

**MOFFIES, STABANIS, AND LESBOS: THE
POLITICAL CONSTRUCTION OF QUEER
IDENTITIES IN SOUTHERN AFRICA**

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**Dissertation submitted in fulfilment of the requirements for the
degree
Doctor of Philosophy
in the
Faculty of Humanities, Development & Social Sciences
University of KwaZulu-Natal
(Howard College Campus)**

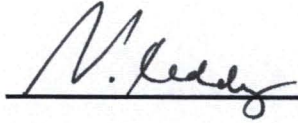
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February 2005

DECLARATION

I hereby declare that this dissertation, unless otherwise indicated in the text, is my own original work. This research has also not previously been submitted to any other institution for degree purposes.

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ABSTRACT

This dissertation focuses on discursive constructions of sexuality (in particular homosexuality). This study is not a social history, nor does it explain and motivate the existence of homosexuality. Rather, the project explores the regulatory public discourses of homosexuality in Southern Africa in relation to historical events and archived texts. (Southern embraces primarily South Africa although one chapter foregrounds neighbouring African countries in the Southern region). Applying recent studies in queer theory to a number of events, issues and sources, I formulate a critical methodology that demonstrates the political construction of homosexuality. I argue that the emergence of political queer identity has its roots in the apartheid State, and show how these identities are politically grounded (and indeed) reinforced in the post-apartheid project. The study conceives homosexuality as a 'queer identity' that resists and subverts heteronormativity.

ACKNOWLEDGEMENTS

The research for this dissertation has been made comforting and easier by the support of many. I wish to make particular mention of the following:

- Firstly I thank my Spiritual Master and guides for making this journey not only possible but also smooth.
- Most importantly, I thank Professor Lydia McDermott, my supervisor, friend and mentor who shared my fascination with this project. Her diligent guidance and intellectual support has been most appreciated. I greatly appreciated her prompt attention to my writing, and constant encouragement during difficult periods. Her formidable skills as an editorial advisor provided me with the benefits of detailed and incisive comments that have shaped this project.
- Special mention must be made of Ronald Louw with whom I have had many conversations about the law and sexual orientation. Any misinterpretations about the law are therefore my own.
- My family have been a constant source of support and inspiration; thank you mum, dad, Vino, Vidisha, Jesse, Hirakanie, grandmother and aunt.
- My friends Virath, Gavin, Gary, Rashad, Nishlyn, Lliane and Thenjiwe have provided wonderful motivation and comfort.
- My students have been instrumental in the development of my ideas in respect of teaching and research that is reflected in this dissertation.
- A special thanks to Sudeshan for being tolerant, supportive, encouraging, and most especially *loving* throughout all of this.

Dedicated to

Mum and Dad

and

Ronald Hayward Louw

My friend, my mentor, my comrade

"But time is always guilty"

(27.12.1957 - 26.06.05)

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ACRONYMS

AFSA	Aids Foundation of South Africa
AIDS	Acquired Immune Deficiency Syndrome
ANC	African National Congress
APA	American Psychiatric Association
ASET	Aids Support and Education Trust
AZAPO	Azanian People's Organisation
CGE	Commission on Gender Equality
CSW	Commission on the Status of Women
DA	Democratic Alliance
ECC	End Conscription Campaign
EQUALITY PROJECT	The Lesbian and Gay Equality Project
GALA	Gay and Lesbian Archives
GASA	Gay Association of South Africa
GLOP	Gay and Lesbian Organisation of Pretoria
GLOW	Gay and Lesbian Organisation of the Witwatersrand
GRID	Gay Related Immuno Deficiency
HHRP	Health and Human Rights Project
HIV	Human Immunodeficiency Virus
HIVOS	International Humanist and Ethical Union
IGLHRC	International Gay and Lesbian Human Rights Commission
ILGA	International Lesbian and Gay Association
KZ-N COALITION	KwaZulu-Natal Coalition for Gay and Lesbian Equality
LGBTI	Lesbian Gay Bisexual Transgender Intersex
NCGLE	National Coalition for Gay and Lesbian Equality
NGO	non-governmental organisation
NP	National Party
NSMS	National Security Management System
NNP	New National Party
OED	Oxford English Dictionary
OLGA	Organisation of Lesbian and Gay Activists
PAC	Pan-Africanist Congress of Azania
RSA	Republic of South Africa
SACP	South African Communist Party
SADF	South African Defence Force
SAHRC	South African Human Rights Commission
SALRC	South African Law Reform Commission
SAMS	South African Medical Services
SANDF	South African National Defence Force
SAP	South African Police
SSC	State Security Council
SWAPO	South West Africa People's Organisation
TAC	Treatment Action Campaign
TRC	Truth and Reconciliation Commission
TRIANGLE	The Triangle Project
UN	United Nations

INTRODUCTION

Moffies, Stabanis, and Lesbos: The Political Construction of Queer Identities in Southern Africa explores the connections between homosexuality and identity formation, primarily in the last forty years of twentieth century South Africa. The study offers a discursive interpretation of how homosexuality is represented in material manifestations of public histories produced by both the apartheid and post-apartheid projects. By examining the discourses generated by homosexuality in relation to specific events, issues and texts, the dissertation motivates that public contestations about homosexuality produce a direct influence on public queer identities. Throughout this dissertation, and possibly because on some level I am reluctant to simply locate the queer subject as a 'product' of language, I remain attentive to the experiential basis of the human experience that shapes queer identities.

The argument in the study is divided into two parts that are interconnected. *Part 1* (Chapter 1) is thematised around the political constitution of the queer sexual subject, motivated by an African feminist queer theoretical reading of the public discourses on homosexuality. This reading strategy is based on an emphasis of the interconnection between the developments of sexuality in Africa more generally and with relation to homosexuality, more specifically. Concepts that underwrite the analysis and argument, such as 'queer', 'identity', 'archive', 'subject', 'power', 'history', 'event' and the 'political' are briefly elucidated. These terms will be taken up again in relation to the selected case studies featured in *Part 2* of the dissertation.

Part 2 is thematised in terms of resistance, transgressions and subjectivity and presents an empirical profile and analysis of select

events, issues and sources that demonstrate the political construction of queer identities. The terms 'resistance', 'transgressions' and 'subjectivity' are re-explored in relevant sections that explain the empirical. *Part 2* captures key contexts in which homosexuality is policed and proscribed by linking these contexts to processes of social change in which the events take place. *Part 2* also examines how institutionalised definitions of homosexuality are ascribed meaning through practices, norms, and modes of representation. This section illuminates the complex changes that take place in the social *re-organisation* of homosexuality (which I view as 'queer') in Southern Africa. In focusing on the contours and changes taking place in respect of homosexualities, this section describes and assesses the processes that impact on the development of public homosexualities in Southern Africa. By seeking to examine local meanings (if local is meant as being derived from the sources in *Part 2*) through which Southern African homosexualities are lived and experienced, the study demonstrates that the social construction, organisation and articulation of homosexualities is located in shifting social, cultural and economic factors that in turn shape these identities in interconnected ways. The line of argument could be described as a collection of ideas that reveals the conditions of possibility for the emergence of queer identity in South Africa. In and among the various chapters, systematic rather than incidental links are made to highlight the discourses of homophobia and homosexuality that foreground the political construction of queer identities.

Maintaining the non-linear diachronic focus, Chapter 2 addresses the Immorality (Act) Amendment Commission of 1968. It focuses on the meanings for queer subjectivity in relation to a selection of submissions made by gay and non-gay people in order to influence the decision of the Commission. Chapter 3 focuses on the sex-

change operations, medical tortures and chemical castrations of the infamous Aversion Programme. The programme was designed to 'cure' homosexual 'deviants' through the medical services within the apartheid military since the late 1960s. The Aversion Programme is viewed in the chapter as a form of psychological and physical 'mutilation' of homosexuals within the apartheid military. The chapter motivates briefly why the military could be conceived as a gendered (and racialised) regime and links the gendered (and to a lesser extent racist) practices within the military to the aversion displayed towards 'suspected homosexuals'. The discourses of homophobia are examined in relation to some narratives that underpin the subsequent investigations in the post-apartheid project that exposed the Aversion Programme. Chapter 4 builds on ideas about race, gender and sexuality by offering a close analysis undertaken via the 'performative', 'performance' and 'literary' aspects of Colleen Craig's *Crossing the Line* (1989) and *Apart* (1995). The texts are two unpublished plays that demonstrate how heteronormativity, race, gender and queer identities are constructed and staged. The view that homosexuality is unAfrican, primarily displayed by a vocal lobby of African leaders (especially since 1995), is the subject of Chapter 5. The chapter foregrounds homophobic discourse as a form of 'excitable', 'murderous' and, indeed hate(ful) speech. The emergence of public gay and service delivery spaces for queer people in the post-apartheid project (since the mid 1990s) is analysed as a form of queer heterotopias in Chapter 6. Access to justice and claims to citizenship (since the mid 1990s) in the unfolding narrative of queer decriminalisation is the subject of Chapter 7. Finally, the Conclusion revisits some of the vexed questions surrounding queer identity discussed in the dissertation by raising some further questions that are beyond the scope of this present study.

Moffies, Stabanis, and Lesbos: The Political Construction of Queer Identities in Southern Africa is premised on the understanding that identity construction is borne out of subjective experience. For this reason shared social processes shape it, and subsequently any understanding of the representation of identities must account for 'experience' in relation to 'social context'. The search for identity is both a personal and political matter.

CHAPTER 1

Moffies, Stabanis, and Lesbos: The Political Construction of Queer Identities in Southern Africa¹

Ours is a remarkable country. Let us celebrate our diversity, our differences [...] South Africa wants and needs the Afrikaner, the English, the coloured, the Indian, the black [...] Let us move into the glorious future of a new kind of society where people count, not because of biological irrelevancies or other extraneous attributes, but because they are persons of infinite worth created in the image of God. Let that society be a new society – more compassionate, more caring, more gentle, more given to sharing - because we have left 'the past for a deeply divided society characterized by strife, conflict, untold suffering and injustice' and are moving to a future 'founded on the recognition of human rights, democracy and peaceful coexistence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex. (Archbishop Desmond Tutu in: *Star*, 1998: 3)

I am a 23 year old Black woman, presently working for an NGO as a Media and Publicity Officer. I am a graduate. And for the record, *I am a lesbian*. I am appalled that there are some groups in this country who still want to discriminate against people because they do certain things differently. In the same way that I fought against discrimination of people because of their race, now I will fight against discrimination of people because of their sexual orientation. For me the struggle for liberation will be lost if South Africans can still allow discrimination against gays, lesbians, bisexuals, or any other discrimination based on sexual orientation (Nomfundo Lumphondwana, 1996: 3; my emphasis).

1.1 Introduction, Positions and Orientation

Lumphondwana's words register an important historical moment in South African political history; a time frame during which South Africa achieved democracy, and a period in which the constitution of the

¹I am aware that the essentially political nature of language makes it impossible to satisfy everyone's preferences. I am also aware that the term 'gay' does not exist in African languages. 'Gay' has become a chosen term of self-description of men (and some women) who are 'open' and unapologetic about their homosexuality. Self-description as a form of self-assertion and affirmation of identity defines 'gay' as a political label. Many openly homosexual women prefer to call themselves 'lesbians'. In this study I use the terms 'gay' and 'lesbian' to distinguish between the genders. 'Homosexual' was coined by the Hungarian, Karoly Benkert (1824-1882) in 1869 as a scientifically neutral medical description for the state of being sexually attracted to persons of one's own sex (Bristow, 1997: 179). I use the terms 'homosexuality' and 'homosexual', in appropriate contexts, to name and identify the erotic attraction and practice between members of the same sex. 'Gay' and 'lesbian' are used to identify an identity determined by socialisation. In the course of the argument, I shall explain my use of 'moffies', 'stabanis', and 'lesbos' (not to be confused with the Greek poet, Sappho, and her experiences on the island of Lesbos). 'Queer' is used in this study in a theoretical, historical and political interpretation of homosexuality. 'Queer,' as I shall later clarify broadly encapsulates homosexuality (understood primarily as a desire), while gay, lesbian, moffie and stabani illustrate an identity formed by condemnation and denial. Also note that a small section of this chapter has been published (see Reddy, 2004a).

country was finalised. On the one hand, her words call into question the immediacy of an identity as a 'lesbian' in the post-apartheid democracy and the political benefits that accrue when identity is legally endorsed. On the other hand, anxieties generated in her narrative caution against the vulnerability of the new democracy if rights are not fully inclusive. In a related story (during the mid-eighties) Sphiwe Alfred Machela, a black gay activist from Johannesburg, articulated a similar concern about gay and lesbian equality in response to the apartheid regime: 'We do not want reform from the Botha regime. There can never be equality for lesbians and gays of all races whilst apartheid persists. That is why our campaign for gay rights involves an active commitment to the anti-apartheid struggle' (Machela interviewed in Tatchell, 1987: 12). In another interview, Machela (interviewed in Dibblin, 1987: 7) reasserts the important connection between racism and sexual orientation: 'In South Africa *all* black people are oppressed, so naturally we worry more about our political and civil rights in general than about our gayness in particular, because it's there that we are being confronted'. The strategic inclusion of homosexuality as a facet of 'political and civil rights' into the agenda of the anti-apartheid effort also secured, in my view, a discourse of rights that would further politicise gay and lesbian identity politics in South Africa.

Shiela Lapinsky (interviewed in Tatchell, 1988: 11), a founding member of the Organisation of Lesbian and Gay Activists (OLGA) in Cape Town in the eighties, and an active anti-apartheid activist formulated the position of homosexuality in the following way:

Many of the anti-apartheid groups have become less homophobic, they are increasingly inclined to accept their gay members and

support lesbian and gay rights as part of a free South Africa. In turn, this is radicalizing the lesbian and gay community and drawing more lesbians and gays into the liberation struggle.

Luphondwana, Machela and Lapinsky's views articulate positions that echo the central concerns of this dissertation. These views deploy ideas about sexuality, gender, race, class, ethnicity, nationhood and identity, all of which are issues that this dissertation explores in relation to discursive constructions of homosexuality within the context of Southern Africa. Luphondwana and Machela's views, for example, represent a performative gesture that affirm not 'living' but 'disclosure', and not 'silence' but 'presence,' and more specifically, an appeal to *voice* and *affirm* identity in positions that are primarily *political*.

There is the gesture of protest in the above views. Protest, following its etymology, denotes an expression or record of dissent and objection, an affirmation or avowal. The English word may be traced to its Latin roots as in *protestari* (to bear witness in public) such that the morphology of the word would read: *pro* (before) and *testari-testis* (a witness). First, protest in the context of this dissertation suggests that homosexuality may be viewed as an unfolding narrative that is never foreclosed. Instead it operates as an extended metaphor that functions as a strategy of social reference and positions issues, events and identities within specific historic and politicised moments where a critique of oppression is initiated. Second, the idea of protest simultaneously unpacks representations of the public and private in terms of how identities come to be constructed in a new formation of power.

On 27 April 1994, South Africa was reconstituted as a non-racial and democratic 'rainbow nation'.² The 'rainbow' has increasingly become a national metaphor to reconstruct divisions based principally on the racial divisions of apartheid.³ For the first time since the formation of the Union of South Africa in 1910, all South African citizens were able to vote and participate in the life and affairs of the state. The inclusive vision of South Africa is entrenched in the Preamble to the new Constitution: 'South Africa belongs to all who live in it, united in our diversity' (RSA, *Constitution*, 1996: 1). In his emphasis on the inclusiveness of the 'rainbow nation' of the 'new' South Africa, Tutu's words in the epigraph to this chapter suggest a more general vision of the remaking of South African national identity after 1994. Tutu identifies and asserts the State's commitment to human rights and democracy in a society that constitutionally protects its citizens from discrimination. He further constructs this new national vision by foregrounding the people's shared history, even if it was one characterised by division, conflict, war, human rights abuses and suffering. He also talks about 'development opportunities for all South Africans' as part of a nation-building effort. Similarly, the 1996

²Peberdy (2001) focuses on the importance of the 'rainbow nation' as part of the development of a new state discourse on a commitment to democracy, inclusivity, and human rights in state policies post-1994. Attwell and Harlow (2001:3) talk about the 'remaking of South Africa' in relation to literary-cultural discourses. According to Attwell and Harlow (2001: 3), the remaking of South Africa is reflected in South African literature that highlights 'the political ambiguities of transition: the tension between memory and amnesia. It emphasizes the imperative of breaking silences necessitated by long years of struggle, the refashioning of identities caught between stasis and change, and the role of culture-or representation-in limited or enabling new forms of understanding.' The views expressed by Peberdy (2001) and Attwell and Harlow (2000) emphasise the important connection between the past, the present, the future and the negotiation of identities in relation to the values of a democratic project. While not directly engaging their ideas, my project is similarly concerned with identity construction in the context of divisions created by apartheid history.

³The metaphor of the 'rainbow' is problematic as it attempts to resolve differences. For example, Gqola (2001: 98-99) refers to the metaphor as 'rainbowism' which she claims 'foregrounds racial variety even as it does not constructively deal with the meanings thereof'. Nuttall and Michael (2000: 6) characterise the rainbow nation as a symbol that is 'about polite proximities, about containment'. The concept of the 'rainbow nation' has strategic goals in respect of advancing healing and reconciliation to counter racial and political divisions of the past, but it does have the potential to overlook other differences apart from race. Ironically the 'rainbow' does have some connection to gay and lesbian Pride as the 'rainbow' flag has become a global icon of queer freedom and assertion of identity. In this sense the 'rainbow' seems to be a strategic metaphor in respect of my project that motivates justice, equality and a rights culture for gays and lesbians as well as being a symbol to potentially harmonise differences.

Constitution, creates an inclusive identity incorporating human rights and concepts of democracy and development while emphasizing the sovereignty of the nation (RSA, Constitution, 1996). Tutu's invocation of a shared, if divided (even divisive) history, echoes Anderson (1991) and Chatterjee's (1996, 1993) ideas about the continuities between the past, present, and future in the creation of nationalisms and national identities in colonial and postcolonial states. The reinvented nationalism and national identity of the 'new South Africa' is 'derivative' in that it continues to identify with the territorial boundaries and national models of the apartheid state, and has retained the institutions (such as the law as an important facet) of the apartheid state, although with modifications (Chatterjee, 1993: 6-8; see also Loomba, 1998). 'Modifications' in terms of the law becomes a crucial facet to the argument in this dissertation (see Chapters 1, 2, and 7).

By constructing an inclusive democracy, and by developing a 'culture of human rights' the new state defines its 'difference' from the apartheid past (Chatterjee 1993). Tutu's emphasis on the inclusion of all South Africans in the new nation, irrespective of colour, culture, religion, class, and sexual orientation marks a significant break with the past. The post-apartheid State does not formulate national identity in terms of the 'racial criteria' of the 1910s, 1920s, and 1930s, or the ethnic criteria of Afrikaner nationalism of the 1950s, which culminated in the formation of the 'white' Republic in 1961. It would seem that national identity in terms of the post-apartheid project is directed towards recognising differences of a shared and divided history, not as something conflictual, but rather as a basis for facilitating the development of a cohesive 'new' national identity based on celebrating

differences. Race, gender, and sexual orientation seem to be some of those differences being advanced as the basis for the development of a national identity.

Subsequently, the 'imagined community' of the new post-apartheid South Africa focuses on citizenship, and especially the renegotiation of citizenship within the context of divided variables such as race, ethnicity, language, class, location, gender, and sexual orientation amongst others. This form of identification is informed by a participation of all citizens in the context of rights and obligations that accrue from the Constitution. Citizenship, therefore, becomes an important marker in a possible relationship that the State engenders between the individual and the State. The relationship includes fundamental notions of who 'belongs' and who is to be excluded (Anthias and Yuval-Davis, 1993; Gilroy, 1987). Inclusion and exclusion are factors that retard or facilitate the negotiation of identities in the nation-building effort.

And within this social and political vision, much like race, sexuality is a marker of fundamental differences. Feminism's critique of patriarchy, developments in the liberation of gay and lesbian persons, and the impact of HIV/Aids, have all contributed to an understanding of sexuality as less of a social and moral 'given' than a continuously debated source of meaning. Sexuality, especially as we have come to understand it in the twenty-first century, appears to be punctuated by sexual panics over 'moral rearmament' in a range of issues from abortion, contraception and marital disharmony to frigidity, homosexuality and Aids (Mclaren, 1999). The essentialist-constructionist debate (as two dominant theoretical perspectives)

introduced the 'gender turn' to cultural studies by problematising the meaning of sexuality. By and large, where the essentialist model conceived sexuality as a permanent, fixed and immutable ontological construct, the constructionist perspective has taught us that culture constructs our sexual identities, and socialisation determines, for example, our identities as male/female, heterosexual/homosexual. The essentialist model, in relation to homosexuality, invariably leads to a pathological conception of the phenomenon, which grounds same-sex desire (and indeed *identity*) in genetics and chromosomal composition with the attendant idea of reducing the phenomenon to a birth defect. The constructionist model, however, has led us to more valuable conceptions of how sexuality and identity is constructed via the filter of cultural variables, and the possible meanings that are generated by this model (see Burr, 1995).

Homosexuality (a crucial component of sexuality) has been given a renewed cachet through the demise of the apartheid State. The transition from the antediluvian criminalisation of homosexuality under the apartheid government of the National Party (NP), to the 'full' citizenship of gays and lesbians under the government of the ANC might be one parallel to Tutu's description of South Africa as a 'remarkable country'. However, the leap from an apartheid exclusionist mentality to a post-apartheid inclusionist mentality suggests that the temporal shift is a productive moment in which to reconceptualise how homosexuality is renegotiated as an identity included in the post-apartheid democracy. But, at another level, homosexuality, in its relationship to the promise of inclusivity that typifies the post-apartheid State, is also a symptom of complex globalisation that has marked the closing decades of the twentieth century (for example,

Altman, 2000; Appadurai, 1996; Harvey, 1990). In this regard, Parker and Gagnon (1995) suggest that it is only by seeking to interpret the specificities of local sexual cultures as they are caught up within the cross-currents of global processes of change, that we are able to move past a superficial understanding of sexuality. This allows us to build up a more complex understanding of the vicissitudes of sexual experience in the contemporary world. Parker and Gagnon do not assume that all sexual cultures are the same, but emphasise rather the value of interpreting sexuality by situating it within the broader processes of history and political economy in order to analyse the tension between an emphasis on local meanings and an understanding of global processes (Parker, 1999: 2). One meaning that is emerging in many different political and social situations is the location of sexuality as a human rights issue (see Cole, 1999; Graupner and Tahmindjis, 2005). Sexual difference, and in particular, homosexuality, has been the basis on which the homosexual has been criminalised, excluded, marginalised, and in effect, cast as a non-citizen.

This dissertation is an exploration of the politics and representations of sexualities, with an emphasis on the appearance and to some extent 'disappearance' of *homosexuality* in the making of knowledge about queer identities. My case studies are limited to South Africa, and to a lesser extent Southern Africa (see Chapter 5). The epistemological purpose is not simply to recover facts and experiences, but also to provide the enabling space for us to open up broader questions about being gay. (I will raise some of these questions in the development of my argument in the course of the dissertation.) This project is in a very real sense a personally political project, arising out of my identity as a gay man. I write as a gay man through an analysis that

comprehends homosexuality and responses (particularly homophobic) to it. In another related sense, the dissertation is a generally political project in that I attempt to understand homosexuality in South Africa in terms of what Leo Bersani (1995: 4) appropriately describes as the 'political regimes that have constructed us'. It is the argument that whatever the differences across the world there are some common aspects of regulation and control which 'subordinate sexual difference to traditional values' (Weeks cited in: Baird, 2001: 5). 'Values', it seems, have less to do with the original meaning of 'worth', 'utility' or 'importance', but rather more to do, in respect of homosexuality - with tradition, culture, religion and law, all of which are underpinned by history.

This study is, therefore, about how homosexuality can be 'retrieved' and understood from out of its historical and political formation in the South African context. In one sense we could claim that this project is an attempt to respond to the history of silence that has sought to render invisible the existence of gays and lesbians. In much the same way that women (as a subaltern class) have been 'hidden from history', to borrow the phrase from Rosemary Tong, this dissertation could be similarly viewed as an attempt to respond to the 'heterosexual matrix' (Butler, 1990), 'the straight mind' (Wittig, 1992) and the 'compulsory heterosexuality' (Rich, 1980) that informs the hegemonic order of heterosexuality.⁴ Such a response reinforces the political implications in understanding sexuality. Altman (2000: 41) writes:

⁴I use the term 'subaltern' because the term problematises discursive constructions and constructed silences in respect of homosexuality. Coined by Antonio Gramsci (the Italian Marxist), he extended the class-position and class-consciousness that Marx motivated in *The Eighteenth Brumaire* to the 'subaltern classes'. The term is employed under circumstances in which individuals may be marginalised or put into subordinate positions by particular networks of power.

In the past two decades we have lived through the shift of homosexuality from something defined as an individual phenomenon – deviance, sin, illness – to the view of it as a sexual preference, basis for a public identity and a visible community. Whether it be politicians acknowledging the importance of the gay vote, images of chic lesbians in up-market women's magazines or the mix of drag and macho connected with Mardi Gras, Madonna and fashion shows, homosexuals and homosexual imagery has become part of larger social life in a way unimaginable even twenty years ago.

In an effort to understand the political consciousness of gay and lesbian people, this study assesses the meanings and values of mainstream public representations of homosexuality. A general cultural paradigm that defines the gay and lesbian experience, that of the 'closet, a private (or sub-cultural) space one comes out of to inhabit public space and honestly and with one's identity intact' (Creekmur and Doty, 1995: 2), is a valuable reference point. But also important are the hidden, secret and private spaces that have necessitated gay and lesbian people retreating into the closet. (I return to the notion of the 'closet' again). The potentially positive visibility of gays and lesbians is also continually off-set by the Aids crisis and by those who deploy it to reinforce homophobia. Identity construction (an example of which we designate *homosexual*) may be found in cultural experience that is proscribed by a dominant heterosexual culture that has necessitated critical response, in part developed by feminist scholarship.

1.2 African Feminism(s)

This dissertation is located at the intersection of what I describe as a queer theoretical formulation of homosexuality in an African feminist approach to homosexuality. African feminism highlights the contested and 'fractured' nature of feminism as both an intellectual and political

practice. Contestation is not necessarily a weakness, but can be a strength. Such a model designates a continent, and articulates, in varied ways, a type of 'counter' discourse to an Anglo-American canon. The latter invariably refers to a type of feminism that has been produced by the West, and that many critics both within and outside of its borders have problematised (see footnote 4). Notwithstanding the merits of the political importance of African feminisms as a counter-project, an important paradox creeps in that this dissertation seeks to engage. Given the proliferation and diversity of discourses in feminist scholarship in the West, it is intellectually dangerous to reduce the content of all such discourses as homogenising. Such a discourse must be seen in the context of competing conversations that seek also to revitalise (and problematise) feminism as a project in the history of ideas. In fact, a developing discourse has repeatedly questioned and challenged a potential homogenising imperative of some scholarship in (and within) the West.⁵

Similarly, it is incorrect to assume discourses of feminism that constitute 'Africa' likewise adequately represent the theory, practice and experience of those who constitute themselves African. Despite the multilayered complexities of transnational contexts, and the diverse identities of people working within a feminist project, a common purpose of an African feminism, it seems, is to develop, expand and reconfigure the dialectical relationship between theory and practice, scholarship and advocacy, while simultaneously remaining committed to the experiential basis of gendered lives (see Kaplan,

⁵Some texts include: Amadiume, 1987, 1997 & 2000; Arndt, 2002; Davis, 1983; Collins, 1990; Daymond, 1996; Driver, 1988; hooks, 1984; Kolawole, 1997; Lorde, 1984; Mama, 1995; Mikell, 1997; Mohanty, 2003 & 1991; Moraga and Anzaldúa, 1983; Narayan, 1997; Ongudipe-Leslie, 1994; Oyewumi, 1997; Smith, 1983; Spivak, 1987 and 1993.

Alarcón and Moallem, 1999). Paradoxically, however, a number of important texts that resonate with Africa continue to be produced by scholars who are located in the West. This does not assume that to be physically located in Africa, or to be African (in terms of ethnicity) automatically guarantees a privilege and status with regard to the views represented by critics and activists. Researchers have increasingly shown that the subordination of women resonates transhistorically. For example, in a cogent earlier formulation, Rich (1980) demonstrated the transhistorical nature of women's sexual oppression, which she formulated then in terms of a 'compulsory heterosexuality' that is as valid and applicable today as it was almost a quarter of a century ago. Rich's (1980: 638) claim, that men enforce not just inequality, but also heterosexuality, is articulated in terms of the range of practices that underpin such a system: bride-price, arranged and child marriages, purdah, veiling, clitoridectomies, and female infanticide. Relevant to this dissertation is the observation that much African feminist intellectual production (and activism) in viewing gender and sexuality (if at all) purely in terms of reductive binaries, displays a reluctance to confront the problem of heteronormativity.

This dissertation conceptualises African feminism as a position that is characterised by a lack of prescription, and if African feminism is to be a critical development, then it is possible to locate the homosexual within the theoretical trajectory. The issues raised within African feminism suggests ongoing debate, dissension, and a lack of closure on a range of topics, issues and themes. It is the latter aspect (topics, issues and themes) that lends such a project its political efficacy, historical contingency and social importance. Indeed, the plural designation suggests the fluidity of the concept, and signals a

theoretically diverse framing of the African world. For the purposes of this dissertation 'Southern Africa' is conceived as an integral aspect of the African world. 'Southern' has a particular valency for Chapter 5 in this dissertation. A view underlined by this dissertation is not to interpret the continent (and specifically Southern Africa) in a narrow and essentialist inscription. Indeed, 'Africa' is a heterogeneous continent; any attempt to homogenise Africa should be considered mischievous.

The blurring of boundaries due to the impact of globalisation (in spite of the latter's shortcomings), and the transition of many African countries from extended periods of colonial domination to independence, signalled a new trajectory for the geopolitics of the continent (see Chatterjee, 1993). In some African states the post-colonial context has seen the simultaneous emergence of renewed oppression for some of its citizens in its gendered economy. For the gendered regimes of this continent, many hurdles are yet to be overcome. African (and indeed other) societies sadly continue to represent systems that prioritise and uphold male privilege in its power relations and social practices, despite some important changes in terms of constitutionality, for example, in South Africa. The situation in with regard to women elsewhere in the Southern African region, however, is not encouraging (see for example, Lowe-Morna, 2004 for a focus on women's participation in political decision-making).⁶ Linked to this, women, children, gays and lesbians located on the continent continue to be at the receiving end of much blatant, violent

⁶See also the special issue of *Development Update*, 2 (2), 1998 that focused on the theme of sexuality, and sexual rights in Southern Africa. In this edition Hoad (1998) addresses the issue of rights claims in respect of gay and lesbian discourses; Jara and Lapinsky (1998) focus on the notion of a 'representative' gay liberation movement in South Africa. This edition focuses on themes such as violence against women, gay life and liberation and AIDS and human rights in Southern Africa in relation to class, race, nationalism and the politics of identity.

oppression, of which sexuality is often the basis of the oppression. I raise these issues in order to motivate the African feminist basis of my argument that any reading of homosexuality must consider the broad question of sexuality, oppression, and violence.

In this context, even the notion of feminism or 'feminist' is contentious. For many Africans, the word 'feminist' has little significance. For some it is a foreign concept, for others it is a label that signals exclusion (see Tobe, 2000). However, despite these contentions, the word is fundamentally political. This labelling articulates a gendered affiliation. One important development of African feminisms (indeed indicative of a marked shift in contemporary gender politics in Africa) is the recognition that men are not a homogenous class of people. Some men are indeed important alliance partners (or 'cultural insiders') in the struggles for gender equality in this diverse and fragmented gendered world.⁷ As a conceptual and organising framework, African feminisms suggests an 'intra-continental' lens to view the unequal distribution of power between genders and sexualities. This framework may facilitate and reinforce a view of sexuality as political, in the model of an African feminist sexual politics (see Dunphy, 2001; Millet, 2000)⁸. 'Sexual politics' is a necessary factor in understanding the circuits of power informing identity issues because the gendered hierarchy is sexualised by men. The point is that heteropolar regimes of gender have made sex dangerous for women. Wilton (1997: 126) explains the division in the following terms:

⁷Mukherjee (1990) formulates the 'cultural insider' as a constructed position, informed by knowledge and participation in a particular project.

⁸First published in 1970, Millet's *Sexual Politics*, a key text in the second wave feminism (1960s and 1970s) demonstrated how cultural discourses systematically subjugated women.

The discursive package 'gender' constitutes femininity as inherently passive, responsive, responsible, nurturative and innocent of sexual desire/agency and masculinity as inherently active, initiating, irresponsible, unattached and potent with sexual desire/agency.

The violent effects of the sexualisation of gender, represented by for example, the socialised attribute of 'virility' for men within patriarchal institutions (such as the family, culture, religion), are often, rape, sexual harassment, sexual abuse of children, prostitution and homophobia. These practices express and actualise the distinctive power of men over women. Because sexuality is the nexus of relationships between genders, much oppression is mediated and constituted within sexuality.

1.3 Sexuality in Africa

The relations between sexuality and the personal, political, social, class, gender and power cannot be overstated. In conceptualising homosexuality, we need to raise the following questions. What narratives constitute homosexualities in Southern Africa? How are these narratives shaped, constructed, resisted and possibly reconfigured? Is there a coherent and homogenous narrative about what constitutes homosexualities in Southern Africa? How is homosexuality played out, performed, constituted, interrogated and configured in Southern Africa? We can only begin to answer these questions in this dissertation. Scholars like Butler (1990) have intelligently pointed out that our gendered and sexual identities are cultural fictions; performative effects of reiterative acts. Inherent in such a view is neither a lack of understanding of the social, nor an attempt to minimise agency, but rather an emphasis on the *value* that accrues in questioning certain kinds of genders and sexualities. The

advantage of questioning how genders and sexualities are constructed, helps to better understand the transformation of the social world (especially concerning gender and sexual oppression). The transformation of the social world that arises through questioning (and agency) may facilitate an understanding of what it means to be human, where specifically the violence of exclusion, can be reconfigured.

Even the designation 'sexualities' begs the question of what constitutes sexuality. It is a broad, dynamic notion that generates many meanings such as intercourse, orgasm, foreplay, erotic fantasies, the organisation of masculinity and femininity, disease, sexual orientation, and identity. For many, sexuality implies heterosexuality. There is no longer a shortage of texts or a lack of debate on the subject of sexuality produced in the West.⁹ For many, sexuality is innate, biologically determined and to some extent pre-cultural (see Hamer and Copeland, 1995). Such a view has been entrenched by most medical models, early sexological studies, and culture-based models of sexuality. The danger in such models is to view sexuality as derivative from physiology, and as a universal functioning of the body (see Vance, 1991). For others sexuality is a construct, anything but 'natural' or 'normal' and is always political and contested.¹⁰ To some sexuality, like gender, resists construction, and by de-essentialising it, makes it possible to see how identity norms are engaged and subject positions assumed. The point about this is that if it is assumed that categories such as gender and sexuality are originating activities, it is also possible to subvert, disrupt and resist those activities (Butler,

⁹See Jackson and Scott, 1996; Lancaster and Leonardo, 1997; Lebacqz and Sinacore-Guinn, 2000; Nye, 1999; Phillips and Reay, 2002; Williams and Stein, 2000.

¹⁰See Caplan, 1987; Gagnon and Simon, 1973; Halperin, 1990; Kritzinger, 1993; Simon, 1996.

1999). To others, sex, sexuality and gender are intimately connected to social organisation around economically self-sufficient, matricentric cultural units in terms of African matriarchy and its goddess-focused religions (Amadiume, 1987; 1997; 2000). Sexuality, we are increasingly told, is affected by and reflects the larger changes of globalisation (Altman, 2001). In this sense the 'global' is to be viewed via local relationships, discourses and subjectivities (see Ong, 1999; Sassen, 1998). Recently, Arnfred (2004: 7) has correctly suggested that re-thinking sexualities in Africa entails 'a double move of deconstruction and re-construction' beyond the 'conceptual structure of colonial and even-post-colonial European imaginations'.

This dissertation takes a similar position, asserting that the meanings of discourses on homosexuality, as a facet of 'African sexualities', have much to tell us about the discursive aspects of sexuality. Re-thinking, following Rubin's argument (1984), cannot eliminate the possibilities of *agency*. For Rubin, it is when sexuality, as an abstract concept, moves towards tangible expression (sexual acts, sexual behaviours and sexual choices) that social construction becomes a convincing approach to sexuality. Re-thinking sexuality in Rubin's (1984: 267) terms entails reconceptualising the battles and contestations fought over sexuality:

The realm of sexuality also has its own internal politics [...] They are imbued with conflicts of interest and political manoeuvring, both deliberate and incidental. In that sense, sex is always political.

Indeed, in several chapters in this study, I will show that discourses of homosexuality are in fact spaces of agency that demonstrate 'conflicts of interest'. Spaces of agency are related to a focus on the subject of sexuality, both as an object of intellectual inquiry, as well as a

metaphor through which we may understand the many and varied interests that inform sexuality; and similarly how these interests, in turn, shape, reflect and demonstrate resistance in relation to factors that inform homosexuality as a contested sexual practice. 'Protest' and 'resistance' signal in my view the political formation of queer identities. In foregrounding homosexualities in Southern Africa, this dissertation suggests a domain for analysis that also troubles the feminist methodology that has prioritised gender as a central organising category of analysis, often to the exclusion of issues of homosexuality (and indeed sex which is to be viewed as separate). In the last decade or so, scholarship in gay and lesbian sexualities (now institutionalised as queer studies) has foregrounded sexuality as its methodological domain. In a sense, feminism and queer studies have had different purposes, yet a uniting factor underpinning these methodologies is a political commitment to radical social and intellectual change in the area of gendered and sexual relations.¹¹ This dissertation argues for a politics of analysis that considers the empirical context of homosexuality in relation to current concerns impacting broadly on sexuality in Africa.

It seems that sexuality in Africa is defined, delineated and circumscribed by a number of factors and events that represent sexuality as a changing construct of ideas, ideologies and beliefs. My key hypothesis going into this research was that sexuality (and to a lesser extent sex) seems to be associated with pain, suffering, mourning and death (in the context of HIV/Aids and sexual violence) in Africa. Unlike the West where the material conditions seem to support sexuality as an aspect to be associated with pleasure, desire and

¹¹For a more detailed discussion on these issues see the special issue of *Differences* (volume 6, 2/3, 1994) titled 'More Gender Trouble: Feminism Meets Queer Theory'.

sensuality (indeed freedom), the dominant image of sexuality in the African region suggests otherwise.¹² However, this does not assume that the technology of pleasure for women (or men) in the West is immune from criticism (see Maines, 1999; Margolis, 2004). This view also does not assume that there is a lack of desire, pleasure, sensuality and freedom in Africa; it simply underscores the material fact that sexuality for most people is a facet closely aligned to social control, legal restrictions, cultural proscriptions, sexual violence, and to a large extent, also disease. Flowing from this, emotions such as anxiety, fear, and denial represent sexuality as a problem; a negative phenomenon. Sexuality becomes something to be contained, curtailed, regulated, and ultimately repressed, except for those who have the power to access it. In another sense, sexuality also serves as a metaphor for deep-seated political conflicts over identity, bodily integrity and morality.

If sexuality could be mapped in terms of the broad material space of the continent, it could be delineated in respect of some of the following themes that circumscribe its contestation. Some are: the relationship between the 'local' and 'global' (East-West, North-South, South-South) dialogues in respect of sexuality; sexuality and violence (issues such as rape, human trafficking, female circumcision, pornography, prostitution); culture and sexuality (homosexuality, circumcision); desire, intimacy and pleasure; sexuality, masculinity and femininity; sexuality, illness and disease; sexuality, the law and sexuality rights; reproductive health and rights; sexuality and political economy (through references to wealth distribution, access to justice and welfare policies); sexuality, childhood and youth. These themes

¹²See McFadden (2003) in which she addresses the reassertion of feminist agency in respect of confronting sexual violations, and the necessity of sexual choice for women.

demonstrate that sexuality is far from homogenous, and compels us to appreciate the varied discursive interests that constitute thinking about sexuality, especially in its mediation by historical, cultural and political factors.

From this perspective, the dissertation foregrounds homosexuality and considers positions, interests, ideas, and internal struggles that articulate homosexuality as a contested aspect, one which is in the first instance representative of a politics. Through the various chapters, I will demonstrate the urgency for examining homosexuality: to show the diversity of the empirical context and the meanings and discourses they suggest; and to suggest how sexuality could be reconfigured in positive ways.

1.4 Sexuality in the Context of this Dissertation

Overall, the chapters represent the way that homosexuality shapes experiences, as well as the social, political, cultural, historical and economic factors that underpin it. Aligned along these axes, the content of the chapters articulate, assess and debate the durable temporalities of homosexualities. But, in another way, the content of the chapters also suggest ways in which we might imagine what the experiences of homosexuality may be. In this way any reading of homosexuality is simultaneously a confrontation and critique of homosexuality. The arrangement of the chapters presents a narrative that does not foreclose debate, but opens up an opportunity for further exploration. The need for innovative work on homosexuality in Southern Africa (indeed Africa) cannot be overstated. The heterogeneous nature of the region demands fluid and indigenous

analysis and interventions. An African feminist project, I claim, remains underdeveloped in its attention to the subject of homosexuality (and indeed sex). Some chapters in this dissertation are sensitive to some of the fundamental tenets of an African feminist production of knowledge such as race, the body, voice, identity, visibility, and the politics of desire, although these are not closely explored. It is also important to note that sexuality in Africa increasingly emphasises how masculinities are connected to processes of socialisation, culture, politics, and gender oppression. Scholarship on masculinities implies that sexuality cannot be adequately understood without challenging the constructions of masculinities (Marriott, 2000; Morrell, 2001).

Sexuality (as indicated earlier), resonates not only locally, nationally and intra-nationally, but indeed globally, because sexuality is also underpinned by many global circuits of power, such as the media and capital (see Altman, 2000). Sexuality for Altman is a domain influenced by global dynamics, affected by the interface of political, economic and cultural forces. Altman is less interested in the trajectories of discourse and representation than with material realities, which for him reinforce the need for agency. Sexuality, oppression and agency are in my view some of the important factors that determine identity and freedom, not least for women, but also for gays and lesbians. It is therefore crucial to briefly consider the current empirical context.

The recent ethnic and political conflict in the Darfur region of Sudan had much to do with the relationship between sexuality, violence and indeed identity. The region is home to millions of people, some

claiming to be Africans and others claiming to be Arabs. They are separated not so much by religion, as is often reported, but by ethnic identities and political interests. The conflict between nomadic shepherds known as Jangaweed militia (ethnic Arabs), and the ethnic African Sudanese has given rise to organised rape camps, where a pattern of rape becomes a tool of dispersal, and where the distinct possibility of HIV/Aids and STD's lurks.¹³ The Jangaweed have gone about killing, rampaging and brutalising women and children, apparently with the tacit support of the government. Their idea is apparently to beat the people into submission in the belief that fear brings about respect. In fact, the opposite has been true, as the brutality has brought about resistance by the African Sudanese. The women and children of Dafur whose lives have been frayed and fractured by a violent civil war uprising, remind us (in the context of this dissertation) about the gendered impact of war, and especially sexual violence (see Chapter 3). Also recently, in the city of Manzini, Swaziland, an 18-year old woman was sexually and brutally assaulted by a group of young men who worked at a taxi depot. The woman was ostensibly raped as a lesson to her for wearing a miniskirt.¹⁴ No discussion of sexuality can avoid a discussion of violence against women, nor its interface with the violation of human rights and public health (see UNIFEM, 2003). The same is applicable to violence against children (see Berry and Guthrie, 2003; Richter *et al*, 2004). These events identify not just sexuality as a dynamic of the inequality between the genders, but also that sexual difference is a function of the sexual domination that exists cross-culturally, if in locally particular forms.

¹³There has been much media coverage of the systematic sexual violence perpetrated against women and children in Dafur. See Garrett (2004); Joffe-Walt (2004a; 2004b).

¹⁴See Timburg (2004).

the sexualities of black men (and women) continue to be inflected with pathological signifiers, and the colonial residues still abound in the context of HIV/Aids.²⁵ The recent, ritualised return of Sarah Baartman, a Khoi woman transported to Europe during the colonial period and displayed to a paying public because of the size of her body parts (breasts, lips, buttocks, sexual organs), is a prime reminder of the imperial project. Abrahams (2000) has shown how the imperial project both fetishised and disavowed Sarah Baartman, in human, racial and gender terms, and primarily in relation to the performance of her body parts. The case of Sarah Baartman's exploitation has some connection to Mbeki's observation that black sexuality has been perceived to be deviant, corrupt, 'savage' and in these terms therefore 'othered'. From the vantage point of *raciology* (following Gilroy, 2001), the complex structures of identity and polity in relation to bio-power and bio-politics emphasise the underlying connection between sexuality and race on this continent. In one sense, Mbeki's rebuttal to his political opponents may be questionable on an emotional level, but at another level his response articulates a critique of the subliminal racist logic that does indeed inform perceptions about HIV/Aids and black sexuality in the African context. This logic has as much to do with disease, as it has to do with race, class, masculinity, sexuality, desire and is also fundamentally related to the divide between West/North versus the South.

In light of the above, another major challenge of understanding sexuality and sexual health is access to information, and especially informed public health images that promote a positive awareness of sexuality, sexual choices and representative images. In a recent

²⁵See Frederickson, 1987; Gilman, 1985; hooks, 1992; Hunter, 2003; McClintock, 1995; Stoler, 1996.

survey (2004) it conducted, CIET (an international research organisation), found that by the age of 10, one out of every three South African schoolchildren had sex, many did not believe condoms prevent pregnancy, and many indicated they would have unprotected sex even if they were HIV-positive.²⁶ (See for example, Campbell, 2003 for an excellent understanding of sexuality and the failure of HIV intervention programmes in Southern Africa; Baylies and Bujra (2000) focus on Tanzania and Zambia).

These and many similar issues compel us to think about our attachment (our relationships) to sexuality. The issues framed here suggest a way of understanding the meanings ascribed to sexuality in changing and shifting geopolitical contexts. Such has been the case with views espoused at International World Conferences of Women (Mexico in 1975; Copenhagen in 1980; Nairobi in 1985; Beijing in 1995). The Conferences have centred primarily on strengthening the rights of women. Women's control over sexuality, including the scope of sexual relations, intimacy, violence, reproductive health and family planning, are all to be inextricably seen as rights. The 2005 49th Session of the Commission on the Status of Women (CSW) will be held in New York where the key themes are 'development' and 'peace' in achieving gender equality. Sexuality therefore emerges as a distinct factor for the potential of woman's social life in advancing peace, development and a discourse of rights. Ironically, the very promotion of the potential of women's sexuality, throws into relief the current material condition of women's lives, which are all too often still

²⁶See Sookha (2004). CIET is not an acronym, but an international group of epidemiologists and social scientists who bring scientific research methods to local government and community level. The organisation involves people in evidence gathering and analysis, and helps people participate in decisions that affect their lives. CIET is engaged with some of the following projects in many countries across the globe: breastfeeding, capacity building, child rights, nutrition, HIV/Aids, human rights, and gender equality.

informed by violence and victimhood. A challenge in thinking about women and sexuality is to see sexuality and physically abused women not as victims, but rather as sufferers. In this way the potential of women's sexuality can be reaffirmed, but the danger inherent in the reductive binaries could lead to the misrepresentation of power. Power could be viewed simply as representative of physical coercion, rather than as a factor constituted and manipulated within societies to maintain heteropatriarchal control. An urgency exists for African feminist (and queer) scholars to engage in a disciplinary internal critique that challenges some of the foundational assumptions of activist agendas, which persist in overwriting women's marginalisation in essentialist terms. Our feminism(s) should transcend being merely reactive and we should repudiate the exclusionary social polarities of simplistic binaries. In many instances, women are active agents, in fact co-conspirators, in promoting cultural practices that perpetuate gender imbalances, and thus their own oppression. For example, despite the criticisms against female circumcision and infibulation (Walker and Parmar, 1993), research has shown that women are often willing and active agents in the promotion of cultural practices such as female circumcision (see Abusharaf, 2001; Boyle, 2002; Hernlund and Shell-Duncan, 2000).

Perhaps another way of conceptualising issues of sexuality - apart from the purely cultural, social and economic - is to reconfigure what Mamdani (1996) has cogently characterised as the divide between citizens and subjects. Mamdani (1996) explains that the challenge in attempting to bridge the division between citizens and subjects, is to address the gap between the urban 'civil' society and the rural realm of the 'customary'. Sexuality in general, and homosexuality in

particular, are in my view defined in relation to the tension between the 'urban' and the 'customary' (at least in the current context where homosexuality is contested as a visible phenomenon). The contestation is formulated within heteronormative terms that describe homosexuality as a virus that principally contaminates African culture. Such a view underscores the importance of material and political resources. Sexuality also elaborates national and nationalist concerns, which Anderson (1998) describes as the political modalities that distinguish between nations, citizens, revolutionaries, workers, intellectuals in relation to the power exercised by the State, and in many examples in Africa, traditional leaders. The tension between the State, traditional authorities and individuals usually generates complexities in material life, like for example the way in which the State regulates sexuality in terms of the law. The significance of this tension for sexuality in Africa is also the lack of citizenship rights for many people. By challenging and resisting the discursive interests that configure sexuality (and its attendant negative implications primarily for many women, and also for some men), it is also possible to develop new terms for political justice in terms of sexuality. In extending the latter to homosexuality, we find that an important basis for the description, denigration and exclusion of homosexuals is language. However, the pathological meanings often associated with a vocabulary that describes homosexuals may be reconfigured as a form of resistance to challenge and critique heteronormativity.

1.5 Moffies, Stabans and Lesbos: The Construction of 'Queer'

The oppression of gays and lesbians is often enacted through language; in other words language choices are made that deliberately

exclude and marginalise. In essence, a language of perversion and criminalisation underpins the stigmatising, heteronormative discourses of homosexuality. The pejorative use of terms, phrases and concepts are informed by the generally heterocentric cultural contexts within which the homosexual is located. I have identified 'moffies' (plural), 'izitabane' (in the shortened anglicised version, 'stabanis') and 'lesbians' (in the shortened plural) to exemplify the terms used in the South African context to name gays. Naming stands as the cultural and political focus of this research. I begin by briefly explaining the terms stabanis, lesbos, moffies and then consider 'queer' (in this order) to emphasise the use of language (and the appropriation of these terms) in the construction of identities.

For example, in Zulu, a man who has sex with a man is referred to as 'isitabane' (often abbreviated to 'stabane') or 'ungqingili'.²⁷ These words do not represent a literal translation of homosexual or 'gay' and usually have a derogatory implication associated with 'bent', 'deviant', 'queen', 'camp' and 'faggot' (Cage, 2003: 96). In rural Sekhukune (where the Sesotho language is dominant) the practice is referred to as 'matanyola' (sexual practice between men). Ironically the tendency amongst homophobes is to deploy words from African languages to categorise and define gay group identity, such as 'ngochani' (in

²⁷I am indebted to colleague, Nnhlanhla Mathonsi (Department of Zulu, University of KwaZulu-Natal) who explained some of the uses of the words to me. It is important to note that *isitabane* and *ungqingili* are words that describe a gay person. Based on the perception by heterosexuals, the words do not describe identity but physical behaviour usually of males who are effeminate. In this sense the words are gendered. I am told that the 'perception' is also dependent on the suspicions held by heterosexuals about homosexuals. In contrast, no word exists to label a 'lesbian' or a woman who has sex with another. Rather the descriptive phrase *ufunana nendoda* (she looks like a man) is used. Here too the question of perception based on physical behaviour is used to designate the label. In another related sense, *uncukumbili* (she is half this, half that) is used to describe a woman who is masculine. The word is also based on the suspicion that gender attributes are fixed and linked to core masculine or feminine identities. In some senses these words, as deployed in isiZulu suggest a gendered configuration of behaviour and say less about identity. Today, with processes of modernisation many African men and women also use the word 'stabane' to identify themselves. I am aware of the latter which is based in part on working with many African gays and lesbians in the city of Durban.

Shona), 'maotana' (in Sesotho), the Hausa phrase 'dan kashili' (see Dunton and Palmberg, 1996: 20) or 'abasiyazi' (Uganda; see Tamale, 2003: 45).²⁸ Apart from these words that are usually used by homophobes to label and categorise homosexuals, there are - within internal subcultures - a number of words used by African men, in particular in rural townships, that describe a vocabulary of gay sexuality that affirms sexual desire, and in some respects identity (one example being 'stabane', as indicated earlier).²⁹

The term 'lesbian' refers exclusively to a 'gay female', but the term 'lesbo' is usually a derogatory term for lesbians based on homophobic social responses. The term 'lesbian' is in common usage by South African women across racial lines.³⁰ The term 'moffie', however, is perhaps the most widely used, and well-known term in South Africa that covers a range of interrelated meanings. It is an Afrikaans word referring mainly to either a male homosexual, gay man, an effeminate male, or tranvestite (a meaning found in the Cape Coloured

²⁸Tamale (2003) provides a very interesting account of stigmatised terms used to describe homosexuals in Uganda. According to Tamale (2003: 45) a popular and in common usage is *abasiyazi* (others include *kyafoko* and *eyumayuma*). Tamale (2003: 45) states that 'Ugandan gays and lesbians identify themselves simply with the term *kuchu* (plural, *kuchus*)'

²⁹McLean and Ngcobo (1994) analyse talk about gay sexuality and gay sex in Reef townships in South Africa that address behaviour, sexual scripts and the contexts of meaning. Interesting are the labels used by black gay men that describe gendered affiliation in gay sex. For example, the activity of having sex is described as *mantloana* (housie-housie), playful sexual games that result in consensual penetrative sex. One interviewee (McLean and Ngcobo, 1994: 160) described his experiences by saying 'abangibhamayo bathi ngimnandi' (those who fuck me say I'm tasty). Two other labels are also relevant: the notion of a *skesana* (a boy who likes to be fucked) and the *injonga* (the one who makes the proposals and does the fucking). The point about these terms is that rather than naming gay sexuality as an identity, labels such as *skesana* and *injonga* appear to describe and confirm same-sex sexual practice.

³⁰Although I have said the label 'lesbian' is common among women, there clearly variations in some contexts. For example, Chan-Sam (1994) profiles black lesbian life on the Reef in South Africa where 'lesbian' is the preferred term of use. Vimbela (1994) offers an interesting life history of a black lesbian gangster in rural Transkei. Olivier describes Vimbela as a 'lesbian' but Vimbela refers to herself as 'gay'. In one section of the narrative Vimbela (1994: 194) also says: 'My grandparents and I were called before the village chief and his council of elders. The whole village turned up to the hearing, to insult me and make nasty comments. They assumed that because I had proposed to the girl I must be *stabane*, a hermaphrodite, with both male and female genitals. I was taken to a hut where a woman forced me to undress and examined me. When they discovered I was 'normal' the chief ordered that I be lashed [...] I was warned never to repeat such behaviour again'.

community).³¹ Its use is usually pejorative. De Waal (1994a:x) explains that the etymology of 'moffie' relates to 'mophrodite', a variation of 'hermaphrodite', as well as 'mophy' which was a slang used as a term of contempt among seamen for delicate, well-groomed youngsters. The association with 'hermaphrodite' is perhaps closer to a similar meaning assigned to 'stabani' by heterosexuals. De Waal (1994a: x) also notes that 'moffie', despite its derogatory implication, has been claimed as a form of self-affirmation:

Recently, however, it has been reappropriated by homosexuals and transvestites in referring to themselves, losing some of its negative connotations. This is partly due to an ironic, camp tradition containing elements of self-mockery, and partly a political statement in the manner of African Americans, who have appropriated the insulting term 'nigger' (for instance the black rap group Niggers with Attitude).

Apart from the derogatory meanings ascribed by heteronormativity to terms such as 'moffie', 'stabani' and 'lesbo', the more common terms such as 'gay' and 'lesbian' are often deployed by the media, not necessarily pejoratively, but rather to draw attention in a sensationalist way to the 'otherness' of homosexuality (see also Alwood, 1996; Gross, 2002; Sanderson, 1995).³²

The above terms (moffie, stabani, lesbo, and sometimes including gay and lesbian) are often based on perceived perversion that pathologises the homosexual. It is in this sense that I advance an argument in this

³¹Lewis and Loots (1994) provide perspectives on stereotyping and the use of language and naming (focusing on the notion of the 'moffie') in Cape Town. See also Achmat's (1994) life history called 'My childhood as an adult-molester: A Salt River Moffie'.

³²The following recent headlines confirm this view as each headline focuses on the sexual orientation of the subject. See for example: Govender (2004) 'Headmaster accused of targeting 'lesbian' pupil'; Hooper-Box (2004), 'All smiles as gays take to the streets'; Laganparsad (2004), 'Judge told of gay sex'; Rankhotha (2004), 'Gay rapist prowling PMB streets'.

dissertation that demonstrates the contestation of African views on homosexuality. This contestation gives rise to a productive emergence of identities shaped by resistance and dissent. By 'African views on homosexuality', I am suggesting a discourse that pathologises, denies and misrecognises homosexuality as a practice. The common prevailing culture of denial *vis á vis* homosexuality is in and of itself a hostile response towards homosexuality. The view from this position is that homosexuality is an Euro-American perversion that has contaminated African 'tradition'; this despite increasing evidence of the existence of homosexuality in precolonial Africa (see Amory, 1997; Baum, 1995; Bleys, 1995; Epprecht, 1998; Johnson, 2001). The assumption that homosexuality is a sign of European and Western decadence is underpinned by homogenising discourses by some in African societies that view 'tradition' as static, unchanging and fixed. Central to this discourse is the common and totalising logic that homosexuality is 'un-African' with the argument often focused on homosexuality's absence in pre-colonial Africa (Antonio, 1997). Antonio (1997: 295) is reluctant to use the preposition 'in' to locate homosexuality within *African* culture, but chooses rather to align the practice in relation to culture. Antonio claims that the 'absence' of homosexuality in pre-colonial Africa is used by those who oppose homosexuality to proscribe it as a deviant practice.

Another point about homosexuality in relation to sexuality and language is that homosexuality is primarily shrouded in codes of silence, secrecy and taboos that prevent public discussion and exposure.³³ However, public responses in the African context usually dramatise a contestation over the legitimacy of homosexuality, which I

³³Ottenberg (1989: 194) views secrecy not simply as a marker of gender but also as a metaphor for sexuality.

claim is constructed in the representation of same-sex practices. Language is one fundamental part of representation. Representation implies a rejection of any centralised or universal meaning, and signifies instead recognition of the interconnectedness of practices and power in which language and meaning are located. In this sense, homosexuality becomes a crisis of representation in relation to culture and politics. My point here is that this crisis represents a productive and discursive moment in which to understand the political emergence of the homosexual at a moment of uncertainty, instability and panic. One effect of the crisis of representation is the inscription of the homosexual into the material life of a culture. This is concomitantly also a crisis in which the homosexual seeks inclusion, acceptance, tolerance, and indeed affirmation that is less about sexual desire than it is about the recognition of an identity and full citizenship. In this sense, as claimed earlier, the use of language is crucial to an understanding of how homosexuals have renegotiated an identity politics. If the terms 'moffie' and 'isitabane' have been reappropriated by African gays, the term 'moffie', as De Waal (1994a:x) claims 'is analogous to the way in which homosexual activists in England and America have taken over the word 'queer' (as in the pressure group Queer Nation)'.

