

Religious institutions and actors and religious attitudes to homosexual rights: South Africa and Uganda

Kevin Ward

Religion and law

The interplay between religion and law is a fascinating and intricate one. In Europe, the law has often been understood as springing out of a Christian culture and ethos. Christians have often sought to influence legislators in ways which furthered the creation of a society based on Christian principles. On the other hand, Christianity may be perceived by some Christians to be ‘antinomian’,¹ not in the sense that Christianity works against the establishment of a law-abiding society, but rather that religion stands over against the law in offering ‘grace’ and ‘forgiveness’, and the judgement of God rather than of civil institutions or social norms. Legal judgements may also emphasise this distinction, both in asserting the boundaries which separate religion and law, and the secularity of the law. The law cannot uphold the views of one particular religious institution, even if ‘established’, at the expense of other Christian churches, other faiths, or secular ethical outlooks. Christian churches have historically supported the civil power in its establishment of legislation to prohibit same-sex relations and to punish offenders. Yet Christian churches and individuals have also, in some instances, actively advocated for the decriminalisation of same-sex activity, and have witnessed against the homophobic attitudes of society.

1 As well as literally meaning ‘against the law’, *antinomianism* has a specifically theological meaning. It describes an unorthodox Christian view which has, from time to time and in different guises, asserted that born-again Christians are no longer bound to obey the law. They are ‘above the law’ in the sense that, filled with the Holy Spirit, they are incapable of acting immorally. Most Christian traditions are strongly opposed to this point of view.

South Africa and Uganda

This paper will focus specifically on these issues in Africa by comparing two Commonwealth countries whose recent history has, in the area of gay and lesbian rights, appeared to be going in the opposite direction: South Africa and Uganda. Both are strongly Christian countries in which a large majority of the population describe themselves as Christian.² Each has important religious minorities, Islam being the most important.³ In both South Africa and Uganda, African Traditional Religions still play an important role in nurturing and sustaining underlying attitudes, sensibilities and mentalities on human sociability, including sexuality.⁴ The chapter will argue that historically, in African societies neither defined 'gay' identities nor homophobia were major factors (Epprecht 2008). But if both homophobia and a self-consciously gay community are, arguably, products of modernity and globalisation, same-sex relationships certainly are not. There is evidence of a rich variety of homosexualities in Africa's history, and varying levels of acceptance and esteem for same-sex relations. This chapter will argue that whereas South Africa has, since the end of apartheid, achieved a remarkable degree of legal acceptance for GLBT human rights, nevertheless, South Africa has evinced a longer and deeper antipathy against homosexuals than Uganda. Moreover, social attitudes in South Africa lag behind the progressive, liberal legal framework which has been created since 1994. Homosexual rights were, as it were, dictated from above, through the protection afforded by the 1996 Constitution. Popular opinion, shaped both by shared values about what it means to be 'African' and by membership of ethically conservative religious communities, is less convinced about the benefits of a gay-friendly state.

- 2 The *World Christian Encyclopedia*, in its figures for 2000, puts the percentage of Christians in South Africa as 83.1 per cent, and in Uganda as 88.3 per cent (the figures given for 1900 are 40.7 per cent for South Africa and 6.8 per cent for Uganda, so in both countries the growth of Christianity during the 20th century has been substantial). The *Encyclopedia* figures are compiled through an evaluation of government census and church membership statistics (Barrett et al. 2001, vol. I pp. 675 (South Africa) and 762 (Uganda)).
- 3 The respective *World Christian Encyclopedia* figures in 2000 for Muslims in South Africa are 2.4 per cent and Uganda 5.2 per cent. However, this latter figure is rather at odds with government census figures, which consistently put Muslims at around 10 per cent – 12.1 per cent in the 2002 census.
- 4 African indigenous religions do not operate as 'religions' in ways which can be captured statistically. They are not, in East Africa, considered to be 'dini' (an Arabic loan word for religion) as are Islam and Christianity, with defined criteria of membership. As a result statistical material tends to ignore or undervalue the importance played by African religion, which permeates and informs ethnic identities and culture norms generally.

The situation in Uganda is somewhat the reverse: a government and a legal framework critical of and hostile to gay people, and, historically, a relatively tolerant society. Uganda has recently been at the forefront of legislation which aims further to penalise homosexuality and to exacerbate its punishment. The murder of the gay human rights activist David Kato on 27 January 2011 has widely been interpreted as a predictable outcome of the homophobic atmosphere which has characterised the debates over this proposed legislation. The ethos in present day Uganda is deeply suspicious of gay and lesbian people and wishes to eliminate them from society. Politicians, religious leaders and the press, as leaders of public opinion, carry a major responsibility for this state of affairs. In his 2011 BBC3 documentary, Scott Mills had no difficulty in finding ordinary, young, educated English-speaking men and women in Kampala who were forthright in their strong hostility towards gay people (BBC 2011). Nevertheless, as this paper is concerned to demonstrate, the fear and hatred of gay people are fairly recent phenomena in Uganda, where homophobia is both more recent and 'shallower' than in South Africa.

