

# 'We Wondered what Human Rights He Was Talking About'

Human rights, homosexuality and the Zimbabwe International Book Fair

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*Abstract* ■ This article addresses the recent debates on homosexuality and human rights in Zimbabwe, particularly as they relate to the controversy surrounding the Gays and Lesbians of Zimbabwe (GALZ) participating in the Zimbabwe International Book Fair. These debates highlight the problems inherent in talking about universal human rights when appeals to 'cultural difference' are made. In Zimbabwe, for example, critics of GALZ and homosexuality have tried to argue that 'homosex is not in African culture'. Drawing from recent scholarship on human rights in anthropology and elsewhere, as well as the work of the philosopher Richard Rorty, the author argues that appeals to human rights on behalf of GALZ in Zimbabwe must consider the moral sentiments involved in arguments over human rights more carefully if claims to those rights are to be realized.

*Keywords* ■ cultural difference ■ homosexuality ■ human rights ■ moral sentiment ■ Zimbabwe

In late July 1996, a German man was assaulted by a group of locals outside of Zimbabwe's National Gallery in Harare, which is also part of the site for the annual Zimbabwe International Book Fair (ZIBF). The German man was in town for the book fair, which takes place each year in early August. He seems to have provoked his assailants by disrupting their demonstration against the Gays and Lesbians of Zimbabwe (GALZ), an organization that was determined to participate in the book fair despite claims from some quarters of Zimbabwean society that homosexuality was immoral, 'un-African', and, certainly, not a lifestyle choice that should be represented at the nation's premier cultural event. The men who confronted the German visitor were part of an organization called the Artists Against AIDS Programme (AAAP), and they had been 'singing songs denouncing homosexuality' outside the book fair when the scuffle broke out. According to Rodger Jeffrey, coordinator of the AAAP, members of the group confronted the German man after he claimed that their condemnations of

homosexuality were a violation of human rights. Apparently, members of the AAAP didn't see it that way. As Jeffrey put it to the *Sunday Mail* reporter covering the story: 'we wondered what human rights he was talking about.' (1996: 1).

This scene outside the gates of ZIBF '96 highlights a difficulty often faced when talking about human rights. As Jeffrey's response suggests, just what constitutes human rights and, by extension, a 'human', is far from self-evident. Many critics of GALZ in Zimbabwe have argued that 'homosex is not African'. Moreover, they have argued that the language of human rights is imperialistic, disrespectful of 'their culture', and largely irrelevant to what it means to be human. In situations like this, which are not altogether uncommon, 'human rights talk' often falls on deaf ears.

This article will address the public debates on homosexuality in Zimbabwe from the standpoint of an anthropologist interested in human rights. Over the past three years, the debates over 'homosex' (carried out largely through the media) have repeatedly highlighted the ways in which a universal human rights discourse can break down at the local level. In writing this article, I am motivated by a desire to see a world in which homophobia no longer exists, and in which many of the aims of human rights will be realized. Despite the claims of cultural difference made by people like Jeffrey as to why homosexuals do not deserve to be thought of as humans, I think the attacks against GALZ are unjustifiable and wrong. And yet I also believe that Jeffrey's questioning of human rights and homosexuality need to be taken seriously. Approaching this kind of situation under the banner of human rights activism seems to me a complicated move at best, because we too often forget to challenge our assumptions about the meaning of complicated terms like 'human', even in cross-cultural contexts. Recent arguments of anthropologists like Terence Turner (1997), Richard Werbner (1995) and Marie-Benedicte Dembour (1996) suggest (to varying explicit degrees) that this constitutes a serious obstacle to human rights activism. They also point to an issue which is surprisingly little talked about in human rights work, but which lies at the heart of the concern: morality and the moral sentiments upon which the claims to human rights are based. In this paper I will argue that we must consider the moral sentiments involved in arguments over human rights more carefully. It is only when we begin to pay more attention to how and why people feel a certain way about 'homosex in African culture' that we can begin, in the name of human rights or otherwise, to effect the kind of positive change human rights work aims for.

To situate what I mean by the importance of moral sentiment, it will be helpful first to say something about the concept and history of human rights. The Universal Declaration of Human Rights (UNDHR), which was ratified by the United Nations in 1948, is commonly recognized as the foundational piece in contemporary human rights discourse and legislation. This and other documents are concerned with what the lawyer Elizabeth

Zechenter has identified as 'an underlying human unity which entitles all individuals, regardless of their cultural or regional antecedents, to certain basic minimal rights, known as human rights' (1997: 320). These rights are based to a large extent on such Kantian notions as 'dignity' for all people and 'cosmopolitan right' (see Kant, 1991; Cheah, 1997: 242–4; Wood, 1998). In *The Metaphysics of Morals*, Kant talked about what he saw as 'the possible union of all nations' in which 'certain universal laws' (1991: 158) would prevail, creating a peaceable world in which all could live. In the UDHR this is expressed in the first section of Article 1:<sup>1</sup>

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The modern-day translation of this involves something like what the liberal cosmopolitan Anthony Appiah calls, in a related register, 'the renunciation of sexism and racism and heterosexism' (1997: 621), largely in the policies and (often violent) practices of states against their citizens or displaced groups within their borders.

There are at least three points here that need elaboration. First, while the concepts of human rights are not new, it is important to recognize that they were not institutionalized at an international level until after World War II. Until that time, 'the protection of human rights of individuals was seen as a sovereign prerogative of the state and therefore as a domestic rather than an international concern' (Zechenter, 1997: 319). It was only after 1945, then, that such a philosophy became part of the agenda in the international relations of nation-states.

Second, this recognition has come in the form of international laws and treaties monitored by such supranational organizations as the UN and non-governmental organizations such as Amnesty International. 'Human rights talk' is, for the most part, based on legal discourse. Human rights groups like Amnesty International are able to 'do' the commendable work they do largely through legal channels and through pressure exerted by judicial and other institutional bodies on state governments.

Finally, while it is important to recognize that human rights are 'institutionally grounded' (Cheah, 1997: 239) in international law, and that human rights declarations are intended to protect people from 'illegal violence' (Nagengast, 1997: 394), it is equally important to note that legal discourses often give way to moral sentiments 'on the ground'. In other words, how people feel about a particular issue, such as homosexuality, may have little in connection with UN treaties and more with their own cultural and moral beliefs. This, in turn, may affect the ways in which people interpret understandings of human rights. Despite the fact that it is a transnational discourse, then, 'human rights talk' rarely means the same thing in different places. This has a lot to do with why human rights discourse is often ineffectual in upholding the 'human dignity' it is meant to protect.

