Mandela's stepchildren: homosexual identity in post-apartheid South Africa

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Prologue

‘I’m in the constitution!’ a particularly edgy black drag queen howled to the crowds as the fifth annual Johannesburg Lesbian and Gay Pride Parade, 2000 strong, passed through the high-density flatland of Joubert Park. It was October 1994, just six months after South Africa’s exhilarating passage to democracy, and the onlookers—ordinary black folk who live in the neighborhood—beamed back delight. ‘Viva the mañjies!’ a young man shouted, appropriating a liberation chant: Long live the queers!

The first such event took place in 1990; not uncoincidentally in the year that Nelson Mandela was released and the African National Congress unbanned. That was the year of national euphoria, when prison cells were unlocked and marches were legalized and books could be read; anything seemed possible and everything seemed terrifying. That first year, march organizers provided participants with paper bags to wear over their heads if they wished; an utterly contradictory symbol for Pride, but one that offered a visible and tangible image of the closeted fear so many South Africans still felt in those first tentative months of ‘freedom’.

Four short years later, there was a palpable sense of liberation in the air. On one level, the bonhomie of the onlookers was simply sheer ebullience at a South Africa which no longer compartmentalized and categorized and shut people off from each other; a South Africa where you could parade your identity, whatever it was. Where you could now have a parade. But there was something deeper in the crowd’s clarity—if sometimes bemused—approval of the event. ‘No, I would not want to see my son or daughter marching there,’ said one observer to me, a stolid and ample-hipped woman in one of those flowing floral dresses that working people reserve for church. ‘But those people have the right to march. This is the New South Africa. When we were voting last April we weren’t just voting for our own freedom, we were voting for everyone to be free with who they are…’

The only vocal dissidents were a group of American Baptist bible-punchers led by one Pastor Ron Sykes who, for five years, had faithfully harangued the marchers with his ‘Turn or Burn’ sign and his finger-wagging admonitions of Sodom. In 1994, Sykes told the Johannesburg Sunday Times: ‘A lot of people consider us fantastic and freaks, but we hope to make these people realize that [what they do] is a wicked thing.’ Here was a Christian fundamentalist, claim-
ing to represent the moral majority, admitting that it is he and his troupe of naysayers who are generally considered to be 'fantastic and freaks'; acknowledging in effect that it was he—and not the gay marchers—who was marginal and out of step with the New South Africa.

Today, in 1999, five years into the new democracy, the Parade—now called a Mardi Gras—is escorted through downtown Johannesburg by a group of out-of-the-closet gay officers belonging to the South African Gay and Lesbian Policing Network. They are a little stiff, a little self-conscious, but beaming with pride. It takes your breath away when you remember how central the role of the police force was to apartheid repression, and how brutally it policed sexuality too.

Lebo Khumalo, a teenage girl from Soweto, is thrown out of her family home when she tells her parents she is a lesbian. Wandering the streets, she comes across Sis’ Nongeza, a street-sweeper, proud that he is ‘the only drag-queen in the employ of the Johannesburg Municipality’. The two are visited by the Spirits, a delightful trio of gay ancestors who sing and dance and recount their lives as gay men and women in the ‘50s. Lebo realizes that she has a place in the world and in the history of her people—that she is not a freak and that, in fact, even her grandfather was a homosexual—and is thus able to go home and reconcile herself with her family.

This, roughly sketched, is the plot of ‘After Nines’, a play about the black gay South African experience that deploys the burlesque musical theatre codes and the pastiche story-telling style of black protest theatre of the 1980s towards the new end of gay liberation. Performed in township community halls and at Johannesburg’s Civic Theatre in August 1998, it is a remarkable piece of work, not only because of its representation of black gay experience and excavation of black gay history, but because the brilliant performers are five men and women in their early twenties who—just like their antecedents in protest theatre—have become involved in theatre because of a sense of mission and identity.

The highlight of ‘After Nines’ is the cast’s campy rendition, led by Sis’ Nongeza in full, stylish township-drag, of ‘Nkosi Sikele’iAfrika’, the black liberation hymn. Despite the sanctity of this anthem—this, after all, is what doughty church-matrons and angry young comrades have used, for close to a century, to sing themselves into freedom—the three men and two women on stage reclaim it with a playfulness that does not mask, for one moment, their deep-rooted sense of belonging in the new, democratic South Africa of which ‘Nkosi Sikele’i is now the national anthem.

