

# **African homophobia and the colonial roots of African conservatism**

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**Turn any homophobic corner in Africa and you're guaranteed to run into a delirious celebration of "African culture," but there's nothing African about homophobia.**

A petition to decriminalize sexual acts between people of the same sex was recently rejected by the Kenyan High Court. The litigation process was once again characterized by frequent references to "African culture." One of the interested parties attached to the case was Irungu Kangata, the senator of Murang'a County whose interest in the petition was "to secure the diversity of Kenyan culture in their common rejection of homosexuality." Kangata argued before the court that "none of the Kenyan communities or culture embraces homosexuality and that historically, homosexuality was punished through ostracization or death," and that decriminalizing homosexuality would be "in breach of their right to preservation of their culture."

Turn any homophobic corner in Africa and you're guaranteed to run into a delirious celebration of "African culture." Kenyan president Uhuru Kenyatta, standing next to President Obama in 2015 at a press conference in Nairobi, declared that homosexuality was something "our culture" doesn't accept, echoing the remarks of the eccentric Robert Mugabe, the deposed Zimbabwean leader, who, speaking before the UN General Assembly in New York that same year, announced that Africans "reject attempts to prescribe 'new rights' that are contrary to our values, norms, traditions, and beliefs." It is the commonly repeated warning to white people not to infringe on authentic African culture which has not tolerated homosexuality since time immemorial.

Ever since Europe colonized Africa on the back of an imperial propaganda of the "Civilizing Mission," the West has always been seen as an enemy of the customary, a modernizing savior rescuing a reluctant Africa from the jaws of a tribal existence. In this narrative, pre-colonial Africans lived in corporate tribal units characterized by a common language, culture, kinship, hereditary membership and tribal laws enforced through tribal hierarchies of power. Europe then swooped in and disrupted this centuries-old order, actively dismantling African cultural life and forcibly modernizing the continent, making it imperative for Africans today to decolonize themselves by reclaiming and protecting their "original" culture. This narrative is as neat and efficient as it is thoroughly fictional.

Despite pretensions before the public in Europe that colonialism was being guided by *la mission civilisatrice*, European powers realized from the outset that a "modernized" African population would constitute an immediate threat to colonial rule. A "detrribalized" African majority united around race consciousness and "civilized" around European democratic ideals would immediately challenge white minority control. This suspicion was confirmed early on in places like Senegal's four communes and the Cape Colony in South Africa, where "detrribalized" Africans ruled under modern law began to demand civil and political equality with the white population. Europe, therefore, turned towards a tribal strategy known as indirect rule: to enforce divisions in the racial majority by entrenching the tribe as the basis of social, economic and political life in Africa; and to keep Africans

tribalized by making customary laws the basis of colonial control.

There was only one problem with this strategy: tribe—as a political category—was not a dominant feature of sociopolitical life in Africa before the onset of colonial rule. Ethnolinguistic groups—people who shared a language and ethnicity—did not necessarily constitute a tribe: they did not automatically belong to a political category that defined rights and duties based on tribal identity. This is an important distinction to make, notes the eminent scholar Mahmoud Mamdani in *Define and Rule*:

Did tribe exist [in Africa] before colonialism? If we understand by tribe an ethnic group with a common language, it did. But tribe as an administrative entity that distinguishes between natives and non-natives and systematically discriminates in favor of the former against the latter—defining access to land and participation in local governance and rules for settling disputes according to tribal identity—certainly did not exist before colonialism.

Primary African identities were not tied to such a thing as tribe but rather to local societies, religious movements, clans, political leaders, craft associations—or as the historian Terence Ranger puts it in *The Invention of Tradition*:

Almost all recent studies of nineteenth-century pre-colonial Africa have emphasized that far from there being a single “tribal” identity, most Africans moved in and out of multiple identities, defining themselves at one moment subject to this chief, at another moment as a member of that cult, at another moment as part of this clan, and at yet another moment as an initiate in that professional guild... the boundaries of the “tribal” polity and the hierarchies of authority within them did not define conceptual horizons of Africans.

In the European imagination, this untidy ethnic picture of pre-colonial Africa in the 1800s was a perverse deviation from a “true” and “original” Africa that was characterized by bounded and pure tribes living together in their defined territory under a common customary law and hierarchy of power. Even more importantly, it was quite an inconvenience to their strategy of tribalized administration in Africa. What followed at the dawn of colonial control, therefore, was an effort to “restore” the true Africa by clearly defining the original tribes, their homelands, their customary laws—a collaborative effort that utilized missionaries, explorers, government agents and anthropologists.

