Settlement Pattern

CHAPTER THREE

THE ECONOMIC SETTING

1. Economic Activities
2. Cattle Complex or Economic Interest?
3. The Nuers attitude towards UN aid
4. Money in Pinyudo and blood in Sudan

CHAPTER FOUR

THE SOCIAL SETTING

1. Cattle and marriage	52
2. Marriage and adultery	58
3. New Identities and Politics	80
4. Religion	82

CHAPTER FIVE

CONFLICT AND CONFLICT RESOLUTION

1. Cattle and Peace	89
2. Nuer courts	91
3. The maintenance of social order: Procedures and efficiency of courts and elders	95

CHAPTER SIX

THE SOCIAL DRAMAS

1. Social Drama Part One: An interplay of marriage and politics	104
2. Some Remarks on Fighting Strategies	115
3. Social Drama Part Two	118
3.1. History of Anywaa - Nuer relations	118
3.2. The Effect of Ethnic Conflict on Relations of Economic Exchange in and around the camp	124
3.3. The Individual social actor as a bridge through Ethnic Conflict	129

CHAPTER SEVEN

SUMMARY AND CONCLUSION

1. Summary	132
2. Conclusion	138

BIBLIOGRAPHY

APPENDIX

144

147

buth	cognatic or affinal group, delineated through the transmissison of cattle
buom	power, sweat, strength
bor	wedding
cuuny	inherited cattle rights
cieng	hamlet
ciet	sticks symbolising bridewealth cattle
diel	dominant clan
gor mi bor	struggling to get something from nothing by all means
kal	fish-trader
kawai	white person
kuen	marriage
kwoth	God
kwuen	food
luak	cattle byre
maar	bonds of kinship, delineated through reproduction transmission of cattle
maai	gun
muon	soil
mut	spear
mut goare	spear in the ashes
mot nhial	handing over of the girl
pöth	honour-bearing gifts
luom	lover
muc	free gifts
riem	blood
ruog	compensation payment for adultery and illegal defloration
tuai	skin
tiei	social awareness, social harmony, peace

thok dwiel	cognatic or affinal ritual group delineated through transmission of cattle
yang	cow
yang mieth	the cow of food
yoo	money
waragak	paper
yieegh	breath
yang Nuer	Nuer cow (physical cattle)
yang Pinyudo	Pinyudo cow (money-cattle)
yang Schwiga	engagement cow
yang mieth	cow of food

LIST OF ACRONYMS

ARRA	:	Administration for Refugees and Returnees Affairs
GLF	:	Gambela's Liberation Front
GPIP	:	Gambela's Peoples Independance Movement
GPLA	:	Gambela's Peoples Liberation Army
SPLA	:	Sudanese Peoples Liberation Army
SPLAU	:	Sudanese Peoples Liberation Army United
SSIM	:	Southern Sudanese Independance Movement
NDA	:	National Democratic Alliance
NGO	:	Non governemental organisation
JRS	:	Jesuit Relief Service
PRC	:	Pinyudo Refugee Camp
UNHCR	:	United High Commissioner for Refugees
WFP	:	World Food Programme

Culture bases on analogy and Nuer culture bases on cattle analogy which becomes clear in exile where they are absent. In this short essay I have shown that in a situation where there are no cattle Nuer have created the "social cattle", called Pinyudo cow as an analogy to explain a social phenomena. The cattle while physically absent is theoretically made present in exile to organise and order society. Thus the Nuer as refugees have created cattle metaphors which can be cattle under conception, cattle with calves, bulls, heifers etc. while they are actually money exchanged from UN grain. The essay will show how far the cattle analogy depends on the actual existence of the physical cattle and how its absence and the Nuers dependence on its invention makes social organisation in exile increasingly difficult. Moreover we shall see that culture is a process and analogies are not necessarily shared equally by all members such that they are subject to different interpretations depending on interests and experiences by different categories of groups and individuals within society. Hence analogies are changed over time and have to be re-negotiated and we will see how some groups and individual social actors among the Nuer refugees have transformed the social cattle into physical cattle and hence ignore the cattle analogy.

The third chapter, the social ecology, deals with the analysis of social relations and how the new. Therefore the Nuer idea of cattle should really be looked at as a model for social life rather than as an obsession with the "cattle complex" discussion which has incorporated values such as an irrational bias or obsession towards cattle. There is taking place in the current context a re-evaluation of the cattle complex, as well as study the differences between a marriage performed by cattle and by money in terms of durability and acceptance by the society. Cattle exchange used to be regarded in terms of social exchange for the creation of group alliances. We shall see how the exchange of cattle 'social glue' with UN grain affects the Nuer social and political system.

Through a discussion of conflict resolution I will show how conflicts are resolved in the refugee camp and how Nuer are constructing a new world out of the world they have left behind and the world they are living in. I will analyse their social system as a ground for the construction of social order which begins on the cattle metaphor in order to temporarily resolve conflicts and make meetings possible. The social drama at the end of it, finally will give a detailed program example of how social facts are being manipulated by social actors for marriage

PREFACE

The work of Evans-Pritchard on the Nuer which has established itself as a classical work has been under criticism of several anthropologists of which the book by Sharon Hutchinson 'Nuer Dilemma' is the most recent one. Evans-Pritchard has also been challenged by Michel Verdon who proved the basic concept of a 'segmentary lineage society' to be wrong. Therefore in Chapter I I will be summarising the literature on the Nuer by working out the basic points of criticism towards Evans-Pritchard out of which the statement of the problem emerges which deals with the declining attitude of the Nuers confidence towards the 'inherent' security of cattle wealth. In chapter II, the physical setting I will locate Nuer in time and space by placing them in the context of the refugee camp as well as in the overall geographic context of the Gambela region in South-western Ethiopia. This chapter will also show that regardless of their dependence on UN relief they have created niches for economic activities to maximise their gain as provided by the UNHCR. Hereby will the absence of cattle and dependency on UN relief not exclusively be seen from a negative point of view such as for some groups it has created economic independence.

The third chapter, the social setting deals with the analysis of social relations and how the new situation causes power shifts, emerges new identities as well as new values develop based on the same Nuer cosmology of the cattle metaphor. Cattle have formerly been the central means for marriage exchange and I will analyse how marriage is taking place in the cattleless context of a refugee camp as well as study the differences between a marriage performed in exile and in Sudan in terms of durability and acceptance by the society. Cattle exchange used to be regarded in terms of social exchange for the creation of group alliances. We shall see how the replacement of this 'social glue' with UN grain affects the Nuer descent and political system.

Through a discussion of conflict resolution I will show how conflicts are resolved in the refugee camp and how Nuer are constructing a new world out of the world they have left behind and the world they are facing. I will analyse their court system as a forum for the negotiation of social order which bases on the cattle metaphor in order to temporarily resolve conflicts and make marriage possible. The social drama at the end of the thesis will give a detailed practical example of how social facts are being manipulated by individuals for their

CHAPTER ONE

1. Literature Review

Evans-Pritchard, the first of the two anthropologists who undertook fieldwork among the Nuer spent there 11 months in Nuerland between 1930 and 1936. He made four trips during which he stayed mainly among the eastern Jikany as well as some weeks among the western Leek.

In his book 'The Nuer' he describes the different concepts of time Nuer perceive in terms of physical changes and social relationships. They perceive an ecological time which is referring to natural cycles forcing the Nuer to move from the village to the cattle camp and a structural time referring to the structural distance between Ego and his agnatic relatives. Thus structural distance is only determined by distance of agnates but not by territorial distance. Evans-Pritchard sees these notions as a function of the Nuers social and economic values as well as directly connected with the political system (Evans- Pritchard, 1940, Ch.3, p.92). According to Evans-Pritchard the Nuer are organised after two criss-crossing principles of nesting localities, from the hamlet (cieng) to the tribe and of nesting lineages (thok dwiel) from the minimal lineage to the clan. In 'The Nuer' he described the cieng as consisting of an agnatic lineage with a time depth of 3-5 generations who would cluster together with other lineages around the dominant clan forming a village. The village will cluster together with other villages into minimal, major and maximal lineages forming the tribe. The lineage system was thus a function of the territorial system and lineages in number and structural position strictly limited and controlled by the system of territorial segmentation. (p. 248). However, only one kind of the lineages in the tribal area belong to the dominant clan while all the others have their own descent based dominant clans in other tribes. While politically co-operating

and feeling belonging to the dominant clan of their village they cooperate with their own lineages (*thok dwiel*) at a ritual level. Thus descent structure and territorial political organisation would diverge, which Evans-Pritchard tried to fit in the theoretical framework of his time by explaining the existence of two kinds of values. In this system the territorial value determines behaviour and controls political relations which he described as:

" a system of lineages of the dominant clan as a conceptual skeleton on which the local communities are built up into an organisation of related parts or ... as a system of values linking tribal segments and providing the idiom in which their relations can be expressed and directed" (p. 212).

The lineage value on the other hand, would only operate in the ceremonial field. It was only later in his book on Kinship and Marriage that he realised that the hamlet was not only formed on the base of agnation but rather on cognation and affinity. Also Holy (1979) has proved that these cognatic and affinally structured hamlets are the real locations of political action and that they are not reflecting an agnatic principle of recruitment but are open for everybody in terms of membership. Hence these groups were heterogeneous in terms of what Evans-Pritchard called lineage. Thus 'lineages' would not be limited and controlled in structural position and number by the system of territorial segmentation. While Evans-Pritchard did not really know neither describe what was going on the political territorial level he sacrificed a lot of Nuer reality to the concept of the lineage segmentary structure. This constructed a wrong picture of the Nuer. Their local units are much more heterogeneous than originally assured, formed on the base of rather bilateral marriage practices and adoption of outsiders. 'Evans-Pritchards Nuer' thus have to be seen as a result of the anthropological discourse of that time which thought in terms of structure, function and unity rather than in terms of living and calculating beings.

Also Michel Verdon (1986) joins the discussion on the Nuer lineages and territorial groups, arguing that there are no agnatic aggregations on the territorial level but categories, delineated through the transmission of cattle, bridewealth or devolution after death. (Verdon 1986:572). According to Evans-Pritchard a lineage (**thok dwiel**) would consist of 'its founder with his living and dead descendants' being composed of **buth** and **mar** (1940:193), **buth** being defined as agnatic kinship and **mar** as an ego-centred relation of cattle obligations for a time depth of $G+5/G+6$ (1, 2) after it also becomes **buth**. The lineage (**thok dwiel**) co-operates with its collateral lineage (**mar**) for ritual purposes. Verdon disproved the existence of lineages such as those defined by Evans-Pritchard as ritually co-operating groups, since the groups operating on the ceremonial field lack the main characteristics of lineage as defined by permanence, leadership and corporation. Moreover he proved that the 'agnatic' **buth** as defined by Evans-Pritchard was in reality cognatic which contributed to the further 'dismantling' of Evans-Pritchard's lineage theory in relation to Nuer.

Hence I suggest to define the Nuer kinship system in regard to the **thok dwiel** which consists of **buth** and **mar** as similar to the Western system of kindred, which Vivele defines as:

"no sharply delineated and permanent social groups, but groups out of that action-groups are being recruited. Every single person belongs to the kindred of many different persons." (1978:230).

These cognatic Nuer groups are created along cattle ties and are only functioning through the presence of these cattle. Political corporation on the other hand happens on the

1By $G+1$ I am referring to an ego-centred group of people from ego's generation and 5 generations ahead.

2See also Sahlins definition of a lineage: 1961:334.

territorial level, in the words of Verdon: "There was segmentation at the level of military alliances; but lineages there were none."(1982:576).

Lately, Hutchinson's ethnography deals with how Nuer have experienced the last six decades and how these experiences have influenced and changed their culture and social life. She analysed how concepts of sociality and personhood change by studying processes and conditions which forced them to redefine and re-negotiate their former concepts. By doing so she views culture as a heterogeneous construct formed by constant disputes and conflicts and open-ended to continuous re-negotiation (Hutchinson:1996:28). Applying that approach she tried to avoid generalisations about 'the Nuer' as a homogenous group and therefore studied both the eastern and western Nuer for a period of 11 months each between 1980-1983. One of the obvious differences between the two groups is for the easterners to be more adaptive to change due to their exposure to and incorporation of large numbers of Dinka and Anywaa while the westerners are to be more 'traditionalist' for geographical and historical reasons.

Hutchinson emphasizes a Nuer concept which is essential for the understanding of their culture but which has been neglected by Evans-Pritchard. According to Hutchinson Nuer perceive *riem* (blood) as vital weakness, as "the substance out of which each and every human life begins" (Hutchinson: 1996: 74). Blood can be as strong as it can be weak, due to its vulnerability to pollution by incest, adultery and homicide which led to its definition as 'vital weakness' (Hutchinson: 77). Various things are referred to as 'blood', such as new-born children, semen, milk and it converges with other cardinal principles of life. What is unique with 'blood' for the Nuer is that it is social, and through the exchange of bridewealth-cattle connecting human beings and generations by passing from person to person (through the blood

of children born into the union, which creates a blood tie between the two families) and from cattle to cattle (the parallel reproduction of cattle).

She further points out the 1980's to form a landmark in Nuer history with the emergence of ideas of individualisation due to markets, courts and the suppression of local fighting. Social disparities and intergenerational conflicts increased and a new notion of change evolved. Change used to be defined negative in terms of increased social separation but now has positive connotations in terms of education and development. The main actors in the formation of this new association were young educated men, refusing scarification³(gar) by defining it as cultural constraint for education. Education became a long discussed and finally accepted alternative to gar for urban, unscarified Nuer men to be accepted as mut (men).

Another important Nuer concept analysed by Hutchinson is called koc and is associated with notions of softness/vulnerability and weakness. Social harmony, prosperity and fertility in opposition to disharmony are described with koc and the ideal state of 'blood' is also koc. Therefore cattle sacrifices are supposed to take place during 'difficult states of blood' such as marriages, blood wealth transfers, incest' in order to get divine support for the achievement of its right passage (koc). (Hutchinson:78).

Hence as already mentioned, the overall importance of blood is its sociality since it connects categories of people in an infinite way by the exchange of cattle and women tying them together through the generations. Exchange is based on augmentative blood. It is this character of blood which has to be considered when it comes to the role money plays in Nuer society. Money is seen as bloodless and non-augmentative and therefore normally interpreted as an inappropriate means of exchange. The increasing exposure to money went along with

³By scarification I mean the six parallel lines on the Nuer men's forehead leading from one ear to the other.

a numerically decrease of cattle ever since the 1930's up to the 1980's when money entered into the bridewealth sphere. (Hutchinson: 74). Confronted with its non-augmentative character Nuer in the 1980's invented cross-bred concepts of money and cattle 'bringing forth a generation of hybrid categories' (Hutchinson) by a time of massive cattle decline due to civil war.

The traditional construction of the Nuer self was developed through cattle relations and heavily drew on a collectivity of persons, including ancestors, divinities and contemporaries. Collective opportunities for the exercise of power through control over cattle decreased when access to market and money enabled Nuer to accumulate cattle individually (Hutchinson: 51). As a result, the relations between extended families of wife-givers and wife-takers became more loose, because a cattle owner had more exclusive rights of ownership over purchased cattle than over inherited ones by not being obliged to release them to claims of extended relatives. In this sense, Nuer said, money protected cattle. The rights over cattle were most exclusive if they were bought by self-grown grain (cattle of grain) achieved by ones own sweat (buom) (Hutchinson: 85).

Concerning bridewealth payments Hutchinson described an extreme decrease already in the 1960's during the first civil war down to 3-4 cattle or a sack of grain in western Nuerland. Nevertheless there was always the promise that the remaining cattle would be paid, "one day when the world becomes good again" (p. 81). In the 70's bridewealth rates increased again causing an extreme turn-over of bridewealth cattle payments. The reason for this laid in the experienced loss of cattle and confidence in the security of cattle wealth which made men marry as soon as they had sufficient cattle. As an element of social change thoughts concerning the role of human 'blood' as dominating over that of shared cattle rights have increased among Sudanese Nuer as indicated by Hutchinson:

"The growing number of cattleless 'marriages' ... is a clear indicator of the declining significance of the cattle-over-blood value principle in important areas of Nuer social life." (Hutchinson:1996: 204).

Hutchinson predicted for the future a major shift from cattle to cash which would require a total reformulation of the nature and logic of alliance. (1996:97). The extreme fluidity of Nuer values becomes obvious in Hutchinson presentation of their severe discussions on fundamental religious issues and concepts and her account gives a broad image of Nuers' experience of change and the social and moral dilemmas they face in connection with it.

In the six chapters of her book she presents the effects of money on a society whose social relations and sense of self are basically circling around cattle exchange. By arguing that Nuer society has not yet developed money as a generalised medium of exchange she describes how money is incorporated into the Nuer exchange system by developing hybrid wealth categories in which cattle remain the metaphor of exchange. She describes how this process has contributed to a shift in the role of cattle which again led to a shift in the understanding of self, arguing that the role of cattle is shaping the understanding of self in Nuer society. While selfhood used to imply a collectivity of persons, a changed role of cattle is changing relations of autonomy and dependence between people. Furthermore the author focuses on how interpretations of inter-Nuer homicide are weakened by new government powers, the civil war and spread of guns and how this has displaced the dominant role of divinity in the Nuers' moral universe.

The analytical heart of the book is her analysis on a shifting base of power and authority from formerly senior cattle-wealthy men to new categories within Nuer society. It is further shown how this shift of power is put into relation with a shift in concepts such as those of incest, manhood, illness, death or the sacrificial role of cattle which went on with

changing concepts towards the role of blood. Hence blood in the sense of individual marriage and procreation has started to exceed the role of shared cattle rights.

In her study on the changing Nuer values Hutchinson analyses how the change of relations of autonomy and dependence rooted in social distinctions of age, gender, wealth and descent. She explains how, in order to give sense to a changed world, the Nuer have shifted their media for the creation of their social world from formerly being blood, cattle and food now being money, guns and paper (in a sense of education and increasing importance of written documents over oral statements).

Hutchinson concludes that principal change of Nuer society is the declining importance of confidence in the 'security' of cattle wealth. She classifies the Nuer, who are presently trying to cope with this change, into categories: those who escaped the war by becoming displaced in Khartoum, those who left the country by becoming refugees in the Kenyan and Ethiopian borders and those who stayed within their homelands and present day war-zones. The first group, she explains, is coping with the non-accessibility of cattle by extending the role of 'cattle of money' (cattle purchased from the market rather than inherited through relatives) in their creation and affirmation of maar (kinship). She proposes for the group of refugees who have little or no access to cattle, that they are reduced to depend on UN-relief, something which is partly true also for those who have remained in the war-zone itself. Hutchinson finally leaves aside the future significance of money and cattle for Nuer as unknown such as it depends also on the war and its end.

This study is dealing with the Nuer refugees in Ethiopia. A background is presented about the history of refugee movements in the study area, the Gambela region: After the first influx of refugees to the Gambela region in 1969, the second influx came about in June 1983, the same year as the war broke out once again in Sudan. The first and largest camp was

opened in Itang. Up to September 1996 this was a screening centre for all Southern Sudanese refugees who enter Ethiopia.

Another camp was opened in 1985 at Dimma in South-western Ethiopia, a year later when severe famine broke out in the two above mentioned camps. As the situation improved in terms of the food situation more refugees started coming. Further camps, namely those of Assoza and Pinyudo were opened in 1987. In 1989, 328.000 Southern Sudanese refugees were distributed in the four camps at Itang, Pinyudo, Dimma and Assoza (UNHCR: 1996; Addis Abeba). The downfall of the Mengistu regime in 1990 caused the evacuation of all camps starting with the one in Assoza.

On May 27 1991 the EPRDF (Ethiopian Peoples' Revolutionary Democratic Forces) attacked the SPLA in Itang. The refugees were identified with the Mengistu supported SPLA and left the camps en masse under SPLA guard. The remaining SPLA troops moved to Abobo some 70 km from Pinyudo in order to plunder the refugee stores. This caused the mass-evacuation of the Pinyudo refugees to Sudan after which the SPLA opened the refugees' warehouse and distributed as much as they could to their soldiers. They placed the remaining goods in front of the store and covered them with blankets, under which they hit plate-mines. The Anywaa had supported the EPRDF and perceived the EPRDF troops as liberators after having suffered from SPLA violations.⁴ When the fight was over the SPLA fled to Sudan. Local Anywaa were tragically killed by the detonating plate mines while trying to collect what was left behind from the warehouse. This incident among others contributed to the present hostility between Anywaa and returned refugees in Pinyudo.

Many of the refugees who left Ethiopia came to Nasir where they faced severe famine due to SPLA policy and organisational failures of the WFP and UNHCR. Thus due to the

⁴See Chapter V.2.

severe famine in the area refugees started returning to Ethiopia in 1992. The first people who left were the Uduk from the Ex-Assoza group who reached Itang in June 1992. In late June 1992 the first group of mainly Nuer origin arrived. They were sent by the SSIM. The arrival of this group in late June and the friendly welcoming by UNHCR and ARRA served as a door-opener for more refugees to come. Ethiopia's new positive refugee policy was appreciated in the South so that a new influx of Nilo-Saharan speakers of predominantly Nuer returned to Ethiopia. They were screened in Tharpam near Itang and stayed in Karmi transit centre. By 1993 it was estimated that 17% (30,000) of the former refugees had returned to Ethiopia (Disasters.17:3:1993:213). When Pinyudo was reopened in July 1993, all Nilo-Saharan speakers and some other ethnic minorities were transferred there. Their official number reached approximately 41,000 in September 1996 (UNHCR). The principal ethnic group in Pinyudo refugee camp are Nuer, 87 %, followed by Dinka (10%). The new screening by the UNHCR put the number of originally 43,000 Pinyudo refugees down to 11,000. 5 Many refugees had again returned to the Sudan due to severe water and food shortages in Pinyudo refugee camp.

2. Statement of the Problem

Following Evans-Evans-Pritchard, Verdon and Sharon Hutchinson's study of the Nuer I want to 'cherche la vache'. The study deals with the second group of Nuer society as classified by Hutchinson: The Nuer refugees. The study analyses their attitude towards the

5Although only 15 % of the actual number of refugees were present, aid for the remaining 32,000 refugees had been received while 75 % of the aid disappeared in the channels of ARRA

while the refugees were not even receiving what they were supposed to receive.

inherent "security" of cattle wealth in a situation where they are described by Hutchinson as "reduced to complete dependence on UN food distributions" (p. 351). By taking attitudes towards cattle as a problem I will show how the Nuer experience being refugees and how this experience is influencing their social life and culture in exile. Special regard shall be given to the absence of cattle in connection with dependence on UN relief by investigating possible coping mechanisms with this extreme situation. I will look at the effects on their concepts of manhood, womanhood, elderlihood and practices of rituals and at how a reduction to dependency is dealt with by adapting reality to ones' needs and how Nuer as social actors construct a new reality, trying to transcend their refugee status. By studying Nuer refugees I will analyse how exile and dependency on UN ration cards affect local forms of power as well as coping mechanisms with refugee status in relation to concepts of sociality and self. The order beyond a local community is seen as depending on the order within and vice versa. The outer order being here the interaction with the surrounding people and the state and the inner order referring to cultural processes built on norms, concepts and practices inside the society. The two orders are interacting with each other. To become a refugee implies a radical change of outer and inner order (UNRISD, 1993:11). Refugee communities suffer from a loss of confidence in their formerly taken-for-granted regulations which used to control marriage, socio-economic exchange, law and public decision-making. The result can be social disorder and rise of conflict. Therefore refugees often construct a new social order by constructing new rules which legitimise their actions. This new social order emerges out of the pre-existing and new context and creates an adaptation out of the old order and the new context which fits the new context. By the 'new' I am referring to the situation the exiled society faces, like for example in the Nuer case the absence of cattle, an imposed administrative apparatus or the hostile attitude of local people. The new social order refugees create is therefore emerging out

of both 'the given' and 'the made'. For the Nuer as a war-torn society the social change undergone in exile has not started there. They have been suffering under civil war and its effects almost since independence. Hence the changes among the Nuer in Pinyudo refugee camp have to be studied as a continuity of an imposed social change. In contrast with external change at home, change of the outer order in exile is not final as refugees hope to return back home one day. The society may therefore develop temporary solutions and postpone the solution of general or long-term problems into the future. This is what happens among the Nuer in Pinyudo. One of these temporary solutions is the invention of a cattle metaphor as a response to the absence of cattle. The absence of cattle as a means for group formation have forced them to find new means for the formation of group alliances and new excuses for their "neglect" of divinity by not performing e.g. sacrifices with cattle. One finds elements of both the given and the newly created order among the Nuer refugees such as the Yang Pinyudo (Pinyudo cow) and the Yang Nuer (Nuer cow) as parts of this temporary social change. Yang Pinyudo is a product of both the given and the newly constructed or made order. It is constructed in the sense that it is only called cow while actually being a metaphor for something else available in the exile. We can describe the use of this term as part of what Watson and Irwin describe as a 'running index' (Watson and Irwin, *ethnos* 1995: 99). A running index is defining socially accountable knowledge or meaning, by arguing that any social milieu has certain institutionalised recipes or running indexes by which phenomena can be identified, so that they are known and have a place. By repeatedly using a certain running index, a commonly known world is then confirmed and a social milieu is continuously reproduced from within. The running index or in this case Yang Pinyudo has to be seen as an "indispensable precondition for the adequate functioning of all forms of social control" (Watson and Irwin: *ethnos*: 1995: 99). Nuer in Pinyudo marry with Yang Pinyudo and Nuer

cows (yang Nuer). That part of the bridewealth which is called Yang Nuer consists of physical cattle in the border and homeland. The groom is supposed to go to Sudan and hand over the border cattle to the brides family after which he would come back to the camp and marry the girl. This cow is part of the given order. The homeland cows consists of cuuny (cattle aquired by inherited cattle rights) and are paid in the form of real cattle by the wife-takers in Sudan. During the bridewealth negotiation in the court these cows are not mentioned but their number is nevertheless known and officially stated in the court by the grooms family who confirms to pay them when all refugees are back in the Sudan. Whether these payments will take place or not is not important to the Nuer in Pinyudo. What is important is to maintain order through a marriage in which the given order is used.

Hence, we have two levels of payments which are mixes of the given and made order through the pre-existence and existence, what existed for the Nuer in the homeland and what exists for them in exile.

1. **Yang Pinyudo:** It is "given" and "made", "given" by underlying the running index 'cow as payment' and "made" because it does actually and officially not exist.
2. **Yang Nuer:** It is only the given order by underlying the running index 'cow as payment' as well as theoretically being cattle payment. The actual fulfilment of the payments is of no importance to the temporary completion of marriage.

The Nuer cow is a means of transcending the refugee status by pretending to marry according to the norm but leaving the actual fulfilment of that norm as secondary. What is most important is the symbolic use of the term cow in order to create order.

An analysis of the Pinyudo and Nuer cattle will be one method of approaching the problem of Nuers perception of cattle as security. Another aspect of social change is the increasing heterogeneity Nuer society has undergone in the context of war which has further increased in exile, where Nuer are exposed to various social actors manipulating them for their own economical and political interests. Hence, Nuer refugees in Pinyudo do not only divide into Western and Eastern Nuer. They also divide into scarified and unscarified, catholic and Protestant, SPLA(Sudanese Independence Army) or SSIM (Southern Sudanese Independence Movement). To be a Nuer can mean to be cut off from one's family as a young child and made a soldier; it can mean that once one was a powerful elder but is no longer taken serious due to a power shift. A Nuer in Pinyudo can be a woman who suffers from her husband's behaviour due to a lack of control by relatives but she can also be among the first Nuer women who have experienced 'economic equality' with their husbands due to UN relief. These different groups have different forums in which explanations and answers to the 'Nuer Dilemma' are sorted out, in order to first of all understand the new context and secondly to maintain social order. However divided they are, most Nuer attribute one cause to their problem namely the non-accessibility of cattle that they can dispose of in traditional Nuer ways. I want to analyse the various groups and their problems in relation to their loss of cattle in Pinyudo as well as their loss of confidence in cattle in general by studying various aspects of their refugee life which are affected by it such as marriage, economy, power relations, religion and the sphere of conflicts and conflict resolution.

Among the Nuer refugees in Pinyudo conflict has increased as compared with their former situation in the Sudan. They are trying to reinstall social order and peace by having established similar juridical institution as those which used to regulate conflict in Sudan. Men are preoccupied with daily court sessions in which social order is reconstructed by the

constant definition and redefinition of values. The fact that most so-called sub-chiefs⁶ did not join the exile was generally perceived as a loss and endangering social order. Therefore, new instances in the form of judges were announced and norms were redefined in the courts as well as in other forums. In the courts so-called 'Pinyudo cattle' as well as physical Nuer cattle are used for compensation payments:

We decided to elect a court to solve these problems. Because we don't have cattle here. That is why we face many problems such as kidnapping of women. (High Court member, Pinyudo PRC., august 1996).

Nevertheless, the Pinyudo court is not as the Nuer court in Sudan. Moral grounds can not efficiently be maintained and sanctioned due to the change in power relations and election practices. The Nuer court cases in Pinyudo will also serve as an empirical framework for analysing how the Nuer try to cope with their refugee experience. Again it is the cattle which will be point of reference in this regard.

Therefore the endeavour of this thesis is to depict how "the Nuers' world" is reconstructed in a new way under new conditions in a time of decreasing confidence in the security of cattle-wealth. I will show how the Nuer become calculating social actors in the construction of their new world out of given and made order instead of confirming the common view of the refugee of a helpless victim.

3. Methodology

I carried out fieldwork in village 3 of Pinyudo refugee camp. I used the following data collection methods:

⁶Sub-chiefs are a product of British administration, who were announced and placed in juridical and administrative institutions as established by the British.

1. A household survey was undertaken by selecting 350 households. The households were selected from the food distribution list of village 3 by randomly sampling every seventh person on the list. 50 questionnaires were filled by me and 300 by trained refugees. The survey gave insights into ethnic origin, history of exile, marital status and number of children, socio-economic activities in the camp, migration within the camp as well as personal belongings of the refugees.
2. Informal interviews, both structured and non structured, were held with selected refugees such as elders, youngsters, women and men, leaders, judges, both traditional and Christian religious functionaries as well as NGO, UNHCR, WFP and ARRA staffs and political leaders. 7. The interviews enabled me to reconstruct history of the refugees in particular of the Nuer in general and to analyse their present situation. I also got an insight into aspects of national and international refugee administration.
3. Court cases about adultery, marriage, killing and stealing were attended and recorded to get an overview of how Nuer solve their conflicts as refugees in Pinyudo, their base of argumentation and understanding of order. I specifically concentrated on court cases because they are a forum for the negotiation and manipulation of the given and made order (Sudanese and Pinyudo orders) by using the two interchangeably as a base of argumentation which creates a new order. Law in Pinyudo is studied as what Caplan defined as "contested metaphor that represents and reproduces a social and symbolic ordering system and that changes as groups of human agents seek new social forms."(1996: 220)

⁷Including the president of Gambela region.

4. Life-histories, marriage procedures and the histories of conflicts were recorded by applying the case method.
5. The study is also based on participant observation in day-to-day activities of refugee families, their social organisation and participation in community activities and relationships with other households. By participating in the food-collection, church services and various religious feasts and gatherings as well as special events such as weddings and rituals I have developed rapport and further access to the society.
6. Finally the manuscript was read and commented on by educated Nuer in the refugee camp.

4. Field Experience:

My fieldwork among the Nuer refugees in Pinyudo thus consisted of two phases. I spent two months during July-September 1996 and another 3 weeks in March 1997. During the first week of the first trip I was hosted in the ARRA compound while establishing contacts by daily visits to the Nuer settlements. Instead of using the ARRA (Administration for Refugees and Returnees Affairs) vehicles which bring workers to and from the camp I used a bike in order to avoid to be identified with the administration. This made contacts a lot easier, since the refugees relation with ARRA is very authoritative and hierarchical. Coming from Addis Ababa University it was an advantage to me that the society to which I came was one where education is highly appreciated by most young men. To talk about academic life in Addis was always a good entry point for discussion. Hence, due to my daily bike journeys

I fastly became a known figure, meeting and greeting many refugees travelling between town and camp.

I chose the central village 3 as my main study area and home-base because it has the highest population density of all villages, it is the most heterogeneous village in terms of clans and different categories of religious and social groups. All Nuer clans are represented, and uneducated as well as educated. Most facilities such as the big market, court, clinic and NGO institutions are also found in village 3. The instable security situation in the camp made the village the nearest to town preferable in case of emergency.

I first faced difficulties with the choice of my main informant. He was kind of imposed by ARRA. Because Chuol, the deputy chairman of the camp had been selected as the caretaker of 'visitors' or researchers like me, he felt to have 'the all accepted right' to be my translator, main informant and host. As a result other potential informants or hosts tried not to invade his sphere in the initial stages of my research. I could do nothing but accept that and because I wanted to start living in the camp as soon as possible I had to shift into Chuols house two weeks after my arrival in Pinyudo. Living with Chuol was both advantageous and disadvantageous. Because of his office as deputy chairman I had the chance of talking to many people coming to his house for their problems which gave me good insights. Nevertheless discussions in his house were limited to these specific problems and the constant presence of people denied me any privacy. Hence, it became difficult to 'free myself' from Chuol who had started claiming 'ownership' over me. Luckily he soon became very busy in refugee administration due to severe conflicts in the camp so that I could start 'walking by my own'. I soon established contacts with his younger clans-men through whom I got access to a larger Bentiu settlement with all age groups. I liberated myself from Chuol and diplomatically shifted to Deng and Gadit, two well-educated English-speakers who became my main translators. This

shift was like a door-opener for other Nuer who suddenly saw that I was accessible not only to Chuol but also to them. Nevertheless my application to shift house from Chuol to their settlement was a step too forward, Gadit and Deng rejected my proposal with the argument that this would invade his right of hosting me, which they had to respect as far as they were clans-men. The first month of my research was dominated by participant observation during which I got an insight in the settlement structure of village 3 and the different categories of people living there. I also visited other villages but concentrated in the village 3 where I lived. After one month of participant observation I applied what according to Dr. Muhammed Salim is called a latent survey by informally asking different Nuer the same general questions about kinship, marriage, economy and law. I studied the market and made a questionnaire survey, attended court sessions and church services as well as I went to the monthly food distribution at the store, some 2 hours footwalk from my base. The latter contributed to developing a good rapport, people saying: "The kawai 8 has started to collect her ration like us." The refugees often confused me with UNHCR staff, telling me their problems concerning water, food or medicine to which I usually replied that I came to study Nuer culture and to see how they are organising life as refugees. I also explained that "I was told that Nuer as refugees had forgotten their culture and gave up living by themselves, simply depending on the power of the UNHCR," continuing that the Nuer I found in Pinyudo were not those I expected and that I was intending to write about how they try to organise life in a 'Nuer way'. In response to my appealing to their pride this way the Nuer were usually eager to 'build up' their image. Once some old women jokingly provoking me:

"If you are not the UNCHR and you want to live with us, will you also suffer with us when there is no water and run away with us when the enemy comes?"

social organisation

8Kawai is a loanword from Arabic used as a term for white people.

My confirmation was welcomed after which I was told to be 'accepted' to live among them.

The weakness of my first month research was that I tried to get insights in all aspects of life in the camp. This put me in a state of instability where I lost orientation because there was too much information with little depth. After the first month my presence was perceived as relatively 'normal'. Once people had an idea of what I wanted, I faced problems of gaining attention. This had two reasons. One was the fact that the Nuer in Pinyudo are almost constantly involved in conflict solution or debates. This makes them reluctant in answering questions from an outsider on topics which are presently of no relevance for them. The other reason was that by that time I still mainly depended on the texts by Evans-Evans-Pritchard which made me adopt a structuralist, descent based view of the society. I was busy looking for their lineages while ignoring new identities. I approached the Nuer as a homogenous group and concentrated on the elders as informants taking them as the 'heart' of the society in terms of power and knowledge. It was only later that I recognised both, the heterogeneity of Nuer society in exile and the general power shift they had undergone in exile.

Moreover, the initial phases of my research I concentrated too much on the past while Nuer cared more about their present problems of social organisation. Sometimes I had to claim attention and insist on people talking to me. Another mistake which resulted from my homogeneity approach was that in the early days I rarely noted down the category (clan, age, background) of my interviewee factors, which became essential during my second research phase. By getting an insight into different categories of society I could better draw conclusions on the macro level by putting things in a more holistic frame, and understanding them also in the context of the Sudanese war. Nevertheless during my first stay I got an overview of the social organisation. I also used the time to attend and record various court sessions. In

retrospective the first stay was a preparation for an effective second stay where I was welcomed as a 'returnee'.

Another problem I faced in Pinyudo was to maintain good relations with all other actors, participating in the 'refugee game' such as those of ARRA, NGO and UNHCR employees. It was only during my second trip that I invested in social relations with all parties. This made research more agreeable in terms of the social climate, infrastructure (food, transport) and gave me access to further information from the various sides.

My second research phase as well my thesis was heavily influenced by the book of Sharon Hutchinson. Her readings helped me to see the Nuer as more heterogeneous. I started focusing on different categories of people such as the unaccompanied minors, the educated and non-educated, the rural and urban, women and men, the differences between eastern and western Nuer as well as the various religious sub-groups. During a Sunday speech in one of the churches I could better appeal to their problems and worries which increased my social acceptability. More people started visiting me in want of discussion. During the second trip I was allowed to stay in Deng's house where there was more room to discuss matters not directly involved with Chuol's office as a deputy chairman. Thus the house of Deng gradually became a forum for discussions on social change which I partly initiated but which was also self-initiated by Nuer of all categories. Some youngsters would ask me about my impression on a ritual the other day, the use of education, the problem of incest or just telling me about their past and how they came to Pinyudo. Others would come and tell me about conflicts and how they managed to solve them. Moreover Hutchinson's book was a reason for many Nuer to come. Whenever it was available a group of people would gather around it, one of them reading, the other listening attentively. Especially young men of all clans would never get tired discussing on changing Nuer notions or practices. Very often unaccompanied minors who

had been taken away from their families from early age and since then had been uprooted from Nuer culture very often to ask me for the book on 'their culture' seeing for the first time in their lives photos on Nuer rituals, sacrifices and every day life.