Indeed, in the very week their show began its run at the Civic, a far more momentous event was taking place just across the road in downtown Johannesburg, at the Constitutional Court—the highest court in the land. Here, the judges were hearing the very first test of the South African constitution’s pro-

tection of gay and lesbian equality. The new constitution, passed in May 1996, is the first in the world to outlaw, explicitly, discrimination on the basis of sexual orientation. (Using the South African model, Ecuador became the second, in 1997.) Section 8(3) of Chapter Two of the South African Constitution reads: ‘Neither the state nor any person may unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.’

Following an application from the National Coalition of Gay and Lesbian Equality (NCGLE) and the Human Right Commission, a statutory body, a supreme court judge had ruled in May 1998 that all the laws that render sodomy still a crime—or that discriminated against homosexual practise (such as unequal ages of consent)—were unconstitutional and had to be scrapped. ‘The expression of homosexuality,’ wrote Judge Jonathan Heher of the Johannesburg Supreme Court, ‘is as normal as that of its heterosexual equivalent, and is therefore entitled to equal tolerance and respect.’ Heher’s interpretation of the constitution was that sexual orientation cannot be a factor which influences ‘the distribution of social goods and services and the award of social opportunities;’ in South Africa, homosexuals may longer be discriminated against in the workplace, in medical aid schemes, in adoptions, even, theoretically, in access to marriage.

It was now the Constitutional Court’s job to ratify Heher’s ruling, and, at the very moment that the ‘After Nines’ cast was concluding its dress rehearsal at the Civic, it did so, unanimously: ‘Once you take away prejudice, there is nothing left,’ commented Judge Albie Sachs. ‘All the justifications [for homophobic laws] are based on prejudice, the very thing the constitution is there to prevent.’

Now, in the aftermath of South Africa’s second democratic elections, which took place in May 1999, the battle to implement the constitution’s sexual equality provision has begun in earnest. Already, there have been some milestone applications of the constitution: the National Defence Act prohibits discrimination in the military on the basis of sexual orientation, and the new labour legislation (the Basic Conditions of Employment Act and the Employment Equity Act) prohibits all workplace discrimination. Most significantly, in early 1998, a lesbian police officer, Inspector Jolande Langemaat, sued the police medical aid scheme, POLMED, for refusing to register her long-time companion, Beverley-Ann Myburgh, as a dependant. Langemaat claimed that this was unconstitutional—and won: ‘Both [homosexual and heterosexual] types of union are demanding of respect and protection,’ wrote Justice Roux of the Pretoria Supreme Court. ‘If our law does not accord protection to [homosexual unions], then I suggest it is time it does so.’

A year later, in April 1999, the Pensions Fund Adjudicator—a statutory official set up by the pension fund industry to regulate it—used the constitution to rule that the exclusion of same-sex partners from the ‘class of persons entitled to enjoyment of the spouse’s pension’ unfairly discriminated against
lesbian and gay couples by denying them the same rights that heterosexual couples have. In late 1999, the Constitutional Court ruled that the state had acted unconstitutionally in regard to residency permits to foreign partners of homosexuals, and a state welfare agency used the constitution to justify its decision in allowing a gay couple to adopt a baby. With a speed that even South African gay activists did not expect, the country was, at the turn of the millenium, approaching a position where same-sex marriage existed in all but name.

In September 1999, Uganda's main newspaper, New Vision, ran a double-page pullout entitled 'Homosexuals increasing in Uganda. Who's responsible?' Homosexuals, the article disclosed, identify themselves on the streets of Kampala by wearing a 'unique perfume only worn by a “woman-man”'. Twenty-five students were recently suspended from the elite Ntare School for allegedly practising homosexuality, and this appears to have ignited a wave of moral panic in the country, where the vice, one school principal commented to the newspaper, has reached "unprecedented" levels. At girls' schools, lesbian students 'adopt carrots, eggplants and bananas for penises. Such fresh fruits are usually available in the first weeks of term... When they run out [the girls] resort to test-tubes.'

The article cites a psychiatrist—who believes that shock therapy might cure the deviants—enumerating the many dangers of homosexual sex, one of which is that 'because oral sex can be vigorous, it could fracture the jaw.' One might see the comedy in it all if it weren't for the fact that the Penal Code of Uganda, like that of most former British colonies in Africa, prohibits sodomy as 'carnal knowledge against the order of nature'.

The rule of Yoweri Museveni might have brought enlightenment to Uganda in other areas, but when Museveni's government rewrote the constitution and the penal code in 1990, the maximum penalty for 'unnatural carnal' was increased from fourteen years to life imprisonment. Indeed, Museveni pronounced in 1994 that his government would 'shoot at' anyone bringing the unnatural practise of homosexuality into his country; he reiterated, following the Ntare School scandal in 1999, that all homosexuals should be arrested and convicted.