Ethnolinguistic groups were designated as tribes. Igbos were said to belong to an Igbo tribe; Kikuyus were said to belong to a Kikuyu tribe; Chewas were said to belong to a Chewa tribe. A homeland was designated for each defined tribe, and tribal identity became a legal category. Freedom of movement and settlement across tribal homelands was heavily regulated. A native authority, backed by the full force of colonial power, was put in charge of each tribalized administrative unit to enforce customary law by force. The British appropriated “native” chiefs where they could find them, and invented them where they couldn’t find them. The French destroyed all indigenous authorities and replaced them with new administrative cadres, but they still had the same function: to enforce customary law by force.

To understand just how farcical it was to tribalize ethnolinguistic groups in Africa, you’d have to start by imagining something like a nonwhite colonial power arriving in Switzerland today and deciding to institute tribalized rule in the country in order to subjugate the white majority. The French Swiss are designated as a tribe; the German Swiss as another tribe; the Italian Swiss as another tribe. The Romansh are simply left undesignated and instructed to become German or

Italian. Government agents, missionaries and anthropologists then set to work discovering and documenting the “original” ancient customary laws of the tribes. A homeland is designated for each of the tribes in the western, central and southeastern regions of the country; a native authority is placed in each region to enforce customary law by force; and freedom of movement and settlement is limited to one’s tribal homeland.

This tribalization of Africa was not even limited to singular ethnolinguistic groups. Multiple ethnolinguistic groups living in a geographical area known by a common name would sometimes be designated as a single tribe. Since their region was known to explorers and traders by a common name, communities living to the northeast of what would become Lake Victoria—speaking 18 languages among them; some of them completely alien to each other—were defined as a single Luhya tribe. Even multiethnic states, such as Ndebele in southern Africa, were designated as a tribe. This creative picture would lead to amusing episodes where people had to be informed about which tribe they belonged to, as one Zambian chief put it: “My people were not Soli until 1937 when the Bwana DC [district commissioner] told us we were.”

If the tribalization of Africa could at least piggy-back on visible ethnolinguistic differences, the definition of tribal customary laws enjoyed no such luxury. The reconstruction of the “original” customs that supposedly characterized the African tribal past was inevitably going to be a thoroughly creative exercise. It comes as no surprise, then, that Terence Ranger discovers that the tribalization of Africa was most inventive when it had to define customary law:

The most far-reaching inventions of tradition in colonial Africa took place when the Europeans believed themselves to be respecting age-old African custom. What were called customary law, customary land-rights, customary political structure and so on, were in fact all invented by colonial codification.

African customary law was not being defined and codified as a mere anthropological curiosity. It was to become the basis of colonial rule: Africans were to be legally required by colonial powers to abide by the customary laws of their tribal homelands. Codified customary laws were therefore going to inescapably conform to the objectives of colonial domination. Colonialism was an exercise of absolute autocratic control: Europe maintained control in Africa by force rather than consent, and customary law was therefore tweaked and nurtured to conform to the authoritarian objectives of colonial rule. This meant recruiting and enforcing hierarchies of domination for the colonial project in each level of African social life.

From top to bottom, an authoritarian customary hierarchy was put in place: colonial officers in charge of native chiefs, native chiefs in charge of subjects in the tribal unit, elders in charge of youth, men in charge of women. This customary hierarchy was invented as the original African way of life and given full customary legitimacy as a supposed reinforcement of African culture. “African customs” were defined and codified into law: losing the dynamism and continuous change that normally defines custom and becoming frozen in time as an “original” artifact: becoming conservative by definition.

This conservative, authoritarian customary artifact was then imposed as the centuries-old standard for “proper” African-ness—the uncompromising adherence to an unchanging, original customary code. Africans were created as traditionalist, customary creatures. Since the Europeans had been so kind to discover true African-ness for Africans, they were now going to teach Africans how to be true Africans by requiring full adherence to the rediscovered customary law. Just as a Northern Rhodesian district commissioner had discovered that some of the Soli did not know they were Soli, another district commissioner in Southern Rhodesia was horrified to learn the Ndebele did not know how to be Ndebele, as Mahmoud Mamdani narrates in *Citizens and Subjects*:

Imagine the horror of the [white] native commissioner of Malema District when he realized that the Ndebele did not behave as the Ndebele are supposed to: “Deference is shown by no-one to anyone,” [the commissioner reported], there reigned “a state of anarchy in which the old vital and essential laws and customs were either forgotten or swept away”, and, horror of all horrors, far from a woman being kept in her place, “a girl may choose whom she likes, when she likes, and as often as she likes”! The commissioner’s remedy was to teach “the Ndebele” how to be Ndebele by bringing to them a version of the Natal Native Code of 1891.