African Traditional Religion

A word, first of all, on what is often called African Traditional Religion (ATR) – though the word 'traditional' has to be used with caution. This is not a religious tradition which can simply be described as orientated towards the past, nor should it be understood as an unchanging essentialism. Moreover, it would be wrong to outline a single African 'religion' which can be applied to all parts of Africa. Religious and ethnic identity overlap, ethnic identity is porous and malleable, religious movements transcend specific ethnicities. Notwithstanding the success of Christianity and Islam, African traditional religion persists throughout Africa, forming the underlying cultural environment within which Africans, whether Christian or Muslim, view the world and make moral decisions. It would be incorrect to see this form of religion as something distinct from society or culture, a 'sacred' sphere in contrast to the 'secular'. In East Africa, 'dini' (an Arabic loan word) is widely used to describe Islam and Christianity, but it was not, until recently, used to describe the traditional religions. (The first time I have encountered the use of the word *dini* to characterise traditional religion is in McIntosh (2009), in which the author argues that 'dini ya kienyeji' (indigenous religion) has become common over recent years to describe a Giriama religion, over against the dominant Swahili Islam of the Kenya coast. In Luganda, the main language, the word 'empisa' – the norms of human conduct – had religious, ethical, legal implications. Kiganda religion reinforced and guided Baganda as they attempted to fulfil the norms of society. Equally, law was not expressed in statute or even specific cases, but in the general mores of the community (Kagwa 1993).⁵

5 Sir Apolo Kagwa (1884–1927) was one of the dominant figures in Buganda's early

Norms of marriage and procreation in Africa

The establishment of norms of behaviour in relation to marriage was particularly important for Africans. African society has been preoccupied with issues of survival, the fragility of populations, issues of procreation, the ordering of marriage, and the enhancement of fertility, through the establishment of family, clan and lineage alliances (Iliffe 2007). The 'self' was affirmed and achieved permanence through the production of children. An individual lived with reference to the 'ancestors' and the expectation of descendants. Much African religion is concerned with the active role of those who have died, their intervention in the community of the living, and the proper respect accorded to them. All were expected to marry; the community would act to assist those who, for whatever reason, were unable or unwilling to procreate (Kisembo et al. 1998). Sexual activity between people of the same gender was of a different order from the duty of marriage and procreation. But, in societies where gender roles were clearly demarcated, and where sociability was often gender specific, close relations between people of the same gender were expected and esteemed (Coquery-Vidrovitch 1997). There was little suspicion of homoeroticism. Same gender relations might involve peers – and, particularly in more acephalous societies, and those where aged-grades played a strong institutional role in binding society together – played a strong role in socialising of the young. In some more hierarchical societies (Buganda, Rwanda, Azande are often cited) then close relations between chiefs/leaders and young (non-related) dependants/servants were expected (Murray 2000). Same-sex activity might be encouraged as a prelude to the assumption of heterosexual activity and the duties of procreation and continuation of the clan. If a culture of silence prevailed about the sexual content of such relations, that applied equally to heterosexual activities (Mudavhanu 2010). What seems clear is that same- sex activities did not generally invoke criminal penalties. Same-sex activity operated within the realm of friendship and play rather than of duty and obligation, where sanctions for failure to conform to the demands of society were more likely to be invoked. The reversal of gender roles also had a religious value in many cults of possession, where a man became the 'spouse' of the divinity or spirit (see, for example, Fadiman 1993).

African Christian understandings of marriage and homosexuality

These norms have been challenged both by religious institutions and by African nationalism. African nationalism has sometimes expressed its opposition to 'homosexuality' as a western import and to be rejected along with other aspects of the colonial past. In West Africa, in particular, the sense of the slave

colonial history, the Katikkiro, of Prime Minister of Buganda within the British protectorate of Uganda. His writing on culture, *Empisa za Buganda*, dates to the early years of the 20th century.

trade as an emasculation of Africans, has sometimes been carried over into denunciations of homosexuality as a new assault on African masculinity (a theme often addressed in 'Balfour's Beefs' in the monthly political magazine *New African* in the 1990s).

In South Africa, for long homosexual practice was associated with white society, and to be rejected along with apartheid, and its dehumanising practices. One of these was the compound system in the mines, and the institution of 'boy-wives' by which older men took on roles as protector of new mine workers in return for services, both material and sexual. Such a system has died along with the legal and economic system which sustained it (Moodie et al. 1998).

