

# BEING GAY AND AFRICAN: A VIEW FROM AN AFRICAN PHILOSOPHER

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## ABSTRACT

In recent times there has been an upsurge in the rejection of gay orientation. A number of African countries have openly legislated against homosexual acts to undergird the belief that such orientation is alien to being African. The vitriol directed at gay people does not make much sense apart from displaying either a deep-seated resentment for the persons or their orientation. What seems valuable and worth of engagement is the claim that being gay or upholding same-sex orientation, is essentially un-African. By setting up a charitable interpretation of what opponents of same-sex relations could possibly take African reality to be, I chart a way that seeks to establish whether their interpretation of that reality is philosophically sound. What could be the basis of objections to homosexuality? What values do they articulate? Crucial to this consideration is the idea of harm. While societies are entitled to protecting themselves (through legislation and other actions if need be) from threats both from within and without, are there good grounds to think that same-sex practices pose an authentic form of harm to warrant taking the steps that some African nations have taken against their gay citizens?

**Keywords:** Same-sex orientation; gay; homosexual; Africa; discrimination; communitarianism

## INTRODUCTION

Same-sex practice, homosexual lifestyles, or being gay, either as an imbued sexual orientation or choice, is widely resisted on the African continent.<sup>1</sup> The resistance is based on the premise that such sexual orientation or consequent sexual behaviour violates basic principles and beliefs of African reality. What I seek to do in this paper is to set

1 I refer to sub-Saharan Africa.

out a charitable interpretation of what the objections to homosexuality could be based on. In other words, I seek to present what can be, philosophically, the strongest possible position against homosexuality within the African context. Thereon I offer reasons why such strong arguments against homosexuality are hardly persuasive, or minimally why they cannot be taken to warrant such a heavy-handed approach to homosexuals and the sexual practices attendant thereto. This paper is divided into four parts. I start by spelling out my personal motivation in dealing with such a perceived fraught and contentious issue accompanied by the dreaded triplets of criminalisation, discrimination and derision. Secondly, I attempt to separate real philosophical issues from other common pettiness, hatred and prejudice. Thirdly, I outline what the real issues are and show what their strongest statement against homosexuality within the African context could possibly be. Fourthly, I seek to show the shortcomings of these strong positions and why they cannot be easily accepted as sufficient grounds for discrimination against and criminalisation of homosexuality.

## MOTIVATION

As a philosopher, I have always wondered why African people who know and are aware of the effects of discrimination of which they have been at the receiving end, would also show discriminating tendencies. These discriminations, also premised on some sense of otherness, include practices such as ethnic discrimination (tribalism), xenophobia and homophobia (see Reddy 2001, 83). But on another level, as a philosopher, I have come to the conclusion that homosexuals cannot be said to have a choice (Appiah 2005, 69; Boesak 2011, 11; Togarasei and Chitando 2011, 120) in the matter of their sexual orientation, as much as heterosexuals are not any more or less responsible for their heterosexual orientation.

But yet, at a more universal level, one is struck by the deep hostility shown, in different epochs, to homosexuals and the equally deep discrimination they suffer. I have sought to understand and appreciate what it is that homosexuals have done or omitted to do which provokes so much hatred and open agitation. For, surely, homosexuality comes down to two things that most human beings aspire to participate in: love and sex. Most human beings succeed at these things to varying degrees, and they derive enjoyment and fulfilment from them. This does not mean that there are no serious rules of conduct in love and sex. But whatever these rules are, could they ever be sufficient to justify a concerted effort at criminalising and hounding homosexuals?

Yet interestingly, African philosophers have not paid any attention to the matter of same-sex orientation. A possible explanation for this disinterest could be that in most traditional African societies people were not categorised according to their sexual orientation. It could be said that those engaged in same-sex relations were never considered as existing outside the norm, hence homosexuality was never an issue. Even though this was the case, it does not explain the lack of interest shown by modern

African philosophers in the matter. Further, this explanation does not help in the quest to understand reasons for modern hostility towards people in same-sex relations or those who do not primarily identify themselves as heterosexuals. It also remains curious how the transition occurred from African traditional non-condemnation of same-sex relations to condemnation that appeals to Africanness. This disinterest in same-sex relations is aptly demonstrated by Chi-Chi Undie and Kabwe Benaya who, in their comprehensive search for academic discussions on sexuality, note that these discussions centre mainly on the issue of reproductive health, which is influenced by donor-driven agendas seeking to respond to the HIV/AIDS epidemic (Undie and Benaya 2008, 124). Though they concede that their search did produce some issues other than reproductive health (Undie and Benaya 2008, 121), such as long-standing curious views on the sexual prowess of Africans, they only mention same-sex issues in passing. This comprehensive search is instructive in at least noting that same-sex issues are at the periphery of academic research on sexuality on the continent. African philosophers have had just about nothing to say, write, argue for or even dispute when it comes to same-sex orientation. A survey of some of the most important African philosophical works, from the 1980s to the 2000s, is characterised by an eerie silence on same-sex. These texts and other standard texts on African philosophy address topics ranging from identity to epistemology, from political theory to metaphysics, from the nature of African philosophy to race and racism, from gender to human rights. In fact, they cover almost all topics proper to philosophy but skirt away from same-sex relations.