The philosopher Richard Rorty has made the provocative point that perhaps we shouldn't talk about human rights at all. If, just to take our example above, a German and a Zimbabwean have different understandings of human rights, then there is little sense in making arguments based on claims to these rights. They would be arguments made 'quite independently from anybody's feelings about anything' (Rorty quoted in Robbins, 1997: 220), and in the end would contribute little to the German or Zimbabwean's picture of a better world in which all 'humans' (however that group may be defined) were treated with the dignity they deserve. Rorty's point is that the ways in which we construct our moral and cultural communities can involve denying that other *Homo sapiens* are really 'human' at all. In his 1993 Oxford Amnesty Lecture, Rorty made this point in relation to the recent atrocities in Bosnia:

Serbian murderers and rapists do not think of themselves as violating human rights. For they are not doing these things to fellow human beings, but to *Muslims*. They are not being inhuman, but rather discriminating between the true humans and the pseudohumans. (1993: 112, emphasis in original)

'Human rights talk' would be a dead end in this scenario.<sup>2</sup> But what is the alternative? For Rorty, fostering a 'sympathetic concern' is the most productive way of dealing with the dehumanizing effect of such sentiments. Building a sympathetic concern involves trying to 'redescribe' (Rorty, 1990: 636) the acts of human rights 'violators' to the violators themselves. For Rorty, it involves making arguments of one's own about moral sentiments based, for him, on what Judith Shklar (1984) has said about cruelty, and how cruelty is inhumane. It involves an effort to foster a dialogue, or a conversation, about moral concerns. For the situation in Zimbabwe, it seems to me that such a conversation is necessary to advance any idea that homophobia is unjust. The goal of this conversation would be to create a community in which 'humanity' is a more inclusive term. In this conversation there would be a shared understanding of the ideas: (1) 'that cruelty is the worst thing we do' (Rorty, 1989: 146); (2) that all *Homo sapiens* deserve to be treated as humans; and (3) that acts of cruelty are a betrayal of this humanity.<sup>3</sup>

Whether or not one agrees with Rorty's framework, it should come as no surprise that he has been criticized for his dismissal of 'human rights'.<sup>4</sup> For many his ideas can seem to run a little cold. But Rorty's point, with which I agree, is not that the *aims* of human rights are wrong-headed; it's that the *language* of human rights is not the best way to deal with the very real problems of homophobia, genocide, racism and torture that are too often explained away in a language of cultural and moral differentiation. This is a point which anyone interested in realizing the aims of Kantian-style human rights stands to profit from. Still, even if we recognize the importance of Rorty's arguments about moral sentiments, it does not mean we have to scrap human rights altogether, although a close look at the literature on human rights complicates this picture.

Bruce Robbins has pointed out that Rorty's stance is unrealistic and counter-productive because the language of human rights is already deeply imbedded within the discourse of the international public sphere (1997: 220).<sup>5</sup> Reorganizing our language along Rorty's lines is probably an impossible task. Moreover, it would be foolish to claim that nothing good has been accomplished in the world under the human rights banner. Amnesty International's campaigns against torture, to take just one example among many, have led to an increased awareness around the world of such atrocities, and can certainly be said to have made a positive difference based on one recent report (Prokosch, 1996; see also Amnesty International, 1973). This seems reason enough to defend the importance of human rights work. Yet at the same time even many advocates of human rights admit that there are problems with the practice and theory of such a universalizing discourse. Zechenter, for example, has portrayed herself as a strong advocate but nevertheless admits to 'flaws' (1997: 342) when it comes to the universalizing language. Pheng Cheah, a critic interested in the connections between human rights work and the machinations of global capitalism, is even more ambivalent. With a better-than-nothing attitude, he argues that human rights are 'double-edged but absolutely necessary weapons' (1997: 263). Zechenter and Cheah's responses signal a greater feeling of discomfort over the extent to which human rights activism as it is currently formulated has realizable goals. Dembour (1996) has even dubbed human rights work an 'anthropological ambivalence', almost like a symptom that won't go away. Given this, the time seems ripe to clarify the language of human rights into a framework more suitable for dealing with the different ways in which such rights are understood across our cultural and moral landscapes.

There are signs that the language and ideas of human rights are being reformulated, in anthropological circles and elsewhere. Let's take a look here at a helpful preliminary theoretical framework that begins to address the much larger practical challenge of translating rights 'across cultures'. It is important to stress the *preliminary* nature of this framework, of course, and I have to confess here that my hope in this article is nothing more than to add to such a beginning.

The American Anthropological Association's Commission for Human Rights recently issued a noteworthy statement addressing the issue of human rights as a universal discourse; noteworthy because it differs markedly from the position of the Association in 1947, shortly before the UDHR was ratified by the UN. In 1947, the AAA Executive Board argued in Boasian fashion that rights need to be defined in relation to particular cultural communities, and by the standards of those communities. It was felt that the *universal* aspirations of the UDHR would 'lead to frustration, not realization of the personalities of vast numbers of human beings' (AAA Executive Board, 1947: 543). The current Commission for Human Rights would probably admit that the UDHR has indeed led to a good deal of frustration, but is nevertheless interested in finding ways to position a respect

for cultural difference within a universal framework of rights. It is also evident from recent books and articles that the ways in which anthropology can 'make a difference' in human rights debates are a source of increasing concern (and anxiety) to other anthropologists around the globe.<sup>6</sup>

Terence Turner, who serves on the AAA Commission, has explained the position of the new AAA statement in his article 'Human Rights, Human Difference'. Turner highlights a shift from the emphasis on the universality of rights to a more broadly conceived idea of the right to human difference. He says:

The criterion of difference as formulated in the [AAA] statement [on Human Rights] . . . implicitly provides a positive conceptual basis for the recognition of the rights of individuals *and* collectivities to realize their mutual potential to produce or realize themselves as meaningfully distinct ('different') beings. (1997: 286, emphasis in the original)

This explanation (and Turner's work more generally) leads to an interesting point worth highlighting. Part of the problem with human rights discourse is that many of its proponents often assume post-Enlightenment liberalism is (or should be) a cross-cultural given. Now, in some ways this is an assumption one would have to admit since many of the ideas of human rights grow out of the Western liberal tradition. At the same time, any claim that Western democracies and liberal theorists are alone in advancing ideas that fall under the rubric of international human rights discourse is a myth. As Carole Nagengast has pointed out, compelling cases have been made that such ideas can be found in different Chinese, Islamic and Hindi philosophies, to name just a few (see 1997: 354). In my own fieldwork in Zimbabwe with members of African independent churches, I have often thought that they don't need lessons from Amnesty International to know how to treat people with respect and dignity. There is a real danger, it seems to me, in presuming that human rights crusades signify a moral mandate of the West (as if, even, Western countries were innocent of human rights violations). We should note carefully, then, that the degree to which human rights presuppose certain liberal ideals does not in any way reflect the natural order of things, or even a distinctly Western world view, but rather the active negotiations of political actors in the international public sphere, not all of whom are from the 'First World', and not all of whom need Kant to make their points. Human rights are ideological, and, like all ideologies, they are arguments that are constantly tested and redefined by the people who use them. Turner makes this clear.<sup>7</sup>

Rights are not merely cultural concepts; they are normative constructs that implicitly or explicitly apply more general moral and jural-political principles to social relations that demand their application in practice by social actors in appropriate contexts. (1997: 277)

We are reminded here of Rorty's warning that 'demanding' respect for human rights often amounts to nothing, and that it makes more sense to

try and build dialogues of understanding than stuff 'right's talk' down someone else's throat. Turner's articulation of the AAA's statement on human rights is helpful in this context precisely because it suggests that focusing on the ways in which cultural groups create difference leaves open a valuable space to discuss the issues of human rights without making everyone over into Western liberals, or some other homogeneous mass of people. In this formulation, cultural groups are similar because they are different, and to deny this difference is to deny what makes all *Homo sapiens* human.

