MARC EPPRECHT



SEXUALITY SOCIAL JUSTICE

RETHINKING HOMOPHOBIA

FORGING RESISTANCE

MARC EPPRECHT

Sexuality and social justice in Africa Rethinking homophobia and forging resistance



Zed Books London | New York

in association with

International African Institute Royal African Society World Peace Foundation Sexuality and social justice in Africa: rethinking homophobia and forging resistance was first published in association with the International African Institute, the Royal African Society and the World Peace Foundation in 2013 by Zed Books Ltd, 7 Cynthia Street, London N1 9JF, UK and Room 400, 175 Fifth Avenue, New York, NY 10010, USA

www.zedbooks.co.uk www.internationalafricaninstitute.org www.royalafricansociety.org www.worldpeacefoundation.org

Copyright © Marc Epprecht 2013

The right of Marc Epprecht to be identified as the author of this work has been asserted by him in accordance with the Copyright, Designs and Patents Act, 1988.



Set in OurType Arnhem and Futura Bold by Ewan Smith, London

Index: <ed.emery@thefreeuniversity.net>
Cover design by www.roguefour.co.uk
Printed and bound in Great Britain by TJ International
Ltd. Padstow. Cornwall

Distributed in the USA exclusively by Palgrave Macmillan, a division of St Martin's Press, LLC, 175 Fifth Avenue, New York, NY 10010, USA.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying or otherwise, without the prior permission of Zed Books Ltd.

A catalogue record for this book is available from the British Library US CIP data are available from the Library of Congress

ISBN 978 1 78032 382 4 hb ISBN 978 1 78032 381 7 pb

African Arguments

Written by experts with an unrivalled knowledge of the continent, *African Arguments* is a series of concise, engaging books that address the key issues currently facing Africa. Topical and thought-provoking, accessible but in-depth, they provide essential reading for anyone interested in getting to the heart of both why contemporary Africa is the way it is and how it is changing.

African Arguments Online

African Arguments Online is a website managed by the Royal African Society, which hosts debates on the African Arguments series and other topical issues that affect Africa: http://africanarguments.org

Series editors

ALEX DE WAAL, executive director, World Peace Foundation RICHARD DOWDEN, executive director, Royal African Society ALCINDA HONWANA, Open University

Editorial board

EMMANUEL AKYEAMPONG, Harvard University
TIM ALLEN, London School of Economics and Political
Science

AKWE AMOSU, Open Society Institute
BREYTEN BREYTENBACH, Gorée Institute
PETER DA COSTA, journalist and development specialist
WILLIAM GUMEDE, journalist and author
ABDUL MOHAMMED, InterAfrica Group
ROBERT MOLTENO, editor and publisher

Titles already published

Alex de Waal, AIDS and Power: Why There is No Political Crisis – Yet

Tim Allen, Trial Justice: The Lord's Resistance Army, Sudan and the International Criminal Court

Raymond W. Copson, The United States in Africa: Bush Policy and Beyond

Chris Alden, China in Africa

Tom Porteous, Britain in Africa

Julie Flint and Alex de Waal, *Darfur: A New History of a Long War*, revised and updated edition

Jonathan Glennie, The Trouble with Aid: Why Less Could Mean More for Africa

Peter Uvin, Life after Violence: A People's Story of Burundi

Bronwen Manby, Struggles for Citizenship in Africa

Camilla Toulmin, Climate Change in Africa

Orla Ryan, Chocolate Nations: Living and Dying for Cocoa in West Africa

Theodore Trefon, Congo Masquerade: The Political Culture of Aid Inefficiency and Reform Failure

Léonce Ndikumana and James Boyce, Africa's Odious Debts: How Foreign Loans and Capital Flight Bled a Continent

Mary Harper, Getting Somalia Wrong? Faith, War and Hope in a Shattered State

Gernot Klantschnig and Neil Carrier, Africa and the War on Drugs: Narcotics in Sub-Saharan Africa

Alcinda Honwana, Youth and Revolution in Tunisia

Lorenzo Cotula, The Great African Land Grab? Agricultural Investments and the Global Food System

