

1  
2  
3  
4 **SEXUAL TENSIONS OF POST-EMPIRE**  
5  
6

7  
8 Katherine Franke\*  
9

10  
11 **ABSTRACT**  
12

13 *In this essay Katherine Franke examines two contemporary cites in which*  
14 *state efforts to eradicate the traces of empire and to resurrect an authentic*  
15 *post-colonial nation have produced sexual subjects that serve as a kind of*  
16 *existential residue and remainder of a demonized colonial past and absence.*  
17 *Looking first at post-colonial Zimbabwe, Franke argues that President*  
18 *Mugabe’s aggressively homophobic policies have played a key role in*  
19 *fortifying his leadership as authentically African and post-colonial.*

20 *Franke then turns to current efforts by the Mubarak government in*  
21 *Egypt to publically prosecute men for having sex with men. The Mubarak*  
22 *government has used homosexual show trials, first in security courts, and*  
23 *then in civilian courts, as a dry run for the reorganization of the Egyptian*  
24 *court system’s jurisdiction over dissenters and outcasts.*  
25

26 When a people seek to put behind them an ignoble past characterized by  
27 domination, exploitation or tyranny of the many by the few, they can be dogged, if  
28 not haunted by the residue of that past. This residue can take many forms, and can  
29 threaten the coherence, stability and forward-looking nature of the new states that  
30 are brought into being during these periods of revolt and re-building. Residue can  
31 also prove to be a quite productive prop to the masters of post-colonial statecraft.  
32 In this essay, I explore two circumstances in which the aggressive efforts of a state  
33

34  
35 \* Professor of Law and Co-Director Center for the Study of Law and Culture, Columbia University  
36 School of Law.

37 **Studies in Law, Politics, and Society**  
38 **Studies in Law, Politics, and Society, Volume 33, 63–88**  
39 **Copyright © 2004 by Elsevier Ltd.**  
40 **All rights of reproduction in any form reserved**  
**ISSN: 1059-4337/doi:10.1016/S1059-4337(04)33003-6**

1 to unwrite its colonial past have left smudges of erasure – not just any smudges,  
2 but sexual smudges. In these two contexts, state efforts to eradicate the traces of  
3 empire and to resurrect an authentic post-colonial nation have produced sexual  
4 subjects that serve as a kind of existential residue and reminder of a demonized  
5 colonial past and absence. They are useful residue, indeed.

6 We all know by now that sex is an especially dense transfer point for power  
7 (Foucault, 1990). By this Foucault meant that sex is particularly well suited to the  
8 projects of control, denigration, regulation or governance. It is an especially good  
9 lever by which to wield power of various sorts. But it also may be the case that in  
10 circumstances in which power is being transferred – from colonial to post-colonial  
11 control, for instance – sex is not far from the scene. That is, in dense transfer points  
12 of power, sex is likely to make an appearance. Foucault taught us that where there  
13 is sex, there is likely power. But I hope to show here that where there is power,  
14 there is likely to be sex.

15 Contemporary Zimbabwe and Egypt show us that at moments where state power  
16 is being solidified in new forms, the state gains an official sexuality, some sources of  
17 threat are singled out and sexualized, and the management of sex becomes a tool of  
18 governance that produces individual unfreedom in the name of expanding national  
19 freedom or independence. What we see in these two contexts are government efforts  
20 to deliberately erase their colonial pasts in order to call forth a more authentic  
21 indigenous present. Of course, this sort of erasure is impossible, in the sense that  
22 these regimes cannot rewind the tape to a pre-colonial era and then hit the play  
23 button anew. Nor can they either rhetorically or politically forge a rebirth of the  
24 authentic nation purged of any trace of colonial involvement or investment. These  
25 governments nevertheless persist in post-colonial or extra-colonial governance  
26 aimed at indigenization. Their efforts can be understood as at once destructive and  
27 productive – the projects to destroy the past leave a remainder, and excess – a set  
28 of sexual perverts/objects, whose sexual subjectivity is in large part the product of  
29 the government's use of sex as a tool of statecraft.

30 First, I look at the sexual politics of rule of President Robert Mugabe in Zim-  
31 babwe. Mugabe has found the deployment of sex as a particularly useful wedge  
32 issue in his mission of national freedom – that is, freedom from colonial rule by  
33 the British. Mugabe has effectively undertaken brutally homophobic policies by  
34 framing them within a post-colonial story that has enormous purchase with his  
35 people, and, indeed, a story that has floated his political career.

36 Yet driving this deployment of a homophobic anti-imperialist program has  
37 been a shrewd plan to disempower a rapidly growing civil society in Zimbabwe.  
38 Mugabe's repressive campaigns attacking homosexuals have supported an ever  
39 radiating set of attacks against women, political opponents and white farmers.  
40 One way to read this trajectory is to see that the assault on homosexuality as a

1 principal entry point in the creation of a culture of intolerance. Here, as elsewhere,  
2 sex has been looked to as a particularly useful transfer point for the consolidation  
3 of post-colonial power.

4 I then turn to Egypt and recent government-led campaigns of public criminal  
5 prosecutions of men alleged to be gay. It is tempting to read these public spectacles  
6 as events similar to those being undertaken in central and east African nations: the  
7 Egyptian government bluntly demonstrating its Islamic credentials to a domestic  
8 and pan Arab audience, and in so doing, consolidating its own power. Yet, closer ex-  
9 amination reveals that these show trials emerged as part of an ongoing post-colonial  
10 struggle within Egypt that began in the 1930s with the repeal of British colonial  
11 laws licensing prostitution. Against this history, a set of homosexual social and  
12 legal subjects have been created by the Mubarak government, and once so formed  
13 and disciplined, “human rights” rides into the rescue to liberate them from social  
14 and legal opprobrium. Here as in Zimbabwe, rights get pitted against custom and  
15 culture. Thus, the assistance of the international human rights establishment has  
16 further reinforced post-colonial nationalist rhetoric that located individual rights  
17 as a Western norm that threatens to undermine authentic African culture.

18 George Mosse, Ann Stoler and others have observed a productive, if not re-  
19 productive, relationship between sexuality and nationalism (Mosse, 1985; Parker  
20 et al., 1992; Stoler, 1995). Stoler has noted that “the distinction between normality  
21 and abnormality, between bourgeois respectability and sexual deviance, and  
22 between moral degeneracy and eugenic cleansing were the elements of a discourse  
23 that made unconventional sex a national threat and thus put a premium on managed  
24 sexuality for the health of the state” (1995, p. 34). My project here is to illuminate  
25 not only the validity of this observation, but also the circumstances under which a  
26 form of state-sponsored biopolitics calls up unconventionally sexed subjects in the  
27 service of the project of statecraft. Thus, sex can be usefully *put to work*, as I have  
28 discussed elsewhere (Franke, 1998), as a structural component of post-colonial  
29 nation building in moments when nationalism gives way to nativism.<sup>1</sup>

30  
31

32 **DISCIPLINARY ADMINISTRATION OF AFRICAN**  
33 **NATIONAL SEXUAL CITIZENSHIP**  
34 **IN POST-COLONIAL ZIMBABWE**  
35

36  
37 For Benedict Anderson nationalism is best understood as more similar to kinship  
38 or religion than liberalism or fascism (Anderson, 1983, p. 15). Surely this is true of  
39 Robert Mugabe’s approach to nation building in post-colonial Zimbabwe. Mugabe  
40 has sold to his people a notion of an independent and sovereign Zimbabwe that

1 has rested upon the idea of indigenization, yet where some people are more  
 2 indigenous than others (Meredith, 2002, p. 129). While this is not an uncommon  
 3 post-colonial nation-building strategy, Mugabe has undertaken such a task in a  
 4 manner that explicitly constructs “national identity not on the basis of its own  
 5 intrinsic properties but as a function of what it (presumably) is not. Implying  
 6 ‘some element of alterity for its definition,’ a nation ineluctably ‘shaped by what  
 7 is opposes’ ” (Parker et al., 1992, p. 5). In Mugabe’s Zimbabwe, post-colonial  
 8 nationalism, once an effective approach to rule, has given way to crude nativism  
 9 as his regime became vulnerable to increasing domestic and extraterritorial  
 10 pressure. The difference against which Mugabe has constituted Zimbabwean  
 11 kinship and nativism has been, of course, racial in nature, but Mugabe has  
 12 used sexuality to consolidate power in a post-colonial regime threatened both  
 13 extraterritorially by the likes of the World Bank, and domestically by a growing  
 14 political opposition and expanding institutions of civil society. As Oliver Phillips  
 15 has argued, in contrast to a post-apartheid South Africa that has sought to  
 16 accommodate difference and create an open, heterogeneous society, Mugabe’s  
 17 approach has been to imagine Zimbabwe as a homogeneous community whose  
 18 very being is threatened by diversity and disunity (Phillips, 1997). “Politically  
 19 and socially, Zimbabwe has become much more ‘inward-looking’ than is South  
 20 Africa” (Jacobs, 1998). At key moments, that disunity and isolation has taken  
 21 sexual form. Aeneas Chigwedere, a member of Mugabe’s cabinet, put it thus:

22  
 23       What is at issue in cultural terms is a conflict of interest between the whole body, which is  
 24       the Zimbabwean community and part of that body represented by individuals or groups of  
 25       individuals . . . The whole body is more important than any single dispensable part. When your  
 26       finger starts festering and becomes a danger to the body you cut it off. – The homosexuals are  
 27       the festering finger (Chigwedere, 1995, p. 14).

28 In Zimbabwe, formerly Rhodesia, a white majority government declared inde-  
 29 pendence from Britain in 1965, and whites grabbed the most valuable resources  
 30 in the country, leaving blacks to struggle in extreme poverty on unproductive  
 31 land. A protracted war for liberation ensued in which land redistribution was one  
 32 of the central issues. In 1980 the British helped broker a resolution to the war  
 33 for liberation from white rule, and when elections were held, Robert Mugabe,  
 34 leader of the Zimbabwe African National Union-Patriotic Front (Zanu-PF), the  
 35 dominant liberation movement, won a resounding victory (Meredith, 2002, p. 39).