The term 'queer', like *moffie* and *isitabane*, is used pejoratively of gays in South Africa. While English speakers (both male and female) commonly use the word *queer*, *moffie* is often used as a term of defiance largely by white, Indian and coloured gay men and women, while *stabane*, in similar defiance, is used by gay black men and women. The term, *queer*, in reference to a lesbian or gay man, has a unique history in the English language, and it is amongst whites that

words are culturally and linguistically based. 'Queer' is not, as it might be perceived to be, an exclusively Euro-American word, because there is evidence of its use by South Africans, especially in what Gevisser (1994) has documented as lesbian subcultures in the 1950s and the 1960s. In one description Gevisser (1994: 21) cites the story of Hannah, a white lesbian who responded to an advert to become a member of a women's cricket team in Kensington (Johannesburg):

You'd go there every Saturday to practise, but it was also a social gathering. You'd arrive and quickly cast your eye around. But of course, you'd never actually mention that you were *queer*, which is the word we used those days. Everyone knew the score, but it was very hush-hush. (My emphasis.)

'Queer' in the above use is not pejorative and indicates a label identifying group behaviour. Hannah confirms the culture of secrecy and silence (noted above) by explaining that the deliberate and planned silence ('hush-hush') had something to do with prevailing proscriptions and heteropatriarchal norms. 'Queer' in the context used by Hannah also suggests a self-chosen alignment with a word that has two recognisable meanings: the pathological and the possibility of resistance to pathological derivations. The 'pathological' refers to the heterocentric perception of the homosexual as other. The 'resistance' implied by Hannah is demonstrated by the reappropriated use of 'queer' to signal group affiliation. 'Queer' therefore signals an active force that motivates and asserts identity within a heterosexual matrix.

In the late twentieth century, the pejorative meanings of the word has been appropriated by gays themselves as a chosen word of self-reference, thus neutralising its pejorative value (Stewart *et al*, 1995: 205). The homosexual appropriation of the word, particularly by Anglo-American and Australian gays and lesbians, is a phenomenon of

the 1990s when the word, *queer*, was hailed as the preferred term in the naming of 'queer politics'. Not simply a descriptive term, 'queer' has been a heterosexist code for a relationship of dominance of heterosexuals over homosexuals. The appropriation of 'queer' by gays is seen by some as the beginning of a new paradigm in the lesbian and gay movement. The use of the word, *queer*, as a self-referential term has come to imply membership of, or agreement with, radical queer political groups (Stewart *et al*, 1995: 205). The appropriation of the word from homophobic discourse therefore signals a dramatic change in the word's use – a shift in meaning and in the word's entailments. It is no longer only a word for a suspicious, deviant and 'strange' individual, but also an assertion of a particular chosen identity. In the process of change (really an extension of meaning), bigoted use of language has been transformed into a defiant use of language. In South Africa, there has been a similar transformation in the use (and thus meaning) of the terms, *moffie*, *stabani* and *lesbo* – all terms originally used pejoratively by homophobes to categorise homosexuals. The transformed use and meanings are queer formations of categorisation that mark homosexuality as a desire and a chosen identity thereby displacing and defying compulsory heterosexuality. (By reading these three identities as 'queer,' I do not mean to minimise the differences between cultures, merely to demonstrate the importance in discussion of recognising homosexuality as a cultural practice that is shaped, like all practices, by language.)

In keeping with the trend, De Lauretis (1991: iv) uses the term *queer*, as opposed to *gay* and *lesbian*, to mark a certain critical distance between 'queer' and the latter two terms, since, according to her the

latter terms foreground gayness and homosexuality. The term 'queer' (refers mainly to gay men and women), and has been, since the 1990s, the subject of much debate and dissension. The word has become a label in popular, political and academic discourse primarily in American scholarly work. Perhaps importantly, 'queer' is not to be understood as a unitary category that is fundamentally political in its nature and scope. Queer is not a heterogeneous group. Diverse social aspirations are represented by queers in respect of their sexual orientation, and numerous differences that divide them along race, class, gender, ethnic and linguistic lines. As queers, we are also constituted and represented variously according to our location within global relations of power. By adopting a queer theoretical framework in this project, I am demonstrating the value of the terms and the importance of analysing the production of the queer subject in African discourses of homosexuality. As queer theorists like Butler (1990, 1993a) have claimed, if both gender (the cultural category) and sex (the biological category) are composed of discrete categories such as female and male, then sex and gender may collapse into each other. The collapse implies that 'queer' encapsulates gender and sex in that sexual orientation references 'queer' as a same-sex desire that is defined pejoratively within a heterosexual matrix. 'Queer' to a large extent frames not just sexuality, but calls into question the gendered regimes that constitute identity. Queer theory in my view offers a critique of the ontological status of sexual and gendered categories. In this dissertation, I engage in an argument against the background of *queer theory*, a field that has come to be defined by its resistance to fixed heterosexist categories and definitional limitations.

1.6 Theorising Queer in Southern Africa: Theoretical Framing and Methodological Issues

In much the same way as Edward Said demonstrated that the ethnocentric assumptions in European cultural production could in some way be attributed to developments in the field of postcolonial studies, queer theory - in a related (yet different) sense - demonstrates and interrogates the position of the homosexual in relation to a compulsory heterosexuality.³⁴ Like postcolonial studies, characterised as a disciplinary field of the 1990s, queer theory is an academic area of inquiry representative of important critical developments of the 1990s. Developing from the area of gay and lesbian scholarship in the 1980s, queer study has roots in feminist theory.³⁵ Whereas in feminist theory a key issue was the problem of postcolonial marginality, for queer theory at issue was the question of a commitment to and critique of power, and of the way in which such power represents the queer subject within discourse.³⁶ The field suggests that the homosexual experience is central to the moral, textual and political economies of modernity.³⁷ Queer theory in my view signals a 'queer turn' in feminism and gender studies in that the object of inquiry is not just the homosexual *per se*, but also the homosexual as a subject in relation to the fissures of identity (such as race, ethnicity, gender and sexuality) – identity itself often being used as a critique against heterocentric critical practice. Queer theory is, therefore, in an important way a project that decolonises

³⁴Said (1979).

³⁵See the two special editions of *Differences: A Journal of Feminist Cultural Studies* that identify some of the theoretical connections between feminism, gay and lesbian studies and queer theory. See 'Queer Theory: Lesbian and Gay Sexualities' (*Differences*, 3(2), 1991) and 'More Gender Trouble: Feminism Meets Queer Theory' (*Differences*, 6(2-3), 1994). Both these editions are cited in the references as Schor and Weed (1991; 1994).

³⁶See Goldie (1999: 9-26) in the introduction to the special edition of *Ariel*, 30(2) titled 'Queerly Postcolonial'.

³⁷Hewitt (1996) for example writes about the construction of homosexual identity in relation to the forces at play in modernity.

heteronormative assumptions of homosexuality. Such an approach clearly identifies and locates the field as a political project. Unfortunately, despite extensive critical scholarship, the field is relatively, amorphous.³⁸ I believe, however, this amorphousness could be a strength rather than a weakness because the lack of coherence offers the potential for poststructuralist-type intellectual exploration that ensures renewed interpretations of how identity is shaped, resisted and reconfigured politically.

While a significant corpus of theoretical work in the area has characterised the Anglo-American academy, critical scholarship focusing on the African continent (in my case the 'Southern' region) is limited. Recently, American scholar, Spurlin (2001: 198) cogently articulated the relevance of queer theory in its relation to postcolonialism for Anglo-American critics, not simply in relation to Anglo-American critique of sexuality, but also in respect of its application outside the Euro-American context:

[I]t is important that we address seriously the psychic violence, effected through homophobic strategies of excessive codification

³⁸A cursory review of scholarly texts in the field of queer studies indicates the following: theoretical formulations questioning the political and the public (Blasius, 2001; Butler, 1990, 1993a; Clarke, 2000; Cooper, 2000; Fuss, 1991; Halperin, 1995; Sedgwick, 1993, 1994; Breen *et al*, 2005; Spargo, 1999; Warner, 1993; 2002); the political construction of queer sexuality (Califia-Rice, 2001; Lehring, 2003); queer life in relation to debates about same-sex marriage and the family (Lehr, 1999; Warner, 1999); the subcultures of dissidence in literary works (Bruhm, 2000; Dollimore, 1991; Delany, 2000; Edelman, 1994; 2004; Hawthorne, 1998; Press and Sedgwick, 1997; Sinfield, 1994a, 1994b); homosocial desire between men (Sedgwick, 1985); the intersection of queer theory with race and ethnicity (Barnard, 2004; Boyarin *et al*, 2003; Ferguson, 2003; Muñoz, 1999; Somerville, 2000); postcolonial critiques and transnational studies (Bhaskaran, 2004; Eng and Hom, 1998; Gopinath, 2005; Hawley, 2001; Hayes, 2000; Patton and Sánchez-Eppler, 2000); the dilemmas of citizenship and rights discourses (Phelan, 2001; Smith, 1994; Stychin, 1998; Vaid, 1995); the politics of AIDS (Crimp, 2004); interpretations of heterosexuality (Thomas *et al*, 2000); law, politics and policy (Moran *et al*, 1998; Eskridge, 1999; Phelan, 1997; Rimmerman, 2001); critiques of popular, visual, performance culture and identity (Dorenkamp *et al*, 1995; Doty, 1993; Dyer, 2001; Foster, 2004; Hanson, 1999; Home and Lewis, 1996); sociological studies, social theories in relation to the sexual self, the social order and social change (Kirsch, 2001; Seidman, 1996; 2002; Seidman & Alexander, 1997; Zavarzadeh *et al*, 2001); queer theory and communication (Ringer, 1994; Yep *et al*, 2004); queer politics and lesbian feminism (Jeffreys, 2003); teaching and pedagogy (Steinberg *et al*, 1997; Tierney, 1997); psychoanalytic interpretations (Campbell, 2000; Dean and Lane, 2001; De Lauretis, 1994); critiques of liberalism and the gay right (Goldstein, 2002).

and regulation, directed toward the lesbians and gay men outside the Euroamerican axes of queer politics so that we may more credibly work towards the liberatory imperatives of both fields of inquiry and help revise the heterosexist and other oppressive ways in which self, citizenship, community, and cultural identity and difference are presently configured and understood.

Spurlin's views emphasise the importance of queer theoretical questioning of the 'violence' of homophobic regulation against the queer subject, but he cautions against an uncritical application of a Euro-American queer politics without due consideration of the context of non-Euro-American identities. Spurlin (1999: 231-232), in a reading of the politics of race and sexuality in relation to African-American writer, James Baldwin, and the implication of his insights to the 'new' South Africa, writes:

Queer identities and cultural practices in contemporary South Africa are important in relation to the kind of identity politics Baldwin professed because they are being shaped by the resistance to fixed identities and fixed notions of culture previously imposed by the system of apartheid, and because new spaces of queer visibility and identity among Africans (as opposed to their confinement largely to white middle-class urban areas) have broadened the spectrum of queer identities in the region.

Spurlin's categories of 'queer identities' and 'cultural practices' are valuable concepts for interpreting the formation of what he terms 'spaces of queer visibility' within structures of resistance and change (see Chapter 6 below). The supposed arrival of the 'queer moment' in South Africa is not simply located in the liberation politics of the post-apartheid context, but has its roots in the apartheid state. Spurlin highlights the important connection between race, gender and social class in understanding the development of queer spaces and queer identities in South Africa. Queer life and political organisation in South Africa has been closely aligned to the systemic violence of apartheid

structures.³⁹ Lesbian and gay writing in South Africa has also responded to exclusion from the heterosexual literary canon, and in Krouse and Berman (1993), the experiences of coming out are framed in relation to stigmatisation and accusation. Similarly, the exclusion of gays and lesbians from mainstream religions (most notably Christianity) is the basis for a critique of the religion's alienation of homosexuals (see Germond and De Gruchy, 1997; see also Chapter 7 below). Recently Luirinck (2000) focused on the experiences of black gays and lesbians by drawing attention to factors such as race and class in relation to the development of black gay identities in Southern Africa. This popular social historical study also speaks of the resistance of black gays and lesbians to the homophobia inherent in mainstream cultural practices, which has violent consequences for young gay men and women. All studies cited above emphasise, in part through historical investigations, the pathological status of homosexuality as a 'queer' deviant formulation imposed on homosexuality by compulsory heterosexuality.

Rather than re-writing or re-theorising the historical formation of queer theory,⁴⁰ I wish in this section to demonstrate the efficacy of queer theory for my project, especially since what concerns me may conveniently be labelled in a non-hegemonic way, an African conception of queer sexualities within an African feminist approach to

³⁹See Gevisser and Cameron (1994) for one of the best historical descriptions about this; see also Isaacs and McKendrick (1992) for a social work perspective on homosexual identity in South Africa. Gevisser and Cameron (1994) will be an important point of reference throughout this dissertation because of the historical issues outlined in their collection.

⁴⁰A number of useful critical introductions exist. A foundational introductory text by Jagose (1996) locates queer theory's historical development, influences and sources such as the homophile movement, gay liberation, lesbian feminism, claiming queer theory's value lies in its questioning of sexual identities. Turner (2000) provides a very useful introduction to the field, explaining the feminist basis of the approach, the impact and influence of the work of Michel Foucault, its interdisciplinary, or in some senses, anti-disciplinary focus. More recently, Sullivan (2003) has explained the historical development of the field in its application to topics such as race and performativity, and scholars who have shaped the field (such as Foucault, Butler, Rich, amongst others). Hall (2003) offers an introductory explanation of the field and suggests applications in strategies of reading. See also a similar study by Wilchins (2004).

sexuality.⁴¹ The advantage of this approach is its interdisciplinary scope, which facilitates the questioning of the very idea of sexual identities as innate and non-contextual. The primary object of analysis is to come to an understanding of homosexuality in its historical representation in order to motivate the political construction of queer identities. I develop a brief interpretation of the field by drawing on select passages from some foundational texts in the field (notably Foucault, Butler, Sedgwick and Edelman) the ideas of which resonate with my own.

The applications of queer theory to a contemporary understanding of sexual politics, especially non-heteronormative sexualities, are vast (see footnote 38). Anthologised readers,⁴² containing studies considered important precursors to earlier formulations of 'queer' - in relation to readers foregrounding gay and lesbian subjects - are equally vast.⁴³ A brief reading of these texts indicates queer theory is principally directed toward historicising non-heteronormative identity (especially, but not exclusively homosexuality) in non-essentialised ways. Informed principally (but not exclusively) by post-structuralist thinking, queer identities (and subjectivity) are shaped by a complex array of social forces and codes (such as language, power, race, gender). Interpretations vary from sociological, anthropological, historicist (in a social historical sense), philosophical, literary, cultural, Marxist, legal, and psychoanalytic. Identities are viewed principally as oppositional and resistant, implying that representations disclose the queer subject as dissident. By the latter is meant that 'queer' troubles

⁴¹There has been a limited application of queer theory to issues in the Southern African context. See Spurlin (1999; 2001); Donham (1998); Elder (1995); Holmes (1997); Kendall (1998).

⁴²See for example, Beemyn and Eliason, 1996; Cleto, 1999; Corber and Valocchi, 2002; Duberman, 1997.

⁴³See for example, Abelove *et al*, 1993; Gross and Wood, 1999; Nardi and Schneider, 1998; Murphey, 2000; Vicinus, 1996.

the hetero/homo binary in a heteronormative context (see Fuss, 1991: 1-10).⁴⁴ Despite the critique of the (post) modern 'linguistic turn' that claims queer theory displaces 'experience' in favour of the 'knowledge' produced by the subject interpellated in discourse, I view the epistemological benefits that accrue in respect of the historical queer subject to be shaped by the *experiences* within contingent historical structures of exclusion.⁴⁵

The queer theoretical field is innovative, and Foucault (1984; 1986; 1990) remains a major influence. Of crucial importance is Foucault's (1995) notion of discursivity, which I proposed as a facet of reading the public discourses of homosexuality. The notion of *discursive* is closely related to *discourse*, where the former represents the adjective form of discourse, which Foucault (1995: 38) explains in the following way:

Whenever one can describe, between a number of statements, such a system of dispersion, between objects, types of statement, concepts, or thematic choices, one can define a regularity (and order, correlations, positions and functionings, transformations), we will say, for the sake of convenience, that we are dealing with a *discursive formation*.

For Foucault, all societies have procedures and techniques whereby the production of discourses are controlled, selected, organised and

⁴⁴In the introduction to *inside/out*, Fuss (1991: 2) characterises the position of the homosexual subject in terms of the 'inside/outside' binary which encapsulate the structure of language, repression and subjectivity, and which also designate exclusion, oppression and repudiation. Fuss (1991: 5) makes an important observation which calls for a theory of marginality, subversion and dissidence to interpret the dominant discourses of sexual difference through which homosexuality is produced.

⁴⁵See for example, Seidman (in Warner, 1993: 135) on the conflict between postmodernism and identity-based politics: 'Positing a gay identity, no matter how it strains to be inclusive of difference, produces exclusions, represses difference, and normalizes being gay. Identity politics strains, as well, toward a narrow, liberal, interest-group politic aimed at assimilationism or spawns its opposite, a troubling ethnic-nationalist separatism. Poststructuralism is a kind of reverse or, if you wish, deconstructive logic; it dissolves any notion of a substantial unity in identity constructions leaving only rhetorics of identities, performances, and the free play of difference and possibility. Whereas identity politics offers a strong politics on a weak, exclusionary basis, post-structuralism offers a thin politics as it problematises the very notion of a collective in whose name a movement acts'.

redistributed within a system of power. In Foucault's terms these procedures are what he terms discursive, which is the manner in which my study views how the apartheid and post-apartheid States discipline, govern, sustain and distribute discourses of homosexuality. A relevant study by Foucault for this dissertation, and queer theory in particular, is his work on sexuality. In Foucault (1990) sexuality becomes an object of inquiry, in which secular power is concerned with sexuality as a new mode of discourse based not on morality, but on reason. He claims that in the eighteenth century sexuality began to be administered, managed and governed when governments became interested in issues of morality, health, politics and economics. Ironically, while sex was a private ('bedroom') matter and became increasingly so in the eighteenth and nineteenth centuries, it was also a matter for government; a problem that straddled the divide between state and individual as well as a public matter within the general economy of power.

The proliferation of discourses in Foucault's (1990: 36) model is not to be viewed as a 'quantitative phenomenon,' but rather in terms of the 'forms of imperatives' imposed. What emerged from his understanding were the legal sanctions that focused on the curtailment of 'unreproductive activities' in order to motivate a 'norm of sexual activity'. Foucault interprets 'unreproductive activities' as peripheral and therefore marginal sexualities, of which homosexuality was one such example. Canonical codes defined homosexual activities as unlawful, thereby relegating the homosexual to Foucault's (1990: 42-43) mind as a 'personage, a past, a case history'. Homosexuality according to Foucault (1990: 43) was constituted from the moment it was characterised:

Homosexuality appeared as one of the forms of sexuality when it was transposed from the practice of sodomy onto a kind of interior androgyny, a hermaphroditism of the soul. The sodomite had been a temporary aberration; the homosexual was now a species.

The mechanisms of power that operate to suppress (and oppress) the homosexual must therefore be viewed within a broader framework in order to explain the practices which give rise to identity. This is done by exercising what Foucault (1990: 47) calls 'bio-power' in epistemological terms. Knowledge for Foucault is not an abstract domain of inquiry: it is produced within strategies of power; the same 'bio-power' that produces the queer subject. Power for Foucault cannot be contained or described independently of the context in which power is located. Such a view does not in any way minimise the struggle, oppression and marginality of the homosexual experience by conceiving queer identities through subject-formation. (The latter is an important component of this study.) The purpose is to identify the systems of oppression that misrecognise queer experience and simultaneously to show that subject-formation reinforces the constructionist position. I claim, following Foucault, that expressions of power that are particularised and local, produce discourses of truth in relation to identity and subjectivity. Queer subjectivity therefore, is disclosed and constituted historically within power relations. Given that the idea of the subject is complicated and could refer equally to the individual subject; the subject before the law; a concrete exercise of power over the subject (and also by which laws one becomes subjected); or the national, supposedly collective subject (Wolfreys, 2004: 232), the underlying issue seems to be, following Butler (1992: 13) a question of ontology in a political sense:

The subject is an accomplishment regulated and produced in advance. And is as such fully political; indeed, perhaps *most*

political at the point in which it is claimed to be prior to politics itself.

Building on these themes, a number of scholars have articulated the coercive processes of the law, government and the state involving domination, identification and regulation that produce the subject (see for example Copjec, 1994; Elam, 1994; Foucault, 1980; 1987; 1989; 1990; Gagnier, 1991; Mansfield, 2000). Queers are constituted as subjects within Foucault's model when subjected to control by powerful operations. In this system of subjection, Foucault also claims that self-knowledge, which is linked to identity, is not lost.⁴⁶ The struggles between the subjected and the controlling power, in Foucault's model, give rise to identity formation, especially when the struggles concern resistance against domination and the exercise of power.

Two foundational texts that more formally announce and inaugurate the theoretical field are *Gender Trouble: Feminism and the Subversion of Identity* (Butler, 1999) and *Epistemology of the Closet* (Sedgwick, 1994).⁴⁷ In '*Gender Trouble*' Butler calls into question the category of the subject in a genealogical critique (following the model proposed by Foucault) that demonstrates the subject's emergence within discourse. In an important sense, this text is a genealogy of the discursive construction of identities and bodies. Butler demonstrates the exclusion of identities within what she terms the heterosexual matrix. This is similar to my own focus on the apartheid project, in which I show that the apartheid project not only marginalised racial identities, but also attempted to preserve its own stability and coherence at the

⁴⁶In for example *The Use of Pleasure* (Foucault, 1984: 12) explains that his project is 'A History of the experience of sexuality, where experience is understood as the correlation between fields of knowledge, types of normativity, and forms of subjectivity in a particular culture'.

⁴⁷References to the texts by Butler (1999) and Sedgwick (1994) refer to later editions. In the case of Butler (1999), the second edition; to Sedgwick, a later reprint.

expense of 'other' identities such as, for example, queer identities. Butler's reading is extended in her second book, *Bodies That Matter: On the Discursive Limits of 'Sex'* (1993a) in which she considers how, in a culture, certain bodies come to *matter* more than others. Her theory of materialisation views the material category of sex as a site of permanent contestation, meaning that the body is a site of vulnerability, of longing, of suffering, disease, reproduction (sometimes), dying and death.⁴⁸ Butler reiterates how the excluded body, the abject body in particular (and by extension the homosexual body), is viewed as potentially disruptive to the symbolic order of viable bodies motivated by the heterosexual matrix.⁴⁹ In these two foundational texts, Butler (1999: xi) confirms a queer theoretical focus that asks 'how non-normative sexual practices call into question the stability of gender as a category of analysis'. Crucial to this theoretical question for Butler (1999: xii) is not the view that 'forms of sexual practice produce certain genders, but only that under certain conditions of normative heterosexuality, policing gender is sometimes used as a way of securing homosexuality'. Most crucially for Butler (1999: xii) it is not 'heterosexual normativity that produces and consolidates gender', but the 'gender *hierarchy* that is said to underwrite heterosexual relations' (my emphasis). The 'hierarchy' in question is principally informed by how identities and subjectivity are formed within power structures. In other words, subjecthood is not pre-given, but rather something that is in the process of becoming. To explain this, Butler turns to the notion of performativity as a possible

⁴⁸Butler (interviewed in Reddy, 2004b: 117) clarifies the position more cogently: 'To understand any of these profoundly human dimensions of bodily experience, we have to consider the body as something that not only occupied specific sites and places, but something that is also in time, temporalised. It is impinged upon, for instance, by social norms, but it also enters into extended ways of living, modes of appropriating and re-enacting social norms, ways of giving material substance to norms that can be described as processes in time'

⁴⁹The notion of the homosexual body as an abject body is valuable to my own project because it confirms how such a body is viewed as a form of subversion and the attempt to determine a corporeal identity.

improvement on social construction theory to suggest that gender is more than culturally specific meanings that are inscribed on an already sexed body.⁵⁰ In her view the act, or activity of gender is both intentional and performative where the latter entails public, repetitive actions of movement, gesture, posture, dress, labour, production, interaction with objects, and the manipulation of space. (See Chapter 6, below, for an extended discussion about this concept). The 'performative' in the Butlerian project has less to do with 'performance' than it has to do with 'the effect of a regulatory regime of gender difference in which genders are divided and hierarchized' (Butler, 1993b: 21). Butler (interviewed in Reddy, 2004b: 116) reasserts what 'performativity' is not:

The first point to understand about performativity is what it is not: identities are *not* made in a single moment in time. They are made again and again. This does not mean identities are made radically new every time they are made, but only that it takes some time for identities to be brought out; they are dynamic and historical [...] This is not just a question of a private struggle with the self, but of the social terms by which identities are supported and articulated. In this sense, it is always in the context of a certain constellation of social power that I am able to pose the question of my own becoming differently. Through what constellations of social discourse and power was I brought into the world? [...] My view is that there are norms into which we are born – gendered, racial, national – that decide what kind of subject we can be, but in being those subjects, in occupying and inhabiting those deciding norms, in incorporating and performing them, we make use of local options to rearticulate them in order to revise their power. Norms cannot be embodied without an action of a specific kind.

This passage represents some of the important parameters of Butler's thinking, which inform the theoretical basis of my project. Among the parameters are the interrogation of the ontology of language and discourse; the relationship between politics and language and the

⁵⁰Butler develops her ideas on performativity, in part based on the work of Sedgwick (see for example, Parker and Sedgwick, 1995).

critique of identity; and the subversive nature of identities as configured within (and by) the heterosexual matrix. Underpinning the above passage, and a recurring theme within Butler's (1999: xxii) project is the question of what it is to be human in processes that determine identities:

What continues to concern me most is the following kinds of questions: what will and will not constitute an intelligible life, and how do presumptions about normative gender and sexuality determine in advance what will qualify as the 'human' and the 'livable'.

The 'human' and the 'livable' are central to any configuration of queer identities in my own project as well. In asking the above questions Butler does not, in my view, abandon experience in favour of verbal politics, but is crucially concerned with assessing how we mobilise meanings around identities. 'Queer' is also closely linked to subject-formation and identity in the Butlerian project. Butler's subject is a linguistic structure that is always in the process of formation. In this way, we could interpret that a subject derives identity through an endless process of becoming. Viewing the queer subject this way does not, in my view, restore the experience of the homosexual, but rather demonstrates how the homosexual is produced as a subject in epistemological terms. By this I mean that ideas about experience and identity accrue in conceiving homosexuality within discourses of power and performativity in marked contrast to the reductiveness in interpreting identities as fixed and immutable essences within heteronormative models.

If Butler's 'heterosexual matrix' is understood in terms of the cultural assumptions that shape, construct and configure the homosexual, then Sedgwick's 'epistemology of the closet' likewise reinforces the

transitivity of sexual identities, which implies that identities are formed in relation to specific contexts. Sedgwick (1994: 1) proposes that major nodes of thought and knowledge in the twentieth-century have been framed, structured and fractured by what she terms the homo/heterosexual binary, which is a site of much contestation. Sedgwick's (1994: 2) view is applicable to my project insofar as she claims that institutionalised taxonomic discourses (such as the medical, legal, literary, and psychological) structure same-sex desire, and these discourses, she claims, are marked by inequality and contest. For Sedgwick, the 'closet' as a defining structure of gay oppression in the 'privacy' (and thus secrecy) it imposes on homosexuals can be read as opposite to 'coming out' (into the visible and into the public) which can be read as a 'private' secret to be disclosed. The 'closet' may be read as a site and space that reveals much about the oppression of the homosexual within heteronormativity. The notion of an 'epistemology of the closet' is a key analytical tool for Sedgwick (1994: 19) which derives, in part, from a 'homosexual panic'. The latter for Sedgwick (1994:19-20) constitutes an artificial and 'individualising assumption' to pathologise homosexuals in a type of 'socially sanctioned prejudice'. This type of panic is not a new occurrence. It may be traced to similar 'moral panics' like those that characterised the Aids crisis in the early days of the epidemic, and also diseases such as syphilis in the nineteenth century. The notion of a panic refers to public anxiety about an issue that is perceived as a problem, homosexuality for an example. Central to this panic are the following influences: myth, popular assumption, and religion (Watney (1987)). The point emphasised here is that panics give rise to bitter cultural and political battles over sexuality that

construct certain groups and individuals (such as homosexuals) as outlaws by labelling them immoral (see Chapters 2, 3 and 5 below).

The discourse of a moral panic that underpins homosexual 'attacks' also reveals that moral codes are often based on face-value assumptions of highly complex areas of debate. Issues surrounding the *naturalness* and *normalcy* of homosexuality are highly contested. These words are inherently subjective and extremely difficult to quantify. In addition, disciplines that '[suggest] that homosexual desire is merely learned, and therefore curable by enforced unlearning [...] share a normative, taken-for-granted assumption that the central cultural and social subject of their enquiries is exclusively heterosexual' (Watney, 1987: 56-7).

Sedgwick's concept of the 'homosexual panic' is relevant to my motivation of the queer construction of identities in Southern Africa, insofar as her concept motivates the anxieties and crystallises the fears of homophobes. For Sedgwick (1993: 8) 'queer' is an open mesh of possibilities, gaps, overlaps, dissonances and resonances that emerge in discursive formations.

In another study, Edelman (1994: 3) suggests a methodological clarification of inscriptions of sexuality that ask us to recognise the 'homosexual' in order to bring 'homosexuality' into theoretical view. According to Edelman (1994: 4), *homographesis* is a way to bring into focus the historical, political, and representational differences that are inscribed in a culture. The inscription of the 'homosexual' (homo) in the relationship to 'graphesis' (writing) points to, in Edelman's (1994: 9) terms, the 'achievement of identity as self-presence':

That (which) 'homographesis' would hope to specify is not only (that) 'homosexual identity' is differently conceptualised by a heterosexual culture as something legibly written on the body, but also one in which the meaning of 'homosexual identity' itself is determined through its assimilation to the position of writing.

Edelman's seminal work suggests a methodological approach to readings of the queer subject within representational practices. In this project I similarly read the subject in relation to issues of structural control – of law, and prohibition that underlie the subject's relation to the heteronormative order.

Flowing from the above, a queer reading formulates the convergence of the problem of homophobia with that of the subject formation of the homosexual, who is usually criminalised, or disavowed and even elided. In most instances homosexuality is viewed as threatening because perversion marks the figure of the homosexual in the eyes of the homophobic heterosexual. Queer theory, as a corrective to homophobic discourse, suggests a mode of reading that challenges epistemologies that mask the visibility of gays and lesbians. By applying a queer theoretical reading to the issues in this dissertation, I juxtapose disparate texts (drama, and political speeches for example) and trace the connection between the various sites of non-normative desires that emerge within them. Unlike Sinfield (1994) who uses 'queer reading' to designate any individual or subcultural group that stands outside of the mainstream culture, I view a 'queer reading' as a strategy to account for the representations of the homosexual within historical public discourses in Southern Africa.

An important meaning disclosed by readings from the above perspective, is the violence committed against queers by heteronormativity. 'Queer' reinforces an interpretation of homosexual

arrangements within restrictive heterosexual structures and enables recognition of queer articulations of identity as not simply within structures of protest, but also resistance. The type of reading underpinning my queer theoretical model is a discursive practice. The discursive approach foregrounds the effects of representation (in other words its 'politics'), that consider the historical contingency of the queer experience in a regime of representation that demonstrates how meaning is deployed. The 'discursive turn' does not simply prioritise 'language' as some critics have suggested (see Mackay, 1997), but encapsulates how discourses (ideas and practices) configure meaning, representation and knowledge in relation to social and political forces (see Hall, 1997).⁵¹ Such a reading explores how the queer subject is produced through processes and forms of regulation, and becomes an object of inquiry in the process. The queer subject, as claimed repeatedly so far, is historically produced, and here history is read not as a diachronic linear narrative shaped by continuities, but rather as a discursive practice that shows synchronic cracks, ruptures and discontinuities. Young (2004: 3) offers a useful methodological formulation that conceives history 'not as a single overarching narrative, but in terms of networks of discrete, multitudinous histories that are uncontainable' within a single schema. If as Felman and Laub (1992: 115) observe, discourses exist in a state of referential debt, of 'constant obligation' to the 'woes of history', then reading history in this way also reinforces an understanding of the structure of the apartheid State, and the operation of its various institutions that mobilise violence against the queer subject. History is always constructed in a formulation that Williams (1965: 67) describes earlier as a 'selective tradition'. My own project has also selectively isolated a

⁵¹Mackay (1997) proposes alternative readings that are non-discursive, focusing on an expressive and creative approach to meaning, challenging the notion that 'language' is crucial to any discourse.

series of themes in a political project that uses theoretical insights of queer theory as a form of social practice.

1.7 The Political Construction of Queer Identities

I have referred thus far to the 'political' as a feature that characterises both queer theory and the kind of reading that is mapped in this dissertation. The 'political' is a derivation of the word *politiki* (meaning 'politics' in Greek) which refers to the 'affairs of state'. This definition implies that there are matters which may not be matters of the State (as in government), but which do *matter* to the State. Homosexuality is one such *matter* where the State encroaches on the realm of the 'private'. The 'political', it seems, underlines to a large measure the notion of the 'public,' the 'civil' and ideas about power. The political construction of queer identities in Southern Africa is a direct by-product of political processes (state policy and the legal and cultural responses to that). Knowledge about queer identities is the result of evidence of the processes that are fundamentally political. Politics in this study, following Foucault again, is a form of practical engagement within social relations. More so, any conception of 'politics' in relation to identity focuses upon the notion of resistance to power.

The construction of the queer subject, like the subject of feminism, following De Lauretis (1986: 9), is 'a political-personal strategy of survival and resistance that is also, at the same time, a critical practice and a mode of knowledge'. As explained earlier, the discursive conditions of queer emergence is closely connected to how identity is invested and mediated by discursive frames, such as, the juridical,

political, civic and literary (see also De Lauretis, 1987).⁵² The homosexual, I claim, is a politicised object in the apartheid imaginary. This does not assume that the *political* is lost in the post-apartheid imaginary. Rather, I am suggesting the *political* is forged in concrete historical and political practices, and that the misrecognition of homosexuality actually initiates and sustains identity formation (see for example, Croucher, 2002).⁵³

South African society, in particular, is challenged by the development of identity - as claimed earlier by the 'rainbow' metaphor - because with the metaphor focused on race (see Distiller and Steyn, 2004). In the last five years there have been some studies that focused on social and cultural identities in post-apartheid South Africa and that deal generally with the construction of identities at the expense of sexuality and indeed 'race'.⁵⁴ In these studies, it seems, the crucial terms under construction are less 'race' and 'sexuality' than 'nationality' and 'culture'. Where the Distiller and Steyn (2004) study responds to critical absence around 'race' and identity, my dissertation likewise speaks to the absence of critical explorations around sexuality - in particular homosexuality and identity - and its intersection with issues of nation, culture and gender for example. Identity is, therefore, a key notion in contemporary discourses. And in this study, as indicated earlier, identity is viewed from the constructionist perspective.⁵⁵ Schick (1999: 19) motivates an explanation of identity:

⁵²De Lauretis (1987: 1-30) provides a very cogent formulation of the discursive constructions of identity in relation to cultural production that underscores my own - being that identities are shaped by power formations.

⁵³Croucher (2002) for example provides a useful political analysis of the gay liberation movement's contribution to South Africa's democratisation. She claims that the democratic transition presents a political opportunity structure amenable to gay mobilisation.

⁵⁴See for example: Erasmus, 2001; Nuttall and Michael, 2000; Steyn, 2001; Wasserman and Jacob, 2003; Zegeye, 2001.

⁵⁵Critical scholarship focusing on identities is extensive, and identifies from a range of disciplinary perspectives. Some texts include: Butler (1990); Castells (1997); Du Gay (1995); Du Gay *et al* (2000); Hall

Identity is the socially constructed, socially sanctioned (or at least recognized) complex of self-significations deriving from an individual's membership in such collectivities as class, race, gender, sexuality, generation, region, ethnicity, and nation [...] At the same time, identity is never 'complete'; rather, it is always under construction. To put it more explicitly, identity is not an object but a *process*. Furthermore, this process is not even: times of crisis or transition are often periods of particularly intensive identity construction [...] identity is a representation, and the representation of identity, whether to oneself or to others, is in fact its very construction.

Identities seem to me to be in some sense hybrids and irreducibly discursive formations that acquire a political inflection in relation to the contexts within which they emerge. Identities, as mapped in this dissertation, are fluid entities that tell us about experiences, beliefs, personal histories, cultural assumptions and values in relation to discursive systems. Identities are, following Hall (1995: 65), not essences but rather 'processes that constitute and continuously reform the subject who has to act and speak in the social and cultural world'. In extending this to the queer subject, identities could be conceived as our sense of ourselves as individual and social beings, which are constructed through structural processes and subjected to the play of history, culture and power, rather than being innate and pre-given. Creekmur and Doty (1995: 1) also view identity construction to be 'constrained and proscribed by a dominant culture', which articulates the historical and social formation of queer identities. In an earlier formulation, Laclau and Mouffe (1985) suggest that identity is an imaginary construct that directs our attention towards hegemony, especially in terms of how hegemonic social power aims to fix identifications around nodal points where identity can be constructed and policed. Such has been the operation in respect of

and Du Gay (1996); Laclau (1994); Maalouf (2000); Rutherford (1990); Rajman (1995); Woodward (1997; 2000; 2003); Weeks (1991).

heteronormative constructions that proscribe and pathologise queer identities in South Africa.

Identity indexes, for example, many factors such as education, language, culture etc. I show in this dissertation that the constitution of queer identity is an important effect of the new (post-apartheid) state. This view does not contradict my earlier assertion that 'queer' identity was not advanced in the apartheid project. It seems apparent that identity matters, not only as a concept, but as a contested factor of political life. Identity is closely connected to normalising the queer self, and is produced in relation to a type of sexual citizenship that involves negotiating the private and public spheres. I subscribe to the view suggested by Hall and Du Gay (1996: 4) that identities are future-oriented, a matter of becoming rather than being. A question, posed earlier, asked how homosexuality is played out, performed, constituted and configured. The purpose there was to ask how identity is structured by experience, power and agency (the latter referring to the degree of control that we as queers can exert in resisting oppression). If identities are indeed about *becoming*, about *formation* rather than something already *formed*, this dissertation opts for the former. The study considers how queer identities are formed, to what extent we queers shape our identities, and what uncertainties about our queer identities are likely to emerge (I return to the latter also in my conclusion). To partly determine how these issues produce knowledge about queer identities in Southern Africa, it is necessary to consider the empirical bases upon which some claims about queer identities may be made.

1.8 The Empirical Basis of this Dissertation

The empirical basis of this dissertation is an archive that is also historically invested (see Hamilton *et al*, 2002). Unlike Reid (2002: 206), who explains an archive as a 'place of safe-keeping, preserving and imagining', I view the archive as a repository that represents the *active* forces of the past, which disclose how cultural events construct and participate in reconfiguring knowledge about the queer subject. Such an archive is linked to the production of knowledge, and in particular to identity formation in the manner in which knowledge circumscribes ideas about identity.

In another sense, archives may be considered documents of exclusions that are in some sense monuments to particular configurations of power (Stoler, 1996). The 'archive' for Foucault (in Faubion 2000: 289-290) is 'the accumulated existence of discourses', functional units' where the subject is not 'inside truth but inside the coherence of discourses' formed through complex relation of forms. Foucault's (in Faubion 2000: 309) conceptualisation holds much significance for the way in which I have utilised the archive:

I shall call an *archive*, not the totality of texts that have been preserved by a civilization or the set of traces that could be salvaged from its downfall, but the series of rules which determine in a culture the appearance and disappearance of statements, their retention and their destruction, their paradoxical existence as *events* and *things*. To analyse the facts of discourse in the general element of the archive is to consider them, not at all as *documents* (of a concealed significance or a rule of construction) but as *monuments*; it is – leaving aside every geological metaphor, without assigning any origin, without the least gesture toward the beginnings of an *arche* – to do what the rules of the etymological game allow us to call something like an *archaeology*.

Most sources underpinning the arguments in this dissertation have been drawn from the Gay and Lesbians Archives (GALA) (see Reid, 2002)⁵⁶. Sources emanating from GALA are used to motivate and reinforce the political construction of identities in relation to the meanings generated by them. I use the word 'archive' to identify events that signal the development of identity produced by the events and effects of history. It should be emphasised that I do not view the 'archive' as a fixed, predetermined entity, but rather a repository that is dynamic and changing. For example, a researcher contemplating a history of homosexuality in South Africa in the next century, will be obliged to recognise the shifts and changes in history. Neither do I see the archival sources selected in this study as representing a 'memorial-monument' to an essentialised queer experience.⁵⁷ I read historical *events* as evidence of experiences that generate discourses and ideas about identities.

The concept 'event' is another key concept used in this study. The *OED* explanation of 'event' focuses on the notion of a 'happening,' 'occurrence,' an 'outcome,' an 'issue,' which proceeds from the 'operation of a cause'. What is significant about these associations is that the meanings designate the temporal, and in the context of this study, events temporalise the referents (the queer subjects and heteronormative agents). Wolfreys (2004: 70) suggests that the notion of an event appears to 'nominate or ontologise that which takes place, thereby providing an *identity* for forms of manifestations of

⁵⁶The essay by Reid (2002) focuses on the value of an archive as a documentation of the historical record. Reid (2002: 204-205) makes an important point about the archives as a political project, a point that also reinforces the type of reading I have mapped out for sources from the archive: 'The location of GALA was influenced by (a) unique political history [...] The establishment of GALA is both a response to the changing political situation and part of an ongoing social movement in South Africa'.

⁵⁷See the introductory essay by Young (1993) focusing on the idea of the monument and the role of the monument in public memory. Young claims the traditions and experiences of memories reflect ever-evolving meanings.

interaction' (my emphasis). The modalities of an 'event' are therefore focused on articulating, in Foucault's (1995: 128) system of statements (whether events or things) of an archive. Bhabha (1994b: 270) offers a useful methodological interpretation of 'event' that also motivates my own use which emphasises *event* as a performative matrix to be read within epistemological terms:

Indeed, a more productive discussion of the 'event' is one that neither subsumes it into 'theory' nor appropriates it by 'practice,' but allows it to maintain its own performative authority and interrogates the conditions under which knowledges, images, and discourses are socially and pedagogically authorized. By examining these agencies and ideologies of authentication, through such a notion of event we might be able to attend to the various thematics and technologies that create the 'public' sphere or dimension of a historical event.

The term, 'event,' seems, therefore, to involve space and temporality, two aspects that disclose a particular modality of knowledge in a public and political sense, a point Patton (2000: 27-8) explains in the following way:

Events are incorporeal transformations which are expressed in language but attributed to bodies and states of affairs. In so far as language serves to express such incorporeal transformations, it does not simply represent the world but intervenes in it [...] Event attributions do not simply describe or report pre-existing events, they help to actualise particular events in the social field. The manner in which a given occurrence is described determines it as a particular kind of event. That is why politics frequently takes the form of struggle over the appropriate description of events.

The ideas framed in *Part 2* of the dissertation are informed by events of historical production, moments (and spaces) in which queer subjectivities are framed. The events described in the course of the argument disclose modes of being queer as oppositional identities circumscribed by heteronormative systems of power. The sources are multifaceted, as indicated earlier (for example, submissions to law

commissions, unpublished playtexts, political speeches, news clippings, policy documents, reports). The events discussed in *Part 2* are defined through particular junctures, or stages within history and therefore do not determine closure to the political construction of queer identities. My study is not an all-encompassing account of queer identities in historical formations.

1.9 Some Delimitations

As explained so far, public discourses about homosexuality have less to do with desire, than with questions about politics, histories and identities. In titling the dissertation *Moffies, Stabanis, and Lesbos: The Political Construction of Queer Identities in Southern Africa*, I motivate that homosexual experience becomes 'queer' as a form of revolt against a moral power that gave form, during apartheid, to this subjectivity. 'Queer' therefore suggests a political emergence and formation of identity through systems of exclusion. I claim in this regard that homosexuality may be conceived as a discourse in representation. This is therefore a project that considers the public discourses of homosexuality and meanings that emerge in relation to such discourses in a fairly specified period within the historical development of Southern Africa. Such a view does not deny the experiential ground of human experience, but rather motivates how 'experience' may be read as accumulated knowledge in the construction of identities. The designation 'Southern' may appear confusing to the reader. The principal focus is South Africa, although Chapter 5 zeroes in on other parts of southern and eastern Africa in respect of homophobic speech.

My focus is diachronic and discursive. I isolate a series of key historical moments in relation to archival sources and events that register a political constitution of queer identities. Such a scheme to view homosexuality is by no means definitive and homogenising. The time frame within which this project is placed is 1948 to the present. The historiography of this period reflects the legal birth of institutionalised apartheid (1948) and the birth of the post-apartheid project (1994). The diachronic model enables the adjudication of the location and position of queer sexualities within the historical conditions that give rise to such identities.

The study does not use psychoanalytical models to conceive the subject. As indicated earlier, I read (like Foucault) the emergence of the subject in the matrix of power. I do not claim to be a legal scholar, historian, anthropologist or sociologist in interpreting the discourses in relation to the issues I discuss. This dissertation is not concerned with anthropological or historical homosexuality (i.e. a documentation of a visible form of same-sex conduct). I do not focus in detail (except in relation to two plays in Chapter 4) on the broad literary (and cultural) discourses of homosexuality in South Africa that have similarly responded to frame queer identity (or 'gayness' as some scholars have termed this) both within and beyond the apartheid project.⁵⁸ A weakness of my study is not the exclusion of such discourses, but the opportunity such discourses present for further investigations in a comparative perspective beyond my current project.

⁵⁸See for example, Bellis, 2002; De Waal, 1994b; Dunton, 1989; Jacobs, 2002; Stobie, 2003; Trengrove Jones, 1998; 2000.

I also do not identify forms of practices that disclose same-sex desire in Southern Africa within a purely historicist analysis.⁵⁹ The project interrogates the conditions by which homosexuality emerges as a 'queer' phenomenon in a politicised sense. As such, I raise questions about the possibility for the freedom of the queer subject, a freedom informed by a displacement of prohibition and the establishment of citizenship in which identity and desire may coalesce. The question of 'freedom' is a valid concern that reminds us, in the context of Butler's notions of the 'human' and 'livable,' about the future for the political construction of queer identities.

The political comprises networks of relations that exist between institutions and their representations, and the critique of identities (as espoused by queer theory) offers a provocative and innovative methodology to understand identity formation. If Lumphondwana declares: 'I am a lesbian', she at best discloses a provisional subject position and describes a resistance to the hegemonic heteronormative political order. 'I am a lesbian' inserts a discourse of knowledge, recognition and identity into a larger historical and political context that challenges societal processes of silencing and shaming. It is to these hetero perceived transgressions I now turn.

⁵⁹See Achmat, 1993; Moodie, 1994; Epprecht, 2004; Harries, 1990; Kendall, 1995.

CHAPTER 2

'A Normal Person Cannot Be Made Queer': ¹ The Immorality Act (Amendment) Commission of 1968

No, Sir, history has given us a clear warning and we should not allow ourselves to be deceived into thinking that we may casually dispose of this viper in our midst by regarding it as innocent fun. It is a proven fact that sooner or later homosexual instincts make their effects felt on a community if they are permitted to run riot [...] Therefore we should be on the alert and do what there is to be do lest we be saddled later with a problem which will be utter ruin of our spiritual and moral fibre.

Justice Minister PC Pelsler (in Retief, 1994: 99)

May I humbly submit this statement, praying that the government does not proceed further with the proposed legislation prohibiting homosexual acts between consenting adults in private.

P R Coates (1968)

As a Christian woman, mother of three adult children [...] I implore you to give this vile practice the disciplined punishment it deserves.

Frances Katz (1968)

I am a practising homosexual and thus an authority on the subject. I am not guilty about my State nor do I in anyway consider myself a criminal or pervert merely because I am the person I am and feel the way I do.

Judex (1968)

2.1 Social, Political and Legal Context

South Africa of the 1960s was characterised by the consolidation of the power of the ruling National Party (NP) in its restructuring of South African society, not simply in terms of race, but also in terms of sex and sexuality.² This chapter focuses on the latter in relation to a

¹Peter Black (Submission to the Minister of Justice, 1968, housed in the Gay and Lesbian Archives, University of the Witwatersrand, Johannesburg).

²The racial segregation of South Africa was consolidated in several ways during the period, 1948-1960. The Law was one of the chief instruments the State used in order to systematically separate the races in all spheres of South African society. Some of these laws include the Group Areas Act of 1950 which designated specific urban areas for occupation by particular racial groups. Under the so-called Natives (Abolition of Passes and Coordination of Documents) Act of 1952, the various passes required by Africans were consolidated into a single pass book (officially called a 'reference book'). Interestingly for the first time since 1920 women also had to carry passes. Every African had to carry the book at all times and produce it on demand to any policeman. Failure to produce the book included fines and imprisonment. The 1954 Native Resettlement Act led to the removal of 58 000 Africans from the Western areas of Johannesburg (including Sophiatown) to Meadowlands in Soweto despite mass popular resistance. Many coloureds,

Commission that decided on curtailing same-sex conduct. Such a proscription, I argue, must be viewed in the broader context of the apartheid apparatus.

Central to the apartheid programme was the racial classification of the population, achieved, in part, by the Population Registration Act of 1950, which required every person in South Africa be classified into one of four racial groups: 'Native' (later changed to 'Bantu'), 'European' (later 'White'), 'Coloured', and Indian (later 'Asian').³ The racial classification was further reinforced by the formulation of another legal instrument, the Prohibition of Mixed Marriages Act of 1949 that prohibited marriages between whites and members of other racial groups. This Act may be traced back to the Immorality Act of 1927 that specifically prohibited extra-marital intercourse between African men and white women. Under the 1950 Immorality Act all extra-marital sexual contact between whites and blacks was made punishable by up to seven years' imprisonment (Pampallis, 1991: 183). The 1950 Immorality Act, was in its turn renamed the 'Sexual Offences Act' in 1957 and was of particular relevance to the further criminalisation of homosexuality, which does not, however, imply that homosexuality was legal (or condoned) in South Africa prior to this point (Burchell, 1997).⁴

Indians and Chinese who lived in Sophiatown were also forced to move. A white suburb named Triomf (Triumph) was later built on the site of Sophiatown. In 1959 the State passed the Extension of University Education Act which closed 'white' universities to blacks, except with special government permission. See Pampallis (1991: 179-190).

³ Numerous studies verify these issues and provide a good historical account of the racial formation of South Africa. See, for example, Coleman (1998); Pampallis (1991); Thompson (1985; 2001); Worden (1995).

⁴ See Burchell and Milton (1997), Burchell (1997) Snyman (1995) for legal definitions of sodomy within the context of criminal law. Perhaps also relevant here is that according to South African common law at the time, the age of consent for heterosexual intercourse for a girl is 12 years old, and a boy 14 years old. This age of consent for heterosexual sex was set at 16 years in 1957 for both genders.

An important aspect in South African legal jurisprudence was the operation of 'common law'.⁵ In South African common law, sexual acts that are not directed towards procreation were considered criminal, and some of these included masturbation, bestiality, and sodomy between people of opposite sexes (Hardie and Hartford, 1969). In the apartheid state the terms 'sodomy' and 'unnatural acts' were understood in gendered terms as acts confined to men. In other words sexual acts between women were not considered criminal. Sodomy was defined as anal intercourse between two men. 'Unnatural acts' were conceived as any other non-procreative acts such as inter-crural intercourse (sexual gratification obtained by friction between the legs of another person) as well as mutual masturbation. The terms, 'sodomy' and 'unnatural acts', mobilise a specific lexicon of the law in order to pathologise particular genital bodies that have come to be characterised as homosexual. South African 'case law' confirms, in a number of cases since the 1920s, a particular contempt with which courts prosecuted and punished same-sex activity.⁶ The point to be emphasised is that in the sixties the State intensified its proscription of same-sex conduct in a number of ways, and its chief recourse, I argue in this chapter, was via the legal framework. The chief legal instrument used by the State was the Sexual Offences Act of 1957 that identified several offences within this new taxonomy and which criminalised types of sexual conduct that did not promote procreation. Chief amongst these was homosexuality.

⁵Common law is a body of legal rules that are not contained in legislation (also called 'unwritten' law). It is a non-statutory system of law that refers to Roman-Dutch law (historically influenced by English law). Related to this is the unwritten, customary law (or indigenous law) that has gradually been harmonised with the post-apartheid Constitution of 1996. Customary law applied to citizens in particular tribal or religious courts in South Africa. See Walker (1980).

⁶Case Law refers to the cases in respect of specific events that have been tried in courts. I refer here to some of the cases cited by Labuschagne (1986: 167-185) in his article (original in Afrikaans): 'Decriminalisation of Homophilia and Zoophilia' in which he makes a case against criminalisation. He cites a number of cases of mutual masturbation such as *R.v. Gough and Narroway* (1926) that the court described as 'abhorrent and grossly indecent'. In another case, *Baptie v. S* (1963), the court considered same-sex conduct as a mental condition requiring psychiatric treatment.

The express fear of the State was that any 'visible' (or 'public') homosexual behaviour would be construed as the promotion of homosexual identity, and the State thus set out to curtail homosexual identity via the legal system. The State's fear itself discloses a particular political response to the phenomenon of homosexuality.

I have begun by pointing briefly to the social, political and legal context of South Africa in the late sixties, and provide here a perspective on the legislative intervention by the State in 1968. I then consider the broader impact of its regulation of homosexuality in relation to personal narratives by individuals who made submissions to the Select Committee on the Immorality Amendment Bill of 1968.

The explicit association of homosexuality with 'immorality' is telling, but hardly surprising. 'Immorality' denotes the transgression of that which is considered acceptable, but it also denotes sexual dissoluteness and promiscuity, ideas that come to label, designate and configure the homosexual. The purpose of this chapter is to demonstrate the public conflict over sexuality that I claim had less to do with the practice of same-sex conduct than with a particular queer formation of identity. I also suggest that particular meanings arise about the construction of queer identities in the apartheid state in relation to the submissions made by people during this period. In this regard the dissertation motivates the view that 'queer' identities may be traced to the apartheid state where a particular racialised variant is to be discerned in the submissions. In Chapter 7 I claim that post-apartheid queer identity is to be characterised as radical, progressive and democratic, as opposed to the apartheid version that I theorise was reactionary and conservative. Despite the differences, I suggest

that the identity I reference in relation to the homosexual is still 'queer', primarily because 'queer' in the sixties also delineated a pejorative understanding of the homosexual.

The above issues are manifested not by a detailed social history, but rather in the language disclosed by the submissions to the 1968 Commission. I am not deploying legal principles to motivate this argument, but rather some legal concepts and issues in order to show how the law impacts on the construction of queer identities, and equally on the idea of sexual citizenship based on equality, dignity and mutual respect. The concept 'sexual citizenship' is an issue examined in greater depth in Chapter 7.

Much already exists in legal jurisprudence about the effect of the law on homosexuality and some of these studies prioritise legal restrictions in respect of sexuality from the perspective of queer theory.⁷ Critical scholarship in this area was primarily a phenomenon of the nineties. Similar studies were done in the seventies and eighties from the perspective of sociology, history, anthropology and cultural studies.⁸ The point about these studies is that they disclose how public opinion about homosexuality (particularly in relation to society's aversion to acts such as sodomy) are simultaneously reflected and represented via the law.

⁷Extensive studies exist, and I cite some that are relevant in respect of this chapter, and some that will be referenced here: Crane (1982); Herman (1994); Mohr (1988); Radzinowicz (1947, 1957); Wintermute (1995). Equally many studies on the law have been framed from a queer theoretical perspective, some of which include: Eskridge (1999); Moran (1996); Phelan (2001); Rimmerman (2002); Smith (1995); Stychin (1995,1998); Stychin and Herman (1995; 2001). These studies, especially the texts written from a queer theoretical perspective, demonstrate how the law operates as an instrument through which sexuality is constructed, monitored and controlled. These studies also emphasise the important connection between the law and sexual regulation, and this chapter is motivated by these insights in relation to the 1968 Commission.

⁸See for example seminal texts by: Altman (1971); Garland (1985); Smart (1989); Weeks (1981).

Much has been written and documented about gay and lesbian lives in the apartheid State (for example, Gevisser and Cameron, 1994; Isaacs and McKendrick, 1992; Retief, 1994). This chapter does not, however, rewrite this history, but borrows partially from Gevisser (1994: 14-86) in order to develop some of the more pertinent empirical factors that contribute to the 1968 Commission. The bulk of the data for this chapter is derived from GALA, especially the submissions made to the commission in 1968 and which do not feature in the Gevisser study. The point about one section of this argument is to build upon aspects of Gevisser's valuable empirical and descriptive brief by assessing the development of a queer politicised identity in relation to the law. The latter is developed in part through a theoretical argument, reinforced by reference to, and discussions of, submissions to the 1968 Commission.

2.2 'Men at a Party' and the Law Reform Movement⁹

In January 1966, police raided an upmarket gay party in Forest Town, Johannesburg. Nine men were arrested for masquerading as women, and one arrested for indecent assault on a minor. A report from the South African Police to a Parliamentary Select Committee two years later states that - to the 'disgust' and 'repulsion' of National Party Parliamentarians - a party was found in progress, 'the like of which has never been seen in the Republic of South Africa' (Gevisser, 1994: 30). The identification of gay private parties affirms the existence of homosexual subcultures. Gay subcultural practices, since the 1940s,

⁹This section borrows from Gevisser (1994: 14-86) in order to demonstrate the socio-political and legal aspects of a developing subculture. This section is important in that it establishes a contextual framework for the subsequent intervention by the apartheid state. Gevisser's documentation is offered in summary here, and where relevant, direct citation is referenced. Retief (1994) also assesses State repression of homosexuality and addresses partially some of the historical issues in respect of State proscription of homosexuality in terms of censorship, policing, gay conduct and the supposed 'gay threat to white civilization'.

included what was known as the 'bottle-party', where guests brought their own liquor to the party bar. It was possible that the State viewed such parties where liquor was involved to be a form of subversive and immoral activity that they decided to curtail. The raid was the largest, most organised and publicised ever, although random raids on parties on the Durban Esplanade had occurred before. One explanation put forward for the increased interest of the police in homosexuals during this period in the sixties (especially the targeting of middle-class English-speaking northern suburb's private parties) has been the political and ideological influences of Prime Minister Verwoerd's general clampdown on all liberation movements. It could be claimed that State intervention was one of the many consequences of the conservative, reactionary, racist, cultural and class prejudices of Afrikaner Christian Nationalism, which served to consolidate its authoritarian control over the country. In Johannesburg, Afrikaans cultural and religious organisations believed wealthy Jewish and English men were corrupting Afrikaner youth ('rent-boys' were usually Afrikaans boys fresh from the platteland). It is especially telling that Black homophobia during the 1980s and 1990s seems similar in nature to a conservative nationalism of the Afrikaner Christian Nationalist one, in that it regarded homosexuality as a decadent, upper-class import, corrupting the natural heterosexual purity of the youth.¹⁰ The point about this is that the State saw homosexuality as a practice that symbolised decadence and promiscuity. The raid in Forest Town was the State's response to what it perceived to be a subculture of excess and immoral behaviour.