A weakness of my research is the study of women which partly laid in my inability to speak their language and the absence of available women translators as well as in the extreme preoccupation of women with household activities such as the fight for water⁹, cooking and taking care of the children. Hence, the time I spent with them was limited to participant observation rather than effective interviews. Although I wanted to avoid using male interpreters I finally had to choose the lesser evil and organised group discussions with women. In order to limit their fear that the male translator would report them to their husbands I chose a priest as translator who guaranteed his moral obligation not to disclose what they would say which finally ended up in relatively free discussions.

I learned during fieldwork to make research more efficient by concentrating on details or in the words of Malinowsky 'inponderabilia of life' which may even appear unimportant rather than getting lost in the mass of information one is exposed to in the field. I also learned to approach society as a very heterogeneous construct by taking all categories whether young or old equally seriously.

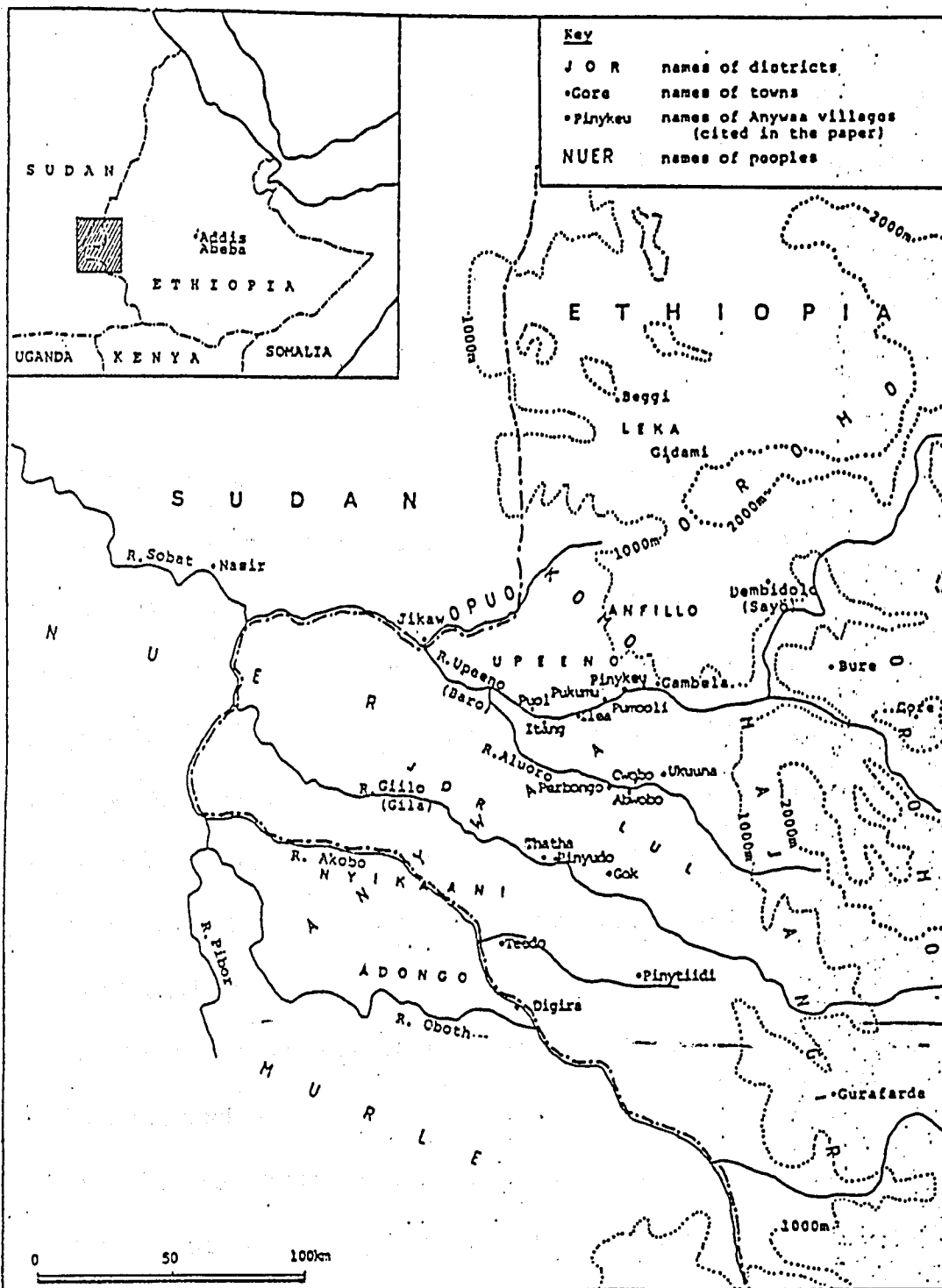
⁹Due to the extreme water shortage in the camp women literally have to fight for water. They spend a lot of time wandering between the few but distanced water tanks which are either empty, closed or guarded by people who privilege some groups in their access to water or demand bribes for it.

CHAPTER TWO

THE PHYSICAL SETTING

Pinyudo refugee camp can not be considered in isolation from the surrounding areas such as local dynamism's in Gambela region. What is going on in Pinyudo can not be regarded in isolation from what is going on in Itang, Gambela town and even Dimma refugee camp further south. We find the same ethnic and political groups represented in all the four areas. We will have a briefly look into group constellations and events in the main important three places Itang, Pinyudo and Gambela town as corners stones of a dynamic triangle before going into details concerning the camp structure. The political groups of SSIM and SPLA are playing a major role in the dynamism of these places. The SPLA was founded in 1983 with the political aim of a united democratic, secular Sudan as a reaction towards southern exploitation and discrimination by the north and the introduction of sharia law by Nimeiri. In 1992 the SPLA split into the Nasir and Torit factions and the SSIM was founded a year after with the political aim of an independent southern Sudan. The Nuer living in Ethiopia as either refugees or citizens divide into the two major political groups. The SPLA has an interest in destroying the SSIM dominated refugee camps in Pinyudo and Dimma and since it is supported by the Ethiopian government, ARRA as the latters representative partly supports and facilitates the interest of the SPLA. Although they do not favour its destruction since it would remove their job opportunity they at least support the SPLA by maintaining disorder, insecurity and instability among the refugees.

Different categories of Nuer refugees live in Pinyudo. Former SPLA soldiers who defected to the SSIM form the majority in the camp. There are also many unaccompanied minors, also called the 'Red army', who had been recruited by John Garang in 1986-87 at the



Gambela Region
 Adopted from Eisei Kurimoto "The Dengue Brought the Dinka on Us"
 Unpublished Paper

age of 7-10. They were brought to and trained in Ethiopia as a reserve army and have since then not returned back home. Other Nuer consider them as uprooted. Another category are young educated high school graduates or university students who came to Ethiopia in want of education and again another group are young craftsmen and traders. Moreover there are few married couples with children, women whose husbands are fighting in the Sudan as well as unmarried young girls and finally elders.

1. Description of the study area

Gambela region is divided in three zones and one special woreda (administrative unit). Pinyudo refugee camp is found in zone 2, Gok woreda. It is situated in lowlands normally occupied by the Anywaa. According to the reports from the Ministry of Agriculture the rural population in the Gambela Region (including Anywaa, Nuer and other minority ethnic groups) was counted to 106,850 in 1989 and had decreased to 70,178 in 1992. A report by the Planning Bureau from 1992 counted 112,688 rural and 11,363 urban inhabitants. The population census of 1994 counted 162,397 total inhabitants in Gambela with a Nuer majority of 64,473 followed by 44,581 Anywaa and 12,566 Amhara. Zone II in which the refugee camp is situated contains according to the census only 3 Nuer citizens, 22,258 Anywaa and 1907 Amhara. The contradictive nature of the demographic data could be partly caused by mobility across state borders.

Since 1983 the area has experienced a huge influx by Sudanese refugees. They were in 1988 300,000 and are presently only around 15,000 with a decreasing tendency (the Nuers and my own estimation). With the refugees, the SPLA came to the area and set up their training centres and head-quarters. Relations between the Anywaa and SPLA soldiers have

never been good due to the SPLA's discrimination and atrocities against local people. The refugee influx brought a change of the local market structure. Big quantities of aid goods were sold in all regional markets. Buses between Itang, Gambela and Pinyudo used to be and partly still are full of 'aid- traders'¹⁰. The UN grain had negative effects on local cultivation through price dumping ¹¹. Moreover, the infrastructure between Gambela and Addis Abeba was decisively improved to cover logistic needs for the refugee camps. This made the 'aid-trade' between Addis and Gambela flourish. The trade is mainly dominated by highlanders. Refugees were formerly involved but this has been reduced by the government

Gold panning is now becoming the most important source of Anywaa income, since cultivation has become less profitable due to the refugee impact. More than three thousand men are permanently engaged in the business, with the biggest among the nine camps in Gurafarda, the former Kafa Region. The gold-digging camps are exclusively in the hands of Anywaa which has created a class of wealthy young Anywaa men both from Sudan and Ethiopia nwho use their salary mainly for ostentatious consumption. Unfortunately the impact of SPLA, refugees and settlers has contributed to the devastation of Anywaa society. Subsistence activities have declined and alcoholism spread among the population. Eisei Kurimoto observed a sense of stagnation and devastation while visiting the farming villages. Men are almost absent being either recruited by the national army or involved in gold-digging (Kurimoto: 1996).

¹⁰Aid-traders are people trading with UN aid.

¹¹See chapter VI.

1.1. Itang

Itang is one of the woredas of Zone I with its capital Itang town. The big market in town is an important market for Ethiopian and Sudanese Anywaa and Nuer. One finds also a government school up to grade 8. Inhabitants of the area are mainly eastern Jikany Nuer and Anywaa. According to the 1994 population census there are 8959 Nuer and 8760 Anywaa. The Nuer travel between the border areas, spending the rain-season in Sudan and settling with their cattle along the Ethiopian rivers in the dry-season. Many Nuer refugees let their children be fostered by Nuer in Itang where the water and security situation is much better than in the camp. A big number of Nuer refugees have also permanently settled there, and started to cultivate, going to the camp only for their ration. There is a local Nuer court in Itang and the holder of the sacred spear *mut wiu* is found in Lare, a near-by town. Lare has been chosen to replace Itang as new woreda capital and thus parts of the market have already shifted to Lare where a high school up to grade 12 is also constructed. Nuer refugees consult the courts in Itang and the *mut wiu* in Lare for conflict solution. Newly arriving refugees used to register in the Tharpam refugee screening centre near Itang from where they were given transfer to a refugee camp. There are also Anywaa militia and an SPLA base right next to the screening centre strategically placed to give control over refugees. The Itang area is very sensitive because of the ethnic mix of Nuer and Anywaa of both Ethiopian and Sudanese origin some of which are refugees. These groups manipulate their connections to Ethiopia and the Sudan, shifting identities as a strategy to promote their own interests. The Nuer population

is divided into conflict-prone SPLA and SSIM factions. 12 Repeated conflicts between the various groups in the past which finally led to the closing of Thurpam screening centre¹³. Any conflict in the Itang area was usually reflected in Pinyudo refugee camp and Gambela town where the group constellations are the same.

1.2. Pinyudo

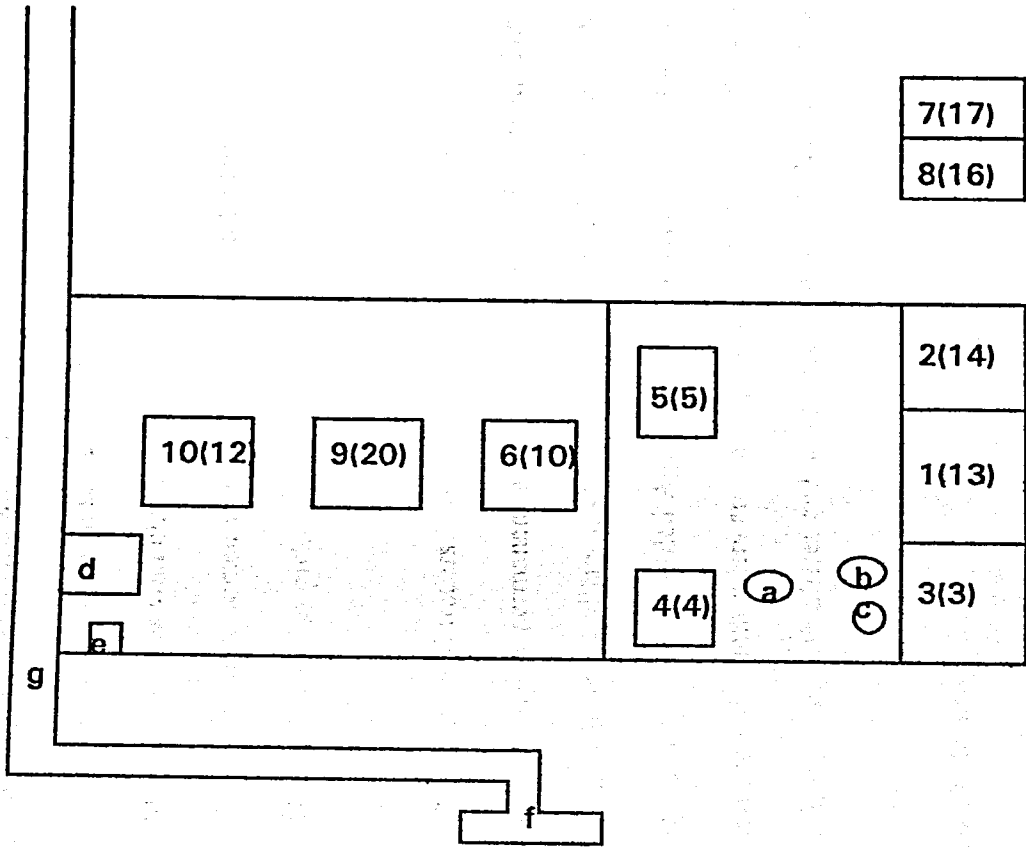
Pinyudo refugee camp covers an area of 40 km². It consists of 10 villages. Nine of them used mainly to be inhabited by Nuer and one contained eight other Southern Sudanese ethnic groups as there are Dinka, Anywaa, Shilluk, Madi, Acholi, Lutoro and Latuka, with Dinka forming the majority as well as the Central Sudanese Nuba. In the camp ARRA organises how the refugee settlements are distributed over villages, depending on the availability of space. Wherever there is enough land, refugees are settled and given a ration card. It is the refugees themselves who adjust the settlement according to their interest. The formerly heterogeneous settlement pattern changed to a clan-homogenous pattern after individuals had created conflict and people would migrate to their clans for security reasons.

Except for the additional Southern Sudanese especially the Dinka, the group constellation in Pinyudo is very similar to that of Itang, with Sudanese and Ethiopian Anywaa as well as Nuer. Respectively there are SSIM and SPLA members, sympathisers and soldiers among which those of the SSIM are dominating. The other social categories found in Pinyudo

¹²The holder of the sacred spear mut wiu for example is supporting the SSIM and is under attack of the Ethiopian government in response to demands from the SPLA who tries to eradicate the SSIM in the area. In September 1996 as well as March 1997 mut wiu was attacked. This led to killings on both the Nuer and EPRDF side.

¹³The Thurpam screening centre was closed in July 1996 and has remained so. Accordingly there has been no place for new-arriving refugees to register.

Pinyudo Refugee Camp:



a = hospital
b = court
c = prison
d = food store
e = store market
f = Agenger town

g = road to Gambela

- are:
1. former SPLA soldiers defected to the SSIM (majority)
 2. SPLA soldiers (minority)
 3. Unaccompanied minors (uprooted)
 4. Young educated Nuer in search for education
 5. Married couples with children
 6. Alone standing women whose husbands fight in Sudan
 7. Unmarried young girls
 8. Elders
 9. Craftsmen and traders

The camp has a permanent and a temporary central market. There are also small permanent markets in all villages. One market at its outer borders is some 5km away from Pinyudo town. This market, called Agenger by the Nuer,¹⁴ evolved along with the refugee camp. There, mainly highlanders are running the trading with refugees. Near the town is the camp administration, with offices and accommodations of ARRA, the NGO's and UNHCR.

1.3. Gambela town

UNHCR and ARRA have their main offices in Gambela town. Here we find the same ethnic and political groups as in Itang and Pinyudo. Nuer refugees mainly settle in Newland, at the outskirts of the town, right next to the UNHCR compound. Newland is an illegal but accepted settlement of approximately 2000 exclusively urban Nuer refugees who are still receiving their ration from Pinyudo. They are working as daily labourers in town or run small businesses within the settlement. Some Nuer refugees as well as Ethiopian Nuer attend the

¹⁴The Nuer have re-named all areas they inhabit in the Gambela region.

high school up to twelfth grade. Again the precarious group constellation leads to various conflicts within the town. While the Nuer were politically dominant over the Anywaa during the Dergue, the Anywaa are now dominating the political scene. The president of the Gambela region is an Anywaa 15. When I interviewed the president, he stated that after several conflicts in the past there had recently been no major incidents between Nuer and Anywaa so that the government had decided to merge the recently formed Nuer party called GPDUP (Gambelas Peoples Democratic Union Party) with the GPIIP (Gambelas Peoples Independence Party), consisting of all Gambela ethnic groups. In general however the President sees peace and stability in the region mainly to be endangered by fighting Nuer in the Itang area :

"The Nuer are lagging behind in our Region, because of their tribal conflicts. Most of them are uneducated Sudanese from Jekau and Akobo." (Interview with Mr. Okello Oman, March 1997, Gambela town).

The SPLA has its bases and training camps in the Gambela Region and is now considered more 'disciplined' than in former times. The SSIM has so far been denied Ethiopian support, because

"they only want to support the Nuer, while we prefer multiethnic parties" (Interview with Mr. Okello, March 1997, Gambela town.)

Presently all ethnic groups from Gambela are included in the Gambela Regional Council such as Anywaa, Nuer, Majanger, Komo and Opo.

15The president said that there has been a peace reconciliation between the Nuer and Anywaa of Gambela Region in March 1993. The elders of the two groups had been collected by car and gathered in town with the presence of the Regional government, GPIIP (Gambela's Peoples Independant Movement) members and the EPRDF. After a reconciling discussion an ochs had been sacrificed and jointly consumed.

2. Structure and Administration of the Pinyudo Settlement

In Pinyudo there are ten villages which are divided into four zones. There are village and zonal representatives which are elected by the refugees. Four zonal representatives form part of the Central Committee (CC) consisting of a chairman, somebody responsible for logistics, administration, and informations. They are announced by the camp administration which will further announce three more members.

Despite the seemingly 'democratic' administrative structure of the camp, it is ARRA which has the main and final say in the announcement and expulsion of the CC members by using the administrative structure to play refugees against each other in order to control them. Cases have occurred where the chairman of the CC had been exchanged by ARRA three times within three weeks. This has led to the decline of the refugees confidence in the institution of the CC. At times it seems as if ARRA purposely selects representatives who are not trustworthy or genuine, while dismissing those who are accepted by the community. This contrasts with the Nuers' way of selecting their sub-chiefs and administrators in a long and elaborate election process, where personal qualities such as honesty and prestige play an important role.

Case 1:

The CC chairman in June 1996 who was newly announced by ARRA was officially known as a thief among the refugees since he had stolen property from at least four people. While he was accused in the court almost everyday, ARRA, as a reaction towards the refugees application to dismiss him, made him the chief of the local police (Shurta).

I have personally observed that the members of the CC always receive extra-food rations and are treated with privileges, something which causes suspicion among the refugees. They doubt that their interests are genuinely represented which weakens the administrative structure.

These principles with which refugees are 'ruled' create conflicts.

The SPLA has always been supported by the Ethiopian government though today to a much lesser degree. Nevertheless the SPLA is performing massive agitation in the camp, recruits by force and persecute SSIM members living in the camp. In May 1996 John Garang came personally to Pinyudo in order to recruit soldiers.

3. Settlement Pattern

Since the reopening of the camp in 1993 there has been a change in the settlement pattern from a rather heterogeneous settlement one which is clan-based with the following result in July 1996:

Table 1: Distribution of clans and ethnic groups in Pinyudo refugee camp in September 1996

village No.	1 (1 3) 16	2(14)	3(3)	4(4)	5(5)	6(10)	7(17)	8(16)	9(20)	10(12)
inhabited by clans:	Gaajok	Gaajok	all clans Shilluk, Anywaa	B e n t i u , Gawaar few Jikany ¹⁷	Jikany, mainly Gaajak	Jikany, m a i n l y Gaajok	Gaajak	Jikany	Jikany	all ethnic groups

¹⁶The villages have still the same numbers they had during the Mengistu period. Despite that their number has decreased to about 10 the remaining villages are not renamed. For this reason we have a village called 20 despite the fact that only 10 existing. Here, I have therefore renamed the villages to avoid confusion.

¹⁷Gaajok and Gaajak unite as Jikany.

Because eastern Jikany are geographically the nearest Nuer to Pinyudo¹⁸ they form the majority in the camp of which again Gaajok are the majority group. They inhabit village 1 and 2 and form the majority of village 6 but are a minority in 5. Gaajak, the second biggest group in Pinyudo are inhabiting village 7 and live as a smaller group in 6, 8 and 9. In village 4 we find clans from Bentiu and Gawaar¹⁹ equally distributed and in village 3 all groups are mixed with a slight Gaajok majority, closely followed by Lou. All other ethnic groups with the Dinka forming the main group are found in village 10. This is a separate unit with its own court and administration. The majority of the inhabitants in all the other villages are SSIM but the majority of village 10 is SPLA due to its high Dinka proportion.

The centre of PRC (Pinyudo refugee camp) is village 3. It is the juridical, economic and administrative centre. Apart from the two courts and the prison one finds also the seat of the CC, and the camp market. Village three is the refugee settlement closest to the town and thereby to the settlement and hospital of ARRA and the central NGO-buildings are found there. On the main market various items are found which are not available in the other village markets. The market near the road side is always busy because all refugees going to town are passing by. Village 3 is a place for social, economic and political exchange and an information pool for all other villages. Because of its location and 'multi-clanes' it is seen as an urban centre but also because most educated urban Nuer live there. The population triples that of other villages.

¹⁸It takes only five days footwalk from Pinyudo to Nasir.

¹⁹Bentiu and Gawaar are new group identities formed in Pinyudo because the clans from that area found in Pinyudo are too small to stand alone and thus have merged as a territorial unit. For further explanations see chapter 4.3..

CHAPTER THREE

The Economic Setting

This chapter describes the range of economic activities going on in the camp and how the Nuer refugees are using UN aid. I will analyse their attitude towards aid and how their dependency on ration cards has changed their values. Coping mechanisms especially in relation to the absence of cattle will be discussed in light of the so-called 'cattle complex' and what it could mean in Pinyudo. I will further discuss the effects on economic activities of a changed attitude towards the concept of cattle. Hence the second chapter will discuss how the economic setting in exile affects the Nuers life.

1. Economic Activities

The refugees receive grain, oil and lentils as food items. They are allowed to sell or barter these goods in order to achieve a more balanced or to buy non-food items. They mainly use grain and oil for exchange which has formed the common saying: "Grain is our capital." Exchange transactions take place in the near by town Agenger or in Gambela where the best prices are achieved. In Gambela region oil and grain prices decrease with distance to the refugee camp. A quintal of aid wheat was sold in Gambela in July 1997 for 80 ETB and in Agenger at the same time for 30 ETB. 20 Refugees who have just received their ration at the distribution centre may exchange a cup of grain for a cup of

20 That was still much 'better' than in 1986 when a sack of maize was sold for 5 ETB in Agenger. This spoiled local prices and negatively effected local cultivation practices. (Kurimoto personal communication)

water with local Anywaa 21. There are young Nuer boys who buy wheat in the camp, bring it to the grain-mill in town and then resell the milled grain for a higher price in the camp. Others sell their ration in Gambela, use the cash to buy petty-trade commodities and exchange them in the camp for new grain. This practice has become very difficult due to the new policy of decreasing the refugees participation in the local economy. At police-checkpoints on the way to Gambela unlicensed grain is regularly confiscated by the police. Some refugees nevertheless pay Ethiopian traders and register in their name. Refugees as well as traders mutually depend on and benefit from each other and try to maintain good relationships. The Ethiopian traders 22 buy grain, oil and lentils in exchange for cash from the refugees, something which is forbidden by ARRA. The traders also give credit to the refugees. There are various markets in and around the refugee camp in which they are participating. Only within the camp one already finds 11 markets. The biggest one takes place in front of the distribution store during distribution time (1st to 15th of the month) and the main and second biggest constant one is situated in village 3. Apart from that, there are small markets where one can find dry and sometimes fresh fish, tea and other basic food items as well as petty-trade commodities 23. There is a difference in price between the small and the most expensive village markets. The village 3 market and the market at the distribution centre being the cheapest one. To buy or exchange big quantities refugees usually go to Agenger or village 3. For smaller quantities they prefer

21There is a water pump right at the distribution centre, implemented by the UNHCR to provide refugees coming for their ration with water. The pump is guarded by a local Anywaa who refuses refugees to use this water. He makes a business out of selling the water to other local Anywaa who in turn exchange it for grain with refugees in need of water.

22The Ethiopian traders are mainly Gurage, Oromo, Tigrean or Amhara.

23Petty commodities are small amounts of sugar, pepper, salt, tea, sweets etc. cigarretes,

the markets in their respective villages to the long food-walk of 1-3 hours to town or village 3.

In the village 3 market there are several small food and tea places. These places are mainly run by women. They are usually run by 1-3 owners who are either relatives or friends. Only two places out of 21 are run by men and these offer only tea. The places run by women often offer both, food and tea. The market contains two self-constructed mud- and one metal-oven bread-bakeries. The bread and tea-shops are very profitable since many men visit them in the morning to take their breakfast. Furthermore there are 24 petty-trade shops of which some of the owners have formed collectives of 3-4 people to invest in bikes that are rented out for 5 ETB per hour. Altogether there are five bikes on the market. There are also two shoe-polishers. The currency on the village 3 market is Ethiopian birr.

During distribution time, the distribution centre, becomes a real centre for transactions. It is the cheapest market and the only one where the main currency is wheat or oil and not cash as in the village markets. It is the most crowded and busiest of all markets. Having just received their ration, and the sellers have the potential to exchange it with urgently needed goods which is why the currency is grain and oil. The area is always over-crowded. People, come to pick up and partly exchange their ration. Others offer water, food, fish, petty commodities, clothes or even books in exchange for oil and grain. People who have already received their ration some days ago may come back and further exchange it into money or other goods. Ethiopian traders buy rations for sale in Gambela and Addis Abeba. Unaccompanied minors offer cigarettes, sweats, tobacco, razor-blades, nuts, fruits or self-grown vegetables in exchange for UN-relief which they will re-exchange for money in Gambela town in order to articles for sale in Pinyudo.

Many different ethnic groups are present representing both the local population, refugees and people from other parts of Ethiopia.

In Agenger or Pinyudo town there is one open market for small grain quantities up to 20 kg which are exchanged with Ethiopian Anywaa. There are also Ethiopian highland traders with shops who exchange big quantities. The dominant means of exchange on the market is cash. The items sold are vegetable, fish and small commodities. Refugees recently started buying fish from the Agenger market to resell it in the camp after the fish-trade moved from lake Thata to town. 24 The fish-trade takes a great share in the economic activities of the eastern Jikany refugees. In contrast, only few refugees from Bentiu or Fangak are involved. Among western Nuer fishing is mainly performed for subsistence purposes during the rainy season. Fish markets are only found in towns. Among the eastern Jikany in contrast fish is marketed even in the rural areas 25. This economic difference between eastern and western Nuer is reflected in the refugee camp.26

Refugees try to maximise their economic resources in the form of UN grain through various transactions. Hence apart from trading in fish, wheat and petty commodities refugees have also established carpentry and brewery workshops. Carpentry workshops are run by men and breweries by women. The owner of a carpentry workshop usually earns an average of 600 ETB monthly and a brewery makes an average of 200 ETB 27.

24 Reasons for the market shift see chapter VI.

25 Explanation to these categories see chapter II.4.

26 See also chapter III.4.

27 For further details see Appendix V.

2. Cattle complex or economic interest?

The Nuer are defined as part of the 'cattle complex societies' in East Africa. The term cattle complex as it was originally used by Herscovits meant to explain the role of the cattle in pastoralist societies as a cultural analogy. Thereafter it started to be more and more misunderstood since it was mainly defined as a 'cultural obsession of pastoral societies towards their cattle' (Turton in Comaroff:67). Evans-Pritchard described the Nuer's interest in cattle as 'beyond their rational behaviour'. He explained their mixed pastoral-horticultural economy not as an adaptation to the environment but as a kind of fortunate coincidence which allows the Nuer to be pastoralist according to their interest, so that:

"The environmental bias coincides with the bias of their interest (pastoralism) and does not encourage a change in the balance in favour of horticulture (E.Evans-Pritchard: 1940: 57)."

The term cattle complex has been repeatedly under criticism for attributing a notion of irrationality to pastoralist society. Anthropological studies of the 80's came up with facts, showing that only 20 % of the subsistence requirements of the Nuer come from their herds, while the remaining 80 or even 90 % come from cultivation and fishing (Turton in Comaroff:79). This disproved Evans-Pritchard's observation on the biased interest of the Nuer. It can not be said that their interest in cattle does not coincide with the environmental bias since cattle are not their subsistence. Turton argues that in pastoral societies with a positive correlation between stock-wealth and bridewealth such as among the Nuer, livestock tends to be more important for social than for economic exchange. (Turton in Comaroff: 76).

The Nuer in Pinyudo left their cattle in Sudan. The cattle which they had been provided by the UNHCR were partly slaughtered for various reasons and partly taken to Itang for better water accessibility and pastures. One reason for slaughtering was that the cattle which they received were supposed to be milk-cows but were actually heifers. The UNHCR fund is embezzled by ARRA who buys instead of 1000 ETB milking cows as it is allocated, 200 ETB heifers, animals which would take 2-3 years to become milking cattle. The rest of the 1000 ETB is shared among the ARRA staff. Moreover Nuer think in terms of a 'liberated Sudan' and refuse to plan in terms of long-time exile. At the same time they don't feel secure in the camp and therefore don't want to invest in cattle breeding. In May 1996 for example, when John Garang announced his coming to the camp it had devastating effects on the refugee population and their cattle. Fearing forced recruitment or violent attacks by the SPLA many of the predominantly SSIM Nuer left the camp, 1500 of them illegally through Anywaaland to Itang. Many of them slaughtered their cattle before leaving in order to at least use the cash profit instead of losing both cattle and money to the SPLA.

Furthermore there is a serious water deficiency in the camp. In the dry season the water is not enough for the people themselves, even less so for cattle. The Nuer investment/profit ratio for cattle breeding would be very low. To keep cattle in Pinyudo would be economically irrational. This behaviour of the Nuer towards their cattle shows

again that straightforward economic interpretations have to replace explanations of a mystic cattle complex. Some Nuer, who are economically better off have however, bought cattle from local Anywaa. These cattle are strong and some of them already give milk. Such

cattle do not remain in the camp during the dry season. In the beginning of December they are brought to Itang, where water is available²⁸

That Nuer also think of cattle in terms of economic profitability doesn't mean that they don't have a special connection with their cattle. They still feel the emotional attachment to cattle as described by Evans Evans-Pritchard. There is nostalgia when, for instance the Bentiu talk about cattle. They are happy and relaxed, imitating the noises cattle make in their luak (cattle-byre) at night considered as the best time for a man. Cattle in Pinyudo has-become a symbol for security, peace and normal life as in opposition to the life Nuer are facing in the refugee camp. There is a tendency to make cattle as a symbol of an imaginary and romanticised past where everything was good or at least better. As part of the diaspora phenomena Nuer in this camp rarely mention the war when they think of or talk about Sudan but describe a world of peace and prosperity. This behaviour can be compared with other groups who are forced into exile like for example the society on Bikini island as described by Fritz Kramer (1983).²⁹ Especially the group of unaccompanied minors who rarely had direct access to cattle are idealising them. In their imagination the world would be good if only there were cattle. They are convinced that in their homeland in Sudan there can be no cattle shortage.

²⁸In the whole camp one finds only one person, a Nuer woman who kept the UNHCR cow under the promise that she will be given an additional cow if she will not slaughter hers. For two years she faced great water problems, saving for her cow while all her neighbours had slaughtered theirs. When she demanded her additional cow ARRA refused while giving cattle to all the neighbours. Now she feels betrayed and believes that ARRA is rewarding slaughtering. Another problem the Nuer have with the UN cattle is that they do not really belong to them. No cattle are supposed to be taken to Sudan before the refugee camp is officially dissolved.

²⁹As a positive aspect of exile Nuer children have restarted forming cattle out of mud as a symbol of peace, while war-experienced children grown up in Sudan have started to replace mud cattle by guns.

Concerning the social value of cattle, it can not be fulfilled in exile, where keeping cattle is economically almost impossible. The UN-cattle given in the form of donations are also of no social value. Because they are given free rather than obtained through inherited rights or through work demanding ones' *buom* (sweat/strength) Nuer consider them as 'unblessed'. Theoretically they can not use them for social exchange or compensation payments. However, had the cultural and religious conceptualisation allowed them to use them in such way, they would yet not be enough for that matter. 30

Thus, Nuer have a special attachment to cattle but will never keep them if they are economically or socially of no use and therefore are not participating in any form of 'cattle obsession'. The fact that Nuer refugees are well informed about their cattle in Sudan enforces the statement that their interest in cattle is first of all economical interpretative. It is not that they have lost interest in cattle in Pinyudo. There is a constant letter contact between Nuer in Sudan and Ethiopia in which information about cattle are exchanged.

3. The Nuers attitude towards UN aid

Contrary to reports by UN-staff I never experienced any form of begging from the side of the Nuer refugees. Neither can I fully confirm the theory of relief as a pull-factor. In fact many young and older Nuer men and women prefer not to go to the distribution centre themselves but to send their children to receive the ration in order to 'save face'. An old malnourished women with worn-out clothes commented on this in a song on the situation in exile: "This situation forces me to beg but although I could not get water for 14 days I will never loose my pride. I will never beg!"³¹

30Only very few refugees get cattle.

31During the dry-season water scarcity is the most pressing problem in the camp. There are Anywaa guards 'protecting' the water wells and illegally selling water for refugees.

When the ration was cut down in September 1996 no complaints were coming from the side of the refugees. Instead they ironically said: "What we got before was not enough. How can you expect us to complain about this." (Chuol, 38 yrs., Bentiu, September 1996, PRC.) It was only in march 1997 that they started complaining when due to problems between the UNHCR and ARRA distribution was stopped after three villages had already been given: "They stopped giving us food now. Please tell them if they continue like this all the refugees will go home immediately, even today." (Gat Tut, 45, Gaajok, March 1997, PRC).

But it had stopped. When cut-down rations were then handed out there were demonstrations among Nuer refugees in the camp. Many refugees returned back to Sudan due to the severe food scarcity. The Nuer prophet Wutnyang, and his anti-dependency campaign should be mentioned in this context. Wutnyang associated the relief-aid directly with the conflicts between Nuer and Dinka and predicted that it would destroy Nuer internal relations by it. It was in 1992 when he appealed to the refugees in Nasir to bring parts of the received UN grain for cultivation to their home-areas in order to avoid dependency. He criticised the refugees mentality of cultivating only a small plot while relying on further aid:

"Any area that receives relief food from the UN automatically becomes a starving area...if you think the UN is helping you to get rich, then you are blind and underdeveloped!...This relief has destroyed our relationship with the Dinka and other groups...And now that it is also coming to you, it will divide you.³²" (In: Hutchinson:342).

Wutnyang's speech caused a reversed flow of food aid into the Nuer home areas for cultivation.

³³By saying this, Wutnyang was referring to tensions between eastern Jikany and Lou caused by the question of wheat, which ended up in a chain-reaction of inter community fighting over land and cattle rights.(Hutchinson:343).

Despite Wutnyang's 33 influence in 1992, refugees in Pinyudo are presently not even cultivating at the subsistence level. They defend this with reference to lack of security. "How can you expect us to cultivate if we might have to leave tomorrow?" (Chuol, 35, Lou, PRC, July, 1996)

4. Money in Pinyudo and blood in Sudan

The Nuer in Pinyudo have different concepts of *riem* (blood) and *yang* (cattle), depending on their background, like religion, clan, age, personal life-history. Some may argue in line with Hutchinson's descriptions:

"Our tradition is different from other peoples tradition. This *riem* (blood) law is given to us and it says that *tiei* (in a sense of peace)³⁴ and *yieegh* (breath) is in *riem*. *Riem* brings *yieeg* and *tiei* (awareness) together and we will never forget that." (Woldiew, skin-believer, March 1997, PRC.)

Concerning *riem* young women confirm:

"We need *riem* to eat, to walk and to breath. Because when you eat you become strong and then you get a child, and then there is *yieegh*. *Yieegh* is the relation between all this and blood. " (Nyakwoth, 24, Bentiu, March 1997, PRC).

Unaccompanied minors on the other side explain that

"The importance of *riem* is that the cow can give milk." (Moses, 21, Bentiu, March 1997)."

The skin-believer Woldiew in Pinyudo explains the vitality of blood as follows:

³³Wutnyang is no longer a prophet because his spirit has left him according to what he publicly announced. Presently he is fighting for the liberation of Southern Sudan.

³⁴Hutchinson translates *tiei* also with perception, understanding, and social awareness on which we would like to add also peace.

"God has created man in his own image and he has given man a cow for food and peace. Whenever you want peace you will kill it and the blood will make something good." (Woldiew, skin-believer, Gaajok, March 1997, PRC.).

In the following I will adopt cattle terms developed by Nuer in Sudan in the 1980's as described by Hutchinson by discussing the radical shift from cattle to cash which was imposed upon the Nuer as refugees in Pinyudo. The categories are the following:

1. money of cattle (Money achieved by cattle purchase)
2. cattle of money (Cattle bought from the market)
3. cattle of girls (Inherited cattle paid or to be paid as bridewealth).
4. money cattle (cattle-ified money)

The Pinyudo cattle or yang Pinyudo belongs to the fourth category where Nuer as refugees incorporate money or other material values into their exchange system in which cattle remains the dominant metaphor of value. The difference between Nuer as refugees and Nuer in Sudan concerning replacement of blood with money is that for the refugees it is imposed by depending on UN-relief while in Sudan it can be intentional to increase ones individuality. 35 The dependence on UN grain has become a problem to Nuer men since it is non-augmentative like money. This is to be understood in the Nuer conceptualisation of money which does not have blood and can not strengthen group ties in the way reproducing and mutually re-exchanged cattle between extended families do. Furthermore, as already mentioned, they believe that a cow achieved by UN-grain exchange is socially valueless because it is not achieved by their one's buom (strength/sweat). The dependency on aid has therefore decisively decreased the power of men as one young Gaajok man put it:

35By using cattle of money or money cattle as bridewealth.