36 For a short while Mugabe’s government held out hope of offering the Zimbab-  
 37 wean people a peaceful and relatively prosperous transition away from British  
 38 rule to independence. Promising reconciliation with the white Rhodesians who  
 39 remained in the country after the elections, Mugabe initially reached out to the  
 40 former white leadership in a manner that caught most white elites by surprise.

1 Yet, after 18 months, Mugabe declared that “the honeymoon is over” and he  
2 unleashed vicious attacks against whites as well as his political competition (Ibid.,  
3 pp. 52–57). Ongoing attacks against Mugabe from South Africa on account of  
4 his Marxist politics, and the adoption of an Economic Structural Adjustment  
5 Program (ESAP) in 1991 led to increases in interest rates and inflation, which  
6 problems were compounded by drought in 1992 and 1995. Land reform was not  
7 integrated into the ESAP, while large scale commercial farmers were the principal  
8 beneficiaries of reforms promoting agricultural exports. The stock market fell and  
9 manufacturing contracted by 40% between 1992 and 1996. By 1997, the Mugabe  
10 government was faced with a serious economic and political crisis, with attendant  
11 public strikes, increased violence and increasing demands to wrest control of the  
12 most productive land from white former Rhodesians who had been grandfathered  
13 out of land reform in the 1980 settlement brokered by the British (Dashwood,  
14 2000; Human Rights Watch, 2001).

15 While Mugabe had always used racial and political differences to establish the  
16 authenticity and authority of his government, in 1995 he nominated a new threat to  
17 the identity of integrity of Zimbabwean society: homosexuality. Against a back-  
18 drop of escalating political, social and economic chaos, that year Mugabe began a  
19 public campaign against lesbians and gay men, actively encouraging the national  
20 press to report negatively on issues relating to homosexuality, and speaking out  
21 himself in ways that invited violence against gay men and lesbians.<sup>2</sup> He ordered  
22 the 1995 Zimbabwe International Book Fair to ban an exhibit by the civil rights  
23 group Gays & Lesbians of Zimbabwe (GALZ). Lesbians and gay men were “sex-  
24 ual perverts” who are “worse than dogs and pigs,” claimed Mugabe. He warned  
25 homosexuals to leave the country “voluntarily” or face “dire consequences”  
26 (ANC, 1996). Soon afterwards, Mugabe urged the public to track down and arrest  
27 lesbians and gay men. Since these incitements, men and women perceived to be  
28 gay or lesbian have been beaten up, fire-bombed, arrested, interrogated and threat-  
29 ened with death. Mugabe justified these remarks on the ground that homosexuality  
30 is “un-African,” describing it as “coming from so-called developed nations,”  
31 labeling homosexuality “a white problem.” “Let them be gay in the U.S., Europe  
32 and elsewhere . . . They shall be sad people here” (Dunton & Palmberg, 1996,  
33 p. 13). Surely, none of his domestic or international troubles could be traced back  
34 to same-sex sexual practices, yet Mugabe devoted considerable time and vitriol to  
35 the “problem” of gay people in Zimbabwe, and many observers, both domestically  
36 and internationally, held the view that Mugabe unleashed such a homophobic  
37 tantrum as a way to distract attention away from the government’s growing eco-  
38 nomic and political problems. Of course, the growth in visibility of gays, and to a  
39 lesser extent lesbians, in Zimbabwe in the mid-1990s provides some explanation  
40 for why Mugabe chose this group at this time to vilify in such a public way.

1 Perhaps more important, the aggressive imposition, if not, invention of tradi-  
2 tional and authentic Zimbabwean culture through the assertion of heterosexuality  
3 arose at a time in which Zimbabwe had lost a normative antipodal anchor  
4 against which it had asserted its own superior identity: Apartheid South Africa.  
5 Prior to 1991,

6  
7 not only did the apartheid government provide Zimbabwe with an external military, economic  
8 and political threat on which to focus, but it presented the Zimbabwean government with a  
9 moral high ground easily occupied. Both of these factors provided a moral-political impetus  
10 and a certain cohesion to government and society in a newly liberated Zimbabwe, as well as  
11 sometimes excusing or distracting from internal problems (Phillips, 1997, p. 481).

12 The dissolution of apartheid in Zimbabwe's neighbor to the south withdrew the  
13 specter of an evil empire with which to contrast Mugabe's civic, African and  
14 political virtue. As the new South Africa basked in the warm glow of international  
15 attention and favor, Mugabe sought ways to retain prominence in southern Africa  
16 as well as internationally. By positioning himself as a pan-African leader whose  
17 normative commitments and values derived from traditionally African customary  
18 law, he could contrast himself with the cosmopolitan, multi-cultural and distinctly  
19 modern post-Apartheid South Africa.<sup>3</sup> To this end, state-sponsored hostility to  
20 homosexuality as a modern, colonial imported identity proved to be a clever move  
21 that was part of a larger project of collapsing the state with the traditional African  
22 nation such that opposition to the state could be framed as anti-African. Phillips  
23 has made similar observations about the utility of homophobia to Mugabe's  
24 regional and international designs (1997).

25 By the mid 1990s members of the ruling ZANU PF party in parliament spoke out  
26 against "the evil and iniquitous practice of homosexuality and lesbianism." One  
27 party member declared, "I would like to call for all traditional forces in this country  
28 to rally behind the State President in the eradication of homosexuality. I feel that  
29 all those who know homos in this country should make them be brought before  
30 the courts of law and be tried for their evil activity." Border Gezi, the governor of  
31 Mashonaland Central Province, declared that gays and lesbians have "something  
32 wrong in their heads" and that homosexuality is completely alien to Zimbabwean  
33 culture. "They have no right to practice homosexuality in our country," he said. "If  
34 they don't like it, they can leave" (BBC News, 1998).

35 Of course, Mugabe's assertion of authentic African heterosexuality dissolves un-  
36 der the slightest pressure. The notion that human beings possessed a sexuality, such  
37 that it could be organized into homo and hetero sexualities, was itself an artifact of  
38 British colonial rule (Phillips, 2000, p. 24). Phillips provides ample evidence of a  
39 range of same-sex sexual practices that took place across the African continent in  
40 the pre-colonial period (1997, p. 474). So too have a number of other scholars (De

1 Rachewiltz, 1964, p. 280; Epprecht, 1998; Evans-Pritchard, 1970; Talbot, 1967,  
2 pp. 35–36). Prior to the civilizing missions of the colonial occupation in Rhodesia,  
3 human sexuality was understood in reproductive terms that were constitutive of  
4 kinship networks and familial wealth. Sexual identity of object choice framed in  
5 terms of desire was never the organizing force behind human sexuality. “What  
6 was important was consequential physical activity rather than projected cognitive  
7 desire” (Phillips, 1997, p. 475). Thus, the Mugabe government’s assertion of an  
8 authentic, pre-colonial African sexuality presupposes an approach to sexuality  
9 that has no African roots, and the campaign against gay people in Zimbabwe was  
10 undertaken, in significant part, through the enforcement of, if not merely reference  
11 to, laws criminalizing homosexuality that had been enacted by the British during  
12 colonial rule (International Gay and Lesbian Human Rights Commission, 1996;  
13 Phillips, 1997, pp. 476–477).

14 While homo sex existed in Zimbabwe prior to Mugabe’s strategic interpellation  
15 of a gay threat,

16 he has introduced the word and concept of a ‘sexuality’ into a previously virginal public dis-  
17 course; he has been a virulent propagandist for the whole concept of a binary division, where  
18 those boundaries were previously blurred. This is not to suggest that Zimbabwe is now flooded  
19 with self-identified same-sex lovers – it is simply to suggest that he has participated in the con-  
20 stitution of a new identity – one that is individualised, sexualised, and in this form, historically  
21 marginalised. Further, by publicising his homophobia President Mugabe has given an identity  
22 to many who were previously ignorant of or uncaring about it (Phillips, 2000, p. 31).

23 The heterosexual/homosexual binary that undergirds Mugabe’s efforts in this  
24 regard rests, to be sure, on the stability of other binaries as well, such as that of male  
25 and female. But these distinctions, and the heteromasculine norms that they as-  
26 sume, have not been as historically stable on the African continent as Mugabe pre-  
27 supposes. Traditionally, the gendered concepts of “woman” and “man” had some  
28 play in their joints depending upon a range of social and cultural felicities or infelic-  
29 ities (Colson, 1958). Women could be released from marriage to an impotent man,  
30 as he was treated socially as another woman (Gluckman, 1967). The Nuer people  
31 along the upper Nile as well as some Zulu people have had traditions by which im-  
32 portant women could marry other women by giving marriage-cattle for their brides,  
33 and the more powerful women in the marriage would be considered the father of the  
34 wife’s children begotten by some male kinsman of the female husband (Amadiume,  
35 1987; Gluckman, 1967; Murray, 1998). Carrier and Murray have written that  
36 “woman-woman marriage – in which one woman pays brideprice to acquire a hus-  
37 band’s rights to another woman – has been documented in more than thirty African  
38 populations” (1998). Sudarkasa has found that there is a general de-emphasis on  
39 gender in “traditional” African societies and a corresponding emphasis on status  
40 (“personal standing”), which is usually, but not always, determined by wealth

1 (1986, p. 97). Thus, the authentic African heterosexuality that Mugabe asserts is be-  
2 ing threatened by the presence of homosexuality in Zimbabwe is largely a myth of  
3 his own making, as are the notions of heteromascularity and heterofemininity that  
4 undergird it.

5 Phillips' conclusion, in this regard, is surely right. He argues the Mugabe's  
6 efforts to denigrate homosexuality as un-Zimbabwean and unAfrican have two  
7 designs. First to situate homosexuality as European, and therefore depraved and  
8 evil in its power to corrupt other cultures, and second to mark homosexuality as  
9 white. In Mugabe's annual New Years address on January 1, 2000, he declared to a  
10 crowd of celebrants "We cannot have a man marrying a man or a woman marrying  
11 a woman here. What an abomination, a rottenness of culture, real decadence of  
12 culture . . . Once you impose a foreign culture on us then you naturally evoke  
13 the devil in us" (*ANC Daily News Briefing*, 2000). Thus, argues Phillips, "the  
14 signifier of homosexuality is used to denounce 'white culture,' and the colouring  
15 of homosexuals as 'white' is used to denounce them as non-Zimbabwean"  
16 (1997, p. 472).