He is by no means alone, on the African continent, in the extremity of his views. In 1995, Zimbabwean president Robert Mugabe declared that homosexuality "degrades human dignity. It is unnatural, and there is no question, ever, of allowing these people to behave worse than dogs and pigs. If dogs and pigs do not do it, why must human beings? We have our own culture, and we must reeducate ourselves to our traditional values that make us human beings.'

He made these statements after an international furor following the Zimbabwean government's refusal to allow a gay organization—the Gays and Lesbians of Zimbabwe (GALZ)—to exhibit at the high-profile Zimbabwe International Book Fair, even though the theme of that event was 'human rights'. The more protest there was, the more intractable he became, seeing each criticism as further proof of the fact that the West was trying to corrupt essential and pure African morality. When a group of American lawmakers, led by Maxine Waters and Barney Frank, wrote urging him 'to reexamine the issue and to follow the government of South Africa in respecting the human rights of all people', he shot back: 'Let the Americans keep their sodomy, bestiality, stupid and foolish ways to themselves!... What is human rights? Don't we have natural rights too?'

One of the leaders of his ruling party's Women's League, a Mrs Mangwe, who is a member of parliament, drew the terms of this debate more crudely when she was asked by a South African TV crew whether the Zimbabwean war of liberation wasn't meant to free all people. 'Oh my God, no!' she responded indignantly. 'Our war was to protect our culture. Not to destroy by allowing homosexuality to run rife in it. It's not in our black culture and we don't want it!'

The effects of Mugabe's attack were immediately felt: the day after his first speech at the Zimbabwe International Book Fair, one of GALZ's black officials was detained. Police went to his parents, who did not know he was gay, and showed them a photograph of him in a newspaper—he has been unable to return to his home town. While white gay Zimbabweans were relatively safe, black gay Zimbabweans stated that they feared for their lives, because for Mugabe to sustain his lie that homosexuality was un-African, he had to intimidate black gays into invisibility.

Mugabe's homophobia has provided other African leaders with a cue-sheet for how to rail against neo-colonialism. In the last few years, Kenya's Daniel Arap Moi has said that 'homosexuality is against African norms and traditions,' and Zambia's Frederick Chiluba that 'homosexuality is the deepest level of depravity. It is unbiblical and abnormal. How do you expect my government to accept something that is abnormal?' In March 1997, following the formation of Gays and Lesbians of Swaziland (GALESWA), the Swazi king Mswati III declared that 'these people are sick'; at a meeting between the king and the country's religious leaders, the president of the Swaziland League of Churches, Isaac Dlamini, said, 'Your Majesty, such people hate God. According to the Bible, these are the people who were thrown into the dustbin. The Bible said they should be killed.' After having been detained briefly, the founder of Galeswa, Chief Mangosuthu Dlamini—a member of the royal family—wisely fled to South Africa.

Responding to the formation of a gay group called the Rainbow Coalition in Namibia, the country's president, Sam Nujoma, told a women's conference in December 1996 that 'homosexuals must be condemned and rejected in our society.' He was backed up by an official statement, issued by the ruling South West African Peoples' Organization (SWAPO), that 'homosexuality deserves a severe contempt and disdain from the Namibian people and should be uprooted totally as a practice.' The statement called on Namibians to 'revitalize
our inherent culture and its moral values which we have inherited for many centuries from our forefathers. We should not risk our people being identified with foreign immoral values.

All the above deploy a contradictory arsenal of Christian fundamentalism and African nationalism: they claim that it did not exist in pre-colonial African society, and that it is a colonial degradation, a Western import—conveniently forgetting that it was the colonizer who brought both the Bible and the penal code, with their censure of 'unnatural acts', to African soil. There is a clear relationship between the flagging fortunes of these African leaders, and their recourse to homophobia: gays become easy scapegoats and titillating distractions. Mugabe, who presides over a declining, corrupt and alienated state, unleashes his anti-gay rhetoric strategically to distract Zimbabweans from his government's failings: in the Mugabe world view, homophobia has become a way to rally his people around all that he thinks is wrong with 'Western' and 'liberal' society. Museveni became strident about homosexuals at exactly the time Ugandans were most critical of him for dragging their country into the Congo war; Chiluba did it when he faced a coup; Nujoma to distract attention from criticism against him for amending the constitution to serve a third term; King Mswati when he was facing massive internal strife from the pro-democracy trade unions.