The Christian churches have presented an even greater challenge to traditional African sexuality, in particular the tolerance of same-sex activity. Christianity challenged polygamy; the idea that a marriage is only completed, indeed really exists at all, once children have been produced; practices of arranged marriage and 'lobola' bride price (Blum 1989). In general Christianity claimed to stand for more equality between man and wife, and on the claims of affection/love rather than family and clan considerations. Same-sex relations were seen to undermine all these values. On the other hand, Christianity has often encouraged forces which make same-sex activity more rather than less likely. Early marriage has been discouraged, in the interests of education, often in single-sex boarding schools. The strategic alliance between Christians and some aspects of traditional culture, by which all the traditional stages of marriage should be completed before marriage in church can be performed, has often discouraged young people from going through a long, costly and tedious process before they can enjoy relations. This has led to the loosening of traditional practices without actually establishing widespread Christian marriage (Ward 2002).

In South Africa and, particularly in Uganda, despite the adherence of the majority to Christianity, Church marriage has not become anything like universal (Taylor 1958).

In Africa Christianity has been a powerful vector of modernity, and one consequence of this has been a general emphasis on individualistic choice and the importance of the emotions. This has certainly been a contributory factor in the rise in Africa of gay sensibilities and a self-consciously gay community which rejects the prescriptive nature of marriage and procreation as the sole way of achieving human fulfilment.

The Roman-Dutch law tradition and the Dutch Reformed Churches of South Africa

In South Africa, Christianity has shaped the law and customs of society very profoundly, but this has not necessarily penetrated deeply into the life of African societies (Meierhenrich 2008). The anti-sodomy articles of the Roman-

Dutch legal codes were invoked in the Cape at least from the 18th century. Moral panics emanating from Amsterdam penetrated into the Cape. The formative influence of the official church, the Dutch Reformed Church, helped to shape these campaigns, not least the necessity of extracting confessions from the suspected victims for their transgressive behaviour. The early 18th-century court case in Cape Town concerned a white man, Jiykhaart Jacobsz, and a Class Blank, a Khoi – a member of the indigenous community of the western Cape, but ‘Coloured’ in the (much later) apartheid racial classificatory system. Both were imprisoned on Robben Island, where they became lovers. They were accused of sodomy, tried in the civil courts, found guilty on their own admission, and executed. The case has become a locus classicus of racial and sexual stereotyping in South Africa, not least through the research of Jack Lewis, and the reworking of this in *Proteus* (1994) directed by the Canadian John Greyson.

The Dutch Reformed Church (and other Afrikaner churches in the Reformed tradition) are sometimes seen as particularly homophobic, reflecting the moral conservatism of the Afrikaner community (du Pisani 2001). But, other churches were, historically, just as condemnatory of same-sex relations. The importance of the Dutch Reformed Churches, lie in their strategic position at the heart of the National Party regime after 1948. The ideology of apartheid was advanced by the Dutch Reformed Churches as a Christian solution to the ‘problem of race’. In more general ways, the Afrikaner churches shaped the moral universe of all South Africans, whether white or black, long before the formal inauguration of apartheid in 1948 by the National Party. African communities may not have felt the direct impact of Afrikaner Christian morality or of Roman Dutch Law to any great extent until the 20th century, but such communities were increasingly drawn into the moral and legal framework of the white South African state.

South Africa was a racially segregated state long before the introduction of apartheid. But the implementation of apartheid exacerbated the repressive quality of the state, not least in the way in which legislation became more intrusive into the lives of black people, both in the rural slums of the ‘Bantu homelands’ and in the urban areas, where black people were supposed only to be temporary residents. In many ways, ‘traditional’ cultural values flourished, and were encouraged by a state whose policies were designed to immunise Africans from western values.

Despite the enormously disruptive consequences of apartheid in terms of the stability and viability of family life, the apartheid regime did not claim to control African marriage or sexuality. In so far as the apartheid regime tried to repress same-sex activity, it directed its invective mainly against gay white groups, seen as ‘liberals’ and ‘Communists’ intent on subverting the political order. The control of African homosexuality was not attempted. Like other aspects of African sexuality, the government did not officially intervene, as long

as the sexual practices did not cross the race divide. This further encouraged the idea that 'homosexuality' was an issue primarily for the white community, that it was 'unAfrican', indeed an assault on African masculinity (Pattman 2001; Roux 2001).