¹⁰This factor is indeed relevant in respect of purist interpretations of ethnicity, which to some extent reflected Afrikaner thinking at the time, and a belief still held today in ultraconservative quarters within the Afrikaner community such as the Afrikaner Resistance Movement (cf. February, 1991; Giliomee, 2003; Le May, 1995). The point of correspondence here is the return of the pathological signifier in respect of the 'unAfricanness' of homosexuality as a colonial, European and white import. See Chapter 5 for a discussion in this regard.

The impressions of the Forest Town party left by both the *law* and the *media* were of immorality and high living. Newspapers highlighted the 'shocking' presence of professional men at the party. These professionals included lawyers, doctors and accountants, which implied that the homosexual is class defined. The media's use of the word 'shocking' implies that it might have been 'understandable' if there were working class people at the party rather than professionals. Conservative socio-political influences therefore also cater sensationally to common class and cultural prejudices of South Africa's white working-class Afrikaner population. At this time in South Africa's conservative political history, a 'conspiracy rhetoric' was rife in government circles and social paranoia was rampant: 'queer' conspiracy was aligned with the black, communist, English and Jewish conspiracies (Gevisser, 1994: 31). In this time there was a clear interplay of politics, history, ethnicity, and indeed homophobia in the propagation of a conservative (perhaps in some senses fascist) ideology of the state. Furthermore, the legal system existing at the time did not give police the right to raid private parties, but by 1967, the homophobic sentiments of Verwoerd's cabinet had resulted in a proposal for 'draconian anti-homosexuality legislation' (Gevisser, 1994: 31). Such legislation was deferred, but in 1968 was enacted by its incorporation in an amendment to the Immorality Act, making male and female homosexuality punishable by law (imprisonment up to three years). Prior to this, *public* and *male* homosexual acts alone were within the ambit of the law. From 1968, to be *lesbian* or *gay* (regardless of actual behaviour) – that is, homosexuality itself – was considered illegal.

This intervention resulted in much anxiety within the homosexual community. One gay man said: 'We feared a witch-hunt' (Gevisser, 1994: 32). Such a phrase reminds one of the homosexual witch-hunts of the McCarthy era in the United States (cf. D'Emilio, 1992).¹¹ Many homosexuals in South Africa considered emmigration and some finally did leave the country for more liberal and progressive parts of the world (see for example, letter 8 cited later in this chapter), but just as many remained in South Africa.

An immediate response to the impending legislation resulted in the formation of an action group in Johannesburg and Pretoria that constituted itself as the Homosexual Law Reform Fund. The Law Reform Fund responded to the immediate legal-political crisis by raising funds to prepare evidence and lead the case against the proposed legislation before the Select Committee. In my view, this response and opposition to the State's proscription of homosexuals was historically the first move toward queer liberation. The move was primarily legal rather than political, although it is difficult not to read the political into any legal response. The point here is that gay mobilisation was, to some extent, ambiguously political.

Gevisser's (1994: 33) observation that 'the threat of repression galvanised the gay subculture, creating community as never before' is as relevant as it is problematic. It is relevant insofar as the political and legal imperatives had the effect of mobilising a previously internally divided homosexual and minority subculture. In the face of a

¹¹D'Emilio (1992: 57) talks about the 'homosexual menace' as perceived by the 'Cold War America'. Some of the events he describes in relation to the anti-communist witchhunts form an interesting and comparative parallel with the South African context in relation to the persecution of gays and lesbians. See the chapter titled 'The Homosexual Menace: The Politics of Sexuality in Cold War America' (1992: 57-73). D'Emilio makes a connection between the anti-communist campaigns against suspected communist supporters, and the persecution of gays in America.

common societal prejudice and political threat, an unprecedented experience of social empowerment and social unity was being constructed. Since the focus of apartheid as a political strategy was social separateness and fragmentation, the galvanisation of the homosexual community was in part a small victory. But the problem with such a galvanisation is that the 'community' to which Gevisser refers was in large part made up of white, middle-class homosexuals. Viewed another way, the strengths of the mobilisation created a false sense of community in its over-emphasis of sex, at the expense of race, to a large extent also divided - and in the post-apartheid project continues to divide - the gay and lesbian communities. Furthermore, from another perspective the organisation and *modus operandi* of the Law Reform movement was also both elitist and sexist and not without prejudices of its own. The historical demands of apartheid South Africa determined which approaches would be most successful from those which might jeopardise the gay liberationist cause, even if the paths chosen were viewed as too insular from a more liberal perspective seeking to do justice to race, class and gender minorities equally. Therefore, Gevisser (1994: 33) is correct when he claims that the Law Reform movement 'aimed at influencing lawmakers rather than organising gay and lesbian people themselves'. What this means is that the strategies were far more contextually-constituted and situationally-specific than identity-oriented and were based primarily on matters of legal principle. In this sense it could be deduced that the approach was deliberately and strategically accommodationist rather than revolutionary (motivated by Sullivan, 1995).¹²

¹²Sullivan (1995) proposes a liberal humanistic, individualised and experiential approach to homosexual emancipation rather than a radical queer political approach that is based on resistance, and on communitarian models.

The Law Reform Group was evidently unconcerned about race issues or the inhumanity of apartheid, and was fundamentally preoccupied with freedom of expression for homosexuals in a liberal and individualised approach. It seems this was the priority which, in a very reactionary sense, underpinned the mobilisation initiative in the first place. No connection was made with the broad anti-apartheid effort evident at the time, reinforced by massive intensification of the struggle against the Nationalist Party system. For example, the Freedom Charter¹³ and its authors were banned and stigmatised (left-wing politics generally was during this historical period). The organisers of the Law Reform Group, in turn, were primarily middle-class white gay men and had little access to the subcultural communities of black homosexuals, if indeed such coherent subcultures even existed during the 1960s. Most important of all is that the legal and political authorities themselves had stigmatised homosexuality as a *white* problem. Within a conservative and accommodationist framework, the focus was on *gender* over and above any other concerns. The Law Reform Group even worked within the National Party itself rather than drawing on liberal activists such as Helen Suzman (Gevisser, 1994: 34), or even anti-apartheid activists, to strengthen the case against State repression. These issues inform in part the public contestation about homosexuality in relation to the 1968 commission. I will show how the crisis of homosexuality, motivated by the State, demonstrates a 'racialised' conceptualisation of homosexuality, both in terms of the way the State stigmatised homosexuality, and also in the way the queer 'community' devised its strategy.

¹³The Charter represented the demands for a non-racial South Africa with political rights for all citizens irrespective of race, colour or sex, amongst other issues. The Charter was adopted by the Congress of the People in Kliptown, Johannesburg, 26 June 1955, and was later endorsed by all member organisations of the Congress Alliance (led by the African National Congress).

In Chapter 7, I review and assess the process of decriminalisation and the strategies adopted by queer activism in relation to the post-apartheid State. In that chapter some parallels are drawn with this chapter, and I demonstrate how 'queer community' is again galvanised, only this time by a greater communitarian mobilisation that marks stronger opposition to the liberal and accommodationist position characterised by the Law Reform Group.

The above observations suggest that 'identity politics' is indeed a contradictory process, in that while leading to separation, it simultaneously brings forth a culture of alliances. In the post-apartheid project the alliances came to symbolise coalitional politics (more about this aspect in Chapter 7). The events of 1968, however, demonstrate the use of the State apparatus to bring about social transformation of homosexuality in order to place restrictions on homosexual conduct. The manner in which the State responds coercively by deploying criminal law sanctions to proscribe homosexual behaviour discloses the State's interest in sexuality and its engagement with the sexual realm in order to reshape sexual identities and politics. One unexpected effect of the State's intervention is the simultaneous struggle for queer equality. By this is meant a form of resistance to same-sex conduct and legal proscription. It is my view that 'queer equality' and 'queer identities' evident in response to the amendment commission, represent a conservative, middle-class and racist logic in respect of the submissions made to this commission (see 2.6 below).

2.3 The 1968 Commission¹⁴

In 1968 the Minister of Justice in the apartheid government, Mr Pelser, invited psychiatrists, sociologists and homosexuals to give evidence before the Select Committee on the Immorality Amendment Bill. The objective of the bill was to make homosexuality, including female homosexuality and other sex deviations punishable offences. The planned amendment to the Immorality Act was designed to extend the crime of homosexuality even to *private* acts with penalties of up to three years in jail and/or a fine of up to R300-00 (in 1968 R300-00 was a hefty sum). The distinctive aspect of this proposed amendment was the State's incursion into the 'private' lives of homosexuals. The planned amendment to the legislation thus reinforced the power of the State to engage in the surveillance of same-sex conduct.

Yet again the intervention by the State suggests that the 'private' and the 'public', in relation to sexuality, does not operate in a vacuum. The private/public dichotomy also generates regimes of truth that open up a particular interpretative thread in understanding how the State regulates the sexual realm. The State's proposed amendment, in effect a planned 'intervention', suggests the blurring of the boundaries between private acts and public life.

Entailed in the distinction between the private and public is a spatial marking which often sets the two apart. Formulated another way, the private is characterised largely by a domesticated space which the individual claims to be his or her own. The public, in contrast, is an

¹⁴See also *Report of the Select Committee on the Immorality Amendment Bill, 1968* (referenced as Government Printer, 1968). I have not prioritised the report because of its detailed legalistic commentary, but simply highlighted what some of the findings of the commission were. See also Retief (1994) for a brief historical focus on the 1968 Commission.

external space belonging to 'all', therefore 'outside' the confines of the personal and private. The private, it seems, in the context of state incursion into private lives suggested by the 1968 amendment, may mean that the 'private' becomes a contested space for a possible violence by the State. Privacy, it would appear, implies a protective function and is conventionally understood as grounded in individual, gay autonomy. The planned intervention by the State in this regard confirms the unbridled power at the disposal of the State to regulate, channel and construct lives. The tension between the private and public implied by the State intervention into private life, is not a new phenomenon, and was anticipated in the eighteenth century meaning when the private and public become two autonomous zones (for example, Aries, 1989). This is because citizens are no longer viewed as 'free' subjects as they become the 'private' property of the public state, if 'public state' implies that citizens are caught and constituted in an order of power which regulates through legislating their individuality (cf. Aries, 1989 for a more in depth discussion). The State incursion into gay lives reinforces the idea that the private life of gays was 'disgusting' and 'repulsive', as demonstrated for example by the Forest Town raid, indicated earlier. In such a case, homosexual life became 'queer' (a matter of deviance and pathology) that the State interprets as its *public* responsibility to curtail.

The planned legislation suggested that the State had plotted a legal strategy to enter any premises by force, and on occasion, it deemed suspicious. The State, was during this period, equally engaged in monitoring the activities of the liberation forces, and part of the State's apparatus focused on covert operations to destabilise what the State termed, 'clandestine' activities of the liberation forces (for example,

Frankel, Pines and Swilling, 1988). I argue that the planned homosexuality amendment must be viewed in a similar economy of repression, oppression, and proscription with the intention of curtailing the freedom of the queer subject. It is possible to claim that the homophobia of the State leads to social engineering that uses the law as the instrument of control.¹⁵

Moran's (1996: 82) formulation that the Sexual Offences Act 'takes certain offences out of the category of offences against the person and conjoins them with other offences and sets them up in a new and distinct division of the law' has a special resonance with the South African statute.¹⁶ The term 'offence,' denotes a violation or breach of a law, custom, rule, or a crime and connotes annoyance, displeasure, or resentment. At the level of language, the notion of 'sexual offences' had the primary purpose of framing a particular conception of sex, one informed by a moral economy that I claim introduces the idea of the homosexual into law by promoting the continued abhorrence and increased punishment of same-sex relations via legal reform. A further theoretical extrapolation from this Act is explained by Moran (1996: 83):

In naming the sexual, and in renaming specific offences against the person as now being within the sexual order of the law, the statute demands that sense and nonsense of the male genital body in its male genital relations as wrongful acts should no longer be made by reference to a violence to the carnal order of the individual but by way of a wrong done to the sexual order. This is echoed in the fact that the legislation demands that the lexicon of the carnal must now be translated into a new lexicon: that of the sexual.

¹⁵Much has been written about the connection between race and gender in repressive regimes. Relevant in this respect is the particular operation of power in relation to the law, an aspect taken up in a related sense by McClintock's (1995) study in relation to the colonial project.

¹⁶See other more legalistic explanations: Radzinowicz (1957); Smith and Hogan (1992).

The above view explains how the law frames sexuality. Firstly, it represents the legal language underpinning sexual activity between men who have sex with men, disclosing a type of public opinion about homosexuality. One meaning apparently is that homosexuality is an aberrant sexual object choice. A second suggests the techniques and practices by which the homosexual becomes installed within the law. A third, arising from the latter is that the homosexual becomes defined in relation to the juridical. The homosexual is thus, in this instance, produced as an object of law 'and of its criminalization and re-criminalization in particular' (Moran, 1996: 5). Moran's conception of the homosexual as a 'genital body' includes the notion that it is the type of body that is 'always already sexed and gendered' (1996: 12).¹⁷ Implicit in this conception of the homosexual as a 'genital body' is that 'criminal law might also be a set of practices through which a refusal to imagine same-sex relations is put into effect in law' (Moran, 1996: 13). Ironically, through this process of exclusion and criminalisation, the homosexual 'queered' subject becomes equally the object of struggle for inclusion, representation and rights in the context of post-liberation politics. Critical legal studies scholarship has demonstrated that the homosexual as 'queer' is born at the limits of the juridical practice of gay (see Moran, 1996; Stychin, 1995; and footnotes 7 and 8). The term 'queer' also represents the juridical as a practice of confrontation, exposure, denigration, radical submission, fragmentation, contingency (Stychin, 1995). The conjunction between the law and sexuality has a particular significance for Moran (1996: 3) who suggests:

¹⁷See also Sedgwick (1994: 67-90), specifically the following observations: 'The most obvious fact about [...] judicial formulations is that it codifies an excruciating system of double binds, systematically oppressing gay people, identities, and acts by undermining, through contradictory constraints on discourse, the grounds of their being' (70).

If homosexuality is fundamental to the sense of self and is innate, it cannot be regarded as punishable by rational persons who respect the laws of nature. 'Homosexuality' was thus put to work as a term that demands a 'rational' and 'progressive' legal approach to such same-sex genital relations, or, more specifically, it was a term through which the non- or decriminalization of those relations might be imagined.

The above observations confirm that in the South African Immorality (Amendment) Commission the State, on the one hand conceives homosexuality as immoral, a transgression, and indeed a crime. On the other hand, by calling into question the homosexual as a problem to be contained, the State intervention opens up a possibility for the homosexual to resist the planned proscription. The State's proscription of the homosexual simultaneously precipitates a strategic agency against the state. Therefore, by mobilising and galvanising support against the State, the Law Reform Group of 1968 demonstrates a capacity to self-identify in relation to sexual orientation by forging and asserting an identity that the State views as transgressive. The homosexual thus becomes 'queered' by transgressing the supposed norms circumscribed by the heterosexual matrix.

If we accept the divide between the public-private as a sign of modernity in which the State as a sovereign power regulates the lives of its citizens, then it could be argued that the 'queer' subject comes into existence by transgressing the limits defined by the State in its disciplinary regime. Transgression, like truth and knowledge, is brought about by the operation of power in the institutions controlled by the State. Power, in the Foucauldian project is not simply viewed as a universal rationality but is rather identified through its strategies such as: surveillance, monitoring,

and the imposition of limits on its subjects. I suggest that the Amendment Bill proposed by the State could be further theorised as a type of violence, a force, a powerful operation against the queer subject to which he/she must respond. Dreyfus and Rabinow (1982: 130) cogently explain the characteristics of power as a form of domination: 'All it can do is forbid, and all it can command is disobedience. Power, ultimately, is the imposition of the law; the law, ultimately, demands submission'.

The above view of power is defined by Foucault as the 'juridico-discursive' power, a negative, as it produces limits.¹⁸ And power is accompanied by a type of resistance; where resistance is exercised against the exploitative grounds of power. By being 'immoral,' the homosexual is a transgressor, conceived to be 'transgressing the rules of hierarchy' (Stallybrass and White, 1986: 3). The hierarchy governing homosexuals is underpinned by state laws. Where Stallybrass and White (1986) situate *transgression* within the Bakhtinian topology of high and low culture in the conflict primarily between language, Foucault's (1977: 33) project identifies the *language of transgression* in the future: 'the language in which transgression will find its space and the illumination of its being lies almost entirely in the future.' This is a productive moment for queer subjects because transgression suggests a resistance to the heteronormative ideology propagated by the State. In apartheid South Africa heteronormativity was principally defined in terms of procreative acts within a moral (and Christian) model, which is in contrast to the unprocreative (and 'immoral') behaviour of homosexuality. When

¹⁸It is also important to consider that Foucault's work on power displays was a slight shift in his later work. Where power is theorised as oppressive in his earlier work, we also note, particularly in *Power/Knowledge* (1980) that power is also facilitative and productive.

Foucault refers to the 'future', this could imply a claim made for identity, by queers, for the recognition of private life within the context of good, moral citizenship.

The language of transgression may be discerned in the submissions made to the Commission for they call into question identities in relation to the 'event' represented by the Commission. Transgression then, may be defined as a pushing to the limits in order to radically challenge the hierarchies of power. The narratives contained in the submissions disclose an effect of the challenge process and are productive in that they give us access to subjective experience. Furthermore I believe that to transgress is a performative strategy (Butler, 1999). Where the narrated transgressions define the 'experience' of subjects operating at the margins of the social (a process characterised by struggle and contestation), such trajectories enable us to identify the conditions and the defining moments, in which these homosexual persons come also to claim their identities. The proposed amendment to the Immorality Act in 1968 precipitates a performative claiming of identity. Such a strategy suggests a desire for freedom from a restrictive economy.

Related to transgression is the notion of freedom defined in the terms of transgressive acts against exercised power. By crossing the limits, as O' Farrell (1989: 40) explains, 'if limits restrict our freedom, the transgression of limits is an expression of our freedom'. Limits arise out of a restrictive economy, and if transgression is seen as a response to a restraining and aggressive power, then it is also possible to claim that the personal narratives submitted construct, for us, a particular modality of identity in relation to a particular moment in time. The

crucial point is that submissions to the Commission are based on a personal, considered response to the State's determination to criminalise non-procreative sodomitical sex. The submissions to the 1968 Commission suggest that engagement with repressive laws also help to produce an identity.

2.4 Submissions to the Commission¹⁹

In this section I profile some of the views expressed in submissions to the Commission. The GALA documentation is extensive in this regard. For the purposes of this dissertation, I have made a selection based on the diversity of the submissions, and focus on nine. In all instances the submissions were addressed to the Minister of Justice in 1968, Mr P.C. Pelser. In each case I provide the date of the letter and the residential location of the author, and in some cases, where the submissions are lengthy, I provide only extracts. For easy reference and cross-reference in my analysis, I have numbered the letters in numerical order. I have also categorised and arranged the letters to reflect the two dominant positions that characterise the submissions: those for homosexuality under the heading 'pro homosexuality', and those against under the heading 'against homosexuality'. The letters are reproduced in their original form.

The letters are written in a personal, intimate and reflective manner, and represent the subjects' struggle with the difficulties of self-acceptance, especially of those rejecting the proposed amendment. Some submissions are character references that attest to the honesty and commitment of homosexual individuals in the context of work. The

¹⁹The empirical data in this chapter is drawn from archived material from GALA. I reference citations by name and date.

letters range from friends, church leaders, politicians and employers. Some submissions endorse the State's proposed amendment. Despite the differences, all the submissions in one important sense confirm the contested nature of sexuality, which I claim is not a new phenomenon (for example, Weeks, 1981; Gay Left Collective, 1980). Another point of correspondence is that all the submissions are autobiographical, and reflect a mode of writing that promotes a type of narrative that underscores personality and history in relation to a particular event. In another sense, however, there are differences. In respect of submissions written by self-identified homosexuals, it seems a confessional mode is operative in their disclosure of their sexual and gender identities. This strategy is perhaps used to reinforce an underlying motive to divulge some essential truths about the self. If confession represents sin, guilt, and the possibility of restitution, then the boundaries around identity, the self and others, are reconfigured when confession is reproduced in a structure where the self constructs an identity. As Foster (1987: 10) corroborates, confession attempts to 'objectify the self, to *present itself as a knowable object*, through narrative that restructures the self as history and conclusions' (my emphasis). Despite the fact that confession functions to disclose a sin in the hope of receiving absolution in a Christian theological sense, I read the confessional act (the disclosure of sexual orientation) present in some of the narratives as a plea to secure restraint from the totalising power of the apartheid state.

I do not, in the narrow sense suggest that the confessional submissions represent sexual identity as a sin for which the subjects seek absolution. Such confessional submissions represent at once the autobiographical as well as the political. If the task of the homosexual

letter-writer, as confessing supplicant, is to show that the confession is never merely representation, but to insist that queer identity is contingent on truthfulness and redemption from a dominant Other, then I claim that the confessional mode is an attempt to authorise 'liberation', a 'freeing' of the subject, which is in itself a political strategy. I put forward the view that the confessional letters, by self-identified homosexuals, display this modality of representation.

PRO HOMOSEXUALITY

Letter 1: P.R. Coates (*Cape Town, 4 March 1968*)

May I humbly submit this statement, praying that the government does not proceed further with the proposed legislation prohibiting homosexual acts between consenting adults in private? I am a homosexual. Due to shyness on my part and great discreetness on the part of other homosexual men, I have never had the opportunity to become a practicing homosexual. Members of my own sex have always attracted me and I have never been even vaguely interested in the opposite sex. I was nineteen years old when I fully realized my condition. After many discussions with my doctor who couldn't suggest a cure, I was sent to a psychologist. After six interviews he too seemed to think there wasn't anything he could do either. If the cure lay in earnestly trying to be different, I would certainly have changed. I gained peace of mind only when I accepted my condition as normal for me. None of my friends or family suspect my condition. I am often asked by them why I don't marry, yet how can I tell them that for me to marry would be [a] 'perversion'? I attach copies of testimonials which I feel sure will assure you that I am considered of good character and a diligent employee, and not a degenerate sort. I hope I shall be forgiven addressing this letter to you. I feel this matter so nearly threatens my future and that of so many others like me that I had to write.

Letter 2: Dr A.M. Lewin Robinson, Chief Librarian, South African Public Library, Cape Town (*19 January, 1967*)

I have pleasure in testifying to the character and ability of Mr. Peter Coates who joined the staff of this National Reference Library in April 1964 as a non-professional Library Assistant [...] Mr Coates is a man of varied interests which include a painstaking research into the history of tramways in this country and a study of small organs. He is a tremendously hard and willing worker and it would be difficult to replace him if he decides to increase his experience elsewhere.

Letter 3: Ms F. Dance (Boksburg, 19 March 1968)

Being a Lesbian or a Homosexual is not only a confusing situation to the rest of society, but also to us that are Lesbian or Homosexuals. It is naturally the wish of every human being to be born normal, and we are definitely no exceptions. Do you think for one minute that we enjoy being persecuted, scorned and humiliated by our fellow beings? If we could possibly just change our feelings to suit society, we definitely would. I for one would because it would make life a lot easier, but unfortunately it is impossible regardless of what sentence is imposed on us, that are born misfits in life [...] I have been for various physical tests: skin tests, blood tests, saliva tests and every bone in my body was xrayed, the results were: That I am definitely physically female. I was then referred to Tara Hospital by Dr. Feldman of Johannesburg General Hospital for two weeks observation [...] When my two weeks observation was up, I was told by my doctor that there was nothing they could do for me, so I just had to go through life as best I could [...] Any homosexual or lesbian that has sexual relations with a minor ought to be punished in the same way as a man that has such relations with little girls. Another argument that has cropped up quite often is that we are going against the Laws of God as far as having children is concerned [...] I feel that if this new law is enforced, the rate of suicides in the country will rise, also instead of doing the impossible like making us normal, the Law will only succeed in driving us further into a lonely seclusion [...] I hope I have not failed to stress my point as I am no writer. I do hope that this letter will assist the committee in drawing the conclusion that we are no danger to the other citizens of our country. I would like to give oral evidence, for the sake of our people. If this is granted kindly let me know where and when.

Letter 4: J.C. Van Rensburg (Uitenhage, 26 February 1968)

I would like to express some views on the subject. South Africa appears to be far behind in this matter. We only have to look to England and many of the Continental countries to see [how] this problem is handled. Frankly in all my dealings with these so-called 'deviates' I have never come across a 'roughie' as I have with the so-called 'normal' types. On the whole I have found the homosexual to be quiet and in many ways keeping more to the Law of the country. If this new Bill comes into force can you imagine all the blackmail that will take place? Believe me, homosexuals are not over-sexed persons. They are born that way. This country does not prosecute cripples or mentally retarded persons. Homosexuality can never be stamped out. It will be driven underground and achieve nothing [...] The true homosexual is capable of loving another person of the same sex with as much affection, tenderness and passion as any relationship between a man and a woman. If all the homosexuals were jailed, there would be no room for other criminals [...] You would also have to jail some of the top surgeons, lawyers, artists, executives and many other men in key positions. Many folk would be amazed if there was a register of homosexuals! We would really 'fall on our backs' with surprise.

Letter 5: Rev. John A. Smart (Cape Town, 5 March 1968)

I am not a psychiatrist nor a psychologist, although I have an amateur knowledge of both subjects. I am a middle-aged Minister of a well-known Religious Communion, being of the larger Church-Groups in the Republic [...] I am frankly amazed at the present Bill; it seems so out of line with modern trends [...] What is the reason for the Bill? Somebody tells me there has been such an increase in homosexual practice. I do not think this is at all true, but cases are being publicised, giving a wrong impression [...] May I suggest that the whole question be submitted to a Public Commission rather than to a Parliamentary Select Committee? which would include on itself Ministers of various denominations, doctors, lawyers, social workers, and psychologists and psychiatrists, before any attempt is made to legislate? [...] For the old anomaly has been that if a man wrongs a girl over 16, wrecks a home, begets illegitimate children, cause divorce etc. he cannot be touched by the law. But let him touch a fellow male, then he is in for it. It seems absurd for a modern State to wink at adultery and fornication or seduction of girls over 16, and to allow such an easy divorce system as we have in S.A. and for society to be so tolerant over things like divorce, for the same State to make homosexual acts without distinction into crimes.

Letter 8: Judex (Johannesburg, 18 February 1968)

[...] I am a practising homosexual and thus an authority on the subject. I am not guilty about my State nor do I in anyway consider myself a criminal or pervert merely because I am the person I am and feel the way I do [...] I would like this [...] invaluable opportunity of contributing to the enlightenment of the subject, to a better understanding of the problem and the hope for more tolerance and a saner legal outlook towards it [...] I am not obviously 'queer' and do not exhibit unpleasant effeminate affectations, traits or mannerisms. In my work no one is aware of my homosexuality and only my closest and intimate friends know of my state. I do not indulge in importuning or habits that transgress accepted legal and social codes of ethics. Later through the auspices of friends and associates I met other homosexuals with some of whom I had relations or 'affairs' if there was mutual attraction, with others I formed friendships which have been very close and lasting but since the homosexual world has been forced into becoming a twilight world due to society's and the Law's censure, most encounters among homosexuals are brief and superficial because of the ever present fear of exposure. I have had many offers to form a homosexual alliance i.e. to live with and share a home with a companion but have never followed this practice because of strong family ties and also the embarrassing queries and surmises such an affiliation of this nature is likely to give rise to [...] I do not of course make any allowances for nor condone licentiousness, obscenity, public indecency, corruption of the young and innocent, but here the same laws apply as do to all civilized society and the vast majority of homosexuals are in utmost agreement on this subject [...] It is cited that homosexuals comprise 20 % of the population in the big centres and 10 % of the

overall populace. It therefore is a very pressing and real problem that need not be a problem at all if proper and just legislation existed and a more tolerant social attitude adopted. Take for instance the large number of police whose already overloaded duties are complicated and made more difficult by the intricacies involved when they are surely needed for the real pressing threats of Terrorist invasion, fifth column, the insoluble crime in the non-white townships and in the Cities and rural communities. These are the real dangers facing the country and threatening her safety, morality and these must go unchecked while the Police are engaged in ignoble deeds of trapping, luring, and arresting law abiding citizens whose 'crime' happens to be following what they believe to be their own inalienable right [...] If stringent suppressive laws were passed many of South Africa's most valuable and useful citizens will be driven from their homeland if conditions were made untenable and intolerable for them. Can South Africa afford to lose only one of her white citizens, let alone possibly tens of thousands because of archaic and outmoded legislation which has its roots in ignorance, superstition and bigotry.

AGAINST HOMOSEXUALITY

Letter 6: *W. Fensham (Rondebosch, Cape Town, 24 February 1968)*

May I be permitted to present to you the Scriptural laws on homosexuals: since we are a Christian country, and our laws are based on the high spiritual standards in our only Guide Book (the Bible) and extends from the Old Testament into the New Testament, and down the corridors of time to 1968, and the Republic of South Africa. During the 20 years of Nationalist rule our country has been blessed and prospered: because our leaders have put God first in governing this Nation. It is with this knowledge in mind that I feel free to present the Biblical as well as the Historical aspect on homosexuality [...] May I respectfully draw your attention to the fact that homosexuals are in no way different from the depraved minds of those who indulge in rape and other sex offences, and fall in the same category as the Immorality Act: while they are due to the same convictions.

Letter 7: *Frances Katz (Durban North, 9 May 1968)*

I am moved by my strong and earnest feelings to write to you on one or two subjects of national importance [...] As a Christian woman, mother of three adult children, one a son, and as 29 years ago coming to S.A. from England where homosexuality flourished then and is thriving now, I implore you to give this vile practice the disciplined punishment it deserves. The wishy, washy thinking of my own people in Britain, the anarchy which openly flourishes there shocked and dismayed me on my return stay between 1960 to 1964. I saw much, both in real life and on

television survey reports to know that England is in the hands of the rabble that tolerates anything! Sex murders on Moors of young innocent babies whose mothers weep, even today for the unhung beasts who infest British prisons, kept at the country's expense! In Brighton where I was staying whilst my daughter was engaged in teaching in the next block of flats a herd of homosexuals openly flouted their lust affairs with their teenage male consorts powdered and perfumed up to the hilt. Great Caesar, it made decent folk sick! Young boys were lured and flattered into their clutches. It is a vile and insidious poison that filters in and defiles the life blood and manhood of a nation. Nay! Past our Glorious Nelson's column in Trafalgar Square those young lads, even today sell their puny chicken like bodies for a few shillings a night – is this then my England anymore? [...] My second worry is on hearing an often quoted statement. We are surrounded by envy, jealousy, greed, encircled by Chinese communist spies crawling with terrorist infiltration. South West Africa is U.N.O's lever to persecute us [...] Sir, may we have the tools, both moral and physical to attack and defend the land God has given.

Letter 9: S.C. Nash (*South Beach, Durban, 21 February 1968*)

[...] The homosexual is sick. In practising his unnatural habits he is not being himself, but is unknowingly manifesting the characteristics of some stronger individuals who has overwhelmed him in the past [...] Therefore, the obvious cure is to restore him to health by whatever means are available. That is why I have said the help of the medical profession and others will be needed. My suggestion is that rehabilitation centres be established for all sick people, whether homosexuals, psychotics or those more fortunate, suffering from known and curable diseases. Each category, of course must be separated, even separated from the healthy. Our government's policy of apartheid is not entirely wrong [...] The mentally sick especially must be isolated from the well. This will prove very expensive, but rather something expensive than continuing to let them run loose.

The preceding submissions reveal much anxiety, confusion, hate and contestation about the subject of homosexuality. Each discloses, at a fundamental level, the public debate about the morality of homosexuality in the context of repressive measures destined to proscribe the freedom of the queer subject. The public debate implied by the responses in these submissions illustrates and confirms that sex and sexuality have become an important object of concern for the State, which is epitomised by its planned intervention into the domain of the private life of a selected segment of its population. In this

instance 'private life' is indeed a sexual (and sexualised) life. The private life of the homosexual is understood by the State as a life determined by one facet of identity, namely sexual conduct.

The above narratives also foreground the fact that homosexuality is a 'visible' phenomenon. If as I have argued, following Foucault, that some of the narratives (letters 1, 3 and 8) disclose a confessional mode as a 'vital component of modern power', then it is possible to deduce that sexuality is a historical construct, 'invented' as it were 'as an instrument-effect in the spread of bio-power' (Dreyfus and Rabinow, 1982: 119).²⁰ 'Bio-power' attests to Moran's (1996) conception of the homosexual as a particular species of 'genital bodies' that are configured and proscribed by law. The letters, especially those submitted by queer subjects, are indicative of the restraining power of the State that produces a discourse of sex (above submissions are examples) and advance claims to identity.

Letters 6, 7 and 9, endorse the State's intention to prohibit and criminalise homosexuality, and simultaneously demonstrate the politicisation of sex and sexuality. It is also in this context that sexuality of the subjects confirms knowledge about the State's power,

²⁰Central to Foucault's (1990: volume 1) project is a critique of the assumption that the power bearing upon Western sexuality is essentially repressive. Given the discursive 'interests' that underpin sexuality as it may have functioned since the seventeenth century, his study presents a counter-critique of the 'repressive hypothesis' as it was propagated in nineteenth century Victorian society in its surveillance of sexual practices. While Foucault (1990: 22) does not dismiss its repressive aspect, he extends the problem by framing it from an epistemological perspective, insisting that repression be recognized as 'a digression, a refinement, a tactical diversion in the great process of transforming sex into discourse.' Central to his critique is the view that 'Western man has become a confessing animal' (1990: 59), a notion that was informed by an establishment of an apparatus to generate a discourse on sex, which also saw new developments at the beginning of the eighteenth century. The emergence of a political, economic, and technical incitement to talk about sex was not simply to be 'judged', but an issue to be 'administered', reinforcing this as a 'police' matter, 'an ordered maximization of collective and individual forces' (Foucault, 1990: 24-25). Foucault (1984: volume 2 on the history of sexuality) deals with the morality of paganism and the techniques of the self circumscribed by pagan morality and the conflict with Christianity. Foucault (1986a: volume 3 of the history of sexuality) is dedicated to early Christianity. The principal issue derived from Foucault for this project is his critique of repression. His focus, like my own, is to focus on how repression generates a regime of 'power-knowledge-pleasure' (1990: 11) in the discourses that are generated by the repression of sexuality.

which can be exercised over homosexual bodies. The knowledge that emerges in these letters is productive in its generation of a discourse on sexuality. This suggests that 'discourse' offers a plausible account of the 'experience' of being positioned within a power dynamic. Foucault's (1990) scheme also convincingly articulates a new way to conceive sex: namely that the displacement of an *ars erotica* is met with a new conception of sex, one he labels a *scientia sexualis*. The latter represents a discursive restructuring of the sexual terrain around the centrality of sexuality from desire to individual identity. Homosexual acts (*ars erotica*) thus become the object of knowledge (*scientia sexualis*).

Letters 1 - 5 and 8, thematise identity as a distinctive aspect of the recognition of homosexual behaviour. In this sense the central feature of the *scientia sexualis* is a valuable procedure, to generate 'truth' about the self - a point Foucault explains in relation to confession - , which I suggest is a precursor to what we have come to categorise as autobiography. If the letter is a species of autobiographical narrative, then letters 1, 3 and 8 represent individuals who extract 'from the depths of' the self, in respect of their 'self-examination' a truth of the 'basic certainties of consciousness' (Foucault, 1990: 59-60). In this sense, the 'obligation to confess', is inherent within us such that we may not simply perceive it to be the 'effect of a power that constrains', but a 'secret' truth that 'demands only to surface' (Foucault, 1990: 60). The 'secret' truth in relation to letters 1, 3 and 8 make known an identity that is deemed criminal by the State. The letters reveal the authors as enunciating subjects whose 'experience' represents a truth about the self. But while there are aspects of a homogenising gesture in all three narratives (an example being the view that homosexuals

constitute a single, unified group in which there is a common understanding), there is also much that is disclosed in the narratives that suggest otherwise.

A number of complexities in the meanings of the homosexual experience, as well as the attitude of society toward the 'problem' of homosexuality, are revealed through the submissions. The 'secret' truths espoused by the above submissions also depend on the meanings in relation to the format of the submissions. All are letters, written in an autobiographical mode. But all eight narratives could be equally further catalogued. As stories about the self, the subjects of narratives 1, 3 and 8 reveal how dominant sexual scripts construct homosexual experiences, and by extension, homosexual identities as queer. Narratives 2, 5, 6, 7 and 9 are written as positions that either make a formal case for or against homosexuality from the perspective of character, religion, biomedicine and/or the nation-state. Letters 6, 7, 9 are in a sense most vociferous in their opposition to homosexuality and base their views principally on Christianity. I shall refer to homosexuality and Christianity later. The first aspect I develop in the discussion is the concept 'sexual script' and the relevance of this concept to identity in respect of narratives 1, 3 and 8.

2.5 Sexual Scripts, Sexual Lives and Sexual Stories

The narratives by Coates (letter 1), Dance (letter 3) and Judex (letter 8) represent, in part, what social scientists have theorised since the seventies as sexual script theory, which conceives the construction of sexual identities in relation to social and cultural factors (compare, Gagnon and Simon, 1973; Parker and Gagnon, 1995). For these

scholars a sexual script is understood as a type of sexual discourse that emphasises the sexual behaviours of its subjects, and determines how sex is accomplished within particular contexts. I do not use the concept in this strict sociological sense in the present argument. But, like the above scholars, I view the scripts as metaphors that reflect the social production of sexual behaviour. I am suggesting that the epistolary narratives 1, 3 and 8 are configured in the mode of a sexual script that introduces important themes such as relationships, love, erotic adventure and also emotional, social and psychological tensions regarding sexual orientation. These aspects, I claim, frame the 'experience' of the subjects in terms of an unfolding narrative of identity politics. Laumann and Gagnon (1995: 190) extrapolate three important aspects of sexual scripts that represent some important contradictions, ambiguities and struggles in relation homosexual experiences:

cultural scenarios (the instructions for sexual and other conduct that are embedded in the cultural narratives that are provided as guides or instructions for all conduct), *interpersonal scripts* (the structured patterns of interaction in which individuals as actors engage in everyday interpersonal conduct), and *intra-psychic scripts* (the plans and fantasies by which individuals guide and reflect upon their past, current, or future conduct).

The point that is relevant in relation to the above is that cultural, interpersonal and intra-psychic scripts influence, determine and, to some extent, proscribe patterns of sexual conduct (cf. Mutchler, 2000 for a detailed exposition of some of these issues in relation to gay youth and masculinity).

For example, the narratives represent the complexities of 'coming out' in the shifting social and sexual environments of the 'compulsory heterosexuality' determined by apartheid society. In this sense the

narratives 'talk' about sex while simultaneously disclosing an identity that frames the experience related to a 'truth' claim about the self. Coates is unambiguously explicit and unequivocally transgressive when he claims 'I am a homosexual'. Likewise, Judex discloses 'I am a practising homosexual and thus an authority on the subject'. Similarly Dance says, 'being a Lesbian or a Homosexual is not only a confusing situation to the rest of society, but also to us that are Lesbian or Homosexuals'. Coming out reworks to some extent a history of forced confession, and expresses the political and historical moment of early gay liberation and lesbian feminism (cf Sedgwick, 1994: 56-57). Ironically, the period in which these narratives were written were temporally close to the beginning of modern gay liberation dated from Stonewall in 1969 (cf. Duberman, 1994).

The 'coming out' story represented by the Coates, Dance and Judex narratives is informed by a sexual script that accounts not simply for a type of sexual practice that the State wishes to criminalise. The stories also represent a language, a name for an identity that the State wishes to curtail, silence and pathologise. In this sense Roof (1996) is correct in her thesis that the coming out narrative therefore constructs a difference, a possible disjuncture between public knowledge and private knowledge that is resolved through the invocation of a true identity that has been squelched by homophobia.²¹ Another important point Roof (1996) raises, which is relevant for the above narratives, is that the narratives, while told for the positive political purpose of

²¹See Sedgwick (1994: 3-4; 71-72 ; 56-57 & 76-82) for a detailed exposition of this concept. Fuss (1991: 4) also articulated this in relation to the 'inside/outside' model of gay and lesbian identity: 'On the one hand, it conjures up the exteriority of the negative – devalued or outlawed term in the hetero/homo binary. On the other hand, it suggests the process of coming out – a movement into a metaphysics of presence, speech, and cultural visibility. The preposition 'out' always supports this double sense of invisibility (to put out) and visibility (to bring out), often exceeding even this simple tension in the confused entanglement generated by a host of other active associations'. See also what D.A. Miller (1988: 195) identifies as the 'open secret', the 'secret that everybody already knows'.

greater queer visibility as a liberatory goal, their impact is contained by the limits of what Roof calls the 'heteronarrative'. The latter refers to the ideologically loaded conflation of narrative structure with the deferral of desire and the threat of sameness. It is therefore possible to deduce that the Coates, Dance and Judex narratives are, in terms of the view of radical humanist Plummer (1995), also sexual stories – narratives, he suggests, that are the conceptual link between people's lives and their culture and society.

Like Plummer (1995: 168) I view the narratives by Coates, Dance and Judex as modes of life-writing, as *acts* as well as texts, sociological as well as aesthetic phenomena, in which 'story tellings may come very close to the life as experienced'. Plummer illustrates how the 'narrative turn' of cultural studies may be taken up within sociology and suggests that a sociology of stories asks different questions about stories from those questions posed by cultural studies about stories. Perhaps the most important of these questions is the potential social and political meanings in the letters by Coates, Dance and Judex. One important meaning is the political change that the narratives encourage and motivate in the context of a Commission that was established to curtail the emergence of homosexuality as a visible and public phenomenon in the apartheid State. On another level, these are texts that record a particular event in a particular spatio-temporal context to which, I as the researcher, return to determine the efficacy for understanding the construction of queer identities.

Not surprisingly, the letters are stories of the self that deal with personal identity, self-creation and romantic love, and the trauma of repression in a hetero-normative and homophobic society. All three

stories demonstrate a position: a defence of their identities in which they motivate against the criminalisation of their orientation. In doing so, each subject in these letters accounts for the validity and legitimacy of their orientation by describing facets of their identities in terms of the social world to which they belong. Each narrative is indeed a plea for acceptance, recognition, inclusion, and, ultimately, for belonging. Letters 2, 4 and 5 likewise present support for the homosexual cause by categorising the homosexual as a non-pathological species. On another level, it could be theorised that the support for homosexuals displayed in these letters (not uncontentiously in respect of the language used) is possibly also a form of alliance politics in the liberal humanist mode.

It is interesting to note that one of the authors (letter 5) speaks from the perspective of Christian theology, and expresses opinions in respect of tolerance and mutual acceptance that was quite revolutionary in terms of the Christian theology of the time.²² The Church in particular is still quite divided on the issue of homosexuality (Boswell, 1980). The submissions also manifest the contested opinions in respect of homosexuality amongst those within the heterosexual community. Letters 2, 4 and 5 most notably characterise the homosexual as persons that are to be defined in terms of good character and personality traits, in marked contrast to letters 6, 7, 9 whose authors depict the homosexual as an immoral figure characterised by promiscuity.

²²One submission, written in Afrikaans (uncited in this section of the chapter) was made by Dr D.F. B. De Beer (Secretary General of the Commission for Public Morality) of the Afrikaner Dutch Reformed Church, dated 22 March 1968, Pretoria. The submission requests the Minister of Justice to criminalise three issues: adultery, concubinage and homosexuality. All three are considered 'immoral' in Christian theology. More so, Dr Beer adds, these should be 'crimes punishable' by what he views as a 'Christian country' (my translation).

Coates' confessional narrative begins apologetically. Coates 'humbly submits' his letter in the hope he would be 'forgiven for addressing' the letter to the state. Then he discloses 'I am a homosexual'. The submissive tone of the first sentence and the bold confession in the second seem to me to be directed towards disclosure of a truth in the hope that the State would 'absolve' him by being lenient in respect of the written account that attests to his character and demeanour. Coates tells his sexual story by speaking the 'language' of the State, describing his orientation as a 'condition', which he motivates in terms of the secrecy in which he maps his life. The rhetorical procedure is strategic in his letter. Coates accounts for a remedy and response to his 'condition' by explaining he underwent psychotherapy which he explains failed him. He then skilfully redeploys the pathological signifier (homosexuality is a 'perversion') to explain that any possibility of 'marriage' would be counter to his 'true' identity, and is therefore, by extension, a 'perversion'.²³ Coates motivates his identity and presents his defence by providing the State with evidence in respect of his character, personality and work ethic. Letter 2 written in Coates' favour encourages the State to value the importance of separating sexual orientation as an erotic, political and sexual identity from the related aspects of personality, mental (and psychological) disposition and the work ethic. Letter 2 confronts the myth that describes homosexuals as vulnerable, malleable persons, a group predisposed, in a pathological sense, to be ineffectual and weak. Subsequent studies not too far removed from the period of the late sixties countered the perspective that homosexuals are weak and vulnerable (see for example: Altman, 1971; Murphy, 1971).

²³In Chapter 7 I revisit the issue of 'marriage,' in particular gay marriage in relation to decriminalisation in the apartheid State.

Dance, for her part, states that her lesbian orientation makes her a 'misfit'. She deliberately uses the word 'misfit' to question the possible violent effects of homophobia that may accrue from State's proposed amendment to the law: namely 'persecution' and 'humiliation'. Her reaction is informed by her experiences as a homosexual. Her use of the collective pronoun 'we' indicates that she aligns herself with homosexuals as a threatened group. She motivates her alliance with the threatened position of all homosexuals when she claims 'We are no danger to the other citizens of our country'. She also explains the contradictions of a biomedical intervention, indicating that her physical tests merely confirm what she had already known. Her doctors, we are told, offered her no hope for change, but rather counselled her 'to go through life as best [she] could'.

Judex recounts his experiences by explaining a truth about the self in a confessional, but contested gesture: 'I am not guilty about my State nor do I in anyway consider myself a criminal or pervert merely because I am the person I am and feel the way I do'. Judex's use of 'State' also discloses possible meanings in relation to its rhetorical importance. If Coates references his orientation as a 'condition', Judex's use of 'State' establishes an important semantic correspondence. 'Condition' and 'State' imply the diagnosis of the state of being homosexual. In the context of Judex's letter, the upper case suggests Judex's desire for belonging and inclusion. Etymologically 'state' is derived from the Latin word *status* which denotes 'a standing', and by extension, a position. Judex's usage of 'State' is therefore also symbolic of a desire to be incorporated, recognised and possibly *affirmed* as a citizen of the state. In this sense, Judex's use of language, denoted by his use of 'State' reveals association with the

nation, identity and sexual orientation. If 'state' references the nation-state, and 'state' also represents Judex's sexual orientation, then simple deduction implies that Judex articulates the wish for a legal recognition of the homosexual as an equal citizen of the State. In this sense Judex's language suggests that his letter may be directed towards a liberatory goal. Despite this strategic use of language, there are parts of his submission that demonstrate his selectivity and moral conservativeness.

The selections I have made from his narrative are included to illustrate firstly the categorisation of his identity in gendered terms. He formulates his masculinity in gendered terms which, as he claims, does not, disclose his sexual orientation: 'I am not obviously "queer" and do not exhibit unpleasant effeminate affectations, traits or mannerisms'. Given the pejorative meaning of 'queer' in the context of Judex's experience, he similarly assigns a stereotyped meaning to sexual orientation in feminine terms. This suggests that gender identity is closely aligned to sexual orientation, and is often the basis of much dissent, contention and division among queer subjects. As West and Zimmerman (1987: 136) point out, 'to "do" gender is not always to live up to normative conceptions of femininity or masculinity; it is to engage in behaviour at the risk of gender assessment'. In relation to Judex's statement, such a statement emphasises a type of normalcy that he wishes to establish in relation to his straight appearance that may, by implication, make him more amenable to acceptance by the State.

Secondly, the selections illustrate Judex's impassioned belief that all homosexuals are in agreement with his view: 'I do not of course make

any allowances for, nor condone licentiousness, obscenity, public indecency, corruption of the young and innocent, but here the same laws apply as do to all civilised society and the *vast majority of homosexuals are in utmost agreement on this subject*' (my emphasis). While it is strategic to his argument to separate identity from sexual practice, he assumes that 'all homosexuals' are 'in utmost agreement' on this subject. Such a generalisation denies the fractures, divisions and polarisation of the homosexual community. Ironically, the 'homosexuals' Judex refers to are indeed a white, racialised group. If we follow his argument, we discover that Judex's submission is far from liberatory, and is in fact reactionary and accommodationist. I believe his views represent a politics of collusion that typified the apartheid State. Because his defence against his homosexuality is selective in terms of advancing a positive case for the homosexual, his liberatory gesture, in being presented in terms of racialised and racist pleas towards the apartheid system, is weakened. I suggest that Judex's case against 'compulsory heterosexuality' is underpinned by a racist ideology that reinforces the apartheid mindset. In this sense his narrative appears to be closer to the spirit and tenor of letters 6, 7 and 9, all of which articulate views about sexuality, especially homosexuality in terms of the racialised (and racist) context of apartheid (the latter is briefly explored below).

2.6 Compulsory Heterosexuality and Discourses of the Nation

Toward the end of his letter, Judex considers the potential effects of the Amendment Bill that will criminalise homosexuality, and speculates on the impact this might have on the police service. According to him, the South African police have a noble calling in respect of protecting

the citizens (by extension the 'white' citizens) against what he terms the 'terrorist invasion', as well as the 'insoluble crime in non-white townships'. His language concomitantly discloses a particular image of and attitude towards the liberation forces.

The 'insoluble crime' he refers to could refer to the civil disobedience programme reinforced by the liberation movements to destabilise the apartheid government (for example, Thompson, 1985 & 1990; Worden, 1995). So the notion of the 'terrorist' and 'insoluble crime', which we know had as their purpose the 'noble' (political) purpose of deracialising and democratising South Africa, is for Judex a 'crime', an unlawful act. Theoretically his assessment is correct given the fact that liberation movements were banned in the sixties, and had intensified the armed struggle against the State. He couches his views in moral terms:

Take for instance the large number of police whose already overloaded duties are complicated and made more difficult by the intricacies involved when they are surely needed for the real pressing threats of Terrorist invasion, fifth column, the insoluble crime in the non-white townships and in the Cities and rural communities. These are the real dangers facing the country and threatening her safety, morality, and these must go unchecked while the Police are engaged in ignoble deeds of trapping, luring, and arresting law abiding citizens whose 'crime' happens to be following what they believe to be their own inalienable right.

More alarming are his concluding comments that explicitly reinforce a racist logic:

If stringent suppressive laws were passed many of South Africa's most valuable and useful citizens will be driven from their homeland if conditions were made untenable and intolerable for them. *Can South Africa afford to lose only one of her white citizens*, let alone possibly tens of thousands because of archaic and outmoded legislation which has its roots in ignorance, superstition and bigotry (my emphasis)

The above views manifest firstly the problems and dangers in homogenising identity politics because to homogenise an identity is to minimise (and downplay) the contradictions and silences that inform identity-based politics. Secondly, his views might suggest that a queer political identity in apartheid South Africa lacked a radical edge, but was couched instead in terms of the narrow limitations of middle-class white appeal for acceptance within an apartheid framework. Thirdly the views disclose how the discourse of sexuality is integrally linked to the discourse of nation and race. Fourthly, Judex's remarks show that homosexuals, despite the homophobia they experienced, were not immune to racism. The above observations also suggest that the Law Reform Movement of the sixties was primarily focused on influencing lawmakers rather than on organising gays and lesbians, and that it possibly failed to mobilise an understanding of homosexuality within a rights-based model. Perhaps more importantly, any alignment with that which we have come to understand and interpret as 'queer politics,' as radical, resistant and coalitional, was not evident in apartheid South Africa's gay and lesbian organising.

Furthermore, submissions 6, 7, and 9, for example, manifest attitudes, feelings and emotions that reflect a pathological perception of homosexuality, that in contemporary society, would be viewed as hate speech (see Chapter 5 below). Letters 6, 7 and 9 further mobilise a defence in support of criminalising homosexuality by appealing to the State in Christian terms. These letters do not simply elaborate a 'homosexual panic,' but also a 'moral panic,' that reveals an obsession and anxiety about the figure of the homosexual; in this sense homosexual and moral panic becomes 'sex panic'.²⁴

²⁴Duggan and Hunter (1995: 75) articulate three crucial moments in the politics of sexuality in the U.S.: the 'porn wars,' pro-gay efforts in law, and anti- and post-identitarian politics in the gay and lesbian movement.

Letter 6 equates the homosexual to a rapist, implying that the homosexual preys on innocent victims in a sexually violent way. Letter 7 views homosexuality as a subject of 'national importance'. Letter 9, in turn, describes the homosexual as 'sick', classifying the sickness as an 'unnatural habit' that requires 'rehabilitation'. One strategy inherent in the letter recommending rehabilitation is to separate the 'mentally sick' (the homosexual) from the 'well' rather than to 'let them run loose'. Acknowledging the economic implications of such a procedure, the author nevertheless concludes that the quarantining of diseased bodies (the homosexual is designated as such) would ensure, in his view, a healthier society, and by implication, safeguard the rest of the nation from any possible infection by homosexuals. Such thinking is still pervasive, and in the eighties, with the rise of HIV/Aids those infected with the virus were quarantined from those who were not infected (Shilts, 1987).

The language in letters 6,7 and 9 reveal the authors' view that the homosexual is not only diseased, but also a figure of sexual excess and promiscuity (Bersani, 1995: 20). Most vociferous is Frances Katz's letter (7). Her semantic choices disclose not just a panic about the homosexual presence, but also a deep hatred towards what she considers a morally reprehensible grouping. Katz supports her argument by describing the apparent moral decay of British society. To her, this decay is the result, in part, of the 'vile practice' in which 'homosexuality flourished'. She cautions the apartheid state against the dangers of this 'vile and insidious poison' where, according to her,

They formulate a sex panic as follows: 'In the grip of a sex panic, if you are accused of sexual 'deviance,' your defensive strategies are limited to either confession and repentance, or denials of personal 'guilt,' both of which only reinforce the legitimacy of the attack'. The point about a 'sex panic' is that it generates intense anxiety and dissent about issues related to sex, primarily by heteronormative society. HIV/Aids in the early decade of the disease was considered a sex panic. See also Sedgwick (1994: 19-21; 138-39; 182-212) for a description of what she terms 'homosexual panic'.

'young boys are lured and flattered into [the] clutches' of older feminine men with 'puny chicken like bodies'. According to Katz homosexuality 'defiles the life blood and manhood of [a] nation' and as such, requires a 'disciplined punishment'. For Katz the State should entrench a moral order by removing homosexuals from society. She also propounds a gendered interpretation of nation, but one which underscores the patriarchal importance of the nation-state.

Katz, like Judex, makes the connection between sex and the nation, and her final statement refers to the 'terrorist invasion' as another cause for concern. Katz's views reflect the conservative and exclusionary politics that characterised the apartheid political order. For her, the nation is not secular but sacred, and any endorsement of difference (informed by race and sexuality) would contribute to the moral decay of the society.

2.7 The Effects of the Law Reform Movement²⁵

As we have seen, the submissions to the Commission were diverse and divided in their views. The eventual decision of the Select Committee, however, was not to further criminalise homosexuality by extending the crime of homosexuality in private acts. This did not imply, however, that the injunction of homosexuality between consenting adults was to be withdrawn; in fact, the Act continued to remain an offence under South African common law until 1998 when the process of the decriminalisation of homosexuality began in the post-apartheid context (see Chapter 7). One important consequence of the

²⁵See footnote 9 above. Retief (1994: 103) also confirms the gendered and racialised views espoused by the Select Committee report: 'A striking feature of the Select Committee report is its white male viewpoint: whenever homosexuality is talked about, it is white gay men who are used as examples, and lesbians and black gays enter the discussions as afterthoughts.'

Commission was that it amended the age of consent by raising the age of males in the case of homosexual sexual conduct to 19. This was in marked contrast to the 1957 statutory requirement that set the general legal age for heterosexual sex with minors at 16 years. That there had been no legal or governmental shift in attitudes to gays was confirmed in 1968 by Minister Pelsler's warning that there would be 'no relaxation' in the legal position concerning homosexuality and that the moves being made to legalise homosexuality in other countries could 'not be allowed' in South Africa (Gevisser, 1994: 35).

Despite the small victory, the sanctity of the private for homosexuals remained illegal. The failure of the amendment was a victory from a psychological perspective. Gevisser (1994: 36) cites the view of one activist: 'We had done it ourselves. We were threatened and we fought back and won. For the first time. It felt great.' What was disappointing was the collapse of the Law Reform movement soon after the Select Committee had completed its proceedings. Gevisser (1994: 36) appropriately describes the work of the Law Reform Group as a 'narrowly-defined, single-issue campaign aimed at blocking potential legislation rather than at building an enduring gay and lesbian community.' In my view, this short-lived victory discloses the limitations of a conservative and reactionary political ideology in respect of queer political mobilisation in the apartheid state.

With the withdrawal of its elitist leadership once its aims had been achieved, the Law Reform Movement simply faded out. The endeavour did, however, have ramifications that have much to offer in the development of an understanding of 'queer identities'. Widespread and unprecedented mobilisation had caused the extent of homosexuality in

South Africa to become more visible to the authorities and it appears that the State's strategy changed from one of an unrealistic wiping-out of homosexuality to a more manageable minimising of its social effects (see Chapter 3). As the authorities sought to remove homosexuality from public places such as the street, the newly socially-awakened and self-identified gay subculture was forced to move indoors to the 'privacy' of gay bars and pubs where it could and did develop. Gevisser (1994) makes the cogent point that the segregation of homosexuals from the rest of society (in other words, their confinement to private 'invisible' spaces) encouraged the development of a subcultural community and of homosexual self-identity. Gevisser (1994: 37) writes that the most beneficial side-effect of this form of apartheid (that between the homosexual margins and the heterosexual centre) was the 'formalisation of gay culture'. However, since racial apartheid was still intact, this meant further segregation between black and white homosexuals. I return briefly to this issue in Chapter 7 where I develop the argument that strategic mobilisation in the post-apartheid State has led to a more progressive and radical politics of decriminalisation that guarantees full citizenship for queers.

2.8 Conclusion

The preceding discussion has shown that the development of 'queer identities' in South Africa is inextricably bound to the politics of the apartheid state in what could be described as State homophobia. Furthermore it has been shown that the 1968 Commission was an important event since during this period the first historical organisation of gays in South Africa (Law Reform Group) against homosexual criminalisation came into being. As Gevisser (1994: 35) points out,

and is confirmed by submissions (letters 1,3 and 8), gays 'quietly and professionally [attempted] to protect themselves by carving a niche within apartheid South Africa while not disrupting the *status quo*'. This strand of queer activism was racialised by the mobilisation of primarily white gays and lesbians but within an accommodationist model. The primary motivation of those endorsing the criminalisation of homosexuality was the protection of 'innocents' from the 'problem' of homosexuality (Gevisser, 1994: 35). The small victory for gays and lesbians (that homosexuality in private was not criminalised) did not however, secure any legal rights for homosexuals. In fact, I argue, it consolidated the State's power and authority to intervene, monitor and contain homosexuality. In this sense there was no victory. But, despite these negatives, some positive spin-offs did emerge.