In late 1999, succumbing to international donor pressure on his homophobia, Uganda's Museveni backtracked on his earlier extremism: if homosexuals 'did it quietly,' he was quoted as saying, they would be left alone: 'Homosexuals are the ones provoking us. They are upsetting society. We shall not allow these people to challenge society.' The message from Museveni, Mugabe and many of the others is clear: if homosexuals return to the old 'pre-gay' ways, they will be left alone.

Thus a difficult dialectic is emerging in contemporary African society: as gay organizations, heartened by the successes of the South African movement, are beginning to take root, state-sanctioned harrassment and discrimination of and violence against homosexuals has increased. In Namibia, Swaziland, Zambia, Botswana, Zimbabwe, Kenya and Uganda, presidential anti-gay invective has without exception been in direct response to the growing articulation, confidence and profiles of gay movements in those countries.

At the core of this dialectic is the troublesome reality that that Mugabe, Museveni, Nujoma et al are right about one thing: while homosexual practise predates the colonization of the continent, the advent of a 'gay' subculture—of people taking on identities as 'gay' or 'lesbian' and demanding rights as such is without doubt a new—and Western—import, insofar as it is a consequence of urbanization and modernization in a global society. Because of their advanced economies, their large white settler populations and their histories of struggle for human rights, Zimbabwe and South Africa have become the first two sub-Saharan African countries to have to deal with the cultural trauma of acknowledging homosexuality, but the trend is developing throughout the continent. As more and more young Africans come of age in the continent's burgeoning middle class, they find the freedom, intellectually and financially, to be able to claim a gay identity, and to shift their sexuality from being a practice to being an identity. The Internet, satellite TV and video rental stores are all key elements in the development of gay consciousness in Africa.

But as this happens, nerves become raw, as is clearly evidenced by the anger unleashed by African political and clerical leaders: for the first time, severely repressed societies are forced to talk about sex, a conversation which ends, logically, at a new analysis of gender, and roles that men and women play in both bedroom and society. The tension is between two very different ways of dealing with the homosexuality—the traditional approach, which finds ways of accommodating it and not talking about it (do what you like in private as long as you marry and have kids), and the Western way, which claims for homosexuals a 'gay' identity and impels them to live a 'gay' life. With the latter comes personal freedom—and extreme cultural conflict.  

In September 1999, the International Lesbian and Gay Association, ILGA, held its biennial conference in Johannesburg: it had, consequentially, the largest ever number of African delegates at an international event of this nature: representatives from Namibia, Botswana, Uganda, Kenya, Zimbabwe, Uganda, Cote d'Ivoire, Cameroon and Zambia whose activism in the face of the opprobrium described above is nothing short of heroic.

The keynote speaker at the conference's gala banquet was the South African deputy minister of justice, Cheryl Gillwald. She reminded her audience that, in contrast with the attitudes of other African leaders, the South African president, Thabo Mbeki, had said as early as 1986 that 'the ANC is indeed very firmly committed to removing all forms of discrimination and oppression in a liberated South Africa... That commitment must surely extend to the protection of gay rights.'

How is it possible that the South African experience, in dealing with homosexuality, has been so utterly different from the rest of the continent? In marked contrast to Mugabe, Nelson Mandela made a point of mentioning the right to gay equality in his inaugural address after his election in 1994, and met with gay South African leaders a year later to reaffirm his commitment. Several senior ANC figures have called for an end to discrimination against gay people. In 1994, an outspoken gay activist, Edwin Cameron, was appointed to the Supreme Court; no one has blinked an eyelid. At a public hearing in 1995, the Independent Broadcasting Authority, tasked with deregulating the airwaves, tripped over itself to assure gay people that they would receive equity of airtime.

Opening the third South African gay and lesbian film festival in November 1996, Karl Niehaus, a senior ANC parliamentarian who is now South African ambassador to Holland, urged gay people to come out of the closet. Two years previously, opening the first festival, the minister of police for Gauteng
Province (Johannesburg), Jessie Duarte, offered herself as a patron for the local Gay and Lesbian Organization of the Witwatersrand (GLOW) and then called, loudly and publicly, for an end to discrimination against gay people. 'Not only are there legal injustices to be done away with,' she said, 'but mindsets and cultures have to be done away with too. It is one thing for you to have your rights and equality in the law, it is quite another to have them each day in the street, at work, in the bar, in public places where you socialize and where you cruise.' She then called for all homophobic police officers to be exposed.

