

Sexual Tensions of Post-Empire

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Abstract

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

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

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

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

We all know by now that sex is an especially dense transfer point for power. (Foucault 1990) By this Foucault meant that sex is particularly well suited to the projects of control, denigration, regulation or governance.

It is an especially good lever by which to wield power of various sorts. But it also may be the case that in circumstances in which power is being transferred - from colonial to post-colonial control, for instance - sex is not far from the scene. That is, in dense transfer points of power, sex is likely to make an appearance. Foucault taught us that where there is sex, there is likely power. But I hope to show here that where there is power, there is likely to be sex.

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

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the product of the government's use of sex as a tool of statecraft.

First, I look at the sexual politics of rule of President Robert Mugabe in Zimbabwe. Mugabe has found the deployment of sex as a particularly useful wedge issue in his mission of national freedom - that is, freedom from colonial rule by the British. Mugabe has effectively undertaken brutally homophobic policies by framing them within a post-colonial story that has enormous purchase with his people, and, indeed, a story that has floated his political career. Yet driving this deployment of a homophobic anti-imperialist program has been a shrewd plan to disempower a rapidly growing civil society in Zimbabwe. Mugabe's repressive campaigns attacking homosexuals have supported an ever radiating set of attacks against women, political opponents and white farmers. One way to read this trajectory is to see that the assault on homosexuality as a principal entry point in the creation of a culture of intolerance. Here, as elsewhere, sex has been looked to as a particularly useful transfer point for the consolidation of post-colonial power.

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

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

I. Disciplinary Administration of African National Sexual Citizenship in Post-Colonial Zimbabwe

For Benedict Anderson nationalism is best understood as more similar to kinship or religion than liberalism or fascism. (Anderson 1983: 15) Surely this is true of Robert Mugabe’s approach to nation building in post-colonial Zimbabwe. Mugabe has sold to his people a notion of an independent and sovereign Zimbabwe that has rested upon the idea of indigenization, yet where some people are more indigenous than others. (Meredith 2002: 129) While this is not an uncommon post-colonial nation-building strategy, Mugabe has undertaken such a task in a manner that explicitly constructs “national identity not on the basis of its own intrinsic properties but as a function of what it (presumably) is not. Implying ‘some element of alterity for its definition,’ a nation ineluctably ‘shaped by what is opposes.’” (Parker et al 1992: 5) In Mugabe’s Zimbabwe, post-colonial nationalism, once an effective approach to rule, has given way to crude nativism as his regime became vulnerable to increasing domestic and extraterritorial pressure. The difference against which Mugabe has constituted Zimbabwean kinship and nativism has been, of course, racial

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in nature, but Mugabe has used sexuality to consolidate power in a post-colonial regime threatened both extraterritorially by the likes of the World Bank, and domestically by a growing political opposition and expanding institutions of civil society. As Oliver Phillips has argued, in contrast to a post-apartheid South Africa that has sought to accommodate difference and create an open, heterogeneous society, Mugabe's approach has been to imagine Zimbabwe as a homogeneous community whose very being is threatened by diversity and disunity. (Phillips 1997) "Politically and socially, Zimbabwe has become much more 'inward-looking' than is South Africa." (Jacobs 1998) At key moments, that disunity and isolation has taken sexual form. Aeneas Chigwedere, a member of Mugabe's cabinet, put it thus:

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

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

For a short while Mugabe's government held out hope of offering the Zimbabwean people a peaceful and relatively prosperous transition away from British rule to independence. Promising reconciliation with the

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

While Mugabe had always used racial and political differences to establish the authenticity and authority of his government, in 1995 he nominated a new threat to the identity of integrity of Zimbabwean society: homosexuality. Against a backdrop of escalating political, social and economic chaos, that year Mugabe began a public campaign against lesbians and gay men, actively encouraging the national press to report negatively on issues relating to homosexuality, and speaking out himself in ways that invited violence against gay men and lesbians.

² He ordered the 1995 Zimbabwe International Book Fair to ban an exhibit by the civil rights group Gays & Lesbians of Zimbabwe (GALZ). Lesbians and gay men were “sexual perverts” who are “worse than dogs and pigs”, claimed Mugabe. He warned homosexuals to leave the country “voluntarily” or face “dire consequences.” (ANC 1996) Soon afterwards, Mugabe urged the public to track down and arrest lesbians and gay men. Since these incitements, men and women perceived to be gay or lesbian

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have been beaten up, fire-bombed, arrested, interrogated and threatened with death. Mugabe justified these remarks on the ground that homosexuality is "un-African", describing it as "coming from so-called developed nations," labeling homosexuality "a white problem." "Let them be gay in the US, Europe and elsewhere ... They shall be sad people here." (Dunton & Palmberg 1996: 13) Surely, none of his domestic or international troubles could be traced back to same-sex sexual practices, yet Mugabe devoted considerable time and vitriol to the "problem" of gay people in Zimbabwe, and many observers, both domestically and internationally, held the view that Mugabe unleashed such a homophobic tantrum as a way to distract attention away from the government's growing economic and political problems. Of course, the growth in visibility of gays, and to a lesser extent lesbians, in Zimbabwe in the mid-1990s provides some explanation for why Mugabe chose this group at this time to vilify in such a public way.

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

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

The dissolution of apartheid in Zimbabwe's neighbor to the south withdrew the specter of an evil empire with which to contrast Mugabe's civic, African and political virtue. As the new South Africa basked in the warm glow of international attention and favor, Mugabe sought ways to retain

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prominence in southern Africa as well as internationally. By positioning himself as a pan-African leader whose normative commitments and values derived from traditionally African customary law, he could contrast himself with the cosmopolitan, multi-cultural and distinctly modern post-Apartheid South Africa.

