

The Politics of Homosexuality in Africa

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As a citizen of a modern Western democracy it is easy to assume that homosexuality is a civil liberty similarly debated throughout the world. However while gay rights remain contentious even in the most liberal forums, their popular dissemination and subsequent prevalence in today's democratic discourse is not universal. How is homosexuality treated in the diverse social, ethnic, and religious environment of continental Africa?

How has homosexuality been depicted in African history?

In 1982 Lamb commented that "it is curious by Western standards that homosexuality in Africa is virtually unknown...Africa's tradition is rigidly heterosexual" (p.37). Such an assertion, while not solitary, has since been proven false. Pincheon (2000) also refers to the belief, thought to originate from Gibbon's 'Decline and Fall of the Roman Empire', that considers Africans to have been exempt from homosexuality before white imperialism.¹

Pincheon (2000) then catalogues several works that have sought to disprove this apparently erroneous assertion. In 'Homosexuality in Sub-Saharan Africa: An Unnecessary Controversy' (1982), Wayne Dynes attempts to refute the concept of pre-colonial exemption by stating that "a number of our sources enable us to trace the history of

same-sex customs back before the beginning of colonial rule (p.42). Murray and Roscoe's 'Boy wives and female husbands: studies of African homosexualities' also "effectively demonstrates the existence of same-sex love before the arrival of white settlers" (Phillips, 2001, p.2). While Dynes remains vague on this alleged 'history of same-sex customs', Robert Staples is more specific. After acknowledging its exclusion in African historical literature, he goes further to attribute pre-colonial homosexuality to the sexual divisiveness of traditional tribal practises. For example, not only was labour divided into sex in many African societies, young men were sent to single-sex compounds for their particular upbringing and initiation rites. Davis and Whitten (1987) reinforced Staples' attribution by detailing the sexual contracting of males to all-male warrior tribes among Libya's Siwan males (p.20).

However the examples of Staples, Davis and Whitten tend to disregard pre-colonial homosexuality as a forced, accidental 'phase' rather than a cognitive choice. With regards to homosexuality generally, Hoad suggests "sin, preference, disease, the noblest form of love, unmentionable vice, pedagogy, a means to establish male hierarchy, military coherence, political subversion, political phase, contingency, romantic friendship, peccadillo...offer themselves as candidates for the meanings of same-sex intimacy" (Hoad, 2004). Such diverse justifications for homosexual intimacy can no doubt explain Greenberg's 1988 cataloguing of 'transgenderal' homosexuality from such diverse sub-Saharan regions as Kenya, Angola, South Africa, Congo, Nigeria, Sudan, Ethiopia, Nubia, Ghana, Rhodesia, Madagascar, Senegal, and Uganda (p.60-61). Also with regards to sub-Saharan Africa specifically, Davis and Whitten (1987) report that "a wide variety of homosexual behaviour is reported", including lesbianism in polygynous households where "the use of artificial phalli was a compensation for rare heterosexual intercourse" (p.20).

¹ See the work of David Vignal (Pincheon, 2000, p.46).

While Dynes does not attribute the introduction of homosexuality to 'the white man', he does however attribute its prejudice and marginalisation to the missionaries' outright condemnation of the practise (Pincheon, 2000, p.5). Amory (1997) also seeks to dispel the myth of African homosexuality as introduced by 'the white man', insisting not only that "there is a long history of diverse African peoples engaging in same-sex relations", but also that 'the white man' was most probably the source of African homophobia that perpetuates contemporary persecution (p.2). Epprecht also "effectively substantiates the claim that the colonialists did not introduce homosexuality to Africa but rather intolerance of it" (Phillips, 2001, p.7). Furthermore, there is evidence to suggest colonialism paradoxically fostered Africa's homosexual sex-industry by the exploitation of third-world poverty to purchase it. "It is the soldier or administrator of the conquering power, or the affluent tourist, who is able to purchase the sexual services of native males. The French, for example, found boys readily available in North Africa, where pederasty was already common" (Greenberg, 1988, p.120).

This colonially induced homophobia and even exasperation is reflected by the legal status of homosexuality in Africa, and the related social disposition towards it. Therefore the contemporary treatment of homosexuals in Africa cannot be considered without an appreciation of its colonial past. For example, the Penal Code of September 16 1886 that calls for practising homosexuals in Angola, Guinea-Bissau, Mozambique, and São Tomé and Príncipe to be sent to labour camps is directly attributed to the Portuguese colonial era (Ottosson, 2007).