I consulted works not only considered influential in mapping out the project of African philosophy<sup>2</sup> but also pivotal in delineating important topics worth of philosophical attention. I looked at works in the 1980s, 1990s and 2000s; specifically looking for topics or words such as “homosexual(ity)”, “same sex” and “gay”. The check yielded no results in the bulk of important sole-authored works, arranged here according to their period of publication.<sup>3</sup> From the 1980s these three important works, which have subsequently been revised and reprinted in the dates here cited, did not have the search words in their indices: Gyekye (1995<sup>4</sup>); Hountondji (1996<sup>5</sup>); Wiredu (2009<sup>6</sup>). In the 1990s these three important works continue with stony silence on same-sex, homosexuality or gay in their indices: Appiah (1992); Serequeberhan (1994); Wiredu (1996). In the 2000s the silence continues in representative works by Bell (2002); Eze

2 The scholars and texts I refer to here are from sub-Saharan Africa. This restriction is informed by the fact that the discrimination I am looking at is operative in the same place.

3 Here I specifically refer to the date of first publication of the work concerned. I also limit myself to three works from each decade that I consider seminal in that period. Since I consulted more works than cited here, I simply seek to show that the issue of same sex does not feature at all in works of African philosophy. In the 1980s, for example, the three works cited were primarily concerned with showing what form African philosophy could be said to exist in.

4 First published in 1985.

5 First published in French in 1976 and first published in English in 1983.

6 First published in 1980.

(2001); Hallen (2006). Even recent important and definitive edited volumes in the field, such as Eze (1997); Eze (1998); and Wiredu (2006); also quietly skip this topic. In applied ethics the result is no better. Munyaradzi Murove's (2009) first anthology on African ethics has several entries on HIV/AIDS but is absolutely silent on same-sex relations. One exception, perhaps with little surprise, is Kwame Anthony Appiah's (2005) *The Ethics of Identity*, which has several entries on issues of same-sex relations. Strictly speaking, though, Appiah's book is not really about, or on African philosophy. Another less surprising treatment of homosexuality, at some length, is from the South African scholar on *ubuntu*, Augustine Shutte (2001), who though somewhat sympathetic to homosexuality, ultimately finds it dissonant with the basic tenets of *ubuntu*.

## MAPPING THE ISSUES

For a topic such as this, which raises quite a sizeable amount of passion, most of it ill-informed and fundamentalist in outlook, every care has to be taken to ensure that we have a clear understanding of what precisely the discussion seeks to look at. The sort of homosexual relations I wish to discuss are consensual between two adults.

For purposes of constructing the best account possible for homosexuality, I wish to limit my consideration to two people of the same-sex, who are in a committed, long-term, or life-long partnership. This couple, like their heterosexual counterparts, are in love with each other, have a sexual life, and are open to possibilities of the same joys and frustrations that any intimate relationship between two people could bring. Opponents of same-sex orientation can possibly object to this characterisation along the lines that it is not possible to have or imagine same-sex couples in a long-term relationship that exhibits the same characteristics as heterosexual couples. However, it suffices to point out that in societies that are tolerant of same-sex monogamy, long-term same-sex partners seem to exhibit much the same spectrum of constructive relationship behaviour, and destructive behaviour, as heterosexual marriages.

## THE NOT-SO-REAL ISSUES

With such an emotive issue, as clearly evidenced in the popular press, we also need to be very careful to navigate the discussion as far away as possible from either small or vitriolic issues. While homosexuality has become the fodder for insults of any form in many forums, it is not very useful to seek to challenge such speakers to tone down their coarse and bellicose language. It also is equally futile to attempt to ask for an intelligent outline of what drives this bellicosity.

On the other hand, either homosexuals or their self-professed advocates have engaged the same tactics in dealing with their opponents. In mass media, for example, it is not uncommon to come across committed celebration to stating that one is gay and that the constitution (in the case of South Africa) says it is fine. This, then, is

followed by public displays affirming same-sex orientation. In some cases homosexual couples have sought to strike at the heart of certain fundamental cultural tenets of certain African people. Such practices could be seen as either an affront to traditionalist communities or an attempt at forcefully, if not impudently, re-writing African reality. For instance, some may consider it strange to see a young Zulu man do a ceremony known as *umemulo* (a ceremony celebrating the coming of age of a young woman), in a quest to celebrate his femininity. Others may also consider it strange when one of the men in a relationship insists on paying *ilobolo* (brideprice) to his lover's family. These actions may be considered as an affront, by some, to tradition (see Epprecht 2001, 1099–1100). These practices are taken seriously by cultural communities, heterosexual communities for that, as they are seen as serving a particular function within the broader framework of marriage, uniting two formerly distinct families into properly constituted in-laws with reciprocal duties and benefits. A possible response to the foregoing could seek to point out that what same-sex partners are trying to attain is full membership of and recognition by the community. In engaging in some of these traditional acts, they seek to be recognised as having gone through the rite(s) of passage. However, what they experience is double condemnation in the sense that whether they engage in these actions or not, they would still be condemned for their sexual orientation. This article contends that, whether same-sex people engage in traditional practices or not, is largely a question of political significance. If they do engage, and are subsequently opposed, whatever the scores; they are of a political nature.