Since the end of apartheid in 1994, South Africa has become, in its legal structures, one of the most gay-friendly places in Africa, indeed in the world (Tucker 2009). Gay rights have been pursued as an extension of the struggle against apartheid. Archbishop Desmond Tutu, in particular, has been a vocal supporter of gay rights:

If the church, after the victory over apartheid, is looking for a worthy moral crusade, then this is it: the fight against homophobia and heterosexism. I pray that we will engage in it with the same dedication and fervour which we showed against the injustice of racism. (1997, p. x)

The Dutch Reformed Churches have, through a number of official statements, repented of their participation in the creation of apartheid and their continued support for it. The churches are now eager to advance progressive causes, even if these do not necessarily reflect the more conservative views of their members. This is true both in the DRC itself, now officially open to members from all races, and in the Uniting Reformed Church (a union of the former Coloured, Black and Indian Reformed churches).⁶ In this position, these churches are not very different from the Anglican Church, where (despite Tutu) opinion is divided about support for gay causes, and definitely uneasy about the implications of the legislation allowing for same-sex marriage (see the website of Anglican Mainstream South Africa). Since 1994 South Africa has seen a rapid growth in more conservative Pentecostal churches. They are self-consciously apolitical, in contrast to what they see as the excessive political role played by the mainstream churches in support or opposition to the apartheid regime. This charismatic Christianity has been widely attractive to all sections of South African society. For some white people embracing Pentecostalism provides a refuge from a society in which they see themselves as marginalised. There are also growing number of black charismatic churches too (worship in South Africa is still, on the whole, racially divided). Increasingly this conservative tradition has developed a critique of what it sees as the excessively secular orientation of the ANC. The problems of urban violence should be tackled by a stress on traditional ethical values, a reintroduction of capital punishment, more censorship of pornography, and a reassertion of family values (Balcolm 2004; 2008). Gay rights do not fit into this agenda, and some would like

6 The United Reformed Church has accepted the Belhar Confession of 1984 as its confession of faith. Belhar denounced apartheid as a theological aberration. It is hoped that the (formerly white) Dutch Reformed Church might eventually accept Belhar and become part of a United Reformed Church of South Africa.

to see a reversal of the 1996 constitutional guarantee of gay rights, and are certainly opposed to the provision of same-sex marriage. But however heartfelt these anxieties, and however forcefully they are advanced as based on universally accepted traditional Christian standards, these campaigns do find difficulty in mobilising support. As seen in successive elections, the strength of the conservative religious right politically is minimal. The strong respect for the human rights provisions of the constitution and the non-racial democratic society being created means that the traditional Christian arguments about morality and family values are, by and large, discussed with civility. An example of this can be seen in the South African chapter of Anglican Mainstream, which tends to be more moderate in its articulation of issues of homosexuality than is the British Anglican Mainstream, based in Oxford.

Religion and Ugandan society

In Uganda, by contrast, opposition to homosexuality has recently been shrill in the extreme. However, it is my contention that homophobia in Uganda is more recent and less firmly grounded than in South Africa. During the colonial period, aspects of the English legal system were introduced into Uganda, and at independence the legal system stayed in place. Uganda achieved independence in 1962, after the Wolfendon Report in Britain, but before the 1967 legislation in Britain which decriminalised homosexual practice between consenting adults. This has meant that pre-1962 legislation, including the body of law concerning sexual relations and marriage, remained on the statute book in Uganda. However, I am unsure about whether laws relating to homosexuality were ever invoked in Uganda, or if they were, whether they were applied only to the small white population in the country (Uganda was never a settler country, and therefore, unlike Kenya, Zimbabwe and South Africa, did not have a substantial permanent white population). A marriage ordinance modelled on British practice was introduced into Uganda, but rarely used. The colonial administration saw it as applying largely to whites and to 'educated' black people who wished to make use of its provisions. Monogamy was never legally enforceable in colonial Uganda, nor is it to this day. Sexual conduct generally, and marriage in particular, was rather controlled by 'tribal' custom, and did not come before British courts unless custodial sentences were required, or property issues involving individual tenure were involved. The colonial government recognised registered clergy as registrars of marriage, as in England, but only a small number of church members were actually married in the church. By and large, for the population as a whole, customary law governed these issues. This was recognised, even encouraged, by the colonial state. In these circumstances offences under homosexuality laws rarely if ever came before the courts. Moreover as Uganda did not have the kind of mining compound system of South Africa, Africans themselves did not have recourse

to British courts to redress grievances arising from failed same-gender relations, nor did these kind of activities come under the gaze of white supervisors, in marked contrast to the use of the courts to deal with same-sex activities in the mines of South Africa and Southern Rhodesia, as described by Epprecht (2004). The peasant-orientated economy of colonial Uganda kept same-sex activity away from the colonial gaze. Although research needs to be done in this area, it appears that this situation continued into the post-independence era. One of the criticisms of the police in the contemporary debates is their failure to make use of existing legislation with any vigour or effectiveness.

