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The Case of Gender-Based Violence: Assessing the Impact of International Human Rights Rhetoric on African Lives

Locating Neocolonialism, “Tradition,” and Human Rights in Uganda’s “Gay Death Penalty”

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Abstract: In 2009, the Anti-Homosexuality Bill introduced in Uganda’s Parliament reignited homophobic sentiment across Africa. Despite a well-documented history of sexual diversity in Africa, claims that homosexuality is “un-African” are being used to justify violence and exclusion. This article, based primarily on a discursive analysis of public media sources, delves into various cultural logics that reveal the tensions and contradictions in Ugandans’ widespread opposition to homosexuality. U.S. evangelical influence, postcolonial amnesia in regard to “tradition,” fertility concerns, and human rights exceptionalism drive this moral panic over issues of sexual diversity. Such sentiments must be addressed by confronting neocolonial religious influence and cultivating renewed respect for human rights and Africa’s history of sexual diversity.

Résumé: En 2009, la présentation d’un projet de loi anti-homosexualité dans le parlement ougandais a rallumé un sentiment d’homophobie à travers le pays. En dépit

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d'un historique bien documenté sur la diversité sexuelle en Afrique, des revendications déclarant que l'homosexualité va à l'encontre de "l'identité africaine" sont utilisées pour justifier des actes de violence et d'exclusion. En se basant principalement sur une analyse discursive de sources provenant des media publiques, cet article étudie de manière approfondie les différentes logiques culturelles qui révèlent les tensions et contradictions émanant de l'opposition généralisée des ougandais contre l'homosexualité. L'influence évangéliste américaine, l'amnésie postcoloniale de la "tradition," les problèmes de fertilité, et la création d'exceptions concernant les droits de l'homme sont les moteurs principaux de cette panique morale concernant la question de diversité sexuelle. De tels sentiments doivent être remis en question en confrontant l'influence religieuse néocoloniale et l'encouragement d'un respect renouvelé pour les droits de l'homme et l'historique de la diversité sexuelle en Afrique.

In the fall of 2009, Ugandan Member of Parliament David Bahati introduced a bill proposing tighter strictures on homosexuality. Though sodomy laws already existed in Uganda in the 1950 Penal Code and the 1995 Constitution, the bill proposed further measures, such as the provision that a person could be put to death for "aggravated homosexuality"—meaning the commission of a same-sex act with a minor, family member, or disabled person—or in cases in which the "aggressor" is HIV-positive (BBC News 2009). Further, the bill would make it obligatory for people who "discover" that another person is gay to act as an informant to the police. Those who failed to do so would face jail time.

Dubbed Uganda's "gay death penalty, the Anti-Homosexuality Bill quickly gained media attention in Europe and the U.S., whose own "culture wars" raged over the question of gay marriage and military service. The U.K. and the U.S. expressed "grave concern" about the harsh penalties in the bill, and Sweden threatened to pull all donor funding from Uganda if the bill passed into law. In March 2010 Parliament was presented with petitions with hundreds of thousands of signatures protesting the bill, mostly signed by foreigners but well supported by Ugandan activists. But mass demonstrations in support of the bill also occurred in Kampala and Jinja, and Ugandan pastors showed gay pornography in their churches to incite violent sentiments against homosexuals. Finally, a parliamentary review committee tabled the bill in May 2010, claiming that it was weak and redundant in the context of existing laws (see Muhumuza 2010). Nevertheless, the bill became the iconic instigator of a wave of African homophobia. Debate over homosexuality—and violence against LGBTI (lesbian, gay, bisexual, transgendered, and intersex) people—continues, spreading beyond Uganda's borders to other countries in Africa. In January 2011 the Ugandan gay rights activist David Kato was killed in his home with a hammer blow to the head after being singled out as a prominent homosexual in a tabloid paper.

Continued support by public figures for the Anti-Homosexuality Bill, as well as ongoing denunciations of homosexuality as "un-African," appears

to stand in direct contradiction to Uganda's public support for building a culture of human rights. Uganda is clearly still experiencing growing pains as the nation struggles with issues of rapid globalization. But whereas Ugandans had been pursuing rather progressive policies in the recent past that raised their esteem in the global community of nations, this seems like unusually regressive behavior. Further, opposition to homosexuality rests on a number of spurious arguments about "traditional African culture" and misplaced accusations of neocolonialism.

This article, therefore, grapples with how to understand this disturbing development in the context of Uganda's progressive development success story, particularly its popular embrace of universal human rights.¹ While the media have emphasized the influence of the U.S. evangelical community on Uganda's leaders, there is much more at issue here than a debate about cultural values, or even about sexuality. Central to this issue are questions of "tradition," reproduction (social and sexual), and human rights. The recent outcry against homosexuality in Uganda is a textbook example of a "moral panic," a phrase coined in 1972 by Stanley Cohen, a criminologist studying the British public's reaction to the youth subcultures of the 1960s. More recently, Gilbert Herdt has argued that moral panics over sexuality usually conform to a familiar pattern:

Sexual panics may generate the creation of monstrous enemies—sexual scapegoats. This "othering" dehumanizes and strips individuals and whole communities of sexual and reproductive rights. . . . The pattern in these reactions and counterreactions hinge[s] repeatedly on questions of normative sexual citizenship, reproductive accommodation and assimilation, or sexual orientation and gender resistance and defiance. (2008:3)

Invoking the strength of Foucaultian "biopower"—"the subjugation of bodies and the control of populations" by nation-states (Foucault 1990[1978])—moral sexual panics generate "reactive mechanisms of surveillance, regulation, discipline, and punishment" in the service of moral governance (Herdt 2008:1).