The homosexual became a visible phenomenon, a 'gay presence', and as following Bersani (1995: 11) 'visibility is a precondition of surveillance, disciplinary intervention, and, at the limit, gender-cleansing'. The 'homosexual' emerges not simply as a 'problem' but as a figure that challenges the State for the right to equality and dignity, rights that *are* guaranteed for the heterosexual population. This Immorality Act (Amendment) Commission of 1968 could also be described as the beginning of a modern liberatory project for South African queers, which gained momentum in the post-apartheid State. The submissions similarly evidence the homosexual subject as a productive subject who discloses particular truths about the self in relation to identity, integrity and personality. Similarly, the transgression of the South African moral code produces the homosexual as a subject who speaks back, and is therefore not silenced by the power that constrains him/her. The submissions thus

reveal that identity formation is fundamentally political, that it is produced in relation to a prohibitive power. An important subtext here is the fact that the homosexual emerges in a counter-narrative (one in which s/he has spoken) to the grand narrative of the apartheid project. Such a counter narrative is one that politicises homosexual identity, and while in the sixties in South Africa it may have been inappropriate to refer to a 'queer' identity, the pejorative connotations of the word paradoxically also suggest that homosexual identity is 'queer' precisely because it is an identity marked by opposition to heteronormativity and the prohibitive hegemony. Ironically, the perceived minor victory of 1968 for homosexuals was the precursor in the seventies to more sinister operations against homosexuals by the State. To these, I turn in the next chapter.

CHAPTER 3

Military Mutilation¹: The Aversion Programme in the South African Defence Force in the Apartheid Era

Nobody was given electric shock treatment by me [...] What we practiced was aversion therapy. We caused slight-very slight-discomfort in the arm by contracting the muscles using an electric device.

Aubrey Levine (interviewed in Kirk, 2000b: 5)

As soon as one endeavours to detach power with its techniques and procedures from the form of law within which it has been theoretically confined up until now, one is driven to ask this basic question: Isn't power simply a form of warlike domination? Shouldn't one therefore conceive of all problems of power in terms of relations of war? Isn't power a sort of generalized war that, at particular moments, assumes the forms of peace and the state? Peace would then be a form of war, and the state a means of waging it

Michel Foucault²

3.1 Introduction

The South African Defence Force (SADF) was one of the most important institutions utilised by the apartheid State in its opposition to what it described as the 'total onslaught' by liberation forces (the ANC, PAC, AZAPO, SACP) on the apartheid project (see also *TRC Report*, volume 4, 1998: 220-247). Although the 'total onslaught' period became a distinct phenomenon of the presidency of P.W. Botha (immediate predecessor of President F.W. De Klerk, South Africa's last

¹I borrow a portion of the title for this chapter from a newspaper headline, 'Military Mutilation: How the SADF forced gay soldiers to become women' (*Mail and Guardian*, July 28 to August 2000: 1). This newspaper dedicated significant copy on how the SADF employed strategies to 'cure' homosexuals by subjecting them to aversion therapy. The bulk of this chapter also draws on a commissioned report for several organisations, among them, The National Coalition for Gay and Lesbian Equality, Health and Human Rights Project, Gay and Lesbian Archives, South African Medical Research Council: *The Aversion Project: Human Rights abuses of gays and lesbians in the South African Defence Force by health workers during the apartheid era* (1999) by Van Zyl, De Gruchy, Lapinsky, Lewin, Reid. When cited in this chapter I reference the report as *The Aversion Project*. Also cited is Swarr (2000) who was commissioned by the National Coalition for Gay and Lesbian Equality at the time I was a board member. Swarr compiled transcriptions of many interviews. Of special importance is the Truth and Reconciliation Commission (hereafter TRC) in South Africa, and selected volumes of the report are cited to motivate the empirical context of this chapter.

²See James D. Faubion's *Michel Foucault: Power* (2000: 123-124).

white president) in the 1980s, the military operation was defined much earlier as a counter-insurgency strategy against the perceived 'swart gevaar', epitomised by the liberation forces (for example, Seegers, 1996; Steenkamp, 1989; Stiff, 1999).³ This period was characterised by an increase in the apartheid government's military apparatus and physical resistance, especially from the early to mid 1970s. This was due to a large scale 'border war' to counteract the covert operations of the liberation forces who launched insurgency operations from neighbouring African States (supporters of the liberation movement) with a view to destabilising the apartheid regime. The military effort was referred to as a border war, by the apartheid military forces, because liberation movements deployed their military wings to the borders of countries that intersected with South Africa's geography: Namibia (previously South-West Africa, received independence from the apartheid State in March 1990), Zimbabwe, Mozambique and Angola.⁴ Geographical boundaries represented what could be termed a geopolitical conflict because of the extension of the conflict from South Africa's borders into other countries in order to protect what was perceived by the apartheid government as the 'white' South African homeland.⁵

³Seegers (1996: vii), unlike Steenkamp (1989) and Stiff (1999), outlines a comprehensive historical account of the evolution of the security establishment in South Africa. Seegers (1996) interprets the South African apartheid 'military' broadly, and for the military encompasses the SADF, South African Police (SAP), intelligence services, and military bureaucracies such as the State Security Council (SSC), National Security Management System (NSMS), as well as the state run arms industry, Armscor.

⁴The 'border war' is an important event that features in literary and cultural production in South Africa. While such production does not inform the scope of this chapter, I mention it as an important comparative aspect. An interesting literary discourse exists, particularly in Afrikaans literature that thematizes the 'border war' in terms of 'border literature' (grensliteratuur). See for example: Van Coller (in Cloete, 1992: 153-156) for an extended discussion of this concept in relation to Afrikaans literary texts. Literature in English in South Africa has a limited corpus, but nonetheless relevant texts that equally interrogate the 'border war' in relation to issues such as identity and nation. Some of these are: Anthony Delius' *Border* (1976); *Forces Favourites* (1987) and Damon Galgut's *The beautiful screaming of pigs* (1991).

⁵See for example Davis (1987); Evans & Phillips (1988); Frederikse (1983); Grundy (1987); Steenkamp (1989) and Stiff (1999) for a detailed exposition of the role of the SADF in the context of the 'border war'.

The above brief contextualisation emphasises the socio-political climate of apartheid South Africa in the period of the 1960s, a period that saw the emergence of South Africa as a police state, in which State power and State repression was consolidated against the racial enemy. The 1970s, in their turn, demonstrated the increased militarisation of the country.⁶ By 'increased militarisation' is meant an increased aggression and concerted resistance towards the liberation forces by State institutions such as the police services and the defence force. The military, an institution within the broad macro-politics of the State, operates (in Foucault's sense of the strategic effects of any apparatus or *dispositif*) to represent the adversarial authority (of power and/or knowledge). The practices informed by the *dispositif* constitute an intensified surveillance and control mechanism. Together with State policy that was designed to curtail opposition from liberation forces, militarisation reinforced the State's power against the 'swart gevaar' ('black threat'). Repression by the State against liberation forces can also lead to resistance by groups (Darier, 1996: 589). Resistance against oppression is not a new idea, and has extensively been explored in Foucault's earlier work on prison systems which seek to discipline and punish particular types of bodies (namely criminal bodies) through specific disciplinary techniques.⁷ In this chapter, I conceive the homosexual body as a particular variant of the criminal

⁶In terms of the *South African Defence Act, 1912*, the Union Defence Force was established and recognized as the armed force of the Union of South Africa. This Act was later replaced by *The Defence Act, No 44 of 1957*. All aspects of the SADF were thus controlled by law, and the levels of force permitted were provided for in accordance with the Act. In terms of Section 2 of the Act, females and persons not classified as white were excluded from compulsory military service. The tasks assigned to the SADF were predominantly within the scope of Section 3 (2) of the Act: *The South African Defence Force or any portion or member thereof may at all times be employed-* (a) on service in defence of the Republic; (b) on service for the prevention or suppression of terrorism; (c) on service in the prevention or suppression of internal disorder in the Republic; (d) on service in the preservation of life, health or property or the maintenance of essential services; and (e) on such police duties as may be prescribed (cited from *TRC Report*, Volume 4, 1998: 247). A non-legal reading of this section of the Act indicates that the 'power' at the disposal of the Defence Force was facilitated by the juridical formulation which itself was flexibly formulated to accommodate the agents of the state. 'On such police duties as may be prescribed' is one example that suggests the unlimited powers that accrued to the State to carry out its operations.

⁷See for example Božovič (1995) for an excellent analysis of Bentham's panopticon writings.

(and pathologised) body when viewed from the perspective of the apartheid military.

Unlike the previous chapter, which demonstrated how the State sought to criminalise homosexuality in its 1968 commission, this chapter demonstrates - in the wake of increased militarisation - how the apartheid State mobilised, especially in the 1970s and 1980s young white men as conscripts, to strengthen its defence systems. However, it is not simply the conscription of young men that is relevant here, but an adjudication of their sexuality that became the subject of its aversion programme. It should also be noted that my focus is on *conscription* and not on *recruitment*.⁸ (The latter included people of colour and women, but only white men were conscripted into the military).

Like the factor of 'race' that defines the enemy in the context of war, the apartheid military was also interested in the identification of sexual orientation. It is interesting to note that the military did not immediately discriminate (by excluding) men and women on the basis of their sexual orientation, but once it became evident that some men were gay or some women were lesbian, the State took it upon itself to manage and 'treat' the homosexual pathology. It could be claimed that this attitude (and methodology) was reflective of the pathological status accorded homosexuality by the medical model in the context of the late 1960s and 1970s, a status the State merely subscribed to. However, another possible reason for the State's determination on

⁸Toms (1994) outlines a candid account of his experiences as a gay conscientious objector in the ECC in South Africa. As an out gay white male, Toms was a key player in OLGA and the ECC. His story explains the disinformation campaign against him, the homophobia directed towards him ('Toms is a moffie pig', 'ECC Homo perverts', 'Ivan Toms fucks young boys') and his prosecution and trial.

intervention, is the Christian Nationalist ideology of the apartheid project as discussed in Chapter 2.

One of the State's responses to homosexuality in the South African military was a secret programme using the services of doctors, psychologists, psychiatrists, and assisted by chaplains, who scoured intakes of national servicemen, in their hunt for suspected homosexuals (see 3.3 below: *The Aversion Project*).

As noted, this chapter is not focused on the process and merits of conscription, which has already been extensively addressed by other scholars (see Cock, 1991; Cock and Nathan, 1989; Cawthra *et al*, 1994; Price, 1989). Rather, the chapter profiles how, within the apartheid military, a secret SADF project was administered to 'cure' homosexuals. Sex-change operations, medical torture and chemical castration were perpetrated against white national servicemen in a programme to 'cure' deviants (Kirk, 2000b: 4). In terms of the overall focus of the dissertation, this chapter also confirms the emergence of the homosexual as a particularly 'queer' phenomenon, formed (and defined) by particular social and historical events that were underpinned by apartheid violence. Following this, and retaining a Foucauldian perspective, I am suggesting the homosexual is produced in the SADF experiment as a particular political subject, a subject that is deviant and marginal - a body marked by difference, while concomitantly and consequently one to be constrained.⁹ The emergence of the homosexual, through this structure of oppression, also engenders a discourse in which the homosexual becomes a

⁹Foucault has written extensively about the body in several texts (1967; 1977a; 1977b; 1980; 1984; 1986a; 1990). See also Antonio Campillo's 'On War: The Space of Knowledge, Knowledge of Space' (in Miguel-Alfonso & Caporale-Bizzini, 1994: 277-299).

productive subject, one who does not merely account for the violence administered against him/her, but also actively transforms the discourse that challenges the oppressive, militarised political order of the apartheid state. It is via these observations (and the discourses generated by the Aversion Programme) that I read the possibility that the homosexual's repression and oppression indicates that memory, in particular, the ability to recall (remember) events and experiences of the past, suggests that the homosexual emerges as a visible, political and productive phenomenon who achieves more than a mere presence in the historical record. The term 'memory' refers to a particular technique used in the methodology to reconstruct the experiences of those affected by the aversion programme.¹⁰

The homosexual conscript in the SADF Aversion Project is labelled as a patient (in other words someone in need of 'healing'). The 'patient', may be legitimately constrained by the disciplinary regime of the apartheid military, which administers a therapy to alter and modify behaviour for their own good. In some cases the Military's 'healing' had tragic consequences for some gay white men. Any conception of the homosexual in the context of the military has to be read in conjunction with the military as a gendered and heteronormative space (see Chapter 6).

3.2 The Military and Gender

An extensive body of literature exists, in what has come to be defined as war and gender studies (a thematic in the broad field of gender

¹⁰The methodology entailed in-depth semi-structured interviews with survivors of abuse, friends and family of survivors and workshops with relevant institutions. This methodology is explained in *The Aversion Project* (1999) report.

studies), particularly since the mid 1970s and 1980s in the United States, and to a lesser extent in Britain.¹¹ Two definitive South African studies (Cock and Nathan, 1989; Cock, 1991) build on research elsewhere in the world on war and gender and demonstrate how the apartheid military systematically reinforced gender regimes. Cock (1991) addresses the homophobia of the South African military to a limited extent. Scholarship on masculinity (for example Connell, 1987; 1995; 2000) has addressed how an aggressive masculinity is constructed within war and physical conflict. Studies on masculinity in South Africa (Morrell, Cock, Swart and Xaba, 2001) focus on the Anglo-Boer War (also called the South African War) of 1899-1902, the war against apartheid by the liberation movements, and on gun violence.¹² The figure of the homosexual also warrants an analysis from the perspective of sexuality, of violence against lesbians and gay men.¹³ In order to demonstrate how queer masculinities are proscribed in the Aversion Project, I conceive the military not only in terms of its gender arrangements which prioritise masculinity, but also in terms of sexuality.

The analytical perspectives of the various studies on war and gender (see footnote 11) are drawn from the disciplines of psychology, history, literature, sociology, and cultural studies. The distinctive aspect of these studies, in the context within which I locate the Aversion Programme, is that they all critique the privileged status of

¹¹See for example: Appy, 1993; Bourke, 1996; D'Amico & Weinstein, 1999; Enloe, 2000; Feinman, 2000; Goldstein, 2003; Jacobs, Jacobson and Marchbank, 2000; Jefford, 1989; Katzenstein and Reppy, 1999; Kolodny, 1984; Melman, 1998; Shehadeh, 1999; Slotkin, 1973.

¹²The essays by Morrell, Cock, Swart and Xaba are not directly relevant here, but do offer some perspective on masculinity in the context of war. I list these chronologically: 'The Times of Change: Men and Masculinity in South Africa' (Morrell in Morrell, 2001: 3-37); 'Gun Violence and Masculinity in Contemporary South Africa' (Cock in Morrell, 2001: 43-55); 'Man, Gun and Horse: Hard Right Afrikaner Masculine Identity in Post-Apartheid South Africa' (Swart in Morrell, 2001: 75-89); 'Masculinity and its Malcontents: The Confrontation between 'Struggle Masculinity' and 'Post-Struggle Masculinity' (1990-1997)' (Xaba in Morrell, 2001: 105-124).

¹³See for example: Comstock, 1995; Herek *et al*, 1994; Herek *et al*, 1996; Tatchell, 1995.

masculinity in society, as well as critiquing the role of militarisation in reinforcing patriarchy. For me, the Aversion Programme is one that foregrounds the discursive silences that surround sexuality. By conceiving the 'event' of the Aversion Programme in terms of the pervasive secrecy of the apartheid era, we are able to see the homosexual within a political formation of identities, a point Enloe (2000: 32), an anti-militarist, clearly articulates in her study:

Thinking about militarization allows us to chart silences. It enables us to see what is not challenged or, at the very least, what is not made problematic. The silence surrounding militarization is broken when military assumptions about, and military dependence on gender are pushed to the surface of public discussion.

The phrase 'public discussion' is especially relevant to the Aversion Programme, for, as will be shown, the Aversion Programme of the apartheid military received much coverage in the press, and to a limited extent at the Truth and Reconciliation Commission hearings. The Aversion Programme was also the subject of a documentary film, *Property of the State: Gay Men in the Apartheid Military*, which premiered at the South African Gay and Lesbian Film Festival in 2004.¹⁴ The film demonstrates that once conscripted into the army, the homosexual was cut off from civilian life and became the 'property of the state,' thereby owning the homosexual body. The film, via the narratives of the characters, also suggests that the very production of this documentary film, and its content, is a type of counter-narrative which affirms the idea of the political construction of queer identities.

The political construction of queer identities leads to another hypothesis presented in this chapter, namely that apartheid military

¹⁴This film does not feature in my analysis. The film focuses on victims' testimonies that reconstruct the aversion programme in the apartheid military. Directed by Gerald Kraak the film is available at GALA, including unedited footage.

culture reflects interrelated systems of oppression. Some scholars have offered views that are applicable to interpret the homophobia within the apartheid military. Feinman (2000), for example, reinforces Dollimore's (1991: 236) observation that 'homophobia often intersects with other kinds of phobia and hatred: in this case, and rather economically, not only misogyny but also racism and xenophobia'. Feinman (2000: 40) formulates her view in terms of an antimilitarist theory: 'Feminist antimilitarist arguments contribute critical insights regarding sexism, heterosexism, racism, and patriarchy as an interlocking system'.

The similar Feinman and Dollimore interpretation of interrelated systems of oppression could possibly mean that the military is far from being a neutral zone, but is instead a site encoded with social and political meanings that make it a contested space. An underlying feature of virtually every military is that it represents a specific spatiality of patriarchal power or what could be further theorised as a patriarchal geography, especially as it signifies a masculine world. This is a space that inscribes bodies in gendered terms, reinforced by the further division into bodies and sexualities. In South Africa, the army makes and takes decisions on behalf of the conscripts. The army exercises a degree of power over its subjects, in this case homosexuals, by constructing a space in which it is difficult for queer subjects to discover sexuality. One of the military's features is that it institutionalises methods based on 'control' to construct its gender regime by deploying gendered codes in relation to the power it wields over bodies. Enloe (2000: 291) for example, writing about the disciplinary framework of the army elsewhere, emphasises the social control to militarise men :

There is nothing automatic about militarization. It is the step-by-step process by which something becomes *controlled by, dependent on, or derives its value from* the military as an institution or militaristic criteria. What has been militarized can be demilitarized. What has been demilitarized can be remilitarized.

The question of 'control' and the 'values' (such as obedience and respect for authority) that accrue in a militarised culture confirm what Cock (1991: 56), a South African sociologist, articulates in relation to the basic training for South African conscripts: 'During "basics" soldiers are taught two major requirements: to be submissive to authority [control] and to be aggressive to the enemy[values]'. Such a view, underlined by the army as a technique of socialisation, represents, according to Cock (1991: 56), a 'totalitarian image, which sanctions seeing the enemy as the representative of a principle of evil one must destroy'. Cock (1991) suggests male bonding is a definitive marker of the gendered regime deployed against the black (and racialised) enemy in the apartheid military. This takes the form of the military's encouragement of an *esprit de corps* (spirit of fellowship, loyalty, and common purpose that unites a group by reinforcing team spirit). Of relevance here is the fact that the etymology of *esprit de corps* denotes 'spirit of the body' and the strategy of the military, in fact of all military institutions as confirmed by the critical literature cited earlier, is to promote particular types of bodies, and to make heterosexual bodies. This regimentation in the military is reinforced by a socialisation in terms of submission (to authority) by aggression towards the enemy. This the SADF did by prioritising white, heteronormative bodies. Firstly, the South African military, especially through its techniques of curative therapies in the Aversion Programme, defined the sexualisation of the military in the way it conceived the abject body. And here it is not simply the sexualisation

of any body.¹⁵ The homosexual is viewed in a particular structure of pathology by the apartheid State. The homosexual is seen as 'onsedelik' (unnatural): abnormal, perverse, immoral, sick, queer and indeed an abject and diseased body that necessitates remedying. Secondly, the Aversion Programme strategies ensured that the sexuality of the conscripts was moved out of the arena of the private and into the public space of the militarised. It is in these terms that I claim the Aversion Project discloses that sexual politics is framed in at least two ways.

Firstly, the practice of aversion therapy as a form of torture on its conscripts constitutes the State's breach of the human rights of its subjects.¹⁶ The fact that the Aversion Programme was first made public at a Truth and Reconciliation (TRC) hearing highlights the important fact that the programme was an abuse of fundamental human rights.¹⁷ The violation of rights is to be understood in its political context. Secondly, as a subversive project bent on rehabilitating (to 'normalise') the homosexual, the State discloses a strategy to conceal, hide and thereby make invisible (deny) the homosexual, a fact in line with the assumption that homosexuality

¹⁵Butler (1993a; 1999) has prioritised in her work the notion of abjection, in asserting that morphology, i.e. the form of the body, is the product of a heterosexual scheme, suggesting that abjection has much to do with establishing boundaries of the body in relation to the subject.

¹⁶According to Article 1 of the Declaration against Torture, adopted by the United Nations on 9 December 1975, torture is defined as follows: '1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such persons as obtaining from him or a third person information or confession, punishing him for an act he has committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners. 2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment' (See Amnesty International, 1984: 12). Also relevant here is *Detention and Torture in South Africa* (Foster, 1987) which outlines an empirical survey and analysis of processes of detention and torture in South Africa, but makes no reference to the aversion project.

¹⁷A related issue that focuses on the discourse of homophobia is addressed by Holmes (1996: 161-180) who focuses on the Winnie Mandela trial for public kidnapping and assault in 1991. The issue also became a focus during the TRC hearings which drew public attention to the homophobia in relation to the Mandela United Football Club that found Madikizela-Mandela guilty of kidnapping and of being an accessory to assault. The Commission's enquiry was initiated by Ms Joyce Seipei, mother of Stompie Seipei who was killed by members of the Club. See *TRC Report*, Volume 2, 1998: 554-582.

threatens not simply the moral fabric of the military (and society in general), but is also a potential risk for the military institution as a patriarchal empire. By this I mean that patriarchy is dependent on heterosexual reproduction in order to sustain the system. Homosexuality therefore threatens the existence of such a patriarchal system. The military thus moves into a defensive mode mapping the opposition between the heterosexual and homosexual and in a 'homosexual panic' reacts to it virulently. This event (the Aversion Programme), underscored by the military's heteronormativity, is indicative of Sedgwick's (1994) *homosexual panic*, the 'homosexual panic' defense that is offered by perpetrators of acts of violence principally against gay men (Chapter 1 addressed this concept). I use the notion of a 'homosexual panic' to explain that the apartheid military externalised this panic in its conception of homosexuality as a pathology; and second, to demonstrate that the techniques of the aversion programme corroborate the panic as a type of state defence system.¹⁸ I suggest that this episode in South Africa's turbulent history is another key determinant in conceiving the political formation of queer identities. More importantly, I briefly locate the Aversion Programme in the context of the truth and reconciliation process of South Africa, since the motivation for further investigation of the aversion project was sparked by reports cited during the TRC. I now consider, in relation to a close analysis of the narratives of subjects who were victims of the Aversion Programme, further aspects that arise in relation to the way in which the apartheid state attempted to control the representation of the homosexual.

¹⁸Other events in history equally demonstrate how queer identities take shape in events that pathologize the homosexual. See John D'Emilio's (1992: 57- 73) excellent analysis of the politics of sexuality in Cold War America, especially his analysis of the McCarthy Era witchhunts and climate of persecution that provide a context for the radical origins of the gay movement in the USA. D'Emilio's discussion of what he terms the 'homosexual menace' in respect of the McCarthy era witchhunts form an interesting parallel here with the aversion programme in the SA military. My discussion notes the point of equivalence, but does not engage in the US event in depth.

3.3 The Aversion Project

3.3.1 Introduction

The motivation for the Project emanated from reports cited in a submission to the health sector hearings of the TRC, in June 1997, by the Health and Human Rights Project (hereafter HHRP). The HHRP submission indicated that human rights violations had occurred on a wider scale than had hitherto been documented (*The Aversion Project*, 1999: 1). Evidence suggested, for example, that gay conscripts were 'treated' for homosexuality using aversion therapy. It was also alleged that this 'treatment' was undertaken without the conscripts' full consent, with the consequence that many conscripts were psychologically scarred by these experiences. For example, some men report sterility as a result of chemical castration; while others committed suicide (Kirk, 2000b: 4). These empirical facts partially motivate the title of this chapter. The word 'mutilation' (from the Latin *mutilāre*, meaning 'to cut off') could be interpreted in the context of the Aversion Project to mean that homosexuality is viewed as a pathology that requires dismemberment. By implication, the homosexual is therefore a species to be 'cut off' and removed from the heterosexual matrix of the military. But this dismemberment, I believe, also situates, constructs and valorises historically the homosexual (not simply as a species demonstrating a same-sex orientation) as a *public* phenomenon, and indeed as a queer political construction. This chapter takes the latter aspect as a cue to profile some of the conscripts in the Aversion Project, and assesses what their narratives suggest for identity formation in terms of some variables such as race, gender and sexuality.

The TRC Report (Volume 4, 1998: 124) focusing on the alleged abuse of gay conscripts is prefaced by the following comment:

There were reports of a particular psychologist who used aversion therapy and electric shocks on homosexual military men as part of a treatment for their 'gayness'. Another doctor allegedly helped the military develop chemical weapons and truth serum to be used in questioning.

The doctor in question, Wouter Basson of the Seventh Medical Battalion was later questioned at a special hearing on chemical and biological warfare in June and July 1998 and subsequently convicted of gross human rights violations. The exposure of Dr Basson's role in using chemical weapons against members of the liberation forces suggests that there was a lack of ethical treatment of patients by some medical personnel. However, in an anonymous submission, another doctor conscripted to the SADF recounted his experiences at the TRC Health Sector Hearing:

Before beginning his two years of National Service in the mid-1980s, a young conscript had qualified as a medical doctor. On entering the military, he applied to work in the department of psychiatry at a military hospital because he believed that he could use his time most productively there. He worked in psychiatry for six months and was subsequently sent to Oshakati for three months. While in South West Africa, he observed many irregularities in the provision of medical care. When he arrived at Oshakati, he was treated differently to the other doctors and was accused of having been placed as a 'government spy for the Surgeon-General'. Later, he discovered that the other three doctors had been 'handpicked' by the government, who said that 'he did not want me in the camp and that if I ever breathed a word about anything I saw or caused any trouble, I would disappear without trace' (*TRC Report*, volume 4, 1998: 124).

While the narrative is vague in respect of sexual orientation, two key phrases are relevant: the supposed 'irregularities' that the young doctor observed, and his ostracisation at the camp, implied by the

phrase 'treated differently'. The TRC Report (Volume 4, 1998: 124-125) lists the breaches by some medical personnel identified by the young doctor. These include the following: a psychologist prescribed a schedule five anti-psychotic drug that only a medical doctor is permitted to prescribe; the commandant and his deputy regularly changed scripts for medication and discharged patients without consulting the attending doctor; the commandant's refusal to supply the necessary medication to a patient; and disregard of his recommendations for treatment of a patient who had injuries that were thought to have been inflicted by security police. This patient subsequently disappeared. After he had diagnosed post-traumatic stress disorder, the conscript (the patient) was told that no such condition existed. The conscript also claimed that he wrote to the Surgeon-General describing these situations, but that the report never arrived at its destination. I return later in the chapter to discuss some of the above issues in relation to other narratives framed in the Aversion Project that demonstrate the nature and extent of the abuse within the military.

The Aversion Programme has to be understood in the context of secrecy in the military underworld. Details about the programme were motivated by public disclosure in the TRC Hearing. The subsequent investigation of the Aversion Programme attempts to 'contribute towards developing a historical picture of certain experiences of gays and lesbians in the armed forces by documenting the manner in which military health workers violated their rights' (*The Aversion Project*, 1999: 1). In another sense, the project is an exercise in truth-telling, a humanist project that pinpoints and interpellates the 'violenced' queer subject. The 'historical picture' implied is in another sense an attempt to structure particular 'truths' related to the experience of

aversion therapy as a human rights violation committed against gays and lesbians. In this regard the Aversion Project may be described as a political project. The need to explain the modalities of the traumatic moments that have shaped gays and lesbians in the context of aversion, suggests that it is necessary to retrack 'evidence' (which I read to be the truth-effects) of the Aversion Programme. The 'events' lead the investigators (listed in the project report) to a possible 'origin' of the Aversion Programme. This 'origin' might in this case be, following Foucault (1989: 12), the 'interior of this totality' in which history, politics and power intersect.

The project report (1999) is fairly extensive and detailed: an executive summary precedes the background to the study, and is followed by the study design (rationale, methods and research tools, ethic, data analysis), a brief exposition of homosexuality in the armed force, the findings in respect of human rights abuses, and finally the conclusions and recommendations. Despite the obvious empirical advantages of these details for my research, it is not within the scope of this dissertation to offer a rigorous exposition of the entire report. I believe the report is an excellent source of rich data, and is an archive that has much to offer by way of further research into the issues it presents. I merely highlight the 'political' intent that underlies the Aversion Programme and extrapolate some key issues in relation to the empirical. I have selected a few of the interviewed subjects' narratives in order to 'tease out' some of the meanings their narratives generate in the context of the political construction of queer identities. I have attempted to contextualise the Aversion Programme in relation to the context of war, the military, the State, truth, gender, race and sexuality, all of which operate as modalities of power-knowledge. I

turn now to the summaries of selected narratives, focusing in particular on seven subjects interviewed in the Project. An analysis of the meanings the stories provoke for the purpose of this chapter follows.

3.3.2 Interviewed Subjects and their Narratives

Transcripts of the interviews conducted with all the subjects are catalogued at GALA in the historical papers section of the William Cullen Library, at the University of the Witwatersrand. Interviews were conducted by the Project's reference team in 1998 and 1999.¹⁹ As noted earlier, I focus on seven subjects. I have selected for the purposes of this chapter a sample representative of 'victims' of both genders, and also, the parents of one of the conscripts. For the purposes of the discussion I use Swarr's (2000: 1-5) *summaries*, commissioned by the National Coalition for Gay and Lesbian Equality, which was one of the Project's reference team members. Most of the subjects interviewed in the summaries by Swarr (2000) are anonymous, and references used to identify individuals have been changed and pseudonyms used. The summaries focus on the period of military service, the duration and type of treatment, the doctors involved, the family context, and the locations of treatment. In order to reflect the numbering recorded in the summarised interviews correctly, I have numbered the selections based on Swarr's summaries to reflect the historical record, and include the dates on which the interviews took place. While I am aware of the complexities in narrative construction (such as 'who speaks?' 'How is the voice framed?' etc), I will be focusing primarily on what the discourse

¹⁹The reference team is listed in *The Aversion Project* (1999).

suggests for the hypothesis in this chapter, namely the construction of queer identities.

Interview 1: Clive, 17 October 1998

Clive from the age of 17/18 was enlisted in the army from July 1973 – April 1974 (for nine months) in Kimberly at the age of 17/18. While in the army, he was coming out to himself based on his experiences at high school with other boys, and he spoke to the 'army doctor' about this. Clive describes this doctor as 'very sweet' and 'just like a conscript like the rest of us' who 'felt a bit culturally out of his depth.' This doctor referred Clive to 'Dr. Villesky' from whom he thought he would receive counseling. Instead, he was forced to come out to his parents in the doctor's office and was given electroshock therapy in which he was shown pictures from 'Boy magazines' and instructed to talk about what he thought. While he was talking, the shocks were administered which were 'terribly painful, very disorientating'. All in all the treatment made him feel completely depressed and 'confused'. Clive was kept in the hospital for 4-5 weeks and would then come back for hour long sessions once or twice a month, though it didn't change his attraction to other men. He was located at 1 Military and knew that if he didn't cooperate he could be dispatched to Greefswald which was worse than Detention Block. He also notes that there was a Sister Snyman in the ward who was 'quite sweet.' There were twenty or thirty patients in the ward, but Clive does not specify if they were all receiving the same treatment.

Interview 2: Hilary, 13 January 1999

Hilary enlisted in the navy when she was eighteen and served from the middle of 1983 until December 1984. She spent three months in basic training and the rest of the time at SAS Simonsberg. When she was interviewed to enter the navy, she was asked if she was homosexual by a man whom she knew was gay; they 'twinkled' at each other, implying recognition of their common homosexuality, but neither openly acknowledged it. There were at least two other out lesbians in her basic training, the two petty officers above her, and many of the women would discuss lesbianism openly. Nolan, a woman who was the 'golden girl' of the lieutenant 'named all of us,' and they were called in to the lieutenant for questioning. Hilary openly admitted that she was a lesbian and was referred to counseling, as were a number of the other women. She had four sessions of therapy with 'a dear sweet nice Afrikaans man' who would say things like 'But you're such a pretty girl' and 'Have you tried this with boys?' Hilary says that the therapy wasn't effective and that she 'spent most of the time having a nice cup of tea and lying back and just getting out of exercise, which was great.' She also notes that her later attendance at UDF meetings was seen as more threatening than her lesbianism. She found that even though lesbians were 'rife,' there was an

expectation of self-censorship and that lesbians often didn't get promoted. She ends the interview by remarking that her homosexuality was noted in her military life.

Interview 5: Neil, 28 January 1999 (part 1)

According to Neil, during basic training, 'the humiliation of gays was very, very common' and they were called '*holnaaier, poefter, moffie*'. Gays were often scapegoated and beaten up to build cohesion among the rest of the group and they were treated terribly in the detention barracks (e.g. burned with cigarettes). Neil also speaks of a sexualized environment of 'circle jerk-offs,' genitally-based rituals, and the rape and gang-rape of Ovambo and Herero women. According to Neil, gay men had to be part of these actions and probably found it traumatic. He is also convinced that 'quite a few murders of gay people took place that we will never know of, and it was covered up.' Neil also speaks of a ward at Voortrekkerhoogte as 'established fact' in terms of the actions of doctors who tried to change gay people, make them more adaptable, or use them as 'cannon fodder.' He repeatedly points out, however, that gay people were not heroes; many gays were 'brainwashed' and 'were totally dedicated to this whole operation.'

Interview 5: Neil, 29 January 1999 (part 2)

Neil was called up for national service starting in July 1980 to go to Grahamstown for two years of military service. He was referred to Dr. Reynders and his team for evaluation as to whether he should enter the army. Neil speaks of this experience as 'unpleasant' and unprofessional, describing, for example, a Dr. Rupert (now deceased) who began their session with the question, 'Why do you masturbate so much?' He also interacted with a social worker, Mrs. Labuschagne and a psychiatrist Dr. Renier, who has since committed suicide. Dr. Reynders gave Neil 'tablets that [would] dampen my sexual drive which I presume would have been hormonal tampering with me'; he didn't know what these medication were and states, 'I was given tablets to drink with no name or substance whatsoever on'. The effects of these unknown tablets were devastating: 'I do not know what the substance was that he gave, all I know is that it changed my life forever.' Three months later Neil went to see his personal physician, Dr. Raymond Nierop, whom he told about his tiredness and confusion about his homosexuality. According to Neil, Dr. Nierop's examination found, 'It's no surprise to him, I am a transsexual and he gave me a letter to that effect, which was the main thing that eventually led them to get me out of the army after two days of torture they were too scared to carry on with that and sent me home.' From the interview I am not sure in what sense Neil was a transsexual, though I think he is referring to the effects of the hormonal tablets. Overall, he speaks of his own psychological, hormonal, and physiological damage. Neil's theory about the Aversion Project is that the programme which was started by

Dr. Villesky was carried on by Professor Reynders in a 'worse form'. He feels that hormonal tampering might be 'irreversible' and even more serious than behavioural therapy. He is very angry about his treatment and wants to have Professor Reynders 'scrapped off the role,' even if it is only symbolic. Neil passed away after this interview and *The Aversion Project* is dedicated to him.

Interview 9: Mr and Mrs Roberts, 17 September 1998

The Roberts were very concerned about being identified and did not want to be part of a court case against the psychiatrist, Dr. Villesky. Their son, Sichma, was subjected to drug and aversion therapy by Dr. Villesky during 1973. He called his parents after enrolling in the army and said that he was fainting from being in the sun during training. His parents brought him medication, but soon afterwards he was put into a psychiatric ward at 1 Military Hospital and 'within a few days he had broken down to nothing.' The other troops told the Roberts' that there was a punishment centre in the Northern Transvaal, Greefswald, where troops could also be sent, but Sichma didn't go there. The effects of the treatment at 1 Military Hospital on Sichma were that while drugged 'his eyes were glazed, his skin was dull, and his speech was slurred.' He was discharged after two months and the long-term effects were that he couldn't stand glaring light and that he was diagnosed with epilepsy. Emotionally, he was never the same; he would run away from home and couldn't hold down a job. His parents feel that 'the boy who went away to the army was a very damaged person when he came back.' He died in 1993 after being in a coma resulting from a car accident.

Interview 12: Charles, 21 September 1998

Charles was eager to tell his story and happy to have his name used in this research. He was in the military in 1980, 1983, and 1984 and tried to avoid conscription in any way possible. Charles is gay and found that gays were very suppressed at Oudtshoorn. There were worms in the food, it was cold and they didn't have sufficient clothes, and the training was very physically demanding. He 'didn't cope there' and was sent to Pretoria and offered a place in Military Intelligence and then FA where he collected secret documents, hoping that he could turn them over to the ANC. He was not out at this time. In 1983 he had to go back to the army at Vootrekkerhoogte where all of the gay people were put together. Though they were treated well, there were many attempted suicides among gays and straights. By 1985 Charles was working at the SABC, and a man from the Security Police, Steve Holden, approached him, saying that 'we'll pay you if you'll spy on gay people in clubs, in the SABC, and people who are too left or too right-wing.' Charles told him to 'Go to hell!'

Interview 13: Harry Donald, 30 November 1998

Harry was a psychologist working with Dr. Villesky at Fort England, the Psychiatric Hospital in Grahamstown, during 1982. He wanted to remain anonymous, but substantiated rumours circulated about Dr. Villesky from that time. According to Harry, Dr Villesky's father was the first Jewish lawyer to openly support the National Party. Dr Villesky 'taught guys to masturbate' and would watch them masturbating over *Hustler* magazine. He left Durban because there were rumours that he had molested children, and there were rumours that he had sexually molested patients while working in Fort England, probably after they had been drugged. Dr. Villesky was known to have given patients high doses of valium intravenously, and he was experimenting with drug abusers. He was suspected of developing torture techniques for 'terrorists' and was fond of administering 'truth drugs', which is perhaps why he left South Africa. According to Harry, Dr. Villesky 'aligned himself with power' and became powerful, referred to as 'Die Kolonel' and not afraid of anything.

Interview 15: Linda Leonard, 2 April 1999

Linda was in the navy for three years, from April 1982 until the middle of 1985. She did her basic training at Gordon's Bay and was picked on from the first day by the woman in charge of her, Charmaine de Noot. At this point it was assumed that she was gay (as she was 'tomboyish') and seen as different and discriminated against because of that, though it was never directly stated. She knew a lot of other women in the navy who were gay, but didn't mix with them because she would have made it worse for herself. Linda soon rebelled and went AWOL, and, as a result, she was tied up and interrogated. Chief PO Kent asked her a lot of questions and said that if she told him who was gay in the Defence Force she could stay on, otherwise she would be dishonorably discharged. Linda was subjected to extreme measures compared to other people who also went AWOL, forced to either resign, be shot (as it was wartime), or be dishonorably discharged. Linda never admitted that she was gay and they had no proof, but the discrimination continued. This included being locked up, being covered with polish as a kind of 'initiation', and not being cleared for security. She was also targeted by a female officer who unsuccessfully tried to 'trap' her into a relationship. She wanted to have a military career in the Defence Force, but that was not possible given the discrimination she faced.

3.3.3 Silence and Emotion

It is difficult for any researcher working with such material not to empathise with the subjects featured in the above narratives. The

narratives disclose a particular modality of suffering and pain that is a direct consequence of the Aversion Programme. The extent to which emotions underpin the subject's experiences as reflected in the narratives, and the capacity of the subjects to 'contain' those emotions is relevant. For example, we are told the Roberts' son was 'emotionally, never the same; he would run away from home and couldn't hold down a job' (Interview 9). This aspect also alludes to the fragmentation of the subjects in respect of identity and personality. In other words, the Aversion Programme, arising out of 'homosexual panic', temporalises the trauma of the subjects because in recalling the events of a traumatic past, the subjects simultaneously recall the pain and suffering of that experience, which undermined their conception of themselves.

The narratives in summary exemplify a type of constructed testimony of which Swarr (2000) is the grand narrator.²⁰ Like Swarr, I too am a grand narrator, but once removed as a second grand narrator, I structure the testimonies to motivate my claims about the Aversion Project. At the level of language, it is evident that a specifically phonocentric (oral) quality exists that structures and defines each narrative. A defining feature of the narratives is that the experiences of the conscripts (and one parent) is based on the fact that their identities not simply provide a perspective on the past, but also extend the historical (and historicised) events in the present. This is what I meant by my earlier claim that the narratives in the context of the Aversion Project call into question and challenge the silences informing it. In the testimonial project, Auerhahn and Laub (1990) see the

²⁰I have explored elsewhere in much detail some of the modalities of narrative that signify testimony. See Reddy (1993). Equally relevant are the studies by Coady (1992), Culbertson (1995), Felman (1992) and Foucault (1977a and 1977b).

concept of 'silence' as producing a healing effect for the victim, who becomes part of a dialectic of temporality, thus giving birth to a new relation and significance between historical elements without suppressing past events that the survivor recalls in the present.²¹ The concept *silence* is a significant aspect in this dissertation, and one is reminded of similar, yet different observations made by Barthes (1984) in this regard. In his analysis of the 'photograph,' Barthes (1990: 82) argues that the significance the photograph opens up, rests with the 'effect it produces,' in that it does not 'restore what has been abolished (by time, by distance) but [attests] to that what I see has indeed existed'. This seems to be so in a context where, according to Barthes (1990: 88-9) the photograph 'possesses an *evidential* force, and that its *testimony* bears not on the object but on time' (my emphasis). Time therefore is significant as it represents the ever-present threat of erasure, a concept closely associated to amnesia (not simply in its psychological sense). Barthes' idea about the connection between an image and the relation of the image that attests to what has existed, is similar to one meaning of the narratives of survivors of the Aversion Programme. The similarity is based on the fact that there is a confirmation about an 'event' that took place at a particular time. Where the photo is a record of the past, the summarised stories of survivor experiences serve to attest to an experience, and subvert any silences that negate the fact of the event that has shaped conscripts' identities.

Indeed, silence does not have a negative meaning in the narratives. Even if the prime strategy of the military is to 'silence' the homosexual, this is not possible without identifying the military's role

²¹Auerhahn and Laub work with Holocaust survivors.

in 'silencing' the homosexual. The 'homosexual' is thereby also acknowledged and made visible. And the military's homophobia is also dependent on language. The military attempts to make the homosexual invisible through its naming of the homosexual subject in pathological terms. Consider Neil's account of basic training where the homosexual is named as '*holnaaier, poefter, moffie*'. The use of the words promotes *esprit de corp*, and 'build(s) cohesion among the rest of the group' of heterosexuals, simultaneously marginalising the homosexuals as other (Interview 5, part 2). Such heteronormative 'brainwashing' is typical of the military, a gendered regime that demarcates sexualities and bodies in heteronormative terms. Naming the homosexual in pejorative terms is simultaneously an attempt to shame homosexuals to give up their homosexuality and be assimilated into a heterosexualised group. But, I also read a productive moment in this naming. If silence indicates a lack of power on the part of the traumatised homosexual, it is also a sign of liberation and resistance. This is possible because as we witness in these narratives, the homosexual subject is constructed and formed through the trauma, and constituted in this instance as a sign of resistance that questions the morality, in fact the abuse, that circumscribed the apartheid military. As noted earlier, the abuse operates fundamentally within a system of violence that interfaces with other systems of oppression such as racism and misogyny. For example, Neil (Interview 5, part 1) also speaks about the 'rape and gang-rape of Ovambo and Herero women' in which gay men were obliged to participate (as in a ritual) so as to reinforce the masculinity of the conscript. Rape is to be seen not just as a form of sexual and gendered violence, but functions in the context of war as a weapon of masculinity. This example also suggests a conflation of race and sex in respect of sexual and gender violence.

The Herero and Ovambo women represent the people on whose behalf SWAPO engaged in a war with the apartheid state in what was then known as South-West Africa. If the common enemy were SWAPO, then the logic for the apartheid military was to silence the women as well as the men by committing violent acts that further express hate towards the enemy. In fact, the apartheid military was driven by hate for the enemy, and basic training for new conscripts focused specifically on the use of procedures to weaken the enemy. In the Aversion Project we see that another of the State's enemies was in fact seen to be the homosexual, whom the military also had to silence.

We are told by Swarr (2000) that 'Charles was eager to *tell* his story and happy to have his name used in this research,' (Interview 12; my emphasis). Charles' narrative reflects a desire to publically identify, and a desire to be identified (named), but also a desire to counter the silence that has shrouded the events of his life. Swarr's reporting that Charles was 'eager to tell his story' may be interpreted to break the silence that has circumscribed the Aversion Programme. To counter 'silences,' according to Auerhahn and Laub (1990: 454), produces an effect to reunite with others, and emphasises that, in dealing with the dehumanising effects of trauma, also proposes a 'rehumanization', which is realised through a 'shared recognition of the individual's subjectivity'. Charles' narrative explicitly states this, and I believe that all the above narratives are formulated in a performative mode to recover a particular modality of truth in relation to the historical events. It is also for this reason that I claim that *The Aversion Project* is in the Foucauldian sense, a form of counter-memory.

3.3.4 Medical and Psychological Abuse

A number of themes emerge at a denotative level from the narratives. The main underlying theme is that of medical abuse. Such abuse was allegedly committed by a Dr. Villesky, in reality, colonel (Doctor) Aubrey Levine. He emerges as the chief protagonist in this drama. Colonel Levine was, during the 1970s and the 1980s, the Head of Psychiatry at No. 1 Military Hospital in Pretoria. He proudly proclaimed far-right-wing views (not least of which was his support of apartheid). Levine is held responsible by many former conscripts for the abusive and inappropriate treatment they received in the SADF. Early in his career, Levine worked at Durban's Addington Hospital. After leaving the SADF, he became professor of psychiatry at the University of the Orange Free State, where he again treated conscripts and other military personnel. He then became a senior official at Fort England, the psychiatric hospital in Grahamstown, before becoming government appointed Head of Mental Health for the country as a whole (Barrell, 2000: 5). Following the HHRP submission to the TRC, Levine, along with a number of other doctors was served notice that he had been named as a possible violator of human rights. By that time however, he had fled to Canada ostensibly to escape South Africa's high crime rate (Kirk, 2000b: 4-5). Levine would have left South Africa between 1996 and 1998 (the period of the TRC process). Levine did not apply for amnesty from the Commission, nor was he granted amnesty, implying he could be prosecuted for his apartheid-era activities should he return to South Africa. The Truth Commission, however, made no effort to serve Levine with a subpoena. Levine now works in the forensic department of the University of Calgary.

As the chief protagonist in the Aversion Project, Levine's unconventional treatment regime entailed aversion or conversion therapy, a technique well-known in psychiatry and widely practised in the 1950s. Reber (1995: 78) explains Aversion Therapy as:

A general term for any of a number of behaviour-modification techniques which use unpleasant or painful stimuli in a controlled fashion for the purpose of altering behaviour patterns in a therapeutic way. The use of such procedures has been primarily restricted to such disorders as alcoholism and drug abuse (and in a few questionable cases, homosexuality) and, generally speaking, they have not been very successful.

Reber's belief in the appropriateness and efficacy of Aversion Therapy finds its application in Dr Levine's use of the therapy in the SADF. The use in the SADF of Aversion Therapy affirms that homosexuality was viewed as a 'disorder', a pathology that the South African Medical Services (SAMS) within the military believed required correction. 'Aversion therapy' includes amongst its techniques 'shock therapy', 'electroconvulsive therapy' (ECT), and 'electrotherapy' (ET), which are all behaviour modification techniques employed in the treatment programme.²² 'Shock therapy' usually entails some of the techniques of ECT and ET. Although Aversion Therapy used various categories of therapeutic treatment including shock, chemical (such as injections or drugs), noxious sensitisation, as well as electric shocks, Levine's treatment was primarily 'shock therapy' and 'electrotherapy' with the combination of a drug regime (*The Aversion Project*, 1999: 72). Some of the drugs administered had irreversible hormonal effects (see

²²These concepts are highly technical and have particular meanings in the discipline of psychology and psychiatry. Reber explains 'electrotherapy' as a treatment that uses 'mild, brief electrical stimulation' (1995: 244). 'Electroconvulsive therapy' (ECT) uses electroconvulsive shock (a brief electrical shock applied to the head that produces full-body seizure, convulsions and usually loss of consciousness (Reber, 1995: 243). ECT, according to Reber (1995: 243) 'produces a period of drowsiness, temporary confusion and disorientation, and a variety of memory deficits, some of which the patient recovers over time, although gaps may remain'. Reber (1995: 243) also explains that there has been a significant decline in use of this technique. He adds further that its current 'therapeutic use' is restricted 'in the treatment of cases of severe depression that have proven intractable to antidepressant drugs' (1995: 243).

Interviews 5 (part 2), 9, 13). The fact that that the shock therapy administered (see Interview 1) led to long-term problems amongst Levine's patients is evident from the above narratives. Long-term effects include: extreme mental instability (see Interviews 1, 5(1), 5(2), 9); photosensitivity (Interview 9); hormonally-related disorders (Interview, 5.2); headaches (see 5.2, 9); depression (see 9, 15), and newly diagnosed medical conditions, such as epilepsy (see Interview 9). In cases not involving Levine, treatment of conscripts also included psychological and psychiatric counselling, which in some cases was not taken seriously at all by the patients (see Interviews 1, 2, 5(2), 15). In the case of Clive (Interview 1), Hilary (Interview 2) and Neil (Interview 5) a clear pattern of unethical psychological manipulation pervaded the counselling. Such manipulation entailed gender stereotyping, resulting in serious depression for the subjects, and deliberate attempts to undermine a subject's self-esteem. These counselling sessions did not seem to have much effect in terms of changing conscripts' perceptions of their sexual orientation, but resulted rather in mental distress. Equally relevant is another sinister strategy used by the establishment within the military. This strategy focused on the public 'outing' of those who were suspected of being homosexual. Such practices are verified by the testimonies of Linda (Interview 15), Charles (Interview 12), Hilary (Interview 2) and Clive (Interview 1). Outing in the context of homosexuality calls into the question the privatised, often repressed sexuality that is an effect of social homophobia, which compels homosexuals to *retreat* to the 'closet'. This is in direct opposition to the forced public 'coming out' when someone who is 'suspected' of being homosexual is 'outed'. Outing could be viewed here as a form of persecution, which deepened the trauma of the homosexual subjects. The above narratives suggest that the psychological consequences of

enforced 'outing' are depression, psychoses, and in some instances, (possibly) suicide (cf. Interview 12). In conjunction with enforced outing, Levine's methods further compounded the trauma for many subjects.

Among Levine's favoured methods of treatment were narco-analysis and Aversion and Conversion therapy. Barrell (2000: 5) explains this procedure:

Narco-analysis is a treatment usually reserved for people in severe catatonic or mute states. It involves the slow injection into the patient of a drug – in the 1970s usually a barbiturate, though more recently one of a different class of drugs – so that the patient can be questioned while being held at the borderline between consciousness and unconsciousness. In spy novels, narco-analysis is popularly called the 'truth drug' – the theory being that it breaks down the recipient's inhibitions.

The use of drugs in aversion and conversion therapy in the military was premised on the belief that homosexuality was a medical disorder, despite important changes in psychiatry theory, which occurred in the early seventies. The American Psychiatric Association (APA) removed homosexuality from its Diagnostic and Statistical Manual of Mental Disorders in 1973 (but retained the category 'ego-dystonic homosexuality').²³ The SADF medical practice, however, clearly indicates that many doctors conformed to the belief that homosexuality was a disease. Notwithstanding the change in the APA attitude to homosexuality, Levine's practices epitomise the

²³'Ego-dystonic homosexuality' is also closely aligned to 'ego-dystonic sexual orientation', which in turn is aligned to the concept 'ego-dystonic' which Reber (1995: 240) explains as follows: 'Descriptive of wishes, dreams, impulses, behaviours, etc. that are unacceptable to the ego; or, perhaps more accurately, unacceptable to the person's ideal conception of self. Hence, an ego-dystonic idea is one that seems to have invaded consciousness, to have come from 'outside' the self.' According to Reber (1995: 240), 'ego-dystonic sexual orientation' refers to a 'condition where the individual's sexual orientation is not in doubt but he or she is unhappy with it and wishes to change it.' Opposite to 'ego-dystonic' is 'ego-syntonic' which Reber (1995: 241) formulates as 'descriptive of values, feelings, ideas that are consistent with one's ego, that feel 'real' and acceptable to consciousness.'

pathological, medicalised view of homosexuality, and responded by using the aversion and conversion programmes in order to rehabilitate homosexuals.²⁴ The official report on the Project explains that 'though this was not written into the policy, for many years the doctors in charge of the psychiatric units were allowed to proceed with such treatment in contempt of contemporary medical practices at the time' (*The Aversion Project*, 1999: 66). Levine initiated the drug treatment programme at a farm called 'Greefswald' in the then Northern Transvaal (now the Northern Province). Here inmates were kept in isolation from friends and family for approximately three months: 'During the time *Greefswald* was operating, it was used as some form of implicit threat to give patients the choice of going there, or consenting to aversion therapy in the psychiatric unit. By 1980, *Greefswald* had been closed, and another centre started at *Magaliesoord*' (*The Aversion Project*, 1999: 67). The point about Greefswald is that it was primarily a hard labour detention camp, and was feared by most conscripts. It was the military's prison where suffering, horror and deprivation was the norm. People were frightened into co-operation and submission to the authority of the regime. It seems the fear that this 'prison' instilled in the queer conscript minimised any possibility of resistance amongst homosexuals within the military.

Greefswald also reinforced heteronormative divisions. This is verified by another conscript who explains that Ward 22 (primarily a psychiatrics ward) was reserved for heterosexual shellshock cases, manic depressed, and drug addicts, whereas Ward 28 was reserved for drags, homosexuals, and other sex 'deviants' (*The Aversion Project*,

²⁴Queer studies in particular has problematised the pathological model of homosexuality. See for example Le Vay (1996).

1999: 74). One unnamed informant cited in *The Aversion Project* (1999: 74) describes the ethos of Greefswald (see also Interviews 1 and 9 above):

I think most young boys are, or were in those days, terrified of authority. And growing up in that whole Christian Nationalist environment you just simply did what you were told. And if it meant paying lip-service to Caesar, you did so, because that is how you stayed out of trouble. Because if you didn't co-operate, there was always that unstated, but nonetheless very real threat that you would be dispatched to *Greefswald*. So you'd better just co-operate with this guy because he could make your life really miserable.

Such an observation emphasises the abuse of power, not just at the macro-level of the military, but also at the micro-level of SAMS within the military. The doctors who were responsible for 'abuses' in effect broke the Hippocratic oath by administering narco-analysis, which was viewed by the broader medical fraternity as inappropriate, dangerous and abusive. The execution of apartheid military ideology superseded the medical corps' ethical accountability and their Hippocratic responsibility to their patients. In an interview, Harold, speaking on condition of anonymity, had the following to say (Barrell, 2000: 5):

After what has been, cumulatively, 16 years of psychoanalysis and therapy, every minute of every day is still a battle to find a way through the echoes of what happened then. More than 25 years on, I still cannot formulate a narrative of that time which I can hold on to.

Harold's observation speaks to the fragmentation of the subject as a direct result of the painful effects of the treatment. 'I still cannot formulate a narrative of that time which I can hold on too' is not simply an indication of the spatio-temporal set-up of a painful episode, but a desire to release the trauma and anguish that informed it. In the same interview, we are informed that Harold was subject to Levine's

use of narco-analysis without his parents consent despite the fact he was a minor. According to *The Aversion Project* (1999: 68-71) the medical establishment within the military disregarded the practice of obtaining informed consent when it came to treatment. During narco-analysis, Levine played back tape recordings to Harold of what was said in his clinically uninhibited state (Barrell, 2000: 5):

It was horrifying. I was shouting, screaming, sobbing. Like an animal. And Levine was baiting me to get wilder still. It has taken me years to be able to conclude that Levine could have had only one motive – to drive me out of my mind. And he very nearly succeeded. Many others like me in ward 11 at Number 1 Military hospital were given narco-analyses by Levine. It seemed to be the rule rather than the exception.

Harold's experience echoes Clive's electric aversion therapy treatment (Interview 1). The sole purpose of such treatment was to change a patient's behaviour patterns by associating negative, such as the pain from an electric shock, with those behaviours that were to be discouraged (*The Aversion Project*, 1999: 72):

Electrodes were strapped to the arms of the subject, and wires leading from these were in turn connected to a machine operated by a dial calibrated from one to ten. The subject was then shown black and white pictures of a naked man and encouraged to fantasise. The increase in the current would cause the muscles of the forearm to contract – an intensely painful sensation. When the subject was either screaming with pain or verbally requested that the dial be turned off, the current would be stopped and a colour *Playboy* centrefold substituted for the previous pictures. The doctor would then verbally describe the woman portrayed in glowing and positive terms. This process would be repeated three times in a single session. Sessions were held twice daily for three to four days. People subjected to this therapy experienced long periods of disorientation afterwards.