17 The racial dimensions of Mugabe's interpellation/awakening of Zimbabwean  
18 gays is also rather ironic. Prior to 1995 when Mugabe initiated his most vicious  
19 vitriol toward homosexuality GALZ had been a predominantly white, male  
20 organization. As pressure on GALZ mounted, white men left the organization,  
21 while black gay men and lesbians in the cities sought refuge in the organization  
22 from increasing public and private pressure. What is more, GALZ's presence is no  
23 longer exclusively in the urban space of Harare. In 1999 it opened a drop-in center  
24 in Bulawayo in the southern part of the country, and another space in Mutare is  
25 also being contemplated. This outreach has resulted in a substantial increase in the  
26 number of poorer black men from rural areas and townships joining the organiza-  
27 tion. At the same time, GALZ's Executive Director points out that it's membership  
28 is made up of very few, if any, middleclass business people, since "they have  
29 more to lose" from associating publically with other gay men (*Berthiaume*, 2003).  
30 Oliver Phillips reports that some white members left out of fear of Mugabe's  
31 call for violence, other white men left due to their own discomfort/racism with  
32 the increased presence of black men in GALZ. In any event, for GALZ to be  
33 politically effective it had to be perceived as more of a black than white group,  
34 and had to have black leadership.<sup>4</sup> Thus, Mugabe's targeting of GALZ has had  
35 the effect of calling up a generation of black gay men and some lesbians – a  
36 population he maintained did not exist – while marginalizing white gay men  
37 in the group.

38 Human rights activists have critiqued the Mugabe government's attacks on  
39 homosexuality as a means to distract attention away from the nation's political  
40 and economic problems. So too, this campaign has been interpreted through a

1 post-colonial lens, playing to black Zimbabweans' notions of authentic African  
2 sexuality and identifying gayness with other imperialist threats in the form of the  
3 World Bank, white landowners and other Rhodesian residue. The perversity of  
4 the way in which homosexuality has been used by Mugabe in connection with  
5 his larger political projects is no better exemplified than in his accusation that the  
6 British Government had set "gay gangsters" on him over his land reforms (Malala,  
7 1999; Mugabe, 1999b, c). Mugabe thus set himself up as a besieged African leader  
8 being undermined by the (gay) hand of a prior colonial power, while he tries to  
9 restore land to his black (male) constituents. He effectively turned to sexuality to  
10 produce a normative heterosexual citizen set off against a gay threat to Zimbab-  
11 wean society in such a way that " 'relations of subjugation can produce subjects,'  
12 defined by their varied transgressions as 'internal enemies' of society and state"  
13 (Stoler, 1995, pp. 35–36). These internal enemies have served as the new antipodal  
14 point against which Mugabe's Zimbabwe could define itself by reference to  
15 what it was not.

16 In some ways, what concerns human rights workers the most is the dexterity  
17 with which Mugabe has used the attacks on gay people as a stepping stone for  
18 broader attacks on his rivals and for consolidating his dwindling power. Mugabe  
19 correctly anticipated that the human rights community in Zimbabwe would not  
20 respond to the attacks on gay men and lesbians, indeed, many did not regard  
21 this as a human rights issue at all.<sup>5</sup> Having met scant opposition to his policies  
22 attacking lesbians and gays, Mugabe moved on to gain further political advantage  
23 in his ongoing efforts to undermine women's rights. Given how fundamental land  
24 distribution and redistribution is to Zimbabwean politics, particularly to supporters  
25 of the ruling ZANU PF party, Mugabe undertook several land reform policies that  
26 explicitly disempowered women. While the Zimbabwean constitution has since  
27 1996 prohibited sex discrimination, it has exempted all family law, customary and  
28 personal law from the reach of those equality provisions. Women's rights groups  
29 have lobbied heavily to have land permits automatically registered in the name of  
30 both husbands and wives. This reform would protect women from the common  
31 practice of their sons selling the family home upon the death of their fathers  
32 – usually without notice to their mothers, thus leaving their widowed mothers  
33 homeless and destitute (Zimbabwe Human Rights NGO Forum, 2001b). In 1998  
34 the minister in charge of resettlement, Joseph Msika, rejected women's demands  
35 that property be registered in the names of both spouses, and for the five million  
36 hectares earmarked for redistribution to be given to single, unmarried women or  
37 women heads of households. He justified these policies on the ground that granting  
38 women land rights would create domestic (household) unrest (Msika, 1999).

39 The government's policies on women and land ownership operationalized what  
40 had been long standing informal policy with respect to women's rights claims in

1 Zimbabwe. Shortly after the Supreme Court held in the 1984 *Katekwe* case that  
2 seduction damages (or loss of *lobolo* or bride price<sup>6</sup>) was a legal asset owned  
3 by the seduced female, not her male guardian, Mugabe joked in Parliament “that  
4 if his sister were to get married, he would demand *lobolo* and if the intended  
5 husband pointed to the *Katekwe* judgement, he would say to him, ‘O. K. That  
6 is the judgement. Do you want to marry my sister or not?’” (Katekwe, 1984;  
7 Ncube, 1983–1984, p. 217). Mugabe’s response to the *Katekwe* Court’s decision  
8 must be understood in light of the history of *lobolo* in Zimbabwe. Under the  
9 African Marriage Act, a colonial regulation of marriage, Africans who wished  
10 to marry in Rhodesia had to obtain a certificate from a colonial officer who was  
11 required to satisfy himself that sufficient *lobolo* had been paid. “In this way the  
12 colonial state entrenched the institution of *lobolo*/roora by making it a condition  
13 precedent for a valid marriage” (Ncube, 1987, p. 202). Thus Mugabe’s comments  
14 regarding *lobolo* reproduced the colonial state’s insistence on the presence of  
15 brideprice to validate a marriage. Here as in the context of homosexuality, Mugabe  
16 privileges a notion of gendered culture that belies the actual history of *lobolo*  
17 in Zimbabwe.

18 The government’s official use of women as a wedge issue in land policy gained  
19 juridical power after Mugabe packed the Supreme Court with his supporters in  
20 1999<sup>7</sup> (Rotberg, 2001). Immediately thereafter, the Supreme Court ruled on a  
21 woman’s right to inherit her father’s property after her half brother evicted her  
22 from her deceased father’s house. The Court unanimously rejected her claim on  
23 the ground that the “nature of African society” dictates that women are not equal to  
24 men, especially in family relationships. Under customary law, only men can inherit  
25 and all family members are subordinate to the male head of the family. “Women  
26 should never be considered adults within the family, but only as a junior male or  
27 teenager” (Magaya, 1999). The court carefully framed its ruling as necessarily  
28 driven by the customary law of the tribe in which the deceased father had been  
29 a member, and tersely dismissed domestic laws and international treaties that  
30 required sex equality as imposing colonial, not indigenous, law and norms on  
31 the Zimbabwean people.<sup>8</sup> In so doing, the court chose to elevate customary law  
32 over sex based discrimination, thus privileging group rather than individual-based  
33 rights. But in so doing, it failed to acknowledge that the “customary law” that it  
34 sought to protect was itself the product of colonial rule and interpretation. Ncube  
35 has shown that during the colonial period, courts that sought to preserve customary  
36 rules of domestic relations did so by making up those customary rules to serve  
37 present interests, or by “updating” those rules to conform to contemporary political  
38 and economic needs (1987). In a family law case decided by the Zimbabwean  
39 Supreme Court in 1971, the court justified modification of customary law on the  
40 grounds that:

1 The changes in the economic relationship of a family interest which have been brought about  
2 by Africans entering a cash economy and earning money in urban employment have to be  
3 recognized by this court, so that it will not grow out of touch with reality (Mombeshora,  
4 1971).

5 Thus, “customary law” has a genealogy tainted by colonialism just as do all other  
6 aspects of Zimbabwean culture.

7 The Magaya ruling resulted in 58 year old Venia Magaya being evicted from her  
8 home by her father’s second wife’s son, and it has had devastating implications for  
9 women in Zimbabwe, given that 70% of the agricultural labor force in Zimbabwe  
10 are women who work on the soil but cannot own land in their own right – a  
11 circumstance which is itself a legacy of colonialism that the Mugabe government  
12 has amplified, not a natural African order that ought be further concretized by and  
13 through something termed “customary law” (Jacobs, 2000; Zimbabwe Human  
14 Rights NGO Forum, 2001b). Schmidt has observed, in this regard, that:

15  
16 European missionaries promoted male-dominated farming by introducing plows, oxen, new  
17 agricultural techniques, and improved seeds to men alone. Moreover, missionaries fostered the  
18 ideal of patriarchal, patrilineal, male-headed households, with wives playing an uncharacteris-  
19 tically subordinate role (1992, p. 5).

20 These colonial policies sought to alter tribal kinship-based structures of labor that  
21 were matrilineal in nature and favored women economically, in so far as women  
22 had been able to command the labor of their sons and son-in-laws (ibid.). The  
23 shift urged by colonial forces in the years following the mid-1930s away from  
24 cotton production and toward cash crops and copper extraction had the effect of  
25 deteriorating women’s ability to control male labor, as that labor was now be-  
26 ing conscripted into colonial production. This gendered reorganization of labor  
27 took place at the same time that marriage-related “customary” law evolved in re-  
28 sponse. Brideservice, the access of wives to their son in law’s labor, gave way to  
29 bridewealth or *lobolo*. Thus, during this period the demands and incentives of colo-  
30 nial governance and control of the economy had the effect of locating technology,  
31 capital, and labor increasingly as the “property and prerogative of men” (Wright,  
32 1983, p. 85). The end result of this system was that young African men worked  
33 as migrant wage laborers in the European economy, African women engaged in  
34 agricultural production in the reserves, and older African men maintained law and  
35 order at the household and village levels (Schmidt, 1983, p. 6).