In May 1996, when the final constitution was approved by South Africa's parliamentarians, only two legislators, belonging to the tiny fundamentalist African Christian Democratic Party (ACDP), voted against the inclusion of 'sexual orientation' in the equality clause. All the rest, from the militant black nationalist Pan-Africanist Congress (PAC) to the Afrikaner separatist Freedom Front, approved it.

Perhaps this was because they had other battles to fight, but this in itself is significant: despite voluble behind-closed-doors discomfort with gay equality within the ANC (see below), homosexuality, in post-apartheid South Africa, has by and large not been a public issue. When the leader of the PAC, Rev. Stanley Mogoba, stated during the 1999 election campaigns that homosexuals were sick and 'needed help', the party quickly issued a statement to say that this was his personal opinion and not official policy. Not even the ACDP (which gets most of its ideology from the American Christian Coalition) deployed anti-gay invective in its election campaign. It has been, rather, in everyone's interest—particularly those representing other minorities—to accept the ANC's foundation-premise that all human rights are equal and indivisible.

The primary reason why the notion of gay equality passed so smoothly into the constitution is most likely that the ANC elite has a utopian social progressive ideology, influenced largely by the social-democratic movements in the countries that supported it during its struggle: Sweden, Holland, Britain, Canada, Australia. In exile in these countries, key South African leaders came to understand and accept—and, in the case of women, benefit from—the sexual liberation movement. Foremost among them were Frene Ginwala, now Speaker of Parliament; Albie Sachs, now a judge on the Constitutional Court; Kader Asmal, now the minister of education; and Thabo Mbeki himself, South Africa's second democratically elected president.

Very significantly, though—unlike in other African countries—those uncomfortable with gay equality could not marshal the support of a homophbic church. On the contrary, South Africa's undisputed moral leader, Archbishop Desmond Tutu, has made it an article of faith to support gay equality; he has become an international advocate for the ordination of gay priests into the Anglican church, and he has repented publicly for the church's previous discriminatory policies. Tutu has recently written that those who make gays and lesbians 'doubt that they were the children of God' commit 'the ultimate blasphemy... If the church, after the victory over apartheid, is looking for a worthy moral crusade, then this is it: the fight against homophobia and hetero-

sexism.'

In its campaign to get the gay equality clause passed, the National Coalition for Gay and Lesbian Equality (NCGLE) managed to secure support letters from several prominent clerics. Tutu included. The NCGLE, formed in 1994, has set itself the primary task of decriminalizing homosexuality and lobbying for legislative reform. The cornerstone of its highly effective—if essentialist—strategy has been to define homosexuality as a characteristic as inherent and immutable as race: 'Every single black South African,' says Kevan Botha, the coalition's chief constitutional lobbyist, 'knows what it's like to be discriminated against because of something you have no control over. And so it was very easy for them to make the connections to what we were saying about how gay people are victimized.'

Another key element of the strategy is to view gay equality as a broad-based human rights issue rather than the narrow pleadings of a dispensable minority. This approach has taken root in neighbouring countries too—most notably, in Zimbabwe, where GALZ has aligned itself with the extra-parliamentary opposition to Mugabe's autocracy, and where the trade-unionist leaders of this movement—people like Morgan Tsvangirai who will be the next generation of the country's leaders—have made it clear that they support the notions of homosexual equality developed in South Africa.

The ground had been laid for the South African strategies of viewing gay issues as part of the struggle against apartheid by the coming out, during the struggle, of prominent gay anti-apartheid activists. Foremost among these was Simon Nkoli, who died of AIDS-related illness in early 1999. In the infamous Delmas treason trial of the mid-1980s, Nkoli disclosed his homosexuality, and eventually managed to gain the support of all his co-accused, several of whom are now senior members of the ANC government.

One of them is Patrick Lekota, the ANC national chairman and South Africa's defence minister, who said at the time of Nkoli's death that 'all of us acknowledged that [Simon's coming out] was an important learning experience... His presence made it possible for more information to be discussed, and it broadened our vision, helping us to see that society was composed of so many people whose orientations are not the same, and that one must be able to live with it.' And so, when it came to writing the constitution, 'how could we say that men and women like Simon, who had put their shoulders to the wheel to end apartheid, how could we say that they should now be discriminated against?'

Upon his release from prison in 1989, Nkoli founded GLOW, radically different from the gay organizations that preceded it in that it was a black organization. Nkoli's major contribution was thus to counter the notion, prevalent in Africa, that homosexuality is not only un-Christian, but 'un-African', a white contamination of black society.

But the work of Nkoli and other black gay South Africans is by no means over. Taking note of the extreme homophobia that exists on the continent and in South Africa, deputy minister of justice Cheryl Gillwald, in her speech to