

Breaking solidarity around rape and teenage pregnancy

As a society, we are distant in empathy around rape and teenage pregnancy. We are unable to translate the individual outrage that overcomes us when the person who is raped or impregnated is close to us, like a sister or daughter, into a collective outrage needed to protect everyone regardless of these familial ties. Yet, every victim is close to someone. What is missing, therefore, is how to fill the empathy gap between the individual and the collective. How do we get concerned to perceive the security of someone you don't know as directly related to your own security, and that of those close to you?

Sadly, those who are placed in positions of responsibility and are therefore expected to provide the leadership to translate the individual outrage into collective outrage appear overwhelmed by the challenge. Their imagination is constrained to the individual level and unable to transcend that horizon.

Consequently, when this responsibility to lead the activation of the collective consciousness – the very definition of leadership – they retreat from this responsibility of leadership by evasively pointing to the legal framework. “We have the laws in place and we are telling people about them,” is not leadership.

So, whereas it's true that they have facilitated the establishment of laws to fight rape and teenage pregnancy, more is expected of them. Precisely because there is the law and then there is society. But what's in between the two is leadership.

If the law isn't doing a good job of bringing about the desired social outcome, then it is possible that the law has

not originated from society. Or if it has, that it has come to reinforce what we say we are against even when that would constitute hypocrisy of unimaginable proportions; to reinforce solidarity.

This is the tragedy of copy paste, which by definition circumscribes the imagination. And so, if the laws are in place but are unable to deliver the intended outcome – to stop rape and teenage pregnancy – then it's time to get back to the drawing board.

If the law is only as good as its ability to respond to a given social problem, then it can't be a good law if it doesn't provide the intended outcome, in this case putting a stop to rape and teenage pregnancy.

It follows that a responsible leader cannot keep referencing the law as a solution to the problem it has failed to address. That is evasive. Immediately, the problem becomes obvious and demanding of a different kind of thinking: social forces are conspiring against the law. I would rather those tasked with the responsibility engage the problem at this level and introspectively derive a way to counter the social forces – to deploy jujitsu.

Whose law is it anyways, if society doesn't identify with it as something that has come to solve a shared problem? Do we have a shared problem around rape and teenage pregnancy? How does the problem express itself in society and how can it be addressed? Do we understand that the individual outrage, when amalgamated, is in fact a collective outrage? If we don't, who is supposed to help us make that connection? Are they doing so?

Once amalgamated do we agree that the violation against society should be punishable in the strongest terms possible to avoid recurrence? In other words, that there shouldn't be any level of impunity around the problem. Does impunity

persist because we are incapable of translating the individual outrage to the collective?

What is the nature of the conspiracy around rape and teenage pregnancy? For one thing, we know there is silence and solidarity that emboldens perpetrators. Almost everyone has played a role wittingly or unwittingly. It goes something like this: if we are many we will not be punished. If she accuses me, whoever she will report to has also done the same thing she is accusing me of. If he punishes me then someone else might punish him too. In other words, no one is safe when the chain of impunity breaks and a culture of punishment takes over. This is the textbook definition of solidarity. This is why culture is blamed, so that there is shared responsibility that includes transferring most of the blame to the victims.

The legal system will not address this. It is not capable. The level of solidarity unites every man regardless of their station in life. The cleaner is in conspiracy with the Director General; they share a secret. They are linked with the impetus for mutual support, solidarity, and protection.

We should know better. In this country we used to have this kind of conspiracy. Genocide would not have been possible without the logic that informs this conspiracy. To break the chain, we knew the law was inadequate; society needed to reflect; to do some soul-searching.

Individual morality had collapsed. Only a collective moral consciousness could be rebuilt through the idea of collective shame that came with public hearings. Guhemuka. Crafters of gacaca courts understood that Rwandans fear guhemuka more than they fear traditional courts. Let alone the idea that the perpetrator were too many and could not be processed by classical courts, which would be overwhelmed; they would not have been responsive, anyways.