Another less significant issue has to do with religion. It may seem impetuous to consider this as a non-issue, especially in the face of John S. Mbiti's claim that "Africans are notoriously religious" (Mbiti 1970, 1). However, the religious issue that I have in mind has little to do with traditional African religion but more to do with the significant influence of Christianity on the continent. Many Africans profess to be of the Christian faith. Their general moral views as well as their sexual views are informed by the Bible, theology and authority of the church(es). When it comes to homosexuality the take has been divergent, ranging from complete intolerance to mild acceptance and advocacy for restraint in judgement expressed in the person of Desmond Tutu. What needs to be noted here is the non-judgemental view recently pronounced by the Catholic Pope and a somewhat tolerant view articulated by the Anglican Church. The reason I treat this matter as a non-issue is that it will hamper the authenticity of the African objection I seek to construct. It will only serve to confuse issues by showing the African view as influenced by a Christian tradition.

A final matter which I raised briefly above, which may hold much promise for the defence of homosexuality but which I will not rely on here, has to do with the immutability of sexual orientation. We know that individuals are not responsible for their predisposition to be attracted to people of the same sex or any other range of attractions (see Mutua 2011, 457). No matter how strong this case could be—it simply doesn't do away with homophobia. The same applies to other forms of persecution such

as outlandish beliefs about what albinos represent. Though it can be shown that albinism is just a result of gene mutation, it has not stopped their discrimination, persecution and in some cases murder to serve certain ritualistic purposes. Thus the gene inevitability of homosexuality, while probably true, may be unable to serve as an effective cause of revising homophobia. Although these issues are significant in many ways, they are quite distinct from my current project.

## HOW NOT TO APPROACH THE REAL ISSUE

The persecution of homosexuals and accompanying legislation has led to the West rising up as crusaders to lecture African leaders, and by extension Africans, on the importance of respecting and protecting gay rights. Western activism may take itself to be defending individual rights and rights of minorities, as it always does, by denouncing homophobia. Just like in other instances where refusal to co-operate is quickly followed by punitive measure, the West quickly applies the same method to intransigent governments that either enact against, or actually arrest and persecute homosexuals. What the West has effectively done is to sponsor an apparent presence of a gay lobbyist group that seeks to represent what can be taken as faithful interpretations of liberalism and individual rights.

For example, Louise Vincent, in trying to understand and account for Jacob Zuma's ascendance to the South African presidency, attempts a Western inspired interpretation of liberalism and how it is flouted in a South African context. She argues that Zuma's rise was based on a populist offer of a narrative of return. She holds that in order for the populist rise to be effective it sought to undo liberal freedoms by pointing out that though being gay, as an example of a vulnerable minority group, was protected in the constitution, such protection did not enjoy a lot of support because "the legitimacy of these rights, and of a politics of moral pluralism, is by no means the subject of a broad South African social consensus. The groundswell of popularity currently enjoyed by the controversial new leader of South Africa's ruling African National Congress (ANC), Jacob Zuma, is in part a reflection of the chasm between the liberal values that underpin South Africa's constitutional democracy and popular sentiment" (Vincent 2009, 214). While Vincent could be correct in arguing that there is a chasm between the liberal constitutional democracy and popular sentiment, she appears to also suggest that there is something inherently wrong with appealing to popular sentiment in place of liberal principles. Further, she holds that under populism of the sort she suggests Zuma to represent, homosexuality becomes an easy target for vitriol. Citing a speech that Zuma made in September of 2006 at a heritage day celebration, where he claimed that same-sex marriages were a disgrace to both God and the nation, she reports Zuma to have said: "When I was growing up an *ungqingili* (gay person) would not have stood in front of me. I would knock him out..." (Vincent 2009, 217). She continues: "Here again, Zuma's political point is clear: that Constitutional protections do not reflect popular



morality and that he is on the side of popular sentiment rather than the Constitution” (Vincent 2009, 217). She then goes on to argue that though narratives of return can be understood as operating in response to the humiliations brought by apartheid, and as attempts to restore the eroded African cultural precepts, there is one fundamental error contained in that line of thinking. She suggests that such a line of thinking essentially appeals to the idea that there is an “original state which has somehow been distorted” (Vincent 2009, 219). She then refers to another instance of the bad use of such a position; HIV/AIDS denialism. She argues that instead of doing the right thing, the government of the day dubiously held that:

...the solution lies not so much in confirming and giving effect to individual rights to health and medical care, but ironically, and subversively, in an appeal to a world view that preceded the individual rights paradigm. The idyll of an Eden-like pristine state of pre-coloniality is presented here as a counterpoint to the dominant narrative of colonialism which represents the pre-colonial as a brutish state of nature condition in need of taming (Vincent 2009, 219).

I suggest that Vincent is correct in pointing out that there is, in some quarters, a juxtaposition of narratives of return alongside complaints against colonialism. I also suggest that a more sophisticated interpretation of her position would seek to claim that such narratives of return and the actual effort of returning to a pristine state of Africa do not help the current condition of Africa. I am sympathetic to both these claims. However, I do not think that she fully captures the dynamic at play. I suggest that the rejection of liberal values is not wholly, but partially, driven by advocacy for narratives of return. For example she suggests that when the government of South Africa, under Thabo Mbeki, refused or failed to provide lifesaving antiretroviral treatment, it was because the intention was to infringe on a regime of individual rights—rights of a liberal type. This could possibly be true, but it is also well documented that the government was simply dabbling in “dissident” science on HIV. While the argument sought was to demonstrate some African assertiveness, it was not really about liberal rights versus narratives of return. It was a matter of scientific ignorance, or reluctance to accept findings and implications of mainstream scientific research. However, Vincent distorts the matter when she suggests that issues that always confront the African situation are reducible to an attempt by narratives of return to violate the regime of individual rights. Her belligerent advocacy for individual rights<sup>7</sup> does not help in understanding the issue of homosexuality on the African continent. Her position can be seen as grounded in Western arrogance coupled with the history of colonialism. This type of argument, informed by Western liberal activism, creates more problems than what it seeks to untangle.