³ To this end, state-sponsored hostility to homosexuality as a modern, colonial imported identity proved to be a clever move that was part of a larger project of collapsing the state with the traditional African nation such that opposition to the state could be framed as anti-African. Phillips has made similar observations about the utility of homophobia to Mugabe's regional and international designs. (1997)

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

Of course, Mugabe's assertion of authentic African heterosexuality dissolves under the slightest pressure. The notion that human beings possessed a sexuality, such that it could be organized into homo and hetero sexualities, was itself an artifact of British colonial rule. (Phillips 2000: 24) Phillips provides ample evidence of a range of same-sex sexual practices that took place across the African continent in the pre-colonial period. (1997: 474) So too have a number of other scholars. (Evans-Pritchard 1970; Epprecht 1998; Talbot 1967: 35-6; De Rachewiltz 1964: 280) Prior to the civilizing missions of the colonial occupation in Rhodesia, human

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sexuality was understood in reproductive terms that were constitutive of kinship networks and familial wealth. Sexual identity of object choice framed in terms of desire was never the organizing force behind human sexuality. “What was important was consequential physical activity rather than projected cognitive desire.” (Phillips 1997: 475) Thus, the Mugabe government’s assertion of an authentic, pre-colonial African sexuality presupposes an approach to sexuality that has no African roots, and the campaign against gay people in Zimbabwe was undertaken, in significant part, through the enforcement of, if not merely reference to, laws criminalizing homosexuality that had been enacted by the British during colonial rule. (Phillips 1997: 476-477; International Gay and Lesbian Human Rights Commission 1996)

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

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

The heterosexual/homosexual binary that undergirds Mugabe’s efforts in this regard rests, to be sure, on the stability of other binaries as well, such as that of male and female. But these distinctions, and the heteromale norms that they assume, have not been as historically stable on the African continent as Mugabe presupposes. Traditionally, the gendered concepts of “woman” and “man” had some play in their joints depending upon a range of social and cultural felicities or infelicities. (Colson 1958) Women

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could be released from marriage to an impotent man, as he was treated socially as another woman. (Gluckman 1967) The Nuer people along the upper Nile as well as some Zulu people have had traditions by which important women could marry other women by giving marriage-cattle for their brides, and the more powerful women in the marriage would be considered the father of the wife's children begotten by some male kinsman of the female husband. (Gluckman 1967; Murray 1998; Amadiume 1987) Carrier and Murray have written that "woman-woman marriage – in which one woman pays brideprice to acquire a husband's rights to another woman – has been documented in more than thirty African populations. (1998) Sudarkasa has found that there is a general de-emphasis on gender in 'traditional' African societies and a corresponding emphasis on status ('personal standing'), which is usually, but not always, determined by wealth. (1986 p. 97) Thus, the authentic African heterosexuality that Mugabe asserts is being threatened by the presence of homosexuality in Zimbabwe is largely a myth of his own making, as are the notions of heteromascularity and heterofemininity that undergird it.

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

The racial dimensions of Mugabe's interpellation/awakening of Zimbabwean gays is also rather ironic. Prior to 1995 when Mugabe

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initiated his most vicious vitriol toward homosexuality GALZ had been a predominantly white, male organization. As pressure on GALZ mounted, white men left the organization, while black gay men and lesbians in the cities sought refuge in the organization from increasing public and private pressure. What is more, GALZ's presence is no longer exclusively in the urban space of Harare. In 1999 it opened a drop-in center in Bulawayo in the southern part of the country, and another space in Mutare is also being contemplated. This outreach has resulted in a substantial increase in the number of poorer black men from rural areas and townships joining the organization. At the same time, GALZ's Executive Director points out that it's membership is made up of very few, if any, middleclass business people, since "they have more to lose" from associating publically with other gay men. (Berthiaume 2003) Oliver Phillips reports that some white members left out of fear of Mugabe's call for violence, other white men left due to their own discomfort/racism with the increased presence of black men in GALZ. In any event, for GALZ to be politically effective it had to be perceived as more of a black than white group, and had to have black leadership.

⁴ Thus, Mugabe's targeting of GALZ has had the effect of calling up a generation of black gay men and some lesbians - a population he maintained did not exist - while marginalizing white gay men in the group.

Human rights activists have critiqued the Mugabe government's attacks on homosexuality as a means to distract attention away from the nation's political and economic problems. So too, this campaign has been interpreted through a post-colonial lens, playing to black Zimbabweans' notions of authentic African sexuality and identifying gayness with other imperialist threats in the form of the World Bank, white landowners and other Rhodesian residue. The perversity of the way in which homosexuality has been used by Mugabe in connection with his larger political projects is no better exemplified than his accusation that the British Government had set "gay gangsters" on him over his land reforms. (Malala 1999; Mugabe 1999b; Mugabe 1999c) Mugabe thus set himself up as a besieged African leader being undermined by the (gay) hand of a prior

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colonial power, while he tries to restore land to his black (male) constituents. He effectively turned to sexuality to produce a normative heterosexual citizen set off against a gay threat to Zimbabwean society in such a way that “‘relations of subjugation can produce subjects,’ defined by their varied transgressions as “‘internal enemies’ of society and state.” (Stoler 1995: 35-36) These internal enemies have served as the new antipodal point against which Mugabe’s Zimbabwe could define itself by reference to what it was not.

In some ways, what concerns human rights workers the most is the dexterity with which Mugabe has used the attacks on gay people as a stepping stone for broader attacks on his rivals and for consolidating his dwindling power. Mugabe correctly anticipated that the human rights community in Zimbabwe would not respond to the attacks on gay men and lesbians, indeed, many did not regard this as a human rights issue at all.