The English word "shame" translates into Guhemuka. However, it

doesn't carry the same weight and sensibilities. The classic courts would at best, have delivered shame; even that is questionable. But they could never have delivered the punishment that comes with guhemuka.

What guhemuka does is to elevate the violation under consideration from the individuals involved to the families of the perpetrator and victim, the community and society. This carries a greater burden than the court verdict, however long the sentence.

We need to elevate the violation of rape from the individuals involved to the families, the community, and society. We need public hearings so that perpetrators understand that they violated society, bahemutse. We need public hearings so that the perpetrators are isolated in shame. So that the responsibility of repairing the victim falls on society rather than the present isolation that befalls victims.

Public hearings for those accused of rape and impregnating teenagers would be more powerful than the court system. We can build a system of accountability that is deeply embedded in culture to respond to rape and teenage pregnancy. After all, culture is said to condone the conduct.

The consciousness being developed is to attend the hearings knowing that the offender attacked all of us and that his presence is to make amends. The presence of community members is also intended to reassure the victim that the perpetrator carries the burden, something the classic courts don't do.

In the classic court system the victim solidarity is with the wrong person. The victim is isolated from the support of the community and cannot access sympathy and solidarity from it. In fact, the community is made to conspire against the victim. For instance, it is common that the victim will be accused of "ruining" the life of the perpetrator rather than the other way round. A court verdict in the favour of the perpetrator

will be celebrated and one in favour of the victim will confirm that she has ruined the perpetrator's family. Isolated, she might run away from her community to as far as she possibly can, in search of anonymity.

The classic court system is entirely devoid of "uguhemuka." In the event that the entire exercise was about it, the process and results might be different. Public hearings would return social solidarity to the victim and shame the perpetrator, who might consider the isolation of self-exile.

As things stand, the victim is reluctant to report a case because she doesn't expect the community to rally behind her in search of justice. On the contrary, the community is prepared to provide character assassination (nubundi nindaya; reba uko aja yambara; yajagahe!) of the victim rather than providing character witness against the perpetrator.

Without such support, conviction is almost impossible. As a matter of fact, the standard of evidence in classical courts is elevated precisely because society is mobilized in favour of the perpetrator rather than the victim. Essentially, the victim faces double jeopardy: the violence itself and the hostile legal system. No wonder the person who decides to go through that is said to be "courageous!"

The outcome that is coming from the insistence on the classic court system is that a value system turned on its head is preserved, unwittingly. Consequently, on the rare occasion of a conviction, the victim is rebuked as having guhemukira the perpetrator and his family by pressing charges rather than "solving" the problem in ways that encourage impunity. Ironically, it would not be too surprising that the families of the victim and perpetrator coalesce around this understanding.

Practically, this solidarity is the reason only a fraction of cases are reported and why even fewer win a conviction.

However, if society was able to morally rally behind the victim, more would report, confide, trust, feel secure, reassure, and protected by it. This level of empathy was never designed to originate from the classic court system anywhere in the world. Moreover, the classic justice system cannot operate in a context where society has conspired around a crime. Accordingly, a robotic approach will not work in responding to rape and teenage pregnancy in Rwanda.

Collective guilt is building around men. hence the cathartic refrain #MenAreTrash. Once fully formed, the toxic environment will turn into a war zone and nothing healthy for gender relations and social harmony can be expected from such a development.

Private and individualized outrage that doesn't stem from our humanity – conceiving rape and teenage pregnancy as an attack against all of us – needs to cease. We can do better. The sooner we pull the rag from under this solidarity around rape and teenage pregnancy, the better for everyone. It's never too late. But it will be too late if we fail to mobilize the kind of leadership to replace the kind that will evasively bury itself in the legal framework in a minimalist display of instincts of self-preservation; leadership motivated by the preservation of society – not self – and committed to identifying innovative ways that nudge consciousness of a nation, places and commits it towards turning the vicious solidarity into a virtuous solidarity.