By contextualizing public discourse about homosexuality in Uganda as a moral panic, I hope to reframe the debate about what is and what is not "traditional" through the lens of precolonial and postcolonial understandings of African sexualities. By this logic, defending purist notions of African "tradition" actually entails upholding sexual diversity rather than buying into the colonial missionary remaking of "heterosexual Africa." I develop four main counternarratives to the public discourse on the "gay death penalty" and homophobic fervor.

First, in the debate, Ugandans have repeatedly characterized homosexuality—rather than, for example, evangelical Christianity—as a colonial imposition. This phenomenon, I argue, speaks to the success of the colonial-era missionary erasure of Africa's history of sexual diversity and masks

the neocolonial aspirations of the U.S. religious right to globalize the U.S. culture wars.

Second, perceived threats to sexual and social reproduction, particularly fertility and the family, point similarly to postcolonial amnesia, as well as myopia about contemporary circumstances that pose greater threats to children and family.

Third, the Ugandan authorities' extensive efforts to cultivate a culture of universal human rights is undermined by the persecution of homosexuals. This has negative implications not only for homosexuals but also for other minorities and their rights, which are protected by the 1995 Constitution. I argue that it is ultimately contradictory to exempt homosexuals from protection under the law.

Finally, I suggest that to reverse these trends toward intolerance, Ugandans must stop the co-optation of spiritualism by the Western religious right and encourage more African/Africanist scholarship on sexual diversity.

History, "Tradition," and Homophobia in Uganda

Tension between religion and homosexuality in Uganda actually has a long and contested history going back to the story of Buganda Kabaka (King) Mwanga and the Christian Martyrs. According to this story, these martyrs were young male pages whom Mwanga had executed in 1886 for refusing his sexual advances because their newly adopted religion (Catholicism) taught that homosexuality was an abomination. (Many claim further that Mwanga and other Ugandans had started to practice sodomy only after contact with Arabs, who arrived in Uganda before the Christian missionaries did.) As Neville Hoad (2007) points out, however, the historical records are purposefully vague about what exactly Mwanga did—or attempted to do—with his pages. We only know from written records that the act or acts were abhorrent to missionaries and colonial administrators, to the point that they were unmentionable. Whatever transpired, Mwanga would not likely have identified himself as homosexual, as this was still an emergent social identity at the time, even in Europe.

Despite this seminal event, recent news articles have made much of the claims of Ugandans, and Africans more generally, that same-sex desire does not exist in Africa and is somehow a Western imperial imposition. Stephen O. Murray and Will Roscoe ably refute this claim in their book *Boy-Wives and Female Husbands: Studies of African Homosexualities* (1998), which shows not only that African homosexuality existed in precolonial times, but also that it has persisted into modern times, despite missionary erasures of sexual diversity and the criminalization of homosexuality by both colonial and postcolonial governments. Colonial and postcolonial-era ethnographic texts also suggest the existence of same-sex social and sexual relationships among several different Ugandan ethnic groups, including the Langi (Driberg 1923), the Iteso (Laurance 1957), the Baganda (Southwold

1973), the Bahima (Mushanga 1973), and the Banyoro (Needham 1973). Further, Murray claims that "there are no examples of traditional African belief systems that singled out same-sex relations as sinful or linked them to concepts of disease or mental health—except where Christianity and Islam have been adopted" (1998:270). Murray goes on to say that where such practices existed, they were not only tolerated but also incorporated into the social body with named roles and sexual identities. "This is significant," Murray claims, "because many recent historical and cultural studies of sexuality have claimed a unique status for Western sexual identities, especially [the] "gay" or "homosexual" identity, as constructs produced by social and historical factors specific to Western societies (1998:271). Marc Epprecht (2008) has also shown that even where homosexuality is rarely invoked as a social identity in modern-day Africa, same-sex acts do take place—and these are not necessarily acts that can be defined by the term "survival sex" (Lorway 2008:159).

There seems to be considerable distancing in African imaginations between situational homosexual acts—which are indeed part of the African social landscape—and homosexuality as an identity or lifestyle. The same Ugandans who are baffled by the idea of two people of the same sex having a committed relationship will talk fondly of their participation in boarding school bonding rituals involving same-sex intimate contact, though they may not necessarily define it as sexual contact or consider such activity a challenge to their heterosexual identities. Such experimentation is not always discussed openly, but Epprecht notes that "in recent years this subtlety has begun to change quite dramatically. . . [and] depictions of same-sex sexuality are now becoming increasingly explicit and frank. . ." (2008:8). Though the term "homosexual" was not commonly used to describe a person until the late nineteenth century (Foucault 1990[1978]:43), globalization—cultural and economic—has tended to homogenize sexual identity, even as it introduces broader audiences to the idea of homosexuality as a social identity, such that diverse sexual practices have been collapsed into a simple hetero/homo binary.