⁵ Having met scant opposition to his policies attacking lesbians and gays, Mugabe moved on to gain further political advantage in his ongoing efforts to undermine women’s rights. Given how fundamental land distribution and redistribution is to Zimbabwean politics, particularly to supporters of the ruling ZANU PF party, Mugabe undertook several land reform policies that explicitly disempowered women. While the Zimbabwean constitution has since 1996 prohibited sex discrimination, it has exempted all family law, customary and personal law from the reach of those equality provisions. Women’s rights groups have lobbied heavily to have land permits automatically registered in the name of both husbands and wives. This reform would protect women from the common practice of their sons selling the family home upon the death of their fathers - usually without notice to their mothers, thus leaving their widowed mothers homeless and destitute. (Zimbabwe Human Rights NGO Forum 2001b) In 1998 the minister in charge of resettlement, Joseph Msika, rejected women's demands that property be registered in the names of both spouses, and for the five million hectares earmarked for redistribution to be given to single, unmarried women or women heads of households. He justified these policies on the ground that granting women land rights would create

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domestic (household) unrest. (Msika 1999)

The government's policies on women and land ownership operationalized what had been long standing informal policy with respect to women's rights claims in Zimbabwe. Shortly after the Supreme Court held in the 1984 *Katekwe* case that seduction damages (or loss of *lobolo* or bride price

⁶) was a legal asset owned by the seduced female, not her male guardian, Mugabe joked in Parliament "that if his sister were to get married, he would demand *lobolo* and if the intended husband pointed to the *Katekwe* judgement, he would say to him, 'O.K. That is the judgement. Do you want to marry my sister or not?'" (Katekwe 1984; Ncube 1983-84: 217) Mugabe's response to the *Katekwe* Court's decision must be understood in light of the history of *lobolo* in Zimbabwe. Under the African Marriage Act, a colonial regulation of marriage, Africans who wished to marry in Rhodesia had to obtain a certificate from a colonial officer who was required to satisfy himself that sufficient *lobolo* had been paid. "In this way the colonial state entrenched the institution of *lobolo/roora* by making it a condition precedent for a valid marriage." (Ncube 1987: 202) Thus Mugabe's comments regarding *lobolo* reproduced the colonial state's insistence on the presence of brideprice to validate a marriage. Here as in the context of homosexuality, Mugabe privileges a notion of gendered culture that belies the actual history of *lobolo* in Zimbabwe.

The government's official use of women as a wedge issue in land policy gained juridical power after Mugabe packed the Supreme Court with his supporters in 1999.

⁷ (Rotberg 2001) Immediately thereafter, the Supreme Court ruled on a woman's right to inherit her father's property after her half brother evicted her from her deceased father's house. The Court unanimously rejected her claim on the ground that the "nature of African society" dictates that women are not equal to men, especially in family relationships. Under customary law, only men can inherit and all family members are subordinate to the male head of the family. "Women should never be considered adults within the family, but only as a junior male or teenager."

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(Magaya 1999) The court carefully framed its ruling as necessarily driven by the customary law of the tribe in which the deceased father had been a member, and tersely dismissed domestic laws and international treaties that required sex equality as imposing colonial, not indigenous, law and norms on the Zimbabwean people.

⁸ In so doing, the court chose to elevate customary law over sex based discrimination, thus privileging group rather than individual-based rights. But in so doing, it failed to acknowledge that the “customary law” that it sought to protect was itself the product of colonial rule and interpretation. Ncumbe has shown that during the colonial period, courts that sought to preserve customary rules of domestic relations did so by making up those customary rules to serve present interests, or by “updating” those rules to conform to contemporary political and economic needs. (1987) In a family law case decided by the Zimbabwean Supreme Court in 1971, the court justified modification of customary law on the grounds that:

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

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

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

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

These colonial policies sought to alter tribal kinship-based structures of labor that were matrilineal in nature and favored women economically, in so far as women had been able to command the labor of their sons and son-in-laws. (Ibid) The shift urged by colonial forces in the years following the mid-1930s away from cotton production and toward cash crops and copper extraction had the effect of deteriorating women's ability to control male labor, as that labor was now being conscripted into colonial production. This gendered reorganization of labor took place at the same time that marriage-related "customary" law evolved in response. Brideservice, the access of wives to their son in law's labor, gave way to bridewealth or *lobolo*. Thus, during this period the demands and incentives of colonial governance and control of the economy had the effect of locating technology, capital, and labor increasingly as the "property and prerogative of men." (Wright 1983: 85) The end result of this system was that young African men worked as migrant wage laborers in the European economy, African women engaged in agricultural production in the reserves, and older African men maintained law and order at the household and village levels. (Schmidt 1983: 6)

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

in some respects this showpiece of state policy continues practices that were current under colonialism ... The fundamental provision

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that permits are held by the 'household head' – deemed to be the male spouse both by the Government and the popular opinion – means that it is difficult for gender relations to have changed dramatically. (Jacobs 1991: 522)

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

Mugabe moved on from there when he invited violence against his political opposition,

⁹ supported extrajudicial seizure of lands owned by white farmers and defended the violence perpetrated against both the white farm owners and their black farm employees.

¹⁰ In the wake of these escalating tactics, the Zimbabwean human rights community has endured violent and sustained attacks. (Zimbabwe Human Rights NGO Forum 2001a)

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

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into the whole is regarded as a threat to the nation.

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

II. The Moral Enclosure of Sexual Threats in Egypt

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

An unprecedented state-sponsored media campaign publicized the arrests and trials of the accused - their names, places of work and, in some cases, pictures were published in the state owned media. (Bahgat 2001) Some of the men were arrested in the early hours of May 11, 2001,

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following a raid by police and State Security Intelligence personnel on a party held aboard the Queen Boat moored on the Nile in Cairo's Zamalek district. Others had not even been on the boat, but had been thrown in with the Queen Boat defendants after being picked up on Cairo streets.

¹¹ Initial reports in the Egyptian media suggested that those arrested were part of a "Satanic cult" and that they were being held under charges of "exploiting religion to promote extreme ideas to create strife and belittle the revealed religions." It subsequently became clear that the arrests were carried out because the men were suspected of engaging in consensual sexual activity with other men. The detainees were subjected to forensic examinations, apparently in order to determine whether they had engaged in anal intercourse, and were forced to "say my name, my job, my address and say 'I am gay.'" (Lussier 2003; International Gay and Lesbian Human Rights Commission 2001a) In November, 2001, the defendants were brought into court and were promptly placed in a cage in the courtroom where they stood wearing masks and hoods they had constructed out of their shirts and underwear in order to disguise their identities from the media present in the court. Indeed, only the media was allowed in the courtroom when the judge read out the verdicts and sentences. Families and friends of the accused were not permitted to be present, and their cries from the hall and banging on the courtroom doors rumbled in the courtroom as the judge began the proceedings. The judge read the court's verdict in a whisper that no one in the room could hear, indeed for some days many defendants did not know whether they had been found guilty or what sentence they had been given.

