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**Above the Parapet – Women in Public Life**

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# INTERSECTIONS AND TURNINGS:

MY ACADEMIC JOURNEY \*

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## INTRODUCTION

It is both a great honour and a privilege for me to stand before you this evening to make a few reflections on my academic ‘journey.’ For that opportunity I would like to express my sincere gratitude to the London School of Economics and Political Science, and in particular to Prof. Conor Gearty, Dr. Purna Sen and Darja Schildknedt: Thank you very much. In some ways, I feel I am making a return sojourn to that which was made by your famous country-mate Winston Churchill in his book, *My African Journey*, where he counseled, ‘Concentrate on Uganda—it is truly the pearl of Africa.’

The Uganda Churchill visited in 1908 is in many ways obviously very different from what it is today, although in others it is not. While the country has suffered enormous trauma, tensions and pain over the five score and seven years since Churchill’s visit, Uganda is still the ‘Pearl of Africa.’ This evening, it is my intention to reflect on aspects of the Uganda which I know and of the different ways in which it has influenced my life as an academic.

During the eight-hour flight from Entebbe, I closed my eyes and started reflecting. I thought about my formative years growing up in a happy middle-class family as the confident eldest child in a family of five daughters and one son. I retrospected about my focused engagement with school and the reward of excellent grades. The sky was not my limit, and I knew that I could reach much further into the beyond. In making that reflection, it dawned on me that my career trajectory has very much been defined by what I would refer to as a clash between the world within me and the world around me. The worldview that I hold has largely been developed through a process of somewhat painful

‘awakenings’ that I experienced while growing up: awakening to the reality that the world considers girls and women inferior to boys and men; awakening to the global lie that Blacks are inferior to Whites; awakening to the idea in my local world that my people, the Baganda who Churchill spoke of so admirably, were discriminative of non-Baganda; awakening to the injustices within the law; the list is very long. The various clashes between my ‘truths’ and the world ‘truths’ sparked a sense of outrage which led to the mother-of-all-awakenings within me: this was the power and agency to speak out against injustice.

‘Speaking out’ has really defined my academic career. It has earned me accolades, but it has also landed me in trouble. I had wanted to become a journalist. But in the early 1980s when I joined the only University that existed in the country at that time, journalism and mass communication were not on the menu of courses on offer; indeed, nobody in those days went to university to become a journalist. But since going to university was such a privilege at the time, it was an opportunity I felt I shouldn’t miss. So instead I studied law, which I hoped would provide me with the tools to speak out against injustice. But my naiveté was shattered piece-by-piece as I encountered more and more discriminatory and unjust laws. Instead, I found the tools in Marxism and a little later, what I would like to describe as Afro-feminism.

I was exposed to Marxist theory and the political economy of the law from the few marginal Leftist professors who taught at Makerere’s Law Faculty in the 1970s and 1980s. Although they were not feminist in any sense of the word, the analysis made of class relations sometimes alluded to gender oppression. It

is what spurred me to enroll for the course ‘Women and the Law’ taught by Susan Estrich for my Masters programme at Harvard. I was hungry for more knowledge and gobbled feminist literature as though my life depended on it. I must say that my partner, Joe Oloka-Onyango, played a big role in introducing me to this new world.

If we don’t count the time I spent at a law firm where I did my pupillage, I have known no other place of work my entire life other than the School of Law at my alma mater, Makerere University. In 1985/86 when I completed my Bachelor’s degree, Uganda was just stepping out of a tumultuous decade and a half and was suffering an acute ‘brain drain’ which had not spared the University. With the encouragement of a couple of my professors, I literally stepped from the graduation ceremony platform to the lecture room as a young Teaching Assistant, teaching students who had been only one class below me. Since then, the only times I have left Makerere were to pursue postgraduate studies and as a visiting professor in different places around the world.

If you imagine the staid walls of the academy to be constructed with rainbow-coloured bricks, the different colours would represent various issues, including patriarchy, gender, sexuality, sexism and all the other *isms* you can think of that intersect in this complex institution. In my presentation this evening, I use these different coloured bricks as hooks to share my personal experiences of negotiating and managing the intersections and turnings of my journey along the staid walls of the ivory tower and the academy in the last 30 years. There are numerous issues and challenges against which a serious female academic has to stick her head above the parapet and face the fire. Nevertheless, as we

all know, walls develop cracks and it is those small gaps that provide women and other marginalized groups with the opportunities to squeeze through the staid bricks and make their mark. I will discuss each challenge and the gaps (my responses) in turn.