The Zimbabwe International Book Fair is the largest book fair in sub-Saharan Africa, and annually draws over 30,000 people from Africa, Europe, North America and Asia to the city gardens of Harare for a week-long celebration of the book. When Zimbabwe was Rhodesia, the city gardens were reserved for whites. Now, they are open to all, and during these fairs one finds Africans buying the latest titles from Zed Books and their favorite authors in the Heinemann African Writer's Series. School children arrive en masse to partake in the festivities. Europeans can be found buying the latest releases from Baobab Books, one of Zimbabwe's finest presses, because they can't find the titles up North. For many Zimbabweans I know, the book fair is one of the most important events in Zimbabwe each year, in large part because it symbolizes the country's role in the promotion of a rich 'African cultural life'. It is not often that the international community turns an appreciative eye toward what is 'good' in Africa, and many Zimbabweans point to the book fair as an important example of such a moment for their country.

It should also be noted, I think, that Zimbabweans love to read, which is made clear when one considers the fact that all the books sold at these fairs represent only a small fraction of the number of people who will read them. They will be passed around to family and friends until the covers fall off. But one thing Zimbabweans don't read much about is homosexuality, except in the local papers around the time of the book fair. Perhaps more than any other subject, research and writings on homosexuality in Africa are practically non-existent.<sup>8</sup>

There are a number of reasons given for why this is so. If one listens to African heads of state like President Robert Mugabe of Zimbabwe, President Daniel arap Moi of Kenya, or the former President Julius Nyerere of Tanzania, one would be led to believe that homosexuality is un-African; that it doesn't exist 'naturally' in African cultures.<sup>9</sup> In many ways the first response to such claims is that they aren't true, but that wouldn't be the whole story. Modern-day understandings of homosexuality, as Michel Foucault has made clear,<sup>10</sup> are only about a century old, specific to the West and hardly fixed. The writings of Eve Kosofsky Sedgwick (1990), Judith Butler (1997) and David Halperin (1989), among many others, repeatedly point to the performative and situated nature of homosexuality, in many ways rendering the very terms 'homosexual', 'lesbian' and 'gay' inadequate

or never complete.<sup>11</sup> Others, like Gilbert Herdt (1997), Stephen O. Murray and Will Roscoe (1998) and Neil Miller (1993) have tried to make Western audiences more aware of the even greater difficulty of extending such historically and culturally specific ideas as 'homosexuality' to non-Western contexts. In a limited sense the claims of Mugabe and his fellow African statesmen can at least serve as reminders of this.

The African statesmen might also claim that the word for 'homosexuality' doesn't exist in African languages, but this also isn't exactly the case. In Shona, for example, the first language of roughly 80 percent of Zimbabweans, the word *ngochani* conveys an idea of homosexuality.<sup>12</sup> And in Xhosa, as T. Dunbar Moodie (1991) has shown, the word *metsha* is commonly understood to imply, in some contexts, homosexual activity. Moodie explains how the word *metsha* was used to describe sexual relations between 'men' and 'boys' on the South African gold mines in the first half of the 20th century. His work is particularly interesting because he shows how 'homosexual marriages' in the mine camps represented a re-mapping of (hetero)sexual relationships in the rural areas. These relationships, which were sometimes preferred to 'real' marriages, mark the ways in which sexuality here involves a number of structural social relationships, such as 'husband/wife' and 'man/woman'. As Moodie points out, it is important to recognize that in these contexts 'sexuality involves more than the physical act' (1991: 424). Overall, his account is suggestive of the ways in which similar terms might be understood in other African languages. This is certainly the case in contemporary South Africa, where much of what little work there is on African homosexualities has been done.

Drawing on the work of Hugh McLean and Linda Ngcobo (1995), I would like to quote from a few interviews they conducted with African (wo)men in the Reef townships of South Africa in order to give readers a sense of some of the ways in which African homosexualities are understood and defined today:

*Jeffrey* [from Zimbabwe]: The first time I went with a man, we went out to movies, had some beers, got pissed. Then he took me to his flat. I found I had the whole theory of love. I just took my straight experiences and put them into gay life. I had no problems at all. (p. 163)

*Martin* [from Soweto]: My male lover is not gay, he's just heterosexual. I am always the woman in a relationship. (p. 166)

*Lucky* [from Soweto]: My boyfriend didn't know I was a gay man for five months. You can see I'm a little bit fat so many boys don't know if I'm a woman or a man. My boyfriend is Mbuso. He lives with me at my home. He loves my mother. I think he got curious when he saw my friends. He would ask me many funny questions, like: 'Why are you friends with these people?' Then my mother told him I was a boy. He was very surprised but he told me it didn't matter, he was in love with me. He was very curious at first but I would never let him see my privates. Even when I bathed, he would stand outside and wait. I thought, if he sees me he won't love me again. He is straight. (p. 165)

*Fillie* [from Soweto]: I live with my hubby in my mother's house. The people in the street don't mind. They say that as long as my parents accept it, it's okay. (p. 170)

*Shado* [from Northern Transvaal]: I was in love with my homeboy when I was young, for about two years. But now, even though I love women I am seeing this white man for about two years. I do not tell people that I love men, but I will not let them say bad things about gays. What I specially love is to be fucked. (pp. 167–8)

Quoting at length like this is one of the most effective ways to counter the claim that homosexuality doesn't exist in Africa, but also to highlight the fact that we should be careful about trying to use the term as more than a convenient marker. The testimonies of Jeffrey, Martin, Lucky, Fillie and Shado point to the multiple ways in which sexuality and gender are situated in South Africa. Donald Donham has recently pointed out in an article that also draws on the exemplary work of McLean and Ngcobo that here, '[i]nstead of sexuality in the Western sense, it was local notions of sexed bodies and gendered identities . . . that divided and categorized' (1998: 7). Donham bases much of his discussion on the ways in which these divisions and categories have been cast in modern, post-apartheid South Africa, but is also careful to point out that the practices we might today recognize as 'homosexual' are nothing new to Africans (see 1998: 10, 14). What *is* different, across both time and space (African and otherwise), are the ways in which such practices have been, are and will be understood.