In the end, twenty three of the fifty two defendants were sentenced to between one and five years of hard labor. (International Gay and Lesbian Human Rights Commission 2001b) However, in May, 2002 the State Security Office for the Ratification of Verdicts overturned most of the Cairo 52 convictions and released 21 of the men who had been found guilty of the "habitual practice of debauchery." The court took this action on the ground that this crime did not merit trial before the special emergency court, and ordered that these men, as well as those who had been acquitted

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in the Cairo 52 trial, be retried in a civilian court. (International Gay and Lesbian Human Rights Commission 2002) The retrial took place in the Qasr Al-Nil misdemeanours court - a civilian criminal court - however the judge held no hearing, took no testimony, refused to permit the defense lawyers to cross examine the arresting officers, nor allowed them to submit written memoranda or oral arguments to the court. Relying entirely on the forensic evidence and coerced confessions of the defendants, in March of 2003 the civilian judge again found the 21 defendants guilty of "habitual debauchery". He then issued harsher sentences than had the state security court. (Lussier 2003) The defense attorney commented in the Egyptian press that he felt the civilian judge "was trying to send a message that the Emergency State Security Court's verdict had been a better option." (Al-Akram Weekly Online 2003)

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

How to understand these very public scandalous show trials undertaken by the Egyptian government in the press, the Emergency Security Court, and now Egyptian civil courts? As in Zimbabwe, some have observed that the Mubarak government desired to divert public

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attention away from economic problems and a growing liquidity crisis while the government attempted to impose new sales taxes. (Bahgat 2001: 2) One could also imagine that the government had ample reason to shore up its Islamic credentials domestically as it found itself increasingly allied with the U.S. government in its campaign against terrorism. Scandalous sex trials might do the trick. Some human rights groups have interpreted the prosecution of the Cairo 52 as an indicator of how Islamic societies treat sexuality more generally.

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

The laws under which the Cairo 52 were prosecuted find their roots in post-colonial campaigns against prostitution. Egyptian law does not expressly criminalize homosexual acts. However, the charges that were brought against these men came under Article 9(c) of Law No. 10 of 1961 on the Combat of Prostitution. When the British occupied Egypt in 1882, they imposed a form of "regulationism" of prostitution. (Dunne 1996: 195-252) Rather than outlawing it, which would have comported with Christian colonial moralizing in evidence elsewhere, the British set out to regulate legalized prostitution - requiring the registration of prostitutes, weekly medical inspections of sex workers, and restricting the sex trade to certain licensed establishments. (van Nieuwkerk 1995: 45; Dunne 1996: 139) In Egypt, as in many other areas colonized during this period, prostitution was legalized, in significant part, for the benefit of European settlers and

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soldiers.

¹² Dunne's research shows that the number of registered prostitutes in Cairo jumped from 921 in 1914 to 2,540 in 1915, and then fell off as the war wound down.

¹³ (1996: 206) Legalized and regulated prostitution remained a vital part of Egyptian urban life through the remainder of British rule, notwithstanding reform and abolition campaigns undertaken during that same period in Britain and in many of its other colonies.

Egyptian nationalists, however, seized on prostitution immediately after national independence as an example of the social ills that befell Egypt under British occupation. (Rizk 2001) In February of 1925 Egyptian feminist and Wafd party leader Sha'rawi Huda declared in the national women's newspaper which she founded, *L'Egyptienne*, that the struggle against licensed brothels was a matter of national honor, and that the abolitionist cause was "patriotic and humanitarian."

¹⁴ (ArabicNews 1999; Dunne 1996: 300)

Shortly thereafter, Islamic nationalists began a campaign to link the abolition of prostitution to Egyptian nationalism and Islam. (Dunne 1996: 302) The abolition of prostitution became a principle goal of decolonization, and the ultimate repeal of laws legalizing prostitution after British occupation was explicitly understood to represent a rejection of the promiscuity of alien sexual culture, and the purging of alien sex workers from Egypt's urban spaces.

¹⁵

Yet the independent Egyptian government did not repeal the British laws licensing prostitution and regulating brothels until 1949, fully twenty seven years after independence. Some of the delay can be attributed to the presence of allied troops in Egypt during the Second World War. (van Nieuwkerk 1995: 47) And much time was devoted to the work of the Commission of Enquiry, charged in 1932 with the task of considering alternatives to regulated prostitution. (Dunne 1996: 306-311) The Muslim

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Brotherhood began to play a role in Egyptian politics in the 1930s, urging a reorientation of the culture in keeping with Islamic principles and away from the liberal, European secularism that had characterized Wafdist government and politics. (Vatikiotis 1969: 315-316) Their influence took hold in the late 1940s and early 1950s. Prime Minister Ibrahim Abdel Hadi Pasha issued a military decree closing the brothels in 1949, in part in response to criticism the government had received from the Muslim Brotherhood regarding the government's policy permitting prostitution, gambling and drinking of alcohol. (Skovgaard-Petersen 1997; Vatikiotis 1969: 328-330) During this same period, anti-British, anti-western, and pro-Islamic sentiment fueled the creation of the Young Men's Muslim Association (YMMA), a group explicitly founded to counter the missionary practices of the YMCA. (Vatikiotis 1969: 326) Without question, legal reforms during this period were undertaken for complex sets of reasons, however two important concerns had a significant effect upon the government's approach to prostitution after independence: anti-imperialist Egyptian nationalism articulated as sexual purity, and the secular state defending itself against the growing power of the Muslim Brotherhood.