But even as I present my retrospections, I'm all too aware of the dangerously thin line that separates self-aggrandizement from genuine self-reflection. One needs to avoid the temptation of believing that one's work is unique and outstanding, when it is in fact constructed on the shoulders of so many giants who went before us. The best we can strive to do is create a reference record that can be used by future change agents. The only reason I allowed to publicize and document my personal reflections was a strong belief in the key device of 'institutionalizing' memory as part of the data base for research and analysis in deepening and advancing African feminist theory and practice. I abhor navel-gazing!

## **Patriachalism, Sexism and Hostility**

### ***Gender-Based Violence***

Established in the year 1922, Makerere University is one of the oldest and arguably one of the most prestigious universities on the African continent (at one point referred to as the Harvard of Africa). When it was first set up, Makerere was very much a male-dominated and masculinist institution. Its motto at the time spoke volumes about the kind of institution it was: *Let's Be Men!* Although the motto has since changed to *We Build for the Future*, the reality is that many aspects of the institution nostalgically and stubbornly invoke the original motto. I have personally encountered sexual violence and completely understand how debilitating and life-shattering it can be. As a

fresher in the Law Faculty, sexual violence was part of my orientation when a second-year male student attempted to rape me!

In a 1992 article that I co-authored with Oloka-Onyango under the title, 'Bitches at the Academy: Gender and Academic Freedom at the African University,'<sup>1</sup> we highlighted the issue of gender-based violence at African Universities. Indeed the title of that essay was derived from an anonymous letter sent to me. Addressed to: "You Bitch!!!!", and castigating me for being a bad role model, the letter was clearly a response to my criticisms of gender-insensitive articles in the local media: 'We don't need your views in the press or radio,' the nameless author wrote. The letter demanded: '...keep whatever nonsense you have in your head.' Such a dispatch reflected the stark reality of gender struggles and violence that empowered women in the academy faced and continue to face.

### *My Responses*

At the national level, within the University and the Law School, I take every opportunity to foreground the rights of women. I am a prolific contributor to letters to the editor pages of the local newspapers. I am regularly invited to both local and international radio and television Talk Shows and interviews. And I have delivered tonnes of presentations at public meetings. I speak out.

I also realized early on that the lecture theatre was a superb political platform. There was a time in my career when I seriously contemplated joining elective politics, out of sheer frustration with the injustice, corruption and inequalities

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<sup>1</sup> See *Africa Development* Vol.22(1):13-37.

in our society. But then I realized that a few lone feminist voices in Parliament were not going to provide the critical mass needed for the transformative change I was seeking. I stood a much better chance remaining within the staid walls of the lecture room and working to change the psyche of the budding lawyers—men and women—who are likely to fill those seats in the coming decades. So, I strategically set out to hone the skills of critical thinking, of unlearning and relearning of my students. Slowly but surely, the quantitative and qualitative incremental changes are beginning to register as thorns in the side of the establishment.

In the early 1990s I, together with a handful of feminist colleagues at the Law School introduced the course ‘Gender and the Law’ which I teach to-date. Just before that the first Department of Women and Gender Studies in Africa had been established at Makerere. Yes, we are aware of the limits and disadvantages associated with separatism or the ‘ghettoization’ of gender and diversity in the academy but believe me, this foot-in-the-door strategy was a necessary baby step and it has already cultivated more policy and governance successes at the University as illustrated below.

### *The Sexual Harassment Policy*

For a long time, we had shouted ourselves hoarse about the continuing and endemic violence against women on campus, but it all fell on deaf ears. We decided to act and go round the slow University bureaucracy and resistance. So in 2001, we launched a baseline study to determine how serious the problem of sexual harassment was at the Law Faculty. The results confirmed



what we already knew, that indeed sexual harassment adversely affected both the work and the studies of people at the Faculty and needed to be addressed.