The above confirms that the administration of electric shock therapy was part of an environment in which homosexuality was considered an

aberration (see also Interview 1 above). There was a complete absence of anything as positive as an enabling environment. Rather, the military was a hostile and negative space. The above procedure demonstrates (and confirms) an earlier claim that the militarised world of the apartheid defence force recognised two genders (masculine and feminine), constituted in terms of heterosexuality. Such brainwashing had as a sole purpose, the systematic and gradual reconstruction of the homosexual's mind. Levine's methodology suggests that he believed the supposed corrective effects of Aversion Therapy would alter the sexual orientation of his subjects via a form of psychological 'surgery'. The use in the programme of *Playboy* magazine is significant. Ironically, this is a magazine that had been banned by the apartheid government because of its 'immoral' and 'distasteful' focus on bodies (usually images of naked or scantily dressed women that would have been perceived by the regime as unChristian). However, in Levine's operation, *Playboy*, it seems was of particular benefits to homosexuals. These benefits, flowing from the images of bare-breasted women, not least of which is the explicit centrefold that has characterised *Playboy*, are the potential of the images to stimulate sexual desire in a heteronormative sense. The potential of the images within the context of shock therapy to condition the mind of the homosexual, and to *re-construct* the homosexual into a heterosexual, was part of the Programme to socialise 'suspected' homosexuals to become heterosexual. Thus, the stimulation of sexual desire in the context of the aversion programme must be viewed in tandem with the type of indoctrination that characterised the State in its approach to the racialised enemy (which entailed the rejection of blacks and the acceptance of whites). In this way sexual and political indoctrination operate within the same economy of power. Like the enemy,

represented by the primarily black liberation forces, homosexuality and the racialised liberation movement are dissidents that transgress the moral, social and political economy of the State. The Aversion Programme was the State's attempt to contain, and perhaps homogenise its forces against two common enemies: the aberrant homosexual, and the communist black African. The Aversion Programme had been in operation since the late sixties, but intensified in the seventies. A Policy Directive (28 April 1982) signed by General C.L. Viljoen, head of the Army at this time confirms again, not just the existence of the operation, but the political sanctioning of the process. This was motivated in part by what the State saw as an increase in homosexuality within the armed forces.²⁵

Sex-change operations were another element linked to Levine's Aversion Programme. In addition, particular types of biomedical treatments of homosexuals employing hormonal regimes were linked to the practice of sex-change operations. One of the crucial aspects in sex-change operations is physical reconstruction, which leads to gender reassignment. In the preliminary stages, often a long period before the actual operation, hormone adjustment is necessary, meaning that in the case of male subjects undergoing an operation to become female, a regime of drugs has to be administered to restructure the androgen (male hormone) and estrogen (female hormone) balance (compare Ekins and King, 1996 and Ekins, 1997 for a detailed explanation of this process). It is not difficult to interpret the military's rationale for sex-change operations given the military's belief

²⁵The policy directive also states that homosexuality undermines discipline and makes homosexuals vulnerable to extortion, leading to security risks: 'Policy decision: All possible steps must be taken to combat the phenomenon of homosexuality/or lesbianism in the Army. During the recruitment process care must be taken that persons with such behavioural disorders are not admitted to the Permanent Force. The guidelines in Appendix A should be followed to ensure the enactment of this policy. Policy Directive No HSAW/1/13/82' (cited in *The Aversion Project*, 1999: 46).

that there could and should be only one sexual orientation (namely heterosexuality). The SAMS thus embarked on corrective surgery to remedy the deviant homosexual by changing their sex. These operations were usually preceded by limited counselling, and rarely with the consent of the patient. Approximately 50 sex-change operations a year were performed between 1971 and 1989, and not all were successful (Kirk, 2000b: 5). Those who were identified by the SAMS to be in 'need' of such an operation were sent to Vootrekkerhoogte military hospital for screening and a programme of rehabilitation. Interestingly, it was those who were deemed incurable or could not be reformed with drugs and psychiatry who were given sex-change operations or were chemically castrated. Victims of this specialised programme 'were told to keep quiet about them and encouraged to set up a new circle of friends' (Kirk, 2000b: 5). Neil's testimony (Interview 5, part 2) is both evidence of the existence of the programme of sex-changes, and that it was a botched exercise. The psychiatrist he refers to is not Levine, but another doctor who is still practising in Cape Town. Neil was chemically castrated, resulting in severe depression and other mental ailments. *The Aversion Project* (1999: 78) makes the following comment in relation to Neil's testimony:

As a result of the research process, Neil has touched the core of his anger and humiliation. He decided to explore litigation. Assisted by a psychiatrist, a psychologist, an internist and a human rights lawyer, they tried to find out exactly what treatment he was given. He was given no information at the time of treatment, and it appears that all records of his treatment have been destroyed. The doctor who treated him pleaded amnesia, so without evidence the case could not proceed.

The treatment given to Neil indicates irreversible damage at the psychological, hormonal and physiological level. Sadly, Neil committed

suicide in 1999, shortly after he had been interviewed for *The Aversion Project* investigation:

Levine and other medical people who participated in the Aversion Programme refused to be interviewed during the investigation that culminated in the Report. However, shortly before the Report was officially released, journalists succeeded in getting a response from Levine. He emphatically denied that any gender reassignment operations were performed in the military, claiming instead that the political atmosphere at the time was such that reassignment surgery was simply not tolerated or even considered (Kirk, 2000b: 5). In response to questions about electric shock treatment, narco-analysis and the question of consent, Levine had this to say (Kirk, 2000b: 5):

Nobody was given electric shock treatment by me. We did not practise Russian communist-style torture. What we practised was aversion therapy. We caused slight – very slight – discomfort in the arm by contracting the muscles using an electronic device. Some people used elastic bands to shock patients. Nobody was hurt and nobody was ever held against their will. At no time were patients forced to submit to treatment. Narco-analysis was used, I give you that, but it was used in very isolated cases and only to help treat post-traumatic stress. Narco-analysis was used to help get victims to talk about the trauma they suffered. I want to reiterate, nobody was held against his or her will. We did not keep human guinea pigs like Russian communists, we only had patients who wanted to be cured and were there voluntarily. But anyway I have no doubt the *Mail & Guardian* will distort all of this.

Levine's response highlights several issues that are crucial to an interpretation of what I have labelled 'military mutilation'. Furthermore, a number of issues that I have raised in the argument so far are also raised by his explanation. Levine's denial that he gave anyone electric shock treatment, but admission that he practiced Aversion Therapy, reveals his misunderstanding of psychiatric practices which indeed confirm, that by whatever name you call it,

electric shock treatment or electrotherapy is/was a fundamental element of Aversion Therapy. The definitions cited earlier point to the scepticism with which science viewed such treatment in respect of homosexuality. Simultaneously, Levine's claim that 'nobody was hurt' is a refusal to recognise and an attempt to deny the trauma, pain and suffering experienced by subjects interviewed. The claim that 'nobody was ever held against their will' suggests that the army was a democratic space, yet evidence provided by the subjects who had been at the receiving end of the treatment suggests otherwise. If anything, the testimonies cited in this argument (including those recorded in *The Aversion Project Report*) confirm that subjects had no choice. The prevailing power of the military dictated that non-compliance with authority would lead to the possibility of conscripts being detained, and, in the cases we have seen, actually led to detention at Greefswald. Levine's assertion that 'patients' wanted to be 'cured' implies that homosexuals are masochists who entered the military willingly in order to endure the trauma of the programme. Levine also misrepresents the use of narco-analysis as a drug regime. Given the negative effects of such drugs, Levine claims that the drugs facilitated the victims' capacity to talk about the 'trauma'. The assumption here is that the victims' sexual orientation was in fact the trauma, and not the effects of the narco-analysis. Particularly telling is Levine's use of the word 'victim', which discloses Levine's possible acknowledgement at a subconscious level that subjects who supposedly enter the programme as patients requiring ('wanting') 'cure', finally leave the programme as 'victims'.

Levine's tacit aversion to anything Russian, which he labels as communist, is also indicative of his opposition to the liberation forces

in South Africa, which were partly Russian supported. However, 'communism' is used as a pejorative in this instance and in this way he discloses his acceptance of the official abhorrence of communism and shows his disdain for the liberation movements were not all communists despite their Russian support. However, his statement 'we did not practise Russian communist-style torture,' is, subconsciously perhaps an acknowledgement that 'torture' was in fact practised. The *Universal Declaration of Torture* (cited earlier in footnote 16) confirms that the rationale underlying torture is to intimidate, isolate and humiliate the victim by inflicting physical and mental pain during interrogation. Torture in relation to the Aversion Programme took place secretly, as it functioned as a clandestine operation reinforced by the State medical services within the military. It is not surprising, therefore, that the treatment meted out to Levine's victims was carried out in concealed, confined spaces (Greefswald being one). The kind of torture characterised by the Aversion Project reflects a type of incarceration in confined spaces.²⁶

Finally, Levine's language discloses a particular truth-effect. In fact, his entire response is focused on constructing a particular truth about the events in the Aversion Programme. His response in the final analysis discloses the desire to suppress the truth of the events, especially as it relates to the subjects (the 'victims' as Levine calls them) who were subjected to his treatment. In a way, his accusation that the *Mail & Guardian* 'will distort all of this' is an acknowledgement that the truth about the victims' experiences matters little to him, compared to his version of what took place being accepted.

²⁶The military is representative of a type of carceral space in this regard.

In response to the exposure of the Aversion Programme, a representative of the SANDF (the new name in the post-apartheid context), Major Louis Kirstein made the following statement (Kirk, 200b: 5):

The South African military health service is more than willing to investigate or assist any investigation into the alleged actions by Dr Levine in the past. The SANDF is bound by the constitution and will not tolerate, condone or conceal any alleged infringements of the constitution by its members. Furthermore the SANDF is an equal-opportunity employer and does not discriminate against any person on grounds of race, gender, religion or sexual persuasion.

The sentiments expressed here confirm an interesting turn of events in history and highlights the relationship of history to politics. The 'border war' project has been replaced by a new and reconciliatory post-apartheid project in which racial, class, gender and ethnic boundaries are viewed not as divisive factors, but as the basis upon which a reconciliatory politics may be facilitated. Whereas the apartheid military (SADF) was characterised as a negative space, which prioritised the exclusion of particular categories of difference, the post-apartheid military (SANDF) is representative of an inclusive order, welcoming homosexuals into its ranks.²⁷ While the SANDF has not overtly acknowledged the previous existence of the Aversion Programme, it does, however, emphasise that the existence of such a programme would have constituted an abuse of human rights. The original submission by the HHRP to the TRC asserted that the abuse of human rights in such a programme warranted further investigation. *The Aversion Project* report should be seen as an important contribution to this process. Despite an undertaking by the SANDF to investigate the allegations, to date no such investigation appears to have been instituted by the SANDF.

²⁷See the chapter on decriminalisation in relation to the Law that partially addresses this question.

3.4 Conclusion

The narratives of the victims are significant in that they problematise the psychopolitics of the Aversion Programme. Homosexuals were the subjects of experiments, where sexuality was 'beaten out' of homosexuals through 'shock treatment' with the intention of minimising and erasing homosexual desires. The programme took place during a period of South Africa's military history that evinced the ideology of apartheid, and was reinforced by institutions of the State (such as the SAMS). Emerging in the narratives, are a range of abuses that have psychologically and physically scarred many. Of primary importance is that the State sought to persecute 'difference'. The State accounts for the ambiguities homosexuality from within a pathological model, especially so in the SAMS interpretation of homosexuality as perverse. We do know, however, that perversion especially in the Freudian model was not viewed in moral terms, but conceived rather as any sexual activity the goal of which is merely pleasure in itself without any reproductive aim. The moral economy within which the State (and by extension the military) viewed homosexuality clearly constitutes a type of 'homosexual panic' that was externalised in a ritualised practice of Aversion Therapy to combat the supposed risk to the State, presented by the figure of the homosexual. The act of policing sexuality, especially in relation to male homosexuality, categorises the homosexual as an effeminised body, a corruptive force that does not conform to the rigid compulsory heterosexuality of the military's gendered regime. This has been demonstrated in the rituals of the military that discipline conscripts to become heterosexualised men; rituals which may include, as we have seen, encouraging in conscripts acts of extreme sexual violence, such as rape.

The homosexual is epitomised in the programme primarily in terms of his desire for members of the same sex, and not in terms of his identity as a human being. To counter the 'aberrant' desire, the therapy was formulated to displace, rather than to channel (or reinforce) desire. In other words, the military insisted on what it perceived to be 'sexual normalcy,' and thereby systematically engaged in identifying the homosexual as a subject with a misplaced object choice. The homosexual became a captive of the institution, compelled to surrender his desire, and in the process was dis-identified. Many of the narratives tell of procedures to alter behaviour. The use of pills and electric shock therapy are evidence of the State's explicit intention to reduce the sex drive, to reduce libido, and by extension, to desexualise the homosexual. Also evident is the specific trauma of the war itself. The narratives reveal information about the structures and techniques of war, and demonstrate that the military produces trauma in various ways (not just in terms of physical warfare but also in psychological 'curative' therapy in the case of the Aversion Programme). One of the most important ways in which the technique and trauma is demonstrated is via Aversion Therapy. It is possible, therefore, to theorise the strategy employed in the Aversion Programme in terms of the techniques of desexualisation, whereby isolation, dispersal, torture, and violence structured the life of the homosexual conscript. This is not meant to essentialise the experience of all homosexuals within the military; it suggests rather that the Aversion Programme resulted in the intensification of social divisions based on gender, sex, and race, and led to a form of sexual apartheid. Not all homosexual men were victims of the Aversion Programme. In fact, we also learn from the narratives that there were many homosexuals who bought into the system and who were 'dedicated' to

the operation (cf. Interview 5, part 1). This being so, it is clear that homosexuals are not a homogenous species.

Despite the negative effects of the Aversion Programme, and notwithstanding the emotional burden carried by the victims, *The Aversion Project* report reveals a positive aspect. Earlier in my argument I suggested, following Foucault, that the homosexual subject is produced by the Aversion Programme as a productive subject, one who is constructed by a specific formation of power that identifies the homosexual as deviant and 'queer' in the pejorative sense. At an important level the report unmasks a number of issues, the most important being the political configuration of the Aversion Programme event, its agents, its victims and their families. I suggest, however, that the Report re-presents the 'queer,' in this instance objectifying the traumatised queer subject, who is repoliticised and reconstructed as a subject with an identity. In another sense the Report may be viewed as a form of social and historical reparation, if by reparation is understood an acknowledgment of the 'facts' that disclosed the events. By reparation I mean the act of mending or restoring a damaged subject, in this case the homosexual. It is important that homosexuality is identified and acknowledged, while homophobia is denounced. To repair past wrongs is to engage in the political. As a form of counter-memory the Report produces a counter-truth about the homosexual subject in a counter-narrative that ontologises the oppression and repression, and suggests a desire for a representation of the displacement. If 'mutilation' suggests a dismemberment, a fragmentation of the homosexual in the apartheid military, then I suggest the homosexual is reconstituted as a subject with a political identity. The queer subject defies erasure and becomes reinstated as a

subject within a rights framework, if by 'rights' is meant the limitation of each person's freedom.

At the heart of the Aversion Programme lies another important question which should be the subject of a moral philosophical study: did the state have the moral right to sponsor the Aversion Programme? The Aversion Programme was a form of state-sponsored torture – a ritual through which the victim was forced to oscillate between the hope of 'conversion' and the certainty of trauma; a ritual carried out in the State's name for the State's purpose of enforcing conformity. The above question compels another reading of the Aversion Programme, which must acknowledge the politics of queer identity within the context of rights. In the next chapter I turn to two unpublished plays and illustrate how identities are performed and politicised on stage in a 'queer' formation of lesbian same-sex desire.

CHAPTER 4

Performative Identities: Race, Sexuality and Gender in Colleen Craig's *Crossing the Line* (1989) and *Apart* (1995)

This country is heading down the drain, Annie. They want what we have so badly they'll get it any way they can.

Hannie in *Crossing the Line*

I've fallen back into all stereotypical female reactions.

Ann in *Crossing the Line*

I'm trying to get into your rhythms [...] I watch you from here [...] You sleep peacefully. Your hair spread across the pillow.

Ruby in *Apart*

4.1 Introduction

In developing the argument about the political construction of 'queer' identities, this chapter focuses on two plays written by Canadian author, Colleen Craig who has lived in South Africa since 1981. These plays remain unpublished and have been retrieved for the purposes of this discussion from the Gay and Lesbian Archives (GALA).¹ Craig is a comparatively unknown playwright to South African scholars.² Born in the 1950s in Calgary in the mid-west of Canada, she graduated from the University of British Columbia in Vancouver in 1978 with a degree in English and creative writing. She travelled for six months in the Far East and spent four years in Europe doing things such as waitressing, *au pairing* and ironing for a French family in exchange for board and lodging. Her experience also includes brief spells as an international ramp and photographic model in Paris, London and Japan. During a three-month visit to

¹In July 1997, Colleen Craig donated the original manuscripts of both plays to GALA, housed at the William Cullen Library, University of the Witwatersrand. Although the programme notes for *Apart* indicate the play 'will be published in late 1995 by Borealis Press as part of their new Canadian Drama Series', I have been unable to obtain the published version. In this chapter I make use of the original manuscripts, as well as the playwright's comments and notes about the plays.

²The biographical context of Colleen Craig provided in this paragraph is drawn from programme notes and reviews (cf. Brommert, 1989; Donaldson, 1989; Kassan, 1989; Verdal, 1989 and Wagner, 1995).

South Africa in 1981, Craig consciously decided to stay for 10 years and become a playwright. During this time she came out as a lesbian, discovered feminism and was active in OLGA. Her major influences are the socialist feminist writings of British playwrights David Hare, Howard Brenton and Caryl Churchill. Although she has experimented with prose writing (and wrote an unpublished autobiographical novel), drama remains her chosen genre.

Crossing the Line and *Apart* may be described as 'working play texts' and all references in this chapter refer to these two texts. The chapter focuses on a reading of these two plays: one evokes the political oppression of the apartheid State (*Crossing the Line*); the other, the liberation and freedom of the post-apartheid democracy (*Apart*). These texts constitute Craig's dramatic oeuvre, and are concerned, in their different ways, with the representation of South African realities in the context of two political time frames.

Crossing the Line, Craig's debut play, premiered on August 9, 1989 at the Baxter Theatre in Cape Town under the direction of Mavis Taylor. In her correspondence with GALA, Craig (1997) explained the plot of this play. Set in the midst of summer in 1987 in the backyard of a communal house in a white suburb of Johannesburg, *Crossing the Line* examines the painful rites of passage of a group of women caught in the web of South African politics. Ann, one of the protagonists, is a successful artist and independent woman who, jilted by a younger lover as she approaches her fortieth year, questions the hypocrisy of twenty years of 'bourgeois slumming' while creating (and appropriating) art of the oppressed. Paula, her younger sister, a young white activist, lives in denial of her lesbianism. She sublimates her unacknowledged lesbian energies through an over-indulgence in obsessive sexual encounters with men. Her potential lover, Rosie, a more effective member of the

white leftist community, is the rare activist who is able to relate to blacks personally, rather than through political avenues. Annie, an aspiring model, brings her rightwing racist views and inflated dreams of escape to the big city to the communal house. Yet it is Grace (the domestic), the black mother whose jailed son is accused of initiating a school boycott, who puts into context every word on feminism and politics that is spoken in the yard. She is never seen on stage, yet felt throughout the action. She becomes a metaphor for the shadowy, peripheral existence allotted to the majority black by the minority white.

Six years later, in May 1992, *Apart*, Craig's second play premiered at the Madrigal Theatre, Toronto, Canada, as part of the Gathering Festival (a theatre festival about women's experiences). Originally set during the transitional period between apartheid and the multi-race elections, it was updated to reflect the democratic reality of 1995. It was remounted by the *Apart Collective* (18 to 27 August 1995) at the Tarragon Theatre, Toronto, Canada as part of the Summerworks Festival. This production also included a post-show audience discussion facilitated by the directors. *Apart* is set in Cape Town, South Africa, 1995 and focuses on the erotic and volatile relationship among three South African students. Ruby, Lilian and Johan, who attend the University of Cape town, form an uneasy alliance to work on a book of poetry, which in the context of the play, becomes a metaphor for the larger struggles in the new South Africa. Lilian naively initiates the poetry project, but fails to involve people on a grassroots level, hoping that this effort will bring her closer to understanding other South Africans. Johan fears the imminent destruction of the Afrikaans language and culture and he fights to have his voice represented in the anthology. Ruby, a young black lesbian, argues that if the African's voice and culture is not

fully represented, there will be no book as the black poets will boycott the project.

Both plays prioritise women's voices, foregrounding women's experiences in respect of gender, race, class and sexuality. To consider these two plays together necessitates a diachronic reading, both in terms of their historical situatedness and their ideological implications. The question of situatedness is also closely linked to an understanding of what Haraway (cited in Goodman, 1993: 21) cogently describes as 'situated knowledge'. For Haraway, feminists who write from a 'situated perspective' foreground their differences and personal positions in relation to politics. In the texts under discussion, Craig has drawn on her direct experience of having lived in South Africa for ten years. The situations framed in these narratives reflect, as I will later show, the terror of dissolution, alienation and loneliness. These emotions and feelings also help her characters to decode and reconstruct the contradictions they face as they grapple with their personal dilemmas.

I have tentatively labelled these plays, 'feminist', for two reasons. Firstly, Craig self-consciously sets out, in both texts, to interrogate the importance of gender relations to an objective representation of women's experiences in the nineteen-eighties of apartheid South Africa (*Crossing the Line*), and the post-apartheid economy since 1994 (*Apart*). Secondly, the titles of both texts disclose at a denotative level that they are works that deal with identity, difference, transgressions and recollection, aspects that are often - but not exclusively - the subject of feminist literature. My reading will show how Craig's plays foreground situations where women are refracted through culture and gender in order to demonstrate how, the self meets the other in theatre. On a figurative level these are texts that attempt to rebuild fractured selves, where the

dispossessed, displaced, and erased can be sustained, renewed and cherished. Despite being divided across racial, class and ethnic lines, the characters in these plays engender the feeling of a 'shared history'. By 'shared history' I mean a shared understanding of problems that are common to women as a group. In these plays, it is women who are at a turning point in their lives. With this description, however, I do not wish to reduce the plays to projects of 'consciousness raising' in a purely social and political sense. Craig draws our attention to other important stories besides the national story of freedom, liberty and reconciliation, which is often represented in much contemporary cultural productions as being composed of men's stories. These men's stories are the characters' personal and political narratives of Craig's characters. In this sense, Craig's texts constitute a gendered response to discourses of gender, nation and identity. These plays and the issues Craig raises in them also corroborate one of the central concerns of this dissertation, namely that the discourses generated by sexuality are indeed public and political. In another, related sense, both texts could be described as politically inspired didactic drama that focuses on issues of national and gender identity in the wake of nation-building.³ These texts also 'queer' same-sex desire and, by referring to specific scenes in these plays, I offer a perspective on the politicisation of queer identities.

As the title of the chapter suggests, *performing identities* is central to the dramaturgy of both plays. This aspect opens up concerns about the relationship between the *performative* and the *performance* of race and gender, inscription of the body, the production of gender, voice, identity and visibility, and the politics

³Some examples would include Maishe Maponya's *The Hungry Earth* (in: Hauptfleisch and Steadman, 1984), Mtwa, Ngema, and Simon's, *Woza Albert* (1983). By 'didactic' is meant theatre, especially theatre produced in the period since the late 1970s to the mid 1980s, in which socio-political and cultural nationalism converge in order to reflect and mobilise opinion against the apartheid state.

of desire. The notions of performance and performativity are integral to an understanding of gender. As Judith Butler (1999) has it, gender reality is performative which means, quite simply, that it is real only to the extent that it is performed. She critiques the use of words such as 'performative', 'performativity' and 'performance' not only in relation to gender, but also in relation to identity.⁴ Central to Butler's (1999: 33) understanding is the refiguring of gender as a cultural fiction, a performative effect of reiterative acts. For her, gender is not a state of *being*, but instead, a process of *doing*, and it exists in various manifestations: 'There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very 'expressions' that are said to be its results (Butler, 1999: 25). For Butler (1999: 141) there seems to be no pre-existing identity, and any attempts to suggest a true gender identity should be revealed as 'regulatory fiction(s)'. Such a view is plausible for reading Craig's texts, essentially since the texts (as will be discussed) play out how Craig's characters struggle to *identify* themselves in a divided society.

The term 'performativity' has gained considerable currency in contemporary discourses of gender, sexuality, and critical writing. Yet its bearings and potential are still highly ambiguous. Seeming to carry the authority of different discourses, that of theatrical

⁴These terms are important for the thinking in this chapter. Butler's theories of gender have been widely critiqued and criticised for overreaching with her term 'performative,' which she claims many readers have misinterpreted. In 1993 she unpacked these differences: 'Gender is performative insofar as it is the effect of a regulatory regime of gender differences in which genders are divided and hierarchised *under constraint*. Social constraints, taboos, prohibitions, threats of punishment operate in the ritualised repetition of norms, and this repetition constitutes the temporalised scene of gender construction and destabilisation. There is no subject who precedes or enacts this repetition of norms' (Butler, 1993b: 21). She explains: 'Performativity, then, is to be read not as self-expression or self-presentation, but as the unanticipated resignifiability of highly invested terms'(1993b: 28). For her 'performativity is a matter of reiterating or repeating the norms by which one is constituted: it is not a radical fabrication of a gendered self. It is a compulsory repetition of prior and subjectivating norms, ones which cannot be thrown off at will, but which work, animate, and constrain the gendered subject, and which are also the resources from which resistance, subversion, displacement are to be forged' (1993b: 22). And finally 'performance' for Butler (1993b: 24) is: 'In no one sense can it be concluded that the part of gender that is performed is the truth of gender; performance as bounded 'act' is distinguished from performativity insofar as the latter consists in a reiteration of norms which precede, constrain, and exceed the performer and in that sense cannot be taken as the fabrication of the performer's 'will' or 'choice' [...] The reduction of performativity to performance would be a mistake'.

performance on the one hand, and of speech-act theory and deconstruction on the other, has very different meanings in each. The span between theatrical and deconstructive meanings of 'performative' seems to stretch the polarities of, at either extreme, the *extroversion* of the actor versus the *introversion* of the signifier (see Aston and Savona, 1991; Elam, 1980; Pavis, 1992). If for Butler the act, or activity, of gender is both intentional and performative - where performative suggests a dramatic and contingent construction of meaning and gender - performance, in contrast, involves public and repetitive actions of movement, gesture, dress, interaction with objects, and the manipulation of space (Butler, 1999). This is what I mean when I speak about 'performative identities' in relation to the texts. I read, via the performance of identities, the value in questioning how and why certain kinds of actions come to be representative of certain kinds of gender.

In order to develop the above issues, I firstly consider why these plays suggest a feminist reading, and secondly, I offer a close analysis of how these texts critically perform aspects of gender, sexuality, and race. Finally, I address what Craig achieves with these texts in terms of what I consider to be texts that motivate an 'intercultural' performance paradigm.

4.2 Feminist Theatre and Women in Theatre: South African Imperatives

In Craig's theatrical landscape the staging of female figures moving across the horizons (and boundaries) of an apartheid and post-apartheid context shows how female lives are compelled by and caught in such movement, and more specifically how the female subjects navigate and engage the conditions of their changing

worlds. Both texts reflect the trend in feminist theatre over the last twenty years in the Anglo-American tradition. Both respond to the demand for a 'groundbreaking reinforcement of feminist application of social critique: such as the sexualisation of women on stage, the omission of women's narratives, the paucity of strong roles for women and the invisibility of lesbians and women of colour on stage' (Case, 1988: 113). Underpinning the plays is the feminist imperative to 'reconstruct the history of women in theatre [...] to make women visible, to find their voice, to recover the works that the dominant history suppressed' (Case, 1988: 113). The cultural encoding of Craig's texts (which for feminists assigns dominant notions of gender, class and race) is integral to the 'stage pictures of its production, and the audience reception of its meaning' (Case, 1988: 117).

By 'feminist theatre' Elizabeth Goodman (1993: 1) understands 'political theatre orientated towards change, produced by women with feminist concerns'. In one of the earlier seminal studies on feminist theatre, Helene Keyssar (1984:7) suggests that feminist plays are based on 'strategies of transformation'. Developing some of Keyssar's ideas, Sue-Ellen Case (1987: 114) suggests:

For theatre, the basic theoretical project for feminism could be termed a 'new poetics' (that) would abandon the traditional patriarchal values embedded in prior notions of form, practice and audience response in order to construct new critical models and methodologies for the drama that would accommodate the presence of women in the art, support their liberation from the cultural fictions of the female gender and deconstruct the valorisation of the male gender.

These ideas emphasise the importance of theatre in opening up a space for the interrogation of a type of totalising history (usually male) that reinforces representation as a theatrical practice and in emphasising representation as political. The inscription of women in

the context of feminist theatre implies that women as Other are given a voice in the transformation of a dialectical history, which problematises the original homogenic structure of a patriarchal context (Bhabha, 1994a). As marginal and marginalised subjects in a patriarchal culture (reinforced by apartheid's further allocation of race as another system of oppression), women in South Africa - in struggling to 'voice' their experiences - disrupt the hegemonic discourse of patriarchy. In order to become visible, women must protest against the cultural violence they experience at physical, familial, institutional and national levels. Following Goodman, Keyssar and Case, and Bhabha, women - as supplement in a dialectical history - are made visible and enunciate their experiences, both of which reconfirm that acts of representation are ultimately about agency, and indeed, the urgent need to subvert totalising ideas about women. Therefore, as a form of cultural representation, informed by the shifts and developments in the geographies of feminism, feminist theatre has sought to interrogate a number of crucial concerns. These include specifically: women's role in theatre; writing women into theatre history; gender roles; the texture of the women's world; the politicisation of sexuality, and the social valuing of women's public representation. Dolan (1992: 49) succinctly asserts: 'According to materialist feminist performance theory, placing a women in representation, the site for the production of meaning in theatre, is always a political act' and thus unequivocally links feminist performance with the political.

Craig's texts mediate some of these materialist feminist concerns through the interaction of her characters: economic debates, national agendas, personal relationships, lyrical love-scenes, and explorations of class and gender. But while the materialist economy clearly informs the content of her texts, I believe that Craig re-animates the tension between race and class to foreground female

sexual desire as another important aspect of life. My hypothesis in relation to Craig's texts is corroborated by Jill Dolan's re-articulation of the materialist feminist position: 'The materialist feminist approach suggests a new poetics of performance embracing radical revisions of content and form, which might more fully express women's various subjectivities across race, class, ethnicity, and *sexual preference*' (1992: 49; my emphasis). By reading Dolan's views into *Crossing the Line* and *Apart* we witness the performance of women's fortitude, desire, love, violence, identity and intimacy in the wake of a national reconciliatory culture in the post-apartheid democracy.

Queer critics have emphasised the political necessity and analytical utility of exploring sexuality as a relatively autonomous system of cultural meaning and as a site of social struggle, one that does not merely fall under the microscope of gender difference and hierarchy (Sedgwick, 1994: 27-28; Traub, 1992). In Rubin's (1984: 308) revision of her earlier conflation of sex and gender into one system, she notes that:

Gender affects the operation of the sexual system, and the sexual system has had gender-specific manifestations. But although sex and gender are related, they are not the same thing, and they form the basis of two distinct arenas of social practice.

These ideas are useful for the reading of Craigs' plays as materialist feminist texts that show interconnections between sexuality and other systems through which sexuality becomes a staging ground for many forms of social struggle. Such a view parallels in some ways bell hook's (1981) notion of the 'interconnections of struggles', and in the context of Craig's texts, the question of race and gender constitute a necessary and important relationship. It is my view that white writers often conflate the problem of race with culture, and in

Craig's texts this conflation is evident in the scenes and passages relating to female same-sex desire (see also Case *et al*, 1995).

The content, production and reception of *Crossing the Line* (1989) and *Apart* (1995) owe their contextual location to a developing theatre and dramatic literature tradition in South Africa. The developing tradition focuses on the participation of women in the broad evolution of a theatre history, both as performers and directors, and perhaps more importantly, as dramatists. One of the earlier critical responses to the debate on women in theatre has been by Stephen Gray (1990), who focuses more on the depiction of women in South African theatre than on a feminist imperative. Gray (1990: 75) claims that the influence of women 'is no longer peripheral, but essential to the theatre's maintenance and visibility'. Craig's texts are evidence of Gray's views. However, despite an attempt by Gray to read women into the canon of an unfolding theatre tradition in South Africa, he fails to consider how women have conceptualised a reading of their lives in terms of patriarchal power and the implications of performance within a feminist perspective. Loots (1996) makes an important introductory investigation into issues of race in relation to some texts by Gcina Mhlope and Sue Pam-Grant, claiming that these playwrights seem to offer - via a feminist lens - valuable insights that demonstrate the tension between the personal and the political in relation to questions around gender. Loren Kruger (1999) provides a comprehensive account of drama and performance in twentieth-century South Africa, but her account provides a sketchy consideration of women playwrights and their representation of women and sexuality. While acknowledging this study's monumental grasp of a divided South African theatre tradition, it tends to not fully consider a self-conscious feminist paradigm in works produced by South African women dramatists. While not

limiting the feminist imperative, Kathy Perkin's collection of six full-length plays and four one-act plays in *Black South African Women: An Anthology*, (1999) prioritises *stories* that reflect the lives of women, a subject she claims is often 'absent from written work, and in most instances from the stage' (4) in South Africa. However, such a claim is not entirely accurate in the South African context. What is perhaps unique about Perkins' claim in the context of a fractured South African cultural production is the particularity of the issues raised by her texts. Most of these issues also find a voice in Craig's two plays including: identity, racism, sexism, resilience, resistance, survival and liberation. Another factor, one which distinguishes Craig's work from those featured in the Perkins' anthology, is the manner in which Craig's texts rally against an essentialised view of gender oppression. Instead, Craig's texts recuperate critical questions that deal with anxieties of women speaking for the self, and for other women. Craig's texts challenge the idea that women constitute a single group with the uniform experience of patriarchal oppression. Another aspect that Craig's texts challenge is the idea that heterosexuality is the normative experience of all women. By foregrounding sex and sexuality, Craig disturbs some of the preconceived assumptions that underpin women's experiences.

Some of the above views suggest a larger problem relating to my labelling of Craig's plays as 'feminist'. The crux of the problem is whether it is correct to *historicise* Craig's texts as feminist. Flockemann's (1998) views offer a resolution to the problem of labelling Craig's texts. Flockemann (1998: 219) points to the resistance of many South African writers, not to feminist practice *per se*, but to the right to 'name' local women's struggles. She claims women resist 'what they see as a totalising discourse that does not do justice to the particular social stratification of South

African women'. Flockemann's (1998: 219) most valuable concept for the purposes of this dissertation is her view that it is 'feminist moments' rather than the development of a 'feminist theatre tradition' that characterises South African theatre (1998: 219). Flockemann does not elaborate on her understanding of what she describes as 'feminist moments'. I however read this to be a reflection of how texts emphasise issues that resonate with socio-political concerns dealing with women and gender while simultaneously critiquing heteropatriarchy. Flockemann (1998) identifies three periods that have characterised South African theatre since the 1970s and which for her characterise 'feminist moments': the era of theatres of resistance (1976 to the late 1980s); the period of the interregnum, spanning the period from Nelson Mandela's release from prison in 1990 to the 1994 election; and finally, the post-election period, from April 1994 to 1997.

Such a categorisation is applicable to Craig's texts. If, as Flockemann (1998) suggests, theatres of resistance are marked by the period 1976 to the late 1980s, then Craig's *Crossing the Line* (1989) might describe the play as one which coerces into discussion the rhetoric of apartheid by constructing the Black African presence (Grace) as one of the dominant forces of this text. If *Apart* (1995), following Flockemann's classification, is representative of the third (post-election) period, then the play may be read as a larger voyage of recovery and a confrontation of both personal and public history within the context of national reconciliation. The notion of a 'voyage' in narrative, conventionally known as a *quest*, is emblematised in the text primarily by Hannie, Ann, Rosie and Paula. Flockemann (1998: 221-222) formulates the dimensions of the third period by narrowing the gap between what could be construed as 'women's theatre' as opposed to 'feminist theatre' in the South African context:

In post-election works [...] the distinction between women's theatre and feminist theatre becomes relevant, for it is in dis-identifying with given subjectivities rather than simply reversing them, that a form of South African feminist theatre located in 'tangible' local concerns can be identified. At the same time, the emphasis on personal testimony and reconstructions of the past will, of necessity, involve further experiments with performance forms to accommodate previously unspoken and/or unspeakable stories now made public by the Truth Commission.

The above suggests that the politics surrounding women's narratives has much to tell us, not merely about documenting the original and residual losses associated with patriarchal power, but also foregrounds - within the textual frame - the question of whose narrative is privileged in the official space of a national reconciliatory culture in the post-apartheid democracy. In this way, Craig's texts seem to discharge *structures of feeling*, which relate to questions about sex and sexuality in relation to cultural encounters between different races.⁵ In other words this would mean a context of identification in which different cultures meet to speak about women in a mutual healing of personal and political turmoil. This mutual meeting is not simply about racial and gender differences, but also about sexuality and sexual difference. The sexuality of Paula and Rosie in *Crossing the Line*, and Lilian and Ruby in *Apart* exemplifies the concern with sexual difference. I assess these characters' sexuality in sections 4.3 and 4.4 of this chapter. I am also extending the notion of 'structures of feeling' to refer to the way Craig constructs emotion through characters and their

⁵Raymond Williams first used this phrase in his *A Preface to Film* (with Michael Orrom, 1954), developed it in *The Long Revolution* (1965), and extended it throughout his work, in particular in *Marxism and Literature* (1977). William used the phrase to characterize the lived experience of the quality of life at a particular time and place. For him a 'structure of feeling' is the culture of a particular historical moment, though in developing the concept, Williams wanted to avoid idealist notions of a 'spirit of the age'. The phrase suggests a common set of perceptions and values shared by a particular generation, and is most clearly articulated in particular artistic forms and conventions. In later formulations of the concept, William stresses 'the complex relation of differentiated structures of feeling to differentiated classes,' and the area of tension between 'ideology' and 'experience' (Payne, Michael, 1997: 517-518). It is in the latter sense that I have used William's concept to demonstrate how Craig's characters grapple with their situations of dislocation and fragmentation in terms of the historical context within which they live. I am also extending the notion of 'feeling' to incorporate 'emotion', and this is explained further in the analysis of the texts. Cf. also Macey (2000: 366-367) for an explanation of 'structure of feeling'. Macey (2000: 267) also suggests that the 'privileged area for the study of structures of feeling are literary and dramatic texts'.

situations. Often the issue of emotion is overlooked in feminist cultural production, but it is my contention that Craig's texts become the sites for powerful emotions, which she articulates through the various characters in the two plays. Emotion, in its etymological sense denotes, from Latin, a performative mode: *emovere* (to disturb) and *movere* (move). The performative aspects of emotion are related to the way characters in Craig's texts are able to reflect personality and experience in relation to the events in the characters' lives.

I argue that a feminist imperative in Craig's plays leads us to the issue about interculturalism, which articulates the complex politics of difference and the disparate histories that have conditioned the lives of women. In writing about women's intercultural performance, Holledge and Tompkins (2000: 1) suggest the following:

Interculturalism all too frequently is perceived to become 'political' only when a critic complains about (mis) representations of otherness or appropriations of culture. Feminist theatre, meanwhile, usually operates in reverse: the political imperative that underpins feminism – women's equality to men – is the starting point for feminist performance. When women produce intercultural theatre, they frequently begin from the point where cultures meet to speak about women.

Notwithstanding my previous comments about the feminist contextualising of Craig's plays, it seems that the feminist basis of the texts begs the question of whether the two texts under scrutiny ultimately lead us away from a purely feminist theatre and possibly towards interculturalism. I believe that Craig, through her characters and events, reinforces an intercultural encounter in both texts. If Craig has conflated race, class and gender with culture, then with the term 'intercultural encounter', I am suggesting that Craig's characters grapple with the contradictions of hybrid worlds where race, class and gender are further complicated by cultural

differences. In this sense, Craig suggests a type of theatre that has to do with the bricolage of colliding contexts. I turn now to a close analysis of both the texts, and I will briefly reconsider the issue of the 'intercultural encounter' in Craig's texts in my conclusions.

4.3 *Crossing the Line*

Writing about *Crossing the Line*, Garth Verdal (1989) comments that the play marks Craig's debut as a playwright 'an auspicious one mainly because of her perceptiveness about these women and the way she has used this to create four contrasting characters with distinctly different voices. The dialogue is natural, slice-of-life stuff.' Verdal also concludes that the play is 'neither political nor feminist'. In marked contrast to Verdal, Brommert (1989) claims 'despite substantial political comment in both its dialogue and plot, *Crossing the Line* represents a wholesome departure from the vast and generally painful opus of politically inspired South African drama.' Kassin (1989) for her part claims 'Craig has hit the right formula with her first play', examining 'heavy interpersonal issues with great insight, warmth, empathy and humour'. Chisholm (1989), citing Craig, highlights some of the core issues in this play: 'The themes of the play mean a lot to me. They explore contemporary women's experiences as social, sexual and political beings and they look at people who are young, who are angry, who want to come to terms with their society and their times.'

Despite these mixed reactions, *Crossing the Line* marks for me an important development in South African theatre as it was produced at a time of critical political instability. I am, furthermore, in disagreement with Verdal's disavowal of the play's political and feminist force. In the critical paradigm invested in the text, the socio-political and feminist investment is not theatrically incidental;

subsumed into the *gestalt* of the fiction, it serves a larger (and, of course, subversive) design.

Indeed, *Crossing the Line* is a play deeply concerned with the tension between merger and separation in the lives of four women. The stage becomes a strategic arena for the exploration of dislocation, identity, and the problem of belonging in gender-specific ways. Composed of two acts and seven scenes, the play dramatises the lives of five characters. The fifth character is Mark, a human rights lawyer who defends Grace's son Thembie, who has been detained, and who, it turns out, is falsely accused of instigating a political boycott. While Grace is not listed as a character, Craig reminds us, even before the play starts (in the stage directions) that Grace is indeed integral to the meaning of the play. The explicit naming of Grace, and the racial polarities imputed by her invisible presence lends the play no incidental political symbolism. Craig writes in the opening scene: 'The shadows and voices of Grace and companions: The shadowy, peripheral existence allotted to the majority by the minority' (p.1). The symbolic importance of Grace's 'invisibility' and 'silence' is crucial to the unfolding narrative of the play. On the first page of the actual text, Craig reinforces Grace's 'role' even more resolutely: 'Grace is never fully on stage, though her presence is *felt* throughout the action' (p. 3). It is indeed felt, but not 'seen', and Grace is in fact a towering presence, theatrically reinforced and foregrounded by the singing, dancing, voices, and the rhythms of kwela music emanating from her room, all of which mark her as an important subtext in the play. The split in dramaturgical focus between the characters on stage, and the lack of a speaking and performance part for Grace, reinforces my view that this play portrays a microcosm of the clash between the idealism of our cultural values in apartheid South

Africa, and the challenges faced by a changing cultural reality, which the text foregrounds.

In the stage directions for the opening scene, the category of race is deployed, and it may be deduced that at this stage of the text, the play conflates race and culture, extrapolating Grace as a cultural (and politicised) presence from the discursive silences that surround her. Craig alludes to this in her references to the marginalised figure of Grace in the context of a minority-majority discourse, which is a clue to the content and substance of the text. This is a play about the collision of cultures, and the text raises the question of whose narratives are privileged in the context of violence and reconciliation. And it is no co-incidence that Grace is completely voiceless in this text.⁶ She is the subject of the discussion, and her presence dominates the narrative. She is spoken about, but never really spoken to. Put another way, it could be claimed that Grace emerges as a central protagonist in a play that stages her in her 'absence' from the performance. Grace's absence on stage mediates what I describe as the clash of cultures in the staging of the Other, and it is this that lends *Crossing the Line* its force.

The opening scene signals the entry of Hannie, an aspiring model from Volksrust who, 'with a dream as big as the moon in (her) heart' (p. 26) has left her home in search of success as an international model. (She now boards at Ann's house.) It is through the character of Hannie that Craig explores race, and to a lesser extent gender, to superb effect. Resolutely racist, Hannie's treatment of Grace leaves much to be desired. In the opening

⁶The absence of a speaking part has been employed in drama before. Most noteworthy is Caryl Churchill's use of the waitress in *Top Girls* (1991). In Afrikaans literature, the playwright Reza de Wet has uses Ou Alina (Old Alina) as a silent, but evocative voice in *Diepe Grond* (1985), the black domestic who is the surrogate mother for Soekie and Frikkie, who have murdered their parents on a Free State farm. In De Wet, more so than Churchill, the absence of Alina is indicative of the racial oppression she represents in the context of Afrikaner Calvinism and Afrikaner nationalism.

scene, Hannie gorges herself with fast food, intermittently drinking sips from a glass of water, and then enters the toilet cubicle and vomits. As she leaves, she notes Grace watching her from the back room. Disgruntled by this exposure, Hannie chastises Grace as a mischievous animal: 'Hey! *Wat kyk hulle?*' and angrily hands her the remaining food: '*De vat dit alles!* Don't let me look at it!' (p. 4). The Afrikaans pronoun 'hulle' (they) becomes a common refrain in Hannie's dialogue as she racially taunts Grace and her friends. Hannie also makes racist accusations against Paula who is actively involved with the grassroots political movement in Soweto. In the first scene, she questions, 'Why is she friends with all those kaffirs?' or 'These days her best friends are kaffirs and guys with nice cars' (p. 8). In the third scene she is even more strident and disdainful: 'I've caught Grace sitting here. Her sister too. Who does that kaffir-maid think she is? Strutting around your stoep! Dressed up like a bladdy queen!' (p. 28). Hannie's resentment of blacks personifies the larger problem of racism in apartheid South Africa. The following dialogue prophetically prefigures debates around affirmative action that would preoccupy South Africans in the post-apartheid economy: 'They're taking over all the jobs now! Those *dirty, lying kaffirs* have taken all the work. We struggled in this country. From the farms to the city we struggled' (p. 29). The fact that Hannie's dialogue often consistently attenuates these racist outbursts is most evident in the penultimate scene of the play. There, the us-them duality that marks the collision of cultures in the context of a divided nation is reinforced: 'This country is heading down the drain, Annie, no mistake. They want what we have so badly they'll get it anyway they can. And when they do – gold, diamonds and all – they'll hand it over to the Russians. And when they attack, it'll be you and me' (p. 44).

In contrast to Hannie's overt racism, we note the contradictions that plague Ann, the struggling artist who makes a living from painting the lives of the oppressed. Her personal conflict, which is borne out in the following dialogue with Paula, animate the tension between truth and representation, and concern the state of the nation, equality and the authenticity of lived experience. When Paula claims Ann has been unable to 'come up with anything more original' (p. 49), Ann's response is that 'the truth is after years of rootless, bourgeois slumming, we are no closer to understanding the reality of Grace and Thembe's lives' (p. 50). Ann's character throughout the play demonstrates a life of personal inadequacies - failure in her career as an artist, and failure in her relationship with Pieter. Ann is ashamed of and burdened with the hypocrisy of her work: 'For me to exhibit political work has become hypocritical' (p. 50).

Ann's ideas rally thematically around several issues that speak of a deep-seated class critique (perhaps guilt) that has much to do with the gendered economy within which race and sexuality is framed. If Grace's life is anything to go by in terms of the treatment afforded her by Hannie, Ann's life seems to demonstrate a life of 'bourgeois slumming'. The interplay between characters also highlights the continuing and varied oppression in the lives of *all* the women. Early in the play Ann contemplates what success her art exhibition may bring:

Yes! Yes! I can go anywhere! I can stay here. In this shack. Live frugally. Without the trappings. Or I could drink French champagne. Eat caviar. Creamed cakes. The bill would feed some families for a month. And if I choose, a holiday overseas for my bruised heart. Such is my life. My fine *white* life!(p. 14)

Her words demonstrate her awareness about the tension between privilege and poverty, reinforced by her emotional wounds ('my bruised heart') and her guilt, expressed in racial terms ('my fine

white life'). These emotive disclosures are in marked contrast to her reluctance to acknowledge these emotions at the beginning of the play, and which compelled Paula to point out: 'No bloody money! No bourgeois galleries! Why have a maid in the first place?' (p. 15). Later, in a resentful and guilt ridden conversation between Ann and Mark, Ann discloses that her life has been characterised by a false sense of identity and understanding: '*Talking for blacks!* Claiming to understand their problems and aspirations' (p. 34). While Ann affirms Mark's achievements, she cannot accept that any potential exists within herself: 'You do good work! You use your position of privilege to help others. Without it becoming a raging ego trip' (p. 34). Having acknowledged Mark's achievements, and thereby confronting her failings, Ann cannot avoid resolving her crisis without releasing the emotions that have shaped her life. In what could be described as a cathartic act to possibly subconsciously reintegrate with the self, Ann declares in an emotional speech:

I loathe living here. I do! I loathe this stupid makeshift table, this desk, this 'kitchen', this shitty, lonely, single bed. I've lived in so many rooms like this. Just borrowed pieces of someone else's life. I'm nearly forty, Mark. I've been so involved in my work – recording other people's pain, that I haven't seen my own. Oh God, I want a child. I want a proper home. I want a garden, I want enough money. And Pieter – he - must have sensed all of this. That I've been using him, secretly trying to change him. To make *my* needs, *his* needs (p. 35).

While it is possible to minimise Ann's dialogue as the ramblings of a woman who has reached a mid-life crisis, it is worth considering that much of what is revealed in the dialogue is primarily shaped by a dedication to gender questions. Interestingly, it is Paula who describes Ann's life in gendered terms, and much of what Paula has earlier described about Ann, is ironically subverted by the exchange: 'You wanted a life where you never settle down. Never have children [...] The most important thing. Independence from men [...] you've never taken anything from a man' (p. 14). Aware

of Paula's insight, Ann struggles to come to terms with Pieter's newfound love interest, yet her envy serves to subvert the very meaning she wishes to convey: 'I've fallen back into all stereotypical female reactions. I wish I could strangle her' (p. 32). Ann also reveals the more specific personal tensions between her and Pieter. These tensions seem to be not only about a professional tension as 'artists', but also about problems in the area of sexual intimacy, which Ann mentions, but is left unexplained in the text: 'He always had to compete with me. With our friends. In the art world. Even - yes, well in bed' (p. 33).

Ann's allusion to problems with sexual intimacy, and her disclosure about her 'stereotypical female reactions' (p. 32) represent a 'feminist moment' in the text. It is also via Paula's observations about Ann that a 'feminist moment' is evident in the text. Paula is bruised by a life conditioned by anger where 'anger becomes (her) armour' (p. 42), and struggles to make decisions about her life, her relationships, and to a large extent her sexuality. Ironically, it is Paula who offers Ann an option for resolving the complications in her life. By giving Ann advice, Paula, is simultaneously projecting her own experiences into Ann's life: 'So find yourself another man. You heard what I said earlier. All the men I meet these days appear to have a 'feminist consciousness'. I think it's a new strategy to get laid' (p. 13). Paula's life is as equally fraught with contradiction as Ann's: a rebellious child, viewed as a scapegoat in her family, she has come to be viewed by those around her as withdrawn, and unable to confront the demons of her past. Paula, unlike Ann, is unable to find a niche and a definition for herself in her community. Paula is difficult to read as she conceals her true feelings behind her political activism. Ann articulates this tension, and in doing so, foregrounds the significance of the play's title: 'You're good at speeches and organisational things but when it comes to connecting

with people on a human level – crossing the line between political avenues and personal contact forget it!’ (p. 52). Paula’s present life is characterised by active involvement in grassroots politics, and it is Mark who informs her that her promiscuity is a symptom of her ‘inability to come to terms with’ her ‘hidden lesbian nature’ (p. 21). As early as sixteen, Paula confesses, she had discovered that ‘to bed and be bedded was (her) most dependable weapon’ (p. 22). The idea of her sexuality is triggered at the outset of the play by Hannie who claims she ‘always thought (Paula) a lezzie’ (p. 8), and who later in the play disdainfully proclaims, ‘I think you’re a blerrie lezzie’ (p. 46). In addition, when the stage directions disclose Paula’s awareness of Rosie’s sexuality, Paula states ‘If she thinks I’m not straight, it’s *her* problem not mine’ (p. 20). It is not incidental that Hannie’s homophobia is an extension of her racism, as both seem to operate in a similar system of oppression. When Hannie retorts, ‘I’ll be glad to get far away from your sort!’ (p. 47), she merely reconfirms her homophobia, which she revealed in her earlier description of British foxhunters whom she thought ‘were a lot of homos in their white tights and red coats’ (p. 43).

Language in this play is also politically invested and serves an important function in respect of characterisation and action. Following Butler (1999), the personal, individual process of naming an identity is a necessary strategy in processes of identification. Butler’s performative is relevant to a reading of Hannie’s description of Paula as a ‘lezzie’ as a perverse desire. It is in Hannie’s act of naming Paula in the performance of the play that she is produced as ‘lesbian’. Hannie’s performance could be considered a public ‘outing’ of Paula’s repressed homosexuality. Hannie’s statement, ‘I think you’re a blerrie lezzie’, is an indication of her attempt to defer and minimise Paula’s desire. This deferral also simultaneously allocates

a visible lesbian identity to Paula which assigns to a 'lesbian' desire as being perverse.

It is Paula, who, by her silent denial of Rosie's emotional claims, positions homoerotic desire in the future in the play. Throughout the play Rosie sustains the homoerotic impulse by demonstrating her interest in Paula. Rosie (an activist who mobilises women in the unions) explains her gratitude for Paula's hospitality when she arrived in Johannesburg, claiming 'You moved all of my things on your own' (p. 39). In Act 2, scene 2, Rosie questions Paula further, 'If you have something on your mind come out with it' (p. 41). This is a linguistically strategic use of the phrase 'come out with it', a further indicator of Paula's closeted sexuality. We later learn that Rosie will leave Johannesburg, and it is at this point that we discern Paula's true emotions towards Rosie: 'How can you do that! Out of the blue announce that you're going to leave. I just thought that maybe [...] I mean [...] after all the warmth, the care you took, those things you said, how special I was' (p. 43). However, from the stage directions that follow, we realise how Craig dramatically reconstructs the relationship between Paula and Rosie by extrapolating an erotic scenario from an emotional crisis: 'She buries her face into Rosie's shoulder. After a moment, overwhelmed by the intimacy, Paula stiffens and pulls back' (p. 43). Paula's physical response to Rosie's intimacy is significant. Paula's response confirms her psychological and mental state throughout the play, which she explains in Act 2, scene 2. In that scene Paula confirms her relationship with Sarah, which, it turns out, failed: 'Everytime I get close to someone they leave me!'. This scene, and the previous scene discussed above, registers - in the broad economy of the text - both the sexualisation of the female body, and the vulnerability of Paula in her acknowledgement of her desire for Rosie. My view is that Craig is not interested in pointing out the need for

relationships, but rather the *value* of those relationships in relation to need and desire. Equally the scenes suggest that if gender is indeed performative, then cultural representations of a sexual orientation may be even more so. It is through the use of the body, and in this instance, the intimacy generated between Paula and Rosie, that the play suggests the political and feminist subversion of not just sex, but queer sex. By this I mean that the erotic appeal that is generated between the two women seeks not to conceal, but rather to reject the repressive 'compulsory heterosexuality' order that informs heteronormativity. (In Craig's correspondence with Gala in 1997, she explicitly indicates that 'Paula is a young activist who struggles to come to terms with her lesbianism'. In my discussion of *Apart* in the next section I demonstrate how Craig develops some of these ideas in more depth.).

Reluctant to acknowledge her own pathology (she is bulimic and binges on fast food), Hannie embodies a character whose self-esteem requires much repair. Her criticism of Paula (focusing on Paula's latent homosexuality, dependency, and promiscuity), is a front for the pain in her own life. She secures attention from Charlie, the talent scout who promises her the world. Charlie is both her hope for a dream to be fulfilled, and the factor which shatters her dream:

All the work he's put in for me. Charlie has said believing-in-me words that would make you ashamed you ever doubted in me. I remember each word. The way the excitement caught me right here in the small of my back so I couldn't sleep. The things he said about me. About Paris! (p. 30)

In ironic contrast to Hannie's own life, the tension between her and Paula is reinforced by the following observations about Paula in Hannie's conversation with Ann:

That's what Paula doesn't see. She's always *skinnering* about me. I'm no bookworm and she looks down on me for it. Tell her one thing from me. There's no rich daddy ready to help me. *No lekker oke* to take [care] of me . (p. 30)

It is through Hannie that the play equally references another 'feminist moment'. Her bulimia, dramatised as starvation and hunger is an important feature of her characterisation. Her self-image, underpinned by her modelling aspirations, is associated less with a construction of her family background than with a culture's obsession with body images. Craig skilfully works the ideas surrounding the 'body' into the dialogue. When, for example, Ann reminds Hannie about the possible exploitation she may encounter as an aspiring model (p. 26), Hannie rebuffs her by dismissing her view as 'ja, capitalism'. This seems on the surface merely the response of a petulant and impatient young woman chafing against the views of a woman who herself has felt constrained by a stormy past. Hannie's refusal to consider her exchange value may at the one level represent the divided opinion on how women view the commodification of the body. On another level her bulimia seems to corroborate another position in the text. As an illness she does not confront, bulimia appears to operate as a metaphor for the struggles and counter-struggles between the body and the political order. In this play, crossing the line turns out to be more about personal journeys that require a confrontation with personal dilemmas - within the larger context of apartheid's more immediate political ramifications - than about an embracing of collective responsibility.

4.4 *Apart*

In her review of *Apart*, Wagner (1995: E5) cites Craig's views on this workshopped text, which – notably – was originally set during the transitional period between apartheid and the first democratic

elections of 1994. The version under discussion is a later one, set in Cape Town, 1995:

Now that apartheid has been lifted, I wanted to explore some of the other struggles that come up. Instead of focusing on political struggle, I wanted to focus the play on the struggle for voice, language, cultural identity and autonomy. What I hope is that the play will talk to Canadians, not only about what is happening in South Africa, but also about the multi-cultural society we live in. There is no single culture, neither in South Africa nor here. This play is about people trying to build bridges across differences.

Although thematically connected to *Crossing the Line* (with its attendant ideas about movement, journey, and transition to achieve a renewed sense of self and community), *Apart* differs in that it develops Craig's concern with the potential impact of the violence of apartheid in the context of healing and national reconciliation. Unlike the realistic setting in *Crossing the Line*, *Apart* dramatises the events in a conceptual setting. This dramatic technique suggests that Craig is directing us towards questions that do not foreclose the immediacy of apartheid violence, but raise issues in a context of healing and remembrance. If this is a play about building 'bridges across differences', then we are in the realm of feminist theatre that grapples with how identities and values collide and alter each other. Craig seems to be less interested in how these identities form a uniform whole, than how the differences they engender help to recreate a fractured and divided nation. In this sense, the play assumes a political texture. In another related sense its 'feminist moment' is informed by a central story-line focusing on three people who get together to publish a poetry anthology, tentatively titled, 'Young Poets of a New South Africa'. Its content is to serve the purpose of remembering the violence at an interpersonal and political level: jail poems, torture poems, women-raped-by-police poems. While the project could be identified as a correlate to Ann's musings about painting in *Crossing the Line*, in

Apart we are reminded that 'this book could be a celebration' to 'heal the past and have true democracy' (p. 7).

The opening scene, utilizing a Brechtian effect of direct audience address, sees Ruby, Lilian and Johan re-enacting episodes from past lived events, all of which attest to their identities in terms of race. Race later becomes the reason for the botched poetry project. Ruby recounts her first friendship with a person of colour, Johan tells about his 'blinkered' background as an Afrikaner, and Lilian for her part recalls the freedom of her youth, and the comfort shown by her nannie 'who would rub camomile lotion' (p. 5) on her sunburn. The scene helps to dramatise the individuation of the characters. The scene also foreshadows the type of writer relationships they share. For a start, they come together around the poetry book. Secondly, Johan and Lilian we learn, have been lovers in the recent past, and Johan is still burdened with Lilian's dependency. Johan's accusation in the following dialogue serves to highlight the central problem with Lilian's emotion, and indeed her emotional manipulation of others:

Me running to your rescue day in and day out. Damsel in distress! You also played your role well. And you kept me tied to you. You couldn't decide if you wanted me or not (p. 38).

The dialogue also reflects the performative aspects of the way the characters enact their respective identities. Craig is steering her audience to the idea that being politically and socially 'apart' concomitantly challenges the characters to resolve fractured identities within the self.

Whereas the women in *Crossing the Line* struggle to individuate by forming connections with themselves, the central dilemma for characters in *Apart* centres on their desire to work together. In this

way the poetry project becomes a metaphor for the larger struggle of achieving racial harmony. Its failure has much to do with the broader question of voice, recognition, representivity, and ultimately, inclusivity. Race and ethnicity, therefore, emerge as a litmus test in relation to the project because each member is tasked with soliciting texts from their respective ethnic groups. Its failure however, lies precisely in the lack of consensus amongst the three as to whether there should be a dominant racial voice in the text. Johan is appalled at the limited space allocated for Afrikaans poets in the volume. He has to deal with the decision that the Afrikaans texts are to be translated. The turning point for Johan's dissatisfaction with the project is Ruby's regular absence from meetings scheduled for the project. Through his frustrations, he eventually reveals his resentment towards Ruby, culminating in his racist outburst: 'Dirty fucking kaffirs who murder each other like savages' (p. 36).