Despite the incredible diversity of sexual practices and identities, the notion of homosexuality in Ugandan public discourse is rather generalized today, and despite the longitudinal documentation of sexual diversity, homosexuality continues to be figured in recent Ugandan popular discourse as a foreign imposition, even at the highest level of government. As Ugandan society changes rapidly, it is challenged by the diversification of lifestyles—and has retreated to "tradition" to defend discrimination against homosexuals. In line with Hobsbawm and Ranger's (1983) claim that tradition is invented, moral panics often draw on arguments about preserving "tradition," which gets co-opted as a defense against the strains of modernity. "Tradition" is being rewritten to serve contemporary political interests—and in this case, to legitimate persecution—although it can be argued that this is happening on both sides of the debate. The difference, however,

is that while sexuality scholars base their interpretations on available historical data, the religious right bases its arguments on moralizing discourses and the colonial erasure of sexual diversity. The same people who claim that wealthy gays are coming from Europe and the U.S. to “recruit” young Africans refute similar allegations of neocolonialism when it comes to evangelical Christian influence.

When considering historical facts, however, it is perplexing that homosexuality is seen as a neocolonial imposition while evangelical influence is not. Perhaps this is because during the early colonial period the *abolokole* movement’s alliance with evangelicalism was itself seen as colonial resistance to a perceived spiritual malaise in the Anglican church (Ward 1989). An editorial by MP Margaret Muhanga in the national newspaper *New Vision* responded to an article about civil society organizations that came out against the bill by calling those organizations “slaves living under neocolonialism” (Muhanga 2009). Part of the appeal of the evangelical pastor Martin Ssempe is his assertion of autonomy and independence from international pressure, and his vehement rejection of the notion that his behavior is influenced by “whatever a white man came and told him to do.”² U.S. President Obama, who is otherwise extremely popular in East Africa due to his Kenyan heritage, is the primary head of state targeted in accusations of foreign interference by Ssempe and other Anti-Homosexuality Bill proponents. Even though other foreign leaders have spoken out more forcefully against the bill, angry mobs shouted antigay slogans and carried signs that read “Obama back off!” at pro-bill rallies. The U.S. religious right has made similar accusations that Obama is trying to undermine “the traditional family,” calling him names ranging from “Hitler” to “the anti-Christ.” The similarities in the discourses used by antigay religious leaders in both places thus indicate a link between African and U.S. culture wars over homosexuality.

Meanwhile, as Ugandans and other Africans continue to claim that the international community is pushing them to accept homosexuality against their own cultural sensitivities, deleterious, evangelical-inspired importations—such as the corrupt prosperity gospel and neoconservative abstinence-only education programming funded by PEPFAR (the U.S. President’s Emergency Plan for AIDS Relief)—continue unabated. The latter has actually contributed to the first increase in Uganda’s HIV infection rate in twenty years (Human Rights Watch/Africa 2005). To a social scientist, this disjuncture would be extremely problematic, but to many Ugandans, it is not.

What Robert Lorway has written about Namibia also applies to Uganda: “As the state crafted “homosexuality” as a threat to national survival, homosexuality became linked to a multitude of emergent social problems and tensions of the postcolonial era, such as criminality, national identity/authenticity, globalization, and neocolonialism” (2008:150–51). The *New Vision* reported that in a January 2010 speech to Members of Parliament

President Museveni said that he had told U.S. Secretary of State Hillary Clinton "that people come from Europe with money and woo young people into homosexuality" (quoted in Olupot & Musoke 2010). Where the Uganda Martyrs story has commonly been framed around the martyrs' refusal to renounce their new religion, it has been refigured in current discourse as a story about the martyrs' willingness to die to defend their opposition to homosexuality. Paradoxically, this historical repurposing of the story not only represents what Wieringa (2008) calls postcolonial amnesia, but also a willing acceptance of the colonists' own narrative.

Upon encountering same-sex practices in Africa, early missionaries and colonial administrators used this discovery as further evidence of the necessity of the colonizing mission. On the one hand, as Saskia Wieringa writes, "there were those writers who invented a 'pure' innocent continent in which those 'vices' were absent." Many sexual practices, particularly if they pertained to women's agency or same-sex relations, were discouraged, criminalized, and written out of the colony's social history, and thus whites invested themselves "with the moral duty to rule these 'childlike natives.'" On the other hand, "there were those who pointed out the depravity of the black population by dwelling on the same-sex practices they documented. This again was seen as 'proof' of the way blacks were close to nature and needed the culturalizing strong hand of their colonial masters" (2008:210). Because of this colonial history, the defense of diverse sexual practices was once seen as colonial resistance (Hoad 2007:xi)—a point that seems to have been entirely forgotten in current debates over sexuality.