On May 9, 2002, the Faculty Board approved and passed the Sexual Harassment Policy and Guidelines. The policy was the first of its kind in the country and was a landmark achievement at the University, receiving wide coverage in the local media. Many institutions outside Makerere borrowed and adopted our policy. Four years later, when the University management woke up and decided to introduce a University-wide Sexual Harassment Policy, it also looked to the Law Faculty. The introduction of the *Policy & Regulation on Sexual Harassment Prevention* at Makerere is certainly not a panacea for gender-based violence on campus and we are under no illusion that the policy will miraculously sever its ugly head. However, the document provides the vital blueprint for change and moves us closer to eliminating gender-based violence from the 'Ivory Tower.'

#### *Law, Gender & Sexuality Research Unit*

For almost three decades I have been deeply involved in the Feminist Movement in Uganda and the wider African continent. Over the years African legal feminism was increasingly seeking a deeper understanding of how sex, sexuality and gender are interlinked with the law (written, customary, religious). In 2003, I urged the proposed Equal Opportunities Commission to address the rights of homosexuals as part of the marginalized groups in the country. The media reported, 'Makerere Don Defends Gays.' I had come out strongly in defence of LGBTI rights in that meeting and was caught in the virulence of hatred and condemnation that followed. There were even calls to

‘lynch Tamale.’ I had been aware of the intolerance and prejudice against the LGBTI community but the level and depth of animosity came as a nasty shock. It was an eye-opener that presented huge challenges to my legal and feminist scholarship as well as my activism.

So, against the backdrop of serious neglect, marginalization and silences about issues related to the links between law, gender and sexuality, how does the law converge with other sites and structures of power to regulate sexual relations and control women’s productive and reproductive capacities? Of particular interest was the manner in which the law responds to demands for the conservation of the *status quo*, as against forces pushing for change and evolution. I was also concerned about assessing the fashion in which an emancipatory framework can be built around law and sexuality.

Therefore, as Dean of Law, I established the Law, Gender and Sexuality Research Project (LGS) at the Law Faculty in 2006. It was the first of its kind on the continent and as a pioneering venture, devoted to bridging some of the divisions between intellectual and scholarly discourse on the issues of Law, Gender and Sexuality, as well as to improving activist strategizing for social transformation and justice in Uganda. As we speak, the unit has been transformed into a fully-fledged research centre designed to reinvigorate research, teaching and scholarship in this area. The Centre aims to facilitate the production of indigenous feminist jurisprudence and the development of a critical framework for understanding what can best be described as ‘Gendered Law.’ Hopefully, such a refocus on traditional research and scholarship shall lead to informed gender activism and meaningful social transformation,

thereby providing a basis for a far-reaching reformulation of the manner in which traditional law courses shall be taught at the School of Law.

### *Lecturing as Politics*

I have already alluded to my stance of teaching as a ‘scholar-activist’ who rethinks established orthodoxies and challenges dominant modes of pedagogy in the lecture room and outside it. I remember very well as a student in the early 1980s, most professors had taught us the law outside its various contexts. For example, Family Law was taught in a very technical fashion. We learnt about the legal requirements for contracting a marriage, the requirements for a legal divorce and the implications of being in a domestic relationship with a spouse and children. Its historical, political economy, gender relations or even human rights contexts were not exposed to us.

Instead, the professor took us through the black letter rules as laid out in the statutes and cases, constructing the ‘ideal’ family as a natural, ahistorical and God-given entity that was beyond questioning. He taught the law with various underlying assumptions that were never examined, questioned or even challenged in the lecture room. We were left to absorb it all, absent scrutiny and discussion of all the inconsistencies, contradictions, double-standards and paradoxes embedded in the law. The situation was made worse by the fact that in Uganda, like our former colonial masters here in the UK, law is an undergraduate programme with no prior exposure to the dynamics of the broader society within which the law operates. Most shockingly, despite the pervasiveness of domestic violence within the family set up, the topic was never even given space in the Family Law course curriculum beyond its scanty

acknowledgement as a ground for divorce (euphemistically referred to as ‘cruelty’).