Chris Dunton and Mai Palmberg, two important researchers and activists working on these issues in southern Africa, give another reason for why there is so little work on African homosexualities: that a 'culture of silence' (1996: 24) surrounding issues of sexuality in many African societies has made it difficult to locate and define such practices. In Zimbabwe, sex of any kind is not a light topic of conversation. Scholars have largely followed suit with a concomitant silence. As Marc Epprecht has pointed out, Michael Gelfand, with a presumptively definitive tone, and '[d]espite [his] strikingly low-level of inquiry' (Epprecht, 1998a: 198), dismissed the idea over twenty years ago that homosexuality in pre-colonial Zimbabwe existed at all. This should prompt us to ask, however, what constitutes silence? Even a cursory glance at the anthropological literature on African myths and rituals would provide more material on the literal and figurative performance of sexualities than any one researcher could write about in a lifetime.<sup>13</sup> Still, this issue of the culture of silence is an important one. As we shall see, silence and *silencing* play a crucial role in the Zimbabwean state's strategy to keep the recognition of homosexuality out of the public arena.

Gays and Lesbians of Zimbabwe (GALZ) is a support group and social organization based in Harare that was founded in 1988 (Clark, 1996). They have run a number of programs in the past, including an initiative in 1992 'to try and educate medical practitioners about lesbians and gay men' (Clark, 1996: 235). Its members are urban whites and Africans, from a

variety of backgrounds. Needless to say not all of the people in Harare who define themselves in some way as gay or lesbian or homosexual are members of this organization. In fact, following the '96 book fair one former member of GALZ was quoted as saying that '[w]hat GALZ now represents is the hard core, perhaps I could say very left-wing, sector of our [the homosexual] community' (*Sunday Mail* 1996: 4). The extent to which this is an accurate description, and what others might argue in response, falls beyond the scope of this article,<sup>14</sup> but in many ways GALZ has still come to represent what it means to be a homosexual in Zimbabwe because of what has happened at the book fairs.

In 1995, GALZ applied for a permit to participate in the '95 book fair, perhaps encouraged by the fact that the theme for that year was 'human rights'. After much deliberation, ZIBF organizers denied GALZ's application to participate in the fair, in large part because of pressure from the state (see Dunton and Palmberg, 1996: 8–9). The debates that followed this decision are still being played out, although the most intense interest in the issue followed in the wakes of ZIBF '95 and '96, so my comments will be directed toward these two occasions.

Immediately after the decision in 1995, a number of groups and prominent activist intellectuals rallied behind GALZ in the name of human rights. The response of Nobel Prize winning author Nadine Gordimer is both representative and memorable:

I am appalled. It is very strange to be standing under the banner of freedom of expression while a group has been denied the very rights to express themselves at the book fair. . . . We are saying that human rights are universal rights, but it seems there is a double standard. (quoted in Dunton and Palmberg, 1996: 9)

In Zimbabwe, this 'double standard' has been set by the state, and the most vitriolic attacks against GALZ and homosexuality have come from President Mugabe; his party, the Zimbabwe African National Union (Patriotic Front); and the state-controlled media. Largely through such newspapers as the *Herald* and the *Sunday Mail*, Mugabe and ZANU(PF) crafted what can be called 'a fixed national essence' (Handler, 1988: 44) in which there was no room for a Zimbabwean homosexuality. As ZANU(PF) Comrade Tirivanhu Mudariki was quoted as saying, defending GALZ and homosexuality was an 'unpatriotic stand' that 'defied the collective will' of the people (*Herald*, 1996a: 8). The state had a very clear idea of just what this 'collective will' entailed, and wasn't shy about explaining it to whoever would listen. In what follows I would like to examine some aspects of this 'collective will'. Notwithstanding Rodger Jeffrey and his group's assault on the German man outside Zimbabwe's National Gallery, then, we are dealing here with the state's arguments – not those of the Zimbabwean people as a whole. As Mai Palmberg has reported (and I have found this to

be the case as well), many Zimbabweans are much more tolerant of 'homosexuality' than the state would like people to believe (Dunton and Palmberg, 1996: 23). My critique here, then, revolves around the ways in which state-level nationalist discourses intersect with understandings of human rights and homosexuality, because at this level the breakdown in human rights discourse is particularly evident and dangerous. As Shklar reminds us, 'the experiences of this century have made many of us more aware of the cruelties that governments generally are capable of' (1984: 238).

President Mugabe opened the 1995 book fair, speaking to a host of local and international news agencies, foreign dignitaries and distinguished guests with the following speech:

Supporting people who believe that the denial of their alleged rights to have sex in public is a violation of their human rights [they] formed an association in defence and protection of it and proceeded to write booklets and other forms of literature on the subject of their rights. Is any sane government which is a protector of society's moral values expected to countenance their accessions?

I find it extremely outrageous and repugnant to my human conscience that such immoral and repulsive organizations, like those of homosexuals who offend both against the law of nature and the morals of religious beliefs espoused by our society, should have any advocates in our midst and even elsewhere in the world.

If we accept homosexuality as a right, as is being argued by the association of sodomists and sexual perverts, what moral fibre shall our society ever have to deny organized drug addicts, or even those given to bestiality, the rights they may claim and allege they possess under the rubrics of individual freedom and human rights . . . ? (cited in Dunton and Palmberg, 1996: 9–10)

Mugabe's remarks will sound familiar to many human rights and gay activists. His strategy is to assert that homosexuality falls outside the accepted norms of nature ('the law of nature') and culture ('the morals of religious beliefs of our society'). He conflates an acceptance of homosexuality with the kind of radical relativism critics of homosexuality (and drugs and bestiality) often invoke, claiming that if we accept such things then society will collapse into a chaotic mess. But even given the banality of Mugabe's argument to many, it's also important to think about the logic behind this particular articulation of it. Here, I would like to focus on two central points.

First of all, what confuses many critics is Mugabe's claim that GALZ wanted to set up a book stall so they could have 'public' sex, in front of the passers-by. This may strike some readers as a fit of the moral imagination gone wild, but I would argue it's important to consider that in this context Mugabe is making an explicit attempt to distinguish between 'African' and 'Western' reactions to this claim. In Shona, Mugabe's first language (and one to which he often appeals), speech acts are performative in many more instances than they are in, say, English. Since English is seen as hegemonic in the international public sphere – the sphere in which human rights discourse is most often articulated – Mugabe often makes an effort to play

productively off the 'local' in the face of an impinging 'global' by using such strategies. The events surrounding the book fair were no exception. Historians and anthropologists have also pointed out the importance of the spoken word and its performativity in many African contexts,<sup>15</sup> and recognizing the power of speech in defining the cultural order has been central to much of the most perceptive social scientific analysis. And of course social scientists aren't the only ones stressing this point. In Zimbabwe, the richly layered prose of novelists like Chenjerai Hove and Yvonne Vera also bear testament to the importance of oral traditions, and to the role that acts of naming oneself and others have in the make-up of social relations and cultural identities.<sup>16</sup> All of this contributes to and informs Mugabe's argument.