There are two problematic issues attached to activism by the West on behalf of African homosexuals. The first issue has to do with the unfortunate historical ties that

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7 The same position is advocated in unapologetically liberal views as universalisable by Mutua (2011, 454–456).

exist between the West and Africa. Because of the history of slavery, colonialism and neo-colonialism, the West is seen by Africa as populated with agents of imperialism. The major part of this problem has got to do with the suspicion with which Africa views the liberal tradition. This is not without good reason. The liberal tradition has failed to take root in Africa for many reasons. But foremost among them is the accusation that the liberal tradition has been foisted on the continent as an imperialist project that seeks to undermine African interests in serious respects (Carew 2004). In order to rid Africa of its colonial past and effects, there are some who advocate the need for Africa to return to its untainted source. For others such restitution represents a resistance to any form of externally generated imposition. Liberal politics is largely seen as representing Western excesses of interference. It is, therefore, not viable to use liberal positions such as individual entitlements to cultivate social respect for homosexuals. Such an advocacy easily gets lost, no matter its merit, in the broader quest for freedom and minimising foreign (read Western) influences on the African continent. No matter how forcefully the liberal position can be put, and no matter its persuasiveness, it just fails to win adherents because of its association. To put the point succinctly, the resentment of Western values, despite relative levels of Westernisation on the continent, is still felt and used for different purposes. As Nicholas Kahn-Fogel (2014) argues, Western activism for the protection of homosexual rights, premised on liberal interpretations of the obvious desirability of the protection of such rights, does more harm than intended. He notes that such advocacy fuels side issues such as accusations that Westerners are seeking to convert and recruit Africans to gay lifestyles; Westerners are seeking to dilute African values by introducing sexual practices that are only common and acceptable to Western culture; and at times that Western homosexuals are taking advantage of poverty on the African continent to exploit young people who have no discernible wherewithal. However, this does not mean that African states are innocent victims of Western escapades ranging from colonialism to liberalism. Sylvia Tamale, for example, correctly points out that targeting homosexuals could be a deliberate ploy on the part of the state to deflect attention from repressive policies and actions. “Among the most common red herrings are the defenceless social groups that become targets of state persecution. State-orchestrated ‘moral panics’ have always served as an effective decoy to distract attention from the more significant socioeconomic and political crises afflicting society” (Tamale 2013, 33). While this point is true and worthy of pursuit, it is beyond the current consideration.

The second issue focuses on the vast differences that exist between the cultural contexts within which homosexuality exists in Africa and the West. It is scarcely an exaggeration to claim that, though there is wide documentation of resistance to and exclusion of homosexuals in the West, persecution did not follow the same structural rejection or objection as in Africa. Further, the existing cultural climate of the West is



one of general tolerance, while the opposite is true for the African situation.<sup>8</sup> These differences in cultural contexts inspire the differences in the affront expressed against homosexuality. The anger and structural exclusion will not be of the same force and resolution. This means that there can never be one way of presenting the attempt to rid humanity of homophobia. We cannot say there is a universal understanding of how to deal with homophobia and promote sexual diversity. The argument here is not that homosexuality is inconsistent with traditional African cultures. I agree with the view that homosexuality has always been present on the continent. Makau Mutua captures the point perfectly when he writes: “Evidence suggests that in pre-colonial Africa, the matter of sexual orientation was not generally contentious. In fact the hatred of gay people and homophobia that are exhibited today have virtually no basis in African culture. In Uganda as in many other African states, homosexuality and related sexual practices were criminalised for the first time by the colonial state” (Mutua 2011, 47). My view is close to one shown to exist in present day Africa by Adriaan van Klinken and Masiwa Gunda (2012, 124–126) who argue that there is emerging a convergence of the tripartite opposition to homosexuality stated as, biblical, theological, and cultural arguments. I therefore seek to unpack one of these African “cultural constraints” without necessarily relying on antiquity to buttress its strength.

## A STRONG AFRICAN OBJECTION TO HOMOSEXUALITY

Having rid ourselves of possibly weak and objectionable positions against homosexuality, we are now left with the object of stating the strongest possible objection to it. The objection I have in mind is mainly formed by the metaphysical and epistemological foundations of African reality. The basis of such a view, which is communitarian,<sup>9</sup> is that the community shapes and makes the individual to be what she is. In its extreme form, this communitarianism sees the individual as thoroughly fused to the community. There is no room for individual interests or for the individual to determine whatever she wants to be. Not only does she owe her existence to the community, but she also has to show her loyalty to that community. This loyalty can be thought to be expressed in terms of the individual understanding that she owes her being to the community. By so doing, her individual rights are subordinate to the duties she owes her community. Before she

8 For a comprehensive and enlightening discussion on the difference in interpretation, inter-alia cultural grounding of homosexuality as an individual’s right to privacy, between the African Charter on Human Rights and People’s Rights and the European Convention on Human Rights, see Paul Johnson (2013, 249–279). While Johnson seeks to show what the African charter can learn from the European convention in securing gay rights in Africa, he makes instructive interpretive moves that show some crucial differences between Europe and Africa in basic interpretation of what individual rights can be extended to cover.