Wieringa also points out that moral sex panics, as "deeply political constructions," utilize selective memory to marginalize sexual minorities by manipulating the notion of "tradition." Whereas "tradition," at least according to the "depravity" narrative mentioned above, "was seen (and constructed as) the site of 'moral decay' in colonial days, 'tradition' is now invested with nostalgia [i.e., the innocence narrative] and reconfigured as a site of heteronormative 'normalcy,' while the *West* is seen as the site of perverse desires" (2008:205–6; italics added). Postcolonial amnesia thus constructs an Africa that has always been an exclusively heterosexual continent, and the appeal to "tradition" is used selectively to erase social practices such as same-sex relations from history. In this context, the present moral panic over homosexuality can in fact be seen as a colonial inscription of heterosexual norms on a more sexually diverse "traditional" Africa. Despite widespread criticism that Westerners are always collapsing the diversity of a continent into a singular idea of "Africa," the same is now being done by many Africans themselves who have co-opted the idea of a normative "African heterosexuality" in order to marginalize homosexuals (see Tamale 2011).

The persecution of homosexuals in Africa by those in power is thus nothing new, but what is new is the vehemence with which Bahati's bill threatens homosexuals with persecution. While the bill defines homosexu-

ality as an “act” or “acts”—as have antisodomy laws, for example—the bill’s use of the word “homosexual” is imprecise, with the distinct subtext that *being* homosexual should be criminalized. The bill’s memorandum states that “this legislation . . . recognizes the fact that same sex attraction is not an innate and immutable characteristic”—a claim that not only legitimizes the criminalization of intentional homosexual acts as willful (as opposed to innate) behavior, but also enables antihomosexual activists to continue to claim that homosexuality is something new and foreign to African cultures. Another consequence of the bill and the threats it poses is that sexual rights activists have been driven underground. As Lorway points out, “The concealment of same-sex sexual practices, as a means of coping with anticipated stigmatization, renders struggles with discrimination, violence, and sexual harassment invisible” (2008:164).

Evangelicalism, Public Discourse, and Homosexual Persecution

Today, a new wave of Western missionaries is taking advantage of the popularity of the Evangelical movement and cultural conservatism in Africa to support its own anti-homosexuality agenda. The Anti-Homosexuality Bill was introduced shortly after several American evangelicals—including Scott Lively, who has launched an international antigay campaign called “Defend the Family”—spoke at a three-day “Seminar on Exposing the Homosexual Agenda” in Kampala in March 2009. Lively, who claims to know “more than almost anyone else in the world” about homosexuality (Johnson 2010), and other U.S. delegates detailed a well-organized and well-funded mission to spread homosexuality by corrupting and recruiting youth around the world. Such U.S. religious leaders have been spreading rumors that gay advocacy groups are pouring money into Africa to promote homosexuality (though there is little evidence of this [see Tamale 2003]), while at the same time conservative U.S. political groups have put African religious and political leaders on the payroll to prevent the spread of homosexuality (Kaoma 2009:9).

This strategy suggests a ramping up of efforts to globalize the U.S. culture wars. Indeed, neoconservative evangelicals in the U.S. have been making concerted efforts to build ties with African leaders in order to influence local cultural attitudes as well as legislation in Africa as a way of propping up the values of the religious right in the U.S. (Kaoma 2009). Herdt argues that “panics are not an isolated phenomenon but a connective strategy for the ways in which cultural elites can dominate media and discourse in civil society” (2008:7). In this vein, Ugandan President and First Lady Museveni have openly declared their ties with U.S. evangelical movements. The Family, the same secretive fellowship of powerful U.S. politicians that hosts the National Prayer Breakfast, claims Museveni as their “key man” in Africa (Sharlet 2009). MP Bahati, the author of the Anti-Homosexuality Bill—which is practically a verbatim recitation of the U.S. religious right’s

position on homosexuality—is also purportedly a member of The Family (Okong'o 2010). He is supported by U.S. megachurch pastor Rick Warren, who is also a personal friend of the Musevenis. While visiting Uganda in 2008, Warren said that "homosexuality is not a natural way of life and thus not a human right," and then declared Uganda a "Purpose Driven Country" (Kaoma 2009:iv), meaning that its leaders are obedient to God and are actively creating disciples of their citizen.³

First Lady Janet Museveni, a self-proclaimed "born again" Christian, personally went to Washington to persuade U.S. lawmakers to fund Uganda's abstinence and faithfulness programs to the tune of US\$1 billion (Epstein 2007:188). Founder of the National Youth Forum in 1991, she has been a champion of abstinence-only sex education programs that encourage secondary school students to sign virginity pledges (Human Rights Watch/Africa 2005:44). Supported by Bush's President's Emergency Plan for AIDS Relief (PEPFAR), these programs, with the guidance of U.S. Christian evangelicals, discourage condom use in favor of teaching abstinence and faithfulness as a means of preventing HIV/AIDS, despite evidence that condoms are just as effective—if not more so—than abstinence programming.