Likewise, then, for GALZ to define themselves in relation to their sexuality in public is in one sense to perform a sexual act. By playing off his 'Shona-ness' Mugabe wanted to reinforce this idea. But I would argue here that this logic is not specific to people who speak Bantu languages. The importance of speaking about and naming such practices comes as little surprise in other contexts as well, especially when morally contested subjects such as homosexuality are at issue. For example, Judith Butler's (1997) work on the 'Don't Ask, Don't Tell' policy on homosexuality in the US Armed Forces suggests that talking about homosexuality in public seems to have a magical power all its own. As Butler writes: '[t]he words "I am a homosexual," do not merely describe; they are figured as performing what they describe, not only in the sense that they constitute the speaker as a homosexual, but that they constitute the speech as homosexual conduct' (1997: 107). Here, the US military policy sounds a lot like that of an African despot. Both employ the illocutionary speech act in an effort to control the right to an expression of sexual difference in public spaces. For the state in Zimbabwe, such a strategy is central in the efforts to proscribe homosexuality on moral and cultural grounds.

The second point is in relation to Mugabe's invocation of morality. What is Mugabe talking about? Certainly standards that cast homosexuality as immoral, but he has never expanded on this point. More than anything else, Mugabe's invocation simply points to the moral force of the state, which in this case is trying to code homosexuality as immoral, and therefore un-Zimbabwean and un-African. The fact that states matter morally is made clear by Appiah:

... not because people care about them but because they regulate our lives through forms of coercion that will always require moral justification. State institutions matter because they are both necessary to so many modern purposes and because they have so great a potential for abuse. (1997: 624)

Moral justification for the state in this context comes down to a question of defending the country's cultural integrity and the social order of Zimbabwean life provided by ZANU(PF). With ZANU(PF) as the only viable political party, the moral imperative here is unambiguous.

It seems clear from what we've discussed that Mugabe has a different sense of human rights than most human rights NGOs, as well as people like Nadine Gordimer (and myself). What the state's stand against homosexuality in Zimbabwe reminds us of, then, is a point we made earlier: human rights are no less of a cultural construct than anything else. The Women's League of Zimbabwe, one of the state's most visible support organizations, made this clear in a statement issued at the ZANU(PF) party meetings shortly after the 1995 book fair:

We are Zimbabweans and we have a culture for Zimbabweans to preserve. As mothers and custodians of our heritage, we stand solidly behind our president and leader on his unflinching stand against homosexuality. Human rights should not be allowed to dehumanize us. (cited in Dunton and Palmberg, 1996: 12)

Scholars interested in nationalist ideology have pointed out how such arguments involve the objectification of culture. To have a culture, to be the custodian of a heritage, is a way of seeing culture as 'bounded, continuous, and precisely distinguishable from other analogous entities' (Handler, 1988: 15). In other words, it is a particularly effective way of marking difference. What's interesting about this example is how the Women's League recognizes human rights as ideas which fall outside the bounds of their culture. For the Women's League, human rights are things. They are ideological, too, and they fall, despite any cognatic hints, outside the realm of what is to be human.

Like Mugabe's invocation of 'morality', however, it is important to look at what the Women's League means by 'dehumanization'. Again, the strategy of presenting a static image of 'Zimbabwean culture' is central to this, and is also reinforced by an understated appeal to the 'Shona-ness' of Zimbabwe (most women in the Women's League are native Shona speakers). The Shona word for 'human dignity' or 'humanity' in the most general sense is *unhu*. To be human in the Shona world view is to be a social being, and to be part of a number of social relationships (see Bourdillon, 1987; Mutambirwa, 1989). This differs importantly from Western understandings of personhood in that one's humanity is acquired, not given (and this could certainly account for something of the discrepancy between Western and non-Western notions of human rights). What seems to be particularly troubling to the Women's League about the idea of homosexuality is the implication that certain social relationships (primarily marriage and reproduction) would be left unfulfilled. If men marry men and women marry women they are not fully human from this perspective (see Clark, 1996: 236). To say that human rights can be dehumanizing in this context is to express a concern over the integrity of the social fabric, the coherence of the cultural heritage, and the very idea of humanity itself.

It may not do much good to argue with the Women's League over the 'actual' coherence of such a heritage. In any case it would be as important

to consider how articulations of homosexual identities mark the post-colonial condition in Zimbabwe as part of the continuing struggle over 'Western' and 'African' visions of the world. I would guess that what is at stake here is not so much homosexuality (or *ngochani*), but the particular way in which it is named; a way that seems to carry the imprint of a distinctly Western world-view. Indeed, it is in remarks like the one made by the Women's League that 'human rights' discourse can be clearly seen as a new battleground over which to fight old ideological struggles. Colonial and post-colonial encounters are everywhere taking on these new dimensions.

How, then, should one approach the issue? More than Mugabe's remarks, I think, those of the Women's League pose difficult questions about different understandings of human rights. If one wants to talk about rights with the Women's League, it would be important to open a dialogue sensitive to the cultural logic of their argument. Assuming I've understood something of it here, the next step would involve bridging their understandings of humanity with the concerns of those interested in international human rights discourse. Turning to some further examples of the ways in which 'human rights' are cast in the debates over GALZ can move us in this direction.

In July of 1996, just before ZIBF '96 was about to begin, it again became obvious that GALZ intended to participate in the program, despite the ban from the year before. This time the ZIBF organizing committee was poised not to withdraw its support of GALZ, even in the face of state opposition. Bolstered by international and local support, the ZIBF organizing committee felt more confident in its ability to uphold GALZ's right to participate based on a principle of freedom which the committee as a whole firmly backed.<sup>17</sup> Debates over the issue were revived and the local state-controlled newspapers began publishing a series of articles and letters to the editor that reinforced the state's position in a number of ways. For example, about a week before the fair began, a letter from a man named Garykari Mazara was published in the *Herald*, Zimbabwe's most prominent (in terms of circulation) daily newspaper. Mazara wrote:

Zimbabwe is our country, our heritage and future and subsequently our destiny should be in our hands; we mustn't make compromises on such issues that involve the ethics and morality of the nation, more so when our children are the target. Should we just let it pass merely because some human rights are involved? (1996b: 8)

I think Mazara's arguments are similar to those of the Women's League. In fact, I would read Mazara's comments about the safety of Zimbabwe's children as not simply a stereotypical instance of claiming that homosexuals are pedophiles (a common enough homophobic claim), but a concern for the *future* children of Zimbabwe in the sense that homosexuality threatens the reproduction of Zimbabweans, and hence Zimbabwean culture.

Mazara's letter also highlights the problematic location of sexuality in relation to human rights discourse. As Dunton and Palmberg have pointed out, no international law, treaty or declaration of human rights makes specific reference to rights of sexual orientation (1996: 39–40). Mark Gevisser has also made note of the fact that in South Africa, it wasn't until 1972 that gay rights were first articulated as human rights, and it wasn't until the late 1980s that gay rights were fully incorporated into human rights discourse as part of the anti-apartheid struggle (1995: 43; see also Donham, 1998). Gevisser explains how even in the early 1980s, the Gay Association of South Africa (GSA), an organization of 'white, middle-class men' (1995: 48), refused to address racial issues. Their ambivalence about the policies of apartheid was criticized by the International Gay Association, and eventually contributed to the group's demise. In South Africa this increased an awareness of the parallels between racial and sexual discrimination, largely because of the material and moral support that anti-apartheid groups in the West stressed between these issues (see Donham, 1998: 12–13). What we learn from such histories is that in Zimbabwe, or anywhere else, there is little reason to expect that appeals to human rights will easily or immediately translate into a defense of homosexuality.