9 There are competing interpretations of communitarianism. For two major competing interpretations see Gyekye (1997).

can make demands on her community about the rights the community owes her, she must have higher regard for the duties that she is supposed to discharge (Menkiti 1984).

Since this community-centred society does not make a distinction between the individual “I” and the collective “we” (Mbiti 1970, 141), the individual is constantly expected to behave in ways that foster and promote the collective good. To be a successful moral entity, the metaphysical orientation of such a being must be one that is deeply immersed in seeing her being not as independent—but dependent on the being of others. She sees herself through her community and she understands and owes her entire existence to the spectrum of her community. Her existence, then, is not only to measure up to mores of society, but to actively contribute to the maintenance of social harmony and prosperity.

This community is not only a community of the living but is also the community of the departed. They are not taken to have reached expiry through their death. They are seen as occupying a stratum continuous with a holistic experience of life in the here, hereafter and yet to come. Hence the living understand themselves not as primarily concerned with sustaining inter-relations with the living, but also with the dead and yet to be born (Ramose 2005, 63–64). The duties they owe to the living are equally extended to the deceased and those yet to be born. Closely tied to this notion is the profundity of relationality. Not only is the individual related to her clan members, she is also related to other aspects of her community, and her conduct seeks to establish a balanced relational sense that is non-disruptive of the good of all (Ramose 2005, 98–99). This construction of relationship enables people to form very close bonds of identifying with each other. They do not only see each other as fellow human beings but are deeply attached to each other as part of a kin network.

Individual behaviour, as determined by the community, essentially involves a defence of the common good. Whoever behaves in accord with what the community expects of her, becomes a person, one who is worthy of the title. One who behaves in contrast to the stipulated communal norms and expectations, is deemed as having failed at the project of personhood (Menkiti 1984). Although there could be conceivable contestations as to what such a failure could actually be taken to be in constitutive matters of what persons are (Gyekye 1997, 52–56), what cannot be contested is that the community determines the status of personhood. Once one is seen as having failed at the discharge of her duties and consequently having failed at what is expected of her as a person, she loses the moral status of a person and though she is treated as a human being, she is seen as somewhat of an incomplete project. This means that she may not be seen as an entity from whom moral conduct can be expected. Her fellows will not hide their displeasure at such a failure and will seek to correct it or help the individual come right. Hence Menkiti argues that what is biologically given has to be transformed into a person, and that transformation is achieved through what he calls “excellencies” (Menkiti 1984, 173). These excellencies can only be understood in terms of moral conduct that is seen as consistent with communal expectations. From this it can be

said that the community places certain obligations on the individual. These obligations have to do with the manner in which the individual conducts herself as a part of the community.

A legitimate question at this stage would be to inquire whether the community has legitimate grounds to place such obligations on individuals. Further, if it were to be shown that the community does have legitimate grounds to place such obligations, it would also be pertinent to inquire into the nature of the legitimacy of this source. To answer the former, a typical argument from sympathisers of communitarianism would seek to claim that communitarian societies do constitute the individual in a thoroughgoing manner. The individual's metaphysics and epistemology, the claim goes, is formed by the community. As a result the individual's own interests/proclivities cannot trump communal expectations. Although there are different interpretations<sup>10</sup> of what the communal structure takes the individual's rights to be, the derivative argument would seek to show that the individual is constrained, in her conduct, by social expectations. The second concern is more difficult than the first one. For the second concern may be willing to admit and see the communitarian status of such communities, but it presses the issue further than mere acceptance of the fact that community societies by virtue of being communitarian societies, have the right to place obligations on their members. Hence the question here is: How do communitarian societies justify the obligations they place on their individual members? The most plausible explanation appears to lie in what communitarians may offer as an interpretation of life in Africa. This interpretation lies in both the conceptual scheme and the experiential dimension. The most plausible interpretation would view life as a duality that is interconnected between the individual and the community.<sup>11</sup> Each entity is seen as an end of the other, not necessarily a competing or rival end, but a continuity of inter-dependence where both ends continually seek each other out to shape and refine each other. So, on this conception, the individual and the community strike out a view of life that is beneficial to both. In their individuated instances individuals are unable to recognise themselves as self-sufficient entities. In their individuated existence they see themselves as incomplete—only attaining completion through meaningful or productive participation in a community where they are affirmed by like entities. For this reason, individuals come to constitute the community as something that is not alien to their individual identity but as something that affirms that individual identity, because, firstly without the community they have no conception of their own sense of self, and secondly, they have come to constitute that community. The community is not to be understood as an aggregate of individuals with an agreed set of conventions; rather the community is to be understood as composed of individuals who seek to contribute to its good and yield the consequent benefits of being party to such a communitarian society. The conventions

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10 See Gyekye (1997, 61–63).

11 Although this sense of community may be true of the Western world, it is not always easily recognisable because of the dominance of the myth of libertarian individualism.

are no longer just a matter of individuated interaction, but a basis of recognition of each other as well as a guide to what the worthwhile life is. This is made so by the idea that all individuals recognise the heritage they enjoy and the need for them to protect and perpetuate it. The individual is seen not just as a participant and contributor to a certain story that is lived now, but also a defender and protector of a story that has gone by and a story that represents what the future has to become.

This view also extends to issues of sexuality and sexual morality. The expectation that one must engage in activities that foster life and the well-being of the other through productive relations are true for ordinary interactions as well as sexual interactions.<sup>12</sup> While it could be up to two people to fall in love, to express love for each other, or share that love and engage in sexual relations as a sign of that love or for other reasons such as satisfying sexual desire; what these individuals must do is to align that love and desire towards furthering the communal good. Even in instances where the individual may be expressing her erotic attraction for another person, such attraction, and the subsequent relationship, must ultimately lead to a good that is communally shared.