These same youth who were encouraged to self-regulate their behavior to conform to Christian norms in which the only appropriate sex takes place in heterosexual marriage and may produce children are now being encouraged to reject homosexuality as deviant and "un-African." Douglas Feldman asserts that "the neoconservative ideological agenda is, often successfully, using the AIDS crisis as a mechanism to change the values, beliefs, and behaviors of Africans throughout the continent, to the detriment of African cultures" (2008:11–12). This notion of a "slippery slope" of immorality is thus effectively fueling moral sex panics, "displacing responsibility for security and well-being from the self and community to real or imagined others on the margins of society" (Herdt 2008:9).

In the age of HIV/AIDS, in which the major public health campaigns have all capitalized on a moralizing discourse of "behavior change" (Thornton 2008), and particularly where that discourse is increasingly driven by a neoconservative agenda, it is not difficult to see the moral panic over homosexuality as a kind of displacement of moralizing discourses about sexuality more generally. It is curious, then, that while the AIDS peril is a subtext to the abstinence movement, gay men have not actually been charged with "starting" the African AIDS pandemic, as they were by conservative Christians in the U.S.—who even coined the term "the gay plague." Such a claim, however, would require an admission that gays actually *exist* in African societies, or at least that homosexuality is indeed an African phenomenon—thus, ironically, undermining one of the pillars of the antigay movement. Nonetheless, the silence around homosexuality in relation to HIV/AIDS in Africa also has to do with its illegality in many African countries that keep antisodomy laws on the books (Lorway 2008:145). This denial of homosexuality therefore has potentially negative implications for effective HIV

prevention.⁴

Nonetheless, the current moral panic over homosexuality in Africa cannot be dissociated from attendant heterosexual insecurities, of which the AIDS pandemic looms largest. The AIDS pandemic and its moralized responses have precipitated a climate for the sexual sanitization of society using what Cathy Cohen (1999) has called a “politics of deviancy.” A case in point is the viral YouTube video, “Eat Da Poo Poo,” starring the Ugandan pastor Martin Ssempe (dudeuter 2010). Ssempe made international news in early 2010 for showing gay pornography in his church in order to incite violent antihomosexual sentiment. In the video he states, “I have taken time to do a little research to know what homosexuals do in the privacy of their bedroom. . . .” He goes on to graphically describe male same-sex acts before excusing the children in the room to show gay pornography to an audience of religious leaders and laypeople, who overtly display their disgust. The video shows extremely graphic pornography (such as fisting and coprophilia) rather than mundane sexual acts, and concludes with a dramatic exhortation: “As Africans,” Ssempe says, “we want to ask Barack Obama to explain to us, is this what he wants to bring to Africa as a human right? To eat the poo poo of our children!?”

Clearly the media play an important role in disseminating cultural anger over marginalized sexual practices, and in today’s digital age that influence is even more far-reaching. The “Eat Da Poo Poo” video has received more than five million hits on YouTube, and though in some international circles Ssempe’s excesses have made him a laughingstock, he has become a very popular and powerful public figure in Uganda, including as the chair of a National Task Force Against Homosexuality. Gilbert Herdt notes that “when great sexual fears drive media to broadcast and exaggerate fears beyond their local source, these panics have the effect of messaging the feared moral decay through social and political tactics or media into everyday speech and habits.”⁵ Wieringa cautions that “when a sexual moral panic is in full force, rational explanations are no longer heard as the floodgates are opened for ostracism, hate crimes, stigmatization, and violence” (2008:209).

Protecting Children, Protecting Reproduction

The Anti-Homosexuality Bill signals clear intentions to criminalize the very existence of homosexuality, ostensibly to “protect the traditional family” (BBC News 2009:1). It is striking how “the traditional family” is invoked in the bill, when in fact Ugandans have always had very pliable family arrangements that involve, among other things, widespread informal child fosterage and polygamy (formal and informal). Yet tradition is reified in the language of the bill in such a way that “the traditional family” is seen as statically heterosexual, belying the multiple family formations that have historically characterized—and continue to characterize—Ugandan social and sexual reproduction.

As a scholar of childhood in Africa, I have seen how children's minds and bodies in Uganda, like anywhere, are the grounds on which cultural battle is waged. While children tend to be understudied as social agents shaping a young nation, we can hardly deny that they matter greatly as endangered symbols of that nation's future whenever a society feels the values they hope to pass on to their children are threatened. Thus, I suggest that the perceived threat in Uganda is not merely about homosexuality, and that it is not just a result of the antihomosexual fervor whipped up by American neoconservative evangelicals. Rather, their effectiveness can be linked to the overwhelming concern with population and fertility in Ugandan society. Murray writes,

In contrast to the homophobia Western homosexuals confront, the social pressure on Africans who desire same-sex relations is not concerned with their masculinity or femininity, their mental health, their sexual object preference and its causes, or the moral status of their sexual preference—but *primarily with their production of children*, especially eligible heirs—and the maintenance of a conventional image of married life. (1998:273; italics added)