Forthcoming

Michael Deibert, The Democratic Republic of Congo: Between Hope and Despair

Gerard McCann, India and Africa – Old Friends, New Game

Adam Branch and Zachariah Mampilly, Popular Protest in Africa

Published by Zed Books with the support of the following organizations:

International African Institute promotes scholarly understanding of Africa, notably its changing societies, cultures and languages. Founded in 1926 and based in London, it supports a range of seminars and publications including the journal *Africa*.

www.internationalafricaninstitute.org

Royal African Society is Britain's prime Africa organization. Now more than a hundred years old, its in-depth, long-term knowledge of the continent and its peoples makes the Society the first stop for anyone wishing to know more about the continent. RAS fosters a better understanding of Africa in the UK and throughout the world – its history, politics, culture, problems and potential. RAS disseminates this knowledge and insight and celebrates the diversity and depth of African culture.

www.royalafricansociety.org

World Peace Foundation, founded in 1910, is located at the Fletcher School, Tufts University. The Foundation's mission is to promote innovative research and teaching, believing that these are critical to the challenges of making peace around the world, and should go hand in hand with advocacy and practical engagement with the toughest issues. Its central theme is 'reinventing peace' for the twenty-first century.

www.worldpeacefoundation.org

About the author

Marc Epprecht is a professor in the Department of Global Development Studies at Queen's University, Canada. He has consulted and published extensively on the history of gender and sexuality in Africa. Marc holds his PhD in History from Dalhousie University, and has also taught at the University of Zimbabwe.

Acknowledgements

The list of people and funders who have helped me to understand the issues and connections I discuss here is a substantial one indeed, especially considering the many editors and anonymous reviewers of early efforts to articulate my ideas. Thank you to all for your generosity and critical insights, and may I be able to reciprocate if you ever need my help in turn.

To confine myself to the specific people and institutions that facilitated this specific piece of work, I should begin with the main direct funder, the Social Science and Humanities Research Council (Canada). My employer, Queen's University, enabled the time and space for me to complete this book. Unoma Azuah and E. Egba Sule made my first visit to Nigeria a much richer experience than it would have been had I not known them. Thank you to Kåre Moen and the University of Oslo for inviting me to participate in the Muhimbili University workshop on MARPs, plus of course all the individual participants who taught me so much about the issues as they are unfolding in Tanzania, Uganda, Madagascar, Kenya and Ethiopia. Jochen Lucksheiter and other staff at the Heinrich Böll Foundation, Cape Town office, enabled my participation in a very exciting colloquium there in November 2010. Many of the people involved in the International Resource Network from its inception in Senegal in 2007 have kept in touch and shared their work in progress. S. N. Nyeck, above all, has shown a lot of wisdom and grace under fire, working with me to pull together essays by IRN contributors in another project. Thanks to Patricia McFadden, Tendai Huchu and Cary Alan Johnson for being supportive and encouraging when I fretted about the wisdom of this project.

I am a professional historian by training and inclination, and this book is thus a somewhat unexpected foray for me into contemporary debates. It arises from two invitations – first, from Rita Abrahamson, who requested an article for *African Affairs*, and then from Stephanie Kitchen of the International Africa Institute, who thought the issues deserved expansion into an 'African Argument'. It has been a great pleasure to work with you, Ken Barlow, and all the other people at the IAI and Zed Books. Richard Dowden, Alex de Waal, Amelia Hight and Oliver Phillips also read the manuscript closely and pressed me to clarify my assumptions and choices of words, for which I am grateful. Of course I am responsible for any and all missteps that remain.

During the months of writing this book, I had the great pleasure to engage in some very insightful conversations with – and to listen to some moving poetry by – Gabeba Baderoon and Shailja Patel. My student, Sonny Dhool, challenged me to catch up with the latest in queer theory, while friends at GALZ pressed me to defend my guarded optimism. Thanks especially to Chesterfield Samba for organizing that visit. Mohammed Abdou offered me some welcome inputs on the Islam section, and generously shared parts of his own soon-to-be published manuscript.

On a personal note, let this book allow me to honour Keith Goddard, whose honesty, integrity, humility, brilliance as a musician and courage in his commitment to human rights in Zimbabwe deeply moved me. I believe he inspired many others in the sexual rights movement in southern Africa as well. It was my great good fortune to have been able to work with him.