The objection against homosexuality, from this view can be stated thus: The individual African is a member of a network of a community—a network that seeks to attain certain shared goals that each and every individual equally participates in creating as well as benefitting from. This view is axiomatic to all of the individual's behaviour.<sup>13</sup> To put it plainly, all her life she seeks to animate the core value of responsible behaviour. By responsible behaviour, it is meant that the individual seeks to construct and build her community in ways that promote the survival of the community as well as maintaining its harmony. All facets of the individual's life will seek to attain this end. A friend of this position would then object to homosexuality on the grounds that it is inconsistent with communitarian ethos. Though it may claim to be couched in love and genetic make-up of the individual homosexual—such an individual fails the ultimate communitarian society test in that he or she fails to display a characteristic that seeks to contribute to the promotion of the social good. At the basis of the promotion of the social good by each individual is the need to contribute to the cycle of life (see Asante 2009, 49; Shutte 2001, 91–96).<sup>14</sup>

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12 This point is well-articulated by John M. Finnis (1995, 33–35) who argues that the community has a duty to abrogate homosexuality for the common good. Further, he claims that individuals have to change their behaviour to favour the attainment of the common good.

13 At this point, it could be objected that such a communal structure would be deeply unfair to the individual, or that it could perpetuate practices that are unfair. Worse, it can be added, the individual would not have contributed to the creation of these structures. In response, the communitarian need only point out that without these structures the individual would never be able to make sense of her life. Without these structures there would be no meaning for the individual. These structures give and affirm the individual's identity.

14 The suggestion is not that the communitarian advocates irresponsible child-bearing. Rather, on the African scheme the expectation is that a love relationship that is stable and committed, should lead to procreation.

Commenting on the importance of fertility in the social life of Africans as well as its attainment in the union of a man and a woman that is sanctioned by God and the ancestors, Ama Mazama writes:

On Earth, the coming together of the male and female, during sexual encounters, is interpreted as the necessary re-enactment of the original divine androgyny to which the world owes its existence in the first place and without which life would not be present. It is easy to understand why, within the African worldview, homosexuality is incomprehensible and highly reprehensible because it violates the ultimate order of things and inescapably means infertility (i.e., the end of life) (Mazama 2009, 264).

Leopold Sedar Senghor (1964) supports this idea when he writes: “The importance of love as essential energy, the stuff of life, is at the heart of Negritude, underlying the black man’s ontology. Everywhere the couple-male-female-translates the integrality of the being. To be sure, procreation as the means of perpetuating the family and species occupies an important place in Negro-African society” (Senghor 1964, 148). Hence from the foregoing, it can be plausibly inferred that abstinence from participating in the ultimate act of creating life itself is harmful to society, as it effectively threatens the natural rhythm of life and the very prospects of life. Secondly, homosexuality could possibly harm the gay person’s future interests in the afterlife. The natural rhythm of life starts before one is born and continues after death. By requirement, after one dies her progeny (and other close relatives) crucially usher her into the next life. They actively look after her interests; ensure that her name is remembered (through various acts, rituals, memories, commemorations and affections). If the homosexual goes to her death (like many will) without leaving a child born of a productive relationship, she would be harming herself as she would have not have left anyone among the living who is her direct descendant to facilitate securing and furthering her entry and interests in the world of the immortal.

Homosexuality, then, according to this promising line, is condemnable as it is harmful both to the collective interests of the community (that the individual participates in) as well to the individual as it is against the rhythm and perpetuation of life in Africa. Effectively, the objection will be formulated as follows: “No behaviour that is harmful to the common good is permissible, since homosexuality harms that common good and the individual’s interests—it is impermissible.”

## ASSESSING THE OBJECTION

For the objection envisaged above to work, it has to be the case that some real harm is done to the community or to the individual. The notion of harm and the justification of stopping harm being done have been extensively discussed in Western philosophy. I will avoid following two paths that Western philosophy has taken. The first path has to do with harm only being understood as a direct threat to another person; and the second issue proscribes intervention when the individual is engaged in self-inflicted harm.

Though it could be the case that these are promising avenues to mount a challenge to the objection here under consideration, this would probably misrepresent the objection I seek to deal with.

The plausible argument against the strongest statement in opposition to homosexuality has to proceed from our understanding of what has been presented as the natural rhythm of African life. What is objected to, is the fact that homosexuality disrupts this natural rhythm. Worse, it does so having benefitted from the maintenance and sustenance of the same communal fabric it now seeks to undermine. It is, therefore, doubly unfair for homosexuality to ask for a place in African societies, since it is a beneficiary of the communal fabric yet it seeks to contribute nothing to the sustenance of that fabric. This, then, is taken to be where harm arises.

There is one caveat that is to be made to sidestep this objection. If we look at how the communitarian society gets its individuals to co-operate, we see that they do so because they are actually convinced that what they are doing is not only good for them as individuals but also good for the community. This means that the individuals are convinced or aware that there is some good to be aimed at. They actively seek that good and they invest all or most of their efforts towards the attainment of that good. Their choices are towards that good and their efforts are deliberately directed towards attaining that good. Their lives are trained and fixed to search and find that good and will seek to affirm it at all points of their existence.