These two concerns figure prominently in the prosecution of the Cairo 52 under modern Egyptian criminal law targeting prostitution. First, the Emergency Security Courts in which these men were tried were originally set up to try Islamic fundamentalists. Since 1992 hundreds of civilians, mostly alleged members or supporters of *al-Gihad* (Holy Struggle, known abroad as Egyptian Islamic Jihad), *al-Gama'a al-Islamiyya* (Islamic Group), or *Al-Ikhwān Al-Moslemoon*

(the Muslim Brotherhood), have been referred to military courts. These trials, sometimes held en masse, have been criticized by Human Rights Watch and other human rights organizations for failing to meet international fair trial standards: basic rights, such as the right to appeal, have been routinely violated, even in cases where the defendants faced and were punished with the death penalty. (Human Rights Watch 2001) The well publicized prosecution of the Cairo 52 in the very same courts sent a

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

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

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

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‘persecutes homosexuals’!” (European Parliament 2003; Sami 2003)

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

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

In the fall of 2003, Pope Shenouda III, the leader of Egypt’s Coptic Orthodox 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 received death threats from gay rights groups during a recent trip to Australia. (Al-Ahram 2003)

In Egypt, as in Zimbabwe, the moral enclosure of sex - be it heterosexuality within monogamous marriage, prostitution or homosex - has proven to be an effective tool of governance by a state under stress. Prior to the mid-twentieth century, same sex sex between males was well know and wide spread in Egypt. But only the passive partner (constructed within the context of anal sex) was considered to be homosexual and was subject to criminal laws prohibiting homosexual acts. (Dunne 1996 pp. 9-10) Curiously, this definition of homosexuality has changed in recent years. Through the Cairo 52 prosecutions, the government has adopted a more “western” identity-based definition of gayness. Role no longer

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defines the crime, sex of object choice does - and this is new in Muslim society.

¹⁶ Thus, at the moment that the Egyptian government has chosen to use (homo)sex to consolidate and rehabilitate its power, it has done so by first interpellating a western homosexual subject, and then caging him, parading him before the public, and excising him from Egyptian culture. The moral enclosure in which these gay outlaws in Egypt have been caged reflects a kind of territorialization, or social mapping by a governmental power on the sexualized male body.

In a perverse twist of geopolitical interest convergence, the roundup of allegedly gay men may have had the effect of adding legitimacy to the state security courts and the expansion of the emergency powers of the Egyptian state. The harsh sentence of the civilian criminal court on the Cairo 52 came down right on the heels of the Mubarak government's successful effort to ram through the Egyptian parliament a provision to extend the state of emergency for another three years -- aided in no small part by President Bush's global war on terrorism. This legislation included reforms to the emergency court system, abolishing the court in which the Cairo 52 had been convicted, while leaving in tact another security court whose jurisdiction was limited to the most dangerous security cases. At the same time, the Mubarak government expanded the jurisdiction of the power of its regular courts - the courts in which the Cairo 52 had been retried and more harshly convicted. The government justified the necessity for such measures by reference to the rise in global terrorism since September 11th. The Muslim Brotherhood and other members of the opposition government opposed the extension on the ground that the powers it gave the government had been used not to fight terrorists but to arrest Egyptian citizens for demonstrating against the U.S.'s invasion of Iraq. (El-Din 2003) In this they have proven correct. In August of 2003 the Mubarak government initiated prosecutions against five men in the National Security Court based on their anti-war activism generally, and "communicating with foreign human rights organizations" specifically.

¹⁷ (Stork 2003; Allam 2003) While Human Rights Watch has expressed

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

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

Sexual accusation has supplied the justification by which qualities deemed undesirable may be contained or excised. These domestic enemies¹⁸ emerge first as an abstract legal category "the sodomite" or "the pervert habituated to debauchery," that is to be filled up with bodies - really, any bodies - through an act of nominal violence with profound epistemic effects. "You, and you, and you," commands the state as it arrests Egyptian men off the street, often randomly. Through these public acts of law enforcement, sex is stamped on male bodies in an act whereby qualities deemed undesirable may be contained or excised through sexual accusation by the post-colonial state in its attempt first to define an idealized nation, and then to defend that nation from "security threats." (Heng and Devan 1992)

Conclusion

I offer these examples to show how in some circumstances it has proven useful to construct a narrative about the nation that contains an

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official national sexuality, and a nation that is populated by certain types of sexualized subjects and citizens. These examples illustrate how sexuality can help define political culture, and that certain forms of nationalism are operationalized through the management of threats that are easily imagined in sexualized terms. The epistemic violence of rule in these moments can be most effective when done through and by sex and sexuality.

The sexual accusation cultivated by the post-colonial nationalism in evidence in Zimbabwe and Egypt reflects what might be understood as a form of reverse or internalized Orientalism. In both cases, the “object” of post-colonial nationalist thought remains the Oriental, who “accepts and adopts the same essentialist conception based on the distinction between ‘the East’ (and ‘the African’) and ‘the West’.” (Chatterjee 1986: 38-39) In this post-colonial context, the repressive resolution of identity is accomplished by framing local enemies that bear a metonymic relationship to the “West.” At least in the instances I examine in this essay, gays or perverts are interpellated through various legal techniques as new subalterns, produced as an effect of nationalist, or even nativist, rhetoric. This sexualized threat then congeals in a certain kind of subjectivity that reads politically and socially as depraved Others.

The sexualized subject emerges from within the political and legal horizon created by the state. It is precisely the state’s effort to jettison a particular past, to declare it over, and to cement a more authentic national culture that renders sexual abjection the detritus of that national cleansing.

These states seek a false continuity with a pre-colonial past, which continuity promises authenticity. But that authenticity is manufactured in ways not terribly dissimilar from the imperial fabrication of customary law. These two examples illustrate how crucial sexual alterity can be to the project of statecraft when one older past is to be resurrected and another more recent vanquished - surely these are dense transfer points for power.