36 After the resumption of black rule in Zimbabwe, the government sought to  
37 restructure society by reducing poverty levels, increasing agricultural and other  
38 productivity, and developing human resources (Government of Zimbabwe, 1981).  
39 Land redistribution figured as a centerpiece of these policies; however, white land  
40 was redistributed to black “heads of households” (Jacobs, 1998). Thus,

1       in some respects this showpiece of state policy continues practices that were current under  
2       colonialism . . . The fundamental provision that permits are held by the ‘household head’  
3       – deemed to be the male spouse both by the Government and the popular opinion –  
4       means that it is difficult for gender relations to have changed dramatically (Jacobs, 1991,  
5       p. 522).

6       The significance of the Magaya court’s reliance on “customary law” must be under-  
7       stood in light of this gendered history of agrarian labor and land ownership.  
8       Thus, the “authentic African norms” that are invoked by the Supreme Court to  
9       structurally deny property rights to women can be traced back to colonial rule as  
10      much as, if not more than, pre-colonial tribal custom (Mushunje, 2001).

11      Mugabe moved on from there when he invited violence against his political  
12      opposition,<sup>9</sup> supported extrajudicial seizure of lands owned by white farmers and  
13      defended the violence perpetrated against both the white farm owners and their  
14      black farm employees.<sup>10</sup> In the wake of these escalating tactics, the Zimbabwean  
15      human rights community has endured violent and sustained attacks (Zimbabwe  
16      Human Rights NGO Forum, 2001a).

17      Mugabe has demonstrated how effective it can be for a government under  
18      enormous pressure to create a climate of intolerance and lawlessness by starting  
19      with sexual minorities and working out from there to the rest of civil society. As  
20      Scott Long has observed about various Southern African leaders, “the government  
21      used the spectre of sexual perversion to discredit the whole of civil society”  
22      (Long, 2002). While at the same time, Mugabe effectively positioned gay men and  
23      lesbians as the “vanguard of, and metaphor for, a neo-colonial invasion” (Long,  
24      2003, p. 4). Just as “nationalist rhetoric makes ‘women’ the pure and ahistorical  
25      signifier of ‘interiority’ ” (Radhakrishnan, 1992, p. 84), it strategically renders  
26      sexual pervert as the -ur subject of exteriority. While “‘woman’ becomes the  
27      mute but necessary allegorical ground for the transactions of nationalist history”  
28      (ibid.), gayness comes into focus not as ground but as figure – as other – whose  
29      assimilation into the whole is regarded as a threat to the nation.

30      In Zimbabwe, the state has gained an official sexuality “free” from colonial  
31      contamination, threats to the ruling regime have become sexualized, and sexual  
32      discipline is revealed to be a very effective tool of governance for a fragile state  
33      seeking to solidify new power. All of this has been undertaken as part of the process  
34      by which Zimbabwean politics have moved from nationalist to nativist. In this  
35      process, the native becomes the exalted *post*-colonial subject who is constituted,  
36      in significant part, by heterosexuality. By contrast, the homosexual is marked  
37      rhetorically and legally as colonial and modern. Thus the future of Zimbabwe is  
38      figured in a turn to a phantasmatic past. This enables the homosexual in post-  
39      colonial Zimbabwe to emerge as the smudge of colonial erasure – it’s that messy,  
40      dirty bit that is left on the page as the rest of the colonial story has being unwritten.

1 In the name of “cultural authenticity” Mugabe’s policies have both created that  
2 smudge and put it to work to substantial gain for his regime.

3  
4  
5 **THE MORAL ENCLOSURE OF SEXUAL**  
6 **THREATS IN EGYPT**  
7

8 In May 2001, 52 men in Cairo were arrested for suspected consensual same sex  
9 sexual acts. They were tried before an Egyptian Emergency State Security Court on  
10 charges of obscene behavior and contempt for religion, as Egyptian law does not  
11 explicitly criminalize homosexual conduct. The Emergency State Security Courts  
12 were created in 1981 after the assassination of President Anwar Sadat, and since  
13 then his successor Hosni Mubarak has ruled under a state of emergency authorizing  
14 suspension of a range of civil and political rights ([Human Rights Watch, 2001](#)).

15 An unprecedented state-sponsored media campaign publicized the arrests and  
16 trials of the accused – their names, places of work and, in some cases, pictures were  
17 published in the state owned media ([Bahgat, 2001](#)). Some of the men were arrested  
18 in the early hours of May 11, 2001, following a raid by police and State Security  
19 Intelligence personnel on a party held aboard the Queen Boat moored on the Nile  
20 in Cairo’s Zamalek district. Others had not even been on the boat, but had been  
21 thrown in with the Queen Boat defendants after being picked up on Cairo streets.<sup>11</sup>  
22 Initial reports in the Egyptian media suggested that those arrested were part of a  
23 “Satanic cult” and that they were being held under charges of “exploiting religion  
24 to promote extreme ideas to create strife and belittle the revealed religions.” It  
25 subsequently became clear that the arrests were carried out because the men were  
26 suspected of engaging in consensual sexual activity with other men. The detainees  
27 were subjected to forensic examinations, apparently in order to determine whether  
28 they had engaged in anal intercourse, and were forced to “say my name, my job,  
29 my address and say ‘I am gay’ ” ([International Gay and Lesbian Human Rights  
30 Commission, 2001a](#); [Lussier, 2003](#)). In November, 2001, the defendants were  
31 brought into court and were promptly placed in a cage in the courtroom where  
32 they stood wearing masks and hoods they had constructed out of their shirts and  
33 underwear in order to disguise their identities from the media present in the court.  
34 Indeed, only the media was allowed in the courtroom when the judge read out the  
35 verdicts and sentences. Families and friends of the accused were not permitted  
36 to be present, and their cries from the hall and banging on the courtroom doors  
37 rumbled in the courtroom as the judge began the proceedings. The judge read the  
38 court’s verdict in a whisper that no one in the room could hear, indeed for some  
39 days many defendants did not know whether they had been found guilty or what  
40 sentence they had been given.

1 In the end, 23 of the 52 defendants were sentenced to between one and five  
2 years of hard labor ([International Gay and Lesbian Human Rights Commission, 2001b](#)). However, in May, 2002 the State Security Office for the Ratification of  
3 Verdicts overturned most of the Cairo 52 convictions and released 21 of the men  
4 who had been found guilty of the “habitual practice of debauchery.” The court  
5 took this action on the ground that this crime did not merit trial before the special  
6 emergency court, and ordered that these men, as well as those who had been  
7 acquitted in the Cairo 52 trial, be retried in a civilian court ([International Gay and  
8 Lesbian Human Rights Commission, 2002](#)). The retrial took place in the Qasr  
9 Al-Nil misdemeanours court (a civilian criminal court); however, the judge held  
10 no hearing, took no testimony, refused to permit the defense lawyers to cross  
11 examine the arresting officers, nor allowed them to submit written memoranda  
12 or oral arguments to the court. Relying entirely on the forensic evidence and  
13 coerced confessions of the defendants, in March of 2003 the civilian judge again  
14 found the 21 defendants guilty of “habitual debauchery.” He then issued harsher  
15 sentences than had the state security court ([Lussier, 2003](#)). The defense attorney  
16 commented in the Egyptian press that he felt the civilian judge “was trying to  
17 send a message that the Emergency State Security Court’s verdict had been a  
18 better option” ([Al-Akram Weekly Online, 2003](#)).

20 The day after the sentencing four additional men were arrested and charged with  
21 “habitual debauchery.” Since that time scores of similar arrests have been made,  
22 including 62 men at a well known gay cruising area on the evening of August  
23 28, 2003. When the 62 men were loaded into police wagons, law enforcement  
24 officers yelled to onlookers: “Look at these faggots! The country’s become full  
25 of faggots!” ([Ahabab News, 2003](#)). Amnesty International reports that suspects  
26 arrested on charges of debauchery are highly likely to face torture and beatings  
27 in prison, including *falaka* beatings on the soles of the feet with a stick ([Amnesty  
28 International, 2002](#)). Many of these prosecutions have resulted in convictions. In  
29 July, 2003 an appeals court reversed the conviction of eleven men, but as they  
30 did so one of the judges told the defendants: “We are so disgusted with you, we  
31 can’t even look at you. What you did is a major sin, but unfortunately the case has  
32 procedural errors and the court had to acquit all of you” ([Associated Press, 2003](#)).

33 How to understand these very public scandalous show trials undertaken by  
34 the Egyptian government in the press, the Emergency Security Court, and now  
35 Egyptian civil courts? As in Zimbabwe, some have observed that the Mubarak  
36 government desired to divert public attention away from economic problems and a  
37 growing liquidity crisis while the government attempted to impose new sales taxes  
38 ([Bahgat, 2001, p. 2](#)). One could also imagine that the government had ample reason  
39 to shore up its Islamic credentials domestically as it found itself increasingly  
40 allied with the U.S. government in its campaign against terrorism. Scandalous sex

1 trials might do the trick. Some human rights groups have interpreted the prosecu-  
2 tion of the Cairo 52 as an indicator of how Islamic societies treat sexuality more  
3 generally.

4 While all these explanations may contain partial truths, the Cairo 52 case  
5 represents something much more complicated than Mubarak's attempt to distract  
6 his people from domestic economic problems, or an instance of Islamic sexual  
7 repression. Situating this case in the history of both Islam and the legal regulation  
8 of sex in Egypt reveals how the public prosecution, *at this moment*, of men  
9 suspected of homosexual acts serves the interests of the Egyptian secular govern-  
10 ment's post-colonial struggle for independence – in the face of both domestic and  
11 international threats of instability. Indeed, these prosecutions may advance the  
12 Mubarak government's pattern of repressing Islamic activism on the one hand,  
13 and securing the symbolic purity of Egyptian culture on the other.