The question then arises: Who is at the opposite end or spectrum of these well-integrated community individuals? Who operates in ways that are inconsistent with the rhythm of life to warrant condemnation? I suggest that those who are at opposite ends of the worthy individual can only be of a certain sort. It cannot be the case that people who either fail at this or that aspect—or choose to go against this or that aspect—can be seen as completely at odds with those who have succeeded. What we have here is a case of dichotomies; dichotomies which are irreconcilable. Homosexuality is the supposed evil opposite of the good of the communitarian society. But in order to make such a judgement we have to understand what a genuinely evil affront at the common good in this set up would have to be.

If we take it to be the case that individuals who succeed at the project of personhood are those who truly deserve the term as they are consistently seeking to apply themselves as best as possible to the goal of abiding with the notion of maintaining the communal fabric, then a legitimate consideration has to address who is at their opposite end? While those who fail at a certain aspect or choose to go against that aspect would have failed in that respect, it does not follow that they suddenly become the worst possible instances of existence.<sup>15</sup> In order to qualify as standing at the opposite of the good, one must consistently and in all respects seek to undermine the common good.

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15 Admittedly this sort of charge can only be made by those at the extremes of homophobic zealotry, however, it looks as if from the logic of my account, sober objectors may also rely on the same logic of condemnation.



The story must be about the parallels of good and bad. While the account of good is clear, the account of bad is not that clear. I seek then to illuminate what this account of bad has to come to if homosexuality is to be condemned. When individuals engage in different acts, at least morally, (for that is what sex is about) there is always an element of intention. The intention is to sustain or arrive at a perceived goal. When individuals fail, they either do so because of a lack of moral will or because they have no respect for the given code. Such a failure, if it falls under the former, is less reproachable than if it were to belong to the latter. The latter category is interesting for my current consideration.

What are we to make of someone who does not care or show respect for an existing code? Unequivocally—the answer has to be that the individual and the act stand to be condemned. But what exactly do these acts involve? A truly evil or mischievous act, that is claimed to be anti-community by the communitarian, must retain some features that would stand it as bad. It is not altogether wrongheaded to suggest that a bad or evil act must in-and-for-itself stand as bad. To put the matter in different phraseology—the act must have as its object that which is at variance with the good. It must agitate against the sanctioned with deliberate wilfulness.

An evil act desires evil. Its motivation, intention and outcome are unmistakably evil. In the midst of life it seeks to stir havoc, deliberately destroy and derive some sick satisfaction therefrom. Evil is the opposite of good. The good in this case is tying the communal fabric by creatively contributing to it by doing whatever promotes the goals of harmony and productive relations. In order for something to count as evil or bad it must not be a mere act of omission or a mistake or some kind of unintended outcome. It must have as its object the destruction of that which is held as valuable by the communitarian society. It must either stand in opposition to that good or have certain objections to that good, so that it actively seeks to undermine that good and replace it with a new social order.

The point I seek to make can be clearly illustrated in the case of a freedom fighter. A freedom fighter is someone who is convinced that the status quo of this given society is of such a nature that it is unacceptable as it is inherently unjust or oppressive. She then finds all or fundamental aspects of that society so highly objectionable that she sees the need to mobilise all her resources (intellectual and material) towards the overthrow of that state of affairs. Her enemies, the oppressors, see her in an equal light—as an enemy—one who seeks to destroy the existing order. Whatever her justifications, they claim, these are just works of trouble makers who either have to be converted or need some jail time. Both groups become sworn enemies in the sense that they see that they cannot co-exist and that they cannot pursue their varied interests in the same space.

This is what constitutes not only divergent but destructive behaviour. For any behaviour to be deemed as destructive to the social fabric, it must have the intent and goal of overthrowing and replacing that order with a new order that is at variance with the one that has gone before it. I think that it is important for us to set up the matter of same-sex attraction in this extreme language and view because it has been condemned

in the most extreme form. If this account that I have set up is successful to capture what undermining or destroying the order of life can be, then we must now ask whether homosexuality lives up to this description.

It hardly requires a lot of effort to show that homosexuality does not qualify to be of the destructive sort. In its intent and practice it neither seeks to undermine the status quo nor replace it with a new system. While its aims may fail to satisfy what the community expects of its individual members—that is all that can be said about it. It is a failure in living up to certain (in this case sexual) expectations. The objection on this moderate and sober version is that homosexuality undermines some aspect of the communal good. Although it does not seek to destroy the entire fabric of the good, what it undermines is either significant or should not be undermined in the fashion that homosexuality does. In my view this is a legitimate and fair enough objection.

However, in order for this objection to work it has to show two things. Firstly, it has to show that the so-called agreed values are immutable. Further, it has to be shown that all members in that community assent to those values. While it is true that all values can be questioned and that not all values will command universal assent—this is a particular requirement for values that are on the face of it, discriminatory. Discriminatory values must have higher support than ordinary values. Secondly, is it the case that homosexuality really undermines these stated values? It appears as if homosexuality is neither chiefly concerned with undermining these values nor with replacing them. What homosexuality is chiefly concerned with is the test of another different set of values such as tolerance and protection of diversity. These are a different set of values that test communitarian societies' ability to be tolerant.

But let us suppose that it were to be established that some degree of undermining the status quo has truly occurred as a result of some people engaging in same-sex relations. The next question would be; is that process, of undermining the status quo, of such a nature that some real harm has been done on the social fabric such that it must be met with the strong condemnation that we see? I suggest that same-sex relations do not merit the kind of strong condemnation we see, since by their nature they seek to test a different set of values than what the communitarian may think.