Staples states plainly that "wherever social contact between persons of the same sex has existed, there has probably been some homosexual behaviour" (Pincheon, 2000, p.12). However, the denial of homosexuality in pre-colonial history (see Lamb) has combined with the meddlesome influence of colonialism to allow the ahistorical malignment that denounces contemporary homosexuals as 'un-

African' to longer on as a neo-colonial legacy. However, even if colonialism was responsible for fostering anti-homosexuality in Africa, her contemporary independence era began 56 years ago in 1951 (Schraeder, 2004). Can one therefore accuse Africa of being slow to 'modernise', or is her comparative lack of civil liberty due to a different end rather than a different pace?

How are homosexuals treated by contemporary African politicians?

In April 2007 the International Gay and Lesbian Association (IGLA) performed a world survey on the legal status of homosexuality. Daniel Ottosson's work describes how 40 of Africa's 53 countries have deemed homosexuality illegal in various capacities.² It is remarkable that 75% of African nations outlaw what other nations consider to be a legitimate though contentious section of society. That 75% is even more extraordinary when considered comparatively; the IGLA only cites anti-gay legislation in 91 countries, making Africa disproportionately represented (see Appendix 2.0 for an indication). No other comparative geo-political region, such as Asia or the America's, has such a high rate of anti-gay legislation. In Sudan practising homosexuals are liable for imprisonment, corporal punishment, and then death for a third offence.

To be fair, a broad spectrum of sexual law exists in the world, representing a vast continuum of social liberalism. However the intolerance of most of Africa is strikingly different to policy elsewhere in the world. New Zealand's Civil Union Act 2004 legalised the non-religious legal union of same sex couples, based on the established assumption in New Zealand that homosexuality itself is both legitimate

² The definition of Africa as a 53-nation continent includes its island tributaries.

and legal. The law of 75% of African nations also contrasts sharply with what Amy Kovac labelled in 2002 'Africa's rainbow nation' – South Africa. While Namibia's President Sam Nujoma declared that "homosexuals must be condemned and rejected in our society," and Zimbabwe's head of state Robert Mugabe has likened homosexuals to dogs and pigs, South Africa has become "one of the most gay-friendly nations in the world" (Kovac, 2002, p.90). Citing Sheila Croucher's recent article in the *Journal of Southern African Studies*, Kovac argues that "the emergence of a gay and lesbian movement in South Africa is 'both a consequence of, and potential contributor to, the country's democratic transition'" (p.90). Thus Western scholarship problematically implies that the liberation of gay rights in Africa can be a direct consequence of political liberation within the Western notion of modernisation.

Do Christian and Muslim politics have a role in the treatment of African homosexuals?

The Most Reverend Peter Akinola is primate to 17 million Nigerian Anglicans and head of an African bishops' group with a total flock of 44 million. In addition to being the undisputed leader of the Anglican Church in Africa, "he is the highest profile figure in the southward shift of Christianity as a whole" (Van Biema, 2007, p.40). Considering that the 'global south' Van Biema mentions refers to Africa, Latin America, and Asia, and that "Akinola's flock far outstrips England's in terms of Sunday attendance"; his position is important to homosexuality's socio-religious treatment in contemporary Africa (2007, p.42). While his conservatism is not unusual for a man in his position, Akinola has gone controversially further by "repeatedly comparing homosexuality to partnering with baboons, lions, dogs or cows" (Van Biema, 2007, p.42). More practically, his public outrage at the US Episcopal Church's 2003 ordination of openly gay bishop V. Gene Robinson has led to his cross-continental absorbance of 15

dissident congregations from that Church. There is widespread concern among Anglicans and Christians that this vocal intolerance of homosexuality could lead to a split in Africa's 44 million-strong Anglican community.

It is not abnormal for such a contentious civil liberty to divide religions or even denominations. However trans-religious concurrence is very issue-dependent and as such cannot be so easily subjected to generalisations. Therefore how does a country such as Nigeria, split between a Muslim north and Christian south, deal with homosexuality?

Nigeria is home to more African's than any other nation, including Akinola and his conservative Christianity. Akinola's own Yoruba tribe is split between Islam and Christianity, reflecting the countries religious composition of 50% Muslim, 40% Christian, and 10% indigenous religions (CIA, 2007). This ethno-religious complexity is reflected in the duality of Nigeria's law on homosexuality. According to the Laws of the Federation of Nigeria 1990, Chapter 77 of the Criminal Code Act, committing carnal knowledge 'against the order of nature' is punishable by fourteen years in prison. However more interestingly, 12 Islamic states within Nigeria have gone beyond the federal to enshrine the Shari'ah law on homosexuality, thus legitimising the stoning of gays to death (Ottosson, 2007). All this despite the fact the "the cult and its association with male homosexuality almost surely antedate urbanisation and Islam" (Greenberg, 1988, p.60). Therefore it would seem that neither Christianity nor Islam in Africa disseminate wholesale tolerance of sexual orientation, they just differ in how it should be legally viewed and punished. Not only does much of Christianity and Islam independently denounce African homosexuality, their trans-religious concurrence combines with an unusually susceptible audience to create a formidable anti-gay force.