14 The laws under which the Cairo 52 were prosecuted find their roots in  
15 post-colonial campaigns against prostitution. Egyptian law does not expressly  
16 criminalize homosexual acts. However, the charges that were brought against  
17 these men came under Article 9(c) of Law No. 10 of 1961 on the Combat of  
18 Prostitution. When the British occupied Egypt in 1882, they imposed a form  
19 of "regulationism" of prostitution (Dunne, 1996, pp. 195–252). Rather than  
20 outlawing it, which would have comported with Christian colonial moralizing  
21 in evidence elsewhere, the British set out to regulate legalized prostitution  
22 – requiring the registration of prostitutes, weekly medical inspections of sex  
23 workers, and restricting the sex trade to certain licensed establishments (Dunne,  
24 1996, p. 139; van Nieuwkerk, 1995, p. 45). In Egypt, as in many other areas  
25 colonized during this period, prostitution was legalized, in significant part, for  
26 the benefit of European settlers and soldiers.<sup>12</sup> Dunne's research shows that the  
27 number of registered prostitutes in Cairo jumped from 921 in 1914 to 2,540  
28 in 1915, and then fell off as the war wound down<sup>13</sup> (1996, p. 206). Legalized  
29 and regulated prostitution remained a vital part of Egyptian urban life through  
30 the remainder of British rule, notwithstanding reform and abolition campaigns  
31 undertaken during that same period in Britain and in many of its other colonies.

32 Egyptian nationalists, however, seized on prostitution immediately after  
33 national independence as an example of the social ills that befell Egypt under  
34 British occupation (Rizk, 2001). In February of 1925 Egyptian feminist and  
35 Wafd party leader Sha'rawi Huda declared in the national women's newspaper  
36 which she founded, *L'Egyptienne*, that the struggle against licensed brothels was  
37 a matter of national honor, and that the abolitionist cause was "patriotic and  
38 humanitarian"<sup>14</sup> (ArabicNews, 1999; Dunne, 1996, p. 300).

39 Shortly thereafter, Islamic nationalists began a campaign to link the abolition of  
40 prostitution to Egyptian nationalism and Islam (Dunne, 1996, p. 302). The abolition

1 of prostitution became a principal goal of de-colonization, and the ultimate repeal  
2 of laws legalizing prostitution after British occupation was explicitly understood  
3 to represent a rejection of the promiscuity of alien sexual culture, and the purging  
4 of alien sex workers from Egypt's urban spaces.<sup>15</sup>

5 Yet the independent Egyptian government did not repeal the British laws  
6 licensing prostitution and regulating brothels until 1949, fully 27 years after  
7 independence. Some of the delay can be attributed to the presence of allied  
8 troops in Egypt during the Second World War (van Nieuwkerk, 1995, p. 47). And  
9 much time was devoted to the work of the Commission of Enquiry, charged in  
10 1932 with the task of considering alternatives to regulated prostitution (Dunne,  
11 1996, pp. 306–311). The Muslim Brotherhood began to play a role in Egyptian  
12 politics in the 1930s, urging a reorientation of the culture in keeping with Islamic  
13 principles and away from the liberal, European secularism that had characterized  
14 Wafdist government and politics (Vatikiotis, 1969, pp. 315–316). Their influence  
15 took hold in the late 1940s and early 1950s. Prime Minister Ibrahim Abdel Hadi  
16 Pasha issued a military decree closing the brothels in 1949, in part in response to  
17 criticism the government had received from the Muslim Brotherhood regarding  
18 the government's policy permitting prostitution, gambling and drinking of alcohol  
19 (Skovgaard-Petersen, 1997; Vatikiotis, 1969, pp. 328–330). During this same  
20 period, anti-British, anti-western, and pro-Islamic sentiment fueled the creation  
21 of the Young Men's Muslim Association (YMMA), a group explicitly founded  
22 to counter the missionary practices of the YMCA (Vatikiotis, 1969, p. 326).  
23 Without question, legal reforms during this period were undertaken for complex  
24 sets of reasons; however, two important concerns had a significant effect upon  
25 the government's approach to prostitution after independence: anti-imperialist  
26 Egyptian nationalism articulated as sexual purity, and the secular state defending  
27 itself against the growing power of the Muslim Brotherhood.

28 These two concerns figure prominently in the prosecution of the Cairo 52  
29 under modern Egyptian criminal law targeting prostitution. First, the Emergency  
30 Security Courts in which these men were tried were originally set up to try Islamic  
31 fundamentalists. Since 1992 hundreds of civilians, mostly alleged members  
32 or supporters of *al-Gihad* (Holy Struggle, known abroad as Egyptian Islamic  
33 Jihad), *al-Gama'a al-Islamiyya* (Islamic Group), or *Al-Ikhwan Al-Moslemoon*  
34 (the Muslim Brotherhood), have been referred to military courts. These trials,  
35 sometimes held en masse, have been criticized by Human Rights Watch and other  
36 human rights organizations for failing to meet international fair trial standards:  
37 basic rights, such as the right to appeal, have been routinely violated, even in cases  
38 where the defendants faced and were punished with the death penalty (Human  
39 Rights Watch, 2001). The well publicized prosecution of the Cairo 52 in the very  
40 same courts sent a message to an international audience that the security courts

1 do not exist exclusively to harass and persecute the religious opposition. Indeed,  
2 these courts can be used to prosecute the very groups that the Islamists hate the  
3 most, and in the case of the Cairo 52, meted out greater due process and less harsh  
4 sentences than the civilian courts to which the cases were later referred.

5 What is more, in recent years of national economic contraction, Islamic groups  
6 have stepped in to provide social services previously provided by the Egyptian  
7 state. As a result, the Muslim Brotherhood and similar organizations have gained  
8 popularity among the Egyptian people. Although officially banned by the Egyptian  
9 government since 1954, the Muslim Brotherhood has 17 out of a total of 454 seats  
10 in the Egyptian Parliament, making it the second largest party in the parliament  
11 after the ruling National Democratic Party (Ali, 2003; Howeidy, 2000). Thus,  
12 the Mubarak government has ample incentive to undertake a public campaign to  
13 appease the supporters of the Brotherhood, and men accused of homosexuality  
14 would serve well. The government guessed correctly that the Egyptian human  
15 rights community would be reluctant to come to their aid.

16 Finally, anti-imperialist rhetoric has figured in the Cairo 52 prosecutions just  
17 as it did in the efforts to reform the colonial prostitution laws after independence.  
18 This time, the alien sexual culture to be kept at bay is the “West,” not merely the  
19 British. Shortly after the European Parliament issued a resolution in April 2003  
20 condemning human rights violations in Egypt, explicitly referencing the arrests and  
21 prosecutions of men charged with homosexuality, Mustafa Bakry, editor-in-chief  
22 of the independent newspaper *Al-Osbou’* wrote an editorial in which he charged  
23 “that after Iraq and Syria, Egypt would be next in line, referring to the criticisms  
24 directed by the European Parliament to sentences passed on homosexuals in the  
25 famous ‘Queen Boat’ case in Cairo . . . ‘I do not find it far- fetched to suppose that  
26 armies will one day be positioned, and warships proceed, armed with UN Security  
27 Council resolutions, against an Egypt that ‘persecutes homosexuals!’ ” (European  
28 Parliament, 2003; Sami, 2003).

29 Thus, these prosecutions have been useful on a number of grounds: it appears

30  
31 to be a calculated gamble by an insecure regime. The crackdown on gays, as diplomats and  
32 political analysts see it, reflects government concern about growing freedom of expression in  
33 Egypt – fueled by the proliferation of Internet chat rooms and Web sites beyond the regime’s  
34 control. [Indeed, many of the supposedly gay men have been entrapped through internet chat  
35 rooms.] The government may also have contrived the prosecutions to bolster its Islamic cred-  
36 entials at a time when Egyptians are angered by an imploding economy and the arrests of  
37 fundamentalists. The strategy may be working. Although condemned abroad, the trial of the  
38 ‘Cairo 52’ has met with nearly universal approval at home (Hammer, 2002).

39 In the fall of 2003, Pope Shenouda III, the leader of Egypt’s Coptic Orthodox  
40 Church, told Egypt’s state-run Middle East news agency that he supports the  
government’s efforts to root out the “plague” of homosexuality, and that he had

1 received death threats from gay rights groups during a recent trip to Australia  
2 (Al-Ahram, 2003).

3 In Egypt, as in Zimbabwe, the moral enclosure of sex – be it heterosexuality  
4 within monogamous marriage, prostitution or homosex – has proven to be an  
5 effective tool of governance by a state under stress. Prior to the mid-twentieth  
6 century, same sex sex between males was well know and wide spread in Egypt. But  
7 only the passive partner (constructed within the context of anal sex) was considered  
8 to be homosexual and was subject to criminal laws prohibiting homosexual acts  
9 (Dunne, 1996, pp. 9–10). Curiously, this definition of homosexuality has changed  
10 in recent years. Through the Cairo 52 prosecutions, the government has adopted  
11 a more “western” identity-based definition of gayness. Role no longer defines the  
12 crime, sex of object choice does – and this is new in Muslim society.<sup>16</sup> Thus, at the  
13 moment that the Egyptian government has chosen to use (homo)sex to consolidate  
14 and rehabilitate its power, it has done so by first interpellating a western homosexual  
15 subject, and then caging him, parading him before the public, and excising him from  
16 Egyptian culture. The moral enclosure in which these gay outlaws in Egypt have  
17 been caged reflects a kind of territorialization, or social mapping by a governmental  
18 power on the sexualized male body.