Lastly, but by no means least, I thank Allison, Jennifer, Adriane and Gabriel, my immediate loving family who have grown with me throughout this journey.

Contents

	Acknowledgements viii
1	Introduction
2	Demystifying sexuality studies in Africa 36
3	Faiths
4	Sex and the state
5	Struggles and strategies
6	Conclusion
	Notes 181 Works cited 195 Index 211

1 | Introduction

Remarkable progress has been made towards the recognition of sexual minority rights in Africa in recent years. At the state level, South Africa is already well known as a leader in the world, not just in Africa, for protecting the right to freedom from discrimination on the basis of sexual orientation in its constitution. South Africa, with Brazil, also led the way in June 2011 to have the United Nations Human Rights Council explicitly commit to that principle. Mauritius was the sole African member of the Council to support this successful resolution, but altogether ten African nations have now signed a separate joint statement in the General Assembly condemning violence and criminalization based on sexual orientation and gender identity. Cape Verde became the second African country to decriminalize sodomy in 2004 and several other countries are moving towards that goal. The former presidents of Botswana and Zambia, meanwhile, openly criticized the then president of Malawi for his homophobic rhetoric, a rare breaking of ranks among African nationalist patriarchs.

At the level of civil society, sexual rights associations allied with other civil society groups can now be found in most African countries. They are working with well-heeled donors, faith associations, global solidarity groups and health professionals to promote HIV prevention and honest sexuality education even in countries where the official line is hostile. African lesbian, gay, bisexual, trans and intersex people (lgbti) and their allies have also taken the struggle to the courts and won. The courts in Uganda, for example, in 2009 affirmed the right to privacy for lgbti by issuing an injunction to stop a newspaper from publishing names and addresses of alleged 'top homosexuals'. In the sphere of arts and letters, a rich, growing trove of research and

representations of non-normative sexualities and gender identities is debunking hurtful stereotypes. New social media enable activists and scholars to share this trove, along with breaking news and views within expanding transnational networks. There is an archive with a professional staff that actively documents the history of homosexualities (Gay and Lesbian Memory in Action, on the campus of the University of Witwatersrand). I could go on.

These developments have largely escaped due attention in both the popular media and, I would argue, critical scholarship on the topic. The persecution of people in Africa on the basis of homosexual orientation or practices - whether admitted, assumed or simply alleged - has by contrast received disproportionate coverage. Uganda's proposed Anti-Homosexuality Bill has been a particularly powerful magnet for newshounds and sexual rights activists, and understandably so. Its threat to create a range of new crimes and to impose a death penalty for 'aggravated homosexuality' was shocking on several levels. Its further threat to criminalize advocates for sexual minority rights ('aiding and abating' [sic] and 'promoting homosexuality'); its targeting of those who fail to report suspected homosexual activity (which could of course include family members, heterosexual friends, reporters, health professionals, lawyers and even police); its requirement that Uganda withdraw from international bodies and treaty obligations that promote rights for sexual minorities (such as now the United Nations); and its empowerment of the state to seek the extradition of Ugandans who commit any of the new crimes while outside of the country gave fresh meaning to the words extreme, self-destructive and delusional.

The Anti-Homosexuality Bill contributed to an escalation of rhetoric and significant policy shifts at the highest levels of global governance. Close to a million people worldwide signed a petition to protest against the bill, which also drew unusually frank condemnations from political and religious leaders in the West. In the case of Steven Monjeza and Tiwonge Chimbalanga, two anatomically male people in Malawi who were jailed for 'indecent practices' after symbolically marrying in 2009, no less a figure

than the secretary-general of the United Nations intervened to appeal for the protection of sexual minorities. Large donors in the struggle against HIV/AIDS have meanwhile begun to throw their considerable resources and influence into research and policy formulation concerning men who have sex with men, at times positioning themselves at direct odds with elected African leaders. UK prime minister David Cameron raised the bar in the latter respect in October 2011 by threatening to withdraw Britain's development assistance from countries that violate sexual minority rights. The same threat is also implicit in US president Barack Obama's pledge to 'use foreign aid as a tool to improve Lesbian, Gay, Bisexual, and Transgender rights abroad', which he described as a 'central' objective of US human rights policy. In the same year the World Bank threw its prodigious weight into the ring by calculating the economic burdens of stigmatization of same-sex practices, and by praising countries like Kenya whose governments have quietly intervened to protect the health and dignity of men who have sex with men (Beyrer et al. 2011).