The poetry project in the play reveals on another level the impossibility of developing a national identity without a simultaneous acceptance (and recognition) of the differences that exist. Craig's characters in *Crossing the Line* are equally besieged by these conflicts. She develops these ideas in *Apart*, but in this play, ironically, we see Grace, the black woman who, 'under erasure' in *Crossing the Line*, returns in *Apart* to speak in the character of Ruby. Within the context of the poetry project, it is Ruby who consistently informs Lilian that 'culture is not the same for us as it is for you' (p. 13). In her next sentence Ruby asserts that culture is 'more than just pretty words and beautiful songs' (p. 13). We return to this mismatch later in the play, where Lilian acknowledges the differences - not in gender terms - but rather in terms of racial polarities (racial polarities further connect the ideas in *Apart* with those expressed in *Crossing the Line*): 'All these years

I've lived this uncomplicated life [...]. For the first time I feel like I'm a minority' (p. 38). Ruby's response is hard-hitting, but it is a truth that lends the scene a compelling honesty: 'You are a minority, Lil' (p. 38).

Another reason for the failure of the poetry project has to do with who has the vested power in the project. The power held by Ruby creates much conflict with Johan who has to also deal with his hidden emotional turmoil. Johan, confronted with the reality that his unresolved emotions for Lilian remain intact, and the reality of the unfolding affection displayed between Ruby and Lilian, comes to realise, (in the context of the poetry project) that any attempt at reconciling with Lilian is remote, as their lives are 'moving in different directions' (p. 22). The scenes indicate Craig's strategic interest with showing how the characters wrestle with the need for cohesion, especially in a context where their lives are at critical personal and political crossroads.

It is the third scene in *Apart* that registers the first indicators of a potential sexual interest between Lilian and Ruby. If the sexual interest between Lilian and Ruby is an aspect of cohesion that Craig is attempting to describe, it is skilfully and purposefully woven into the plot. It is Ruby who expresses an interest in Lilian: 'You look nice. I think you're what my aunt wanted me to be: soft, pretty' (p. 26-27). Lilian, unable to tune into the Xhosa song that Ruby sings says, 'I'm trying to get into your rhythms' (p. 27), corroborating Ruby's earlier observation that they are culturally divided. The unfolding sexual interest on the part of Ruby is reinforced with her poetic descriptions that serve to reconfirm her affections and sustain the performance in the sixth scene: 'I watch you from here [...]. You sleep peacefully. Your hair spread across the pillow' (p. 31).

The scene progressively stages the unfolding desire between the two characters. The stage directions also verify how Craig is gradually building towards anatomising desire ('after a moment, very soft, seductive'), p. 31). By calling on Lilian to reveal 'those volcano emotions' (p. 27), Ruby demands that Lilian free herself from a guilt-ridden history, and compels her to confront her true feelings. The 'feminine' homoerotic position to desire is precisely what Craig is wanting staged. In her correspondence with GALA, Craig (1997) explicitly invests the text with the issue of sexuality: '*Apart* focuses on a lesbian relationship between a black and white woman set in Cape Town'. At issue, it seems to me, is less the question of the difference(s) between the two, but rather how their sublimated sexuality challenges heteronormativity:

Lilian: Yiza nezembe ndigawule
Yiza nezembe Malayisha

(Ruby joins in and they sing together. After a moment Ruby, aware of Lilian's intensity, stops singing and stares at her. Suddenly Lilian leans over and kisses Ruby, awkwardly and then with feeling. When Lilian stops, Ruby pulls back. For a moment the women don't speak. Ruby, unsettled, begins to collect the pins on the bed between them. (p. 31)

This scene dramatises a mode of seduction that is not moral but theatrical. By this I mean it does not raise moral questions about same-sex desire, but rather in the performance question how same-sex desire transgresses heterosexual norms. Such a scene also militates against a patriarchal order, which, by definition, sublimates female desire. We recognise, in the performative aspects of the desire, that theatre is a site for the 'formation of dissident sexual desires' (Sinfield, 1999: 1). If in *Crossing the Line*, Rosie has compelled Paula to 'come out', in *Apart* we become witnesses to the formation of not lesbian identity *per se*, but rather lesbian desire, which operates to signify contested identities within the heterosexual matrix. Such manifestations are perhaps what Sinfield

(1999: 4) has in mind when he claims that 'theatre has been a place for both disclosure and subterfuge: like sexuality, it straddles the fuzzy line where we imagine a public realm to end and our private subjectivities to begin.' The public realm of the performance is one representation of this desire, but the significance of the word, 'public' is equally important in the context of the play. 'Public', as defined in the *Oxford English Dictionary* (OED) denotes the 'community', the 'state', that which is 'open' to be 'shared by members of the community'. Craig is possibly exploring the construction and price of visibility in relation to female desire. Ruby and Lilian's coming out is blessed with a kiss, rather than a condemnation. At the end the intimacy is sustained with Ruby taking Lilian into her arms, drawing her down to the bed, and the plot returns, in the scene that follows, to other issues. From a performative perspective, the seduction scene moves beyond a preoccupation with 'cultural consensus'. It is more a political response than an intention to show how post-apartheid culture would conceive desire, especially sexual desire as opposed to gender. This does not mean that Craig moves away from gender, but within the historical moment of the early 1990s, when the new democratic constitution was being drafted, one of the debates in defining an inclusive national identity included the recognition of same-sex orientation within an equality framework (see Chapter 7). It is therefore possible to deduce that in *Crossing the Line* where Rosie and Paula demonstrate an internalised and unresolved sexual interest in each other, Ruby and Lilian in *Apart* externalise with their kissing, the contested nature of gay and lesbian identities. It is in this sense that the play challenges and critiques 'queer' sexualities as pathological and deviant. The 'erotic' scenes of female sexual desire in *Apart* and *Crossing the Line* are in my view Craig's attempt to politicise and normalise queer sexuality. Where *Crossing the Line* is set against the backdrop of apartheid where same-sex equality

was criminalised, *Apart* is set in the post-apartheid context of a constitution that recognises same-sex equality. The performance of the seduction scene demonstrates that Ruby and Lilian are performatively constituted as 'lesbians' within a scenario of desire. This gendered and erotic scenario would appear to raise the question of whether women's relationships (perhaps same-sex relationships) could be interpreted as resistant, oppositional and transgressive. If we adopt this interpretation, following the effect produced by the above scene, then it could be said that in *Apart*, Craig demonstrates how unequal power relations invest gender identity. Furthermore, identity, following Butler's performative rationale, and specifically gender identity is not pre-given or determined but constantly performative. In this sense, 'gender is always a doing' (Butler, 1999: 25). This performative aspect of gender identity highlight Butler's (1999: 25) conclusion that gender is not something one *is*, it is something one *does*, an act, or more specifically, a sequence of acts, a verb rather than a noun, a 'doing' rather than a 'being'.

4.5 Conclusion

While my reading of race, sexuality and gender allocates a value to Craig's plays within the context of their historical moment, my engagement is not an uncritical one. Indeed, there are flaws in the texts, particularly in terms of the sequences of the scenes. For example, the time lapses between scenes do not convincingly demonstrate their importance for the action, events and development of character. Also, in *Crossing the Line*, Hannie's characterisation is perhaps over-exaggerated: one wonders why Ann would continue to keep such an abrasive and petulant housemate. Furthermore, neither Mark (in *Crossing the Line*) nor

Johan (in *Apart*) is fundamentally integral to the central issues and could therefore have been written out of their respective plays.

Despite these limitations, I suggest that Craig offers an innovative contribution to a developing South African dramatic literature. In writing examples of theatre with strategic 'feminist moments', Craig has attempted to explore the performance of identities (in part queer identities) in ways which move beyond the 'personal is political' mode. Identity and resistance, agency and subjectivity inform the texts in ways that suggest the macro-politics of the country is to a large extent relevant to the micro-politics of the self. That both her plays dramatise responses to the patriarchal colonisation of female experience, and indeed to female same-sex desire, is appropriate. Craig's texts raise questions about sexuality and cultural identity by juxtaposing the past, present and future in terms of the characters' personal and social conditions. Her characters, especially the women in the texts, appear to be at critical crossroads in their lives. Paula, Ann and Hannie (*Crossing the Line*), Lilian and Ruby (*Apart*) are women whose lives reflect a state of flux in the following ways: physical, emotional, psychological, sexual, cultural and political. Over and above this, the characters struggle for cohesion, both to restore their individual fractured identities in terms of interpersonal relations, and to resolve their identification with the complexities of a changing political order. Craig utilises emotions to secure some stability in the complex relations of family, nation and identity that underpin the construction of these identities. While emotion might be a necessary element of all drama, it is noteworthy how adept Craig is in capturing her characters' psychic resolutions. This is not to reduce the characters to neurotic subjects, but rather to highlight how their emotions are received by other characters. The relevance of emotion is therefore integral to the meaning of both plays. I am

suggesting that the characters' fragmentation becomes its own cathartic function, demonstrating that cultural change and political change is not possible without recognition of, and recourse to, the psychic baggage that informs any type of oppression.

These plays, then, are double-edged: while attempting to cement social relations with the illusion of the unitary, they activate a vision, which shows the cracks and the falsehood of unities. Both texts illustrate the symptom of fragmentation. Both *Crossing the Line* and *Apart* activate fragmentation at a linguistic level in the titles. While Craig may be advancing a tension between cohesion and discontinuity, I believe she is primarily exploring ways in which her theatre, in particular, and South African theatre, in general, could configure interculturality, 'the meeting in performance of two or more cultural traditions' (Hollidge and Tompkins, 2000: 7). The 'meeting in performance of [...] cultural traditions' is apparent in the extent to which Craig invests these texts with the idea of how the characters struggle to overcome cultural, racial and gendered boundaries and differences. Paula and Lilian as examples of the us-them model of racial alterity represent these tensions in *Apart*. Ann, Paula and Mark in *Crossing the Line*, despite their liberalism, secure a reification of Grace and her life. In Ann, Paula and Mark's efforts to recognise her struggle, Grace is commodified through their representation of her. These issues compel us to return to the text to consider, in another reading, whether there is some truth to Phillip Zarilli's claim that 'performance as a mode of cultural action is not a simple reflection of some essentialised, fixed attributes of a static monolithic culture but an arena for the constant process of renegotiating experiences and meanings that constitute culture' (1992: 16).

Indeed, public spaces are political spaces that often dramatise issues in a vocal and emotive sense. Zarilli's (1992: 16) assertion that performance reflects, in a limited sense, the renegotiation of 'experiences that constitute culture' is an important claim that has much bearing on the chapter that follows. In the next chapter I turn to the question of language, focusing on homophobic discourses as examples of hate speech in the context of Africa. The chapter builds on preceding chapters to show that public discourses reinforce the political formation 'queer' identities. Homophobia implies in the first instance an understanding of homosexuality as 'queer', deviant and unnatural. Unlike the sustained development of a 'queer identity' in South Africa, exemplified in part by the present chapter, in Chapter 5 we witness the moral, social and legal scapegoating in misunderstandings and misrepresentations of the homosexual. The chapter following speaks to the persecution of homosexuals. Homosexuality we see, is constructed as a problem. This construction is based principally on social attitudes acquired from learned public perceptions.

CHAPTER 5

Perverts and Sodomites: Homophobia as Hate Speech in Southern Africa¹

Most of the ardent supporters of these perverts are Europeans who imagine themselves to be the bulwark of civilisation and enlightenment.
SWAPO

Animals in the jungle are better than these people because at least they know that this is a man or a woman.

Robert Mugabe

When I was in America some time ago, I saw a rally of 300 000 homosexuals. If you have a rally of 30 homosexuals here, I would disperse it.

Yoweri Museveni

5.1 Introduction

Like the State-sponsored homophobia of the 1968 Immorality Act (Amendment) Commission in South Africa in which the State perceived homosexuality as a threat to the nation, deserving of eradication and attack, 'verbal' expressions of homophobia have come to characterise the broader Southern (and East) African landscape in the last decade. During this time, the world has witnessed an increase in the homophobia displayed by several African leaders, with Zimbabwean President, Robert Mugabe, its most vociferous spokesman. Opening the Zimbabwe International Book Fair on August 2 1995, the *Guardian* (1995: 12) reported Mugabe as saying that homosexuals have no rights in society at all:

If we accept homosexuality as a right, as it is being argued by the association of sodomists and sexual perverts, what moral fibre shall our society ever have to deny organised drug addicts, or even those given to bestiality, the rights they might claim and allege they possess under the rubrics of 'individual freedom' and 'human rights', including the freedom of the press to write, publish and publicise their literature on them.

¹A version of this chapter has been previously published (see Reddy, 2002).

The above view, which foregrounds homosexuality in the African context, and especially in Southern Africa, suggests that homosexuality emerges as a public phenomenon. By 'public' in this instance is meant a *visible* and *public identity* reinforced by that which I describe as hate speech as advanced by African leaders. By this I do not mean that 'hate speech' is the only form of public speech. The latter, seen as a form of symbolic expression in society, is a form of public discourse that finds subtle and extreme expressions in contexts where democracy is threatened, and especially where a human rights culture is severely under threat. (I develop this concept later in the chapter). Therefore, where hate speech is concerned, the larger question of freedom of expression lurks closely. And where freedom of speech exists, the concern is the choice of exercising that freedom because the *effects* of those choices often seem to be the point of debate and dissension. More specifically, where homophobia exists, freedom of expression and the right to equality, dignity and civility are also at stake. These are the issues this dissertation has thus far highlighted in relation to case studies in *Part 2* that demonstrate how some historic public discourses on homosexuality generate meanings about the political construction of the homosexual as 'queer'.

This chapter is about *homophobia*, and accordingly does not focus directly on homosexuals, but rather on those who hate homosexuals, who use hate speech about them, and the 'hate speech' itself. It is the producers of hate speeches who are problematised in relation to pathological conceptions of homosexuality. This chapter reinforces the arguments in the earlier sections of this dissertation that addressed institutional efforts within the apartheid project to normalise homosexuality, either by reforming the law to further criminalise homosexuality (Chapter 2), or by the use of aversion therapies to 'cure' homosexuality (Chapter

3). This chapter critically examines homophobic speech in the Southern African context from the perspective of gender, sexuality and insult. 'Perverts' and 'Sodomites' builds on existing scholarship on gender and insults (see for example, Thorne and Henley, 1975), which drew on both the notions of *langue* (sexist language) and *parole* (utterances which raise the issue of hate speech). In the connection between *langue* (sexist language) and *parole* (utterances that signify hate speech) I re-establish the gendered relationship I emphasised in my introduction between homophobia and patriarchal power. This chapter considers who uses homophobia, to or of whom, in what contexts, and under what circumstances it is perceived as hate-speech in a kind of 'reverse discourse' that advances my hypothesis about the political construction of queer identity. The homophobic discourse discussed in this chapter demonstrates that verbal attacks against homosexuals are legitimated in terms of the message that deviation from traditional constructions of masculinity and femininity, aligned with African patriarchy, is not acceptable. While the chapter focuses on attacks on gay men specifically, this does not preclude attacks on gay women. Further research will be needed to extend the investigation to gay women, for the purpose of compiling data profiling attacks on women.

In this argument homophobia is firstly defined as a form of hate speech. The latter is seen as a discourse of power, dominance and control, which is not merely a form of patriarchal oppression, but also a kind of *performative communication* that produces a discourse about homosexuals in order to misrecognise gays and lesbians as aberrant and 'queer' (Chapters 1 and 4 have so far explained *performativity*). Secondly, the chapter briefly considers research into homophobia, especially from the standpoint of language and gender research, and especially within the framework

of a queer reading. Thirdly, a few examples will be listed to illustrate how the practice of homophobia, reflected by the language used by African leaders, leads to mainstream endorsement of hate and further perpetuation of negative stereotypes of homosexuality. Using examples from newspaper reports, press releases and activist literature, a discursive reading of homophobic discourse is deployed. The linguistic choices (in this context the language of denigration) that inform homophobic discourse offer clues towards understanding what possibly may be a broader agenda behind homophobia. Fourthly, the chapter demonstrates that homophobia, as a form of hate speech, is ultimately a form of gender violence that reinforces the ideals of a patriarchal state.

5.2 Homophobia

Loosely defined as the dread of being in close quarters with homosexuals, the term homophobia was coined by George Weinberg in his landmark book, *Society and the Healthy Homosexual* (1972). Though in practice it is not a new phenomenon, it is, however, increasingly characterised by hate, showing it to be a most resistant form of social prejudice in the lives of gay and lesbian people in many African countries. Certainly its most violent manifestation to date must be the murder of gay American student, Matthew Shephard.² In this sense homophobia, as a form of gay bashing, is not merely a verbal attack, but a phenomenon with potential violent and fatal repercussions.

Like racism and xenophobia, homophobia is a beacon in debates on diversity and has a very detailed history (Fone, 2000). It continues to exist as the most resistant form of social prejudice in the actual

²Ott and Aoki (2002) provide a detailed frame analysis of print media coverage of the Shepard murder, including details about the homophobic discourses prevalent in American society.

lives of people, a theoretical point upon which this dissertation is based. Homophobia, like racism and sexism and other related (isms), is often deployed in covert and subversive ways, and may even operate as a subtle form of prejudice. For this reason it takes one unawares, is underestimated in its importance in the struggle against all social oppressions, and is the one taken least seriously. It is also one form of social prejudice and oppression which, as we have seen in Southern Africa, is quite visible and strong. Joseph Bristow (1996: 247) cogently defines the core meaning of this term:

[It is a] pathological hatred of lesbians and gay men. Gay politics has taken homophobia as one of its main targets. The roots of this phobia probably lie in dominant cultural understandings of gender, particularly masculinity. Same-sex desire can be threatening to those institutions of power, such as the family and the state, which assumes that heterosexuality is a natural, as opposed to a cultural phenomenon.

There are three issues that arise from this definition that are important for the argument. Firstly, 'fear of other'. This is the broadest and most common and pertains to fear of difference, fear of change, fear of variation and fear of uncertainty. Secondly, homophobia, like xenophobia, might be considered a disorder. This is the level where a 'discomfort' becomes hatred and an obsession, leading to irrational acts of violence and exclusion. Thirdly, people's expressions of homophobia could be ascribed to an internalised homophobia: if the famous sexologist Alfred Kinsey was correct, and the majority of people do have some same-sex desire, then homophobia is both a fear of the other, and the fear that oneself is the other. It then becomes possible to state that homophobic violence may always have an element of expiation in it, of cleansing (keep in mind the commonality across cultures of washing away the 'dirt'). The latter is deeply connected to questions of pathology,

disease and therefore something for which corrective measures have to be found, as advocated by many African leaders.

Based on the above definition, it is useful to conclude that homophobia is a gendered concept because it comes to define its objects by the effects it produces in the language it deploys. As a tool of control and policing, its proponents produce a string of images and metaphors that are integral to defining the homosexual as an outcast - a species of persons to be dispensed with. There may be an element of truth in Judith Butler's (1999: 15-16) suggestion that, if sexuality is established through the practices of discourse, then 'this demarcation will produce a domain of excluded and delegitimated sex'. In this regard, homophobia, implicated in power relations and externalised in language, in social conflict and in the production of values, is deeply connected to processes of indoctrination. To implant doctrines and values is to also advance a kind of communication by providing reasons, evidence and an argument in order to convey a truth about that which is to be believed. Thomas Green (1972: 25) suggests that 'we indoctrinate people to believe certain things, but we condition them always to do certain things'. In this sense homophobia could be described as a performative operation because it articulates a call to action. In other words, it is a series of expressions that serve to effect a transaction by virtue of their utterance. The root meaning of 'perform' is to complete. In the case of homophobia, one of its useful strategies is the rhetorical devices that inform its operation. As a form of persuasive discourse homophobia is engineered to arouse emotion of the queer subject and the homophobe. In the modern soundbite age, this is evidenced by what could be described as claptrap (root meaning: to win applause), and is strategically deployed by politicians in order to speak to an audience who would endorse what is being said by enthusiastic support. Furthermore, as

a form of gendered violence, it encapsulates a number of factors, as O'Toole and Schiffman (1997: xii) point out:

Violence can also be structural, as when institutional forces such as governments or medical systems impinge upon individuals' rights to bodily integrity, or contribute to the deprivation of basic human needs. By our definition, gender violence is any interpersonal, organizational, or politically oriented violation perpetrated against people due to their gender identity, sexual orientation, or location in the hierarchy of male-dominated social systems such as families, military organizations, or the labor force.

If apartheid efforts to criminalise homosexuality, or medical practices within the military sought to subject homosexuals to curative aversion programmes, this chapter similarly advances the view that public and injurious language that 'demonise' and portray homosexuals as the 'other' are in themselves forms of gendered violence against homosexuals.

5.3 Language, Gender and Sex

Hate speech in respect to homophobia is integrally and directly linked to the broader interface between language and gender. The relationship between language and gender, and sex, demonstrates that not only gender, but also the category of sex itself is socially constructed, a fact which is often greeted with disbelief or scepticism (Bing and Bergvall, 1996: 6). These authors maintain that both language and traditional social practices suggest that there are clear boundaries between biological females and males:

However, if the boundaries are not problematic, it is curious that so much energy is expended to reinforce them and to render invisible large numbers of people, including homosexuals, bisexuals, eunuchs, hermaphrodites, transvestites, transsexuals, transgendered and intersexed individuals, and others who assume social and sexual roles different from those that their cultures legitimize (1996: 6).

The above citation reinforces the argument that individuals who do not subscribe to the binary female-male dichotomy are subject to policing, derision and ultimately exclusion. This form of gender polarisation has increasingly been problematised by research into questions of sex difference, sexual orientation and sexuality. It is within this context that recent scholarship in language and gender has raised new questions that challenge rather than reinforce gender polarisation. Where earlier work by sociolinguists such as Tannen (1994) and Coates (1986) prioritised, in particular, the investigation into how the different sexes speak, recent work in language and gender attempts to move beyond the binary. Below, I discuss one such study that forms a thematic link with the present argument as it considers the interconnectedness between language, gender and sexuality. Here too the interface between language and power, an equation that problematises the place of language in the lives of human beings, is a relevant issue in the argument.

Queerly Phrased: Language, Gender, and Sexuality (Hall and Livia, 1997) is a pioneering collection. The context of these essays is global, focusing on the language usage of sexually liminal communities in North America, Japan, India, Nigeria, including French and Yiddish gay groups. These essays prioritise readings of language and sexuality from both an anthropological and linguistic perspective in relation to lesbian, gay, bisexual and transgender sexualities. Combining both queer theory and feminist theory with some of the latest thinking on language and gender, essays in this collection challenge the work done on language and sexual orientation in the early seventies, which concentrated on the lexical level, and which saw valuable glossaries and lexicons compiled on gay and lesbian subcultural language. For instance, the first book-length collection of articles on lesbian and gay language issues (Chesebro, 1981) focused on issues in rhetoric and communication,

phenomenon of homophobia as a form of hate speech within the larger context of language and gender. Feminist methodology especially gives insights into queer theory and discourse analysis.

The title of this chapter references two words that have increasingly characterised homophobia as a verbal phenomenon. *Perverts* are those individuals who are deranged, distorted and harmful. *Sodomite*, with its biblical associations still popular, defines the pervert as nothing other than the actor of sodomy. The language of the diatribes is engineered to intimidate, pathologise and therefore prohibit same-sex behaviour. Hate speech could be transformed as a form of hate crimes against homosexuals, and many studies exist in this area, one of which is a good collection of essays by Herek and Berrill (1992).

5.4 Hate Speech

From a legal and philosophical perspective, a vast literature on hate speech exists.³ A collection of essays focusing on South Africa, *Between Speech and Silence: Hate Speech, Pornography and the New South Africa* (Duncan, 1996) take the following critical perspective on hate speech:

Speech that insults, abuses and demeans, or incites to violence, hostility, discrimination or expresses hatred, ill-will, venom and similar evilly tainted emotions based on national or ethnic origin, race, colour, descent or religion (Louw, 1996: 15).

It is easy to extend the categories above to sexual orientation, in which case homophobia is a type of hate speech directed at homosexuals. The above collection of essays attempt to measure hate speech against the right to freedom of expression. In other

³For example, Butler (1997); Van Dijk (1984), Van Dijk (1993); Walker (1994); Whillock and Slayden (1995); Zingo (1998) and Gates (1998).

words, if I have claimed earlier that human rights are integrally linked to the right of freedom of people to express themselves, a question which is equally important is whether hate speech is more harmful and injurious to the victims than the damage done, were such an important freedom to be restricted. Freedom of expression and limitations on speech are closely connected, and this is an equally valid theme in the project of this chapter. However, the ethical and legal ramifications of this problem do not inform the scope of this chapter. Rather, the primary intention here is to profile hate speech and to identify its operation as a form of discourse.

There has been much debate on whether freedom of expression includes the freedom to use hate speech. However, while free speech is a matter of principle because it is integral to a human rights culture, my position is that it should not be defended on the basis that it is exercised to the detriment of another group's civility, equality, dignity and human rights. It is within this context that the chapter approaches the question of homophobia. Language can be injurious speech, or in the context of hate speech such as the examples by African leaders, could be described as 'excitable speech' following Butler (1997). 'Excitable speech' according to Butler (1997: 15) builds on Butler's (1999) view of gender which claimed that there is no gender identity behind the expressions of gender because identity is performatively constituted by the very 'expressions' that are said to be its results. While I agree with the former, I do not agree with Butler that 'excitable speech' means there is no 'hate-speaker' because the identity of the hate-speaker is performatively constituted by the expressions that are said to be its results. What is valuable to appropriate from Butler (1997) are her views that 'hate speech' is performative, and affects the many discourses that precede it. The performative effect of hate speech, characterised by the words of African leaders, ensure that the queer

subject is installed into discourse by pejorative labels. In other words, named, assigned blame, and the 'vocabulary that emerges (is) to moralize that pain is one which isolates a subject' (Butler, 2004: 215).

Namibian President Sam Nujoma endorsed anti-homosexual sentiments, saying homosexuality should be treated with contempt:

It should be noted that most of the ardent supporters of these perverts (sic) are Europeans who imagine themselves to be the bulwark of civilisation and enlightenment (Pretoria News, 31 January 1997).

Some of the homophobic statements cited above have increasingly characterised the social and political landscape of both Zimbabwe and Namibia. For many African leaders and their citizens, these beliefs are moral absolutes, just as freedom of speech is possibly absolute for others. The point here is that homophobia, externalised as hate speech, is not merely an emotional response, but a political, social and cultural response to the increasing visibility of homosexuality as a real and lived experience of African gays and lesbians.

5.5 Case Studies

We are only beginning to understand the complex articulation between homophobia, masculine cultural formations and sexual identities. Moving beyond the ahistoricity of gender/sexual essentialism and the determinism of sex-role theory, we see that societies actively produce a range of differentiated, hierarchically ordered masculinities and femininities that enable people to inhabit their world. Linked to this is the view that social construction and the constitution of the categories of experience, or subjectivities, allow us to understand how the discourse produces and enacts

institutional relations via reportage. I will not be focusing on particular linguistic formulations, but rather exploring the positions and identities the discourse sets up. In keeping with my Foucauldian approach in this project, Parker (1992: 5) also defines discourse as 'a system of statements that constructs an object'. I have subscribed to the Foucauldian model because his analyses convincingly show how identities become defined as a result of the systems of power in which they emerge. Moreover in Foucault's scheme, discourse is primarily organised around power and ideology in society, in order to assess the discursive formations within which sentences and conversations are located. The object of discourse in the Foucauldian model, as stated in Chapter 1, becomes a subject within discursive practice, and it is also within this scheme that it is possible to see how the discourse shapes identity and the sense of self. In this section I explore the meanings of the discourse generated by reports that focus on homophobia by turning to the language that is represented in the discourse. It should be noted that I do not focus on the media construction of the news itself, such as news codes, selection and editing, but rather on the content of the reports, by close reading of the actual words uttered by leaders or representatives of the respective countries. In examples 1-6, the italicised font represents the words of the leaders or their representatives, as cited in reports. The italicised font in example 7 represents the language used by Egyptian courts in describing the transgressions by men who have sex with men. I provide relevant portions of reports that include both commentary and examples of hate speech in order to show the context of the issues. Seven examples are listed and in the analysis I explore some of the following issues that are relevant to elements of this discourse: themes underpinning the utterances, including the assumptions that inform them; presuppositions that are implied in the utterances; intertextuality in so far as these utterances relate to other texts;

modality in respect to the truths that are generated by these claims; lexical choices of the speaker and transitivity in respect of agency and causality. These themes disclose in my view the performative nature of homophobic language, and the lexical choices and imagery demonstrate how gay men are demonised via what I have labelled hate speech.

Example 1

President and Swapo's Gay-Bashing⁴

Gay bashing has spread to Namibia with Swapo and President Sam Nujoma saying homosexuals are white and perverts. Two years ago human rights organisations were horrified when Zimbabwe's President Robert Mugabe said homosexuals were worse than pigs and dogs. Now Nujoma has slammed gays and the ruling party Swapo has come out in support of him with a two-page statement, which concludes that gays should be 'uprooted'. Swapo's statement said: *'Most of the ardent supporters of these perverts are Europeans who imagine themselves to be the bulwark of civilisation and enlightenment ... we made sacrifices for the liberation of this country and we are not going to allow individuals with alien practices such as homosexuality to destroy the social fabric of our society. We are convinced that homosexuality is not a natural and objective form of moral history but a hideous deviation of decrepit and inhuman sordid behaviour. In reality lessons learned from the morals of our Namibian culture demonstrate that our morals are far more superior and acceptable to the vast majority of our people who adhered to Christianity ... Homosexuality deserves a severe contempt and disdain from the Namibian people and should be uprooted totally as a practice.'*

The National Society for Human Rights in Windhoek described the attacks on gays as a further indication of emerging totalitarianism in Namibia. 'The move appears to be a tip of an insidious, much wider and protracted strategy spearheaded by and or run from State House and such campaigns are apparently aimed at stemming the tide of a rapidly growing civil society in Namibia,' the society said.

Example 2

Zimbabwe's Mugabe lashes out at homosexuals⁵

Zimbabwe's President Robert Mugabe has taken another swipe at gays and lesbians, condemning them as worse than wild animals, the State Ziana news agency reported on Thursday.

⁴Via Africa News Online (1997)

⁵Reuters (1998)

'Animals in the jungle are better than these people because at least they know that this is a man or a woman,' Mugabe was quoted as saying in a speech of condolence on Wednesday at the home of Charles Chikerema, editor of the state-owned Herald newspaper. Chikerema died on Tuesday. Mugabe also attacked the World Council of Churches, which is reported to have accepted the participation of the Gays and Lesbians Association of Zimbabwe at its December conference in Harare. *'Will God not punish us because of such practices?'* he said.

Example 3

Roundups of Gays reportedly have begun in Uganda: Intolerant rhetoric turns to repressive reality⁶

Arrests of gay men have begun in Uganda, following a recent statement by President Yoweri Museveni that he would order police to *'lock up'* homosexuals, reports the San Francisco based International Gay and Lesbian Human Rights Commission (IGLHRC). In the wake of Museveni's statement, IGLHRC's Kamal Fizazi, Regional Program Coordinator for Africa and Southwest Asia, visited Uganda and met with gay men. *'Some men have gone into hiding for fear of arrest,'* Fizazi said. Museveni was recently quoted in the state-owned newspaper *New Vision* as saying: *'I have told the CID (Criminal Investigations Department) to look for homosexuals, lock them up, and charge them.'* The statement followed press reports, apparently false, of a marriage ceremony between two gay men in a suburb of Kampala. Museveni's recent statement is not his first foray into officially sponsored homophobia. In July 1998, he told reporters, *'When I was in America some time ago, I saw a rally of 300 000 homosexuals. If you have a rally of 30 homosexuals here, I would disperse it.'*

Example 4

Formation of homosexual association creates uproar⁷

Gays and lesbians in Swaziland have formed an association, GALESWA, defying abuse from traditionalists who say that homosexuality is *'ungodly, unSwazi and unacceptable.'* Twenty-one-year-old Mangosuthu Dlamini, who recently went public on national television about his homosexuality, has formed the association. Apart from inciting the wrath of the majority of the nation, the announcement also cost him his job with a Mbabane security firm. At a press conference the Prime Minister, Sibusiso Dlamini, called homosexuality an *'abnormality and sickness'*. But, in what seemed as a compromise, he said, Government will treat homosexuals as abnormal until they are accepted by the Swazi society. Former Prime Minister Prince Bhekimpi, who is also a chief, has threatened to evict gays and lesbians from his area; *'homosexuality is regarded as satanic in Swaziland. Therefore I am forced to evict all gays and lesbians in my area.'*

⁶IGLHRC (1999)

⁷Hlatshwayo (1997)

But he too showed some tolerance by saying that if the practice is accepted and allowed by the constitution he would have no objection to his subjects joining GALESWA. A prominent cultural association, Sive Syingaba, has condemned the association and has warned that should it be allowed to function it will pollute the culture and have a damaging and disturbing effect on Swazi society. Vice-chairman Masekhaya Simelane says homosexuality is perversity of the highest order and should not be allowed in the kingdom. He is extremely hostile to the formation of the association; *'very soon we will have gangsters forming their own association in the name of democracy.'*

Example 5

Kenya's Moi joins attack on gays in Africa⁸

Kenyan President Daniel Arap Moi has joined a growing list of African leaders to attack gays, saying homosexuality is a *'scourge'* that goes against Christian teachings and African traditions. Speaking at an agricultural show in Nairobi on Wednesday, Moi said Kenyans should guard against *'dangerous practices'* such as homosexuality. *'It is not right that a man should go with another man or a woman with another woman. It is against African tradition and Biblical teachings,'* the 75-year-old Moi said. *'I will not shy away from warning Kenyans against the dangers of the scourge.'* He also made fun of gays in his comments on Wednesday, *'Now we are seeing men wearing earrings to make it easier for them to be identified by other men,'* he said to laughter from the audience.

Example 6⁹

President Chiluba of Zambia has described homosexuality as abnormal and accused Zambians of championing the practice of doing so for financial favours from donors:

Homosexuality is the deepest level of depravity... That homosexuals are free to do as they please in the West does not mean they must be freed to do the same here. There will be no end to the demand for rights as soon as they are permitted. There will also be no end to diseases...The things they do would multiply the rate of the spread of AIDS – which was first spotted among American sodomites in the first place... For a country like ours, beset by increasing problems of development, homosexuality as a constitutional right would simply bring the whole republic crashing to its back, belly up.

Example 7¹⁰

Egypt is the latest African country where instances of human rights violations of homosexuals have been spotlighted. In an electronic press release, dated 1 November 2001, the

⁸Reuters (1999)

⁹Times of Zambia (1998)

¹⁰IGLHRC (2001)

International Gay and Lesbian Human Rights Commission reported the Egyptian government's decision to prosecute 52 men before an Emergency State Security Court: The Emergency State Security Court in Cairo delivered its sentences on November 14 in the case of the 52 men detained since May because of their presumed homosexuality. Of those detained, 23 were sentenced to between one and five years of hard labor. These sentences cannot be appealed. The remaining 29 were acquitted.

The list of convictions runs as follows:

- 1 man, deemed the '*ring leader*,' was sentenced to 5 years of hard labor for '*obscene behavior*' and '*contempt of religion*.'
- 2 1 man was sentenced to 3 years of hard labor for '*contempt of religion*.'
- 3 20 men were sentenced to 2 years of hard labor for '*obscene behavior*.'
- 4 1 man was sentenced to 1 year of hard labor for '*obscene behavior*.'
- 5 29 men were acquitted. It is not clear when they will be released. Egyptian legal sources contend that according to Egyptian law, the acquittals can be appealed by the prosecutors after 30 days have elapsed from the date of sentencing.

The International Gay and Lesbian Human Rights Commission has also received reports that arrests of presumed homosexuals continue.

5.6 Analysis

The above examples serve as a corpus for analysis. The italicised sections in examples 1-6 represent the homophobic and heterocentric statements of African leaders. The italicised phrases in example 7 refer to the court explanations in relation to Egyptian criminal law transgressions with regard to sex. The italicised examples represent the hegemonic structure of mainstream opinion and representation – what has been called 'compulsory heterosexuality' or the 'heterosexual matrix'. These views corroborate the perception that gays and lesbians find their cultural experience and participation constrained and proscribed by a dominant heterosexual and heterocentric culture in which they are oppressed. Within this scheme they are relegated to the 'margins', 'borders', and 'boundaries'. Informing concerns such as this is the

fact that gay and lesbian experience is mediated through the metaphor of the *closet* – a private (or subcultural) space one comes out of to inhabit public space and to fashion an identity for the self, as noted in Chapter 1. The theme of the public statements in the above speech acts is predicated on a mythology whose purpose is to show the 'unnatural' and pathological basis of homosexuality.

At the core of each example is a vocal public lobby that reflects opinions, expresses beliefs and prejudices that are intended to influence public opinion. For example, the opening paragraph of this chapter indicated that Mugabe has been one of the most outspoken African leaders who articulate views in public forums to mobilise support against the cultural taboos in respect of homosexuality. Incensed at Western countries' reactions to his government's vocal opposition against gays, Mugabe again attacked the Gay and Lesbian Association of Zimbabwe at the 1997 Zimbabwe International Book Fair:¹¹

Let the Americans keep their sodomy, bestiality, stupid and foolish ways to themselves. Let them be gays in the U.S. and Europe. But in Zimbabwe, gays shall remain a very sad people forever.

Central to the anxiety evident in the verbal assaults is a deep and innate sense of a 'homosexual panic', which could be described as an acute psychiatric (and security) emergency that manifests in the discourse. The hostility and devaluation of the homosexual is evident in the language and imagery deployed. Some common features may be identified from the language used to derogate homosexuals. This is a language that clusters around aversion, of which the following associations may be drawn from the quotations in the examples that I list here, and follow with a close analysis of a

¹¹Interpress Service (1997).

few of them: abnormality (1-7); xenophobia (1, 3-6); racism (1, 6); barbarism (1-7); immorality (1-7); unpatriotism (1, 4, 6); heterosexism (1-2, 4-6); anti-christian (1-3, 5); anti-religion (7); unAfrican (1, 4-6); animalistic (2); inhumane behaviour (1-2, 4); criminality (1, 3-4, 6-7); pathology (1-7); Satanism (2, 4, 5).

These associations amount to generalisations that depict the homosexual as a uniform type, a dehumanised menace, particularly dangerous because he cannot be readily identified. It is therefore noticeable that there is a contradictory note to Moi's point (example 5) when he depicts the homosexual as a man who wears 'earrings' in order to be identified. Empirical 'evidence' is therefore used to categorise the homosexual as a distinct species to be distinguished from 'normal' society. It is this type of mythology that constructs the homosexual as a distinct type, to be differentiated in both physical and emotional appearance. The lexical markers (such as 'perverts', 'animals', 'scourge', 'obscene behaviour') in the speech acts suggest that the homosexual is a pariah, as he (in most cases there is reference to the male gender), is a perpetual and terrifying threat. It is therefore possible to deduce that the implications of these images are intended to construct a cultural iconography that generalise the homosexual. The strategy adopted by African leaders is to mobilise meanings around the homosexual as a uniform group, as a form of collective cultural harassment.

One theme that recurs in the above discourse is the question of the 'gay plague' (see specifically example 6). The latter, as mentioned in Chapter 1, was a popular refrain in the early days of the HIV/Aids epidemic in the United States because the virus was identified initially amongst gay men. To this end, scientists labelled the virus in the early days as Gay Related Immuno Deficiency (GRID). AIDS superseded this label in the mid eighties, but the associations of

The meanings disclosed by examples of hate speech by African leaders (or their spokesmen) I have referred to, indicate that these are *words* and *ideas* that reflect not simply a structure of the social views against homosexuality, but also the material and conceptual tools that mould the identities of homosexuals in the respective countries. Underpinning the language of hate by African leaders is the indication that such leaders perceive procreation, pleasure, religious affiliation and legal control within a gendered and indeed heteronormative scheme.¹² It seems, the primary basis upon which the tirade against homosexuality is formulated, is an aversion to sodomy, which is viewed as a sin, and is serious enough to warrant legal proscription.¹³ The configuration of homosexuality within sodomitical terms by African leaders suggests, following Katz (1994), the 'productive role that sodomy has played and can play as a site of pleasures that are also refusals of normative categories'. In other words, if African queers are viewed as 'sodomites' (a word usually describing the homosexual in the pejorative), then the contestations about homosexuality discloses not only the existence of same sex African queers, but politicises the identities within the context of oppression mobilised against queers by African leaders. In developing this issue in the final section of this chapter, I believe, by contesting homosexuality as a form of sexual practice to which no rights accrue, African leaders withdraw citizenship rights on the

¹²The gendered issue is also confirmed in respect of Tamale's (2003: 42) account of the public discourses generated by homosexuality in Uganda. The basis for the recent contestation, she claims, was a recommendation from a section of the women's movement that urged addressing the rights of homosexuals as members of the category of marginalised social groups in Uganda. A strong and vocal supporter of gay rights, Tamale (2003: 43) recounts in cogent terms the 'homophobic storm' that emanated in a public rage against her: 'It is impossible to describe the depth of the ugliness, rage, revulsion, disgust and malevolence exhibited by the vocal homophobic public. The few voices in support of homosexual rights were drowned out by a deafening homophobic out-cry. Through radio, television, newspapers and the Internet, I endured the most virulent verbal attacks, including calls for the 'lynching' and 'crucifying' of Tamale. I had previously been aware of the intolerance towards and prejudice against homosexuals in Uganda. I must confess, however, that the degree and extent of this animosity came as a nasty shock to me; such bigotry and injustice I had read about only in history books on slavery and apartheid. That society could vilify the harmless, private, victimless acts of consenting adults defies logic.'

¹³See Katz (in Goldberg, 1994) for a valuable discussion of sodomy in the context of English colonists heterocentric assumptions. Katz claims that sodomy was viewed, for example, as a sin against the family and a crime against the state. Katz also suggests that ideas about sodomy as a pathology are deployed principally by Bible-based morality movements against homosexuality.

basis of a preferred gender identity. The struggle for political recognition of gay and lesbian equality shows that sexual identities are never experienced in isolation from the broader social values, race, class, gender and location. Respect for homosexuals is regarded as a 'litmus test' for human rights in previously colonial or democratic societies where colonial masters and missionaries had previously criminalised the longstanding practice of homosexuality (*Sister Namibia*, 2001).

Citizenship becomes a marker of transformation in the sphere of personal life. For most homosexuals, African homosexuals in particular, this has often meant that identity is closely linked to the function of the State. Consider for example how South African gays and lesbians succeeded in claiming their citizenship in the post-apartheid context (the focus of Chapter 7). Lobbying began as early as, and especially during, the drafting of the Constitution. Since then South Africans have embarked on strategic litigation to claim their citizenship. The irony of course is that in most African countries homosexuals are criminalised even before they begin to make a case for their rights. Criminalisation in my view takes on a particular variant in African countries profiled in this chapter. Not only is homosexuality legally proscribed, but homosexuality is also publicly defamed via hate speech, indicating that homosexuals are to be excluded, marginalised and indeed silenced. Such exclusions reinforce the denial of rights to citizenship, based in part by vocal lobbying against homosexuality.

Jeffrey Weeks (1999), in his influential essay on the sexual citizen talks about two important moments that circumscribe citizenship. The first is the 'moment of citizenship' (which is a strategy for acceptance), and which is a moment for making claims on society - a claim for inclusion. The second, the 'moment of transgression', is

a political strategy that challenges the status quo. It is the second moment for Weeks that demarcates the lines of struggle. For him, transgression and citizenship are different facets of the same moment of challenge.

In the case of Zambia, Namibia, Swaziland, Zimbabwe, Uganda and Kenya, the 'moment of citizenship' has been associated with the formation of gay and lesbian associations by activists in these countries, often with financial backing by international donors. It is this first moment of citizenship that African leaders decry when they claim, as Chiluba does 'that homosexuals are free to do as they please in the West does not mean they must be freed to the same here'. The moment of transgression in these countries (as seen by the state) is the visibility that gay and lesbian associations have raised by mobilising for a rights-based culture in the absence of a rights culture. In Egypt, the 'moment of citizenship' has shown itself by defendants engaging in consensual sex with persons of the same sex. The moment of transgression in Egypt was the accusation that the defendants exploited Islam by falsely interpreting Quranic verses. They did this in order to propagate extremist ideas, perform immoral acts, use perverted sexual practices in rituals, and show contempt and derision towards religion. The associations of 'ring leader', 'contempt of religion', and 'obscene behaviour' do not simply advance transgressions against supposed religious codes, but also imply that such transgressions do not accrue any rights to citizens that blemish the 'morality' of the country.

While all of the above suggest, in my view, that the systemic vilification of homosexuals in Africa is unquestionably linked to a cultural basis in order to explain homosexuality, it simultaneously reminds us about the gendered foundation of this form of cultural harassment and violence. This effort to categorise a grouping of

people according to ideals of hegemonic masculinity through the dissemination of dominant ideological discourses, demonstrates the assimilation of large sections of society to so-called 'universal truths' that homosexuality is foreign and alien, that it has no moral obligation and that it undermines notions of 'family values'. Societal restrictions, and indeed the desire to repress instances of sexuality that do not conform to what is seen as normative, are routed via political and religious propaganda, among others. It is in respect of the 'political', 'religious' and 'cultural' that homophobia is advanced in respect of African homophobic hate speech.

Despite developments in South Africa to decriminalise homosexuality, the Christian Right has advanced homophobia, and particularly hate speech. For example, *Sexual Revolution in South Africa, The Pink Agenda: The ruin of the Family* (2001), co-authored by Christine McCafferty and Peter Hammond, is an outright attack on gay and lesbian people. Written from a Christian perspective, the book paints a picture of all gay men as paedophiles; of homosexuality being a curable disease; and of lesbian and gay people conspiring to destroy the church, the family, and society. It also affirms that homosexuality is nothing other than 'a moral choice' for immorality. Anxiety and distress are ensuing results of bigotry, and manifest themselves in a collective or individual panic relating to sexuality and any transgressions thereof. Homosexuals, sadly, have become a major scapegoat grouping onto whom this panic is projected.

5.7 Conclusion

Homophobic discourse clearly demonstrates a form of hate speech bent on reinstating a 'natural' and thus heterosexual social order. The homosexual is experienced as a homogenised human species

that is stereotypically 'perverse', 'promiscuous' and disease ridden. In this understanding, homosexuals are shown to be a category of persons who are culturally determined and historically contingent. In other words, homosexual identity emerges as a distinct identity within particular historical formations. In the latter case I suggest that hate speech, whilst denigrating the homosexual, also attaches visibility to an identity that is despised. In other words, it is via the route of language (not the only way however) in a public context that the African homosexual comes to be depicted, defined and denigrated. As a minority identity it is defined in relation to a larger grouping of sexual identities. It is less privileged precisely because it is omnipresent as potential contagion. In this regard it is defined, as Monique Wittig (1992: 42-43) has persuasively argued, in relation to 'heterosexuality' that 'is always already there within all mental categories'. Heterosexuality becomes, as Wittig (1992: 42-43) suggests, 'the social contract [...] a political regime'. By privileging sexual difference, homophobia prioritises heterosexuality by simultaneously constructing a discourse that negates homosexuality. It does this by depicting the homosexual as an empirically recognisable figure. The homosexual is to be distinguished as a lesser masculinity for he is seen as a feminised man.

The linguistic activation in this discourse strengthens homophobic attitudes because the statements collectively mobilise attitudes and behaviours, which are reflected in language that is coercive. As an example, Museveni's charge (example 3) to 'lock up' homosexuals, and former Swazi Prime minister, Prince Bhekimpi's (example 4) decision to 'evict all gays and lesbians' from his area, are not verbal descriptions of hate. Instead, they are performative gestures that suggest physical action and force against queers. This is implicit in the language, and especially in the use of lexical choices such as

the collective and personal pronouns that distinguish between us (heterosexuals) versus them (homosexuals). An example of this is Chiluba's assertion that 'there will be no end to the demand for rights as soon as *they* are permitted' (example 6). In addition, when Nujoma (example 1) claims 'we are convinced that homosexuality is not natural', there is the assumption that he speaks on behalf of all heterosexual persons in the African context who share a negative evaluation of homosexuality. The language usage is also gendered as it affirms male hegemony and often sees homosexuality as gender neutral. Such is the view advanced by Mugabe (example 2), who believes homosexuality does not belong in the binary gender regime of man and woman when he claims 'animals in the jungle are better than these people because at least they know that this is a man or a woman'.

Homophobia is amplified by the media and is able to reach vast audiences via radio, television and print media as a form of hate speech directed against the recognition of homosexuality. An effect of the contestation of homosexuality within homophobic discourses, which I have labelled hate speech, suggests ideas about rights, citizenship and indeed public visibility of homosexual identities. And it is the language of homophobia, at least the version reflected by African leaders over the last six years, that has had some possible spin-offs for gay rights groupings within those countries affected by homophobic discourses. It is within this context, and as a result of the hate speech directed towards African homosexuals, that homosexuality emerges as a visible and political identity in the African context. Mugabe's description (at the 1995 Zimbabwe International Book fair) of homosexuals being worse than dogs and pigs, drew further attention to the issue in an African context. Another aspect of the negativity that has been exploited by gay groupings (and political formations) within countries such as

Zimbabwe and Namibia is the diminishing ethos of a human rights culture in these countries. In the case of Namibia, its President has explicitly stated that gays and lesbians are not entitled to human rights. Accusations such as the type profiled in this chapter clearly disclose a weakening of democracy, but also indicate how important and strategic the use of language is in identity politics. Besides, hate speech of the type shown in the examples cited here, very convincingly demonstrate that language usage can promote oppressive systems and incite violence towards homosexuals. It is therefore appropriate to conclude that homophobia, as a form of hate speech, is ultimately a form of gendered violence, because it is a violence underscored by hate and derision within a heterocentric and gendered conception of sexuality. Such violence, in my view, simultaneously discharges ideas about belonging, inclusion and the importance of space and citizenship. In marked contrast to the criminalisation of homosexuality in countries profiled in this chapter, in the next, I describe how decriminalisation has facilitated the emergence of spaces for queers that affirm identity in South Africa.

CHAPTER 6

Queer Spaces as Heterotopias: The Politics of Queer Service Delivery

You'd go there every Saturday to practise, but it was also a social gathering. You'd arrive and quickly cast your eye around. But of course, you'd never actually mention that you were queer, which is the word we used those days. Everyone knew the score, but it was very hush-hush.

Gevisser (1994: 21)

6.1 Space and Identity

An underlying theme of the argument so far is that the social exclusion and discrimination many gay individuals experienced in apartheid society has often promoted spatial clustering.¹ Informing such a view is an understanding of the intertwined histories of sexuality and spatiality. This is especially evident with regard to how heteronormative representations of the world (especially in the context of the apartheid state) have demonstrated a systematic policing of gender and sex in terms of the exclusion and prohibition of gay men and women and those spaces they could or could not occupy. Recognition of the social and political construction of homosexuality also focuses on ideas about spaces of identity and spaces of resistance for gay men and women (see Greenberg, 1990; Riggle and Tadlock, 1999; Rimmerman *et al*, 2000). First, space may become safe from homophobic violence for gays and lesbians, who rarely feel safe, and who have often experienced limitations imposed upon their movement when homosexuality is decriminalised. Second, this leads to the question about how identities are spatialised and how valuable space is used to enable

¹Robinson (1996:1) has shown, for example, how apartheid has controlled the use of urban space: 'The organisation of urban space into racially segregated living areas was central to the persistence of the racial State'.

and/or constrain an individual's identity. The discussion in this chapter suggests that the construction of physical spaces for gay and lesbian people in the post-1994 economy is about the assertion of identities, about a form of 'protection', a form of 'compensation' against compulsory heterosexuality.

In view of the above, this chapter examines the way in which organisations, through their activities, in effect create spaces in which lesbian and gay communities are able to assert identity as social and political. The relationship between identity and space is crucial to the political construction of sexuality in the post-apartheid project. The translation of gay and lesbian equality into practice in the form of systematic claims to citizenship has an important political resonance in the area of space. It is in this one sense that I suggest gay and lesbian spaces have indeed become queer, because they articulate a new cultural context for politics, criticism, consumption, and the production of identities. By conceiving identity as constructed and fluid, I suggest, following Butler (1999), that identities are indeed created within a community and within spatiality. Identity is formulated (and negotiated) through recognition of that which is supposedly other, including that which is other in terms of space (see for example, Keith and Pile, 1993; Hetherington, 1998 for an extended discussion of the contextualisation of space in relation to identity). It seems space is not a determinant of identity, but like identity, it is fluid, and implies a cultural agreement about what it represents. In the context of this chapter I consider the role of material culture in establishing and reproducing gendered and sexual identities in relation to homosexuality. By foregrounding three community-based gay organisations in South Africa, I discuss how the material contours of space and place influence and accommodate sexual practice, and by extension, identities as a particular political construction. Rather

than draw simply on space as a metaphor - as an imagined 'boundary', 'border', or 'limit' - I seek instead to focus on material space in relation to sexuality. The etymology of the word 'space' denotes from Latin, *spatium*, a room, an interval of space or time. By 'material space', I mean physical space in relation to who occupies it, and the opportunity this relation presents to assert or experience a specific identity, in our case, queer identity. It is also in this sense, I hypothesise, that sexuality is indeed a significant component of space, and that space is to a large extent inscribed in the question of sexuality, where space is never designed in a gender-neutral way (see Colomina, 1992).

Following this, 'queer spaces' may be defined as 'a safe space in which queer people can feel open and uninhibited about their sexuality. The notion points out some of the contradictions inherent in queer politics, since queer is explained by some as a non-separatist political praxis, yet a *queer* space is often defined as exclusively lesbian and/or gay, and sometimes but not always bisexual' (Stewart, 1995: 207-208).

By adopting this view, I am not suggesting that place and space are similar although place occupies a special relationship in connection to space. Both concepts, the space and place, have received considerable attention in the area of human (ist) geography (see for example Tuan, 1974; 1977). I view 'space' broadly as a metaphor that embraces meanings about place, location and identity. It is possible, therefore, to accept that 'space', following Soja (1996: 1), is an interpretative thread; a thread of a discursive modality that suggests that the spatiality of human life is underpinned by continual change in terms of ideas, events, and meaning, where related markers of place, location, landscape, environment, home, city, region, areas and geography coalesce. As a fluid concept,

space may also point to many aspects in queer culture such as the pick-up grounds ('cottage' or public lavatories and museums), and cruising grounds (clubs, bars and other negotiated spaces), (see also Gove, 2001; Mumford, 1997). These homoerotic (and sexualised) spaces in which the contours of the gay and lesbian subcultures are directed towards amusement, festivity and pleasure are equally imbued with meanings in a political and politicised sense. Whereas these aspects are relevant to an understanding of how sexuality acts itself out in space, I have, however, chosen to delimit my focus on space to community-based organising which is focused on service delivery for gays and lesbians in urban spaces.²

An extensive body of literature exists on space and place in the context of sexuality and gender.³ Feminist readings of social spaces have interrogated the relationship between gender and the construction and demarcation of private and public realms. This is especially notable with regard to the interrelationship and politicisation of realms that have often been construed as belonging to the private (Massey, 1994; Duncan, 1996). Equally studies informed by queer theory have interrogated the interconnections between sexuality and space.⁴ These studies explain how the creation of a gay space in either the physical sense or in the creation of imagined spaces, offer queer people a space for freedom and liberation. I have located the community centre organisations in South Africa within this matrix of understanding.

²Grassroots organising and cruising spaces in the apartheid State is addressed by Gevisser and Cameron (1994). See also Achmat (1993) for an examination of sexual practices in prison spaces and mining compounds, and Moodie (1994) for a focus on sexuality in the context of mining and migration in South Africa. See also Reddy (1998) for a focus on how gay masculinities have been negotiated in the post-apartheid economy; the piece addresses the negotiation of sexual identity in terms of the bar and club cultures in the city of Durban. See also Elder (1995; 1998), both empirical studies that demonstrate how the politics of desire reveals that histories and geographies of place shape the terms of sexual engagement in those places.

³See for example: Aiken (1998); Ainley (1998); Benko and Strohmayer (1997); Betsky (1997); Brown, (2000); Colomina (1992); Duncan (1996); Gatens (1991); Gesler (2001); Grosz (1995); Massey (1994); McDowell (1999); Mohanram (1999); Niranjana (2001); Shands (1999); Spain (1992); Spretnak (1997).

⁴See Bell and Valentine (1995); Binnie and Valentine (1999); Duncan (1996); Ingram *et al* (1997); Leap, (1999).

The previously mentioned studies, (while varied in their empirical focus) underline a crucial concern that I raise in this chapter, namely that the ideological impact and the effect of queer spaces are important insofar as space implicates environmental, economic, social, political and cultural processes. These studies mark a critical departure from the humanist geographical perspective of place and space, which is focused on recovering the essence of the experience of space. I rather, in a similar vein to studies that depart from a humanist geographical conception of space, am suggesting that the emergence of gay spaces in specific urban economies, (for example the inner-city areas of Durban, Cape Town and Pretoria) in post-1994 South Africa suggests broader social and power relations that structure the experience (and meaning) of these spaces as public identity-based spaces (see also Bailey, 1999).⁵

6.2 Heterotopias

Space is, therefore, by all accounts not a neutral zone, but one governed, for example, by oppositions between private and public space, family and social space, leisure and work space, binaries Foucault (1986b: 23) claims to be discursive sites that are constructed by forms of power:

The space in which we live, which draws us out of ourselves, in which the erosion of our lives, our time and our history occurs, the space that claws and gnaws at us, is also, in itself a heterogenous space. In other words, we do not live inside a void, inside which we could place individuals and things. We do not live inside a set of relations that delineates sites which are irreducible to one another and absolutely not super imposable on one another.

But Foucault extrapolates his conception of space further in ontological terms by distinguishing between two sites: *utopias* and

⁵Bailey (1999) offers a very good account of space, politics and identity. See specifically part three, titled 'The Spaces, Values, and Votes of Urban Lesbians and Gay Men' in Bailey (1999).

heterotopias. The former, he claims, are 'spaces that are fundamentally and essentially unreal' (Foucault cited in: Faubion, 1998: 178). More 'real' are what Foucault defines as *heterotopias*, real places that contain all other places, represented, contested, and inverted in all their constructions:

There are also, and probably in every culture, in every civilization, real places, actual places, places that are designed into the very institution of society, which are sorts of actually realized utopias in which real emplacements, all the other emplacements that can be found within the culture are, at the same time, represented, contested, and reversed, sorts of places that are outside all places, although they are actually localizable (Foucault cited in: Faubion, 1998: 178).

Heterotopias for Foucault are found in most cultures and every human group although they have no absolute universal model. He identifies two main categories of heterotopias, one of which is 'crisis' and the other, 'deviation'. Foucault is unclear whether these cover all heterotopias. 'Crisis' heterotopias are associated with 'so-called primitive societies'; usually privileged, sacred or forbidden places reserved for individuals with particular crises: 'adolescents, menstruating women, women in labour, old people' (Foucault cited in: Faubion, 1998: 179). He asserts that remnants of this category of heterotopia may be evident in nineteenth-century boarding school for boys, and even military service for men (Foucault in: Faubion, 1998: 179-180). His claim that crisis heterotopias have disappeared is probably not relevant in African society, especially if we view this in relation to current virginity-testing practices for young African women, or even circumcision rituals for young men in the rites of passage to manhood (see Chapter 1).