"You are not a man here. You are just like a wife of the UN. Even if you buy a cow it is not appreciated because it is not from your own buom. Anything you don't get from suffering is not blessed and therefore: anything you get from the UN is not blessed." Peter Malual, 28, Gaajok, march 1997, PRC).

Even the money earned by social workers employed by NGO's or ARRA is considered as unblessed such that those jobs are regarded as easy work without buom (sweat).

The notion of riem and buom plays also a role in terms of economic activities such as fishing. The Nuer term kal is used as an insult for Nuer trading with fish. It stands for somebody without relatives or diel (dominant clan) who therefore has no cattle trying to get them by gor mi bor (struggling to get something from nothing by all means). The majority of the Nuer refugees prefer to trade with grain instead of fish which is connected with their notion of riem and buom. "The main problem for fishing is riem" To cultivate is equated with getting ones buom out of muon (soil) which has no riem and can therefore be used without any problems. Fish on the other side has riem and to use fish to get buom like hunting, means to get ones buom out of God's creature which is equated with 'stealing' it from God. As a consequence one can later on be killed by the spirit of the fish.³⁶ It is further believed that cattle bought by fish trade die easily while cattle bought by grain trade live much longer. Another explanation for the preference of grain trade is that one uses ones own buom for cultivation while for fishing one uses fishing nets which is very easy and does not need much buom.

"Cultivation is good because we use our own buom while for fishing it is the fishing nets buom that we are using". (Tut, 23, Gawaar, March 1997, PRC).

³⁶There is a myth talking about a man who was attacked by a fish while fishing. While he was about to die people brought him to the prophet Gok who revealed to him that because he had killed too much fish the fish would kill him now.

In this context the Nuer mentioned the preference of using money exclusively for cattle exchange, while appreciating a man who would regularly send money to Sudan for his relatives to invest in cattle. it was remarked that,

"That is why we appreciate Joseph. He sends all his money home for cattle. If you want money, you sell a cow, but not a fish. Cows, bought by fish profit are disliked by Nuer. Fish should only be exchanged for food, but not for money or cows." (Young man from Bentiu, September 1996).

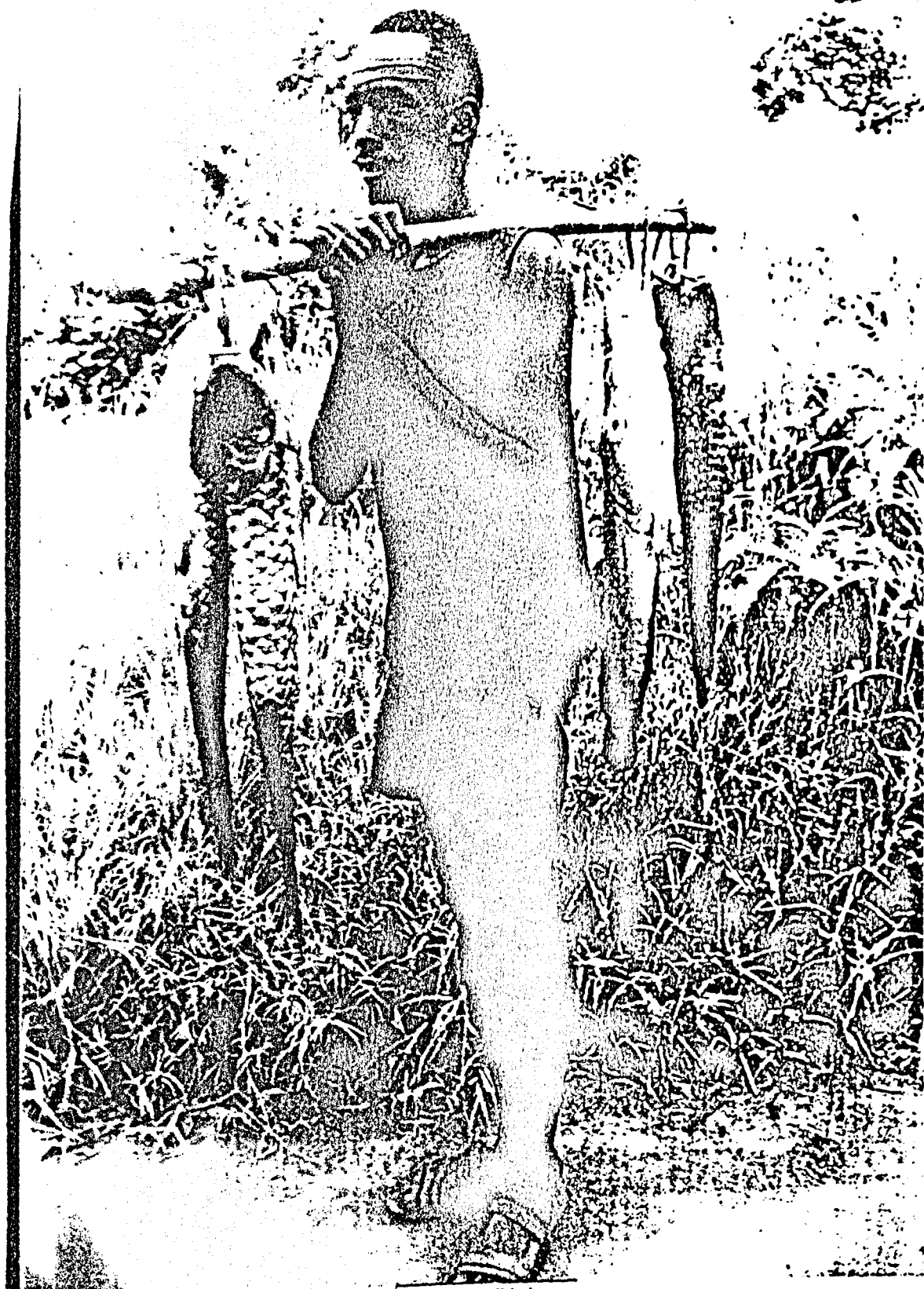
The Jikany which are trading with fish in Pinyudo are commonly insulted as *kal*.

"The Jikany are *kal*. We say that they are trying to pay a wife with fish. For marriage they collect and count their fish like we collect and count our cows." (Gadit, 27, Bentiu, September 1996, PRC:)

At the same time it is admitted that in exile all Nuer have become *kal*, because of the absence of cattle which is the attribute of *kal*.

"In a way, we are all *kal*, but don't say it loudly" (Gadit, 27, Bentiu, September 1997, PRC)

Yang Pinyudo is not only paid for marriage but for any compensatory payments as fixed by the court. Theoretically Yang Pinyudo paid as *ruog ciek* (adultery-compensation payment) can first of all not be used by the receiver and secondly can not be exchanged into grain. Some Nuer go to Sudan and exchange their *ruog* into money cattle which will stay with relatives in the border areas. Thereafter, even the relatives will not use the blood or milk of these cows. They use them only for compensation payments. For *ruog* paid in the form of cattle the same will count. Traditionally *ruog* cattle's meat, blood or milk can not be consumed by the receiver, in order to avoid *nueer* (pollution). Thus a Nuer in Pinyudo may not consume his *ruog* but will transfer the cows to his relatives in Sudan. The handling of *ruog* payments vary, some Nuer insisting on the payment of 'four leg' or



1. We are all kal now.

physical cows, while others may accept both, physical and money cattle and again others may not at all insist on any payment. However most Nuer believe in the consumption taboo of ruog cattle which they explain as follows:

"By receiving ruog you get your wife back and you will sleep with her. By drinking the milk of that ruog it is as if you drink the riem of that man who slept with your wife and this is the same as if you sleep with that man." (James, 28, Lou, march 1997, PRC.)

In connection with ruog the concept of polluting blood is so strong that its spoiling effects may reach the exchanged bloodless cattle metaphor as well as any other bloodless good which is attributed with a cattle metaphor. There is a tendency of defining money as containing blood which will become more clear by the explanation of some young men from different clans who explained that it is no problem to exchange the money into grain because grain has no cow term and hence no blood:

"Because we marry with blood, blood will affect us by eating ruog cows. In Pinyudo money has a cow term. It is yang Pinyudo. That is why money has blood. But grain has no cow term and therefore has also no blood. That is why grain bought from ruog can be eaten. " (Malual, 25 yrs, Gaajak, march 1997, PRC.).

Another young man explained that unless yang Pinyudo as ruog is exchanged into a cow and thus blood, it can be consumed. He explains the Nuers behaviour to exchange ruog into cattle with another reason. By using the case of Yen who recently went to Sudan to exchange his ruog into cattle he explains:

"Yen exchanged the ruog into cattle because he feared the challenge of his brothers who will insult him that he purposely sent his wife to the adulterer in order to get the money. Nobody should fear eating the money of ruog as long as it is not a cow, because a cow can cross a fire but a money can not." (Deng, 26, Gaajok, March 1997, PRC) 3738

37See Appendix I Adultery, The Case of Yien.

The following case serves as an example for how unaccompanied minors solve their conflicts as well as it demonstrates the looseness of Pinyudo marriage in terms of ruog payments and conflict raising out of adultery committed with a girl married in Pinyudo which does not count as fully legal marriage.

Case 2 : Adultery

Participants:

Wife: Thimar Kuony Tuel, 15 yrs., Bentiu
Husband: James Gattang Chuol, 15 yrs., Bentiu
lover: Peter Bawar Dobuoh, 17 yrs., Bentiu
Facilitator³⁹: Peter Malual Machar, 16 yrs., Bentiu

Court man: Representative of Thimar, please tell us about what happened!

Thimar's uncle: The relationship between our daughter and Peter Bawar is not new, we have been advising but he didn't want to stop until he was finally transferred to Gambela for education. Two days ago he returned to the camp and immediately on the same day he came to our house, took Thimar and slept with her. Hence, I am fed up of talking to him and my decision is to let him marry her. I will pay the cattle for James Gattang. (The uncle is provoking Peter Bawar by appealing to his pride when he says that he will pay the cattle but does not mean it.)

Court man: Bawar, please defend yourself.

Peter Bawar: Last time I was serious on this girl but when I was advised to quit our relationship I did so. The present accusation is not true. I did not sleep with the girl since I came back from Gambela.

Court man: Thimar, tell us what happened.

Thimar: I slept with Peter Bawar and Peter Malual was the one who collected me. The house where we slept was the house of Paul Koryom.

³⁸By saying that a cow can cross fire while money can not Deng is referring to the strength of blood in opposition to money. Therefore one will be affected by pollution by consuming a cow paid as adultery compensation while one can exchange the money paid as compensation into grain and consume that grain without being affected. It is in this sense that money is 'weaker' than a cow.

³⁹The facilitator defines the friend of the lover who facilitated the adultery by collecting the girl and bringing her to the lover.

Court man: Malual, can you please reply on what Thimar said!

Peter Malual: What she said is not true and I suggest to go to the skin-believer.

Court man: Please Thimar and Bawar discuss among yourself until you agree on something.

Peter Bawar continued denying and refused to marry Thimar.

Peter Bawar: Thimar, can you tell me where and when we have met?

Thimar: We met at 10 pm in Paul Koryom's house.

Peter Bawar: Do you have a witness for that?

Thimar: No!

Peter Bawar: Were there people in that house?

Thimar: No!!

Peter Bawar: Please, Thimar, we are age mates and if I am tortured or killed God will judge my case against you. Concerning the court, for your information, I have not slept with this girl.

Court man: You Mr. Bawar, how many times have you slept with this girl?

Peter Bawar: Only once.

Court man: OK. Please you have to marry this girl.

Peter Bawar: I will never marry her, but I will pay back James Gattang's cows.

Court man: OK. come out and tell us the colour of your cows.

Peter: I have no cows whose colours are known to me because I have been away from home for a long time.

Court man: James Gatthang, how much money have you paid?

James Gattang: 1,540 birr, equivalent to three cows.

Court man: Peter, will you pay this money?

Peter Bawar: Yes.

Court man: OK. where is the money?

Peter Bawar: I don't have the money for the time-being.

Court man: Police, let him be lashed so that he will talk.

Peter was taken out and lashed.

Court man: Peter, are you still saying that you don't have money for the time being?

Peter Bawar: I don't have money at all because I am a student and unaccompanied minor. I have nowhere to get such amount of money.

Court man: If you don't have money why did you commit adultery with someone's wife?

Court man: You Thimar, do you want Peter Bawar or James Gattang to be your husband?

Thimar: I want James!

Court man: If you want James why did you go with Peter? Police, please give her 15 lashes !

Thimar was lashed and brought back.

Court man: Thimar, are you still in favour of James?

Thimar: Yes, I want James.

Court man: If you don't want Peter then insult him.

Thimar failed to do so.

Court man: James, what are you thinking?

James: Bawar, do you agree that you have committed adultery with my wife?

Peter Bawar: Yes.

James: I do have evidences for all what you have done and I have talked to you many times, this time if you cause any other problem you will suffer the consequences. You Thimar, you said that you are still my wife. If this boy tries to have any further relation with you, do you agree that I will kill him ? And if you decide by your own to go to him do you agree that I will kill you?

Thimar: Yes, I agree.

James: If you agree on these things, are you ready to sign them on a written document?

Thimar: Yes.

James: You, the family of Thimar, do you also agree on what your daughter agreed upon?

Thimar's uncle: Yes.

Court man: OK. you court people if this girl is saying that she is my wife, I agree. But I want to put our discussion in a written form so that it will serve as a document. (importance of paper)

Court man: Should ruog be paid or not?

James: No!

Court man: OK. as a fine Peter Bawar will pay 200 birr and his friend 100 birr.

End

The aforementioned discussions have shown, that the Nuer as refugees are not helpless victims but calculating and maximising beings actively involved in economic activities. Moreover we have seen how the UN-aid has created new attitudes and beliefs towards cattle metaphors and cultural practices. The fact that there are different concepts of pollution if it comes to ruog, some arguing that only cattle ruog is polluting and others arguing that anything attributed with a cattle metaphor show the process of construction of reality with a tendency to construct it according to ones interest. Hence these ways of adopting to the new situation further confirms benefits of seeing culture as a process, which redefined through transaction between people in relation to environment and the past order.

CHAPTER FOUR

THE SOCIAL SETTING

Chapter IV deals with social aspects such as marriage and religion. I am trying to make out changes in the marriage pattern by analysing how the Nuer are making the situation fit to their needs and which problems occur in this process. Marriage is one aspect of Nuer culture where cattle used to form the basic means of exchange for the establishment of alliances. Their absence in connection with marriage is one of the great challenges to cattleless Pinyudo Nuer. One effect of exile ongoing with a loss of norms and loss of control by relatives is also a changed attitude towards adultery. I will try to analyse the reasons for this change of attitude asking why adultery poses such a threat to Nuer as refugees.

Religion is another aspect of Nuer social life which has undergone radical change with the spread of Christianity during the 1980's leading to new attitudes towards Nuer concepts and practices. In Pinyudo the fast spread of new denominations tend to re-enforce division along clan and sub-clan lines. There are cases where the whole clan converted to a newly introduced denomination.

1. Marriage and Cattle in Pinyudo

Nuer in Pinyudo marry with money, something which they describe as a "deterioration of the world, where women have to be married with money". At the same time they can not afford not to marry, since marriage and reproduction are considered as the ultimate purposes of life:

"Marriage has to take place although our home is very far. We can't wait for peace. A person who marries without a law is considered as a chan (poor person). We don't consider the marriage here as legal. We marry without implementing a law, because it is not our country. That is why our children will not get sick or die. But if we go back to Sudan we have to marry with a cow so that our children do not get sick." (James Ghai, 30, March 1997, PRC).

Yang Pugnido (Pinyudo cow), also called yang doar (bush cow) or yang pieth gan doar (the cow for growing up children in the bush) is the entry to marriage. Doar or bush is also translated as a place of disorder and illegality, a place which is not one's home. It is not part of the general bridewealth which has to be paid as well but counts as compensation payment for the father of the girl.

"Yang Pinyudo is symbolising the suffering of the father and the mother of the girl. They left their home land after everything had been destroyed by war so that people had to start moving from place to place, empty-handed." (James Ghai, 30, Bentiu, PRC March 1997)

The Pinyudo cow serves as a symbol for bringing the two sides of bride-givers and bride-takers together. To pay yang Pugnido implies the marriage fulfillment from both sides but does not release the husband of fulfilling his obligation to also pay bridewealth from cattle to which he has inherited rights (cuuny). Yang Pinyudo can be demanded back in case of divorce. The marriages which are paid with Pinyudo cows are not considered as fully legal according to Sudanese Nuer law or 'given order' but as kwuen doar (bush marriage) which give them only temporary legality within the frame of 'made Pinyudo law'. Hence, women married with these cows are ridiculed by women married with real cattle. Nevertheless the Nuer in exile do stress the importance of marriage and that it has to take place despite the absence of cattle. Therefore the woman will exceptionally be given to her husband 'without law' or in other words with an 'emergency' or temporary law (yang Pinyudo) while the real marriage is indefinitely postponed in

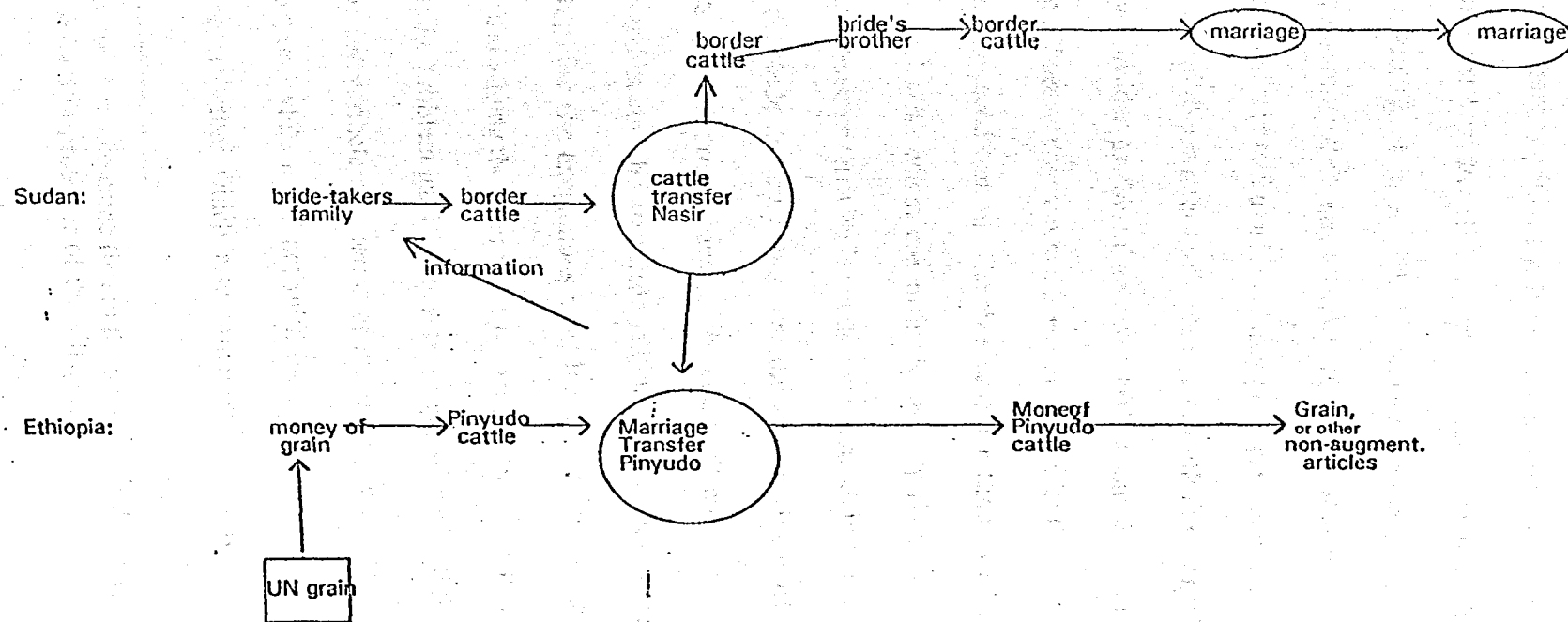
Sudan. This emergency law is generally applied by cattleless Nuer refugees in the Kenyan, Ugandan and Ethiopian borders.

The real bridewealth or what is considered as **cuuny** is paid in two ways: In the form of the 'border cows' by the present relatives which are supposed to be paid immediately by going to the border and handing them over and in the form of homeland cows by the absent relatives to be paid after the end of the war in the homeland. The way border cows are used makes divorce even more impossible than before. Those cattle negotiated in Pinyudo and handed over in Nasir are immediately re-used by relatives of the wife-givers, entering an endless system of marriage transfers which makes them untraceable. Whether those border cattle are really inherited cattle or of again another category is not clear, because they are left with relatives in Nasir who may exchange them in various ways. However this is not important for the particular marriage taking place in Pinyudo. The border cows are mainly exchanged among marriages of eastern Jikany who have their cattle in the border areas while other clans may marry with only Pinyudo cows. Because eastern Jikany have access to border cattle their marriage rate exceeds that of other Nuer clans in Pinyudo. Concerning sacrifices which are supposed to be held before marriage there is a belief that God has excused the exiled Nuer for their ignorance and neglectance of cattle sacrifices and will therefore temporarily accept marriages unsanctified by sacrifice. However once back in the homeland where access to cattle is believed to be guaranteed, sacrifices have to be immediately compensated. Moreover it is said that no child born out of marriage unsanctified by sacrifice is supposed to marry unless the parents perform the necessary cattle sacrifices.

In Pinyudo money is mainly exchanged for grain received by the UNHCR, which anyone has access to by virtue of being a refugee. The refugees convert grain into money

that may count as Pinyudo cattle given to wife-givers who will re-convert it into grain, other food or other material objects. Hence, the 'bloodless', non-augmentative Pinyudo marriage cattle is not entering any exchange system and therefore does not create ties for alliances. It is a one-way exchange. Even if border cattle are involved they will not reach Pinyudo but are immediately re-used in the border-areas where one person from the bride-givers (usually the brides brother) collects and immediately re-uses them. The affines in Pinyudo which are few, if at all present, thus do not participate in a visible cattle transfer but only in its negotiation and the payment of a Pinyudo cow which does not strengthen affinal ties. The following diagram will show the scheme of a Pinyudo marriage with Pinyudo and border cattle transfer.

Figure 1: Marriage transfer with Pinyudo and border cattel:



Hence apart from the loose affinal ties Nuer also repeatedly stress that they are not united in Pinyudo because their community is scattered from all places of Nuerland. While in Sudan a tribe covers a large territory with a dominant clan(diel)⁴⁰ with which the hamlets commonly identify politically. In Pinyudo no clan is considered as dominant which is explained with the fact that all Nuer came at the same time. The absence of a diel contributes to a feeling of insecurity. In Pinyudo on the other side there are some 7 different clans, covering the same territory and identifying with the UN or 'clustering around a ration-card' where the only unifying principle has become the common refugee status. By 'not united' Nuer refer to the absence of **buth & maar** who remained in Sudan and whom they consider as 'blood' relatives with whom they are tied together through cattle. They are affines or cognates and hence important for the contribution of bridewealth cattle as well as for social control. The absence of the **thok dwiel** which Evans-Pritchard defined as 'lineage' with whom one maintains mainly ritual relationships but does not necessarily share the same territory is not mentioned much in terms of the loss in Pinyudo. Hence we can conclude that only those people who provide cattle for bridewealth are important "We know our **buth** because we get cattle from them." Even more important are those **buth** and **maar** who are territorially near since they also function as permanent social controllers for the exogamous unit. It is the absence of those relatives which is very much stressed among the Nuer in Pinyudo where social control has become a problem while the marriage problem has been at least temporarily solved through the invention of **yang Pinyudo**. Nevertheless in terms of marriage **yang Pinyudo** has only solved the process of marrying while it can not fulfil the social aspect of a physical Nuer cow by tying the affines together which also brings social control. Nuer refugees came as

⁴⁰ Diel defines the clan who came first to the territory of the widest territorial unit. A diel in a village functions as protector of the villagers.

individuals or small nuclear families to Pinyudo rather than moving with the whole hamlet as united through cognatic and affinal ties. Hence the Pinyudo groups are not tied together through cattle transactions, which makes them feel disunited. Thus Verdon's hypotheses as discussed in the literature review is once again confirmed, namely that *maar*, *buth* and *thok dwiel* are not groups aggregated on the basis of descent but "categories " which one gets access to through husbands and fathers (through marriage and agnatic descent). Nevertheless Nuer in Pinyudo do unite on the nearest territorial level e.g. two clans uniting and naming themselves after the regional capital, as well as on a Pan-Nuer level, which shows that there is territorial segmentation in the form of military alliances. Verdon's hypothesis becomes even more clear if we apply it to the case of the unaccompanied minors who have not yet entered any circle of cattle exchange and respectively have no relation with their *buth*, *mar* or *thok dwiel*. They know and have relations mainly with themselves and the Nuer in Pinyudo and it is with these groups that they form military alliances on a territorial basis against an outside enemy.

"Everybody came alone. We are united only through UN. For our unaccompanied minors we can control them only if we quarrel with a non-Nuer tribe. Then they will unite, we will make a sacrifice and they will obey." (Judge, 40, Gaajok, March 1997, PRC).

The fact that Nuer came as small dispersed groups rather than as groups united through cattle has a direct effect on their social organisation. The cattleless marriage in Pinyudo similarly has a loosening effect upon the ties between bride-givers and receivers.

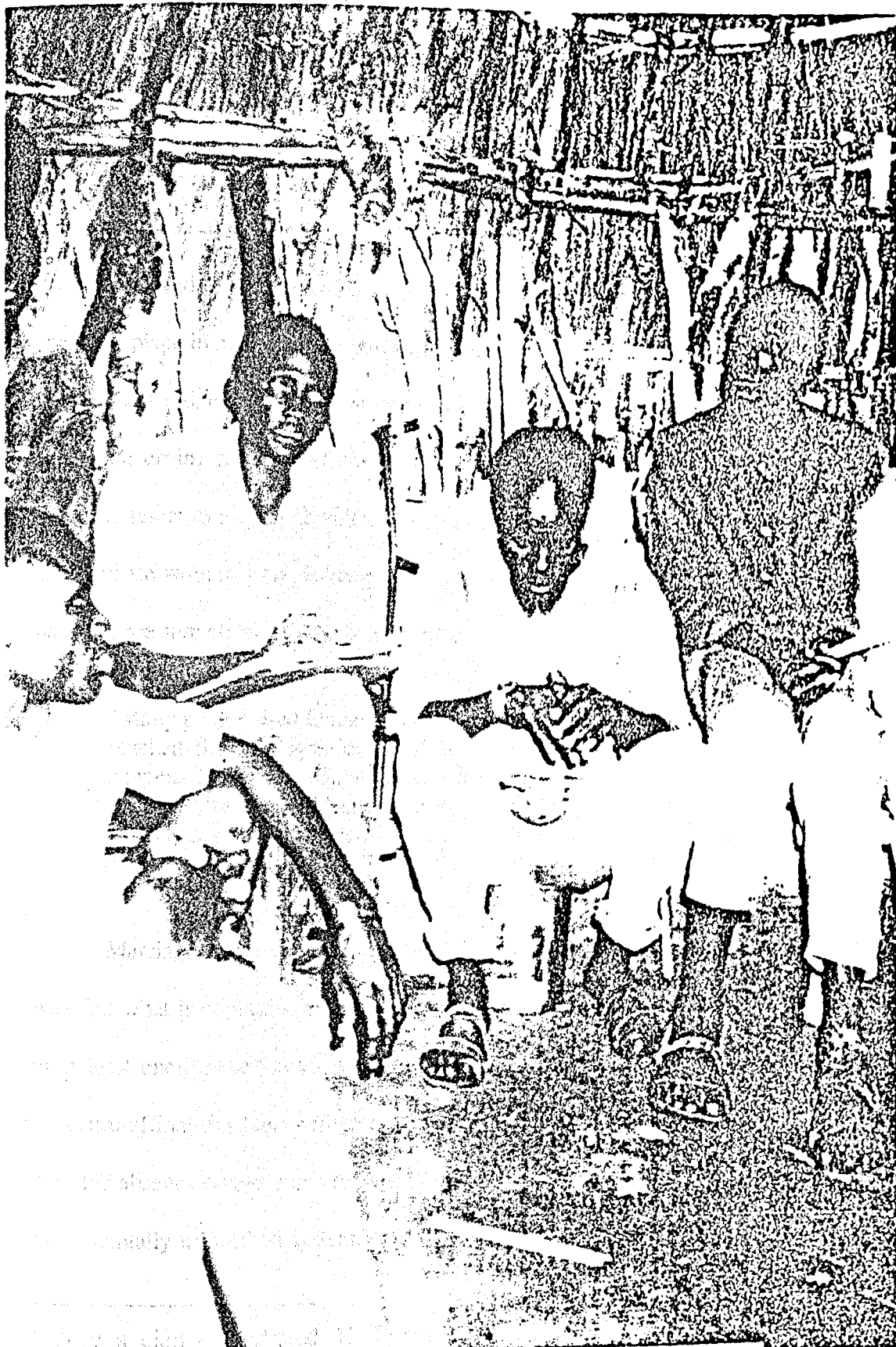
2. Marriage and Adultery

There are various kinds of marriages among the Nuer of which some are practised among the Nuer refugees. In the camp there are widow- and ghost-marriages as well as frequent kidnapping. While western Nuer marry mainly from other Nuer there are cases

of intermarriage among the eastern Jikany with Anywaa and Shilluk reflecting the situation in Sudan.

While in Sudan elopement is considered as a direct insult to the girl's family, it has become a common and less disguised form of achieving marriage among the Nuer in exile. In Sudan it rarely happens and only because of cattle scarcity in times of drought or disease, among poor families or when a poor young man falls in love with a girl from a rich family. Then he will elope with the girl. This usually happens with her agreement. They will either change place and live together without any payments or be caught by the family. Their case will then be decided by the two families in a local court. However, may be one reason for more or less accepting a form of marriage which in Sudan happens only among poor people, is that the Nuer refugee consider themselves as poor (*chan*) in Pinyudo where they don't have cattle. Hence, a boy will abduct a girl and hide her in a friend's place. The family of the girl or the local *Shurta* (Nuer police) will find the couple after no more than 2-3 days and make a court trial where the two families meet and try to reach an agreement. If the wife-givers family disagrees the girl has to go back to her family which may lead to further abduction by the boy. In case of agreement a bridewealth payment will be determined. For this, they use sticks, symbolising cattle (*ciets*) 41. Every present relative who is supposed to participate in the bridewealth payment according to traditional Nuer law, will one after the other take the *ciets* in his or her hand. He or she will determine the colours of the cattle to be paid by mentioning the colours and the specific cattle-receiver on the bride-takers' side (the person who will receive that specific cow) by throwing the *ciets* on the floor. This act serves as assurance for an existence and

41See the photograph No. 7 on page 107 b.



6. Judges negotiating bridewealth with symbolising cattle sticks (ciet)

payment of the cattle. In case the kidnapper has no relatives in the camp the clan may contribute cattle for him in order not to lose face. 42

As already mentioned the marriage payment may consist out of border and homeland cows. After agreed marriage the border cows if present are supposed to be handed over to a representative of the wife's family while the homeland cows are paid later in the Sudan. The homeland cows are the reason why people prefer marrying from the same place in order to have more control over the cattle transfer by knowing the bride-takers. Bride-givers and bride-receivers have become mutually suspicious towards each other concerning the actual transfer of respectively the woman and cattle for marriage. There is reluctance on both sides. Cases of unpaid border cattle appear often as well as cases where women were not released even though parts of the bridewealth were already paid. Hence some of the Pinyudo Nuer have started opposing the payment of border cows.

"Many people used to mention even 17 or 30 (border) cows, but when they reached there things were not found. Therefore, whenever such a case happens let us not talk about the relatives of the boys but let us instead finalise with the one who wants to marry, even if he has nothing to pay. Otherwise most of our marriages will not be secured." (Gaajok elder during court case on marriage of Tut and Nyatiem, august 1996)

Marriage procedures and marriage payments in Pinyudo vary individually and clan-wise but what is common for nearly all marriages taking place in Pinyudo is the payment of at least one Pinyudo cow. Although Pinyudo cows can not replace the physical cattle to secure affinal ties Nuer refugees have nevertheless temporarily found a way of coping with the absence of cattle and to continue to organise their life in a socially and culturally fundamentally unfinished system.

⁴²Once a clan contributed 15 Pinyudo cattle. See Appendix 1.2. The case of Mose.

The following court case will exemplify a case of women's abduction among eastern Jikany who belong to those Nuer in Pinyudo who usually marry most, because they have access to border cows. At the same time the case will also show the process of construction of reality and adaptation which is a blue ribbon of this thesis. Italicized phrases are those dealing with the construction of reality out of the given and made order. They are followed by my explanations in brackets.

Case 3: Women's abduction

Participants:

GIRL: Nyatiem Gatwich, Gajok, Nasir
BOY: Tut Deng, Gajok, Nasir
GACAR: Representative of Nyatiem's father (cieng liem)
GATTHAK: Tut Deng's friend
GATDENG: Tut Deng's brother

Five Judges of different clans

Tut has abducted Nyatiem and after they spent three days together in his friends house they have been found by the **shurta** and brought in front of the court.

COURT MAN: Please tell us how this girl came to be with you?

TUT'S UNCLE: We found the girl on the street. We didn't steal her, but we found her. This girl should be married now, after one year she will be old. (Provocation in order to persuade the bride-givers to release the girl.)

COURT MAN: Girl, is it true that they found you on the street?

NYATIEM: No, it is not true! He stole me.

TUT: You were walking on the street and I took you to my fathers house.

COURT MAN: If you didn't steal her, why did you take her home officially? Why didn't you engage her? That means you are a thief.

TUT'S RELATIVES: And where are the father and the mother of the girl?

ELDER: They are in the home country.

COURT MAN: That means we are in problems.

GACAR: I will represent the parents of the girl!

COURT: It is all right, I agree on that.

TUT: But I didn't steal the girl!

NYATIEM'S RELATIVES: You stole the girl, because you thought that she has no relatives. But she has relatives, so you better take care!

TUT'S RELATIVES: We know that she has relatives and we will pay the cows for the girl to you!

NYATIEM'S RELATIVES: Keep your cows and take the girl free of charge!

TUT'S RELATIVES: *We know that there is no cow in Pinyudo. Therefore let the girl stay with her husband until her brother comes back from Sudan (the absent brother is the only near relative who can represent the father) and then we will settle the case. (Confirmation of the made order)*

NYATIEM'S RELATIVES: *We will take the girl to our village, you will pay us six cows and then you can take her. We shall take the girl. We will go with you (boys family) to your father's luak and take our cows from there. Then you will get the girl. Give us the Pinyudo cow now: (According to the given order Tut is supposed to pay ruog for the abduction as well as cuuny (inherited cattle rights) cattle for the marriage.)*

TUT'S FATHER TO GACAR: As you married the daughter of a father, let this boy also marry and reproduce. That is how life goes on!

NYATIEM'S RELATIVES: *The controller is the father of the girl. If he says I don't want the boy she can divorce him. Even though he paid 3000 cattle, he can divorce the girl. No matter what the government (Pinyudo court) says. (The bride-givers argue on base of the given order to make it more difficult for the bride-takers as well as to negotiate a higher bridewealth)* Then some people of the two groups want to start fighting and the whole scene became violent.)

ELDER FROM NYATIEM'S FAMILY: You people, don't insist on violence! This is marriage. If this man insists let him pay and take!

TUT: But I didn't steal the girl!

COURT: Please advise those of you who use to spit during our discussion!

NYATIEM'S FAMILY: If you opt to marry, you should do it openly because you are a small boy who can get cattle by any means, even through cultivation (cattle of grain) but what you did is very bad. No problem! Now take your wife. Take her free of charge. We don't want even a single cow. You Nyatiem (girl) please, I approved your marriage. Please go with your husband. Just go with him. I know that you will not stay together with him. You will come back to us soon.

GACAR: Nyatiem, are you pregnant?

NYATIEM: No!

GACAR: Any way whether you are pregnant or not it is up to your brothers to leave these people or to go to Sudan and collect their cattle. If your husband says that he has six cattle we accept it. But now you are not going with your husband, we will take you home. If your husband loves you and means to marry you he will come officially with the parents and we will finalise it but if he was playing with you, then he will keep quiet. You my son, you will not have your wife now but I accept you to marry. Just produce cattle and don't forget that you will produce one cow here in the camp. (Gacar has accepted the made order in order to achieve bridewealth by accepting the Pinyudo cow.)

ELDER'S FROM TUT'S SIDE: The same happened to me some years ago. I was in Itang (refugee camp). My sister in law was with me in my house. She had no relatives and it was my brother who had stolen her. He also had no relatives. What should I have done? I was responsible for both. In the court I wanted to talk alone. No jokes and no big man should talk. Then I made a payment ready for the girl because I am her father. And on the other side I paid for the boy, because he is my son and doesn't have cows. (This example shows very well the situation Nuer are facing, when most relatives are not around and have to be represented by others up to the extreme that somebody has to represent wife-givers and takers at the same time.) So I told them that I have a big cow with a calf. Although I only had Nac I told them that I had a big cow. I lied. *They accepted it although it was a lie.* (Laughter)(made order: Marriage has to take place, even on the basis of lies over non-existent cattle). What is important is to solve a case, whether to lie or not. Therefore the cow I am going to contribute is grey and its calf is yellow.

ELDER FROM TUT'S SIDE: *I always try to settle things without payment in peace. You will get payment in Sudan. We have no right to refuse the boy, because we have no cows here.* (made order: The bride-takers continue to manipulate the given order where due to cattle shortage they have to be accepted, even without cattle)

COURT: You, the old man who pays the Nac Lual. When is it born?(The judge knows that the Nac Lual will most probably be a lie, but nevertheless uses it to motivate people to start cattle negotiation.)

ELDER: It is from last year.

NYATIEM'S SISTER: You Gacar, let them mention the colours of the cattle which are going to be paid by the relatives!