Ironically, the sexual subjects that are the product of these state

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practices are exactly the subjects that international human rights groups pick up in their humanitarian radar when they scan the globe for human rights abuses. In that sense, human rights groups have an odd stake in the presence of gay subjects like those in Zimbabwe and Egypt. Indeed, they assert a kind of jurisdiction over them that risks reifying, if not interpellating, gay subjectivity in ways that tragically mirrors the power exerted by the state. This is not to say that the gaze of the human rights agency is the moral equivalent of the gaze of the state, but rather that the productive effects of human rights advocacy are worthy of critical attention.

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REFERENCES

Abu-Lughod, L. (1998). *Remaking Women: Feminism and Modernity in the Middle East*. Princeton: Princeton University Press.

Administration of Estates Act, Section 68(1) (Zimbabwe).

Ahbab News (2003). *Egypt Police Arrest 62 Suspected Gay Men*. September 25. http://ahbab.blogspot.com/2003_09_21_ahbab_archive.html

Al-Ahram Daily (2003). *Pope versus "Plague"*. September 11-17. <http://weekly.ahram.org.eg/2003/655/eg4.htm>

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).

Sexual Tensions of Post-Empire

Ali, A. R. (2003). *Egypt's Muslim Brotherhood Moots Political Reforms Plan*. October 15. Islam Online. www.islam-online.net/English/News/2003-10/15/article07.shtml

Allam, A. (2003). Rights Groups Criticize Egypt's Change in Court System. *The New York Times*. September 8.

Amadiume, I. (1987). *Male daughters, Female Husbands : Gender and Sex in African Society*. London: Zed Books.

Amnesty International (2002). *Persecution of Men Accused of Being Gay Leads to Torture, Imprisonment*. February.

Amnesty International Report (2003). Retrieved July 7, 2003, from <http://takeaction.amnestyusa.org/action/index.asp?step+2&item=2537>.

ANC Daily News Briefing (1996). *Africa's Greatest Literary Event May Be Sunk By Mugabe*. August 2. Retrieved December 15, 2003 from <http://www.anc.org.za/anc/newsbrief/1996/news0803>

ANC Daily News Briefing (2000). *Zimbabwe's Mugabe Renews Attacks on Gays in New Year Address*. January 3. Retrieved December 15, 2003 from www.anc.org.za/anc/newsbrief/2000/news0103.txt.

Anderson, B. (1983). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.

Anderson, P. (1991). Nation-States and National Identity. *London Review of Books*, May 9, p. 3.

ArabicNews.com (1999). Hoda Sha'rawi, Pioneer of Feminist Movement. December 31. Retrieved December 12, 2003 from <http://www.arabicnews.com/an/Daily/Day/991231/1999123157.html>

Sexual Tensions of Post-Empire

Ashton, L. (2003). 21 Allegedly Gay Men Get Three Years. *Middle East Times*, March 21.

Associated Press (2003). Egypt Appeals Court Acquits in Gay Trial. July 20.

Bahgat, H. (2001). Explaining Egypt's Targeting of Gays. Middle East Research and Information Project, Press Information Note 64.

Bahgat, H. and Long, S. (2002). Notes on the Regulation of Illicit Sexuality in Egypt. Draft paper on file with authors.

B B C N e w s (1 9 9 8) A u g u s t 1 2 .
http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing_continents/newsid_143000/143169.stm.

Berthiaume L. (2003). Gays Soldier On. *Zimbabwe Standard* - September 15.

Breuilly, J. (1982). *Nationalism and the State*. Chicago: University of Chicago Press.

Carrier, J.M. and Murray, S.O. (1998). Woman-Woman Marriage in Africa. In: S. O. Murray (Ed) *Boy-Wives and Female-Husbands: Studies of African Homosexualities*. New York: St. Martin's Press.

Chakaodza, B. (1998). Speaking in an interview (August 12). *BBC News*. Retrieved July 7, 2003, from http://news.bbc.co.uk/hi/english/audiovideo/programmes/crossing_continents/newsid_143000/143169.stm.

Chatterjee, P. (1986). *Nationalist Thought and the Colonial World*. New Delhi: Oxford University Press.

Chigwedere, A. (1996). Zimbabwe parliamentary debate, September 28, 1995, quoted in

Sexual Tensions of Post-Empire

Dunton and Palmberg, (1996). Human Rights and Homosexuality in Southern Africa, *Current African Issues* 19. Nordiska Afrikainstitutet.

Colson, E. (1958). *Marriage and the Family Among the Plateau Tonga of Northern Rhodesia*. Manchester: University of Manchester Press.

Dadran, M. (1995). *Feminists, Islam and Nation: Gender and the Making of Modern Egypt*. Princeton: Princeton University Press.

Dashwood, H.S. (2000). *Zimbabwe: The Political Economy of Transformation*. Toronto: University of Toronto Press.

De Rachewiltz, B. (1964). *Black Eros: Sexual Customs of Africa From Prehistory to the Present Day* (tr. 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.

El-Din, G. (2003). Three More Years. *Al-Ahram Weekly Online Issue*, 627 (February 27-March 5).

Epprecht, M. (1998). “Good God Almighty, What’s This!”: Homosexual “Crime” in Early Colonial Zimbabwe. In: S. O. Murray (Ed) *Boy-Wives and Female-Husbands: Studies of African Homosexualities*. New York: St. Martin’s Press.

European Parliament (2003). *Resolution on Human Rights Violations in Egypt*. April 10. Available at: <http://www.gayegypt.com/eurpar10ap20.html>

Evans-Pritchard, E. E. (1970). Sexual Inversion among the Azande. *American Anthropologist* 72: 1428-34.

Sexual Tensions of Post-Empire

Foucault, M. (1990). *The History of Sexuality: An Introduction* (Vol. 1). New York: H. Holt & Co.

Gluckman, M. (1967). Kinship and Marriage Among the Lozi of Northern Rhodesia and The Zulu of Natal. In: A.R. Radcliffe-Brown & D. Forde (Eds.) *African Systems of Kinship and Marriage*. London: Oxford University Press.