We should also remind ourselves at this point that struggles over 'human rights' or 'gay rights' are not simply a matter of interpreting or passing laws. While it would be foolish to dismiss the importance of legal arguments altogether, in many ways the legal demands to respect rights are no more motivating or convincing than the rights themselves. They don't necessarily 'do' anything, not unless they are in some sense tied to more public sentiments. Tracing the ways in which legal arguments were made on behalf of GALZ is a good example of this.

On 8 July 1996, the *Herald* ran a short article about a local NGO called the Legal Resource Foundation that was unlike most of the other articles related to the fair. In what turned out to be an uncharacteristic day of friendly coverage on the GALZ issue, the *Herald* made it clear that the LRF was claiming the Constitution of Zimbabwe guarantees the rights to freedom of expression and assembly, and that GALZ must, on legal grounds, be allowed to participate in the book fair. As it turns out, the ZIBF organizing committee had adopted a legal strategy to push the case through for GALZ that fell very much along the lines of the LRF's arguments. In fact, on the same day that this news story on the LRF ran, a letter to the editor of the *Herald* from Terence Ranger, by far the most well-known and respected scholar on Zimbabwean history, explained, in his capacity as a trustee of the book fair, as chairman of the Southern Africa Book Development and Education Trust, and as president of the Britain–Zimbabwe Society that, on the part of the ZIBF organizers, 'it is far from clear what legal right the Government possesses to ban GALZ or anybody else from participation' in the fair. Ranger's letter was an important political intervention in a number of ways, not least of which was that it served, coming

from an historian, as a reminder of Zimbabwe's history; a history in which African oppression at the hands of a white minority regime highlighted the hypocrisy of ZANU(PF)'s discriminatory stance.

The state, however, was little moved by these constitutional threats, and made the same arguments it had the year before. In response to the new buzz over the legal aspects of this situation, ZANU(PF) Director of Information Bornwell Chakaodza is quoted as saying:

The barring of GALZ from renting a stand at the Fair is not a question of contravening the laws of Zimbabwe or the country's own Declaration of Rights. Neither is it a question of violating freedom of art and expression. It is an issue of protecting and guaranteeing the cultural health of Zimbabwe. (*Herald*, 1996b: 1)

Chakaodza's statement is an even stronger articulation of what was argued in 1995. Once again, homosexuality falls outside the bounds of rights, but here it is also clear that the country's own laws have no bearing on the issue. Homosexuality is, for Chakaodza and the state, articulated as a disease that threatens the health of Zimbabwean culture. For the vast majority of Zimbabweans, the 'cultural health' of the nation has everything to do with moral and physiological health as well (see Bourdillon, 1987). Shona etiological conceptions link the moral and the social with the physical, so that 'falling ill' can be understood to mean anything from breaking a leg or contracting malaria to getting sacked from work or, more generally, just acting in ways that might be considered unusual or strange.<sup>18</sup> The state, of course, knew this, and used this 'negative vision of national disintegration' (Handler, 1988: 47) to reinforce a belief in the 'strange' nature of homosexuals. Chakaodza's argument claims to cut very deep into the same kind of cultural order with which the Women's League was concerned, and was a key moment in the state's efforts at creating a homophobic public.

Still, ZIBF's appeal to the law seemed set to work, because for all of its pronouncements the state did not intervene until the eleventh hour. On 29 July however, the day before the 1996 book fair opened, Zimbabwe's Board of Censors overturned ZIBF's decision to allow GALZ's participation (*Herald*, 1996c). It seemed on that day that the legal road taken by ZIBF's organizers was a dead end. But the very next day, in what was without a doubt one of the most expedient processing of appeals in judiciary history, the High Court of Zimbabwe heard the GALZ case and, after the legal arguments were given from both sides, declared the Board of Censors' decision unconstitutional. The court then ordered that GALZ be allowed to participate in the fair on the grounds of the rights to freedom of assembly and expression (*Herald*, 1996d). The fact that the High Court heard this case, let alone decided in favor of GALZ, is interesting because it forces us to consider the possibility that, despite their best efforts, the state's moral coercion failed to convince even its own judiciary of the culturally transcendent nature of its arguments.<sup>19</sup>

Yet even within the context of the court, Jasper Msimbe, the senior law officer representing the state, argued in his reply to the High Court's decision that:

The Zimbabwean society culturally and being predominantly Christian is anti-homosexual. It is considered to be a perverted, disgusting, and immoral practice.

These views are held by Zimbabweans whether correctly or wrongly. This is how our society is organized. The Zimbabwean society's reaction to homosexual activities has been known to be violent. (*Herald*, 1996e)

Msimbe's response highlights once again the difficulty in translating a legal discourse into moral sentiments. Here, an appeal to cultural difference becomes the premeditated justification of violence. It is reminiscent of Sedgwick's discussion of 'homosexual panic', a legal defense in the United States used to exonerate gay-bashers on the grounds that 'responsibility for the crime was diminished by a pathological psychological condition' (1990: 19; see also pp. 182–212). This kind of beyond-one's-control defense of violence translates here on a grander scale into what Msimbe marks as a 'cultural condition' of presumably all Zimbabweans (not just the psychopaths). But if we want to be critical of such appeals, then we need to realize such matters cannot be settled by a judge in a court of law. These are not entirely legal affairs, because they cut straight to the heart of deeply held moral convictions.

Msimbe's closing remarks turned out to be accurate enough. Despite the lifting of the ban, GALZ only occupied their stand for a total of three hours on the last day of the fair, because of violent threats from a few vocal anti-gay groups (see the *Herald*, 1996e). But this shouldn't come as a surprise. Without an argument that the state's sanction of violence is inhumane – that it is morally, as well as legally, unjust – people like Msimbe will continue to make a cultural mockery of human rights issues. Judith Butler has argued that 'when political discourse is fully collapsed into juridical discourse, the meaning of political opposition runs the risk of being reduced to the act of prosecution' (1997: 50). This is an important point, because the law is neither comprehensive in its treatment nor fully persuasive on such issues. What I ultimately want to suggest in this article is that human rights activists need to build a framework of moral discourse that works to create shared understandings and sentiments about the issues of 'humanity' and cruelty that stand at the center of concern over human rights abuses.

Although GALZ did not exhibit at the last two book fairs (1997 and 1998), these were the first years one could readily find literature on homosexuality – usually in the displays of sympathetic human rights NGOs. As a number of commentators have pointed out (Dunton and Palmberg, 1996: 25; Murray, 1998: 254), Mugabe's interventions have given gays and lesbians

throughout southern Africa new platforms from which to express their concerns, which is already helping advance the cause of gay rights. Grassroots activists in Zimbabwe have campaigned actively against the state's proclamations. Former High Court Judge Justice Manyarara (see note 19) has used his position to counter the claim that 'homosex is not African'. Keith Goddard, the head of GALZ, continues to fight against the state's homophobic policies. Derek Matyzak, a lecturer at the University of Zimbabwe, has denounced Mugabe's policies as hypocritical and cruel.