With the third highest total fertility rate in the world (Ugandan women give birth to an average 6.77 children), Ugandans care a great deal about fertility.⁶ During 2009 fieldwork for a study on orphans, I was repeatedly struck by the recurring theme of fertility as a barometer of social stability, both for the nation and for individuals. Of course, this is not unique to Uganda; many countries view a steady birth rate as a sign that the future will be secured through both sexual and social reproduction. But in Uganda this concern is uniquely intense. While I was talking to rural Ugandan families about the difficulties of absorbing orphans into their extended family networks, one guardian struggling with food security told me, "It's hard because these children come into our homes, and we're still having children of our own." My kneejerk response—"Then why are you still having children of your own?"—was met with nothing more than perplexed headcocking.

Eugenia Shanklin has written that "children are the crux of the matter" when it comes to African marriage and kinship (2004:271). I would extend this to nationhood: children are seen as the future of a developmentally young nation. Ugandans also tend to be very religious. So when church figures like Lively tell Ugandan Parliamentarians that "'the gay movement is an evil institution' whose goal is 'to defeat the marriage-based society and replace it with a culture of sexual promiscuity'" (Gettleman 2010), they are likely to take him very seriously—not only because African religious and political leaders have promoted exclusively hetero-monogamous cultural norms, but also because they see homosexuality as threatening the production of children. Interestingly, comments linking opposition to homo-

sexuality with fertility concerns seem to come from Ugandan women more frequently than from men. A Ugandan woman interviewed by the BBC wondered rhetorically, “How will society get children if men start marrying men?” (Mmali 2009). In an editorial for the *New Vision* newspaper, MP Margaret Muhanga asked, “If all of us were to become gay, where would the next generation come from?” (Muhanga 2009). In this configuration, the fact that male homosexuals cannot reproduce earns them disdain because the dominant spiritual and cultural outlook on relationships is that people ultimately couple to procreate, thereby ensuring continuation of the (Christian) nation. Homosexuality is therefore seen as posing a risk to Uganda’s future generations by disrupting both sexual and social reproduction.

But it may well be that women’s opposition to male homosexuality specifically has more to do with perceived threats to their own well-being than with child protection or the mere maintenance of fertility. Women in particular are obsessed with the maintenance of their own fertility because they see it as a way to secure material support from the fathers of their children and their lineages (see Notermans 2004). Male homosexuality in particular is thus being scapegoated not only because fears of sodomy figure it as deviant and criminal, but also because while men cannot bear children, they are the heads of the lineages to which children belong—and thus women who bear children for men’s lineages can use their fertility to acquire entitlements from them. Like anxieties over fertility, moral sex panics tend to target women, repressing their sexual agency to maintain gender hierarchies (see Herdt 2008; Tamale 2003; Wieringa 2008). But in an era in which women’s reproductive role is threatened, women themselves may turn to another scapegoat. With late capitalism and deepening poverty straining the institution of marriage and threatening women’s ability to secure financial support through making claims on the fathers of their children, perhaps women see the acceptance of homosexual relations as a threat to both their fertility and their ability to use their fertility to secure financial stability through sexual relationships with men. If “men start marrying men,” women’s precarious reproductive role in a rapidly modernizing but economically strained society is jeopardized even further.

The logical fallacy here, of course, is that it is highly unlikely that “all” Ugandans—or even half of them—would “become gay.” Throughout the world, self-identified homosexuals make up less than 10 percent of the population (Robison 2002).⁷ Even where gays and lesbians have been allowed to marry legally, there has not been a marked increase in the ratio of homosexuals to heterosexuals, and I could find no evidence that those countries’ fertility rates have been adversely affected by the advent of gay rights. In countries where homosexuality has been normalized rather than criminalized, homosexual couples may actually contribute to fertility rates by starting families.

In light of this information, it would be counterproductive, literally and figuratively, to pass a bill that would prevent homosexuals from rais-

ing children. But branding homosexuals as child molesters is a common strategy in moral panics over sexuality, and the Anti-Homosexuality Bill, not surprisingly, figures family formations by gays and lesbians as another form of homosexual recruitment. MP Muhanga tells Ugandans to "remember [that] these homosexuals cannot reproduce. They must recruit, and they want our children" (Muhanga 2009), and Bahati claims to be protecting from molestation and recruitment children and youth who are "made vulnerable to sexual abuse and deviation as a result of cultural changes, uncensored information technologies and increasing attempts by homosexuals to raise children in homosexual relationships through adoption or foster care" (BBC News 2009). Signs wielded at a 2010 inter-religious march in support of the bill read, "Join the 1 million crowd march to protect Ugandan CHILDREN!" (Talking Points Memo 2010).