Government of Zimbabwe (1981). *Growth with Equity*. Salisbury.

Hammer, J. (2002). Gay Egypt in the Dock: The Big Crackdown May Reflect Cairo's Own Insecurities. *Newsweek*. February 11.

Hatem, M. (1998). Secularist and Islamist Discourses in Modernity in Egypt and the Evolution of the Post Colonial Nation-State. In: Y. Haddad & J. Esposito (Eds), *Islam, Gender and Social Change*. Oxford: Oxford University Press.

Heng, G. & Devan, J. (1992). State Fatherhood. In Andrew Parker, Mary Russo, Doris Sommer and Patricia Yaeger Eds., *Nationalisms & Sexualities*.

Howeidy, A. (2000). Watch This Space. *Al-Ahram Weekly On-Line*, 509. Retrieved July 7, 2003, from <http://www.ahram.org.eg/weekly/2000/509/eg3.htm>.

Human Rights Watch (2001). Egypt: Human Rights Background. October Report. Retrieved July 7, 2003, from <http://www.hrw.org/backgrounder/mena/egypt-bck-1001.htm>.

International Gay and Lesbian Human Rights Commission (1996). Action Alert, Anti-Gay Rhetoric Escalates in Zimbabwe. January Report. Retrieved July 7, 2003, from http://www.iglhrc.org/world/africa/Zimbabwe1996Jan_2.htm.

Sexual Tensions of Post-Empire

International Gay and Lesbian Human Rights Commission (2001a). Action Alert, Egypt: Emergency Court Trials for Homosexual Suspects. July 3. Retrieved December 12, 2003, from http://www.iglhrc.org/news/press/pr_010703.html.

International Gay and Lesbian Human Rights Commission (2001b). Action Alert, 23 Presumed Homosexuals Sentenced to Hard Labor. November 14. Retrieved December 12, 2003, from http://www.iglhrc.org/world/africa/Egypt2001Nov_2.html.

International Gay and Lesbian Human Rights Commission (2002). Action Alert, Cairo 52 Acquitted Men Back In Court. Retrieved July 7, 2003, from http://www.iglhrc.org/world/africa/Egypt2002Jun_2.html.

Jacobs, S. (1991). Land Resettlement and Gender in Zimbabwe: Some Findings. *The Journal of Modern African Studies* 29(3), 521-528.

Jacobs, S. (1998). A Share of the Earth? Feminisms and Land Reforms in Zimbabwe and South Africa. Proceedings of the International Conference on Land Tenure in the Developing World With A Focus On South Africa. Retrieved December 16, 2003 from www.gtz.de/orboden/capetown/cape30.htm.

Jacobs, S. (2000). The Effects of Land Reform on Gender Relations in Zimbabwe. In: Bowyer-Bower, T.A.S. and Stoneman, C. (Eds), *Land Reform in Zimbabwe: Constraints and Propects*. Aldershot: Ashgate Publishing Company.

Kershaw, S. (2003). Cairo Cracks Down on the Gay Scene. *The New York Times*, April 3.

Long, S. (2002). Fundamentalist Sex: Sexuality, Privacy, and the State in a Global Economy. Unpublished draft on file with author.

Sexual Tensions of Post-Empire

Long, S. (2003). *More Than a Name: State -Sponsored Homophobia in Southern Africa*. New York: Human Rights Watch & International Gay and Lesbian Human Rights Commission.

Lussier, A. (2003). The Trial That Never Was. *Cairo Times*, March 20.

Malala, J. (1999). Mbeki Puts Mugabe in Firing Line. *Sunday Times*, November 14. South Africa.

Mamdani, M. (2001). *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton: Princeton University Press.

McGreal, C. (2001). Reluctant Judge Defies Mugabe. *The Guardian*, March 2. England.

Meredith, M. (2002). *Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe*. Johannesburg: Jonathan Ball.

Mosse, G. L. (1985). *Nationalism and Sexuality: Middle-Class Morality and Sexual Norms in Modern Europe*. Madison: University of Wisconsin Press.

Msika, J. (1999). Zimbabwe Women Fight to Put Gender on the Land Agenda (1999). *The Guardian*, January 6. United Kingdom.

Mugabe, R. (1996) Quoted in: C. Dunton & M. Palmberg, Human Rights and Homosexuality in Southern Africa, *Current African*, 19,, p. 13. Uppsala: Nordiska Afrikainstitutet.

Mugabe, R. (1999a) Zimbabwe Women Fight to Put Gender on the Land Agenda (1999). *The Guardian*, January 6. United Kingdom.

Sexual Tensions of Post-Empire

Mugabe R. (1999b) President Repeats 'Gay Gangster' Accusation. *Herald*, November 13. Zimbabwe.

Mugabe, R. (1999c) UK Set 'Gay Gangsters' On Me. *BBC News*, November 8. Retrieved December 12, 2003, from http://news.bbc.co.uk/1/hi/english/world/africa/newsid_508000/508712.stm.

Murray S. O., and Roscoe, W. (Eds) (1998). *Boy-Wives and Female-Husbands: Studies of African Homosexualities*. New York: St. Martin's Press.

Mushunje, M. (2001). Women's Land Rights In Zimbabwe. Retrieved December 15, 2003 from www.wisc.edu/lrc/live/bassaf0106a.pdf

Ncube, W. (1983-84) The Decision in *Katekwe v. Muchabaiwa*: A Critique. *Zimbabwe Law Review* 1 & 2, 217-228.

Ncube, W. (1987). Released from Legal Minority: The Legal Age of Majority Act in Zimbabwe. In: Armstrong, A. (Ed), *Women and Law in Southern Africa*. Harare: Zimbabwe Publishing House.

Parker, A., Russo, M., Sommer, D., and Yaeger, P. (Eds) (1992). *Nationalisms & Sexualities*. New York: Routledge.