GACAR: Last time when your child went to Nasir did he see these 7 cows which you promised us? Last time there was a court case in Nasir with Chilang clan and they cheated. But for you we trust you though you are also from the same clan. (Gacar is reminding Tut's relatives to control the marriage which is immediately responded to by an elder.)

ELDER FROM TUT'S SIDE: To take a girl is human, but don't confuse your family by cheating. Is your father alive?

TUT: Yes, he lives in Nasir.

ELDER: Who is with you?

TUT: I am alone.

ELDER: *No problem! We will make it as a community.* (New order: The clan groups replace the maar [relatives who contribute cattle] in cattle contribution)

TUT'S fatherbrother: I will pay Gwol lien, Talac and there is Yang Diing. (The terms are describing the cows he is going to pay.)

COURT MAN: OK. you people. You are very complicated! Your system is confusing. *When I came I didn't even want to stay two days. But now I accept it. Your marriage should be legal.* (Confirmation of the new order: Although it is not the given order has to be accepted) Now this court is finished. We know there are no relatives here. You know your daughter is stolen. Take her, let them take her. *We will get back in our homeland. If she doesn't pay we will take the children.* (Given order: The genitor who pays no bridewealth cattle has no right over his children).

NAYABAR CHANG'S SON: *She will pay. She is near the border.* (Made order: Those living near the border are more trustworthy in terms of cattle payment, such that there is constant contact with the border areas), and the mother's sister will pay Nac Kuac.

COURT MAN: That is paid! Daw Lual is paid!

NYATIEM'S RELATIVES: There is no need for us to fight, because now it is a marriage. *If we hear such a case it is better to marry. Here in Pinyudo there is no need for violence.* (Confirmation of the new order to facilitate marriage in Pinyudo and to maintain the camp) Even though he has no cattle, let him take, let him give us later. Always if something happens, like stealing a girl, it has to be settled either in the cieng (hamlet) or at the court.

COURT MAN: Please tell us the colour of the seven cows!

TUT DENG:---

COURT MAN: I think your cows have no colour. (Laughter) OK. forget about this. Please, the Pinyudo cow should be under conception. You Gatthak, always in the court we talk about cattle of which we know the colours. Is it true what you told us when you said that the boy's father is young? And are you really sure that they have the cows? *Concerning the husband of the boy's sister, it is to my surprise that he does not want to do something to let his brother in-law marry. He is the best technician in this camp, making the best chairs and doors, earning enough money. I don't know where he puts or what he is doing with his money which he is not willing to use for marriage. It means that he is not any longer a relative to the boy. He rejects his brother.* (As part of the given order the court criticises Tut's relative who is supposed and capable to contribute for Tut's marriage but who refuses his obligation.) *On the other side I am very happy with Gatthak (the friend of Tut) because he is not a betrayer.* (As part of the new order Gatthak has contributed the Pinyudo cow for his friends marriage while Tut's relative didn't.) What

I can tell you is this: *It is only the girl's parents who can decide on their daughter. If they refuse, the court has no power.* (While during the 1980's courts used to decide over the heads of wife-givers they have the final saying in Pinyudo where courts power is very limited.) But we are glad that the girl's parents have forgiven you. (The court agreed on the cows that were accepted by the family of the girl.)

COURT MAN: Now it appeared that the colour of one cow is Dieng, and the other Lual. The cow of the wai hide (FASI) the manlien (mother sister), the mother brother and the Pinyudo cow of the friend are accepted. Concerning the cows whose owners are not around here I will not talk on them (the homeland cows). Now we are very happy and you are given your wife because of your fathers buom and your mothers buom (because the parents have power in the sense of cattle), but *if you don't fulfil the needs of your in-laws tomorrow (one day in Sudan) then they will take their daughter and you will be blamed for that.* (given and made order: If the remaining cattle of Pinyudo marriage are not paid, the marriage is not legal).

COURT MAN: While we were here we solved many problems of this kind but no one came from those people and briefed us about the detail of his marriage in Sudan. Many people used to mention even 17 or 30 cows but when they reached there things were not found. Therefore whenever such case happens, *let's not talk about the relatives of the boys but let us instead finalise with the one who wants to marry even if he has nothing to pay. Otherwise most of our marriages will not be secured.* (The court legalises the marriage by confirming the new order of cattleless marriage by arguing with the overall importance of marriage.) *Concerning you the technician, you said that you don't have anything to pay. No one believes that! Anyway we will not leave you. You will take these people to Sudan for the completion of their marriage such that your father in law will forgive you.* (The court is manipulating the given order which obliges a brother to contribute cattle for marriage)

You, the friend of the boy, you respect your relationship, better. Please, now your friend will go to Sudan are you going to accompany him or not?

GATTHAK: Yes, I will go with him.

COURT MAN: All what I can say is happiness to cieng Liem (Nyatiem's fathers hamlet) May god bless you. This case could have aggravated but you made it very simple by coming to the court. I am very happy with Gathhak because he is the one making the marriage legal. (He makes the marriage legal means that he obeys to the given order by paying the Pinyudo cow.) One thing that must be done is this: Any child that has fought all those wars in Southern Sudan and that has left some cows to his father before coming to Ethiopia should be privileged by his father. If that child is moving with his wife to finalise the marriage the father will highly appreciate that. (Many young soldiers have illegally sold out their fathers cattle for marriage before joining the war. The court is condemning this and trying to moralise people to take cattle rights more serious, in accordance with the given order.) *You the relatives of the boy who are running away from your child. Suppose this girl is given to you today who will first ask her to cook food? It is you, while the others (those in Sudan) would get it only later. But the fact that you don't participate shows that you don't agree on the marriage.* (He is criticising Tut's brother who does not contribute for the marriage by referring to the immediate gain he would get from

his sister in-law in terms of household labour contribution.) 43 *That is why the girl said that she didn't plan to run away with the boy but met him on the road when she ran away from the house after quarrelling with her mother* (The court indirectly accuses the reluctance of relatives in Pinyudo to contribute to the bridewealth as a reason for increased women abduction which forces young couples into illegal marriage. By saying this he rather criticised Tut's brother than the Pinyudo Nuer in general knowing that in most of the cases relatives are not around.) . Anyway I will not talk more, only that we will take our daughter and if you mean to marry her you will follow her from there.

NYATIEM'S RELATIVE: You boy (he addresses Tut Deng), I don't know your name. Now you come to the court while you spent many days with the girl. Didn't you discuss at home? When the girl said that you didn't kidnap her but she met you on her way didn't you advise her that people will get discouraged on that? (Discouraged to support him in his marriage) Or have you not revised your ideas when coming to the court? OK. if that is the case, you the relatives of the boy why do you accept your son to marry a girl on the road?(the speaker is challenging the two parties on the kidnapping before the finalization of the marriage).

TUT DENG'S RELATIVES: We didn't accept that.

NYATIEM'S RELATIVES: *If you didn't accept that why have you sorted out the colours of the cows?* (the speaker challenges the union on the base that kidnapping is disguised. By doing this he wants to give more seriousness to the marriage.) You the girl, according to you, you have just found that boy on the road because he is a handsome boy, you have decided to escape with him and because of that you are now disqualified(disvirgined) by these people. *Even now they are saying so because they are fearing the court only.* I know that very well. (He argues that the wife-takers stress the loss of the girls virginity in order to pay a lower bridewealth) What Gatluak said, that if your husband means to marry you he would follow is not true and I can say that in front of your husband. You thought that you are scandalising and making shame on us but you are making shame on yourself. *You will be ridiculed by your age mates who were handed to their husbands through logical and usual marriage procedures, even if their husbands didn't pay even a single cow, because those lies will be detected in Southern Sudan in the future.* (He is arguing against women's elopement by explaining that even a marriage without cattle is still more honourful as long as it is official.). Please we will not accept the cows mentioned by your husband because yours is not a marriage. *If we take these cows today we will loose them tomorrow as you know that any of your brothers may kidnap a girl tomorrow and will use those cows for the marriage while you are not going to stay with this man.* (The speaker is describing the present dilemma of marriage, with a fast cattle circulation and warns Nyatiem of the increasing difficulty for divorce) Please we don't want the cows. (The sudden shift in argumentation may be confusing but we have to consider the heterogeneity among the bride-givers who even among themselves have different ideas on how marriage should take place which each of them may bring forward in front of the court.)

43The speaker is presenting a rather 'traditional' view of women from a time when they were not yet reduced to a procreator but also valued as a household keeper and 'husband maintainer'.

ELDER: You Gatdeng what is your relation with this boy?

GATDENG: He is my father's son.

ELDER: OK. Is the boys mother alive or dead?

GATDENG. The mother is alive!

ELDER: Is she here or in Sudan?

GATDENG: She is in Sudan.

ELDER: With the father of the girl?

GATDENG: Yes, with the father.

ELDER: *Is it the real father or the fathers brother?* (In a joking way, the elder is comparing the situation in Sudan with that of Pinyudo by pretending it to be the same in terms of relatives absence.)

GATDENG: It is the real father. (Laughter)

ELDER: Since the parents of this boy are alive now I don't blame his sisters husband for telling lies. Let me tell you something: One time I made my brother in law marry by creating lies. You may know that man if I tell you the name. Do you know Mr. Nhial Gal? He was the one. When Mr. Nhial kidnapped a girl it was very severe. We went to the uncle of the girl who was also the leader of the area. I was asked to sort out the colour of the cow for my part and told him that the cow I am going to contribute would be Jok Loka in colour and under conception. *Although it was only a calf I said that it was under conception. The other cow was a calf of a cow which was Kueiyam in colour which is now the name of Nhial Gal's daughter. But I had to live with the consequences. Please tell the truth. Don't create nonsense! Now it is very clear that the relatives of the girl are not accepting you so you must be serious.* (The Elder is trying to relativise the fact of marrying without cattle and encourages Tut to say the truth in order to be accepted by Nyatiem's relatives. He is arguing on the basis of the new order.) Let me ask you this question: Is your red cow that you have mentioned like my cow which was Kueiloka in colour? (He is trying to find out whether Tut lied or not.)

TUT DENG'S RELATIVE: No, no, I know the father of this man. His house is in Wernyin in Southern Sudan. (The mentioning of the owners names and place serves as confirmation of the cattle existence.) This boy has done a very bad thing that he has kidnapped a very small girl. Please, you the boy are you sure that your motherbrother got his share when your father married your mother? If yes, can you tell the colour of those cows? (The motherbrother is supposed to provide cattle for her son's marriage).

TUT DENG: I know the colours.

ELDER: OK. let me tell this. The uncle of this girl is a serious person. He is here in the camp. Please, you will not spend the coming month here. *You must go to Sudan and pay*

the dowry. (New order: Tut has to go to Sudan and pay the border cows) You the boy's friend, are you ready to pay your cow while you couldn't tell its colour? Please don't tell lies. Is your mother alive or died?

GATTHAK: She is dead.

ELDER: So you are now your mothers husband, that means you have taken the responsibility in the house. With what do you feed your young brothers? Tell me the colour!.

GATTHAK: Dieng in colour.

COURT: Please, you this people whose daughters have been or are kidnapped, please *why don't you always take care of your daughters instead of creating insecurity among ourselves! While no uncle of the boy is around, no aunt, no other relative, how can we finalise peacefully ?* (The court is stressing the illegality of marriage based on elopement and accuses the relatives for a lack of control over their daughters.)

GATTHAK: OK. now this boy is having his aunts, do those aunts get their share when the boys sisters do marry? Yes! (The existence of aunts implies cuuny, inherited cattle rights of these aunts.)

ELDER: Now Gatdeng you are going to pay ten cows.(By you he refers to the family of Tut as represented by Gatdeng) *Concerning what the relatives of the girl say you shouldn't talk about the girl the way you did. Why do you come to the court otherwise? You have to make marriage peacefully. We can not simply consider this girl as if eaten by a dog in this camp.*(He reminds the importance of relatives in terms of bridewealth contribution which implies the acceptance of a dependence on a collectivity of persons rather than stressing individuality which is the tendency in Pinyudo. By saying this he is referring to the decreasing respect towards bride-givers and marriage.) *So you the leader of the court please be serious on this matter. Why do you always confuse the realities? Please that is not a good leadership. Please take care! These are very sensitive issues.*(The elder criticises the court to neglect its responsibility as a forum for the maintenance of given marriage rules and respect towards wife-givers.)

COURT: Let me see into it so that it is made properly!

END

Note: Gatthak paid the Pinyudo cow and Tut went to Nasir where he handed over nine cattle to Nyatiems's relatives after which the marriage took place in Pinyudo.

The court case has shown the procedures in case of women's abduction as well as the court as a forum for the process of order-negotiation and social construction of reality.

Elders stress the importance of blood over cattle 44 by telling anecdotes about marriages with fictitious border cows, encouraging the young men to do the same.

The second type of marriage, the officially applied marriage is arranged independently from the court between the two families. The boy or man will approach the girl or woman and in case she agrees on marriage she will consult her parents. If they agree on the marriage, bridewealth negotiations can be started. The marriage procedures in Sudan differ between western and eastern Nuer and are a mix of both in Pinyudo with a tendency to do it the 'eastern Jikany way', the procedures of which are usually as follows:

The first three Pinyudo cows are paid to establish contact with the girls family. Yang mieth (cow of food, to be consumed) will be paid to contact the girls friends who will then contact the parents in-law. By contacting the mother in law she will be given a cow (150-250 ETB) 45 as well as the father in-law will be paid a contact fee of (60-100 ETB). Then, yang schwiga (engagement cow) will be paid and honour-bearing gifts (pöth) can be started to be given to the parents in-law. Hutchinson mentioned in connection with pöth:

"With the noteworthy exception of guns (and the occasional radio), less expensive items were defined as pöth ... rather than as bridewealth proper. Small-and sometimes not so small-gifts of money were commonly showered on the mother of the bride during the wedding celebration by the groom's entourage in both eastern and western Nuerland." (1996:88).

44By blood over cattle I mean the dominance of human beings role over the significance of the social role of cattle, while traditionally it is rather the cattle blood tie which determines parental right or ownership of a man over children rather than the human blood tie between a genitor and his child. A child belongs to that group or 'social father' who has exchanged cattle with the mothers' family, in a situation where cattle dominates over blood.

45The cow for the mother in-law is bigger than that for the father in law, considering her child-birth pain.

In Pinyudo **pöth** is given in the form of tobacco, medicine, clothes as well as food. Hutchinson also mentions the passing of additional objects apart from **pöth** in bridewealth exchange (1996:88) which is rare in Pinyudo, but is sometimes handed over for example in the form of mosquito-nets.

The parents in-law determine when the ceremony of **tuai** (skin, worn by groom and bride during a feast for the two families) will take place. Usually it will be held when they are satisfied with their **pöth**, considering that the greater the distance between the handing over of **yang schwiga** and the **tuai** ceremony the more **pöth** the parents in-law are given. In Pinyudo the bride and groom do not wear any skin where **tuai** is another forum for bargaining on further cattle payments. It will either take place in the form of a feast which is arranged by the groom or simply as a meeting between the two families, depending on financial status. In case of a feast, the groom has to pay also for **tuach** (sleeping in the home of the bride), without sexual contact as well as for contacting the father in-law the next morning. 46

The next meeting on which cattle will be bargained is called **mut goare** (spear in the ashes) which traditionally is supposed to take place in the **luak** of the bride's father. Again depending on the financial status some grooms in Pinyudo built a **luak** for the father in-law in which the **mut goare** ritual could take place while for those who can't afford **mut goare** will be held in the families house. Traditionally a spear, symbolising the separation of the girl from her family, is going to be speared into the ashes in the middle of the **luak** which will open the meeting. The spear will then be given to the age-mate of the bride's father. In Pinyudo this spear is used for the ceremony but instead of giving the

46The various fees paid for contacting in-laws are exclusively Jikany customs and not practised in Western Nuerland. In Pinyudo all Nuer clans have more or less adopted these processes.

spear to the family it will be replaced by money. 47 The reason for giving money is lying in the absence of relatives who could provide good spears.

The last stage of the marriage payments is the *mot nhyial* (handing over of the girl) after which *bor* (wedding) will be taking place and the girl will stay with her husband for two days. In Sudan it will be the husband who comes to the girl, but due to shortage of houses the girl who stays with her mother and other relatives is usually going to her husband.

Regarding these marriage procedures a complete new element has been introduced in Pinyudo, namely that people have started using marriage as economic resource rather than regarding it as a forum for social exchange. Bride-givers have started to request for specific objects they are in need of, and grooms have started to count and write down their *pöth* and other additional objects given in bridewealth exchange which brings in another element of change, namely the importance of paper. The idea behind is that in case of divorce anything written down whether *pöth* or other objects can be demanded back in the form of cattle one day in Sudan. Explanations about this new phenomena vary, some people saying

"Pöth can be demanded back now because it has become money 48 it is no more a present but rather something borrowed. Food can't be borrowed it can only be given, but money can't be given it can only be borrowed and something which is borrowed has to be given back." (Peter, 30, Gaajok, March 1997, PRC).

The only thing not written down and not returned is *muc* (a 'free' and quiet small gift). The phenomena of bride-givers requesting and determining the *pöth* and other

47 *Pöth* while formerly used to be food is now money exchanged out of UN-grain.

48 This is the moral justification for a new order which according to the given order would be taboo. The explanation shows the fluidity of values and cleverness in negotiation of new orders to adopt and come to terms with a new world.

objects is explained as result of exile and the economically bad situation, while in a normal situation demanding is a taboo. Other Nuer refugees completely deny the existence of a demanded additional bridewealth in Pinyudo. Except in the case of Chuol who is relatively rich, it was never officially stated that requests apart from those of Pinyudo cows are made but it is most liable that it happens such as people were giving ready-made explanations for it:

"These people lost their dignity because of the exile They use marriage as a source of income, but in Sudan, even if you are dying you can't demand pöth."

Hutchinson mentions that eastern Jikany mothers could delay the performance of their daughters' consummation ceremony if their expectations regarding pöth would remain unfulfilled. In Pinyudo this formerly power of delay of the mother in-law becomes a demand by the whole of in-laws in Pinyudo.

There are also marriages where no transfer is taking place and thus all exchanges are postponed to Sudan. It happens mainly in the case of bride-givers and bride-receivers coming from the same area where control over transactions is guaranteed and knowledge over cattle wealth exists. Only bor (wedding) will take place and also certain rituals such as fertility rituals but no cattle are being transferred. Nevertheless pöth and muc can be given.

Pinyudo Nuer have problems of adultery. The population of men exceeds that of women three times and thus there is a shortage of unmarried women. Moreover are many married women are living as single household heads while their husbands are fighting in the liberation movement of Southern Sudan. This demographic upset, coupled with a lack of elders and relatives as social controllers is the base for the increase of adultery as well

as a change of attitude towards it. Different elders explain this phenomena with the economic situation:

"The bachelors have no money here. They communicate ⁴⁹ with those who are married, because they don't have to pay anything for them." (Elder, 60, Bentiu, PRC, July 1996)⁵⁰

The fact that the majority of men are ex-rebels additionally leads to an increase of prostitution.

"Our women became guerrilla women. Whenever there are rebels they introduce prostitution and there will be a disruption of law. Women will use this as a source of income." (Chuol, 35, Bentiu, long-term rebel, March 1997, PRC).

The cattleless Pinyudo marriage is not as stable as a proper cattle marriage because affinal relations are not strengthened through cattle exchange as it is the case among marriages based on **cuuny** (inherited cattle rights). Women married with **cuuny** are more connected with and under much greater control by their relatives and for them divorce is much more difficult.

"If a woman knows that her husband paid enough cattle she will behave properly, fearing divorce." Nyakwoth, 33, Gaajak, March PRC).

In most Pinyudo marriages relatives are not involved and the woman is not controlled by relatives. A couple married in Sudan with cattle is socially closer to their affines than a couple married with Pinyudo cattle in Ethiopia. Furthermore, according to Pinyudo law, a cattle marriage can not be divorced in Pinyudo while a Pinyudo marriage where no cattle had been transferred can. Thus cattle marriages are more stable in terms

⁴⁹To communicate means here to have sexual contacts with.

⁵⁰The people from Bentiu are facing greater shortage of women than other Nuer in the camp, because they come from the most distant place, most women couldn't make all the way to Ethiopia.

of divorce than money marriages because of the social tie which has been created between the affines and in this aspect cattle still dominate over blood. Nevertheless this social tie does not protect a couple from disputes and adultery such as the mere existence of legal affines and cognates or agnates somewhere out there in Sudan is not sufficient reason for a husband or wife to behave according to the given order. Hence adultery and disputes occur in both forms of marriages with the difference that a purely money-based Pinyudo marriage offers the possibility of official divorce while in case of cattle marriage there will be unofficial divorce. Even in Sudan where the relatives are present, disputes may occur and such as formal divorce is almost impossible a wife has to change place if she wants her husband. The difference between Sudanese cattle and Pinyudo money marriage in terms of adultery is that compensation (ruog) is taken more seriously among the cattle than among the money marriages such as the legalising bridewealth has already been paid and a blood passage is flowing between the two families. 51

The dependence on ration cards also contributed to a decrease of women's respect towards their men who lost their former power to the UN and may lead to their neglect of given orders and norms.

"Here the men's responsibility is low: In Sudan property and food is under the control of men while here women get as much food as men and therefore say: We are in the hand of UN not in the hand of our men."

The aid as gender-equaliser, i.e. women's economic empowerment, is negatively perceived by men since it was they who were providing food in Sudan through cultivation and having direct cattle rights while women are mainly taking care of cattle, children, food

51 Adultery is a problem in Pinyudo where women easily commit adultery which they are sometimes forced into as it is a source of income. Sometimes husbands even promote this 'extra-income-generating prostitution'.

preparation and parts of the house-construction. The women even argue that they are now the controller of their men, because they have the power over food preparation on which the men depend. This process re-vitalised the increasing devaluation of the women's value as a house-keeper since she has been merely reduced to her reproductive value(Hutchinson: 1997). Putting this in relation to what the men said about the UN, that they feel like being a 'wife of the UN' we can conclude that UN relief aid results in a gender power shift which Nuer symbolically perceive as a divorce from 'Nuer' and 'remarriage' with UN which is husband and wife at the same time. In addition to this human rights have been introduced and the women have a chance to complain to the UN or ARRA in case of maltreatment by their husbands. Despite this possibility women are given it should not be overestimated because most of them are too shy to approach even the local courts in case of maltreatment.

Case: 4

The case of Peter Malual's wife is a case in point where the wife complained to the elders of being mistreated by her husband who frequently sold out the families ration for drinking after which he beat her. The elders applied to the court where it was decided that Malual's salary which he earned in the agricultural section should be confiscated and given directly to his wife after deducting his pocket money. The measure was undertaken and both the wife as well as the husband are satisfied with it. Nevertheless Malual gives a depressed impression. He feels more 'wife' than the other 'men' by even not getting his 'husbands' (the UN) ration which instead is given to his real wife.

There are other cases of misbehaving husbands where women applied their own means for the improvement of their situation like for instance that of Matik and his two wives.

Case: 5

Matik has the same problem as Malual and his younger wife finally complained to the elders. After several meetings she lost hope and instead of referring to the court she decided to go back to Sudan to live there with his family. She pretended to be sick and persuaded him of bringing her to Gambela hospital. After visiting the hospital she suggested visiting some Nuer in Itang from where she escaped while he was drinking. She now lives in Sudan with her husbands relatives because for her the power of Pinyudo institutions was not sufficient to control her husband.

"Some of our men lost their dignity so that their wives are fed up and run away back to Sudan" (Gacar, 35 yrs one of Mattik's relatives commenting on the case, March 1997 PRC)).

According to the women adultery by men is normal and acceptable while women are not supposed to perform adultery:

"We can not have **luom** (lovers) because our husbands have paid cows and would kill us." (Nyakwoth, 30, Bentiu woman, PRC., march 1997)

Nevertheless they are no more accepting adultery as it is taking place in the camp, where resources are scarce. A man usually gives presents in the form of cattle or food to his **luom**. These presents do not economically affect his wife's household as such due to 'abundance' of cattle and food ⁵². In exile on the other hand everything is scarce while the husband will continue his usual way of giving presents (here in the form of money or grain) to his lover. This will heavily affect the household economy which is the reason why Pinyudo Nuer women have started complaining about their men committing adultery.

"In Sudan my husband would divide his **buom** between me and his **luom**. It will not affect me. But here the **luom** will take the water I collected (which is sometimes not even enough for drinking) and the food I cooked. Even now when I am talking to you he will already have given all my water to her and I have to run home in order to control him. (Laughter)" (Nyachey 33, Bentiu woman, PRC. march 1997)

Another reason for marriage disputes is the lack of control by relatives and elders which allows the husbands to act without concern for their family. Thus women complain:

"In Sudan husband and wife will discuss whenever they are going to sell out a cow while here in Pinyudo they have started to sell out their ration by themselves, using it for drinking or eating in town while our children are starving. (Marta, Lou woman, PRC. march 1997)

⁵²This is the rather idealised view of the home from exile where in reality cattle herds have been extremely decreased due to the civil war.

Adultery has become a common source of conflict and is highly sentenced in the court (up to 6 cattle as ruog). Nevertheless the nature of the ruog is still under negotiation. Some are arguing that ruog should never be paid as Pinyudo but as real cow while others argue that it can be paid in Pinyudo cattle but has to be exchanged into real cattle immediately in Sudan. Again others argue that as long as any payment is performed its nature does not matter. These practices again show the increasing tendency to place blood over cattle values in the process of continuity and change.

However, adultery with married women is considered as a worse crime than killing because it endangers peace in the camp where means of conflict control are limited. In December 1996 20 people were wounded and one lost his eye during clashes between Lou sections because of the following adultery case:

Case 6: Adultery

Participants:

Husband: Yien Ruei, age 28, clan: Lou
Wife: Nyayual, age 22, clan: Lou
Lover: Ruoth, age 24, clan: Lou

Summary of the case:

The case is about adultery which caused a fighting within the Lou clan. Ruoth has committed adultery with Nyayual, the wife of Yien who had been married with cattle in Sudan. The case had been discussed by the village court and the judge Choat adjudicated a fine of 5 Pinyudo cows (1500,00 ETB) to be paid by Ruoth on which he agreed. Nevertheless Ruoth could not pay the full ruog after his relatives had refused to contribute for him and came up with only 400 ETB which he presented to Choat. Choat thus decided by himself that Yien would only get 2 cows (400 ETB) in Pinyudo while the remaining 3 would be paid in Sudan. Hearing this Yen refused to receive the incomplete ruog and attacked Ruoth on the road which spread over to a major spear fighting between cieng Yol and cieng Muon, the hamlets of Yen and Ruoth during which 20 people were wounded. The problem was carried to the high court and the responsible person detected. The main accused was Choat the judge because he had appeared to be partial by autonomously changing the court verdict. The second accused person was Yien because he had initiated the fighting together with his brother who was also accused.

By writing down important passages of the various categories of people within the court case I want to show the task of Pinyudo courts, its strength and limitations. The case will

serve as example for how new order is negotiated out of the given one and made as well as it will demonstrate the concepts of right, wrong and guilt. The presentation of the case will not be chronological but ordered according to the different categories speaking in the court as there is the category of the judges, elders, accused and accuser.

1. Court:

"You brothers of the Lou clan. *We are sitting here to solve our problem so that we have peace in our villages, such a problem is usual to us here in the camp and in case it occurs it is better to behave according to the local court decision.* (The court stresses its importance for the solution of adultery cases as a common problem in the camp which can easily lead to conflict.)

"You Mr. Yien, at first you were right, because you were claiming for your ruog but *because you have tried to solve your problem by using violence, which resulted in wounding more than 20 people the court will not support you.*" (The court denies its support because Yien ignored the courts authority by applying self-justice and seriously endangered the camp stability by creating conflict.)

"You Mr. Yien Ruei, *the laws we are implementing in this court were created by our grandfathers no one can change them!*(The court is manipulating the new order by referring to the given order as base of the Pinyudo court which increases Yien's guiltiness in terms of his self-justice.) *At first you agreed to take ruog and again you went and tried to kill people that is very bad if you mean to kill some one you should not accept the roug.*"

"Mr. Choat, why have you tried to solve this difficult problem alone? Why didn't you invite the high court? That is a very severe mistake. (The high court is claiming its superiority over the village court). *And again why did you make the ruog to be 5 cows instead of 6 according to our culture? Who has changed this law?* (Knowing that ruog is never paid fully in Pinyudo he is manipulating the new by referring to the given order which determines a ruog of six cows.)

"Look, in Pinyudo we are refugees we don't have our properties with us and we don't have all our relatives here. We depend only on the UN and because of this situation *it is not always easy to pay 6 ruog cows as our culture prescribes.* (Here the court relativises the given order and reminds of the situation in Pinyudo which makes its fulfilment impossible. He thus negotiates on base of the new order.) What I can say is that the man should pay 400,00 ETB as 2 cows while the rest will be paid in our country." (new order)

"It is not possible for the boy to pay 1500,00 ETB due to various reasons. Let him pay 600,00 ETB as two cows and pay the remaining three in Sudan because *these people are in the same piece of land in Southern Sudan and they are near to each other. We should not consider them as another clan who is very far such as e.g. Bentiou and Lou or Gaajak and Lou.*" (Definition of new order: Territory becomes a determinant for confidence in terms of postponed cattle payments.)

"You Mr. Chuot! You are a court man who is supposed to solve problems. When you realised that there was a disagreement between Yien and Ruot *why did you fail to*

intermediate until your people were about to kill themselves so that the blame would go on you?" (Definition of guilt and indication of the courts responsibility and obligation as intermediary.).

"You Mr. Choat Gach, if you could remember last time, I told you that if you do hurry in solving this problem our people will kill themselves, but you were reluctant and you could not even bring the problem to the high court. You know very well that the case of someone's wife and that of a girl are completely different. *That of somebody's wife is more dangerous than that of a girl. Committing adultery with somebody's wife is just the same as theft.* (Adultery with a married woman is considered as severe break of law in both Sudan and Pinyudo.) He could not be supported by any person, not even his own relatives. *If at all than Choat Gach should be responsible for this problem. Concerning the youth who was fighting they are not guilty. They were simply misled.* (definition of guilt). We will therefore concentrate on the three people Yien, Rout and Choat."

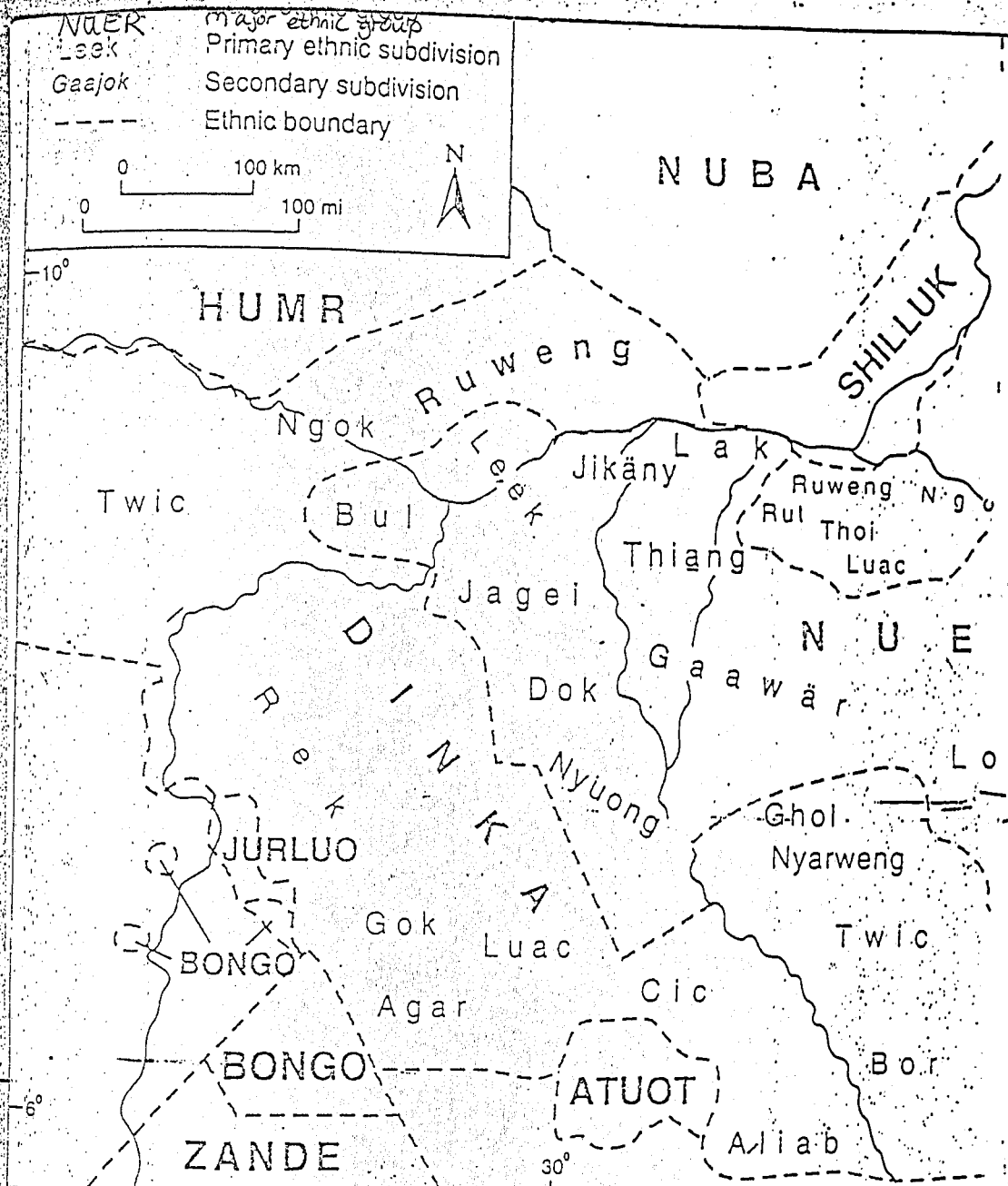
"You Mr. Yien you have spoiled your goodness by trying to kill somebody (given order). You Mr. Choat Gach, *we the court people we always work to finalise things and to keep peace in the camp. It is only when we use justice in our court that we can have peace in our camp* (negotiation of the courts power and responsibilities within the camp). *You should not decide where the ruog would be paid if the husband of that lady want to have his ruog here, we don't have any objection. If the man who committed adultery is not able to pay the court we don't know what to do, it is wrong* (limitations of the court).

"You Mr. Choat Gach: *You have made a great mistake.* Thanks God that our people did not kill themselves because you went even to the extend of collecting the fine of 150,00ETB before the roug was paid completely. If Yien were to be wise enough, he would have just given you that big blow with a stick." (According to the new order fines which form the judges salary are only to be collected by the court, after a case is finally completed.)

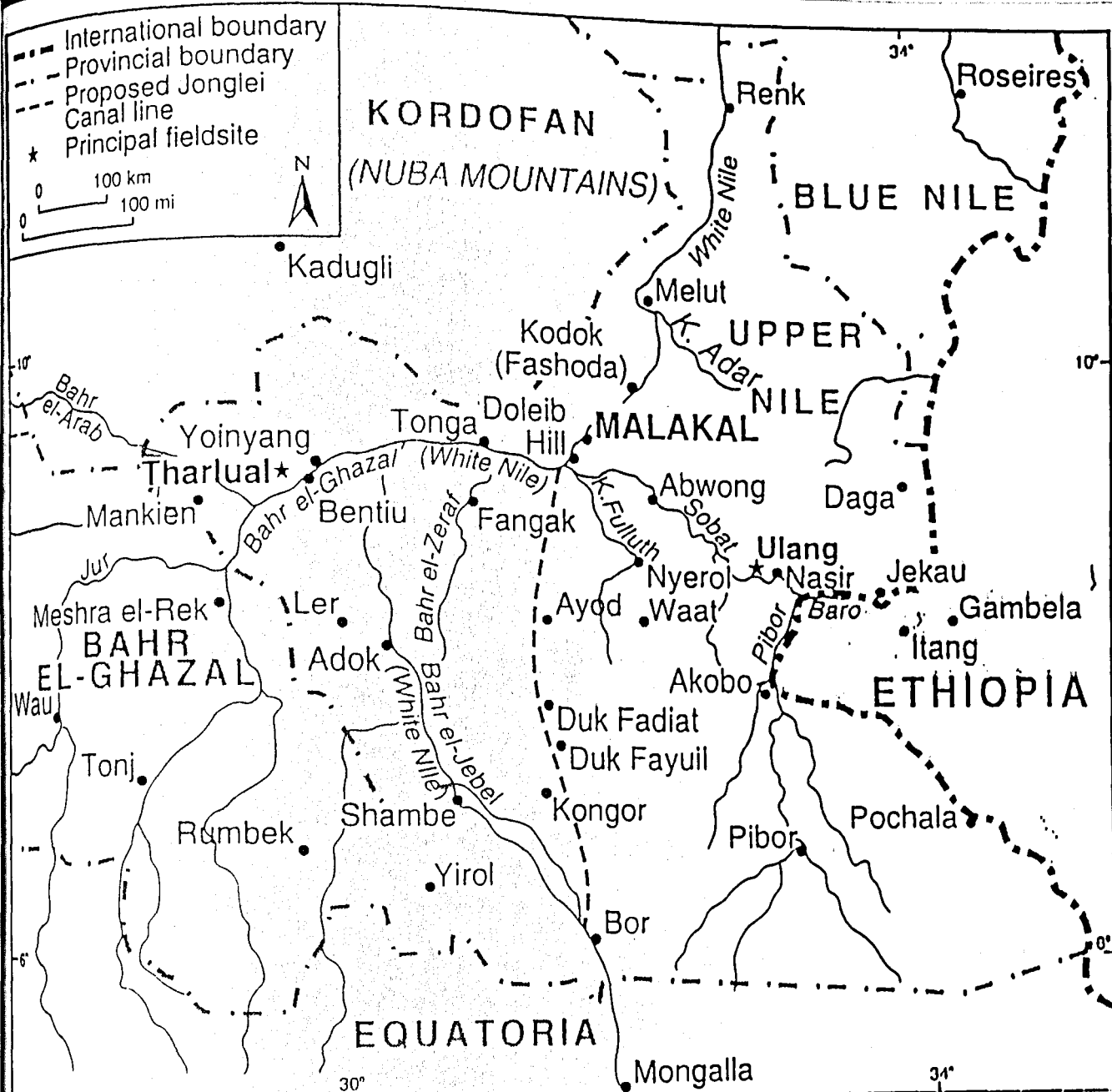
"*I blame Yien, because he had tried to kill his brother (clansman) instead of asking for the ruog.* (given order) *But it is Mr. Chuot who really made a mistake and who is the cause of that disaster which lasted almost for three days and which was about to affect the whole camp.* (According to Nuer law, the original cause of a line of connected events is always considered as guilty even if it is not directly involved in the final event. Hence the partial judge is considered as original cause for the fighting.) But, look Mr. Yien, if we asked your brother or clan man Ruot to pay all the ruog here in Pinyudo while Ruot has no any parents here and has no job. How long will it take us to collect 1500,00 ETB by taking his ration and selling it out? It will take us more than four years. *Please, you have to understand the situation we are facing. You will get your three cows in Sudan.*" (The court decided in the same way as Choat to reduce the ruog but within the legal frame of the court.)