In addressing the problem of what I call Black-Letter Lawism, I drew inspiration from the Brazilian theorist Paulo Freire who instructed us to desist from approaching teaching as a static narration disconnected from the totality. Freire urged us to avoid ‘training’ or ‘schooling’ and instead endeavour to ‘educate’ students in such a way that learning becomes an act of culture and liberation. This means that teaching law should be interdisciplinary, holistic and iconoclastic, exposing the competing values and interests that are embedded behind the black letter of the Law. That is why for my PhD I enrolled not in the Law School but in the Departments of Sociology and Feminist Studies, pursuing a highly cross-pollinated series of graduate courses, and writing a dissertation, later turned into a book entitled, *When Hens Begin to Crow*.

In that sense I am unique in my Law School as the only faculty with non-legal graduate qualifications. It has given me an edge to contextualize the law in ways that some of my colleagues find challenging and to research and analyze the law from a variety of critical perspectives. I must tell you that when I’m standing in front of the lecture room, I am in my element as a passionate politician ready to sow the seeds of transformative change.

### ***Hostility***

I will demonstrate the hostility that I have faced through two anecdotal accounts that paint the picture of the environment in which I work.

### *Worst Woman of the Year!*

As had been done for the past several years, at the end of 2003, the readers of the largest Ugandan daily, *The New Vision*, were asked to vote for the ‘best’ and the ‘worst’ in the different categories of public life. The worst man that year was the notorious rebel, Joseph Kony, who had murdered, abducted, raped and mutilated innocent civilians in northern Uganda! The ‘worst woman of the year’ was me. My main sin—according to the readers—was ‘going against African tradition and supporting immorality in the country.’<sup>2</sup> Indeed, my speaking out must have contributed to the tabling of the infamous Anti-Homosexuality Bill six years later.

### *My Response:*

My general response to such hostility is to behave like a smiling duck! Have you ever seen a wet duck? I simply let the insults slide like water off a duck’s back and I smile because I understand that the insults are coming from a place where I have ‘rocked the boat’ and shaken the safety of the establishment. So in this case, I simply perceived the label as a badge of honour and made a brooch with the words, ‘Worst Woman 2003’ which I wear with a lot of pride. Indeed my support for ‘wrong’ causes has not flagged. Thus, I was heavily involved in the public litigation case in which my partner Joe was lead petitioner that struck down the Anti-Homosexuality legislation last year.

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<sup>2</sup> See David Mukholi, “End of Year List of Cheers, Jeers,” *New Vision* December 31, 2003.

## *Deanship*

My four-year term as first ever female law dean ended in 2008. At that time, one lecturer posted a note on the University Faculty Listserve. A relevant footnote about the faculty member who posted this note is in order: he is (a) a male professor; (b) a devout Muslim; and (c) was the Deputy Dean of the Faculty of Arts at the time. Professor Abasi Kiyimba's note said in part:

I have noted the change in Deanship in the Faculty of Law. I wish to congratulate Dr. Ben Twinomugisha upon his appointment as Dean of Law, and to address to him the words below:

You are going to be measured against the standards that Sylvia Tamale has set. She has consistently displayed a very strong sense of Justice, especially in the discussion of student cases; and she has made us proud to have the Dean of Law in the meetings of committees. And because she is always read to offer legal expertise in discussions at all levels, I am sure I speak for many colleagues when I say that her towering presence will be greatly missed. So as I congratulate you, I also hope you will uphold or even outdo the legacy set by Sylvia. And to Sylvia, my warmest congratulations for a job well done.

I sent a courteous note of gratitude to Kiyimba's personal email account. But the email he had posted on the listserve opened a floodgate of hate and vitriol from various members of academic staff all over campus. Again, I will use Kiyimba's words to convey the tone and the overall mood of the discussion that his note generated. Months later, in his response to my email for his kind words he wrote in part:

[T]he message [that I posted] communicated a simple truth from the bottom of my heart, and I was surprised at the reception it received from a cross-section of the Makerere staff, including close friends.

The messages that were sent to my personal email were a lot more interesting than those posted on the network. I got three 'thank yous' from female colleagues, but there was a lady from Education who said that she agreed with you on many things but your 'views on lesbianism and prostitution (were) a

disgrace to woman kind!’ Two male colleagues simply rubbished me for wasting valuable time on you. And a message from one (male) Dean of a Science Faculty simply said ‘Yes Abasi you got that one right. I do not agree with everything she says, but there is no doubt that she is smart.’