The Ndebele did not know how to be Ndebele: they had to be taught how to be Ndebele by the Europeans. The Kikuyu had to be taught how to be Kikuyu; the Igbo had to be taught how to be Igbo. Africans had to be taught how to be Africans. They had to be panel-beaten into proper African-ness through the imposition of rediscovered customary codes. Such was the breath-taking arrogance of European colonialism in its quest to tribalize Africa.

If it was abhorrent for a “proper” African woman to choose whom she liked whenever she liked, it was equally abhorrent for a proper African man to sleep with a person of whichever gender he liked. Like other peoples anywhere in the world, pre-colonial African communities generally placed paramount importance on heterosexual marriage as the basis of family life. But African social lives were also characterized by a diversity of sexual expression that found outlets outside the institution of heterosexual marriage. This could take the form of such activities as sex-play between unmarried adolescents, or even sexual relationships between people of the same sex. In his comprehensive study of pre-colonial African sexualities titled *Heterosexual Africa?* Marc Epprecht documents some of these sexual diversities quite well:

...a Portuguese document from 1558... observed “unnatural damnation” (a euphemism for male-to-male sex) to be esteemed among the Kongo. Andrew Battell, who lived among the Imbangala (in modern-day Angola) in the 1590s, was similarly disapproving: “They are beastly in their living, for they have men in women’s apparel, whom they keepe among their wives.” Jean Baptiste Labat, cribbing from an Italian explorer in the same region of Angola, also described a caste of cross-dressing male diviners known as *chibados* or *quimbandas*... From elsewhere in Africa also come hints of African men who expressed same-sex practices in the idioms of traditional medicine or magic... there were also unspoken erotic relationships between African women within the rubric of spirit mediumship or divination.

Africa was not the only pre-colonial realm whose fluidities of sexual expression attracted European puritanical revulsion. Homosexuality was decried by European explorers as a widespread “problem” outside the West—so widespread that the celebrated explorer Richard Burton felt he could only capture it adequately using geographical coordinates, as Alok Gupta documents in *This Alien Legacy*:

Fears of moral infection from the “native” environment made it urgent to insert anti-sodomy provisions in the colonial code. A sub-tradition of British imperialist writing warned of widespread homosexuality in the countries Britain colonized. The explorer Richard Burton, for instance, postulated a “Sotadic Zone” stretching around the planet’s midriff from 43° north of the equator to 30° south, in which “the Vice is popular and endemic...” The European codifiers certainly felt [they had a] mission of moral reform—to correct and Christianize “native” custom.

This “correction” of native custom in the colonies was carried out through the Indian Penal Code of 1860 and the Queensland Criminal Code of 1899, both of which outlawed homosexuality and were

transplanted to African colonies in the early colonial period. Customary laws in Africa were shaped in the image of the puritanical sexual sensibilities of Europe, in line with the general trend that shaped African customs in the image of Europe's conservative and authoritarian objectives. These customary laws were given ancient cultural legitimacy and legally enforced by customary authorities backed by colonial power. The beneficiaries of revised customary hierarchies in Africa—the chiefly class, elders, men, a whole “ethnicity” in the case of Rwanda and Burundi—were only too eager to protect their newly enhanced power by claiming original customary legitimacy for their new privileges, giving the new order an internal means of self-reproduction.

The entrenchment in Africa of homophobia, ultraconservative sexual attitudes, and the authoritarian streak that oozes out of what is purported to be genuine African social culture—all resulted from a thoroughgoing process that tribalized Africa and enforced conservative customary laws nurtured to conform to objectives of colonial domination. It was more than a simple ban on this or other activity: it involved the total recreation of Africans as customary tribal creatures that have always adhered to fixed, unchanging, conservative traditions.

Colonialism was not an exercise of detribalization but an exercise of tribalization in the image of a reimagined customary past. “African culture” is a colonial designation thoroughly contaminated with colonial motives and the whole concept therefore needs to be exposed for its coloniality. That is the challenge for African progressivism. There are no “original” sets of customary regulations that defined African communities for centuries: Africa was not a timeless space defined by customary stagnation, and custom and social life in African communities was just as fluid and gradually changing as it was in any other part of the world.

When a Kenyan senator appears in court to speak on behalf of customary opposition to homosexuality, he is simply continuing the colonial practice of enforcing “original” customary law in native courts. He is an exact replica of the customary agents that characterized colonial courts in Africa: a colonial agent in a postcolonial world. Uhuru Kenyatta and Robert Mugabe are not really saying “it’s against our African culture” in their warnings to white folks not to preach gay rights in Africa. They’re really saying “it’s against the African culture you gave us—and we intend to remain the proper Africans you taught us to be.”

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## **P.S.**

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