The crisis heterotopia, Foucault (cited in: Faubion, 1998: 180) claims, is today being replaced by what he describes as a modern heterotopia of deviation, spaces 'in which individuals are put whose

behaviour is deviant with respect to the mean or the required norm'. These are carceral spaces for Foucault, about which he has written extensively: rest homes, psychiatric hospitals, and prisons.⁶ He proceeds to offer a detailed systematic description of heterotopias. However, Foucault's formulation of heterotopia has some value for the way in which I conceive queer spaces in this project. In his explanation, he suggests that heterotopias can change in function and meaning over time. Specifically, they have the ability to juxtapose in a single real place several emplacements that are incompatible in themselves; they are connected with temporal discontinuities; they presuppose a system of opening and closing that isolates them and makes them penetrable at the same time (Foucault cited in: Faubion, 1998: 180-183). He explains the final heterotopia as either playing 'the role of creating a space of illusion that denounces all real space, all emplacements within which human life is partitioned off, as being even more illusory' or one which creates 'a different space, a different real space as perfect, as meticulous', a heterotopia he further characterises 'not of illusion but of compensation' (Foucault cited in: Faubion, 1998: 184).

It is in this sense I suggest, therefore, that Foucault's scheme may be reconfigured in terms of gay and lesbian community-centre spaces as particular counter-sites. These counter-sites assert an alternative envisioning of spatiality, which directly challenge heteronormative spaces that have excluded and marginalised gays and lesbians. By viewing gay and lesbian community spaces as specifically queer heterotopias, I offer a conception of queer space,

⁶See for example Foucault's *Madness and Civilization: A History of Insanity in the Age of Reason* (1967) where he speaks of the 'geography of haunted spaces,' those institutional sites beyond the pale, outside the spaces of civil society, where the 'deviant' are emplaced and incarcerated. Also in *The Birth of the Clinic: An Archeology of Medical Perception* (1973: ix), Foucault begins with the statement 'this book is about space'. His book on prisons, *Discipline and Punish: The Birth of the Prison* (1977a: 141) explains the central thesis that 'discipline proceeds from the distribution of individuals in space'.

like the queer subjects who occupy it, as politicised spaces that reinforce the political construction of queer sexualities as identities that are formed through discursive contestations.

I am suggesting further, following Foucault's discursive trialectic of space, knowledge and power, that it is inappropriate to conceive gay and lesbian community organising spaces such as those in Cape Town, Pretoria and Durban as merely gay or lesbian (see Rabinow, 1984). They are in fact, queer spaces by virtue of their positioning of gay and lesbian identities as socio-historical formations on the one hand, but also on the other hand, the manner in which their visibility questions the active prohibitive forces of apartheid silencing and oppression. This suggests that identity formation is primarily about becoming, a possibility that to some extent is future-oriented. The latter point echoes Stuart Hall's idea that identities are indeed less about who we are, or where we come from, as opposed to what we might become (1996: 4).

6.3 Queer Service Delivery Spaces

In this context the following section prioritises a descriptive analysis of service delivery distribution for South African gay and lesbian communities, in order to demonstrate that the public emergence of queer spaces is to a large extent an effect of the juridical formation. This takes another possible step toward claiming citizenship for gay and lesbians and suggests an inclusion into mainstream society. Based on empirical research conducted with the organisations represented here, the chapter reviews the emergence of these public spaces, and suggests that these spaces are fundamentally about inclusion and achieving a sense of belonging. Examinations of the relationship between sexuality and space have demonstrated how gay and lesbian communities have experienced institutionalised

exclusion from social and cultural spaces, as well as limits imposed on their movement.⁷

'Community' in this context, and specifically within the organisations reflected on in this chapter refer primarily to gays and lesbians, with a secondary focus on bisexuals and transgendered people. Furthermore, 'community' has a denotative meaning that flows from its reference to the 'public', and is aligned with ideas related to the 'state', as an arena that is open to be shared by members of the community. This idea of 'community' suggests the split between the private and public in relation to the emergence of queer spaces in South Africa. For Duby (1988: 4) the 'public' is a utility, that which is 'shared in common or available for the use of all'; that which is 'openly visible', an order of power opposite to the 'private' which is 'hidden, secret, or reserved'. It is in this sense also that commercial activities such as bars and clubs, specialised shops and other amenities within the urban gay sphere have become queer spaces, safe havens from violence and spaces to be oneself, which Duncan (1996: 4) identifies as areas that are 'sites of resistance'.

Service, derived from the Latin word *servitium*, denotes a slave, or body of slaves. Its denotation refers to the act of service, contribution to the welfare of others, a helpful act; labour that does not necessarily produce a tangible commodity. Service delivery for gays and lesbians became a visible phenomenon in the post-apartheid state, and especially since the first democratic elections in 1994 although, as will be shown, its history to some extent pre-dates the post-apartheid context. Service delivery (as understood by the organisations profiled here) not only refers to a political and politicised intervention indicated by tangible outcomes, such as

⁷See Castells, 1983; Gevisser and Cameron, 1994; Pakulski, 1997; Richardson, 2000a, 2000b, 2000c; Russo, 1981; Sanderson, 1995; Sibley, 1995.

condom or lubricant distribution, but also the implementation of developmental (and by implication, a political and politicised) approaches designed to increase individual and community well-being, pride, and capacity.

The move towards constitutionality expressed in human rights terms in the post-apartheid democracy, coupled with subsequent decriminalisation of same-sex conduct has led to service provisions where activism and service delivery has been incorporated into regional-based service providers. The constitution of sexuality in juridical terms in the post-apartheid context has facilitated a socially legitimate space for socialisation between people of the same sex. Simultaneously, the establishment of service providers has been facilitated by economic and financial support, usually from foreign donors. The latter, for their part, often determine specific conditions for projects within community organising, a phenomenon not unique to the gay and lesbian sector.

A striking feature about service delivery for gays and lesbians is its urban location, and the possible symbolism this suggests in respect of how gays and lesbians organise themselves in relation to the city and town (see Castells, 1983 for a focus on San Francisco). More recently Parker (1999) has demonstrated, in relation to emerging gay communities in Brazil, how social organisation of same-sex relations are configured in urban life. Parker's observation has a special resonance for the emergence of gay and lesbian community centres in South Africa. In appropriating his observations about Brazil, and extending them to South Africa, one may interpret the community centres in South Africa as being representative of what he terms 'both the social organisation of sexual space and the sexual organisation of social space'. In appropriating this view I am not suggesting that the community centres in South Africa are

homoerotic spaces where people meet for sex. Rather, they are spaces that prioritise a particular aspect of gender identity, namely sexual orientation. It is in this context that they display a close relationship to the sexual.

In South Africa there are currently four major service providers for gay and lesbian people. These are, in order of historical formation: *The Triangle Project* (Cape Town, 1981; hereafter Triangle); *The Lesbian and Gay Equality Project* (formerly known as the National Coalition for Gay and Lesbian Equality (NCGLE), based in Johannesburg with regional affiliates located in KwaZulu-Natal, Eastern Cape, Western Cape and Gauteng; 1994); *Out Well Being* (Pretoria, 1994) and *The Durban Lesbian and Gay Community and Health Centre* (2000). With the exception of *The Lesbian and Gay Equality Project*, all other organisations operate as community-driven service providers. The Equality Project works in the area of legal reform and decriminalisation, primarily focusing from a legal perspective on matters related to policy changes. As I currently write, this organisation has instituted legal action against the state in changing the current heteronormative common law definition of marriage in order to secure the same legal benefit for couples in same-sex relationships (see Chapter 7 for an extended discussion about this aspect). This chapter does not focus on the Equality Project. That organisation is profiled separately in Chapter 7, which is dedicated to the decriminalisation campaign work that it has undertaken since the adoption of the Constitution in 1996. I turn now to demonstrate how three service providers attempt to address issues around identity and belonging by providing a brief ethnography of the organisations.

6.4 The Triangle Project⁸

This organisation is presently the largest and oldest lesbian and gay organisation in South Africa. It offers a range of services such as clinical and psychosocial services, public education and training, advocacy, outreach and research. It has its roots in Gay Association of South Africa (GASA) 6010, a telephonic service provider in the early eighties made up largely by white, middle class men (see Gevisser and Cameron, 1992). The organisation was formed in 1981 by a group of gay men, who identified a need for social support in the very oppressive environment of South Africa in the 1980s. Soon the need for counselling and medical services was recognised, and the counselling, medical services and telephone Helpline (established in 1982), have been in continuous operation since then. In 1984 the organisation began dealing with HIV/Aids, and the first prevention initiatives in gay bars and clubs were launched. In this first decade of the epidemic (the early 1980s), the virus had no name, but was identified with improper bodies (such as homosexuals and prostitutes). Scientists initially labelled the virus GRID. In this the virus was culturally-symbolically categorised as the 'gay plague', 'gay cancer', or 'gay pneumonia'. It was both necessary to intervene and to delink the virus from homosexuality. Historically Triangle was the first organisation in South Africa to respond to the AIDS crisis. By 1985 the organisation had developed HIV/Aids literature, which was circulated nationally to all communities. Professionals were also trained by the project to work in the AIDS sector over the next decade. These professionals entailed gay and lesbian social workers and psychologists who focused primarily on consciousness-raising programmes specifically targeted to the gay and lesbian communities.

⁸Information about this organisation is based on interviews conducted with the current Director of *Triangle Project* (and staff members) in January 2003, documents from the Project's archives, and the quarterly publication *Triangle News*.

A relevant factor that informs one aspect of this dissertation is the manner in which the apartheid state sought to regulate homosexuality. One effect of this was that GASA was unable to register as a fundraising body because of government policy on homosexuality. In 1989, a parallel organisation called Aids Support and Education Trust (ASET) was established to circumvent the law and government policy, thus giving GASA access to a fundraising unit. For the next five years, GASA and ASET collaborated closely on issues that affected mostly gay men, and in varying degrees lesbian women. In 1994 the ASET and GASA counselling service separated from GASA 6010 and moved into an office closer to public transport, presumably also to make the organisation more accessible to visitors. GASA 6010 (as indicated earlier) was a predominantly white, middle class and male organisation that provided gay social and support services, and both the client base and ethos of the organisation was changing.

In 1994, an historic meeting called the Gay, Lesbian, and Cross-dresser Forum brought together many different stakeholders from the gay and lesbian community in the Western Cape. At this two-day meeting it was decided that ASET would be the vehicle to carry forward HIV/Aids work within the gay and lesbian communities in the province. ASET was victorious in that it finally obtained an independent fundraising number, and was also separated from the Cape Mental Health Society. With its separation from GASA 6010, ASET moved the clinic and helpline to Community House in Salt River (Cape Town) in order to be more accessible to a broader public. Also in 1994, ASET initiated a sex worker project, which was to grow to such an extent that it became the independent organisation that it is today.

From 1995 Triangle embarked on an in-depth organisational development process, which firmly focused its position as a liberal gay and lesbian organisation with the sole purpose of empowering gay and lesbian people through health and development programmes. Betteridge (2004: 6) explains that the current organisation was officially formed on 14 February 1996 when its new name and identity came into being with its stated mission, 'Challenging Homophobia, Appreciating Sexual Diversity'. The change of focus evident in the words 'challenge' and 'appreciate' was significant, reflecting better multi-faceted services offered to the gay and lesbian community. *Triangle* initiated the first gay and lesbian health project in Khayelitsha (an African township) in Cape Town and piloted an in-house training programme for four African Xhosa-speaking fieldworkers. In addition to this, the project completed a baseline research project into the diverse needs of different communities of gays, lesbians and bisexuals, which was expanded in 1997 to include a full-scale focus group research project. Currently the organisation is also the largest gay and lesbian health organisation in Africa and is one of a few in South Africa focusing on the needs of gays and lesbians from a developmental perspective. Programmes include direct client services (counselling, help line, a drop-in centre, workshops, support groups) and community support services (research, media development, condom and lubricant distribution, library, life skills education for youth). *Triangle* has, in the area of research been one of the pioneering gay and lesbian organisations. The study by Rohleder and Artz (2002), provides useful baseline data on three studies: (1) the link between self-esteem, health risk behaviour and health seeking behaviour through focus-group discussions with gay men and women; (2) sexual behaviour and risk taking among gay men in Cape Town through the administration of questionnaires at local gay establishments; and (3) the interface between identified

gay men and other men who have sex with men focused on 'gay sites', social locations and the movement of gay men between them. The Rohleder and Artz (2002) study attempted to move the 'theory' of social science research into the 'practice' of research by illustrating the 'real life' obstacles, challenges and benefits of research within marginalised populations. In this sense, critical work of this nature also considers whether the final outcome of the research would be useful for advocacy purposes to inform service provision to the gay, lesbian and bisexual community. In another related sense, research of this nature highlights the changing nature of the way in which gay and lesbian people negotiate their identities in a dynamic and fluid environment, one increasingly problematised by the HIV/Aids crisis.

6.5 OUT Well-Being⁹

Located in the heart of Pretoria, *OUT*, established in 1994 was initially known as Gay and Lesbian Organisation of Pretoria (GLOP). Initially, it was a loose grouping of volunteers in the gay and lesbian community who provided a social and support service without any systematic programmatic work. Towards the end of 1994, based on baseline research, the group identified the need for services as well as for a definite focus to maintain volunteer interest. To this end a telephone counselling and information line was established, as well as a psychotherapeutic support group, which was co-ordinated by clinical and counselling psychologists who were volunteers. In time, other mental health services were added, including a women's group and a library with archives. During this period *OUT* had a small office run by volunteers in the city centre, which in 1994 moved to Brooklyn (a suburb close to the city centre). With the

⁹Empirical information cited here is based on my knowledge of the organisation in my position as a Board Member of *OUT*.

HIV/Aids pandemic in the second decade of the disease (the 1990s), HIV work was added to the organisational agenda in 1997. During this period, a small amount of funding was received from the provincial Department of Health and a part-time administrator was employed. When funding from the Department of Health was increased in 1998, a full time administrator was employed. Some of the first services rendered were condom distribution to gay and lesbian venues in Pretoria and the presentation of workshops to related service providers on gay and lesbian sexual health issues. It is particularly noteworthy that gay and lesbian organisations such as *Triangle* and *OUT* are actively engaged in addressing the question of safer sex practices in the lesbian and gay communities. In this sense, it could be claimed that where the stigma of the virus was reinforced by a culture of silence by the post-apartheid State (and the subsequent HIV/Aids denialism that has characterised the Mbeki era), gay and lesbian organisations, in their commitment to building healthier self-concepts for gay and lesbian people have simultaneously politicised the epidemic by identifying intervention strategies to combat the disease within their communities.

In 1998 *OUT* opened *Ikhaya Lothingo* (Zulu expression meaning 'Home of the Rainbow') with the idea of running a gay and lesbian community centre. The aim was to locate all Pretoria-based gay and lesbian community groupings in a single space and to create a *lively* space outside that of bars and clubs. This arrangement was short-lived due to a lack of resources, and one organisation (a gay and lesbian church), which shared premises, soon found alternative accommodation. *OUT*, it seemed, lacked the human capacity and financial resources to run the envisaged centre and had to reprioritise its work by engaging in a rigorous fundraising campaign.

Towards the end of 2000 significant funding from the Dutch-based funder, HIVOS was granted, which was principally used for running costs and the services of the organisation. It is at this point that the organisation became a key player in the development of community work within the gay and lesbian sector in Pretoria. The work of the organisation is characterised by three aspects: development work; direct service delivery; and the building of the organisation and the South African gay and lesbian movement. The latter appears to have always been an ambitious facet of *OUT's* vision, and calls into question the importance of a gay and lesbian movement in South Africa. The problem with such a vision is that service delivery is an immense task, which leaves very little time for advocacy, lobbying and political mobilisation as ongoing campaign work. Since the retention of the sexual orientation clause in the final constitution (the result of a co-ordinated gay and lesbian social movement that mobilised the length and breadth of South Africa), an organised gay and lesbian social movement does not exist in South Africa.

In respect of development work, issues such as heterosexism and homophobia within society are addressed through workshops that target government departments, service providers and students at tertiary institutions. To counter the problem of a weak gay and lesbian movement, *OUT* prioritises advocacy and lobbying. Extending its development work beyond the confines of city spaces, *OUT* also engages in outreach work in nearby townships such as Mamelodi, where skills development workshops on a range of issues (such as compiling a Curriculum Vitae; basic computer literacy, etc) are taught. In respect of direct service delivery, sexual and mental health services also inform the work of the organisation (such as psychotherapeutic counselling, and prevention literacy in respect of sexually transmitted infections, and HIV/Aids). Informing all of the

above is a strategic agenda to mould the organisation into an active and visible service provider in the gay and lesbian community.

6.6 Durban Lesbian and Gay Community and Health Centre

The history of the above community centre may be traced to the NCGLE. The latter was a voluntary association of 74 lesbian, gay, bisexual and transgendered organisations in South Africa, and the only national organisation of its kind in South Africa working with a clear political agenda to mobilise gay and lesbian people. Formed in December 1994, the NCGLE successfully lobbied the Constitutional Assembly (the body that drafted the South African constitution) for the retention of sexual orientation as one of the protected grounds for non-discrimination in the National Constitution. The NCGLE was mandated to work toward legal and social equality for its members as determined by its National Conferences that have taken place every December since its formation. Its work included law reform, lobbying, litigation, advocacy, employment equity, and leadership training and development (work now subsumed in its incarnation as *The Lesbian and Gay Equality Project*). The NCGLE made significant public and policy interventions on issues such as defence force policies, police services, immigration, education and health (the work of the NCGLE features in more detail in Chapter 7). For strategic reasons much of the work of the NCGLE has been geographically located in Johannesburg and Cape Town. However, the NCGLE had a number of provincial branches, the most active being the KZ-N Coalition.

Formed in April 1995, the KZ-N Coalition has lobbied and advocated for lesbian and gay equality beyond the period of the adoption of the 1996 Constitution of South Africa. Although its membership was primarily made up of individuals, it also had some affiliate members

including local university gay and lesbian organisations and gay and lesbian churches. The work of the KZ-N Coalition was done exclusively by a core group of volunteers who met regularly at peoples' homes to plan activities.

Between 1995 and 1999 the KZ-N Coalition held public meetings and consultative forums in which many people from the Durban metropole and from outlying areas such as Newcastle, Ladysmith, Richards Bay and Ulundi participated. The initial brief and mandate of the KZ-N Coalition was to lobby for the inclusion and retention of 'sexual orientation' in a clause of the Bill of Rights in the new South African Constitution. This brief was met when President Nelson Mandela signed the Constitution into law at Sharpeville on December 10th, 1996. The second brief, emanating from constitutionality was the process of decriminalisation (see Chapter 7). The work of the KZ-N Coalition focused, in the period since 1996, on matters related to decriminalisation of same-sex conduct, one of which was sodomy. At the same time, in KwaZulu-Natal gay and lesbian people asserted and articulated the need and urgency for a service-driven community centre that would also provide a safe space for gay and lesbian people in Durban.

On 9th August 2000, National Women's Day in South Africa, the Community Centre was established, with rented office space from the Treatment Action Campaign (TAC).¹⁰ The emergence of gay and lesbian organisations in South Africa demonstrates the close

¹⁰TAC was formed in 1998 to campaign for wider access to HIV treatment by Zackie Achmat who was also a co-founder of the NCGLE. TAC has had two main focuses: to push the pharmaceutical industry to cut the cost of anti-retroviral drugs and to the push the South African government to roll out antiretrovirals for post-exposure prophylaxis following rape, for prevention of mother-to-child transmission and for use as combination therapy. For a detailed history of this organisation in the context of HIV/Aids in South Africa, see Mbali (2004) 'TAC in the history of rights-based, patient-driven HIV/Aids activism in South Africa', Centre for Civil Society and Gender Studies Seminar Series' Paper, University of KwaZulu-Natal, 26th August 2004, Available at <http://www.ukzn.ac.za/ccs>.

relationship with social movements focused on HIV/Aids. Today the TAC is one of the most vocal and visible social movements focused on affordable anti-retroviral regimes, and has been a vocal opponent of the post-apartheid government's response to the epidemic. The *Durban Lesbian and Gay Community Health Centre* began its life with shared office space with the TAC, but now operates as an independent organisation focused primarily on service delivery for gay and lesbians.

A few months following the Community Centre's establishment in 2000, the centre's application for funding from the Aids Foundation of South Africa (AFSA) was approved, facilitating the establishment of the first gay and lesbian service-oriented community centre on the East Coast of South Africa. Much of the political work of the KZ-N Coalition is now characterised by centre projects, and the areas of work focus on capacity building in gay and lesbian communities, public education and training from a human rights perspective, lobbying and advocacy, sexual and mental health and legal advice.

6.7 Mission, Objectives, Financial Resources and Projects: Some Comparative Observations

The implementation of help and aid in a functional sense for gay and lesbian people is guided by a set of goals and positions that, in the case of all three service providers, is underpinned by a political focus. *Triangle's* mission 'is to address homophobia and discrimination and its effects on lesbian, gay, bisexual and transgendered (hereafter LGBT) individuals, families and groups in the Western Cape'. *OUT's* mission is 'to promote LGBT identity, equality, a sense of community, and the physical and mental health of gay, lesbian, bisexual and transgender people, primarily living in Tshwane' (previously the Greater Pretoria Area). The *Durban*

Lesbian and Gay Centre has as its mission 'to empower the LGBT communities by providing services, training and support to enable them to claim their rights to equality, dignity and freedom within the context of transformation'.

Flowing from these positions is the promotion of diversity, particularly sexual diversity that challenges inequality, oppression and discrimination within the context of mainstream society. One obvious difference amongst the three organisations is the priority given to communities located within the confines of the city space. *Triangle* and *Out* prioritise the cities within which they operate; *Durban*, on the other hand has a broader focus, moving beyond the cityscapes, to include surrounding 'townships' outside the city, as well as rural towns in the interior of the province of KwaZulu-Natal such as Newcastle. This does not reflect negatively on the former two city-centred organisations; it simply highlights the broader suite of services and networking that informs the latter organisation. Unlike the critical literature (cited earlier) that explains the location of gay and lesbian spaces in the locale of the city, the *Durban* centre's activities demonstrate a visible and proactive attempt to take service provision out of the city. The work of the organisation in areas such as Chatsworth (predominantly Indian); Wentworth (predominantly Coloured) and Lamontville (predominantly African) is an attempt to address class and race issues that are often neutralised in gay and lesbian work. By working with people from these predominantly working class areas in community halls, schools and churches, the organisation equally demonstrates the politicised nature of identities. Simultaneously, such work demonstrates that services become an extension of space.

Coupled with these values is the pedagogic imperative that informs the work of all three organisations. By this is meant a focus on

nurturing a community by providing access to information on a range of issues, while at the same time developing a healthier self-concept. This approach is designed to raise questions for the LGBT person, while providing a 'response' to the homophobia of the hegemonic heterosexual population. By confronting issues of classism, sexism and racism in the context of homophobia, these gay and lesbian organisations have begun to offer an internal critique of the diversity and difference that characterises the gay and lesbian communities. It is equally appropriate to explain this strategy as political, thereby rejecting any conception of the queer community as homogenous.

It is also not wrong to assume that the mission statements of these organisations reinforce the view that service provision is indeed, a political 'coming in' (as opposed to 'coming out') to society. In this sense, we could claim that the provision of services may indeed be informed by the same logic that informed gay and lesbian liberation – the freedom from homosexual oppression – and therefore is a further development of the emancipatory project. The extension of services, therefore, is a refined development of rights in the legal sense. Because, if we accept that rights are products of social relations and historical circumstances, then we may claim that services reinforce the ideal of citizenship, which may be broadened to include social as well as civic rights. It is in this sense, I suggest, that a great degree of agency informs the work of the organisations. Indeed, as community-driven service organisations, an activist agenda informs the provision of services. In order to fully grasp what 'services' imply, it is necessary to consider the strategies employed by these organisations.

Triangle for its part has identified three strategies: firstly, the delivery of services to members of the target population through

clinical interventions, (through barrier method distribution, training, prevention workshops, and community development and outreach initiatives); secondly, public education that targets specific geographic areas across institutions; and thirdly, attitudinal sexuality workshops conducted at churches, schools, unions and other NGOs. This takes place in tandem with media interventions that respond to negative stereotypes and human rights abuses. The latter usually entails press releases, as well as media developmental work that entails the production and distribution of pamphlets, booklets and information sheets on topics such as coming out, HIV prevention and treatment literacy. The objective with all of the above is to reduce homophobia and discrimination targeted at LGBT individuals and to create a more enabling social environment; and to work with government departments where LGBT's are likely to be particularly vulnerable. This is actioned through training, education and health services, as well as the development on policy around HIV/Aids and sexuality in schools, prisons and other institutions.

The above strategies are informed by four general principles that underpin work in health (mental and general health well-being), HIV/Aids, gender-based violence, education and sexuality (and sexual orientation): first, educating, lobbying and advocating against harmful stereotypes, attitudes and behaviours towards LGBT's; second, building partnerships with other service providers and public and private institutions; third, facilitating open and confident participation by LGBT's in their communities; fourth, the responsive and flexible provision of psycho-social services.

OUT's strategies are in some ways similar to those of *Triangle* except that the former proposes to establish itself as an 'expert centre for mainstream providers'. This includes the provision of necessary and appropriate health and mental health services to

LGBT people, and to build organisational expertise on gay and lesbian health issues, primarily through research. The organisation also focuses on lobbying the mainstream health sector to provide needed and appropriate health and mental health services to LGBT people, including the development of appropriate materials for gay and lesbian people. All of these strategies underpin the objective of *OUT* to become an expert centre for mainstream health providers within the gay and lesbian sector.

Services that flow from these strategies may be catalogued into a few focus areas. These services may be characterised as mental health services (this includes a telephonic counselling and information line, and psychotherapeutic support groups). Another is sexual health, of which services would include a peer education model focused on the principles of intervention mapping, distribution of barrier methods (condoms, lubrication and so on), and sexual health-related research. Community developmental services, in turn, offer programmes in Mamelodi (a predominantly African working class township in Pretoria) that address leadership and writing skills amongst others.

The *Durban Lesbian and Gay Centre's* strategic initiatives promote systematic social change as a strategic process to challenge homophobia, underpinned by an overall strategy to challenge anti-discriminatory practices. In order to reinforce this strategy the organisation fosters strategic partnerships with organisations that subscribe to human rights (such as the TAC and the SAHRC).¹¹ Human rights lobbying and training is driven by a campaigns co-ordinator who is responsible for the lobbying function of the centre. These lobbying functions would include a range of matters from

¹¹TAC was discussed earlier (see footnote 10). The *Human Rights Commission* is a parastatal organisation and is tasked with the monitoring, evaluation of human rights and human rights violations in South Africa.

issuing a press release on homophobia to a co-ordinated campaign dedicated to a particular issue such as the campaign to challenge the common law definition of marriage currently underway. Another strategy is to offer direct services to the gay and lesbian community as a way of empowering individuals within that community. This entails direct visits to selected communities within and outside the city-centre. Such a strategy also reinforces developmental work in communities that do not have easy access to services, and is focused on developing the organisation by building the leadership capacity of black African men and women.

The above strategies are translated into a programme operation that is service-driven and encapsulates the following broad areas. Personal counselling and support groups entail face-to-face, group and telephonic counselling. These services ensure that a number of people access services (such as those visiting the centre, or those who could telephone). In 2005 the centre will also inaugurate a limited online counselling service. Given the impact of HIV/Aids, especially in the KZ-N province, sexual health support services entail HIV/Aids counselling, HIV/Aids lifestyle workshops, prevention and treatment, buddy systems and condom/femidom distribution. A further significant feature, especially considering that developing countries have limited information, are the reading and resource services at the centre that provide information services such as books, magazines, and information geared towards gay tourism for South African nationals, international visitors, materials development and training manuals. Another unique service is the provision of legal advice by a qualified attorney on a range of matters relevant to LGBT people (the design of a will, domestic partnership agreement, etc). In the area of community development, the centre's volunteer outreach programme offers training and education on a range of LGBT issues in three targeted

working-class communities: Chatsworth (largely Indian), Wentworth (coloured) and Lamontville (African).

The mission, objectives, strategies and services of the organisations reinforce the link between space and identity insofar as it is in the material spaces of physical buildings that homosexual identity is promoted as 'queer,' not least in a pejorative way, but rather in a way which constructs, affirms and discloses queer identity formation as political. While all three organisations are engaged in providing a range of services appropriate to 'developing' the LGBT communities, it is clear that each is unique *vis á vis* the kind of services they prioritised. A cursory reading of the objectives and implementation procedures of these organisations indicates that *Triangle* is geared towards HIV/Aids, especially given the fact that its initial work was primarily in the broad public health area. *OUT's* strengths lie in mental health, especially psycho-therapeutic counselling, and more recently, their research initiatives, particularly in intervention-mapping of sexual behaviour among gay men and women in the Pretoria region. The *Durban Centre* is distinguished from *Triangle* and *OUT* in its legal advice work, and primarily by its focus on public education and training that is geared towards several working class communities. While each organisation's services leans towards particular issues, the type of meanings and messages symbolised by their operations lends credence to the fact that homosexuality is not simply a private matter, or simply a matter of sexual desire. Rather, the services rendered by these organisations disclose ideas about the affirming of identity in visible and politicised spaces that are not cruising grounds for sex, but instead identity-affirming, self-enabling spaces.

In contextualising the work of these organisations beyond the political implications of service provision as an emancipatory

project, the economic (and financial) implications cannot go unnoticed. Without the significant participation of donors, many of whom are international funders, the implementation of strategies and objectives would not be possible. *Triangle* is supported by Novib, its largest foreign donor, the Elton John Foundation, the Astraea Lesbian Action Foundation (New York), and the Bessie Coleman Fund. Local donors are the Department of Health, the Community Chest and the National Lotteries Board. *OUT* is supported by Schörer Foundation (Netherlands), Department of Health (Province of Gauteng), and Astraea (New York). The *Durban Centre* is funded principally by AFSA (a national donor body based in Durban), the New Zealand Agency for International Development, Astraea (New York), and Johab Oxfam (Australia), as well as from anonymous donors.

It is evident that international funding of service-driven organisations has increased in the post-apartheid era. This contributes also to the sustainability and development of local constructions of gay and lesbian identities and the provisions of space. The financial support by particularly American and Western European funders has ensured that there has been a visibility and in some instances, high profile political visibility of gay and lesbian issues at the urban level. Although not immediately relevant here, it is still important to note that the support of international donors has also often met with virulent attack by some African leaders who claim that gay and lesbian organisations are able to 'thrive' or be promoted principally because of European funders (see Chapter 5). The point to be concluded about the hate speech of many African leaders is that it also serves as a denial of enabling spaces for gay and lesbian people in Africa.

6.8 Conclusion

This empirical, and to some extent descriptive, chapter records the development of 'queer spaces' as a particular effect of the post-apartheid context. It has considered some of the historical and contextual factors that underpin the formation of gay and lesbian service providers within the space of the urbanised, municipal context. By 'municipal' I denote a geographical location within a city. The relationship between identity formation and spatiality is, I have demonstrated, always politicised. This is so because identity always involves the question of boundaries, as in where, and how identity becomes circumscribed. Like identity, space is also a cultural and political location, and in this sense the chapter also discussed how identity arises, how it is differentiated, and equally how it is maintained in relation to space. The spaces featured in this chapter position gay and lesbian people as visible agents. More especially, the physical buildings in which the above organisations are located, and the signage that labels them, constitute at another level the unmasking of heteronormativity. The organisations profiled here and their projects bring into focus not just the idea of the homosexual, but also the homosexual as *person*, in relation to a built environment, a constructed space that *claims* and *affirms* the presence of the homosexual.

The concept of 'queer spaces' in turn suggests how social relations (in this case gay and lesbian) are constituted and embedded both in relation to identity and space. 'Queer space', as indicated, is understood within the context of provisions of a safe location and space for gay and lesbian people, while mediating alienation and difference, and enabling participation in the wider community. It is especially important to consider the emergence of these spaces as political in the post-apartheid state. Spaces are located in a place,

and are not transparent, but rather discursive formations. Spaces such as the *Triangle Project* (Cape Town), *OUT* (Pretoria) and *The Durban Lesbian and Gay Community and Health Centre* are not just physical spaces, sites or zones without any meaning. These organisations are also symbolic locations. In this sense they are empirical spaces that are structured around sexual orientation, and in this way are encoded with social meaning. The political implications of putting lesbian and gay equality into practice is a relevant consideration in understanding how service delivery becomes in a direct way, an effect of legality and constitutionality. The ideological impact and effect of gay and lesbian spaces (better still, queer spaces as I am suggesting) is equally important in that their status as *public* spaces convey a variety of meanings to the public. By profiling the three organisations in this argument I have claimed that queer spaces affirm queer identity as something to be celebrated, tolerated and understood. Apart from designating gays and lesbians as an interest group that lays claims to these spaces, I also conclude that queer spaces promote identity politics based on the category of citizenship. The physical spaces of *Triangle*, *Out* and the *Durban Centre* suggest, following a reworking of Foucault's heterotopic model discussed earlier, the possibility of space as 'compensation', a form of counteraction against heteronormative spaces that have excluded, marginalised and silenced gays and lesbians. Space, it seems, in the work demonstrated by the above organisations, holds the key to possibilities for agency and full 'assimilation' in larger society. In the next chapter we consider, more closely, how agency operates in processes underpinning decriminalisation and how that advance ideas about justice and equality in the context of rights for queer citizenship, and indeed queer identities in South Africa.

CHAPTER 7

Law, Justice, Decriminalisation and Citizenship: Sodomy to Queer Marriage¹

Marriage is mainly for procreation and has been since the beginning of time. It is a sacred ceremony between a man and a woman and is the way in which life has carried on for many years.

Rugbeer Kallideen, South African Hindu Maha Saba²

Any same-sex relationship is a disorder of God's creation.

Jackson Turyagyenda, spokesman for Ugandan Anglicans³

We are proud of ourselves and we made history by paving the way for other gays and lesbians to be able to enter into the union of marriage. We never intended for all this to 'go so big'. All we wanted was 'that little piece of white paper' to be recognised.

Cecilia Bonthuys⁴

7.1 The Power of Repression and the 'Freedom' of Rights

Reflected in all the chapters so far is the impact and influence of the Law on the construction of queer identities in South Africa. In the previous chapter I demonstrated how queer service delivery spaces facilitate and promote the affirmation of identities as a direct result of constitutional protection. As a form of social control, the operation of the law in the proscription and facilitation of homosexuality is important in respect of identity formation. Identity, I have claimed, is constructed in relation to a complex pattern of social relationships and social forces, and the law could be viewed as one facet of a more complex set of social relations that effect identity formation. As a strategy of power enacted by the Apartheid State, the Law, as we have

¹Parts of this chapter have been previously published. See Reddy (2001a).

²Sookha (2004b).

³SAPA-AP (2003b).

⁴Bonthuys (2004). This is a statement made by Cecilia Bonthuys on behalf of her partner, Marie Fourie, after Appeal Court Judge Edwin Cameron says same-sex marriages should be legalised.

seen in Chapters 1 and 2, also placed limits on the freedom of the queer subject.⁵ In those chapters I demonstrated how the homosexual became a contested subject in relation to apartheid legal formulation; a subject characterised by derision, and produced in relation to struggle, domination and exclusion. The law, it seems, does not operate purely in a negative sense to dis-identify the homosexual, but also facilitates the productive emergence of an identity. In this way the law functions in a paradoxical sense. In this chapter, I suggest similarly that legislation in the post-apartheid economy facilitates an identity politics that asserts homosexuality as a positive affirmation for the queer subject. But, besides the question of 'freedom', the argument until now also demonstrated the impossibility of viewing queer identity without recourse to the socio-political context within which the queer subject is located and constituted. If, as Foucault argues in *The Order of Things* (1970), the modern is to some extent the age of history, then the discourses of sexuality (homosexuality in this argument) must occupy a privileged position in the South African episteme. Underpinning such a view Chapters 2 and 3, and to a lesser extent Chapter 4, illustrated an argument in relation to apartheid. This chapter (and the previous) however, are framed from the modalities of the post-apartheid project. Chapter 2 demonstrated how the operation of South African common law criminalised many sexual acts between adults (of which same sex conduct was one), which resulted in punishment. I also explained in that chapter how South African case law (established by following judicial decisions given in earlier cases) viewed same-sex activity with revulsion. Furthermore, criminalisation

⁵The Law is an important consideration in this chapter as well. The primary empirical context refers to how the law frames a possible freedom for the queer subject in the post-apartheid project. Much has been written about the legal framing of the homosexual that this argument addresses in relation to the specific cases to be cited, and the meanings such cases elicit for understanding queer identities. Relevant critical studies in the area of the law are: Moran (1996); Stychin (1995).

of same-sex acts has been formulated in terms of statute law (laws enacted by a legislative body) through the Sexual Offences Act (see Milton, 1988).⁶

The new context being considered here could be defined as beginning on February 2, 1990 because it was on this day that the last white apartheid president, F.W. De Klerk, unbanned the liberation organisations and signalled his government's intention to transform the socio-political landscape of apartheid South Africa. This date is a legitimate signifier for queer studies scholars in South Africa because by understanding the contradictions and contestations of institutionalised racism, apartheid provides a context in which queer sexualities may be understood and problematised. This implies that any possibility for the freedom of the queer subject has a close connection to the trajectories of apartheid. In this sense, the law also constructs and constitutes an important productive space for queer identity via constitutionality. The latter is relevant for this argument because the post-apartheid legal system replaced parliamentary sovereignty with the doctrine of constitutional supremacy via a Bill of Rights, which empowers courts to determine laws that violate the constitution. More specifically, the context of post-apartheid also signals a new political agenda focusing on anti-discrimination, formal equality, rights and citizenship, all of which are framed in the broad national question of inclusiveness. In this scheme the queer subject becomes a figure to be included, in marked contrast to the apartheid project in which the queer subject was a figure to be excluded, and

⁶The Immorality Amendment Act 2 of 1988 renames the Immorality Act 23 of 1957 the Sexual Offences Act, 1957. Milton (1988: 269) focuses on how the amendment sets out to 'remove sex discrimination from the field of sexual offences and in the process alters the law in ways that importantly affect women (heterosexual and homosexual), prostitutes (female and male), escort agencies, and the presumption of innocence'. Milton attests to the sexist nature of legislation that punishes males who seduce young females into engaging in consensual sexual intercourse (in South Africa the females concerned are those over 12 and under 16 years).

where same-sex conduct was criminalised and deterred, on occasion, with the use of torture, (see Chapters 2 and 3).

This chapter illustrates how factors such as activism and legal reform in the post-apartheid State have been mobilised by processes of decriminalisation in relation to same-sex conduct. The discussion is not focused on how legal principles effect changes. Rather, I focus on how the law, as a set of practices, is deployed by queer activists to achieve strategic goals for the queer subject. In this sense, the chapter reinforces the central thesis in respect of the political construction of queer identities in South Africa. The use of law in constituting the queer subject also simultaneously ascribes meanings to the position of the homosexual in the post-apartheid project. The argument is shaped in relation to the law and to queer liberation and activism, which includes the queer movement in South Africa and organisations that have been at the forefront in developing legal recognition of same-sex conduct. These issues are interrogated in relation to some of the major legal victories in respect of securing rights and freedoms for queer people. These victories, I claim, confirm the assertion and affirmation of queer identity as political in the context of its contested nature with regard to public discourses. The final section of the chapter focuses on the legal recognition of same-sex marriage, a topic that has generated much debate both locally and in other contexts (such as the U.S.) where similar campaigns are underway.

7.2 The Law, Sexuality and Citizenship

Anglo-American law studies have demonstrated how sexuality, especially homosexuality, has come to be configured as an object of

nation-state, and that it is always sexualised. Chapters 2, 5 and 6 demonstrated how citizenship rights may accrue or be withdrawn depending on particular legal and political formulations, and it is in this sense that queer identities are systematically constructed and constituted. Claims to citizenship are not new and have been a major element of sexual politics since the 1970s, reinforced within the feminist project in terms of a discourse of rights in the broader struggle for emancipation from a heteropatriarchal system for women (see Millet, 2000). Similarly, the emancipatory project of queers in South Africa is integrally linked to how rights (products of social relations and historical circumstances) accrue.

The fact that the law may be a medium through which the social, political and ethical aspects of life are fashioned and lived, suggests an important effect of Foucault's notion of juridico-discursive power and holds much promise for the type of legal reform in post-1994 South Africa. Butler (1999: 134-135) suggests, via a reading of Foucault's model of inscription, that '[the] law is not literally internalised, but incorporated, with the consequence that bodies are produced which signify that law on and through the body'. Such a pattern of thinking also reinforces Moran's (1996: 9) conception of the law as a site of struggle through which social relations are produced. Extending this aspect of Butler's idea, we find that for her the law, like gender and identity, resists internalisation, but is rather shown to be a set of effects, performatively constituted on the body. This, in effect, also confirms that the law politically constitutes queer identity as a set of effects. And this performative constitution suggests the body 'has no ontological status apart from the various acts which constitute its

reality' (Butler, 1999: 136; see also Chapter 1 and Chapter 4 for a discussion of these issues).

7.3 Law and the interrogation of queer identities in South African Legal Scholarship

Although some legal scholars have problematically interpreted apartheid legislation in terms of the distinction between 'political' and 'non-political' apartheid, the key issue remains that the 'political' *underscores* the law and its relationship to the constitution of identities.⁸ In contrast there have been other legal scholars who pre-empted the role of law in the post-apartheid project. They question the future of a legal system that distinguishes between the discourse of power of apartheid legality from a discourse of rights and that would characterise the post-apartheid project (see for example, Abel, 1994; Davis, 1987; Bennum and Newitt, 1995). However, the model of rights, and its relevance in a post-apartheid South Africa, was considered in South African legal scholarship when van der Vyfer (1979: 21) claimed that the human rights situation in South Africa lacked 'conformity with appropriate international standards'. A rights model for van der Vyfer (1979: 21) is:

Based upon the notion that the persons to be subjected to any particular legal provision must themselves directly or indirectly, participate in the law-making and law-executing machinery of the state; and they must have a say in the matter irrespective of whether the provisions in question serve to grant or to restrict their freedom.

⁸See Burdzik and Van Wyk (1987: 119) for an assessment of apartheid legislation 1976-1986 where they distinguish between 'political apartheid' (which they view as constitutional apartheid and its measures to ensure that a political dispensation is upheld in terms of which membership of population groups is the main determinant for political participation) and 'non-political apartheid' (which they claim reflects a myriad of laws, measures and practices that, over many years, have had the effect of dividing South African society into distinct and separate entities).

The question of 'freedom' in relation to human rights concerns, as van der Vyfer (1979: 22) claims is 'the principle of justice'. The latter notion, it would seem, presupposes that all subjects of a given political community constitute rights and freedoms on the basis of equality. The rationale for a human-rights based approach to a future democratic legal system in South Africa is motivated by Van der Vyfer's (1979: 24) assessment of South Africa in the late seventies: 'South African law contradicts this principle in the many instances of legally sanctioned discrimination based on sex, political opinion, religious conviction, race and other similar factors'. The purpose of human rights, according to Van der Vyfer (1979: 24) is 'To protect an enclave of individual rights, freedoms and competencies of the subordinates of the state against government encroachments in order to preserve the dignity and worth of the individual within a political society'.

The issue of human rights as a universal principle was advanced by the United Nations (UN) after the Second World War. The case for rights was more dominant in the second half of the twentieth century, and focused on mobilisation and resistance to oppression in many countries (such as the case against apartheid which was declared by the UN as a crime against humanity). Likewise sexual orientation is also framed in relation to human rights that focus on the rights of sexual minorities within a Universalist conception that often overlooks the historical specifications of regions and nations. But, the overarching philosophy of human rights is premised on promoting human rights in terms of developing solidarity with individuals and organisations whose own rights are jeopardised. This was in part an effect of the global anti-apartheid effort, which secured a peaceful resolution to the apartheid

crisis. I conceive human rights for the queer subject, in the context of South African politics and legal jurisprudence, to be *performative*. Not necessarily to be understood strictly in a Butlerian sense, the effect of rights on the private and public lives of queer subjects serves to expand and reinforce the life opportunities for queers (for an expanded discussion of human rights from a variety of disciplinary perspectives see Savić, 1999). In the specific case of homosexuality in Africa, legitimisation of attack and abuse is constructed as a message that deviation from traditional constructions of masculinity and femininity aligned with African patriarchy is not acceptable (see Dunton and Palmberg, 1996; Reddy, 2001b).

Perhaps the most profound effect of the post-apartheid project is the equality clause.⁹ With the adoption of the South African Constitution in 1996, there emerged a strategic space, quite unprecedented in the country's history, in which queer identities took on a public identity.¹⁰ This process, flowing from the Constitution, leads to the secularisation of sex. By this I also mean a constitution that is not tied up to religious doctrine of any faith, but one integrally linked to a Bill of Rights. For example, a secular state also implies that the courts are to remain neutral on religious matters. In this sense citizens in the post-apartheid project are also freed from the rigid parameters of the Afrikaner Christian Nationalism that underpinned the machinery of the Apartheid State (see Chapter 2).

⁹According to Section 9, Act 108 of the Constitution of the Republic of South Africa, no one may: unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

¹⁰Signed by President Nelson Mandela into law at Sharpeville (the scene of a bloody massacre by the apartheid state against protestors in 1960) on December 10th, 1996.

Legal and social justice has permeated the language of sexual politics, which was reinforced throughout the 1990s and continues to do so even now with regard to the legal challenge involved with same-sex marriage. (This aspect forms a central part of the discussion later in this chapter). With the emergence of the democratic state in 1994, and supported by legal protection on the grounds of sexual orientation in the Constitution, South African decriminalisation campaigns have focused strategically on challenging the unconstitutionality of homosexual same-sex conduct within a discourse of rights.

Legal scholarship, in respect of sexual orientation (especially homosexuality), in South Africa has reflected a dual concern with ideas concerning citizenship and justice within a rights-based discourse.¹¹ Notably, De Vos (1996), Phillips (2000), Spruill (2000) and Stychin (1996), have developed an important post-modern conception of the queer subject in relation to the law, which emphasises my concerns on the productive emergence of queer subjectivity through configurations of power, of which the law is one example. Identity formation in relation to the law and homosexuality is politically charged, and the former view resonates with my own conception of queer identity, which is an identity that is politicised in relation to law as a political programme. In Chapter 2 I explained the connection between law and sexuality, and showed how legal scholarship, drawing on feminist legal theory, and queer theory, has demonstrated how the law has responded in both negative and positive ways in producing the homosexual subject within a rights discourse. The latter, a pragmatic political strategy, claims Stychin (1995: 3), emanates 'not only from those favouring progressive legal reform, but also from those opposed

¹¹See for example: Cameron, 1993, 1994; de Vos, 1996, 2000; Katz, 1996; Kok, 2001; Lind, 1995; Louw, 1998; Pantazis, 1996; Phillips, 2000; Spruill, 2000; Stychin, 1996.

to it'. This view underscores the resistance to the apartheid state's intention to further criminalise homosexuality by the Law Reform Group (Chapter 2). In a similar vein, the theoretical focus of this final chapter is informed by a consideration of how the law constitutes and regulates homosexuality in the context of decriminalisation in South Africa. A second, related focus deals with how the law controls the promotion of homosexuality. Like Stychin (1995), I suggest that in the process of constitutional recognition, and the process of decriminalisation that has evolved since 1994, the law constructs, inscribes and constitutes the queer subject as a regulatory force. It is also possible to deduce that the queer subject (at least when pertaining to the law) in South Africa becomes a consumer of citizenship rights. The queer subject is therefore constituted in the intersection between law and human rights, where the question of equal protection before the law is interpreted in relation to access to justice. The relationship between subject and rights implies a political project, a point Stychin (1995: 27) explains as follows:

A partial fixity must exist at any moment to give intelligible meaning to an identity, and through articulation that identity can be utilized in democratic struggles. The language of rights remains the discourse of those struggles but it is a local, situated use of language that is anchored in a history of domination. History thus becomes one of the means by which an oppositional identity comes to be constituted. It provides the subject with the language to make intelligible claims to rights.

The possible 'freedom' for the queer subject proposed in the above view suggests that an effect of the law as a regulatory regime, is indeed its political significance, which is reinforced by the right to express agency (political action) in relation to rights claims. Stychin (1995: 26) formulates this explicitly by stating that 'only through the conditions of political struggle can identities establish themselves in

any particular power configuration'. The legal recognition of homosexuality in post-apartheid South Africa demonstrates in my view a particular queer formation of gay subjectivity, a feature that is marked by opposition and resistance. By decriminalisation, I indicate how queer identities, in relation to the law, are progressively legalised through legal reform. Decriminalisation, in my view, similarly entails forging identities through acts of resistance that affirm homosexuality, facilitate identity formation as political, and recuperate rights to citizenship and belonging. In the following section I explain some of the activist factors that lead to this development.

7.4 Queer Liberation and Activism

By extending sexuality to the realm of global politics, we find an interesting anchoring point for queer identification. If the storming of the Stonewall Inn precipitated gay liberation internationally and supported the coming out technology in the USA, Australia, Britain and Western Europe, then it would seem that South African gay liberation politics displays a marked shift from the international approach.¹² In fact, what characterised Western queer activism in the early seventies - and in the USA this was closely connected to other social and political factors such as the peace, anti-Vietnam, and Civil Rights movement - is not comparable to South African activism. My contention is that queer activism was possibly articulated in relation to, or closely aligned with national politics in South Africa - at least, this was the trend at the beginning of the 1990s. For example, some of the major activists in gay politics in South Africa have been imprisoned or detained for anti-apartheid activities as opposed to sexual offences. Two of the

¹²See Duberman (1994) for a detailed exposition of the Stonewall Riots and the subsequent development of a queer movement.

most prominent of these are the late Simon Tseko Nkoli (born 26 November 1960 – 30 November 1998; see Nkoli, 1994), and Zackie Achmat (see Achmat, 1993; 1994).¹³

If queer activism in South Africa is to be distinguished from its Anglo-American equivalent, then the distinguishing signifier is the broad anti-apartheid coalition that adopted gay rights onto its agenda to support the broader democratic struggle. Ultimately, queer liberation is essentially a struggle by gay and lesbian people to free themselves from patriarchal oppression, and by extension, heteronormative stereotyping. While a political strategy it offers a form of resistance to essentially all oppressive structures. In the South African post-apartheid context, gay liberation is intimately connected to fundamental human rights. South Africa celebrates Human Rights Day on 21 March (in part, as a remembrance of the Sharpeville Massacre of 1960). This celebration also suggests that homosexuality is a human rights issue, and the affirmation of homosexuality is thus not simply a non-discrimination issue, but also an equality issue. The South African Gay and Lesbian 'Movement' continues to assert equality as a non-negotiable right for all citizens.

7.5 The Gay and Lesbian Movement in South Africa

While it may be misleading to suggest that there is a clearly defined organised movement in South Africa, the nineties, however, witnessed

¹³Achmat (1994) and Nkoli (1994) recount animated 'coming out' stories as gay activists involved in the broader struggle for political liberation in apartheid South Africa. Achmat (1994) highlights the integral connection between the sexual and the political: 'In those years I discovered that sex is political and that, as moffies and letties, we had to be part of a revolution to change everything. It was the beginning of a life of sex and politics.' Using the metaphor of the 'wardrobe', Nkoli cogently motivates the core of his story: 'In so many ways, the closet I have come out of is similar to the wardrobe my relieved parents stepped out of when I unlocked them after the police left. If you are black in South Africa, the inhuman laws of apartheid closet you. If you are gay in South Africa, the homophobic customs and laws of this society closet you. If you are black and gay in South Africa, well, then it really is all the same closet, the same wardrobe'.

the emergence of a progressive gay and lesbian politics in South Africa (see also Jara and Lapinsky, 1998). By 'progressive' I indicate a type of mobilisation of queer community that was aligned to the broader anti-apartheid effort in deracialising South Africa. This history is yet to be adequately documented, but its origins are partially addressed in Gevisser and Cameron (1994). What has reinforced the Gay movement (perhaps groupings of gay movements) in this country have been the large-scale social, political and economic changes that have taken place since April 27, 1994. This date officially marks in legal terms the post-apartheid context. It also marks the end of the chapter of the apartheid past, and signals Nelson Mandela's entry into government as the first democratic President of South Africa. This date also signals the transitional period of South African politics, a period in which South Africans were to reconcile with each other against the background of a turbulent racial past.

In essence, democracy and its fundamental precept, human rights, appeared to guide the recapitalisation of sexuality in the hope politics would not diminish but consolidate such virtues of civil society as recognising the freedom to practice sexuality in a human rights context. On a basic level then, we witnessed the politics of inclusion and equality. Yet on another level, by framing sexual orientation rights in the Bill of Rights and the Working Draft Constitution (which was adopted in 1996), we witnessed, in the words of Herbert Blau (1987: 46), 'becoming homosexual as a political style and body of thought'. Such an observation recognises identity formation as a performative effect of reiterative acts. We could also claim that queer activism in South Africa took on an international (perhaps global) expression, especially in terms of the mandate to decriminalise homosexuality and

to decontaminate some of the pathological signifiers that were formulated by the apartheid State. While gay rights are logically implicated in the agenda of the gay movement, it plays itself out largely in decriminalisation campaigns in the post-apartheid project. This, I argue, has been one of the remarkable achievements of the gay movement in South Africa; namely the securing of a political constitution of queer identity within the context of rights that are public, visible and contested.

In a response to a question about human rights and sexuality, Foucault (in Gallagher and Wilson, 1987: 27) had this to say:

Human rights regarding sexuality are important and are still not respected in many places. I think we have to go a step further. Not only do we have to defend ourselves, but also we have to affirm ourselves; not only affirm ourselves as an identity but as a creative force.

By visibility I do not mean a celebration of the queer subject as revealed by Gay Pride. And, according to Blau (1987: 109) this often amounts to a reflection of the kinkier pleasures of a specific fringe as an experimental index of self-chosen identity. It could be argued however, that the foregrounding of sex in Gay Pride may have compromised its radical (activist?) potential. Gay Pride, it is argued, may have contoured their behaviours and identities in a way which generates voyeuristic desire rather than challenges and neutralises a homophobic ethos. This continues to be the criticism levelled against pride marches. In marked contrast to the first official pride parade initiated by the late Simon Nkoli in 1990, and organised by the Gay and Lesbian Organisation of the Witwatersrand (GLOW), subsequent pride parades in South Africa have focused less on the political effects

and challenges of discrimination, than on the pleasures that result from the carnival that Pride has become.¹⁴

Despite this criticism, the importance of Pride marches cannot be over-emphasised: queers in South Africa have positioned themselves in a space to deploy the power of representing identity and unity as a form of consciousness-raising for the queer community. Yet even as I acknowledge this point, a further wariness sets in. Is a common front or political alliance of queers not a contradictory enterprise? If we acknowledge that sexual orientation is only a symptom of more deep-rooted differences, is the notion of a united lobby not evidence of a refusal to acknowledge the disparities and divisions in SA queer communities? Despite my earlier praise, this brings me to some criticisms of a Gevisser and Cameron's (1994) historiographic study on gay and lesbian lives in South Africa. Given the book's seminal contributions and status as the first representative study on queer communities in South Africa, I would like to assess critically two points raised in this text. Utopian or not, the motivating ideal in the Gevisser and Cameron book prioritises and urges a united lobby for gay and lesbian rights at a moment of profound constitutional change in the mid-nineties (Gevisser 1994: 82).

Let us consider another example: is it correct to assume, as (Gevisser 1994: 33) points out, that gay liberationists in South Africa might have found their manifesto within the African National Congress' Freedom Charter? For if Gevisser assumes that a document, predicated on democratic principles, has the potential to attract queers who would compromise their political allegiance for sexual liberation, it would

¹⁴Gevisser and Reid (1994) provide a detailed description of the First Pride March in South Africa.

appear we queers would be one happy family. Alliances with political parties may seem to be a short-term goal if anything is to be achieved. My contention is that political parties are often interested in securing a constituency and if this entails turning a temporary blind eye to issues they may not passionately believe in (such as sexual orientation) in order to secure power, forging an alliance may well be likened to Doctor Faustus's bargain with the Devil. While I would rather stress the discontinuities and ambiguities that lend shortcomings to alliances, the point to be emphasised about a united lobby, is that it has the potential to naturalise divisions and differences that exist in queer communities. Now, ten years into our democracy, the temperature of South Africa's political climate indicates differences in respect of allegiances to political parties and political beliefs.

This problem is central to any theorisation of queer historiography, which is in one sense a focus of this dissertation. While the Gevisser and Cameron (1994) text prioritises pertinent questions that are absent from the Isaacs and McKendrick (1992) study, both however fail to assess fully the divisions that exist in South African gay society. Jennifer Terry (1991), on the other hand, explores the theoretical possibilities for the development of a queer historiography as a strategy to map the complex discursive and textual operations at play in the emergence of queer identity. Terry (1991) also notes 'the idea of a coherent, full identity which is marked only by homosexuality is unsettled by its cultural production of lesbians and gay men of colour, whose work enacts the multiplicities and contradictions of living at the intersection of many different marginal subjectivities'.

In assessing the relevance of this statement to queer communities and the gay movement, we should consider the political, economic and racial divisions, which, in my opinion, are underemphasised. This, I claim, remains a serious challenge for the development of queer identities in South Africa. Historically then, we have learnt that the reactionary politics of the predominantly white male middle class GASA (Gay Association of SA), especially in its downplaying of race issues, led to withdrawal from the International Lesbian and Gay Association (ILGA), and the formation of more progressive, South African queer organisations such as GLOW.¹⁵

In retracing the race issue Gevisser (1994) notes (and this may well be viewed as a critique of GASA) that whites were more interested in material interests and comforts while ignoring the issues of discrimination and oppression. What is apparent, however, is that consciousness-raising, sexual identity and gay liberation cannot be located only in relation to social practice. Rights are not simply normative guarantees that tell us more about humanity and what it is to be human. The task confronting us, therefore, is to begin interpreting and redefining these rights on a practical and theoretical level. And, I claim that decriminalisation campaigns have mobilised queers around issues that unite queers, but have also overlooked the differences (such as sexism, racism and class) that divide the queer community just as they do in the larger heterosexual community. The latter aspect is a potentially important research question although one that the dissertation does not address. In some ways the NCGLE has attempted to address these issues but could not avoid failure given its very specific mandate since its formation.

¹⁵See also Chapters 2 and 6.

7.6 The National Coalition for Gay and Lesbian Equality and The Lesbian and Gay Equality Project¹⁶

The NCGLE was founded on December 2, 1994 at a conference called by the University of Witwatersrand's Centre for Applied Legal Studies. Approximately eighty lesbians and gay people from across South Africa were present at the formation of the NCGLE. The NCGLE grew from thirty-six affiliated organisations at its founding conference, to about seventy-three organisations. A non-partisan body committed to equality and justice for all South Africans, the NCGLE identified several aspects as essential to the development of an activist, lobbying and advocacy programme in the evolution of queer politics in South Africa. At the founding conference, the following four objectives were identified: to lobby for the retention of sexual orientation in the Equality Clause of the final Constitution; to campaign for the decriminalisation of same-sex conduct; to initiate constitutional litigation challenging discrimination against same-sex relationships; and to train a representative gay and lesbian leadership on the basis of racial and gender equality. The first major achievement of the NCGLE has been in the successful lobbying of the Constitutional Assembly (the organisation that drafted the Constitution of South Africa) to retain the sexual orientation clause as the grounding of protection for gay and lesbian people.