On the surface, these events appear to be a clash between liberal Western and conservative African values, and indeed both sides often present themselves in those terms. Yet the situation is clearly much more complex. To begin with, 'the West' was not particularly liberal on this issue historically until quite recently, and some of the most outspoken advocates of hatred against homosexuals in Africa today are in fact directly linked to Western Christian missionary activity, so-called ex-gay or sexual reorientation ministries from the USA in particular. Meanwhile, a growing number of proudly nationalist African leaders have come out in favour of the decriminalization of homosexual acts. These include Prime Minister Morgan Tsvangirai of the country where political homophobia first got started in a big way (Zimbabwe). Appearances of extreme homophobia in Africa can also be deceiving. Mauritania, to give one example, has one of the most draconian laws against homosexual acts in the world, with punishment up to the death sentence. Yet in 2009 the US State Department found 'no evidence of either societal violence or systematic government

discrimination based on sexual orientation, and there were no criminal prosecutions during the year' (USA 2010).

There is, in short, a form of 'don't ask, don't tell' tolerance that appears to make places like Mauritania safer to discreetly take same-sex lovers than countries where full legal rights cannot compensate for high levels of public revulsion, vigilantism, extortion and blackmail. South Africa is the main case in point of the latter. Indeed, the 2010 controversy around anatomically ambiguous runner Caster Semenya exposed the big discrepancy in that country between the high level of rights that sexual minorities theoretically enjoy and lingering hostility or negative stereotypes about 'hermaphrodites' in popular culture. During the controversy, South African politicians and media promoted national pride over the gay-friendly constitution even as they remained largely silent about a spate of hate crimes against black lesbians. They embraced Semenya as part of the South African family, but only to the extent that her femaleness and femininity were publicly confirmed. They vigorously denounced as racist those who questioned her credentials as a woman, as if gender ambiguity was an affront to the very idea of blackness and, hence, an insult to all Africans.

All this and more makes for a rich stew of international, domestic and media politics, on top of the private passions and anguish that sexuality has always, everywhere, entailed. Still, many people do not understand why there is all the fuss now about the private lives and sex organs of a presumably small number of certain individuals. Beyrer et al. (2011), for example, assume that only 3 per cent of males in the African countries that they study engage in sex with males, admittedly based on virtually no data but nevertheless a significant revision *upwards* from the previously assumed negligible. Shouldn't we be concentrating on bigger things like climate change, famine, civil wars, violence against women, recession, new and old diseases, US troops and drone attacks, and economic development, among so many other issues that directly affect the well-being of hundreds of millions of people? As Tsvangirai put it in his lukewarm call for constitutional

protections for sexual orientation, 'This is an elitist debate when people have no food, when people have no jobs, when people have so many problems. It is a diversionary attitude, to try and put this issue at the focus of the nation is a real diversionary. There are more important issues to deal with.'

No doubt. My view, however, is that development studies as a field of academic enquiry, and development work as a practice, actually tend to understate the importance of sexuality to broad questions of political and economic change. Same-sex sexuality in particular remains marginal to most of the scholarship and development practice, notwithstanding the flurry of headline stories in the last few years. Yet once one lifts the lid of scandal and secrecy around same-sex sexuality in Africa, many striking stories emerge that shed light upon a wide range of related nonelitist issues. There are stories of individual personal courage or tragedy, but also of quite radical political engagement by sexual rights advocates with the big questions of the day. Beyond the obvious homophobic rhetoric and laws, the conflicts over sexual diversity and gender variance lead us to debates about genderbased violence and women's rights, communicable disease, commercial sex, racist and tribalist stereotyping, xenophobia, street kids, witchcraft beliefs and practices, elite hypocrisy and abuse of power, police corruption, sham elections, the meaning of culture and cultural appropriation, Christian fundamentalist and Islamist movements to promote intolerance, non-Africans' involvement and funding for such movements, foreign policy, and much more. They reveal hints of a profound cynicism on the part of African elites and their foreign backers to keep the pot on the boil as a strategy to distract public attention from deeply unpopular policies in other spheres (the rich getting richer, land grabs for biofuel exports, etc.). They also conveniently divert discussion of pervasive heterosexual 'secrets' arising from patriarchal privilege, not least of all the sugar daddy phenomenon whereby rich men exploit young girls and women. Even if one accepts the 3 per cent assumption, these issues all affect the lives of the other 97 per cent.