Associating homosexuality with child-threatening deviance not only demonizes and dehumanizes homosexuals, it also serves to leave children even more vulnerable by diverting attention from the fact that children are much more commonly exposed to heterosexual abuse and violence by neighbors, teachers, religious leaders, and members of their own families (The Joint Learning Initiative on Children and HIV/AIDS 2009). This violence is growing with the increasing number of orphans entering the already strained extended family network. So while children's sexual security is definitely being threatened by social changes, homosexuals or open homosexuality are not the proven perpetrators. Indeed, this transgression against children overwhelmingly happens at the hands of heterosexual men within "the traditional family."

Where Human Rights Stop: Homosexuality and Human Rights Exceptionalism

What is perhaps most unfortunate about the Anti-Homosexuality Bill and the general increase in the persecution of sexual minorities throughout Africa—whatever its motivations—is how it signifies regression from adherence to universal human rights standards. Uganda's 1995 Constitution was very progressive in its recognition of the rights of every citizen, including specific provisions for historically marginalized groups like women, children, and the disabled. However, as Herdt has written, "moral panics overwhelm individual rights . . . [,] perpetuat[e] structural violence[,], and reproduc[e] forms of inferior citizenship" (2008:17). The bill's sponsor, Bahati, following his friend Rick Warren, was quoted as saying, "Homosexuality it is not a human right . . ." (BBC News 2009). Ethics and Integrity Minister James Nsaba Buturo took it one step further: "Homosexuals can forget about human rights," he said flatly (quoted in Gettleman 2010).

On the positive side, however, though the bill preemptively prohibits the use of a term like "sexual minorities" for the explicit reason that such a term might "legitimize homosexuality," it may still be possible for gay rights

activists to fight for protection from persecution by *framing* homosexuals as a minority. Foreign Affairs Minister Sam Kutesa inadvertently supported this possibility when he said, “It is a fact that if there are any homosexuals in Uganda, they are a minority. The majority of Africans, and indeed Ugandans, abhor this practice. It is, therefore, not correct to allow this minority to provoke the majority by promoting homosexuality” (quoted in Candia 2009). Of course, who is provoking whom in this case is debatable. But it is clear that while minority rights are somewhat limited in the 1995 Uganda Constitution, Article 36 does state that “minorities have a right to participate in decision-making processes and their views and interests shall be taken into account in the making of national plans and programmes.” Further, Article 32 “places a mandatory duty on the state to take affirmative action in favour of groups who have been historically disadvantaged and discriminated against on the grounds of age, disability, gender and/or *any other reason created by history, tradition or custom*” (Wairama 2001:9; italics added). So the heterosexist reinvention of tradition, ironically, may actually work in favor of gay rights.

If the LGBTI community in Uganda is not at least allowed to live free of fear of death at the hands of the state, such discrimination paves the way for further human rights abuses against any number of others categorized as minorities. As Marc Epprecht argues, “Characterizing [LGBTI] . . . people as an insignificant minority also underplays the significance of homophobia in shoring up other prejudices in society . . .” (2008:17). Sylvia Tamale, a prominent Ugandan law professor who has been outspoken in defense of women’s and gay rights, has repeatedly pointed out that colonizers used moral superlatives similar to those being used in the homosexuality debate to enslave and subjugate Africans, and that Ugandans managed to change their attitudes about women’s roles, despite initial arguments that it was “not in our culture” to have women professors or parliamentarians. These arguments seem, however, to have fallen on deaf ears, as even female parliamentarians are responding that “people should know where human rights stop and on what continent!” (African Activist 2011).

This type of human rights exceptionalism is simply unacceptable; Uganda cannot have it both ways.

Combating Sexual Discrimination in Uganda

I have exposed the contradictory logics at work in the debate around homosexuality in Uganda in an effort to better grasp the historical, reproductive, and human rights issues that are at stake in persecuting homosexuals. Historical evidence amply demonstrates that same-sex desires predate colonialism and were locally validated. The recent intervention of powerful U.S. religious conservatives in the debate suggests that, while popular discourse frames homosexuality as a neocolonial imposition, it is the foreign evangelical influence that more neatly fits the description of neocolonialism. U.S.

political and religious leaders are capitalizing on postcolonial amnesia about African sexual diversity to strengthen antihomosexual arguments at home by recruiting African political and religious leaders. As the Ugandan gay rights activist Pepe Onziema succinctly put it, "Homosexuality isn't the Western import, *homophobia* is the Western import."⁸ Politicians who introduce draconian measures like the Anti-Homosexuality Bill stir up moral panics that help consolidate their power through the moralizing construction of "tradition," the biopolitics of fertility, and human rights exceptionalism.

Though the Ugandan bill was temporarily tabled, it has paved the way for more open expression of intolerance for homosexuals in Uganda and across the region. In Malawi, a transwoman and straight man were arrested after holding a traditional engagement ceremony, convicted of sodomy and indecency, and sentenced to fourteen years in prison—though the president pardoned them after a meeting with U.N. Secretary General Ban Ki Moon (ReutersVideo 2010). In November 2010 Kenyan Prime Minister Raila Odinga called for the arrest of homosexuals at a political rally, citing public opposition to homosexuality as justification (Momanyi 2010). MP Bahati has gained popularity even as he has threatened "to kill every last gay person" (*NPR News* 2010).