The Interim Executive Committee report of the NCGLE (1995) focused, in general, on the struggles of the international lesbian and gay movement for legal and social reforms, and, in particular, on its own

¹⁶The empirical data for this section is based on my experience as a National Executive Committee Member of the NCGLE from 1997 to 1999. I was also an executive member of the Lesbian and Gay Equality Project between 2000 and 2001.

lobbying campaign. Although the report argued for the gains made by the retention of the sexual orientation clause, and this is laudable - especially the claim that the inclusion of sexual orientation in the equality clause gave lesbian and gay people full citizenship, the idea nevertheless has to be approached with some trepidation. Citizenship, which stands metonymically for the nation (and by deduction) nationality, may present a blurred picture of democracy. What may be worrisome about this conflation is not the optimism displayed in the rhetoric but the view that equal rights is a guarantor of citizenship. Citizenship, similar to nationhood/ nationality/ nationalism is a problematic construct, and as such, needs to be interrogated with some degree of caution. Central to the definition of nationhood is the recognition of *identity*, a construct that is fraught with contradiction and contention. If we view nations in Benedict Anderson's phrase as 'imagined communities', we see as McClintock (1995: 353) claims, that nationalism is, as a result, radically constitutive of people's identities through social contests that are frequently violent and always gendered. This notion of a gendered nationality perhaps unmasks some of the potential insecurities of the invented unity that is being prioritised in the emphasis on nationalism and nationhood. Also relevant is a linguistic mapping that dominates the notion of a united front. In developing the language of solidarity, the tendency by queers is to overemphasise the 'us' (queers) and 'them' (heteronormative society) duality. On the level of language then, the 'we' extends beyond the boundaries of a pronoun to resemble the sign of how the contours of culture are delineated. But as a rhetorical and tactical linguistic device, queer activists deploy the 'we' to effect a politics of inclusion that frames positions, allegiances and group identifications in order to neutralise the differences in the community.

Despite these criticisms and in the light of its gains, the NCGLE at its 1999 National Conference took a decision to transform itself into a non-governmental organisation and at the same time secured the option to recall the Coalition should there be a threat to gay and lesbian equality. In early 2000 the NCGLE became the Equality Project (see also Chapter 6). This non-profit governmental organisation's vision is the attainment of full legal and social equality for LGBT people in South Africa. The mission of the organisation is to protect, advance, promote and advocate equality for LGBT persons with a primary focus in South and Southern Africa; and further, to be a leading and effective progressive agent for social change and justice. The programmes undertaken by The Equality Project are advocacy, public education, policy and legal reform, strategic litigation and the provision of access to justice that asserts queer identities and citizenship. The Equality Project is currently the most important queer organisation to have approached the access of justice from the viewpoint of combating social and economic inequalities affecting queer South Africans. The organisation approaches justice for queers from the perspective that human rights are indivisible and that the needs of gay and lesbian people are best addressed from a framework that acknowledges broad socio-economic inequalities. I am suggesting that the litigation undertaken in securing justice for queers could also be theorised as an allocation in the legal model, of the subjecthood to queers. Legal reform in South Africa, beginning with the constitutional provision legalising homosexuality was, in another important sense, a key constructive event for the development of queer identity. This is because the legal framing of sexual orientation creates a break with apartheid legal proscription. The latter prioritised queer sexual practices (primarily sodomy) while the post-apartheid constitution

foregrounds homosexual orientation (and by extension) reasserts the potential for the development of an identity. This view underscores what Foucault (1990: 101) had in mind when he famously formulated the position of homosexuality by claiming that the 'sodomite was a temporary aberration, but the homosexual was a species'. In an important sense the legal construction of homosexuality, also establishes the 'homosexual' as a species, but a species that becomes 'queer' in resistance to the heterosexual matrix. The reconfiguration of the homosexual from a pathologic to a productive subject, that is reified with an identity, is reinforced by the decriminalisation project.

7.7 Decriminalisation of Homosexuality

Decriminalisation entails a systematic process that recognises the equality of gays and lesbians in terms of the law. In other words 'decriminalisation' foregrounds legislation that makes legal that which was once illegal. Such a meaning is significant for homosexuality in general, and specifically for queer identity formation in South Africa. If the apartheid social and legal system criminalised homosexuality by designating same-sex conduct as a crime, an offence linked to punishment, the post-apartheid context may be formulated as a project of decriminalisation that foregrounds the legal recognition and development of queer identity. In this project, decriminalisation is inextricably connected to lawmaking and legislation that accesses constitutional provisions to advance citizenship claims for queer people. It is principally in this sense that I understand the concept of 'justice' as an effect of the law. I claim that South African law, post-1994 *re*-installs the queer as a productive and affirmative subject.

A number of far-reaching (and landmark) judgements have been made since the formal adoption of the South African Constitution.¹⁷ I list these in tabular form (and in chronological order) and offer a brief summary of each case in relation to the political formation of queer identity. By 'political' in this chapter I mean the legal reforms which impact, influence and make visible the development of queer identity. Following on from the table, I offer a brief description of the pertinent issues of judgements, and assess some of its meanings in relation to claims on citizenship, justice and the developing construction of queer identities. I suggest that the courts' decisions in the respective cases advance the administration of justice in respect of queer subjectivity. If, throughout the dissertation, I have claimed that the law operates in ways that may either repress or facilitate identity, in this section I am asserting that it is discernible that justice is fundamentally about bringing to trial the unconstitutionality of legal provisions that curtail and limit the freedom of post-1994 South African queers. It seems to me that in the following cases, 'justice' is principally a restorative and curative procedure. In other words, justice is about a moral right that frames and advances an inclusive 'queer' citizenship.

Table follows ...

¹⁷My principal and key source for the information presented in the table is the Equality Project's 'Landmark cases archive'. The information presented here is a summary of main issues gleaned in part from this source.

See <http://www.Equality.org.za/archive/landmarks.index.php>

DATE	CASE	JUDGEMENT
March 10, 1993	Van Rooyen v Van Rooyen	Deputy Judge President Flemming rejects custody to a divorced wife in a heterosexual marriage who was involved in a lesbian relationship
February 4, 1998	Capt. Langemaat v Department of Correctional Services, Safety and Security	The High Court rules that medical aid regulations that do not recognise same-sex relationships are unconstitutional
October 9, 1998	National Coalition for Gay and Lesbian Equality and another v Minister of Justice and others	The Constitutional Court abolishes the crime of sodomy
December 2, 1999	National Coalition for Gay and Lesbian Equality and others v Minister of Home Affairs and others	The Constitutional Court rules that the long-term same-sex partners of South African citizens or permanent residents should be treated as spouses when it comes to immigration regulations
May 13, 2002	Muir v Mutual and Federal Pension Fund	The Pensions Fund Adjudicator awards full pension benefits to the surviving same sex partner of a deceased Mutual and Federal employee
July 25, 2002	Satchwell v President of Republic of South Africa and another	The Constitutional Court ruled that the long-term same-sex partner of a judge should be entitled to the same pension payout as a judge's spouse
September 10, 2002	Du Toit and another v the Minister of Welfare and Population Development and others	The Constitutional Court ruled that same-sex couples should be allowed to adopt children
October 2002	J and B v Home Affairs	The Constitutional Court rules that same-sex couples should be allowed to be registered as the parents of children born to one of them
September 19, 2003	Du Plessis v Road Accident Fund	The Supreme Court of Appeal determines that the heir in a same-sex life relationship has a right to recover funeral expenses expended by him
November 30, 2004	Fourie v Minister of Home Affairs	The Supreme Court of Appeal declared the common-law definition of marriage unconstitutional, following an appeal by Marie Fourie and her partner, Cecelia Bonthuys

In the case of *Van Rooyen v Van Rooyen* determined in 1993 and prior to the enactment of the interim Constitution, Deputy Judge President Flemming's decision reflected, in large measure, the ethos of the apartheid legal establishment. This case concerned a divorced husband

and wife, where the mother (the non-custodial parent) fought for access to minor children and was engaged in a lesbian relationship. In defining the mother's rights of access, the Court recognised that her right to live and practice her sexuality had to be respected and protected. However, the court recognised the dangers of such a lifestyle to minor children so that the mother's rights to have the children sleeping over at her home were contingent on her not sharing a bedroom with her lesbian partner. In this very important case, the issue of custody, it seems, is less important than that of identity. The intimate (and indeed sexual life) of the mother mattered more to the court than the fact of her custody battle. This case demonstrates yet again the contested nature of homosexuality in the context of family relations. Later in the chapter I will pick up on some of these issues in relation to same-sex marriage.

In a landmark judgement for queer equality within the post-apartheid context, in the case *Capt. Langemaat v Department of Correctional Services, Safety and Security*, the High Court ruled in favour of lesbian policewoman, Captain Langemaat, in respect of spousal dependency and benefits. The judge found that the correctional services and security ministries acted unconstitutionally in not extending partnership benefits (such as the police services medical aid scheme) to Langemaat's partner.

Beyond the major victory of sexual orientation as a prohibited ground for discrimination in the Constitution, the first major victory in decriminalisation concerned the crime of sodomy. In *National Coalition for Gay and Lesbian Equality and another v Minister of Justice and others* the Constitutional Court deliberated on the common law offence

of sodomy, the inclusion of sodomy in schedules to the Criminal Procedure Act 52 of 1977 and the Security Officers Act 92 of 1987, and sections of the Sexual Offences Act 23 of 1957 which prohibits sexual conduct between men in certain circumstances unconstitutional and invalid. The court decided in this case that the sodomy law criminalised gay intimate relationships by devaluing and degrading gay men, and therefore constitutes a violation of their right to dignity. In my view, the judgement once again, re-politicises 'sodomy' not as a criminal offence, but rather as a sexual act that is to be defined through its decriminalisation. The legal decision in my view has the benefit of *de-gaying* sodomy as the sexual act defining homosexuals in the eyes of a world that demanded compulsory heterosexuality. In this sense, the legalisation of sodomy reinstalls sodomy as a desire that has also to be de-pathologised. Furthermore, this case highlights the connection between desire, identity and the access to privacy, dignity and respect for the queer subject in the de-linking of homosexuality from the crime of sodomy.

In the case of *National Coalition for Gay and Lesbian Equality and others v Minister of Home Affairs and others*, a section of the Aliens Control Act 96 of 1991 was declared unconstitutional by the Constitutional Court. The court found that the section in question omitted to give persons who were partners in permanent same-sex life partnerships, the benefits it extended to 'spouses' under this section. The case principally challenges the discriminatory practices of and privileges accorded to heteropatriarchal relations. Interestingly, the court did not consider the position of unmarried partners in permanent heterosexual partnerships, and the fact that the relevant section of the Act failed to provide for these couples. Perhaps again the precedence

established by this judgement ensures grounds for claims by unmarried heterosexual partnerships as well. The Court also did not deal with the vexed question of whether gay and lesbian relationships should be formally recognised. And even though the issue of formal recognition of gay and lesbian relationships was not addressed in this case, the judgement has important implications for the formal recognition of same-sex relationships. This case further advanced equality jurisprudence through the promotion and advancement of justice for queer citizenship, implying that the construction of queer identities is political, historically contingent and developing.

In the case of *Muir v Mutual & Federal Pension Fund*, the Pension Fund Adjudicator (PFA) awarded a full pension benefit to the surviving same-sex partner of a deceased Mutual and Federal employee. The PFA also overruled the decision of the fund to pay part of the benefits to members of the deceased's family. Judgement in favour of the same-sex partner in this case demonstrates the court's application of constitutional protection of gays. The extension of benefits to the same-sex partner could be viewed as a legal re-interpretation (and recognition) of 'partner' to encapsulate queer relationships as important within the kinship structures that are recognised in South Africa's constitutional democracy.

The celebrated case of *Satchwell v President of Republic of South Africa and another* further advanced queer rights. Here the applicant (a judge) and her same-sex partner had been involved in an intimate, committed and permanent relationship since about 1986. Although they lived as a 'married' couple and are known as such to friends and families, they are not legally 'spouses' and therefore do not enjoy the

benefits accorded to heterosexual married judges (like medical aid benefits). The court decided that certain sections of the Judges Remunerative Act and the relevant regulations in that regard were unconstitutional, and therefore the Court's decision was to extend such benefits to the spouses of judges in permanent same-sex relationships. Though this case specifically grants 'spousal' benefits to claimants, the political benefits of the judgement are profound in so far as the court, through the extension of benefits, establishes the legal meaning of 'spouse' to same-sex relationships in a way that affirms queer identities.

In the case of *du Toit and another v Minister of Welfare and Population Development and others*, litigants challenged the constitutionality of specific provisions of the Child Care and Guardianship Act. The applicants in this case were partners in a long-term lesbian relationship who some years previously had jointly brought an application to the Pretoria Children's Court to adopt two children (a brother and sister). At that stage, due to the provisions of the Child Care Act that confined joint adoption to married couples, the Children's Court granted custody and guardianship to only one of the partners who was married in a heterosexual relationship at the time. The applicants in this case claimed that certain provisions of the Child Care Act and Guardianship Act were unconstitutional and discriminated on the basis of sexual orientation and marital status, while also undermining the constitutional principle promoting the best interests of the child. The Constitutional Court confirmed the order made by the Pretoria High Court and stated that legislation should allow same-sex life partners to adopt children jointly where they are otherwise found to be suitable parents. The effect of this case on developments for

queer rights (and indeed identity) is that it not simply secures rights of adoption, but also recognises the 'relationship' (long-term, and committed relationships) of gay and lesbian couples even though the judgement does not explicitly 'legalise' same sex relationships. The precedent established in this judgement, in respect of rights of adoption for same sex couples, is a victory that could be capitalised on in future legal reforms directed towards formalising same sex unions.

In the case of *J & B v Home Affairs* the High Court passed judgement supporting the applicants (two adult women in a permanent same-sex relationship) who wished to be registered as both mother (B) and parent (J) respectively, of twins to whom B gave birth from the gametes of J and an anonymous male donor. The lesbian couple, J and B, wanted the Constitutional Court to determine Section 5 of the Status Act unconstitutional.¹⁸ The court confirmed J and B's views and ordered the relevant section be read to provide the same status to children born of artificial insemination to same-sex permanent life partners. This case likewise establishes, beyond the contributions of medical technology in the conception of children, the legal recognition of the union of a same sex couple. Again, the court's decision, while not explicitly pronouncing on the union, implies an interpretation of constitutional provision that recognises same sex equality. Such a decision establishes another precedent in the advancement of queer rights because the court's decision is based, in part, on the *permanency* of a life-long partnership. This permanency has much to

¹⁸The Status Act is a shortened description for the *Alteration of Sex Description and Status Act* which provides for the alteration of the sex description of certain individuals in certain circumstances and to amend the *Births and Deaths Registration Act, 1992*. The former is a development of the latter which includes the insertion of a section dealing with the alteration of sex description, and the issuing of an amended birth certificate to the person concerned (summarised in part from Minister of Home Affairs, 2003:4). Moyo (2004: 5) recently explained the relevant challenge by J and B: 'The section provided that where a heterosexual married couple use the sperm or ovum of another person to conceive a child through artificial insemination, that child will be considered the legitimate child of the married couple. The provision did not apply to homosexuals, as the law required one mother and one father to be registered.'

do with the recognition of parenthood, an issue used often against same sex couples in debates about marriage (I build on this later in this chapter).

In the case of *du Plessis v Road Accident Fund*, the Supreme Court of Appeal deliberated on a case brought by a gay person in relation to contractual obligations. Here the common law dependent covered his partner in a same-sex permanent life relationship (similar in all other respects to marriage other than its being heterosexual). The suing partner deemed that the deceased partner owed him a contractual duty of support as does any partner in a (legalised) heterosexual union. The Court determined that the heir has the right to recover funeral expenses expended by him. In my view, this judgement does not merely extend 'special' benefits for gay and lesbian people, but rather advances the rights to equality for heterosexuals in non-legalised unions as well. Justice in this regard is extended in an overarching way to address the limitations within the law that withdraw benefits for heterosexuals as well. It is my view that this judgement counters the accusation that legal reform in respect of homosexuality is about special needs for gays and lesbians. In fact, the precedent established by this case should suggest otherwise.

Legal developments in respect of legal recognition of same sex unions, recently received much attention in the landmark judgement in the case of *Fourie v Minister of Home Affairs*. The court ruling was the result of a case brought by Marie Fourie and Cecilia Bonthuys who challenged the South African common law definition of marriage (discussed in detail in the next section of this chapter). Judge Cameron, in his judgement, said the common law definition of

marriage should be redefined to include 'spouse' and to read 'or partner in a permanent same-sex life partnership' (Moya, 2004: 5). In principle, this means that same-sex marriages could now be recognised, and that the various statutory hurdles that regulate marriage could now be addressed, a significant one of these being the Marriage Act of 1961 (addressed briefly in the section following). The court's decision, however, only affects the common law definition of marriage, and does not legalise same-sex marriage. This judgement facilitates, in my view, for the statutory and regulatory laws to be changed and aligned with the South African Constitution. While the Appeal Court held that the prohibition against marriage was unconstitutional, the court's decision was split in that Judge Farlam argued that the decision be suspended for two years to allow for legislative reform to take place (such as amendments to the Marriage Act).¹⁹

In terms of the Constitution, which explicitly includes sexual orientation as a prohibited ground of discrimination, the judgements formulated in the above cases suggest a number of legal victories that have upheld and promoted the rights of gays and lesbians. In each instance the judgements are indicative of a developing jurisprudence that allocates inalienable rights and privileges to the queer subject. The effects of the recognition of these rights are in most instances economic, yet they simultaneously emphasise the identity of applicants as a driving force in claiming and asserting the urgency of rights within an equality model. In all cases, applicants in these matters have,

¹⁹See Mkhize and Naidu (2004: 37) who explain the judgement in relation to the activist and community-based organisation: 'We, as human rights activists, human rights educators and gay activists, therefore need to engage the general public in constructive debate on such human relations, the significance of marriage (or lack of it) and the legal recognition of people's relationships (that is, without a church's blessing or religious ceremony, etc.) We (in South Africa and the world) need to understand the obligations and responsibilities of the state, religious institutions and leaders, politicians, traditional leaders and our (civil society) in protecting and promoting everyone's right to equality, to dignity and to freedom of choice.'

through the public nature of court proceedings, demonstrated that identities are not simply private, secret matters to be repressed, but rather public matters that required state affirmation. The accrual of economic and legal benefits determined by court judgements therefore advance the notion of justice and citizenship primarily within the framework of equality. In addition to the above cases, the South African National Defence Force (hereafter SANDF; see SANDF, 1997) removed enforced discrimination in the military against homosexuals. With this policy the SANDF recognised its constitutional duty and incorporated the government policy to redress discrimination against gays and lesbians. The inclusion of gays and lesbians within the military is an important development in the post-apartheid project, and is in marked contrast to the mutilation and torture that characterised the apartheid military (see Chapter 3). Legal victories and policy reform have by all accounts benefited the construction of queer identities in ways that promote claims to citizenship and thus to nationhood. The struggle for identity is reinforced in the case for same-sex marriage.

7.8 Same-Sex Marriage in South Africa

An important emotional and social factor in the intimate lives of people, marriage is usually understood to facilitate legal access to a range of protections, responsibilities and benefits. The etymology of 'marriage' within a heteronormative interpretation suggests a 'condition of being a husband or wife', a 'contract' signalling a matrimonial alliance, or an action signalling a union and merging of two things that acquire a status and privilege in the act of marriage.

As we have seen through the case reviews above, marriage is central to public policy issues, for example, access to rights such as inheritance, medical insurance, tax advantages, adoption, and child custody. Over and above these social and economic benefits, the institution of marriage implies a practical and symbolic guarantee of equality for two people who wish to formalise their commitment to each other. Sadly the privilege of marriage is a right that has been denied to most gay people in most countries, and in the South African context the legal right to marriage is one of the final hurdles in overcoming discrimination for gays and lesbians. This remains despite the overwhelming progress in respect of the legal recognition of same-sex relationships. The current process of decriminalisation has prioritised litigation in respect of marriage for same-sex people. As an institution, 'marriage' has also been the cornerstone of apartheid legislation where principally white, Christian, Malay, Jewish and Hindu marriages were regarded as the legitimate entry into family life. More so, until the 1980s marriage between people of different races was a criminal offence under the prohibition of Mixed Marriages Act of 1949. Until its repeal in 1985, the Immorality Act had criminalised sexual relations between black and white people (see Sinclair, 1996; Van Heerden *et al*, 1999). 'Criminalisation' in respect of the former meant that relationships across the colour bar were forbidden in South Africa. In this regard 'marriage' has long been a debated source of meaning in terms of the law, race, sexuality and culture. Until recently, customary marriages (those involving principally the African, Muslim and Hindu faiths) were also not legally recognised.²⁰ Despite the lack of legal

²⁰The SALRC was approached by the Department of Home Affairs in 1996 to review the Marriage Act 25 of 1961 with a request to investigate and recommend legislation relating to a new marriage dispensation for South Africa. The Commission's *Report on the Review of the Marriage Act 25 of 1961* (project 109) provides important details about legislative changes that resulted in the legalisation of customary marriages) but is still engaged in reviewing same-sex marriage. See SALRC (2001).

recognition for same-sex marriage, there is anthropological evidence of same sex or transgender unions and kinship patterns of friendship in many societies (see Eskridge, 1993; Gay, 1993; Louw, 2001). The point about these studies is the contestation they raise between seemingly 'private' cultural practices internal to specific geographical contexts, and the kind of politicisation and complexity they generate in respect of legal recognition.

On 8 July 2004 the Equality Project, together with 16 co-applicants (all couples in permanent same-sex relationships), filed an application in the Johannesburg High Court challenging the common law definition of marriage and the marriage formula, in terms of the Marriage Act 25 of 1961, on the grounds that they violate the rights of lesbian and gay people to equality, dignity and privacy. Litigation in this regard is principally directed towards developing the law in order to recognise, protect and regulate marriages between two people of the same sex in much the same way that heterosexual couples are protected. At the heart of the issue is a challenge to the definition of marriage, and following Roman Dutch Law (which still underpins much legislation), marriage continues to be formulated as the union of one man and one woman. The Equality Project has asked the Court first, to redefine marriage to read as 'the legally recognized voluntary union for life in common between two persons to the exclusion of all others while it lasts'; and second, to read into the marriage formula the words 'or spouse' immediately after the words 'or husband'. The Director of the Equality Project indicates that 'the removal of the common law prohibition against marriages between people of the same sex would represent a major advance in the struggle towards securing an equal

position for lesbian and gay people in the law'.²¹ The Equality Project case is formulated in terms of three important issues: first, the principles of the post-apartheid democratic state which are based on values of human dignity, equality and freedom; second, the necessity to dispense with discrimination against gay and lesbian people; and third, the urgency, in respect of public interest to ensure that all laws that are inconsistent with the constitution are declared invalid in their relation to the provisions of a Constitutional state. Beyond this, litigation in respect of securing marriage rights for gay and lesbians in South Africa will conclude a decade of law reform that was spearheaded by the Equality Project and its predecessor, the National Coalition for Gay and Lesbian Equality. Judgements in several cases (especially in *Satchwell v President of Republic of South Africa and another, du Toit and another v Minister of Welfare and Population Development and others* and *Fourie v Minister of Home Affairs*) indicate a systematic development of legal reform favouring queer citizenship.

The preceding sections focused briefly on some of the important legal victories for gays and lesbians. In this final section, focusing on decriminalisation, I demonstrate how the case for marriage, and positive outcome of decriminalisation, reinforces the queer identity formation in South Africa. My argument does not interrogate the legal issues in relation to the case, but rather considers what meanings arise in relation to the case for same-sex marriage in the context of rights and justice, and the meanings that emerge for queer identities in the relationship between the two. Litigation is a slow process and in

²¹See SAPA (2004d).

all likelihood, it will be some time before the court takes a decision in respect of same-sex marriage.

'Marriage', as an institution, is a fundamental property of the heteropatriarchal state, and one accorded a special privilege by most institutionalised religions that recognises marriage purely in a heteronormative sense. Marriage is not simply a symbolic institution that affords a legal status to a civil relationship, but also raises jurisprudential issues in respect of the State's relationship to its citizens. Marriage rights do not accrue to most gay and lesbian people because gay and lesbian marriage falls outside the scope of the legal definition of marriage. The case for the reconstruction of the definition of marriage in South Africa is in some respects a litmus test for the post-apartheid state's recognition of queer citizens as full members of the polity. The development of legal reform that will result from a positive decision by the court will strengthen the development of queer identities further by securing rights that designate citizenship. It is for these reasons that it is difficult to erase sexuality from its relationship to the law and citizenship (see Kaplan, 1997; Richardson, 2000a & 2000b).

The subject of same-sex marriage has generated a variety of opinions within and outside gay communities all over the world. Most visible has been the case in the city of San Francisco (in the US) in 2003, where marriage licences to homosexual couples were issued in contradiction to state and federal laws. This strategy was partly fuelled by a major legal victory in November 2003 in the Massachusetts Supreme Judicial Court, which ruled that gay and lesbian couples have the right to civil

marriage in Massachusetts.²² This judgement was authored by ex-South African and first woman to lead the state's 313-year-old Supreme Judicial Court.²³

As indicated in Chapter 1, the subject of homosexuality took an important American and African focus at the Lambeth Conference (gathering of Anglican Bishops headed by the Archbishop of Canterbury) which was in part a response to the US' attempt to normalise homosexuality within the Church.²⁴ In this regard, Archbishop Peter Akinola of Nigeria (home to 17 Million people - half of the world's Anglican population) argued that the US Episcopal Church (which is within the Anglican Communion) created a 'new religion' by confirming openly gay Episcopal Bishop Gene Robinson in November 2003 in New Hampshire.²⁵ Unsurprisingly the recent Lambeth Conference rejected gay ordinations of same-sex couples. These events underscore both the contested nature of homosexuality (viewed as unAfrican by the African diocese). Despite these social and cultural responses, there are a number of historical legal precedents in some countries that have legalised same-sex marriage or recognised same-sex relationships in a limited sense.²⁶

²²This was the ruling in *Goodridge v. Department of Health* (accessed from <http://www.glad.org/home.shtml> on 19/11/2003). Also in June 2003 in the case of *Lawrence v. Texas*, the court ruled that anti-sodomy laws violated the constitutional right of adults to choose how to conduct their private lives with regard to sex, stating that 'the Court's obligation is to define the liberty of all, not to mandate its own moral code' (from: 'The case for gay marriage', *The Economist*, 28 February 2004: 9).

²³Judge Marshall (in SAPA-AP, 2003d: 27) states in her verdict that the judgement 'affirms the dignity and equality of all individuals' which 'forbids the creation of second-class citizens'. She also claims, in supporting her decision, that 'justice is not hypothetical'.

²⁴Press coverage in South Africa on this issue has drawn much opposition in South Africa to the US Consecration of Bishop Robinson. See SAPA-AP (2003a; 2003b; 2003c); Gill (2003); Hamilton (2003); Rogers (2003).

²⁵See SAPA-AP (2004b).

²⁶The Netherlands legalized same-sex marriage in 2001, followed by Belgium in 2003, as did two Canadian provinces, Ontario and British Columbia. In a related sense a few countries, Norway, Sweden, Denmark (and its province Greenland) have registered partnership laws that extend some benefits of marriage to unmarried couples, both gay and straight. Germany has also expanded rights for cohabiting same sex couples, while in 1998, France approved the Pacte Civil de Solidarité (a type of intermediate step between casual cohabitation and formal marriage that provides tax and health benefits. In the Argentine province, Rio

Likewise scholarship focusing on and endorsing same sex marriage in the United States is extensive, and ranges from the philosophical (Butler, 2002); sociological (Fassin, 2001); and legal feminist (Hunter, 1991) to an approach based principally on human rights as designated by the Universal Declaration adopted in 1948 by the United Nations (Howard-Hassman, 2001). But there are also scholars who have argued against the institution of marriage. Usually written by feminists adopting a radical position who have conceptualised marriage primarily as an institution that has privileged heteropatriarchal power (in the male-female dyad) and subjugated women; such critiques demonstrate a rejection of marriage, both heterosexual and homosexual (see Fineman, 1996; Polikoff, 1993).

Several book-length studies have also interrogated the subject of same-sex marriage in the United States in a number of ways. For example, Kaplan (1997) claims sexual desire is central to the search for happiness, which for him is underscored by equal citizenship in the establishment of intimate relationships. This study draws on a range of disciplinary fields such as law, philosophy, psychoanalysis and literature to demonstrate the significance of an antihomophobic conception of queer relationships. Another well-conceptualised text is that of Eskridge (1996) who argues for same-sex marriage in terms of equality jurisprudence and makes a moral and sociological argument in terms of norms underpinning healthy citizenship. Wolfson (2004), a civil rights litigator, likewise locates the case for marriage in relation to what he terms the 'pursuit of happiness' as a right of citizenship, an ideal entrenched in the US Declaration of Independence. Gertsmann (2003) on his part questions whether the US Constitution does protect

Negro, and the capital of Buenos Aires, new laws allow registered gay couples to qualify for family welfare payments. Information summarised from Kantowitz (2004).

the right to same-sex marriage, and asks whether in a democratic society, the courts, rather than the voters, should resolve the question. Roelof (1998) in his turn presents a strictly journalistic account on the purpose, impact and effect of same-sex marriage on children and on legal and religious issues. A similar journalistic account focusing on the battle over gay marriage in the US State of Vermont is presented in Moats (2004) in order to track a social history of the emotions underpinning public opinion on same-sex marriage. More humanist accounts of lesbians and gays who celebrated wedding ceremonies in the absence of legal recognition of their unions are presented in personal narratives in Sherman (1992), as well in the form of a memoir focusing on a Canadian same sex couple's struggle to have their marriage legally registered (Bourassa and Varnell, 2002). A more extensive analysis of the historical and theoretical arguments focusing on defences for and against same-sex marriage is outlined in Sullivan (1997). A similar text, written as a textbook for students, focusing on the psychological, emotional, economic, and legal issues in respect of same-sex marriage is presented in Lehmann (2001). Most recently, Mello and Chambers (2004) has analysed the legal disputes in relation to morality, religion and social mores of same-sex marriage, and Chauncey (2004) has presented a compelling historical argument to demonstrate that same-sex marriage became an important campaign in queer rights struggles in the context of HIV/Aids, and access to adoption. In contrast to these studies, Stanton and Maier (2004) present a counter-argument against same-sex marriage in which they claim that such an arrangement has negative effects on parenting, and especially on the lives of children. Unfortunately these unresearched and bigoted views based on supposed truths

characterise the opposition to same-sex marriage, including (and especially) vociferous opposition from religious groupings.

Legal scholarship in South Africa has conceptualised the issue of marriage primarily in a human rights and equality model (see Grant, 1996; Mosikatsana, 1996; Silver, 1996), suggesting that a ban on homosexual marriage is a violation of the equality clause of the Constitution since the South African common-law definition of marriage predates the post-apartheid Constitution.²⁷

Over and above the intellectual and civil rights insights studies, such as those cited above, bring to the subject of same-sex marriage, the meanings attached to the construct provoked by debates on marriage equality are important for the development of queer identity. The cursory review of the critical studies (cited above) and public opinion suggests that same-sex marriage turns on basic attitudes towards sexuality and gender and raises various political positions and arguments from the perspective of compulsory heterosexuality. At the heart of the gay lobby's defence is the right for queers to choose the circumstances of their lives, and marriage is one possibility of full citizenship (which entails the right to equality and privacy). This contention is underpinned by the assertion of gay rights as a public demand of respect for homosexuals (which entails the right to dignity). Consequently, the benefit of marriage is the extension of citizenship rights that facilitates the assimilation of gays into the mainstream of society. Such a view does not imply that all queers endorse marriage;

²⁷Press coverage has also intensified on the subject of same-sex marriage in South Africa. In addition to more factual accounts focused on the legal and social issues in respect of litigation, there have also been much debate in the letters pages of newspapers, mostly by members of the public opposed both to homosexuality and to marriage. See for example: Amato (2003); Auerbach (2004); Berman (2003); Ellis (2003); George (2004); Holcombe (2004); Ismail (2003); Labuschagne (2004); Levin (2004); Sookha (2004b); Street-Porter (2004).

for many queers marriage is disputed, and signals the assimilation of a heterosexual model (such as the feminist opposition; see Feineman, 1996; Polikoff, 1993). The 'marriage' strategy, especially as advanced by queers, seems to me, to motivate the normalisation of homosexuality (Bersani has most notably addressed this theoretical effect of a political strategy, 1995). Butler (2002: 16) in turn suggests a distinction between gay marriage and gay kinship by demonstrating an argument in favour of legal alliances that can work in tandem with a state normalisation of recognisable kinship relations. Butler (2002) also cautions against limitations in securing rights for kinship arrangement outside of the marriage frame.²⁸

In contrast, homophobic arguments mobilised against same-sex marriage are informed by fears of reproductive relations, gender roles, the role of children and adoption, and are voiced usually in terms of a moral and religious perspective. The focal point of the social structure of marriage, for those opposed to same-sex unions, is a traditional understanding of the family. Underlining the fear is a heteronormative moral panic that introduces the notion of the family into the dispute about marriage. To some extent the debate about same-sex marriage invariably slips into a moral argument about what constitutes a family. In the case against same sex marriage, 'family' is conceived as a social institution, biologically determined in terms of heteropatriarchy, and viewed as a space for the moral development of heterosexual parents and their children. I extrapolate some of these issues in reference to submissions made to the South African Law Reform Commission

²⁸Butler (2002: 40) offers a summative and evaluative commentary in this regard: 'For as surely as rights to marriage and to adoption and, indeed to reproductive technology ought to be secured for individuals and alliances outside the marriage frame, it would constitute a drastic curtailment of progressive sexual politics to allow marriage and family, or even kinship, to mark the exclusive parameters within which sexual life is thought'.

(SALRC).²⁹ It is important to note that the work of this body is independent of the Courts. One of the areas currently investigated by the Commission is that of domestic partnerships and marriage for same-sex couples. The SALRC is considering three options that will afford recognition and protection to such relationships. The first option is to recognise marriage for same-sex couples; in other words all consequences of a civil marriage will apply to same-sex couples who choose to marry. The second option is the separation of the civil and religious requirements of marriage. In terms of civil marriage, parties will have to meet certain legal requirements to marry. In respect of religious marriage the tenets of the relevant religion will apply. The third option is the legal recognition of a civil union that in some ways duplicate marriage without the requirement of a marriage ceremony. The three options cited resonate well with the challenges faced by the Equality Project's litigation in respect of same-sex marriage. The overriding factor underpinning the Equality Project's application is simply the legal recognition of same sex marriage, which options one and three reinforce. The application by the Equality Project does not require religious institutions to marry same sex couples. And the Project application also motivates that it is the right of religious institutions to reject same sex marriage on the basis of religious doctrine. Litigation in favour of same sex marriage therefore places no burden or responsibility on religious institutions, but is rather directed to a secular state, and motivated in line with constitutional provisions recognising sexual orientation as a ground for non-discrimination.

²⁹A statutory judicial body appointed by the State's Department of Justice) to review legislation in a number of crucial areas impacting on the law in South Africa (hereafter cited as SALRC Committee Paper 1115. Justice Minister Brigitte Mabandla recently stated that the commission's investigation was aimed at 'harmonizing family law with the provisions of the Bill of Rights and the values of equality and dignity'. See Adams (2004: 6).

Essentially Church groupings such as the Methodist, United Presbyterian and Evangelical Fellowship of Congregational Churches in South Africa advance the *traditional* view of the family as the nuclear family, which includes all blood relatives and excludes 'motley groups of unrelated people' (SALRC, Committee Paper 1115, 2004: 1). In this scheme, gay and lesbian relationships for this grouping challenge the traditional definition of family, and questions whether such relationships can produce and raise children. In this paradigm of marriage, procreation is viewed as an imperative of a religious and social life. If gay and lesbian relationships are viewed within this model as being non-procreative unions, the position adopted by this model is to inevitably condemn and withdraw any protection for such unions as it might be available in terms of the South African Constitution.

In contrast there are submissions that underscore a *functional* view of the family.³⁰ Such a view emphasises that a 'family' need not be biologically determined, suggesting instead that 'family' be broadened as a concept to include close relationships, whether nuclear or extended, blood-related, adoptive or fostered (SALRC, Committee Paper 1115, 2004: 2). The above views suggest that an understanding of family, like marriage, reflects differing ideological, cultural and religious values. As such, respondents opposed to legislative reform favouring same-sex marriage conceive 'marriage as a sacred institution and the family, existing of a father (male), mother (female) and their biological children, as a cornerstone of society' (SALRC, Committee Paper 1115, 2004: 2-3). For these opponents the Constitution does not make the legal recognition of same-sex

³⁰SALRC, Committee Paper 1115 (2004: 2). Submissions in this regard are from the National Departments of Justice, Social Development, Society for the Physically Disabled, the Durban Lesbian and Gay Community and Health Centre, LifeLine and Rape Crisis.

relationships mandatory. A solution to the problem for opponents is to remove the term 'sexual orientation' from the equality clause. There is however, a group of respondents who believe that legislative reform favouring same-sex marriage is unavoidable, although it is not necessarily in agreement as to which reform option should be implemented. This category of respondents has reservations about the impact same-sex marriage would have on the concept of traditional opposite-sex marriage as a sacred institution, and about its subsequent impact on children brought up in such marriages and the effect this may have on societal morality. One respondent in this category from the Evangelical Fellowship of South Africa feels that legal recognition of same-sex marriage encroaches on the right to religious freedom (SALRC, Committee Paper 1115, 2004: 5). In another submission by the Presbytery of the Western Cape, the respondent asked whether covenanted, faithful same-sex relationships are not to be preferred to the promiscuity in which many homosexuals outside such relationships indulge (SALRC, Committee Paper 1115, 2004: 32). The same respondent asks 'is it not better, then, to support and even encourage such relationships by giving them the greater stability, social acceptance, protection and respect that legal recognition will facilitate?' (SALRC, Committee Paper 1115, 2004: 32).

Submissions in support of the proposals to legalise same-sex marriage principally underline the unconstitutionality of the denial of same sex marriage.³¹ Respondents submit that the state has already extended adoption rights to same-sex couples, thereby endorsing a family unit composed of same-sex couples. Respondents also state that their

³¹Numerous organisations and individuals in support of legalisation have made submissions to the Commission. Some of these are The Legal Aid Board, Society for the Physically Disabled, Department of Health and Welfare, Limpopo Province, Commission on Gender Equality, National Department of Justice. See SALRC, Committee Paper 1115 (2004) for specific details by respondents.

support for marriage equality does not prevent religious groups from refusing to marry same-sex couples, just as they are not prevented from refusing to marry people who do not comply with other aspects of their religion. The Equality Project has specifically addressed the objections of the religious communities who believe same-sex marriage infringes on religious freedom (SALRC, Committee Paper 1115, 2004: 36).

The point to be emphasised about both supporters and those opposed to same sex marriage, is the increased visibility the proposals in respect of same-sex marriage gain for homosexuality as a contested and indeed politicised identity. In an activist sense, the visibility surrounding homosexuality, which is a result of same sex marriage litigation, is relevant because the symbolism that marriage brings in respect of obligation and commitment, throws homosexuality into the public forum for debate. Semantics aside, the campaigns for legal recognition of marriage clearly emphasise for homosexuals what heterosexuals have always had access to: social, religious and legal recognition of a union. For queers the legal recognition of marriage will secure a public statement of affection and commitment. Marriage is not just simply a pre-cultural social construct and institution. It is also a socially determined one, and is an institution in a state of flux, and one that has become increasingly contested and secularised in the twentieth century, with new alternative forms of unions emerging (Weeks, 1995). As I write, no decision has been taken, but, a decision in favour of same-sex marriage is highly possible in terms of the Constitutional framework of South Africa. Ironically, the emergence of queer identity in respect of same-sex marriage has primarily been constructed through the heteronormative contestation of and

challenges to marriage as a sacred institution. This argument suggests the queer subject is obliged to resist the oppositional and homogenising discourses that limit freedom in terms of full citizenship that advance equality, dignity and privacy.

7.9 Conclusion

The preceding argument has demonstrated in relation to an empirical framing of legal decisions and ongoing litigation, how queer identity emerges in terms of claims and access to rights that offer legal protection from the perspective of constitutionality and full citizenship. In contrast, Chapter 2 demonstrated the limitations of constitutionality for the queer subject from 1968 when the State wanted to curtail homosexuality. At that stage, there was no Constitutional provision protecting sexual orientation. An important theoretical distinction must be emphasised about the contrasting time frames: the apartheid Constitution criminalised same-sex conduct, primarily the sexual acts between consenting people of the same sex. The post-apartheid Constitution, in contrast, began with the legal protection of 'sexual orientation' as a form of identity. The challenge presented to gays and lesbians of 1968 was immense, and the response to the threatened intrusion of the State into their private lives was met with resistance in the form of the Law Reform Group. The group of 1968 had little legal recourse in the fight for decriminalisation, and they focused instead on short-term benefits. In contrast, the decriminalisation campaigns since 1994 have sought to allocate rights for queers, and in doing so, have reinforced the development of queer identities as political and constructed in relation to ideological, cultural and social factors that have led to proscription. The homosexual becomes 'queer' in relation

to legal framings, especially because this is an identity that is marked by difference and dissent by 'normative' heterosexuality. As such, the decriminalisation process since 1994 has further entrenched the development of a 'queer' identity because the law has opened up a space for citizenship to be claimed, thereby ensuring recognition, inclusion and self-determination. The claim for queer citizenship is not a special privilege, but a necessary precondition for equal membership in the democratic project and in nation-building. Decriminalisation in effect suggests a journey towards social justice, if by the latter is understood the right of queers to social equality that in no way infringes the rights of others, but asserts the right to challenge cultural heterosexism, which in effect refuses queer rights. The achievement of legal equality is therefore also an ongoing contestation in the construction of an identity politics that is impossible to separate from the socio-political factors upon which it hinges. While sodomy has been eradicated as a crime, the current process in respect of marriage presents many hurdles before full citizenship is acquired. On the 22 December 2004, the Department of Home Affairs announced it will appeal the decision in the case of *Fourie v Minister of Home Affairs* because Home Affairs believes such a decision is premature in the light of the SALRC investigation into marriage. Legal victories are thus critical and important in reinforcing citizenship, but these victories do not immediately and simultaneously eradicate the persistent threat of homophobia. In this one important sense, queer identities cannot escape the political.

CONCLUSION

It is not the literal past, the 'facts' of history, that shape us, but the images of the past embodied in language.

Brian Friel (1981: 66)

I have discovered that sex is political and that, as moffies and letties, we had to be part of a revolution to change everything. It was the beginning of a life of sex and politics.

Zackie Achmat (1994: 341)

My family does not discuss homosexuality, and if they do, they talk about *stabane* and all that. So maybe I was scared to face up and say I like girls better because then they would call me *stabane*. I knew that logically I couldn't be *stabane* because that is a hermaphrodite [...] Yet I was afraid of the stigma and sadness of *stabane*.

Thandazo Alice Kunene (in Chan-Sam, 1994: 188)

I am a lesbian. I am a black woman. I live in the township. Life is not very easy in the township, but I smile through it even though for me, as a black woman and a lesbian, life sometimes doesn't want to make me smile. I come from a Zulu family where the men get first preference for everything, where they get to rule your life if you are a woman.

Sibongile (in Chan-Sam, 1994: 191)

But the formation of gay identity in South Africa is complicated even further by the fact that, at the very time we are beginning to see the emergence of a homosexual people, we are also having to live with HIV infection. The impact of HIV on gay men in South Africa has already been catastrophic [...] Homosexuals in the Aids scenario of southern Africa are a minority amongst those who are infected, a minority that can be safely ignored by the majority and those who hold power.

John Pegge (1994: 301)

1. Reflection and Reiteration

The preceding chapter outlined some legal reforms in South Africa, and ended with the claim that despite legal gains, the issue of marriage poses the greatest challenge to queer equality, queer citizenship, indeed queer lives within a heterosexual matrix of power relations. I offer no decisive conclusions about queer identity. Like the real, tangible personal, historical and politicised experiences of Achmat, Kunene, Sibongile and Pegge in the above epigraphs, and like the position of Lumphondwana in the epigraph to Chapter 1, the 'experiences' presented in their narratives, constitute affirmative statements about living, presence, inclusivity and belonging. Similarly these statements also disclose the

contestations about homosexuality. 'Belonging' in the queer sense, I have claimed, need not necessarily imply acceptance, tolerance, and indeed complete 'freedom', because the danger of homophobic violence is always a persistent threat within heteronormative institutions. This issue continues to be a refrain in the political modalities of queer identity politics and experience, not only in Southern Africa, but also in many parts of the globalised world.

The aim of this dissertation has been to motivate the political construction of queer identities. Throughout, I have explained some meanings that illuminate the emergence of the queer subject, and the relationship these meanings have for a queer formation of identity. The development of equality for queers was theorised as events and determined by the various chapters that have enabled me to identify the connection between power, knowledge and queer identity. The focus on *discursive* constructions of sexuality (in particular homosexuality) has shown that the regulatory public discourses of homosexuality in Southern Africa mean that queer identity has its roots in the apartheid state. These identities are politically reinforced in the post-apartheid project by resisting heteronormative assimilation of the queer subject. A crucial component of heteronormative conceptions of the homosexual is oppression via language. The 'moffie', 'stabani' and 'lesbo' represent the labels used to name, shame and injure the persons who represent a desire that is denounced as pathological. Despite the pejorative associations of the above terms, many homosexuals have appropriated these terms as a form of self-chosen identity. The contestations about homosexuality via some of these labels reveal a 'queer identity' that therefore resists and subverts heteronormativity.

My argument in *Part 1* raised a number of issues that principally related how queer identities are formed, how they are shaped, and what uncertainties lie ahead. Our identities are formed it seems, fundamentally in relation to an active engagement on our part as queers. If Chapter 1 set out the methodological and critical problem for all six chapters, the chapters that followed addressed the empirical context in relation to the discursivity that informs queer identities. The discursive reading of queer identities confirmed that the homosexual body is embodied as the target of a repressive system of power that sought to constrain, prohibit, punish, and to possibility annihilate desire for the same sex within the apartheid project. In the context of Namibia, Uganda, Kenya, Swaziland, Zimbabwe and Egypt a similar restraining power over homosexuals is revealed both by the criminalisation of homosexuality, and the vocal public denigration of homosexuals by leaders within those countries. In this sense, the homosexual (the queer subject in particular) continues to be represented as a pathologised figure over which governments exert a great degree of control. The chapters have therefore, in turn, collectively revealed and confirmed some of the cultural, political and critical processes within queer articulation of identities, and how these identities have been suppressed, resisted and articulated. 'Resistance', 'articulation' and 'affirmation' of identities become 'queer' within structures of power that regulate the homosexuals. These identities are repressed, minimised and contained, but never completely silenced.

The central ideas emerging in *Part 2* of this dissertation confirmed that homosexuality is an ongoing challenge defined by struggles around identity politics that are underpinned by *normative* expectations. As Taylor (1992) has argued, the political issues raised by identities (for example racial or queer identities) has fundamentally to do with a politics of *recognition*, the latter

referring to the social and political acknowledgement of the authentic identities of others. Chapter 2 profiled State response to curtail homosexuality. To this end, the State established a commission to canvass public opinion on the criminalisation of homosexuality by threatening to amend the criminal law to further prosecute and proscribe homosexuals. In this chapter, we witnessed a public mobilisation by the State against homosexuals, and a type of counter movement against State proscription of homosexuality by the Law Reform Fund. In the challenge by homosexuals of this period in the late sixties in apartheid South Africa, we saw the politicisation of homosexuality exemplified by State, as well as by the activism of the Law Reform Fund in what I termed the beginning of a modern liberatory project for South African queers. More so, the narratives of homosexuals, as revealed by submissions discussed in that chapter, disclosed an assertion of identity. Such an assertion of identity exemplified the hypothesis of this dissertation that identity formation is produced as a result of resistance to the prohibitive power of the State.

Similarly in Chapter 3, which focused on the Aversion Programme, the prohibitive power of the State (represented by the SAMS of the SADF) was evident in State sanctioning of curative therapy for homosexuals. The State motivated the programme on the pathological status accorded to homosexuality, despite a shift in psychiatric attitudes towards legitimising homosexuality. Most evident in this Programme was the 'abuse' (psychological 'brainwashing') of suspected homosexuals, notably by Colonel (Dr) Aubrey Levine. Such abuse confirmed State persecution, adjudication and repression of homosexuality through narratives of conscripts who were victims of the Programme. The idea that the Aversion Programme resulted in a type of sexual apartheid also confirms the repressive and violent strengthening of social divisions

such as gender and race within the military. The socialisation of conscripts, we learned, excluded same-sex desire because such desire was incompatible with becoming a soldier. If such desire was identified, the solution, it seemed, was to minimise the desire. Thus, in the minimising of such desire within the Aversion Programme in the apartheid project, and in the subsequent exposure of the Programme in the Project report, we witness the State's emphasis on same sex *desire* as deviant, rather than on the *identity* of homosexuals. The events and experiences of victims in this Programme lead to the conclusion that such 'deviant' desires, as perceived by agents of the State, are indeed 'queered', and thus repoliticised and reaffirmed by the victims in the Project report, as a desire integrally linked to an identity that is political.

Chapter 4 also established (and reconfirmed) the relationships between identities and race, gender, sexuality, and class. *Crossing the Line* (1989) and *Apart* (1995), two plays that illustrate the impact of political transition on the lives of young people, disclosed that queer desire (and identity) is oppositional, resistant and performative. In particular, the gendered and erotic scenes between characters produce lesbian identity in structures of conflict. In marked contrast to the expression of queer desire, Chapter 5 confirmed the absence of citizenship rights for African queers. The chapter showed how the homosexual is crystallised into a model of illness and disease through sustained hate speech by the leaders of African countries, in order to define the homosexual as a 'threat' to the African culture. The practice of misrecognising the homosexual underscores a 'queer' formation of identity because the homosexual is perceived to be different from, and inferior to heterosexuals. The heterosexist perception of the inability of homosexuals to contribute to procreation becomes an important determinant in the oppression of homosexuals in society. The oppression, exemplified by the hate

speech of African leaders, confirmed that homosexuality is contested as a practice that undermines the authority of patriarchy and culture.

However, while rights are non-existent for some African queers, the transition from apartheid to post-apartheid confirmed renewed opportunity for queers to renegotiate and affirm their identities through the emergence of public, visible (and) enabling service-delivery spaces. Chapter 6 confirmed a correlation between constitutional protection and the facilitation of material spaces that reinforce opportunities directly catering for queers to access services. These services offer (and advance) improved development of queer identities (such as psychological counselling). The existence of material spaces such as queer organisations in Cape Town, Durban and Pretoria confirmed that space, identity and politics advance the idea that queer identities do not operate in a vacuum. Chapter 7 similarly illustrated and reiterated a central facet of the overall argument, that the law - since South Africa's transition to Constitutional democracy - is central to the construction of queer identities. My interest in that chapter was less on describing the law, however, and more on how the law in the post-apartheid project confirms protection for and advancement of queer identities. Here again, the law illuminated how queer identities can be constructed. Thus, queer identities, within the discursive trajectory mapped in this dissertation, showed that a great degree of 'justice' has been assigned and allocated in favour of queers.

At the beginning of this dissertation I asked the question about the type of narratives that constitute homosexuality in Southern Africa. A preliminary deduction is that these are narratives of knowledge that constitute experience, which in turn, may be used to reconcile

the internal and private structures of sexuality with its external, referential, and often homophobic effects. Like identity formation, knowledge formation is always in process. For example, the experiences of queers and the submissions made to the 1968 Immorality (Amendment) Commission and the Aversion Programme report, confirm that knowledge is principally about experiences in relation to a repressive power formation. These narratives, I have also claimed, are effects of a disciplinary power that regulate sexuality. Following Foucault, I motivated that power is not exclusively repressive. I conclude instead that power is productive, and can foster and promote queer identity. If the law, for example, in the apartheid project had sought to repress, curtail, police and proscribe desire and identity, the law in this conjunction of power is repressive. But, if power - as demonstrated in the post-apartheid project - facilitated constitutional reform to 'protect' homosexuality, the law - again an effect of power - can be seen to facilitate and produce identity. Despite the positive outcomes for South African queers, such privileges sadly do not exist for many queers elsewhere. It is in this broader sense, I motivate, that the political construction of queer identity is far from over, and that it is premature to talk about a post-queer, or as Sinfield (1998: 6) phrases this, a 'post-gay' world. The notion 'post-gay' circumscribes a particular Western modality of queer politics where 'freedom' accrues in respect of certain material benefits for queers. But, the 'rainbow nation' of South Africa is in its infant stages as a liberal rights-based democracy, in which the political emergence of queer identities is only beginning to be realised amidst other challenges (such as racial tolerance, poverty, gender violence and disease, notably HIV/Aids).

My study leads me to conclude that it is necessary to hold on to the notion of 'queer'. A 'post-queer' conception is counterproductive,

especially because there is the renewed threat of homophobia by many powerful and influential institutions, notably those rooted in values based on religion and culture. Chapter 1 motivated concerns, principally in relation to the gendered regimes that sustain patriarchal privilege and sexualise the power between genders, and it is a view I reiterate in this conclusion.

Flowing from the above, intellectual (and political projects) that are directed towards seriously questioning the way we make meaning of ourselves as queer people, is therefore a necessary precondition for developing 'freedom' for queers. One way to achieve this, in part demonstrated by this dissertation, is to demystify the psychology of oppression in an anti-homophobic project. This dissertation, though formulated as an anti-homophobic critique, is not a grassroots struggle, but is rather to be viewed as an intellectual obligation. If African feminism, from the ambit of a queer theoretical perspective, is one possible route in the intellectual arena to promote queer equality, such an approach must be considered valid. Thus, in reading the *topos* of homosexuality against the grain of historical developments within Southern Africa, I have illustrated how the struggle for queer equality is intricately connected to the promotion and affirmation of identities.

The political construction of queer identities is therefore, in part, an investigation of its own possibility, which is a possibility that entails a reading of events of the past and of the present in relation to that past. The location of queer identities within discursive historical formations has become urgent at a time when history is understood as enigmatic, and in certain respects, defined in relation to a lack of closure. History is also not dead, despite Fukuyama's (1993) assertion to the contrary.

In another way, the dissertation motivates a revisionist approach by implicitly critiquing any study of homosexuality that merely prioritises 'unearthing' evidence of the 'homosexual presence' in a social historical sense. I have, therefore, been less interested in copious empirical detail, that determines particular events in history, than in the incomplete 'discourses' revealed by them. Queer identities are constructed at the junction of repudiations, evasions and denials that represent homosexuality as a problem. The apartheid project provided a particular historically unprecedented set of fears and misgivings about homosexuality. Such fears are still evident in South Africa today, despite legal advancements favouring queer citizenship. The mobilisation of Christians against queer marriage is one prominent response to queer equality. These fears reassign a political dissidence to the queer subject as it is seen to subvert a normative heterosexuality.

The importance of identity studies, to the historical and theoretical work of queer theory is that it articulates, in a non-prescriptive way, a valuable and politically progressive model of reading. Another important effect of a queer theoretical model, I conclude, is that it facilitates a re-reading of the hetero/homo binary within institutional efforts to pathologise homosexuality. This gendered binary however, is the basis of confirmed gendered oppression in the larger African context. The homo/hetero binary, in my view, consistently holds the risk of re-pathologisation and stigmatisation within heteronormativity. Homosexuality is a central component of sexuality. 'Violence' and oppression within heteropatriarchal contexts circumscribe the lives of some women and children, so too does homophobic violence circumscribe the lives of some queers. It is still mostly women, children and queers who thus operate within a system of oppression and subjugation.

I have not, as indicated earlier in the study, offered a detailed systematisation of homosexual oppression in Southern Africa. I have focused rather on understanding the *representation* of homosexuality in the politics of the State in which to a large extent, homosexuality as a model of desire poses an epistemological threat to homosexually *phobic* cultures. African societies undoubtedly continue to reflect this attitude toward homosexuality, most notably Zimbabwe, and most recently, the active reinforcement of criminalisation in Tanzania. My conclusion suggests that queer identity is currently *under construction* in South Africa. The 'political construction' of queer identities is therefore both about identity *expression, assertion, affirmation* and indeed responses to *renewed homophobia*.

2. Taking Stock of Identities

If one way of reading, interpreting and understanding the conditions of possibilities that give rise to queer identity formation is concerned with investigating relations of the past (such as events during the context of legalised apartheid), another form is concerned with narrating and interrogating a future. Queer identity seems to be less about the past than an aspect predicated on the *future*. The possibilities of legalised same-sex marriage or civil unions (depending of course on the future decision by the court) may bring hope of further liberation. This 'hope' suggests that queer sexualities are being normalised in the post-apartheid project. As indicated, identity has been a central organising category in scholarship over the last decade of the twentieth-century. This dissertation, undertaken from a variety of disciplinary perspectives has helped us understand how identities are framed by social change, how they are forged, resisted and re-produced. The improvements for queer equality in South Africa's democracy in

South Africa have shown that in the transition to democracy, the agency exerted by queers, has directed South African society towards a culture that stresses the importance of valuing *difference* in the nation-building effort. And while identity seems to be an important component of self-definition for most, we can conclude that identities are fundamentally changing, becoming as a result, discursive representations that reflect the tensions between personal and the repressive power of social structures. The tension between 'legal' protection on the one hand, and cultural beliefs on the other hand remain a serious challenge to the development of queer identities in South Africa. Active hostility is still pervasive, and deliberate, sustained anti-gay expressions are increasingly more evident. More specifically homosexuality is still essentialised in terms of culture, that is to say, homosexuality, in its perceived 'unAfricanness', still signifies for many, excess and promiscuity. Homosexuality is viewed by homophobes as an *act* that should not be accorded status as an *identity*.

Given the above perceptions and their inherent stigmatisation of homosexuals, it remains essential for queer politics to remain attentive to and mobilise against exclusions, discrimination and silencing. Queer identity formation in South Africa should also be concerned with advancing a human rights strategy that could reinforce solidarity with rights-based organisations in other African countries across class, race, and gender lines. Any attempt to dis-identify citizenship is a serious challenge to identity. Perhaps the greatest threats to South African queer identity are the withdrawal of rights by the State, and a retreat into apathy by queers as a *group*. The heterogeneity of queer communities must also be re-asserted.

Although partially addressed throughout my study, much remains to be done to address the racism within queer communities. The factor of 'race', in the context of the 'rainbow' nation, problematises queer identity politics. If we accept that identities are multifaceted, that identities continue to *matter*, and that they always have the potential for renewal, then the factor of 'race' complicates the development of identities in the broader context of the rainbow ideal.

Our sexualities need not be, as claimed earlier in the study, symptomatic of suffering, pain, mourning and despair. Tutu's impassioned plea in the opening epigraph of this dissertation called for a 'more compassionate, more caring, more gentle' acknowledgement of difference as a possible corrective to not just the past, but also the future. For queer identity to be acknowledged, recognised and sustained we have to evolve, as Weeks (1995) has cogently claimed, an ethics of love, care, responsibility, respect and knowledge. Such values are achievable if there is a sustained critical and political commitment to full equality. For the moment, 'queer' is a necessary (and strategic) political attachment we should hold on to.

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