Why is this and what can be done about it?

According to Katz (1995) the Western definition of homosexuality as same-sex erotic attraction was not coined until 1869 (Hoad, 2004). Thus the Western conception of the term at a similar time to the 1884 Berlin Conference that precipitated Africa's colonial period complicates its application to Africa's pre-colonial history. While this has not warranted its exclusion from pre-1869 Western history, nor shall it excuse twentieth century African literature for ignoring its proven existence, there is some credence to the statement that Europeans brought 'homosexuality' to Africa. At the risk of splitting linguistic hairs, colonialism may have brought Europe's concept of homosexuality to Africa, but it did not introduce her to same-sex eroticism.

The difference between the two is elaborated on by Kath Weston's criticism of the universal application of ethnography. In a 1993 review of lesbian and gay studies in anthropology, she "cautioned against the ethnographic cataloguing of same-sex desires and practices around the world, arguing instead for the importance of local, community-based studies that highlight the complex constructions of sexuality as informed by race, class, gender, and nation" (Amory, 1997, p.5). A more practical and visible fruition of this theory is Kendall's chapter in Murray & Roscoe's compilation. Kendall makes a fascinating and insightful distinction between women-to-women eroticism and the Western concept of lesbianism. She uses the example of Lesotho women that "can and do develop strong affectional and erotic ties with other women in a culture where there is no concept or social construction equivalent to 'lesbian'" (Phillips, 2001, p.4). Therefore while the Western concept of lesbianism is commonplace in Lesotho, in the absence of the Western lesbian construct this behaviour was not and is not seen as sexual or as an alternative to heterosexual marriage. Essentially arguments like Amory's classify the homosexual versus

heterosexual division as a Western and historical construct that "are not appropriate to non-western contexts" (Amory, 1997, p.5).

In addition to this non-concept, other socio-economic factors such as the economic necessity of heterosexual marriage and the African preoccupation with virulence and procreation may have contributed to this Basotho 'normality'. Thus a further explanation for the African denial of homosexuality within their cultures can therefore be linked to the functional desire to reproduce. "Rejections of same-sex relations in African cultures can thus be explained by a preoccupation with procreation and the reproduction of kinship rather than by psychoanalytic notions of perversion and object-choice which have often led to homophobia in Western societies" (Phillips, 2001, p.6).

Research on homosexuality in African studies has split between two predominant fields. Amory (1997) reports that Western scholars research and theorise about the diverse history of sexuality and gender in Africa, while African's in the field are focussing on post-colonial practise. This scholarly divergence reflects the two aspects of homosexuality in Africa, the historical and contemporary. It also identifies the two areas where African scholars can influence public opinion on homosexuality in Africa; firstly the realisation that gay rights are human rights and not 'un-African', and secondly that homophobia represents the lingering imperialism of both colonialism and imported religion.

As Africa continues to grapple with its contemporary independence in a continent forever changed by the colonial exercise, Amnesty International announced in 1991 that discrimination on the basis of sexual orientation is a human rights violation. This reflects, for a multitude of reasons the scope of this essay cannot include, an increasing acceptance and effectiveness of the gay rights movement. Significantly, the US now accepts persecution on the basis of sexual orientation as a legitimate cause for application for political asylum.

Advocacy groups such as the Coalition of African Lesbians (CAL)³ advocate gay rights by appealing to both African and international human rights conventions. Combined with an increased awareness from the dissemination of fallacy-combatant information, and increased research from African and sexual scholarship alike, we can end Africa's sociologically unfounded disassociation from homosexuality.

Bibliography

Afrol News. (n.d.). *Legal status of homosexuality in African countries*. Retrieved June 2nd, 2007, from http://www.afrol.com/html/Categories/Gay/backgr_legalstatus.htm.

Amnesty International. (2007). *Sexual orientation*. Retrieved June 4th, 2007, from <http://web.amnesty.org/library/eng347/index>

Amory, D. (1997). "Homosexuality" in Africa: Issues and Debates. *Issue: A Journal of Opinion*, 25-1. URL:<http://links.jstor.org/sici?sici=00471607%281997%2925%3A1%3C5%3A%22IAIAD%3E20.CO%3B2-6>.