... A message from one of my close (Muslim) friends took the form of a simple exclamation to the following effect: ‘So there is some good in her after all!’ while another one (significantly from a non-Muslim friend) expressed disappointment. As a good Muslim, he said, I should not be praising someone who holds ‘such views.’

Then there was that fellow from Vet (I have forgotten his name, but he does not seem to like your socio-political views, and he takes the whole thing very personally).... He accused me of misdirecting my praise, and also remarked that it was good you were not seeking another term as Dean.

... The paradox in this matter, however, is that it is my belief in Islam that accounts for some of the areas of my agreement with you. For example, what impresses me most about the way you work is your insistence on justice for everybody – a principle that is strongly cherished by Islam as a religion.

### *My response?*

Smiling duck! Yes, I know that letting emotional damage roll off your back like water off a duck’s back is easier said than done. But it’s a strategy that can be perfected with time. One tip I can share is to live in a space with ‘speaking walls’; my office is literally filled with positive and inspiring messages pinned all over the four walls and both sides of the door! Never, underestimate the power of words – positive or negative. So, whenever I lift my eyes from the screen of my computer, I see Maya Angelou’s words:

You may write me down in history  
With your bitter, twisted lies,  
You may tread me in the very dirt  
But still, like dust, I’ll rise...

And next to that quote, I'm constantly reminded that 'Life isn't about waiting for the storm to pass... It's about learning to dance in the rain.' It really works.

## **Professional Gate-Keeping**

### *Promotion process to professorship*

As a female academic working on non-mainstream issues of gender and sexuality within the conservative legal profession, I am all too aware of the politics of gatekeeping within the academy. Even as legal curricula have changed over the years to accommodate several "Law and ..." courses, allowing for deeper insights into the relatedness of the law to other disciplines and the power relations that play out in larger society, attitudes towards the law largely remain extremely conservative. The majority of law professors continue to lecture about the objectiveness and neutrality of the law derived from the positivist tradition passed to them through colonial education. And they use their power to maintain the *status quo* by keeping 'rabble-rousers' like Sylvia Tamale on the margins of the profession and keeping their voices subdued.

In academia, women are constantly reminded that they somehow erroneously strayed into intellectual territory. The gated hoops that we have to jump are numerous; the hoops materialise in various forms including acceptance of our manuscripts for publication in peer-reviewed journals and books. In the promotion process at Makerere University, a lot of premium is placed on the verdict of the single External Vetter of the applicant's publications that their opinion eclipses all other criteria used in the process.



The External Vetter who reviewed my portfolio for promotion to full professor basically rejected it on the grounds that I did not ‘exhibit mastery of the subject matter of law and legal materials’ and recommended that I ‘endeavour to mature in legal scholarship.’ The Vetter obviously subscribed to a positivist, mono-disciplinary perspective of the law—one which draws a hard distinction between the doctrinal legal rules (black-letter law) and the contextual issues and values that may inform the law. It is a doctrine that understands ‘the law’ as a self-autonomous, neutral and objective system of rules and norms. As the dominant ideological approach, legal positivism therefore tends not to question the purpose and nature of law but to take it as a given. Human Rights Law in general and feminist jurisprudence in particular, set out to challenge conventional positivist legal theory.

### *My Response*

No doubt, the anonymous Vetter had neither explored issues of feminist jurisprudence nor sexuality and was at sea about publications in this area. Missing the important epistemological point of looking at the social institutions of sexuality and gender as important analytic and intellectual focii of the Law, they rejected my application for promotion. After recovering from this traumatic shock, I immediately drafted a careful and respectful response to each point raised by the Vetter to the University Appointments Board with the following appeal:

Given the apparent ideological bias on the part of the Vetter, I strongly feel that their assessment of my scholarship was not fair. Academic freedom should allow for different philosophical approaches to the law to flourish, otherwise, we would be fixed with only the dominant and traditional approaches to scholarship. Allowing one approach to stifle another would be

tantamount to academic gate-keeping. I therefore appeal that my publications be resubmitted to a Vetter who comprehends feminist jurisprudence for reassessment.

The second Vetter wrote a stellar report, recommending immediate promotion. Moral of the story? When a bull hurts you, it's okay to take off time to lick your wounds and take care of them. But you must return to the fight and take the bull by its horns!