Let us return to our example of our freedom fighter—although the freedom fighter operates for some intended good—her actions are mostly destructive. She takes up arms, may cause direct harm to her perceived enemies and at times innocent bystanders may be caught up in the crossfire. These actions are all aimed at expressing objections to a system and seeking its overthrow. But let us imagine a different case. Let us say someone who is caught up in the same system as the freedom fighter chooses a different avenue. Unlike the freedom fighter she does not take up arms, she sees the system she is under as oppressive or unable to give her adequate room for her own self-expression. She decides to ignore the system and live in ways that are alternative to the system. She does not want to change it or confront it. She does not see herself fitting within this system, but she also does not see herself wanting to overthrow it in its entirety. She may

even understand that she is at the fringes and she may recognise that she is unable to be part of one of the core requirements of this system. She may then proceed to behave in ways that are informed by that attitude.

The two tales are qualitatively different and I suggest that homosexuality closely mirrors the second tale. For what exactly do homosexuals seek to do? They simply seek to live their lives to the best of their experiences as opposed to pursuing an agenda that diminishes the experience of the full cycle of African life. In the strict sense of the matter they do not cause any harm to the communal good. Their search for living out their lives is not strictly informed by individualist proclivities. It could just as well be the case that it is informed by coming to painfully recognise and accept the inability to live up to a certain sexual expectation. Such recognition can be expressed in various ways but none of them would actively seek protracted battles either for recognition or mainstream (sexual) acceptance. In some instances where opposition is overt, homosexuals may just as well live in silence for purposes of self-preservation. Either way, they cannot be said to seek an overthrow of the existing order.

But it could be the case that I have missed something here. My position could be false or failing to fully apprehend what is at stake. By such refusal, the agitator may claim, the homosexual is effectively doing some serious harm. Not only is she withdrawing from participating in the duties of life but she is committing dereliction of duty—duty imposed by the very instance of being a person. To refuse to observe these duties is to damage the very foundation of society on which all existence is dependent.

While this objection has some force—this force disappears when we consider that there is a fundamental error in the assumption built into the natural rhythm of life and life expectations of Africans. It is not easily the case that Africans are by their very nature, or the nature of their communitarian societies, geared to fulfil these communal expectations of living up to the good. Heterosexuals, for example, may be irresponsible in their efforts to create and sustain life. We know of many individuals who have children that they are incapable of looking after or caring for properly. They have children when they probably should not, and raise those children under deprived conditions. In short, those children live unfulfilled lives and their squalor denigrates a qualitative experience of life. We also know of heterosexuals who are just not up to the task of parenting. They may create individuals who become problematic in the future. While it is true that these heterosexuals are neglecting their social duty, they are not condemned in ways that do not correspond to their perceived failure. We can say whatever condemnation is directed at them, it “matches” their failure. But there are also cases of heterosexuals who are not capable of bearing any children. Although some effort is taken to right the situation by finding a substitute to one who is infertile from his/her family (Magorokosho 2011, 247–248), this is done without a view of criminalising such states.

Although it could be argued that homosexuality is markedly different from these cases in the sense that it neglects to carry out its duty, whereas these other cases are dissimilar in that though they fail—the failure is registered in attempts to be successful,

hence homosexuality has to be condemned more vigorously. This is not the whole story. What the story must now state is that these cases are cases of failure in different senses but very much a failure towards creating and protecting life. For responsibility must not only be limited to creating life but sustaining it and allowing it to be the best according to our scheme. Homosexuality, therefore, is a failure/option/refusal to beget children. Such a failure, even in cases where it is seen as deserving condemnation, that condemnation must be proportionate to the perceived failure. This position may seem weird but it only seeks to speak to what the moral condemnation could be—it can only be of such a nature that it does not cause the kind of excitement we see. Hence, even by the best account of African life (in its metaphysical and epistemological construal), homosexuality is a negligible failure equal to other insignificant failures akin to it such as bad parenting, or failed parenting, for that is what it is. All these failures may be sources of irritation or some disturbance in the social makeup, but do not really constitute harm to the society in a thoroughgoing manner.<sup>16</sup>

## CONCLUSION

In place of a traditional conclusion that seeks to summarise what I have argued for, I wish to point to a certain consideration that may change the course of how agitators view their condemnation of homosexuality. What is clear is that homosexuals are people within a certain range of sexual attraction. They behave in ways that are consistent with their attraction. If we were to remove that aspect from making judgements about them, we might be able to see some other important, useful, productive or endearing aspects within their persons. They are gifted in various ways that may contribute to the general good of the society in significant ways other than sexual reproduction. Sexual orientation does not inhibit them from being productive in other spheres of life that make African communitarian life successful. The condemnation of homosexuality in forms of criminalisation, hatred and discrimination does not hold if my argument is successful that homosexuality could merely be in the neighbourhood of other frustrating aspects of human relations within the communitarian framework.

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16 While I did not seek to offer a positive account for the defence of same-sex relations, it is important to note that such accounts exist. Two important defences are the alliance formation and kin selection hypotheses. The former states that same-sex relations evolved as they aided same-sex affiliation and alliance formation among males. The latter claims that while same-sex couples may not reproduce, their altruism enables kin to produce more than they otherwise would. This could be an indirect contribution to the common good. These points could be developed further, but I refrain from doing so here since they are tangential to my envisaged purpose.

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