19 In a perverse twist of geopolitical interest convergence, the roundup of allegedly  
20 gay men may have had the effect of adding legitimacy to the state security courts  
21 and the expansion of the emergency powers of the Egyptian state. The harsh  
22 sentences of the civilian criminal court on the Cairo 52 came down right on  
23 the heels of the Mubarak government’s successful effort to ram through the  
24 Egyptian parliament a provision to extend the state of emergency for another  
25 three years – aided in no small part by President Bush’s global war on terrorism.  
26 This legislation included reforms to the emergency court system, abolishing the  
27 court in which the Cairo 52 had been convicted, while leaving in tact another  
28 security court whose jurisdiction was limited to the most dangerous security  
29 cases. At the same time, the Mubarak government expanded the jurisdiction of  
30 the power of its regular courts – the courts in which the Cairo 52 had been retried  
31 and more harshly convicted. The government justified the necessity for such  
32 measures by reference to the rise in global terrorism since September 11th. The  
33 Muslim Brotherhood and other members of the opposition government opposed  
34 the extension on the ground that the powers it gave the government had been used  
35 not to fight terrorists but to arrest Egyptian citizens for demonstrating against  
36 the U.S.’s invasion of Iraq (El-Din, 2003). In this they have proven correct. In  
37 August of 2003 the Mubarak government initiated prosecutions against five men  
38 in the National Security Court based on their anti-war activism generally, and  
39 “communicating with foreign human rights organizations” specifically<sup>17</sup> (Allam,  
40 2003; Stork, 2003). While Human Rights Watch has expressed concern over these

1 changes to the Egyptian court system, the international press has taken very little  
2 notice, aside from one short article in the New York Times (Allam, 2003).

3 In Egypt, a western, gay pervert has been called up by the Mubarak government  
4 as a convenient prop in the complex choreography that includes the defense of  
5 authentic Egyptian culture, the containment of Islamist groups in the private  
6 sector, and an ambivalent collaboration with the United States in its so-called  
7 war on terrorism. It seems that the prosecution of the Cairo 52 – starting in the  
8 security courts, then moving them to the civilian courts – served as a dry run for  
9 the reorganization of the Egyptian court system’s jurisdiction over dissenters and  
10 outcasts. “By 2006, the government won’t need to renew the emergency law be-  
11 cause its articles are being written into the civil codes,” said the advocate, Hossam  
12 Bahgat, director of the Egyptian Initiative for Personal Rights (Allam, 2003).

13 Sexual accusation has supplied the justification by which qualities deemed un-  
14 desirable may be contained or excised. These domestic enemies<sup>18</sup> emerge first as  
15 an abstract legal category “the sodomite” or “the pervert habituated to debauchery,”  
16 that is to be filled up with bodies – really, any bodies – through an act of nominal  
17 violence with profound epistemic effects. “You, and you, and you,” commands the  
18 state as it arrests Egyptian men off the street, often randomly. Through these public  
19 acts of law enforcement, sex is stamped on male bodies in an act whereby qualities  
20 deemed undesirable may be contained or excised through sexual accusation by  
21 the post-colonial state in its attempt first to define an idealized nation, and then to  
22 defend that nation from “security threats” (Heng & Devan, 1992).

## 23 24 25 CONCLUSION 26

27 I offer these examples to show how in some circumstances it has proven useful to  
28 construct a narrative about the nation that contains an official national sexuality,  
29 and a nation that is populated by certain types of sexualized subjects and citizens.  
30 These examples illustrate how sexuality can help define political culture, and that  
31 certain forms of nationalism are operationalized through the management of threats  
32 that are easily imagined in sexualized terms. The epistemic violence of rule in these  
33 moments can be most effective when done through and by sex and sexuality.

34 The sexual accusation cultivated by the post-colonial nationalism in evidence  
35 in Zimbabwe and Egypt reflects what might be understood as a form of reverse or  
36 internalized Orientalism. In both cases, the “object” of post-colonial nationalist  
37 thought remains the Oriental, who “accepts and adopts the same essentialist  
38 conception based on the distinction between ‘the East’ (and ‘the African’) and  
39 ‘the West’ ” (Chatterjee, 1986, pp. 38–39). In this post-colonial context, the  
40 repressive resolution of identity is accomplished by framing local enemies that

1 bear a metonymic relationship to the “West.” At least in the instances I examine  
 2 in this essay, gays or perverts are interpellated through various legal techniques  
 3 as new subalterns, produced as an effect of nationalist, or even nativist, rhetoric.  
 4 This sexualized threat then congeals in a certain kind of subjectivity that reads  
 5 politically and socially as depraved Others.

6 The sexualized subject emerges from within the political and legal horizon  
 7 created by the state. It is precisely the state’s effort to jettison a particular past,  
 8 to declare it over, and to cement a more authentic national culture that renders  
 9 sexual abjection the detritus of that national cleansing. These states seek a false  
 10 continuity with a pre-colonial past, which continuity promises authenticity. But  
 11 that authenticity is manufactured in ways not terribly dissimilar from the imperial  
 12 fabrication of customary law. These two examples illustrate how crucial sexual  
 13 alterity can be to the project of statecraft when one older past is to be resurrected  
 14 and another more recent vanquished – surely these are dense transfer points for  
 15 power. Ironically, the sexual subjects that are the product of these state practices  
 16 are exactly the subjects that international human rights groups pick up in their  
 17 humanitarian radar when they scan the globe for human rights abuses. In that  
 18 sense, human rights groups have an odd stake in the presence of gay subjects  
 19 like those in Zimbabwe and Egypt. Indeed, they assert a kind of jurisdiction  
 20 over them that risks reifying, if not interpellating, gay subjectivity in ways that  
 21 tragically mirrors the power exerted by the state. This is not to say that the gaze  
 22 of the human rights agency is the moral equivalent of the gaze of the state, but  
 23 rather that the productive effects of human rights advocacy are worthy of critical  
 24 attention.

## 25 26 27 NOTES

28  
29  
30 1. Comparative work of this kind always poses the risk of over-simplifying complex  
 31 social histories and genealogies, if not worse, skimming to achieve coherence across cultures  
 32 and times. I do not profess to be a scholar of either of the two examples I provide here, others  
 33 are far more familiar with the double histories of nationalism and sexuality in Egypt, see  
 34 e.g. Abu-Lughod (1998), Hatem (1998), Dadran (1995); and in Zimbabwe, see e.g. Phillips  
 35 (1997, 2000). I rely on the first-hand accounts of these and other scholars in order to offer  
 36 a comparative analysis for the limited purpose of illuminating how at key moments, and  
 37 in two very different sites, the nation is imagined in ways that depend upon an interesting  
 38 interdependence between national and sexual alterity.

39 2. Bornwell Chakaodza, the editor of the state owned newspaper *The Herald*, said the  
 40 media should attack homosexuality in order to help protect Zimbabwean culture and family  
 values. *The Herald* has also run advertisements placed by Dr. Michael Mawema, a prominent  
 churchman, calling for a “crusade” against homosexuals, as “God commands the death of  
 sexual perverts” (Chakaodza, 1998).

1 3. Just as Zimbabwe's national identity was constructed, in part, by imaging gays and  
 2 lesbians as radical outsiders, South Africa took the opposite track, reimagining them as  
 3 constitutionalized insiders. Mugabe's project has been to imagine the Zimbabwean citizen  
 4 as *African*, whereas Mandela's was to construct a South African citizen as *human*. Thus  
 5 you see a rich culture of human rights in South African culture, and the rejection thereof  
 6 in Zimbabwe. Indeed, Mugabe has characterized the notion of human rights as colonial in  
 7 nature. Carl Stychin develops these themes very thoughtfully in *A Nation By Rights* (1998).

8 4. Personal correspondence with Oliver Phillips, December 6, 2003.

9 5. This is in contrast to the domestic human rights community's condemnation of simi-  
 10 larly homophobic policies of Namibia's President Sam Nujoma, and Botswana's ruling  
 11 BDP party (Botswana Democratic Party).

12 6. *Lobolo* "can be defined as the payment, in money or other material forms, made by  
 13 the son-in-law to the father or guardian of the woman for the purpose of entering into a  
 14 marriage with that woman. Until the passage of the Legal Age of Majority Act [in 1982], an  
 15 agreement as to lobolo/roora was an essential requirement for a valid customary marriage"  
 16 (Ncube, 1987, p. 202).

17 7. Mugabe's support for the members of his Supreme Court, especially it's white Chief  
 18 Justice Anthony Gubbay, was short lived as he has sought to oust the entire judiciary when  
 19 the Court ruled against Mugabe's seizures of white owned land (McGreal, 2001). Since then,  
 20 he has replaced three members of the Court, including the Chief Justice, with pro-ZANU  
 21 PF judges.

22 8. The complexity of this issue revolves, in significant part, around Zimbabwean law  
 23 that requires that disputes as to land succession or inheritance shall be governed by "the  
 24 customs and usages of the tribe or people to which [the deceased] belonged." Section 68(1)  
 25 of the *Administration of Estates Act*. Yet, this exception to the general rule of modern  
 26 common or statutory law applying in legal disputes in Zimbabwe is an artifact of colonial  
 27 rule. The British South African Company settled Rhodesia under a charter granted by Queen  
 28 Victoria which held that in cases concerning "natives," customary law would apply so long  
 29 as the particular custom was not deemed to be "repugnant to natural justice or morality."  
 30 1889 Charter of the British South Africa Company. Mahmood Mamdani has noted this  
 31 reservation of family and property law to the domain of customary law as characteristic of  
 32 colonial approaches to governing the native (Mamdani, 2001).

33 9. President Mugabe was named in a civil lawsuit in the U.S. seeking damages for orches-  
 34 trating "murder, torture, terrorism, rape, beatings, and destruction of property . . ." against  
 35 his political opposition in advance of the June 2000 parliamentary elections (*Tachiona*,  
 36 2001).

37 10. "We are going to take the land and we are not going to pay a cent for the soil"  
 38 (Mugabe, 1999a).

39 11. One man claimed that he had been arrested for selling watches without a license  
 40 at a coffee shop. Another said that the police had arrested him while he was cleaning his  
 motorbike on the grounds that he could not produce identification papers (Ashton, 2003).

12 van Nieuwkerk notes how laws regulating prostitution were grossly underenforced by  
 13 British legal actors during World War I when Cairo because a significant site where British,  
 14 Australian and other troops were stationed (1995, pp. 46–47). See also Ruiz (1997).