"Mr. Choat, I think you didn't make this court alone last time, but you were with some court members. Why is it that the court blames only you now? *It is because you were not closely working with your colleagues.*" (given order)

"Mr. Yien, *you are not supposed to fight Mr Ruot, but you are supposed to do so with Choat Gach,* (This is part of the given order which defined the original case guilty.) because Ruot was asked to pay ruog and agreed to do so. It is Choat who has delayed the



Approximate territories of principle ethnic groups in the Upper Nile Region (ca. 1933)
 Adopted from: Sharon E. Hutchinson "Nuer Dilemmas"



Principal town centers of the Upper Nile Region (ca. 1983)
 Adapted from Sharon E. Hutchinson "Nuer Dilemmas"

payment. *You the youth please don't kill yourselves for nothing! From today onward you have to maintain your relationship. Go and have meetings among yourselves! I am sure your elders will advise you and don't fight again, please.*"

"You Nyanyal *we are still receiving information that you are not understanding what your husband tells you, please take care!*" (the court as advisor)

"This is the court decision: You the Lou clan, bear in mind that *any Lou boy who has created the same problem, will be charged in the same way* if you have decided to forgive yourselves." (new order)

2. Elders :

"Yien is wrong to say that the ruog will be paid fully here. *The court should do it as it used to do with other clans.*" (new order)

"The compensation should be paid fully here!"

"*It is not easy to get six cows here since we are refugees, so you will give enough time for Mr. Ruot to find those cows.*" (new order)

3. Accused:

Mr. Ruot: *According to our experience in this camp in solving such problems the ruog are never paid fully. The money I have is the only money I was having and I would like to pay the rest of the ruog in Southern Sudan.* (New order)

3. New identities and politics

There are seven Nuer clans in the refugee camp: Nyuong, Dok, Gawaar, Lak, Lou, Gaajak and Gaajok. The Nyuong and Dok together with the Jagei are described by the eastern Nuer as **Jikuechieng** (the people of the side of the house, referring to the origin of the Nuer). In exile new identities have been formed. Interestingly enough Nyuong and Dok have started to define themselves territorially. In the same way Lak and Gawaar clans have started defining themselves as Fangak, referring to the regional capital of their area.

In Sudan there are conflicts among Gaajok/Gaajak and Gaajok/Lou and the border-sharing Gawaar and Lou easily fight while Gawaar and Dok which are separated by the river Akobo have no contacts. The Bentiu elders stress their former oneness with the Gawaar, by the time of Kulangkit the prophet when, the river Akobo was small 53 and they used to unite against the Lou. Hence, the main conflicts in the camp occur between Gaajok/Gaajak, Lou/Gawaar and Gaajok/Lou. The reasons for this lie partly in the carrying over of past fighting's to the camp as well as they are agitated due to political agitation. 54 In the camp there was also a temporarily conflict between Bentiu and Gawaar as well as there are clan internal conflicts.

While Nuer refugees on the one hand stress the domination of friendship over clan relations, the latter have been increasingly enforced during the history of the camp as a process of cultural involution. During the five years of the settlement there has been a major shift in the concept of Nuer considering clan or territorial group ties as blood ties by replacing the absent *mar*, *buth* and *thok dwiel* with the clan.

"Because our families are not around, we have decided that the clan is now our family and the clan is also our blood relation (*maar*)."(Gatang, 30, March 1997, Bentiu).

Cultural involution as applied by Thayer Scudder on societies under stress implies that a groups adapts a defence stance by falling back to a core group of supportive personell with whom they intensify interaction during periods of most intense insults. (1973:53).. For the Nuer this core group in the form of their families is not around and therefore replaced by the clan with whom interaction is intensified. Members of a clan

53 Rivers are often constituting the tribal borders of Nuer territory. (E. Pritchard: 1931)

54 By political agitation I mean agitation by the rebel movements.

minority of one village don't select their friends and neighbours after a clan principle of selection, but nevertheless have frequent relationships with their clan members in other villages with whom they unite and may migrate to in case of military alliances. The educated Nuer in the camp suggested a clan-based settlement in contrast to a clan-wise heterogenous one, in order to avoid conflict, because larger tribal groups will easily unite against each other and a clash of large groups is less controllable and more devastating than clashes between small groups.⁵⁵

There are different levels of identity in Pinyudo, the clan-subdivision, village, pan-Nuer as well as the all-embracing refugee identity, which unites all Nuer tribes in the camp.

Case: 7

On a cultural show in 1996 the dancers use to introduce themselves by loud songs along this fluid lines of identity changing and forming new groups at various levels. Some groups were formed on the village-level (e.g. village 3: all groups) as well as on the clan (e.g. Dok) or territorial (e.g. Bentiu) level. Interestingly enough it so happened once that two Nuer groups (Gawaar and Bentiu) who were fighting on marriage issues one day united for a celebration of the SSIM of which both were members a day after which shows the segmentary principle of alliances for military purpose.

4. Religion

The majority of the Nuer in Pinyudo are converted Christians: the eastern Nuer approximately since the late 1970's , early 1980's and the western Nuer since the mid 1980's. The beginning of easterners conversion was a reaction and resistance towards the national Islamic fundamentalists in the post-first-civil war while Evangelists were preaching a lack of converts as reason for the civil war. Easterners viewed conversion as first step

⁵⁵In support of this argumentation see the result of the clan policy in 1992 which led to conflict and serious fighting between the various groups (Chapter 5.3).

to literacy and prosperity and for many Nuer Christianity became a comfortable tool to get rid of 'troublesome earth divinities'.

"the bad divinities are still there but nobody listens to them any more. The power is now with God (Christian God) and the government (Riek Mächar)." 56(James Gattang, 30, Bentiu, SSIM member, March 1997).

For the westerners who were disappointed by their divinities after having experienced the devastation of the civil war Christianity partly became an alternative to these divinities, so that even cattle sacrifices decreased for some time. Hence after short time they increased again because Christianity did not offer any explanations for infertility and mortality (Hutchinson: 325).

In Pinyudo the absence of cattle sacrifices is mainly explained with the absence of blessed cattle while Christianity does not necessarily interfere with performance of sacrifices⁵⁷.

"We don't sacrifice here unless we use UN cows (Laughter). These cows are not from our own buom and anything which is not achieved by struggling is not blessed." (Tut, 28, Bentiu, March 1997, PRC)

The Nuer have developed an explanation model in which God excuses the absence of sacrifices by temporarily postponing divine punishment, knowing about the hardships of exile.

"It is because of the Arabs discrimination that we are here. Because in our country there is a war, that is why we had to go into exile. God can not punish us with diseases because we are in exile." (Woldiu, skin-believer, 55 yrs, Gaajok, PRC, March 1997).

56Riek Mächar supported the growth of the Christian Church by enabling mass baptising and persecution of sorcerers.(see also Hutchinson: 1996: 320).

57I have to admit that I did not fully exhaust easterners view towards the absence of sacrifices.

Despite this postponement of other rituals, **rual** (pollution by incest) is immediately cleansed in Pinyudo by using sheep's instead of cows.

Case:8

A man was having sexual intercourse with his sister in-law while his children were in the same room which was cleansed after the case had gone to the court. The man and his children had to perform the cleansing of **rual**(pollution through incest) by pulling the sheep by one pair of leg while the sister with her relatives would pull on the opposite two legs, the victim being fully divided into two halves by a **kwuar kuac** (skin-believer) in order to **bakene rual**, (divide, or split the incest in two). Finally the **kess** (bile) had to be drunk by the children in order to avoid **rual**. Important in this context is the ambiguity between the notion of **keec** (bitter or powerful) for the **kess** (bile) which is opposed to **bach** (tasteless or powerless). The children have to drink the **kess** which is **keec** and as such powerful enough to cleanse **rual**.⁵⁸ The sacrificial meat is shared among the two families who will separately consume it in their houses. While in Sudan usually only the close relatives participate in the cleansing of **rual**, there was a high attendance of unaccompanied minors who so far rarely had a chance to attend a Nuer ritual. They curiously attended the cleansing of **rual** in order to get to know 'their culture', commenting:

"This is a wonderful thing. It is how our culture works. If we only go back to Sudan where our cows are, everything will be OK.."(One of the attendants, 25, March 1997, PRC)

There are seven different church denominations in March 1997 and more than 50 church buildings. Since the re-opening of Pinyudo camp in 1992 up to 1997 new churches emerged as well as the churches started dividing themselves along clan lines. From 1985 up to 1995 there were only three churches, the Catholic, Presbyterian and 7th days Adventist church. In Sudan among western Nuer, the Catholic and Presbyterian Churches are dominating while among eastern Nuer one finds mainly 7th day Adventists and Presbyterian churches. In Sudan as well as in Pinyudo the Dinka belong to the Sudanese Internal Mission (SIM) and the Episcopal church. In 1994 many new churches mushroomed in Pinyudo which re-enforced division along clan lines.

⁵⁸See also Eisei Kurimoto:1992 "An Ethnography of 'Bitterness':Cucumber and Sacrifice Reconsidered'.

The whole process started in the Dimma refugee camp where 24 male Jikany from Pinyudo were ordained by somebody who called himself 'moderator'⁵⁹ while being a simple pastor. He ordained the 24 men without any seminary courses and send them back to Pinyudo claiming them to be full Presbyterian pastors. When they returned back to Pinyudo the Jikany dominated Presbyterian denomination divided into two groups, those accepting the new 'pastors' and those accepting the old ones who were also not ordained but had nevertheless been accepted by the community. A group of Presbyterian Gaajak as well as few Lou, Bentiu and Gawaar occupied the church not allowing the new pastors to enter. They send one of their elders to Addis in order to find a solution. He came back after having established contact with the Evangelical church in Khartoum which promised to support the refugees. A peace-meeting was called and the two groups divided into Prosperitarian and Evangelical church. The Gaajak divided into Presbyterians and the Lou with few Bentiu and Gawaar into evangelists. After this division another elder who had gone to Addis came back with support promising news from Nazareth church. He founded it in village 14 and recruited from the Gaajak Presbyterians who had opposed the Dimma pastors convincing them to convert by showing a list of Gaajak living abroad who had also converted from Presbyterian to Nazareth church. By then Lou, Jikuechieng and Gaajak were Evangelists and Gaajak Presbyterians, the Jikany further dividing into sub-clans, every sub-clan demanding to have its own pastor.

The religious division originated with the ordination of pastors in Dimma, whom my informants define as 'fake' and an act which was motivated against a properly ordained moderator from Bentiu who is in Nairobi co-ordinating the Nuer Presbyterian exile parishes from there. The Dimma 'moderator' was simply competing with the one in Nairobi trying to win people on his side in order to get access to donations by the wider networks of the Presbyterian church, a process which continued in the camp along the clan lines and territorial groups.

In March 1997 the division looked as follows:

1. Catholic church in village 3: Bentiu and Fangak majority and minorities from all other Nuer clans
 - 1.1. Catholic church in village 9: Dinka, Nuba, Anywaa and Madi

⁵⁹A moderator is a higher protestant functionary who gives seminary courses and ordains pastors.

2. 7th days Adventist: Gaajak
3. Presbyterian: Gaajok
4. Evangelical: Lou
5. Nazarene church: Gaajak
6. Episcopal: Denka
7. SIM: Denka

Except for the Catholic church, the group division has gone so far as to restrict intermarriage between the members of different denominations especially from the side of the Adventists for which the case of James Gattang (Bentiu, catholic) may serve as an example.

Case: 10

After James had already build a luak for 1500 ETB for his new father in-law he was told that he could only marry the girl if he would convert to the Adventist church which is the families denomination. He refused and the marriage failed, James loosing his wife and the 1500 ETB he had invested in the luak. A year later he married a catholic girl from Bentiu.

The Catholic priest is strongly against religious separatism considering it as a new and negative phenomena, which has emerged out of the situation in exile where professional moderators are absent. He is the only priest who is advised by a professional catholic priest working for Jesuit Relief Service (JRS) and visiting the camp once a week.

"Even in my church they wanted to adopt this tribalism and divide along clan lines, but I persuaded them in the name of God that there should be no division between human beings. In Sudan it is forbidden but here in Ethiopia people are playing. They bring outside influence and they don't communicate with the moderators in Southern Sudan."(James Kuony, catholic priest, PRC).

The following case will show how James as an individual actor is trying to decrease clan-conflicts in the camp:

Case: 11

James is eagerly fighting against the rise of tribalism in the camp. He organised a mass church gathering in January 1997 promoting the union of all people in front of Christ in a time when clan-based conflict in Pinyudo had reached a serious stage. He called the

elders of all clans who jointly agreed on the idea. The church service was organised on open field in village 3 and all Nuer clans and other ethnic groups, according to the Nuer altogether 8000 people, participated. They were some 8000 people. A bible reading was organised with three readers. One Bentiu from the Catholic Church read from the Old Testament in Arabic, one Dinka and one Anywaa from the SIM Church read from the New Testament in both their languages and one Presbyterian pastor read from the gospel in Nuer language. After the prayers the elders and intellectuals met in the Catholic Church compound for food-sharing symbolic of strengthening group ties. They founded an inter church community connecting all the different churches. The organisation is planning to celebrate various church holidays together and to have an extra office with representatives from each denomination which then can also apply for support from outside. The minority village has already organised such meetings while a lot remains to be done in village 3 where the fake Gaajok and Gaajak pastors are conspiring against each other. Nevertheless a second unity day had been performed in mid January and others shall follow. "The church is the only institution which can bring the Nuer together" (James Kuony, catholic priest, March 1997, PRC)

Religious separatism shows the need felt by the Nuer for alliance and group identification especially in the context of exile where this process is enforced through cultural involution. It represents a continuity of the general enforcement of clan and territorial identity when other means of group identification like a dominant clan or rivers as territorial boundaries etc. are absent. Nevertheless does it have a negative effect on the Nuer community as a whole. Groups identify themselves negatively against others by for example prohibiting intermarriage which could serve as intermediating links. The consequence is a general increase of hostilities between groups, endangering the stability in the refugee camp and the Nuer society as a whole.

CHAPTER FIVE

CONFLICT AND CONFLICT RESOLUTION

In this chapter I will describe the Nuers' attitude towards peace and conflict in the camp putting it in relation to cattle and the different groups' attitude towards it livestock. The presentation of court cases will further support an understanding of how conflicts spread, their causes and the Nuers attempts at conflict solution. In this context we shall consider the general power shift as enforced through the dependency on UN and the absence of cattle. They have directly affected conflict solution and hence led to the emergence of new procedures and concepts in Pinyudo.

1. Cattle and Peace

Cattle are very often mentioned in the context of peace and play an important role in peace-maker through cattle sacrifice. In Pinyudo, where we have an increase of conflicts many people define the absence of sacrifices as one reason for general instability and conflict.

"Riem was given by God a long time ago. He told us, whenever you want to do something you have to do it with riem, otherwise there will be no peace. Usually we kill a cow and say who will repeat fighting will be killed like this cow. But the people know there are no cows here, so they don't care." (Woldiu, skin-believer, March 1997 PRC)

However, people are also confused and have started doubting, whether it is really the cattle which matter and whether the presence of cattle and performance of sacrifice would really bring peace.

"The cow is not the problem here. There is no peace because it is not yet available by God. God has not yet decided for peace and we can't force it." (Woldiew, skin-believer, March 1997, PRC).

Apart from this 'unreadiness' of God Nuer argue the problem to lie also with the decline in power of cattle blood in Nuer society, especially in Pinyudo where the Nuer consist of a majority of 'uprooted' male rebels.

"The young men will not obey to the peace sacrifice. They will continue fighting and the spirit will kill them. We don't want them to die which is why we don't make sacrifices." (Georgi, 45, Bentiu, March 1997, PRC).

Another explanation for the absence of peace is the vacuum created by the absence of law and order which Nuer describe as that they have left their regulations behind in the homeland. To preserve peace in this vacuum gives no sense:

"To kill a cow is to make tradition, but to bring peace in Pinyudo is not to make tradition. Peace for us is to call for it when it has a meaning. After we have migrated from our homes, leaving our laws, regulations and Elders behind, it is not easy to call for peace. We know we left home and that this is a land for other people. We have no right and no buom to call for peace. We left this all at home. The elders here are too young. They are soldiers." (Michael, 28, Bentiu, March 1997, PRC.)

By saying "peace has no meaning here" Michael is referring to the latent state of confusion, alienation and loss of norms in exile which is the opposite state of koc as translated with social harmony and prosperity. The absence of a presupposition for koc (e.g. cattle) thus denies one to act according to the norms. This creates meaninglessness and makes peace itself, as one important aim of social organisation, meaningless. In this permanent stage of disorder where rules are absent divine support will be denied and hence peace has no meaning.

Especially the unaccompanied minors feel alienated from the traditional control mechanisms of the society. In the 1980's they were taken from their communities at the

age of 7-10 and since then they have been learning only one thing, how to become a soldier. They have never been initiated and the only close contacts they experienced were those they build up among themselves. What they gained from adults was the idea of liberation and violence. 60 In 1992 most of them shifted to the SSIM and are no longer soldiers. They decided to leave the 'bush' and follow the agenda of Riek Mächar who is telling them their new weapon to be education. Since 1993 they have enthusiastically started joining schools and are now dreaming of becoming a 'doctor like Riek' who after all is also unscarified. 61 Today these young boys are in their 20's and form a sub-culture among the Nuer. They have their own songs and dances as well as their own life styles and views. Their emotional attachment to each other is very strong and they give the image of an extended family. Whenever there are rituals they are eager to attend them. Although in one way longing for cultural revivalism, such as over-stressing the role of cattle they actually do not listen to elders and do not care much for behavioural norms. Other Nuer complain about them that they don't know the Nuer ngwuat (system or law).

"They don't obey because they are unaccompanied minors. They are not initiated and they don't know our ngwuat." (Gacar, 35, Lou, March 1997, PRC)

The very fact that these minors had contacts with cattle only for the first 7-10 years of their life and were then exposed to cash as main means of exchange is reflected in their attitude towards money which has penetrated deeper than for other Nuer. They have internalised it as generalised means of exchange. Their confrontation with Nuer refugees

60A Nuer who grew up in Sudan remarks on the songs of the unaccompanied minors: "They are traumatised. They can not sing a single song which does not mention the word 'liberation'."

61The big number of self-initiated schools in the refugee camp where young grade 2-3 absolvents are teaching illiterates freely shows the new and highly appreciated value of education. See also the photograph No. 8 in the Appendix.

and their cattle metaphors have made them believe that anything with a cattle term has 'blood'.

However, coming back to the majority of the Nuer refugees and their attitude towards cattle it has to be put forward that cattle are not only important in building descent categories but also in maintaining control by defining compensation payment. In Sudan, cattle compensations as proposed by a court are still an effective means of conflict resolution, even for those Nuer for whom 'blood' dominates over cattle. Cattle compensation it is an effective economic sanction which is to be taken serious. In Pinyudo on the other side even that rather profane cattle role is replaced by money or physical punishment which is much less efficient and is one reason for the smaller efficiency of Pinyudo court as compared with Nuer courts in Sudan.

"Cattle are a means of control in Sudan and their loss here is felt very much for example in the case of compensation payments. Here the only threat to you is physical punishment or confiscation of household articles, which is not strong. Had it been for cattle compensation people would have obeyed." (Malual, 27, March 1997, PRC.).

2. Nuer courts in Pinyudo

In the beginning of the Pinyudo refugee camp the Nuer used to solve their problems on the village level in the form of a court gathering. The five Nuer groups in PRC Bentiu, Gawaar, Gaajak, Gaajok and Lou selected one member each to be the **kuar book** (judge or literally leader of the book) in the Court. In 1995 the capacity of the Village Court was exhausted so that the refugees decided to add a second instance, the High Court which was also encouraged by ARRA. The Village Court members were promoted to the High-Court and the Village Court was newly elected. Now the village courts are taking place in the villages themselves under the trees while the High court works in a proper court house in

the central village 3. Shortly after, a Supreme court was established, which constitutes of CC members who are under direct surveillance and partly unofficially appointed by ARRA.

Shurta, the Nuer police, entertain small cases such as stealing at the village level and brings the case to the village court which it finally refers to the high court according to its severity. Every village has 5 shurta except village 3 which has 10 (due to its clan-plurality). The village shurta make up the central shurta which consists of 10 shurta who are elected on a representative basis, 2 from each clan. However, these procedures has its own flaws since the settlement is not exclusively clan-based. The Court structure of the Nuer with its three instances looks as follows.

The Village Court consists of five judges each one from Bentiu, Gawaar, Gaajok and Lou. The cases dealt with on this instance are those of minor stealing or minor disputes taking place in the village where the court itself will then take place. The High Court consists of four judges, one each from Jikuechieng (here Gawaar and Bentiu are considered as one), Gaajak, Gaajok and Lou. The cases dealt with on the second instance are those of severe stealing, severe disputes, kidnapping of women and adultery. The high court is either directly approached or unsolved village courts are referred to it if the case is severe enough.

The Supreme Court deals with cases without witnesses like killing, intra-ethnic, or intra village-fighting and severe stealing⁶² The court sanctions include property confiscation. If the culprit runs away the family would be fined. If the case is related to bridewealth, the accused is supposed to pay a Pinyudo cow whereby the completely

⁶²The most severe case as recognised by UNHCR and ARRA is the stealing of UNHCR donated cows, versus the refugees' recognition of adultery with married women as the most severe case.

moneyless are not recognised. Affiliated to the Supreme and High Court is the institution of the 'magician'. The magician is a Dinka and possessed by a clan divinity. ⁶³The work of the magician is not affected by Nuer-Dinka relationship. A severe fight in Karmi, refugees screening centre between the Nuer and the Dinka in 1993 is a case in point when despite the fact that there was high tension between Nuer and Dinka during that time Nuer continued consulting him. However, the magician is not personally disengaged from involvement.⁶⁴

If the case is beyond the Dinka magician it is sometimes referred to mut Wiu in Lare near Itang who is the guardian of the spear of Wiu, the clan spear of the Gaatgankir clan around whom the Jikany are grouped⁶⁵. He is possessed by the Ngok Dinka clan-divinity Wiu. Living on the tribal border between Anywaa and Nuer he uses his influence and divinity to maintain peace and social order between the two groups who regularly consult his advice⁶⁶. It is only recently that he migrated from Sudan to Ethiopia.⁶⁷

⁶³Clan divinities belong to one clan but can move between different people. They are believed to be transcendental of ethnicity since the spirit is supposed to migrate from one clan/ethnic group to the other. Nuer believe that the clan divinities are usually brought from the Dinka with raided cattle.

⁶⁴Once the Dinka magician foretold that the recent killings of Ethiopian workers in the camp were performed by Nuer although later on it was found out that the killers were local Anywaa.

⁶⁵According to J.Douglas the Jikany have no earth-master lineages of their own but their dominant clan, the Gaatgankir provides the guardians of the clan spear of WIU (1994: 74)

⁶⁶Nevertheless the Anywaa do have their 'own' Anywaa advisor who is said to be possessed by Wiu as well. He is a ni-jä (king) by the name Agade Gilta.

⁶⁷He has been exposed to several attacks by the Ethiopian government in September 1996 and march 1997 during which people had been killed from both the Nuer and the EPRDF side. It is said that the government is targeting him due to his political stand as SSIM member and herewith connected agitation. In march 1997 the Nuer killed two EPRDF soldiers after mut Wiu had been attacked by them. There was no revenge by the government, according to higher command from Addis, in order to maintain peace in the area.

There are cases of denial (adultery, stealing) and sorcery⁶⁸, for which refugees used to consult him.

Despite having established a court an occasionally consulting skin-believers, Nuer stress the importance of self-governance and generally prefer to settle their problems by the *guendini* (elders). The elders themselves stress their importance as conflict resolvers:

"The elders are responsible for that. The children do not conduct crimes in a host country, because to fight here means to forget our problem in Southern Sudan. We are here for security." (Elder, 1996)⁶⁹

The village and the High Court are taking place in the court building. Both instances are deliberating every day from morning to night while the 3rd instance in the form of the CC only functions exceptionally. The unique situation for the Nuer in exile to have many different clans on a spot which requires a multi-clan court is not appreciated by everybody. One of the judges complained that,

"In Sudan every clan has its own court in the form of a sub-chief who will govern his country as he likes. Here this is not possible (High-Court-Judge, PRC, 1996).

The absence of cattle and the related increase of conflicts is mentioned as the main reason for the establishment of the courts.

"We decided to elect a court to solve these problems, especially because we don't have cows here. That is why we face many problems such as

⁶⁸Once somebody accused an ex-magician who had already converted to Christianity of poisoning him and planned to go to Itang. Interestingly enough did he consult a doctor in the hospital before he left in order to get a medicine against his physical pain. This case shows the fluidity of Nuer values.

⁶⁹Conflicts in this context are usually symbol for weakness for the elders control of society.

kidnapping of women." (High Court member, PRC, 1996).

The majority of all the court-cases are those of women's abduction and adultery, followed by disputes over unpaid debts; fighting over water, stealing and politics as well as a recent increase of ethnically based fighting. ⁷⁰ The court, however, does not officially entertain political cases since it is supposed to be neutral. However, rebel politics is the frame which often informs the sides people take during the trial.

Concerning Nuer courts and marriage in Sudan, affinal relations were decisively weakened in the 1980's. Then bridewealth payments were determined by court decisions against the objections raised by the girls' parents (Hutchinson:82). Contrary to this, judges in Pinyudo have almost no influence on marriage. Marriage depends entirely on the agreement of bride-givers and takers. The judges function is rather that of intermediators or reminders of norms. It is the families themselves who decide to loosen or break alliances for various reasons.

3. The maintenance of social order: Procedures and efficiency of courts and elders

The Courts in Pinyudo are functioning permanently as a fixed institution daily from morning to evening. There are two court-houses, one big one for the High court and a small one for the Supreme court and CC(Central Committee), opposite of which the prison is situated. The compound in front of the courts is always busy, crowded with people (almost exclusively men) engaged in group discussions. The court-compound serves as a forum for open meetings and discussions on general matters and court cases and as a

⁷⁰See also Chapter V,2.



5. Clan elders and youngsters before a court trial

place where information are exchanged between people from different villages.⁷¹

The high court judges are available in the court from early morning up to the beginning of the court trials around 9 am. During this time they can be consulted and will decide whether a case is severe enough to be discussed in the court. If not, they will just give advice to the applicant and inform him or her about what a possible court decision would look like. If the case appears serious enough it will be transferred to one of the two instances, according to its severity.

During the court trial, the accuser speaks first, followed by the accused, witnesses and friends and elders. Because the court has become rather a consensus-based discussion forum where everybody can express his ideas and views, a court case will never take less than 3-4 hours and can last up to 3-4 days. Finally, the judges pass the verdict. The decision could be imminent or prolonged. At times the judges ask the accused to pass the judgement on himself. Most of the audience are clan or wider group-members and relatives of the accuser and the accused. A general fee of 30 ETB to be paid by the accused to the court will open a case and a fee to be paid at the end of the case by the persecuted will terminate the court session. It is these fees which make out the judges salary. There are fixed fees to be paid as compensations to the offended in case of injury which slightly differ from those paid in Sudan. Broken teeth for example are only compensated to unmarried women in the form of six cows because they will have greater problems in finding a husband. In Pinyudo broken teeth are compensated in order to prevent fighting, in the form of one Pinyudo cow (150 ETB). The fee is paid for both sexes, which may be related to the shortage of women and the fact that men have greater difficulties of getting wives. Other parts of the body are also compensated each having a fixed price. An

⁷¹See the photograph No. 5, p.107 a.

essential difference in compensation payment occurs in case of death which is not compensated at all in Pinyudo for two reasons: On the one hand it is impossible to come up with the appropriate amount of cattle or to perform appropriate cleansing rituals in case of homicide, and so far killers have never identified themselves. In Sudan murder is compensated in the form of either 50 cattle in times of war or 100 cattle in case of intentional homicide. The fact that killers are not confessing in Pinyudo shows the decrease of their Nuers belief in nueer (pollution) since homicide was supposed to be cleansed immediately in order to avoid death. So far people in Pinyudo had been killed by guns rather than by spears. The killers reluctance to identify and reconcile with the victims family may be connected with their use of guns since there are different concepts of pollution for guns and spears. This has decisively changed the concept of nueer as part of the base for their morality 72.

According to the Nuer, despite their similar structure, the efficiency of the Sudanese Nuer courts is much higher than that of the Pinyudo ones. The election system as well as the verdicts passed by the latter lack efficiency. The constant replacement or re-election of judges makes it almost impossible for them to develop authority and confidence among the Nuer. After an incident of severe fighting practically all court members here exchanged without necessarily being responsible for it. After a fighting ARRA and the EPRDF, together with 15 judges (3 from each group) will visit all the villages, imprisoning the trouble-makers, advising the people to reinstall 'order' and organise new elections. A so-called peace committee consisting out of 15 new judges would be elected and the three judges from each clan will divide themselves into village (two in number)

72For further information on an attitude change towards nueer read Sharon Hutchinson, Nuer Dilemma, 1996.

and high court (one in number). ARRA will give its final blessing to the 'election'. In case they disagree with somebody they will announce somebody else. This peace committee has to install peace by solving the conflicts on the village level and will remain until the next incident. While the judges are constantly exchanged, the CC, except its chairman, is much more stable because its members are used by ARRA for information gathering concerning the refugees situation. Fighting easily occurs in the refugee camp which prevents any sense of continuity in the court and which decreases the authority of the judges such as they can be exchanged into civilians any time. Furthermore ARRA can replace individuals according to their own will. They promptly believe any accusations made by some refugees and act by dismissing the accused in order to install peace, despite the possibility of a false accusation⁷³ Apart from the absence of cattle, the main problem of the courts therefore is the election system where judges are subjected to constant changes. In contrast Nuer tradition allows, a good judge to remain in his position for as long as possible. Since the re-establishment of Pinyudo in 1993 up to March 1997 the courts and CC chairmen have been replaced 6 times, once in 1994, 1995, and four times in 1996: "In Southern Sudan, if you are good, you can remain in your office for 30 years." (James Gattang, Bentiu, PRC, March 1997). As already mentioned a great part of social control is supposed to come from the elders and people usually consult them in case of social conflict. In Pinyudo the elders role in social control has become an ideal rather than reality and one element of social change is the decreasing importance of and respect towards them. Reasons for this are threefold. One reason is connected with their loss of economic power, the second related to territory and the third reason lies with the influence of

73 This was the case when the widely accepted and appreciated chairman 'uncle Will' was dismissed in May 1996. He was accused of preventing the Nuer from joining the SPLA when Garang came to the camp advertising for recruitment.

education as a new value competing with the elders former power of the elders. In Sudan the elders are usually found in their luaks which symbolised their social power in the form of cattle. In Pinyudo they have not much which would differentiate them from the youngsters. The youngsters have more than the elders to give them distinctions in the form of education. Thus, especially in Pinyudo education has furthered a power shift from elders wealthy in cattle to educated youngsters. There is an economic equalisation between Nuer who are beneficiaries of and dependants on levelling differences between age classes and sexes. This causes the youngsters to loose their respect towards elders. According to a young informant:

"the elders in Pinyudo have no power. They are running through a ration card just like we do. Who has the power here are ARRA and the UN. We respect them because they told us that this is not our country and that they will kill us if we 'misbehave'. In Pinyudo if you want a girl you just kidnap one. Then there will be a court and you will get her or not. Your clan, in order to save face might even contribute cattle for you⁷⁴. In Sudan on the other hand you depend on elders if you want a girl" (Macar, 22 yrs, Gajak, PRC, March 1997)

Secondly, there is no more spatial separation between elders and youngsters in Pinyudo. Women and men, old and young have to share a scarce territory offering no significant spatial boundaries or room for maintaining avoidance regulations.

"Youngsters and elders are mixing here. They eat and drink together. How can you respect an elder with whom you are drinking and eating?" (Gacar, 30 yrs, Gaajak, March 1997, PRC).

In Pinyudo where elders neither have economic power over cattle nor over women, because all people equally depend on the UN rations elders are open to integrate youngsters in their meetings under the tree, considering them as equal members. They

⁷⁴See appendix 1.2: the case of Moses.

often take youngsters advice (starting from 24 years of age) advice and exchange ideas with them. The young men are proud to be participating in community discussions and decisions under the tree. They define themselves as members of the intellectual circle. Sometimes decisions depend more on them than on the elders. There is a growing gap between 'illiterate elders' and 'educated youngsters'. The former authority of the elders was based on initiation, cultural knowledge and heroic deeds, values which for the youngsters are secondary to education.

"Here there is no respect. Unaccompanied minors are educated. They now play the role of men, but they are not scarified. Their gar⁷⁵ education."
(Judge, Gawaar, 40 yrs, March 1997, PRC).⁷⁶

Education also gives the younger ones a broader insight into the political intrigues and conflicts, some which are created by themselves, while the elders are vulnerable to political manipulation due to their lack of a wider political understanding. Cases occurred where ethnic conflict created by political intrigues had been recognised as such and solved by the young intellectuals on their own while the biased and agitated elders were reluctant to reconcile.⁷⁷ The elders loss of authority creates frustration among themselves and their wives. Many of them left the camp for Sudan in search of their formerly taken for granted authority and power.

Hence what remains for the elders in Pinyudo is their power of biet (to curse)

⁷⁵"Gar is also a symbol of manhood. It is the reason for saying wut (man). When its riem falls down you know that you will face many difficulties in life." (Judge, Gawaar, 40 yrs, March 1997, PRC).

⁷⁶In the context of scarification Riek Mächar is often cited as an example. Despite not being scarified he is accepted as man and leader. "He is also a man. The only thing, he can't do his marriage, but this his age-mates will do." (Skin-believer, 55yrs, March 1997, PRC).

⁷⁷ For further details see chapter VI.1.2.

78. This curse is believed to cause a swelling of the body leading to death. The notion of *biet* is not clear in the refugee camp, since the belief in the power of *biet* varies between the different categories of groups. During one reconciliation the *biet* of elders was used as a threat in order to re-establish peace.

"Because all these elders they didn't come here to bring disaster but to bring peace. And whoever will disobey this peace, we have the right, you hear the word curse. The cursing now is very near to whoever will disobey them. None of you is born in Ethiopia, you the elders here who were born from there. Such a case happens when a child disobeys his father. Then his father might curse him. That cursing does always exist and if you disobey these words, then cursing will happen upon you. (Machar Diu, Elder, September, 1996, PRC).

This is suggestive of the declining power of the elders in social control. Their status is not fully disregarded as it is shown in the peoples perception of their power to curse. Nevertheless the Dinka magician was complaining over the general loss of power.:

"We elders are no more accepted here in the refugee camp. But elders are the people to govern. Nobody of the young men knows how to govern."
(Dinka magician, PRC. 1996)

The declining power of elders in governance is the result of not only that they are less accepted but also that they are scarce, since many of them could not make the long way to Ethiopia either having remained in Sudan or having died on the way. Nevertheless there were incidents where the elders presence in conflict resolution was very important. A reconciliation meeting between Gawaar and Bentiu was about to fail, because two important elders refused to participate. Another time the elders served as intermediators between the refugees and local Anywaas. Once the tension culminated in a big fight between the two groups which spread from Gilo river up to the camp. The elders took the

78 *Biet* is not only limited to the Elders, but that of the elders is very strong.

initiative. Having secured permission from ARRA to contact the Anywaa they sent a delegation to their elders and settling the dispute. Whenever there is conflict in the camp and some social actors may function as conflict-makers there are also social actors functioning as peace-makers. There is generally a concern for the maintenance of peace and stability among the majority of the Nuer.

CHAPTER SIX

SOCIAL DRAMAS

The social dramas that I will describe in the following, and which took place in and around the refugee camp, are a result of social change, Nuer underwent in exile. While the first part describes Nuer internal conflicts, the second part deals with inter ethnic conflicts between Nuer and local Anywaa outside the camp. I will show how conflict becomes less controllable due to peoples changed attitude towards cattle, blood and homicide and demonstrate how the conflicts and their causes have changed. While formerly competition over women used to be a major source of conflicts politics has become a new source of conflicts which overlaps with the question of women. Sometimes the situation also affects the sensitivity of Nuer towards women's issues. New sources of conflicts are also new religious identities as re-enforcers of clan-identity defined against the 'other'. Hence the social dramas will serve as a practical example of the effects of a shift of power among the Nuer as described in the foregoing chapters. Moreover we will see how Nuer networks are expanding over the Gambela region and how conflicts in Sudan directly affect the refugees in the camp. The social drama will also highlight how vulnerable of the Nuer in the refugee camp are to conflicts, having lost essential parts of their moral grounds. It will put this susceptibility in the light of new group formations no longer grounded on cattle transfers, but on political, economic and religious interests where the clan is the identifying group. These new aspects of group formation affect the controllability of these groups in times of conflict which again increases vulnerability.

Politically the Gawaar divide into the three rebel factions of SSIM majority, SPLA and SPLA United. There used to be a military hero from Gawaar called William Nyong. He was first an SPLA member and then defected to the SSIM. After two years with the SSIM he joined the Sudanese government at the end of 1993 and re-joined SPLA by the end of 1995. In January 1995 the SPLA under the command of Nyong attacked the SSIM in Adjot. The attack failed and ended in the retreat of the SPLA.