Phillips, O. (2000). Constituting the Global Gay: Issues of Individual Subjectivity and Sexuality in Southern Africa. In: C. Stychin & D. Herman (Eds), *Sexuality in the Legal Arena*. London: Athlone Press.

Phillips, O. (1997). Zimbabwean Law and the Production of a White Man's Disease. *Social and Legal Studies*, 6(4), 471-491.

European Parliament (2003). *Resolution on Human Rights Violations in Egypt*. 10 April.

Sexual Tensions of Post-Empire

Radhakrishnan, R. (1992) Nationalism, Gender and Narrative. In: *Nationalisms and Sexualities*. New York: Rutledge.

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, Inc.

Shakry, O. (1998). Schooled Mothers and Structured Play: Child Rearing in Turn-of-the-Century Egypt. In: *Remaking Women: Feminism and Modernity in the Middle East* Lila Abu-Lughod Ed. Princeton: Princeton University Press.

Skovgaard-Petersen, J. (1997). *Defining Islam for the Egyptian State: Muftis and Fatwas of the D̄ar al-Ift̄ā*. New York: Brill.

Stoler, A. L. (1995). *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*. Durham: Duke University Press.

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Stork, J. (2003). Letter to Egypt's Prosecutor General from Human Rights Watch Washington Director, Middle East and North Africa Division. August 28. www.hrw.org/press/2003/08/egypt082803-ltr1.htm

Stychin, C. (1998). *A Nation By Rights*. Philadelphia: Temple University Press.

Sudarkasa, N. (1986). The Status of Women in Indigenous Africa. *Feminist Studies* 12, 91-103.

Talbot, P.A. (1967) *Censure, Politics and Criminal Justice*. Milton Keynes: Open University Press.

van Nieuwkerk, K. (1995). *A Trade Like Any Other: Female Singers and Dancers in Egypt*. Austin: University of Texas Press.

Vatikiotis, P.J. (1969). *The Modern History of Egypt*. New York: Praeger.

Wright, M. (1983). Technology, Marriage and Women's Work in the History of Maize-Growers in Mazabuka, Zambia; A Reconnaissance. *Journal of Southern African Studies* 10(1), 71-85.

Zimbabwe Human Rights NGO Forum (2001a). How to Rig an Election: Evidence of a Systematic Campaign to Rig a Free and Fair Poll. A report by the Zimbabwe Human Rights NGO Forum.

Zimbabwe Human Rights NGO Forum (2001b). Gender and Constitutional Issues. A report by the Research Unit of the Zimbabwe Human Rights NGO Forum.

Cases

Katekwe v. Muchabaiwa, (2) ZLR 112 (S) (1984).

Magaya v. Magaya, 3 LRC 35, (1) ZLR 100 (SC) (1999).

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Edwin Mombeshora v. K. Chirume, 1971 AAC 30.

Tachonia v. Mugabe 169 F.Supp.2d 259 (S.D.N.Y. 2001).

NOTES

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

2. Bornwell Chakaodza, the editor of the state owned newspaper *The Herald*, said the 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)

3. Just as Zimbabwe's national identity was constructed, in part, by imaging gays and lesbians as radical outsiders, South Africa took the opposite track, reimagining them as constitutionalized insiders. Mugabe's project has been to imagine the Zimbabwean citizen as *African*, whereas Mandela's was to construct a South African

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citizen as *human*. Thus you see a rich culture of human rights in South African culture, and the rejection thereof in Zimbabwe. Indeed, Mugabe has characterized the notion of human rights as colonial in nature. Carl Stychin develops these themes very thoughtfully in *A Nation By Rights* (1998).

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

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

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

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

8. The complexity of this issue revolves, in significant part, around Zimbabwean law that requires that disputes as to land succession or inheritance shall be governed by "the customs and usages of the tribe or people to which [the deceased] belonged." Section 68(1) of

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the Administration of Estates Act. Yet, this exception to the general rule of modern common or statutory law applying in legal disputes in Zimbabwe is an artifact of colonial rule. The British South African Company settled Rhodesia under a charter granted by Queen Victoria which held that in cases concerning ‘natives’, customary law would apply so long as the particular custom was not deemed to be “repugnant to natural justice or morality.” 1889 Charter of the British South Africa Company. Mahmood Mamdani has noted this reservation of family and property law to the domain of customary law as characteristic of colonial approaches to governing the native. (Mamdani 2001)

9. President Mugabe was named in a civil lawsuit in the U.S. seeking damages for orchestrating “murder, torture, terrorism, rape, beatings, and destruction of property” against his political opposition in advance of the June 2000 parliamentary elections. (*Tachiona* 2001)

10. “We are going to take the land and we are not going to pay a cent for the soil.” (Mugabe 1999a)

11. One man claimed that he had been arrested for selling watches without a license 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 British legal actors during World War I when Cairo became a significant site where British, Australian and other troops were stationed. (1995: 46-47) See also Ruiz 1997.

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

14. Omina Shakry has observed that turn of the century Egyptian feminists, like Sha'rawi, "situated their own projects as a defense of Islam and a critique of *taqlid*. Their projects were often conceptualized as an illustration that 'true Islam' –that is, Islam unadulterated by 'traditional' accretions, such as superstitious practices–was entirely compatible with modernity." (Shakry 1998: 148)

15. Those sex workers in Cairo who were foreign nationals, not a small number, could not be regulated by Egyptian law as Capitulations (bilateral treaties between Egypt and various European nations) contained provisions that immunized Europeans from Egyptian law and gave foreigners the right to be tried only in their own consular courts. (van Nieuwkerk 1995: 45; Dunne 1996 pp. 143, 197-99; Ruiz 1997: 16)

16. Nevertheless, the men arrested on the Queen Boat were asked whether they were passive or dominant actors in homo sex. "The men interviewed said that during interrogations, usually conducted by members of the Vice Squad, they were ordered to say whether they were sexually "passive" or "dominant," even if they denied being gay." (Kershaw 2003)

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

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