15 13. Eighty-four thousand British, Australian and New Zealand troops were deployed to  
 16 Egypt in January 1915 (Dunne, 1996, p. 209).

17 14. Omina Shakry has observed that turn of the century Egyptian feminists, like Sha'rawi,  
 18 "situated their own projects as a defense of Islam and a critique of *taqlid*. Their projects

1 were often conceptualized as an illustration that ‘true Islam’ – that is, Islam unadulterated  
 2 by ‘traditional’ accretions, such as superstitious practices – was entirely compatible with  
 3 modernity” (Shakry, 1998, p. 148).

4 15. Those sex workers in Cairo who were foreign nationals, not a small number, could not  
 5 be regulated by Egyptian law as Capitulations (bilateral treaties between Egypt and various  
 6 European nations) contained provisions that immunized Europeans from Egyptian law and  
 7 gave foreigners the right to be tried only in their own consular courts (van Nieuwkerk, 1995,  
 8 p. 45; Dunne, 1996, pp. 143, 197–199; Ruiz, 1997, p. 16).

9 16. Nevertheless, the men arrested on the Queen Boat were asked whether they were  
 10 passive or dominant actors in homo sex. “The men interviewed said that during interroga-  
 11 tions, usually conducted by members of the Vice Squad, they were ordered to say whether  
 12 they were sexually ‘passive’ or ‘dominant,’ even if they denied being gay” (Kershaw, 2003).

13 17. This is the same court in which civil rights activist Dr. Saad Eddin Ibrahim was  
 14 successfully prosecuted for defaming the Egyptian government. His conviction was later  
 15 overturned on appeal.

16 18. Foreign nationals that have been swept up by the vice squad have, by and large, not  
 17 been prosecuted. A notable exception is the prosecution after entrapment of Wissam Abyad,  
 18 a Lebanese national (Amnesty International, 2003).

## 19 ACKNOWLEDGMENTS

20 I would like to thank Oliver Phillips, Anupam Rao, Lila Abu-Lughod, Mary  
 21 Dudziak, Scott Long, Widney Brown and an anonymous reviewer for their com-  
 22 ments on earlier drafts of this article.  
 23

## 24 REFERENCES

- 25  
 26  
 27  
 28 Abu-Lughod, L. (1998). *Remaking women: Feminism and modernity in the Middle East*. Princeton:  
 29 Princeton University Press.  
 30 Administration of Estates Act, Section 68(1) (Zimbabwe).  
 31 Ahabab News (2003). *Egypt police arrest 62 suspected gay men*. September 25. [http://ahbab.blogspot.com/2003\\_09\\_21\\_ahbab\\_archive.html](http://ahbab.blogspot.com/2003_09_21_ahbab_archive.html).  
 32 Al-Ahram Daily (2003). *Pope vs. “plague”*. September 11–17. <http://weekly.ahram.org.eg/2003/655/eg4.htm>.  
 33 Al-Akram Weekly Online (2003). *Convicted before the fact*. March 20–26 (630). <http://weekly.ahram.org.eg/2003/630/eg9.htm> (last visited April 2, 2003).  
 34 Ali, A. R. (2003). *Egypt’s Muslim brotherhood moots political reforms plan*. October 15. Islam  
 35 OnLine. [www.islam-online.net/English/News/2003-10/15/article07.shtml](http://www.islam-online.net/English/News/2003-10/15/article07.shtml).  
 36 Allam, A. (2003). Rights groups criticize Egypt’s change in court system. *The New York Times*  
 37 (September 8).  
 38 Amadiume, I. (1987). *Male daughters, female husbands: Gender and sex in African society*. London:  
 39 Zed Books.  
 40

- 1 Amnesty International (2002, February.). *Persecution of men accused of being gay leads to torture,*  
2 *imprisonment.*
- 3 Amnesty International Report (2003). Retrieved July 7, 2003, from <http://takeaction.amnestyusa.org/action/index.asp?step+2&item=2537>.
- 4 ANC Daily News Briefing (1996). *Africa's greatest literary event may be sunk by Mugabe.*  
5 August 2. Retrieved December 15, 2003 from [http://www.anc.org.za/anc/newsbrief/](http://www.anc.org.za/anc/newsbrief/1996/news0803)  
6 1996/news0803.
- 7 ANC Daily News Briefing (2000). *Zimbabwe's Mugabe renews attacks on gays in new year*  
8 *address.* January 3. Retrieved December 15, 2003 from [www.anc.org.za/anc/newsbrief/](http://www.anc.org.za/anc/newsbrief/2000/news0103.txt)  
9 2000/news0103.txt.
- 10 Anderson, B. (1983). *Imagined communities: Reflections on the origin and spread of nationalism.*  
11 London: Verso.
- 12 Anderson, P. (1991). Nation-states and national identity. *London Review of Books* (May 9), 3.
- 13 ArabicNews.com (1999). *Hoda Sha'rawi, Pioneer of feminist movement.* December 31. Re-  
14 trieved December 12, 2003 from [http://www.arabicnews.com/ansub/Daily/Day/991231/](http://www.arabicnews.com/ansub/Daily/Day/991231/1999123157.html)  
15 1999123157.html.
- 16 Ashton, L. (2003). 21 Allegedly gay men get three years. *Middle East Times* (March 21).  
17 Associated Press (2003). *Egypt appeals court acquits in gay trial.* July 20.
- 18 Bahgat, H. (2001). Explaining Egypt's targeting of gays. Middle East Research and Information  
19 Project, Press Information Note 64.
- 20 Bahgat, H., & Long, S. (2002). Notes on the regulation of illicit sexuality in Egypt. Draft paper on file  
21 with authors.
- 22 BBC News (1998). August 12. [http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing\\_](http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing_continents/newsid_143000/143169.stm)  
23 [continents/newsid\\_143000/143169.stm](http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing_continents/newsid_143000/143169.stm).
- 24 Berthiaume, L. (2003). Gays soldier on. *Zimbabwe Standard* (September 15).
- 25 Breuilly, J. (1982). *Nationalism and the state.* Chicago: University of Chicago Press.
- 26 Carrier, J. M., & Murray, S. O. (1998). Woman-woman marriage in Africa. In: S. O. Murray (Ed.), *Boy-*  
27 *wives and female-husbands: Studies of African homosexualities.* New York: St. Martin's Press.
- 28 Chakaodza, B. (1998). Speaking in an interview (August 12). *BBC News.* Retrieved July 7, 2003,  
29 from [http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing\\_continents/newsid\\_](http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing_continents/newsid_143000/143169.stm)  
30 [143000/143169.stm](http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing_continents/newsid_143000/143169.stm).
- 31 Chatterjee, P. (1986). *Nationalist thought and the colonial world.* New Delhi: Oxford University Press.
- 32 Chigwedere, A. (1996). Zimbabwe parliamentary debate, September 28, 1995, quoted in Dunton  
33 and Palmberg (Eds) (1996). Human Rights and Homosexuality in Southern Africa, *Current*  
34 *African Issues* 19. Nordiska Afrikainstitutet.
- 35 Colson, E. (1958). *Marriage and the family among the Plateau Tonga of Northern Rhodesia.*  
36 Manchester: University of Manchester Press.
- 37 Dadran, M. (1995). *Feminists, Islam and nation: Gender and the making of modern Egypt.* Princeton:  
38 Princeton University Press.
- 39 Dashwood, H. S. (2000). *Zimbabwe: The political economy of transformation.* Toronto: University of  
40 Toronto Press.
- De Rachewiltz, B. (1964). *Black eros: Sexual customs of Africa from prehistory to the present day*  
(Trans. P. Whigham). London: Allen & Unwin.
- Dunne, B. (1996). *Sexuality and the "civilizing process" in modern Egypt.* Unpublished dissertation,  
Georgetown University, Washington.
- Dunton, C., & Palmberg, M. (1996). *Human rights and sexuality in Southern Africa.* Uppsala:  
Almqvist & Wiksell.