Behind the Mask. (n.d.). *Nigeria*. Retrieved May 28th, 2007, from <http://www.mask.org.za/index.php?page=nigeria>.

Biema, D. Van. (2007, February 19). Blunt Bishop. *Time*, 6, 40-42.

CIA. (2007). *Nigeria*. Retrieved June 2nd, 2007 from <https://www.cia.gov/library/publications/theworld-factbook/geos/ni.html>.

³ See Appendix 3.0 for further explanation of CAL's objectives

Davis, D. & Whitten, R. (1987). The Cross-Cultural Study of Human Sexuality. *Annual Review of Anthropology*, 16. Retrieved June 2nd, 2007, from <http://links.jstor.org/sici?sici=00846570%281987%292%3A16%3C69%3ATCSOHS%3E2.0.CO%3B2-N>

Greenberg, D. (1988). *The construction of homosexuality*. Chicago: University of Chicago Press.

Helie, A. (n.d.). *Holy hatred: homosexuality in Muslim countries*. Retrieved June 4th, 2007, from <http://www.afrol.com/features/10270>

Hoad, N. (2004). Neoliberalism, homosexuality, Africa, the Anglican Church. In B. Weiss (Ed.), *Producing African futures: ritual and reproduction in a neoliberal age* (54-79). Leiden: Brill.

Kovac, A. (2003 Jan-Feb). Africa's Rainbow Nation. *Foreign Policy*, 134. Retrieved June 3rd, 2007, from <http://links.jstor.org/sici?sici=00157228%28200301%2F02%290%3A134%3C90%3AARN%3E2.0.CO%3B2-Y>

Lamb, D. (1982). *The Africans*. New York: Random House.

NZ Department of Internal Affairs. (2007). *Civil Union*. Retrieved June 3rd, 2007, from http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Births-Deaths-and-Marriages-Civil-Union?OpenDocument

Ottosson, D. (2007). *State-sponsored homophobia: a world survey of laws prohibiting same sex activity between consenting adults, an ILGA report*. Retrieved June 2nd, 2007, from http://www.ilga.org/statehomophobia/State_sponsored_homophobia_ILGA_07.pdf

Africana

Phillips, O. (2001 September). Review: Myths and realities of African sexuality, Reviewed Work: Boy wives and female husbands, studies of African homosexualities by Stephen Murray & Will Roscoe. *African Studies Review*, 44-2. Retrieved June 3rd, 2007, from <http://links.jstor.org/sici?sici=00020206%28200109%2944%3A2%3C195%3AMAROAS%3E20CO%3B2-K>

Pincheon, B. (2000 December). An Ethnography of Silences: Race, (Homo)Sexualities, and a Discourse of Africa. *African Studies Review*, 43-3. Retrieved June 3rd, 2007, from <http://links.jstor.org/sici?sici=00020206%28200012%2943%3A3%3C39%3AAEOSR%28%3E2.0.CO%3B2-P>.

Schraeder, P. (2004). *African politics and society, a mosaic in transformation* (2nd ed.). Belmont: Wadsworth.

Vilakzai, F. (2007). Africa: political governance on homosexuality. An opinion piece by the Director of CAL. Retrieved April 15th, 2007, from <http://allafrica.com/stories/200704051006.html?page=2>

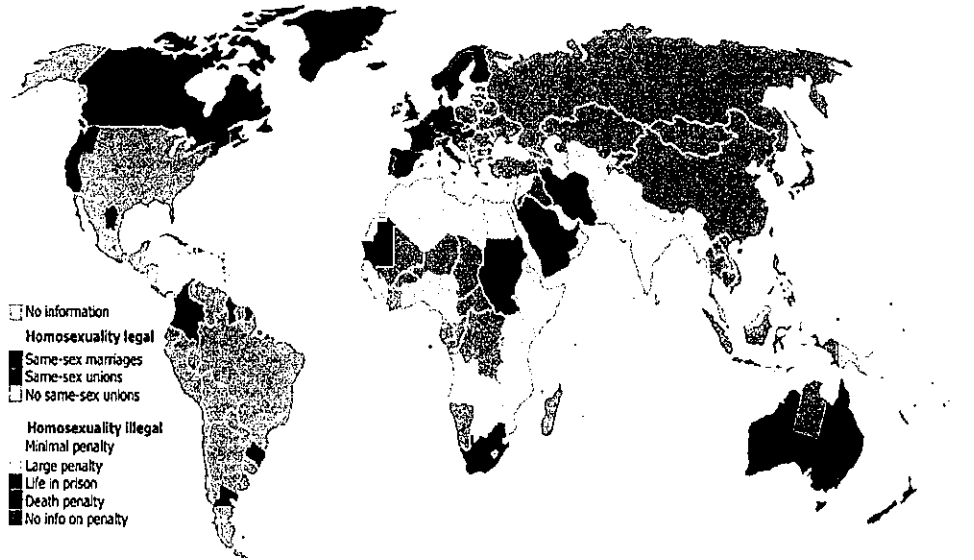
Weiss, B. (Ed.). (2004). *Producing African futures: ritual and production in a neoliberal age*. Leiden: Brill.