### **Being 'Othered'**

I have always been conscious of the fact that the reading lists for all my courses as a student as well as a lecturer have been filled with literature and materials written by non-Africans with only a smattering of African authors and even fewer female African academics, let alone feminists. It was quite evident that many of the available works were presented from the following lenses: a state-centric perspective; Eurocentric bias; patriarchal viewpoint; heteronormative paradigm; a non-disability focus; and anti-poor prejudices. In short, most literature was steeped in 'othering' and the voices of those being 'othered' were thereby silenced. There was a growing body of scholarship in my area of research interest, mainly from the global south, criticizing orthodox feminist theories. But obviously the gap needed to be filled with fresh and more inclusive perspectives. That gap is beginning to be filled with what I can only describe as 'Afro-Feminism.'

There are thousands of publications on African women authored by scholars from the global North and alarmingly few on say European and American women authored by African scholars. The reasons for such a reality are many

but one of the prominent explanations are the historical legacies of inequality, geopolitical differentials and prejudice which impact on free movement for research, availability of research resources and the focus of most research projects. The trend today is for donor and development partners to encourage North-South research collaborations supposedly to facilitate the cross-pollination of ideas and enhance the knowledge base. I constantly receive requests from colleagues from academies in the global North to endorse a research ‘collaboration’ which has been exclusively conceptualized, prepared and written in their own academic spaces. The ‘kind’ requests normally notify me that the matter is urgent and I should respond within one week to beat the funding submission deadline... Oh and I’m free to comment and suggest any changes!

Hence the various locations that an African scholar finds herself in—intellectual, institutional, social, political, juridical and historical—all pose a challenge to academic growth and development.

### *My Response*

The dearth of Afro-feminist literature was yet another challenge that had been thrown in my path and my response was to embark on a counter-hegemonic struggle that engages the pen in a serious fashion—against all odds. It became extremely important for me as an African to tell our stories, our experiences and undertake our own analyses that restore our dignity and standing in human society; not as ‘ethnic or exotic experiences,’ not as ‘the other’ but as integral elements of it. Our books need to sit side-by-side with those spewing out hegemonic and sometimes dangerous messages about who we are and how

we ‘do’ life. We need to engage in nuanced critiques and theoretical analyses of our histories that don’t necessarily perceive time as linear and to expand it beyond the periodizations that hinge on Europe’s history (pre-, colonial and post). The difference between *criticism* and *critique* was well summarized by Janet Halley.<sup>3</sup> She said, criticism is ‘being against something,’ while critique is ‘an effort to understand something.’ The anthology, *African Sexualities: A Reader*, which I edited in 2011, is an example of an effort to come to grips with the history, sociology, political economy, culture and the legal regime governing this area of humanity.

Almost all professional women, particularly those in the African academy understand how challenging it is to juggle the responsibilities of family, work and supplementing a meagre income to make ends meet. Given all these challenges, we have to work twice as hard as our male counterparts and thrice as hard as our counterparts in the global north in order to be as productive. I have burned barrels of midnight oil to publish and avoid perishing as an academic.

I made it my career goal to explore and understand African feminism and its theoretical links to law and sexualities. I try to examine the links through interdisciplinary lenses and critical analyses that deeply engage intersectional theories. Hence, my work is part of the wider agenda not only to knowledge production that constitutes African experiences but also to link theory to praxis.

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<sup>3</sup> See Janet Halley, “Critique and Feminist Achievements in International Criminal Law,” in Mahmood Mamdani (Ed.), *Getting the Question Right: Interdisciplinary Explorations at Makerere University*, Makerere Institute of Social Research (Kampala, 2013 at p. 33).

That, ladies and gentlemen, is a small part of the intersections and turnings of my journey in the jungle of the Ugandan academy. I end with the apt words of a poem by Kamla Bhasin – a feminist from India:

I am not the wall that stands guarding the border;  
I am the crack undermining that wall.<sup>4</sup>

Thank you for listening.

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<sup>4</sup> Quoted by Nivedita Menon, “Disciplining Theories, Indisciplined Worlds: Doing Research in the Global South,” in Mahmood Mamdani (ed.), *Getting the Question Right: Interdisciplinary Explorations at Makerere University* (Kampala,, 2013 at p. 56).