Riek Mächar (Bentiu) wanted to win back Nyong who refused. He was in turn executed by Mächar⁷⁹ which contributed to hostility between the non-SSIM relatives of Nyong and the SSIM Bentiu in Pinyudo. While the Bentiu mainly consist of unaccompanied minors and elders they are facing a shortage of women. Considerations relating to cattle bias them towards marriage from the territorially nearest group which are the Gawaar or Fangak. Nevertheless in October 1996 the Fangak-Bentiu relation was tense because of the Nyong and Mächar incident. Bentiu were also accused of occupying most of the leading positions in various political institutions (e.g. SSIM and S.I.C.C.). This tension culminated in 1995 when three Gawaar women were retrieved from their Bentiu husbands by their families after they had already been legally married and born children. This caused a major conflict in the camp. The Bentiu felt highly provoked due to that law-break which is taboo among Nuer in Sudan: "If this happens in our homeland, it could kill many people." (Dawit, 28, Bentiu, August 1997, PRC)

The following three cases serve as background information to the understanding of the conflict:

The Protagonists:

1. Nyachien(Gawaar), the future wife of Chuol (Bentiu) committed adultery and escaped to her father in Itang in may 1996 right after Chuol had completed the first part of his bridewealth payment in the same month. Her family did not undertake anything to bring her back to Pinyudo.
2. The future wife (Gawaar) of Mading (Bentiu) was suddenly refused to him after he had already made bridewealth payments for a period of two years. Mading reacted by abducting and raping the girl. This was used as an excuse for the bride-givers refusal to release the girl so that she was also taken to Itang.
3. Marta (Gawaar) and Moses (Bentiu) love each other and want to marry. Moses

⁷⁹The death of Nyong seems to be kept secret by the SPLA such as it recently reads in 'New Africa' in an interview with John Garang: "William Nyong who was Riek Mächar's chief staff, came back to us and said, "Brothers this has been a bad mistake (to defect from the SSIM-italics mine).(February:1997 No:349).The newspaper seems to pretend as if Nyong was still alive.

kidnapped Marta four times which always led to court trials.⁸⁰ The girl is represented by her brothers in-law who are relatives of Nyong and SPLA supporters and thus refuse to release their women to SSIM members.

After many court cases the bridewealth demand for Marta's relatives was 15 Pinyudo cows (3150 ETB) which the Bentiu were willing to contribute in order to save face. Marta's in-laws changed their mind and used Mading's behaviour⁸¹ as an excuse for Marta's representatives to refuse her to Mose in the following court trial, despite the collected 15 Pinyudo cows which would be the highest bridewealth ever paid in Pinyudo.

Repercussions:

When the CC heard that the girl of Mading was planned to be secretly taken to Itang, Luka together with some local shurta was sent ⁸² to prevent her from leaving. Gabriel Tut (Gaajak), the chief of the local Shurta unsuccessfully appealed to the EPRDF forces to support the CC in preventing the girl from leaving. Finally he went with Luka, a CC member from Bentiu and two Shurta's. In the girl's house her relative Andrew (Gawaar) refused to release her. A group of Gawaar came and attacked Luka. They beat him until he was unconscious, starting to chant war-songs which sensitised other Gawaar gathering to join the fight. While the Gawaar were getting ready to fight, members of other groups (Gaajok, Gaajak, Lou) successfully intervened as jimale (peacemakers) around 2 AM in the night which ended the night peacefully. The next morning Gawaar again provoked the Bentiu with their war songs until finally the Bentiu started to fight in village 4. The authority of the CC representatives was not accepted when they tried to intervene they were also attacked. Only when the EPRDF forces came with guns did the fight immediately come to an end. Five people were wounded by spears and two (Andrew Gatkik and Gabriel Long) Gawaar were imprisoned in Agenger town.

Two days later in the afternoon there was another incident in village 4 where some Bentiu were attacked by Gawaar and Lou. The news spread immediately to village 3, where elders joined the fight by providing spears to young men. Other youngsters joined the fight in 4 while the tension in village 3 was very high, not only among the Bentiu's but among all present clans. People were running up and down bringing property and children into the houses while anxiously observing the road which connects village 3 with 4 when the first injured young Bentiu came running from village 4. Some of them were intensely filled with anger, screaming: "They want to destroy our camp, that's why they make this war."

Up to 10 Bentiu were badly wounded by spears when the fight finally ended with the retreat of the Bentiu minority. This time the refugees had to wait in vain for the EPRDF to come, although the CC had appealed for protection several times. In the evening a

⁸⁰The first time he stole her they escaped to Itang where they were caught and a court case was held up there among the Ethiopian Gaajak Nuer. Moses clan paid two cows as compensation.

⁸¹The rape of women is considered as the worst crimes.

⁸²There are two Dok in the CC, Lukas and Chuol. In the case they are not only involved as neutral CC members but also as personally concerned.

Gaajak delegation of young men came to the Bentiu in village 3 offering their support against the Gawaar and Lou.⁸³ The Bentiu elders, in order to prevent an escalation of the fighting refused the Gaajak offer, explaining:

"If this fight will take place, the Lou will kill everything, even women and children. We don't want this camp to be destroyed." (Bentiu elder, PRC, September 1996).

The Bentiu immediately offered the Gawaar a peace meeting which the latter refused. Then Chuol and Luka were imprisoned by the chief of the local Shurta, by permission from ARRA. The next morning the two were released. Chuol is a leading figure in the camp because he is the Deputy chairman of the refugees and SSIM representative. ⁸⁴ Andrew and Machar as well were released from the Ethiopian prison and a secret meeting was held in the same night between the CC and Andrew after which the CC invited again for a meeting between Gawaar and Bentiu. Unexpectedly the Gawaar agreed immediately so that reconciliation could finally take place.

The steadily rise of conflicts in exile is related to a general power shift and loss of the belief systems which used to form the moral ground of Nuer society. It also relates to the absence of family members who could wield control. There are married couples who have no relatives in the camp. The only sanction they fear are court fines and physical lashes. Cattle compensation does not exist and divinity plays a minor role in exile..⁸⁵ Conflicts among Nuer in the refugee camp are also politically motivated by some agitators who are agents from either SPLA or SPLA United, with the aim to destroy the SSIM dominated camp. The same was true for the conflict between Bentiu and Gawaar which merged not only out of a women's shortage but also out of a political motivation. The

⁸³ The Gajak are enemies of the Lou since a three wars which took place on the Akobo river between 1992-1995. The two groups take any opportunity to play out their mutual hostilities.

⁸⁴ To be imprisoned in Pinyudo is a symbolic act. It is easy to escape the prison where the door does not properly close. Being imprisoned is more associated with loosing face than with loosing freedom. The shurta themselves felt ashamed to imprison the respected CC member and allowed Chuol to sleep in the court house from where he was brought back to the fenced compound of the prison short after sun-rise.

⁸⁵ Because physical punishment was not contributing to a decrease in the abduction of women, the court started to increase the number of lashes. The consequence was that twice a young couple almost died from the results of the lashes, while the frequency of abductions remained the same.

agents were SPLA-United representatives who were at the same time relatives of the girls in want of revenge for Nyong. While Andrew was imprisoned in town ARRA found documents disclosing his identity as an agent tasked to destroy the camp and kill the SSIM representatives. It was Andrew who prevented the Gawaar elders from reconciliation with Bentiu. He was formerly known as a troublemaker for Gawaar-Bentiu relations by repeatedly referring to their mutual hostilities.⁸⁶ After this was disclosed he was put under high pressure when the CC threatened to disclose his identity to the other Gawaar which would end up in the expulsion from their group. The Gawaar majority is not in favour of the destruction of the camp, especially because their majority is SSIM and when the CC threatened Andrew of disclosing his secret, he immediately co-operated by convincing the Gawaar elders to make a peace-meeting which then took place the following day.

By describing this case I intended to show how conflicts are created among the Nuer in exile and how they evolve according to their own dynamism and how conflict can easily lead to the destruction of Pinyudo refugee camp because of the outbreak of uncontrollable war between the clans. As we have seen the absence of traditional control mechanisms, powerful elders, extended families, skin-believers and cattle as well as the presence of factionalism in Southern Sudanese rebel movements all contributed to the rising conflict in the camp. The increasing difficulties of controlling conflict is feared by the majority of the refugees and at the same time manipulated by agents.

Conflict is also nurtured by individuals' self-interest which are often of economic, or political character hidden by the manipulation of identities as the following case illustrates:

⁸⁶During meetings he once said: "I will sent tapes to all Gawaar living abroad, telling them that the Bentiu are our enemies and that we are in war with them. We are dominated by Bentiu and it was Bentiu who killed our relative Nyong.(PRC.: September 1996).

Case:13

William Wiuwal (W.W.) from the Lou clan was a camp chairman from November 1993 up to May 1995. He used the situation to embezzle relief items in conspiracy with one of the camp administrators. The administrator would remove goods from the store which W.W. would sell in Gambela whereafter the two would share the profit. All transactions were documented by receipts which were later on discovered by the refugees..

In May 1994 the conflict between Lou and Gaajok in Akobo had spilled over into the refugee camp and W.W. tried to win the Bentiu and Fangak to his side in order to get support against the Gaajok. In Sudan the Bentiu are close to the Fangak and the Fangak are close to the Lou, but neither Bentiu nor Fangak share a border with the eastern Gaajok. W.W. manipulated this constellation by creating prejudice against Gaajak, insulting them as Ethiopians and thus fake refugees, stealing food from the real beneficiaries, the Sudanese Nuer. He also criticised them for not being members of the SSIM and abused them as primitives because of their frequent internal conflicts. Soon other clans had built up an image of the Jikany as strangers and primitives. His identification with the SSIM was another card W.W. used to play in order to win the support of the Bentiu and Fangak. It was readily accepted as a proof to his honesty by most of the elders. W.W.'s agitation contributed to the change of the settlement pattern from a heterogeneous to a clan based settlement which further enforced clan-identity. While formerly most villages contained one ethnic majority and various minorities, WW, by creating tension, hostility and conflict provoked the minorities to migrate to their clan where they felt most secure. This was the case in village 1 and 7 from which the Lou migrated to 3 and 4 due to conflict with the Jikany majority. He finally also convinced the young Bentiu men and Fangak to migrate from village 3 to village 4, near the 'allies' (the Lou settlement) short after which severe fighting broke out between Bentiu, Fangak and Lou on the one side and Jikany on the other. The fight lasted for three days, one Gawaar and one Lou were killed. 87 Up to today there is a latent tension and frequent fights between the various clans who now oppose each other as larger groups. Conflicts evolve faster due to the segmentary principle and are less controllable.

In November 1994 another fighting was instigated by a man, who worked together with W.W.. After the first incident, a group of eight young Bentiu intellectuals had realised that the whole conflict was initiated by W.W. for his own economic and political interest⁸⁸. They tried to counteract in order to prevent the final destruction of the camp. They were in a dilemma to convince others of this fact because all were in favour of W.W.

"We couldn't talk about it, because anybody hearing us could just take and imprison us in Agenger." (Gattang, 30 yrs, Bentiu, March 1997, PRC).

Their strategy was to first of all detach their clan members(Bentiu) from W.W. by

87According to the Nuer the killers are still living in the refugee camp up to today without being detected.

88It was found out that he was an SPLA member.

slowly convincing them as individuals. The main problem was to reduce prejudice especially that held by the elders against the Jikany. These young intellectuals succeeded in finally winning the support of some 95% of their clan-members after which they approached their age-mates from Gaajok, Gaajak and Lou and finally the GI's (General Intelligence Service) of the SSIM in the camp.

"After we got our age-mates as friends we contacted the GIs. By then we feared them and they feared us. It was very risky but finally they supported us and we made a first meeting." (Malual, 29 yrs, Gaajok, March 1997, PRC)

The meeting consisted of 25 members of all clans mainly young but also some elders, one member of the CC and one from the women's association. A meeting was called and an agreement was made to fight against W.W. All members had to sign in the style of a coup d'état. There after they reported to ARRA about all charges against W.W. including his corruption. A meeting took place in the church. More than 2000 people who were against W.W. had gathered. The ARRA co-ordinator refused to exchange W.W. with the argument that nobody could lead the refugees as good as W.W.. Nevertheless he offered the 'coup-makers' to join the CC. They refused arguing that their revolution was not in search for positions but to get rid of W.W. On another meeting an elders delegation officially applied for his removal to the ARRA protection officer on which he replied "I will not remove him unless I die" The next morning this protection officer miraculously died of severe stomach pain for which the refugees were blamed and punished with one month ration-stop. Another meeting was called on which the camp co-ordinator stressed again that he could not remove W.W. due to his education and good experience in camp administration. The coup members decided to finally accept the former proposal for positions in the CC, planning to disclose his corrupted activities which then might lead to his dismissal. "We worked for two months together during which he could never embezzle

anything. We distributed all the food to the refugees and in case there was surplus we would give it to the sick." During this time, in September 1994, the SSIM opened a sub-office in Addis Abeba and all SSIM members in the camp contributed for them, which brought food of a value of 20.000 ETB. This was left in the store. One day during distribution fighting broke out in village 3 and all the CC members had to run there.

"It was a very strange fighting between the Lou in 3 who were attacked by Jikany of 13. There were spears everywhere, one could not know where to run, because the population of village 3 by that time was very high." (Deng, 33 yrs. Lou, March 1997).

They unsuccessfully applied for ARRA to provide militias and stop the fighting which was only promised for the next morning when all Jikany came to attack village 3. Because the case was between Gaajok and Lou only, the Benti and Fangak did not participate in the fight but stayed in their houses. In the meantime W.W. had made new alliances. He had gone to the Anywaa villages and made friends with the militias there who were now appearing at his house.

"By that time our relation with the Anywaa was very bad. They got drunk with W.W.'s wine and then started threatening us with their guns in our houses"

The night after the fighting in village 3 W.W. had again invited some Anywaa police men from Agenger to his house in village 4. In the morning they were intoxicated and ready to shoot anybody in order to protect their Nuer friend. The young educated men from the CC went to village 1 in order to prevent further blood-shed by warning the Jikany not to attack the Lou once again. They went together with the drunken police-men. When they confronted the Jikany the CC members were suddenly attacked by the Annyuwaa police behind them who started shooting on them killing two and injuring one of them from behind. After this incident all the young Benti who tried to make peace

were arrested by ARRA, spending seven days in prison. 89While the CC members were in prison W.W. and his Anywaa friends took 18 undistributed barrels of oil by night and sold them. Short after that one refugee managed to get all the receipts showing the corrupted transactions between W.W. and the ARRA protection officer. When W.W. got wind of that, his false accusations led to that persons immediate imprisonment. Together with some 8 other Nuer he was taken to Gambela town prison. After the CC members had been released from Agenger prison they reported the case to the acting chairman. The real chairman was not present by that time and the acting one was much more co-operative, which was fortunate for the young peacemakers.

"This was our chance. The acting chairman became our friend. We showed him all the receipts about W.W.'s corruption and he believed us."

From that day on W.W. was put under house-arrest. The ARRA protection officer was replaced and a Peace Committee established. All judges and the CC were exchanged. W.W. finally applied to the UNHCR for urban transferral because his security in the camp was no longer guaranteed. This plea was approved and he left to Addis Abeba where he is living as urban refugee up to today.

Many elders learnt from this that clan based settlement easily creates conflict and started to opposed it.

"Nuer will only fight severely as large groups against each other, but not as small dispersed groups." (Magok, 45 yrs, Bentiu, September 1996)

Despite the fact that many people were against a further development towards a

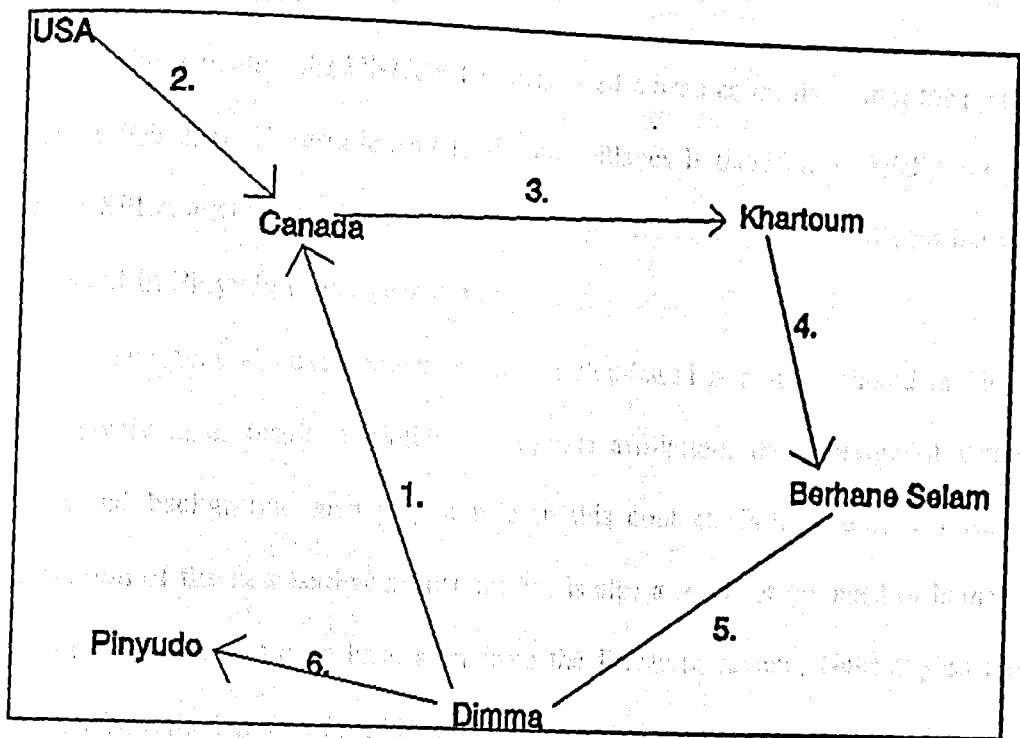
89In the prison they were again discriminated by Anywaa's bribed by W.W.: "We were so thirsty, there was no water, until one female Anywaa police bought seven soft-drinks for us from our own money. When we just got the drinks another Anywaa guard came in and smashed all the seven bottles on us. After that he shot several times on the ground, insulting us."

clan-based settlement it continued when in the beginning of 1997 Gaajok/Gaajak conflict from Dimma refugee camp spilled over to Pinyudo and escalated.

Case 14:

The fight in Dimma during which three Gaajak had been killed by Gaajok with guns took place in 1994 . The killer, Wan Deng Palāk an Ethiopian Nuer who was originally from Nasir fled to Canada. The family of the victims had relatives in the USA who flew to Canada and persecuted Wan Deng in November 1996. When the Gaajok in Khartoum heard that, they poisoned a Gaajak called Chan Dak which was revenged by killing six Gaajok in Mwua Kuac (Berhane Selam) a settlement of Ethiopian Gaajok. This again came back to Dimma refugee camp where further two Gaajok had been killed by Gaajok in January 1997. Finally the whole crisis swept over to Pinyudo where the Gaajok were finally chased out from their villages 1 and 2 by Gaajak on which they reacted with extreme hostility by attacking the Gaajak in village 3. The CC called ARRA and the EPRDF came warning the fighters by shooting into the air when one boy from Gaajok accidentally got killed by these bullets. So far his relatives are only planning for revenge but have not yet undertaken further steps. A peace committee had been established in mid February consisting of three elders from each clan as well as three from Shilluk since when the situation had been quiet. The following chart shows the feud circulation between the Gaajok and Gaajak:

Figure 2: Feud circulation between Gaajok and Gaajak



As already mentioned the conflicts resulted in a further restructuring of the settlement pattern along clan lines which looked then as follows:

Table 2: Distribution of clans and ethnic groups in Pinyudo refugee camp,

March 1997 (Compare this table with table 1 on page: 35)

village No:	1	2	3	4	5	6	7	8	9	10
inhabited by	Gaajok	Gaajok	all clans	Bentiu,	Gaajak	Gaajak	Gaajak	Gaajak	Gaajak	all other
clans:			+ Shilluk	Gawaar,						ethnic

All the Gaajok who were formerly living in 4, 5, 6 and 8 have migrated to their relatives in the villages 1 and 2 which were then overcrowded. Their former villages looked devastated. Only one elder from Gaajok rebelled against the clan-policy and

remained in village 5 insisting on the common origin of Jikany: "Nobody will kill me here. We are the same people."

Unfortunately the UNHCR had organised a head-count short after the migration in end of February. A resettlement to the old villages is therefore officially not possible. Other SPLA agents are also agitating the Gaajok for revenge. A lot of conflicts are to be expected in Pinyudo in the near future.

The general development towards a clan-based settlement should not be viewed exclusively as a result of politics. Religious affiliation, the shortage of women and territorial background also play a role in this context. Politics played a role in the formation of the new settlement pattern but is also a result of the need of human beings to form alliances. As we have seen from the literature review, Nuer ally as territorial groups from the hamlet to the biggest unit by clustering around a dominant clan. Although dominant clans are absent in exile they have consequently done the same in Pinyudo by partly uniting as Gaajok, Gaajak or Lou clan or as territorial unit Bentiu or Fangak while using for example religion as a common value. Political agitators have manipulated the former clan identities by defining some clans as bad and stressing the need to ally along one's clan through conflict enforcement.

2. Some Remarks on Fighting Strategies

The principal of fighting in the camp is based on the principle of 'emergence of leaders from the situation'.

"While we were gathering we organised our attack. The eldest person of a group will take the initiative and advise on the strategy of fighting." (young man from Bentiu PRC 1996).

The military structure of the Southern Sudanese rebel movements is hierarchical, firmed around so-called 'leaders of war'. The refugees are attached to the various rebel movements and there is constant contact between them and their leaders in Sudan. The Nuer as refugees still feel as 'nei ti naadh' as 'the people of the people' and hence feel superior to the local Anywaa. Their refugees status and perceived poverty has not contributed to a loss of confidence but they nevertheless do not react upon the daily looting and discrimination against them by local Anywaa, being prohibited to do so by their 'government', the SSIM rebel leaders.⁹⁰

"It is because our leaders don't want us to fight the Anywaa, otherwise we had killed them even with our spears against their guns. But we came as refugees who respect the laws of the host-country" Gat Deng, 30 yrs, Lou, March 1997, PRC)

Alliances are made according to a segmentary principle like on the day after the fight, which was the celebration of the foundation of SSIM. Gawaar and Bentiue came jointly to the central village while dancing and chanting without any intentions to fight

⁹⁰It happened several times during my stay in Pinyudo that young Nuer men coming from Agenger were looted and beaten by Anywaa as well as Nuer women were looted.

while they had severely fought with spears for women the day before.⁹¹ They explained this behaviour with the principle of segmentation.

"If now there will be a war against the Dinka in the camp, all Nuer should theoretically unite against the Dinka, forgetting their disputes until the Dinka war is over." (Dawit, 29 yrs, Gawaar, September 1996, PRC).⁹²

Concerning the termination of a fight it usually ends up with the retreat of the losing party to a new territory. This is partly how the Nuer migrated from the West to the East. Because territory is limited in Pinyudo fighting creates a change of settlement pattern due to migration to ones group. The refugee administration also plays a role in the termination of a fight:

"Had we won over the Gawaar, they would have to look for a new territory, but here in the camp there is no extra territory, here we have the EPRDF to stop our fighting."

Case:15

⁹¹The celebration was preceded by a major fund-raising for the SSIM. Nuer from all clans gathered in a big circle while two animators were running inside the circle, encouraging people to contribute by loud speech-singing. Some costumed and painted dancers were also inside the circle performing theatrical fights and dances. A radio was playing 'african' music when one group after the other was called inside the circle to contribute money. The groups included women's association, the CC, refugees employed in the camp, and clans. The clans which were the biggest group would stay in the circle and dance for a while which gave the whole gathering a feast character. Many preparations had been made for the celebration and highly decorated dancers from all clans were gathering while dancing and chanting in the early morning hours all over the camp. The feast was abruptly ended by the protection officer, threatening the refugees with a gun by saying: "Whoever will celebrate this day will be shot." The reason for the prohibition of celebrating was most probably the SPLA. The refugees' were bitterly disappointed about this such as they felt being denied their rights. The very celebration would have strengthened the unity of the Pinyudo Nuer which is one reason for the SPLA to be against it.

⁹²It should be added that this will remain theory, because the Denka are minority in the camp and Nuer law forbids to attack minorities.

The case of Leila and Wakow may serve as another example for military segmentation on the highest level: Leila became the girl-friend of Wakow Riek in 1986 in Itang refugee camp. They got three sons together without being legally married. In 1991 they went back to Nasir. When the SPLA split into the Nasir and Torit faction Wakow remained with Garang while Leila went with Riek Mächar where she was appointed as a chairperson for the Southern Sudanese women's association in Latjor state. In 1993 she went back to Ethiopia living as a refugee in Pinyudo while in the meantime Wakow had gone to Addis Abeba due to the SPLA contacts with the Ethiopian government, when Leila went to visit her 'husband'. Wakow was suspicious towards her such as he had become SSIM member and he thus chased her out of her house demanding the children to remain with him. Leila replied: "According to Nuer culture you have not a single right on the children!"⁹³ and took her children back to Pinyudo on which Wukow reacted by following and ordering her imprisonment in Gambela town prison⁹⁴ The case was referred to the Gambela Nuer court where it was decided that Wukow had no right in the children. Wukow by ignoring the given Nuer order, arrested her a second time after which a second court trial was opened on which he didn't appear. After Leila had been released a second time, he took his pistol in order to kill her during which he was overwhelmed by other Nuer. The pistol was kept by Leila for the whole night until she brought it to the police station the next morning. The Anywaa police called Wukow and advised him not to kill Leila after which his pistol was returned to him. His next step in achieving to get his children was to take them by force from the refugee camp which he invaded with an SPLA car. All SSIM Nuer refugees united and jointly destroyed the SPLA car by turning it over and burning it. Wukow had to flee from the camp by taking the public bus to Gambela. ⁹⁵

3. Social Drama Part Two: The Dynamics of Inter ethnic Relations

3.1. History of Anywaa-Nuer relations

While female Nuer and Anywaa in Pinyudo often maintain friendly relationships by exchanging food or borrowing brewery material, the relationship between male local Anywaa and male Nuer refugees is one of tension. The Anywaa loot refugees who go to town on their way back later than 4 p.m. They don't allow refugees to fish in Gilo river

⁹³He had not transferred any cow.

⁹⁴For which he was empowered because of his SPLA connections.

⁹⁵Despite their awareness about the case neither ARRA nor UNHCR undertook anything to protect Leila's right.

and Thata, selling the fish to refugees for the double price. The Nuer explain the problem with the Anywaa as a continuation of pre-exile hostilities:

"The Anywaa are bad. They don't want peace with us. Because we used to raid them in Sudan they try to revenge us now, at a time that they have guns and we don't." (Gadit, 28 yrs, Bentiu, July 1996, PRC.)

To get a better insight into the Anywaa's position one should go back in history analysing the impact of the Dergue's regime on the local population. The socialist revolution destroyed a variety of 'traditional' customs which were regarded as feudal⁹⁶ and many Anywaa lost their land to agricultural projects and the coming of 50,000 settlers from the highlands. Guns were widely distributed by the Dergue as well as sold by the SPLA to Anywaa and Nuer civilians which increased the potential in violence. The huge influx of refugees to the Gambela region starting from 1983 affected the Anywaa population negatively in terms of human right violations and economy. Many refugees were SPLA/M members, the SPLA/M having been and still being supported by the Ethiopian government. The relations between the Dinka dominated SPLA and the local Anywaa were not peaceful, cattle raids, looting, raping of women and killings were usual, while the Ethiopian government did little to protect the local population. (Kurimoto:1996:47). The SPLA terror contributed to the formation of the "Gambela Liberation Front" in 1980 later renamed in "Gambela's People's Liberation Movement" in 1989 which started its armed struggle against both the Dergue and the SPLA/M. Economically the Pinyudo refugee camp had also tremendous impact on the economy of the Anywaas⁹⁷. Price falls for grain discouraged the locals' own cultivation and changed their food-habits.

⁹⁶The Anywaa indigenous political system consists of nyieye (nobles) and kwaari (village-headmen) which was considered as feudal by the Dergues socialist ideology.

⁹⁷ A 90 kg sack of maize was available for only 5 ETB in Pinyudo.

As Kurimoto observed:

"...the Anywaa were buying from the refugees not only maize but also other food items such as tinned corned beef and fish. Porridge made of maize bought from refugees and corned beef soup became a common meal. They were also buying biscuits, soap and clothes."(1996:49)

According to Kurimoto the Anywaa social and political system collapsed under the Dergue because their subsistence economy proved invalid in coping with the market economy. The locals describe the situation with the bitter statement that 'the Dergue brought the Dinka and Nuer on us'.⁹⁸

A massacre took place on September 11th 1989 when the Ethiopians celebrated their new year insisting the market in the refugee camp to be closed. Somehow the situation escalated and an SPLA security officer distributed guns and ammunition to the refugees who attacked the Anywaa militia in Agenger town. They were joined by SPLA soldiers from a base near Pinyudo. The large village of Pinyudo was completely demolished. Around 120 Anywaas were killed and buried in mass graves for which 72 SPLA officers were made responsible. No efforts were taken to compensate the losses or reconcile the two parties until another incident happened on September 15th in Itang during which 20 Anywaa militia, 10 SPLA men and 5 highlanders were killed. Again no reconciliation was undertaken. In order to prevent the Anywaas from retaliating their lost relatives and friends all Anywaa militia in Gambela town were disarmed and replaced by Nuer. This increased the locals felt hatred towards the government, the SPLA and the refugees. Further conflicts emerged in May 1991 when two SPLA Nuer and two Anywaas died after a fight which was revenged by all SPLA Nuer and villagers in the area burning down 11 villages. After this all refugees fled back to Sudan because of the government

⁹⁸Personal communication with Eisei Kurimoto.

take-over⁹⁹ In August 1991 Itang refugee camp had been re-opened when more than thousand Nuer came and attacked Itang in want of food. During this attack 10 Anywaa died. In January 1992 a full scale military confrontation invaded Gambela region from two sides. The attackers were in full military uniforms and equipped with rifles, mortars, launchers and machine guns. Each group was estimated to consist of around 1000 people. 19 villages were burnt down in Itang and 9 in Jor. While the men were fighting against Anywaa villagers armed with only rifles, women and children as part of the invaders were collecting ripen maize and other food stuff. In Itang stolen maize was loaded on trucks and thrown into the river to be collected down stream in Sudan. All domestic animals were looted. Up to today it is not clear who exactly ordered and led this attack but there are rumours that the newly formed Nasir fraction was involved ¹⁰⁰ and possibly they were due to the devastating famine the refugees underwent in Nasir.

Case:16

In July 1992 there was a first attempt of reconciliation by a Nuer prophet, called Wutnyang who came with his White Army ¹⁰¹ in order to as he said 'bring peace between the Nuer and Anywaa'. According to the Anywaas information the two groups were arranged after their geographical setting, the Nuer on the Western and Anywaa on the Eastern side, the highlanders interestingly enough joining the Anywaa. Wutnyang started the gathering by saying: "I came to bring peace. Let us bless ourselves so that no more war continues. We are all brothers, because we are all black." Two oxen, a white and a black one were brought and the prophet continued: "If the oxen after being speared fall down with the head to the East, the responsibility for the fighting will be with the Anywaa and if they will fall to the West it will be with the Nuer." He sacrificed the white oxen first which was about to fall to the Eastern side when finally turned and fell to the West. The same happened to the black oxen after which Wutnyang addressed to his

⁹⁹See chapter I.2.

¹⁰⁰Several officers of the Nasir fraction stress that Riek Mächar had not been involved and if the other commanders Lam Akor and Gordon Kong were involved it shows already the split in the Nasir fraction which later became SSIM and SPLAU.

¹⁰¹He calls his army white army in opposition to Garang's red army of child-soldiers.

people: "You Nuer! It was your mistake." after which he left. The Nuer shared the sacrificial meat when on the same day in the afternoon a fight started for which the causes are unclear. According to observers Nuer started looting food from highlanders and EPRDF soldiers tried to stop them on which Nuer reacted by shooting all highlanders in sight. Only those highlanders who were standing near Anywaa and the Anywaa themselves were not attacked. Altogether more than 200 highlanders and 26 out of 30 EPRDF soldiers were killed. The Anywaa don't view Wutnyang as a peace-maker. They don't differentiate between him and other Nuer-SPLA men who were trying to eliminate the Anywaa. 102

Since Wutnyang there was no incident until 1996 when new fighting emerged in Thurpam. The refugee screening centre Tharpam is found in the Nuer territory, where different categories of refugees come for registration. Among the 'refugees' one finds also Ethiopian Anywaa and Nuer who are claiming Sudanese origin to achieve refugee status and access to relief. Between 1983-1991 the SPLA used to create problems for the local population in the area, specifically in Jekau, Itang and Abuol woreda¹⁰³ ¹⁰⁴. After their dismissal by the EPRDF in June 1991 they were allowed to return in March 1996 when they continued to cause disturbances for the local population which made many of the Ethiopian Nuer to defect to the SSIM. The people of Adual became divided into SPLA and SSIM factions and presently there is high tension in the area between local Nuer as well as Anywaa and the SPLA.

The present SPLA camp lies on a small hill in some 10 metres distance from the refugee screening centre on the other side of the road. There is also a police station situated right next to the refugees, so that the latter find themselves in between two fronts, the Ethiopian Anywaa police and the SPLA. In the beginning of July an Ethiopian Nuer

102 All the information concerning the local Anywaa I obtained through personal communication with Mr. Eisei Kurimoto for which I am very grateful.

103 Woreda is the smallest administrative unit in Ethiopia.¹⁰³

104 Despite this most of the people living in Abuol were pro SPLA because they are also members of the high number of GAHIDEN (Gambellas Peoples Liberation Movement) representatives, which co-operates with the SPLA.

from the SPLA got the command to kill his relative who was SSIM. Short after he committed the murder he was caught and imprisoned by his relatives. A week later another Nuer disappeared which immediately rose suspicions against the SPLA. As a revenge for the dead and disappeared they decided to retaliate them for which they held the SPLA responsible. Hence, in the night of the 23rd July a group of armed Nuer went to Tharpam in order to attack the SPLA camp. When they reached the police station a police man had realised their coming asking them to identify themselves on which they didn't reply after which the police immediately started shooting which woke up the SPLA, who by assuming the cease-fire to be coming from the refugees joined the shooting. They targeted on the unarmed refugees who were caught helplessly in the middle of SPLA, police and locals. The result of one hour of shooting were 15 killed and 13 wounded people. Out of the killed people eight were Ethiopian Anywaa from Pinyudo who had come under Sudanese identity in order to achieve refugee status, five were Nuer refugees and two Ethiopian police men.

The news of the Tharpam incident reached Pinyudo the same day which caused a high state of fear among the Nuer refugees, fearing the revenge of local Anywaa. They were attacked by Anywaa four days after the incident on the 27th of July when in the middle of the night some 30 Ethiopian Anywaa ambushed the feeding centre in village 20 (minority village) with machine guns and killed one young boy. The next day the refugees applied unsuccessfully to ARRA for security instalment by EPRDF forces. Although UNHCR representatives were present that day in the camp they were not informed by ARRA about the events. The following night the second incident happened, Anywaa attacked the feeding centre again and stole all the medicine. 105 Still another incident

105It was only after this incidence that EPRDF troops were based in the camp and started patrolling during night time.

happened when a young Nuer boy was found dead in a water pond on the way to lake Thata.

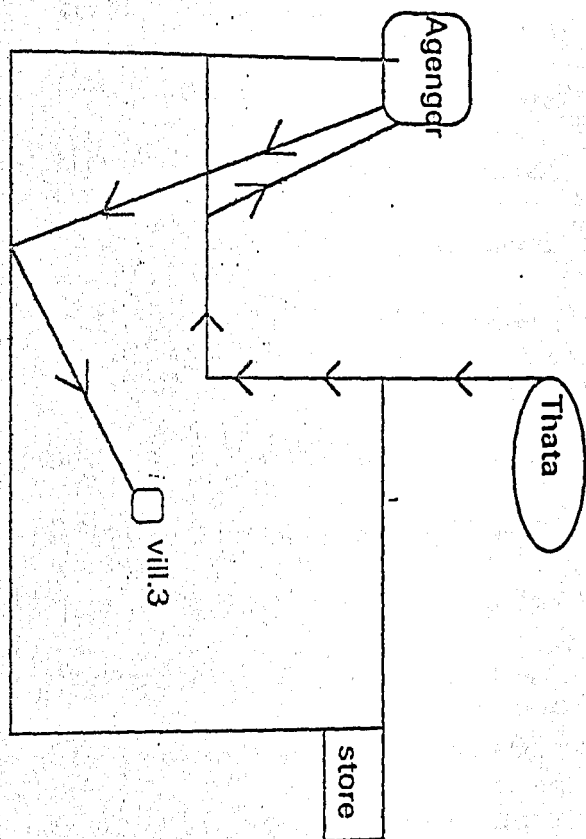
By having described the history of Anywaa-Nuer relations I tried to explain present hostilities between the two groups as well as the way conflicts dealt with between Nuer refugees and the local population. Furthermore we have seen the change of conflict patterns since it is a Nuer-internal tendency from conflicts over cattle to those over politics.