Religion plays a more central role in Uganda's life than in South Africa. The two major Christian churches are the Church of Uganda (Anglican) and the Roman Catholic Church, each claiming about 40 per cent of the population. Muslims account for about 10 per cent. The Anglican Church of Uganda has the highest proportion of members in the world (bigger than England or Nigeria as a proportion of the total population) (Ward 2006). Although, as in South Africa, Pentecostal churches are expanding rapidly, they tend to be under-reported in official censuses, largely because of the tenacity of the idea that all Ugandans are either Protestant (in the Ugandan context this means 'Anglican'), Catholic or Muslim (Ward 2005). Even people who attend the 'newer', Pentecostal churches tend to record themselves as belonging to one of the main denominations. The Anglican Church was, in colonial Uganda, considered to be a kind of quasi-establishment, and it still retains some of the aura – all the presidents of Uganda since 1962 have been Anglican, apart from the Muslim Idi Amin. There has never been a Roman Catholic president, despite the numerical strength of the RC Church.

The Uganda churches have increasingly become unofficial legislators of public opinion – during the collapse of the state into violence during the Amin and Obote II days, they remained an important bulwark of opposition, one of the few effective institutional curbs on governmental despotism. The churches were regarded as having an integrity which could not be looked for from the state. In the late colonial period, the church was very active in promoting the rights of women, and particularly arguing for a stricter enforceable marriage code (still not achieved), protection for first wives in polygamous households, safeguards for widows in relation to the inheritance of property and a general raising of women's rights (Brown 1988; Tripp 2000). Despite these campaigns and some considerable achievements in the promotion of women's equality, by and large the churches have failed to achieve the results they were seeking in purely legislative terms.

The 'gay agenda' and the Anti-Homosexuality Bill in Uganda

Issues of homosexuality were hardly articulated in Uganda until the 1990s. They were not seen as moral issues which needed to be preached about (unlike

heterosexual relations) nor as an arena where the state should become involved. It was only in 1997 that homosexuality began to be discussed, in preparation for the 1998 Lambeth Conference of bishops. The subsequent controversies within the worldwide Anglican communion about homosexuality have ensured that homosexuality became for the first time a Ugandan issue. The Church of Uganda has appealed to its evangelical tradition, and specifically the tradition of the East African Revival (born in Uganda in the 1920s), as a rationale for opposing gay rights: homosexual practice is a sin (the Bible is invoked to prove this). But homosexuals, like all sinners, are capable of repentance and forgiveness (Ward and Wild-Wood 2010). This attitude is not substantially different for the Roman Catholic Church, but, unlike the Anglicans, Ugandan Catholics have tended to display less moral outrage, nor have they spent so much energy in fighting gay inclusion. Both Churches celebrate annually Martyrs Day, when some 200 of the first generation of young Christians were put to death in 1886. The trigger for this was, notoriously, the demands by Kabaka Mwanga (a young man himself of about 20 years) that his favourite page (a boy in his early teens) should be available for his sexual pleasure (Faupel 1962). When this was refused, a purge of Christians at the court occurred (Hoad 2005, chapter 1). The vast majority of those who died did so not because they refused sexual favours, but because they would not deny their Christian allegiance. For Mwanga, fears that the Christians were about to invite colonial powers to invade the country were more important in provoking the massacre than homosexuality as such. In the 1950s and 1960s Mwanga was applauded for his defence of Buganda's independence. In the Amin period, the brave resistance of the early Christians against tyranny was celebrated on Martyrs Day (Ward 2002).

The Anglican preoccupation with the gay issue since 1997 has generated a realignment in international alliances within the Church of Uganda. Before 1997 relations with the American Episcopal Church were sporadic but friendly. Since that date, the Church of Uganda has aligned itself strongly with the dissidents who have opposed gay inclusion within the Episcopal Church. The first vice-chancellor of the Uganda Christian University from 2000–10 was recruited from the ranks of the American traditionalists to establish an Anglican University. The archbishop of Uganda's international advisor, the gatekeeper for relations with other churches, is a traditionalist American priest, a woman (the Church of Uganda ordained women some years before this happened in the Church of England). In protest against the consecration of Gene Robinson as a bishop, the archbishop of Uganda has broken relations with the Episcopal Church, and has forbidden diocesan bishops from receiving money from tainted sources, even for development and HIV/AIDS programmes. He argues that such 'bitter money' brings no real benefit to a society, since it embodies the wrong values (Hassett 2007). The Church of Uganda has conducted a campaign of abuse against a retired bishop, Christopher Senyonjo, for his

support of gay people within the church in Uganda. Bishop Senyonjo was present at the funeral of David Kato. At this service the officiating lay reader took the opportunity to denounce gay people and to threaten them with hell, until he was shouted down by the gay and lesbian friends of the deceased. Senyonjo has criticised the recently established (and, previously, almost unknown) newspaper *Rolling Stone* for its intemperate campaign of 'outing' the hundred most 'prominent' gays in Uganda with the banner 'Hang Them!': Senyonjo himself was included, though no one has ever suggested that he is gay (*Guardian* 2010).