- 1 El-Din, G. (2003). Three more years. *Al-Ahram Weekly Online Issue*, 627 (February 27–March 5).
- 2 Epprecht, M. (1998). “Good god almighty, what’s this!”: Homosexual “crime” in early colonial  
3 Zimbabwe. In: S. O. Murray (Ed.), *Boy-Wives and Female-Husbands: Studies of African*  
4 *Homosexualities*. New York: St. Martin’s Press.
- 5 European Parliament (2003). *Resolution on human rights violations in Egypt*. April 10. Available at:  
6 <http://www.gayegypt.com/eurpar10ap20.html>.
- 7 Evans-Pritchard, E. E. (1970). Sexual inversion among the Azande. *American Anthropologist*, 72,  
8 1428–1434.
- 9 Foucault, M. (1990). *The history of sexuality: An introduction* (Vol. 1). New York: H. Holt & Co.
- 10 Franke, K. (1998). Putting sex to work. *University of Denver Law Review*, 75(4), 1139–1180.
- 11 Gluckman, M. (1967). Kinship and marriage among the Lozi of Northern Rhodesia and The Zulu of  
12 Natal. In: A. R. Radcliffe-Brown & D. Forde (Eds), *African Systems of Kinship and Marriage*.  
13 London: Oxford University Press.
- 14 Government of Zimbabwe (1981). *Growth with equity*. Salisbury.
- 15 Hammer, J. (2002). Gay Egypt in the dock: The big crackdown may reflect Cairo’s own insecurities.  
16 *Newsweek* (February 11).
- 17 Hatem, M. (1998). Secularist and Islamist discourses in modernity in Egypt and the evolution of  
18 the post colonial nation-state. In: Y. Haddad & J. Esposito (Eds), *Islam, Gender and Social*  
19 *Change*. Oxford: Oxford University Press.
- 20 Heng, G., & Devan, J. (1992). State fatherhood. In: A. Parker, M. Russo, D. Sommer & P. Yaeger  
21 (Eds), *Nationalisms & Sexualities*.
- 22 Howeid, A. (2000). Watch this space. *Al-Ahram Weekly On-Line*, 509. Retrieved July 7, 2003, from  
23 <http://www.ahram.org.eg/weekly/2000/509/eg3.htm>.
- 24 Human Rights Watch (2001). Egypt: Human rights background. October Report. Retrieved July 7,  
25 2003, from <http://www.hrw.org/background/mena/egypt-bck-1001.htm>.
- 26 International Gay and Lesbian Human Rights Commission (1996). Action alert, anti-gay rhetoric  
27 escalates in Zimbabwe. January Report. Retrieved July 7, 2003, from [http://www.iglhr.org/world/africa/Zimbabwe1996Jan\\_2.htm](http://www.iglhr.org/world/africa/Zimbabwe1996Jan_2.htm).
- 28 International Gay and Lesbian Human Rights Commission (2001a). Action alert, Egypt: Emergency  
29 court trials for homosexual suspects. July 3. Retrieved December 12, 2003, from <http://www.iglhr.org/news/press/pr-010703.html>.
- 30 International Gay and Lesbian Human Rights Commission (2001b). Action alert, 23 presumed homo-  
31 sexuals sentenced to hard labor. November 14. Retrieved December 12, 2003, from [http://www.iglhr.org/world/africa/Egypt2001Nov\\_2.html](http://www.iglhr.org/world/africa/Egypt2001Nov_2.html).
- 32 International Gay and Lesbian Human Rights Commission (2002). Action alert, cairo 52 ac-  
33 quitted men back in court. Retrieved July 7, 2003, from [http://www.iglhr.org/world/africa/Egypt2002Jun\\_2.html](http://www.iglhr.org/world/africa/Egypt2002Jun_2.html).
- 34 Jacobs, S. (1991). Land resettlement and gender in Zimbabwe: Some findings. *The Journal of Modern*  
35 *African Studies*, 29(3), 521–528.
- 36 Jacobs, S. (1998). A share of the earth? Feminisms and land reforms in Zimbabwe and South  
37 Africa. Proceedings of the International Conference on Land Tenure in the Developing  
38 World With A Focus On South Africa. Retrieved December 16, 2003 from [www.gtz.de/orboden/capetown/cape30.htm](http://www.gtz.de/orboden/capetown/cape30.htm).
- 39 Jacobs, S. (2000). The effects of land reform on gender relations in Zimbabwe. In: Bowyer- T. A. S.  
40 Bower & C. Stoneman (Eds), *Land Reform in Zimbabwe: Constraints and Prospects*. Aldershot:  
Ashgate Publishing Company.
- Kershaw, S. (2003). Cairo cracks down on the gay scene. *The New York Times* (April 3).

- 1 Long, S. (2002). *Fundamentalist sex: Sexuality, privacy, and the state in a global economy*.  
2 Unpublished draft on file with author.
- 3 Long, S. (2003). *More than a name: State-sponsored homophobia in Southern Africa*. New York:  
4 Human Rights Watch & International Gay and Lesbian Human Rights Commission.
- 5 Lussier, A. (2003). The trial that never was. *Cairo Times* (March 20).
- 6 Malala, J. (1999). Mbeki puts Mugabe in firing line. *Sunday Times* (November 14). South Africa.
- 7 Mamdani, M. (2001). *When victims become killers: Colonialism, nativism, and the genocide in*  
8 *Rwanda*. Princeton: Princeton University Press.
- 9 McGreal, C. (2001). Reluctant judge defies Mugabe. *The Guardian* (March 2). England.
- 10 Meredith, M. (2002). *Robert Mugabe: Power, plunder and tyranny in Zimbabwe*. Johannesburg:  
11 Jonathan Ball.
- 12 Mosse, G. L. (1985). *Nationalism and sexuality: Middle-class morality and sexual norms in modern*  
13 *Europe*. Madison: University of Wisconsin Press.
- 14 Msika, J. (1999). Zimbabwe women fight to put gender on the land agenda. *The Guardian* (January 6).  
15 United Kingdom.
- 16 Mugabe, R. (1996). Quoted in: C. Dunton & M. Palmberg (Eds), *Human Rights and Homosexuality*  
17 *in Southern Africa*, *Current African* (Vol. 19, p. 13). Uppsala: Nordiska Afrikainstitutet.
- 18 Mugabe, R. (1999a). Zimbabwe women fight to put gender on the land agenda (1999). *The Guardian*  
19 (January 6). United Kingdom.
- 20 Mugabe R. (1999b). President repeats 'gay gangster' accusation. *Herald* (November 13). Zimbabwe.
- 21 Mugabe, R. (1999c). U.K. set 'gay gangsters' on me. *BBC News* (November 8). Retrieved December  
22 12, 2003, from [http://news.bbc.co.uk/1/hi/english/world/africa/newsid\\_508000/508712.stm](http://news.bbc.co.uk/1/hi/english/world/africa/newsid_508000/508712.stm).
- 23 Murray, S. O., & Roscoe, W. (Eds) (1998). *Boy-wives and female-husbands: Studies of African*  
24 *homosexualities*. New York: St. Martin's Press.
- 25 Mushunje, M. (2001). *Women's land rights in Zimbabwe*. Retrieved December 15, 2003 from  
26 [www.wisc.edu/lc/live/bassaf0106a.pdf](http://www.wisc.edu/lc/live/bassaf0106a.pdf).
- 27 Ncube, W. (1983–1984). The decision in *Katekwe v. Muchabaiwa*: A critique. *Zimbabwe Law Review*,  
28 1 & 2, 217–228.
- 29 Ncube, W. (1987). Released from legal minority: The Legal Age of Majority Act in Zimbabwe. In:  
30 A. Armstrong (Ed.), *Women and Law in Southern Africa*. Harare: Zimbabwe Publishing House.
- 31 Parker, A., Russo, M., Sommer, D., & Yaeger, P. (Eds) (1992). *Nationalisms & sexualities*. New York:  
32 Routledge.
- 33 Phillips, O. (1997). Zimbabwean law and the production of a white man's disease. *Social and Legal*  
34 *Studies*, 6(4), 471–491.
- 35 Phillips, O. (2000). Constituting the global gay: Issues of individual subjectivity and sexuality in  
36 Southern Africa. In: C. Stychin & D. Herman (Eds), *Sexuality in the Legal Arena*. London:  
37 Athlone Press.
- 38 Radhakrishnan, R. (1992). Nationalism, gender and narrative. In: *Nationalisms and Sexualities*. New  
39 York: Rutledge.
- 40 Rizk, Y. (2001). A diwan of contemporary life. *Al Ahram Weekly On-Line*, 7–13 June (537).
- Rotberg, R. (2001). In Zimbabwe a reign of terror. *Boston Globe* (November 21).
- Ruiz, M. (1997). The Pasha's prostitutes: Rethinking women, the state, and female prostitution in  
nineteenth century Egypt. Working Paper at the Institute for Research on Women and Gender.  
University of Michigan, Ann Arbor.
- Sami, A. (2003). By our own hands. *Al-Ahram Weekly Online*, 24–30 April (635).
- Schmidt, E. (1992). *Peasants, traders, and wives: Shona women in the history of Zimbabwe, 1870–1939*. Portsmouth New Hampshire: Heinemann Educational Books.

- 1 Shakry, O. (1998). Schooled mothers and structured play: Child rearing in turn-of-the-century Egypt.  
 2 In: L. Abu-Lughod (Ed.), *Remaking Women: Feminism and Modernity in the Middle East*.  
 3 Princeton: Princeton University Press.
- 4 Skovgaard-Petersen, J. (1997). *Defining Islam for the Egyptian state: Muftis and Fatwas of the D?ar*  
 5 *al-Ifti?a*. New York: Brill.
- 6 Stoler, A. L. (1995). *Race and the education of desire: Foucault's history of sexuality and the colonial*  
 7 *order of things*. Durham: Duke University Press.
- 8 Stork, J. (2003). Letter to Egypt's prosecutor general from human rights watch Washington director,  
 9 Middle East and North Africa Division. August 28. [www.hrw.org/press/2003/08/egypt082803-](http://www.hrw.org/press/2003/08/egypt082803-ltr1.htm)  
 10 [ltr1.htm](http://www.hrw.org/press/2003/08/egypt082803-ltr1.htm).
- 11 Stychin, C. (1998). *A nation by rights*. Philadelphia: Temple University Press.
- 12 Sudarkasa, N. (1986). The status of women in indigenous Africa. *Feminist Studies*, 12, 91–103.
- 13 Talbot, P. A. (1967). *Censure, politics and criminal justice*. Milton Keynes: Open University Press.
- 14 van Nieuwkerk, K. (1995). *A trade like any other: Female singers and dancers in Egypt*. Austin:  
 15 University of Texas Press.
- 16 Vatikiotis, P. J. (1969). *The modern history of Egypt*. New York: Praeger.
- 17 Wright, M. (1983). Technology, marriage and women's work in the history of maize-growers in  
 18 Mazabuka, Zambia: A reconnaissance. *Journal of Southern African Studies*, 10(1), 71–85.
- 19 Zimbabwe Human Rights NGO Forum (2001a). How to rig an election: Evidence of a systematic  
 20 campaign to rig a free and fair poll. A report by the Zimbabwe Human Rights NGO Forum.
- 21 Zimbabwe Human Rights NGO Forum (2001b). Gender and constitutional issues. A report by the  
 22 Research Unit of the Zimbabwe Human Rights NGO Forum.

### Cases

- 23 *Katekwe v. Muchabaiwa*, (2) ZLR 112 (S). (1984).
- 24 *Magaya v. Magaya*, 3 LRC 35, (1) ZLR 100 (SC). (1999).
- 25 *Edwin Mombeshora v. K. Chirume*, 1971 AAC 30.
- 26 *Tachonia v. Mugabe* 169 F.Supp.2d 259 (S.D.N.Y. 2001).

### Uncited references

- 27 Amnesty International Report (2003), Anderson (1991), Bahgat and Long (2002),  
 28 Breuilly (1982), Chigwedere (1996), Mugabe (1996), Murray and Roscoe (1998)  
 29 and Schmidt (1992).

30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40