In October 2010 a Ugandan tabloid called *Rolling Stone* (no relation to the U.S. publication) published a "hit list" of prominent gays, with names, photos, home addresses, and a banner headline that read, "KILL THEM! THEY ARE AFTER OUR KIDS!" (CNN International 2010). Though the Ugandan high court ruled that the tabloid had no right to publish information about suspected homosexuals and gay right activists, a vigilante movement of young people is now threatening those named by the tabloids by invoking the authority of nationalism and child protection prevalent in popular discourse: before David Kato was killed, he received multiple death threats such as one that read "we shall come and deal with you as the youth of Uganda" (quoted in Hagerty 2010). Though Sidney Nsubuga Enoch, following his confession, was sentenced to thirty years in prison for killing Kato, his defense was that he had been defending himself from Kato's unwanted sexual advances, and the murder was not explicitly labeled as a hate crime.

Nevertheless, just as the Anti-Homosexuality Bill has reignited the debate about the place of sexual diversity in Uganda and in Africa more broadly, the international attention that the bill has garnered may ultimately help bolster the Ugandan gay rights movement. Media attention to the controversy has broken the silence on homosexuality in Uganda in what Herdt calls "the Foucaultian paradox—[that] panics inflame policing and control while concomitantly spreading new sexual meanings and cultural practices" (2008:13). Ugandan gay rights activists have been invited to speak at international conferences on sexual rights and have received awards for their courage to speak out.

Media attention has also fueled conservative backlash, however. Though some say the bill will never pass due to international pressure, it has been

reintroduced several times. The death penalty and reporting requirements were dropped from the bill, but several more Western governments have still threatened to cut aid if it passes, fueling even more support in Parliament. On February 7, 2012, the bill was reintroduced to chants of “Our bill!” from MPs (GlobalPost 2012). A week later, Simon Lokodo, the Minister for Ethics and Integrity, broke up a conference of gay rights activists in Entebbe, claiming it was an illegal gathering and threatening the arrest of activists, who now fear for their lives even more (Voice of America 2012). In June 2012 Lokodo announced plans to ban thirty-eight organizations that he claims “promote” homosexuality (Jenkin 2012).

Such violence against homosexuals stems partly from a well-established campaign to export U.S. culture wars to such places amenable to their anti-gay stance. U.S. conservative evangelicals have thus made Uganda “ground zero” of their battle with homosexuality. The U.S. religious right has succeeded in co-opting African spiritualism and homophobia for their own political purposes. U.S. conservative evangelicalism therefore constitutes the real neocolonialism in this case—not homosexuality. But the persecution of homosexuals can also be placed in the context of increasing repression of human rights in the Museveni regime.⁹ Numerous allies and donors have appealed to Uganda to protect basic human rights, but these appeals may not prove effective enough to overcome the exceptionalism applied in this case. To soothe cultural anger surrounding the moral panic over homosexuality and overcome the neocolonial imposition of homophobic morality, not only must African political and religious leaders sever their ties with powerful U.S. evangelicals and appeal to the more compassionate, but more African and Africanist scholars must step in to the discussion. Tamale (2011), among others, has pointed out the need for more African scholarship about sexuality in order to help correct the selective moral representations of a monolithically heterosexual Africa. In broadening the discussion to talk about African sexuality more generally, scholars can help promote more progressive understandings of African traditional and modern cultural logics, such as acceptance of diversity in all its forms, and support for fundamental human rights.

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Notes

1. Despite the adoption of the progressive 1995 Constitution that specifically protects the rights of women, children, minorities, and the disabled, as well as popular perception of Uganda as a country making great progress with human rights, various advocacy groups such as Human Rights Watch have continued to be critical of Uganda's human rights record. See Human Rights Watch (1999); Human Rights Watch/Africa (2005).
2. Scott Lively told reporters he thought the bill was extreme but applauded Ugandans who were standing up to "the gay agenda" (Gettleman 2010).
3. Warren went on to deliver the invocation at President Obama's inauguration in 2009.
4. In May 2011, a PEPFAR technical report on HIV prevention recognized the importance of addressing men who have sex with men in the struggle against HIV infection. See PEPFAR (2011).
5. Herdt urges us, however, to "take note . . . of the paradoxical effect of some media panics. . . . The reverse effect of purposely spreading the dangerous knowledge, forbidden meanings, and corrupt practices into the general population, [is] entirely counter to the presumed aim of containing or stamping them out" (2008:13).
6. Source: <http://www.indexmundi.com/g/r.aspx?v=31>.
7. The number of people who report regular same-sex sexual contact is much higher, however, than those who identify as gay or lesbian.
8. Onziema stated this at a panel discussion for the Movies That Matter Festival in The Hague, Netherlands, March 28, 2011.
9. A number of recent Human Rights Watch reports have documented increases in illegal detention (Human Rights Watch 2011a), unlawful prosecutions (Human Rights Watch 2011b), and curtailing of freedom of the press (Human Rights Watch 2010).