Some years earlier, the Ugandan bishops had judged homosexuality to be 'unbiblical and inhuman'. The church should not countenance the establishment of groups where people are encouraged to see homosexuality as an acceptable life choice. In particular church leaders are adamant that homosexual practice is not, nor can be, a 'human right'. They emphasise that 'sexual orientation' is not mentioned in the Universal Declaration of Human Rights (Tamale 2007).

The Church of Uganda has always had a strain of ethical rigorism within its teaching and practice. Monogamy and a church wedding are considered essential to be a full communicant member. For many years Anglican couples were prevented from bringing their children for baptism unless they were formally married in church. The relaxation of those rules in the 1970s provoked criticism from groups who wished to retain strict standards. There has been a tension between those who stress the role of the church as an institution with broad support and integrated into the community, and those who see the church as a 'saved' community, whose way of life should be distinguished from that of the wider society. The Balokole, the 'saved people', adherents of the East African Revival have been particularly important in the life of the Church of Uganda, standing for an uncompromising sexual morality and strict moral code generally. The Balokole have always been a minority in the church, but their influence has been crucial in establishing the doctrinal and moral standards of the church, accepted by the non-Balokole majority as the norm, even for those who fail to live up to those standards. The Church of Uganda embodies this tension between a 'folk church' and a gathered community (Ward 1995). The majority of the bishops have come from this Revivalist background. Archbishop Henry Orombi has pointed to the values of the East African Revival as justification for the COU's rejection of homosexual practice. The COU alliance with the American dissidents within the Episcopal Church emerged in 1997 when the Americans organised a series of meetings throughout the worldwide for Anglican bishops who were about to assemble for the 1998 Lambeth Conference. The Americans alerted the bishops in the 'Global South' to the likelihood that proposals to modify traditional condemnation of homosexuality would be tabled at Lambeth, and that there was a need for a concerted action to assert biblical values. These fears found expression in the Kuala Lumpur Declaration of Anglican leaders

from the south (Hassett 2007). It was the beginning of strong ties between the American dissidents, some of whom would eventually leave the Episcopal Church to form their own 'Anglican Church of North America' (ACNA), with support from African and South Asian bishops. In the decade between the 1998 and the 2008 Lambeth Conferences, there developed a rhetoric that this new strategic alliance was breaking the mould of the old British colonial model of the Anglican Communion. Moreover in this alliance, the Church of Uganda saw itself as the senior partner, helping a fledgling, needy and oppressed American Anglican church, to survive (Sadgrove et al. 2010).

Pentecostals, the rising force in Uganda's religious scene, are even more aggressive in their denunciation of homosexuality. Their links with the American conservative scene are also stronger than the Anglicans. The strategic alliances between Anglicans and Pentecostals with conservative religious groups in the USA has given the debates in Uganda the appearance of an extension of the North American 'culture wars' by other means. It was the visit of members of the Washington conservative lobby group Focus on the Family, invited by Pentecostal pastors, which provoked the current histrionic debate in Uganda (Kapyra 2009). A climate of moral panic has been created about an international 'gay agenda'. In this scenario rich western homosexuals are intent on subverting Uganda's youth by offers of money and threats of violence. This perspective on gay issues has come to dominate the media. Rather like moral panics against witches, or against foreigners spreading the HIV virus, it has become an urban myth – everyone has stories of someone else's child having been offered dollars for sex with an older boy, or getting beaten up for refusing. I visited the (Anglican) Uganda Christian University in August 2010. The gay conspiracy was a common topic of conversation at the Uganda Christian University, among staff and students. The story is linked to, and reinforces, the campaign of women's groups to tackle the problems of sexual harassment and child abuse, or 'defilement' as it is generally called in Uganda (Tripp and Kweiga 2002; ANPPCAN).