3.2. The effect of ethnic conflict on fish trade and relations of economic exchange in and around the camp

There is active fish-trade between the local Anywaa and the refugees. Some refugees (Nuer, Dinka, Shilluk, Nubians and Anywaa), used to buy fish from local Anywaa at lake Thata and then resell it in the refugee camp as well as local Anywaa would come to the distribution market and sell fish. As already mentioned the Anywaa refuse the refugees to fish in their lake and at the same time selling the fish to the refugees for a 2-3 times higher price than for the locals. The refugee fish-traders are usually dominated by Nuer and Dinka selling the fish in two main places, the distribution centre and the village 3 market. Dry fish is sold in the small village markets. Especially during distribution time, main market activities take place in the distribution market. The traders of the usually crowded village 3 market will then shift to the distribution market. The local Anywaa sell their fish to refugees or Ethiopians directly at Thata, as well as they bring it to the fish-market in Agenger town where it is sold for a little higher price to Anywaa. The refugees prefer buying from the lake, because it is cheaper as well as nearer to the distribution market, the most profitable place for fish-trade. The relation between local

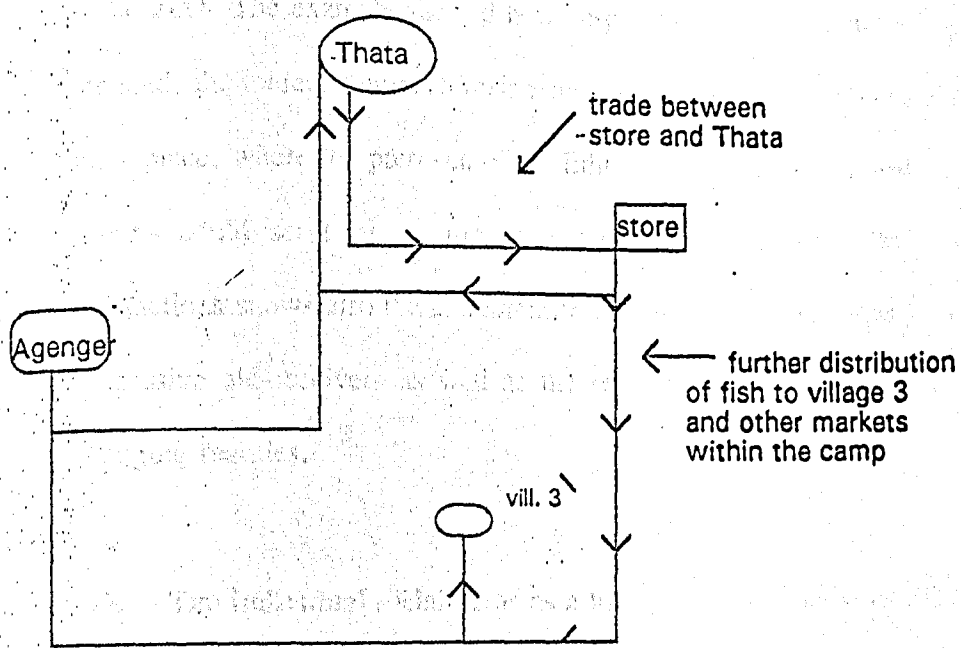
Anywaa and refugees is a mere economic one, there are no friendships and it is slightly tensioned while the local Anywaa have a good relation with Anywaa refugees. Thus up to July 1996 the trade constellation looked as follows:

Figure 4: The trade relations between refugees and local Anywaa after the Thurpan incident



The July incident in Tharpam, some 100 km far away from Pinyudo changed the whole trade constellation. From the day on when the incident happened in Tharpam, it was clear for the Nuer that the Pinyudo Anywaa would take revenge against them. Concerned were not only Nuer, but any refugee with initiation marks, which included also Dinka, because an attacker could not differentiate the similar Nuer and Dinka marks. The incident in Tharpam changed the whole trade constellation in and around the refugee camp. No Nuer or Dinka would go to Thata any more. The only refugees who went were Nubians and Anywaas, because they were unmarked, while the Anywaa men who formerly sold fish in the distribution market would now send their wives which nobody would come to attack. The fish-trade between Thata and the camp shifted from Thata to Agenger, all Nuer traders who formerly went to Thata starting to buy their fish from Agenger which shifted the fish-market from Thata to Agenger. In Agenger where there were few fish-traders before, one could now find a flourishing market. Many Anywaa would come from Thata as sellers and many Nuer refugees as buyers who then would resell it in the villages and store. The trade-constellation after the Tharpam incident hence looked as follows:

Figure 3: Trade relations between refugees and local Anywaa before the Thurpam incident



We have seen the type of conflicts between Nuer and the local Anywaa as well as the interrelation of the various places in the Gambela region and its sensitivity to outbreaks of conflict. The example showed how despite the fact that ethnic relations were greatly stressed, the traders continued their economic activities by shifting to an open, public and busy place, where the presence of the Ethiopian police, government and different ethnic groups could serve as an insurance for safe transactions. This shift of economic transactions shows also the entrepreneurship among refugees who are too often defined as passive aid-receivers as well as the resilience of the social system in coping with changing realities.

3.3. The individual social actor as a bridge through ethnic conflict

Inter ethnic relations between Anywaa and Nuer are not only bad. During the 1960's bonds of friendship had been established between Anywaa and Nuer from Jekau (Sudan) area who were coming with their cattle for grazing on the Baro river. They would establish friendship through the exchange of goats and tobacco as presents which would enable the Nuer to get some land for settlement. It is in this way how more and more Nuer came to live permanently with the Anywaa. 106 Paläk Tap from Gaajok in Nasir is one of these Nuer. His mother is from Lak and his father from Gaajok (Nasir). Paläk is a refugee. He came to replace somebody called Wulära who used to bring refugees from Pinyudo to Itang. 107 The way from Pinyudo to Itang leads through Anywaa territory which is usually impossible for Nuer to pass, due to the mutual hostility with the Anywaa.

106Personal communication with Eisei Kurimoto, March 1997.

107Wuläras mother and father were Anywaa and because they were indebted they sold their two children Wulära and Agwa to a Nuer magician, called Deng Tut Tunkuac Bangonj in Nasir. Deng gave new names to the two children. He called Wulära Pok (white ashes) Tunkuac and Agwa Pal (praying) Tunkuac. Both then became Nuer and were scarified. After they grew up in Sudan they came to live in Itang.

Paläk and Pok were neighbours in Itang and while living in Nasir Paläk learned Anywaa language. In 1993 he became a refugee because of the bombardment in Nasir but decided to live independently in Itang cultivating land while going to Pinyudo only to collect his ration. One day his uncle's son stole 3000 ETB from his neighbour, an Anywaa chief who reacted by stealing Paläk's children and refusing to return them unless the money would be compensated. Paläk went to Pinyudo, asking the Nuer refugees for help on which a meeting was called in the local administration with elders and the CC with an agreement that the four clans Gaajok Gaajak, Bentiu and Gawaar should each contribute 500 ETB. All in all only 500 ETB were collected. This was during a time when John Garang was recruiting refugees by force and many refugees wanted to flee back to Sudan. Paläk hence decided to join Pok by bringing them to Itang. He went to Kiro the head chief of the Pakedo region who called two kwaari (village headmen) and some elders for a meeting on which it was agreed that nobody should attack Paläk if he would cross Anywaa territory. In the following Paläk took 1500 refugees who were fleeing John Garang after which he started also bringing refugees for trade. Between November 95 to June 96 he had earned the remaining 2500 ETB to pay his debts and get his children back. Competing with Pok Palek managed to maintain a better relation with the Anywaa by paying them which led to the final expulsion of Pok by Kiro in February 96. Paläk comments on his relation with the Anywaa: "If there is money there is a relation. It is not the relatives which count." (PRC, March 1997) After the incident of Thurpam, Paläk went again to Kiro who called a big meeting with women and men whom Paläk asked: "Your people have been killed by our people. Is our relationship now destroyed?" and for which the Anywaa replied: "This case is the case of the Ethiopian government and the problem of the government of the attackers. We continue our relationship.", after which Paläk went to Pinyudo the next day taking some refugees to Itang who feared for their children living there¹⁰⁸. From September 1996 Paläk was busy with cultivation and it was only in March 1997 that he went again, bringing Nuer living in Itang for the refugee head-counting to Pinyudo. From this he will wait up to the next ration for bringing them back to Itang. The Nuer in Pinyudo call him jokingly thuorbil Palek (going by food with Paläk or Paläk car) and he now seems to serve as a guide for refugees who are registered in Pinyudo but living in Itang, going and coming between Itang and Pinyudo for ration. Apart from that he also takes anybody who has a security problem in the camp, including people who committed homicide escaping revenge with the agenda 'money counts' as well as he takes refugee traders, generally charging each person 10 ETB. From Itang the traders will

¹⁰⁸Many Nuer refugees stay in the camp while they let their children being fostered by Nuer in Itang where water and food supply are better.

proceed to Gambela to buy fish, goats or petty trade commodities which they will sell for the double price in Agenger or Pinyudo. They use the bus to return to the camp which costs them only 15 ETB. 109 110

The Thurpam incident was one reason why Palek's guide tours declined although he argues otherwise, since he makes much more profit with his tours than with anything else.

109A refugee pays 40 ETB from Pinyudo to Gambela and 15 ETB, which is the official price from Gambela to Pinyudo. The reason is that no refugee is allowed to leave the camp without pass permit and by coming from Pinyudo they have to pass a refugee checkpoint where this permission is checked. The checkpoint is run by Anywaa and the 40 ETB are used for bribing them. They are paid to the bus-driver at the beginning of the journey, who then pays for them and himself to pass that checkpoint. The bribe is paid with or without pass permission. Coming from Gambella to Pinyudo, no pass permission is necessary and no bribe is paid.

110The tension between Nuer refugees and local Anywaa did not effect the relations between other refugees and local Anywaa like for example the Shilluk Mohammed who is building up a kind of fishing co-operative with some Anywaa. He brought fishing nets from Sudan and made friends among some Anywaa in Agenger who own a boat. He offered them to fish collectively in the Gilo river by using their boat and his nets. They had already agreed and started for some time until the nets were confiscated by the Ethiopian government. When the zonal government in Agenger changed Mohammed was given back his nets and he decided to restart his business with his Anywaa friends who are still willing to co-operate.

CHAPTER SEVEN

SUMMARY AND CONCLUSION

1. Summary

Going back to the Literature Review I want to basically summarise the points of disagreement with Evans Evans-Pritchard who viewed the Nuer through structuralist functionalism, stressing the disjunction of descent and territorial alliances by concentrating on the so-called 'lineage-system' instead of the territorial alliances which are the real foci of political action. He saw Nuer identity as mainly expressed through the two diverging values of 1. a nesting of descent categories from the lineage to the clan and 2. a nesting of territorial groups from the hamlet to the tribe, the territorial group being maintained through the common value of the dominant clan with whom the nesting lineages identify themselves. His failure was to see the Nuer territorial groups as agnatic aggregations by ignoring bilateral marriage rules as well as the adoption of outsiders for determining territorial alliances. Because Evans-Pritchard tried to apply the principle of segmentary lineage society he overlooked the reality which does not show up with agnatic but cognatic, bilateral territorial aggregations which are therefore no lineages. By overlooking reality he ignored the hamlets and their internal dynamism which is the core of Nuer life, namely the political and social organisation on the territorial level. Moreover, by viewing culture as something 'shared' Evans-Pritchard relied on a geographically and socially homogenous group of informants who became representative for Nuer society as a whole.

I used the theoretical elaborations of Verdon on Evans-Pritchards 'lineage-theory' by further going into details of the Nuer descent groups *thok dwiel*, *buth* and *maar* which according to conventional definitions of lineage are no lineages in a sense of agnatic

aggregations but categories of cognatic groups tied together through cattle transmission, bridewealth and devolution after death. Hence I showed how Verdon disproved the existence of a lineage system by studying the territorial as well as descent groups the latter not being lineages and only the former following a principle of segmentation by allying after this principle as military groups.

In opposition to Evans-Pritchard Hutchinson redresses Nuer ethnography by departing from a heterogeneous view of culture as a process which demanded a geographical differentiation of Nuer society, as well as an involvement of all categories of Nuer into fieldwork. By studying also the territorial level of the societal organisation she suggested to understand Nuer in view of their key media for interpersonal bonding that are cattle (yang) , blood (riem) and commensuality (nyuak) rather than through the two diverging values of descent and territory by Evans-Pritchard. Cattle through bridewealth exchange are tying collectivities of persons together through their blood which is social, transgenerational and augmentative, hence blood is creating procreative immortality Food as the third important concept is also serving as a means to confirm group ties by sharing it. Hutchinson analysed how these fundamental concepts were challenged by external new concepts like those of money (yiou), guns (maai) and paper (warak). Hutchinson's holistic approach involves social change as experienced through history and how external influences such as the exposure to market economy, other cultures, new religions, education and especially civil war have brought about changes in these fundamental values of Nuer society.

Hutchinson categorised Nuer society into three groups on the basis of their mode of response to the civil war and their responsive strategies for changing realities: homeland, displaced and exiled. Models for the understanding of Nuer society in the context of exile.

I have taken my point of departure on Verdon's as well as Hutchinson's models for the understanding of Nuer society in the context of exile. The scope of the present study is therefore to understand Nuer society in the context of being a refugee. Nuer refugees in PRC have found a way of incorporating UN food distribution into their political and socio-economic system that formerly based on cattle wealth and transactions. Being reduced to dependants on UN-food distribution but not accepting it as a general means of exchange they have 'Nuerised' it by exchanging the UN-grain into money and metaphorising the money with the 'running index' cattle. A 'running index' in this context is defined as institutionalised recipe which makes knowledge or meaning meaningful accountable. It is to be understood as institutionalised recipe of a social milieu for the identification of phenomena so that they are known and have a place. Its continuous use confirms a world, commonly known to the participants and continuously reproduces the social milieu from within. In our case the running index is part of a new order which is defined by the concept of Pinyudo cow (yang Pinyudo), in the form of UN grain, exchanged into money and is metaphorised with a cattle term or running index. Yang Pinyudo is by repeatedly being used, confirming a commonly known world (that of cattle) and thus continuously producing a social milieu. This use of a running index is a common phenomena among refugees who create a new social order by trying to fit it into their own context, constructing it out of the given (in our case cattle) and made order (in our case dependency on UN-relief). The 'running index' yang Pinyudo is thus used for marriage and compensation payments in courts which are established by the refugees as part of the new order as well as forum for its re-negotiation. By studying this new order as emerged out of the given which is: a cattle concept as running index, and the made which is UN-grain exchanged into money. I tried to show the change Nuer society had to undergo in

exile where formerly taken-for-granted norms connected with the concept of cattle have also changed.

Under the physical setting I described the interconnectedness of the Nuer refugees with the Gambela region by giving an overview of the relevant localities as well as by introducing the settlement patterns and its own dynamism within the camp.

In the economic setting I discussed change and its dynamism as caused by the cattleless new order by demystifying the 'cattle complex'. I described how the Nuer slaughter their cattle in a context when they are neither socially nor economically relevant for them which is the case in exile while comparing this behaviour with the socio-economic importance of cattle in the homeland. By having only access to 'unblessed UN-heifers', in the essential sense that Nuer did not achieve them through their own *buom* (power) they are socially irrelevant for the establishment of enduring bonds of *maar* (cognatic kinship), as well as they are economically irrelevant by being heifers which will not give milk before three years in a situation of severe water-shortage and the willingness to return home before that time is reached. I used these facts and the Nuer behaviour towards the UN cattle to disproof their underlying 'cultural obsession' with cattle as described by Evans-Pritchard. Furthermore by describing the Nuer attitude towards UN-aid and their different ways of incorporating it into their belief system and cultural practices I worked out the various categories of social actors and their participation in the process of negotiating a new order with new concepts.

I analysed these new concepts as applied to the new order, regulating marriage, kinship and religion. Finally I further analysed the effects of UN-aid by putting forward how it has economically and socially "equalised" Nuer society and how this has created a major shift in Nuer social relations. This "equalisation" of Nuer society is shown in the fact that everybody has the same economic resource in the form of a UN ration card which

lessens former economic inequalities in the form of cattle wealth accumulated in the hands of elders and cattle-owning men. The ration card has thus contributed to a major shift in Nuer power relations where elders lost their power, men feeling as social 'wives' of the UN and women considering it as their 'social husband'.

In the social setting I studied Nuer coping-mechanisms to the 'in-sufficiency' of Pinyudo cows, in the creation of enduring alliances through marriage which resulted in a major shift in the concept of maar from a kinship to a territorial relation by attributing kinship character to it. Pinyudo cattle are in so far insufficient as they have no blood. Hence they do not form part of the bridewealth as cuuny (inherited cattle right) because a bloodless cattle metaphor alone can not create legalised maar (affinal-relation, established through cattle exchange). Yang Pinyudo thus can only be seen as compensation for the bride-givers and entry to marriage but not as legal marriage, and Pinyudo marriage officially considered as kuen doar (bush marriage) or 'emergency social order'. Doar (bush) hence defines another concept, which is evolving around the notion of insecurity, instability and a place where there is no law which is how Nuer perceive the cattless exile. It is in this sense that exile and the concept of Pinyudo cow are considered as insufficient. The role of cattle in the maintenance of social order is discussed under Conflicts and Conflict Resolution by showing the different interpretations of different categories and groups towards the role of cattle within conflict resolution. The area of conflict resolution is a place where what we have defined as new order comes to its application and by showing this I also tried to show the strengths and limitations of the new order. While Pinyudo cow is used for the establishment of an entry to marriage, it fails as a controller of husband-wife relation because relatives are not involved in its payment. Here it is rather the border cows which are sometimes paid by the present relatives of the groom and handed over to the wife-givers families in the border areas that functions in terms of

control. In terms of conflict resolution between Nuer groups Pinyudo cow has no meaning such as it has no blood to resolve a conflict through a cattle sacrifice. Furthermore the chapter deals with the courts as forums where the new order is applied. All Pinyudo cow transactions are negotiated in the courts where it is mainly paid in terms of marriage, adultery, incest and stealing. The efficiency of courts as well as alternatives for the maintenance of social order is being discussed by studying the change Nuer society underwent in terms of social organisation and cultural practices.

The final chapter describes two 'Social Dramas', which give a practical example of how individual actors among the Nuer create conflict for their own economic or political interest by having denied cattle, blood and food as media for interpersonal links and replaced it with the political ideology of different rebel factions and the power of money. They nevertheless use marriage to achieve their political and economic aims while at the same time ignoring the basic concepts connected with it. By describing the resulting social drama I showed how this clash of concepts creates conflict, how it is experienced and tried to be resolved. This interplay of politics and marriage as shown in the first social drama shows the great difficulties Nuer face on the micro level by reinstalling order, which points to the fact that the important link in their value system is or at least used to be cattle. Despite the increasing difficulty of conflict control, this last chapter shows that the Nuer in exile nevertheless managed to prevent themselves from internal disintegration. The second part of the social drama is another example of Nuer conflict, this time on the macro-level with the outside group, especially with the Anywaa, and geo-politics and interstate-relations between Ethiopia and the Sudan. The link between micro-and macro-socio-political dynamism suggests a shift from cattle as their traditional source of conflict to that of politics.

2. Conclusion

Nuer society has been grappling with the predicaments of the civil war and incorporation into money economy. The Nuer in exile have found a temporary solution out of their present predicament by suspending values into the future while applying an emergency social order or temporary 'bush law' (ngwuot doar) under the running index Pinyudo cow or yang Pinyudo as negotiated in the courts and other forums which serves temporary purposes. Doar or bush is symbolising the exile and is understood as a place of disorder and illegality and yang Pinyudo is a bridge towards koc (a term centring around notions of social harmony, stability and social awareness), as well as a legitimacy for the present and a pole to lean on. Yang Pinyudo has become a temporary norm bridging yesterdays norms with those of tomorrow but making the latter less relevant for today. What counts is the given and the made order and what is debated and invested in the court is how to salvage the Pinyudo camp as a place for koc. The unique constellation of many Nuer clans being present in one place and their heterogeneity in political, social and religious terms, as well as the power shift created through dependence on UN-ration are thus among the factors creating instability in the camp. The invention of Pinyudo cattle can not be seen as replacement of Nuer cattle and is therefore not efficient in all aspects of Nuer life. It is mainly effective in terms of adultery and marriage payments while even then not fully replacing real cattle since it is bloodless and unblessed. For inter-tribal conflict resolution Pinyudo cattle are of almost no use since they can not serve ritual purposes. Despite similar conflicts occurring in Sudan the presence of at least a few cattle enables reconciliation through cattle sacrifices and blood wealth payments which can finalise stages of inter community warfare and feud. In Pinyudo cases are never really finalised and can easily reoccur. Cattle or women as source of conflict in Sudan had been embedded into a moral frame with its own regulations and control mechanisms centring

around the concept of blood and divinity. Conflict has become less controllable in Pinyudo where sources of conflicts are often politicised rather than being mere quarrels over cattle or women. Conflicts becomes less controllable due to the replacement of spears with guns and a changed concept of pollution regarding homicide. Hence homicide is not compensated as well as slayers do not even identify themselves which has created stages of latent hostility among some groups as well as between Nuer and local Anywaa.

The concept of **ruog** (adultery compensation) has been under extreme processes of re-negotiation, some people arguing that it should not fall under the category of Pinyudo cow but always be paid in real cattle. There are still others who would argue that it should be divided into Pinyudo and real cattle payments while some suggest a complete rejection of **ruog** payments. Cases vary individually but it could be argued that general clan internal regulations or behavioural patterns, such as territory becoming important means of identification and Nuer do invest more confidence in people from the same territory than from other territories. Hence coming from the same place might postpone all payments to Sudan as well as marriage became territorially endogamous. Another important change in terms of marriage is the tendency to consider bridewealth exchange as economic resource in times of scarcity while cattle exchange was formerly rather social than economic exchange in order to create alliances. Thus the Nuer have started to manipulate marriage law for their own interest which is no more that of social alliance along cattle ties but mainly economic. This becomes visible for example in regard of the changed concept of **pöth** (honour-bearing gifts) which was used to be given freely but is now demanded by the bride-takers and becomes a determinant for marriage. Moreover marriage became very instable due to loose affinal relations which are a product of cattleless marriages and there are cases where a family wanted to divorce her daughter after three days to somebody offering more cattle than they gained from the recently married husband.

Of course, we should not forget that the majority of the Nuer are in Sudan and not in exile and the returning refugees influence will therefore not be that big but their experience in exile will nevertheless remain without consequences for themselves as well as for Nuer society as a whole.

By seeing culture as a process constructed by various heterogeneous groups I have shown the different concepts, the different categories of Nuer refugees have developed over cattle. The minors for example are using cattle as a 'scape-goat', making it fit to their needs on the one hand seeing cattle as biological animal, source for milk and meat and on the other hand seeing its absence as reason for all disorder by idealising an isolated concept of cattle while at the same time not living with the consequences by not internalising the behavioural norms connected with it.

As a point of special interest I have perceived a process of 'unification of descent and territory' as a coping mechanism or replacement for the absence of legalised *maar* relations (ritual and economically reciprocal relations between an ego-centred group of 5 to 6 generations tied along cattle rights as established through bridewealth exchange and devolution after death). The Nuer in exile thus consider the clan, or territorial group as *maar* because *maar* relatives are not around. They argue that due to the absence of blood relatives, the members of a newly invented territorial category will be considered as blood relatives and thus fulfil the obligations of both 'blood' relatives as well as of territorial allies. Under the premise that society needs alliances the Nuer have replaced the absent with the available. This action has further confirmed my statement that Nuer are a kindred society where political relations are territorially based as well as it confirms Verdon's hypotheses that territorial nestings are the real foci of political action rather than putting stress on descent in Evans-Pritchardian manner. The importance of territorial or clan-alliance for Nuer is also confirmed in the change of settlement pattern which evolved

towards a clan based settlement rather than towards a descent based one. By further dividing on the clan level along religious denominations the new concept of the territorial clan-groups as strongest identity has been further enforced.

As already discussed politics has been another new common value among Nuer society. It is partly territorial in the case of Bentiu who are exclusively SSIM members because the leader is from Bentiu but can also go beyond the newly formed groups in the case of the Gawaar who partly divide in SPLA, SPLA United and SSIM. However political values are shared by few educated young men and very few women who make their own politico-intellectual decision to which group they want to belong to while uneducated Nuer often are guided by agitation by the intellectuals who are usually from their own group. To argue that the division into SPLA and SSIM is a continuance of the Dinka-Nuer conflict would be wrong in this case since as the original divide came about the ideological questions relating to the future of Southern Sudan: Should it be an independent southern Sudan for which the SSIM is fighting for or just part of a secular democratic Sudan which is the aim of the SPLA. Moreover are Nuer as well as Dinka are present in both rebel groups although there is a Dinka majority in the SPLA and a Nuer majority in the SSIM. However it was only later that the representatives of the movements Dinka-Nuer conflict as one means among others for recruitment. The division into Nuer-Dinka has been the creation of the leaders rather than it is the main political problem of the South. I have observed similar processes in the refugee camp where individuals use other conflicts like that of marriage to recruit Nuer into the SPLA. To insist on the Dinka-Nuer conflict as a problem will merely play into the hands of those Northerners who are trying to internally divide the South with their propaganda.

Nuer society in exile is mainly united by sharing the same territory and depending on the UN. The fact that men have become 'wives' of the UN and women perceive the

UN as having taken over the role of their husbands contributed to a general instability of Nuer society where traditional values are being eroded. Nuer society which used to consist of powerful elders and a collectivity of persons united through cattle wealth as social control is represented here as a socio-economically rather homogenised community through the economy of the ration card. It is this relative economic homogeneity which has created heterogeneity in terms of values and behaviour. The Nuer are complaining that everybody can go his or her own way in a situation where the only value is the ration card. The absence of cattle and own capital is a great challenge to Nuer who stress the importance of 'ones own power' (*buom*) in the creation of economic resources while own efforts are not required in order to get UN aid. Also the absence of cattle for marriage and sacrifices makes life difficult and partly senseless. Despite this they have managed to create a temporary social order in the midst of instability. There were several cases where the institutions that are supposed to protect them have failed but as the court cases have indicated the majority of Nuer refugees were very concerned and have independently managed to collectively maintain order and stability in the camps according to their given and new order. This act is to be appreciated by a society that is essentially thrown out of its balance.

Once back in Sudan the question which is mainly suspended in Pinyudo will be: Will *yang Pinyudo* become *riem* (blood) or will it remain money? Meaning will people really pay the bridewealth in the form of cattle or will they have to continue paying cattle-fied money due to cattle shortages because even the homeland has become *doar* (bush) and which effect will that have on the relationship between the affines, belief-system and social organisation in general? Or will the Nuer even if they have cattle continue to marry with money because they have started to appreciate the experienced individuality in exile? The young generation for example has started to think in terms of 'love' as a principle of mate-

selection rather than being guided by the politico-social or economic interests by their extended family and some boys abduct a girl until her family finally agrees on marriage. Moreover cases have occurred where relatives were not willing to contribute the cattle they were supposed to while being economically capable to do it and these people will not easily give up their new concept of economic self-sufficiency and independence and exchange it with the given order of collectivity and dependence through cattle exchange. Nevertheless another possibility might be that returning Nuer restart marrying with cattle by whatever means as a kind of cultural revivalism and a way of counteracting their exile experience. At a time when traditional communities are overwhelmed and millions are losing that sense of place and self that gives life a meaning, the Nuer in the refugee camp provide one example for how communities in their different contexts are doing their best to hold on to their traditions to retain their sense of coherence.

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APPENDIX

Court Cases

1. Girls elopement, Bentiu/Gawaar
2. Killing, Lou

Marriages

1. The case of Wolsab and Nyakik: Lou/Gaajak

Life histories

APPENDIX I

1. Court Case: Girl's elopement, Bentiu/Gawaar

Participants:

Moses: boy, Bentiu
Nyariiek: girl, Gaajak
Gatlihiy: Elder from Bentiu
Gatbuok: Elder from Bentiu
Simon Gadit: Bentiu intellectual

Nyariiek's brothers in-law alias 'relatives': Gawaar¹¹¹

Moses has kidnapped Nyariiek for the fifth time, twice in Sudan, once in Itang and twice in Pinyudo refugee camps, Ethiopia. The relatives of Nyriek always refused Mose and almost killed him after he kidnapped their daughter in Itang. Because he is an unaccompanied minor his clan has so far contributed ruog for him. Now the clan has decided to finally terminate the relationship between the two and force Mose to officially refuse Nyariiek in front of the court which takes place because of the fifth kidnapping. The relatives of Nyariiek on the other side have finally decided that the two should marry and want to arrange the marriage in front of the court.

Moses: When your daughter disappeared the second time, all of you suspected me even my relatives were not having confidence on me. I told all of you that the girl has not come to me once he comes I would report her to you immediately. In fact when she came to me after 4 days I reported her to you the elders. I had completely changed my mind because I was about to be killed in Itang by you the relatives of the girl. Now I have gone back to my study (school) and I have forgotten the girl while you are telling me to marry. How can I marry while my three cows were lost by you my in-laws who went even to the extend of killing me. Please, I don't want to marry after all these tortures.

Court man: Well, you my boy where did the girl appear?

Mose: She was found by one of the elders (Gatbuk Kam).

Court man: Moses, I want you to answer this question for us, the rest of the people here. Whenever this girl disappears we don't suspect anybody except you. But for you, do you think this girl has another husband whom she is interested more than you?

Moses: I don't know.

¹¹¹Nyariiek's relatives and father are not around in Pinyudo. The people who represent her relatives are her brothers in-law, some of which want her to marry within Gawaar rather than marrying her to Bentiu.

Court man: How can you say that you don't know? She disappeared five times and she used to disappear in your house. Please, you have no single right to refuse the marriage while you are still running after her. Police, come give him 20 lashes! (Moses was lashed, but still persisted not to marry).

Court man: You girl, your husband said you have hidden yourself without his agreement, if that is so, why ?

Nyariek: I ran away because my sister's husband is planning to give me out to another man in Gambela, which was arranged secretly. I don't want that.

Court man: OK. but when you have hidden yourself, who has discovered your hidden place?

Nyariek: The elder Gat Buok.

Court man: How did he discover your place?

Nyariek: Ask him!

Court man: So you want the elder Gat Buok to be lashed also? (Laughter) (Here she is told off for his disrespectful behaviour towards the elder.)

OK. now your husband refused to marry you. What is your decision?

Nyariek: Moses is not refusing to marry, but he is fearing the previous situation. (He fears to be killed by her family.)

Court man: No! Don't think about the previous situation what we are telling you now is the truth! Now talk with your husband!

Nyariek: Moses, now our parents said that we are allowed to marry and that nothing bad will happen again. What is your decision?

Moses: My dear sister, I have been tortured so badly by your relatives and I don't have a piece of happiness that may encourage me to marry.

Nyariek: Please Moses, we better do as our parents told us because even if you refused to marry still you will be punished later on.

Moses: Please, no more talk. What I have said is enough. Whether your relatives are serious I will see not now but after sometimes in the future.

Nyariek: What if somebody else applies and my relatives accept him. Will that be their mistake or yours?

Moses: It is their mistake, because if they mean it they will not give you away. You Nyariek, You know that when I kidnapped you, it was not a joke. I meant that you would be my wife, but your parents refused me in that way. What can I do? Please let us respect our parents by not persisting to marry while it is not their wish.

Court man: Moses, please why don't you simply say that you have nothing to pay for the marriage here! (It followed a long discussion that the court man should not mention whether Moses has 'cattle' or not such as it is perceived as an insult to call a Nuer cattleless.)

Moses: All my properties were dispersed and I was physically tortured which made me sick up to now.

Court-man: OK. Moses. Now your wife is encouraging you at least to try one more. If you disagree completely tell her now in front of the court that she should not come to your house again so that all of us will hear!

Moses: Nyariek! Please stay in your house! Talk no more on marriage and don't blame me, because you know the reason for my behaviour.

Nyariek: Moses, I am very tired if you have simply decided that.- What can I do? I will go with my relatives, but if any man applies I will not argue.

Moses: (with tearful eyes) OK. Do so! Because most of these people who are claiming to be your relatives are the very people who want to marry you. (He is referring to the fact that the Gawaar have decided not to marry their women to other clans any more but marry them to their own clan members.)

Joseph:(Bentiu) You, girl ! You have heard from your husband that he will not be able to marry you because your relatives are not accepting you. Please, we want to finalise with you today. Tell us frankly if you will not cause any problem again with this boy.

Nyariek: OK. It is true that this problem should be finalised peacefully. I heard what Moses said, but I would like to inform you that I am pregnant in the third month. (Everybody is very surprised and starts talking, the relatives of the Nyariek seem to be very angry).

Nyariek's relative: You are pregnant now?

Court man: Moses, have you heard of what your wife said?

Moses: Even if she is pregnant. With what shall I marry her while her parents have destroyed all my things for the marriage?

Court man: You the relatives of the girl, now another problem has occurred. The girl is pregnant. What shall we do?

Nyariek's relatives: Moses! You are a very strong boy. Previously your wife told us that we have to accept whatever you are able to pay. Even if it is only five cows I personally say that you have to marry the girl and the parents of your wife agree on my proposal. But you had introduced your marriage wrongly and you disagreed with your father-in-law. No one refuses you because you are small. Our tradition allows even a 15 years old boy to marry. Now the girl said that she is three months pregnant. Therefore we don't want to talk any more. I think your father is alive?

Moses: Yes!

Nyariiek's relative: OK. Now you will pay 15 cows here in Pinyudo and your father will pay 15 cows in Southern Sudan.

Moses: It wouldn't be very difficult for me to pay those 15 cows if the marriage had been smooth, but at the present I am not in the position to marry.

Court man: Moses had you an information that your wife is pregnant?

Moses: No!

Court man: You girl, did you inform your husband that you are pregnant or not?

Nyariiek: He knows!

Court man: You the relatives of the boy what do you think?

Moses relatives: Well, what the boy said, that he has nothing to pay her is true and for us, his clans-men we may contribute four to five cows, but that will not solve the problem since the boy himself has nothing to pay and I am sure that he has nothing.

Court man: OK. I thought you may claim to marry since the door is open for you to marry, but if you have nothing, no problem. You Moses, how many cows have you lost?

Moses: Three cows with 100 ETB and other properties. (They were paid as ruog for the former kidnapping.)

Gatbuok: In fact when we discussed last time I told you that I would be very serious to find out where this girl was and I found her in village 13 in the house of somebody which is not of our clan. I was serious because I didn't want our people to fight and kill themselves.

Court man: Now you, the girl's relatives, you are saying that Moses should marry the girl while her parents are not here although they were the ones who destroyed the marriage. (Nyariiek's father who opposed marriage shifted to Itang) How can this be? Please let us be frank. (He is criticising the fact that the representatives of Nyariiek are not from her clan.)

Nyariiek's relatives: You the boy's relatives. You are saying that your three cows were lost and therefore marriage is not possible any more. Please, in our culture do you marry for three cows? Please, don't run from the truth just say that you have nothing to pay.

Gatlihiy: Please you the Bentiu People, what is your reaction on this issue?

Bentiu member: We are waiting for you to say something because we don't know what to say.

Gatlihiy: Well, you the court men! In fact we have nothing at hand. Again, according to our culture the person who want to marry must have something first and then the rest would follow. *But the boy has nothing. Who will then start the marriage?* And after all, we have contributed for him before. (Gatlihiy manipulates by arguing on base of the given order where relatives but never the clan contribute for marriage, because he is against the marriage.)

Court man: You Nyariek! You always disturb your parents that your husband would have cows to pay if he would be accepted. Now he said that he has nothing. Are you still running after him? You don't want your father to get something?

Nyariek: If Moses has decided, I will go to my family and stay there. I will not blame him, because my parents have lost his cows for marriage. (She is still trying to persuade Mose by playing with his pride, arguing that he denies her parents the bridewealth cattle.)

Court man: Please, if the problem of your husband is because of the three cows which were lost by your parents, we the court people will see into that problem. We will ask your relatives to subtract those three cows from the 15 cows which they are requested. Tell this to your husband. (The court is trying to facilitate marriage for Mose.)

Nyariek: Please Moses, Take out the ciets (sticks, symbolising bridewealth cattle) and sort out your cows.

Moses kept quiet.

Nyariek's relatives: Moses do you want your wife to be married by another person together with her baby or do you want to collect your child one day? Please don't fear because you were tortured last time; *that is the usual way of illegal marriage.* (He argues on the base of new order which implies torture for illegal marriage in Pinyudo.) *I advise you to marry your wife, because she wouldn't live without you.* (It is also part of new order. He is relativising the torture Mose experienced by considering it as a necessary law, which may serve as a face-saver to make it more easy for him to agree on marriage with those people who have been torturing him.)

Moses: Please, I have talked enough. I don't have anything.

Nyariek's relatives: OK. We will not force you to marry, even though our daughter is pregnant, but in front of the court I would like to tell you that if I see you greeting this girl you are going to die immediately and because I know that you will not control yourself you better change this camp. We are going to make this agreement in front of the court and we will sign. You will live only if you make yourself Ngundeng the prophet.

Nyariek's relatives: Moses, so you know our laws very well? If something happens to this girl now, e.g. if she gets beaten by a snake, eaten by any other animal on the way to your house or hidden place, you will be responsible. Don't repeatedly mention about the loss of your cows. You were lucky that your head was not smashed. So far we left you in peace because you are a markless boy (without initiation marks) who doesn't know what

is bad and what is good.¹¹² But this time if you refuse to marry be serious on your word otherwise you will loose your life. (He is still insisting on marriage by threatening him in case he refuses. He is saving face of the Gawaar by explaining Moses behaviour towards them with his status as unscarified Nuer.)

Court man: First you daughter, your husband didn't reject you. Don't curse him, he has no cows here for your relatives. You are going to pay ruog of one cow under conception here in Pinyudo and we will wait until the child is born whether it is yours or not.

Simon (Bentiu), addressing the court: How many times are we supposed to pay the ruog?

Court man: Twice! Once for 'closing the legs' of the girl (deflouration), and the second time for the pregnancy. In case a man is insisting after the court decision he will pay a third time.

Simon: OK. For somebody who is insisting after the court, the punishment is imprisonment.

Court man: But due to other problems we don't imprison now.

Court man: You boy, *don't feel ashamed because your father is not here. Even if he were here; nobody has cows in Pinyudo*, (New order is further stressed) you have to pay that ruog mentioned before, but the court will not punish you. (The rest of the court members argued on this).

Nyariek's brother in-law: Moses, by the way. Let me tell you the situation of your father and mother in law. Your father in-law has married only one wife, who gave birth to only two girls. I have married one and the other one is the one you wanted to marry. Both, your father and mother in-law are very old and I am the one taking care of them. Please, I would be very happy to have a brother like you who can help me. If you had introduced your marriage in a good manner I would be very serious to help you although you are very small. Now the court has ended it that you have to leave the girl completely, so please respect those aged people don't confuse their life. (The brother in-law is inviting Moses in a very polite and friendly way to join his family through marriage.)

Court man: OK. now the time has passed let us meet tomorrow to make all the necessary documents.

Court man and relatives of Nyariek: You daughter, last time when you were found after three weeks, you were brought to my house. I didn't argue because I am your relative and court man at the same time. Again you have decided to escape with your husband. Please, tell me why you did that after the court has advised you?

Nyariek: Because you are planning to give me out to someone that is why I escaped.

¹¹²I have discussed the argument on scarification in Ch. ?

Court man (to the police): Please give her 20 lashes! (Here all the elders appealed to the court that she shouldn't be lashed and she was not lashed).