If, as Handler has argued, 'only in situations of crisis does the public become unambiguously nationalistic' (1988: 24), then the state's reaction to GALZ and homosexuality can be seen in part as an attempt at moral 'crisis-making' (cf. Epprecht, 1998b: 644). Zimbabweans have become increasingly critical of Mugabe and ZANU(PF) in recent years. The country is suffering from massive inflation, unresolved tensions over questions of land tenure, and a series of blundered moves on the part of ZANU(PF) regarding the pensions of the freedom fighters who fought for Zimbabwe's independence in the 1970s. The state's 'official' homophobia is part of an effort to redirect people's concerns away from the state's ineptitude and towards what was hoped to be a morally unifying issue. It hasn't worked. There is no coherent 'national attitude' on the issue, despite characterizations like those in the *New York Times* that the situation is like an 'undeclared war in a country turned homophobic' (1998a). Once again, I would like to mark the distinction here between the state's position and that of the Zimbabwean people who, *as a whole*, are no more or less 'homophobic' than those in any other nation.<sup>20</sup> As with so much else in Zimbabwe, the state and the people's opinions do not necessarily match up.

Yet there is still much to be done in terms of building the kind of moral sentiment necessary for change in Zimbabwe (not to mention elsewhere), precisely because of how the state defines and dismisses homosexuality. Police harassment of homosexuals is still rife in Zimbabwe (*New York Times*, 1998a), and ZANU(PF) often disregards Zimbabwe's Constitution and laws when contrary to ZANU(PF) policy. Indeed, ZANU(PF)'s flagrant dismissal of human rights is not limited to questions concerning homosexuality. The most recent offense, in early 1999, involves Mark Chavanduka and Ray Choto; two journalists (an editor and reporter respectively) from the *Standard*, one of Zimbabwe's few independent papers, who were illegally detained by the police, turned over to the army and tortured in an effort to make them reveal sources behind a story concerning an alleged coup plot against Mugabe (see *Standard*, 1999a, 1999b; *Independent*, 1999). In an address to the nation via the Zimbabwe Broadcasting Corporation's television and radio outlets on 6 February 1999, Mugabe warned:

Of late, we have had a very disturbing phenomenon in the media industry where some sections of it appear to want to arrogate super-rights to themselves. . . . Let them be warned . . . that unless their insidious acts of sabotage immediately cease, my Government will be compelled to take very stern

measures against them and those who have elected to be their puppets. (*Herald*, 1999: 8)

The situation in Zimbabwe is not confined to GALZ, and there are serious challenges facing all efforts to dispel ZANU(PF)'s obfuscation of human rights concerns. In conclusion, then, I would like to turn to an example from another cultural context in which building the kind of moral discourse necessary for human rights work has had some success, and suggest that similar strategies can be undertaken in Zimbabwe as a helpful addition to what is already being 'said and done' for gay rights in Africa.

One of the most encouraging examples of how morality can be built into human rights discourse is the work of social action litigation in India, led by High Court Justice V.R. Krishna Iyer (see Baxi, 1988a, 1994; Singh, 1993; Seth, 1999). That such work has been accomplished by a judge is testament to the fact that legal and moral discourses are not incommensurable, despite claims to the contrary by lawyers like Jasper Msimbe in Zimbabwe. Krishna Iyer's tenure with the Indian High Court in the 1970s has been lauded by the legal scholar Upendra Baxi as that which 'enhanced the sensitivity of judges and lawyers to exploitation and suffering in a way [the work of] no other Justice of the Supreme Court had ever done' (Baxi, 1988b: 392). The key to Krishna Iyer's success was his ability to make India's poor 'human' in the eyes of his fellow magistrates and the Indian state, not a problem category to be dealt with simply through the courts.

The foundation of Krishna Iyer's work is built on what has been called 'deprofessionalized justice' (Baxi, 1988b: 393). This is an interesting term, for it highlights what seems to me the ironies and frustrations encountered in situations like those in Zimbabwe over human rights work. If legal justice is 'professional' justice – grounded in the courts, the law books and through other institutionalized means – then deprofessionalized justice is both less well defined and more efficacious. It is a moral justice; an argument that persuades through thoughts and feelings. Indeed, Krishna Iyer believed that the kind of justice promised by the courts could only be one aspect of any human rights strategy (see Baxi, 1988b: 415), and made a point of arguing that 'the court is not a distant abstraction omnipotent in books but an activist institution which is the cynosure of public hope' (Krishna Iyer quoted in Gaur, 1988: 83). For Krishna Iyer the hope is for a world in which all people 'count as human' (Baxi, 1994: 8).

To achieve such a goal, one needs to make morally persuasive arguments based on work through grassroots initiatives. Krishna Iyer, in his capacity as a 'human' and not necessarily as a judge, did this by traveling throughout India, talking to and working with the poor whom he hoped to represent in the courts when it came to their rights vis-a-vis the bureaucracy of the Indian state. Krishna Iyer was able to redescribe injustices against India's poor in moral terms, and make his fellow magistrates 'take suffering seriously' (see Baxi, 1988a) and challenge the state on both 'professional'

and 'deprofessional' grounds. Echoing Baxi's assessment, Leila Seth has argued that through such work the court can genuinely 'assist in the realization of constitutional objectives and ensure the rights of all members of society' (1999: 18–19). Social action litigation has not solved the challenges facing human rights activists in India, and it has not solved the difficult questions surrounding the universality of such claims, but Krishna Iyer's work gives us some hope that such a discourse can 'carry the promise of the right of all human beings to be human' (Baxi, 1994: 8).

Krishna Iyer's ideas are not unlike those discussed throughout this article: the work of anthropologists in formulating new strategies for human rights work; Rorty's arguments; as well as those of Judith Butler. Neither are these ideas completely foreign to activists in Zimbabwe, and there are grassroots programs focused on local struggles already under way (see Murray, 1998: 247–54; *New York Times*, 1998a). Critics of Mugabe's position on homosexuality are fighting back in the media and in the courts, with the support of international newspapers such as the *New York Times* and the *Guardian* in the United Kingdom; as well as human rights and gay rights NGOs in Harare and abroad. For critics and activists on the ground in Zimbabwe – such as Justice Mayarara, Keith Goddard and Derek Matyzak – success depends on changing the terms of humanity in much the same way that Krishna Iyer hoped. What is most needed now are in-depth, long-term programs like those initiated by Krishna Iyer and the social action litigators in India to push for everyone's 'right to be human' (see Baxi, 1994). The success of such programs, of course, can only be judged in the long term (see Welch, 1995: 52). Changing the language of humanity will never come easily, and with ZANU(PF) the task seems especially difficult. One thing of which we can be sure, however, is that in the long run the historical success of human rights activism, in Zimbabwe and elsewhere, will be judged in terms of an ability to stress the importance of the moral sentiments upon which the terms of human rights are based. I hope this article can serve as a point of departure not only for understanding the situation facing activists in Zimbabwe, but elsewhere, as well.