In the popular mind homosexuality has become intimately connected with paedophilia. In this climate David Bahati, a government party MP from Kigezi in south-west Uganda, introduced his Anti-Homosexuality Bill (The Amnesty International website gives useful information, cf. especially Amnesty International 2010). Bahati has an Anglican and Revivalist background, but has strong links with Kampala Pentecostal churches and also with American conservative evangelicals. The Bahati Bill, as well as introducing capital punishment for certain offences, and thus greatly exceeding any penalties in the existing British laws, also vastly increases the scope of 'homosexual acts' to include even 'touching'. This would mean that evidence of anal intercourse would no longer be the criterion for a bringing a criminal charge. The bill also makes failure to report such an incident (for example by parents, siblings, friends or counsellors) a criminal offence, subject to imprisonment. The

Catholic Church was quick to condemn the proposed legislation, not least for its invasion of the sanctity of the confidential pastoral relationship. The Anglican Archbishop of Uganda also spoke of his disquiet (Uganda Church Association 2010). He opposed the death penalty, and insisted, in good Revivalist language, on the need to bring the offender to a sense of his/her sinfulness through the offer of God's forgiveness after repentance. Nevertheless, he and other church leaders have generally welcomed the fact that the bill new would strengthen existing legislation, in particular to deal with what is seen as the new problem of the harassment of vulnerable young males, especially school boys.

Critiques of current homophobia within Uganda

Yet Ugandan society and religious leaders are not necessarily as strident or unwilling to discuss the issues as the public outrage would suggest. There is extensive (if rather muted) criticism within the Church of Uganda of bishops who seems more interested in the international crisis within the Anglican Communion than in tackling the real problems and conflicts within the Church in Uganda. There is a general embarrassment at the way Bishop Senyonjo has been treated. This goes against deeply felt Ugandan codes of respect and civility. There is general distaste at the antics of Pentecostal pastors in the so-called Pastors' Wars of 2009, in which several pastors brought cases to court against other pastors (including a brother of the archbishop of York), using 'informers' who claim they were abused by these pastors when they were teenagers. These cases have generally been thrown out of court, and the accusing pastors themselves have recently been summoned to answer charges of defamation. In late 2010, new 'red top' paper *Rolling Stone* published the names and photos of a so-called list of '100 Uganda's top homos', which, among other things, confuses being gay with supporting gay equality (Bishop Senyonjo was pictured as one of the 'homos'). The courts have accepted that the newspaper is liable to compensation claims for defamation. Martin Ssempe, the head of a church near Makerere University, with a large student population, has recently inspired disgust for his graphic, pornographic portrayals of gay sex which he has shown to his congregation. One of his major critics is the blogger 'GayUganda' whose blog provides one of the most articulate, civilised and humorous commentaries on Uganda's homophobia (GayUganda 2012).

Given the way in which religion is so deeply entwined in Ugandan society, it is clear that many gay Ugandans are deeply religious. 'GayUganda' states clearly that he is not a believer, but he has an Anglican upbringing and his lover remains a devout Catholic. But many gay and lesbian people do want to continue to practice their faith, and most do so within their local congregations. Some have tried to form their own fellowship groups or alternative churches, but the climate is hardly congenial at the moment for such high profile and

(to the society at large) provocative actions. At the moment few church leaders are prepared to support these groups – the punishment of Bishop Senyonjo serves to warn against putting your head above the parapet to support GLBT groups. On the other hand there is some hope that a gay inclusive tendency will develop in the church. The church has a strict marriage policy but has had to accept that most of its members do not follow it, and prefer informal marriage arrangements or more casual relationships not sanctioned by the church. It is possible to imagine a similar acceptance of gay Christians, even if there is, as yet, no substantial call by church leaders for legislative reform which would end discrimination. The fear of gays in Uganda does not have a long and entrenched history, and it can evaporate quite quickly when more liberal voices begin to assert themselves, both in churches and civil society more generally (Ward 2011).

Conclusion

Do the South African and the Ugandan cases throw light on the relationship between the legacy of colonialism and attitudes towards homosexual practice? One hypothesis offered as an explanation for what seems to be a prevailing African hostility to modern, western forms of homosexuality, is the visceral sense of colonialism as an emasculation of African manhood. The struggle for human dignity was and is a struggle for autonomy, a reassertion of masculinity. This allows no place for the ‘unmanly’ qualities associated with homosexuality. It is, I suspect easier to find evidence for this thesis in West Africa, where the legacy of the Atlantic slave trade and the plantation slavery of the New World give legitimacy to such rhetoric and rationalisation. Within the Anglican debate, there is a visceral quality to the Nigerian polemic against the liberal West by religious leaders like Archbishop Peter Akinola. But it also seems to characterise the reactions of ordinary Nigerian Christians, and perhaps accords with the more confrontational style of political argument which informs deteriorating Christian-Muslim relations.