Wilson-Tagoe, N. & Worton, M. (Eds.). (2004). *National healths: gender, sexuality, and health in a cross-cultural context*. London: UCL Press.

Country/ <i>Africana</i>	Male/male	Female/female	Punishment
Algeria	Illegal	Illegal	Imprisonment and/or fine
Angola	Illegal	Illegal	Labour camps
Benin	Illegal	Illegal	Imprisonment and/or fine
Botswana	Illegal	Illegal	Imprisonment
Cameroon	Illegal	Illegal	Imprisonment and/or fine
Djibouti	Illegal	Illegal	N/S
Democratic Republic of Congo	Semi-legal	Semi-legal	Imprisonment and/or fine according to interpretation
Egypt	Semi-legal	Semi-legal	Imprisonment and/or fine according to interpretation
Eritrea	Illegal	Illegal	Imprisonment
Ethiopia	Illegal	Illegal	Imprisonment
Gambia	Illegal	Legal	Imprisonment
Ghana	Illegal	Legal	Imprisonment
Guinea	Illegal	Illegal	Imprisonment and/or fine
Guinea-Bissau	Illegal	Illegal	Labour camp
Guyana	Illegal	Legal	Imprisonment
Kenya	Illegal	Legal	Imprisonment
Kiribati	Illegal	Legal	Imprisonment
Lesotho	Illegal	Legal	N/S
Liberia	Illegal	Illegal	N/S
Libya	Illegal	Illegal	Imprisonment
Malawi	Illegal	Legal	Imprisonment with/without corporal punishment
Mauritania	Illegal	Illegal	Death
Mauritius	Illegal	Legal	Imprisonment
Morocco	Illegal	Illegal	Imprisonment and/or fine
Mozambique	Illegal	Illegal	Labour camp
Namibia	Illegal	Legal	N/S
Nigeria	Illegal	Legal	Imprisonment. 12 Islamic states have enshrined Shari'ah law's death penalty for male/male.
São Tomé and Príncipe	Illegal	Illegal	Labour camps
Senegal	Illegal	Illegal	Imprisonment and/or fine
Seychelles	Illegal	Legal	Imprisonment
Sierra Leone	Illegal	Legal	Imprisonment
Somalia	Illegal	Illegal	Imprisonment
Sudan	Illegal	Illegal	Imprisonment and corporal punishment and death (for repeat offenders)
Swaziland	Illegal	Unclear	N/S
Tanzania	Illegal	Legal	Imprisonment
Togo	Illegal	Illegal	Imprisonment and/or fine
Tunisia	Illegal	Illegal	Imprisonment
Uganda	Illegal	Illegal	Imprisonment
Zambia	Illegal	Legal	Imprisonment
Zimbabwe	Illegal	Legal	Imprisonment and/or fine

Appendix 1.0: The legal status of homosexuality in African countries

* Adapted from 2007 ILGA Report on 'State Homophobia', by Daniel Ottosson.



Appendix 2.0: World homosexuality laws

* Taken from Wikipedia. Therefore unlike Appendix 1.0 this is not meant to be a scholarly or definitive list of the world's laws. However its pictorial representation demonstrates Africa's disproportionate representation.
http://en.wikipedia.org/wiki/Image:World_homosexuality_laws.png#file

Appendix 3.0: Aims and Objectives of CAL

The principal objectives of CAL are:

1. To advocate and lobby for the political, sexual, cultural and economic rights of African lesbians by engaging strategically with African and international structures and allies;
2. To eradicate stigma and discrimination against lesbians in Africa;
3. To build and strengthen our voices and visibility through research, media and literature and through participation in local and international fora;
4. To build the capacity of African lesbians and our organisations to use African radical feminist analysis in all spheres of life;
5. To build a strong and sustainable lesbian coalition supporting the development of national organisations working on lesbian issues in every country in Africa;
6. To support the work of these national organisations in all the foregoing areas including the facilitation of the personal growth of African lesbians and the building of capacity within their organisations.

Quoted directly from Vilakzai, F. (2007). Africa: political governance on homosexuality. An opinion piece by the Director of CAL. Retrieved April 15th, 2007, from <http://allafrica.com/stories/200704051006.html?page=2>