Court man: You, the girl's relatives! This is now the fifth time that your daughter ran away from your house to this boy. Now please what is your final decision on that issue? Be very frank!

Court man: You the girls relatives, this is now the fifth time that your daughter ran away from your home to this boy. Now please, what is your final decision on that issue? Be very frank!

Nyariek's relatives: OK. In fact we are very tired and we have decided that the boy has to marry. No more. (New order: Bride-givers are forcing marriage.)

Court man: You boy, you have heard what your in-laws said, that you are welcome to marry this time. What do you think?

Moses: Be the way I was not the one who has hidden the girl. She escaped without agreement with me. I have told you last time that if your daughter comes to me again that I would report her to you immediately and when she appeared I reported her to you at once. That means I am not interested in marriage any longer. So please I don't want to marry.

End of first part

The conclusion of the first part is that the bride-givers insist on marriage with 15 Pinyudo cows while the bride-takers are refusing.

On the evening of the first trial, the Bentiu held a meeting during which they decided to pay the cattle in order to save face of their Bentiu clan, and not to be considered as poor. Every clan member contributed 20 ETB until a total of 4500 ETB had been collected. Moses was advised to apologise and accept the marriage proposal. The day after another Bentiu who was on a marriage process with another Gawaar girl kidnapped and raped the girl which was used as an excuse against Moses marriage by those relatives who planned to marry Nyariek with somebody from their own clan. Hence the constellation reversed on the second part of the trial, the wife-givers refusing and the wife-takers accepting marriage.

Court trial second part:

Court man: OK. Today we are going to finalise the problem and I hope everybody concerned has come. Before we start you the boy's relatives should pay 20 ETB for the opening of the case. (The fee was paid)

Mose's relatives: I would like to apologise for whatsoever mistake this boy has done to you. I know that you don't mean anything when you refused this boy to marry but it is because you were misapproached by the boy last time. You had decided to make Moses and Martha to marry on condition that the boy should pay 15 cows her in Pinyudo and 15 cows in Southern Sudan. Moses has told you that he is not in the position to pay 15 cows in Pinyudo here and the marriage is not possible that was the end of our court.

But we, Moses clan have decided to contribute and pay these 15 cows and now we are asking you to forgive us and let us discuss about the marriage. (The girls relatives started to relate the process and all the difficulties they faced due to it so far. This took a very long time, until the court members advised them to comment on the current situation).

Nyariek's relative I: I was not around when the court took place last time and I heard that some of my brothers have accepted the boy to marry. How is this possible while the parents of this girl are not present here in Pinyudo?

Nyariek's relative II: Please, brother we are very tired of this problem. All of us were persisting last time that Moses should marry this girl although Moses didn't agree. Now, when his clans have decided to collect for us our 15 cows here in Pinyudo, we are very happy. Concerning the parents of this girl they are at Itang. We will call them to come and attend the marriage ceremony here.

Nyariek's relative I: OK. I have heard of everything you have been telling me but I insist that no marriage should take place. I totally disagree!

Nyariek's relative III: You Mose's clan! Last time Moses has completely changed his mind and refused to marry. How do you come again saying that you want to marry? Could you specify the person who came up with that idea?

Mose's relative: The decision came from all the clan members.

(Here the two people from the Nyariek's side were seriously arguing against the unification of Moses and Nyariek).

Court man: Please you the girl's relatives! You are supposed to talk and agree before you come to the court. We are trying to find solution to the problem. Please agree on one point and tell us. Don't waste our time!

Nyariek's relatives II: OK. We welcome the boy to marry! Please come and sort out the colour of your cows!

Bentiu member: OK. Last time you told us to pay 30 cows. 15 her in Pinyudo and 15 in Southern Sudan. Now we the Moses clan agreed to pay you these 15 cows as follows: We will pay seven cows this week and other eight the other week.

Nyariek's relative I: Please let me tell you, the Moses clan, even if you have thousand cows to pay here I don't want that boy to marry. I would only agree if you changed Moses with another man from your clan. (All the girls relatives agreed on that suggestion). (Here there is a disagreement within the Gawaar clan between those who want the bridewealth and are in favour of marriage and those who don't accept marriage for political reasons¹¹³.)

Court man: OK. Moses, you have heard what your in-laws are saying, please know that the court has no right to force the marriage. Please, from now onwards don't have any

¹¹³Further explanations on the political reasons preventing marriage read on chapter V.

relation with this girl! The same counts for you Martha if you disappear again, don't go to Moses house! If you do so, Moses will report you to us immediately and you will suffer. Now you will go with your family! (All the court members agreed on that).

Nyariek(crying): I will not go to Moses again. I know that I have no brothers and my father is an old man. That is why my interest is not protected. But no problem. I will go with them. But I will never marry another man except Moses! (Nyariek considers the situation as illegal such as her interests are not represented by her own relatives, neither by her own clan.)

Nyariek's relative I: Please, I don't want to see that girl wearing those clothes from Moses. She has to take out those clothes and she must go naked. (This demand is a direct reaction on Nyarieks insult against those representing her in her marriage. Nevertheless the demand to let her walk out of the court nakedly was not accepted by the judges and elders).

But then Moses should take back the other clothes which the girl is not wearing! (Moses refused to take the clothes he gave her as presents and the Bentiu elders finally took them).

Finally Nyariek went with her daughter and Moses was not charged by the court. The reasons for Nyariek's relative I to refuse marriage were mainly political but the act of Mading to rape the Gawaar girl was used by the political agitators as an excuse to persuade the other Gawaar not to agree on the marriage.

END

Despite the fact that she was pregnant, Nyariek was violently beaten by her brothers in-law. They beat her on her head and jumped on her back while she was lying on the ground. For three days they kept her in a small cage in which she could hardly move. A few weeks later one could see her working on the market until she was finally taken back to Sudan where she gave birth to her and Moses child. Such as Moses did not pay any ruog he has no right in his child. Furthermore he decided never to go back to Sudan but to remain in Ethiopia to finish his education.

2. Court case : Killing, Lou

Fourth months pregnant Nyakoang fought with Nyachin after which she had an abortion some two days later. The court case discusses whether Nyachin is responsible for the death of the foetus or not. What makes this case interesting is interesting is the discussion on nueer (pollution) as caused by murder and the final decision to pay a physical rather than a Pinyudo cow.

Participants: all from Lou clan

1. Nyachin Biel, 26 yrs.
2. Nyachin's husband: Chuol Khor
3. Nyakoang Thurbil, 20 yrs.
4. Nyakoangs husband Deng

Deng: I am convinced that the abortion was caused by the fighting between my and Chuols wife. Let Nyachin give us some evidences on this. I am requesting the court to investigate this properly.

Chuol Khor: I am really very sorry for what happened. In fact when I came home on that day, I found my wife very sick and she was complaining about stomach pain so that on the following morning I took her to the clinic. She was examined by the doctor whom she told that she had been fighting with Nyakoang Thurbil who knocked her down. When I asked her why she had not told me what happened she replied that she feared me to start a fighting among our clan. Her doctor gave me some drugs and we went back home. Later on Deng visited us and brought some medicine in order to help us as he said. I told him that we already got medicine and that there would be no problem. Nevertheless my wife aborted short after which Deng and his children secretly left the camp. I was very happy when he came to visit my wife but when I found out that he had left I condemned him because it came to my mind that his wife purposely beat Nyakoang.

Deng: I evacuated my house because of the bad experience that we had in the camp. My wife was once attacked by the relatives of Chuol and Nyachin. Nyachin also was saying that she will revenge her lost child with another child by killing one of my children. I feared that a fighting between the two ladies may aggravate to the whole clan and by leaving I tried to prevent that. At the same time I knew that Chuol did not want to do any harm to any of my family members. (Deng is very cautious to avoid hostilities in order to avoid a conflict among the Lou and therefore tries to stress the problem to be a problem among women only.)

Court man: Of which sex was your damaged child?

Chuol: My child was a male child of 4 months.

Court man: You Nyachin, the court will take his decision now. Do you want to say something?

Nyachin: Yes. Actually I don't agree on the fact that I was the one who caused the abortion because Nyakoang had already two abortions and this is the third one. She might have her own problem such as she was even suffering before we fought. Even if the court will charge me I am not the cause!

Nyakoang: In fact I don't want to create something on anybody because God knows all what we are talking. If this lady Nyachin is not the cause of my abortion why should I claim her to be the cause? In fact I had two abortions some time ago but the child did not come out completely. I was only bleeding.

Deng: Please I beg you the court not to forget that the abortion happened two days after the fighting!

Court man: You Nyakoang, you are denying to be the cause of the abortion. How do you know?

Nyakoang: Because this lady is my neighbour I knew that she was suffering from stomach pain before we fought and because she had already two abortions.

Court man: Please you are wrong to say that you are not the cause, usually when you are fighting with somebody who is on the way to die, if he or she dies in your hand you are already the cause, so whether it is you or not you are responsible of that crime.

Court man: There is nothing more to be discussed because of the death. The dead person is not to be blamed as it was said by Nyakoang in the beginning that Nyachin had attacked her.

Court man: You Mr. Chuol, we have come to know the nature of your problem with Deng. Will you know tell us what is to be done about the loss of your child?

Chuol: There is one thing that I want to tell Deng. His wife in line with him was saying that she was not the cause of the abortion. Please, we are the same people (Lou). If you are sure that you are not the cause then *I don't want any compensation and I will not do any harm to them. God will see it.* (Chuol is also cautious to maintain peace within the Lou by on the one side not insisting on compensation while on the other side referring to nueer (pollution) in case the crime would not be compensated.)

The ladies were interrogated once more and requested to tell the truth so that in the future will not have any problems but both were insisting on their points.

Elder: Please Chuol, be very wise to solve this problem. Why we should peacefully solve this problem is because *we don't want any problems in the future and as far as our traditional laws are concerned this kind of problem is one of murder and there are many things to be done to make your future bright.* (The elder is also warning of nueer in case of murder.)

Court man: Once upon a time there was someone who prepared a good food for his guests. When the food was taken to the guest to be served he gave some of it to a dog that was lying near him. Before the dog reached to the place of the food a cock saw it and rushed to it. The dog also started running and when the cock saw that the dog was running it jumped and came down on a calf. The calf jumped and crushed on a small child by killing it. In this case who is to be blamed? (The analogy is here that Nuer culture associates responsibility for a deed with the original cause even the deed was not intended.)

Elder (Gajok): Please you Deng, this child was said to be 4 months which means that it was already a person. Therefore the child must be compensated. But the compensation will not be the same with a born child. In case of eastern Nuer four cows should be paid.

Elder (Bentiu): What the elder said is the truth but in our case, the western Nuer, only two cattle are paid for this kind of problem, namely a small bull and one small cow. (Here we very well see how new order is negotiated out of the two given orders from western and eastern Nuer.)

Chuol: Now you the court has decided that the compensation will take place. If this is going to happen are we going to invite the skin-believer and follow procedures as we do in southern Sudan? (This is a continuance of negotiating order as started by the elders.)

Court man: No!

Chuol: If not, am I going to eat with Deng's family or not, after this has happened ? (Chuol is also warning indirectly of nueer and referring that the two families can no longer eat together if the crime will not be compensated.)

Court man:(No reply)

Chuol: If not than it will be because of this problem which happened recently between us Lou that I will have to fight with Deng because he is not convinced that his wife killed my child. For me I don't want any compensation but if you think that Deng's family will be in danger if they don't pay, let them do it. Let them pay only one cow instead of two but let it be a cow with four legs. (not a cow in terms of money.) (Chuol is manipulating the law on the base of given order, by arguing that compensation is not necessary in order to avoid conflict (made order) and at the same time arguing with the danger of nueer as part of the given order and to finally get his cow..)

Deng: What I know is that whenever there is death, the relationship is not considered. Chuol should not say that his child should not be compensated. It should be done according to our law. (Deng has accepted Chuols warning and is willing to pay. He even confirms Chuol that no fighting will take place and that the compensation payments will not affect their friendship.)

The court and the audience agreed that Chuol should pay one cow and Deng agreed. He brought the cow five days later, after he had received his ration.

Marriages

1. The Case of Wolsab

Wolsab is a very successful business woman in PRC. She was one of the initiators of the central camp market and runs one of the most efficient restaurants in the camp. Her husband died some years ago, leaving her without any children due to his or her infertility and due to the profitability of her market she could afford paying bridewealth and decided to get a wife for a widow's marriage. She defined the marriage as an investment into the labour force of the wife. Because the market is getting less profitable, she plans to engage her wife in some income generating activities of the NGO's in the refugee camp. Wolsab who is Lou choose Nyakik from Gajok clan as one of the most hard working women in the camp. She had to compete with men for marrying Nyakik according to the usual procedures by approaching her at night on the backside of her house. Nevertheless the marriage was soon agreed on by Nyakik and her parents such as nobody would be able to afford to pay the same amount of bridewealth Wolsab could. After one months bridewealth negotiating procedures started and the final payment of 4000 ETB and 15 cattle was accomplished a year later. According to Pinyudo law 4000 ETB are equivalent to 12 cattle which would make the final payment 27 cattle of which the remaining 3 will be paid in Sudan. The border-cows were in Ankober from where a relative brought them to Nasir after which Wolsab went there, handing them over to Nyakiks brother who immediately invested them again in the payment of his own bridewealth. Hence kuen (marriage) was finalised, Wolsab chose her sisters son Chuol to be the ram dieth gat (one who produces children for others) and finally bor (wedding) was performed in July 1996. Wolsab's conversion and active participation in the 7th Days Adventists church was not seen as a constraint for the marriage and hence the ceremony took place in the respective church. On the question of how Wolsab would feel in her role change from a wife to a husband she answered:

"Last time, I was not happy, because I had no child, but now, if God wishes, my wife will have children. I will feel as a mother and a father and if I am still strong, I will continue working otherwise I will stay at home and take care of my children, just like any other father." (Wolsab, September 1996).

The household is arranged in such a way that Wolsab stays and sleeps in the market while Nyakik and Chuol sleep in Wolsabs home-compound. Nyakik is not allowed to work in the market or to show up there, because she is considered as a woman, Wolsab playing the role of the husband who is working in the market. She simply comes to bring Wolsabs food and cleans the compound until she leaves back home. She also cooks for Chuol who stays in the day-time in his parents house and in the market but comes to Nyakik for passing the night together.

Although Nyakik said that nobody forced her to marry Wolsab it seems as if she had preferred to marry a man. On the question what had happened had Wolsab not been able to pay Nyakik answered:

On the one side I feel petty for Wolsab and that is why I married her but on the other side, had she not been able to pay the bridewealth I would not have married her, and it had been again God's will who did not want her to have cows for marriage.(Nyakik, September 1996, PRC)

This case has shown us the increasing domination of economic rather than of social considerations for determining marriage. The main reasons given for this marriage were based on the accumulation of wealth, Wolsab arguing to need a further labour force and the bride-givers arguing with the amount of bridewealth Wolsab was capable to pay. This does no longer support what used to be the reason for women's marriage, namely the duty of a heirless father surviving daughter to marry a wife in her father's or brother's name which was never mentioned as a determinant for Wolsab decision to marry Nyakik.

APPENDIX III

Life Histories

The following life history was told in english and is printed here as the original version. Therefore the reader should excuse the quality of the english.

1. Buom Met Kurjock, Doc, Bentiu, unaccompanied minor, 21 years old
I was born in 1976 in Adoc where I grew up until 1981 when I went to Khartoum for education. I studied grade 2 and 3 in Arabic. In 1984 I went back to Bentiu and in 1986, when I was ten years old, I came to the bush. I knew our problem that we fight the Arabs and that the Arabs live in big houses while we are suffering. I was 10 years old when we were gathered by the SPLA in our village and walked to Ethiopia. We went there for military training. We walked two months. There was no water and only small food. We hunted wild animals, hippos, giraffe or fish. We ate maize which we bought from peasants and carried in a container. We had some money from our fathers or some of us sold their goats and cows in Bentiu. I have not seen my parents since 1986. They don't know whether I am alive. We have faced many difficulties on the way. We slept in the bush without protection from the rain. Many died of malaria. In one desert we had no water for three days. We met no people except dead people. They were eaten by birds, because nobody buried them. I came to Pinyudo on May 25th 1986, but the camp was not well organised. We got 12 groups of unaccompanied minors with 12 schools. We got our ration every 15 days. Maize, flour, beef, young chickens in tins, fish in tins, biscuits, oil, blankets and cloths. We mixed with Nuer and Denka, because by that time we were under one government (SPLA). We had no right to do anything by ourselves. Our camp had a good hospital. We were studying the whole time. In weekly morning and afternoon shifts. There was no training by that time. In 1991 we were told to go for a training in the SPLA base in Bonga. They told us that we are very young and that in order to become military men one day, we should go for training. We walked three days to Gambela and one day to Bonga. There was no problem with food or water. We lived in the bush, because we were bushmen (jidoar). In Bonga we stayed in big thatched roof houses which we build by ourselves. We got up at 5 am and made sports up to 7. Then we would eat our breakfast. We were very young and they were teaching us how to use a gun, but they didn't give us one. After 6 months we came back to Pinyudo. The big ones of us went to Sudan with a gun, we the small ones stayed for education. One knew that one day I would also go, but I didn't fear. If I die one day I know that I die for the liberation of the South, because in our country some live in big houses and some live in small houses. They eat our share while we are sitting idle. When we asked for our right they didn't give it to us, that is why we are fighting. After Bonga I stayed up to 1989 in Pinyudo. I reached grade 7 when I had to leave school for one year, because of malaria. In 1990 I wanted to start school, but there was a quarrel in Ethiopia and Mengistu our supporter left. Also Anywaa might have killed us, because they said that we were dictators to them. I didn't know what they meant when they called us dictator. I left Pinyudo on July 15th 1991. The administrators had left and we were alone so that we decided to leave as well. The SPLA came to protect the camp and the EPRDF told us to leave. Always five villages left together at night. When we reached Pinchalla there was no food for one month (July to August). The Red Cross brought 60 sacs of wheat but it was not enough. So many people died of hunger. After one month 150 sacs of wheat were dropped by the UNHCR. We got

cooking material and stayed in Pinchalla. On 28th of July 1991 Riek Mächar made a coup and became the leader of the SPLA United. The SPLA was divided into two. Some Nuer supported Riek, some Garang and Dinka the other way round, because we are one. In 1992 Garang wanted everybody to come to Kapota. When all were taken by the EPRDF, Omar Rudshi captured Pinchalla. We ran to different directions. Some to Buma, some to Kapota and some to Nairuz. Because we were so many, Garang told us to go to Nairuz. When we reached, Garang had already retaken Pinchalla. In May 1992 the Arabs came to recapture Kapoto. When the refugees heard that, they went to Loki Shot in Kenya. I was in Nairuz, because I didn't want to go to Kenya. From Nairuz we went to Torit in Sudan where they told us to go to Numli in Uganda which we did. We stayed there for a long time, receiving our own food. On the 27th of September William Nyong came to Numli, who was SPLA with us, before and told us that he was the SSIM now. He took us to the Nuer area in Turit, where we fought the first time with guns. We fought one year for Riek Mächar in Turit until we went to Nasir, together with the Denka. I was in Nasir to bring my relatives to Bentiu until I got permission to go to Ayot and my brother got permission to go to Bentiu. From Ayot I went to Wat, Along and back to Nasir where I stayed for one year. I was just sitting, there was no school. Riek didn't want us to have guns, we were all disarmed. I choose to go to the nearest place which was Ethiopia, partly because I wanted to get education. Because Ethiopia gave me education that is why I know something.

I came and I was told that there is no education in Pinyudo which is why I went to Dimma for which my clan contributed money. I met a friend in Dimma who solved my problem. He registered me and I sat for entry examine. I joined the school in Mezan from 1995 at eighth grade and went so far up to tenth grade. My future depends on my qualification. I want to be a lawyer or business man in Sudan, if it is free. I don't have money, that is why I don't marry and also because I am studying. I will marry one day when I can give full assistance. I don't want to go back to the bush, because I want to learn and then become a politician. I want to fight with the pen instead of with the weapon. My grandfather Ku Jok was a sub-chief. That is why I will not have problems in marrying. My uncle was a commander. He told me to stay here and complete my education.

My grandfather had four wives and four luaks, because he was a sub-chief. Now all these cows are with my father. My uncle wrote me a letter to come to Khartoum where he is the director of a school. He wanted me to finish my education there. But I don't need Khartoum. My main reason for being here is education. I go to school in Dimma. Radda Barnen does a lot for us there, the school goes up to grade 8. UNHCR, ARRA and DICAC gave me a scholarship to Mizan high school.

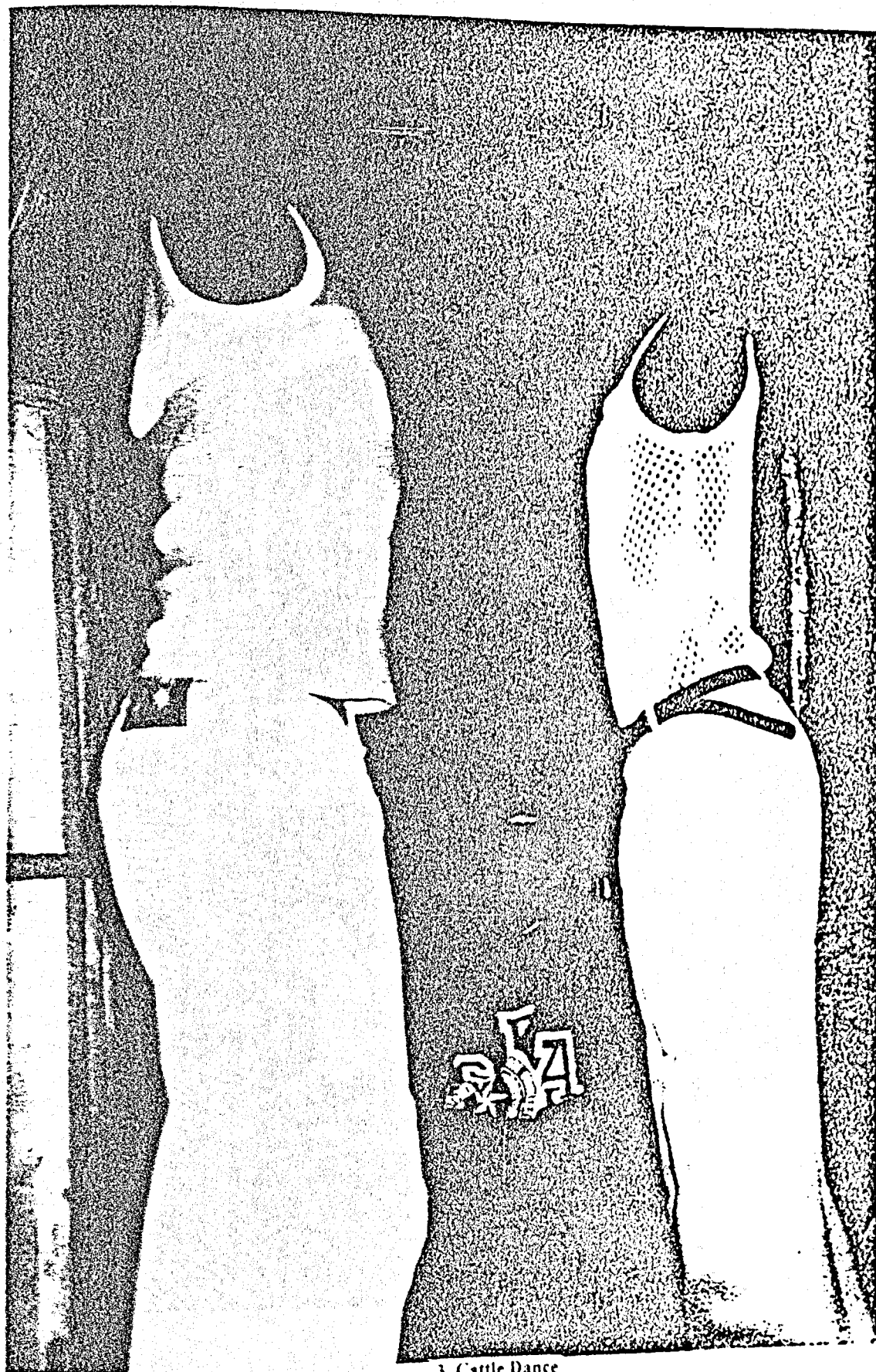
2. Joseph Malual, Bentiu, university drop-out

I was born in 1969 in Adok where I stayed for 14 years. I studied Arabic in Adok up to fourth grade. In 1980 I went to Port Sudan where my elder brother lives to study in English. I am the second born. In 1983 after I had finished up to the fourth grade in Port Sudan I went back to Adok to visit my parents. Then my brother joined the rebels such that I stayed in Khartoum with my clan members. I was working with an Arab contractor. Later on I became laboratory technician for the same person's factory. He was paying me good. But it was difficult for me to work and to study. I studied in the day time and

worked during the night. Finally I finished high school and could join the university in which three subjects were compulsory: Arabic, Islamic studies and English. Since 1991 after the order from the Ministry of Defence the medium of instruction became Arabic. This was difficult for all Southern Sudanese since Arabic is not our mother tongue as well as so far we had always studied in English. The main problem were the Islamic studies. Since I am not a Muslim I don't want to study about Islam. I attended the seminar only twice in the whole semester. We Southerners wanted to go to Juba university in the south where the medium of instruction is still English. When we applied we were told that it was not possible to get a transfer from Khartoum to Juba university. From then it was very difficult to study because the Arabs in the university were harassing us until it was no longer possible to study there. I made an application for withdrawal for one year which was just one semester before I was supposed to finish my BA. I wanted nothing but finishing my education because when our country is free one day it needs us intellectuals to rebuild it. Thus I heard that there is the possibility of getting education in Ethiopia. I travelled by ship to Malakal and then started the journey to Nasir. On the way I saw many people dying. They were running from the war. We had to leave some of our friends who could not make it on the road because otherwise we would die also. We had no water and no food. In December 1994 I reached Nasir after 19 days of travelling on foot. At Nasir I was told that there is no education in Ethiopia. I was desperate and wanted to go back to my village in Bentiu but the road was not safe because of inter-tribal fighting between Lou and Gaajok. Hence, I decided to come to Ethiopia. It is now three years since I have been to Pinyudo refugee camp. Here in the refugee camp I am the co-ordinator of the Radda Barnen schools. We have pre-schools as well as grade 1-4. Nevertheless, I feel I got stuck in Ethiopia. I am thinking of going back to Khartoum or to the bush (with the rebels). I have not yet decided.

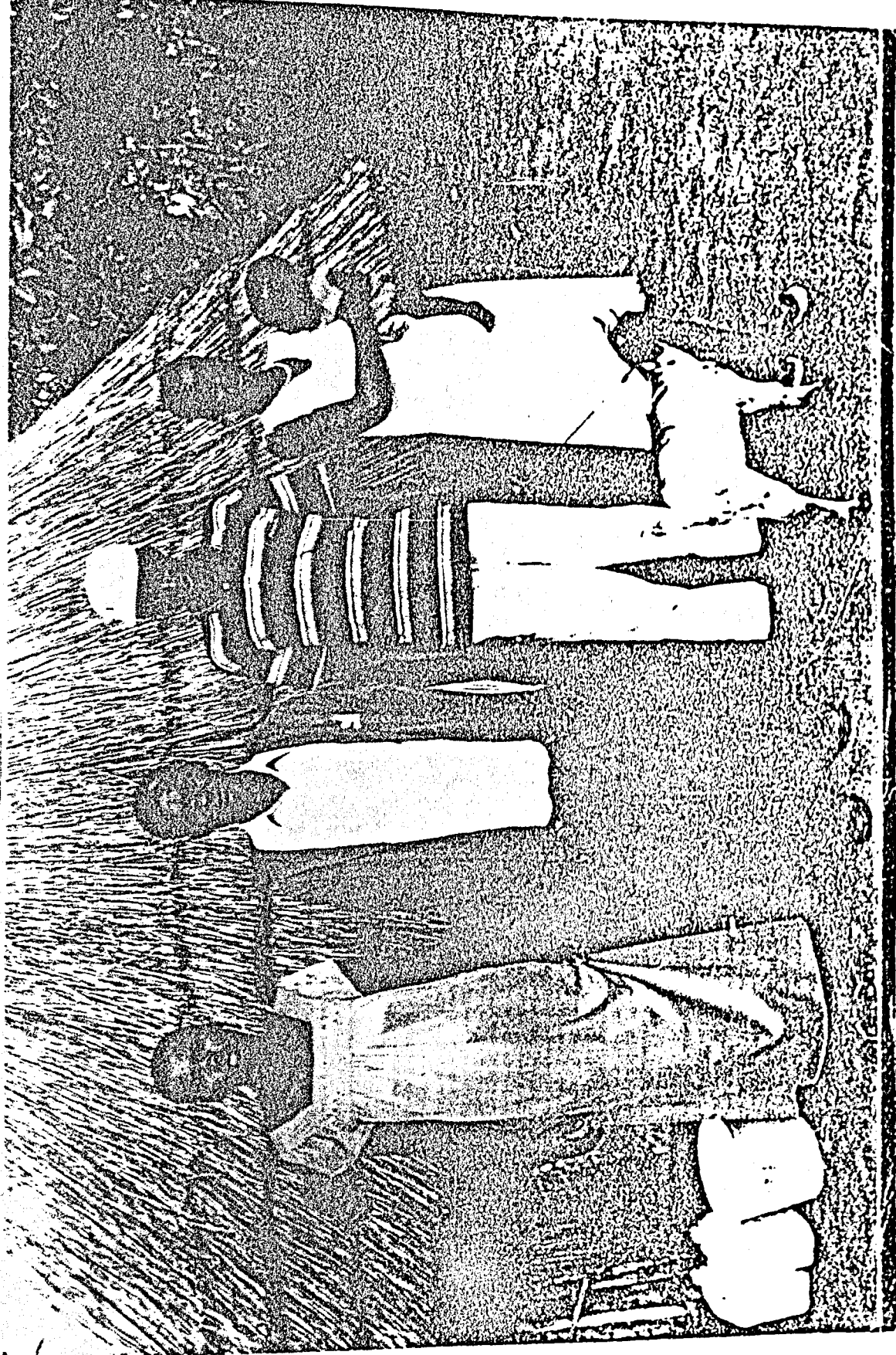


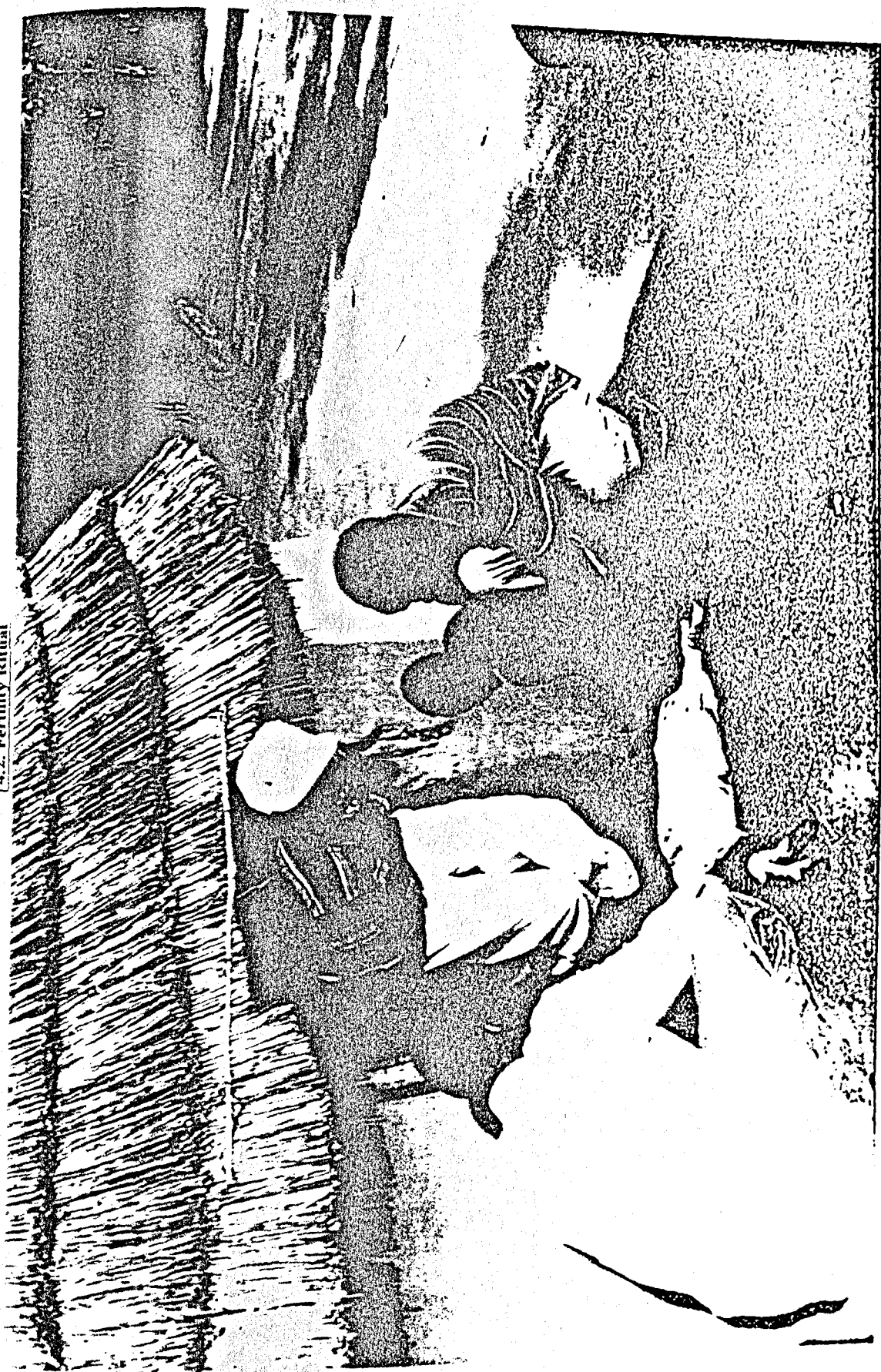
12. Nuer refugees as carpenters

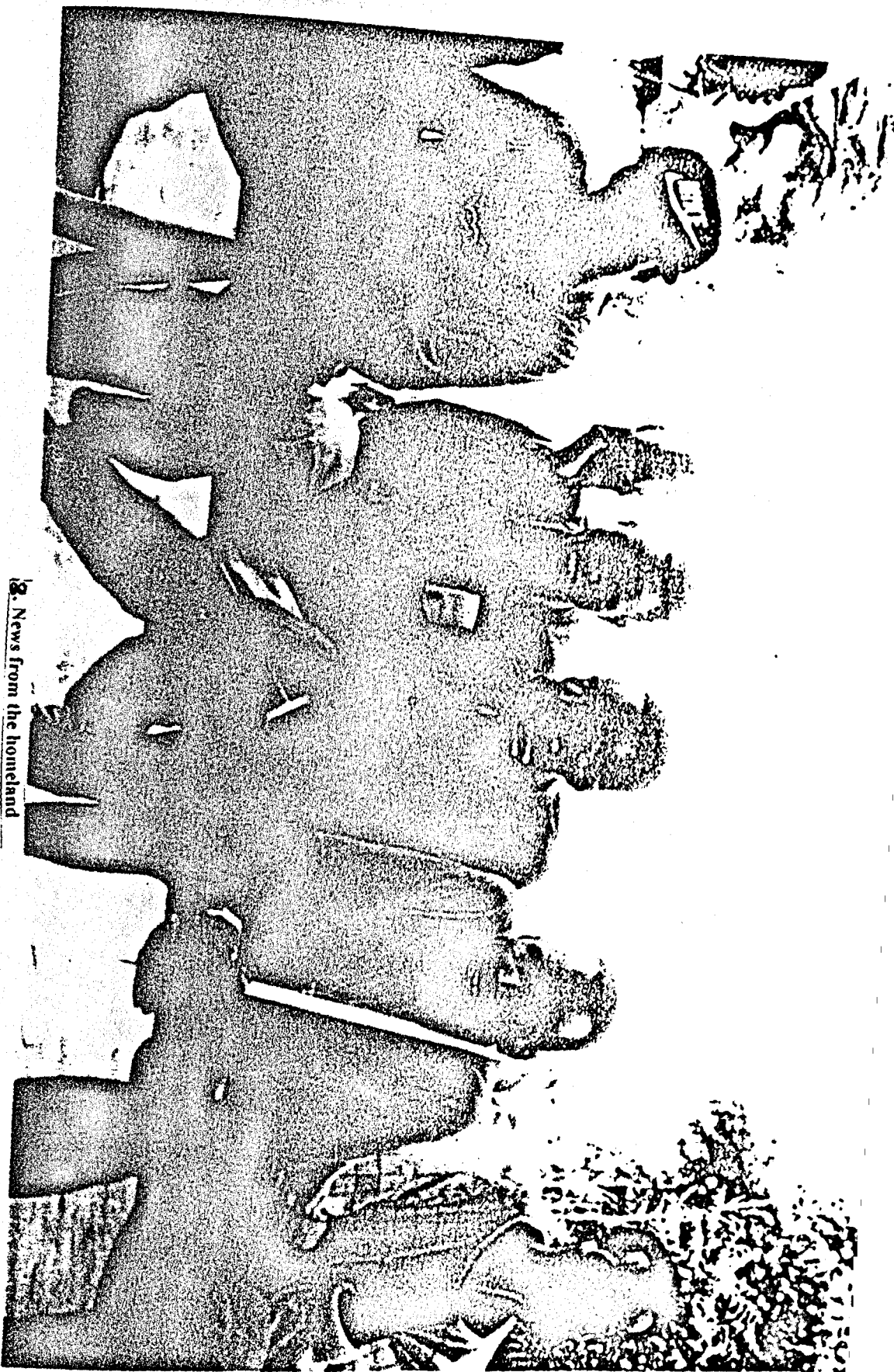


3. Cattle Dance

[4.1. One year after childbirth





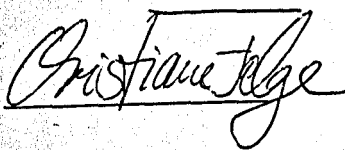


8. News from the homeland

DECLARATION

I, the undersigned, declare that this thesis is my original work and that all sources of material used for the thesis have been duly acknowledged.

Name: Christiane Falge

Signature: 

Date: June, 1997