For South Africa, this paper has already noted the association between homosexual practice and the former apartheid structures of society and the economy, particularly in the mines. Nevertheless, as Gevisser (2007) shows in his biography of Thabo Mbeki, the African National Congress did come to the firm conclusion that the end of racial discrimination in South Africa must also be accompanied by the end of apartheid discrimination against sexual minorities. This decision was taken by the leadership and did not necessarily reflect the feelings of the rank and file ANC freedom fighters who began to return to from exile after 1990, nor the feelings of ordinary people in the townships and countryside of South Africa, where HIV/AIDS was just beginning to be recognised as serious threat, but where it was still associated with white gay men. The corrosive effects of the pass system and other

apartheid discrimination on South African men persist in a legacy of aggressive masculinity, with tragic effects particularly on women's development, lesbian 'corrective rape', and new forms of aggression against gay men.

In Uganda, it is more difficult to associate the rise of homophobia with the colonial legacy, partly because colonialism is typically understood by Ugandans as having been more benign and less destructive of indigenous institutions and values. These were indeed disrupted and deformed by the colonial experience. Nevertheless Ugandans, and particularly the Baganda, retained a strong sense of agency – the Baganda in fact were dubbed 'sub-imperialists' in their enthusiasm to spread Christianity along with Kiganda values to the rest of the protectorate. Unlike Nigeria or South Africa, it is less easy to discern an aggressive masculinity as a major underlying factor to explain Uganda's recent homophobia. It is true that a post-colonial rhetoric has emerged as Ugandan Anglican leaders have articulated and justified their stand on homosexuality, on the basis of the COU's evangelical heritage, respect for biblical teaching and Revivalist foundations. These are more decisive than any residual deference to the Church of England and the archbishop of Canterbury. However, Uganda is less likely than the church in Nigeria to welcome any decisive break with Canterbury – if only because the concept of being Anglican is deeply ingrained for Ugandan Protestants, not least as a badge of distinction from the Roman Catholic Church, and thus part of a specifically Ugandan discourse (Ward 2005).

In both South Africa and Uganda, acceptance and antipathy with regard to homosexuality co-exist, but the actual manifestation of acceptance and antipathy differs between the two countries. South Africa's liberal constitution and legal support for gay and lesbian people are accompanied by levels of violence against gay and lesbian people which are far in excess of that in Uganda. In Uganda there is a highly emotive public debate about the dangers of homosexual subversion of core Christian and African social values, and the threat of new and draconian legislation. Yet actual violence against homosexuals is still relatively rare. A recent survey of the American Pew Forum on Religion and Public Life throws some light on societal attitudes in both South Africa and Uganda. The report itself was an investigation of relations between Christians and Muslims in Sub-Saharan Africa. In addition to this main focus, the survey asked a number of questions on social and ethical issues, including one on attitudes to homosexuality: 'Is homosexual behavior morally acceptable, morally wrong, or is it not a moral issue?' The Ugandan response showed a level of acceptance above any other of the 19 African countries surveyed: 11 per cent of respondents thought homosexual behaviour to be acceptable, with a further nine per cent stating that it was not a moral issue at all, or depended on the situation. This compared with the South African response, where only three per cent found homosexuality acceptable (Pew Forum on Religion and Public Life 2011, p. 276).

The director of the survey, Timothy Shah, in an article for the Evangelical magazine *Christianity Today* (Shah 2011), used these findings to criticise those in the USA who see Uganda as irredeemably homophobic and who see this as the ‘fruit of American evangelical homophobia’:

More Ugandans consider homosexual behaviour morally acceptable or neutral – almost one in five – than people in any other major African country, including sexually tolerant South Africa, according to a 2010 Pew Forum survey.

Shah’s article may underestimate the extent of Ugandan support for the Bahati bill, but responses to other ethical questions in the Pew survey do tend to reinforce the picture of an ethically questioning and open society. Uganda’s responses to questions about suicide, the consumption of alcohol, sex outside marriage, polygamy and abortion, all show a high level of tolerance in comparison with many other countries in the survey. The vigorous debates in the local Ugandan press on homosexuality and other ethical issues, in English, Luganda, Luo and many other local languages, reinforce this picture of a society where values are contested and a pluralism flourishes. The questioning of values in open debate is also integral to the moral landscape of South Africa, with the churches providing a safe space for such discussion in ways which are not so well developed in the more prescriptive traditions of Ugandan Christianity. Both societies offer some degree of hope, in the long term, of substantial and permanent improvement in the human rights of gay and lesbian people, and their acceptance in society. However, there is no getting away from the fact that Uganda is not, at the moment, a congenial place for the struggle for gay rights as a constitutionally entrenched human right, recognised by the courts, and accepted by social opinion.⁷

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