The purveyors of homophobia in Africa today certainly seem to agree, and intuitively grasp the connections. Indeed, attacks on sexual minorities in the name of national or African or traditional values are often also only thinly veiled attacks on feminism, gender equality and religious and other civil freedoms generally. This was evident in the undercurrent of misogyny - hatred of and violence against women - that has been reported in the case of Egypt's street protests, and in political rhetoric from around the continent that equates homosexuality with miniskirts, prostitution and other supposed signs of Western decadence. It is evident as well in a particular form of violence widely reported against suspected lesbians: 'corrective rape', which perpetrators commonly rationalize as a patriotic act. It is evident in the fact that antihomosexual politics often coincides with (and is often articulated by the very same people) anti-condom, anti-sex work, anti-abortion campaigns and (in Nigeria) even a proposed anti-'nudity' bill directed primarily at women. It is a far-reaching agenda that calls itself conservative, moral and patriotic yet, ironically, broadly attacks long-standing aspects of many African cultures.

The headlines are admittedly often quite discouraging for those who want to see Africa emerge as a healthy, democratic, prosperous and culturally vibrant place. In this book I look past those headlines. This is not to understate the very real pain and other costs that the many strands of homophobia are causing. Rather, it is to make the argument that African initiatives to foster new cultures of gender and sexuality that embrace human rights and promote sexual health among sexual minorities are not only happening alongside that pain but are seeing some real successes. They represent a quite positive turn that has the potential to bring significant improvements to quality of life for society as a whole. I want to show as well that some of the dichotomies that are upheld through the debates are less rigid than commonly assumed or asserted: modern versus traditional, African communitarian values versus Western individualism, African 'folk' knowledge versus the canon of Western academic theory, rights versus health strategies, religious faith versus secular reason, Islam versus Christianity, 'failed states' versus democracy, luxury (elitism, decadence) versus need (populism, authenticity), and so forth. The lines between these assumed incompatibles are in fact significantly blurred in the lived experience of people, and that blurring in itself offers a source of hope for positive change.

I will also argue that people in the West (and elsewhere) who want to support these initiatives need to pay closer attention to the ways in which they show their solidarity. The desire to speak out against homophobic discrimination is an admirable one, and the temptation to be angry or mocking against people who promote hateful stereotypes is understandable. I find it hard to refrain from as much myself. Activism and media attention to the topic can, however, create new problems in the short run that may undermine the long-term objectives. Heaping money and awards on select gay rights activists, for example, can cause resentment and division among other rights activists (the right to clean water, right to vote, and so on), and is a tried and true recipe for petty corruption that can tear movements apart. When Westerners ridicule African leaders or threaten broad sanctions without first taking the time to understand the context or to consult African activists, they may also provoke a nationalist defensiveness among African people. A backlash against perceived beneficiaries of Western support could then inadvertently make life worse for the very group that the critics claim to be supporting (African lgbti). African lgbti can also be patriotic and may be deeply alienated by Western expectations of 'real' activism and 'real gayness' which do not translate very well to African contexts and which implicitly demean African culture.

The potential for backlash against 'gay imperialism' from the West is all the greater when Western media accounts and well-meaning activists/donors focus solely on frustrations and setbacks, always assume the worst, and fail to praise or appear to even notice success stories. In those ways they may be unwittingly promoting stereotypes of 'Darkest Africa' – homophobic, violent, irrational, childlike in their vulnerability to manipulation by foreigners, fundamentalists and evil-doers in general. YouTube and other