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## Notes

- 1 I am quoting here from the UDHR as reprinted in the back of Milton Meltzer's *The Human Rights Book* (1979).
- 2 See the anthropologist Robert Hayden's (1996) work for a different take on the question of ethnic cleansing and 'humans' in the former Yugoslavia.
- 3 Martha Nussbaum also discusses similar ideas in her essay 'Patriotism and Cosmopolitanism' (1996). Nussbaum bases her argument on the idea of a 'cosmopolitan education' that also fits well with the present discussion: 'we should . . . work to make all human beings part of our community of dialogue and concern, base our political deliberations on that interlocking commonality, and give the circle that defines our humanity special attention and respect' (1996: 9). Interestingly enough, overall this sounds very much like what one hears from certain quarters of anthropology (see, e.g., Grimshaw and Hart, 1993), and is not, I would argue, far from what some, perhaps many, anthropology professors would admit to as one of their agendas in an introductory anthropology course.
- 4 See, for example, Norman Geras's (1995) book, *Solidarity in the Conversation of Humankind: The Ungroundable Liberalism of Richard Rorty*, as well as the articles by Nussbaum (1996) and Robbins (1997). All of these critics are concerned with the parameters of Rorty's arguments. Nussbaum, for example, is critical of Rorty's qualification that 'democratic deliberation of certain values' cannot be transcultural and his assertion that they 'lose steam when they get to the borders of the nation' (Nussbaum, 1996: 14). Like Nussbaum I would argue that the anxiety over cultural translations of dialogue and sympathetic concern should not be taken too far, especially given the fact that, as Nussbaum and many others have pointed out, there is little reason to assume that discussions within a nation would be any more coherent than those in the international public sphere. In this sense, it seems best to take Rorty's idea 'that rights talk is the wrong approach' (1996: 16) as more of a warning than anything else.
- 5 Robbins' many disagreements with Rorty fall beyond the scope of this paper, but see his article for 'the most respectful and open minded scrutiny' (1997: 218) of Rorty's ideas, particularly as they relate to culture, human rights, and the relations between the academy and the left. See also Rorty (1998) and the Prickly Pear interview with Rorty (Nystrom and Puckett, 1998) for more on Rorty's ideas here.
- 6 See Dembour's (1996) piece referred to earlier. Richard Wilson's (1997) edited volume is a very helpful overview of some current anthropological takes. See also the special issue of the *Journal of Anthropological Research* on 'Universal Human Rights vs. Cultural Relativity' (1997) guest edited by Terence Turner and Carole Nagengast, and the articles by Richard Thompson (1997) and W. Penn Handwerker (1997) in a recent issue of the *American Anthropologist*. The list could go on.
- 7 So do Appiah (1997: 662 n) and Cheah (1997: 239).
- 8 In anthropology, see E.E. Evans-Pritchard's (1970) late essay on 'female husbands' and 'male wives'. Victor Turner's accounts of the Ndembu

- 'hypochondriac' Kamahasanyi in *The Drums of Affliction* are a rich, but largely unexplored, moment in this literature (cf. esp. 1981: 149, 192, 282–3). For additional sources not cited in the body of this essay, see also Dunton and Palmberg's helpful review (1996: 24–8) for accounts in anthropology, history and literature, and the recently published volume edited by Stephen O. Murray and Will Roscoe, *Boy-Wives and Female Husbands: Studies of African Homosexualities* (1998).
- 9 See Dunton and Palmberg's discussion of this, and note the different ways in which they position arap Moi's and Nyerere's comments (1996: 24).
  - 10 Most notably, of course, in *The History of Sexuality: An Introduction*.
  - 11 Sedgwick, for instance, points out that '“homosexual” and “gay” seem more and more to be terms applicable to distinct, nonoverlapping periods in the history of a phenomenon for which there remains no overarching label' (1990: 17). Butler extends this idea in her recent work: 'one of the tasks of a critical production of alternative homosexualities will be to disjoin homosexuality from the figures by which it is conveyed in dominant discourse' (1997: 125).
  - 12 See Marc Epprecht (1998a: 200–1) for a helpful discussion of *ngochani*.
  - 13 See, for example, Victor and Edith Turner's work on the Ndembu of Zambia – particularly on the twin ceremony (V. Turner, 1969: ch. 2; see also V. Turner, 1981: 247–9; E. Turner, 1987). Their work makes it clear that sexuality is not always an issue on which African peoples are 'silent'.
  - 14 Bev Clark's short history of lesbian activism in Zimbabwe suggests that GALZ is not necessarily the kind of 'hard core' organization some former members have claimed it to be. See also Dunton and Palmberg (1996) and Murray (1998: 247–54) for insightful discussions of GALZ's history.
  - 15 The historian Jan Vansina's *Oral Tradition: A Study in Historical Method*, was instrumental not only in bringing attention to the importance of African oral traditions but legitimizing the spoken word as a valid historical source. See also Ruth Finnegan's work *Oral Literature in Africa* for an important early account of African spoken poetics. More recent studies in anthropology and history that highlight the importance of orality include Jack Goody's *The Interface between the Written and the Oral*, Janet Ewald's work (1988) on the Taqali Kingdom, Leroy Vail and Landeg White's *Power and the Praise Poem*, and Rijk van Dijk and Peter Pels' essay (1996) on the authority of the spoken word in African Christian Churches in Malawi.
  - 16 Chenjerai Hove's novel *Bones* (1989), and Yvonne Vera's *Nehanda* (1993) and *Without a Name* (1996) are infused with a dynamic sense of oral poetics.
  - 17 Professor George Kahari, director of the National Gallery, a noted scholar on Shona literature, was one ZIBF Board Member who showed little sympathy for GALZ: '[w]e do not approve of this kind of freedom [homosexual behavior] because that kind is against our culture and we want our people to adhere to the culture which does not allow people to behave in the ways homosexuals do' (*Sunday Mail*, 1996: 8).
  - 18 Mutambirwa argues that health or well-being in Shona communities cannot be understood apart from discourses of 'moral and just behavior' (1989: 928). Victor Turner, among others, has argued that in many African contexts illness must be viewed '[n]ot only in a private or ideographic but also in a public or structural framework' (1967: 359). See also Jean Comaroff's (1980) early essay on healing and the cultural order among the Tshidi for discussion of these issues, and her classic book (1985) on the Zion Christian Churches.
  - 19 For example, the former High Court judge Justice Manyarara was one of the

few state officials to argue that 'homosexuality existed in traditional Zimbabwe' (*Sunday Mail*, 1996: 4).

- 20 Most recently in the controversy over Canaan Banana's alleged sodomization of his bodyguards and gardeners while president of Zimbabwe between 1980 and 1987. Banana was convicted (*in absentia*) of the charges in November 1998, and at the time of this writing is seeking asylum in South Africa (see *New York Times*, 1998b). Banana's conviction raises a number of complicated issues we cannot get into here, but it should at least be noted in passing within the context of this essay (but see Epprecht, 1998b: 644).

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